

## **City Council Meeting - 10/16/2012**

[08:12:10]

>> Mayor Leffingwell: Good morning.

I'm austin mayor lee leffingwell.

A quorum is present so we'll call this work session of the austin city council to order.

On tuesday, october 16, 2012.

At 9:10 a.m.

We're meeting this the boards and commissions room, austin city hall, 301 west second street, austin, texas.

First item on the agenda is to go into executive session so the council will now go into closed session to take up one item pursuant to 071 of the government code.

The council will consult with legal counsel regarding the following item.

A-1, legal issues related to the fayette power plant.

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

Hearing none, now go into executive session.

This is a test.

This is a test.

Please stand by.

>> Mayor Leffingwell: That would be october 27 meeting.

And the question from the city manager is what staff persons would councilmembers like to have present if any?

Councilmember martinez?

>> Martinez: My position was not to require any staff to be on hand.

It was simply for us to hear from citizens and we talked about that as part of the fiscal impact on this item.

That this was something that councilmen -- a few of us on the council wanted to do.

That's why we brought the item forward.

But we didn't anticipate having the atm, department directors, anything like that to respond.

>> Mayor Leffingwell: That would be my feeling also.

But I wanted to see if councilmembers had any other comments or different opinions on that?

If there aren't any, we'll go ahead with that no request for staff members to join us at that special meeting.

>> If they want to come and watch and potentially speak if they want.

Three minutes.

Item c-one is the discussion of the citizens communications a the november 1, 2012 meeting.

We have a staff person -- I can go through it if we don't.

But it overlaps with a lunch meeting at 12:00 noon.

They invited all councilmembers.

So one solution -- and I'm not making any suggestions, I'm just telling you what staff is suggesting is that we move citizens communication from noon until 5:00 in the afternoon.

And that we recess at the noon hour so all council could go to the meeting if they wanted to.

That's the discussion item.

Not looking for any action.

Just seeing if anyone has a comment.

Could be sill member spelman

>> Spelman: This is going to be what day?

>> Mayor Leffingwell: Thursday.

A regular council meeting.

>> Spelman: Sorry, thought you were on a different item.

>> Mayor Leffingwell:  
Councilmember martinez?

>> Martinez: I guess if we have the majority of the council planning to attend this lunch, why couldn't we just come first thing in the morning since we do it at 12:00 noon.

I see a material difference in moving it from noon to 5:00 p.m.

As opposed to moving it from noon to 10:30 a.m.

-- I feel there would be less of an imposition on the citizens who signed up.

>> Mayor Leffingwell: I don't care.

This is not my idea.

But I would say the reason historically for having it at noon is one reason people could take off work at the lunch hour and come down.

The same rationale would apply 00 and would lead us into 30 anyway for live music and proclamations.

30, that recent history shows it's very

difficult to get through the consent agenda by 10:30.

So we may have a time certain for citizens communication where it had been.

The main reason we're having it for discussion today is that the staff put it on the agenda.

Councilmember tovo?

>> Tovo: I have a couple of question.

One I would say if citizens communication moves, it needs to move to a time closer to after work hours, people who work from 00 as you pointed out 00 noon hour to take their lunch.

It would be difficult for someone to get to work for a few hours and have to leave to come down here.

Most people don't have that kind of flexibility in their jobs.

But I guess my question is, have citizens already signed up to talk on november 1?

Are we two weeks out?

>> Mayor Leffingwell: I don't think so, no.

>> Tovo: Is there a precedence to do this?

Citizens communication moved.

>> Mayor Leffingwell: Not since I've been here.

The only time we recessed the council meeting in the past as i can recall are for funerals and things like that.

I plan to go -- I plan to step out of the meeting and go.

I will commit not to go to the luncheon and we can have that meeting.

>> Spelman: I'll happily stay here too.

>> Mayor Leffingwell: No change to the november 1 meeting.

And a quorum will be present and maintained throughout the entire time of the lunch meeting, okay?

With that, I think I'm going to -- I have to step outside.

There's a crowd on the class out there, step out for about ten minutes.

I'm going to turn it over to councilmember cole.

>> Cole: okay.

>> Mayor Leffingwell: Mayor pro tem cole.

And why don't we go ahead and -- you'll have 30 minutes or so at least of items for councilmember tovo?

>> Tovo: Councilmember tovo?

>> Mayor Leffingwell: Oh, i didn't get that.

just councilmember tovo?

>> Tovo: I want to ask the question, what is the process because I had my staff talk about pulling items on monday morning.

management is getting ready for the quarterly briefing.

Bring that up as they come up for the briefings here.

Are you ready to answer that debra?

I didn't think of anything here?

councilmember, we changed the rules a couple of months ago.

The idea was that council had us until 12:00 on monday.

>> Tovo: Correct.

I know that, which I did.

We notified staff before noon on monday, the appropriate staff.

>> Lead --

>> Tovo: So maybe we can just work on that.

councilmember tovo -- yes, okay.

>> Tovo: I pulled 28, 69, 25,  
and 26.

And 62.

So, let's see.

Any preferences on where to  
start?

I guess I'll start with 28.

Mayor pro tem?

I say where you see  
staff in the audience to answer  
your questions.

>> Tovo: I see them sitting at  
the desk.

The proposal to change the short  
term rental fee from \$221 to \$50  
which would result in an  
estimated fiscal year impact of  
\$286,500 per year.

So that's \$286,500 per year we  
would not be collecting as  
compared to our estimate.

I wanted to know if there are  
any other notification fees  
within planning and development  
reviews that are nonstandard in  
this way that are not the \$241  
that are the standard  
notification fee?

>> \$241 Is the standard fee that  
we use for subdivision plan,  
zoning-type notices.

There are other fees that are  
different for the after music  
venues.



That come in to play.

This particular fee for the short term rental would be different from the majority fees that we charge.

There's some slightly different aspects of this given that we only notice 100 fee, the 500 feet we notice for the \$241 fee.

We notice in this particular fee, the property owners and the utility customers.

For a typical residence, if you went out about 100 feet, you might be going maybe two standard city lots in either direction to the right or the left of the residence, perhaps the properties that are to the rear.

They may be three directly behind and diagonally from the property and perhaps across the street.

>> Tovo: I saw the rationale for the -- the explanation of the proposed rationale.

Do you have any data to show what the variation is?

I can imagine in some cases it's more densely populated, you might have a large number of property owners.

[10:14:00]

I'm certain I can't think of examples, we might have had

examples where you might have a property owner who has a couple of neighbors within even a 300-footnote if occasion.

So do you have -- have you done that kind of analysis to show how they are over the last three or four years, how notification numbers have varied based on particular cases.

>> I'm aware in the study that came forward earlier this year that the notification fees were looked at and the amount of staff that were involved, although they were looking for the standard notification that we would do the 500 fee in property and utility customers.

They can vary greatly.

If you're downtown, let's say, next to the high-rise condominiums, you can have a much larger number of people who are notified as opposed to maybe being -- even near north austin in a suburb, the hyde park, or further out in northwest hills or something that there will be differences in the change of that.

But they're looking at generally what they average would be sort of the cost of the notification would be typically what matched the cost of providing that service so the demands of staff in the postage.

We feel it would be lower in this case because of what we

know the circumstances involving more single family homes, the multifamily or the commercial zone property and only really dealing with single family neighborhoods for the most part.

>> Tovo: But there is a significant amount of variation already in what it costs you to notify one kind of case versus the other.

But we have a standard fee to make it easier, consistent, and to make sure that across the board, it's fair to the citizens but also recovering the city's cost of providing that notification, which can sometimes be very considerable and probably exceeds the \$241.

[10:16:01]

>> Or be under.

As I said before, the idea is to provide a fee that matches that service.

What we can do after we get a time period, we said we'd come back to council and kind of give you an update on where we are and things and we can take a look at what the actual costs are and sending out these types of notices.

If need be, we can adjust next year what that cost may actually reflect the amount of staff time it would take to do that type.

>> Tovo: It would seem to me it would make more sense to start with a standard notification fee for which there's precedent and the city has a lot of justification to use the standard notification fee and to collect those costs and determine whether it's appropriate to change it rather than shifting it at this point before you have any sense of what the true costs are going to be.

That's a comment more than a question.

But have you gotten complaints before about notification costs from developers and other -- other -- other parties who are responsible for paying the notification fees?

>> Generally speaking, no.

The reason for the \$241, two reasons for that.

One is the \$241 is a subset of a much larger fee.

It's probably a couple of thousand of dollars.

So it doesn't get noticed as much, you know what I mean?

And then finally, most often that's paid by a developer, in a developing company, you know what I mean?

So they're working on a multimillion dollar project that has a couple city fees.

Quite frankly in the big picture, that's not a large deal to them.

So you get a check and move forward.

I think what's different in this case and we did hear a lot from

[10:18:02]

citizens who wanting to register.

I got a call from "the american statesman" because they were calling the newspapers as well, the same folks were calling over here, as well as the board of realtors and the rental alliance were all concerned about the cost of the fee when the \$235 registration fee and the \$241 notification fee that the overall cost of \$476, what we were hearing, was that was keeping some folks from wanting to go through the process.

They felt the fee was too high.

So we went ahead and looked at the notification fee.

>> It seems like -- I have to go back to my e-mail.

But it seems like from time to time I've heard from people who are concerned about notification fees and because maybe there are

instances where they didn't need to notify as many as others.

I'm certain many have been on council complaining about the cost of notifying because they felt it was less than, you know, it would be for some others.

So I'm trying to think of an example where people complained about the fees and the city was going to be able to recover its costs.

It's up and changed them.

To me it seems based on the dollar amounts I've seen for nightly rentals that people are going to make their money.

It's their decision.

They feel fees are too high in having a short term rental a financially viable option, they shouldn't do it.

Then we need to recover the costs appropriate for the city and not just be responding to citizens who would rather pay less.

It seems entirely inappropriate at this point to change this fee

[10:20:00]

from our standard notification fee.

I guess I would like to see what kind of cost analysis has been done for the fee and where that

comes relative to the \$50 you're proposing versus the standard notification fee of \$241.

I got some questions about 69.

But if others have questions about the fee, I'll pause there and let you ask them.

>> Spelman: I have one, the notification for the site plan, is it 500 feet or 300 feet?

>> 500 Feet.

>> Spelman: The notification is 1200 feet.

>> That's correct.

>> Spelman: You're taking the fee, dividing it by five, the \$50.

>> Certainly it's possible.

The area that's being noticed is much smaller because the area of the circle --

>> as my sixth grade daughter pointed out to me, pi-r-squared.

I forgot that at first.

Not a fifth of the area, 25% less of the -- 25 times less of an area than what it was.

>> Spelman: So if you count the number on average assuming the density doesn't shift from these notifications to other notifications you might be having, assuming uniform

density, it would probably match your costs better if you go from \$241 to somewhere around \$10 than to go around \$50.

>> If all else were I equal.

>> Spelman: I have no idea if all else are equal or not because we haven't seen that many requests for notification yet but we will and we'll have a track record to be able to balance the complicated stuff.

In the long run -- sorry, in the short run, it's certainly equitable for us to believe that

[10:22:00]

the 100-footnote if occasion is going to be a small fraction of the cost in your point of view.

>> A few fixed costs.

Obviously staff, the cost of the actual paper, envelopes, stuffing machine, etc.

But, yes, we do think this would be a vastly different one than we would normally do.

>> Thanks.

>> Morrison: You might have said this before.

Are there any other notification charges different than 500 feet?

>> It might be slightly different.



>> Morrison: Is it larger?

>> I believe it's smaller.

Generally the standard notification.

>> Morrison: I know the general -- I'm asking, are there any different?

>> There are different.

I can bring it back to you and bring it to the process.

>> Morrison: I think that's salient here that if we're going to start doing it based on the size of the circle up, we need to be -- we need to look at that comprehensively.

>> Mayor Leffingwell: Where are we on the items, councilmember tovo?

>> Tovo: Not terribly far, but we're moving.

So next, 69, and I guess that's -- I do have one more question related.

So the -- why was the ordinance structured in the way that not all utility customers are notified?

In the rationale?

He said most notifications -- it's utility customers.

How did the decision get made?

[10:24:06]

>> All we heard was to notify the property owners and the ordinances and the properties.

So we did not hear -- I think the rationale, I don't remember the exclusive conversation about renters but the idea behind the notice was to let you know there's a short term rental, but let them know more specifically the contact information for the owner or the manager of the short term rental property and the thought being that if someone is renting an apartment, they're not going to be there for the long term, maybe.

But if somebody is a neighbor next door, an owner, be more likely to have an issue with the short term rental than a person who lives in the apartment complex who's, you know, with a lot of other people.

So --

>> I guess I don't remember this distinction being raised in our discussion.

>> In the council meeting.

When we were talking in the planning commission meetings, we were talking with the property owners.

But I don't remember the specific conversation about taking renters who are out, just

carried over from the pc recommendation.

The thought was for the purposes of why we're notifying in this case as well as to notify for a public hearing which is typically what we're doing.

We notify on the public hearing.

The purpose of this notice was to notify the contact person.

The problem is a property owner, necessarily, than a renter.

>> Tovo: I guess the point is that people have a short term contact information for the short term rental owner as important for the renters who are living in close proximity to a short term rental as it may be for the property owner more so if the property owner has a long-term tenant, they're unlikely to be affected by the short term rental on the block

[10:26:00]

but the tenant is likely to be affected, if anybody is going to be affected by it.

So I'm wondering if the planning commission let me point out the ordinance this council passed ignored most of the provisions from the planning commission's recommendations anyway, much to my dismay.

But I'm wondering if the planning commission in their

discussions really meant for there to be a distinction there or if they were intending for them for the notification to follow the same procedures.

The language -- I wonder if they thought or go to the property owners versus the utility customers.

Do they have the discussion?

>> We carried over from the ordinance.

I don't remember the specific conversation about including or excluding renters of notifying property owners of the notice.

>> Tovo: That's relevant to anyone in the short proximity to short term rentals.

What does the ordinance say with regard to noing in other kinds of issues.

Does it say property owners or properties?

>> The director shall mail notice of the contact all properties within 100 feet of the short term rental use at the owner or operator's expense.

>> How does that get from all properties to all property owners.

I would think all properties means the physical address.

That goes to the person who is living there who may or may not be the property owner.

[10:28:00]

Is this language really different from the notification provisions elsewhere in our code that talk about site plans and zoning cases?

>> Yes, we can get that to you.

Typically, under general notice provision, we send it to the utility customers, the property owner, and those registered neighborhood organizations which may be environmental in a regular neighborhood organizations.

So there is a more formal process set up for notifying an interested party than perhaps a property in this case.

>> For thursday, how the other code defines the word property in this context.

To me, it would suggest it does not suggest that properties does not equate to property owners.

If we can get a legal opinion on that on whether or not our ordinance has been adopted really does mean notify only property owners or if it could be interpreted to utility customers.

>> Morrison: I have a follow-up question to that?

>> Mayor Leffingwell:  
Councilmember morrison.

>> Morrison: Could you point to  
the right section?

>> 5 Of 8, letter c about the  
middle of the page about the  
ordinance.

>> Morrison: Okay, so all  
properties, clearly that's not  
just single family property?

>> Yeah, we took it to mean --  
obviously we drafted the  
ordinance.

So it's clear if we would  
include the word "owners" after  
"properties," but when we wrote  
it, I can tell you our intention  
was to the property owners  
because we felt that was the  
planning commission intended and  
we were carrying that provision  
over.

>> So if a condominium is within  
100 feet, it would be in the  
individual.

>> We would use what we used to  
use before we added utility  
owners to the notice.

So anybody that's the owner of

[10:30:03]

record will receive the notice.

>> Morrison: I noticed in the  
resolution that you'll be  
looking a it.

A different meth of notification  
to those who need it.

Is it easily administered and  
does not cost as much as mail.

Do you have any ideas what stuff  
might contemplate?

>> We should let the sponsors of  
the resolution tell us what they  
were thinking when they made the  
resolution?

>> Morrison: You don't have  
anything in mind?

>> I will tell you how we will  
respond to that.

>> Spelman: I will say I had  
discussions with carl smart, the  
director of the compliance  
department.

And he and I had discussed  
having a list that might be  
available on-line in properties  
that are registered with the  
city and we had a contact  
person.

We talked about that.

We worked with law enough to go  
through that.

But if someone came to the city  
sight, they could see if  
property was registered or not.

There was a complaint and how to  
contact the person who was  
responsible for that property.

But we haven't vetted that enough with the law department.

>> Morrison: That would be notification.

That would mean making information available.

>> That's correct.

Anybody wanted to find out about any short term rental in this city, they could go to a website rather than waiting for a notice to come in the mail.

Because then they have a --

>> Morrison: I understand just to keep things moving along, i just want to make it clear that that would be deleting the notification requirement.

It would not be considering a different method.

>> No, just answering a question about other types of notification.

>> Morrison: I'm saying that's not notification.

>> If I may add two other things to it.

We're going to talk about it before it's addressed before the

[10:32:02]

makers of the resolution.



One idea would be to map the properties which, again, would have to go through the information to get it.

Another idea is we could -- we do have the e-mails of all of the community registry with all of the neighborhood associations.

So another idea could be that we could notify the neighborhood association that we have -- there's been a registration in the neighborhood which would not be used in the postal service.

>> Morrison: So that would be notifying organizations as opposed to property owners.

>> We don't have the property owners' e-mail?

>> Morrison: Correct.

Do the sponsors of the resolution have anything to add to that?

Curious about their thoughts.

>> Spelman: Are we on item 69?

Or did we dispense with 28?

>> Mayor Leffingwell: 69.

>> Spelman: Fair enough.

>> Morrison: I'm two.

>> Spelman: That was exactly the idea that it might be more, a, efficient, b, reliable means

of ensuring that people did know what was going on with the neighborhood by notifying the neighborhood association residents and have that apparatus go down to the individuals.

And maintaining the map that's up to date, discussing the possibility that the map would be up to date on a 24-hour basis so anybody who knows what's going on would have access to the information in the short term rentals in the city

>> Morrison: That's a good idea.

I'm concerned about pushing the information out.

In addition to making it available.

>> Spelman: The information will be available, whether or not it will available via e-mail, mail, fax, carrier pigeon is a little up for grabs.

But it seems to me that receiving another piece of mail for the primary purpose of letting someone know who the

[10:34:01]

contact person is in case there's emergency or some sort of a problem is not the most efficient means of giving people the information what they need at the time they need it.

If you need it, you don't need to search through the back mail to figure out what the telephone number is.

If there's a website to make that telephone number available to some other mechanisms that will be available in realtime, that will be more reliable in helping people making it necessary when they need to make it.

>> Morrison: I want to make sure all of that information is available on the web.

That's a good idea in this situation.

I think when something turns into a short term rental, it's important that people next door knows that's happening explicitly.

That's what I thought the intent of it was.

>> Mayor Leffingwell:  
Councilmember tovo?

>> Tovo: Having a website is a good idea.

Having that information available is a good idea.

Do I understand this conversation to mean that you're not suggesting that that information replace our current system of notification, are you

>> Spelman: I'm suggesting we might consider replacing it, we might consider adding it.

So if that's a notification is available via the web.

I don't know yet, depends on the cost and how reliable those who we need to get to has gotten to we have.

I would like to know how reliable the notification is likely to be.

>> Tovo: It's been an interest to some members in our community to have e-mail notifications available as an option.

I believe that the staff has been investigating that.

But I guess, you know, I just strongly believe that we should treat this as much as possible like the other -- the other

[10:36:00]

instances we have where people need to be notified.

So it should be a notification and rendition.

I want to ask one broad question.

It's probably not going to be a surprise that I have concerns about several of these provisions.

But as a general question.

And this is one for mr.

Westhoven, there was a discussion recently at the planning commission, one of the neighborhoods who has the neighborhoods conservation combining district wants to have the option -- one is the planning commission to consider an option that would allow them to restrict short term rentals within the mccd -- the mccd that you can project this better than I can, is a tool for neighborhoods to preserve certain areas and to adopt more stringent provisions that might exist elsewhere in my neighborhood.

Jerry, can you add to that request?

>> Went before the commission to ask to have the amendment to create a short term rental rules and apply it only to hyde park and north hyde park.

They were requesting to add the spacing requirement and the one considered by council and add the different feet to go to 750 or 7000 and the regulations in type ii rentals in regard to multifamily.

When that item came before the planning commission, I spoke and asked that the planning commission not initiate that amendment for the specific reason that at that time, the council ordinance still hasn't taken an effect yet.

See how the council best ordinance works before we go changing anything.

And I was specifically concerned

[10:38:00]

about the concept of having the rules regarding the short term rentals.

Most neighborhoods do not have it.

If most neighborhoods wanted to change the short term rental rules, you would come and ask for an nccd.

Every neighborhood would have a different set of short term rental rules from an administration's standpoint, i felt there could be problematic as well as the fact that we hasn't yet saw how this ordinance works.

We still haven't seen how this ordinance works.

Before we went to the individual neighborhood, I ask that we give it a few months to see how it's working before we change it.

And I also did not see the reason why hyde park necessarily needed a different short term rental rules than another neighborhood.

What was unique about that neighborhood with regard to the

short term rental use was  
different from any other.

>> I guess as we look across our  
neighborhoods across the city,  
they have -- they have different  
use categories and different --  
AS YOU SAID, SOME HAVE NCDs,  
Some don't.

It seems to me to make it  
consistent with our current  
practice to allow neighborhoods  
to have more role in shaping  
what they want their  
neighborhood to look like.

Because all of the neighborhoods  
are different, have different  
character.

As a general practice, it makes  
sense to allow different  
neighborhoods to consider  
different ways of amending the  
short term rental ordinance so  
that it makes better sense in  
their context, in their land use  
context.

But I wanted to highlight  
something you said, which is  
that your statement with  
planning commission that the  
ordinance hasn't taken effect  
and we haven't had a chance to

[10:40:00]

see what it's like once affected  
and once implemented and makes  
more sense to see it on the  
ground for me.

And I would make the same point  
here for the same reason that

ordinance went into effect  
october 1 and to me going back  
and reopening it and making  
tweaks is just inappropriate at  
this point.

Not to say that I'm not happy to  
reopen the ordinance.

I would like to suggest too and  
will if it goes forward on  
wednesday that on thursday or  
maybe at a subsequent meeting  
there are some changes I'd like  
to see in the short term  
ordinance.

>> Mayor Leffingwell:  
Councilmember martinez?

>> Martinez: Happy to amend the  
ordinance at short notice if it  
WERE TO BAN STRs.

>> Tovo: Saying tweak the  
ordinance.

But if you were on the sponsor,  
you can sponsor it,  
councilmember martinez.

Here are a few others I would  
suggest, considering  
neighborhoods to opt out.

Increasing the notification to  
all utility owners that our  
analysis that we're getting on  
thursday suggests that  
properties does indeed mean  
property owners rather than  
utility owners and there are  
others.

But I leave it there for now.



>> Mayor Leffingwell:  
Councilmember morrison has a  
comment.

>> Morrison: I wanted to follow  
that up.

Jerry, it was highlighted for  
me.

That is you said we need to see  
how it works before changing  
anything.

I would like to raise that for  
the sponsors of the item because  
I think we have a lot to learn  
over the next three months.

There's a certain group of  
people that I heard from and i  
suspect that all of the

[10:42:00]

councilmembers have that seemed  
to have driven a lot of what's  
in there.

A whole lot of people are going  
to be affected by the ordinance  
that haven't taken notice  
because they're the ones living  
NEAR THE STRs, NOT THE ONES  
Thinking of registering them for  
now.

So I think it makes a lot of  
sense to hold back on a tweaking  
ordinance.

Otherwise, we're going to be  
going through maybe not endless,  
but several iterations and it  
will be a full time job to  
collect items to change and

doing outreach and gathering the folks, you know, on both sides of the issue to have yet another long, I suspect, public hearing about it.

So I really think it makes sense to hold back and maybe ask staff to start collecting all of the issues that are getting raised as we go along.

And we think about I guess the direction or the ordinance that we pass comes back in a year, perhaps, or something like that.

Maybe we can shorten that aptle of time.

Responding to the growing pains that gets these registered immediately is really problematic for me.

Or I can assure you there will be a set that we'll be working on soon.

So it would be really better to hold off.

>> Before you consider tweaking, you need to have some experience under your belt to know what tweaks to make.

I don't think a year is too long a time, frankly.

Most of this is based on events that occur once a year.

A big event in the fall, a big event in the spring, a couple of big events in the fall.

[10:44:02]

And to have all of that experience that might affect different parts of the city will be valuable before we begin to address that.

But I would also -- I heard about the proposal by the neighborhood to have special rooms for the neighborhood.

I would see that as trepidation to have special rules to different parts of the town.

The problem there is mismanagement or something like that.

We create a different set of rules and somebody has to keep track of those.

It could easily become an administration nightmare.

There is the issue of basic fairness, I think.

We have different rules for different parts of town would be -- would basically offend my sense of equity.

I don't know what the legal issues might be.

Councilmember spelman?

>> Spelman: We're not tweaking an ordinance for the resolution.

What we're dealing with is dealing with implementation

details which were not covered by the ordinance but only came up after the ordinance passed.

The ordinance does not describe the short term rentals.

That came up after the ordinance was passed.

Method of notification is in the ordinance.

That's true.

We didn't realize it was a possibility that it was going to cost \$241.

We did not talk about short-term rental affidavit.

That just came up as an implementation detail after the ordinance was passed.

It's the things that happened after we passed the ordinance, which I don't think any of us saw as consequences of passing the ordinance.

No one in the short term

[10:46:02]

community saw the agencies or affidavits as part of the cost of doing business.

That's perfectly appropriate for us to tweak the details without changing the bulk of what we changed the decision on back in december.

>> Morrison: Mayor, if I may.

>> Mayor Leffingwell: Let me say I agree with you on that.

Certainly no one ever discussed the fees involved.

That's a problem we need to be corrected immediately if not sooner.

>> Morrison: So there are some things in here about fees and they're being addressed actually in item 28, one of them is.

So some things in here are actually tweaking the ordinance.

For example, consider eliminating the requirements that short term rentals must review the whole dwelling.

Review the requirements for suspension and revocation.

So put those inside as perhaps save those and do the ordinance once.

Let's talk about the administrative rules.

That's what we're talking about.

If you will recall when this ordinance passed, I specifically asked our staff to ensure there was some kind of public and transparent mechanism for setting the rules.

What happens was, it was such a short timeline that the rules

had to be set under an emergency basis.

Those rules, correct me if I'm wrong, need to go through the normal rule process and I think that you have 180 days until and perhaps an extension for going through the normal rule process.

That is some posting.

You can respond and all that.

I had asked there would be some way for folks on both sides of the issue to see how these rules

[10:48:00]

were going to be developed and provide input.

And I understand if we go through the second round of rule making, it's not the emergency rule making, that that will comply without request that i made and have an open process.

So I would suggest that anything to do with rules will in fact be revisited in a few months and maybe greg can give us a timeline and we can talk more about what the public process will be.

>> The rules process -- we implemented emergency rules because it's back set up by the code.

The regular rules process that would take place would actually maybe toward the end of this

month and may go on for several months.

The rule is not posted quickly.

It goes through the process.

We work with stake holders and contact them, the general stake holders.

But they could go to the process.

It would be better for a different department and then eventually after going through all of that and receiving all of the input, something would come out in the early part of next year.

It would go through those things that we would work with about if there's a type of application and what we would consider it being owner occupied.

Not unlike some of the things we talked about with the emergency rules.

Might deal with those things that might deal with some of the enforcement issue uhs that what might be a violation.

With respect to what we're working on right now.

>> Morrison: So I would like to -- if I may --

>> city manager -- I want to focus a little bit more in terms

of a regular process for rule making.

Just emphasize the public participation piece of that.

I want to make sure there's no

[10:50:00]

misunderstanding of what would be involved there.

>> Like I said, we would contact people and make sure people are aware of this and stake holders would be the short term rental and notify and let them know that the rule process -- all of the rules are posted on rinne.

You can go back and take a look at the rules and explains typically what the calendar is of that process should be all on-line.

So it's nothing that's going to be hidden behind some staff door and conjured up.

It's done out in the open.

There's an appeals process with regards to that if there's the stake holder that is not there.

We had that recently with different tree regulations about how we implement the tree ordinance and certainly those -- more of that if we had diverse opinions on either side of that issue.



>> Morrison: Just to be clear, when I asked the question about what was the rules prosesz, there was a significant amount of confusion and suggestion that you had to be paying fees to be able to be notified and things like that.

So I would like to ask that we make sure that there is not only that, but maybe a menu for a public discussion about it instead of just individuals providing written input.

That could be written proof about the conversation about a rule.

>> That could be a change to the rule process.

We have stake holder meetings, we could have a hearing.

>> Morrison: Not suggesting a hearing.

>> I'm not aware.

Debra can come forward and speak to this.

But when we go to the rules process, we don't invite input but we don't hold a public

[10:52:01]

meeting where people can provide three minutes of testimony on each portion of the ruling.

>> Morrison: But there are stake holder meetings so

everybody can get in the room  
and talk about it.

Okay.

That's all I'm asking.

So I guess I like to suggest  
that if we look at the be it  
resolved -- the fee schedule  
one, two, is the code change.

Three and four and seven are  
rules.

Seven may be a code change  
eventually, but I would suggest  
a rule consideration first.

And five and six are co-changes  
that if 2, 5, and 6 were held  
off for the year review, all the  
other ones can be addressed much  
sooner than that.

>> Mayor Leffingwell: You have  
any comment on that suggestion?

>> Spelman: My item is not  
their item.

>> Mayor Leffingwell: From a  
staff perspective?

Go ahead.

Do you have any comment?

>> Spelman: No, it seems to me  
these are things that come up  
only after we passed the  
ordinance.

Although some do involve  
changing in the ordinance  
themselves which I think we

ought to talk about it, they're not making changes, they're asking for staff to take a look at it and see if they see any problems here.

>> Mayor Leffingwell: Do you foresee any problems?

>> We will work with whatever you give us.

And see if, you know, what recommendation we can run back to you.

If there's some changes that we can suggest, we'll make those known to you.

But we'll work with whatever direction you give us and move forward in the 120-day period to come back.

>> Spelman: I expect a more pointed answer to the question if we pass the ordinance and give you time to think about it, if we pass the resolution that

[10:54:00]

asks, do you foresee any problems and you come back in 120 days, you probably have foreseen problems or not and tell us yes or no.

>> Yes, we'll have more experience because we have more applications.

>> Spelman: Exactly.

>> Mayor Leffingwell:  
Councilmember tovo?

>> Tovo: So I foresee a few  
problems.

But I wonder if you could talk a  
little bit before we move on  
about number six?

What's the idea there?

To allow homeowners to rent out  
rooms on their house on a  
short-term basis?

>> Spelman: Several people came  
out and said we rent out rooms  
for example.

We remember discussing it as a  
council one way or the other.

It was part of the legacy of the  
original recommendation for the  
planning commission.

And it seems to me it could be  
considered since we had not had  
much discussion about it, it  
makes sense for us to ask about  
the subject.

>> Tovo: I believe -- I thought  
at a the planning commission did  
have discussions about that?

Am I right in thinking that?

I don't think it was --

>> Mayor Leffingwell: Was it  
included?

>> Tovo: There are stake holders who have concerned about that.

Let me say that.

>> Mayor Leffingwell: It wasn't include in the original planning.

The recommendation.

>> Tovo: Was or was not?

>> Mayor Leffingwell: It was.

>> Tovo: Was included?

>> Mayor Leffingwell: Yeah.

>> Tovo: So some of the other concerns that came up about which we had little discussion out council, one was multifamily.

You may remember in the last hearing about this item, people raised concerns about what a multifamily apartment -- how it would work in a multifamily apartment.

Is there a certain percentage of short term rental units that pushes something from being an apartment complex to being an out and out hotel and the staff,

[10:56:00]

I think, were struggling a little bit with what that percentage was.

So 100%, it would be clear that it would be a problem.

Anyway, I just wonder if you gave any consideration to addressing some of those issues that arose?

In our last hearing.

>> Spelman: Councilmember tovo, if you were tempted to make a friendly amendment to include that as part of the things the staff should consider, I would happily accept that friendly amendment and would not hold you to the conventional thing that you might have to vote for the resolution.

>> Mayor Leffingwell: Others might.

>> Tovo: Thank you.

>> Mayor Leffingwell: Could i ask one question.

I don't know if it's particularly germane to this item or item number 28-related.

But the fees seem to be a big point of contention.

Can you tell us so far how many people have actually registered?

mayor, councilmembers, as of friday, we only had 19 that were licensed.

>> Mayor Leffingwell: Okay.

>> 19 Licensed.

>> Mayor Leffingwell: That suggests we may have a problem here.

>> Morrison: Yeah, I think so.

>> Tovo: It appears reached to the point of diminishing returns.

And kept going for a while after reaching that point.

>> Mayor Leffingwell: So i think we need to take a hard look at that.

And the connection with that it seems like a big part of the expense is additional code enforcement personnel.

And I'm being overly simplistic, idealistic, whatever.

But it seems to me that the enforcement part of this is something that has been going on all along, that nothing is really changed with regard to that.

I mean, haven't we had enforcement before?

[10:58:01]

I mean --

>> we had enforcement as it relates to nuisance problems.

Someone tries to call.

There's parking, there's noise, those kinds of problems.

>> Mayor Leffingwell: Isn't that what we're talking about, enforcing?

>> We talked about going another step now and requiring licenses.

So those who don't have licenses operating without a license now in violation or those who have a license and then have violations, we're looking at suspensions, revocations, whatever.

So there's more -- there's more than that now.

>> Mayor Leffingwell: It's in the office stuff.

It's not going out and actually taking note of complaints.

Is there too much noise, is there too much trash out in the ?

This is stuff that you've been enforcing all along.

You're saying three additional personnel just to take care of the licensing to verify the licensing for certain properties.

I would assume that's why the complaint has been received.

You can say, okay, has this person registered?

And is it appropriate or have they exceeded the number of complaints that they can have



without having some administrative action taken on their license.

That requires three -- that part requires three additional people.

You're not talking about the field enforcement.

>> It includes field enforcement if we have a complaint that a property is operating without a license, we have to go out and check that property, do the research that we do in the office and with the data base, but also go out and check it and see if it's operating as an str without a license.

So it's a combination of the two.

>> Well, that explanation makes sense.

I was just having a hard time with the idea that all of a sudden now we're going to start enforcing all of the parts that have to do with litter and trash and noise and implying that we weren't doing this before.

Councilmember martinez?

>> Martinez: I wanted to ask the question on a different item.

I don't know if I eel be able to stay through the duration of all o

>> I think you are talking about the turn ramps that are involved, some locations of downtown, as part of the great streets program.

Those are allowed under the ada guidelines.

But in talking to members of the community, those projects, we're going to stop putting those in, because we have concerned about the volume of pedestrians.

We have the ramps of those installed.

>> You are saying, we will go back to the old design?

>> We will use the -- as you defined it, yes.

>> All right.

Thank you, appreciate it.

And mayor, the other question I had is really just curiosity question.

Items 48-59, I just don't ever recall seeing so many items that were listed under authorized recurring, exempted procure ams.

It is pretty substantial.

My question is, what is it, and is it because it is authorizing the procurements throughout the fiscal year.

>> It is a new policy.

We will need to explain it.

>> Byron Johnson, purchasing officer.

What this is, yes, the law department has looked at what typically has been an expenditure and whether it has gone to council or not.

And in some cases, in other cities, what they do is identify things in the budget process and they actually allocate this in the budget process.

In our process, we don't do that.

Clear back till the charter, we haven't brought forward these.

The law department has looked at us and said, we think the safe bet for good government is to bring forward these type of items and get them as an open item for council to approve.

These are items that are exempted from the competitive bid office.

They have reassured me they're not part of the bid.

It is the charter provision that has city manager's level of authority and above that going to council.

To be safe, what we have done is we have taken those items we have looked at historically over the last three years, have been expenditures.

What they are and what is anticipated for this year and we brought those forward.

We also anticipate that we're not going to be perfect, again, this is the first year.

You will probably quarterly see updates.

We can't predict what the decisions will be.

We may need short-term rentals, notices.

We may need to send more out.

You will see these going guard.

The first take we will do at the start of any fiscal year saying annually, here are it is things we looked at that even though they're exempted, they're items we think exceed the level of city manager's authority, so we're bringing those forward.

Did that help to answer that?

You are saying this is something that we usually have not had in place and

have council bring on the items.

These have occurred historically administratively because they're allowed under -- by law?

>> Excellent analysis.

That is correct.

I'm asking the value question.

Why?

>> It gives it a chance to say here are things that we're doing and making sure that we're following what the city charter's intent is and the idea that we go forward with items of a certain value.

It provides another level of analysis to do this one.

Also puts everybody in the department on notice that we are looking at these so watch your dollars.

And we're watching those very carefully.

>> Mayor pro tem.

>> It seems like you're trying to get at transparency, but I'm not clear that it is actually giving us -- these are items that would have been brought under the city manager's

authority and we would not have noticed them anyway?

city  
manager.

>> That is correct.

But I think it is on the grounds of a legal analysis here.

You or whoever did the analysis, you need to come and speak to the legal analysis that resulted in this approach.

>> Ok.

Jacquelyn Culum is here as well.

We have two legal principles here.

Competitive statutes that are in place and all of these types of purchases under the bidding statute are exempt from a competitive procurement.

And then we have our charter in play.

So when you look at it, we don't have to go out to a competitive process which would, you know, then make it subject to your approval, but we have our charter which sets a limit on how much of an expenditure can be done without council approval.

So when we look at the statute that talks about it's exempt, but these are the same services, but spread across different departments, when you put them together, they're all over administrative limit.

That's the issue.

So in this particular case.

This kind of arose out of an audit where we were helping purchasing look at this and the recommendation was that we would look at more transparency, look at more making sure we did things more on a cumulative basis instead of the separate sequential kinds of things.

In this particular case, we have the ability to know that we purchase advertising services in this amount on behalf of the city in a year.

There may be some we don't, but in this case, based upon the charter and state law, we recommended to the purchasing department that they bring these forward for council approval.

And jacquelyn may want to add something, because she was the lawyer working with purchasing on this matter.

>> --

let me ask you something, can you focus on

the aspect of the audit  
you're familiar with?

>> I am not familiar with the  
audit.

To comment on the comments.

I like to use aggregate.

If you look at these on the  
agcombat and make sure the  
best practices to approve  
them.

>> Byron jackson.

The contract auditing audit  
that ken's group did looking  
at total expenditures.

So as an outcome of that, we  
implemented a lot of  
monitoring procedures  
internally.

Not even things that went  
through purchasing, but were  
expenditures.

Since the change that we did  
was to say, we're going to  
help monitor all these types  
of things to make sure we're  
doing it.

We looked at the  
expenditures.

As karen said they're  
exempted they wouldn't come  
through my shop, they're  
expenditures being made.

So we look at everything that  
went to the city manager's



level of authority and aggregated those, per their direction as to a commodity type and said, here's what these are.

And we wrote them down so it would be easier for them to be understandable by the type of recurrence that they are, such as postage is a common thing.

So we're setting what they deem to be want best practices and the identification and the visibility to do this type of a thing.

>>Cole: thank you.

>>Mayor leffingwell:  
Councilmember tovo?

We have a few preprogrammed ones.

I appreciate staff, we did get things to staff.

It was a matter of making sure the information was transferred to the mayor's office.

I will make sure that happens also.

I appreciate staff, would it be ok to go ahead with one of the ones I pulled?

>>Mayor leffingwell: sure.

I had asked to talk about item 27, which is the payment to the award and execution of a 12-month agreement with clean air force.

And as you recall, we had quite a bit of discussion about that during our budget because there was some suggestion to staff that we change that instead of the usual amount we have been doing for 20-some years.

When it was discussed I went back to refresh my discussion at budget, what I heard from staff was that they are in the process of responding to the resolution on air quality, coming up with -- that is coming forward with the report, soon.

And yes, they agree that we would be continuing support of the clean air force, that we will have a discussion on the mechanisms being changed through the discussion with staff on air quality.

However, what got posted was cumulatively \$90,000 but in fact, it's divided up in a new way that had never happened before, and that is a one-year membership in an amount not to exceed \$10,000, and then in addition, an \$80,000 for funding the city's involvement in clear air programs.

I was just concerned about changing the way we had been doing it before.

I know we're going to be having discussions.

And I fully expected after our budget discussions that what we would be doing would be exactly what we had before, which was a \$90,000 membership payment.

So it may be a bit of a technicality, but it concerns me because it came out -- i know that staff might recommend changing something, but that we were going to be -- I thought we were going to stay the same this year.

>> Chief sustainability officer.

I think the total amount is the same.

>>Morrison: yes.

>> I think part of the challenge is membership fee and what that delivers, and then services offered and provided by the organization.

So this is something that we were taking the approach to providing a membership fee and also making sure we get services in return for the total dollar amount.

>> Well, I guess -- I mean, we were going to be talking

about what the services were,  
whether I might -- I know  
staff wanted to bring up the  
question of, was that the  
best use of our money.

I have to say that I don't  
know if it makes any  
difference, but I really  
thought we had come away from  
budget saying we would do it  
the same way as we did  
before.

city  
manager.

>> I think there is some  
confusion about this.

So I choose to withdraw it  
and have further discussion  
with staff.

I appreciate  
that.

I would like to ask if we can  
hopefully see it back on our  
next agenda so we can get  
the --

>> yes, I understand.

Time is of the essence.

thank you very  
much.

did you  
have another item?

>>Morrison: I did.

Thank you.

It was a transportation item.

I thought Gordon was here.

It is item number 62.

This is a new subpart h for transportation to provide for special events permits for limousine charter services, shuttles and airport shuttles and I realize that we are just trying to get more services on the ground for the incredible number of people coming in.

I felt like I needed a little bit of context for what it's going to look like, what kind of limits there might be.

What the perspective -- the specific -- especially interested in the perspective of the taxi drivers are and how you set the time limit.

>> So as we were looking at the ordinance related to ground transportation, we felt that there was a need to be able to expand the service when we have special events.

Formula 1 is the one we're working on right now.

And ACL and South by Southwest is always a transportation concern.

What can we easily do to allow us, when we have the events in town to have expanded services.

So one thought was to allow the limousine companies to work with other limousine companies throughout the state to bring in additional vehicles for short periods.

So this sets up a permit for up to 16 days, which we would set up certain windows for certain special events with certain caps I anticipate two months out from an event, we say this is what we're looking at, here is the date to accept permits, so you will be informed and that will serve as information to the companies.

So at this point, we have 50, roughly 50 limousine companies that are approved by the city that have operating authority.

They have about 250 vehicles, particularly with the crowd that will be here for formula 1, we feel like there will likely be a desire for folks.

We have heard that people will be flying into dallas.

Staying.

We don't have control -- we don't do background check for the chauffeur.

Under the current ordinance, we have no control of that.

To expand service for the city, we felt that was a way to expand service.

>> So there are several events that are specifically listed in the ordinance.

And I think I read that -- is it correct that up to 16 days on either side of the event that the special permit --

>> a total of 16 days.

>> So one question I have is some of the events are two or three-day events and some are nine or 10-day events.

Are all of them going to have 16 days?

Or it seems to me if something is a 10-day event, it would make sense to have a different amount of time than if it is a two or three-day event.

>> I think that is something that we can do with the rules.

Again, providing the council notification for the event, this is how we're looking at it.

South by southwest, a/c on two weekends.

We will probably see a full 16 days for those.

>>Morrison: right.

>> I don't know what we might see for formula 1 this year and future years.

you think the longer events, from sunday to the following day is 16 days is adequate.

I don't know if the ordinance should say up to 16 days to give you the flexibility as opposed to you would have to give them.

>> It says the permits will be valid for 16 days.

>>Morrison: I see.

I see a legal angle.

>> We can certainly change that.

>>Morrison: change that.

It seems to me if 16 days is good enough for the long ones, that maybe if we change it to "up to 16 days" that would be --

>> right.

gives flexibility.

>> For the window to be open, we will say for formula 1 it will be 7 days or something, we will tailor that.

I wonder if staff could prepare that amendment and get it posted back up.



I saw an affirmative nod.

>>Morrison: perfect.

Also in the backup it mentions that the urban transportation commission has recommended this with a few tweaks to it.

It noted that the recommendations had been integrated.

Could you mention just what the recommendations were?

carlton,  
come up.

>> Carlton thomas with the austin transportation department.

The first concern was the fees.

We had taken the approach after discussions with the stakeholders of the \$125 cost.

They suggested that we reconsider the fees and add a fee for expedite, which would encourage applying early.

Listing the events.

Rather than -- excuse me -- rather than a list of qualifiers, we just identify if it is the event.

last question  
then.

Did you -- was this any issue  
for any of our usual  
stakeholders in  
transportation discussions?

>> I believe there was  
similar concerns to what we  
have heard previously.

So some of those relate to  
how we're going to enforce  
it.

We anticipate for formula 1  
we have currently a staff of  
two regulatory inspectors.

We will probably bring in  
additional votes.

We have 6 or 8 so we run two  
shifts.

Won't be here, they will be  
until  
after 3:00 in the evening.

So we are looking now at the  
staffing plan.

We would have continuous  
support out there.

A second was how would we --  
what's the enforcement  
mechanism?

I believe in the ordinance,  
it talks about we provide a  
permit that we have to keep  
on the dashboard.

We have inspectors in prominent locations working with them to make sure they know where they can be and, you know, I think we really need to identify staging areas so once their passengers are dropped off, they will know where they can move to.

We will identify those, be at sites to say you can move to this area, to help keep the traffic flowing.

I thought no one of moving downtown during that formula 1?

>> Certainly people will be.

what about, were there concerns about this would oversatisfy -- our demand would be oversatisfied and cause hardship for folks currently providing transportation to folks?

>> I think it was raised as an issue.

If you go into the math, we have currently about 250 limousines permitted.

About 750 taxis.

Taxis are constrained, the driver can only work 12 hours, 12-hour shift.

So again we need to provide transportation from before, that is when the

buses start heading to the site.

We need multiple shifts, but we as a city have no way to dictate to the franchises they have to run multiple shifts.

So there is no mechanism where we can tell them you have to have two drivers to keep on the streets.

That is something we don't control.

even if we did have some way to keep them on the streets, do you think that would be adequate service for the number of people in town?

For the big events?

>> If you are looking at 250 limousines, carrying a thousand people.

And 750 cabs, that is 3,000 people.

If we have 20 to 30,000 people dropped off at trinity and 15th street.

We have to move those people out of there.

I think there will be plenty of activity for everyone for formula 1.

We need to see what we will do for acl and south by southwest.

I don't know if the numbers in the mix would be the same, but we have heard anecdotally that there are time constraints by south by southwest when taxis are not available.

>> I heard that, too.

does the ordinance allow you to set a cab and deny additional applications for more limousines in the case that we think we have enough?

>> I don't know that it is specifically addressed in here.

That is certainly something we can add, either in the ordinance or in a set of rules to go with the ordinance.

I think we're going to need something that we can be flexible with.

I think it is reasonable to just say you can't bring every limousine in the world here.

There is some percentage of the current fleet.

And this is set up so that any limousine that comes in has to work with one of the

existing companies so we don't just get companies to come in for an event to set up.

I would like to see if you can provide an amendment, it seems to make sense to explicitly put in the ordinance that staff has the ability to deny them and after a certain number has been reached and that obviously, you will have to figure out how to do that and what the formula ought to be, but I we could -- I would appreciate it if we could get a staff recommendation on how to amend that also.

She's already writing notes.

>> We can certainly make that happen.

>>Morrison: all right.

Thank you.

>> Mayor?

council  
tovo is next and  
councilmember martinez.

I will try to be  
quick.

This is a process where the cabdrivers are in the process.

>> The cabdrivers were not a part of that the process.

Primarily prearranged services.

So the limos, charters, shuttles, spelman, they were involved -- you spoke to the ground transportation stakeholders.

I would consider them impacted.

So has this mechanism ever been used in the past?

Have you ever allowed other limousines from out of town to come in?

And operate here?

>> And not regulate them, no, this has not occurred in the past.

the fees, will they go to the city or directly to their local partner.

>> We assume two fees associated.

A fee that's applied to the permit that goes to the city.

And in order to gain sponsorship from a local company, we envision the local company imposing a certain fee on a company coming to operate in Austin.

We're not regulating that fee.

We're regulating the permitting fee.

>>Tovo: I see.

So a local partner at this point, could charge whatever they want for that sponsorship?

Why did you decide not to put some provisions in place on that?

>> That is a business relationship between a private entity and another private entity.

I don't know that we as a city want to get in between those two entities.

>>Tovo: ok.

I'm going back to question number 3.

Is there a definition in the code for charter vehicles?

>> Yes.

I will look for that then.

So you're going to identify those that are permitted because they will have some sort of sticker or something like that.

Is that right?

What will the penalties be, if you see limousines



operating that are not part of a local franchise and don't have a sticker, what's the -- what fines will be assessed.

>> Typically the operating without a permit or an operating authority.

That's something that we have done historically.

The fees range upwards of \$500 per offense.

will you have adequate enforcement?

Who will enforce it?

Transportation staff?

>> Yes.

and you have two people who will be enforcing that during these events?

>> We anticipate flexing up to six to eight, to cover two shifts in the sites we will cover.

We will bring in other folks from the transportation department to assist with that.

>>Tovo: ok.

>> There is a lot of areas to cover.

I echo the interest in seeing some limits

provided for in the ordinance.

I noticed in the ordinance it says that you would accept applications up to three days prior to the event.

And I wonder -- I mean, if you get an influx of applications is that going to be manageable for your staff, given all the other responsibilities three days before an event?

>> Right, which led to the recommendation from the urban transportation commission.

So if we impose a fee and open the period and we have late-comers because we will anticipate late-comers we add an additional fee which could cover overtime and the cost associated with handling a late-coming application, we would intend to still serve that request.

>>Tovo: ok.

The last question is really about cabs.

How are you going to monitor -- one, I would say, I really hope that we are able to hear from cabdrivers on thursday, because -- we have reached out to some, but it seems to me, if you get enough other limousines in town, that it will benefit business and some of the

other out of town visitors  
will potentially hire a cab  
for the course of several  
days, we would otherwise hire  
a limousine if that is  
available.

Are there any limitations on  
limousine drivers in terms of  
the hours they can drive?

>> [Indiscernible]  
I'd have to make certain.

>>Tovo: ok.

That would be interesting to  
know.

durr, you  
mentioned the cabdrivers are  
limited to 12 hours and i  
hope there is limitations to  
others.

I think it would all apply.

>> The key is 12 consecutive  
hours.

With the limo drivers, that  
may make a trip, go home for  
two hours until their client  
has done their business and  
then go back into service two  
hours later.

It is typically not a  
12-consecutive-hour workday  
when dealing with the  
chartered vehicles.

>> If they're waiting at a  
site or something else, is  
that considered a two-hour  
break?

>> How we define "in service"

basically.

If they're not available for calls or fares, technically, they're not in service.

if I'm a cabdriver, i take somebody to the racetrack, I hang around and wait, which probably isn't feasible, anyway, I won't take any other fares that day, because I have been hired for the whole day to pick them up and bring them back.

If I'm not driving for a four-hour block, does that four-hour block count against my time?

>> Well, again, if you engage a taxi driver, the meter has to run.

So in theory, they're getting the \$29 an hour waiting fee during the time they're just sitting out there waiting for someone.

So if they're getting paid, I'd say they're in service.

so their waiting time does apply to the 12 hours?

>> Yes.

on the other hand, a limousine may be waiting, but those hours don't apply to their maximum.

>> I would feel comfortable coming back with a more clear answer.

that would be great to know.

My last question is about out of town cabs.

What are the provisions for making sure that we have cabs here that are not -- if we have cab companies come from other areas, what are your provision for making sure they're not allowed to operate during busy weekends?

>> We will have regulatory inspectors out.

Like we have for the hobby building, 24 hours a day for those.

We will have signage internal to the events to let them know where there is a taxi stand.

And we'll regularly check those.

If there is someone standing or we see someone just driving around looking for a fare, then they will be stopped and told it is a requirement.

they can't be fined until they have a passenger.

Can they be fined if they're in a queue?

>> They cannot until they have taken a fare without authorization.

>>Mayor leffingwell:  
Councilmember martinez, you have the floor and you have the gavel.

I have to leave.

I will ask one question and I'm out of here.

Actually councilmember tovo touched on everything i wanted to ask.

In the scenario, I want to go back to the direct scenario you gave earlier.

Somebody in dallas hires a limo for the weekend, you will take me to austin.

In that scenario, so your plan is through your enforcement officers to --

>> they're going to have to show a trip ticket to show they were hired for the full weekend.

So when the enforcement officer approaches them, if they don't have the dashboard ticket, they would ask them, let me see your trip ticket.

If it shows all four days, we tell them.

Now, if they're standing in an area they're not supposed

to be standing, we'll give them information on where they can wait.

Basically, we have no control on folks that start their trip outside of the area and end their trip outside of the area under our current understanding of our ordinance.

is there anything that precludes a taxicab driver of entering a similar agreement of not necessarily running the meter all day and being for hire for a full day.

If I give you a hundred bucks.

>> Our laws require they charge a fare on the meter.

That is not an option.

that is not an option for a cabdriver.

>> For a trip that starts within the city of austin.

There are ways to game the system.

>>Martinez: sure.

Speaking specifically about the 12-hour provision.

Is that part of the franchise agreement or part of the company?

>> Codified.

>>Martinez: codified where?

>> State code.

I received an  
e-mail that a cabdriver was  
rushed to the hospital after  
saying he worked a 24-hour  
shift this past weekend  
because of acl and wanted  
to -- I want to follow up  
offline, if we have  
provisions of mandatory  
shifts and two hours  
shift --

>> eight hours of rest.

We have to work with the  
franchise holders.

They need to know when the  
cabs are on or off --  
were you made  
aware of the incident this  
weekend?

We will get that information  
to you.

>> Ok.

>>Martinez: thank you.

,,,,,,,,,,,,,,,,,,,,,,,,,,,,,  
,,,  
,,,

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so I'm  
going to call to order this  
special meeting of the  
austin city council on  
august 30, 2012, 10:04 a.m.



301 West second street,  
austin, texas.

Council will now take up  
item 1 to conduct public  
hearing and receive public  
comment on the city of  
2012-2013  
proposed budget.

Council also held a hearing  
on the proposed budget on  
august 23, 2012.

Council will close the  
public comment on the  
proposed budget at the end  
of this meeting.

We're scheduled to adopt the  
budget on september 10,  
2012.

If council does not adopt  
the budget on september 10,  
we will continue on  
september 11 and  
september 12 if necessary.

So now first we'll go to our  
speakers.

This public hearing, is  
first speaker is tricia  
castillo.

Tricia castillo.

Okay.

Either, closest one.

And you have three minutes.

>> My name is tricia  
castillo and I'm

representing dove springs, a community of about 50,000 people along with a major route to the airport.

78744 Has outstripped austin in crime and the population changes.

Crime has surged 61% from 2001 to 2011 and the population has jumped.

We're asking for help in improving the safety and health of our area.

Go into the safety issue, we're asking the police department to budget a sufficient staff for a visible presence in 78744.

Around the clock.

For also prompt support for our growing neighborhood watch effort.

We're asking also for a storefront 787 -- in 78744 to be present.

I guess we're asking for also to have bike patrol officers and vehicle patrol officers.

So as a deterrent for the crime in the 78744 region.

One-third of our population is 18 and under so the dove springs recreation center is a key part of engaging youth in constructive activities

to reduce crime and improve health.

78744 Has the highest juvenile obesity rate in austin and we're asking that the parks department, parks and recreation department budget be sufficient to fund the dove springs recreation center with adequate staff to supervise safe, organized activities, providing toddler-parent activities, to provide broader weekend hours of operation and to prevent sufficient -- significantly reduce participation fees for organized activities.

Currently some fees run \$120 per child for six-week activities and the former fee -- and formerly karate is charging \$20 a person per month and families with multiple children are unable to afford this.

Our proposed -- the proposed bond package includes about 5 million for the 78744 area.

Thank you for including us in the bond package.

The original list of items for 78744 total \$30 million out of the initial 800 million in possible items.

We have received its proportionate share, 78744

would have over \$15 million in improvements in the final bond package.

We ask that you increase operating budget funding for police and recreation in our community.

[Buzzer sounding]  
thank you.

>> Mayor Leffingwell:  
Thank you.

Next speaker is michelle silvera.

And while you are coming up, I should mention that councilmembers martinez and spelman will be out today.

Don't expect them to be here.

Councilmember martinez is out on paternal leave and councilmember spelman is out on medical leave.

You have three minutes.

>> My name is michelle silvera and I'm a resident of dove springs community.

I'm also a single working mother of three young children and also licensed community health worker in the dove springs community.

I've come today to ask you to help improve the safety of my community.

I utilize the recreation  
center a great deal.

My family spends three to  
four nights a week there and  
my children participate in a  
wide variety of sports  
there, basketball, football,  
dancing, karate.

I cannot afford to put my  
children in these sports  
otherwise.

Aisd rates on outrageous and  
simply cannot afford it  
without the recreation  
center.

I have noticed an increase  
in fees as well.

When my children are at  
practice, safety is a huge  
concern for me so I stay  
there and I watch them.

Me and my son, we run the  
trail.

There's smoking and drinking  
the area, we have to remove  
beer bottles daily.

I've never seen police  
patrol the area.

I've seen them called when  
there is an incident.

I feel our police department  
needs funding.

They need to be more  
proactive and not reactive  
in our area.

The hours of the recreation center is also concern for me.

The current hours are monday 00 to 9:00.

School does not release until 2:45.

On friday their areas a 10:00 a.m. to 6:00.

School does not release until 2:45.

High school doesn't get out 00 and junior high until 3:30.

That will give them about an hour of recreation center time on fridays.

00 to 00 and they are closed all day on sunday.

These hours do not fit our community's needs.

They fit the employees needs, but not our community.

With our community being a third of the population under 18, I feel there's a need for a positive, safe environment for them to spend their evenings at especially on friday and saturday night.

Thank you.

>> Mayor Leffingwell:  
Thank you.

Councilmember tovo has a  
question for you.

>> Tovo: That's okay.

I just really wanted to  
thank you for being here and  
your neighbor and to let you  
know we've heard from some  
our other neighbors about  
these issues and you've  
raised very good points.

One of the questions, I'll  
give staff a heads up,  
whether adjusting -- at a  
minimum whether we can  
adjust some of the hours or  
whether the parks department  
could adjust some of the  
hours at the rec center to  
get more coverage on the  
weekends and you may know  
this already, but I know  
that one of the neighbors  
from dove springs yesterday  
informed us that chief  
acevedo is planning to come  
down to the next  
neighborhood planning team  
meeting to hear of your  
concerns and brainstorm  
about public safety in that  
area.

So thanks so much for  
raising these really  
critical concerns and for  
being involved in your  
community.

>> Mayor Leffingwell: