

Closed Caption Log, Council Meeting, 09/13/11

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Mayor Leffingwell: Council, we are out of recess and we'll go ahead and pick up where we left off, which is item number 8, and we'll be dealing with at least three items here that have to do with health and human services. Before we go to that, I know a lot of you are wondering about what the plan of the day is here. The way I look at it, we need to get through this agenda today. Otherwise if we get in a situation where something requires three readings, that means that we would have to schedule another meeting, we would have to schedule it today for Friday or Saturday, perhaps.

I'm sorry, the law department, the schedule for your three readings for today, tomorrow and Wednesday.

Mayor Leffingwell: Right.

If you needed to go farther than that, then yes, if it looks like you are getting to the end of today and you haven't had a reading by the end of today, then yes, we -- the law department would work with you to make sure that you are posted and continue to be able to deliberate through additional days this week.

Mayor Leffingwell: What I was saying if we don't get all the way through with at least first reading, then we run into the potential for having to reschedule another day in addition to Tuesday and Wednesday.

That's correct.

Mayor Leffingwell: Okay. So we're starting with item number 8. Comments on this item? Mayor pro tem Cole Cole Mayor, I have a few more procedural items to discuss with my colleagues and staff because I'm recognizing that it's going to be difficult to get through this day with only considering the amount of savings that the department has recommended without any consideration to some of the council's suggested savings, so I'm trying to -- I guess I'm just opening that up for discussion or comment.

Mayor Leffingwell: To save time?

Cole: What?

Mayor Leffingwell: To have additional discussion on how we can save time.

Cole: Additional discussion how we can save time. You understand what I'm trying to say. If we can get quick votes on what is or isn't going to be additional funding, that might speed us along.

Mayor Leffingwell: I'm always open to the suggestion of taking several items together, but, again, as I mentioned this morning, there may be items within what seems to be a natural group of items that some people would want to vote for and some people would want to vote against. If you would -- we could take a unanimous consent sent approach and say is there any objection, for example, on voting or considering 8, 9 and 10 together because they are all HHS items, and if no one objected, we could do

that.

Mayor?

Mayor Leffingwell: Councilmember martinez.

Martinez: I don't have an objection to it. I would just want to know the fiscal impact in totality before making that decision because I believe if we did -- if we did 8, 9 and 10 all together, we would now be looking at a tax increase, wouldn't be? We would be over the 1.6 million.

Mayor Leffingwell: The wheels are grinding down there, I can tell.

The squirrels are running hard.

He is correct, we would be past the --

Mayor Leffingwell: Okay, so that's -- I only suggested that as a possibility, not as a recommendation.

Martinez: Well, then i would just -- I'll just make a motion that we move approval on item number 8 to extend the contracting services with center for child protection through may of 2012 in the amount of 135,259.

Second.

Mayor Leffingwell: Motion by councilmember martinez, seconded by mayor pro tem cole. To approve item number 8, \$135,259.

Mayor.

Mayor Leffingwell: Councilmember martinez.

Martinez: And so what this does is extends our current agreement, and it's unfortunate, but we still haven't found a permanent solution, but the services that the center for child protection provides are required. It's not optional so we must find a long-term funding solution for this at some point, and hopefully in the next six months we'll be able to identify some funding elsewhere or identify some savings elsewhere to continue funding this very badly needed service in our local area. I know that we've made some changes to our social service contracting and center for child protection didn't actually do that well, but i think it's because it is that unique. It isn't a wrap-around service. It is for police investigations, it is for catching criminals who are molesting children and I just think that it's such a critical and necessary component of our police department that I hope that we can find a permanent solution before this funding runs out in march -- or april of 2012.

Mayor Leffingwell: Okay, when you say it's not optional, you said it's not optional?

Martinez: I mean the service they provide.

Mayor Leffingwell: The service they provide or a legal requirement.

Martinez: A third party must conduct investigations in child molestation cases.

Mayor Leffingwell: We could we can get input from staff if this amendment is not passed.

Good afternoon, mayor, council, city manager, art chief of police. I think it sets the model for the rest of the country, it's an outstanding program. But what you have to have when you go after these predators preying on young children in our community, there's hundreds every year, you have to have a third party nonpolice, nonlaw enforcement government associated person to actually debrief the child in a safe environment and get the information out of them that we need for the prosecution or we need to get the facts on what occurred in this case. Without this we would not be having the prosecution and we wouldn't be able to be aggressive against child predators.

Mayor Leffingwell: Chief, is it a nonprofit organization? An spelled ngo and they have other sources of funds? They do. They do the annual fundraising, but this is a significant piece of their funding. Quite frankly part of our jobs, it's also in the constitution, is make sure we actually investigate crime and this is a key component of our ability to investigate, prosecute and solve crimes against children. And that's the piece that we wouldn't be able to do without this funding and so it is critical.

Mayor Leffingwell: Well, I'm just -- I wasn't in on these negotiations but I know we went to this merit based selection process and they didn't make the cut. It seems unusual to me that something as legally required would not be able to make the cut. And also how did we arrive at 135,259?

That piece I'd have to get from health and human services where we moved it to their budget I think a year or two ago.

Mayor Leffingwell: Thank you, chief.

Mayor, I can respond to that. Assistant city manager. The 135 represents six months of an annual contract that we have funded them before. Their total contract that we've had on a one year is 270. Essentially the -- half of it is already in the allocation for contracts that would be extended through the end of march. This amount would, in effect, fund the difference or the additional six months through the end of the next fiscal year so it would basically get full year funding.

Mayor Leffingwell: Okay. Thank you. I understand. For myself, you know, I know they do raise a lot of funds privately, I know they are a necessary organization, but i think they have substantial ability to raise funds to do this. So what I'm going to ang my hat on it's very difficult to find the dollars additional for things that are needed in this budget. I am -- I'm not going to support the motion, but I'm going to urge that we look for ways in the interim to find a solution to the problem and address this item again before their funding ends next may. Or march, whenever it is coal cole mayor, I had a brief question.

Mayor Leffingwell: Mayor pro tem cole cole I had a brief question for the chief. It is my recollection that the child protective services was previously funded through the police department and then we did separate funding and now we have some of it back and now we have this piece that is legal. Will you just give us a brief history of that?

Part of it was by the district attorney's office. They wanted to create separation between the funding source and law enforcement to show that it is a truly independent assessment of the child and the crime that's being investigated. So originally it was through the police department and then the district attorney's office asked us to further separate that and that's why it was moved to human health services. I think two years ago. I don't remember the exact budget cycle. But that's of the request of the prosecutor to create that separation.

Cole: Okay. Thank you, chief.

Mayor Leffingwell: Councilmember morrison.

Morrison: Just in terms of the process that we went through in social service funding, I think fundamentally the reason it didn't score as high because it met only one goal as opposed to multiple goals and that got built into the process. But also we do have the opportunity in the future to set aside sort of mandates for funding like we do with the arch and all in our social service funding, so I think this is something that we can -- if we don't find replacement funding we can work around in the future.

Mayor Leffingwell: Any other comments? Motion on the table to approve item number 8. All in favor say aye.

Aye.

Mayor Leffingwell: Posed say no. No. I believe that passes on a vote of 6-1 with myself voting no.

Mayor?

Mayor Leffingwell: Councilmember morrison.

Morrison: Before that last motion, mayor pro tem cole was making some comments and from what I understood that she was saying, I don't know that they were fully addressed, it was my understanding that she was suggesting that there are not only do we have this 6 million on the table,, but there are suggestions for other ways to bring funds, make more funds available. And so I thought I heard a suggestion that we look at the items -- I know of two items that would loosen up some general fund moneys and that maybe we could address those first to see if that's the council's will, and then if it is, we would know how much the overall pot of money is that we're allocating.

Mayor Leffingwell: I think we're all kind of keeping -- keeping it in the back of our minds and we discussed at the beginning of this process that it might be necessary to go back and reconsider in the light of potential additional revenue versus the fact that we've gone over what we think is the amount additionally that we could spend. However, if you would like to propose a different way of proceeding, I'm willing to listen to it.

Morrison: My concern is that --

Mayor Leffingwell: I want to know what your different way would be.

Morrison: My proposal then is that we consider item number -- let me see if I can find it quickly -- it's the change to the [inaudible] -- item number 16, reduce total to 31 and start in july. And that we consider one of the items I added at the end in terms of looking at the general fund transfer, reducing that to the transportation fund. So that way we could know whether or not those funds are going to be available.

Mayor Leffingwell: Is there -- councilmember martinez.

Martinez: I don't have an objection to that, but since there is a little wiggle room and I have a funny feeling these two items are going to take a significant amount of time, without objection I want to make a quick motion to increasing health and human services social contract funding by the amount of \$73,000. That would be added to the 2 million already budgeted this year so that staff can fulfill some of the unmet needs that I discussed earlier. So I'll just make that motion to allocate the amount of funds at \$73,000.

Mayor Leffingwell: So the motion you have is to allocate \$73,000 for health and human services with no

further direction on how it's to be spent?

Martinez: No, sir, staff will make that recommendation to us based on unmet needs. And staff knows exactly what those are.

Mayor Leffingwell: That's in addition to the other three items we have on the --

Martinez: I'm not making a motion on the other three items.

Mayor Leffingwell: Yeah, I know, but that would be in addition. It doesn't replace the other items.

Mayor?

Mayor Leffingwell: Was that a motion, councilmember martinez?

Martinez: Yes, sir.

Mayor Leffingwell: Is there a second?

Spelman: I have a question before I second.

Mayor Leffingwell: Seconded for purposes of discussion.

Spelman: Council, you mentioned a couple hours ago you were interested in restoring funding for river city youth in the amount of \$50,000. Would that be in addition to or would that be included in the 73?

Martinez: This is that motion and it's \$73,000. I didn't know the exact numbers at the time. I do now. So this is that motion specific to that issue and it's 73,000.

Spelman: Okay, so really what you are getting at is an increase in human services funding for the purposes of \$73,000 going to river city youth.

Martinez: Yes.

Mayor Leffingwell: That's item number 27. Motion by councilmember martinez. Seconded by councilmember morrison. Further discussion? Mayor pro tem cole cole mayor, I just have a procedural, hasn't this item already been requested for staff to work on? I just want to make sure we have the numbers.

Mayor Leffingwell: It was proposed earlier this morning as an earlier unprinted item.

Martinez: And I've had discussions with staff since that time.

Mayor Leffingwell: All in favor of the item which we're calling item number 27, 73,000 for river city youth, or are actually described as unallocated, all in favor of that motion say aye.

Tovo: Can I ask a question?

Mayor Leffingwell: Councilmember tovo, it's unallocated. That was the motion.

Tovo: Can I ask a question --

Martinez: Just to add it 2 million knowing the direction we've already given. They were trying to give us a hand by not having to politically split hairs by naming an organization which we just have done over and over so it doesn't matter now, but it was just staff trying to be helpful saying we really don't have to list the name, 2 and we know what you want to do with it because you've already told us.

Tovo: Thank you.

Martinez: That's it.

Mayor Leffingwell: Further questions on that? All in favor of the motion say aye.

Aye.

Mayor Leffingwell: Opposed say no. I'll say no. Myself voting no. Passes on a vote of 6-1. So then that brings us to item number 9. Which is the austin-travis county integral care interlocal agreement. Comments? I'll just ask from staff is this also an item that is currently funded through the first half of the year and this is money to continue towards the end of the year?

Mayor, that's correct.

Mayor Leffingwell: And so the total allocation for the year would have been about -- a million seven, something like that.

That's correct. For this agreement and the -- without getting into the other one, but the next one is the same way, six months.

Mayor Leffingwell: And so what was the reason for this not being selected through the process because I know they've been funded in the past, correct?

That's correct, mayor. I think a big consideration was the leveraging of dollars. They attract millions of dollars with these funds in terms of services for mental services throughout the community, and one of the things that we have determined throughout the social services process that mental services is a huge issue. As you know, the psychiatric stakeholders group has been very involved in this in terms of the folks that are constantly impacting our system, and mental services continues to be a huge issue not only for the community but even central health, the city, the county, the hospitals, a lot of different organizations. So really mental services has turned out to be a huge priority for the community as a whole.

Mayor Leffingwell: Believe me, I know as well as anybody how important this service is and I've been on the mental health advisory task force since I've been on the council so that's a lot of years. That's been basically since 2005. And so, again, this is going to be most difficult for me, but I'm going to not support this proposed amendment, but at the same time add that we look for ways to find us another solution before this funding expires next spring. Councilmember spelman.

Spelman: Burt, while you are up there, some people are watching on television and some in the audience and are clueless where we are in our program. Describe in just a couple of minutes what we will be buying with integral care. What services will in fact we be providing?

With this specific contract? Let me have vince cabals talk to you about that.

Vince cabalis, assistant director for human service. And the items that we get with austin-travis county integral care is primarily the -- they are the primary leader of planning for mental health services in the community. Some of the funds goes towards a large amount of funds goes towards matching other grants that they have for mental health services. And then -- and also they are our partner in addressing emergency response, mental health emergency response in a number of other areas.

Spelman: Vince, about how much in grants were we able to secure in the last year because we had the matching money available?

I don't have that number. 2 million, but I don't have the number with me as far as what the total it was used to match. They used other funds to match those grants as well.

Spelman: Typical match is at least one to one. We're able to leverage a little more than we're putting in, is that it?

I don't have the numbers to make that call.

Spelman: There is leverage associated with a significant amount of this \$84,000 though.

Yes, out of the total 2 is allocated towards match.

Spelman: So I could reasonably assume this \$840,000 for that last six months of this contract would be leveraged to some maybe on a multiple but considerably more than \$840,000 in value that we would be obtaining with this.

Yes, sir.

Spelman: Okay. And this is going to be to mental health services, and you haven't said about what the matching grants are for. If you could get back to that. What do the grants pay for?

I can provide that to you. I don't have that with me right now.

Spelman: A good argument for us to carry this over until tuesday because I would like to see that information. This is the biggest ticket item we've considered so far and I think it makes sense to have a clear sense what we're buying for \$800,000.

Mayor Leffingwell: Councilmember morrison.

Morrison: When we discussed this at the public health and human services committee, there was some important sort of history that was provided by the director of central health and the executive director of integral care. I wonder i lombraris may clarify that because I think there was some help with the funding even though integral care was going off on its own and I think it's important for the council to understand that.

The perspective that was -- and I had to obviously touch you base with a number of folks, both sherri fleming from county and trish young from central health, this was a pretty strong partnership between the entities, so much so that even on the central health board if you look at the makeup of the board, it obviously represents all three entities. Of course, the health care district in the past which is now central health, one of the things when they established the tax rate is that they didn't realize the impact of mental services on the programs and the services that they have. That's one of the reasons that the psychiatric stakeholders group is so critical because this is such an impact to the community in terms of how it impacts systems. Earlier you heard from yearn t -- from ernie, when you have certain number of

folks experiencing mental services, they are impacting the hospitals, they are impacting law enforcement in terms of handling folks. But the bottom line and i think this is what you are alluding to, councilmember morrison, this is basically a three-way partnership agreement between the three entities because obviously it has a huge impact. And we've heard substantial amount of leveraging with the dollars and I hate to quote an amount because I don't know if it's correct, but it is in the millions of dollars that these funds that vince just talked about and the 1.2 leverages. So it is a huge way to bring other dollars from outside of the city into austin to tackle this tough problem.

Morrison: So we do have a partnership, but is that partnership and financial commitment actually developed ?

No, it's not. It's been somewhat of a -- for lack of a better word, some gentleman's agreement or agreement between the three entities. We've had this interlocal agreement and in talking to trish young, their investment of dollars is something in the 8 to 9 million dollars. In talking to the city, their amount is much smaller. Really they viewed this as kind of our contribution to it, but it's not a direct, you know, part that everybody puts in 8 or 9 million. This is our contribution to it and even this dollar -- these amount of dollars leverage quite a bit just in that three-way partnership let alone in terms of grants in the community more and one other issue I think should play into our decision here. Integral care, we know there are state and federal grant cuts all over, and if I recall properly, integral care was hit pretty seriously already by state and federal funds. Do you happen to have those funds off the top of your head? I do.

I'm sorry, I do not.

Morrison: I think roughly -- I could be wrong and you can double-check, but roughly their overall budget as 30 million and they are already looking at a \$7 million cut. In grant funds. Which makes our support of it all the more critical.

Cole: Mayor, I have a couple of questions for vince and/or burt. I know the information councilmember spelman requested from you would also be important to me and i recognize this is a high dollar item and the city has made a large commitment to mental health which also impacts the homeless population, and that i wouldn't want to see us go back on any commitment we have made to other governmental entities whether that is written down or not, but i also recognize that historically we have made property commitments. Is that correct? Would you like to tell the council a little about that?

I haven't been directly involved, but I know that there's a facility by brackenridge that they are using for respite care and there's another facility i believe in south austin that we have assisted them with -- I'm not exactly sure the extent of the assistance. That would be part of real estate.

Cole: I guess I just wanted to leave that out there as we consider this item, that perhaps we can give direction to further look for other ways to make this commitment consistent with their overall plans, not just decide we're going to get something else, but that this is a tough year for us, but we recognize that we are trying now to make funding available for our neediest population.

Right.

Mayor Leffingwell: And i want to emphasize again that what I'm supporting is -- I'm not voting to cut off funds for this, I'm voting to grant funds for only six months because that's what's in the budget right now. And certainly just as the case with the centers for child protection, the same concept. It's in place for six months. They are not getting cut rite way and I think that gives you a little room to look around about some kind of alternative way to do it. And who knows, maybe we'll see a dramatic improvement in our fortunes here at the city in the next six months and it will solve that problem by itself. So I'm just putting off a final decision by my vote not to support this item. Any further comment on that? Is there a motion on the table to -- is there a motion? Councilmember morrison moves to approve -- this would be item

number 9. Is there a second? Seconded by councilmember spelman. Further discussion?
Councilmember spelman.

Spelman: Of course i would like to find some way of funding it that does not require taking money out of the general fund and of course I would prefer for us not to take that money out of the general fund now and for something that would happen which would allow us to spend money we don't have in front of us right now which is extremely limited but that falls into the category of kicking the can down the road and if we're going to do this, we need to just identity and bite the bullet now.

Mayor Leffingwell: All in favor say aye.

Aye.

Mayor Leffingwell: All opposed say no.

No.

Mayor Leffingwell: I believe the nos are councilmember riley, councilmember martinez, myself, and councilmember cole. So the motion fails on a vote of 3-4. That brings us to item number 10.

Mayor?

Mayor Leffingwell: Councilmember spelman.

Spelman: With your permission, I'll like to consider items 10 through 16 all together. At least provisionally. If the rest of the council would like to pull fees apart, that's fine, but I would personally prefer it cover all of them in one piece and i have a short presentation to go along with that.

Mayor Leffingwell: Item 10 is related to the others even though it's a hhs item.

Spelman: It's extremely related to all the others, yes, sir. And I'll have a motion on all items 10 through 16 and if you would like a motion on the table now, I would like to -- I would be happy to put forth a motion.

Mayor Leffingwell: Let me see if there is objection to considering items 10 through 16 together. I have none. Okay. Councilmember spelman.

Spelman: I'll put a motion on the table and I have I hope a short presentation. I'll keep it as short as i can. Move approval of items 10 through 16 inclusive.

Mayor Leffingwell: Councilmember spelman moves approval of items 10 through 16 which includes a \$1,180,000 cut in -- to reduce the number of sworn officers and to defer the class day. That is item 16. Is there a second? Seconded by councilmember morrison.

Spelman: Mayor, this is, I suspect, going to be one of the more controversial items of our day, and although this is -- we have not been considering these things in formal presentations, I would like to an opportunity to explain why this substantial budget made up with substantial additions budget in slightly different ways and an increase in the austin-travis county entertain a motion gastrointestinal care contract are an appropriate way to deal with the problem before us. One way of framing this whole question is does austin need more cops, if so how many and if not what else can we do about our problems. I want to start by suggesting that commissioner mike lauderdale and some other people from the public safety commission have recently published an estimate that crime costs the city of austin

collectively about \$800 million. I think it's a low ball. If you look at the most recent estimates for how much each crime costs the community in terms of financial cost to the victims and the families of the victims in terms of medical care costs, in terms of pain and suffering, in terms of costs to the criminal justice system, the costs are higher. Based on 2009 reported crime results, accounting for the fact about half of all crimes are not reported to police, the annual cost for crime this community is about 1 billion or cost per person about 1,400. May I add a little context. Based on estimates from the Texas traffic substitute at Texas A&M, annual cost of traffic congestion in the city of Austin is about 5 billion or about \$600 a person. That suggests to me there's wiggle room in both estimates, but they are just estimates. Nobody has gone to each individual crime or each individual traffic situation to figure out the dollar cost on a per case basis but we're talking about roughly similar orders of magnitude and our best estimate has got to be our crime problem is more serious and costs our community more per person or overall than even traffic congestion problem. I compare it for three reasons. One, they are roughly similar orders of magnitude, roughly similar sizes of problems. Second reason is because we have spent a lot of time looking over our traffic congestion problem and concluded, many of us have, that the obvious solutions to traffic congestion, building more roads, are limited in their effectiveness. And the more we look at our traffic congestion problem, the more obvious it becomes to people who look closely at it that the best solution to our traffic congestion problem is not just roads but also to give more attention to transit and things that come out of transit. For example, having walkable communities, changing land uses where more people can get to services need without having to drive miles to get there. I think if you look more closely at traffic congestion, you realize the obvious solutions are not all the best ones and we have had a long conversation on traffic congestion, but we have not as a community had that kind of a conversation with that level of depth on the crime problem. Crime is more costly than traffic. We need to have that kind of a conversation. Now, one obvious solution like the obvious solution to congestion is more roads and to crime more cops. A lot has been written about the effectiveness of police departments and police officers in dealing with crime, what you find is the vast, vast majority of people in the police world and nationwide who are examining this issue say more police officers are going to be of extremely limited value. I chose to pull out a quote from the National Academy of Sciences' examination of police departments nationwide from seven years ago. I could have pulled almost exactly the same quote from a dozen different sources. It was concluded the standard model includes random patrol, fast response to calls for service, routine followup investigations to reported crimes and in some cases crackdowns and zero tolerance type police activities. The National Academy of Sciences concluded that the standard model has not been found to be effective in reducing crime or reducing disorder or decreasing citizen fear. Again, this is a generally held view in the criminal justice world based on the evidence available. That evidence comes primarily from bottom up studies. What happens when we increase the number of controls, what's to the crime rate, not much. What happens when we put more police officers on patrol so they can respond faster to emergency calls and we see what happens to crime rate with faster response, the answer is not much. Zero tolerance enforcement, not a whole lot more happens. More followup vehicles doing the same things turn out not to do a heck of a lot of good. They do some good and there's some evidence if you have a lot of patrol officers doing random patrols in some cases you can reduce the crime rate but it's thin evidence and only in a few cases where you get that kind of result. Very recently, just last year, a fellow named Paul Heaton came to a different conclusion. Looking at a different class of studies he concluded for a number of large cities, seven he looked at, he estimated that the return on investment of additional police would in fact be positive. We would actually get more in terms of reduced crime than we would lose by hiring additional police officers. Those studies were based on completely different approach looking simply at the natural variation of police officers over time and between cities. You base this conclusion on five studies, which I've written up here in more detail than anybody needs to see. For more detail, take a look at my website where I have a larger version of this presentation. Looked at five studies and found that the average reduction in violent crime associated with a 10% increase in sworn police personnel was 6%. And if you increase one police personnel by 10% you would get a reduction in property crime of about 4%. The bottom line estimate he came to is if you increase police personnel by 10% you are going to get a 5% in reduction of crime rate. A large reduction in terms of economic returns and not a number you see very often in terms of effectiveness of police operations or any government operations. There's a bunch of reasons for being skeptical of this number, and the biggest single reason is because there's a whole lot of -- bunch of blanks on this chart. Heaton and his development of these estimates

left out a whole lot of parts. I should mention one of those parts he did not have in front of him to leave out. That's my own study, the second to the last line, spelman 2011, I did that study because I wanted to get a sense what was going on in the rest of the studies. But of the 11 studies of of of the type he was looking at, top do -- which he just plain got wrong, the number exchanges dramatically. He cherry picked his studies which had big effects and left out studies which had small effects. If you add in all the studies that have been done, which use perfectly good methods and came to a reasonable conclusion, your best guess is not 4 to 6%, it's about 1%. If you increase the number of police officers your crime rate is going to go down about 1%. This seems to be consistent across different types of violent crimes and studies.

Mayor Leffingwell: Councilmember, eight minutes at this point. Are you getting ready to wrap it up?

Spelman: I will be wrapping up in four or five. I'll keep it as short as possible but no shorter. The question before us is are more officers worth the money if that's the kind of return we're going to get. The basic assumption we have to make, I think, is based on the totality of the evidence, a 10% increase in officers, just to pick a metric, is going to be reducing crime rate by 1%. What's a 10% going to cost us, what's the 1%. I'm using round numbers not because -- basically because they are easy to work with. You get the same number if you scale back to 49 officers. We have about 1600 sworn officers on the force, 10% is 160 officers at approximately \$100,000 including salary, insurance, pension, equipment, and you've got 160 officers, you are good to have to promote some people, all that adds up to about \$100,000 an officer for a total cost of about \$16 million. The value of a 1% reduction if 2 billion problem, 1% is 11 million. What that means is we're going to be spending about 11 million -- \$16 million in order to return about \$11 million in benefits. My calculation return on investment is about 70 cents on the dollar. Now, these numbers are obviously extremely rough. That 1% might be a little higher, it might be a little lower. 1% is probably our best guess, but we're still talking about something which is not a bargain. 70 Cents is below a dollar and in fact this is pretty much common cross police departments of the united states. That line, that vertical line separating left and right is the 1.0 mark. If the return on investment is over a dollar, you've got the blue bars on the right-hand side of the line marked cost effective on, the left-hand side the blue bars looking at the police departments around the country where an addition in police force would not be cost effective. Austin is one of those places and that's the majority of police departments around the country whereby this metric additional police officers is not cost effective. We're in very good company. There are some places where additional police officers is extremely valuable and probably necessary. These are places with high violent crime rates and typically places strapped for cash. The return on investment is -- they've got high violent crime rates, don't have any money and they would I'm sure like to buy more police officers if they could afford to do so. They would probably also like to have more firefighters, , paramedics, trash people that pick up the trash and more librarian if they had any money. If adding police officers is going to be a very shaky return on investment, then it makes sense to ask what can we do about a problem even more serious, traffic congestion. For help on this I looked to the washington state of public policy which has been following this for many years, a section of the washington state government, they report to the state legislature. They did essentially the same kind of analysis as heaton did and I revised a few minutes ago by looking at offender promise. Return on investment of well over a dollar but also making sure they get job training, drug treatment and so on. Juvenile drug courts had a return on investment \$4 and nationwide of \$5 based on studies conducted nationwide. And the one which caught my eye in particular is return on investment based on nationwide evaluation studies of about \$7 for community drug treatment, for high risk chemically involved people, criminals, on probation and parole. For ever dollar put in drug treatment, you get about \$7 back in terms of reduced crime downstream because you've removed their need to steal stuff. In addition to stuff that we can do to prevent crimes among offenders, there's also some things we can do with the police department. Again, the national academy of sciences in its police study claimed there was strong research evidence, again, based on a nationwide work that is correct the more focused and specific the strategies of the police, the more those strategies are tailored to the specific problems they seek to address, the more effective police will be in controlling crime and disorder and why random controls, faster response aren't going to work well. We don't have a lot of evidence what happens when you take a whole police department and make it specifically tailored because we don't have in police departments that are that thorough going. We have some evidence on

some specific strategies that can be used by police departments. Particular any in great britain where they have one police department and therefore a lot more controls over what happens. These are mostly british numbers. Burglary target h a return on investment of two bucks. Closed circuit television is going to be experimenting with and which I expect a return from. Residential street lighting. If it's dark outside and burglaries are easy to commit, increasing the number of lighting can reduce the number of crimes by a measurable amount and with a return on investment greater than one. The idea is here all this stuff sometimes works better than other times, but they all work best when they are used tailored to solve a very specific problem. And to find out what those specific problems and the right approach is going to require improvement in analysis capacity of the a.p.d. So I suggest the following and this is the basis for the amendments before us. We -- because those additional officers will be helpful in managing our workload and responding to the calls which I know we all need to do, but they will not be especially fective and not cost effective in reducing our crime rate, which I again claim is one of our biggest problem problems. I suggest we back off on number of officers to 47, the 47 which would go into the again police department, back off from 47 to 31, what is a 1% reduction in the number of sworn officers. 0 98 officers were thousand. It's not a big difference and still a lot more officers than we have in otherwise comparable cities such as san jose and san diego. It would be reduced cost, it's 4, that's an old number, the current items at 1.178970. About \$1.2 million. 2 million, i suggest we reallocate to deal with our christmas problem not just symbolically but effectively by spending \$320,000 on community drug treatment, item 10. And also by splitting another civilians, that's items 11 through 15, which will enable the police department to do a better job even than it is already been able to do identifying and -- liesing specific crime problems and developing a tailored response which the national academy of sciences and many others have concluded will give us a much more effective solution to our crime problems. The third thing I would like to suggest is that we conduct a police allocation study, i believe that's item number 11, which can be done I've given to understand for approximately \$100,000. That's my wife calling and probably she is giving me an a tta boy. I'll turn her off in a second. We can contrast -

Mayor Leffingwell: Councilmember, you've been over 15 minutes. I'd like to ask --

Spelman: I'll almost done.

Mayor Leffingwell: I'm asking you to be considerate of the rest of the council.

Spelman: I'm not answering my wife's call. We can have a study to give us a better science how many officers we need and how they can be allocated in parts of the police department and what can we expect if we have more of them. Finally, mayor, I think we need to have a conversation about crime. If crime is in fact more costly than traffic but we have an understanding after many hours, many years of discussion of traffic congestion, the standard solutions, more roads, are expensive and don't work very well. But alternatives appear to be cost effective, we probably will come to a similar conclusion if we have the same kind of a conversation on crime. Crime is a bigger problem. We haven't had the conversation. I think we need to have it and consider alternatives to the standard operating procedures of the past.

Mayor Leffingwell: Well, first of all I would just say I think a police presence is a very important aspect of addressing traffic as well, just to address that briefly, but in general I'm having difficulty believing over what has happened over the last week, hearing someone talk about reducing our public safety capabilities here in the city of austin, texas. I spent a week ago, I was out in the field visiting communities all around us who have been stricken with one of the worst natural disasters that we've had here in a very long time. In the course of that observation I saw our first responders out there. We actually allocated about 50% of the total police, fire capacity that was outside the city of austin, but I went out there and so did our folks and they all said and I said our cares and concerns don't end at the city line. This is a community effort. A community disaster. And I saw first responders out there who were working more than overtime, they were working 24 hours a day. We were stretched very thin in the face of that disaster. And I don't need to remind you we could have used some extra hands at that point

so I find it difficult to believe that we're actually sitting here talking about reducing the number of folks that we have to meet threats like that that could come upon us at any time. Then in addition this weekend I went to at least half a dozen events commemorating the events that happened ten years AGO ON SEPTEMBER 11th, 2011. We all recall the need for first responders when united states of america was under attack ten years ago. Those people gave all they had, a lot of them all they ever would have, to serve our community and so I find it difficult to believe that we're sitting her like we are today talking about we want to diminish our capacity to respond to incidents like that and there's a lot more that I'm not going to go into. But I would say in addition to that, you know, we always have experts. Experts that sit behind a desk and -- lies things and come up with statistics to prove their case. And then on the other hand we have another kind of expert. We have an expert that's actually done the job, that's been out there in the field and done this job for years. On the one hand in this particular case we have a whole lineup of studies, academic studies, other kinds of studies showing us that this is really we don't need this many people involved in public safety in our community or in other communities as well, but on the other side we have people who have done the job. We have the austin police department leadership and the people on the ground, the people on the street. We have the city staff, the senior city staff who have -- many of whom have also done this job and they are recommending the proposal that's actually in the budget for a new class next april, 40 new police cadets to maintain, just to maintain our current status. We have the public safety commission that has recommended that we go with the staff recommendation for this continued manning. We have the greater austin crime commission that is also very strongly recommending, and those folks have been involved in fighting crime here in austin, here in central texas for a very long time. And last but not least, certainly professor michael lauderdale, actually his editorial piece in combination with an author, I'm sorry i forget his name right now from the greater austin crime commission, that was in the paper this morning. I thought about bringing that down here and reading that entire article, but I didn't want to take up that much of my colleagues' time to do that. Suffice it to say that they are very strongly opposed to any proposition to reduce our public safety presence here in the city. And finally, I would add that I am very strongly opposed to that. In my former life as a military and commercial pilot, of course we ran into this tension all the time between the folks sitting in a chair behind a desk and doing the analyzing and those of us who are actually out there doing it. All these folks that were giving us advice, giving us their opinions, even giving us hard instructions, none of them had ever strapped on an airplane. But I reflected back at the time and I thought about this again today, all those folks who sit behind those desks, there has never been in the history of aviation a case of a chair behind a desk going down in a ball of flames. So I think it's very important that the guys that are actually doing the job be given the most credibility in these kinds of things. With that, councilmember martinez.

Martinez: Thanks, mayor. I actually want to take a different tone and commend councilmember spelman. I think you raise some valuable and credible points that we need to discuss. And I want to discuss those, but I don't think -- I mean today, as I sit here, you know, ten minutes after having heard your presentation, I'm very interested in furthering that conversation, but I don't think I'm prepared to make a motion or support a motion that would enact your theory right away because I don't know enough -- I don't have enough information and we haven't discussed this publicly enough to determine whether or not that is appropriate policy direction to look at, but I commend you. I think you've gone some good work, you make some good points. I hope regardless whatever happens today, if this motion fails or passes, at a minimum we take this as a starting point and bring it to our public safety commission and have public input and more expert advice as relates to the theory you've laid out as to how we specifically target and tackle crime and try to continue to make austin one of the most safe cities in the country. So with that I thank you for yo work. I know -- and it's from your heart and not only from your heart, it's from your brain. You put a lot of work into this. Unfortunately I can't support it right now after just hearing it, but I do look forward to working with you moving forward.

Mayor Leffingwell: Councilmember spelman.

Spelman: I appreciate your giving us a hearing. I do want to point out two things. One of them, this is not theory, this is based on the practice of police departments all over the united states and in some other countries, great britain in particular over the last 40 years. That's the basis for that one percent

and that's the basis for that 70-cent return on investment and it's the basis for the \$7 return on investment associated with drug treatment. All this is based not on theory, not on some academic chewing on a pipe and looking out the window, it's based on the honest to goodness practice of what had happened when people did things. My job primarily is to count although I have trained thousands of police officers myself and have been working with police officers over a 30-year period all over the world so I'm not just a desk jockey who doesn't know anything about police work, although I have never been a police officer. That said, this isn't based on theory, it's based on practice. The other issue is nothing in any of these amendments is taking anything away from the police department. We're still adding 31 officers but two aviation officers. We are increasing the size of the police department if we pass these amendments, not reducing it. We are increasing the capacity of the police department to answer calls for service which have gone down for the last three years. We're going to have I think plenty of police officers even if we only increase it by 31 and not 47 to be able to do the job we need. But with the addition of the civilians, with the addition of the drug treatment capacity I think we can look forward to reduced crime rate at a more effective way than simply adding police officers. Crime is too important of a problem to be consigned only to symbolic responses. We need effective responses.

I do have to take exception with some of those studies and speak to my experience, my experience has always been that there is an absolute direct correlation between police presence, the level of that police presence, the level of activity of those police officers, and bad outcomes. The city of Los Angeles is enjoying a constant reduction in crime in the last five, six, seven, eight years, if you look at how they've done that, it has been because they have added a thousand police officers, they are using the com stat model using data that councilmember Tovo was exposed to the other day, thank you for coming out and seeing that. Using the data, intelligence, business analytics to actually put [indiscernible] on cops. So I would be we're resoldiers, we are run whatever you send our way. In the four years that I've been there, we have reduced our budget. I have never -- you've never heard me scream that I think the sky would fall. I believe if there's a reduction you're going to see negative outcomes. The bottom line is that we only have so many dots to put on those crime spots that we can move around so much, we need to maintain our staffing levels. One of the things that we have not talked about is the cost of the facilities in traffic collisions, the injury crashes that councilmember Martinez when he was a firefighter saw and most importantly we're putting, doing analysis about dollars and cents. I submit that to the people that live in Montopolis, that people that live on 12th and Chicon, that people that live in Saint John's, people that are impacted every day in this community, I would recommend that you ask them as part of this process, as part of this transparency piece that councilmember Martinez is talking about, whether we need more officers and I think the answer would be almost a unanimous yes.

Mayor Leffingwell: Thank you, chief. I know there has been a discussion, there was some discussion of it in this morning's article in the paper, about the cost effectiveness per officer in -- in -- versus the cost of crime. And as I recall, I want to ask you if you have the exact numbers of what crime costs our city every year and how much value each police officer adds. I think it was like each police officer adds a value of fighting crime of \$300,000.

One of the other costs that we're not talking about is the cost of the families. If you're the victim of a crime, you can't put a dollar on that person that's killed or maimed by a drunk driver or that gets raped on the hike and bike trail like we had not too long ago. The people that are solving those crimes that are bringing justice to these families are the police officers and you know we can't say that we can -- we can back away from the staffing levels that have in the last 10 years, 20 years, whatever that has been, has kept Austin one of the safest cities in the country, especially at a time when the state of Texas is going to be reducing the -- their jail capacity and that's happening all over the nation, we're going to see the recidivists come back out and start preying on other folks. If we back away from this as a business case -- the way we run our department in last few years, one of the recommendations is \$100,000 to study our staffing. Well, we do that on a regular basis, when I got here in 2007, we were not utilizing com stat, we are constantly crunching the numbers, we are constantly moving resources around, as a result we didn't receive a one percent reduction, but last year we achieved a five percent reduction in crime at a time when we did reduce our budget and our overtime Dallas by millions of dollars, that's happened several years in a row. The way we're doing it is by working smarter and allocating our resources very

efficiently. For example the 8% staffing formula, mayor that you recall, is eight out of 10 working every shift. When I eliminated that in 2007, we didn't need a study to tell me to do the right thing. We didn't need anybody to tell us that we needed to staff our people based on need, based on call volumes and things of that nature.

Mayor Leffingwell: I would say a little bit echoing what councilmember martinez says, perhaps there are ways that we can effectively increase our multipliers, maybe we could sometime in the future do with less police officers per capita population. But we're not there yet.

We're starting that with the rundberg, councilmember, you saw that the other day with the real time crime center that we just opened, the austin regional intelligence center. As we roll-out more public safety cameras, we're adding 30 downtown, but it takes time to get these programs up and running and I just think that we're not there yet.

Mayor Leffingwell: Well, I just want to say in the name of public safety, we need to develop these programs and have them proven first before we consider the alternatives that before us today. Could I ask chief carter, I know that you have -- carter, I know that you have done some economic studies, as the chief said you can't put a price on the effects on human life and violent crime. But there are, you know, return on investments, spreadsheet type numbers. What crime costs us in our community.

Yes, mayor, thank you, david carter, austin police. This past spring when we started working with the public safety commission, looking at some serious issues, I think one of the things that I would first like to say is that the current business model with the austin police department is right now we're not comparing ourselves to other police departments. What we are doing year in year out, looking to see how we can improve the use and effectiveness of the officers that we currently have. When we start looking at red flags, specifically the clearance rates on lower level property crime, we felt like we were not doing as good of a job, looking internally at that, looking and listening to the other public safety commissioners, other experts, that we realize that we had to boost up our capacity to have successful investigations. Obviously the police are not solely responsible for the whole criminal justice system just like we're not -- there's not a whole like we can really do when we're talking about the county's responsible for the courts. Other -- the state is responsible for corrections. There's a -- there's issues with education all across the board. But what we're committed to doing at the austin police department is taking the resources that we have, looking to see what did we do last year, are we doing something effective this year. Knock on wood, we can say today the chief mentioned the fact of using our com stat model, current processes, we think we can say as of today, year to date compared to last year, we have actually reduced violent crime by 6%, property crime is roughly around 8%, of course we measure that every two weeks. In our comp state process. Those are issues that we are looking at. That's what we expect in our police department. The police officers are not cheap, we realize that. We want to basically provide you a professional police service. We also understand the concept of return on investment. That's a big deal. Taking out the issues of the emotional impact here. There is an emotional impact that the chief brought up when we go into the neighborhoods and we deal with a lot of folks that are victims of crime and the families and so forth. But we also are looking to find those best practices and deal with that return on investment. We're not experts in terms of analysis. We have a very good analytical staff. But they are limited and we use them for day to day operations. So we actually do look outside of the department. For example the study I think mayor that you are referring to is the rand study that basically created a calculator, I believe councilmember spelman may have alluded to this, a crime calculator saying what is the cost and what does it mean if you add police officers, is there any kind of net saving, taking out that emotional impact. And really at the end of the day, if we were to plug in these numbers, these 47 officers, what it looks like to us is that each officer would save the greater austin area in terms of economic impact about \$303,000 or thereabouts. If we were to hire those officers on an annual basis, we figure that cost is about 10 million, cost the city about \$10 million. What is the savings? Looking at the gross municipal product or the gdp of this particular area, we think there would be a cost savings of about 15 million. If you look at it strictly from the numbers, again I'm not an expert, I can't tell you how to validate the particular rand study, but that's a cost savings right there. So we can't really ignore that. We're not hanging our hat on that. But I want you to know that each year we're looking at how we

actually effectively use these officers and try to do better each year.

Mayor Leffingwell: Thank you.

Mayor, a lot of the ideas that councilmember spelman is putting forth are a good idea. They have shown the treatment aspect. They have shown their value. But my concern is our uncommitted time and our folks are stretched thin. I want to add one other thing because I talked to members of the legislature about this. Our biggest challenge in terms of drug issues, that's a big part of what drives crime, is that in the state of texas, the only way that I as a police officer can take action that will force an addict to get that treatment is if I catch who is driving a vehicle. For example, if I stopped you under the influence of methamphetamine as a pedestrian or as a passenger, whacked on pcp, all that we can do is maybe put you in for pi. I'm used to [indiscernible] health and safety code during my first 21 years of my career, it was an actual misdemeanor requiring actual 90 days in jail or back in the day when this passed require folks to go into treatment. That's one of the biggest pieces that we're missing in the state. We don't have any teeth to get people and grab them before they kill somebody, before they burglarize a home and end up finding somebody asleep in the home, you know how that can be escalated. I think from a criminal justice perspective if we could get something in state law that can get us to be able to get our teeth in people and force them to go get help, that would be huge in the state of texas, but it's missing. I'm not sure why. I think it's a conversation that -- that we should start here at the local level and take it to the legislature next session. It's not to put people in jail, but to force people, you choose, jail or you choose treatment. And one of the things that -- that the da is doing now is actually, in their conversations with folks when we catch them with drugs, is getting a little tougher on the jail piece and a lot more people are choosing treatment and getting treatment, which i think is very helpful.

Spelman: Mayor, if i might.

Mayor Leffingwell: Councilmember spelman.

Spelman: While you are up there. Let me ask you a couple of questions about the specific proposals. 11 Through -- well, not 16, but 11 through 15 are from -- I'm sorry, 12 through 15 are taken off of your unmet needs report?

Out of where, sir?

Spelman: Off of your unmet needs report. I wonder if you could just comment a little bit on it. 12 Is to add a statistician. It was my understanding that you were doing some innovative stuff. You were putting cops on dots, I know that some of your captains have been doing some very interesting things, with respect to particularly auto theft and burglaries from automobiles. I wondered if from your point of view whether adding the statistician to your analysis would be valuable?

Let me say that everything that you have on here, the reason that we had it on our unmet needs is because they do bring value to the organization. I think for us it's a matter of, you know, what are their greater needs. With the emails that you all get, whether it's homeless people and people worried about greenbelt, you know, it takes boots on the ground and we just -- we just don't have enough boots to back away from our staffing right now. But we could use a statistician or additional analytical support.

Okay. That would be useful to you, but -- but if you had to choose, you would rather have boots on the ground.

Because there's -- contrary to some people's beliefs, there are a lot of very intelligent, highly educated police officers. If I had to I could use a police officer to help me in that capacity. When you have a riot break out or if you have a bastrop fire break out, we can change that person very quickly in a matter of

minutes have them doing police work.

We have a very well educated police force, a lot of officers with master's degrees, you may be able to find somebody among them who is interested in doing this.

Yes, sir.

Spelman: Let me ask you, change the subject very slightly. On item 10 is the contract that we have for substance abuse with austin travis county integral care. That's community drug treatment for high-risk offenders on parole and probation. From your point of view, is that a valuable thing for us to be doing for control purposes.

I believe that treatment is of value, like I said a few minutes ago, in speaking with state law. But again -- [laughter] --

Spelman: Tradeoff, you would rather have boots on the ground.

We are asking -- we don't really -- we actually believe we need them, that's why I'm standing up here telling you we still hold to that.

Spelman: I look forward to having more conversations on this and similar subjects, thanks, chief.

Thank you, sir.

Mayor Leffingwell: Councilmember morrison.

Morrison: I want to thank councilmember spelman for raising this issue. I do think that -- that 0 number, a sacred number that can't be adjusted is really not the appropriate way to adjust them.

You can adjust it upward.

Excuse me?

You can adjust upward.

We could, or adjust it down by two hundredths of a number. That's an element of randomness as we saw during your presentations during the budget times when we were looking at -- at it was actually the -- the a.p.d. Who put the chart together that showed per capita, you know, cops per capita per thousand and the crime rates. And it was pretty strictly inversely proportional, when meant the more cops the more -- directly proportional, more cops the more -- the higher the crime rate. Which -- you know when -- when there was some discussion about that, chief McDONALD WAS TALKING ABOUT How there's so much more that goes into safety in the community and why our -- why our rate might be low relative to some others and the community connectiveness and the great job that you all do, that the police do, so that is fundamentally why I think this is absolutely the right direction to go. I know that it needs a lot of conversation, but to be able to look carefully at the returns on investments. Which I believe have been shown here and I think that the analogy that's been put forth about traffic congestion is -- is a very compelling one and, you know, we have a great transportation department that's really helped raise the level of figuring out how we can use our money more effectively. I think it's probably providing some leadership in the country in that regard, I think that austin can be a leader in promoting this kind of conversation, too. It does need to be a respectful conversation, I'm concerned about, you know, i read the article this morning, too, I'm concerned about [indiscernible], I'm concerned about fear mongering. We need to just have a direct discussion and dialogue with the -- you know, with everybody's

perspective on the table. So with that, I will be --

did you make a motion?

Yes.

I'm going to be supporting this.

Mayor?

Mayor Leffingwell: Mayor pro tem?

Cole: Chief, I certainly appreciate all of your comments, especially those of officer David Carter, all of the comments that have been made and of course councilmember Spelman's presentation. I think that we do this whole dialogue injustice when we simply pit it as a discussion between do our officers matter, do we love them, do we care about them, do we care about their families versus can we afford them and what does this 2.0 per 1,000 mean. Because I don't think there's any doubt that anybody on this dais wants to support this department and of course recognize that this community views public safety very highly and we do not want it compromised. So -- so that being said, I think what we are really simply doing is having a discussion about flexibility or potential flexibility on 0 per 1,000 matrix that we have been using for so very long. And so my question to you is whether you have done any study or thought process about that matrix and what any flexibility in that could potentially mean for you.

Well, I think that you always take a look with open eyes on your staffing formula. I think that from my perspective, it's not so much as we said in the budget meetings over here across the way, whether it's 2 per thousand or 6 per thousand, it's what we are doing with that 2 per thousand. What is the -- what is the environment that we operate in. I mean, we're able to -- to -- to keep this city as safe as it is, the police department, for a lot of reasons. Number 1, we use the resources that you do provide very efficiently, very effectively. Number two, we have a highly educated populous. 3, we have a very positive working relationship between the police department and open dialogue. You get the emails, I get the emails, we respond to those emails, so that's why despite the fact that when you look at -- at the staffing, the average for a major city around the 4 per thousand. 4 per thousand. I think the average for major cities is 2.6. DC about 6 per thousand. We are where we're at as one of the safest cities in the United States because of a lot of things. And certainly we would look at if I give up a position sometime in the future, what can I get to -- to -- to help me absorb that, to help me continue to deliver safety to this community and I think councilmember Martinez's comments about this is maybe a good discussion to have, I think that it is a discussion of value, but I'm not sure that I would be prepared to have it, you know, on day 1 of three and I -- I know for a fact, because I spent a lot of time in those communities talking to a lot of people. You all have a lot of people we all work for. They're going to have a lot to say. Councilmember Morrison is all about the process, people's ability on the way in. I think there will be a lot to say as we continue discussions for the upcoming budget year. I do have to say one thing as a pretty new Austinite. I can tell you my estimation of the reason why traffic is the way it was, it is. We are still building flyovers in 2011 that probably should have been BUILT IN THE 70s OR EIGHTHS, failing to do that then we're paying the price now. 80s. We're not talking about just congestion, people's lives, the sanctity of their homes and we need --

Thank you, Chief, I agree with everything that you said, by and large I agree with everything that everyone on the dais has said. I especially appreciate the comments that were made in terms of well we're trying to do something special for our department and we're not just comparing that to peer cities, the other comments that were made about well, we have to look at what other peer cities are doing to make sure that we have the right benchmark and then the comments that were made in terms of well, unless you've actually been on the field, you can't really make good judgments about what should happen on the force. I think that we can get answers to all of those questions, I think that we can have public input about that, so I'm going to make a substitute motion that we amend the operating budget in the amount

of \$100,000 for a patrol utilization study that will also include a survey of our officers in and on the street and non-civilian forces and the impact that what they think about this very issue, anonymously, because we want their true input. We really do. We need it. Because we know somebody safety, what it means to the community, but we also know what it's costing the community. We don't deserve to sit in these seats if we can't make that analysis and discuss that. So I will make a motion simply for the study to be conducted and that there also be a public hearing as part of that study and also that that go through the public safety commission where my appointee mr. Michael lauder dale is an excellent chairman.

Motion by the mayor pro tem. Substitute motion by the mayor pro tem and as i understand seconded by councilmember martinez, just to make clear, my understanding of the substitute motion is that is in place of the main motion which is to approve items 10 through 16.

Cole: Yes, mayor.

Mayor Leffingwell: Councilmember martinez?

Martinez: I just want to make sure that -- I want to keep this conversation going that councilmember spelman has brought forward and councilmember morrison and that that also go through the public safety commission as well.

Cole: Absolutely.

Morrison: That we create the public input necessary around this discussion.

Mayor Leffingwell: And so just to make more clear, if your substitute motion passes, we will not address the main motion.

Cole: I would also like to make the motion -- well, I guess comment or additional discussion for councilmember spelman, is that assuming that the motion passes, I think that it would help to bring back a resolution with more guidance and direction about what we would like the study to include. And because -- well, I have expertise, but not at this, I would need you to help me with that. Okay. Thank you.

Mayor Leffingwell: Okay. Yeah, I -- I'm going to support your substitute motion because I do not support the main motion. But I want to say one more thing about these numbers. About the 2.0 per thousand. It is not a target number. It was established long ago. Council policy as a minimum number. There was never any argument about going to a higher number that might be more adequate staffing, but it was sort of a -- of a number where people looked at and said if we go below this, we're in big trouble. You know. And if we stay above it, it doesn't even come into play. And finally, it is -- it is an individualized target. There are national studies, peer city studies, all of those kinds of things that have different numbers on it. 0 was derived to meet city of austin's needs many years ago. And -- and really I mean the national average I think is 2.3. There are cases where it's below, but you have got to consider individual circumstances and some of these cities, so maybe they're tremendously augmented by county sheriff's department for example, or a state highway department, we don't know any of those details. But we do know that the 3 and that a lot of effort went -- many years ago, went into 0 was not a number that we wanted to go below here in the city of austin. That was a red flag. A warning signal. So that being said, unless there's more discussion on the -- on the substitute motion, councilmember morrison?

Morrison: I would be interested to know at some point in the future, get a reference for the adoption that you're referencing with 0 being a minimal number and to understand when that was adopted and in what form and based on what. MAYBE chief McDonald might be able to help us w that.

Good afternoon, council, michael McDonald, assistant city manager over the public safety departments. Basically what happened is towards the end of say around 1998, '99, there was significant discussion here in the community about -- about what's the appropriate levels of staffing. Community, council, mayor at that time, senator watson, a lot of engagement here in the community about what that number should be. As we lked across the board, as we stated in the presentation that we gave you a couple of weeks ago, there is no absolutely formula out there for appropriate staffing. All of those things that we talked about, population density, environmental factors, community engagement, the way -- the way the police department is deployed, all of those things come into factors. We discussed a lot of that back then. Just as we discussed it -- discussed it here. So around 1999, I believe it was 1999-2000 budget, because again there had not been -- no one could really come up with what that number was, there was a commitment through the budget process to -- to maintain, to try to stay at 9 officers per thousand at that particular time. The discussion continued for about a year or two. Then in 2002-2003 budget, 0 officers per thousand was adopted by council through that budget. So there was no special resolution or anything that we could find, but council did adopt it through the 2002-2003 budget.

So -- so that -- the commitment by council has just been year after year adopting a budget that is at 2.0 or higher?

Yes, in the 2002-2003 budget, a commitment to -- 0 officers per thousand was made in the 2002-23 budget. And that's how it was adopted. During that particular time, we were able to get some cops grant funding and that -- that's also helped, you know, assisted us in 0 officers per thousand.

Okay. Thank you.

Mayor Leffingwell: I want to makenother comment on that. I do remember this in 2000, a lot of discussion centered around the fact that we don't have police officers, we should have more. But after a lot of discussion, the attitude adopted and the policy followed so far by the city of austin was that here in the -- in austin we are going to concentrate on quality as opposed to quantity. We resolved to develop a high quality police force, very selective, very well paid and I think that has pretty much paid for us over the years in terms of the statistics and you might want to roll-out about violent crime and so forth that has been I think a good choice. But we -- at the time we realized that -- that the discussion at the time was 0 was really low, we thought that we could make up for that with quality.

Mayor, let me add one other thing to our current police chief's credit. 0 officers per thousand was adopted around the time chief acevedo was selected, there was still an outcry with the officers, we need more officers, more officers, even with the 2.0. When he came in, one of the first things that we did was looked at that 80% staffing that he was talking about, the way things were deployed at comp stat, I think -- maximum utilization of the officers that we have in place now. So you know everything that's been, you know, of course what I bring with me is my 23 years of experience as a police officer as well. I can tell you everything that's talked about here today has been important. Everything from the evenon end of it tothe -- to the deployment, you know, and ithink what our chief and what I support them in is that -- right now, I believe that he's utilizing those officers as best as -- very efficient, he updates me constantly on it. And so I do think that he needs that. But it's -- is it the answer to everything, no it isn't. Councilmember spelman is right. We need to have these other discussions. But in terms of the way the officers are deployed right now, I think your employees chief is doing -- your police chief is doing a good job.

Spelman: Mayor a last point. It is evident that I am not going to get what I want, what I think the city of austin needs in this regard. But even if this -- if my motion goes down and the substitute motion goes up, if this is serve to start a community conversation on one of our most important problems I will take it as a victory, look forward to having a lot more conversations about this in the future. Thanks.

Councilmember tovo?

Tovo: Well, I want to thank councilmember spelman for pulling together this information and really compelling argument I think for re-evaluating what has it seems to me become a -- a formula that has driven these decisions year after year without a reevaluation of it. That being said, I do think that it is a very -- a very -- a discussion that we need to have with the public and allow them time to -- to weigh in on it and it's -- while the information that you have offered is compelling, I have great faith in your expertise, i would like to evaluate this within a fuller -- a fuller public conversation over a longer period of time and hear some of the varying perspectives on it. So I will ask you, I guess, to -- you have proposed moving from 47 to 31. Can I ask you how you arrived at that reduction of 16. Did you do some thinking about whether a lesser reduction would allow you to meet -- would allow us to meet some of those other needs?

Spelman: The genesis of the 16 is one percent, approximately, of the total number of sworn officers on the force right now. So it would be a one percent reduction from 2.0 to 1.98. That would spin out sufficient cash to fund a -- the amendment number 10, which calls for the substance abuse contract with integral care. Also would allow us to improve the civilian analysis capacity of the police department to enable it to do a better job of identifying where the dots are that the cops needs to be on, improve comp stat capacity and more generally to improve our capacity as a police department to identify recurring problems and analyze those recurring problems to identify the best tailor made solutions to solve them. What was motivating this was off the unmet needs report, which is of those civilian positions would be most helpful in helping the police department tailor make solutions to our very specific problems.

I guess that I will just ask you in looking, it looks like each officer is about 70,000. If we reduced the number of officers by several, say six rather than 16, I believe some of those civilians, could be -- do you think there's -- there's value in that? In hiring some of those and putting the money toward not officers but some of those civilian staff as kind of an interim measure along with the crime -- with the more complete analysis that a consultant would do?

Spelman: I think there would be tremendous value in that. In addition of -- of the things on this list, in my -- I would very much look forward to hearing chief carter or chief acevedo weigh in on this. But I believe items 12 from the statistician, 13 for the crime scene techs, that allows officers to get back on the street quicker and back on the radio to answer calls as a civilian would then be collecting the physical evidence to allow us to link crimes together and make better cases against the guys when we do catch them and the crime analysts positions, 12, 13, 14, would be -- would be particularly helpful in improving the analysis capacity of -- of the police department. At a cost of about \$400,000. Which -- which we could pay for by about -- about a loss of about six officers from this list from 47 to 41. I will leave it to ed to do the higher math on this one.

Mayor Leffingwell: Further discussion?

Spelman: Is that a motion councilmember tovo? Will.

Mayor Leffingwell: A motion is not in order.

Tovo: [Multiple voices]

Mayor Leffingwell: We'll have to address this substitute motion first. If it does not pass, then another substitute motion would be in order. All in favor of the substitute motion? Say aye.

Aye.

Opposed say no.

No.

Mayor Leffingwell: Passes on a vote of 4-3, with councilmembers tovo, morrison and spelman voting no. Thank you very much. That brings us to item no. 17. Any comments on item no. 17? Restore system-wide materials budget. Somebody is going to have to speak up on this one. I don't have any idea what it is. Does -- is this a library item. 17 is a library item. In the fiscal year 12 proposed budget there is a -- there is a \$243,512 reduction from -- from the fiscal year '11 budget for materials collections. This would restore the 2012 budget to the 2011 levels.

Don't we already have programmed into the new library facility a substantial increase in materials, maybe the -- maybe the library official -- brenda, can you address that?

Good afternoon, brenda branch, director of libraries. Yes, mayor, we have included in the budget \$800,000 to -- to begin purchasing materials for the new central library. Which you will begin seeing on our shelves immediately.

Okay. So -- so is this -- is this supplementing that or anticipating that?

This would be what was reduced from our annual budget, which is every year we purchase materials and this would help us approach -- approach -- increase our efforts to approach the average materials per capita budget for materials in comparison to our peers. So average for our peers is \$6.90. We are currently at three dollars .14.

But we're going to get there anyway as a part of the new library.

Right.

If I may, mayor.

City manager.

I think the intent of restoring the funds is to restore it to this year's level. I think we budgeted \$500,000 in the current budget. With respect to the new central library, the plan was to do I think it was \$5 million over a period of time. This \$800,000 moves us in that direction.

All right.

Spelman: Let me be sure that I understand. The 243 that's the reduction in system-wide materials, not just the central library, but for all libraries in the entire system.

That's correct.

Spelman: And the current budget we're spending \$243,000 less this year than we did last year 's, whatever, all over the system.

That's correct.

Spelman: What is the total amount that we're spending all over the system right now, this fiscal year?

Currently, 2.3 million.

2.3. So basically we're losing about 1%.

Right.

I'm sorry, about 10% from the total system-wide budget in next year's budget.

That's correct.

Okay.

Is there -- is there -- if instead of 243, if it's -- if instead of bringing you right back up to the point where you were before, is there a -- some level of that -- some natural stopping point between 0 and 243 which would make sense? Some benchmark along the way? Is there something that we could get for \$100,000 which is qualitatively different than 200, qualitatively different than 243.

We would take whatever you want to give us.

Spelman: I was afraid that you would say that.

Mayor Leffingwell: Head for the magazine rack.

I beg your pardon.

Mayor Leffingwell: Head for the magazine rack.

About how much -- one last question. About how much of the system-wide materials budget now is spent on not -- libraries other than the faulk central library? Roughly, 70% elsewhere, 50%.

Let me see if my financial manager has that.

40% Spent on the central library, 60% on the branches.

Spelman: 60% On the branches, okay. Mayor, I would make a proposal, I would propose an amendment to the budget that would put 60% of 243, which is about 160. Okay. Let's just round it off to \$160,000 for system-wide materials. The amount that would be spent on central library we're going to be more than making up with the \$800,000 commitment, making it on a year to year basis to beef up the faulk library, but we are not beefing up the system-wide materials. It's my understanding that a lot of people go to the library looking for stuff, they can't find it because we haven't been able to replenish the materials and be able to keep up. I would like very much to be able to keep up --

Mayor Leffingwell: Motion by councilmember spelman to -- to approve number 17 with the change to 160,000 total and that's to be allocated for branch libraries only?

Spelman: Yes, sir.

Mayor Leffingwell: Is there a second for that motion?

Cole: Second.

Mayor Leffingwell: Seconded by the mayor pro tem. Further discussion? Councilmember morrison?

Morrison: Could you just go over it one more time for me in terms of -- in terms of our funding plan for the central library we have a big capital expenditure amount set for that. Is that correct?

That's correct. It's 5.5 over five years. This year 800,000.

Morrison: 5.5 Million.

Yes.

Morrison: This year 800,000.

This year 800,000.

Morrison: Okay.

Mayor Leffingwell: I'm just going to say I've always been a supporter of the library system, will continue to be. But in light of the change that we have coming, the bigger plans that we have for the new library, I'm not going to support the motion not because it's not a good motion, but because the bar is very high for approving amendments to this budget for me. Councilmember tovo?

Tovo: I have a question that may not seem directly related to this particular motion, but I think it is. There was a budget question related to the costs of moving books around, moving books around among the branches. And sometimes that happens because somebody has requested a transfer, something they can't get at a branch library, sometimes that happens because somebody has returned books to a different branch than the one they checked them out of. You did -- you produced some figures that were not -- that were not totaled. But it amounts to about \$379 a day for the cost of moving books around. Around the city.

Right.

Is there any way to break that down and figure out how much of that is transfers and how much of that is -- is transfers because people haven't returned them to the branch they picked them out, they checked them out of.

We could. I don't think we are prepared to do that today.

Tovo: Well here's my thinking on this. I've done both as an active and avid public library user, I've had books transferred in and we had a good discussion about this in the budget workshop, it is a matter of access. I think that it's great that I think you very eloquently talked about how that is really one of the really fine services that the library provides, it gives access to people who couldn't necessarily access at all libraries in different parts of town. The second situation is really a matter of convenience. Somebody has been able to get to a branch library and it's just more convenient for them to slip it into somebody else's book drop. In that case I think we should be asking people to pay 25 cents a book or something reasonable for that convenience. Pause we don't know sort of how that divides up, what I calculate to be about \$75,000 a year, attributed to the cost of transferring books around among the branches, maybe half of this figure we're now discussing could be made up with -- with charging people for the convenience of returning books to a different branch.

Of course there is another way of looking at that, that is that the gas usage and asking people to spend gas money to -- to travel all the way across the city to return materials to a different location.

Tovo: Presumably, they did that once, though. I mean it may be the closest branch to them is where

they got the books from initially. You know? I'm just -- again, I don't know. I don't know if you have user data and I've asked people why they returned them to another branch. For me, sometimes it's in a different part of town, it's easier than taking the children out of the car seat just to go through their book drop. Not, you know, it's just as easy for me to take them back to the original branch. It's just a matter of convenience. But anyway I would just ask if that's something that I think it makes sense to talk about with the library commission, whether that is a convenience that users should pay for as a way of making up some of the -- adding to the revenue that the library it seems to me needs, if it's cutting materials budgets.

We can definitely discuss that. I can tell you that the input that we get from citizens is that they very much value the ability to do this.

Sure. In an ideal circumstance, we would be able to provide that. I mean, that is a value, but it's also a value to be able to have a healthy book collection. So you know if you are weighing out those values, I would opt for the latter every time.

We can discuss it.

Great, thanks.

Anything further? All in favor of the motion say aye.

Aye.

Opposed say no. No. Councilmember riley? No? That passes on a vote of four to three with councilmember riley, myself and councilmember morrison voting no. Item no. 18. Restore faulk library hours. Comments, motion?

Martinez: Can we just get an update on the score sheet? I think we are a little above a million now?

Mayor Leffingwell: A million to nothing. In terms of what the council initiated amendments that have been approved so far, they would total roughly \$1.2 million. In regards to all of the amendments staff or council has taken action on so far, both the staff recommended amendments that you approved and the council initiated amends that you have since approved, the general fund is at a positive of 424,638.

So that means we would have to adjust the tax rate or we still have 400,000 that we could allocate prior to adjusting the tax rate.

That's correct, the second one.

Martinez: Thank you.

Mayor Leffingwell: Okay. Item 18. Item 18 fails, there's no motion on item 18. Item 19? Library security guards. Councilmember spelman?

Spelman: Mayor, I move approval of item 19.

Mayor Leffingwell: Councilmember spelman moves approval. Seconded by the mayor pro tem. Discussion? Mayor pro tem -- excuse me, councilmember martinez now the mayor pro tem --

Cole: We've with considerable amounts of complaints, emails, of our branch libraries not being safe.

That's where it's needed most. I am be supporting this motion.

Mayor Leffingwell: Further discussion? All in favor say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. Item no. 20?

Cole: Move approval, mayor. No --

Mayor Leffingwell: Mayor pro tem moves approval to -- to item no. 20. Is there a second?

Second. [Laughter]

seconded by councilmember martinez. All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. Item no. 21? Transfer to economic growth and redevelopment services office. I would like to have a brief run down from staff on that item. Just a very brief sketch.

Riley: Mayor, i suggested that we talk about this. I'm not actually committed to supporting it. I wanted to get it out on the table for discussion. For some years now the electric utility commission has been raising concerns about the extent to which we are relying on austin energy to fund our economic growth and redevelopment services office and other matters that -- that are not directly related to the production and distribution of the electricity. In the past, we've said that that is an issue to be addressed and we hope to be making progress in that direction. And yet we continue to have difficulty seeing the progress on that. The idea here is -- is that 5 million from -- from the general fund, the increased general fund transfer from austin energy, instead of directing that to the general fund, that we would -- we would direct that to -- to or rather instead of directing that to egrso, we would put that into the general fund. Then the couple, the next 22, that -- that we would -- what we would reduce the -- the funding, the egrso funding coming from austin energy and use the austin energy surplus to pay for our shortfalls in their efficiency programs. In other words instead of austin energy paying directly for egrso, we would direct that money towards efficiency programs which were cut in this year's austin energy budget. That's consistent with the electric utilities commission's recommendation, which this year focused on shifting from -- from support for egrso to support for efficiency programs [indiscernible] in light of our other decisions affecting budgetary matters, I'm not sure how realistic this would be at this time. But I think that it's important that to keep this up for discussion and acknowledge that we have an ongoing issue with respect to the extent to which we are relying on austin energy to fund egrso and other things that are not directly related to the production, distribution of electric steam that's a conversation that really is overdo you -- electricity. That is a conversation that is overdue. We hoped to get to that around the time of the rate case. We still seem to be having great difficulty making progress on it. I want to put this out there and recognize this as an issue and the hope that we might be able to achieve some progress on it. I continue toes struggle with it, because I don't have a -- I continue to struggle with it because i don't have a solution. I'm frustrated frankly in that we're having difficulty in weaning egrso off of austin energy. There's no dispute that the electric utility has a stake in economic development. I'm not challenging that. The electric utilities around the country are often support an economic development. The question is have we been over relying on austin energy and expecting it to carry more than its fair share of the burden for economic development. And within that, we have things like art in public places, which are funded, principally by austin energy. And one can reasonably ask well wouldn't say the water utility or a -- or the airport or some other enterprise fund, why wouldn't they be paying for art in public places, we don't really have a good answer except that austin energy has been something of a cash cow for the

city. From a long running standpoint that's a little hard to defend especially at a time when austin energy is actually in the red, we are looking at significant rate increases. So anyway I wanted to do -- to raise this as an issue and -- and acknowledge that we continue to face a serious problem here. And look to staff to see if there is -- staff have any -- any thoughts on -- on -- on what we could do either this year or in coming budget years to make adjustments to -- to the -- to our support for egrso and other programs that are currently relying to a great extent on funding from the electric utility. Leslie, do you have an answer for me?

Our thought was as again, I think that you touched on this to some degree, as we look at the rate structuring for austin energy this year, looking at the general fund transfer as well and the funding for egrso, but doing that in a more holistic fashion and really kind of looking forward to doing something, if we conclude that we need to do something about that in 2013. That's been the discussion that we've been having among ourselves. And I would like to remind that we do transfer from the general fund a significant amount of funding each year. To economic development in general and I don't know what the dollar amount is this year. I believe it's, you know, it's ranged around \$10 million a year. Just in terms of contributions for that effort. So I didn't want to leave the impression that they are the sole funders of economic development in this city.

How would you compare the electric utility support for egrso with say the water utilities support for egrso?

The water utility supports in another fashion through the sustainability fund. So again as we look at this issue in general we need to kind of look at it holistically.

But the electric utility commission I know that they raised the concern last year about the extent to which we're relying on -- on austin energy for support for matters like -- such as egrso through -- outside the transfer formula and are not directly related to the production and distribution of electricity and i remember last year, recognizing that this was an issue and there was talk about making incremental progress over the course of the year. Can we point to anything that is being done differently this year as compared with last year in terms of the -- of the handling of -- of -- in terms of the extent to which electric utility funds outside the transfer formula are still going to -- going to matters that are not directly related to the -- to the production and distribution of electricity?

I cannot point to anything that we've specifically done for 2012. I believe in 2010 and 2011 we did take a look at some of those things that were included in austin energy's budget. And -- and have moved those back into -- into different areas for funding. But I'm not sure that they are specifically related to egrso.

Riley: Okay. Well, I recognize that we're not going to get this problem solved today. But I just want to note that we don't seem to have made much progress over the past year when we recognized that it was an issue and -- and I'm -- I would like to think that we can make some progress by the time we get to the next budget cycle, but -- but I don't want to just say that in light of our experience for the past year because that's what we said last year, we don't really have anything to point to now. And so I think that this is going to be an ongoing subject of attention during the course of the electric utilities rate case and in other discussions with respect to -- to egrso and other programs that are currently drawing a significant share of their funding from the electric utility.

Let me just say that -- that I share your concern. We've been looking at this for a number of years. I share the concerns that the electric utility commission has. But I would also observe that the actual transfer within -- within the transfer, that's as much of a problem as that that occurs above the transfer, perhaps more so. When you take into account that upwards of 35% of the 1% is based on, is really not revenue to the utility. We're in effect paying double for that -- for almost half. It's in the years ahead, it's going to be almost half. Of the total revenue from the electric utility. It's not going to be real revenue. And I also want to hone in on a at the same time that you made just a minute ago that really -- really got my ear and I hope this carries through not only for the electric utility, because i agree with you, but other

-- our other enterprise funds as well. You said that -- that we want to avoid spending money that is not directly related to the production and distribution of electricity. I would suggest that applies to water, too. The water utility has asked to carry a lot of burdens that are not -- are asked to carry a lot of burdens that are not directly related to the production of distribution for water. That's what the sustainability fund we'll be talking about in a few minutes is directed at is specifically addressing and segregating out that portion of it. So -- so a little extracurricular discussion. Is there a motion on item no. 21? No motion. Item no. 21 fails. For lack of a motion.

Mayor Leffingwell: I've got my numbers out of sequence, is it hib? Councilmember morrison.

Morrison: I would like to make a motion on that regard. rapid testing that was cut from health and human services and while there is a possibility that we could get a grant, what I would like to suggest is that we not take the chance of not funding it and if we do get a grant, then allocate the funding to savings. It's only in the amount of \$15,209, if I'm correct, I'm sure ed will tell me one way or the other. And it's -- rapid testing is a particularly important test to be able to offer because it gives people an answer two weeks earlier than the standard testing which means two weeks more knowledge, two weeks improved behavior to decrease the spread so I think for 15,000, we're still waiting for confirmation of that, it's a good investment in our community. We did have a chance to talk to the folks at aids services of austin to really ask them about the importance of rapid testing and they were fully supportive of it. And I'm getting the thumb's up from ed, 15,209, so with that I would like to make a motion we include that.

Cole: I would second that motion, mayor pro tem.

Mayor Leffingwell: Motion by councilmember morrison, seconded by councilmember cole. Councilmember spelman.

Spelman: How many additional rapid tests will we get for that \$15,000?

Morrison: I'm not sure. Health and human services can answer that. I believe it's a continuation of what we've had before.

Spelman: I could go look it up it sounds like.

We may have the detail if you can just give me a second to see if I have it in this book. Otherwise --, butter? Burt?

Councilmember, the response is it's a thousand per individual. So it's -- excuse me, I'm sorry.

Carlos rivera, director of health and human services. It's one person per kit so it's -- if we have 15,000 kits, it's 15,000 people.

A dollar a person.

Oh, you mean the cost of a kit?

Spelman: We've got \$15,209 to spend. What are we going to get for that?

I'll have to ask that. At this point I don't know the cost, but I can get you that answer as soon as kim comes in the room.

Spelman: Thank you.

Sorry about that.

Spelman: Mayor, perhaps we could table item 24 and pick up item 25 or some other item.

Mayor Leffingwell: Okay. Councilmember spelman suggest that is we table this item and go on to the next while we're getting additional data. I'll just say with that if there is no objection, we'll consider that item tabled. item is an additional full-time employee for music. Councilmember morrison.

Morrison: We have two folks that are going to -- two FTEs AND THEY ARE UNDER Egrso and my concern was that the -- for the music division. My concern is that they are overtasked right now implementing the ordinance and I did want to reference back to a memo that we got back from the director back in -- ON MAY 2nd, 2011, SAYING Based on their analysis the following actions are needed to effectively implement the ordinance that we've all passed. And that actually included two ADDITIONAL FTEs TO BE ADDED To the music office. And so I did want -- I do think it's important that we do that as well as supporting our music community. It's sort of like an unfunded mandate that we've given them with the ordinance without enough personnel, so I do want to make a motion that we fund for the music folks out of the general fund department.

Mayor Leffingwell: Motion by councilmember morrison, seconded by councilmember martinez. Discussion? I'll just say that I -- somebody might argue with me, but nobody on this council has supported austin music more than I have. Is there argument?

Councilmember martinez.

Mayor Leffingwell: I figured there would be. Certainly I realize the importance -- I spent a lot of time on austin music, I know it's a billion dollar a year industry, but we have a staff in place that they are doing an excellent job on that right now and certainly we want to expand our capability here at the city, but to me this is not the year to be adding employees for that purpose. So I won't support the motion. Councilmember martinez.

Martinez: Well, I'll just degree with you politely. You and I held a news conference and talked about south by southwest and the music industry in general and the allocation of one f.t.e. To continue in these efforts is a pittance compared to the impact it has on our community and I'll politically say i strongly support austin music way more than you.

Mayor Leffingwell: No, you don't. [Laughter]

Martinez: So much more that I have a ticket to carlos santana that I paid for that i may not get to go.

Mayor Leffingwell: Consideration that donation to the cause.

Martinez: Thank you, mayor. You may find that on craigslist around 6:30. Keep your eyes open.

Mayor Leffingwell: Mayor pro tem, did you want to say something?

Cole: I simply support live music but do not compete with councilmember martinez or mayor lee leffingwell in that, but I do agree with the mayor that this is not the year to make this type of expenditure or at this time.

Mayor Leffingwell: What is the number on that?

We did not calculate that but I think it was brought forward at an estimated \$68,000.

Mayor Leffingwell: 68? Nail that down. All in favor of that motion say aye.

Aye.

Mayor Leffingwell: Opposed say no.

No.

Mayor Leffingwell: Motion fails on a vote of 3-4 with councilmembers riley, tovo, myself and mayor pro tem cole voting no. Next item is -- councilmember tovo, this was your item. You had suggested this earlier in the day. Something advisory. Go ahead.

Tovo: Yes. So there was a commitment made and I would struggle to know what year, but by a previous city manager to staff the neighborhood adviser positions at four. And, you know, as many of you may know, two of those have been hired and funded and the other two positions have remained vacant. In this year's budget there's a proposal to preliminarily eliminate one of the positions and I'm proposing we keep it as unfunded vacancy rather than eliminate it.

Mayor Leffingwell: Councilmember my councilmember tovo to maintain one neighborhood advisory position as vacant, but still an unfunded position, seconded by councilmember morrison. Is this a zero cost impact?

That is my understanding.

Mayor Leffingwell: Councilmember morrison.

Morrison: I would also like to use this opportunity, I agree with councilmember tovo it was a commitment some time ago and two have been filled and two have always been vacant so I think it's important to keep them open. It provides a great service. But one of the things I think we need and maybe we could get staff help in the future to look at this, and this is through planning and development review, and the bottom line is they are also supporting many other departments and enterprise funds. Lots of time spent with the transportation department, lots of time spent on austin energy issues. So I think it makes sense to really think a little more broadly about how they are funding ought to be derived. And perhaps we might even be able to find through those kind of more creative ways to look at what they actually support and making sure those folks fund them also, be able to find the funding for another -- to fill one of those vacant positions in the near future.

Mayor Leffingwell: Further discussion on that? Wit caveat that your estimate of the cost of is zero.

I believe it is just an add-back.

Mayor Leffingwell: I'll support the motion. All those in favor please say aye. No? Passes on a vote of 7-0 and if will is no objection, council, we can take item number 24 off the table. Looks like we have some information for councilmember spelman.

My apologies for simplifying the question. 50 a kit, so at \$15,209, it would be 1789 folks that would be treated. Or would be tested.

Spelman: 1800 People would know two weeks earlier whether they had aids or not.

Yes.

Spelman: Thank you, sir.

Mayor Leffingwell: I have one followup question. Is there a demonstrated need for 1800 kits?

Absolutely. Absolutely. It's very important. Obviously the sooner we know that folks are at risk or have been indeed infected, the better, the sooner we can get them to treatment. And the population out there, typically nationally we can detect like 1% of the actual population. So the more testing we do, the better off we'll be in terms of identifying folks.

Mayor Leffingwell: 1% Of the city of austin would be 8,000 people.

Typically -- yes.

Mayor Leffingwell: Okay.

Mayor?

Mayor Leffingwell: Councilmember martinez.

Martinez: It's to determine if they are h.i.v. Positive, not if they have aids and I just want to make sure that's clear.

Spelman: Councilmember morrison already corrected me on this. It's an extremely important distinction. My apologies for the shorthand.

Mayor Leffingwell: All in favor of the motion say aye.

Aye.

Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. new, your running total.

Our bottom line would still be to the positive by \$321,000.

Mayor Leffingwell: 321 and we've got to make sure we spend all of that, right? [Laughter] there's also the possibility that it could go back to the stability fund or used to reduce the tax rate. 01 cents for 60 or 70,000?

For the tax rate?

Mayor Leffing YEAH.

Yes.

Mayor Leffingwell: So in 05 if this is still left. Councilmember martinez.

Martinez: Well, since there are no other items and since I do believe I --

Mayor Leffingwell: I do have some -- one other item.

Martinez: That one would only add to the --

Morrison: I believe it's my item.

Mayor Leffingwell: Councilmember morrison, yes.

Morrison: Because I think that it's our responsibility not only to divvy up what might be a little bit of extra cash but also to be looking carefully and making sure that all the spending that we've already allocated as part of the proposal really makes sense with this, which I think a very conservative approach that we've all demonstrated here on the dais today. And one of the things that caught my eye that I wanted to discuss a little bit just to make sure we all understood, was I noticed -- because we're looking at general fund expenditures for the most part, I was looking at the transfer, and I'm going to need the staff's help on this, I was looking at the transfer from the general fund to the transportation department. And particularly it caught my eye because there were several ADDITIONS OF FTEs TO THE -- It looked like -- I guess I would like to just hear about them and I can call them out for you. It looked like they were nice to have and maybe not necessary this year. And if we were able to decrease the general fund transfer to the transportation department, that means we would be able to perhaps fund more discretionary items that are more along the lines of low-incomes in desperate need or lower the tax rate and those are both important things I wanted all of us to consider. Thank you, howard, for being here and I don't know if you want a quick description of the general fund transfer to transportation and I will tell you the ones that jumped out of me that maybe you can help us understand.

Thank you, howard lazarus, public works. The transportation fund this funds the public works department and the transportation department has in the budget for this year a transfer from the general fund of about \$1.6 million. To put a little historic perspective on that, in the 2008-2009 budget that was -- through the last couple of years we've been able to put money back into the general fund. This year \$300,000 plus of that money goes to pay for an electric bill to pedernales electrical co-op. That's for service areas is not covered by austin energy so that was transferred last fiscal year. We talked about work done under the neighborhood program that's not directly related to right-of-way and the rest of it does go into the transportation fund and sort of loses its identity and pays for everything from striping, resurfacing, some of the signals works, signage, basically whatever that fund is used for. But that number is greatly reduced. In 2009-2010, public works took on a couple of additional functions. One was cleaning the downtown sidewalks from solid waste services. That task was taken on without any additional revenues so we ABSORBED THE ADDITIONAL FTEs For that. This -- this past year we also took on maintenance of the right-of-way. That's basically the trees and the shrubbery and the medians and the mowing that's in the right-of-way from parks and recreation. That's about another million and a half dollars that we took on without any additional funding coming into the fund. The fund revenues this year are only increased by some expected growth. There's no increase in the tough rate. And the general fund transfer was flat from the previous year. So in line with those flat revenues, we do have some additional costs so the buying potential that that transfer has been diminished a little bit as well. What's in the budget this year 3 million in additional requirements. And most of that goes towards right-of-way maintenance responsibilities including SOME ADDITIONAL FTEs FOR Vegetation control and maintenance. The mowing and landscaping contracts which, again, we took on without any additional transfers, commodities and small tools and some vehicle expenses. There's also \$231,000 in there for some additional street and drainage maintenance positions. It says special projects teams, those are the folks who really are responsive to the needs when we get a call regardless where it occurs in the city for some sort of special need that comes up.

Morrison: One of the things that jumped out at me, maybe you can help me understand, was that there was -- I know that we have a commitment to, you know, safety and cleanliness downtown, it's an economic engine and all, but that we had what I saw were three ADDITIONAL FTEs FOR DOWNTOWN Street maintenance, three ADDITIONAL FTEs FOR DOWNTOWN Tree trimming, and three ADDITIONAL FTEs FOR DOWNTOWN Right-of-way maintenance. And so I was just concerned about, you know, are we being as discreet as -- as conservative as possible in terms of when we are adding

more downtown -- resources downtown considering we have the whole city to preserve.

THOSE FTEs PROVIDE Service to the whole city. They roll up under downtown maintenance, but our crews do in fact address right-of-way issues throughout the entire city.

Morrison: Is that true for all three of those? Because that is a big piece of my understanding is reading that we were adding nine FTEs SPECIFICALLY FOR Downtown, which was of concern to me.

NO, THESE NINE FTEs WILL Be addressing issues throughout the city. We do in the budget address some additional crew for downtown maintenance, but the way they are organizationally is they may work downtown one day but somewhere else another day. We had intended to add an additional crew to address some downtown maintenance issues, sidewalks, potholes, tree inspection and replace.

Morrison: Then another question is terms of trying to understand this, one of the answers to a question about valet parking, and that was a potential loss of revenue we're looking at because of the current valet parking permits and that was that we're looking at a potential loss of \$457,000 based on if people were paying for parking meters the whole time. And I know we're going to be looking at that in the coming months. I know you are probably already looking at that. So -- and I expect we will be looking at a system that will be revenue neutral so we might be looking at some hundreds of thousands of dollars being added because of that. Will that be part of -- will those funds go into the transportation funds?

There were -- there was a transfer of about \$400,000 program from the parking management fund in the transportation fund. And it's pretty well split 50/50. Half of that goes towards services provided to the parking management fund from staff that are paid out of the transportation fund. The other half was supposed to go towards downtown maintenance. And I'll let Rob talk about the reduction of hours and the extended parking and what that does to the [inaudible].

Well, we're not so much talking about the impact of the reduction of parking hours, we're talking about the impact of valet parking fees being \$250 per year. And if we reset those to be revenue neutral before the -- hopefully, you know, by the third -- second quarter, we will be looking at additional revenues in the transportation fund.

Yes, councilmember, Robert Spiller, transportation department and I'm in charge of the parking management fund. We did the best we could in estimating what the fiscal response would be of going to a revenue neutral situation on the valet permits. We would expect some of the valets to decide or some of the companies using valets not to move forward with additional parking available on street and certainly others may choose to do something different. It's difficult to project what that revenue will be until we get into it, but we'll certainly if we do find we have additional revenue be coming back here to make sure council has an opportunity to assign that.

Morrison: That's good to know because that revenue then would go into the transportation fund.

It would go into the parking management fund, councilmember. And the way that the parking management fund was envisioned is that every year it would make a transfer to the transportation fund for things like additional downtown cleanup and/or individually identified projects that would be identified through budget process. The original budget proposal that we came forward with this year had the anticipated full seven days a week based on the earlier decision by council. What that changed, I believe last month, we tried to reflect that in the budget.

Morrison: Okay. Lazarus was responding to the reduction. And so there is some rollback in the funding.

Morrison: That's why the two million in extra transfer from Austin Energy only is --

I can't answer that.

Morrison: One of the things that I think might be helpful in going forward rather than trying to adjust things here is look at when we're looking at the extra funds to go to downtown enhancements, to look at using some of them to actually replace some of the funding that could go back into the general fund so that -- so that -- I mean we have a cash cow for downtown being somewhat of a cash cow being parking management and I think we really need to be concerned about -- about not focusing too much, but balancing that. And if we can alleviate some of the general fund transfer by making that replacement, that's a way to spread the wealth across the city.

Understood.

Morrison: Okay. Great. Thank you.

Mayor?

Mayor Leffingwell: Councilmember tovo.

Tovo: I have a question lazarus about getting back to the question that councilmember morrison was asking about, the downtown enhancement funds. One of the items that jumped out was the alleys and commitment to downtown austin alliance to undertake the repairs of two alleys per year. I'd like you to talk more about that. That's a -- if we opted not to do it this year and to delay, I believe that would result in aization of about 155,000. Is that correct?

The majority of work done on the downtown alleys is capital funded so it doesn't use transportation fund dollars. Ere are times where we'll go through and resurface and that will come out of the transportation fund. Most of the work really now is related to reconstruction and also utilities work. So a lot of funding actually is paid for by austin water utility and not as much as paid for from public works.

Tovo: How is the alley underred? How the the alley construction funded?

Primarily capital improvement.

Tovo: Do you know what amount? I'm trying to figure out if we decided to delay that in this budget cycle, I'm wondering what kind of money we would have available to us.

I can get the number, but the vast majority of that work is c.i.p. funded.

Tovo: All right. Thanks.

Cole: Mayor, I have a couple of questions for mr. lazarus.

Mayor Leffingwell: Mayor pro tem cole cole when you talk about the vast majority funded, tell us what that means in terms of dollars available tore the general fund.

The funding that is out of the capital improvement program doesn't impact the general fund activities. Coal cole so if we didn't do this program, it's not true that we would have an additional \$155,000 available for the general fund.

I think that's mostly correct. I'll have to look at each project. There may be funds where we'll do repairs that are resurfacing that may come out of the transportation fund. In that case, most of that is paid for through revenues from the transportation user fee. So there's not a lot of cash there to be had for the

general fund.

Cole: Okay, so it's less than \$155,000 definitely, but you don't know exactly how much it would.

I don't have an exact number.

Cole: But this is about two alleys; is that correct?

We do about two a year, that's correct.

Cole: So it's my understanding the program started in 1999 and there was give us a little about that history.

The alley ways are the pray primary ways of servicing the businesses downtown and where the utilities are run. By not maintaining them, we run risk of deterioration of utilities particularly water and sewer lines. It's basically the back door to all the businesses downtown.

Cole: So in is not really just about the businesses downtown, it's also about the utilities that are under those businesses. Because it's my understanding we' aiming for a fair condition.

We're repairing the utilities where they are serviceable for an extended period of time, then the pavements are done to appropriate standards. To say it's only fair -- it's different when we say the payments on the roadways are fair. We repair the alleyways to the appropriate standard that we would for any capital project.

Cole: Okay. Thank you, mr. lazarus.

Mayor Leffingwell: Councilmember morrison.

Morrison: I do have a reference to the \$155,000 coming out of the transportation fund and it's on volume 1, page 318. On the alleys.

Cole: I don't have that in front of me.

Mayor Leffingwell: Mayor pro tem cole.

Cole: I was going to -- i was responding to councilmember morrison in terms of the question that i lazarus, which was when we talk about \$155,000 being referenced in a c.i.p. Program, what does that mean in terms of impact on the general fund? Because it was getting confusing between councilmember tovo's questions and your responses about whether or not there was additional \$155,000 from this program available for the general fund. So I asked that question to ed.

I will certainly try to complicate the matter further. From my simple way of looking at it, there is roughly a 6 million transfer from the general fund to the transportation fund that helps support their programs and activities, but it's not specifically geared towards \$155,000 alley project or any other service. It's a transfer to help support the overall function. So that's my view of the matter. Maybe howard has a different view.

Cole: lazarus, do you have any?

Agreeing with ed, once the moneys are placed into the transportation fund, they kind of lose their identity and color and the money is there for a certain work. So any allocation I think is maybe not

arbitrary, but it's just a low indication because funds, once they are in the funds, you really can't track what particular dollar goes what particular function.

Cole: Thank you, mayor.

Mayor Leffingwell: It's fair to say it's a -- it's an allocation for public works projects are determined. And the general fund is a source of funding for public works. We augment it slightly with the transportation fee which I notice we changed fourplex on charge for on the utility bill. Used primarily for road maintenance. Am I correct on that?

The transportation user fee is the primary funding source for the transportation fund and it does primarily go towards improvements in right-of-way.

Mayor Leffingwell: Yeah, 80% go towards our 80% goal. 10% Per year. Okay. Councilmember Tovo.

Tovo: So if I follow the back and forth of information, if we chose not to fund the \$155,000 increase for alleys this year, that would be money that could potentially go back to the general fund for use elsewhere. Is that correct?

Mayor Leffingwell: You could take \$155,000 out of their budget. It does not necessarily mean that those funds would not be used on the alleys.

Tovo: All right. So I wonder if you could -- I think we've heard some questions about the extent to which the alley reconstruction protects the utilities, but I guess how close to the line do you get? Would we really be in danger in this next year if we chose not to fund the alley construction in year or is that infrastructure in those designated alleys going to be in jeopardy here in this next fiscal year or can it readily wait? I assume you give yourself several years before that infrastructure is really in danger of serious deterioration.

A better way to answer that if there's \$155,000 taken out of the transportation fund, we would look at the entire scope of work that we have to do in the right-of-way and reprioritize rather than indicate what specifically right now what we wouldn't do. The alleyways downtown are in critical shape. They do need to be addressed. To go on a tangent, it's supportive of increasing density downtown, maintenance making sure sufficient capacity water and sewer, not only commercial but residential development and we need to get that infrastructure taken care of. So \$155,000 would either come out of something also we need to do or the bottom fund testify if we trim the knowledge about it by 155, you would take it somewhere else other than really reconstruction line item.

Most likely.

Tovo: I appreciate what you are saying about protecting the infrastructure and supporting increased density downtown. I guess I'm also thinking back to some of the other items that we've rejected along the way and thinking about, you know, what I'll argue to go back to if we have some extra remaining funds, and certainly restoring Faulk Library is going to be in the top five for me and that is another way that we support, I think, our downtown residents and our downtown workers and it is, you know, something that I think is a real community asset if we can delay on the alleys, that would be my choice.

Mayor Leffingwell: Again, it would not be to take the alleys out of the budget, it would be a reduction in the public works budget of \$155,000.

Tovo: Understood.

Mayor Leffingwell: Which by the way I would have to say I would not support. I think our surface road

infrastructure all over the city, not just in town, downtown, we've begun to make some progress after a few years ago. We had fallen so far behind. And I think it's one of our critical needs in this city.

I would make one more comment and work in down is a finely choreographed dance because not just the alleyways but also the street improvements and some other work that's coming on, that phasing becomes critical. I understand the intent of what you are saying. We would go back and make sure that the projects we need to do are done so they don't adversely affect the businesses and adversely impact future projects that we need to do.

Mayor Leffingwell: Right. Because when they decide that a street needs to be resurfaced or redone, for example, they are also going to be talking to the water utility and other folks that have underground infrastructure so that they can coordinate replacing all of that at one time. So it wouldn't make sense for public works to redo the road surface and go back a year later and dig it out and replace the underground infrastructure. So as you said, it's choreographed somewhat. Councilmember Riley.

Riley: Mayor, I want to applaud the public works department for -- and the Austin water utility for the work they've done cooperatively to address infrastructure, especially downtown. The work that we're talking about in alleyways is so critical to public safety in addition to improving our transportation network. Many of the alleys we're talking about are along Sixth Street right by many of our -- the most historic buildings we have in downtown, many of which are not sprinklered to this day. And fire, having adequate water supply for fire protection is a real issue there and it's critical that the public works department have enough funds to be in a position to work cooperatively with water utility to improve that infrastructure as opportunities arise and they've been doing a good job at making progress on that aiming for two alleys a year and it's critical that they -- that they remain able to address those issues going forward.

Mayor Leffingwell: Councilmember Tovo.

Tovo: Well, I want to thank Councilmember Riley for providing that perspective. That is a little bit of information that I think is useful to this discussion. And I hope we'll continue to retain our alleys. I know there was at least one in the last year or two that we -- our city sold. I have a very different spillover, if I may, that relates to the transportation fund.

Yes, ma'am.

Tovo: Spillover, on question 136, you provided some information about right-of-way events. And I want to be sure I understand what the kind of up shot was of that. If I'm reading the data correctly, it looks like right-of-way costs total something in the neighborhood of -- I'm trying to get there. 258,000. And the fees that the city collects are closer to about 103,000. Is that -- would you say that's -- am I --

yes. The program costs a bit more than it does -- that we receive back, yes.

Tovo: And the asterisked costs that are associated with South by Southwest are somewhere in the neighborhood of 20,000. Are there other costs in that second chart that are also associated with South by Southwest that are not asterisked?

I'm sorry, I can't answer that question here. I'll have to come back to you on that data. If we provided a number that goes late related to South by Southwest, I would hope that would be complete in and of the asterisks themselves.

Tovo: I know during the street task force discussion, there was a lot of discussion -- not freedom of speech where the city has to provide security and public safety officers to make sure the participants and observers remain safe, but the right-of-way events where a nonprofit or for profit has come forward

and put something on that the city bears a cost for and that cost isn't always transparent to the public. And so by my calculations, if you factor out south by southwest, we still have about 130,000 almost of uncollected fees. So these are costs to the city that are not being covered by the fees we're collecting and I wonder if you had a plan for making special events revenue neutral.

Councilmember, we set those fees based on the anticipated events each year. A number of of those events that fees are waived during the course of the year so that often changes the calculation through the year as to how much is retrieved. The thinking there is those events that do receive council waivers provide benefit to the city in terms of the economy and so forth. And so we do not currently have a methodology for going to a zero base cost. The question being it should be remaining events that do go through the normal fee process pay the way for the events that are waived and traditionally I think the answer has been no.

Tovo: So the waivers total, though, about what, 42,000?

I don't know right offhand.

Tovo: I'm just thinking six by -- maybe this is more detail than we can get into here, but my basic point there's an opportunity to recover more of our costs and I would like to see and perhaps the best way to do this is just to bring forward a resolution that we -- that you come back to us and talk about maybe a plan.

Work through an amendment process to correct that if necessary.

Tovo: That would be great because I'm hopeful we have about \$125,000 that the city could recoup, but I think perhaps I wasn't reducing it by the fee waivers. But even so I think we're still at a good healthy 80,000.

Okay.

Tovo: So thank you.

Thank you.

Mayor Leffingwell: Any further action we need to take on council initiated amendments? Councilmember spelman. Councilmember martinez.

Martinez: Yeah, the remaining amount is 300 --

321,265.

Martinez: Mayor, I would like to revisit item 10. And I realize we've already gone over this but because there is 321 left and this item is 324,000, and I know this is only extension of six months funding.

Mayor Leffingwell: That's kind of a complicated item to reconsider. We would have to reconsider first the substitute motion that was approved, which was to allocate \$100,000 for a patrol utilization study or some kind of study.

Martinez: This is a completely separate motion, mayor.

Mayor Leffingwell: Well, but it has already been rejected, basically.

Martinez: That item was rejected. Not this one. It's a completely separate motion.

Mayor Leffingwell: I'll ask the parliamentarian to weigh in. We had a main motion to approve items 10 through 16. We had a substitute motion in lieu of that for an entirely different -- for the cost of study, something like 100,000 -- and it was item 11.

Mayor Leffingwell: That's what I said. A patrol utilization study for \$100,000. That motion passed. So the main motion then went away.

Martinez: I can create a new item, item 29, if that's necessary.

Mayor Leffingwell: Well, I just don't know since the item has already been technically rejected if we can do that. Or if we have to reconsider it. If we can reconsider it separately out of the items 10 through 16.

Martinez: Mayor, I'm fairly familiar with parliamentary procedures.

Mayor Leffingwell: I'm asking the attorney because we may have to have a little bit of a conference on this one.

Mayor? There's several ways that this could be handled. Councilmember Martinez could make a new motion and start the whole thing over. You could revisit the initial -- you could revisit the initial motion and do a reconsideration. You know, it's -- the bottom line, you know, if councilmember Martinez wants to do this he could make a new motion.

Mayor Leffingwell: Could I suggest we take a 20 minute recess. We're due for a recess. I was going to suggest it after we voted on council amendments. If in that recess we can figure out this parliamentary question number 1 and you can be prepared to read off the items approved with the amounts on the council amendments thus far. And then we will also have to take up items 4, 6 and 7, which was taken out of the original motion for staff initiated amendments. So we'll have answers to all those questions when we get back here in 20 minutes at 3:35.

We're out of recess. So during the recess, we got an answer -- can I get a little more volume, please? An answer to the parliamentary question at councilmember Martinez's request. I believe we're on safe ground with allowing councilmember Martinez to introduce a new item 28 as a council amendment. 29?

29.

Mayor Leffingwell: 29, okay.

Martinez: Thank you, mayor, I tried to turn your mic down as low as I could. Just wants to make a -- a totally new clean item, item 29, there is -- without -- without changing the 11 that was proposed by the city manager, I believe we've done an incredible job today. Staff has done an amazing job, budget staff, keeping up with all of this stuff. But with that \$321,000, there is -- there are a couple of items that did not receive funding that I believe is warranted to revisit the items. One of those being -- being the Travis County Integral Care Substance Abuse Contract, which I now, I realize, only extends the existing deadline that's out there. It doesn't indefinitely fund them. But -- but if there is anything that we need to be funding, is -- is substance abuse programs that are proven to be successful. It only costs us exponentially more when these folks don't receive the proper treatment and care. So I'm going to make substitute motion, that encompasses the \$321,265 that is left. I'm going to parse it out in two different funding allocations because earlier we also tried to continue to support our music department at \$68,000, so my motion is going to be that the remaining 321,265 be allocated one, to Austin Travis County Integral Care Substance Abuse Contract, for \$253,365,000 and then to our music department for one full-time employee at 68,000. That's my motion, mayor. Motion by councilmember Martinez,

seconded by councilmember morrison. I've got a question for staff. With this \$321,265 that's remaining from the transfer from austin energy, correct? If we applied that to reduce the property tax rate, what would be the effect of the property tax rate? The tax rates could be 06 cents per \$100 of valuation. From what's in the proposed budget of 48.11.

Mayor Leffingwell: That's a reduction of 500 [indiscernible]

that's correct.

Mayor Leffingwell: Given that we have already considered these two items and they were not approved, you know, kind of looks like okay we had some money leftover, so let's rush out and spend it, I would prefer that we use that money to reduce the property tax rate for the citizens of austin. So I will not be supporting the motion. Councilmember spelman?

Spelman: Mayor, I just did the math. If you are talking about a medium priced home, we were talking about medium priced home as being \$160,000 or is it more than that?

I believe it was 182,000.

Spelman: 182,000, I can do that. Then applying our tax rate 11 cents, yields a property tax of \$875.60. If we apply it instead to 48.06. We would have a take of 69 for a difference of 91 cents a year. Seems to me for 91 cents a year, we can -- we can -- we can afford to do substance abuse and -- and substance abuse -- I'm very tired, hire somebody else from the music department. That's the tradeoff, if that's it, I'm comfortable charging an extra buck a year.

Mayor Leffingwell: I'll just say, councilmember, you know, I respect your opinion on that. I understand it. You are right it is a very small amount. But we put 91 additional cents -- we could 91 additional cents per year on our way on up to doubling our tax rate. I think the symbolism of this is very important that the council is doing everything that it can to hold property tax rates down. [Microphone fading in and out] while I understand your perspective. [Indiscernible] councilmember martinez [indiscernible] further comment? Motion and second on the tail. Councilmember martinez?

Martinez: Again, I want to politely disagree with you. I don't think it's running out to spend money that's available. I think when we've considered items earlier in the day, we had a tons of items that my or may not have ever been funded. So we voted at that time with the information that we had at that time. This is not a running out to go spend what's left. This is actually pulling back into the fold priorities that we believe should be funded. That's just my opinion and my position on it. I think they are worthy of our reconsideration, worthy of our support. I certainly respect and understand your position that -- that we could, you know, stop where we are and -- and reduce someone's, you know, annual tax bill by 91 cents. But I think for the folks that are going to receive these services, for the impact that it's going to have overall to our community, it's certainly worthy of reconsideration, I'll be supporting that obviously that item.

Mayor Leffingwell: I understand your perspective, councilmember. I just simply disagree with it. But I'm not going to argue it any further. So with that, councilmember tovo?

Tovo: Well, I do agree actually with both of you. I think that we do have our responsibility to keep the tax rate as low as possible and as several people have commented this week, including the newspaper, there is no small tax hike. And I appreciate that for many in the community, the -- the rate we're contemplating is -- is -- is going to be an increased economic burden, I'm sorry that that is the case. That we couldn't find the multi-millions that it would have been to minimize that gap. But, you know, I agree with councilmember martinez, as we've gone through today, i think that we've all been very careful to keep a high bar and to -- to really vote first for the programs that we felt were worthiest of

funding. But for both of these i think there is a return on investment. That's something that we've talked about a lot today. Certainly we had a discussion earlier about substance abuse and its -- and funding those -- that program in particular i think will have a measurable impact on -- on all kinds of things in our community and so I think that the economic and social benefits of funding that program are large and are worthy of expense. I hope too that the additional position within the music department will -- will increase our -- will produce good returns on our investment and will benefit the community and economic -- in economic ways as well as -- as well as less quantifiable ones.

All in favor of the motion say aye.

Aye.

All opposed say no.

No.

Mayor Leffingwell: Passes on a vote of 6-1 with myself voting no. That brings us to -- to considerations of all -- altogether of all of the -- all of the council initiated amendments to the budget. Items 1 through 29.

Tovo: With great oppositions for not raising this -- apologies for raising this earlier, I did have a question about this the health and human services position that was not included in this year's budget before we move on to the final vote. We talked a little bit about this in one of the budget sessions, we had great information provided by health and human services about the marketing communication consulting position. It's listed in our budget as -- as a liaison to the downtown austin alliance. And in our budget work session I think we had some questions about -- I asked a question about what that person does, there is limited information available. The response that was returned in -- in budget question 110 describes an entirely different position. One that is -- that is supporting our -- you know, it will be a resource to the permanent supportive housing program, which I think is an important council goal and an important community goal. My question to you is, what is, you know, kind of what -- what's the plan for this position? It was the number one recommended cut for health and human services. Yet it didn't make it into the proposed budget. So if you could -- if you could just very briefly talk about the rationale and -- and how you intend to move forward with that position.

Sure. The position was actually say -- a position entitled a marketing consultant that was -- that was supposed to work directly with -- with a number of our organizations in the downtown area, particularly downtown -- daa and others. But the goal of that was to eventually focus it more on needs that -- that obviously the community, including daa, identified as a priority, which has to do with the homeless initiatives as well as permanent supportive housing. As you know, the city council certainly saw that as a need within the community. And have -- you know, have directed staff to -- to do a substantial amount of work, not only with partners like daa who have actually stepped up and funded a number of permanent supportive housing units, but others like echo, the -- the -- the community housing organizations, as well as other -- other stakeholders. So really when we talk about a marketing consultant position, that was a position that we had earmarked that we had vacant and we were essentially going to target that for -- for permanent supportive housing efforts. All that we were trying to do is really maintain that position as -- as a -- as a continued vacant position. But we've never been able to identify the funding to -- to fill that position, but that's really the relationship between a marketing consultant position because that was a -- that was a title that was the vacant position and we were going to try to reclassify it as we go through in our personnel policies to -- to upgrade that to a much higher level and a much higher focus of permanent supportive housing and homeless efforts.

Tovo: Well, if i understand the answer to the budget question correctly, it looks like we have \$86,000 in our budget for it and that it is currently staffed. But will soon be a vacancy. But there is a staff member in there who is moving to austin energy and that was the opportunity for the reclassification of the position.

So --

that's correct. And initially it was vacant, what happened was another need in the organization particularly in the sustainability for a position that we were looking at hiring. In essence that vacant position went over there. It was -- it was one of those needs that we try to help out in other departments. So it was a marketing consultant position that was vacant, went to a sustainability office for a while, and it's our understanding that we're going to try to get that position back. So really it's just -- just trying to get it back to where we need to and that is to focus on the homeless efforts.

Tovo: So if we approve the budget with this position in it, it will be \$86,000 -- 86ish thousand dollar line item, but that position will be tied to not a liaison, to community organizations. It will be specifically focused on permanent supportive housing.

That's our goal. We want to focus it in not only on permanent supportive housing but homeless initiatives as a whole because what you will see in the council's direction on permanent supportive housing which really talks about the bigger issue of homelessness, trying to serve the neediest of need in the community, this is a community issue that, you know, just goes into every geographic area of the community, not just in the downtown area. So to answer your question specifically, yes, ma'am, we are - we do have an interest in trying to really gear that position towards that effort because there's a lot of work that needs to -- not only in terms of funding units but also wrap around services, the coordination, bringing the stakeholders together to help us be able to reach those goals that we set out.

Tovo: I appreciate that clarification, thanks. You know, I guess again given the budget challenges that we have, it concerns me a little bit that we're -- that we're -- that there's -- we haven't had a -- that there's not a clear description in the budget that we're looking at now and a clear understanding at least on my part of how this position fits into our overall plan for permanent supportive housing and how it will -- how this staff member will interact with neighborhood housing and community development staff. So I guess that I would just say very supportive of increasing our staffing levels to support permanent housing, but I would like to reflect in whatever way that that is what this will be dedicated not marketing consultant liaison to the downtown austin alliance, so if the record or the budget could reflect that this is a position devoted to permanent supportive housing as you have described in your -- in the budget response to 110 and then hopefully we can have an ongoing discussion about how that position fits into the broader plan.

To respond to you on that, councilmember, we do fully intend to come back with specific strategies of how to get that done, including how we believe this position fits into that. So I don't want you to think that, you know, that we are already going to start filling this position and get it done tomorrow. We're committed to come back to city council on our overall results of what we're working on financing permanent supportive housing, we're going to be doing that over the next few months. As a matter of fact there's been a considerable amount of time spent on community engagement, education and the marketing piece as well as engaging some of our neighborhood association folks. So my commitment to you is that we are going to be coming back to council and i think that you will see in that report that -- that -- where the fit is with this position.

Tovo: Super, i appreciate that. Thanks very much, and thanks again for the information that you provided through the budget process.

Sure.

Mayor Leffingwell: Council, we're now ready to vote on the motion to adopt the operating budget that i made some time ago, in fact hours ago actually. Amended by a number of staff amendments that have been approved and also by a number of council amendments that have been approved and I believe you all have the sheet that was passed out listing those council amendments and the staff amendments.

If there's any question on that, now would be the appropriate time to -- to ask the question.

Tovo: Mayor, I'll just reiterate the comment that I made hours ago, which was that I was recusing myself on the amendment related to the cultural arts services funding.

Mayor Leffingwell: The city clerk will note that recusal. The motion was made by councilmember morrison. Seconded by mayor pro tem cole to approve item 5. All in favor of that motion say aye.

Aye.

Mayor Leffingwell: Opposed say no? Passes on a vote of 7-0. We will now take up agenda item 6, which is to adopt the capital budget for fiscal year 2011-2012. Is there a motion on item 6?

Move approval, mayor.

Mayor Leffingwell: Mayor pro tem cole moves approval item 6. Seconded by councilmember spelman.

Mayor?

Mayor Leffingwell: Staff has a number of amendments that they want to offer, so we will now hear from staff, recommended amendments, before we vote on the motion. 6 we have 10 proposed amendments to the city's capital budget. The first three being in the austin transportation department with number one being related to the reduced hours of parking enforcement and the reduction in revenue that will result in for the parking management fund. The number one would be a decrease in appropriations in the amount of \$800,000 for the austin strategy mobility plan. 2, is a -- is a proposal to reallocate appropriations in the amount of \$1 million within the build greater austin program. From -- from street improvements planned along guadalupe to the austin strategic mobility plan. 3 is a proposal to amendment the budget of to increase the appropriations in the amount of \$50,000 for the neighborhood partnering program, funding is available through contributions from the glen view neighborhood for a traffic calming project. From the galindo neighborhood. You will remember way back when I talked about a grant amendment and the fleet services department. That grant will be for capital -- for capital item related to alternative fuels and this is \$100,000 amendment to the capital budget that connects with that. Moving on to neighborhood housing and community development, we are proposing to amend the capital budget of the neighborhood housing and community development department to appropriate \$550,000 for the holly good neighbor program. This is a part of the program related to home rehabilitation. The next three items are all from the parks and recreation department, with 6, being a reallocation of appropriations in the amount of \$110,425. That is remaining from various completed 1998 bond program projects, to a variety of facility park and trail improvements, mostly in veterans park. 7 is also for parks and recreation, which is a proposal to reallocate appropriations in the amount of \$138,240 from a prior year general fund transfer for pool improvements to facility improvements. And number 8 is similarly just a reallocation of funds within the parks department, \$150,000 from the prior year general fund transfer that would be used for cemeteries, master plan. 9, that is a proposal to amend the capital budget of the solid waste services department in the amount of \$710,000 for the environmental remediation project that's occurring at herald court. This would be an increase in the overall project budget 8 million to \$7.5 million. And the last capital amendment that staff has to offer to council is item no. 10, A proposal to amend the budget, the capital budget of the watershed protection department in the amount of \$75,000 for flood control improvement projects.

Mayor Leffingwell: Thank you, council, is there any objection to considering all 10 of these proposed amendments in one motion.

Cole: To move, mayor.

Mayor Leffingwell: Mayor pro tem moves approval of the staff recommended amendment. Seconded by councilmember spelman. Any discussion?

Riley: Can I ask a question for staff? I wanted to ask about the second item related to the allocations being -- the one million dollar transfer from build greater austin to the strategic mobility plan. You mentioned that is coming out of improvements that had been planned on guadalupe. Can we get more information as to what improvements those were?

Yes, councilmember, robert spiller, transportation department. Those were originally for a complete reconstruction and redesign of that portion of the corridor known as the drag next to the university. Director can further that. These moneys are capital metro monies that were provided to us through the build greater austin. And in -- and this represents a portion of that budget that is no longer needed. A portion of the budget remains to assist capital metro in perhaps achieving some transit only lanes for that very narrow corridor. [Multiple voices]

Riley: The last part --

this represents only a portion of the budget that were originally designated for the guadalupe reconstruction in the drag area. Budget remains in the original budget to help capital metro with possibly looking at some transit only lanes through the drag area. This is north of -- of the -- of the bus rapid projects.

That's really what -- why I asked. Because I want to make sure that we're still able to handle those improvements related to -- to -- to the -- to the transit improvements that are going to be required along guadalupe.

You are saying -- this is north of the bus rapid improvements in the core and guadalupe and lavaca parallel corridor, this is actually in the drag next to the university area. Yes, there are still funds left in here to work with capital metro to see what we can do to get that extra lane.

Okay. So -- so that is -- that is part of the vrt lines.

Yes, that is north of the downtown area where the -- where the dedicated lanes are so critical. So we are going to still work with them, there's a question whether we can get both the north and southbound through the drag dedicated lane, but that's what they've agreed to. They've actually released these funds for the agreement.

Okay. Great.

Thanks.

Mayor Leffingwell: I just wants to go back and clarify that the vote on the operating budget was on all three readings. Is that -- is that understood by everyone? And also that the motion to approve the capital budget by mayor pro tem is also for all three readings. So -- so with that, we're -- we're about consider a vote on all 10 of the -- of the staff amendments. I believe we have a motion on the table for that. All in favor say aye.

Opposed no. Passes on a vote of 7-0. Now we'll have a motion to adopt the capital budget, 6, which already been made and seconded and now it's to adopt with the adopted staff amendments. All in favor say aye.

Aye.

Opposed say no. Passes on a vote of seven-0. That take us to -- to item 7, to adopt an ordinance for fees, fines and charges. To be set or charged by the city for fiscal year 2011-2012. Is there a motion on item 7? Councilmember martinez moves approval. [Indiscernible] on all three readings? Seconded by councilmember morrison. Councilmember morrison?

I would like to make -- propose an amendment there's been a lot of discussion about -- about the [indiscernible] normally known as sustainability, now known as revenue stability fee. And lots of concerns that that should be graduated and whether it was founded on and all and I think fundamentally what I have come to understand through a lot of really good discussion is that the bottom line is that due to volatility in our revenues with water, lots of it due to -- weather, that we need to have a fund that will give us the cushion that we need when those revenues and the water sales go up and down. And so -- so that is effectively what -- what this proposed fee was supposed to be for. And so I think that it's important that we -- that we focus on the over arching goal, and avoid any discussions about the line items that may or may not drive the amount that we may need to collect. I think at this point still an open question, it's a financial policy decision. So what I would like to suggest is number one that -- that because -- because as I understand it, the -- with our new billing system going into place, stting october 1, there's been a request that -- that everything be frozen and we make no changes for about six months. I fully appreciate that. I fully appreciate that we do that request, [indiscernible] have things changing, what I'm going to do is make a motion that we actually reduce the fee back 40, where it started some time ago, and then it's larger for others, you will see that there's a -- we have a -- we have a related -- increases for larger meter sizes. And that we work, I want to bring a resolution hopefully next week in the -- in the -- to have a conversation, number one, what should the graduated fees be and how to graduate them or should there -- should it all be -- absorbed in volumetrics, number two, what from a financial policy standpoint, how large should this revenue stability fee be, what should be our target. Number three, when we wave that target, if -- when we achieve that target, if we feel several years of no volatility we shouldn't be asking for those fees so somehow we have to incorporate a kind of maintenance level of that. I too want to make that motion, maybe you could put it up. You have the change in the fees for the monthly revenue stability fee. Instead of for the standard 4 a meter it would be 4.40. Then there would be related changes to the larger meters and to make it revenue neutral there would also be adjustments to the volumetrics which you see down below in attachment 8. Can you go to the next page, thanks. Yeah, that helps. So the goal here is to go ahead and get started on -- on developing an appropriate revenue stability fund and then spend the next six months getting it -- getting it right and making adjustments six months down the line. To make it a graduated fee. That's my motion.

I'll second that motion.

Mayor Leffingwell: Motion by councilmember morrison to -- to amend the revenue stability fee as outlined on that piece of paper that nobody can see. [Laughter] but we have the sheets in our hands. Seconded by councilmember martinez. I would like to ask -- councilmember martinez? Go ahead.

Martinez:.

Riley: I was going to offer a friendly amendment. But if you have a question on the motion --

Mayor Leffingwell: I have a question for staff, from the water utility staff. So -- so can you give us some idea of -- of the -- approximately what this is going to cost the water utility, reducing the -- from \$6 down to 4.40?

It would reduce the amount of money that we raise through this fixed fee from about 24 million to 17 million. We would take that difference and apply it by raising the volumetric fees to make up that difference. The risk there being that volumetric fees are the volatility side that we're trying to get at, so you really would be shifting how you recover that additional amount of money from fixed fee to

volumetrics to the tune of about \$6 million.

So that actually means that by using more water, customers will be paying -- customers who use more will be paying for the increased costs of maintaining the bccp and our water quality protection lands which have nothing to do with the production and distribution of water. Is that the case?

Yes, that we would be shifting these dollars from fixed fees to volumetric fees and we use our volumetric fees to pay for a lot of utility services, including things like wild lands and conservation and other services.

Mayor Leffingwell: Yeah. Well, I'm just -- I'm going to support the motion in the end because I do think that, councilmember, it's reasonable. But I would ask the rhetorical question are we going to pursue the same approach when we hear about fixed fees for austin energy or are we going to pursue the same approach for the opinion works fee which is a set fee for everybody for solid waste services, and our drainage fee is also set. So we're kind of singling out it looks to me like at this point in time the water utility. And I don't think that it's consistent across the board. I just want to make that comment. As I said for now, I'm going to accept, support the motion, but I would hope that any resolution that is brought forward in the future that it would also ask that -- that the same approach be taken for all of these other fixed fees, not just austin water, but austin energy, solid waste, drainage, and public works.

Morrison: Mayor, could I add to because I want to make clear that one of the approaches that I think we really need to adopt and that is that to get away from addressing the -- the amount by line items, like debt service on our conservation lands, because the bottom line is we need this because of the volatility in our revenues. And so I think that it helps us keep our eye on the ball of what we're really trying to achieve by not having any -- not picking and choosing of what we put in as a line item.

Mayor Leffingwell: Okay. I agree with you on that. I want to reiterate that i don't think that it's fair to take -- take a cost item and foist it off on the water utility and say okay you pay this out of your water revenues as we did in the case of -- of our wild lands division just a few years ago. When it has nothing to do with the primary mission. Councilmember martinez?

Martinez: Thanks, mayor. I'm going to support this item as well. I had asked a budget question specifically about the revenue stability fee and about trying to kind of lessen the impact of the fixed fee, but at the same time looking at the volumetric charge side of it to see if we can truly recovery some of the volatility from our high end users. I think we actually have already set this template with relation to solid waste by charging a graduated scale for -- for the amount of solid waste that you -- that your -- your container. So I would be fully supportive of tipping this conversation as it relates -- continuing this conversation as it relates to austin energy, as it relates to public works. All of these things. Because one of the things that we continually hear in folks that are -- from folks that are upset with us, that a flat fee is very regressive. To someone that is really doing their darnedest to conserve, not wastewater, not use the largest solid waste receptacles, I think there's something to be said for that, I think there's a lot of incentive to reach our goals, to achieve our goals at a much more rapid pace if we continue adopting policies that reflect our goals. And doing it in a volumetric way.

I would say it's not always related to efforts to conserve or not. It's possible that one could have a one acre piece of property versus someone that has a third of an acre piece of property, both of them would be conserving equally but one would use more water than the other. Similar for a garbage can you might have a one person family unit, actually I have a 30-gallon myself, so i know that's suitable for one or two people. But if you had a family or -- of seven or eight folks, they might be working just as hard to recycle but need a larger container. So other factors are -- are involved there. The other thing that I want to bring up, is when -- when we begin to -- I don't think we're there yet, of course. But if we -- if we get into the point in the case of the water utility which we're addressing right now, where we cause a lack of revenue that is beginning to be damaging, the things that are going to have to be cut or support of things that are not related to production and distribution of water. So those things would be things that

are in the revenue stability fun and i for one have spent almost my entire time on council and actually before council as a big supporter of

[indiscernible] how important that is to people in our community and I would hate to see those funds cut. So -- another place that they would be cut before we would cut back on things that are directly related to the mission was-- would be through conservation, rebate part of it. I frankly have my eye on a number of austin water utility tv ads about con essentialing water, we should do that, we might get to a point that we can't do it if we don't face up to this problem. Conserving water.

Riley: There are concerns, number one, that it is regressive to some degree, and secondly to the extent it is fixed, it does undermine efforts to promote conservation. With those two things in mind, I would suggest that we reduce that fee down to \$3 instead of \$4.40. And then in order to make up the shortfall that we would see from the reduction in that revenue, we would need to go up on rates to some extent and I would suggest that in -- in going up on the remaining rates that we look to tiers 2 through 5, the rates for tiers 2 through 5, and essentially hold tier 1 harmless. With the idea, you know, councilmember martinez asked a question about the number of people on tier 1 and generally over three and works out to 12% of customers. And I think it would be very helpful if we send the message that, number 1, we appreciate those who are keeping their usage low down there in tier 1 and we want to encourage more people to do what they can to stay in tier 1 and keep water usage down. I think that's an important message to send when we find ourselves in the middle of a very serious drought. And these two suggestions taken together would have no negative impact on utility itself. We would still have the same amount of revenue coming into the utility, but we would have a much more -- we have a significantly more progressive rate structure, the weight of the exchanges would fall -- would tend to fall more on the higher end users rather than the lower end users. And not only it would be progressive and we would be -- would be promoting more conservation. Again, this is really just for the six-month period going forward. And I totally support councilmember morrison's suggestion that we direct staff to come back in six months. And in the meantime work with the water and waste commission, the resource management commission and stakeholders on a tiered or volumetric structure that would -- that would fairly apply our -- the fees across the whole spectrum of users. But for the six months going forward, I think -- I think the changes that I'm suggesting would -- would make significant improvement. That would be my suggestion.

Morrison: I do have a question as I consider whether it's friendly or not. The paper that I have in front of me with the \$3 fee, it looks like there's -- I'm trying to understand the changes in the volumetrics that looks like changes to all five tiers. Do we have the calculation if it just two tiers, just addresses two or three tiers?

Riley: Well, four.

Yes. I believe the \$3 proposal is the -- the fees for the first tier, the zero to 2,000 gallons would remain at 06 amount that it currently is.

Morrison: That's where I'm getting confused because i see proposed 11-12 for the first tier is 111. The amended under the \$3 change is 106. So that actually goes down. Whereas the second tier goes from 2.93 to 3.25.

That's correct. That's reflective of what councilmember riley just described under this scenario, reducing the fee to \$3. Then you would take the difference in revenue you would have raised for those fixed fees and put them only on blocks 2 through 5. So those blocks go up more, and only block 1 remains the same as it was before. So you are actually increasing those other blocks which would still impact the average user a little bit more, anyone using more than 2,000 gallons, but if you are in the 2,000-gallon range, you would stay the same as you currently are today.

Morrison: That's fine. I think my misunderstanding was I thought that you were suggesting that the first

two tiers would remain --

Riley: No, no, just tier 1.

Morrison: All right. Due have a comment to add?

The other comment just would add as added in the shifting from fixed to volumetric is neutral if the volumetrics are sold. And we are entering a period of high volatility for the utility with stage 2 water restrictions and a drought that's going to take us into territory we've probably never been in. So I would just put that on the council's consideration and I think the volumetrics are highly volatile as we look into 2012.

Morrison: Right, and i understand that finding that balance between fixed and volumetrics is how you find the balance in having your guaranteed funds come in, but I do think that we have a drive to make it as progressive and supportive of conservation as possible, and since we're really only talking about a temporary fee, that's what we're thinking here, I do think that that's reasonable so I would accept that as friendly.

With comments, I agree that we're trying to do the best we can here, but I want to reemphasis what councilmember morrison said this is just a six-month adoption and it could come back in six months 50 volumetric or 3 pine 50. I wanted to make sure we know this is a range we're working the right now by accepting this as a friendly amendment, it only stays that way for the first six months until we come back with what staff believes is the best recommendation. I would accept that as friendly.

Mayor?

Mayor Leffingwell: Councilman spelman.

Spelman: Let me back up 12 steps. This was prepared by the austin water utility at the request of councilmember riley. Is that correct? And this is the changes in volumetric charges, the big service user charges and the fixed fees that you were requesting. And if we vote yes on your substitute, councilmember riley, we're voting yes on this fee schedule. Is that correct? And if we adopt this fee schedule, that's going to be revenue neutral from the utilities point of view; is that right?

Provided we sell that water. And the forecast for the next fiscal year is we're going to sell considerably less water.

Spelman: Okay. At what point would it make sense for us to consider your projection that we're probably going to sell considerably less water presumably because we're in the middle of a drought now, stage 2 won't be lifted for a while, and we're looking at la nina over the rest of the year.

That's correct.

Spelman: So at what point does it make sense for us to take that information into account and make sure that you don't bleed a whole lot of money?

Well, I think we would stick by our recommendation that the more fixed fees we can recover, the healthier the finances of the utility. 40 recommendation in forecast and changed that to six at budget time. We'll continue to monitor revenues, report to the council's audit and finance committee on a quarterly basis. Obviously from councilmember morrison's discussion, we would be back here in six months with additional thoughts on fixed fees and other utility financial goals that would be before the main irrigation season takes off next spring -- or summer. So I think that would be an opportunity to revisit these matters in terms of these fixed fees, just from utility director's perspective, we would be

obviously more comfortable with fixed fees this winter preparing for what might be a very low revenue year from volumetrics as we look into the spring and summer.

Spelman: But we will be seeing this whole list of fees in six months because we're going to have an opportunity to make some changes.

Yes.

Spelman: Okay. Thanks.

Mayor Leffingwell: I would suggest -- I'm not going to support the motion as amended. Frankly, the next six months could be the most critical. I think it would be much better to adopt councilmember morrison's original motion. It would be much safer for the utility. And I can't reiterate enough how important this kind of thing is to maintaining utility's structure with regard to our bond rating. So if we started suffering big losses in the next six months, I think that's something that would probably be taken into consideration. We could wind up losing more money as a result of the down grade. So I won't support motion. [Udible] I think we have to err on the side of el nino being around for at least the next six months and [inaudible].

Mayor?

Mayor Leffingwell: Mayor pro tem.

Cole: I have a couple of questions for greg. Recognizing that we're always struggling to get a consistent financial model for the water utility in light of the just unpredictable weather changes, you made an original recommendation for \$6 and then councilmember morrison is 4, and I believe councilmember riley discussed some other numbers. I -- my first question is when do you know you will come back to the audit and finance committee?

Well, we'll be there thursday, but beyond that we --

Cole: In the quarter. Three months from now.

Quarterly basis, I don't know --

Cole: Thursday's meeting doesn't count because that's a special called meeting. And I believe you were there last month.

So is that january then? Is that about when we would be there? When would be our naturally quarterly meeting at audit and finance?

Cole: January.

January.

Cole: So let's plan that during that time you -- and i think it probably would be a part of your quarterly report, but I just want to make sure that you give special emphasis to this to the extent that we have made a change here that you predict -- has cost us revenues and you predict will continue to cost us revenues because we're not selling the water. Can we get that done then?

Yes, we'll be sure to report out on that quarterly.

Cole: And I recognize the regressive nature of the season and am plan to go support the motion because of the regressive nature of the fees. At the same time we have to give due consideration to the financial health of the utility and be about stewards there. So I'm hoping we're not waiting even the full six months before we consider whether this was a prudent course of action. Thank you, mayor.

Mayor Leffingwell: Councilmember morrison.

Morrison: Thank you. I wanted to mention a couple of other things that I think are important in this and that is, number 1, in that six months I think there will be time to be able to do the circuit and have input from the water and wastewater commission and the resource management commission because I think those -- both of those commissions will have an important perspective to add. Another issue that's come up is that if we try to graduate and make the fees progressive, there are some large water users that are going to be hit by that that are financially strapped. Just because you use a lot of water doesn't mean you have a lot of money. And so one of the things i think in a resolution which i hopefully will be able to bring forward next week is to also include a request that staff try to develop some conservation programs that specifically target low-income, large water users so that we can help bring them down. And then lastly, I think it's also going to be important in the six months to do a reevaluation of whether it makes sense to charge at least some degree our wholesale water customers something of a revenue stability fee because especially if you remove sort of the line item approach to figuring out what it should be, then really the wholesale customers are part of -- of the -- you know, being part of the issue of volatility in our revenues and you need to get some help for that. So there's a lot of things to consider. And certainly we'll want to keep an eye on it. It's a big picture we have to take and I don't know the order of magnitude what this fund should be. Is 17 million a enough? Is 100 million enough? So with the help from our financial folks that we'll be really able to zero in and take a systematic approach to this.

Mayor Leffingwell: Councilman spelman.

Spelman: My apologies for holding this further, but mayor, I agree with you on what you were saying a few minutes ago about being concerned about water sales. I want to ask a couple of technical questions. My apologies for getting this technical. I just did the -- back of the envelope calculation and looks like based on the increase of the volumetric charges we would look forward to due to those increases in prices of something like a 2% reduction in water usage. My guess is if I asked you the effect of a 2% reduction in water sales, that wouldn't be a very big deal by itself, if that's the only thing that's happening, it's probably not going to be a problem for the utilities. Is that accurate?

You are asking what a 2% reduction in annual water sales would equal?

Spelman: From your point of view -- we're concerned about the financial stability water utility. Your ability to make -- have short-term liquidity, cover debt, things like that. If water sales went down by 2% would that be an issue or would you not be very concerned with that?

Notin isolation, but because of stage 2 water restrictions, we're already forecasting by the end of the calendar year, probably in the 12 to 19 million-dollar reduction of revenues. So any additional revenue reductions would be compounding that.

Spelman: 12 To \$19 million?

By tend of the calendar year.

Spelman: What's total revenue is?

The water side maybe 200 million a year, maybe more. Thereabouts.

Spelman: So we're talking somewhere between 5 and 10%. And if there were another 2% on top of that, that's like 7 to 12% for total reduction in revenues. I'm just using the andrews estimates for the elasticity for demand of price. If you are talking 12% reduction would that be a problem for the ratios we show to the stability of the bond rating agencies?

That continues past the calendar year as it goes into january, february, march, april, may in the spring we would start to see those -- those -- our financial position erode very rapidly.

Spelman: From your point of view since we can reasonably foresee something like 5 to 10% reduction for the rest of the calendar year at least, we don't know what the weather and usage are going to look like after that, it seems to me it may be more appropriate to take action on this now rather than wait six months.

I think that's why we would lean towards a higher fixed fee recovery to slow down the erosion of our potential revenue losses throughout this winter. Certainly our preference would be \$6. 40, and the lags choice would be the \$3 because we're just forecasting low volumetrics. We understand and appreciate the regressive nature of the fee and I think councilmember morrison suggested we engage in policy discussions with boards and commissions on some of those broader goals is very appropriate and look for ways to make even a fixed fee more progressive, but we are very concerned about the impacts of stage 2 and perhaps additional water restrictions that come throughout 2012.

Spelman: Mayor, I agree with you on this and would encourage the original maker and second to return to the original version of 4.40. If it turns out the alarm passes over the next six months and we can go to a lower number, I would very much be in favor of that, but seems to me prudent to suggest a slightly higher number just for the next six months.

Mayor Leffingwell: Thank you. Here we are in the -- on the ordinance of another parliamentary issue. I know it would be in order to offer a substitute to the amendment. Or -- or the maker could elect, I believe, to amend her own amendment.

Martinez: What if I just remove my friendly agreement?

Morrison: If you did that, then --

Riley: I'll be happy to offer my amendment -- my friendly amendment as a substitute motion.

Mayor Leffingwell: Well, actually you made a friendly amendment which was already accepted by the maker and the second. So I'm open to parliamentary advice on this, but I do believe that a safe course of action since we have an amendment on the table with a second would be a substitute amendment. And I would be happy to second any such substitute amendment.

Spelman: Mayor, I would like to offer the substitute amendment that is identical to original amendment made by councilmember morrison a few moments ago.

Mayor Leffingwell: And i will second that substitute. Councilmember riley.

Riley: I just wanted to put this discussion into somewhat more concrete terms. And it helps me just to look at how the changes we're talking about would impact users at either end of the spectrum. Comparing someone who uses 2,000 gallons with someone who uses 60,000 gallons. 40 fee, as proposed with the substitute that's on the table now, someone at the low end using 2,000 gallons would see a 50% increase in their rates. While someone at the upper 60,000 gallons would see increase of 11.5%. 50% At the low end versus 11.5% at the upper end. If we went with my original suggestion which is now the original motion on the table, someone at the low end using 2,000 gallons would see an

increase of about a third, 32.5%. And someone at the upper end would see an increase of 17%. So it brings them a little closer together. It's still regressive but I think a fairly significant qualitative improvement over the substitute which would really -- really hit the low end users pretty hard. A 50% increase in rates 5% at the top. I think if we find that we ultimately need to increase that fee, then at least we would have -- in six months, then at least we would have taken that additional hit in increments and so it would be a little easier to take. But to sock people at the low end using 2,000 gallons with a 50% increase in their rates seems unfortunate when there is -- when we are in a position to mitigate that. Especially at a time when we really need to be encouraging people to be right down there at that end of the spectrum. And I don't think we're encouraging that behavior by socking those people with 50% increase. So I will continue to support the motion -- the amendment, the main amendment that's on the table and to oppose the substitute.

Mayor Leffingwell: Well, if I could just respond once again that we're address ago fee here that has nothing to do with the production or distribution of water. If you are going to talk about regressiveness, I would wager that someone with a penthouse at the top of austinian has a much lower volumetric rate than someone on bolden avenue.

Riley: And that's something we want to encourage. We want to encourage people to be down there at 2,000 regardless --

Mayor Leffingwell: I'm saying the people in the austinian are not using any water to speak of, showers and so forth. They are probably using much less.

Riley: Now we're going to penalize them by 50% increase.

Mayor Leffingwell: But in not conserving water because they are conserving, they are conserving water because of the way they live and the place they live.

Riley: Well that is well, that is a conservation choice.

Mayor Leffingwell: So I'm going to be penalized because I don't have a penthouse in the austinian?

Riley: We each make a decision about where he live and how much water we use and this is a matter of penalizing people for using the low a lot amount.

Mayor Leffingwell: We can continue this philosophical discussion but I think the overriding issue for me is the financial stability of the water utility which I think is threatened by the amendment as originally -- or as amended by your friendly amendment. Anyway, substitute amendment is on the table. Which will be considered first. If there's no more discussion, we'll go ahead and vote on the substitute amendment, which was actually councilmember morrison's original amendment.

Mayor?

Mayor Leffingwell: Councilmember tovo.

Tovo: I wanted to first of all thank both of my colleagues for coming up with these proposals. I think they are a vast improvement on what we had and I appreciate and applaud their willingness to get involved and wrangle with the number. I also want to thank the members of the community who have come down and spoken at previous budget hearings. I see paul robbins and I know others have been involved on this issue and I applaud your willingness to raise that issue and to demonstrate the impact on customers who are using the least amount of water. And both of these proposals address that. That being said, I prefer the proposal put forward by councilmember riley so I will not be supporting the substitute motion. To this, various other motions on the table, but both I think are good and better than what we had, so

thank you.

Mayor Leffingwell: The vote is on the substitute amendment. All in favor say aye.

Aye.

Mayor Leffingwell: So all opposed say no.

No.

Mayor Leffingwell: That passes on a vote of 5-2 with councilmember tovo and riley voting no. So that amendment has passed and so now we have to vote on the original motion with that amendment incorporated and also the staff amendments that have already been approved. I believe we already have a maker and a second on that item. Do we not? City clerk? Do we have a maker and a motion -- and a second on the original motion on item 7? Yes, we do. We got the answer to that question. All in favor of the main motion as adopted by the spelman amendment and by the staff initiated amendment said aye.

Mayor?

Aye.

Mayor Leffingwell: Posed say no. Passes on a vote of 7-0.

Martinez: Mayor, I did have comments regarding the fees before we adopted the full encompassing, so without objection I'll just provide the comments now. Regarding our solid waste fees, and I realize that we're contemplating even a smaller container which I think is a good thing, but when we asked a budget question about tracking those containers and who actually -- how many of them are reduced from the larger gallons to the smaller gallons, all we were able to be given was just a standard number. And so the only direction i have is can we please try to keep up with that in a little more detail moving forward because I really think it impacts our policy decision.

Yes. Bob getter, director solid waste services. And yes, we've engaged in a conversation and disappointedly we are unable to track those customer changes. Austin energy is introducing a new billing structure on october 3rd and that will give us the data that we're looking for.

Martinez: Thank you, bob. Appreciate it. Thank you, mayor.

Mayor Leffingwell: Thank you. We will now consider item number 8 to ratify the property tax increase reflected in the budget. This vote is required by state law. The council must make this vote separately to make clear that we know it will take more property taxes than the city raised It year to pay for the budget that we approved for this year.

[One moment, please, for change in captioners] is there a motion to modify,, rate at the present time. Although we're not approving that rate. Just approving an increase.

That's correct. Mayor moves to at ratify, seconded by Councilmember Martinez. Is there any discussion? I would just -- I would just clarify that -- that we are talking about a 48.11 cents rate at the present time. Although we're not appying that rate. Just approving an increase.

that's correct. So we a motion by mayor pro tem coal, seconded by councilmember martinez to ratify the property tax rate increase. The robe that I'm saying all -- the reason that I'm saying all of this, for your

2011-12 budget. All of those in favor say aye. Opposed no. Passes on a vote of 7-0. Items -- items 9 through 10. And -- can be taken on consent. If no councilmember wishes to withdraw these items. and afd classifications and positions.

Move approval, mayor.

Mayor pro tem. Moves to approve items nine and 10, is there a second? Second by councilmember martinez. Do we have any staff presentation for amendments?

No.

Are there any council recommended amendments in. All in favor of the motion, to -- to -- to adopt -- and afd positions say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. I believe we can also take up items 11, 12, 13 together which are the reimbursement resolutions for the general obligation debt for austin energy, and the austin water utility. So we will now take up items 11 through 13. Without objection. Is there a motion on items 11 through 13. Councilmember spelman moves approval. Seconded by councilmember morrison. Any additional words by staff on the three items?

No.

Okay. All in favor of the motion say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. Okay. Now we will go to the vote to adopt the property tax rate and again I have to -- I have to -- I'm required to read this. Literally. Word for word. We'll take up item 14, number 14 to approve an ordinance adopting and levying a property ad valorem tax rate for the city of austin for fiscal year 2011, 12, this motion must be made using words required by the property tax code. The tax code also requires the vote on this motion to be a roll call vote. So -- so I'll entertain a motion now. From any councilmember, remember, that you have to use the words in -- before you to make this motion. Councilmember spelman.

Spelman: Mayor, I will happily make the motion, but I need one piece of information before I can do so. I think -- 11 cents per 100-dollar valuation, which 6 percent increase over the current year's tax rate.

Spelman: Mayor, I move that the property tax rate be increased by the adoption 11 cents per \$100 valuation, which is 6 percent increase in the tax rate.

Mayor Leffingwell: Motion by councilmember spelman.

Second.

Mayor Leffingwell: Seconded by the mayor pro tem. Is there any discussion? We have a motion and a second that the property tax rate be increased by the 11 cents per \$100 valuation. Before we call the roll, i do have one question. And that is the motion was just made, which is effectively -- effectively a 3% tax rate increase. Is that -- I want to verify, because what I said, that's an increase over the rate this year. Which would not necessarily be a 3.6% increase.

It's an increase in -- above what the effective tax rate would be.

Mayor Leffingwell: Correct that statement, it's 6% above the effective tax rate. Which is higher already than the current rate.

That's correct.

Mayor Leffingwell: Okay. gentry, please call the roll.

[Indiscernible]

aye.

Mayor pro tem coal.

Spelman: Aye.

Councilmember martinez.

Aye.

[Indiscernible]

aye. [Indiscernible]

aye.

Item 14 to adopt and levy property tax passes on a vote of 7-0. We will now move to item no. 15, Which is the acvb marketing plan and budget. Is there a motion on item 15? Councilmember morrison moves approval. Seconded by the -- by councilmember martinez. Any staff explanation required? Okay. Allhose if favor say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. Item 16, the cultural arts contract. Is there a motion on item no. 16? Councilmember spelman moves to approve item no. 16. Seconded by councilmember morrison.

Tovo: Mayor?

Mayor Leffingwell: Councilmember tovo?

Tovo: Please show me recusing on the portion of the operating budget dealing with the theater action -- excuse me, please show me recusing on the portion of the cultural arts budget dealing with theater action project.

Mayor Leffingwell: City clerk will note that recusal on that portion of the cultural arts contract by councilmember tovo. Comments by staff? None. All in favor of the motion say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. I want to make sure that i understood staff attorney's

comment about the changes and corrections. On this item, we did read that change into the changes and corrections this morning.

Yes.

There was a change in the total amount.

Change in the total amount, that's correct.

Right.

Okay. So our last item, item no. 17, Municipal court judge's salaries. Judges' salaries. Is there a motion on item 17?

Mayor Leffingwell: Move approval -- mayor pro tem moves approval. Seconded by councilmember spelman. Any discussion by staff? Any questions? All those in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no. Passes on a vote of 7 to 0. So at this point, council, we will recess this meeting of the austin city council, and convene a meeting of the austin housing finance corporation board of directors.

Mr.spencerrr?

Good evening, board of directors, bets community betsy spencer, treasury, i offer items one and two for concept and am visible for questions. Consent.

Is there a motion to approve the consent agenda for the austin housing finance corporation? Board member spelman moves approval. Seconded by vice president cole. Discussion in all in favor say aye, opposed say no. Passes on a vote of 7-0. Thank you. So at this time, without objection, we will adjourn this meeting of the austin housing finance corporation. And call to order a meeting of the mueller local government corporation.

Good afternoon, jeff [indiscernible] deputy cfo, I have three items on the mueller local government corporation agenda for consent. Certainly available for any questions if you have any. Any questions of staff? All items on the agenda are offered for consent. Is is there a motion to approve? Vice president cole moves approval, seconded by board member spelman. Any discussion? All if favor say aye. Opposed say no. Passes on a vote of 7-0. Without objection that completes the business for the mueller local government corporation. We stand adjourned. And call back to order this meeting of the austin city council. I believe that we have completed all items on our city council meeting agenda. Without objection, we stand adjourned, congratulations to our staff for a job well done. And a lot of hard work. Thank you.

Cole: Mayor, I would like to say congratulations to our city manager for also managing to make that happen.

Mayor Leffingwell: I ditto those congratulations.

I will put my glasses on, we do have a quorum. [Laughter] sorry. Mic test. All right. My apologies. We do have a quorum. For some reason I was thinking that we needed five, but we need four, so we do have four members here today. So welcome to the september meeting for the austin mayor's committee. For

people with disabilities. I'll call the meeting to order at this point. Looks like 12:01 p.m. to me. First order of business will be the approval of minutes from our august meeting. I hope everyone had a chance to look over those meeting notes from dolores. And I'll accept a motion to approve.

I motion.

Second?

I will second.

Jesus, thank you. Any comments, corrections? Changes? Hearing none, all in favor of approval say aye.

Aye.

Opposed? That would be unanimous. Thank you. We have no old business on the agenda, so we will move on to new business. The first item discussion of open meetings, we are moving to the end of the agenda, so those of you -- those of you in the audience who have no interest in hearing about the tedium of the open meetings act can excuse yourselves and I'll remind you of that once we get to that point in the meeting. You are certainly welcome to stay. But it will be a discussion primarily for our members to -- to be sure that we understand the -- the provisions, the limitations, the -- the mysteries of the open meetings act. And -- and I'm looking for craig. I'm sorry.

He left his chair.

I need new glasses i guess, not just my glasses, that moves us to our presentation on parking and mobility. Mr. craig spradling. Welcome.

Thank you. I'm having a slight internet connection problem. So -- so just want one second. So parking mobility is a way for citizens to report disabled parking violations. The city and the county currently have a program such as this, but it's manual, it's ticket based, so a person would have to mainly write a ticket, take several notes, it's very time consuming. It exposes a person to a confrontation, the owner of the car. Parking mobility -- what? Yeah. I've just got to plug that in. And hope that this works. Okay. So parking mobility is a smart phone based application for the iphone, android and blackberries, it's to make it quick, safe and simple for the user, the citizen and for the city. Now, I'm going to go to austin, texas. On the application behind you. Okay. So when the person sees the violation, and -- and the -- the application usually goes to the map and shows you where you are. You take three photographs, one of the car license plates, the front windshield shows there's no placard and one of the vehicle with the times in the background. Those three photographs are submitted immediately to our server, which is submitted immediately to the city. And at that point the violence is done for the citizen. Now the citizen scans speech -- can speak to the phone as they are doing a violation, so they can make certain comments or if there's a confrontation, that's recorded on the phone. So that when they submit their report, audio is submitted with the ticket. When the -- when the ticket is received by our server, it then compiles a city prepared ticket, in a pdf format with all information. coordinates, photographs, street address, time and dates, the audio clip, everything. And submits it directly to the city -- the city then has the person come down, authenticate the ticket, just as they too now, so it's -- just as they do now, so it's very important to say that no procedure is changed or added or subtracted, that the city is doing now. We're just making it richer. Photographic evidence, making it quicker for the citizen. Instead of taking 20 minutes to take a report, it takes two minutes to take a report. We also, in addition to automated, the administration side and the reporting side, we are able to automate the training side. We provide online training for any citizen that satisfies the state requirements and the [indiscernible] code 681-0101, so a private citizen could log in, take the course, take the exam throughout the course and then when they are done, they pass the test, they go in, they get deputized and then they can start writing tickets. So the goal of the project is to eradicate disabled parking abuse. It provides access to the community. For

the people with disabilities. And also it does so in the quickest, most safe, most efficient, and most effective way. Thank you. Now, I understand that there are -- that there are members of the parking enforcement community here. Is that right?

Our community clerk is here?

Court clerk.

Oh, hello, how are you?

I'm good.

Good. Do you have questions?

No. We -- we discussed this earlier, I just have --

you can come up to the mic.

Just a couple of things. I'm rebecca stark, I'm clerk of the municipal court. We have spoken earlier about this. What we've talked about is these are criminal offenses. So the people taking the pictures will have to come to jury or bench trials to testify. So that's -- that's part of this. And I'm personally not sure how you go about moving forward with the pilot or the program. So that was a purchasing question that I have no idea what it is. But as far as having people that can come in and testify, and after we go through the training and getting the tickets, that type of thing, we don't have a problem with that. It's just testifying like we talked about. That they would be required to testify. And if -- if they didn't come to testify, obviously, we would lose the case and that's a lot of stuff. But that -- those are operational issues. So I think we're pretty straight. We just have to make sure that's straight, make sure that the training is comparable.

Yes.

They have some sort of oath that they need to take. That can be done.

Yes.

If there gets to be a lot of citations, we're going to have to talk about interfacing with the court's system as opposed to hand entering them. Because right now there aren't so many that we don't hand enter them. But if it ever got to be huge, we would start thinking about downloading this application into our system instead of printing it out or sending it to us and then us having to do something to get it into the case management system. That's what we would be down the road. So that's it. We really didn't have any other -- any other issues from the -- from the -- at the beginning much this.

So I'm sorry, I don't know this, with the current ticket center being written by the citizen deputies, do those folks have to go down and testify?

Yes.

Oh, okay, so that's not a change.

No.

That's not a change.

So again, we're not changing the procedure. We're just making the data collection and the administration more effective.

Thank you.

Now, we're piloting it. We've noticed a sharp decline in the number of tickets contested because of the rich evidence nature of the tickets. People that receive a ticket with three photographs of their vehicle in violation are more likely -- are less likely to take time to go to court to contest it. So if it's not contested by the recipient of the ticket, obviously the person doesn't have to come down and -- and swear to the ticket. Or go to -- go to jury trial.

Yes?

Where is it being piloted?

So right now Houston.

Houston.

Denver. Vancouver and Chicago.

Thank you.

Yes.

A couple of questions. Are the city and the county on the same page with this?

We are working at the same time with the county and the city. So constable Bruce Elfant is very excited about the idea. Right now we're working with the commissioners court to get it passed.

Okay. Also, I think that the main goal is to -- to make sure that there's -- there's accessible parking at all times and ones that -- that need it or have it and/or use it. With that being said, is there -- is there a way such as in defensive driving, if you get a traffic ticket you can take defensive driving and get a reduction or something. In order to teach the people who are being ticketed in a -- they could get some training on the right ways to -- to --

yeah, I mean -- that's beyond the scope of parking mobility. We are a data collection service. And so that would be up to the city.

Okay. Now, personally, I would love -- if I were ticketed to have a choice of [indiscernible] I think it would be far more effective than a \$250 fine, currently the fines, if they are unable to pay the fine, there's community service as well available. That's -- that's the court's --

thank you.

Now, just due to the abbreviated amount of time allocated, I've only talked about the reporting consent. We also, part of the application is allowing people to share where disabled parking in and characteristics of those spots, how much it costs, curb cut availability. They also allow people to suggest where disabled parking is needed and allows the community to vote on those suggestions. And then that data is then shared with the city, creates an open communication collaboration between the community and

the city to improve accessibility.

Another question.

George.

Is this app publicly available. I know that you mentioned there's a couple of cities that are using it.

Yeah, it's free. It's on the I tune, on the blackberry market and the android market.

Cool, it's completely available for anyone that wants to build a community here in austin.

Yeah. 18,000 People are using it every day. We collect about 390 tickets on average each day. Now, they are not enforced because the cities haven't adopted it yet. But we have a strong user base.

That's very good.

So with these four cities where you are doing the pilots, what is the start-up time between the time somebody says go -- well, i guess part of that you have to work with the it staff to have this integrated.

So -- so there are several different steps. If you are just using a pdf and email it to the court clerk, it's quite quick. If you want to do data integration, it depends on the access to it staff and the city. But, you know, we have a strong -- strong well skilled team. And they integrate within say two weeks. And as I mentioned, in a -- in the corresponds, we are meeting with houston tomorrow for the final approval. On project mobility. On parking mobility.

I have a -- sorry. I just have a quick question. Can you talk about -- I know that 20% of the fees collected go to charities. Of the places that you are already doing the pilot. Can you talk a little bit about -- about, you know, how that process is going, whether the community is benefiting and whether you are getting any, you know, backlash about what charity and how much and all of those kinds of things.

So, thank you. I glazed over the fee structure. Which I've discussed welch here and rebecca. But essentially of these fines collected, the city and county retain 60%. A -- in the parking mobility, which is a 501 c 3 charity here in austin, under the austin community foundation, gets the other 40%. Of that 40%, half, which is 20% of the overall ticket, is donated to charity of the choice of the person that took the time to report the ticket. So if someone here were a fan of livestrong and they reported a ticket and the city collected that ticket, the ticket was \$500, the city would keep \$300. Parking mobility could get \$200. Parking mobility would then donate \$100 to livestrong on behalf of that individual and that individual's efforts. Now, the response has been quite great. Initially the cities are -- are hesitant to get involved with how donations are directed. And -- but since the -- since the 40% is given to parking mobility directly, then the city is not seen as being preferential to certain charities. So it's not under the -- under the guidance of the city, where it's charity receives the amounts. And in the cities that we're piloting in, the charities have been extremely -- extremely thankful and also very active in promoting parking mobility as a fund raising tool. And all that does is simply raise awareness of the importance of disabled parking. Especially among those that aren't disabled. And it really is an educational benefit. Certainly in addition to being reactive to current police, parking mobility, it's a wonderful tool to prevent future [indiscernible] from happening through education.

Okay. That's great news. One more question related to that. So if I'm a deputy and, you know, I'm the person that takes the ticket, how does the charity get involved? Do I claim that charity when I submit the ticket? [Indiscernible]

if it's not on that list. Designated charity until you change it. Then also on the my account page is this all

your tickets that you have taken? The status of each one. When a portion of a fund is collected on behalf of a ticket that you submit, we email you and say \$100 sent to the charity of your choice. It's completely open to the public. All transactions are transparent through everyone, they can see where donations are going on behalf of what tickets.

Great.

Any other questions?

Yes, I had a question about, you said that people could request accessible parking.

Yes.

How does the owner of that property get notified? So if I say, you know, this business needs more accessible parking, on your end, how do you notify that owner?

Okay. What we do is we wait until there's a critical mass of the community to respond, so there are five or 10 people who say thumbs up to this spot. Then we contact for example, if it happened in Travis county, we would contact Bruce Elfant, a very strong advocate of accessible parking, then we work with them to work with the property owner. It's all public record on Org and we would start that process. Also, too, if there is -- if that property is not meeting state requirements, that makes it much, much easier, we just say please comply with the -- with the respective state requirements for accessible parking and they usually comply. So much of the issues of accessible parking is a lack of knowledge, lack of education, once people are made aware of the issues on their property or in their city in general, people are pretty responsive. Any other questions?

Questions, thoughts?

That's okay.

Anyone -- anyone -- if -- well, I -- if we can, I would love to have a separate side discussion. I love this -- I love the fact that we have similar applications that can empower our citizens to -- to I guess enforce the laws.

I agree with you on the empower part, we are not enforcing the laws. We are collecting data for the city to enforce the law.

Would anyone care to make a motion one way or the other on supporting this, or not supporting this.

I will make a motion to support parking mobility and its initiatives.

Do you have a motion and second. Do you have a pamphlet?

Yes, I do.

Of course he has a pamphlet. And a website.

Probably a website, right.

You can download the app now on your phone. Any further discussion on the motion to approve this? All in favor aye.

Aye.

Opposed? Looks like it was unanimous. We will -- dolores and i will discuss this, i understand you are hoping for some -- something in writing. I can probably get you something in writing just based on the motion that was made for your meeting tomorrow. I'm unclear whether it's going to be presented to the city council in the form of a resolution or just in the form of a letter coming from the mayor's committee that we support this idea.

I appreciate it. Thank you.

Great work, thank you.

Awesome.

Thank you very much. Tanya I appreciate you going to that previous meeting.

No problem.

Very exciting stuff. Way to go. This brings us to our subcommittee reports, we will start with access and youth initiatives, tanya winters.

I don't really have anything new to report other than, you know, the parking mobility monitoring that, you know, trying to support that as much as possible. And, you know, I saw the parking psa on our website looks very good, yea. Other than that, I have nothing to report if -- if george, do you want to report something on -- so -- so lauren can ask one of the -- one of the directors from the university of texas has been helping us coordinate an event to -- to essentially provide a mock class. So sort of like what we did last year. And that's -- that's giving an opportunity for students with disabilities to come to the university of texas and immerse themselves in a classroom setting. Also allows them to -- to listen to university of texas students with disabilities and see how they actually surpassed their -- their barriers and excelled in class. I think it's a great opportunity. Obviously we were doing it a little bit late. We are still trying to figure out the dates of when to do it. But I think we're pulling all of the right people in. We have -- we have I think a good couple of students that are interested in doing this. But -- but like I said, the date is still up in the air and we're planning on doing it in september or october time frame. So october we have a lot of things going on. And -- and we're trying to fit into tha schedule.

Great, thank you.

I have an update on the disability mentoring date. It's going to be october 20th. I think that I mentioned that in the past, but -- OCTOBER THE 19th, THANK You. [Indiscernible] over there. I have so many things going on.

Yes, yes I understand.

So we are doing our matching meetings tomorrow and thursday where we're going to match up the mentors with the mentees and start getting all of that rolling. So -- so we're moving along.

That's great. Thanks denise sonleitner for chairing, coordinating that effort. Is that it?

I think so.

Thank you. And so the next on our agenda is our employment and awards announcements. Does ron -- does -- did ron say anything or do you want me to wing it here? So virgil is here also from the governor's

committee, we are partnering our awards program this year, lex freedin awards, october 25th, COMING UP VERY Quickly. We're going to have a very nice evening, paring back the number of awards we usually present. We will be doing some of those awards at our november mayor's committee meeting in order to make the time more reasonable for the time for the governor's committee as well as our committee. We have tried several different routes here and we have ended up with a wonderful preevent entertainment, terry [indiscernible] will be playing the background piano for us. We have five judges working on our nominations, which are coming in. And we encourage more folks to be sending in nominations for our various awards on our web page. We're still not certain whether or not the governor will be able to make an appearance, but joe is working on that for us. We do know that mayor leffingwell will be there at the beginning to welcome folks to austin, have a few photographs taken, unfortunately he cannot spend the evening with us, but he will be there at the -- at the beginning of the evening with us. What other details?

October.

At the double tree hotel on north i-35. OCTOBER 25th. 5:30 To 8:30. I have my glasses on and everything. In addition to this being the first year of the awards presented by the governor's committee, lex freedin will be our fee note speaking as well. Dolores got out beautiful invitations for us, she has some extras here today, some for you as well. I understand rsvp's are coming in, joe already has half the house full. It's going to be a fun evening, exciting evening, we're very happy to be working with the governor's committee, it's been great working with joe on this, any other questions? I failed to mention parking validation. If you are parking downstairs and need to be validated we can do it up here.

Citizens communication.

We don't need to do it today, because council is meeting in the council chambers so --

parking is free.

-- Parking is free.

Anyone here for citizens communication? We are just moving right along here. That gets us to our staff briefing. Do you want my glasses? In your packets, those that might be interested, the -- the police department's next -- next cadet group is putting on -- they are providing a program that is called community immersion program. And so they spend months going out into the community and -- and immersing themselves in various areas and including the -- the disability community. So they will do -- they will do asian american, they will do -- they will do aging americans, mental health, homeless population, african-american, gay, lesbian, hispanic and so they welcome the -- the public to come to their event and to see what they learned. And that's going to be on september the 22nd and the 23rd. The disability sections is going to be on thursday, they have an agenda here, at 9:00 in the morning. It's going to be at the west pickle research building. And if anybody wants any more information, I can provide that. You can call me at 974-3256. We have extra flyers for anybody who might be interested in the audience. I did want to mention that our psa, which -- which we recently rolled out, we have submitted it for barbara jordan award and that's to be held in the spring of 2012. This month we did a.d.a. Onsites, where we went to every department and went over a.d.a. requirement. We met with austin energy, small minority business resource department, city clerk's office, health and human services, and library facilities. And I have some -- some disability mentoring posters back there, really beautiful back there, I if anybody wants to put them up. I know dars is participating. I don't know, I don't know if you have one of the posters. But you are welcome to them. That's all that I have for today.

Thank you, dolores. That gets us to our calendar, let's go around the table and see if there are any other calendar items of which people would like to make us aware. Chip?

Yes. I would like to announce tomorrow night, tuesday the 3rd, FROM 7:00 TO 8:30, Capital metro will

be coming to speak about their accessible ride changes in their program format and the way that they determine the -- if a person does have a disability. I had a very good talk with martin, who will be the guest speaker and I have a real clear understanding which is helpful. But they will be bringing in some -- some slide show and it will be -- it will be 30 at the marylee lee foundation community city from 7 to 830. Bus 338 for access. If you have questions call myself chip howe, at 443-5777 and it's free. Thank you.

I don't have anything right now.

I don't have anything now.

Just encourage people to make nominations for our employment awards. We're a week and a half away from cutting off the nominations process. They can go to our website, www.cityofAustin.org/ADA, Then follow the link to the mayor's committee, you will see our awards nomination form.

Thank you.

I don't have anything. Anything of interest.

Oh, I've got a lot of stuff! Okay. This -- this thursday night, there's a fundraiser for keep austin mobile. Which is a non-profit agency who has done a lot of transportation work on -- well, they helped us with our convention, the coalition of texans with disabilities. They also do a lot of transportation for dallas' station and things like that. ALSO, ON THE 19th, DOLORES Already mentioned, disability mentoring day. ON THE -- ON OCTOBER 20th, Is -- is white cane day, when we march from the capitol to the city hall, back to republic park, at 00 in the morning. ON THE 20th, 22nd AND 23rd, IT'S ALSO THE CTD Film fest. Various features in different places. And film competition. On the 21st of october, is the parent to parent awards ceremony. Which is an advocate issue or in a group. And then as dolores already mentioned, the -- the governor's committee awards along with ours.

I just thought of something. Just to put it out there. Adapt of tax is going to be on september 21st to advocate for no further medicaid cuts. And I believe that I have the email if anybody wants me to forward it to them. They are encouraging people here in austin just to be, you know, making phone calls and doing some other activities in support of no more medicaid cuts. If you are interested in doing something like that.

Thank you. Is that it?

That's it.

Kathy? Mitch?

We are involved with fema and volunteering and we'll keep you apprized of any needs for people with disabilities of -- [indiscernible]

thank you.

OCTOBER 19th, DMD.

Once again.

Once again. Third time.

Don't anybody forget it.

And I have nothing. Except my grandson's baseball games. [Laughter] that gets us to the end of our agenda. Puts it back up to the training that we've asked for on the open meetings act. So like I said earlier, you're welcome to stay, but -- but I'm sorry?

[Indiscernible]

is our law department staff here? That's critical.

Thank you for coming.

Keep those nominations coming.

Ethnics training.

I'm good.

Okay. Good. [Multiple voices] if anybody wants a copy of proclamation signed by the mayor, I have three extra copies, no, i have two. [No audio]

welcome. If you could identify yourselves please and launch into this. Thank you so much.

Good morning, thank you. I'm sabine romero, I'm complementing elaine nicholson as part of your committee this morning with a brief overview of open meetings considerations that you are all familiar with as a course of doing the clerk's office board and commission training. But this is just a refresher as we try to make sure that we get around to everyone to make sure that everyone is kind of fresh. So I -- do all of you have a copy of the powerpoint? No? Elaine is going to hand out a copy of what I'm flipping there and then on the screen for our audience, there are extra copies if folks would like one. But we'll do it on screen as well. What is the open meetings act. As you guys know it comes from chapter 551 of the texas government code that requires that every meeting be open to the public with notice of time, place and subject. The open meetings act applies to this committee and every city board because the city council has chosen to apply it via city code. That's 2-1-43. So what does it mean when we ask our boards and commissions to comply with the open meetings act? It means that all of your meetings are open to the public. It means that the public knows what you are going to talk about. And it means that we keep a record of the meeting. What is a meeting? A meeting, for purposes of a board or commission, is a -- is an exchange between a quorum of the group about -- about committee business. If you don't have a quorum, then you condition have a meeting. Just because more of than a majority of you attend an event it doesn't mean that you have a meeting. Sometimes you will see on the city's website is something called a notice of events. It's where we know we are going to have a quorum of council or board at a particular event for example because all of you have been invited as sorts of community leaders, but we know that y'all aren't going to talk about community business. We just want people to know hey you may see a quorum of that body there, but they are there on personal business, they are not going to be talking about city business. A quorum is a majority. So for seven, a seven member board, a quorum is four. Now you can have smaller groups. As you guys are aware, council recently updated the boards and commissions ordinances to allow working groups, so groups of less than a quorum can get together as you want, where you want, when you want. The upside is that level of flexibility. The down side is of course because it's not an actual meeting the city staff doesn't support it, it's not sponsored and supported by council, city staff. Now, in the alternative, of course, you can still have subcommittees. Which are officially created by council. Those would follow all of the open meeting act guidelines. What too we have to tell the public about what's going on? We follow the written meetings act with written notice. The notice has to be sufficient to let the general public know the subjects to be considered. The notice doesn't have to be so detailed that it's a script, but it's got to be

clear enough that people know what you are going to be talking about. So phrases like other business are -- are too broad for a general item, although you may see sort of subtitles on an agenda like action items or briefings. And then more detailed descriptions follow. And of course you know how we keep a record, you'll find minutes from board meetings on your city -- city website. And then you can always get a copy of the channel 6 record of the meeting. And those are all public records. So that's where sort of the open meetings act overlaps with the public information act if someone asked us for , since we have that in house created we can just burn them a copy of that and give it to them likewise with your minutes. Can we discuss something that wasn't posted? Generally, no. If a board member or member of the public raises a subject that has not been included in the notice of the meeting, it cannot be discussed. You can address it. If there's a factual answer. You can give that factual answer like what time will your next meeting be. 12 Noon. Or if it's a policy question that is a matter of -- is a matter of sort of public knowledge, you can always state that as well.

A question on that. For instance, I -- I found out before the meeting that -- that there might be some issues with a bicycle helmet that once you have a crash it may not be safe to use the same helmet for the second crash. So I wanted to check into that. Now, can you are saying that would not be right to bring that up to see if there's any knowledge about that?

It's not something that you would want to discuss as an agenda item today if it just came to your attention. Right, for example, meetings generally end with a discussion of future agenda items. You could bring it up at that time and say I would really like us to discuss such and such. In the alternative, if it were a member of the public who had that experience, they could come during your citizen communications, which is a time for anyone to speak on any topic regardless of whether it's on the agenda and say I just want you to know it was brought to my attention that one crash makes a bicycle helmet unusable for future bicycling. I think you all should look at it. Or simply say I just wanted to express that. So there's a way for both the board to express it as a preference for a future discussion item and there's a way for the public to bring it to your attention even if it's not on the agenda. That's a good question.

Can the community, person in the community email a concern, have it be addressed by through email?

The open meetings setup is designed for public participation at the meeting.

Okay.

If comments are received by a board member, you know, between meetings, that would be something that you could bring up at the end of the meeting and say I've received a communication about a concern about bike helm helmets, let's talk about it next time.

Is a quorum established if a majority of the board or commission is copied on an email and one of those members replies to the others?

That's a very good question. Because let me see. Too I have a slide on -- do I have a slide on that? I think I do.

The second question would be at a meeting.

What is a meeting. Here we go. While the open meetings act refers to a meeting as a verbal exchange among a quorum of the committee or between a member of the public and a quorum of the committee, the attorney general and courts have added that a meeting can occur if the conversation happens via other forms of communication. For example, email. And it happens by email in just the way that you stated. Where all of the members, all -- a quorum or more is on the two portion of an email and people hit reply all and they're discussing body business. So for example one method to avoid that is your staff

liaison, for example, can email the chair of the board with all of the other members of the board in the blind copy portion. So that when -- when that email is sent, everyone who receives it sees it as an email sent from staff to the chair, and anyone who hits reply all only replies to the person who sent it. Other than the chair, you would be replying to him or herself. So there are steps that you can take to make sure that communications on a day-to-day basis do not inadvertently reach a quorum and become a discussion.

If a citizen emails the entire committee, and we reply, one of us replies, is that a violation?

We have a slide on that, too.

Okay.

Let me move us to that slide.

Excellent question. Okay, it's the same slide on what is a meeting. Sorry I didn't number these pages for you, that would have been easier. While the open meetings act refers to a meeting as a verbal exchange among a quorum of the committee, or a member of the public and a quorum of the committee. So there you have it.

But if we didn't initiate, we're not violating open meetings if -- if we as a group receive an email from an individual, but if we reply we are violating it, correct?

You certainly have a responsibility not to -- not to discuss business amongst a quorum. So -- so you are right. If you have an email with everyone in the field and you hit reply all, this slide is telling you that you need to be careful because the ag and courts have added that a meeting can occur if a conversation happens via other forms of communication, for example, email or text message.

Okay. If we answer questions of fact and don't discuss things, is that --

sorry.

If we -- if we address questions of fact, like our next meeting is October 2nd or something like that, and that reply to all, just to let everybody know that the question has been addressed, but we fail to -- we don't discuss anything, we just respond with a factual answer to the citizen, is that violating the open meetings act or is that similar to you said being able to address the factual question that was not on the agenda?

The best practice for board members is definitely not to use email in a quorum fashion. A logistics question is best addressed to your staff liaison and let him or her handle it.

All right. That's also a good question. All right. I think we're almost at the end. Subcommittees. Posted, posting tips. A record. Off agenda. The rights of the public. The act gives the public the right to have timely notice of the time of the meeting, the location and the assumptions to be discussed. -- The subjects to be discussed, the public can attend and record a meeting. Executive -- I'm sorry?

I have another question. If the meeting is conducted online in an open online meeting room, where -- where anyone can enter that meeting room and it's open to the public, and the meeting is announced prior to the -- prior to the date of the meeting, and the -- so in essence it's serving as a physical location. For people who are meeting from throughout the nation. Is that acceptable?

That's not a city board and commission meeting format. We require a physical location.

Okay. Executive session, there is new guidelines in the 2-1 city code now to let you know that a board or commission can still have an executive session, which means a session outside of the presence of the public that's entered into after the meeting begins. And it's followed by a public closing of the meeting. But you do have to get permission from the city attorney. So that there's a clear explanation of what the issue is that -- that is worthy of an executive session. You all are familiar with the required training at the city clerk's office -- that the city clerk's office provides and the open meetings act documents are always online, go to her website, go to boards and commissions, scroll down, and you'll see the workbook links and there's a link for open meetings. Questions? You guys have asked questions as we've gone along, so perhaps you don't have any. Just in case --

is there anything in the open meetings act or in the city ordinance that prohibits a board or commission member from expressing their individual opinion outside of a meeting? If they say they are a board or commission member or should they best do that just as an individual citizen without any implied affiliations to the board or commission?

Off the top of my head, i can't give you a citation, but I can certainly look into it and get back to you for the next meeting.

Okay.

Or if you just want to email all of us -- [laughter]

no!

Or maybe --

kidding.

I would communicate with your liaison for this. [Laughter] thank you. Any other questions? Thank you.

Thank you.

I appreciate you -- you being here. That slide really did help because in the open meetings record printout that I have for my training, it doesn't say a word about emails. So that was -- that was a big point for me. So that's -- that helps a great deal.

Great.

And I noticed this in the ordinance, but if you can just refresh my memory, subcommittees what is their quorum requirement. Is it still a quorum of the entire committee? It -- if that's the case, there's seven of us and four of us must attend any subcommittee meeting, it's -- it's nearly a whole committee. And -- in that regard.

Right, your working groups are less than a quorum. You said there are subcommittees and working groups. Can you delineate the difference between the two. A working group does not receive city staff support because it's less than a quorum. And so that gives you a great deal of flexibility, if you have something that y'all want worked on from one meeting to the next, you can say all right, two of us are going to form a working group and just sort of meet on an ad hoc basis before the next meeting and come back with some sort of presentation, of course that working group can't make any decisions because it's not a full quorum or a full body, it gives you flexibility because you don't have to post a

meeting agenda, you could do it at a coffee shop, but you are only two or three members.

But if it's four members then it's a subcommittee and needs to be posted as a meeting?

And it goes through the formal subcommittee creation process which also requires some approval by a council subcommittee.

Right. Well, we are kind of getting away from open meetings here, but just to clarify our bylaws, we have three members on the committees and the chair and the chair is not considered a member of the committee. The subcommittee.

Okay. Okay. But for -- for open meetings purposes, to -- good point. To merge to pull the discussion back under the umbrella, a working group does not have to comply with the open meetings act.

Any other questions?

Thank you.

Thank you very much. I appreciate it.

Yes, thank you very much.

One final -- well, I say final, it's probably not the final. Our election is next month. And if you don't want to run for chair or vice chair, please let dolores know, otherwise your name will be on the ballot. Any other suggestions for -- for new business?

I'm -- I'm -- I just wanted to -- [indiscernible]

future agenda items.

We had a -- inquiry about two months ago regarding public education and government, peg stations and accessibility. And I don't know if you recall the letter, but it came from -- from citizens organizations regarding at&t u verse and the accessibility of peg channels. I recommended that the telecommunications committee chair be forwarded that communication but we may also wants to take up that agenda item.

They have advised us that we have no dog in that hunt.

We have no dog in the hunt.

It's a state contract and the city has no jurisdiction.

He city has no jurisdiction, okay.

They have declined any other comments.

Thanks for closing the loop on that.

Yeah.

So there's no franchise between -- between -- okay. I understand.

I will just make the communication is -- I did it privately, but I wanted to personally thank council person kathy tovo for me reappointment as a commissioner.

Thank, kathy. Any other suggestions for future agenda items, presentations? Motion to adjourn.

Motion.

Kathy. Second.

I'll second.

Mr. howe. All in favor, aye.

Aye.

Opposed? We are adjourned. Thank you.