



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Robert Goode, P.E., Assistant City Manager  
Sue Edwards, Assistant City Manager *RG*

**CC:** Marc A. Ott, City Manager  
Rob Spillar, P.E., Austin Transportation Department  
Rodney Gonzales, Development Services  
Greg Guernsey, Planning and Zoning

**DATE:** September 13, 2016

**SUBJECT:** The Grove staff review

---

As you know, development of the Grove has become a controversial issue with organizations, constituents, and Council members weighing in on both the “pro” and “con” side. Several Council members have questioned the staff’s review process. To respond to these concerns, the City Manager asked us to explore the staff’s technical analysis regarding the traffic impact and the analysis of the review process. We have worked with our teams to evaluate and clarify the staff’s role in the review, the current status of the review, and the development’s potential impact and required mitigation. We’ve attached two memos that go into much greater detail and we’ve tried to also summarize the analysis below. We apologize for the length of the attached memos, but we wanted to try to answer all the outstanding questions we have received thus far.

There are many issues/concerns to be addressed, but the two primary issues seem to be the accuracy of the Traffic Impact Analysis (TIA) and the review process itself in regards to the roles of management vs. front line reviewers. We’ve tried to address both of these issues via the attached memos. We’re going to address the staff roles first.

### Management’s Role in the Review Process

As you know, staff serve different roles in our employee family. As is the case in any organization, the staff are hired to provide their experience and education in the tasks that they perform every day. We expect every City employee to exhibit our P.R.I.D.E values in every interaction. Building from that standard, we also expect different things from our employees depending on the responsibilities of their particular positions in the organization. For example, in this case, as the City Manager heard Council members, the media, and community groups express concern about the review process, he sought out the assistance from senior level staff...two of his Assistant City Managers...to review these concerns. This is a highly controversial case, so he directed his ACM’s to engage. The more controversial and/or complex the issue becomes, the more we expect senior level managers to engage.

Every employee in our organization is vital to our success. As such, it is necessary for our employees to have different roles and tasks in order to reach that success. For example, many of our employees are tasked to provide research, collect data, analyze issues and then act upon that information to make decisions and move on. In many cases, those same employees are asked to

provide that information to a supervisor, manager, Department Head, Assistant City Manager, or to the City Manager to make the final decision.

In the case of a controversial, complex development project we absolutely expect and demand that Department Heads be personally involved. We expect them to use all resources available within their departments to seek input and advice, but at the end of the day the Department Heads are accountable for products that come out of their department. This is the case for any high level issue/project in our organization. For example, as Council members you are faced with controversial policy decisions. We're sure that you seek advice/input from your staff, but at the end of the day...taking into account that input...the final decision rests with you.

So, one of the questions that seems to continue to be asked is why did "management" get involved in the review process instead of just letting the front line engineers/reviewers have the final say. For a case as complicated and controversial as the Grove, we find it hard to understand why anyone would think that we wouldn't require our Department Heads to be involved in the process. Yes, Department Heads should, and did, seek input, data, and advice from their staff. But, as stated above, "at the end of the day the Department Heads are accountable for products that come out of their department." In the case of a controversial development project, the Department Heads must take into account their staff's comments and opinions, the developer's supplied data, the code requirements, engineering standards, the process we are in at the moment, and the process that will follow. As to the "process we are in at the moment", it is important to remember that we are currently reviewing a Planned Unit Development (PUD) zoning case, not a site plan application. As you know, during the change of zoning application it is appropriate to only review conceptual designs of the proposed development and traffic mitigation measures. The conceptual designs are utilized as the basis for future construction documents to implement the traffic mitigation measures. The construction documents are reviewed for approval through the City's Site Development Permit process. This difference has been the source confusion regarding front line staff's comments and "management" determining that some of those comments were not appropriate at the zoning phase and would be more appropriately addressed at site plan.

Hopefully the information described thus far has answered the "staff's role" question. In short, the Department Heads absolutely needed to be involved in this complicated, controversial case. After taking into account input from their staffs, it was their decision to make regarding compliance of the development with city codes, engineering standards, etc.

#### **Technical Analysis on the Traffic Impact Analysis**

In the case of Mr. Spillar, acting in his capacity as the City's Traffic Engineer, he is the authority that makes decisions regarding traffic impacts. He certainly has employees that take on technical review tasks, but they are doing so under the supervision of the office of the City Traffic Engineer. Since there have been concerns expressed and allegations offered regarding the Traffic Impact Analysis (TIA), ACM Goode asked Mr. Spillar to attempt to clarify his stance as the City's Traffic Engineer regarding the TIA. In his attached response you can see that Mr. Spillar has taken the step to seal this document as a Professional Engineer. This is an unusual step, but in this controversial case, with so many allegations regarding the accuracy of the TIA, we believe that this action reiterates the professional weight of his conclusions as the City's Traffic Engineer.

In closing, we hope this information helps clarify and address some of the stated concerns. We stand ready to answer further questions as this project moves forward for your consideration.

**Attachments:** Technical Analysis Report from Director Spillar; Process Memo for Director Spillar and Gonzales.