

City Council Meeting - 11/6/2012

[09:02:38]

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

A quorum is present so I'll
call this work session of
the austin city council to
order on tuesday,
NOVEMBER 6th, 2012, AT
9:04 A.m.

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

The first item in order on
our agenda is item c-1,
which is a discussion on the
citizens quorum which was
requested by councilmember
tovo.

>> Tovo: Thanks.

Well, I thought it would be
a good opportunity just to
talk through for a few
minutes about what when we
do this again, when we do
the citizens forum again
what we would want to be
differently.

I have a couple of ideas and
I know councilmember spelman
had suggested something to
me but I don't remember what
it is.

I hope he will come and be
able to offer his ideas.

I also wanted to say i understand the staff had kind of an after -- after meeting reflection too so perhaps one of our staff members could give us some of their thoughts that came out of that meeting.

But a few of the things that occurred to me, one thing we did talk a lot about the date in advance, but I think we didn't necessarily set it with the events office and so, you know, it was a little unfortunate that it happened to correspond --

[09:04:01]

the day of our meeting happened to correspond with a day we had the festival but also street closures around city hall so I think that wasn't ideal and we might want to make sure an events office is consulted next time as we're looking at a date.

I wanted to raise the point that maybe in the future, i thought the balance of the sign-up versus the walk-in registration worked out well but I wonder if in the future to allow people to sign up if they haven't spoken in citizens communications for a while, say a month or two, so we have those pre-registered thoughts available for people who aren't -- you

know, aren't very familiar
with -- aren't as familiar
with the citizens
communication process.

But I'd be interested to
hear feedback on that.

If anybody has any.

The format the sign-up
versus walk-in.

>> Spelman: I'm inclined
to wonder what is it sense
communication would be like
without clay dafoe and
ronnie reeferseed.

I'm so used to them at this
point I would miss them if i
weren't there.

>> Tovo: Certainly if we
kept a three-hour block,
hope there would be time for
everybody to participate.

My office got calls early on
saying hey, the 20 spots are
filled up, does that mean we
can't talk.

So there was some concern
about that and I wonder if,
you know, trying to -- the
people who understand the
citizens communication
system I think, you know,
will also understand that
they can show up and just
walk in and speak on that
day, but we could keep those
20 spots for people less
familiar and might need like

they need to sign up so we have an opportunity.

[09:06:01]

It's just an idea.

But I think the goal is absolutely to make sure that everybody including those who come down regularly for citizens communication have an opportunity to speak too.

And then the other thing that occurred to me, I don't think it was an issue, but at some point during the day when it was clear we were going to wrap up early, i started to be concerned that 00

and expect for us to still be there so we might just post on the next time around, you know, that we're 00 to

00 or when the last speaker has concluded so if we do wrap up as we did this 30, nobody will 30 and expect us to still be there having a meeting.

I was surprised that we didn't have more members of the public coming down and i don't know if they were, you know, if the street closures around city hall were discouraging some people or because it was a new event we just didn't -- you know, people weren't as familiar, but anyway, I really

appreciated the staff and
all the work they did in
setting that up.

I think it's a good event
and I think we should do it
good.

>> We did have some
observations that we noticed
from the saturday citizens
forum.

One of the things I think we
noticed was the interactions
of councilmembers with
citizens.

I think we noticed that the
presiding officer wanted to
maybe know and I think asked
questions as to at what
level they could engage with
councilmembers with the
public.

And I think what we want to
do is work with the law
department to come up with
some sort of a fact sheet
that talks about the process
of general citizens
communication and the
limitations placed on
council by the texas open
meetings act.

We'll certainly do that at
the next citizens forum to
provide that fact sheet.

I think you also made
reference to the fact that
there were some people had
an expectation during
general citizens

communication they might be able to engage with council even though they did not identify a topic.

[09:08:00]

I think for the next one we'll probably I guess as we publicize the event and for the people signing up, that if they do sign up for a topic, that if they do not identify a topic they are not going to be able to engage with council on that topic or engage with council at all.

We're going to publicize that and do a better job and try to get them to identify a topic for discussion.

The other thing with the attendance, we did experience a low attendance for the forum.

We did send out media releases.

I believe we sent out two or three.

We also placed announcements on facebook and twitter pages as well as asking the mayor to make announcements in advance of council work sessions as well as council meetings.

What I think we probably also ought to do is work with our neighborhood

associations to see how we might get the word out for them.

So we're going to endeavor to do that as well.

Arriving that morning, we did have I believe the american heart association heart walk was out here.

We were concerned, in fact, I had building services to work with the police officers and building services so they could get into city hall.

What we need to do next time is work with our special events office to see that if we're going to schedule a citizens forum on a certain day to find out from them whether or not they know whether any events will be taking place around city hall that might have an impact on attendance at one of our forums.

Those are kind of some of the observations and recommendations I that i that from staff's point of view we'll work off next time.

>> Cole: Mayor?

>> Mayor Leffingwell:
Mayor pro tem cole cole i would just like to ask the city attorney because I know this is a standard rule,

when an item is not posted
for a specific discussion on
citizens communication, what
does the open meetings
require?

>> The open meetings act

[09:10:02]

says, first of all, you
can't have a deliberations.

A governmental body cannot
deliberate about it.

What you can is you can ask
that somebody recite an
official policy that's in
place in answer to an
inquiry that's not posted,
or you can direct that the
item be placed on another
agenda.

And under that specific part
where you can ask that an
item be placed on the
agenda, you can have a
discussion about which
agenda you want to have it
placed on.

>> Cole: For a later
agenda; is that what you
mean?

>> For a later agenda,
correct.

>> Cole: So would you say
we should not engage in
dialogue with the
participant, the citizen
that has brought up an item
that is not posted, but

we -- I guess that fine line we were trying to straddle on the meeting day and I'm not sure what the -- if there is a hard and fast rule, and I understand that y'all are going to post a fact sheet.

>> I think it's difficult because depending on what they ask, if they are saying does the city have a policy on how they pave streets, you could say yes, this is the city's policy on doing this.

But I think you need to be careful in the dialogue because you don't want the governmental body to then get into a discussion about that.

If you then want to have a deliberations among you guys about that policy or whatever, I think then that's something you would then direct for another agenda.

So it's going to be pretty fact intensive when they are asking you questions about items that aren't posted on the agenda, but I think you can have some limited response if there is kind of a -- if we have specific policies on things.

>> Cole: Is it --

>> Mayor Leffingwell: Let me just say, let me just say I don't get into those gray areas.

I don't see any point in it.

So what I will enforce is that there won't be any discussion of unposted

[09:12:00]

items.

If you want to ask a simple question or as the city attorney said I want to put this on future agenda for discussion, that's fine, but as far as saying anything substantive about it, I'm not going to get into the weeds on that and try to figure out on the spot where that line is.

>> Morrison: Mayor?

Mayor?

>> Tovo: Did you say unposted of posted or posted?

Did you say unposted?

>> Mayor Leffingwell: I don't think I said unposted but you would have to give me a context.

>> Tovo: Just now you said you weren't going to -- that for you there was no gray area with regard to --

>> Mayor Leffingwell: I said I'm not going to get into that gray area.

I said you can suggest that let's post this for a future agenda for discussion, but we're not going to discuss it.

That's going to be my ruling because it's just too difficult to try to get into the details of, well, this might be okay and this might not be.

I'm going to take the safe harbor approach.

>> Morrison: Mayor?

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I appreciate you coming here and I think that this issue -- my observations was that we would have been well served to have one of our attorneys present because while i understand it's easy to take a safe harbor and the safest thing to take a safe harbor approach, but when we had folks come down there on saturday morning and we're not even, you know, not even able to answer very basic questions, I think that we could just make it a lot more productive and I would have felt a lot more comfortable if we had had one of our attorneys there

to guide us in being able to answer those questions.

So that would be my request, that we have an attorney there.

>> Mayor Leffingwell: We had specific direction that no staff would be asked to attend.

>> Morrison: Right, and I'm responding to my observations of how it could be more productive next time

[09:14:01]

if we could have an attorney there.

And then secondly, just one detail.

In terms of the parking situation, there was a no parking sign out there, but we had one of our building folks there letting people in if they were coming for the forum.

And I know they were looking for a sign that said that because some people might just drive by and presumably that's not going to be an issue next time because we're going to avoid scheduling with -- overlapping with events, but I don't know if we moved on finding a sign that says no parking except for city hall

business, but just in the future we might have --

>> certainly look into it, absolutely.

>> Mayor Leffingwell: And we could probably avoid a lot of potential conflicts by scheduling meetings for 00 on Sunday mornings, unlikely there would be any conflicts at that time.

Okay.

Can we go on to the next item?

Which is do you all have this handout, discussion of our proposed 2013 meeting schedule.

And I don't see the actual backup material in here.

>> You should have a copy of the meeting schedule.

Everyone should have a copy.

>> Mayor Leffingwell: I don't have one.

Let me just say --

>> it can be handed out in just a second.

>> Mayor Leffingwell: One of the nice features of this proposal is that it doesn't have any scheduled meetings, there's no week on here that has three council meetings

scheduled, which we had a lot of last year and i realize we had something -- so I think it's been gone through very thoroughly and here it is for your perusal.

>> Just for the record, city

[09:16:02]

manager's office, mayor and council what we have before you today is the proposed 2013 council meeting schedule.

Just as a way of background, city code chapter 2-5-24 states council shall meet each thursday.

But in proposing this schedule which we will be placing on the december 6th council agenda for your adoption, staff is recommending that you first waive the requirements of 2-5-24 which requires you as a governing body to meet every thursday.

But also with this schedule to set your regular meetings dates, to set the dates council will not meet, to set your work session dates, to set your budget reading dates as well as to set the date of the budget retreat.

Now, in putting this calendar together, staff took into account the following considerations.

This draft schedule is modeled after this year's schedule.

We pretty much have approximately the same number of council meetings.

The schedule takes into account all 2013 holidays and observances including city observed holidays and the budget meetings and hearings that you see listed here on this schedule have been recommended by the budget office.

Some other considerations which is in our practice since I've been here, no council meetings have been scheduled during or for the month of July.

And then the budget forecast and budget work sessions have been cut back from three days to two days each for next year, and it's staff's understanding discussion in question and answer format with no department presentations worked very, very well this year and we want to do that for this following year as well.

So here's what we need from council.

We would like for you to review the tentative dates for possible scheduling conflicts and then to

discuss any scheduling conflicts at your december 4th council work session, and then approve the final draft of the schedule at your december 6th council

[09:18:01]

meeting.

And with that, mayor and council, that concludes my presentation and I'm willing to take any questions that any of you may have.

I also have staff from the agenda office as well as city clerk's office and the budget office to answer some of those questions.

>> Mayor Leffingwell:
Okay.

Thank you.

I would just note for information, there are 27 scheduled council meetings, 24 scheduled work sessions, 5 special meetings, for a total of 76 meetings here in 2013.

>> Mayor?

>> Mayor Leffingwell:
Councilmember martinez.

>> Martinez: Well, I do want to start out, first of all, before I upset anyone, by saying the agenda

management, in my opinion,
has improved over the time
that I've been on the
council.

I mean, we regularly went
past midnight and one day we
went till almost 4:00 a.m.

So that has drastically
improved.

But there is -- we still run
11:00 at night.

Was there any conversation
between you all and the city
manager and agenda staff, it
looks like we're meeting on
average twice a month in
terms of full council
meetings, discarding the
special meetings, to adding
that third week a month if,
say, we could manage the
agenda and be done by 7:00?

Instead of staying.

Because we still have
meetings that run pretty
late.

And everybody has different
considerations and, you
know, I just want to know if
there was any conversation
in that regard.

Is it possible to manage the
agenda where we can
guesstimate that we could be
done by a decent hour?

>> We could certainly add a
third meeting for some

months especially as we get closer.

For example, one of the things we were dealing with as we put this schedule together is there is times when we get into june, the last meeting of june, do we need to schedule maybe an additional meeting to try to take up for the fact that we're not going to have any meetings in july.

What do we do especially

[09:20:00]

when we try to make up for the work as we come back in august and then as we do the budget in september.

Those discussions were had, but one of the things it seemed like the schedule we had for this current year worked and you are correct, councilmember, we have had very late meetings and we try to avoid those so we try to sequence working through our department directors but also our directors team, we try to sequence all the items coming before you as part of the agenda so we try to avoid those kind of late-night meetings.

In some cases we can do it, in some cases it's just unavoidable for the kind of [inaudible] that needs to get done for the city.

So like in this week's example, just what I notice is 12 annexation cases on one agenda.

Annexations can prove to be contentious and volatile and so what's the contemplation behind putting all 12 of them on one agenda meeting, which if it turns out to be, you know, some resistance from those being annexed, those 12 items could last a long, long time.

>> Right, and typically what we do as we put the agenda together, we're working with our department director whether it's greg guernsey in this case, sue edwards in trying to [inaudible] and in some cases some of these items also have been postponed from previous council meetings.

So we're still trying -- especially as we're trying to get to the end of the year to realize we're going to be backed up for the last two meetings on the 6th AND THE 13th, BUT VERY Mindful we're trying to manage the flow of business coming before the council.

>> Mayor Leffingwell: Let me say, councilmember, i think you raise a really good point and there are a lot of factors that go into meeting length.

It's not only the number of items scheduled on the agenda, but it's the type, as you point out, the type of items.

And I think we can do a better job.

I've had a lot of discussions with the city manager's office on this same subject.

[09:22:01]

And keeping in mind is i think we need to look a little -- look ahead a little bit more and see when things are going to be piling up on us.

And I'm -- you know, I'm all in favor of if we get in a situation where there are time constraints and a whole -- a great number of items that we have to cover, I'm in favor of calling another meeting, set another special meeting.

But I think this as it sits is a good round number of meetings keeping in mind that we can always add to it if we need to.

Mayor pro tem cole cole i just want to follow up.

I agree with councilmember martinez's suggestions and the affect that we had much longer meetings and they are

being managed better but
there's still room for
improvement.

I would like to ask city
manager if it would make any
gary are
if we scheduled all our
meetings on tuesday if that
would help with the
management of the late-night
meetings.

>> Mayor Leffingwell: I
think that might help with
that, but then we don't have
any time for the real
purpose of the work
sessions.

>> Because that's, you know,
with respect to the work
sessions, that was one of
the concerns or complaints
expressed by councilmembers
that all of the time was
being eaten up so I didn't
have time to address the
rca's that were on the
agenda.

So, you know, it had that
consequence.

>> Cole: Well, I fully
support the idea of a
special called meeting as
opposed to meetings that go
00
in the morning because i
just don't think we are in
a -- we're deliberating as
we should.

And so even to the extent
that I know the mayor sets

the agenda, that you see that coming with certain public hearings that we could do that in advance like with 12 annexation

[09:24:01]

hearings, we're going to do half of them one week and then we can make a decision that we're going to take the time on another day, even work session day to finish those out.

>> Just a question and i don't know the answer to this, has it always been the case that council's business agenda has always been designed such that it's time specific?

>> Mayor Leffingwell: You meantime certain items?

>> Time certain items.

>> Mayor Leffingwell: In my entire time that's been the case.

>> I've not -- just in my range of experience I've not encountered that before anypce ese.

>> Mayor Leffingwell: Well, we are kind of unique here.

>> Cole: Mayor, I would like to add to that comment.

I remember once where we had the debate between having public hearings that started 00 and the idea was that people could come down after they were off work, and then the other idea was starting those public 00 or at a time -- or allowing people to start those at a time certain because people are even more upset now having 00 to actually be heard than they are about the option if they take off work and having child care and those type of things in the evening.

I think that merits some conversation in terms of time certain items, that there is a balance when we're keeping people too late in the evening that they are not always pleased with that and they would rather if they work to take off work or not, all of them do work or at least have the option to hear the case earlier.

>> Mayor Leffingwell:
Well, that's what we went through several years ago 00 time certain for zoning cases to 00 and we moved the 00 public hearings to 4:00.

Just so that we could avoid later meetings and address

these items earlier in the
day when it was possible.

Now, when we have a day when
there are -- when it's

[09:26:00]

obvious that we're going to
30
break anyway, we can always
selectively move items to a
later time certain, and
we've done that.

Councilmember morrison.

Councilmember morrison i
want to make a couple of
comments.

One, I think it was
councilmember martinez i
heard you comment some time
ago about the possibility if
it looks like we're going to
be going really late to
actually continue the
meeting the next day on
friday morning.

00,
decide that we're going to
00 in the
morning on friday and hear
certain cases, which I think
if we could manage the
practicality of that, that
could be a good idea.

We don't want somebody
00 to
00 and then say oh, by the
way, we're going to hear you
00 in the morning, but
I think that's one

possibility to throw into the mix.

>> Mayor Leffingwell: And we can do that now.

We can recess until --

>> Morrison: Right, and we generally don't or actually I've never seen us do that.

And so I think that the idea of maybe trying to make that happen and working with it and get some guidelines ahead of time about if we can project, which I think sometimes we can, that there's going to be a hearing that's going to be really long, for instance, we know there's going to be a lot of people there, they are going to be waiting 00 to be heard, if we can figure that 00, and make the decision we are going to recess and take that item up 00 the next morning, that that's something to consider that could help all around.

>> Cole: Mayor, councilmember morrison --

>> Mayor Leffingwell: We're a little beyond the meeting topic.

>> Cole: I was just going to ask since we're talking about agenda items that we

could maybe in the future
we'll ask for rules that are

[09:28:01]

consistent with what you
have suggested of how we
would do that.

We could ask that, to do
that.

>> Mayor Leffingwell: I'm
always open to suggestion on
how to run the meeting.

Councilmember martinez.

>> Martinez: And i
appreciate the discussion.

I think what I'm taking from
this is flexibility is
ultimately what we need to
maintain because it's just
as inconvenient as you
mentioned for someone to sit
at council all day and then
, okay,
we're going to crank back up
at 9:00 a.m. tomorrow.

Although that is a tool that
can be used depending on the
case, depending on the
circumstances.

But when I suggested a
potential third meeting, I'm
glad you made the point, i
was actually suggesting what
you said, I didn't say it,
and that was that we do it
as a special called meeting.

Because if we just go and
plug in the third meeting
we're going to fill it and
be here until 2:00 a.m.

Three days as opposed to two
so I appreciate you clearing
that up, mayor because
that's what I meant to say
and what you said, mayor
pro tem, knowing what the
rules are, what capabilities
we have as a body,
maintaining flexibility, i
think we can manage this.

The last point I'm make,
mayor, is one that you
sometimes take into
consideration and that is on
agenda items that aren't
necessarily public hearings,
that we ask each side to
limit their comments to 15,
20, 30 minutes we are side.

I think that's been very
effective.

And the message gets across.

They get to speak to us,
but, you know, not all 50
people who signed up in
favor necessarily have to
speak.

And so I just -- i
appreciate, you know,
hearing that we use all
those tools.

>> Mayor Leffingwell: And
I think we should do that
too, although we try to

allow as much public comment
as we possibly can.

On most of the agenda, the
items that are just --
everything on the consent

[09:30:02]

agenda, for example, we are
not required to take any
public comment whatsoever.

We do that by tradition and
we do that out of a sense of
increasing openness in the
meeting.

But we're not required.

We c we're not taking
any public comment, but i
think it is appropriate on
consent items, agenda items
to -- and especially in
selective cases like the one
we did last meeting, to
limit the debate for each
side, limit the comments for
each side.

Of course, it always helps
to get that word out in
advance, but -- so that
people can plan their
speakers and so forth, and
we did that in this case.

Councilmember morrison.

>> Morrison: I had one
more topic I wanted to raise
and that is our schedule for
our budget meetings, a
couple of things.

Number 1, the idea that we're not going to have presentations and it will just be questions and answers.

That's sort of okay for me, but it would be helpful to get -- to make sure that we're getting information ahead of time that tells us the highlights of the adds and subtracts.

And I think that with the presentation material that probably the idea --

>> councilmember morrison, one of the reasons we're going to go from three days to two days was to make sure if we did that, we would get you the appropriate information well in advance of the -- sort of that question and answer format.

And it's here.

You may want to add a little bit to that as well.

>> Just to reiterate, that would absolutely be our intent.

We would still do the overview presentation.

That's usually myself and elaine hart and john hockenyos at the time of the forecast and the budget, we'll give you the overview

presentation of tax rates
and utility rates and all

[09:32:00]

that information.

We anticipate about a week
after that we would give you
that summary information,
probably in power point
format, but you would get
that power point
presentation probably a week
after our overview
presentation, but a week
before the all-day question
and answer period.

That way we feel you are
getting the information we
need, but we can have most
of the time be to -- have
council be able to have that
discussion and ask questions
of staff.

That was our thinking is
we're going to keep it to
two days as opposed to three
days.

That's probably the format
that would work the best.

>> Morrison: I think that
will be helpful.

The other thing I wanted to
bring up is three days of
budget readings.

There was a lot of
arithmetic going on and i
just -- and I thought it was
good discussion and it was a

good process that we went through.

I just wonder if our staff has any suggestions about how to improve that process thinking specifically about, you know, the adds and subtracts and the spread sheets we're going to have to keep track of.

>> I'm going to speak more ed does and the answer is we probably will, but I'd rather not respond to that off the cuff today, but it is part of our brief conversation after the budget -- debrief conversation after the budget process is over and we'll advise council in advance.

>> Morrison: The only -- the thing that I could have helped me during that process, I think, would have been to have had an opportunity to hear sort of all the things that were going to be on the table from different councilmembers.

To get the whole bucket list of them and to give some thought to them.

We essentially, I guess, did that on the first day.

I don't know if it would make sense to have some process for that.

I know we have to do that in

[09:34:00]

an open meeting but so that I could see the big picture and really have some time to think about the big picture tradeoff that we might be considering.

>> In light of how communication circumstances have changed for us as a council and the staff that is a little bit difficult to do, and I suspect even if we were able to do it, that once you all were engaged in discourse about it, it's kind of organic anyway and probably will not be exactly as we presented it but we'll take a look.

>> Morrison: My assumption would be it could only be in that open meeting, but those are my observations on the budget.

In a lot of ways it worked pretty well.

>> Spelman: Mayor, a quick followup.

Ed, I really like the idea about getting a presentation and then more information before we have a discussion.

I've always felt the discussion we've had is off the cuff because we're responding immediately to

the material rather than having a chance to look at it.

How will the initial proposals from the departments look?

Similar to that or are we just going to get information first and then have a chance to discuss it a week later?

How is that going to work?

>> The initial budget proposal from the department, well, that will be laid out in the budget documents.

Essentially the summary information we would be bringing back and potentially we could do it the same day that we release the budget documents.

It's a matter of how do we manage all this information, the workload that has to occur.

But it would largely, you know, mirror the same information as in the budget document in regards to budget highlights, significant changes, any cuts or adds that are being proposed, we would try to summarize that information for you.

Sometimes soon after we do the overview presentation.

And then give council probably at least a week to chew on that before we came back for the question and answer format.

>> Spelman: And which dates are we talking about

[09:36:00]

for that?

>> Well, we're really talking about so you look at in the april dates, april 18th would be our overview work session with myself and elaine and john hockenyos laying out the information like we normally do, and then we would be targeting april 25, a week after that we would like to have all this departmental information, the summarized information from the departments to the extent they are looking at unmet needs or horizon issues or performance issues, we would be getting that information TO COUNCIL BY APRIL 25th.

Then we would come back on may 2nd to see what questions or comments you had about that.

And then similar process down there in those august DATES, AUGUST 1st, Overview presentation, no

later than august 8th
getting a department summary
to you all.

Coming back a week after
with council comments and
questions and discussions.

>> Spelman: I like the
idea of that.

I think it will probably use
all of our time better, so
long extend to friday
morning or another council
date and time [inaudible].

>> In all of this we'll have
the written question and
answer process as well so
certainly you can ask your
questions in writing and we
can get those responses out
to you prior to the
in-person discussion which
may facilitate things as
well.

>> Spelman: Asking the
questions, the opportunity
to talk with one another
about the answers.

Thanks.

>> Tovo: Mayor?

>> Mayor Leffingwell:
Councilmember tovo.

>> Tovo: I just wanted to
make a couple of quick
comments about the schedule.

The months that seemed particularly bad last year were may and june.

I've only been on council a year and a half so I'm not sure that's typical, but i wonder if the staff had an opportunity to look at the last few years at those two months in particular as it leads into summer.

You know, it was almost every meeting we were past 00 and sometimes

[09:38:01]

00 so i wonder whether june 13 ought to be a condition sold meeting or just rescheduled and I would look at may as well to see what the pattern has been.

You know, it's a lot easier, it seems to me it would be a lot easier to have a meeting with an asterisk next to it that says will be canceled if no need than it would be to try to schedule a special called meeting a couple weeks in advance.

Once we already have stuff on our schedule for that thursday.

While I like the idea of holding over a meeting until friday, I'm not sure that would work very well for members of our public who,

you know, have jobs that they need to be at in the morning and for whom it's not very convenient, especially if they've taken off work on a thursday to have to come back in the morning.

It's nice -- it might be an option that works for some people, but it seems to me it would be logistically complicated for a the look of people.

>> Cole: Councilmember, let me ask you a question.

>> Mayor Leffingwell: Mayor pro tem cole cole it's more of a question for legal.

Couldn't we post that that is a probability on this particular case, that we will hear it at a time 00, but the council will recess at 00 and individuals still needing to testimony can do 00 the following morning?

How do you think that would work?

Like the mayor's comments also.

>> You could do that.

I would advise, however, that you currently have

rules that say your meetings stop at 10:00.

That's why you always --

>> Mayor Leffingwell: We can always vote no.

>> Do that vote.

And the open meetings act allows you to recess a meeting and reconvene the next day.

I think -- if you are looking for flexibility, you could always give some kind of notice maybe through our website, email list, you know, blast emails to people, but to have it where

[09:40:02]

it's already posted and maybe you don't need it to me may cause more confusion.

So I think the greatest flexibility you have is what the law allows and what your rules currently say, in my opinion.

But you could do it.

You could do it exactly the way you suggested, but I think you have a lot of flexibility right now to do that without posting another one, putting it on the agenda and those kinds of mechanisms.

>> Tovo: I guess I would just say I think the advance notice is helpful but for 00 to 00 jobs, that's one reason some of those cases are set 00 is to try to avoid the workdays of a lot of people and certainly wouldn't do that on a friday for a lot of -- for a lot of people who want to come down and talk.

Maybe we can keep thinking about it, but I like the option -- I mean I like the ideal of trying to get meetings to end at -- end earlier and try to keep the ones where we think we'll have public hearings out of and early time frame so we can be as -- we can make it as easy as possible for people to come down and provide their feedback.

And then the other comment i wanted to make, it seems like some -- including -- did you want to hop in there?

>> Cole: I would just say --

>> Mayor Leffingwell: Mayor pro tem cole cole -- how many people are really conflicted by work schedules because I see people come see us all day long or would prefer not to have to wait until 2:00 in the morning.

That's the bottom line and i don't know how we gather that information, but i would love to know if people would prefer for our meetings to re estancia.

escarpment at 00 and they know that, but it -- to recess at 10:00.

>> Mayor Leffingwell: I think we're getting the message the mayor pro tem doesn't want to stay for late meetings.

>> Cole: That's true.

>> Mayor Leffingwell: It's like anything else.

[09:42:00]

You got two choices to make and neither one of them are very good.

We'll have to play that by ear.

>> Tovo: And I think it's clear as you pointed out or maybe council martinez, we do better thinking when it's not 2:00 in the morning.

I think the idea of trying to end earlier makes good sense for us if we want to make the best decisions we can.

The only other point i wanted to make is that --

no, I have two other points
I wanted to make.

I think as it gets closer to
the time, we ought to
consider having a work
session in the week before
the budget readings.

It seemed this time through
we really needed a work
session closer to the date
of the budget hearings.

We were sort of hashing
things out on that first day
of the budget reading that
maybe would have been more
productive in a work session
the previous week.

Especially on months where
the tradition has been to go
pretty late because it's
moving toward a vacation, i
would suggest we not have
two briefings scheduled in a
meeting.

I think two briefings, it
seems like especially in may
and june, some of those two
briefings were -- one of
them was getting jettisoned
at the last minute and
actually that has happened
in one of our recent
meetings where we had to
jettison one of the two
briefings.

Scheduling two briefings if
it can be avoided seems like
the better option.

>> Mayor Leffingwell: A lot of discussions on that too.

We'll take action on this in december what?

>> DECEMBER 6th, MAYOR.

>> Mayor Leffingwell: DECEMBER THE 6th.

So with that, let's go to our items that have been selected for discussion by councilmembers, and first is item 7 by councilmember tovo.

Councilmember tovo.

Item 7.

>> Tovo: This will be short because I had an opportunity to talk with staff and I think they've answered my question.

So this was an item that we talked about as a council at one of our meetings and i think the request was made of staff to do more research

[09:44:01]

into the street name but also to do some outreach with some of the neighborhood residents, especially those who expressed concern about the name change.

And I wanted to get an update on that process and sound like that meeting hasn't taken place so -- but would you jump in and --

>> steven, city of austin.

You are correct, the meeting with the neighborhood stakeholders happens today around 4:00 p.m.

So from the time this agenda item was first presented, there is no new information.

Our plan is to have the neighborhood meeting with staff as well as the pio staff and then put together a memo, send it to all the councilmembers sometime tomorrow.

If there's followup questions, we'll respond to those as well.

>> Tovo: So I guess do you know anything more about why the street was named what it was named originally?

>> No, we have not found any new information on that at all.

>> Tovo: Okay.

So do you really think we'll get there by thursday in terms of having the information from the stakeholders that we need to have?

>> Well, we'll have the information from the stakeholders and be able to know more about what their concerns are.

I don't know if we'll have information based on the history, but we'll know what the concerns are and we'll respond either way with a memo stating what their concerns are because at this point we don't know what the concerns are.

>> Tovo: And we'll have the option on thursday of hearing it or deciding to postpone again.

And can you remind me when the street -- how long the street has been named arena drive?

>> I think the street name started in 1963.

1963 Is the original name.

>> Tovo: Okay, thanks.

I'll look forward to the memo.

Thanks for being here today.

>> Mayor Leffingwell:
Councilmember morrison.

>> Morrison: I just wanted to comment before you go that one of the neighbors spent a sunday afternoon at

the austin history center
and found that october 1959

[09:46:00]

key map which reflects
corrections to the 1935 map
does not -- it does reflect
arena, so it goes back at
least to '59.

So it's older than that.

And then the other thing i
think that's really a
critical part of this
discussion is our code tells
us when a street can be
renamed and the criteria
that staff is recommending
that this be renamed under
is that it enhances the
neighborhood.

And so for me that's going
to be important input from
the -- from the neighbors to
see if it really is in their
view an enhancement to the
neighborhood.

It's an enhancement to a
commercial endeavor because
we would be renaming it
after the development.

But I think that's the real
consideration.

>> Mayor?

>> Mayor Leffingwell:
Councilmember martinez.

>> Martinez: I appreciate
those concerns, but if you

go back and look at older
neighborhoods, travis
heights boulevard exists
right in the middle of
travis heights boulevard.

And if you look at the
streets that cross south
congress, they are named
after women, annie, mary,
those were the daughters of
the developer of travis
heights.

I don't think it's unheard
of to try and market and tie
in the name of a major
thoroughfare to what the
actual neighborhood is
called.

You know, if you don't
support the development,
don't support it, but i
don't think trying to stop
changing a name on a street,
arena drive to shore
boulevard, you know, I don't
think we're doing this
simply to enhance the
marketability.

It's just creating a better
experience and a better
environment.

It's the term that has come
out of the potential
development and I don't see
any degradation to the
neighborhood by taking arena
drive off the map.

>> Morrison: If I could
just reply because I did ask
for some examples that staff

[09:48:00]

got us of whether we've done this before and I think one thing that several of the examples were subdivisions names.

I think it's important that we realize there's a difference in -- between, you know, naming during a subdivision process a street and creating sort of a neighborhood versus actually changing the name of the street to reflect a commercial development.

So for me it becomes a -- you know, sort of free advertising and it's a matter of giving it away and losing the identity that the neighborhood had with the area.

So we're going to probably disagree on this one.

Wouldn't be the first time.

And the only one example that I did get that seemed to be somewhat similar was that a part of -- let's see.

A portion of harris ridge boulevard was renamed tech ridge.

But I -- it's not a -- it's not a path that I think that is a good path to go down in terms of giving away our

public right-of-way naming
for commercial enhancements.

>> Mayor Leffingwell:
Councilmember Riley.

>> Riley: Glad to hear
that [inaudible] history
center to look up the
history of the name.

I was hoping someone -- and
I wonder if he was looking
at the maps and found arena
listed as of 1959, is there
any suggestion at that time
or any time there was
actually an arena in the
area?

>> Morrison: She actually
has --

>> Riley: That would have
shown up on a Sanborn map.

>> Morrison: I don't know
that she looked at that.

In terms of was there an
arena in the area.

>> Riley: It's not a long
street so without the street
it would be hard to miss an

[09:50:00]

arena.

>> Morrison: It was
actually tennentford which is
one of the places they were
able to cross cattle over.

>> Riley: I can understand that, but arena, if there wasn't physically an arena there, I wonder if it was just something that the developer at the time might have put on there.

For all we know it could have served purely commercial purposes.

>> Mayor Leffingwell: Could be somebody's last name.

>> Riley: Could have been the daughter of the developer.

There's no reason there and we don't know -- hard to say it has that much connection to the history of the neighborhood.

It strikes me, one thing I have to note is that for years we have talked about encouraging more of an orientation to the waterfront in the areas subject to the waterfront overlay and one of the things we talked about at the time considering this development is that it would provide a street grid, provide more access to the waterfront, would provide more opportunities for connections to the waterfront.

And so to me actually putting a connection -- a

name on the street that actually associates with the shore actually could well be considered [inaudible] and as far as it serves that long-term goal of orienting the area to the waterfront.

Now, that doesn't meannessly it means to be shore, shore district, but in general I'm not offended by the content of renaming it some way that speaks to the relation of the area to the waterfront.

>> Mayor Leffingwell:
Okay.

Excuse me.

we can go to item 10 by

[09:52:02]

councilmember spelman.

>> Spelman: Anybody around to talk 10?

>> Good morning.

Rosie, on item 10 we've got a description of this is the seymour contract and request for additional funding of \$700,000 to total of 62 million in changing.

A very small percentage of the total contract amount.

There's no description in the backup as to why you need another \$700,000 on a seymour contract.

I wonder if you would describe why.

>> There are, you know, construction manager at risk contracts, there's still the possibility for change orders for unforeseen conditions and change conditions from what was in the bidding documents.

For the specifics about what we might be using this money for I'll ask austin energy to speak to the posteriorly scopes that might be included in this.

>> Spelman: Okay.

>> Because I don't have a complete listing, but some of the things you find in a remodeling project, remember, this is a remodeling project for unforeseen conditions and even some misses, but for example some of the recent things we discovered is there was springs underneath the building requiring us to do some soil controls in those areas and we found out as we discovered those that was not unusual for the area.

All of the buildings have sumps.

We replaced the roof.

Originally we were going to keep the roof.

Upon further evaluation during construction it was decided that it would be best to replace the roof at this time.

So those are some of the change orders, some rather large ones we had experienced during the course of the project.

>> Spelman: Maybe then the issue for me is just one of terminology.

You know, similar context to deal with the water utility in talking about the distinction between

[09:54:00]

contingencies and allowances.

It was my understanding allowances were the name we gave to change orders.

We had to replace the roof, the bid came in without the expectation of a replaced roof and we have to do that, that's change work.

That goes to the category of allowances.

Am I right about that is this.

>> That would go into the category of change orders for this particular project.

If it's not something we anticipated officially that we were going to do, but it's something that we found through the course of construction like the need to have the sumps, to replace the roof when originally we weren't planning on that scope, that's outside the scope of the what we executed for the guaranteed maximum price and that's why we have the change order provisions in the contract.

>> Spelman: What's the role of the owner contingency?

What does that mean?

>> What we would typically use to process change orders.

If you would liken this so a typical construction contract, we would come forward we're going to repave a road, request a 5% contingencies to expedite change orders.

We have that tag of owner line because if you were looking at the details of the guaranteed maximum price contracts, at their proposal they are coming forward with, they have their own contingency on their side to cover -- that's kind of good thing about the open book we

have with construction manager at risk contracting.

We can see how they've restructured their bids and they have contingency for things they know are in the scope of work that they may not have covered in their bidding process.

Owner contingency though is intended to be used for those things that aren't in the contract and are those -- the things we encounter during the course of construction that we didn't anticipate.

>> Spelman: Okay, so what's happening in case, \$700,000 is to have the money available to process change orders that you expect we're going to have to go through which are over

[09:56:01]

and above the speck of work and the price originally proposed.

>> And over and above the original contingency we requested on this.

We had a -- we included when we came forward with this originally for the not to exceed amount, we included a small amount of owner contingency, but we probably should have included more

for a project of this nature.

You know, where we only included originally about 2.5% contingency.

And typically with a remodel project you are looking 5 to 10% or 5 to 10% is city average and 10% is more the industry av -- the agreed --

>> Spelman: We are holding them to guaranteed maximum price.

The only reason they are going over is because we're changing the rules of the game.

>> Yes.

>> Spelman: Thank you very much.

>> Mayor Leffingwell: Next is item 37 by councilmember morrison.

>> Morrison: Thank you, mayor.

I wonder if we have some staff that can answer some of our questions.

Okay.

Just this is an item I can read it off for folks that don't have an agenda in front of them to authorize negotiation and execution of

an interlocal agreement between the city of austin, the city of el paso, the city of houston, the city of san antonio, and colin county, texas, for the sharing by the parties respective law enforcement and criminal justice departments of law enforcement information via the cuff link connectivity.

Can you give us a brief explanation?

>> Absolutely.

FIRST OF ALL, chris McI will vein with the austin police department.

I oversee the strategic intelligent division which includes our austin animal intelligence center and the realtime crime center.

[09:58:00]

Quickly what cop link is is a centralized rms many is, the simplified verse how to explain it where we can take rms systems from different police agencies and make them talk and recognize the data so that they can be accessed by other law enforcement agencies.

>> [Inaudible].

>> I'm other, rms records management system.

We have a vendor we use to purchase our records management system.

Different agencies have different vendors so they speak different languages.

What cop link does it translate to one recognized language so these systems can speak to each other.

, what we are trying to accomplish is having the different entities that large cities in texas being able to share that information.

And with cop link, that allows us to really more efficiently do what we're already doing.

One law enforcement agency will call another for information.

What cop link does is it just simplifies that process.

>> Morrison: Great.

I appreciate that.

There are two issues that arise for me.

This is going to be sharing our information that's from the [inaudible] as i understand it.

Is that correct?

For the data that they are collecting in our fusion center will be accessible via cop link.

>> The information that will be in cop link is the austin police department records management.

It's not information that's being collected by eric, it's information that is being collected by the austin police department.

What aric is doing we are the focal point and the ones driving that technology so that information can be shared more easily with other law enforcement agencies.

[One moment, please, for change in captioners]
but it's not -- it's not -- strictly accessed by aric.

It's all of our crime records that have been translated and put into one system that coplink, all coplink does is allow a centralized area where other law enforcement agencies can come in and get access to that information.

>> Morrison: I'll tell you why I'm concerned about that.

Because when we went forward with the aric, you will

remember there was a lot of discussion about how the data was going to be handled we have a privacy policy specifically to aric.

I'm wondering how that jives with data that we're going to be sharing via coplink.

>> Let me speak to that for judge u.s. a moment.

Cian mannix, assistant chief of police.

First of all I think that it's important that we understand the difference between what's contained in the records management system of the austin police department versus the volume of information that goes through the intelligence center that has access to homeland security security databases and other things, this is one of many databases that aric as an entity has access to.

This is crime reports.

This is the criminal activity where a police department has actually written a report on a crime that has occurred, you know, and that kind of a thing.

So it's aggregating that information.

That's stuff that forever we've had access to but

we've had to call other agencies, send emails, make inquiries to get that information.

Now there will be an automated process to bring all of that information together in one usable product.

As far as the privacy policy issue goes, as all of the recognized fusion centers in -- that are , have all developed their privacy policies, you know, under the guidelines of the code of federal regulations, you know, chapter 28, part 23.

Aric's policy has actually been, first one developed, it was actually a model policy for the others.

All of the fusion centers are subject to the -- to the texas fusion policy council in which our own chief of staff, david carter, is the -- the chair of that group.

So -- so this particular issue, because it's dealing with crime reports, we've always had access to.

Isn't -- the privacy is not an issue with this.

It's law enforcement information that law

enforcement agencies already have access to.

It's just making it simpler for us to bring it together.

>> Morrison: Okay.

I saw in the -- in the ila draft it mentions that -- that each entity will treat the data according to their own privacy policy.

So do our privacy policies for this data include the aric privacy policy?

See, I'm a little confused about aric data versus this data.

>> Basically what that means is nothing that -- we will not violate our own privacy policy.

So none of these other nodes will get information from the austin police department that would be considered, you know, privacy or outside, you know.

Everything that is in the system is within our privacy policy.

So anything that we push out is going to be guided by that privacy policy.

Is it.

>> Morrison: So within the system means within the aric system, is that --

>> all this is coplink again is one of many databases, this is only our crime reports.

So when you talk about that -- this is stuff that every one of those agencies already has access and always has had access to.

All they've had to do is pick up the open for and ask us for -- pick up the phone and ask us for it.

Now they'll have the same automated process that we'll have to collect that information together.

>> Morrison: All right.

So I was a little confused when I was looking, this is a different subject, about this item.

It's a bunch of cities plus collin county.

And when I looked at the interlocal agreement it says interlocal between and then at the top it says collin county, texas and then it says and then it lists off all of these cities.

Is there something special about the standing of collin county?

Or just formatted --

>> no, councilmember.

Really any one of these nodes could be the top name on this interlocal agreement.

Collin county kind of got the ball rolling and my understanding the ones that drafted the document.

>> Morrison: That was my guess, because they're all in caps and all of the cities are in --

>> but every -- [laughter] any one of those agencies could have been the top name on there and the -- all of those nodes would still share the same information.

>> Morrison: Collin county, as I understand it, also has a fusion center, is that the north texas fusion center?

Am I right about that?

Because they came up during our discussion about the aric because there had been some amount of controversy.

In their use of data.

>> I will say any controversy I'm not familiar with what the specifics may have been that came up in your discussion.

But the information sharing piece that we're talking about here again is going to be the crime reports from the agencies that are participating with -- with that fusion center as well as the others.

So we're not talking about, you know, sensitive, otherwise protected information.

>> Morrison: Okay.

Thank you.

>> Spelman: Mayor, a quick follow-up.

>> Mayor Leffingwell: Councilmember spelman?

>> Spelman: I am encouraged by the fact that we have a privacy policy that collin county, el paso, houston are all going to have to follow our privacy policy with regard to our data, is that accurate?

>> Each fusion center has their own privacy policy.

Each one of those is a recognized fusion center.

Which means they do have to have a privacy policy that is at least as comprehensive as deemed by dhs and [indiscernible] 1338.

So although I've only laid eyes on el paso's, theirs almost mirrors are.

As the chief stated ours is the first and has been used many times as a model.

>> Spelman: That's what i was getting at.

As the chief says if we are pushing data out to houston and those data -- with it comes our privacy policy, here's what you can and can't do with our data in public, the same thing is going to be true for them with us.

We're going to be taking data from houston, we're going to have to be abiding by their policy when we are dealing with their data.

If all of us -- well, all right.

Councilmember morrison -- maybe she and I -- understand this differently.

>> Morrison: We do understand it differently.

We have to treat their data according to our privacy policy.

>> Yes, we have to treat all data according to our privacy policies.

But again our privacy policy is guiding the intelligence center as a whole.

With all of the databases that they have access to and all of the information that flows through the center, you know, again I want to go back to we're talking about crime reports and information that -- that has been a -- you know, always has been and always will be available to us by other -- picking up the open for, accepting an -- up the phone, sending an email all of that kind of thing.

>> Cole: We're not talking about confidential informant information, that's out of the all of this stuff.

>> Yes.

>> I am interested in knowing how we will be a account to manage traffic here if everything we're using, whether collecting it ourselves or aric or taking it from the fusion center is all going to be guided by our privacy policy.

Then what I thought I heard you say a few minutes ago, the stuff we are pushing out to some other regional information center is not going to be guided by our privacy policy, going to be guided by theirs.

>> First of all, anything we push will already be adherent to ours, without having laid eyes to it we have confidence based on what the standards are to become a recognized fusion center that their privacy policies more than adequate.

>> Spelman: All -- among all of the fusion centers in Texas, we are dealing with [indiscernible] Collin county, which seems to be the controversial one.

Are those, in your opinion, up to standard and is there any danger that one of those fusion centers is going to leak stuff which is sensitive information or might be damning information on an individual that we would not ourselves be releasing even our privacy policy?

Are they much at variance from ours?

>> No.

Again, I've seen El Paso's firsthand.

Theirs is almost identical to ours and without having read the others firsthand, our confidence is that we know that in order for them to have been deemed -- we have many fusion centers in the country that are not recognized and there's a --

there's a hefty set of standards to be deemed recognized in the privacy policies at the top of that list.

So we are -- we feel confident that those partners that are recognized and we want to enter into the agreement with have privacy policies that are adequate and -- and up to our standards and what our privacy policy states.

If they were to leak something out, you know, that's going to be a violation of their privacy policy and that's something that they're going to have to deal with, but we don't -- we have no reason to believe that that would be an issue.

>> Spelman: Is think one of the reasons that the fusion centers have largely the undeserved representation that they have is because a few of them did some false starts, did some things which were not sanctioned by policy in the department of justice.

In the last three or four years the department of justice tightened the screws a little bit to ensure that they do have [indiscernible] that decisions are made in a rational way.

I think these things are less likely to happen than happened five or 10 years ago when fusion centers were just getting started.

But if there's somebody in your team who could -- would be willing to take a look at those privacy policies and verify to us that they are sufficiently similar and that in your opinion they are up to the standards set by the department of justice and at least close to the standards set by ourselves, I think that would go a long ways to our feeling better about the data we're sharing.

>> Absolutely.

I know that the committee that chief carter chairs, does have copies of those privacy policies.

I know that they have been reviewed and that the texas fusion center policy council is comfortable with their language.

Now, my director, mark spanger has requested copies as well so we can look at those as well.

We have seen el paso's again, I just haven't seen the other.

>> Spelman: My office will probably send in a question

asking as a reminder that we want to get a ruling or advice on that subject.

If you could take a look at those sometimes in the next few weeks and get back with us, I would sure appreciate it.

>> Absolutely.

>> Thank you, sir.

>> Mayor Leffingwell:
Councilmember martinez?

>> Martinez: I just wanted to ask, chief mannix, from time to time there are items that request council to approve negotiation and execution and in most cases when we agree it's because of time constraints or, you know, needing to get the item adopted.

Because this is an interlocal agreement between the governmental entities, for me I would feel comfortable if we could see that agreement before we give approval.

Is there an issue, if we were to authorize negotiations that that execution would have to come back so we can see the negotiated document?

>> I believe we already have a copy of that document, don't we?

>> That document already exists.

Yes.

>> Martinez: Is it in the backup?

All right, thanks, I'll take a look at it before thursday.

>> That's one of the things that I'm going to bring up on another item, an ifc, negotiating and executing an interlocal agreement with the texas facilities commission.

I don't have that document in front of me, either.

>> Backup?

>> Martinez: I don't know that it's in the backup.

Because I think this item charges the city manager with negotiation and execution and I would simply be able to -- prefer to see that agreement before it's executed.

>> I will get that to you.

>> Mayor Leffingwell: The next two items you can do them both at the same time.

Councilmember spelman related items, 45 and 46.

>> Whole new class of items.

Spelman-related items.

>> Mayor Leffingwell:
Spelman, colon, related
items.

>> Spelman: I see, okay,
that's fine.

>> Good morning.

If any of you could describe
for us why it is that we --
explain to us why we have to
do items 45 and 46.

>> Okay.

I'll take the lead.

I have lots of folks to help
here.

I've got -- [indiscernible]
languagehart, art
[indiscernible] treasurer,
dennis [indiscernible]
financial advisor, anne
little the cfo of austin
energy for their commercial
paper program.

The city enters some
variable rate bond
transactions or has in the
past.

And also has a commercial
paper program in both
instances these types of
transactions require a
credit enhancement or a
letter of credit.

And that is an agreement
with a bank or a series of

very large banks that they will step in and provide the liquidity, if the -- if the bonds are not able to marketed in the -- remarketed in the bond market.

They will also step in with that letter of credit, provide liquidity if the city, in any event that the city is not able to make the debt service payment on these transactions.

We have variable rate transactions for the airport that were entered into in 2-08.

The letters of credit typically are put in place at the time that the transaction is actually closed.

So we have them for the airport, the hotels, also a small series of water and wastewater and those are all variable rate.

With respect to item 46, we are trying to change the banks on -- on the hotel transaction, variable rate.

And then the two utilities have a combined commercial paper program that's \$350 million and they have three large banks that provide a letter of credit.

In addition to the letter of credit that you are asking to approve, there's also reimbursement agreement so that in the event that the bank is asked to provide the liquidity, there is an agreement that the city will repay them for providing that -- that money.

>> Spelman: What we're actually the cost to us is one percent?

>> It's a little bit less than one percent.

It's a fee for the amount of letter of credit that is provided and then we also pay them a commitment fee for the unused amount and it's a slightly smaller fee.

The fee is 90 basis points for the commercial paper program.

It's a little bit higher for the variable rate hotel transaction.

>> Spelman: Okay.

Basically the fee, the price of getting a letter of credit is 90 basis points or a little bit more.

>> Sure.

>> That's what we're talking about authorizing here.

>> That's correct.

>> Spelman: Thank you,
that's all that I needed to
know.

>> All right, thank you.

>> Mayor Leffingwell: The
next two are mine, items 51
and 52 I brought up
together.

I don't have a copy of the
ordinance before me.

But I do have some notes on
it.

I just got a couple of
questions that I want to
ask.

First of all, this may
require some input from the
law department, also.

As well as the airport
director.

My understanding of item 51
is an amendment to the
existing ordinance which
does several things.

First it redefines what
temporary helistop is, for
some reason it's based on
the number of sortees, the
number of operations that
occur, it basically says
anything more than 18
operations takeoffs and
landing is not a temporary
helistop, which would make
it fall into the only other
category is a permanent
helistop, which would

require a conditional use process to approve.

Is that correct so far?

>> [Indiscernible] [no microphone]

>> Mayor Leffingwell: In effect it makes any operation, several under consideration right now, that has more than nine takeoffs and landings combined, a permanent use.

And the second thing that i noted as a change, it calls for a study of noise sensitive areas within 4,000 feet of the helistop.

And seems like kind of a -- kind of a large distance, could you give us some -- some feel for why 4,000 feet?

I mean, which is almost a mile, you could say, and -- and if you had, for example, a helistop on -- on mopac, near zilker park, that would, my guess is, include all of downtown austin, wouldn't it?

>> Well, the wording in this is the location of all noise sensitive areas within a radius of 4,000 feet.

That is not necessarily a noise study as much as just identifying the location of noise sensitive areas, but

to generally defined as residential.

So it's just a matter of providing the information, but doesn't require a full noise study where you have to -- you have to put in noise monitors for a period of time, do a formal study.

>> So you would just note the noise sensitive areas?

>> Yes.

>> And that would be sort of subjectively taken into consideration as you the airport director make your decision?

>> It's one of the items that would be required.

Now, that same phrase is in the permanent helistop facility.

So that's the same type of requirement we would -- we have gotten in the past for a permanent facility.

It's just being moved over to a temporary facility.

>> Mayor Leffingwell: How far away can you hear a helicopter?

>> Depends on how low it is.

The noise drops off relatively quickly.

model,
which is what the airport
does use, when you load the
data into it, by the time
you are 500 feet away, you
have significantly dropped
the decibel rating, in a
thousand feet it drops off
further.

But it does depend on
altitude.

But also noise is a very
varying thing relative to
weather, humidity, cloud
cover, variety of things,
all affect --

>> Mayor Leffingwell: I'm
thinking the 4,000 feet is
sort of a catch-all thing
for aircraft noise, all
types.

And helicopters as we know
are a lot quieter than, say,
FOR EXAMPLE, 727s.

Something like that.

That's kind of what I'm
getting at here.

But anyway I guess that's
not a huge concern.

But the last thing that i
wanted to note is it
declares an emergency.

Which says that -- that this
ordinance would go into
effect immediately upon
passage of the ordinance.

And I have been informed and the city attorney can confirm this, not any application that has already been made, whether or not it's been approved, would not be subject to this ordinance.

>> That's correct, mayor.

Applications currently on file would not be exacted if this item were to pass on thursday.

I will also note that as you will recall, under the charter, for emergency items, you have to have five votes pursuant to our charter.

>> Mayor Leffingwell:
Okay.

So that being the case, then item 52, is a resolution which basically asks the city manager to convene a stakeholder group to go back and look at this entire situation of temporary helistops and see if we need to change our existing ordinance at all.

Which this already does.

Item 51 already changes it.

So I'm wondering if the ordinance changes would not apply to any applications, basically we're talking

about formula 1 operations here.

And these operations are going to take place in a little over a week.

A week and a couple of days.

What is the hurry to make these changes?

Why not just go ahead with the resolution that creates the study group to figure out how we're going to change the ordinance?

I mean, what is the magic about 18?

Maybe there's some other number that's more appropriate.

And there could be other things that we would want to change in the ordinance defining a temporary helistop.

It seems to me like we're rushing this ordinance through and I don't unders the reason, we're rushing amendments to the ordinance through.

I'm open to any comments on what the reason for that might not be as opposed to going ahead and going through the normal process.

Councilmember morrison?

>> Morrison: Thank you, mayor.

I appreciate your question.

Let me start by talking about that number 18.

I have for you provided by our director of aviation and that is a listing of the temporary permits that have been applied for since 2010.

And you'll see on there that the number of landings the biggest number of landings for any of those applications is listed as less than 10, that would be nine or fewer landings which means 18 landings and takeoffs.

So we're looking at the -- at the serious issues that have been raised by nearby residents, property owners, tenants of the proposed landing site, the temporary landing sites for 250 landings as well as the mayor of rollingwood.

The ordinance, changing it, to -- limiting it to 18, was a way to move forward in the near term, under the scenarios that have not caused any trouble at all.

I have never heard, I don't think that there's ever been concerns raised by the public for any of these temporary helipads.

It was let's put this in place now and make sure that we don't have additional -- additional applications that are way outside the bounds of anything and have really raised serious concerns and then to convene a discussion group to look at the ordinance, excuse me, to look our code.

Which could take some time and we don't know what other kinds of events are going to be held.

Likely there's going to be an event held a year from now.

So you never know how long these kind of discussions take.

Of so that is the reason to -- in my view to move forward with let's put the constraints in place so that we are -- sort of have a status quo, which has not been a problem.

And then figure out how to fix the ordinance.

The reason that we wanted to put it in as an emergency is fully understanding that the applications that have already been applied for are not going to be affected by this, there was a concern there might be some last minute attempts to -- to -- to do other very large

operations under the temporary heli-facility for f 1.

So the idea was to put this in place right away just to cut it off and make sure we don't have any other issues arise that are so outside the bounds of what we had before.

So that explains the ordinance and then limiting it to 18.

As we looked at where we stand with our code right now, the aviation code, and the related zoning codes that goes along with it, there were many, many items that were raised, both just by my own reading and my co-sponsor, councilmember tovo, but also by several attorneys that we've heard from, in the community raising questions about how this is being interpreted, and so just for a few examples of the things that really need to be examined more broadly with a little more time.

One, the purposes and a better definition of the purposes for which a temporary hel ifacility could be used.

The question -- the interpretation by staff is that this use falls under a community service purpose.

And people have questioned why this would be a community service and maybe we can look at getting more detail on what really would fall under community service.

Looking at the limits.

One of the more serious issues I think that's been raised is that in our zoning code, the use of a heli-facility at a particular location requires a conditional use permit.

But then you go over to our aviation code and our aviation code waves that requirement in the case of a temporary heli-facility.

And the question has arisen as to how is it that our aviation code can wave our zoning code.

So that's something that we really need to look at.

There have been questions about where we really should have designated authority for approving these.

Whether it makes sense to have a formal process for public input for temporary heli-facility because clearly people have been frustrated trying to even get information.

They weren't even notified
that the property owners,
the co-property owners
weren't even notified for
this location.

And then there's some
technical issues about the
code, on one reading it
looks like you can't even
renew or deny an
application.

Depending on how you
interpret certain things.

So there's just a whole lot
to be hashed out.

There's a whole lot to -- to
get clarified.

So that was the intent of
the resolution.

>> Mayor Leffingwell:
Okay.

As I said, I understand the
need to go back and look at
the ordinance that governs
temporary helistops.

What I don't want to do is
while we're going through
that process, I don't want
to send the signal to people
that in the meantime unless
things change basically
you're not going to be able
to hold an f 1 next year.

You can hold it this year,
but if you do it next year,
you're going to have to have
your helipads, semi prairie

helistops somewhere in the country outside of the city of austin.

I think it's a mistake to send a signal as to the direction that we're going in when we don't know what direction we're going in at this point.

And I think it's a -- I also have problems with where do we -- why is the number of missions that are flown, how does that figure into the terminology temporary?

I would think a temporary being in terms of time.

In the case that we're talking about here, it's a three-day event.

There will be three days of these operations.

Now, I would think temporary would be in terms of is three days -- is three days temporary, a week temporary, as opposed to the number of missions.

I would -- I am -- I will just say right now, I'm not supporting this -- I won't be supporting this ordinance as it's written.

I will support the resolution, directing us to go through a process.

To take a look at how -- how it needs to be changed.

>> Morrison: Mayor, if i could just --

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison: If I could just respond to a couple of things.

I guess I really wonder and question the idea that if we're not going to allow 250 sortees in the middle of our city, then we can't have f 1.

I think f 1 is going to go on anyways.

I mean there are obviously other places that could -- where these locations wouldn't be as intrusive.

And in fact there is a time that -- there is a time limit, but the fact of the matter is the 250 takes it way outside the bounds of anything that we have ever done and is going to have a significant impact on the property owners, the tenants, the nearby residents, nearby municipalities and so to put some bounds on it so that we're still working within what has worked for the past three years, I believe is a very reasonable thing to do.

>> Mayor Leffingwell: I would question that statement, too.

That 250 operations is going to have a significant effect on the surroundings.

We don't know that.

It's going to happen.

We're going to have these operations and after the fact we'll have the knowledge that's gained from that.

Whether there's significant disruption or too much noise, all of those things we'll know rather than supposing.

Supposing.

>> Mayor?

>> Mayor Leffingwell: City manager?

>> Just a question for mr.

Smith.

250 Operations.

You are responsible for reviewing and making the decision with respect to the application.

Do you actually expect that -- that this applicant would be undertaking 250 operations?

I believe you have some prerogative ultimately in terms of what the number of operations are if I'm not mistaken.

Can you address both aspects of my comments?

>> Well, the numbers that have been proposed, first of all, over three days with smallest number occurring on friday, ramping up a little on saturday, the bulk of them occurring on sunday.

In terms of what actually will fly, we're still trying to collect that information in terms of these applicants, in terms of their sales.

They put a high number on their application to allow them to go up to that amount.

But what they've actually had in sales, we're still gathering that information.

So the bottom line is i don't know right now specifically how many flights are proposed for friday, saturday or sunday.

I'm meeting again this afternoon with a number of people trying to get all of the last pieces of information tied together so we can make a decision.

>> Let's say that that were -- are you -- would you ever actually be inclined to approve that kind of a number in terms of operations?

>> Absent regulations and councilmember morrison is correct in the sense that -- that we do not have experience dealing with this type of application based on a temporary helistop based on the last three or four years of applications, they have been much fewer in number.

So the rules and regulations that we have in the aviation code, in relationship to land use code, probably need some changes to recognize a larger number of trips in this type of situation.

But absent regulations, we can't make them up on the spot.

So what we try and do in aviation is work with the regulations that we do have and those deal with safety, can this be done in a safe manner in one that the would approve since has to approve this operation as well.

In addition to safety, we would look at noise.

And since there is no track record for noise, as the

mayor pointed out, we haven't had experience with this one yet and then we have to estimate what that noise is.

We do that by estimating the noise contour around the location and we deal with the 65-decibel level, which uses to determine whether or not it has significant impact on the adjacent sensitive properties.

Again primarily being residential.

The third thing that we evaluate is we have to provide reasonable access to air space, that's our job in , we can't have overly cumbersome regulations that prevent somebody from accessing the has approved to be flown in.

Absent a lot of the other types of regulations that councilmember morrison, i think wants to see us look at, in a new ordinance, i have to work with what's on the books today.

>> And what's on the books today is what you have used in the past relative to this sheet, temporary helistops from 2010, to 2012.

You've used what's been on the books to make these decisions in the past?

>> Yes, safety, noise, access.

>> Tovo: Mayor?

>> Mayor Leffingwell: Councilmember tovo?

>> Tovo: smith, what's on the books now is an application that asks for the number of anticipated daily operations and hours of operation.

Is that correct.

>> Yes.

>> To me that very clearly means that it's within the discretion of the aviation director to provide some limits in terms of the anticipated daily operations and what's acceptable and so I would say -- I would say that it really is -- does qualify as an emergency to clarify if there's any doubt on what number is acceptable within close proximity to a residential area, that it is an emergency that we put some limits to it.

That is one of the reasons why I'm co-sponsoring these ordinance changes because i think we need to be very explicit about what the expectations are for -- for

limits within close proximity.

>> Mayor Leffingwell: Let me clarify that one.

When you are declaring an emergency saying it goes into effect immediately, whatever the criteria the director uses to make his final decision, it wouldn't make any difference in this instance.

>> I understand that.

I have spent time with mr.

Smith, with our city legal.

I understand that the ordinance changes won't make any difference.

I don't think we need the ordinance changes for mr.

Smith to exercise the discretion that already exists to apply some limits to the number of trips.

I think it's very clear if you are requesting that information from applicants, that you have the information to make that information based on good decisions and providing limitations on the applicant.

Councilmember spelman may disagree given the frowning.

>> Spelman: I would like to ask a question, if i could.

Given that the ordinance change even if it passes, on an emergency basis, will not smith's -- the smith is going to be applying to the south mopac case, what's the emergency?

Why do we have to do this right now?

>> Tovo: I think it's wise to make it explicit in our code so that there's no any unclear expectations going forward.

>> This is also anticipating a stakeholder process which hasn't happened yet.

It's basically saying we think the result of the stakeholder process is going to be thus and such.

But the stakeholder process might reduce -- result in a different number like 12 or 24 or some other number or no number of trips being a trigger between temporary and permanent.

>> Tovo: I think at that point there might be a discussion as changing that number yet again.

As councilmember morrison said there are a variety of

things that I think the stakeholder group really needs to look at with regard to this section of code.

And it's going to need a fair amount of discussion and a good deal of work based on my review and the discussions that I've had over the last week.

I don't think that's going to be, excuse me, a fast process.

So I would say let's set a limit, let's do, I think we're talking about two different things.

One is we're referring to smith -- the applicants that mr.

Smith is looking at.

I'm simply making the point that the existing code asks them to collect the information about the duration of stops.

I think there's already the latitude that he needs to say this is far out of scale with -- with what has been approved under temporary helistops, I just wanted to make that point.

But I do think that our stakeholder process is going to take a long time, would have to cover a lot of ground.

So it makes sense in my mind to clarify what is an acceptable limit for temporary helistops just based on what has been approved in the past.

You've got the chart in front of you.

You know, one landing, four landings, five landings, under 10, there hasn't been one, as councilmember morrison said there hasn't been one that exceeded 10 so far.

>> Spelman: Sure.

>> Tovo: So let's just put in the code what has typically been approved so there are realistic expectations going forward on the part of applicants.

They know, you know, about what is, what qualifies as a temporary helistop so that there's not -- they don't go down the wrong path as far as that goes, let's allow the stakeholder process to take place and cover the wider range of issues they'll have and come up with a different number if they feel like it's warranted based on the other considerations they have.

>> Cole: Rather than argue the --

>> Spelman: Rather argue the merits of 18 oregon some other number, jim is going to do what jim is going to do based on the rules available to him right now.

If we want to change the rules that's fine, but it has no effect on what jim is going to do with south in mopac.

Seems to me what we want to do as a council we think that the number of takeoffs and landings ought to be material, taken into account rather than pre-empt the stakeholder process and say we're going to establish 18 as being that threshold.

We can send a direction to the stakeholder process or task force or direction to the aviation department if they're going to put it together or whoever is responsible for managing the process, saying we think this is an issue that ought to be considered.

We think 18 seems like a sensible number, but let's hold a process and see what you guys come up with.

There might be a less intrusive means of sending that message than to pass a preemptive ordinance in advance of a process which hasn't taken place.

>> Mayor Leffingwell: I just say it looks like what we are doing right here, what has been said here is that we know that's a complicated thing, it's going to take a long time to come up with new rules for temporary helistops, but in meantime we're going to put into place a very draconian set of restrictions, doesn't make much sense to me of the will councilmember martinez?

>> Tovo: Well, if I could just make a quick point.

>> Mayor Leffingwell: Yeah.

>> Tovo: I'm not sure what's draconian about it when every applicant except for the one that's pending -- has fallen under that limit.

>> Mayor Leffingwell: Draconian that these types of operations would not be possible in the future unless they are changed by a -- I mean the type of operations that would serve the f 1 event would not be possible under these restrictions.

>> Tovo: Well, I have a response to that.

I will yield to councilmember martinez, but when I get the floor back

again I would like to respond to that point.

>> Martinez: Well, first of all, this is not about f 1.

This is a policy about allowing operation to exist within our community and we don't have a year.

To make these decisions.

I fully agree that we need to come up with a policy that works for this city.

But we've got motogp spring of next year, then v 8 super cars coming, no telling what other events come.

So we've got to come up with a policy in a much shorter time frame than a year from now.

So I'm fully supportive of that.

By I look at it in a different perspective.

I do see why they want to make it, why the sponsors want it to be enacted in an emergency fashion, that is so that no other temporary permits can be sought between now and november 17th.

What that does for me it smith and think he's almost going

to be forced to approve the two that are existing because sales have happened, agreements have been reached, and if he denies them, which he still has the ability to do, they won't be able to operate at all this year.

So -- so do you see that as -- as an influence in that you've got two pending and if council makes this decision to enact an emergency ordinance this thursday, creating conditional use permit, do you feel pressured in a situation where you -- you've at least got to approve these two so that some operation of -- of helicopter transports can take place during the next two weeks?

>> -- The frequency of tripses really only enters into our calculation in the sense of what does it do to the noise contour around the site.

That's how the airport, given our existing regulations looks at frequency.

It isn't frequency per se, it is what does that number do when we plug it into the model to try to define or estimate what the noise contours would be.

From that respect, to us,
right now, what the
regulations we have on the
books, the number of
operations is relative
immaterial other than to
give us the noise contours.

Do we feel any pressure
to -- to -- no, this isn't
approved yet.

They know that.

They have decided to go
ahead and make the sales
anyway.

We're still gathering
information.

Still making requests of the
applicants to provide us
additional information.

If we get all of that
information and approve this
effectively, we will approve
the permit.

If we don't get it.

We will deny the permit.

So that's why we haven't
made a decision yet, we know
that we are getting close
because we haven't gotten
all of the information that
we have requested.

>> Martinez: Because of
all of the public
conversation and reporting
that has gone on, do you
know if the two requesters

are actively seeking a -- a more suitable alternative location.

>> It's too late.

Because both of these exceed the limit that requires evaluation of their flight paths.

It's way beyond the point where somebody can come in now and get a new site that's going to make more than 10 trips.

>> Martinez: So even if we enacted an ordinance on thursday in an emergency fashion, nobody could come in and apply for a temporary helistop anyway and get approval --

>> for the for f l.

>> What is the time frame we're talking about if we don't enact this ordinance?

requires in their application 90 days to make an evaluation if you are going to do more than 10 trips for them to evaluate the flight path.

>> Martinez: That would be, in my mind, about the time frame we need to come back to this council with strong ideas as to what this ordinance is going to look like moving forward so that they can apply for, if

necessary, a -- other
temporary spots.

When you look on the
schedule that was handed
out, it's, you know, it's
trouble maker studios, doing
filming, acl fest, could be
south-by-southwest, we could
be precluding others by not
getting an ordinance back to
this council, you know,
within 90 days.

For me, I get the -- i
understand the request for
wanting to enact an
ordinance in an emergency
time frame, but I don't know
that the -- that the
intended effect is really
being realized because it
takes 90 days to get
approved from f.a.a. anyway.

>> Morrison: Mayor, can i
ask -- I want to follow-up
on that because the concern
that I have, what I'm
hearing is that nobody could
even apply for the next 90
days, but my concern is that
there's nothing that
precludes them from
applying, but with an
incomplete application, ie
not having the f.a.a.

Approval, and in fact when i
was sort of -- we were
hashing through whether
to -- hashing through
whether to even include this
as an emergency or not, we
decided to go forward with
it with the understanding

that there could be some
requires 90
days, but that doesn't
preclude them from getting
back to you in fewer than 90
days.

So the -- 90 days.

So the idea I guess what i
want to make sure is that we
have some reasonable limits
in place.

We have a discussion which
might raise those limits,
but in that time period,
maybe we don't need
emergency or not.

But for the short term, we
want to make sure that we
are not encountering
something that some people
feel is way out of bounds.

And so -- so it could be
that the -- that with the
discussion, the number goes
higher than 18.

And in which case people
could reapply.

Let's say they apply for 18
now.

They could reapply for more
if we come up with
something.

This is a safe approach, i
think, to protect us from --
from like what I consider
something way beyond.

Because I appreciate -- i appreciate you mentioning that there are a lot of event coming up and it's envisioned there's going to be a lot of use of that.

So I think that -- that depending on how things go, the helicopter market might get very popular and we're going to have to sort this out and find a convenient way to do it.

I do want to just mention one thing in terms of getting the details on what this particular operator is planning.

I know that there was a -- there was a meeting yesterday between some staff and some of the concerns.

Maybe just residents, I'm not sure if the property owners were there, also, that are concerned about the issue.

And the information they came away with, I'm not sure if this is just estimated and you're still trying to finalize it.

But what they were made aware of was that the plans friday, between , there will be 56 trips.

Which I presume means 112 takeoffs and landings.

to
there will be 76
trips total, which twice
that takeoff and landing and
then sunday from 7:00 a.m.

, it would be
106 trips, which is of
course the busiest day and
the way I calculate it,
that's 212 trips, in 14
hours.

Which gives us 15 trips per
hour.

One takeoff or landing every
four minutes.

Which is a lot.

>> Mayor Leffingwell:
Nothing compared to atlanta
hartsfield.

>> Well, the people that
live in rollingwood and that
work there are not working
at an airport.

>> Mayor Leffingwell: That
was meant to be humor,
councilmember.

>> Tovo: Thanks to doing
that calculation, that was
where I was going with one
of my questions a little
earlier.

smith, the comment has
been made if the
applications that are
pending are not approved
there would be no helicopter
operations.

But it was my understanding that they could also move to the airport.

Is that not the case?

>> There are planned helicopter operations from all over the region.

Lakeway, bastrop, austin executive, we only are aware of or have direct knowledge of the ones that are inside the city or the e.t.j.

But there are numerous other locations that are going to have helicopter operations.

The bulk of the people however, at least in the conversations we've had with the helicopter operators, are going to be staying in the downtown vicinity.

So -- so they have a preference for -- for finding a location somewhere in the vicinity of downtown.

That's why -- why we ended up with the two applications that we do, one for embassy suites, one for the south mopac site.

There were a number of other locations that earlier in the process started out.

They fell out for a variety of reasons.

People have raised issues verbally, they were dismissed at the time.

These are the only two that have taken it as far as they have of working with the , working with the city, to try to get this far.

If the applications are -- are [indiscernible], would they have the opportunity to move to the airport as their location?

>> They could.

We have limits out there, too.

We already are anticipating the fbo areas, fixed base operators for the general aviation, their sites are going to be completely booked in terms of parking plans, our maintenance ramp has to be maintained for emergencies.

So we are going to allow helicopter operations at the airport, but there will be limited space and limited numbers.

Right now we have about 30 or 40 trips scheduled from the airport itself.

Austin executive airport has a number of trips.

San marcos airport has a number of trips being scheduled.

So it will be spread out.

>> Tovo: Okay.

But because the point was made if this application, smith may be under pressure now to approve this application because the applicant doesn't have any other options, the applicant has other options.

They have the option of moving to the airport and there may be, as you said, there are limits, but, you know, it's not -- that's -- that's an option that's available.

To this applicant.

And I would say, you know, mayor, before you raised a question about sending signals, I think it's appropriate to send a signal to helicopter operators out there that we don't want them selecting locations that are in close proximity to residential areas where residents for three days are going to have to be exposed to helicopters overhead every four minutes.

It's just -- that's more -- that asks more of our

residents than should be asked of them.

They have a right to go to work and work in peace and we've heard from -- from some -- from one of the offices in that complex that they have workers who need to go to work on Friday and need sometimes on the weekends as well and they need the opportunity to do their work in a non-disrupted way.

And we have residents who want to be able to enjoy the weekend in their back yards and houses without having helicopter traffic overhead.

I don't think that's an unreasonable expectation.

.. yes, I think we should send a signal.

That we would like to locate helicopter operations in areas that are less disruptive to our residential neighborhood.

>> Mayor Leffingwell:
Well, I would just like to make the point that they are not overflying neighborhoods.

There won't be helicopters over neighborhoods.

They will be flying down Mopac and out 290.

>> They are in very close proximity.

>> Mayor Leffingwell: Not overhead.

>> Tovo: I think it's a reasonable expectation that the residents in those areas will be disrupted by the noise and the frequency.

And let me just add to the list of people that I've heard from, I've also heard from at least one parent of a child, at child's day in very employees proximity if not at the same address of this proposed helistop and they were not pleased about the application.

I don't know if the rest of you all have heard from all of the people that we're hearing from.

We've gotten calls, we've gotten e-mails as has been stated, we've heard from attorneys, we've heard from lots of people concerned about this.

So, you know, I think there is a -- a need for the council to address this going forward and as quickly as possible.

>> Mayor Leffingwell:
Again, nothing in this item 51 ordinance amendment would affect the operations a little over a week from now.

>> Cole: Mayor, I just --

>> Tovo: Yes, but our
staff he --

>> Mayor Leffingwell:
There may be other factors,
but not the ordinance
amendments itself.

Mayor pro tem?

>> Cole: I agree there's a
need for a policy going
forward and I do think that
we have -- I'm glad that
we've made a commitment of
how we're going to handle
this for right now.

I would think, jim, let me
ask you this, that the
information that you are
going to gain from the
applicants in queue help
with that policy.

Going forward.

I heard you say that your
primary goal was to reduce
the noise level.

>> For the existing
applications we're close to
having all of the
information.

What we are really just
trying to do is measure what
the 65-decibel noise contour
is from an f.a.a.

Definition, not a person
definition, but an f.a.a.

Definition, that's the threshold for when you are impacting a surrounding area or a sensitive area, residences, churches, with -- with significant noise impacts.

So -- so we're trying to gather all of the appropriate information we can to basically come to that determination as best we can.

Now, if we go ahead and approve the application, it's our plan to put in portable noise monitors in the surrounding area so we can collect real data so that going forward in this process that we're articulating here with the resolution, we can bring data to the table in terms of what the impact at various distances from the noise source, you know, hit the neighborhood or hit different areas.

>> Cole: That would be beneficial to the stakeholders.

>> Because noise is extremely subjective when you are trying to estimate it in advance and on a practical basis you only get a handle on it if you can measure it in practicalcal operation after the fact.

Even then when you have the hard numbers it's still a perception issue.

Two people standing in the same place are going to hear that noise a little bit differently.

>> Cole: Okay.

We would have that information to be able to use as we develop a policy in short order say within the 90 days has that been discussed here.

That would help the stakeholders, I think.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman?

>> Spelman: Follow up to that just a second.

What exactly jim is the standard that irgoing to be using, you mentioned 65 decibels impacted area.

What's the standard exactly?

has a noise modeling system that we try and use to the degree we can't use because it can't be turned we try to do our best estimate of that.

That's all that we're dealing with is estimates at this stage of the game.

The same thing that we have with the airport itself we have spent a lot of time and effort developing noise contours around each of the runways.

We know exactly where those are.

Short term trying to get helicopter is difficult.

But we can do reasonable estimates of that.

Doing the portable noise equipment after that we can do a better job next time.

>> Spelman: I understand it's based on estimates and we're not exactly sure where the contours are going to lie.

But let me be sure that i understand what the standard is.

If that 65-decibel contour extends into somebody's back yard, therefore it's our estimate that somebody is going to have more than 65-decibels on some takeoff and landing in their back yard, that would be sufficient for you to say no, is that accurate?

>> No.

It doesn't work as simply as that.

The 65-decibel says that there is a potential for an impact to that particular residence.

Now, there's alternative ways of mitigating that.

But it doesn't mean that -- that you absolutely have to deny it just because of that.

You try to do estimates of the total community impact and things like that.

You also compare it to the ambient noise level in the surrounding area.

Before you develop the noise contours, one of the things that you do is you measure the urban noise that exists just on a normal day.

What is the truck noise -- what does the truck noise make it when goes by and a variety of other things.

Then the system that f.a.a.

Uses is sophisticated in a sense so that doing measurements and calculations between ambient noise and noise levels from the noise source, aviation noise source and trying to develop the contours.

>> Spelman: I used to live on hartford road where my

back yard backed up directly on mopac.

Can you give me a sense of what level of noise that i was talking about in my back yard just because I was backed up on mopac, would that be over 70 decibels?

>> Yes.

Typical garbage truck going down your street or if you are in employees proximity to a lawn mower, you are exceeding 85 decibels with that.

So, you know, it's -- the issues with single source noises and then continuous noise and those are perceived, you know, differently and measured differently in the calculation.

So mopac would be a -- would be a high impact noise contour, type of thing, from would look at it.

But it's continuous.

>> Spelman: Okay.

There's no way to escape it.

You go in the back yard and that's what you notice.

Last question, I notice that there is a type of

helicopter associated with each of these sites.

Does that mean that only one type of helicopter is going to be allowed to come up and down in these of these heliports?

>> The applicants give us the helicopter model, that helps with the noise monitoring because every one of these has been tested.

We know what noise level they produce at which heights they gets plugged into the noise contour model.

It also gives us an indication just like jets, modern helicopters are significantly quieter than old helicopters.

has required has old planes as well as old helicopters be retired because of the noise impact that they create if they can't meet modern standards.

[One moment please for change in captioners]
helistop helifacility
we're
going to have to start a discussion about loud music too.

A hear more complaints about loud music than helicopter noise.

>> Mayor?

>> Mayor Leffingwell: yes.

Only the condominium authority has the authority to make such a decision.

Can you clarify the status on that.

>> We're not pursuing a legal determination of that.

He has the authority, authorize the helicopter applicant to file their application with us and that's what we have been advised to ask for, in terms of documentation to accept the application.

>> So merely a statement that says we have the authority to allow him to do this is enough for the city, even though that has been challenged in some detail?

>> That's what the airport's working with now.

You can ask the law department for an opinion.

When we consulted with our attorney, we were advised that we needed to accept the application.

so that was the advice from our legal department, at this point?

>> Yes, and we have that letter.

We got it yesterday.

could you
provide a copy of that
letter?

>> Yeah.

>> Mayor leffingwell: ok.

I've got one more item.

And it's just basically
housekeeping questions that
I have here.

It was an addendum.

Item number 59.

I don't know anything about
the specifics of it, except
that -- it kind of -- we
have an ongoing problem with
following our own rules that
we established, as far as
following items lead.

And the motivation for doing
this, we went to provide
more time.

We asked the staff to post
items on the agenda earlier.

And we, as a council agreed
to do the same thing.

We have no mechanism for
enforcing it,
self-enforcing, only.

But one of the things that
we suggested be done when an
item is filed late,
basically, a "emergency
filing" is that a form be
submitted along with it.

I haven't had anybody tell
me they have seen the form
submitted with item 59.

>>Morrison: mayor?

>>Mayor leffingwell:
Councilmember morrison.

I sponsored this
with councilmember riley.

Did you fill out a form?

I would be happy to fill out
the form.

this
is -- excuse me.

>>Morrison: I'm sorry.

that is
a different number.

The last item on the agenda.

that is mine
with councilmember riley.

since I was the
cosponsor.

It wasn't on time --

>>mayor leffingwell: 98.

[Inaudible, multiple people
speaking]

>>morrison: ok.

I don't know if there is a time line for filling out the form, I would be glad to still fill it out.

As I understand it, I can get that from the mayor's office; is that correct?

we will
sure find you one.

>>Morrison: great.

I want to explain that I'm respectful of the timing we all try to work toward.

This was an extraordinary circumstance.

It is the arc of the capital area, that is dealing with location and relocation issues.

I happened to meet with them on friday, councilmember riley had met with them a couple days earlier.

It turned out it would really be very critical to get work from our staff in terms of exploring options by our early december meeting.

So it didn't allow us, we wouldn't be able to achieve that by putting it off until december.

So I will certainly come to your office and get that form quickly.

thank
you.

That is all I have on the list here.

mayor, may I ask a quick question?

>>Mayor leffingwell:
Councilmember tovo.

I think she had tracked.

There may be posting challenges, maps challenges or something like that, because the application has been revised.

I just -- I wanted to know if you had any information at this point -- about -- at this point about whether it would be going forward on thursday or whether it would be postponed?

>> Right now, greg murphy out of the planning department.

Right now, we're posting 74, 75, 76.

Which is the texas state troopers.

>>Tovo: thanks.

>>Morrison: mayor?

>>Mayor leffingwell:
Councilmember morrison.

I would like to
discuss item number 54, the
resolution about the
interlocal with the texas
facilities commission.

And this relates to an item
we had on our comprehensive
plan meeting yesterday
because we were talking
about the state land at 45th
and bull creek and the
process that that is
presumably going to go
through for development.

And a lot of questions came
up for me that we asked
staff to help answer in
terms of what are the
different mechanisms and
processes for states
determining how they're
going to develop their land.

And I think, we did -- i
asked staff for some
background information.

>> Did you get it?

I think it just
came in today.

I expect to maybe have more
conversation about this on
thursday.

I want to learn about that.

And as a general rule, i
wanted to mention that i
know that the -- the

resolution itself has the reason for doing this interlocal so that the city of austin's participation and assistance shall focus on ensuring various land development scenarios are consistent with the city's land development code and imagine austin plan.

And I'm very respectful of that goal, but when I read the interlocal, I don't see that goal actually implemented in the interlocal.

All I see, for instance, with regard to the comprehensive plan is that one of the assessments will do is whether it complies with it.

It says information regarding the consistency with the imagine austin plan.

I don't see how we're actually going to be able to work to ensure it complies with that.

The other question that i have, if we are going to take this track of having an interlocal is to understand the structure because it looks like the city would be providing a lot of resources with the -- to help make it a better development.

We would assume.

So a lot of resources, a lot of data, a lot of time.

But also it contemplates potentially us putting cash on the table.

And what I -- I -- I would want to understand why that makes sense within this structure.

And I don't know if you're ready to talk about that.

>> Sure.

We can talk about all of that specifically.

First of all, this interlocal agreement does not only apply to the bull creek residents, but it is very early in had the process of working with the state facility commission.

Very, very early.

And because the state owns so much land and you will notice all the land that is listed, that they're considering redeveloping, not only the capitol complex, the north austin complex, the south complex, which includes the hospital.

The bull creek, and complex and states parking garages.

I was very concerned that they would participate in

the whole process of redeveloping this.

They have that option.

The goal of the interlocal agreement and this resolution is to make sure we do this together, so we don't end up in some of the conflicts that we have ended up in the past with proposed state development and us not being intune with that or having participated in the process.

So the amount of tax base that this redevelopment will add to our rolls is virtually inconceivable.

The aim -- amount of property they have -- i don't have that, but I can get it to you.

I was interesting and thought it was well worth our time and our energy and our resources to be at the table to make sure that that happens and that we had a say in the designers, consultants, imagine austin, and all of that from the very, very beginning.

And so I don't believe that we can do that without putting some resources on the table and we won't get the results we desire if we simply say, well, we won't be at the table, essentially, that is the

choice we have, we won't be at the table in the development of all of this property.

yeah, i appreciate that.

Obviously, a huge potential here.

It can have a really positive impact on austin and finding new uses for state land.

Um, I guess, one question that really sort of came out -- and I haven't been able to get an answer, hopefully we can understand that with staff's input.

We talked a little bit about other ways where -- where people have been -- the people of austin and the city of austin have been involved in coming up with designs for state land.

For instance, at the triangle.

It was explained the triangle was under the , the general land office as opposed to the texas facilities commission and by statute, the intersection that the facilities commission has is much more top-down, as opposed to the to

interact with the community
in a way that's different.

So that it's more -- let me
say, it's more challenging
as a community, as I gather,
to work with the facilities
commission because of the
structure versus the g.l.o.

The question came up as to
whether or not it had been
finalized that the bull
creek property was going to
be under the facilities
commission or not.

And what folks said that
came down to speak with us,
they said, well, you know,
that land belongs to the
cemetery commission and
txdot and the transportation
folks had not even decided
whether or not they were
going to turn it over to the
facilities commission or not
to -- for the redevelopment.

So it seems to me that there
is much more leeway in our
participation if it is under
as opposed to the
facilities commission.

Personally, I want to make
sure we're not jumping the
gun.

If it's possible it might be
, then i
want to hold off on making
decisions and, you know,
cementing relationships with
the facilities commission,
if it might not actually be

how that particular property's going to happen.

Then that raises the question for me, for, what is the process?

What is the mechanism?

What is the status of all the other properties and whether they're going to be -- what mechanism they're going to be under.

And I don't know if all of those questions are out there.

let me back up and try to answer what I know about each one of those.

>>Morrison: ok.

the land office is designed to cover land, not develop.

The triangle there was open space.

So there is a lot more -- there is a lot less involved in terms of that redevelopment when that happens.

But the texas facilities commission, their ownership, the state's ownership and management of land is divided between those two offices.

And all the properties that are listed here are within their purview and control.

You brought up the issue of if an existing facility owned by the state, like the health and human resource commission or texas workforce commission is located there, what role do they have in terms of dealing with the property?

And I believe that they are supposed to work together, but the facility commission has to work with them.

And this has been -- a two-year process that has been going on.

And their board has completely authorized them going forward with this idea of basically following our policy in terms of mixed use, pedestrian-friendly, imagine austin type things that we put forth, which they're trying to do in austin as a demonstration for potential other projects throughout the state.

So they are in full agreement for us being at the table to help with that process.

But there has not been, to my knowledge, any other agencies that have said, we do not want the texas facilities commission to

consider this, go forward with this, approach the legislature or not do any of the items that are contemplated in this interlocal agreement.

So I don't think that's a concern.

Then you ask about the status.

This is so early in the process.

And the idea is to begin to develop what we call development scenarios.

And for our staff to help them develop that and for both of us to share in some of the cost in that process.

It's not like we have a design for a particular location or distance to get us at the early stages at the table before we get too far along and that everybody understands what our plans contemplates will happen.

I'm really glad to hear you say the facilities commission has authorized following our policies, like connect austin.

And those interlocal goals.

I don't know that I see that.

>>Cole: that is part of.

that is the --
I have amendments
that need to be made to the
interlocal agreement.

I thought there may be some
today.

But one that is definitely
going to be there is the
exact same language that is
in the resolution which is
consistent with the imagine
austin plan.

And I also removed the
language with the city of
planned development codes
because we are in the
process of revising our land
development code.

And I didn't want to be
stuck with the existing land
development code.

I wanted all of these
properties, because it will
take undoubtedly several
years to be marching along
consistent with how we make
changes through the imagine
austin plan with our land
development code.

although, i
understand that there may be
some disagreement on the
parties' part as to whether
they're subject to our land
development code, would you
say that is accurate?

I know our zoning
applies to commercial
properties that are
developed that are
state-owned land.

You and I both know there is
disagreement about the
extent to which the state is
subject to our land
development code.

This is designed to get
around that early on and get
as much compliance as we can
and to avoid that problem,
not increase it.

I guess -- i
appreciate that.

But that's a complex -- very
textured matter.

Skoal coal it is early for
that.

but with regard
to the land development
code, I think that it is
certainly in the city's
interest that they strive to
comply with the land
development.

and the imagine
austin complex.

You made sure of that.

but the other
part is I hesitate to take
out reference to the land
development code just
because it is changing
because we can make it clear

that we understand the land development code is evolving and we work with that.

We still require anybody else around town to sign up to comply with land development code.

I would still like to see that.

Just my last point, and that I'm still interested in making sure I understand the difference in the different mechanisms.

I understand you say that, you know, none of the -- like the transportation agencies have not said we don't want the facilities commission to control our redevelopment of our property.

That may well be true, but i don't know the complexity of -- but they haven't said they do want them to.

It was told to us yesterday that they had some control in the matter.

So there is a lot of details for me still to be filled out in terms of what the constraints are that we're working under.

If the constraints are we're working under the facilities commission, no questions about that, great.

Let's get this amended and make it -- you know, get it in line with what's really going to serve both parties.

so you're saying you would like language -- well, I just -- as I told you before, I do not know of any state agency that is existing on this property that has concerns.

but have they been -- have they actually addressed the issue one way or another?

And what about all the other properties?

I just need to understand how muchly -- much leeway is there are we committing to one path and there might still be options still?

That is what I want to understand.

let me say I appreciate you bringing the item forward.

I think it is important that we have the discussions.

Because it is probably too much to see that we're in the room on this, but probably pretty close.

Anything out of this memorandum, understanding, i think it is something that

we don't necessarily have now.

I think we're good.

Any other items to bring up?

Councilmember spelman?

>>Morrison: I do.

go ahead.

just to let folks know I had questions on the question about the valet -- the valet ordinance that we're looking at, specifically, there is a lot of reference to the valet employees.

This is just a technicality, but I wanted to raise the issue that they might have folks that are contract workers, not necessarily employees, and we want to make sure that they were under that also.

And the other two things that I was concerned about were, number one, this ordinance allows -- where you have the valet reserving certain spots.

It allows the valet company to use the adjacent spots also.

For no more than 45 minutes.

To me, that sounds like they will be using two more spots than they're paying for.

I sort of question and figure out what the benefit to the city is as opposed to them just paying for the spots?

Because we also had a presentation at cpt on this.

And with the funding -- with the fees that are in place right now, being suggested and ratcheting them up over three years, we're going to have a lot of years of not paying our cost of service to them, which is our major concern.

Giving away the two extra spots was a concern.

And then lastly, I was concerned because a valet company does have to show that they have an agreement to park their cars somewhere else, besides the street.

And I wanted to make sure that we had something in place to ensure that they have leased enough space to accommodate all the cars that they're gonna get.

Otherwise, we're gonna get them spilling over -- the same problem we have today, spilling over into the streets and all.

While I understand that staff is expecting to be able to manage that in the 45-minute usage with intense monitoring, I understand.

That's very expensive.

I'd rather solve the problem as much as possible within the construct of the valet ordinance.

I know gordon and rob are not here, so it might not be fair to just throw this out.

I just want to let you know the concerns that I had.

I'm glad you brought that up.

I wanted to make a comment on that, too.

Noting that I think there is a three-year phase-in period on this.

This is something the council asked you to do a long time ago.

I had no idea that the different -- the difference in cost would be as much.

\$250 A year, up to \$4,000 a year.

So it is a significant change.

It is something that I think we need to do.

I think the people who use the spots agree to that, too.

But I want to explore the idea of a little bit longer phase-in period, say, five years, instead of three.

Anything else?

yeah, I think that will be an interesting discussion on thursday.

I appreciate the concerns raised so we have time to ponder them over ourselves.

I hope the staff will also be prepared with numbers on how much the spaces would otherwise generate, if they were metered because I think that is a very real consideration.

I remember having those discussions back when we were talking about increasing the parking meter fees downtown and extending the parking meter charges that there is a real lost revenue stream to the city when we lease those spaces out as valet spaces rather than metered spaces.

To me, that is part of the cost recovery that we need to be looking toward as we think about these fees and the phasing, because it is a big increase, but they've also been getting a heck of

a deal at \$250 per space, you know, I mean, if you were a downtown worker paying for meters, you were pay more for that.

In the course you would be better off getting a valet license and buying a spot.

Those are all the financial considerations we need to think through as we think about thursday.

I will say, I have submitted some questions on number two, austin energy.

I don't want to talk about it now, because we don't have the answers.

But I have asked staff to provide us with information about how -- what the expected -- what those units rent for now and whether there is any kind of commitment with the property owner to keep that rent stable.

This is the conversation we had in the past with the energy efficiency rebates.

You know, the challenge is -- of course, we want to incentivize the people to have the upgrades, but once they have the benefit of the program that they're not increasing the rent so the people living there find the place suddenly unaffordable.

Hopefully we will get good information from staff about how they addressed that challenge.

I want to say, going back to the valet parking thing, I think that cost is based on the estimated revenue that those spots would already be getting.

We're going to assume an occupancy rate, I don't know that rate -- 60% or something like that.

That number is readily available for you.

Councilmember riley.

on the valet thing,
I agree with your comments.

We need to note to keep in mind that the valet operations are performing a tremendously valuable service in getting a huge number of cars off of -- out of the on-street spaces and are often parked in places that are not even accessible to the public in garage spaces that would not even be pate continue is increasing the amount of spaces available to the public.

Taking all of those off the streets, those cars off the streets, putting them in garages, making better use

of the garage space we already have.

It is a tremendously valuable service that they are providing.

An agree with the mayor's comments that there is cause for concern about the -- getting these increases into effect over the next three years.

There has been a process.

A very positive process that we have gone through with the stakeholders and my understanding is they are now at the point of being ready to agree in the very significant increases in the cost, if we can stretch them over a five-year period rather than a three-year period.

I think that is a very reasonable request and one i would support.

I agree with the mayor on that.

if there is -- there is one other item to talk about on and put it on the radar screen.

One other is item 31.

Not the hill country case.

That is one that is a subject of a lot of discussion.

A lot of folks in the community are concerned that moving forward with full-purpose annexation would eliminate the opportunity to promote a superior development in the area through the use of the bid currently in the works.

I understand there is uncertainty on the part of staff as to whether we would get development that is significantly superior, whether there is enough of a difference between what we would be getting in the bid and what we get under regular development if we had full-purpose annexation.

I have been looking at that and trying to assess the best way forward.

I want to put out there as an option to give us more time to figure it out, to approve the full-purpose annexation on the first reading only and then continue the discussions in the coming weeks about whether we would really be achieving superiority, there are strict timetables in the annexation process.

It is my understanding that would keep us on the timetable.

We could come back on second or third reading to determine through pid if we get enough to back off with the sanitation.

That is one option going forward that seems appealing right now in terms of giving more times in superiority offered by the pid.

>>Mayor leffingwell: ok.

Anything else?

comment to councilmember riley.

I appreciate you bringing that up.

I have been struggling with this quite a bit.

It is important -- I had a chance to meet with the developer as well as the staff.

I don't know that we've had the opportunity to really get the staff's perspective, publicly, as a council.

And I think that to have more time to converse will be important.

all right.

Without objection, we are adjourned at 11:33.