



December 3, 2020

Questions and Answers Report



Mayor Steve Adler

Mayor Pro Tem Delia Garza, District 2

Council Member Natasha Harper-Madison, District 1

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 Paige Ellis, District 8

Council Member Kathie Tovo, District 9

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

Item #7: Approve an ordinance reauthorizing and modifying the pilot program adopted by Ordinance No. 20200604-047 that authorized specific businesses to use private parking lots and public right-of-way for expanded business operations.

COUNCIL MEMBER TOVO'S OFFICE

Please suggest language that would clarify the penalty for permit holders who exceed 70 "A" weighted decibels or transmit sound after 10:00 p.m.

Shop the Block permit holders are subject to City Code Chapter 4-20 (*Special Events*). Section 4-20-61 allows revocation of a special event permit if the event organizer is conducting the event in a manner that does not comply with the special event permit. Permit holders who exceed 70 "A" weighted decibels or transmit sound after 10:00 p.m. could have permits revoked.

When does DSD expect to fill the after-hours noise enforcement position, and when will that person complete training and begin work?

Interviews for the position are being held in December with the expectation that a top candidate will be identified by December 30. The anticipated start date would be in late January and training is expected to take 90 days.

Item #12: Approve a resolution to establish enhanced program guidelines for the Austin Legacy Business Relief Grant, a \$5,000,000 program to help support Austin-based live music venues impacted by the COVID-19 pandemic.

COUNCIL MEMBER ALTER'S OFFICE

Please explain the rationale for excluding nonprofit organization who otherwise fit the criteria

Council adopted Resolution No. 20200917-062 on September 17, 2020, which directed staff to explore and identify ways to support specific sectors and businesses within those sectors.

Council adopted several Ordinances and Resolutions since September 17, and each Council actions included similar language as Resolution No. 20200917-062. Based on the Council directions, staff did not include non-profit organizations as eligible for these programs.

Additionally, the urgency for financial assistance has come from for-profit businesses and from membership organizations who support for-profit businesses. The conversations staff has held, as well as the conversations staff has been invited to, have involved financial assistance targeted toward for-profit businesses.

Item #13: Approve a resolution to establish enhanced program guidelines for the Austin Live Music Venue Preservation Fund, a \$5,000,000 program to help support Austin-based live music venues impacted by the COVID-19 pandemic.

COUNCIL MEMBER ALTER'S OFFICE

Please provide more detail on the commercial tenants requirement for a more favorable lease, the feasibility of the requirement and what it means in practice.

Commercial tenants will be asked to submit documentation that they attempted to secure a more favorable lease from their property owner, such as emails and other written correspondence, with a property owner, or a signed favorable lease agreement. This requirement is intended to document the alignment of implementing this program with Council's desire to ensure the long-term survivability of grant recipients.

Item #33: Authorize award of four multi-term contracts to provide cleaning and disinfection services in response to COVID-19, with S E Packages Inc. D/B/A Tres Mujeres Construction (WBE); Alea LLC D/B/A Alea Commercial Cleaning Solutions; GermSweep LLC; and Majestic Services Inc. (MBE); each for up to five years for total contract amounts not to exceed \$18,130,000, divided among the contractors.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established. However, one of the recommended contractors identified subcontracting opportunities).

COUNCIL MEMBER ALTER'S OFFICE

Please provide further information on where the funding for this contract is coming from. For example, is it part of the city's COVID-19 spending framework?

Funding for the services provided under these contracts will be coming from each departments' operating budget. This funding was not included in the City's current COVID-19 spending framework, as the framework covered the time period from March 1, 2020 through December 31, 2020.

Item #36: Authorize negotiation and execution of two multi-term cooperative contracts with GovDeals, Inc. and Gaston & Sheehan Auctioneers D/B/A Gaston & Sheehan Auctioneers & Real Estate, to provide auction services, each for up to five years for an estimated revenue amount of \$6,550,000, combined from both contractors.

(Note: Revenue contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

COUNCIL MEMBER TOVO'S OFFICE

Has the City of Austin engaged an auction firm in the past? If so, please describe the type of objects sold and the revenue realized. Have city staff explored whether other departments could use these items? Why

or why not? Which department manages the process for determining whether items should be auctioned or re-used.

According to our records, the City has used auctioning services for selling surplus property, including vehicles for more than 10 years. Although the Purchasing Office is primarily responsible for the City's Surplus Property Program, much of the operations of this program have been delegated to lead departments based on their respective missions and subject matter expertise with certain kinds of City property, e.g., the surplus of vehicles is overseen by the Fleet Mobility Services Department. Information on the City's Surplus Property Program is attached.

In Fiscal Year 2020 the Purchasing Office collected \$10,527 in proceeds from auctioned surplus property. Categories of surplus property include office furniture and other furnishings, scrap metal, and miscellaneous equipment.

Redistribution of surplus property to other City departments is the first step in the process – items are offered for free to other departments, who are responsible for inspection, pickup, and any transportation expenses. If other departments do not express a need for these items, the items are transferred to:

- 1) the Austin Resource Recovery Department's IT Recycling Center (IT hardware);
- 2) to the City's contracted auctioneers; or
- 3) to the State Surplus Property retail store run by the Texas Facilities commission for consignment sale.

The Fleet Mobility Services Department is the largest City participant on these auction contracts. Information specific to Fleet is as follows:

- Fleet Mobility Services uses an online turnkey auction firm to conduct the sales of all fleet related assets. Fleet has used such services for this purpose for several years.
- Fleet sells a variety of Austin-owned fleet assets that have reached the end of their useful life such as light, medium and heavy duty on-road vehicles, as well as off-road equipment such as backhoes, lawn mowers, and boats.
- Fleet manages in coordination with the departments the process for determining whether items should be auctioned or re-used.
- Average annual gross sales are ~ 1.3M.

Additional information

- Reasons for using an online auction firm:
 - Maximize the revenue from the sale of City assets
 - Turnkey auction functionality with unlimited user accounts
 - Real-time reporting tools within a secure account
 - Over 500K potential active bidders
 - Extensive marketing outreach to targeted bidders at the auction companies' expense – driving competitive bidding, increasing the final selling price of auctioned assets

- Sell at the City of Austin’s own pace and not be required to follow a vendor’s event-driven schedule
- Hands-on training – initial and ongoing – for as many employees as desired
- Dedicated, local Client Service Representative with 24/7 on call availability; on-site and remote support will be provided on an as-needed basis
- Proceeds remittance weekly and monthly within 3-7 business days from when successfully sold assets have been picked up by buyers

Item #39: Approve an ordinance waiving fees in an amount not to exceed \$1,700,000, for a total amount of fees waived not to exceed \$12,000,000, setting a fee schedule for temporary use of right-of-way fees, and authorizing an amendment to the interlocal cooperation agreement with the Texas facilities commission related to the construction of phase one of the 2016 Texas Capitol Complex Master Plan.

COUNCIL MEMBER HARPER-MADISON’S OFFICE

What changes are happening with respect to tree preservation? Can you provide additional information? Please provide more context on the below fees.

- *Trees: Is there opportunity for consolidation?*
- *Trees: Can staff elaborate on the various review/inspection fees charged?*
- *All Fees: How are the fees calculated?*

Please see attachment.

COUNCIL MEMBER ALTER’S OFFICE

What changes are happening with respect to tree preservation? Can you provide additional information?

The Texas Facilities Commission (TFC) is requesting an amendment to tree planting requirements to adjust for unforeseen utility conflicts and include updated best practice recommendations from the project landscape architect.

The Interlocal includes a provision that requires TFC to provide over 1,300 caliper inches of new trees through the planting of over 300 trees. This provision commits TFC to using best efforts to maintain and program the project area in a way that prevents removal of the new trees, but allows TFC to use standard best practices, including editing (pruning/culling) the trees to encourage growth and development of the trees in aggregate. The referenced provisions were included in the Interlocal based on the project concepts included in the 2016 Texas Capitol Complex Master Plan (Overall Plan) document and did not take into account the potential for site development challenges.

The overall plan contemplates new tree plantings that would line the 1800 block of Martin Luther King, Jr. Blvd. The original concept includes relocation of an electrical and communication duct bank to an area under the roadway. Based on unanticipated underground utility conflicts in the

area, TFC had to relocate the duct work to run underneath the sidewalk. This shift prohibits the planting of the trees planned for the block.

In addition, based on the advice of the landscape architect overseeing this portion of the project, TFC is also proposing a rescaling of the plantings proposed for the pedestrian mall in the area that was previously Congress Avenue. As noted above, the original concept included extensive planting with editing (pruning/culling) over time to promote growth. TFC has been advised that procurement of the originally proposed volume of trees would be a challenge in the one-month timeframe during which the trees must be planted. The recommended approach is to plant larger trees, in less volume with no editing (pruning/culling), as opposed to planting many smaller trees with required editing (pruning/culling) over time.

TFC seeks to amend this provision to require approximately 730 caliper inches through the planting of approximately 200 new trees. TFC has worked with the landscape architect of record to develop a plan that maximizes canopy coverage to meet the needs of the surrounding pedestrian-centric environment, resulting in lower project costs, and a higher degree of preservation overall. In addition, the amended planting proposal still exceeds what would have been required in mitigation rates for trees removed. The Community Tree Preservation Division of the

Development Services Department supports this amendment.

Item #51 and 52: Conduct a public hearing and consider second and third readings of an ordinance adopting the street impact fee land use assumptions, street impact fee capacity improvements plan, street impact fee service area boundaries, and street impact fees. Related to item #52

Conduct a public hearing and consider second and third readings of an ordinance amending City Code Title 25 (Land Development) to include a street impact fee program. Related to item #51.

COUNCIL MEMBER HARPER-MADISON'S OFFICE

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- *Trees: Is there opportunity for consolidation?*
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- *All Fees: How are the fees calculated?*

Please see attachment.



Council Question and Answer

Related To	Item #7	Meeting Date	December 3, 2020
Additional Answer Information			

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QUESTION/ANSWER: Council Member Tovo's Office

Please suggest language that would clarify the penalty for permit holders who exceed 70 "A" weighted decibels or transmit sound after 10:00 p.m.

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When does DSD expect to fill the after-hours noise enforcement position, and when will that person complete training and begin work?

Interviews for the position are being held in December with the expectation that a top candidate will be identified by December 30. The anticipated start date would be in late January and training is expected to take 90 days.



Council Question and Answer

Related To

Item #12

Meeting Date

December 3, 2020

Additional Answer Information

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QUESTION/ANSWER: Council Member Alter's Office

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Related To

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Meeting Date

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Council Question and Answer

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Meeting Date

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Additional Answer Information

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Council Question and Answer

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Item #36

Meeting Date

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Additional Answer Information

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Proceeds remittance weekly and monthly within 3-7 business days from when successfully sold assets have been picked up by buyers

	CITY OF AUSTIN	Document Number: FASD-PurcMM01
Organization: Financial Services Department - Purchasing Office		Revision Number: 9
Subject: Transfer and Disposal of Surplus Property		Effective Date: 7/17/2015



Purchasing Office


Surplus Property Management Manual

Approved By:

Mike Benson


Chief Administrative Officer

Effective Date: July 17, 2015

	CITY OF AUSTIN	Document Number: FASD-PurcMM01
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Document History Log

Status (Baseline/ Revision/Admin Change/Canceled)	Document Revision	Effective Date	Description
Draft	A		Document development
Revision	1	12/1/2007	
Revision	2	5/1/2008	Disposition of grant obtained property, Section 3.1.3
Revision	3	4/16/2009	Austin Police Dept. authority to sell property under Texas Code of Criminal Procedure Ch. 18.18, and Ch. 59; see Section 3.3.2
Revision	4	7/21/2009	Disposition of proceeds from the surplus property sales, See Sec 6.5. Texas Facilities Commission (TFC) to handle the receiving, storage, and re-distribution of City of Austin Surplus property, See Sections 3.1, 3.2, 4.8, 6.1,6.2.
Revision	5	9/29/2010	TFC receiving days changed to Tuesday-Thursday, section 3.1.2; include interlocal agreement # 10-007-000 1AC as reference, section 3.2.3; update forms to include website location, section 5.2.
Revision	6	1/12/2011	Policy-Examples of property and material not accepted at TFC—6.1#5
Revision	7	2/14/2011	Policy—Disposal of hazardous waste 3.1.2.3 and 6.1.5; disposal of non-working appliance 6.1.8
Revision	8	4/1/2012	Revise 3.2.3 to incorporate Interlocal Agreement 10-007-000 1AC, method of payment.
Revision	9	7/17/2015	Title updates for FSD and Financial Manager; added Building Services as delegated dept.


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1 Purpose

- 1.1. To establish a procedure that provides for:
 - 1.1.1. The effective, economic utilization, reclamation and disposal of City-owned personal property.
 - 1.1.2. The establishment of a centralized procedure in the Financial Services Department (FSD) Purchasing Office for all inquiries or requests concerning property to be disposed.
- 1.2. To assign to the Purchasing Officer and the Purchasing Office Financial Manager the primary authority for the surplus property program.
- 1.3. To assign to the Purchasing Office Financial Manager the primary responsibility for salvage, reclamation, distribution, and disposal of surplus personal property, excluding certain property categories that have been delegated to other City departments.


2 Scope and Applicability

- 2.1. The City is responsible for safeguarding public assets. To this end all assets at the end of their useful life must be disposed of properly, to ensure the value of such assets is returned to the City and its citizens.
- 2.2. This document is intended as a standard, and all City employees and Departments are expected to adhere to this standard.
- 2.3. The official controlled version is the electronic file accessible at the Purchasing Office Intranet site.
- 2.4. Any hard-copy of this process document printed from the Electronic Document Management System (EDIMS) is considered an uncontrolled document. Any office or organization using an uncontrolled document is responsible for ensuring that the document is the most current and official version

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3 Definitions

- 3.1. Accountable department: The department holding City property in its custody or under its control, and responsible for physical control and protection of the property.
- 3.2. Accountable property: Items considered to be fixed assets and listed in the Master Property Listing compiled by the Controller's Office.
- 3.3. Condition: State of the surplus property (new, good, fair, poor), which is assessed in order to determine a disposition option. Surplus property is generally repurposed, sold or otherwise disposed of in as-is condition, and the City offers no warranty or guarantee other than the transfer of ownership.
- 3.4. Master Property Listing: a record of City property with a value above the fixed asset threshold (currently \$5,000) and a life expectancy of one or more years. Property added to this listing will remain on the list until retired.
- 3.5. Personal property: Items such as computers, computer peripherals, furniture, fixtures, office equipment, movable equipment, and any other property not considered to be real property (land & buildings).
- 3.6. Retirement: Act of removing personal property from the Master Property listing and relieving the department of the responsibility for safeguarding the property.
- 3.7. Surplus property: any City property that falls into one of the following categories:
 - 3.7.1. Excess - property which is excess to a City department's requirements, not required for the department's foreseeable needs, and which retain some usefulness for its original purpose or for another purpose.
 - 3.7.2. Obsolete - property which is operable or usable but no longer meeting the City's specifications or requirements.
 - 3.7.3. Worn - property that is damaged, fails to perform its function, or performs only with excessive repairs.
 - 3.7.4. Scrap - material leftover following some process or project, which has no reusable value.


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- 3.8. Texas Facilities Commission (TFC): The State of Texas property management organization which runs the State Surplus Property retail store in Austin at 6506 Bolm Road, and which accepts certain categories of City surplus property for resale.

4 Responsibilities

4.1. Accountable Department

- 4.1.1. Assess the condition of surplus property, and notify the Purchasing Office Financial Manager for determination of disposal method.
- 4.1.2. Dispose of the property as directed by the Purchasing Office Financial Manager, as follows:
 - 4.1.2.1. On-site destruction – dispose of property at its current location, using existing disposal options (recycling bin, regular trash service) when the property value is determined to be so low that transport is not deemed cost-effective.
 - 4.1.2.2. Redistribution to another City department - when another City department asks to receive the property, coordinate the transfer with department staff
 - 4.1.2.3. Auction to the public - coordinate property pick-up with Purchasing Office Financial Manager and auctioneer staff.
 - 4.1.2.4. Transfer to the Austin Resource Recovery (ARR) IT Recycling Center – deliver to 810 Todd Lane during their hours of operations. Refer to the [City of Austin Resource Recovery \(ARR\) Recycling Center](#) website for more information.
 - 4.1.2.5. Transfer to the Texas Facilities Commission – contact the State Surplus Property retail store in Austin at 6506 Bolm Road at (512) 463-1990 to arrange delivery. Complete the [Texas Facilities Commission Bill of Lading form](#) available on the TFC website. Refer to the [Texas Facilities Commission](#) website for more information.
- 4.1.3. For grant-funded surplus property, dispose following the requirements of the grant agreement. Most grants will detail whether or not the City retains ownership of the property after the end of the property's useful life, as well as describing how to allocate proceeds from sale of the property

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- 4.1.4. For capital and controllable assets, including any asset with a City asset tag, complete the Retirement Request Form (PSD 5146), the Transfer Request Form (PSD 9023) or the Multiple Item Asset Transfer Request spreadsheet and forward to the Controller's Office Fixed Asset Unit for processing. Refer to the [City of Austin Controller's Office Fixed Asset Unit website](#) for more information and forms.

4.2. Purchasing Office Financial Manager


- 4.2.1. Receive notifications of surplus property from departments and determine the best method of disposal, including redistribution to another City department, auction to the public, transfer to the Austin Resource Recovery (ARR) IT Recycling Center, or transfer to the Texas Facilities Commission.
- 4.2.2. Notify departments when property is available for redistribution.
- 4.2.3. Coordinate transfer of property to be publicly auctioned with auctioneer staff.
- 4.2.4. Receive and reconcile auction proceeds and deposit to the Support Services Fund.

4.3. Controller's Office Fixed Asset Unit

- 4.3.1. Receive the Retirement Request Form (PSD 5146) from Accountable Department and retire the listed property on the City's Master Property Listing.
- 4.3.2. Receive the Transfer Request Form (PSD 9023) or the Multiple Item Asset Transfer Request spreadsheet from Accountable Department and transfer the listed property to the successor department on the City's Master Property Listing.

4.4. Departments with Delegated Surplus Property Authority

- 4.4.1. **Library - periodicals:** Surplus periodicals may be transferred to other organizations or government entities. The department will maintain internal workflow and recordkeeping procedures for this process.
- 4.4.2. **Library – books:** Surplus books and media that are taken out of circulation from the Austin Public Library may be resold to the public thru

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the department's Recycled Reads retail program. The department will maintain internal workflow and recordkeeping procedures for this process.

- 4.4.3. **Police – animals:** Retired service animals (dogs and horses) may be retired to a handler, agency or group that agrees to care for the animal. The department will maintain internal workflow and recordkeeping procedures for this process.
- 4.4.4. **Police – forfeited contraband:** Gambling paraphernalia, prohibited weapons, criminal instruments, and other contraband seized by police are handled according to the [Texas Code of Criminal Procedure Article 18.18](#) and Texas [Code](#) . The department will maintain internal workflow and recordkeeping procedures for this process.
- 4.4.5. **Fire – firefighting equipment:** Under the [Texas Constitution - Article 3, Section 52\(h\) & \(i\)](#), the City may donate equipment or supplies, or other materials used in fighting fires to the Texas Forest Service or to an underdeveloped country. The department will coordinate any donation with Fleet and the Purchasing Office in accordance with [Administrative Bulletin 04-02](#) .
- 4.4.6. **Fleet - vehicles:** Surplus vehicles and other rolling stock may be disposed of by the Fleet department. The department will maintain internal workflow and recordkeeping procedures for this process.
- 4.4.7. **Austin Energy – reclamation center:** Surplus equipment or commodities related to electric generation may be resold at the reclamation facility operated by Austin Energy. The department will maintain internal workflow and recordkeeping procedures for this process.
- 4.4.8. **Building Services – 5S Kaizen sites:** Surplus property located at sites managed under the Building Services 5S program may be transferred to the BSD Warehouse at 411 Chicon Street for disposition. The department will maintain internal workflow and recordkeeping procedures for this process.

5 Reference

5.1. Documents

Administrative Bulletin 84-07 – Purchasing and Contracting Authority: http://cityspace.ci.austin.tx.us/departments/hrm/policies-procedures/bulletins/84-07.pdf
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Administrative Bulletin 03-01 – Delegation of City Manager’s Signature Authority:
<http://cityspace.ci.austin.tx.us/departments/hrm/policies-procedures/bulletins/03-01.pdf>
 Administrative Bulletin 04-02 – Disposal of Surplus and Outdated Firefighting Equipment:
<http://cityspace.ci.austin.tx.us/departments/hrm/policies-procedures/bulletins/04-02.pdf>

5.2. Forms

Texas Facilities Commission Bill of Lading form:
http://tfc.state.tx.us/divisions/supportserv/prog/statesurplus/state-agency-forms/Bill%20of%20Lading%20Form%20City%20of%20Austin_Revised%2006-13-2014.doc


5.3. Resources

Texas Facilities Commission (TFC) Austin Surplus Store website: http://portal.tfc.state.tx.us/surplus/state/
City of Austin Resource Recovery (ARR) Recycling Center website: http://www.austintexas.gov/departments/resource-recovery-center
City of Austin Household Hazardous Waste Facility website: http://www.austintexas.gov/hhw
City of Austin Controller’s Office Fixed Asset Unit website: http://afstwowmain.ci.austin.tx.us/web/controller/FixedAssets/fixedAssets.cfm
Texas Constitution - Article 3, Section 52(h) & (i): Donation of Firefighting Equipment: http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.3.htm#3.52h
Texas Code of Criminal Procedure Article 18.18: Disposition of Gambling paraphernalia, Prohibited weapon, Criminal instrument, and Other contraband: http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.18.htm#18.18
Texas Code of Criminal Procedure Chapter 59: Forfeiture of Contraband: http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.59.htm

6 Policy

6.1. Transfers to Texas Facilities Commission (TFC) - Examples

- 6.1.1. Office furniture in good or fair condition. Furniture should be unlocked with the key taped to the front.
- 6.1.2. Office equipment, (typewriters, calculators, etc.) in operating condition.
- 6.1.3. Appliances in clean, operating condition

	CITY OF AUSTIN	Document Number: FASD-PurcMM01
Organization: Financial Services Department - Purchasing Office		Revision Number: 9
Subject: Transfer and Disposal of Surplus Property		Effective Date: 7/17/2015

6.1.4. Power tools, hand tools and hardware in operating condition.

6.2. Disposal of other surplus property

6.2.1. Papers, files, books, and other records – Departments will destroy sensitive records and recycle remaining items.

6.2.2. Information technology (IT) equipment (computers, monitors, other peripheral devices, printers, routes, and other networking equipment) – Departments will deliver to the City's Resource Recovery Center at 3810 Todd Lane, along with a list of any items being disposed of that have a City asset tag. For additional information call (512) 974-4373.

6.2.3. Hazardous material - Departments will contact the City's Household Hazardous Waste Program at 512-974-4343 to obtain information on companies that can be hired or contracted with for proper disposal. Refer to [City of Austin Household Hazardous Waste Facility](#) website for more information.

6.2.4. Non-working appliances, and any equipment containing refrigerant (air conditioners, water coolers, ice machines, refrigerators, etc.) – Departments will deliver to the City's Resource Recovery Center at 3810 Todd Lane. For additional information call (512) 974-4373.

6.3. Other procedures

6.3.1. Disposals for credit – for items returned to suppliers for trade-in credit on new equipment purchases, Departments must include the trade-in value as a separate line item on the purchase order, and note the purchase order number on the Retirement Request Form provided to the Controller's Office.

6.3.2. Donations – Except for items listed in 4.4 above, the City cannot donate anything of value without receiving some kind of value (cash or other assets) in return.

6.3.3. Sales tax – State and local retail sales tax must be charged on all sales of surplus property.

6.3.4. Except for Department-specific programs run by Building Services, Fleet, APD, and Austin Energy, proceeds from the sale of surplus property shall be deposited in the Support Services Fund.



Council Question and Answer

Related To	Item #39	Meeting Date	December 3, 2020
Additional Answer Information			

Approve an ordinance waiving fees in an amount not to exceed \$1,700,000, for a total amount of fees waived not to exceed \$12,000,000, setting a fee schedule for temporary use of right-of-way fees, and authorizing an amendment to the interlocal cooperation agreement with the Texas facilities commission related to the construction of phase one of the 2016 Texas Capitol Complex Master Plan.

QUESTION/ANSWER: COUNCIL MEMBER ALTER'S OFFICE

What changes are happening with respect to tree preservation? Can you provide additional information?

The Texas Facilities Commission (TFC) is requesting an amendment to tree planting requirements to adjust for unforeseen utility conflicts and include updated best practice recommendations from the project landscape architect.

The Interlocal includes a provision that requires TFC to provide over 1,300 caliper inches of new trees through the planting of over 300 trees. This provision commits TFC to using best efforts to maintain and program the project area in a way that prevents removal of the new trees, but allows TFC to use standard best practices, including editing (pruning/culling) the trees to encourage growth and development of the trees in aggregate. The referenced provisions were included in the Interlocal based on the project concepts included in the 2016 Texas Capitol Complex Master Plan (Overall Plan) document and did not take into account the potential for site development challenges.

The overall plan contemplates new tree plantings that would line the 1800 block of Martin Luther King, Jr. Blvd. The original concept includes relocation of an electrical and communication duct bank to an area under the roadway. Based on unanticipated underground utility conflicts in the area, TFC had to relocate the duct work to run underneath the sidewalk. This shift prohibits the planting of the trees planned for the block.

In addition, based on the advice of the landscape architect overseeing this portion of the project, TFC is also proposing a rescaling of the plantings proposed for the pedestrian mall in the area that was previously Congress Avenue. As noted above, the original concept included extensive planting with editing (pruning/culling) over time to promote growth. TFC has been advised that procurement of the originally proposed volume of trees would be a challenge in the one-month timeframe during which the trees must be planted. The recommended approach is to plant larger trees, in less volume with no editing (pruning/culling), as opposed to planting many smaller trees with required editing (pruning/culling) over time.

TFC seeks to amend this provision to require approximately 730 caliper inches through the planting of approximately 200 new trees. TFC has worked with the landscape architect of record to develop a plan that maximizes canopy coverage to meet the needs of the surrounding pedestrian-centric environment, resulting in lower project costs, and a higher degree of preservation overall. In addition, the amended planting proposal still exceeds what would have been required in mitigation rates for trees removed. The Community Tree Preservation Division of the Development Services Department supports this amendment.



Council Question and Answer

Related To	Item #51 and #52	Meeting Date	December 3, 2020
Additional Answer Information			

Conduct a public hearing and consider second and third readings of an ordinance adopting the street impact fee land use assumptions, street impact fee capacity improvements plan, street impact fee service area boundaries, and street impact fees. Related to item #52

Conduct a public hearing and consider second and third readings of an ordinance amending City Code Title 25 (Land Development) to include a street impact fee program. Related to item #51.

QUESTION/ANSWER: Council Member Harper-Madison's Office

What changes are happening with respect to tree preservation? Can you provide additional information? Please provide more context on the below fees.

- *Trees: Is there opportunity for consolidation?*
- *Trees: Can staff elaborate on the various review/inspection fees charged?*
- *All Fees: How are the fees calculated?*

The Development Services Department is an Enterprise Fund. As such, the department is required to be self-sustaining. This means that each fee the department charges must be set at the cost the City incurs for providing the corresponding service. The cost-of-service fees are calculated using an analytical software model, which factors together the department's expense budget, the volume of work the department performs, and the estimated time needed to complete each service.

In 2017, the Department contracted with Matrix Consulting Group to conduct a cost-of-service fee study for development activity. The methodology employed by the Matrix Consulting Group is a widely accepted "bottom up" approach to cost analysis, where time spent per unit of fee activity is determined for each position within a division. Once time spent for a fee activity is determined, all applicable Departmental costs are then considered in the calculation of the "full" cost of providing each service.

The Consultants also developed a fee calculator that allows the department to adjust the fees each year based on changes to the expense budget, volume and time requirements collected during the fiscal year. This data-driven calculation ensures that the fees are accurate and that the department remains fiscally sound.

Staff has reviewed the concerns brought forward by the single-family residential example and would like to provide a response to clarify the services that fees cover, when certain fees are charged and how the fees are calculated. All of the fees are charged by the Development Services Department.

TREE INSPECTIONS AND REVIEWS – A single residential home project might incur 3-6 tree inspections, and the combined cost of these fees is over \$2,000.00. This portion of residential review and inspection fees appears to have the most opportunity for consolidation.

[Tree Review/ Inspection Costs for a new single-family home project:](#)

Tree Consultation	390.00
Tree Review - Demolition	275.60
Tree Inspection - Demolition	199.68
Tree Review - Residential	569.92
Tree Inspections- New Construction	469.04
Tree Foundation – Pre-pour	<u>188.24</u>
	\$2,092.48

If you fail an inspection, you will need to pay an additional \$245.44 Tree Re-inspection Fee.

Below is an explanation of the service that each of these fees covers.

Fee	Description
Tree Consultation	This is a voluntary service provided by the City Arborist. The consultation provides customers an opportunity to meet onsite with the City Arborist prior to formal plan submittal. This consultation provides customers with regulatory surety and an opportunity to discuss any regulatory concerns prior to designing complete development plans.
Tree Review – Demolition Tree Inspection – Demolition	The demolition review and inspection were created in response to Council’s action on the home demolition process. Council Resolution 20171214-066 and extensive stakeholder feedback resulted in the addition of necessary reviews and inspections, such as Protected and Heritage Tree review and inspection, to occur prior to demolition activities. Prior to implementing this review, staff and Council Members received extensive feedback from the community that trees were impacted or removed without a permit during the demolition process.
Tree Review – Residential	This review is to ensure residential construction is compliant with our City’s Protected and Heritage Tree regulations. The Protected Tree Ordinance (1983) and Heritage Tree Ordinance (2010) require the City Arborist to protect these trees during the review and inspection process.
Tree Inspections – New Construction	This fee covers the cost of three tree inspections during the construction of a new residence. <ul style="list-style-type: none"> • Preconstruction Inspection: Conducted with the builder to ensure tree protection fencing is installed and foreseeable challenges during the construction process are discussed. • Framing Inspection: Conducted during the framing phase of construction to ensure compliance with Code-mandated tree canopy removal requirements. • Final tree inspection: Conducted when the building final inspection is requested to ensure the development is compliant and that any required tree planting or tree care has been performed.
Tree Foundation – Pre-pour	This inspection is only triggered when development plans exceed impacts allowed by the Environmental Criteria Manual (ECM). In these instances, as allowed by the ECM, staff believe the impacts do not constitute tree removal with specific home foundation construction techniques. This inspection is conducted before the slab is poured to ensure these techniques were followed to avoid or minimize tree damage.
Re-Inspection Fee	The Re-Inspection fee is necessary to the department’s cost-of-service model. The initial inspection fee covers the costs incurred to perform an

inspection. The Re-Inspection fee exists to cover the cost of the inspector repeating the inspection, and the amount is lower to reflect the estimate that the time spent on the subsequent inspection will be less than that of the initial inspection.

While the total of these fees is over \$2,000, it must be stressed that it is uncommon for construction of a new single-family residence to incur all of these fees.

- *Tree Consultation* is voluntary. Stakeholder feedback indicates that this service is well-received and provides value to the customer, however it is not required.
- *Tree Review – Demolition* fee is waived when demolition and construction plans are submitted concurrently.
- *Tree Review – Residential* fee is only incurred when a Protected or Heritage Tree may be removed or impacted by the home construction. Fewer than five percent of all trees in Austin are of Protected or Heritage size. All trees below this size can be preserved or removed at the builder or homeowner's discretion and do not require a review.
- The department provides educational materials and assistance to help customers prepare for successful inspections and avoid deficiencies. *Re-Inspection* fee should be rare.

As for consolidating fees, inspections that are required for all new construction are combined into the *Tree Inspections – New Construction* fee. The *Tree Foundation – Pre-pour* inspection has limited applicability and remains separate. It would not be prudent to combine the consultation and tree review, as the consultation is voluntary and covering the cost of this service with the review fee would increase review fees for all customers. As noted above, the department must set fees at the cost of providing the service.

ROW Inspection FEES – A ROW TAP inspector ensures Water or WW is installed correctly. These inspectors generally spend 1-2 hours per project. This appears extremely high given the task. Industry professionals have claimed this can be outsourced for 20% of the cost.

City of Austin FEES Tap Inspection

Review/ Inspection	Costs	Description
Tap Inspection for SF	1,892.80	To inspection W/WW installation
	1,892.80	

For Tap Inspections not associated with subdivision projects, the fee is calculated by the hourly rate for Site and Subdivision Inspections (SSI) multiplied by seven hours to conduct the entire inspection. For FY21 this totals \$1,732.64 per tap plan (\$247.52 x 7).

As noted above, one element of fee calculation is the time estimate. The seven hours given in this calculation is based on data from the prior fiscal year. Between the dates of 10/01/2019 and 11/18/2020 SSI completed 429 tap projects. Of those projects, the time commitments were as follows:

Total Inspection Hours	Number of Projects
5 hours or less	81 (18.88%)
More than 5 and less than 7	29 (6.75%)
7 or more	319 (74.35%)

For each of these residential tap projects, the total number of hours comprises separate inspection responsibilities that occur at various points during construction, to include:

- Initial reception and review of the Engineered design plan
- Pre-construction meeting between staff, contractors and engineer
- Traffic Controls inspection of sidewalk, curb and gutter, and/or streets that need to be cut or closed
- Excavation and trench safety inspection
- Tapping of the main and connection to existing infrastructure for both water and wastewater utility
- Trench backfill inspection
- Final restoration in roadway and associated Right of Way
- Collecting documentation and closing out of the project for the managing department's asset management

Driveway Sidewalk inspection fees – These inspectors review 20-30 sites a day. They are on site for roughly 10-20 min. All three inspections are completed at the same time. At face value, given the task, almost \$1,000 for what is considered a simple inspection seems high.

City of Austin DS, Sidewalk and Curb Fees

Review/ Inspection	Costs	Description
Sidewalk	249.6	Plus \$2 per foot
Gutter	249.6	Plus \$2 per foot
Driveway	414.96	Plus \$89 per driveway
	<u>914.16</u>	

The fees for Driveways/Sidewalks inspection are set to cover the cost of conducting the inspections. The fees cover two separate trips to the inspection site. Inspectors conduct both a pre-pour and final inspection to ensure all City of Austin specifications and standards are followed. The Sidewalk and Gutter fees are based on 1.5 hours as a base fee and approximately one minute per linear foot. The Residential Driveway fee is based on 2.5 hours as a base fee and 30 minutes of inspection per driveway.