

City Council Work Session Transcript - 3/5/2013

[03:08:10]

>> Mayor Leffingwell: Good morning. I'm mayor lee leffingwell. A quorum is present so I'll call this work session of the austin city council to order on tuesday, march 5, 2013 at 9:10 a.M. Meeting at the board and commission room, austin city hall, 301 west second street, austin, texas. So the first item on the agenda was preselected council items. We have only two. Both by councilmember spelman. First is item 33. >> Spelman: Mayor? We got it. Item 33 is change in geographic areas to the community development commission. Some of the staff has been very insidious in describing where all boundaries are. I have no clue as to where the boundaries were, how the boundaries have changed, what the need of the change is. >> It was recommended by the cdc that we do this. My understanding is that we will be it shall right now, making it all inclusive, this is particularly directed at southeast austin, hill valley. But if there is somebody here -- you can explain it a little more in depth, I think. >> Good morning, mayor, city council. Burt, assistant city manager of community services. This is a change as I understand it as specific to the dust springs area and -- and i believe the -- in -- in what i have here -- I need to verify with staff, but it -- obviously there's a need to expand or at least the request to expand that

[03:10:11]

specific area. I think over the years, that area has been much smaller and so this would increase the boundary and increase the area as we know dove springs today. And the boundaries that I have here, I can share them with you, but I'm trying to verify whether this is what you would be proposed to. But it says the northboundry is ben white boulevard, southboundry, brandt road, knuckles crossing, then the eastboundry, east highway 183, the westboundry south interstate 35. And -- and so this is being requested by the dust springs community to ensure they get equitable allocation when it comes to specific funding we get in health and human services which is the chbg, the community services block grant funding. >> Spelman: The block grant money is tied to population -- population and poverty, i presume? >> Yes, I understanding that the total allocation would not change. I think what the dust springs community wanted was a better representation of their neighborhood and this would increase the boundary relative to that neighborhood. >> Spelman: The trace the population of the area and therefore the allocation of dove springs itself? Of all of the money that goes amongst -- split amongst seven geographic areas, dove springs gets a slightly larger piece of it because its area is larger and has a larger population, is that right? >> Let me verify that with staff, councilmember. Because I understood this was a change relative to the boundary of that neighborhood. I did not understand it as being a change in the allocation. But I can verify that with staff. >> Spelman: If you could, I'd appreciate it. If somewhere along the way we would have the notifications of what the current boundaries are so I could have a sense of how much it's changed. These boundaries look sensible. I don't know what we're working work in the first place.

[03:12:11]

>> Sure. Happy to provide that for you. >> Spelman: Thank you, burt. >> Morrison: Mayor? I want to add two things. I chased down the old boundaries. I see that being passed over to

councilmember spelman right now. The old boundaries for dove springs, the northbound rip was east st. Elmo. Now it's ben white. The southboundry was east william cannon, it's now a whole bunch of them -- grant road, knuckles crossing, paxton road. South springs road. And the eastboundry was knuckles crossing. That's confusing. Now it's u.S. Highway 183 and the westboundry is the same, south ih 35. But I see they just provided those to you. >> Someone just handed them to me. >> Morrison: I do have one question -- is there a change in responsible organizations that's cong along with this? Because I know that currently the -- what's considered the responsibility organization of dove springs and the river city youth foundation. Is that staying the same? Can you repeat the first part of that question? >> Mayor Leffingwell: So my understanding is that part is staying the same. >> Morrison: Thank you. Is there anymore discussion on

[03:14:12]

that? I want to mention I received an e-mail yesterday from the deputy secretary of hud notifying us that as a result of sequestration, we could expect a 5% reduction in the fy-201 analyzed continuing resolution levels from the formula programs that we're eligible for now. Programs that would be affected or the cdbg, housing opportunities for a person with aids. And the esg programs, emergency solution grants and the direction -- we don't have any details at this point. We're going to get more information. But I'm sending out a press release this morning to notify everyone that that is in the works. I mean, for this fiscal year and we're advised likely to continue. >> Cole: Mayor? >> Mayor Leffingwell: Mayor pro tem? >> Cole: -- That they're being reduced? >> Mayor Leffingwell: No. There are some details. There are national details and -- they're split up in a way for different areas depending on the pottery levels, etc. But overall, they mention the cuts will result in about 7300 fewer low-income house holds that received permanent short term supported housing assistance, including rent and utility assistance. Sequester of the home program, about 2100 fewer affordable housing units produced for low-income families. That's all the details that i have now. But I must advise there be more detail, a formal letter to follow. >> Cole: Thank you, mayor. >> Mayor Leffingwell: Okay. Item 34? Councilmember spelman?

[03:16:14]

>> Spelman: Item 34 is an interesting resolution. In that the whereases are very specific. And aimed at putting the city in support of legislation I think is a really good idea. Keeping personal contact information of a person and rescue group confidential after the final disposition after a shelter animal. It's a very, very good idea. My only concern is it is the last clause, resolved, it's not just that very good idea, but it's very general. I'm concerned about delegation of authority to our lobbying team to make policy decisions on our behalf in the absence of specific information from us. What it says is we would be on record as supporting legislation that positively affects the animal shelters, veterinary medicine and any animal-related regulations. What happens with horses and cattle is not a big deal to the city of austin. We don't have many -- chickens? I have lots of chickens in my neighborhood. Small annals, deer, you know. More generally, I'm concerned the lobbyistsl have to make decisions on whether we support something or don't and won't have a chance to come back with abigail or with us to see whether or not we're in support and make decisions about whether we could further our positions or not. I would feel more

comfortable if it was something more narrowly tailored particularly to all of the good information to the where ass in keeping people's names confidential. >> Councilmember martinez. >> Thank you councilmember spelman. Very broad language. The reason is the legislation that we've identified of keeping it confidential is one piece of legislation. What we know of is three others important to us as well. Rodriguez filed an appeal for

[03:18:15]

dangerous dogs. In the case we had last year when one of the municipal court judges ordered three dogs to be put down after they attacked another dog, there would be an appeals process, which is something I would think we would want to support to have an appeals process. Another piece of legislation by representative larson. The state law requires that a vet establish a patient -- what is it? A patient-client relationship before any medical procedures can be performed? And so it's odd in an emergency situation you can't vaccinate because you don't know the dog, you don't know who the owner is. This would allow that to take place immediately redefining establishing relationship with the animal. And then senator watson and state representative eddie lucio have filed a bill that bs gas chambers bill for euthanasia. Thnly reason we would testify on this bill, we think it's best practices to use gas chambers to euthanize. It doesn't affect us any any way. That's the reason -- we work with staff and our legislative team to draft this resolution. They also wanted some leeway to track and monitor the other pieces of legislation outside of that one specific bill that was mentioned. >> How is it that you're willing to -- how the decisions will be made on the city of austin is on record supporting one bill or the other. >> I think it's my opinion, it's up to the city manager. But in my opinion, if we were to take an official position on any legislation, it would have to come back before this body. I can't contemplate us saying,

[03:20:15]

you know, can't contemplate the staff saying the city is in support of x position without us taking that action. This allows us to report back and say here's what's coming. Do you want to take a beneficial position or not? >> Spelman: Okay, is there a way to rewrite that slightly, ill might suggest some language in a couple of days as to how -- from my point of view, to capture that sentiment a little more specifically. And I would be very much in favor of the specific resolutions in favor of those four bills, I believe. They struck me as very sensible. >> Martinez: Could I ask carrie to come up. I want to ask you, carrie. In your opinion, did I capture that in that it doesn't necessarily put lobby staff in a for or against position, it just says we care about this legislation and if they were to actually take a position on behalf of the city, that would have to come from the council directive? >> Yes, that's accurate. The city has a process whereby staff look at lots of bills and advise the government relation staff whether their impact is positive or negative. Those go into a tracking system. So we have a way of kind of watching a larger body of bills and identifying those. But certainly it's through the process that we come back to council and council support specific pieces. >> So in the broader language of our legislative enda, we say stuff like monitor bills and oppose legislation that would be helpful to the city. Well, that's very, very subjective. But it does give staff that authority. I would just -- I would support any rewrite of language, councilmember, that you feel like would tighten it up so they

[03:22:17]

aren't taking up a position you would feel uncomfortable -- anyone would feel uncomfortable with. But there is broader language to monitor and oppose any legislation that would be harmful to the city. >> Spelman: I have a copy of the legislative program in front of us. And there's a marked difference in the language for opposed and language for support. Language for support any reduction of austin water rights or water resources. That has to be broad because there are so many ways that find -- that some people might reduce our water rights but the support seems to be more specific. Increase fees for school safety and crossing guards. Those are very specific things in a very specific policy instrument involved. Continue state funding for public libraries, legislation modifying the restore purchases ability. The support stuff seems to be very specific. Our opposed stuff is broad. Our support stuff is specific to -- to minimize the need for our lobbying staff to make vital field positions and to verify if a bill comes up that doesn't fit our specific support list they come back to us and we decide to support it and add it to the list or not. That's my understanding of it anyway. But I understand what you're trying to get at here. And I'm very much in support of the four bills you're talking about, sounds like. And anything we can do to give the right message for the lobbying staff. If you see something that looks like will be a good thing for animal welfare, we want to take a look at it and rule in support of it, that would be a good thing. >> We worked on gary to draft this. Hopefully she'll be amenable to help. >> Thank you.

[03:24:18]

>> I'm not -- I wasn't in on this particular resolution. I don't have any objective. It seems to me what this type would do is the governmental affairs office would make note of the category and act on it then. >> Can I ask abigail to come up and -- you met about that. Come up with the language. Can you share with the rest of the council what we talked about and why you think it's very important to stay on top of bills like the ones identified. >> Good morning -- >> Martinez: Can you turn your mic on? >> Yes, good morning. I think it's important for us to support the things that are relative to what we're already doing in austin. These are all good bills that i think will be helpful to us. But I think the other thing that we want to make sure that we have the ability to do is to look for bills that are not helpful that might be harmful for the work we're doing. So I think the intent of this resolution is to allow staff to be able to be in a position to react and respond certainly to the positive ones, but also to the ones that we want to oppose. So we're looking at ten bills right now. Some of them are pretty irrelevant. Most of them touch animal services in austin in some way. If it's directly like the patient-client relationship, it's because our team is responsible for regulation, registration, for enforcement of certain laws. >> Supporting resolution that helps us. But we want to have language that opposes legislation that hurts us.

[03:26:18]

That's more consistent with what you're saying too. Great. Look for a little longer conversation in a couple of days. >> Mayor Leffingwell: We're on for the good stuff and opposed for the bad stuff. >> Yes, sir. >> Spelman: Carrie wouldn't accept that language. >> Mayor Leffingwell: Those are all of the items that we -- the preselected items that we have. Of course now we have an opportunity to discuss any other items that might be on the agenda. First I want to say that it's my understanding that councilmember tovo and morrisonequested all of the riverside time certain for 6:00 p.M. Although the public hearing for that is closed. So that is the plan to let

everybody know the discussion will be played after live music and proclamations. Any other items that anyone would like to bring up? >> Morrison: Mayor? >> Mayor Leffingwell: Councilmember morrison. >> Morrison: In terms of -- item 41 is the downtown parking item. I'm interested to know -- and i didn't preselect this here. But I'm interested to know when we might have the revised version based on the amendments that we had. I don't know if anyone has the amendment on that. City manager? Downtown parking? When will we get the revised version based on the amendments that were made late on thursday night? >> Sue edwards, assistant city manager. I apologize for that. I do not know. I'll check on it and get back to all of you. >> I have another question, that's brought to my attention that there was or is a lawsuit

[03:28:19]

against the city, some texas civil rights project concerning noncompliance with disabled parking in the cde. And it would be helpful on thursday -- I don't expect anybody to be able to jump up and tell us about that. But it would be helpful on thursday if we could get some background on that. Maybe it wasn't clear to me it's still pending or what the status of that is. But one of the things we talk about. >> While you're there, just a quick follow-up on that, how is -- how are the number of spaces allocated? Is there a formula for that? >> I am not aware of that. I'll have to get back to you. >> Mayor Leffingwell: I was thinking a percentage. If you have to have parking, there's a percentage to be set aside. But I don't know that for sure. Just be prepared for that question also. >> Morrison: Do we know -- mayor -- >> Mayor Leffingwell: Councilmember morrison? >> Morrison: If I may, we talked about this. The building standard requirements are disabled parking. So it would be interesting to have the examples in front of us of what would be the required parking. The thing about -- one of the adjustments we were looking at on thursday allows somebody to work with the city and work disabled parking on the street. It will be interesting to see how all that plays into the overall requirements as a city to have on street disabled parking and then having some of the building requirements shift to the city and how that plays together. Does that make sense?

[03:30:24]

>> Riley: Welcome this discussion. It would be refreshing to see how disabled parking is calculated and how it affects our current practice. A number of other cities have been reducing or eliminating their parking requirements downtown. So far, we haven't found any example of another city that eliminated the downtown parking requirements but still said you must still provide a number of ada spaces. Typically they eliminate the parking requirements all together. And so this is -- this -- so in making efforts to identify on the street spaces is otherwise secure disabled parking is going beyond what we saw in the other city doing in terms of trying toed a dress handicap parking. It's been an issue locally. I think it will be very helpful to have a discussion. I don't know if we need to go to the executive session to talk about any penaltieding litigation. But it would be helpful to get an update on where that all stands? >> . >> Morrison: Just to add to that, the concept that the shift in the demographics in the coming 30 years, say, we expect a whole lot more seniors and if that's the trend I want to make sure we're not shortsighted that there should be an increase in the need for disabled parking you have an older population. Once you give it away, it's hard to take it back. So I think that those trends and what that means to parking. We don't want downtown to be a place where only healthy people with come. It's --

>> Cole: Aren't you fairly young? >> Mayor Leffingwell: I don't think anybody else heard that, mayor pro tem. >> Cole: I agree, councilmember morrison. >> Morrison: Thank you.

[03:32:25]

>> Mayor Leffingwell: Parenthetically, we are right now having the fastest growing population in the country of people in the 55 to 64 category and the second fastest growing people over 65. >> Morrison: Proud to be part of it. The first part. >> Mayor Leffingwell: Have to recuse yourself from that item. Councilmember tovo? >> Tovo: I think that we had as part of this discussion, there was going to be a -- a -- i think you were going to bring this before the task force. Do you think they'll have an opportunity to do that before thursday? >> Mayor Leffingwell: No, i don't. I don't even know when that next meeting is. I will get that word to them as soon as possible. >> Tovo: Sounds great. The other thing I remembered, councilmember riley, in looking in other cities, I wonder if you could talk about alleys or if not now, maybe on thursday, talk a little bit about alleys and how that change might -- as i expressed on thursday, I'm uneasy with that change. I'll do a little research between now and thursday too. If you have any that talks about alleys hand cities that perhaps activated them and what kind of policies they had put in place to help achieve that aim, that would be helpful. So we could have a longer conversation about that? >> Riley: We haven't done a lot of investigation in alleys. The change in respect to alleys just came up in the last council meeting. So I don't know that staff has really delved into these policies. But we can look and see what we find in other cities. There has been work in the past, downtown commission, the impact -- the city had an intern some years ago that did a

[03:34:26]

project on downtown alleys so they can pull together some of that stuff to see if they there are any policy recommendations. Might be worth with checking with michael -- to >> Tovo: I am aware of that. How can we put our hands on that alley study? Is that available on the website? >> I'm talk to michael. If he has one, I'll get one for all of you. >> Tovo: At this point, maybe there's further consideration. I don't want us to make that change without thinking about some of the consequences and how that might fit into the other aims. Just throw that out for reflection. Between now and then. >> Mayor Leffingwell: Some are public and some are privately owned. That might earn a discussion also. Any other items? Councilmember morrison? >> Morrison: I just wanted to bring it to your attention a question that I'll be submitting. That's on number 18. It is a resolution authorizing the design of two nature trails. The backup says that that the community is in support of this and I've heard otherwise from some community members. One of my questions is going to be to try to understand the background on the community outreach and how things were actually resolved and balanced. >> Mayor Leffingwell: Or not. Okay. Councilmember tovo? >> Tovo: I have a question. It may just be a question that we need to address on thursday because I didn't pull it. This is on item 26. The contract with ied waste. My understanding that the utility commission did not recommend it.

[03:36:32]

There's mistakes made on the contract from one of the applicants, from one of the bidders. Do we have staff that might be able to address this today? >> Mayor Leffingwell: The zero waste advisory commission? >> Tovo: I mean the electric utility commission. I'm not sure if any other commissions reviewed it. In the backup, it says to be reviewed by the electric utility commission. I heard from my commissioner that had not recommended it. They did not recommend it and it had to do with -- I don't know what it had to do with. But there were bidding challenges and I guess one of the contractors contacted the city because they had forgotten the signature and we're told they hadn't submitted it. I think we'll have a little more history about it. If not today, between now and thursday. >> Elaine hart, cfo. I'll get with the purchasing staff and ae staff and get you some additional information and put it in the q&a. >> Tovo: Appreciate it. Thank you. >> Mayor Leffingwell: Any other items. In that case, without objection, we stand adjourned at 9:40 P.M. >> A record! 9:40 A.M.