

Council Work Session 8/7/2012

>> Mayor Leffingwell: Good morning, I'm austin mayor lee leffingwell.

We have a kind of lengthy work session today, so I'll go ahead and get started.

I know there are several conflicts.

We'll probably have to -- we may lose a quorum about 30 so we'll take several measures to make sure we can get through this on time.

We have several action items.

We're meeting in the -- this is a special called meeting of the austin city council.

It's a work session.

It's tuesday, august 7th, 2012.

We're meeting in the board and commission room, austin city hall, 301 west second street, austin, texas.

The time is 9:08 a.m.

Our first item will be to go into a very brief executive session, discussion, presentation from bond counsel.

And then we'll come out and I would like to take up the

action items before we go to the bond presentation.

In case we start running short of time.

There is a time constraint.

It's very important that we get these charter items finished before august 16th.

So we can do the final work on that date.

[09:06:02]

I'm reminded the executive session may refer to other issues that have to do with the charter too.

And last week at our work session since none of these items are public hearing, we agreed to limit public comment to 15 minutes per side.

If there's no objection we'll proceed with that, with that amended rule.

And all of the action items -- on all of the action items.

So just following up on that, if there are several people who want to speak, this gives you the opportunity to arrange your speaking times to fit within that 15-minute constraint.

With that the city council will go into closed session to take up one item pursuant 071 of the government code.

The city council will consult with legal counsel regarding the following items.

A-1 to discuss legal issues related to the november 12 election.

Is this any objection to going into executive session on the item announced?

Hearing none we'll now go into executive session.

[09:50:46]

>> Mayor Leffingwell:
We're out of executive session.

In executive session we discussed item a-1.

No decisions were made.

So as we previously discussed, we'd like to go ahead and take up now the charter amendment items and begin with item b-3, if there's no objection.

And this is for third reading of an ordinance placing an amendment of the november 2012 ballot to provide for some members electd from geographic

single-member districts and some elected at-large.

Public comment is allowed, however, we've allowed to limit public except to 15 minutes.

Public comment to 15 minutes.

So we have folks signed up.

>> Mayor?

>> Mayor Leffingwell:
Councilmember morrison.

>> Morrison: I believe staff might have a few comments about the version that we're considering now because there were a few changes.

And I wondered if it might make sense to have those presented first?

>> Mayor Leffingwell:
Sure, we can do that.

In the meantime maybe I can figure out these cards.

[09:52:01]

>> Morrison: Perfect.

>> John steiner, law department.

You may recall at the last work session we were working with some language in the transition provision to

provide for what might happen if no other charter amendment passed except for the 8-2-1 that would be left -- the charter would be left with nothing that talked about term lengths.

So we put something in there to try to deal with that eventuality, which I think was language that no one was happy with because it was incredibly complicated and very difficult to understand.

So I have in your backup provided another version that I think simplifies that a language considerably with respect to the outcome of term lengths.

However, I'm still struggling a bit with the provision on what happens if terms are shortened for purposes of the transition.

And at the last work session it was suggested that we put the word materially shortened.

And I think that that's going to be difficult because materially -- depending on how this ends up with respect to when it goes into effect and how -- what else passes on the ballot, that could get us into some dicey interpretative questions.

So -- interpretive questions.

So I would suggest if council would be agreeable to it, that we might want to

[09:54:03]

say what materially means.

We could say, for example, more than a year is material or more than a year and a half.

>> Mayor Leffingwell: Just speaking for myself, I think that's a very reasonable solution, more than a year.

That takes the gray area out from three days to a substantial, significant period of time.

Mayor pro tem?

>> Cole: Thank you, mayor.

I would agree with that.

And john, you might just lay out briefly the complications that it would cause if we don't give you this direction.

We did some of that in executive session, but i would like the public to understand that we have to try to give some direction on this or else we'll come up with some very complicated scenarios.

>> Well, for example, if -- because of the way the terms are shortened, if the ordinance -- if the charter amendment is put into effect for the first time in november of 2014, there will be a number of councilmembers who would be normally up for election just six months later.

And so if their terms were shortened by six months, then the entire term that they had served would not count for term limits.

And really had had been substantially most of the term to which they were elected.

So that seems like it might not be what was intended by giving the break on term limits by people who had a term that was shortened.

I think the idea was if your term was shortened by half

[09:56:01]

or something like that, then that would be material, but six months is a possibility under some scenarios.

And then a person whose term was shortened and if they drew another short-term to get the stagger going, they could have two consecutive terms, neither of which

counted for purposes of term limits.

So that's why -- and plus we wouldn't want the council to get into a position where people could say that you were writing the transition ordinance in a way to benefit or attack another member.

>> Mayor Leffingwell: I'm sure that wouldn't happen.

[Laughter].

>> I think having something in the charter that kind of gave us a firm meaning would be better.

>> Mayor Leffingwell: Okay.

Thank you, john.

Do you have something else?

>> Well, I guess if the council wants to do that, make that change in the draft, I'd need to direction from you to do that.

>> Mayor Leffingwell: I think just direction, i think you have that direction of more than a year.

>> Okay.

So in -- where it says if a councilmember's term is materially shortened, it

would be changed to if a councilmember's term is shortened for more than one year.

>> Mayor Leffingwell:
Right.

>> There's a corresponding provision in the made in november item that's also on.

So I could --

>> Cole: John, could you give us the subtitle wherever you are?

>> It's on your draft.

It's page three of five at the bottom beginning on line 31.

If a councilmember's term is materially shortened for the purpose of the transition

[09:58:00]

would change to if a councilmember's term is short earned by more than one year for the purpose of the transition.

>> Mayor Leffingwell:
Councilmember morrison.

>> Morrison: Thank you.

We're looking at a yellow sheet.

Could you tell us what else is different from what we last saw?

>> What you last saw had f -- what you see now is f and g, was just f.

>> Morrison: Yuck talking -- you're talking about section 2.

>> Yes.

If you would like I can read what f was and what f are now, if you would like.

>> Morrison: Okay.

>> What it said before was, f, if this charter does not otherwise provide for term lengths for councilmembers, this subsection applies.

The regular term of the mayor and councilmembers is three years.

Council terms shall be staggered so that half or as near to half as is practical is elected each general election.

The council shall provide by ordinance for any transactions necessitated by this section regarding the length of council terms and the staggering of council elections.

The council term is substantially shortened to

create a tagger that term should not count for a full item for section of this chart he.

Notwithstanding, if another charter amendment that addresses only the issues of election -- only the issues of term lengths and election dates is determined by voters.

That was changed to two paragraphs, which one is f, the regular term of office for the mayor and councilmembers is three years unless another provision of this charter provides for a four-year term, in which case that provision supersedes this subsection as to the length of the term.

Coupe terms shall be staggered so that half or as near to half as is practical for the council is elected at each general election.

And g, the council shall provide by ordinance for any transitions necessitated by amendments to this charter that are adopted by the voters on november 6, 2012.

The ordinance may provide for drawing lots for initial terms or techily lengthening or shortening individual members terms to accomplish the track.

If a councilmember's term shortened by more than one year --

>> Morrison: If we do that.

>> For the purpose of a transition, that shortened term does not count as a term for the purpose of article 2, section 3 of the charter, which is the term limits provision.

>> Morrison: So if it's shortened by more than one year.

>> By more than one year.

When this subsection has served its service it will be expired and will not appear in further sections of the charter.

>> Morrison: So you pulled what was f in order to deal with the transition separately.

>> Yes.

>> For purposes of calculating that one year, i think the most common reading may be that we would count from the election day that shortened their term to the next june 15th.

June 15th is the date that we by ordinance mark terms.

We mark terms by june 15 of every three years.

>> Unless we go to november elections.

>> Yes.

We're talking about 8-2-1 passing all by itself.

And if we do go to november elections, part of council's decision will be setting a new date by ordinance from which we mark terms.

We would go from june 15 to something like january 15.

So just to give council how we would calculate that one year we would go from the date of election that shortened the councilmember's term to the date set by ordinance that marks the book end of a term.

>> So it's not really, say, explicitly how long you're sitting on the dais.

>> Right.

That would be tenure.

We would set it instead to the length of your three-year term.

Which depose to show that there can be some discussion even about what constitutes a year.

So I'm just giving an example of how it could be done for purposes of allowing you to give us some feedback about whether that is what you're intending.

>> So that's one alternative.

Are there some other?

Some other ways to define that year?

>> You could certainly count -- the difficulty with counting it from the day that you would have been elected had we not shortened your term as we don't know what day you would have been sworn in if we hold an election early.

But we do know when a term ends by ordinance and we do know when you -- when your -- the election day that is held early.

So we have to go off of things we know for purposes of calculating that one year.

We can certainly discuss it further, but it's an example of how setting even what seems like a definite timeline can raise questions.

We can come back to you with some scenarios of how that would play out.

>> Morrison: Thank you.

>> Mayor Leffingwell:
Okay.

In that case we'll go to our
speakers.

I will say a quick word
before we go to the
speakers.

I know there's been some
discussion about a lack of
transparency in the council
trying to hide something by
acting on second and third
readings of this particular
item.

Let me assure you that has
absolutely nothing to do
with it.

First of all, we had a full
public hearing prior to the
first -- it was not actually
a required public hearing,
but a full public comment
period prior to the first
reading.

Normally if it were a public
hearing, that hearing would
have been closed then and we
would have acted without
further comment.

So we're actually allowing
additional public comment,
although it's not a public
hearing for this item.

And it was in each and every
case necessitated by the
time lines that we're facing

to have all this stuff
wrapped up so it can be
finally approved at our
august 16th meeting.

That's the sole reason for
doing it this way.

In addition, we had
tentatively planned for a
special called meeting on
august 9th because that's
this week.

But that was not possible
because of the availability
of a number of
councilmembers.

So with that said I want to
go ahead and take additional
public comment, however,
limited to 15 minutes total.

I believe that's what we
have on this item.

So the first speaker is
julio gonzalez.

And donating time to julio
is ted siff.

You have up to six minutes.

Do we have some kind of
timer on this?

Okay.

>> Thank you for this
opportunity to provide
testimony.

I'm here to speak in support of a hybrid city council election system.

The way I want to talk about it is I want to go over seven specific issues that have been raised in this debate and talk about what empirical data tells us is best for austin.

The specifics of the items are turn on (indiscernible), the city service, fiscal servership.

Representation, legality and viability.

Let's get started as there's a lot to cover.

The first thing that's important to note is that council election designs empirically do not have an effect on turnout.

And perhaps the most extensive research on this subject conducted looking at several hundred municipalities what was found that certain things like the timing of election, november, helped, but things like council design do not.

In actuality one of the things that they found is that single-member district design reduced turnout over the overrule adult resident population and the statistically significant

level, but they ascribe it to the fact that s and d's are prevailing in communities.

For those of us like myself that favor neighborhood representation, it is important to understand that when we advocate for neighborhood districts, it's not going to be a solution to turnout, similarly at-large is not going to be a detriment.

Those of us that support neighborhood representation have to deal with one of the dark undersides of single-member districts, which is that the losers -- the losing coalition in a drib also needs to be represented.

Some of the most interesting work on this topic has been done by david brookeman and what he's basically done is through a series of field experiments tried to find out if constituents services are affected by factors such as race.

And sadly, interestingly, but rather depressingly, one of the things that brookeman and his team have found is that legislators certainly treat who their constituents are differently.

I want to point you to his conclusion.

Minority legislators do the opposite, responding more frequently to the black what they did in their field experiments is pretend to be individuals of different ethnicities requesting a voter registration services.

In a different experiment they also found that individuals, especially blacks and whites, request services at a lower rate from people of a different ethnicity than themselves.

The point here is that the district median voter is often quite different than the constituents in a losing coalition.

That's why it's important to have some in at-large seats in a district designed system so that if you're looking for a person that matches your ethnicity or your ideological preferences you have someone to go to the city services to.

At-large seats can help with a strong mayor.

As has been discussed before, when you raise the number of seats as well as when you create a neighborhood focus you are going to increase the per capita expenditure rate.

Because the second largest expenditure for Americans is taxes, it's very important to balance out our growth in seats as well as the neighborhood focus for those that want geographic representation with a counterbalance in the form of either a strong mayoral vote or on budget matters or at least some at-large seats that have an interest in the citywide fiscal median.

Council election design does not have an effect on the influence of money.

Regardless of how you measure it, simply put there has been no evidence that finds that the marginal dollar or the likelihood of small funded candidates to win is impacted by council district design.

And remember the districts that we're discussing under all of the plans in the public domain are going to be for a medium size city.

Perhaps the most contentious you have to do with self representation.

The most extensive research was the 7100 sample essay written by (indiscernible) in 2008.

And basically what they found is that the effects

are very modest once you get to large cities.

Smd's are helpful historically to african-american men in a small amount, and they hurt white female councilmembers in a modest amount.

The reason that lrr contracts's reduce polarization and could be added to the mix is if you have two choices you continued to aggregate your preferences and prioritize those things that are most important.

If you have more people that you can vote for on your ballot, you can have new sets of preferences.

So in a place where voting is not polarized by ethnicity or other concerns like that you see the ability as we have seen in austin to unbundle your preferences.

And that is one of the reasons that it's important.

Smd's hurt women's representation rates.

We would expect about two to eight less women over 10 election cycles can 10 seats.

The alternatives offer for geographically reduced minorities.

That is particularly important for two etcetera in this case groups in the city who we definitely have to do a very good job in the short-term to try and create districts that allow for their representation, but if that is not possible, as the population evolves, it's also something that is in the research found to be true for the lgbt community.

I want to conclude by talking a little bit about the latino population.

And basically in the short-term because the austin population, latino population is about 26% in terms of the voting universe, it makes sense --
[buzzer sounds]
thank you.

I'll stop with my remarks there.

Thank you.

>> Mayor Leffingwell:
Thank you.

Next speaker for is james norly.

Is james norly --
norte.

Excuse me.

You have three minutes.

>> Good morning, mayor,
mayor pro tem,
councilmember.

My name is James Norte and
I'm here to urge you to
support the 8-2-1 hybrid
plan.

I'll be very brief and make
three simple points.

8-2-1 Has something for
everyone.

Those who like the status
quo and those who support
some form of at-large
representation can go ahead
and elect three members,
three representatives at
large.

Yet I am personally
sympathetic to those who
live in north Austin or far
south Austin and do not feel
adequately represented.

I think it's important that
we go ahead and make this
change so that everyone in
our community feels
represented.

Under this mentality then I
think the hybrid plan, the
8-2-1 plan, has the best
chance of passing because we
draw support from those who
want the status quo.

We draw support for those
who want single-member

districts and we draw
support from those who want
some sort of hybrid mix.

Second, the hybrid plan
presents (indiscernible)
against any warsaw politics.

I'm worried if our
representatives are only
accountable to a small group
of either neighbors or
developers, our great city
might suffer from what's
called not in my backyard
mentality and warsaw
politics.

We need at least some
councilmembers to take a
holistic approach to our
city.

Look at the big picture,
solve big problems and look
beyond any one particular
area.

And finally, as an
african-american, I must
address the race element.

I'm sure you all
understand -- I'm sure you
all understand the
importance of a diverse city
council to represent our
diverse city.

Because african-americans
and other et cetera in this
case minorities, members of
the hispanic community,
native americans and
asian-american communities,
are so dispursed among the

city, it is difficult to
elect a minority from any
one single-member district.

It would be far more
feasible to elect them as an
at-large district.

Under 8-2-1 we could include
everyone.

Thank you, mayor.

>> Mayor Leffingwell:
Thank you.

Now we have several speakers
signed up against beginning beginning
with nelson lender.

Donating time is david
van oss.

>> David left earlier.

>> You have three minutes.

>> Thank you, mayor.

I am nelson lender.

I am to be very clear I'm
here to oppose the 8-2-1
plan, but also talk about
the virtues of the 10-1
plan.

But first I want to give you
a powerpoint about the
actualized people.

Know that it's coming from
the heart.

I am president of the austin
naacp.

For the past 100 years we've advocated for equity in this country when folks like us couldn't even vote.

In 1965 there was the voting rights act.

At the time there were 300 black officials in this country.

By '92 we had increased to 8,000.

So obviously the naacp has a track record dealing with actualizing the city and this country and empowering people.

When I went around to council I was appointed to a thing called the charter revision committee last year.

Right now frankly I don't understand your point because if I come up here and speak today with no actual history, it was a waste of my time.

But I want to cite you your own charter and the first is going to be resolution 20110526-025.

it says whereas if the city has certain responsibilities for districting under federal and state law but limiting constitution and the voting rights act.

That's important.

Same resolution, it says be it resolved by the city council of the city of austin that the council here by set the following that all proposed plans be submitted in writing about this particular conversation.

This is your own charter.

Finally it says number 6, persons providing comments or proposing plans must identify themselves by providing a home address, phone number and also make sure they're listed in the actual discussions.

For the past year we've traveled to the city of austin as appoint willing people having dialogue in every community about these particular issues.

And I find it very ironic, but one more resolution first.

This is called 2012026-024.

Whereas a set of established districting criteria will serve as a framework to guide the city and in consideration of this plan.

Whereas establish the criteria will provide the city a means by which to

evaluate and measure a
proposed plans.

We did it the right way.

We had a public discussion,
we had dialogue.

Many of these folks who are
speaking today didn't show
up to any meetings at all.

So I'm wondering if you had
a full discourse in any
community, where were they
then?

Let me tell you why this is
really happening.

I'm going to be very
specific today because i
have to be.

To the council in john and
also some folks specifically
because I need to.

I'm a very staunch advocate
of single-member districts
for a lot of reasons.

If you look at the whole
nation, not just austin,
texas, because this really
ain't that special.

It's a great city, but it
has a lot of problems.

We need to admit that.

Single-member districts in
the country of america have
primarily empowered people

like me --
[buzzer sounds]

>> Mayor Leffingwell: You
have another three minutes.

>> Thank you, sir.

I'm almost finished.

My whole problem with this
whole proposal is it didn't
go through the proper
process.

They talk about the 10-1
system not being add kuwait.

You have a document that
will show thaw when it comes
to voting population blacks
are (indiscernible), 20%
anglo.

When it comes to citizen
voting population we're at
30%.

That will show that our plan
is legal and also is done
the right way.

As a final comment to the
folks here that believe in
the at-large system, this is
the african-american quality
of life city scorecard that
documented disparities here
in 2004 that we were a major
part of you have serious
issues here in terms of the
black community and equity.

In 1970 black votes were 70%
of the population in east
austin.

By 1980 54%.

1990, 41%.

2000, 30%.

2010, Eight percent.

Nobody on this city council
has ever looked out for the
interests of black large on
the at-large system.

Nobody.

We've seen lack of
affordable housing, police
brutality, lack of
employment opportunities
over the past 30 years.

These systems around the
country do not work.

They only empire the folks
who are rich who control the
resource.

This is about resource
distribution.

You are not investing in the
city -- investing in the
city equally.

A 10 to one plan will pass
the department of justice
plan.

But I'm going to challenge
you again to follow your own
process.

Why waste eight months of my
time having conversations,
reading city charters and

talking to folks who were serious about change, then all of a sudden you throw another hearing and folks come in the door who have done none of this stuff at all.

Our plan is scientific and also part of american history.

Read the results and our own his terrorism and by the way, remember a fellow named (indiscernible) and also nelson lender.

It's not about a plan, it's really about people.

If you would address the people of black folks in this city and brown folks in an equitable manner, we wouldn't be having this conversation.

The present plan is not going to work.

This is not 8-2-1 versus 10-1, this is really about 10-1 versus the current system because your plan has failed five times since '78.

It's guaranteed to fail.

Thank you for your time and I look forward to seeing new the future.

>> Cole: Mayor, I have a quick question for mr. lender.

lender, I want to know about the naacp process, the organization has typically been involved in justice department preclearance issues throughout the country.

>> That's correct.

>> Cole: So I want to know if I'm right in assuming that no matter what happens, whether we keep the at large system, go to 8-2-1 or 10-1, that the naacp as an organization would comment on that.

>> No doubt about it.

Of course, if you vote to change the system it's going to require federal preclearance, absolutely.

>> Cole: But I'm thinking that even if there is a vote to not change the system, it's possible that the naacp could challenge that.

>> Well, I appreciate your insight.

Let me share something with you briefly.

You might know that last week in farmers branch, texas there was a lawsuit because in that city you had a 45% hispanic population that had no representation.

They sued the city as they should have.

They won in federal court and now they're going to force them to implement a single-member district system.

So absolutely, if you keep the current system we'll see you in court happily.

>> Cole: Right.

I guess all that was important to me because I've had conversations in the african-american community and realized that the community has some very different opinions about what should happen, those that are familiar with it.

And we've been having this discussion over a long period of time.

So I think it's important that the naacp is involved in that conversation no matter what, even if it fails.

>> Let me address your point.

Like every community in this city we have difference of opinion.

It gets back to credibility.

This was supposed to be a credible process.

When everybody including those folks, these come latelies, they would have come out to locations and share it in writing.

According to charter they didn't do that.

You're creating an unfair process.

That's why we oppose it.

Ultimately this will make it a better city and once again if you treat everybody in this town right, quit holding the resources for a few people, we wouldn't be having this conversation.

When you talk about the plan it escapes from you talking about the people.

Talk about the people and what they've experienced over the past 30 years.

>> Cole: Thank you, mr. lender.

>> Mayor Leffingwell: Thank you.

Next speaker is debbie russell.

And is karen haddon here?

She's here.

So you have up to six minutes.

>>

>> I thank you.

Debbie russell.

I first want to speak to why we're doing this today in a work session, why we're voting on a major, major, major structural change within the confines of a work session.

Your own rules that you passed in march 2011 say that the agenda will include items from the council agenda and that actions will not be taken on those items posted on the thursday agenda.

Since then I've looked at every single one of your agendas and your minutes and looked at the agendas from the thursday council meetings where there were one.

Very few votes have taken place where there was a thursday council meeting.

And very few votes have taken place when there was a council meeting on items that weren't on the agenda that were significant.

There was no substantive votes taken.

They were merely housekeeping items, such as

voting on your rules for the work session, voting to waive rules in one or two cases for public input, and voting for public hearings and canvassing results and special meeting dates and things like that.

Things that didn't need public input.

So we question I think a lot of us question why you're doing this here and now to avoid a true public input.

And the second one is that how you've conducted these work sessions, which were of course implemented to try to fix open meeting issues that you had, now we've converted it to a place where we can hide major, substantive votes for things that you don't want public input on.

The next presentation, please.

The second thing I wanted to talk to you about is why 8-2-1 is going to fail in one way or the other.

8-2-1 -- Keep going, please.

It failed to pass in 2002.

Thank you.

Because -- mainly because the council ignored the charter commission then.

The first of which came up
with the citizens
districting 10-1 plan.

I think the people saw
through that when they
maneuvered to have a second
one in place and came up
with 8-2-1.

They knew that this was
again the politician's plan,
not the people's plan.

And now 10 years later we
have 100,000 more people and
it's hard to have proper
representation with that
many more people with eight
districts.

And we're about at half the
african-american population
that we were there.

More on the department of
justice.

Their primary concern will
be looking at an
african-american opportunity
district.

Their secondary concern very
closely behind would be that
there's adequate hispanic
opportunity districts.

They're not looking
primarily at some of the
other minority populations
because they're not
historically as -- they're
not as historically having
trouble getting their

candidates to the ballot or getting them voted in.

Eight isn't enough to satisfy either.

The federal district court, they have rejected hybrids in texas when at-large entities have gone to districts in the last 30 years to cases listed up there for you.

In texas for entities that have been going from at-large the courts have ruled that maintaining at-large seats dilutes the minority vote and lessens opportunity for minority candidates to run.

These two cases were upheld and since then any entities that we've seen especially looking at central texas that were moving from at-large districts haven't each tried a hybrid system.

They knew this was coming and it was going to cost them money.

If 8-2-1 happens to win, the doj will nix it likely.

If 8-2-1 happens to win the federal courts will likely nix 2.

Again, we have entities promising to bring suit.

You're asking for a very expensive lawsuit.

And again, then we'll have nothing.

If both measures are on the ballot, likely not enough people will vote for both as councilmember spelman has pointed out.

There will be voter confusion, there will be divisiveness in the community so neither might win and then we'll have nothing.

We'll be back to square one and at-large with the gentlemen's agreement in the 21st century.

Supporting 8-2-1 politically for you, what does that mean?

It means supporting the divided community.

It means supporting unnecessary lawsuits and supporting possibly the failure of geographic representation for austin yet again.

Please don't support failure.

Please trust austin and support only cd 10-1 on the ballot.

>> Mayor Leffingwell:
Thank you.

Those are all the speakers
on the ballot.

I'll entertain a motion.

This will be third reading
of the so-called hybrid
plan.

Councilmember riley.

>> Riley: I move approval.

>> Mayor Leffingwell:
Councilmember riley moves
approval.

Second by councilmember
morrison.

Is there any further
discussion?

Mr. steiner.

>> The direction that you
gave us earlier with respect
to the language.

>> Mayor Leffingwell:
Councilmember riley?

>> Riley: That's right.

>> Mayor Leffingwell: Yes,
the revised language that we
previously discussed.

And councilmember morrison
is fine with that.

All in favor say aye?

Opposed say no?

It passes on a vote of five
to one with councilmember
spelman off the dais.

Okay.

So next we'll go to item
b-4.

And we do have people signed
up to speak on b-4.

Again, limited to 15
minutes.

15 Minutes total on this
subject.

And the first speaker is tom
smith.

Donating time is david
power.

Is david here?

David, show yourself,
please.

>> [Inaudible - no mic].

>> Mayor Leffingwell:
Okay.

So for now you have three
minutes.

If david shows up you have
six.

>> Okay.

Hopefully I won't need that,
mayor.

I think as many of you know
my name is tom smith or
smitty and I'm director of
public citizens texas
office.

And we're opposed to the
change in government.

And wanted to explain to you
a little bit about why.

We've spent a lot of time
lobbying both here and
san antonio for clean energy
and a number of other
issues.

And have really come to
appreciate the difference
between the two cities.

[One moment, please, for
change in captioners]

>> one of the things that is
really disturbing that that is
sort of encapsulated in the
headline in the san antonio
express that says culture of
secrecy persists at cps energy
and what you discovered was when
they were uncovering the
problems of the nuclear power
plant, they couldn't get the
data.

City council couldn't get the
data.

What was available for the
public about analyzing what went
wrong was redacted and shut down
by cps, not by city council, and
the mayor and his staff were
chastised by cps board members

publically for releasing what a little bit of information came out to the public.

Now, the only time really anybody got a chance to correct the direction was when there was a bond rate increase, and there was only a time when there was a struggle for adopting the renewable programs that were available for now.

We support the city council continuing to act as a board, but assuming more of the powers of a board, to be able to fire and hire the executive director and request that you create a system where you set independently as a board on that.

Did support the 1996 recommendations and will learn a lot since then after having participated down there.

But if you do go out that way and create a board, do stronger open meetings and records, require updates from council and clarify appointments and removal processes and one thing we discovered in san antonio, the mayor discovered, he couldn't fire or remove a board person from there, and even though he asked for resignations, the deputy chair refused to resign after the scandal about the nuke plant down there.

Next slide.

In the '96 recommendations there was a number of specifications that were recommended by the council and others and this is listed here -- but others are the '96, 2004 recommendations, staggered term, term limits, conflict of interest and disclosure statements and compensation and there were a bunch of questions here -- because because that need to be resolved -- [buzzer alarming] that need to be resolved before you go on this and I want to say we think you have done a far better job than we have seen in San Antonio and continue to see you acting as this.

Thank you for your time.

I want to say that all this item does is allows the council to explore the option and all of the things you discussed as recommendations would come into play at this point in time and your advice would welcome it if and when this happens.

Council member Morrison.

>> Morrison: I do want to point out what this does is throw out the part in the charter of what the council decides of what kind of governance as to whether explicitly -- the kind of governance change would be a ballot.

Can I ask just briefly your thoughts on that specifics?

>> Certainly.

We -- we think we have got a fairly good system now and doesn't need a whole lot of changing.

It would be my belief that given that this agenda item or this initiative would be voted on immediately after the electric rate increase hits people's mailboxes, in october, that it would pass overwhelmingly.

A number of you have said explicitly, we favor a san antonio kind of move tell and so that's the -- the sort of dominant model that we think you might be discussing and there are other models that are certainly available but basically it all boils down to either the city council acts as a board or you create another board.

And once passed, with the legislature meeting, the pressure is going to be on you to modify perhaps in haste or perhaps as some sort of a compromise over the rate case.

The governance system, and that's a hard time to do it, is when you literally have a legislative gun to your head that if you don't change it, we are going to deregulate you and I am not sure that is an appropriate time to be making these decisions.

>> Morrison: But I am talking specifically, should the change be in the hands of the voters or in the hands of the council?

>> Well, I think that it should be specifically put in the hands of the voters, where there is a descriptor that says.

>> Morrison: Thank you.

>> This is the model we are working on.

Thank you.

>> Morrison: All right.

>> Mayor leffingwell: okay.

>> Thank y'all very much for your time.

karen
when.

Three minutes.

This brings us to 9 minutes.

>> I have 3 minutes donated by debbie rustle who is here.

>> Debbie --

>> does it show you up for you.

>> Debbie russell is here and that will bring you to 6 minutes and total of 12 and so there will only be time for one speaker after you.

>> I will try to make it quick.

Good morning and thank you for addressing this issue.

I -- like Tom Smithy Smith think this should not be on the ballot.

You should not open Pandora's box.

I want to tell you for a moment what happened in San Antonio because this lesson cannot go unattended.

And thank goodness for all of you who agreed that we would not get into -- to nuclear reactors proposed for South Texas project.

Thank you again.

The mess that was created down there is beyond belief and it happened largely because they had an independent utility board that was between city council and the utility.

That gave them additional isolation.

They could operate independently and they did so and they -- and they took the utility down a very bad path.

Citizens had almost no recourse and it was a nightmare beyond belief.

The change that has happened down here, which you often hear about the good results, is

because hundreds of people took to the streets.

Hundreds of people had to go to meetings, 3 and 4 and five times a week to testify.

It took incredible amounts of energy and work, and it didn't happen just because some people decided to do the right thing.

It happened because of incredible citizen pressure.

We went down to san antonio and had an expert present a study early on that said the nuclear reactors would cost 17.5 billion.

It was a credible study and it threw a major spinner into the speaks and no one quite knew what to do about it or how to address it.

They were worried we might be right.

At the same time, they kept saying, oh, the cost of the 9 billion, later 8 or 9.

Then 11 billion.

And then 13 billion.

At a point where the city was just days from approving \$400 million in bonds.

That was what the utility was putting out as the official

number, and, yet, inside they knew differently.

They knew that this was 4 billion-dollars short, 4 billion-dollars short of the real cost.

That's huge.

There had been huge outcry over the reactors to begin with and about the direction the utility was taking and so then you top it with this major secret that got leaked out through the mayor's office.

That -- that fortunately came to light before the election, not afterwards.

The utility was going to keep it secret.

It came to light and I cannot begin to tell you how eruptive this was.

What happened is that the true cost has eventually come out to 2 billion, top executives at cps energy left.

Their reason wasn't officially fired but you have to kind of think about it.

And along the way, citizens who tried to weigh in with the cps energy board, as opposed to city council, met a brick wall.

When they asked to speak at board meetings, they were told no.

When it came down to a final vote to approve involvement in the reactors, they were told no.

And then they said, maybe.

So a whole large number of citizens came to a cps board meeting, came early so that they could get seats and have a chance to address the board.

They got told they were too early and they got sent outside of the building.

They said you have to leave.

You have to go outside.

And they did.

I was with them.

Then, when it was time for the meeting to start, we all came back inside, and low and behold, the whole room was filled up with cps energy employees and there were no seats, and we were not allowed into the room.

For 30 minutes, a large number of citizens counted on the door, saying let the public in -- pounded on the door.

This was a rogue utility, and the structure of an independent governance board between city council and the utility allows that to happen, did allow it.

The night mare was beyond belief.

It was a bloody mess in the newspapers.

It was bad publicity.

It was not the way you want to handle these decisions.

I understand that recently, city council has had a lot of time spent on dealing with these issues.

If there is a need on the front end to get expert testimony, perhaps you can do that through the euc and through possibly the city's finance commission.

I don't think that you need to do a separate governance structure or a change in governance structure.

I would urge you not to.

I would characterize cps energy as rogue.

The city council felt that they only have the ability to weigh in on the rate hikes.

And let me tell you about that.

That they knocked the rate hike down from 5% to 3 and a half percent at one point and they said don't spend a pun any on the nuclear reactors.

We tell you not to.

They did say they want 96 million to go for energy efficiency.

That's what council said.

What happened in the following year, 93 million of the 96 disappeared.

It was never accounted for.

We were never able to get the budget.

It disappeared, we can only assume it went for the nuclear reactor because they lost 400 million on that.

And meantime, things moved right forward, and the -- the cps energy -- [buzzer alarming]

>> just totally ignored council, so, please, don't put this out there for this opportunity to arise.

Thank you.

thank
you.

The fourth and final speaker is roy wayly.

You can take the total 3 minutes or we do have one speaker signed up who doesn't have any time allotted.

>> Well, could we clarify that, mr. mayor.

David wasn't here so those 3 minutes didn't go to -- how many minutes did you give him?

>> [Indiscernible]
he got
his six minutes.

He got his six minutes.

>> Okay.

All right.

>> Mayor leffingwell: go ahead.

>> Let me be brief and I would
love to have paul a chance to
speak.

Sierra club, we want the city
council to continue as the
governing board, and this is --
karen has already talked about
the accountability and the
citizens oversight and it
ensures public input.

We do know that you are
overwhelmed so we hope that you
will stop having this meeting in
the middle of your regular
council meeting and make it a
separate meeting so that you can
truly focus on that issue and
make those regular meetings and
bring better folks to that and
have the flexibility to meet in
case of an emergency.

We also ask that you have the
final say, that, as that
governing board over the
director of austin energy, for
the hiring or the firing.

And when it comes to a public
vote, the public has already
voted.

They voted for you.

They voted for you to make these decisions.

We don't see a need to have another vote for all of the numbers -- for all of the reasons numerated by smitty, and if I could, I would like to dedicate the rest of my time to paul robins.

how much time is remaining, john?

1.53.

One minute and 53 seconds.

>> Council, I am not as sanguine as smitty that this will pass automatically if you put it on the ballot.

I think that you are blind siding the public, that this has not been scrutinized by the charter review commission.

This has been on at -- put on at the proverbial last minute.

The wording is so vague that it is tantamount to a blank check.

I cannot support and will not support a blank check.

I will urge everyone I know to vote against it, given that it is so poorly considered.

I also want to point out another deficit of cps, since some

people think that the grass is greener.

Cps residential customers use 18% more electricity per customer than austin, even though cps has lower rates, because they use more polluting power, they have higher bills.

And I don't believe that our 30-year energy efficiency efforts would be where they are now had we not had a democratically elected, quote, board of governors.

Thank you.

thank
you.

So we have one speaker in favor.

Jeff boyt.

Welcome.

You have got 3 minutes.

>> Thank you, mayor and council.

As an austin resident and rate payer, I do thank you for considering this.

I think it is important that we look at this governance structure in light of what has come out in the rate case.

It is important.

I think a benefit to both the ratepayers that live outside the city limits and as a way to

address concerns coming from the legislature and the puc on this matter.

I also think that there is a real benefit in the governance -- in the austin energy would benefit from a more -- from the extra attention and the focus of an independent board.

I think that smitty and the others have identified real concerns with the san antonio model, but you know, mayor, you were looking to address as part of our structure and through the full deliberative process will go through the actual approval and adoption of a new process, i think we would benefit from that, but, also, I would encourage you to lay out for the voters in advance of november, an idea and schedule as to what the process would be for reaching a final decision on this matter.

Thank you for your attention.

thank
you.

As you know, by previous resolutions, the city manager has been directed to analyze other similar situations and other board-type governance systems and I think council member cole just brought in her big book.

Do you want to hold up your book?

I didn't have time to get through it last night.

But obviously, there is a lot of material there that there is to study.

This is only -- would only, if it did pass, be the beginning of a process and I thoroughly understand, sympathize with many of the concerns that have been raised by our speakers, including smitty, very valid points and I would point out that there is a middle ground here.

Cps, for example, I am not totally familiar with their governance system.

I know they are well thought of by other government bodies as to how they conduct their business, but even cps, they have a separate board and the council still maintains the authority to set rates and to issue debt, and there certainly has got to be a lot of other restrictions, but the situation we are faced with now, with the petition having been filed for the -- the grievance by austin energy customers that live outside of the city, this is obviously going to be one of their concerns, and it will, I think, be reflected in other bodies, too.

I think we have to face up to these concerns and find a way to deal with them, in a way that protects the ultimate authority

of the voters through their elected council members to make major decisions.

I would support this effort.

I understand that it comes as sort of a last-minute deal, as several things have come, because it is time sensitive and it's urgent, but I would very much support and even insist upon a very thorough and transparent process, if this were to be on the ballot and if we are able to go through that process of establishing an independent board, certainly that is -- that is going to be a lengthy process, if that happens.

..

Mayor pro tem.

>> Cole: Mayor, I want to say clearly and on the record for the first time that I do not believe that the city council should continue to serve as the sole governing board of austin energy and do believe that the outside ratepayers should have a voice in that process, and that's simply because we serve them.

I am, however, very, very concerned that we have went through the initial steps, to exercise due diligence in finding out our options, which, one is cps, and there are others.

And we see the size of this bond that we got yesterday.

It's really, I see it in more of a comprehensive way.

We have on our ballots the change in structure of our government, which we heard even more testimony about that today, which is literally almost taking all the bandwidth out of our community just to absorb anything else.

We also have extensive considerations of revisions to campaign finance, civil service.

We just talked about the sale of our utility assets, not to mention our major bond campaign.

So I don't think that we need to be in the business of putting stuff on the ballot that we can't stand behind as being ready for voter consideration, because we are going to get calls to say what does this mean, why are we doing this, why are we doing it now.

And I know one of the reasons for considering to do that now is that we are concerned that we do something to let the legislature know that we understand the concerns of the outside ratepayers, about governance.

And I think that we can express our concern about that without moving so far as to adopt a charter amendment.

So one of two things can happen.

It can pass and still the legislature has the ability to do what it wants, and we can go with the legislature and say, now council has the authority to do that, but I don't think the legislature is necessarily going to do what council wants us to do.

And they have the full prerogative to -- to do that, and then that responsibility of what we have to do lies with us only without us having had any voter support of what the legislature tells us to do.

Second, if it fails again, more than likely, that says that our citizens don't have the confidence in us, and so then the legislature can also go and do what they want to do.

So to me, it doesn't solve a problem, it just muddies an issue that I think needs clarity and the clarity can only come through the community process of educating the community and getting feedback from the community and, also, as we can tell the legislature what our evidents are during that -- what our efforts are during that process.

So I will not be supporting that motion.

there is
no motion on the table at this
time, so.

>> Cole: I mean I will not be supporting it.

is there
a motion?

Council member martinez.

>> Martinez: Thanks.

I will move approval of the item
and not without noting the
concerns that have been raised.

I appreciate all of the concerns
but it doesn't enact anything.

It gives us the ability to enact
something, and with the totality
of what we know, going into the
legislative session, as i
supported this previously, i
would rather have this as an
option and not need to use it as
opposed to not having it as an
option and needing to use it.

So if it's supported by the
body, you know, then we will put
it on the ballot, but I think we
should have that option
available to us, because of the
level of uncertainty that we
face.

motion by
council member martinez.

Is there a second?

I will second the motion.

Further discussion?

>> Tovo: Mayor.

council
member tovo.

>> Tovo: Mayor, I just want to agree with mayor pro tem cole and I think you've expressed well a lot of concerns I have and I have struggled a bit with this one because I understand, as my colleague said, it doesn't enact anything.

It just gives us the opportunity to enact something after ward but I really think we have a tremendous amount of work to do as a council to sort through some of the options, looking at that binder I think is evidence enough that we have got a lot of work ahead of us.

I feel the electric utilities commission discuss on this was very brief.

It also doesn't include a full body.

It was something that happened rather quickly.

I think as a community we have a lot of work to do and I think though we would not be enacting anything if the vote passes -- if the voters passed it this november, I really do believe we need to provide them with some clear stance as to what the change in governance would look like before we ask them to weigh in on it and I fear we would hear concerns along the lines of robins raised which is in essence the voters are

providing -- are giving us a blank check.

I think that would not be an isolated opinion out there in the community, if we put this on the ballot.

So I look forward to that conversation as a council.

I know it sounds like we are all committed to having a thorough discussion about the alternatives and until we arrive at some -- some potential, some potential alternatives and can really, with clarity, go to the voters and say if we get to the point where we can go to the voters and say we need to see a change in terms of utility governance, then I -- I don't think we should move forward.

I believe the electric utility commission did recommend this item.

Is that correct?

Somebody from staff?

>> Tovo: It did.

Yeah.

>> Mayor leffingwell: yeah.

And I would -- I -- I agree with all of the comments that have been made.

There needs to be a lengthy process.

I think the imperative here is that if we don't at least give us the option to do it this november, then we won't have the option again for two and a half years, unless somebody else does it for us.

>> Mayor --
which
is -- council member riley first
and then council member
martinez.

>> Riley: Well, like you, mayor, I am sensitive to all of the concerns that have been raised by everybody today and I am familiar with some of the issues they have experienced in san antonio.

I am not sure we have the right answer at this moment as to exactly what form of governance would be optimal, but I have been listening to the electric utility commission, which has, for years, recommended some change in the governance structure of our utility and i think we need to be able to participate in an ongoing conversation about what form the governance should take, especially as we head into the legislative session, and so to me, this is largely -- this is in part a matter of ensuring that we maintain local control over our utility and -- and we are not in a position where the legislature is dictating the form of governance during a time when the council has no authority to -- to make changes

to that -- to that structure itself, and so I just -- from the standpoint of providing an opportunity for the council to continue this conversation about the -- how -- about the best way to maintain the governance of the utility, I will support including this item on the ballot.

council
member martinez.

>> Martinez: Yes.

I want to ask a question of city legal for a point of clarification.

It appears that we potentially have a split council, and we have one council member not present, so if we dispose of this item today and it fails because it's an even vote of 3-3 --

>> mayor leffingwell: it fails.

>> Martinez: But can it be brought back as a point of clarification -- can it be brought back when the full council -- if we've already disposed of it?

>> Council member, yes, you could bring it back if you decided you wanted to at a later date.

>> Martinez: I just -- I believe it's --
it would
be a new item.

>> Martinez: Well, it is critically important and we have a council member missing and we are probably going to end up vote 3:00-3.

I -- voting 3-3.

I am going out on a limb, laura.

[Laughter]
going out
on a limb, esp or something.

>> Martinez: To me that's a very important point.

the
responsibility you could -- if
you wish, there could be a
substitute motion, not by you,
but there could be a substitute
motion to postpone, but I don't
know when we would be able to
take it up.

Probably involve a special call
meeting.

Probably involve three special
call meetings.

>> Martinez: On tuesday morning.

>> Mayor leffingwell: yes.

So that's the situation.

So anything else?

>> Yes, mayor, if I could do
away with is suspense everyone
is in.

[Laughter]
what did
you say?

>> Morrison: If I could do away
with the suspense.

>> Mayor leffingwell: suspense.

>> Morrison: I do want to start,
though, by saying that I think
that even having this
conversation about whether we
would change our governance
structure, even having that
conversation is controversial,
but I am open to having that
conversation.

I look forward to -- to the due
diligence and the robust
conversation in the community as
well as on the council about
that.

But with regard to, you know,
focusing on whether or not we
put this item on the ballot,
it's my feeling that the
ownership and the control of
austin energy is such a
fundamental piece of the city
government and the voters and
the residents of the city of
austin that even though I know
that we can -- and I know every
one of us would commit to a fair
process so that the -- the
authority for governance
decisions could be put in the
hands of the council, I think
that it's only fair and our -- i
feel like my responsibility is
to maintain that in the -- in
the hands of the voters, so --
so with that, yes, I won't be

able to support that, but if
there were a motion to postpone,
I could probably --

>> Martinez: I will withdraw my
motion, mayor.

council
member martinez withdraws a
motion.

And a second, I will concur with
that.

>> Martinez: Move to postpone.

and
council member martinez moves to
postpone until when?

Can we postpone it indefinitely
on this?

Mr. attorneys?

>> If you postpone indefinitely,
then we have --

>> Martinez: We can postpone if
and when we have a full council.

Move to postpone indefinitely.

and i
will second that motion.

"

aye.

"

that passes on a vote of 6-0,
with council member spelman off
the dyas.

The next two items should be very, very quick, and we will 5,
romero, do you have a quick presentation?

These are word smithing things, I think.

>> I recommended to council that we make the same change in this draft that we made in the -- in the draft on 8-2-1.

This is back before the council because it was pointed out that there was nothing in the transition provision to provide for what happened if a term was shortened by the transition so it had the exact same sentence as the other one did so I would recommend to the council, if it -- if it's your will to make the same change, which would be that since it says the ordinance may provide -- I am sorry, it says if a council member's term is materially shortened for purpose of the transition, that shortened term does not count as a term for purposes of article 2, section 3 of this charter, would change to if a council member's term is shortened by more than a year, for purpose of the transition, et cetera.

council,
entertain a motion to approve this amendment on all three readings.

Council member riley so moves.

Second by mayor pro tem.

Discussion.

"

aye.

"

passes on a vote of 5-1, with council member tovo voting no, and council member spelman off the dyas.

And we will go to b .6.

6
addresses the fact that last thursday we called the november election, and the ordinance calling the election includes a list of all of the council actions that will be on the ballot.

Council has taken additional action today to put additional items on the ballot, and so what this ordinance does is it amends the call of the election to accurately reflect the ordinances that have been passed so far by council.

And you will note that the cleanup item that we just passed repeals its predecessor to make sure that the cleaned up version is the only one on the record.

So the ordinance that is item b .6 today, part 1 of this ordinance will read part 5 of ordinance 2012, 080213 is amended to include ordinances 20120807b003 and 20120807b005,

and remove ordinance
20120628091, period.

So in short, that simply updates
our call of the election to
reflect actions taken by
council.

>> Mayor leffingwell: okay.

We may have a chance to update
it again before we are done.

>> Cole: Move approval.

mayor pro
tem moves approval.

Second by morris.

"

"

that passes on a vote of 6-0
with council member spelman off
the dyas.

Now we will go to presentation
and discussion of the proposed
november 2012 bond election and
potential direction to staff.

>> Mayor.

>> Mayor leffingwell go ahead.

>> Item b2 is a brief
presentation by the city clerk
involving november 2012 election
matters.

we will
take up item b2 first with that.

>> At your suggestion, we got ahold of the county -- of the county clerk and met with her on Friday and we have a sample ballot in front of you and I want to "

in that the presidential election, for example, is roughly 8 pages long so she didn't, you know, try to give you all of that kind of information, but we wanted you to see that because of the way you do charter amendments and bond amendments with very brief statements, that it's possible to put a number of them on any ballot -- on any screen in the voting device that you see fit.

So you would ask for some samples and that's what she's tried to provide for you, if that helps you in grouping things or deciding the order on the ballot.

>> Mayor Leffingwell: okay.

Any comments?

Going to make sure they use big print.

Don't bunch too many of them on the same page.

Council member Tovo.

>> Tovo: I just wanted to say gentry, I think this is helpful to see and if you would pass on our appreciation total tax our county clerk.

I think it's very useful to see how the ballot may get laid out to get a sense of how voters -- how we might communicate that to voters.

>> I will be glad to do that.

I think everybody is happy.

Thank you, shirley.

And we will go to item b1, but first on item b7 is withdrawn?

>> Tovo: Yes, mayor, thanks.

council member tovo has withdrawn that item so we go to b1.

Okay.

We will hear the presentation from staff.

It looks like we are adequately represented here.

[Laughter]

>> good morning, mayor, mayor pro tem, council members.

Mike trimble with the capital planning office and what we would like to do is have a brief presentation but cover a couple of different items.

First, I will quickly just react collimate based on our conversation with you at your june 26 work session and then also want to talk about the

draft propositions that are proposed by staff based on discussions with our law department and bond council and then have a discussion with you about the bond program and really how these propositions are going to be formulated and then talk about next steps and that.

So just real quickly, this is what you received in your -- in your binder.

You received your binders on June 26.

There was a lot of information in there.

We included recommendations from the task force, city manager recommendations and also additional description of the projects and programs that were included in the recommendations that you received and so hopefully you have had a chance to look at some of that information and for your note, too, we did make all of this information online at our bond development website and so the public was able to access all of the information materials that you had in your binders as well.

Again, to acclimate.

This is on the task force, the 575 and 400 million and the staff recommended 400 million and the city manager's recommended bond package of 385 billion and we recommended

300 bond package as we move forward.

That's where we left off on the 26.

And now we wanted to switch the conversation a little bit from going from there, what do we go with the propositions and how do we get those formulated.

So what I would like to start is talk about the draft propositions and what has been proposed.

There has been 7 propositions that have been proposed for your consideration, again, based on us looking at what has been included in the bond package recommendations and then also discussions with our -- our legal team and bond council and those propositions relate to transportation mobility, open space and watershed protection, parks and recreation, housing, public safety, health and human services, and then library, museum and cultural arts facilities.

Just wanted to give you some example and the public some example of the language that you would actually see on the ballot.

You will be receiving in preparation for your discussion on the 14th, when you further consider what goes on the ballot, you will be receiving some backup of what the -- of

the draft ordinance and the draft ordinance will have sample language like this where it talks about what would actually go on the ballot with respect to these different propositions and you can see this is the short form of what will actually be on the ballot.

There will also be expanded language in that draft ordinance and I believe you have received some copies to look at but this expands the description of the uses and purpose for that particular proposition and so that will be part two of the ordinance that you will see in your backup materials in preparation for the 14th.

So given the draft proposition, 7 propositions and given ha we have talked about thusfar, i thought we would talk about just a crosswalk.

So we have been talking about four categories and really five categories including community-based proposeds of funding and I want to talk about how that relates to the 7 propositions that you see before you.

So, most of them are pretty intuitive, affordable housing, category, transitions over into the housing draft -- housing proposition, and that includes all of the things that have been discussed under -- of the housing category.

Parks and open space, those break out into two propositions, all of those parks items go into the parks and recreation proposition.

The one exception in that category is water quality open space which would go in the open space and watershed protection proposition.

Transportation mobility, again, all of those projects translate.

Over into the transportation and mobility bond.

Another project that does translate over to that is the Harold core facility so the public works facility that supports streets and bridges will transfer over to that, for use and mobility.

What gets complicated is city facilities and so that's where you see the other propositions you have before you.

As you know for the city facilities category we had a host of different facilities identified for different departments and so based on our discussion with the bond council, those broke out into several different propositions.

One is public safety, and so the public safety proposition would have your police, EMS fire type of improvements.

Library museum and cultural arts would include some improvements and also under the community-based projects that you have been discussing, health and human services would relate to the health and human services department facility improvements that have been discussed, that would go under that proposition.

Parks and recreation, there are some maintenance facilities that were included under city facilities and those would go under the parks and recreation proposition and then for transportation and mobility, i mentioned the public works facility that would translate over there.

As I talked about a little bit, the community-based projects, we looked at the -- the four projects that were contemplated in the task force recommendations and went ahead and went through the exercise of allocating those and so for the film studios and for mexicarte, those are projects that would fall under the library, museum and cultural arts, where the 51st street and violet trail project would be projects contemplated under the transportation and mobility proposition.

And so, with that, what I would like to ask my folks to do ask hand out a spreadsheet and this -- this spreadsheet is really just -- it's very similar to the summary worksheet that

you saw in the binder, and all we did is we basically put this crosswalk down for each of the projects and programs.

So what you have in your spreadsheet is at the top you will have a summary of what you have already seen, which are the breakdown by category.

The second part of that is where we basically have gone through allocating those to the 7 propositions and so now we go from the four categories down to the discussion of the draft 7 proposition.

One of the things -- a couple of things I do want to note, is you will notice at -- and we will talk about the 400 million-dollar -- 385 million-dollar recommendations, you will notice those numbers are not quite 400 and not quite 385.

At the top, they are 398, for 400 and 383 for the 385 bond package, that reason, because it is the recommendation to withdraw the urban rail project that was proposed, the reason being is that sufficient funds have been identified with grant funding, local matches and other funding and so we feel like just efficient funding to move that project forward in the next phases of work and because we know there are several needs being contemplated right now, we felt it best to go ahead and withdraw that, so in a sense you

can say there is \$2 million of found money already for the city.

I thought you would find that good news.

[Laughter]
for this discussion.

>> I want to know who lost it.

[Laughter]

>> so, again, with the spreadsheet, that is the summary sheet.

You see how things recapture down by category.

-- You will see how things breakdown by category.

We went through the exercise of applying -- the scenario of applying 385 billion-dollar city manager recommended bond package to the proposition so we have on the screen is walking through the exercise and you also have in your spreadsheet as well in the second chart of 385 and so under the scenario and based on projects and programs -- types of projects and programs we talked about that would go under propositions you are talking about transportation mobility bond of 153, open space watershed, 30, and parks and 2, housing, 45, 4, and library, museum and cultural facilities is at 8 million and that's, again, using what we

have been talking about under the 385 bond package scenario.

So behind that you have the listing of each of the individual projects and programs, and, again, that should look pretty similar to what you saw in that summary worksheet in your binder.

The same listing.

We have it actually broken down by those four big categories but we have added a column at the front where it says draft proposition to give you an indication of where we are contemplating these propositions would fall under, which propositions they would work with.

So now that you have that information, we have talked a little bit about the propositions and you have seen the information on the projects and programs, what we would like to do today is to talk with you about the total funding amounts for each of the propositions and what we would like to get is get a good, a feel for where we are at as far as the propositions amounts so that we can go ahead and finish out the draft of proposition language to bring that back to you for discussion on the 14th.

And so where we would like to start that conversation is with, again, if we have gone through the scenario and because there

has been a lot of discussion about the 385 package, we thought it would be prudent to discuss that but the first question really is, is that the total funding amount that council is looking at, as far as bond package.

Is there another amount, because we can also work with that as well but we wanted to get some feel, some guidance on that and then we can talk about, you know, actually what goes into those funding amounts.

>> Cole: Well, I think colleagues, myself, I would say that I do not want -- or would not support going above the maximum amount to not raise taxes, so the question comes back to staff, I guess even before you look for our input, have we received the final appraisal roles?

Is there any extra funding based on that or any unspent dollar funds?

I know some questions have been submitted about that.

Can we get any synopsis on --

>> is elaine in the room?

>> Cole: Elaine.

>> Mayor pro tem, council members, we do have is final tax roll in and the assess evaluations and that is -- excuse me, we did that get in

time this year to include it in the proposed budget, so there is no extra that you can count on.

We are still at the 385 million-dollar level.

With no tax increase.

And a one penny increase would get you about an additional 100 million in additional debt to issue so you can use the penny to an additional 100 million as a rough -- a rough gauge.

Not exact, but it's a small part.

>> Cole: So staff is looking for direction about -- I understand, elaine, and we don't have to go up a penny.

We could say a half of a penny or quarter of a penny, or any amount.

Is that proportional if we say that?

So a quarter would get us ..

>> A third of a penny would get you up to 400 million.

A half penny would get you up to 426 million based on the current.

>> Cole: I meant point, though.

>> Yes, half a penny.

>> Cole: Half a penny would get us approximately 50 million?

Ask.

[Multiple voices]

>> she was saying 385, that's why she was saying 400 million.

>> Cole: I got you.

So council members, any comments about the tax rate or going above it?

Council member morrison.

>> Morrison: I do have some more questions about that.

You say a third of a penny would get us to 400 million, but wouldn't it be really a 15th of a penny?

>> It's not exact.

>> Morrison: Okay.

>> A lot of it depends on how we structure the debt in the -- in the --

>> Morrison: Because we are talking about 15 -- there is a difference of 15 between 400 and 385, so I would think that it would at least be somewhat proportional, but it will be twice as much.

A third of a penny would be twice as much as needed.

>> It's not a science.

It's an art and part of it depends on how you structure the debt for the existing bonds that you already have planned plus how you layer these in so it's not an exact number, but, you know, it's within that range.

>> Morrison: Okay.

So if we are talking 15 million, we are down in the -- somewhere in a much smaller number than a penny.

>> Right.

>> Morrison: And the point that mayor pro tem brought up about unspent bond funds, that was a question -- one of the bond questions, number 14, and I had -- and it basically says that -- let me see if I can find it.

It basically, the answer is, most of it is spent, or allocated.

We know how we are going to spend it, but there was one paragraph at the end that I was a little unclear about.

It mentioned that we think that EMS station number 33 is going to come in under budget, which was funded by the previous bonds and it also mentioned something about the joint public safety training facility, which suggested to me that maybe that wasn't going to take as many funds, so I wonder if -- if we have the information or maybe

you need to get -- to do some sort of follow-on or clarification of the last paragraph, because if we do have some unspent bonds funds in city facilities, that would allow us to maybe cover some of -- some of the projects that we are looking at to consider here to the previous package.

>> Right.

Our assumptions are, over time, that all of the 206 and 2010 bonds will be issued and so if there are some significant savings, they could -- could impact this.

However, as long as they are outstanding, they could certainly be used for the original stated purpose.

>> Morrison: So what I am saying is there is a paragraph at the end of that question that suggests that the original stated purpose might be coming in.

>> Under.

>> Morrison: Under, which would, in fact, open up some similar funding, and so I wonder if we could maybe just as a follow-on get clarification.

>> We can.

That would give us some flexibility, as long as we didn't want to issue the

remaining authorized bonds for those purposes.

>> Morrison: Right.

And then I also want to note that I believe it's -- that -- we also do bonding into our capacity with certificates of obligation, and those are nonvoter approved bonds and i noted -- I think our agenda on the 13th actually has us approving, issuing 25 million -- bonds for 25 million and cos where we have already approved the specific expenditures for that and so my question is, in looking at our capacity and whether or not it's going to create a tax increase, it seems -- what kind of assumptions do you have in there about over the coming five years, how many co projects is the council going to be approving?

>> We have got the 25 million that we plan to sell on the 23rd.

We have got 25 million in '13, 15 million in '14 and '15 and 10 million in the remainder, so we have layered in an estimate for cos to be issued that would be tax supported.

>> Morrison: Can you -- I am sorry, can you read those numbers off again, 25 and 13.

>> 25 Million in '12, 25 million in '13, 15 million in '14-'15 and 10 million thereafter.

>> Okay.

So the reason I am asking these questions, I am sort of getting down to the nitty-gritty of the 385 versus 400 for my colleagues thought and discussion, is that I am very interested in, as a starting point -- and I know this is jumping a little bit ahead of the discussion about the value.

I am interested in using as a starting point of our discussions, the task force recommendation of the and there is obviously a ton of overlap between the task force 400 million and the staff 385 million, but I would like to start with the task force because it -- it is a mechanism that we leave in the work of the citizens.

For example one of the difference is the staff recommendation includes zero funding for any of the community projects, while the task force found a way to include those and so my feeling is, even if we have to reduce it, which I hope we don't, the 400 -- I am much more comfortable starting with the work that integrated the staff and the community input.

So that's my thought and I know we are not taking any action here today, but I can tell you that I went through and did sort of a -- just a quick difference and there is some half millions

here and there in terms of the project but the big numbers that I saw different between the 400 million task force and the 385 staff were, number one, there are -- the community projects and the task force, and zero in the staff.

There is a 10 million-dollar difference in affordable housing, 10 million more, i think it is at 76, versus 65, 10 million more in the task force and then another big number that jumped out was that the staff had \$5 million more, 16, versus 11, for the public works harold court facility, and I guess I certainly want to talk about that in the discussion, if we start with the -- with the 400 million, but that's -- that's my thought.

>> Okay.

just to get crystal clear because I have asked this question several times.

The staff's statement as to the maximum amount of the bond -- entire bond package that we can issue in november of 2012 without a tax increase is \$385 million, without regard to -- I mean it's just a flat out statement?

We asked you that question.

Your statement is 385 and it's my understanding that it is a

little bit stretching to get even to that.

>> It is stretching, but that is -- that's where we stand.

that's a number that you can stretch to?

>> Yes.

anything above that, you cannot stretch to.

Is that correct?

>> That's correct.

>> Mayor leffingwell: okay.

I wanted to clear that item up, that anything over 385, we will have to say cause us a tax increase.

>> Mayor.

>> There is one caveat, if there are projects that we now know are coming in under budget that we didn't know when we made that calculation -- but we aren't going to know that.

>> That will give you room.

we don't know that now.

When we go to the voters this november and if we go in for -- if we have a cumulative total of over \$385 million on there, we are going to have to say, this

causes a tax increase of x right now.

That might change down the road, I understand that.

>> Mayor.

the city manager has a quick comment.

>> I just want to react, with respect to capital projects coming in over and under, i would suspect before november in some instances, you are going to know the answer to those questions, so that's -- that's an important note to make.

>> Morrison: Mayor.

but the only thing we can say right now, when we get to the point of approving a bond proposal to put on the ballot is anything over 385 million will cause a tax increase.

>> That's correct.

that's the same we are operating on.

Council member morrison.

>> Morrison: Thank you.

To follow up on that.

Our assumptions about the tax increase include the same of a certain amount of issuance of certificates of obligation over the coming years.

So, in fact, if we change those assumptions, it could change the numbers -- the 385 number, I presume?

>> That -- there are a lot of assumptions that we build into this, so as those parts -- moving parts move, yes, and they could be competing against each other, but if the CO to be issued in the future expected to be less and projects under budget, that could be a possible variance where you could make room for more projects, yes.

>> Morrison: But these COs, I think it is important to understand that we have complete control over what we bond with COs or not.

The items have to be approved by council and I think that they are -- we have a policy about when they need to be approved.

They need to be urgent or a long-term cap AM thing but just to -- a long-term capital thing but just to say, I don't know the past spending over the past years has been.

I do know as you said 25 million this year.

But if we were to knockdown the assumptions and commit to living within the assumptions, we could change that number.

so given that statement, are you going to

come back and say, now our bond capacity is 400, 415 million?

At some point we have to take a snapshot and say this is our bond capacity and that's what i want to know from you, what is our bond capacity right now for 0 tax increase?

>> Right now, it's 385.

With the assumptions that we have built into that model, which includes issuing cos at a certain level in the future.

are you
going to change your
assumptions?

>> Not at this point.

They are based on our historical performance.

However, between now and november, as the manager said, if situations change --
let me
just say it gets awfully hard to plan a bond package like this when we can't get a straight and unequivocal answer from the staff.

>> Let me respond by saying no, you heard the qualifier in terms of capital projects that are outstanding than whether or not they come in over or under.

I think our cfo referred to this as -- at the outset as let's say science and more than an art and I think that was intended to

recognize that making this estimate does entail making a substantial assumptions.

We don't intend to change them, unless we receive that kind of direction from council.

You can -- you can call upon us to make some different assumptions for whatever purposes you deem appropriate.

We will give you our reaction to that but at the end of the day, you can certainly direct us in that regard.

We are locked on 385 million today.

That's a snapshot, for purposes of making a decision.

>> Tovo: Mayor.

so given that, I would like to say I will not support anything above 385,000 cumulative total and the only recommendation that we have for that -- subject to modification, is a staff recommendation for 385, but I do have in front of me several suggestions for change that I would like to throw on the table to that staff recommendation.

Just to put them up for discussion now.

We need direction today.

We need to talk about what these possibilities are.

>> Tovo: Mayor, I have some additional questions for ms. hart.

council
member tovo, go ahead.

>> Tovo: Thanks.

I heard your response but i just -- I just want to be really clear.

You had mentioned that there is some creative ways of structuring debt and I wanted to ask the question, are there any creative ways of structuring debt that would get us to 400 without raising taxes?

>> Well, we operate within a lot of assumptions, and in structuring the debt, we try to keep the level at debt service even with the new layered in -- excuse me, even with the new layered in debt for the new projects, and sometimes you have to shift the debt from one year to the next.

So the only way to say it is it is an art, and, yes, we can shift things, and sometimes you will not end up with exactly level debt service.

So you may have a spike in one year, but we try to avoid that.

and we
have some other metrics like net debt to av that we look at or we try and stay below 2%, so we are trying to take all of that into

account when we -- when we structure these.

But, yes, we do have some flexibility in structuring when the principal payments are made and that will affect how the principal and interest is paid out over the 20 years.

>> Tovo: So I guess I am not really clear on whether that's a yes but it's not advisable or it's a no --

>> the recommendation in front of you is, as I understand it, is our financial staff best determination, taking all factors and making what their professional judgment tells them are on the most feasible assumptions to make in regard to determination as to debt capacity, for purposes of this bond program.

It is true, as the conversation has been going on here, that, again, that it's -- and there are a variety of different assumptions that can be made.

They made them based on all of the things they would consider and the determination has been that our capacity is at 385.

>> Tovo: Maybe we can visit more outside of this meeting about that one issue.

The other thing I just want to be sure I understand, in the memo dated July 18th, looking at the spending plan versus --

well, the range of information you've provided, if we look at the amount of unspent to date and look at the total fiscal year '12 to '16 spending plan, in several of those categories there will be what I believe might be an excess, but I want to trim whether I am reading this properly, so if we go down -- let me give you a few examples.

Item -- in the 1998 bond parks, we have an amount unspent to 5 million and it looks like the spending plan gets us to 4.2 million.

And then, you know, there is some more significant ones down the road and you have addressed a couple of the big ones in your memo, but if you go down the line, there is some other -- there is, you know, a lot of these, it looks to me like the spending plans are coming in under the amount unspent to date, which would maybe give us a little bit of -- of room there, the other big one was

1

unspent and then the spending plan only gets us to 3.4.

>> So what happened with that is, comparing it to the amount unspent, if we went back and looked at the information that's been loaded up into the system with respect to spending plans, and we did have some discussions with departments, project managers about some of the differences, and so I don't

think it's fair to say that that money is not programmed to be spent, if it's not in the spending plan.

I think it's more of the process of updating the spending plan and that's where we saw a lot of the difference in those amounts, and so that's probably something we should have caveated in our description as well, that we are in the process and we are in the process of updating the spending plans to make sure they are accurately reflecting what our plan is over the next five years out.

>> Tovo: Okay.

Well, that's disappointing because it looked like we would have real savings in these categories.

Do you have any sense of -- how those columns add up?

>> For example, there is -- i think one of the watershed line items for open space, more watershed drainage in '06, you see the amount to be spent is actually more than the amount to be spent.

>> Tovo: I see that.

Just a couple, though.

>> And that's mother of the cleanup we will have to do as part of the spending plan data.

>> Tovo: Do you feel like your memo is accurate in identifying unanticipated cost savings or actually unspent funds -- actual unspent funds?

>> I think based on the -- based on the questions that were posed, I think this reflects the best information to provide to you in response to those questions.

I don't think we specifically responded to, you know, cost savings and what dollars, but I think with regards to, you know, the spending plan information, you know, with the caveats that I just mentioned, with respect to some of the projects that are, you know, contemplated them to be completed in their phase and not completed in their phase, all of that information is up to date and accurate that we can provide up to this point.

>> If I can add something, too, assistant city manager.

We are showing projects where we can be underbudget.

We have projects that are going to be overbudget.

That's the way it is.

So to only look at one side and say, we have got some projects that are projected to be underbudget, let's take that money and do something else, conservatively, we would try to hold it for that bond program

that's already been voted on, to complete the projects that were approved by the voters at that time and once that's done, if there is money leftover, we would say, we have got some funds to allocate somewhere else.

So I think we are a little bit uncomfortable prematurely before the bond program all projects are done to say we found money to spend on other projects because we haven't completed all of the projects yet.

There are going to some come under, some come over and we recommend we save those funds for that program until it is complete and then we will be able to tell you with all confidence, we have got money leftover and then we can shift it around.

>> Tovo: Okay.

Thanks for that.

I just want to say I have some -- some real specific questions about why some of these funds haven't been expended in certain of these categories and, you know, in looking through some of the specific information, you have noted, that for me raised a lot of questions about why we haven't progressed on in phase two for some and other items here but this is might be not the right venue to address those.

The main question is, are there dollars in this chart that we can allocate to some of what may not be funded in this time's bond program.

>> Mayor leffingwell: okay.

I am going to go back to the specific recommendations I want to make just because I want to get them on the table and the decision will be made at some other time.

But starting with the staff recommendation of 385 million, i am going to propose that we add 5 million to the austin studios renovation of the national guard armory.

That's less than what they have requested.

They will have to fund raise an additional 2 and a half to 4 and a half million to make their project actually work, but i think this is a project that we have -- we -- we supported them a lot in the past and these kinds of investments have resulted in a positive return on investment for the city of austin because they -- they -- they have economic impact, the work that they do and we are trying very much in a difficult environment to build our film industry here, competing with cities right outside the state of texas who have a lot of support from the state government, which we don't have,

so 5 million for the austin studios renovation.

I am going to suggest that we add 2 million for the violet crown trail.

This is a long-term hill country conservancy project which has been stalled out far longer than it should have in my opinion and recognizing also this may not be enough but hill country conservancy has a demonstrated track record to go out and raise money to finally get this project completed.

It's a 30-mile or so trail, from the barton creek wilderness area on down into hays county.

The next item is to add 3 and a half million dollars for the community supported plan to improve east 51st street.

That is a project that is leveraged with private money and specifically with catella's and it has the support of every contiguous neighborhood association, and next is to add \$2 million for the proposed amendments to the barton springs bathhouse.

As you know, we went through this process a few years ago, and some of us have our names on a plaque outside that bathhouse right now, because of city council's participation in that renovation.

With the requirement that they do it basically the same way that the deep eddie renovation took place, that the conditional -- that it be conditional on the friends of barton springs as the friends of deep eddie did, to raise 250,000-dollars from the private funds as a match, that's -- that's, I think, a plan that we followed on several projects, besides deep eddie.

Eddie.

The trail foundation has down projects like that, too, so that adds up to 12 and a half million dollars.

And I propose that we offset that, and I think hopefully setting a precedent that every time we talk about adds, we also talk about where it's coming from, from this point on.

I would suggest that the 12 and a half million in offsets be accounted for as follows: Affordable housing reduced by 8 and -- 8 and a half million dollars reduced by.

And the justification is if city has secured at least \$10 million more in affordable housing funds that will flow to the city during the next six years, the time for this bond package and that is through the master development agreement on if green water treatment plant and other similar agreements where you have a long-standing policy

that when city land is sold to private interests that the tif, or increase in appraised value, the tax is paid on that, 40% of that would go to the affordable housing trust fund.

So we will get more than that 800 -- and a half million dollars during the term of this bond offset by that source.

And I would also suggest -- none of these are easy to come by and there is a lot more that we would all like to have in there.

They are all very difficult choices, and I support all of these things, even those that i am suggesting that some cuts come from.

The last one is the park request for park land acquisition be reduced by \$4 million which basically zeros it out but i would point out that there is \$8 million left from the 2006 bond election to take care of that for park land acquisition.

So those are -- those are my suggestions to put on the table for further discussion.

>> Mayor.

council
member martinez.

>> Martinez: I appreciate you making suggestions.

I also appreciate council member morrison teeing up the 400 million-dollar conversation.

In spending just a little bit of time going through the -- in comparing the proposeds and contemplating 400 million, if we take the lesser of the two recommendations that won't impede a project, and certain importants, like i-35 improvements.

It just has a certain amount.

It is not tied to a project.

So if we take the lesser than the two and adopt a 400 million-dollar package, 3 million available that would fund everything that so

I am not going to make specific proposals today, but there is a pathway to achieve, I think, a compromise in getting some of these requests met, but it does -- it would require you not being able to make your statement, that there wouldn't be a tax increase, but it would be a third of a penny to achieve that.

Based on what ms. hart told us.

would require you to do what, excuse me.

>> Martinez: If you were fop supportive of it, it would no not allow you to continue your message of not raising taxes,

which is what you said you won't support.

I stand
by my statement that I will not
support anything that will
require a tax increase.

>> Martinez: I understand why.

>> Cole: I have a question of
council member morrison.

well, he
has -- if he yields -- mayor pro
tem.

>> Cole: I want to understand
during the process, you are
talking about the ih-35 corridor
and you said that those -- can
you just -- I just need to
understand how you are
contemplating where the money
would come from and if --

>> Martinez: By taking the
lesser of the two -- so when i
when I compare the 400 to 385
and I will go to specifically
i-35 since you brought that up.

On the lesser of the two, you
3 million on the i-35
improvements because it's -- i
mean, we could spend
\$100 million improving i-35 or
we can spend 10 million.

It doesn't matter.

It needs improvements to
infinity.

But if we took the lesser of the
two, in that case, that would be

3 million unallocated bond funds available for something else.

And so I have done that through several of the recommendations, one -- the first one being the affordable housing recommendation, if we stick to the 385 recommendation of 65 million, that's \$11 million, to be allocated.

If we -- in one of the parks proposals, there is a 1 million-dollar savings, if you take the lesser of the two, and 3, so it is \$15.3 million.

If we were to go to 400 million total package.

And so that's what I want to talk about, whether or not there is the fortitude to have this conversation and possibly --

>> Cole: But your solution of each taking the lesser of the two would result in us going above the 385 to 400 with the -- with a tax increase?

>> Martinez: Correct.

It would be a third of a penny.

>> Cole: A third.

Okay.

council
member morrison.

>> Morrison: I wonder if my colleagues would mind, I know there is another idea that was thrown out there and I wondered if we could hear from the chair of the task force, frank fernandez, to talk about that, because I think we are all trying to be creative and look at ways to -- sure, if you have a question for him, he is here.

>> Morrison: Yes, I do.

Hey, frank, thanks for coming and for your and all of the task force's work.

I know it was sort of grueling.

But there are so many demands on -- and so many needs, no matter how you look at it.

What I understood was there was some contemplation of throwing out a different idea, of thinking more broadly over a longer range of what are we doing just this year that would move some funding around.

Could you speak to that, please?

>> One of the things that we grappled with was the urban rail process was on a parallel process and obviously it was a big number and not knowing what was going to happen with that.

Now that you all have a little more clarity and towards the end of our process, that became

clear in terms that it was going to get delayed was thinking about, you know, if the reality is that you all are going to consider doing a transportation election, with urban rail and other things, most likely in a year or two, does it make sense to potentially move some of the transportation stuff, because it's going to -- you guys a going to do an election in a year or two to then because the political reality is that urban rail needs other transportation to have that broader support and then that would free up some funds now because there is a precedent for transportation for the election in 2010 and there will be another one in 2012 and then 2014, whenever you decide to do that.

So if you look at the projects, and and I know as was alluded to by mike, i-35, there is a number there -- it is over a billion dollars, but you are just trying to make progress on it so there is other projects within transportation where you have a program and instead of being -- most of the stuff here is contemplated to be a 4-5 year program, the transportation stuff or at least portions of it would be a two-year program because you will refund it anyways in a year or two so it would be something to think about.

We obviously didn't get into much depth in at in the task force because we came in at tail

end and I think there is something -- I don't know if anybody else is here from the task force, I think there was support -- jeff is here from the farce and the task force would support that because the reality is, this I can tell you all of the task force members felt there wasn't enough funds given all the needs that were identified and if there is a way to, given that transportation is going to come up again in a much shorter time frame than, say t other areas, to try to try to prioritize, given that you won't have anything for housing, for parks and for the city facilities for another four, five, six years.

>> Morrison: I guess -- and so your -- another one of the big ticket items in the transportation, in terms of thinking about meeting it out in two or three year program as opposed to five or six year program, it might sit under it, I am asking, is street reconstruction?

I know there was across the board \$40 million support for that and I know we have, you know, a strong program.

And, in fact, I think in our budget workshop recently, I believe lasarus or maybe it was you, city manager, who said we were ahead of pharmaceutical on that program and so in your scenario, you think that might be -- as opposed to 40, you might do 20,

25 or something like that and then plan on doing it again two years from now.

>> Yes, there were a couple like that on new construction and mike can speak to that but contemplation is a lot of those programs instead of discrete projects were on a 4 to five year cycle so if you were to do, again, say, in two years, you could shorten the years of it, it is a two-year program and recognize that and it would have to be refunded whenever the next transportation bond election would occur.

Is that fair, mike?

>> I think the conversation we had with the task force is based on the funding amounts contemplated in the packages that were being discussed for the street reconstruction, sidewalks, you are probably looking at, you know, funding for more round -- three-year range but given the fact we have existing dollars to spend out in these programs and that's some of the spending plan information that you received is, again, we mentioned in the memo we are anticipating spending out well over 70% and the majority of these the next two years but given the funding, that is more a five or four year program together.

>> I guess one question I have for you, frank, one question we need to think about, if we think

about our bonding we go to the voters for as a multi-year and think about the fact that we did 90 million in transportation bonds, I know you were looking at balancing and, you know, what percent is going to transportation, what percent is going to housing and parks and open space.

Was there -- and I know transportation is just expensive.

Roads are expensive.

Rail is expensive.

Did you all have any conversation about thinking of, like this package of either 385, 400, whatever it's going to be, combined with 90 -- 90 million from 2010 and how that actually shifts the percentage, because as it is right now, I think that transportation percent is about 37 -- I might be wrong, but if you actually -- if you actually look at -- if you think of the 90 million plus this together it shifts it up to like 48%, 47%.

Did you all have any -- what starts to trouble me, frankly --

>> we had conversations about it.

We didn't come to any consensus as to what is the appropriate level in cumulatively, in terms of x number of years but I definitely think that's a consideration that was thrown

out during the discussions, i know for myself, the point you raised is something I took into account in terms of how much should we allocate to different areas.

Transportation did a bond election and even though we weren't considering, to me it is more part of transportation, so if they had gone forward, a huge chunk of it would be to that and say it is not the appropriate level, but I do think from my perspective, it is appropriate to think comprehensively like that in terms of what -- what makes sense to prioritize each of these issue areas.

>> Morrison: Okay.

And then one other question, the mayor just mentioned that we are -- we do have an expectation of getting funding for housing from our tifs, our downtown tifs.

Was that part of the conversation, when you were making your recommendation for the amount of affordable housing funds?

Did you look in terms of all the other funding that we expect to see come in?

>> There were discussions around that for housing as well as some of the others.

I think some of the challenge is that there is something -- it is

kind of alluded to the conversation about what is the right 385 in terms of the tax increase or not, as there is some things that can help but other things that can hurt.

For example, within -- someone who does housing, I can tell you there is a lot of concern that federal money is decreasing substantially so it is something that can be taken away and figuring out the right balance and I am sure for parks and others, there is similar calculations that go on.

>> Morrison: And just one last comment to you, it is my understanding from the testimony that we have that the 110 million-dollar figure that came out of recommendation in the very beginning was based on -- and this is very interesting to me, a lot of work done by folks on what capacity do we have in this community for building and developing affordable housing, and, you know, because they could have -- the recommendation could have been 200 million, but I think the bottom line was the picture of all of the funding that we can expect, that that's what we could actually get on the ground.

Is that correct?

>> Yes, on the housing more intelligently, yes, I think in terms of that intersection of need and capacity and also the

need is more significant in terms of the capacity.

The capacity to do that is there, but, again, you know, the task force, you know -- the task force as opposed to housing advocate, we were in violent agreement, in terms of consensus where we were at but obviously individual members supported some areas more than others, to be fair to that process.

>> Morrison: Thank you.

>> Cole: Mayor.

mayor pro
tem.

>> Cole: I have a quick question I would like you to briefly talk about the types and range of income of housing that you discussed.

>> In terms of the process, i think the -- the range was the full range in terms of the -- the basic areas that folks considered, one was permanent supportive housing and obviously focused on folks who struggled on homelessness, some was low income, rental housing and folks who make \$25,000 or less and then on the homeownership side, thinking about how do we currently assist folks who are first time home buyers as well as basically the works that done with home repair which you may or may not be familiar with but there are groups who work primarily with low income

seniors and keep in their homes because they may own their home and they have maintenance and if forced to move they move to assistive living facilities or nursing homes which are more expensive so those were the profiles of folks discussed.

>> And so because you dealt with the very low income, including senior citizens and permanent supportive housing you contemplated housing first with the chronically homeless population?

>> Yes, that would be within psh, that is a big part of that.

>> Cole: Okay.

Thank you.

council
member riley.

>> Riley: First, mayor, I want to indicate my -- share your general concern about making -- being able to assure the voters we are not necessitating a tax increase, and so my inclination is to -- is to strive to stick to the 385 number.

I do -- there are obviously a lot of very important needs that we are not going to be able to meet so it's a struggle to see what we can pack into that -- that 385 number, and in that regard, I wanted to ask about the -- well, just let me say by way of example, that we heard

support for an item involving
the people's community clinic.

They identified the fact that we
really don't have any -- we have
a real shortage of health care
facilities in the whole
northeast quadrant and that
there is space available in the
miller development, where
people's community clinic can
work with other partners to
establish a facility and I even
heard from members from the bond
task force that have said that
they wouldn't be supportive of
that if it hadn't been raised
during the regular process.

It is not because they only get
their federal designation in
june, I believe.

So in looking around for ways to
find funding for that and
potentially other items, I am
looking at items that are
already within that -- that
package, and I wanted to ask
about -- about
particular.

It's a park side for the
montopolis neighborhood park and
community building.

The original capital needs
assessment for that was
\$9 million.

All of the various packages,
except for the staff
200 million-dollar package
include that item in the amount
5 million, so it went up
significantly from the original

capital needs assessment cost estimate.

And I just wanted to ask about that and why it -- why that number went up from -- from 5 and all the different packages and what would happen if we were to reduce that amount, by, say, \$2 million in order to fund something like the clinic project in miller?

>> We had this conversation, too, with the task force and we actually provided this proposal to them.

We had discussions between the health and human services and our parks department and health and human services was looking at some improvements and so -- parks was as well and what they did was got together and discussed having this kind of joint use facility so it would be recreational facility but also there would be space for health and human services programming, as well.

So it's really kind of a joint use facility at this point, given health and human services and what they were looking at doing and then parks, so we probably have some folks who can speak more specifically to those services and programs contemplated but that was the general.

>> Riley: Is there any issue -- given breakdown of items on the

ballot and the need to have distinct items for -- for parks and for, for instance, health and human services?

Is there an issue of combining these two items, the one project of providing funding for what is essentially a health and human services project within the parks department?

>> We reviewed all of the projects and programs with bond council.

We didn't -- we didn't cross any concerns at that point but we can go back and double check on that.

That did come into play for one of our projects, rutherford lane, you will notice there is several different city operations out there so we had to look at how to allocate public safety versus health and human services for that one, so we have had those conversations about how to best allocate dollars.

>> Riley: So we can go back and look at the project to make sure it is appropriately categorized as purely a parks project?

>> Yes.

>> Riley: And then the follow-up question would be, what would happen if that project were 5 to, say, 13.5?

Would we still be able to provide a building that could accommodate some health services functions?

>> I am actually going to defer to maybe sarah or kim to talk about that.

>> Sarah hensley, director of parks and recommendation.

The idea is to combine the facilities and to have the parks and recreation montopolis center and a center that would serve health and human services needs.

If we cut back by 2 million, you will basically get more of parks and recreation facility less than human services facility.

You may get a couple of items in there from health and human services' perspective but it wouldn't be the one top shop we were trying to create and the moore -- the more effective use of dollars by combining the two facilities.

Our current montopolis center, you can't repair it anymore.

We have got to rebuild it.

But if you notice where they are located, they are so close together, we thought combining, there will be efficiencies in the general fund, not necessarily savings from 15 million-dollar development but not only having one department answering the phones

and you don't have the general staffing there as you would in the other facilities so it comes more from general funds perspective but capital but if we cut 2 million, it will cut on the parks and recreation side, i don't want to take it out from hhs, either but a smaller part from parks or from health and human services.

>> Riley: Can I ask the health and human services staff, given the needs that we have heard about the additional medical facilities in the northeast quadrant, how could we compare -- in terms -- speaking in terms of the needs for health and human services, how could we compare if -- the function that this facility would play in montopolis compared with the need for a clinic in the northeast quadrant?

>> The health and human services does not provide direct primary care so there are two totally different discussions.

The combined park facility is basically a neighborhood center services that would be provided there, immunization services.

The peoples community clinic is a primary care facility, which gives much like you go to your primary care doctor.

We are talking about two very different functions.

>> Riley: Right.

And -- and that health and human services is agnostic as to how to evaluate the -- the need for one versus the need for the other?

>> I think there is sufficient need for both.

I think we all agree there is probably more need out there than we have the ability to meet at aen time.

It is hard to compare them because they are going after two very different functions but are they both needed?

Yes.

>> Riley: Is it your sense if we were to scale back the montopolis project by \$2 million, we would not be able to -- to provide the need in health and human services function at that center?

>> It would significantly -- as sarah said, it would significantly scale back what we need to do out of that center.

Currently -- the current montopolis neighborhood center is not necessarily a full service center.

It only has certain services, certain days a week.

The combined center would allow us to provide a variety of

services in that one location,
so it would scale back our
ability to do that.

>> Okay.

Thanks.

>> Mayor.

council
member martinez.

>> Martinez: I have a similar
question and I support council
member riley, your efforts in
trying to find funding for
people's community clinic.

This relates to a different
project, though.

The northwest police substation
came in under the needs
assessment at 15.7 million.

Is city manager's recommendation
was for 15.7.

The task force recommendation
7, which, if we
shifted to that number, that
would create \$3 million.

What does that do to the
project, though, by taking the
task force recommendation?

And what did they take into
account in making
recommendation?

7 is the actual cost
estimate we have from the
project as communicated by the
task force from staff.

7, it was just discussed
and I can't really say it was
based on anything in particular.

We would consider it arbitrary
cut, determined to take
\$3 million from the project and
reallocate to something else and
that's why you see in the staff
400 and the city manager 385,
that number was restored to the
15.7 for that.

>> Martinez: So what did the
needs assessment stipulate in
order to come up with this
15 million-dollar price tag?

So are you -- in the task force
recommendation, are they simply
saying we are going to reduce
the size of this project to save
\$3 million and come in at a
12 million-dollar budget.

>> That's basically the
discussion, just to reduce it,
but not to reduce it on any
logical funding of the project,
and there was no information
provided on specifically what we
would do for that 12 million,
because, again, we went back and
looked and said for us to do
this project, considering the
land acquisition, all of the
planning design work and the
construction, you know, our best
estimate right now is 15.7.

>> I can add to that, if that's
okay to you.

This issue is one we talked
about staff wise with the outset
based on experience with the

2006 bond program and of course you all know in trying to carry out those projects, the animal services center, the library, et cetera, in the course of developing that bond program, there were likewise kinds of cuts made.

Will characterize them as fairly arbitrarily but what it meant ultimately was it could not meet the expectations associated with the scope.

The scope did not change, rather those projects and subsequently, as you know, we had -- we had to find remedies in order to continue to carry out the program for those projects that I am citing by way of example.

This is directly on point here.

This bond program, we are really focused on not repeating that, and really recognizing that there is a certain science associated with projects and estimating the project cost, so when -- when there is -- when there is a reduction, and, again, I am using the word arbitrary, it really, I think, compromises the integrity of the estimate and the scope associated with it, so we want to avoid that.

>> Martinez: Completely understand.

In fact, I have been the most vocal about that, leading into this, that I didn't want to see

us do that, so in my mind, if i am going to contemplate cutting 3 million, I am going to go further and contemplate eliminating the project, to manage those expectations, because we didn't -- we have not, in this proposal corrected what you just talked about in .

We have got a northeast substation promised and planned, along with the municipal court that is sending there moth balled and there is nothing in this proposal that gets us to completion of that project.

To me, th high priority in northeast austin than a brand new substation, which I don't doubt is not needed.

>> I think you are right from that perspective, because from my perspective, there isn't adequate funding to meet the original expectation.

>> Martinez: Sure.

I totally agree.

I just want to go back to where that community was prompted something in 2006.

They voted for it.

We voted for it.

It is 2012.

We still don't have a northeast substation.

We still don't have the municipal court moved there and yet we are contemplating another bond measure and not fixing the problem.

So I am going to work to potentially eliminate this and apply it to other promises we have already made that we haven't fulfilled.

council
member tovo.

>> Tovo: I have a few questions for staff but before I move on to that, I want to point out that I appreciate the work that the group did and, also, their requests of staff to look at geographic dispersal of past bond funds and that's useful and the chart in the back we have, I think, is a valuable piece of information, given what my colleague just said, and that is looking at our 2010 bond projects, the northeast had 3%, it was woefully under the other areas of the city, so I do think -- I do think we need to prioritize, making sure that previous commitments are -- in making sure previous commitments are met and we are very equitable in going forward and the advisory committee has done a very good job as they make recommendations.

I am very concerned about the allocation we have in our current proposal for affordable I would not support reductions in that category.

In fact, I would -- I am going to look for ways to increase that.

I think we have critical needs in this community.

Our needs far exceed what would be contemplated in the proposal before us, and I think we have heard some new ones -- not new ones but heard a renewed emphasis on needs like better care for women and children who are homeless and so I would -- i would like to see us find money within the facilities budget to increase funding for the women -- the women and children's shelter, to provide for an expansion, if that's something that makes sense at that facility.

I also support the people's clinic, the additional money for the people's clinic and I have a few specific questions for staff.

The one project that I know very little about is harold's court.

I wondered if one of our staff members could address -- address that.

I.

>> Howard, public's work director, harold court is one of the few things we have to maintain and preserve the remaining infrastructure.

It is home to the transportation department, markings crew as well as public works, one of our shield crews and overly crew and the facilities and structures crew.

The facility consists of a couple of different buildings.

The best of the buildings is a building that is probably 30 years old.

The roof leaks, window leaks and there are no locker room facilities in the building, no draining facilities in the building and we share that building with the watershed and it's probably past economic lifespan.

The other facilities, both markings crew from transportation or overlay crew exist in essentially plywood enclosures that they self-fill several years ago with either earth or asphalt floors in them.

Again, there are no locked facilities, no computer access and no training facilities there.

In fact, the electrical wiring and plumbing in those buildings is substandard.

Our utilities crew operates under a couple of, I guess, salvaged trailers that they have made do but there is improper areas for storage of materials as well as any sort of staff

amenity, so the facilities are in pretty poor condition.

We also don't have adequate room to lay out the materials.

One of the goals is to recycle the materials we use, to take a greener, more sustainable approach to the system of our infrastructure.

We don't have room to do that because there is not enough space.

So the facility there is one that needs to be replaced either on site or another location and I think further degradation of that will endanger many of the gains we made the last several years in improving the quality of our pavements and safety of our roadways through markings and intersections improvements as well and puts our staff at a disadvantage because they can't access information that is available to other city staff because they don't have the computer access out there, nor are we able to train our staff up to standards they are able to perform the maintenance staff that is required of them.

Having said that, they do a remarkable job, given the facilities they work out of and it is surprise how well their morale is and how well they are motivated, but at this point i think the facilities are beyond any repair.

The next couple of years we will do environmental restoration in that area because there were some areas where there were fill activities that occurred for a long period of time that need to be remediated so we will lose better part of 2-acres off the usable area any way to that remediation process.

So failure to address the problems in the Harold Court facility are going to ultimately result in degradation of our ability to maintain our roadways and provide safe highways and bikeways, if you will, for people to get in and around Austin.

>> Tovo: And the reason for that last statement is because the materials aren't being stored in facilities that are adequate.

Is that is plan?

>> We don't have proper storage for -- for reclaimed materials that we want to use.

We don't have proper storage for pouring cement and concrete materials that we use.

>> Tovo: Sorry.

>> Portland cement and gravel and the other things that go into mixing concrete and so as the facilities continue to deteriorate, we will have to find other places to put stuff and equipment and those don't exist anywhere.

>> Tovo: Okay.

Well, you certainly -- i certainly understand better what you are saying about -- about the facilities and how that would impact staff morale, you know, it does sound like very hardworking conditions for the staff.

But in terms of safety of our roads, it sounds like -- I want to assure the public that the materials that go into our roads aren't being stored improperly out there, nor would they, as you just pointed out, you would find other places to put them.

I mean, our --

>> the problem, really, when you deal with portland cement, you don't want it to get wet.

You have to find a place to put it.

If you don't have adequate storage you will lose part of it, due to waste without proper storage for it.

In terms of safety of the roadways, director spiller would like to add in the future additional markings crew and do maintenance marking and not just marking new pavement.

There is no place to put that new crew right now because there is no facilities available and when you drive around at night in incollimate weather, it is

hard to find the markings on the roadway so we need to address that.

Our ability to respond to potholes and do maintenance overlays and shell coding of our streets depends on the crew to be able to do that work.

As the network continues to expand through new construction and annexation, we have to have a place to put those resources.

>> Tovo: Okay.

I see the capital needs assessment returned figure of 16 million, the task force has recommended 11 million.

What could you achieve for 11 million?

Or are we going to be in the same situation that's already been raised, where you have some funds but not adequate funds so nothing happens within the recent -- not the recent -- the immediate future.

>> We are a going to have to do -- we can do a couple of things.

One we can build probably on some sort of module basis, where you accommodate some needs but not all.

The other we can find additional or alternate source of funding.

One of those alternates is to fund it over a long term for a portion and take that money out of the transportation fund and basically pay it back over time.

That does have an impact because it will take money out of potential use for delivery of direct service on maintaining the -- on maintaining the roadways but the fund does have the capacity to absorb a small amount of the total cost but not all of it.

Obviously we would prefer to keep these dollars directed towards delivery of service and take care of the logistical needs for the staff and for the crews through the capital program, which is, I think, a more appropriate use of the dollars.

>> Tovo: But you do have the -- thank you for that additional piece of information.

You do have the ability, then, it sounds like, of working with a lower dollar figure because the additional moneys for completing that facility could be taken out of transportation fund.

I see the city manager.

>> Mayor leffingwell let me interrupt you, for a second.

Please respect the people behind you and make sure there is nobody behind you when you are

standing up and holding your signs.

>> During the discussion with the bond election advisory task force, part of the conversation again was how much could you lose from this before it becomes an infeasible project.

And we did a square foot estimate based upon the program we need and came up with hard cost and soft cost to about the \$16 million that was included, over the face of losing the entire amount, we kind of went back and tried to figure out where we could cobble together the rest of the funding.

It's not a desired outcome.

>> Tovo: Sure, sure.

>> But it a something faced with losing the entire amount of funding to take care of the needs of the staff members when they are out working when it is 110 degrees outside, it is the only option left to us at that time.

In order to build the facility we programmed out, the need is for the \$15.8 million.

>> Tovo: Sorry, 15.8 or 16.1?

>> Well, 16.1.

>> Tovo: Thank you.

I appreciate that discussion.

I have a similar question for director hensley please.

>> Council member, before we do that, I -- the people's community clinic has been brought up a couple of times and I think we have information from bond council on that so i thought that would be good for you to hear that information real briefly.

>> Tovo: Yes.

Sure.

>> Good afternoon, jerry kyles with the interest group, bond council.

On the people's community clinic, we had some conversations about the I feint to which that -- that purpose might put the city in a position where it's providing health care in a manner that the central health district currently provides health care and there would be some -- some legal issues with that.

There is kind of a -- kind of a restriction against the city expanding resources for primary health care that is already provided by the health district.

>> Tovo: Oh, okay.

Thank you.

Do other people have questions for him before I turn back to director hensley?

I will
check on that.

Does anybody else have
questions?

Council member morrison.

>> Morrison: I guess I -- i
don't know if this has to be in
executive session or not, but
does that mean that staff advice
is that we -- we may not put --
we are not allowed to put the
people's community clinic,
consider it as part of what we
would want to cover with our
bond package?

>> I think at this point it's a
question.

I think we need to get more
information about the services
people's community clinic would
be providing and make a
determination based on that.

>> I think the main thing we
wanted to communicate is there
is, based on bond council's
review of it and the project
that there is a potential legal
risk in actually expending those
bond dollars for that project.

So we want to make sure you have
that information as you are
talking about this going
forward, that there is this
question out there, we would get
additional review if this moved
further in the process but
that's kind of where it's at
right now.

>> Morrison: Is there a plan to get the additional review?

Because I am interested -- I am very supportive of being able to support -- put that -- include that in our contemplation, so I guess we need -- any other -- any final determination.

>> Jerry, I don't know if there is additional review you can do at the ag's office but at this point, the opinion, so I am clear is at -- you would probably advise we would advise from staff not to include it because there is a substantial question on whether we could actually expend those bond dollars for this purpose, given the concern you have raised.

Is that an accurate statement to make?

>> Yes, I agree to that.

>> Tovo: I heard additional determination but it is not worth the effort at this point.

>> I mean if this did go forward and let's say, for example, council wanted to go down this road, what we would do is take that specific question and go get an opinion on it.

I mean, that's -- that would be the next step.

I think there is next steps in the legal process to actually -- but for right now, I think

that's been our response, based on the review.

Is that correct?

>> I agree with that.

There is enough of a concern that it certainly is an open point in my mind, and I would say we definitely need to do some more analysis but from what I understand of the services that would be provided, at a minimum, it's uncertain.

>> Morrison: Well, I guess i don't know what kind of direction you all need to actually pursue that, but for me, it would be very helpful to actually get a final -- to take the next step, to get additional clarification.

>> I think we can hear from the city attorney on that.

>> Council member morrison, we will definitely get you the additional information and a definite answer on that matter.

>> Morrison: Thank you.

>> And have it ready.

We can either submit it as a memo or submit it at your next meeting, which ever happens earliest.

>> Morrison: Thank you.

I would say earliest is best.

[Laughter]

>> sure.

>> Cole: Are you done?

Mayor.

mayor pro
tem, did you have a --

>> Cole: Yes.

I have a --
I will be
leaving leer in about two
minute -- I will be leaving here
in two minutes.

>> Cole: Okay.

Let me say first off i
definitely support your
recommendation that wed a
funding for austin studios, we
have a very low amount for our
arts, cultural, library museums
program and this organization
has shown that it has a
tremendous amount of public
support and I would suggest
there is a fire station driveway
replacement and a driveway
replacement at montopolis.

The driveway replacement is
approximately \$3 million, just
so staff knows, that the project
02 and that would result
581 reduction, and there
is also a parking lot expansion
and I am hoping that combining
those two facilities together
for parks and health and human
services, if we are not able to
use those funds for people's

community clinic, will result in us being able to have some savings there and if not, when i think about driveways and parking lot expansions, those should be items that are included in our regular budget process and that would result in about \$906,000, and then I also support having some limited funds taken from street reconstruction obviously \$2 million to support your 5 million-dollar request, and, mayor, I also support your desire to have funding for violet crown trail, but i actually would not take that funding from anyplace other than the general open space that has not been allocated to -- and reduce that from and specifically assign it because it is totally within the city limits and it ties into zilker park and it goes far out south in which some areas that are underserved.

Finally, I would recommend the urban rail savings of 2 million actually be used for dohrty arts center.

As you know, the needs assessment for that is huge and it is a huge issue for us with rodents and basically our families and children, especially our children not being safe in that facility, and I do support the people's community clinic and would also like to get an answer to that question because I think that it

is important in northeast austin
to have a primary care facility.

I believe that's it, mayor.

You can go.

nice to
have your partial support,
anyway.

I appreciate that.

Council member morrison, I have
to unfortunately leave.

>> Morrison: I guess, do we have
a few more minutes or are we
going to -- that would be -- i
appreciate that because I wanted
to do an overview.

[One moment, please, for change
in captioners]

>> Morrison: The first one
is the pard south district
maintenance facility.

I think that got zeroed out.

And I know there are some
concerns about some bottom
line, we need to be able to
protect our investments.

And I wonder if you could
speak to that.

>> Sarah hensley, director
of parks and recreation.

This is a facility that is
currently a house, a
non-accessible house where

we're using it for an office area.

All the equipment and supplies and vehicles are out in the elements in a fenced area and not in an area where they're secured.

We have a couple of portable barns, temporary barn type facilities that you can buy at a local hardware store, which is what we've purchased, but primarily the equipment and the vehicles are out in the elements for the period of time.

And the bigger issue too is of course accessibility.

If the area is a home.

It's repicked up and it is not an a.d.a. compliant.

So that's the situation we're in.

I think we asked for 25 million to try to rebuilt that and to make it more accessible and also put the equipment and supplies in some type of enclosure so that we could save on our investment of our capital items.

That's basically our vehicles, our mowers, belowers, we'd eaters and things.

>> So they're out in the elements right now.

>> The vehicles and mowers are out in the elements right now and the blowers and weed eaters that are smaller are in portable storage.

>> Morrison: Are there alternatives that would be effective that could be less than the original?

>> Yes.

I think there's always other alternatives.

One is leaving the existing house up for a period of time and looking at a masonry structure that would be used only for storage of equipment and supplies.

That will be much less cost.

Not air conditioned, not heated.

Basically to pull it in and leave it in there.

It could probably do something like that for about a million dollars.

You have to pour the concrete slab and you can bring in the buildings if they're portable they can be moved.

They can also be added on at different times.

So there's an option there.

>> Morrison: I guess the reason that caught my attention is because this is kind of the situation where we have to -- if we don't invest some funds, then we're going to shorten the life of our equipment, which means it will then cost us more in the long run.

So I think that it would be important to pay attention to that.

I'm also concerned about the parkland acquisition funding.

It was put in at seven million.

It got cut down to four.

I think I heard from the mayor potentially cutting it more.

And we have a goal of getting parks within a quarter mile or half mile of everybody.

What effect do you think this cut is going to have?

>> Well, it will be somewhat substantial.

I think the problem here is everyone sees the money that

was sitting there from the 2006 bond, but the problem is we've worked very hard with the subcommittee for the parks and recreation board along with councilmembers here and identifying the issues related to urban parks.

And what we've found is each by working with the school district, even by working with public -- the other public entities, libraries, fire stations and others, we have identified lots of areas that are underserve when had it comes to parks and being within a quarter mile of walking distance for our families and young people.

When that happens, we don't have -- we have to have some money to be able to buy land.

What we're finding through looking at costs of land is just with four million alone that could be one piece of land.

If you remember recently we purchased the parker lane property.

That was a little over a million dollars for that small postage stamp.

Most important, of course, but that's what we're looking at.

And when we look at these areas, eight million dollars, nine million dollars is really not going to be a lot of money.

So four million yes, we'll be able to use that and buy a piece of two.

It depends, but without any we wouldn't be able to buy any.

And with the nine million that we'll carry over, we have hopefully plans to be able to buy them as the sites become shabby and as we work through our real estate department to get the appraisals.

But again, it limits us.

It does limit us.

And we look at every possible way to leverage our funds with grants, with partnerships and other efforts.

And we're certainly looking at doing that with the school district and looking at ways of using city property.

But at the end of the day we're going to have to buy land.

And the trend nationally for parks and recreation has now gone back to purchasing the

land because of the opportunities that development has occurred.

We have to start looking out further like in austin to buy land now so that we don't end up with areas that have no parks at all.

>> Morrison: Thank you, sarah.

There's two other not parks things, two other items that I'm interested in learning about because I feel like we need to figure out if we really need them in the list or not.

And one is the facility for our parks patrol.

And I don't know if we have someone here that can talk a little bit about that.

and it's
7 million for design and construction.

And I just wonder what kind of alternatives has been discussed on that.

And I know staff is looking parks patrol.

And I'll tell you the other one that I'm interested in talking about, and that is five million dollars that's in here for a redesign of

the bridge -- the shelton
bridge at red bud trail.

so i
assume it's in need of
redoing.

My question is the bridge,
it appears to me, is really
probably much more heavily
used by non-austin taxpayers
than by austin taxpayers
because probably people come
across it to come into
austin in the morning and
for the most part then leave
at night.

So I wondered if there were
any alternatives that had
been considered for the
funding for the work on that
to be -- to come from
another source instead of
just the austin taxpayers
who are not the major users
of it.

And you can tell me if that
assumption is wrong.

>> My experience is based on
a single data point that i
use that bridge occasionally
to go home and I'm an austin
taxpayer, for what that's
worth.

>> Morrison: So my point
is true.

>> The bridge is within the
city limits.

The bridge is also the
primary mechanism that we

have to service the
treatment plant over there
as well.

The bridge was built in the
there was some
work done on it in the late
'80's, early '90's to extend
its life.

427 Rated bridges in the
city, that's the only one
that's not rated as good or
better.

If we don't start the work
now to replace that span, at
some point we may have to
conian action
and shut it down.

It does not only service
austin taxpayers, but
services the austin water
utility.

I understand there are
agreements with the town of
I guess westlake hills as to
restrictions on using other
roadways.

Replacement bridge will also
open up I think more
beneficial use of red bud
island for austin taxpayers.

We need to get started on
the replacement of that
structure because my staff
told me sometimes failures
of the structures can be
sudden and catastrophic.

I'll we're not there yet we
need to get started.

>> Morrison: I'm not sure
I heard an answer.

The question is have we
explored alternatives for
funding?

This is just five million
for design only.

>> We need to get the
project started.

We need to look at
alternatives and feasibility
analysis with the intent of
producing a design that
replaces the structure.

So this is what we need to
get started on that process.

I'm not sure at this point
of what the ultimate cost is
going to be to replace it.

And rather than tie up funds
for a long period of time on
a guess, I guess it's a more
prudent course of action now
to go down the path of
starting a design and the
alternatives that we can
fund an ultimate replacement
of the project.

To do that we'll have to
have a design done.

>> Morrison: So we haven't
talked to anybody partnering
with us in the design.

>> No.

>> Morrison: And is this -- this five million dollars, is it something that we're real sure that it costs five million to do this design?

Where did we get five versus three and things like that?

>> The preliminary cost estimate we had for replacement was in the 15-million-dollar range.

So we took about a third of the cost to put in for the design effort.

It's an estimate.

It's not an exact number.

>> Morrison: Okay.

And have you heard -- i think there was some discussion during the taskforce about maybe opposition to rebuilding this.

Can you talk about that?

>> I would imagine that there will be.

Part of the process that we're going to have -- that we will go through and go through gladly is to engage stakeholders that are involved because there are some environmental impacts as well as replacing that bridge.

And there probably are going to be some people who have legitimate reasons why they may want to look at different alternatives.

So again, like any injury any, it starts with a single step and we need to start this because we do have an asset that is going to need to be replaced.

>> Morrison: Thank you.

And then the question -- I see Kate Maddox here.

I wonder if you could talk a little bit.

7 million
for a parks patrol facility.

Can you talk about what that funding is for and where is it going to be housed and things like that?

>> Yes, councilmember.

Shaun Maddox, assistant chief of Austin A.P.D.

The parks facility is actually envisioned to be a joint use facility between and the park rangers program.

Where it would be located is somewhere in the central city park area hike and bike trail area.

Some of the things that would come with that project are the ability for the park officers to deploy out of that station with -- on bicycles, atv's and walking patrols, those kinds of things, as well as the ability to launch our marine unit, the boats, from that location, because right now there is no boat on lady bird lake.

Our boat facilities are over at lake austin.

Yeah, lake austin.

>> Morrison: There at one time -- I know there were a couple of developments that were going to be donating or
,
substations or mini storefronts and things like that.

One was over at graco and one I guess up here at the green?

>> I know of one of those.

The information that people have been providing, it was a little bit misleading because when somebody talks about a substation, we're talking about where you can deploy several officers, a shift of officers out of and have storage facilities for the atv's and the bicycles

and the vehicle and those kinds of things.

What they were talking about is having some office space for officers to operate out of is my understanding.

So it's a big difference between some place where an officer can go to write a report or use the restroom versus actually being able to deploy out of.

>> Cole: Councilmember tovo, and I want to say you had expressed an item for the women and children's shelter and I also want to support that and say that i would like to see the funding for that actually come from some of the housing dollars that we ultimately allocate and we can just make it clear in our direction in our brochures that we intend to use some of that funding for that.

Councilmember tovo.

>> Tovo: Thanks.

I think given the fact that the housing budget has been pared and pared down, i think we can give more money to that component of the bond proposal if we are adding in a new project because I think we're really at a challenging number there,

but we can continue to have that dialogue.

I have a few specific questions.

Maybe one for the chief.

And that is with regard to the northwest substation that was discussed earlier, so there is not sufficient funding to get that built, given the needs assessment number.

Have you looked at other options for leasing space and calculated out what that might cost?

>> For a substation?

>> Tovo: Yeah.

What's the plan b?

If this item disappears from the list of bond proposals, what is your -- do you have another strategy for northwest substation?

>> We will continue to be a growing department with the facilities that we have.

Right now our officers are kind of compacted into the different substations that we do have.

They're generally designed for one area command.

The current northwest substation has two area commands in it.

As the city grows, as our footprint grows, two things will happen.

One, those substations will continue to have more officers assigned to them and continue to be outgrown.

And the second piece of it is the deployment piece during peak hours and during high traffic traffic time there will be more of a time gap getting officers from that substation out to the further areas of the city.

>> Cole: Okay.

I need to go and so do other councilmembers need to go.

Seventh street we need we need towrope up and so does staff.

So without further adieu i will adjourn this meeting of the austin city council.