

City Council Meeting Transcripts - 4/9/2013

>> Mayor Leffingwell: Good morning. I'm mayor lee leffingwell. A quorum is present. I call this council work session to order on april 9, 2013 at 9:05 a.M. We're meeting in the board & commission room, austin city hall, 301 west second street, austin, texas. Before we start the agenda today, I want to say that most likely we will be adjourning the work session at 10:00er shortly there after this morning. So we're going to go in order

-- I don't know if we'll be able to get to the quarterly briefing from austin energy or not. It depends on how much discussion there is on the agenda items. But we should know that pretty soon. I'll let you know as soon as i have a feel for it. So there's only been one item specifically pulled for discussion. That's 36 by count can sill member morrison.

[03:05:35]

>> Morrison: Thank you, mayor. This is an item from yourself and councilmember riley about demolition permits. I appreciate the issue it's trying to deal with, which i understand is the fact that sometimes when someone gets a demolition permit, which lasts for six months until it expires, we don't have a need to demolish it right away. And they end up demolishing it just as it will be taken care of under the terms of the permit that's been allowed. Is that

-- I guess I would want to ask the sponsor if that's an accurate

-- great. And I appreciate that. I can see that that could be good. We've had situations in the past, I understand, where something went down much prematurely and ends up leaving a hole in the ground or, you know, a blank

-- something opposed to that. So I appreciate that. One of the concerns I have raised

-- is there a staff here that can help us. It's about inspections and how we handle permits.

Speaking with the staff and trying to understand how things happen, one thing that stood out to me is that all of the permits right now fall under the standards of the international building code.

And they all have a six-month expiration. And they are handled in some ways in automatic

-- with automatic processing in amanda. And one of the first things i learned of that I was concerned about is we change the expiration, date, gives the expiration pof two years instead of six months for a demolition permit, but that would require first off some adjustment to amanda. I was concerned we don't have a fiscal analysis of that yet.

[03:07:46]

>> Sure, assistant city manager. That's a good question. That's a good question for ctm. We've gone find somebody from ctm who can respond to that. We can get you an answer soon as possible on that.

>> Morrison: Okay, great. So then I have a few other points about it. Basically when I was looking at this, my first thought was, well why don't instead of to avoid that kind of problem and to avoid taking permits for demolitions completely outside of the realm of how we handle everything else, why don't we change it so we can allow additional extensions. Because everybody can get an extension on the six-month permit. No problem. It's when you want to be more than a year. One option, an alternative will be to allow more than one extension on a demolition permit. So one of the concerns that sort of related that came up was that if you demolish thestructure because of the public health and safety issue, you don't want that to get started and laugh. If the demolition expires after the work has begun. This relies for a two-year permit and a one-month extension. If the demolition permit expires after work is begun, a

subsequent demolition permit issued if the work is not completed in six months. My concern is that what I don't think we handled here is the demolition permit is applied for because this is public health and safety issue. In the first place, you don't want to allow two years to go by with a public health and safety structure standing there. That could be a concern maybe you want to deal with it. Another issue is permits are addressed in the code at least one place I found. That is in 2512

-- wait, 25.12. In the technical codes, and the permits are like rectangles and squares. All squares are rectangles. All rectangles are squares. The demolition permit are codes

-- but not all permits are demo permits. Elsewhere in the code and even here before we talked about it in 2511, demo meant demo permit, any kind of permit. In 2512, we have a discussion about permits and it talks about dealing with them and allowing only a six-month extension and things like that. One question I would have is if they're going to change 25.11 to allow a two-year special consideration of demo permits, doesn't that also mean that we have to address it in 25.12 in the technical code where we're talking about permits? I would understand that would address demo permits too.

[03:11:19]

>> Councilmember, I would ask the law department to take a look at that. They are probably better advised than we are about the changes in the code technically

>> Mayor Leffingwell: Does that mean we have to revisit project direction?

>> I think not.

>> Morrison: Though for a minute I thought we did. But there was a "not" inserted so

-- so the question is

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>> Mayor Leffingwell: I'm sorry.

>> Morrison: So wouldn't this as drafted also affect in some ways 25.12 because it would contradict. It would say you only have six months in 25.12 as opposed to two years in 25.11?

>> My understanding

-- sorry.

>> Councilmember morrison, you're referring to the section of the

-- the section of the technical codes speaks generically about permits. Well, I think the answer there is certainly that section could be amended. But generally speaking, when you have multiple code sections and one of them speaks about a subject very broadly and generally, then you find one that's more specific, more pinpoint, the more specific one controls. So I don't think an amendment to the section you reference is necessary. One concern I have about attempting to qualify that section and amend it to exclude demo permits is there may be other types of permits in the code. In fact I think there are, that have their own specific provisions. Once we start qualifying that general provision, it seems like the cautious course would be to go through and put all of the qualifications in there. We certainly could do that. I don't

-- from a legal standpoint, I don't think that's necessary. Do you have a section that deals specifically with demo permits and one that deals generically with permits, the one about demo permits legally would control.

>> Morrison: Okay, I guess i would

-- I would prefer maybe there's something in 25.25 12 that says unless otherwise specify in the code, a permit falls under these constraints. Because let me just say, I know we have had long conversations in years past about, you know, the concerns about different parts of the code and

expirations and all that. And I can assure you that if there were a controversy about a demo permit, you would hear people coming saying, hey, it's only six months that you have the authority to extend it for here. You're extending it for a year and things like that. I think that would be cleaner. And then this is a little complicated and it does

-- this issue does address the plans. And that is the site plan is required for a demo permit in some circumstances. Is that right?

[03:14:14]

>> Good morning. That is correct, councilmember. If it's greater than 10,000 square feet, we do require a sight plan. If it's less, we do a sight plan exemption.

>> Okay. And so basically they have to go through the process together. But is it possible that a site

-- it says here in the draft, the active demolition permit does not prevent expiration of a site plan under 25.5. Could you explain a little bit about how that would work if you have a demo permit and a site plan being submitted in tandem because they're required to, are there going to be situations where the site plan might expire before the demo permits? And what would that mean?

>> They go concurrently. We don't issue a demo until the site plan is completed and approved. It's possible for the site plan to expire. But if the demo permit is paid for and full and is active, it keeps the site plan alive. It's possible to keep the plan alive because the demo is probably still alive.

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>> Morrison: THAT SOUNDS A Little contradictory. An active demolition permit does not prevent expiration of the site plan. It sounded like if there is an active demo permit, it does keep it alive.

>> It has expired but keeps it alive because of the demo permit. Not sure if I'm clear on that. The demo permit is still good.

>> Morrison: The demo permit is still good.

>> The site plan is good.

>> Morrison: So the demo permit does keep the site plan alive?

>> That's correct.

>> Martinez: So does it prevent

-- by site plan alive, does that mean it doesn't expire?

>> Councilmember morrison, i think there may be two situations where there's an interplay between demo permits and site plans. One is where the landowners pulling the demo permit and because of the size of the demolition, the demo permit alone in and of itself requires a site plan. That's what leon was speaking to. Other situation here a landowner wants to build some things. There's an existing building that needs to be demoed. So the landowner gets a site plan for the new development and parallel to that gets individual demo permits for different structures. I think the language that you've read contemplates basically that the code says that at the end of your site plan's life, three years, if you have all of your building permits active, that keeps the site plan from expiring at the end of the three-year period. And I think that language, given the specific section that it's referencing 25.5, I forget the

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[03:17:05]

>> Morrison:25-1-5.

>> That would speak to the situation of

-- in those cases, if you've

-- you're in the end of your site plan's life, you don't have all of your building permits pulled to keep the site plan alive, the mere fact that you have the demo permit would not keep the site plan alive. I think the situation where leon was talking about where the demo permit by hits is the reason for the site plan is a different part of the code, a different issue. Something we can have crystal clarity on in advance of thursday.

>> Morrison: I appreciate that. We want to get real clear. We do start to go down the rabbit hole of the site plans and we don't want to do that.

>> I want to be clear that does not relate to project relation. The issue of

-- the issue of the legal impact of the restoration in terms of the effect of grandfathering or any of that, it need not be revisited or linked in any way to this ordinance.

>> Lastly, there's a line in here that part three that 25.1. 502 amendment and review was waved in the adoption of the ordinance. What would be required under that if it weren't waved.

>> It requires any code amendment that it receive a planning commission recommendation, a public hearing before the planning commission as well as the public hearing before the city council. Now, our code goes above and beyond what state law requires. It requires basically that we go through that process any time we amend the land development code. State law, however, only mandates that with respect to zoning amendments. So if this is not a zoning amendment, the zoning amendment is something that's not required under state law with any of the public hearings. There's nothing for the legal standpoint to prevent the council of adopting this more expeditiously and waiving these requirements

[03:19:22]

>> Morrison: One of the reasons it caught my eye. I had an occasion to talk to carolyn

-- I might as well say her name because it was in impact today. I asked her, what's your take on this? I'm trying to get a feel for it. I didn't know what potential consequences there could be and all. One of the things that she raised that I think would be interesting to discuss is if you apply and get a demo permit, and it's still alive potentially three years later, things could have changed in that area and that three years. You may well have gotten the neighborhood

-- the neighborhood may well have gotten together and submitted the local historic district application and the demolition of a building three years can later may be have a different significance than it did initially three years before. So that was another issue that she raised that by giving by right to and then three years because of the automatic extension could wreak a little havoc in the world of

-- you know, folks, especially as i know we have neighbors in different parts of the city that are working on the historic districts. So, to me, that would be something to discuss and to take into consideration. And as I said, I hav no problem with the idea of letting demo permits exist longer, keeping someone from having to go through the proce again. But there are a lot of issues with the wa's crafted here, one way that the option will be preferable would be to amend the code so that a

-- a demo permit could be administratively extended or renewed more than one time. So that you could reach that two or three years without having to go through the process again. Is this, in fact, a building. The city needs to take down. That would limit it to six months or

-- you allow for the discussion about

-- to allow for the status of the neighborhood changing in that the neighborhood has started in that the local historic

-- this process, as I understand it, it's not nearly as much impact because you're not changing a six-month expiration to a two-year expiration. There's an issue on the table about one particular building that is looking into this particular situation although they are looking at the building permit, they don't necessarily have to take it down. That would turn to the surface parking lot. Although I would have to say i did hear some discussion about where the demolition had already started. Even if they sell under this, i guess they would only have one six-month extension anyway. So those are my thoughts. I would love to hear them.

[03:23:08]

>> Councilmember martinez.

>> Thanks. Only you can make my head want to explode before 9:30.

>> Martinez: You make good points so I wanted to get some clarification. You started off by saying if it's for health and safety, you would prefer that six-month window remaining at six months. But it seems like you closed by saying in all cases, a six-month window with maybe an administrative process with staff. And the concern I have with the six-month window is that it's a very hard to create a viable business model, not with only six months of certainty that you're going to be in a facility. Maybe it would be a more active space and have more opportunities if they knew that they could be there for a longer term, if they could sign abtwo-year lease or a year and a half or a year. So that's the concern I have. Because I think what we're going to potentially see is vacant buildings as opposed to slabs. They're parking lots. So I tend to agree with you from the public health and safety perspective. We don't want, you know, a safety issue out there. But I side with the sponsors of this on all of the other cases because I think what they're trying to prevent is kicking out tenants who are currently renting just because they have to tear the structure down because they're going to lose their demolition permit. And I think las villitas. The economy tanked. They could have been open for another five years in that current location. Maybe there's a balance they can reach in there.

>> Could we ask, mr. Barber. I appreciate that point. The public health and safety is one issue. Your point needing certainty and somebody wanting the certainty in two or three years. I guess the question is does the codes with the automatic administrative extension provide that kind of certainty? That's a question for business. I'd like to hear mr. Barber's comments on that.

[03:25:35]

>> Let me break it up in two different sides. One is the residential. One is the commercial. The residential, you have 180 days on your permit. If you don't do any work, on the 179th day, you can request an extension. You fill it out. No fee. That's it. You get one year on your residential project. Commercial

-- it's the same thing except that we require preconstruction meeting on the commercial projects and so on the 179th day of the second six months, if you will, you can call preconstruction, we'll meet with the contractor, discuss the project, and that triggers another 180 days, so that could get up to 180 days times three on their project. Yes, sir. Year and a half.

>> And would you

-- would you

-- I guess the question is, the certainty for a business pers. At this point the question

-- at this point, the question is could that business person feel comfortable signing a lease for a

year or a year and a half knowing that there were those stops that he could go through?

>> They just have to remember to request the extension before it expires. And typically sending a 30-day notice to let you know that your permit is about to expire. They should get a notice.

They should remember to apply before it expires.

>> Right. And in fact, the 30-day notice

-- never mind. It's e-mailed, yes. Did I answer your question?

>> Councilmember riley.

>> Any question about the situation where they need to come down from health and safety. Does the city has a process for dealing with that?

>> No, we do not. Working with the contractor if there is one to button it up and keep it safe as possible.

>> There are situations when properties are condemned for health and safety reasons?

>> Not that I'm aware of. But I'm sure there have been. But I haven't been involved in any of those?

>> Riley: And are you aware of

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[03:27:35]

>> I believe there are. And we have a vsc process. But I would clarify in a legal matter, if the conditions of the property are such that it creates a code violation that needs to be remedied, the mere fact that a demo permit has a longer shorter life doesn't mean a landowner doesn't have the obligation to deal with the violations by destroying the

-- destroying the building or bringing it in to code compliance. So the two are in

-- although they may overlap a little bit, they are separate issues. So you can still red tag a property for code violations even if there is an active demolition permit on the property.

>> Absolutely.

>> And the property owner would be required to

-- to deal with that.

>> Some mechanism for addressing that.

>> There is a process of renewals for demolition process. Property owners have chosen not to undertake that effort. You mentioned it's a matter of filling out a form. Does that require the pdr? Is there a are you know of why developers or property owners might choose to forego that process

-- the existing process for renewal of a permit.

>> Very simple process. Fax it, e-mail it. They contact the deputy billing officials. They can accept those and enter that. It's extended 180 days. Very simple process.

>> Don't know why people wouldn't change that.

>> No, sir.

>> Not a certainty.

>> Not a certainty. That's when you have to apply to do it. Right?

[03:29:40]

>> It's well given.

>> Why require people to apply for it.

>> The building code requires 180 days.

>> No practical reason for doing it.

>> Why even have it? I guess I would say the building code is a foot and a half thick as opposed to other cities, other size have maybe three inches thick.

>> Councilmember Spelman.

>> The only case that's different than what you're describing is a commercial case where they have to come in and talk to you, is that right?

>> That's right. >>.

>> Spelman: What do you discuss at the meeting.

>> The inspector talks about the third party reports we require. Gives the phone number, cell phone, gives them the information so he can contact him, tells him what to look for in his project, depending on the experience of the contractor, he'll tell him

-- the experienced contractor more information. Get to meeting to get to know each other and lay out the ground rules for the project.

>> Spelman: Demolition more than 10,000 square feet, that's the only time you have to do it?

>> Commercial projects.

>> Spelman: All commercial projects greater than 10,000 square feet?

>> All commercial projects.

>> Spelman: Nothing do with square footage. My apologies. If I want an extension, do i have to go back and have another meeting like that?

>> No, sir.

>> Spelman: Okay, so for commercial extensions it's the same rules for residential extensions. The first time through, you have to have a meeting. After that, you can get extensions for six months by filling out a form.

>> I call that on the silver bullet on the preconstruction. You get an extension. Another six months. Then if you're still needing more time, that's when you can call the preconstruction.

>> Spelman: Not sure i understand. When does the preconstruction meeting need to take place?

>> It can happen at any time depending on the contractor. If they want to do it up front, they have used up the silver bullet for that. So they just got one extension left.

[03:31:49]

>> Spelman: I see. After the preconstruction meeting, you get six month, then

--

>> that's it.

>> Spelman: Why?

>> That's the way the code is written.

>> Spelman: Just because it is.

>> There's no work in the six months, nickly, there's no work

-- it's going to expire just because of the way the code is written.

>> Got you.

>> Spelman: Mayor pro tem. Cory: I want to make sure the resolution we are considering doesn't have any kind of adverse impact on the situation you talked briefly about in other parts of the code. So those public safety provisions do lay with condemnation, for example, do they apply to residential and commercial properties the like?

>> Yes, we do.

>> Spelman: Would the code enforcement department be involved in making sure they comply to it?

>> Understanding the code compliance department is if there's an active building permit, pdr

takes a lead. If there's a case where we're having problems with the applicant or the contractor, we'll ask for code compliance to step in and help with the enforcement process. Cory: You work together to make that aspect.

>> Riley: That's correct. Cory: Thank you, mayor.

>> Mayor Leffingwell: Comments? Councilmember morrison?

>> Morrison: I understand we'll get a fiscal impact assessment and how much time it will take to impact

-- to modify if we do this. And I'm going to clarify the language about the flight plan, you thought that may be clarified to some degree?

>> I think there will be clarifying language to address the issue that you're talking about.

[03:33:52]

>> Morrison: Can we go back to the six-month life span of a permit. That's the way it is. Automatically extending it, it's just the way the code is written. It's my understanding that the code is derived from international building standards and that this is actually addressed in the international building standards that are international.

>> That's how we have it. The international codes, technical codes. We stay as close as we can to the technical codes and try not to deviate too much from them. The 180 days has been routine throughout our process. We don't know why we picked 180 days. That's been in the books as long as I can remember. My understanding is suppose you start a project, you're building a house, for example, and you want to

-- six months is quite a long time for a house to be under

-- to not have any work being done on the house. They have a certain lifetime if you're not protecting those materials. So that's what we believe is the reason for 180 days. We need people to continue working so they can cover up the materials and cover up their structure, does that help?

>> Morrison: It does a little bit. Get to the point of demolition if demolition is started, you sort of want them to get on with it. And if the permit is only allowed for a limited amount of time as opposed to two years, it would prompt them to get on with it as opposed to starting the demolition, we can visit next year where you live. Start it on day one, then taking the next two years to complete the demolition. It would have somewhat of a negative

-- could have a negative impact.

>> Correct. Typically the demolition doesn't take that long. 0, 60, 90 days.

>> Morrison: I've seen them come down in hours. It would allow for the unfortunate situation if we were to do it here. I want to go back to that. I hate for people to come away thinking austin has a crazy code that does the six-month thing. It's in the international building code. I have to assume there are good reasons for it being the standard.

[03:36:20]

>> If you read the code, it allows a billing official to extend the permits almost at will. As many as you desire, that's in the code. Because the land development code is restrictive, we stay with the stricter requirements

>> Morrison: Can I say I hope i don't read the international building code. Then if we can talk about the one current situation that's on the table

-- if they

-- I guess the question is if they have a demo, they can get only six months of this permit.

>> Try to figure out where it starts we're not as close to these as everybody thinks we do.
>> Morrison: The last question, with this current situation, if we were to take the other option, that is to allow for additional extensions as opposed to changing it for two years, would they then be under the code then of having the allowance of additional extensions?
>> If that's in the code, we can allow decision gnat extensions.
>> Morrison: Even though the application comes under the current code, if we change it, they can then go ahead and take advantage of the new code that would be more lax either way, i guess.
>> That's correct.
>> Morrison: Thank you.
>> Spelman: Mayor?
>> Mayor Leffingwell: Councilmember spelman.
>> Spelman: Dhoom you issue? Hundreds, thousands, dozens?
>> I'll have to defer to other staff. That's not my area. We don't know. But we can find out.
>> Spelman: Okay. Well let me ask you this just to basically get the impression. How hard would it be to get the number. About what percentage would be permits does someone ask for the extension? 2%? 50%?
[03:38:34]

>> I'm going have to guess, i would say less than 5%. We don't get a lot of requests for extensions and demolition permits.
>> Spelman: This is a rare problem we're talking about here.
>> The problem we have with demolition permits is they expired. They've done the work and didn't call for the inspections. That's the biggest problem.
>> Spelman: They did the work in 10-day period but they never got around to asking for an inspection. That's when they called for the inspection to be done so they can build again.
>> Hopefully call for the inspection to get it done.
>> Spelman: They can build it to clear the inspection, right?
>> They have a building permit at the same time. That building permit is going on. But near the end of the project, make sure everything is ready for the co. We know it's gone. We void the permit out. It's done, it's gone.
>> Spelman: A checkoff box on how, though?
>> Yes, sir.
>> Spelman: Thanks. Any other items?
>> Mayor Leffingwell: Any other items for discussion. Counciluember morrison?
>> Morrison: I wanted to mention that we have
-- I have an item with councilmember spelman.
>> Spelman: And before you go on
-- I think we can assume we're not going to have time to get the austin energy b briefing. I wanted to let you know as soon as I could. Since we took 40 minutes on this item, I don't think we're going to be able to work it in.
>> I'd like to suggest that maybe we can just distribute the report to everyone and respond that way if that's possible. Mayor Leffingwell: Let me say, that's satisfactory to me.% we did have a report last month which was late so it's not like we're totally out. Councilmember spelman you want to say something?

>> Spelman: I noticed we don't have a briefing scheduled for thursday.
[03:40:35]

>> Mayor Leffingwell: I don't think there's time for a posting.

>> Yes, we're outside.

>> Spelman: You're right.

>> Mayor Leffingwell: Councilmember martinez?

>> Martinez: I say distribute it as long as we put it on-line so the public can access it.

>> Mayor Leffingwell: If there's no objection, we'll proceed in that way. Thank you.

>> Morrison: Mayor?

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I wanted to mention item 40. Co-sponsored with councilmembers spelman and tovo. I am going to with tovo out of town on a sister city visit to china, I'm going to suggest we postpone item 40 until the 25th of april.

>> Mayor Leffingwell: Okay. We'll plan on that, then. Thanks for letting folks know.
Councilmember martinez?

>> Martinez: I'll be out of town

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>> Mayor Leffingwell: Oh, yeah. So

-- yeah, would you consider a LATER DATE THAN 25th?

>> Morrison: I would be glad to consider that. Let me talk with staff because there was some issue about alignment of this with another

-- with the other changes that we approved last time, co-changes. We want to make sure that if this passes, that the relatively minor co-changes that would come along with this resolution would be aligned with the code review and adoption for the streamlined downtown austin plan density bonus program that we approved last time at our last meeting and I've been speaking with staff about that. There's issues about public notice and things like that.

>> Councilmember?

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>> Morrison: If at all possible, if we can keep moving forward, I'd be happy to do that.

>> Mayor Leffingwell: I think it's important that one councilmember be here for a certain item that's equally important that another councilmember be here for the same item. I think that's the only way to approach it in a fair and equitable way. I join councilmember martinez if he wants to be here for that, i support him in that.

[03:42:58]

>> Cole: I would like to support both of you on that, gentleman?

>> Mayor Leffingwell: Mayor pro tem, did you have something else?

>> Cole: I support that. That's been kind of the protocol of council.

>> Mayor Leffingwell: Right. Any other items for discussion? Councilmember martinez?

>> Martinez: We may not have the appropriate staff to answer, but robert, I wanted to ask a question on item 29. The city trail. First of all, thank you for all of the work. I think this is a positive step moving forward getting a lead. Having the city to understand its role and metro as well understand our roles moving forward. We have gotten some communication in the last couple of days. I don't know if you've seen it, folks talking about a lack of public process and how we're going to get input. When I read through, which by the way it's not posted in the

backup on-line yet. If we can get it in the backup on-line so folks can see it, it doesn't specify what the process is going to be moving forward. So I was wondering if you could expand on that. Be prepared thursday to expand on that.

>> Good. Assistant city manager. This is a way to help staff memorialize what we've been doing for several years. We've been coordinating with the project connect effort. Just to put the structure to that. Put the capital metro in the managing partner position for the urban league. And the urban league, when he comes onboard, the first thing he looks at is what are the gaps in our process? And so there will be I guarantee a robust community participation effort that this talks about. But in the future, that's what kyle is going to

-- the urban rail league is going to look at as soon as he comes onboard is what process should we move forward with. This is simply how we work together as agencies. So it's not

-- I understand the comments and the concerns, but this is probably not the document and process to address those. It's continuing communication with the community as we move forward. So valid concerns, but probably have been to process in this

-- have to address that.

[03:45:08]

>> Martinez: We do have a plan to hold a full and robust input process and stake holder input and meetings. Do you envision that being the transient working group, or another formed entity or

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>> that's yet to be determined. We need to work through the working group and see if that will extend their duration. I know the mayor is the chair of that group. We need to think through.

>> Mayor Leffingwell: I thought I told you to forget about that. Let me say that the plan

-- we had a lot of discussions on this for the transit working group to continue to be the lead organization. That will be true just because the urban rail league will be housed camp metro. He reports to the transit working group and project. So wanted to make sure you heard that.

>> Okay.

>> Cole: I have a couple of questions.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I want to compliment you on all of the work done thus far with the other entities. The public is generally wanting to see that we have a comprehensive multimodal plan. And I've seen the project connect presentations at campo. So let me ask you, where else has that been presented?

>> Transit working group, i believe there's been a presentation. The metro board will get onboard with that too. The three agencies, the sub committee of campo, that's where we presented that status report.

>> The status report on-line or the project connect would that be through the city of austin's website? All three entity's website.

>> That's part of the process with the urban rail league and the ila is to develop a single point of contact website. Part of the things we heard in the afterreview and the uri review is that there are multiple websites. That's part of the clarification. How do the agencies work together and post that on a new website so everybody knows where to go for the transit information. It's on the project now website and we're going to work on a new website so everybody know where is go in the future.

[03:47:32]

>> Cole: It's going to be important that we're clear with so many governmental entities involved in the process, including the transit working groups that we

-- if we're going to brand it project connect, we brand it project connect and stick with that. Let me ask you also

-- we haven't talked a whole lot from a comprehensive perspective about the financing. Are y'all planning to work on this part of the interlocal agreement or spell that out?

>> The interlocal agreement doesn't spell out that component. That's part of the transit working group. We're in the middle of trying to work out a system transit plan, high level, 30 years in the future, looks at sources and needs for all of the free agencies and the high capacity transit system. And then after that, we'll begin quarter level discussions and define what priorities are and how the funding will work. Right now the financial discussion is at a high level. That's to the transit working group. Party ila says very clearly it stuck to the

-- to the partners, capital metro, lone star, and the city of austin to inform our bodies, which will be coming back to you then on the future financial work and new valuation. So that work is started but needs to be completed.

>> Mayor Leffingwell: Can I just add to that. We do have a plan. And that plan was outlining the briefing to the board of the last meeting. Not the last minute, but the last meeting. We have a definite plan. Exactly how this financing might go for 40% of the total buildout. Which is way beyond what we're talking about in any potential phase one. We don't have consensus buy-in on that. That's the process we're going through right now. Because a lot of other folks besides the city of austin have to agree that they want to participate in this plan in this way and so that's kind of what we're about right now. Last week, I met with folks in williamson county with our project connect people to explain what this financing plan looks like, what it means to them. We're going through that process. We anticipate that by the end of the summer, the transit working group will have reached a consensus agreement on the plan

-- on the plan that we already have. We have a plan right now. But it's got to be fleshed out and finalized.

[03:50:02]

>> Cole: I appreciate that. And I remember when you did that presentation at campo the layout that you did with the financing plans were kind of for the city of austin. And I'm trying to make sure as we go on this road trip and as we are making the check-ins with how many people approve on the plan that is there, that we're also asking the question that they also work on the plan and have one also so that when we go to the voter, when we go to the voters, that

-- and if we go to the voters that any date that is short term that they have a sense that this is not just a city of austin involved in this. It might be just the city of austin at this time. But it also involves the comprehensive system that includes lone star rail and includes cat metro and we're working together on every aspect of it.

>> Mayor Leffingwell: We're talking about a regional plan. We're not talking about an urban rail plan or a commuter rail plan or a bus rapid transit plan. Talking about a comprehensive regional plan. That's what will be presented to the voters. Phase one will be a part of that master plan. And the option to put potentially to be put before voters is will you support, and this geo bond funding for a part of this plan. That's essentially the question that we'll put before them. But voters will be looking at the entire plan, the entire regional plan. Any other comments?

Councilmember riley?

>> Riley: A different item.

>> Mayor Leffingwell: Sure.

>> Riley: There's been a time certain on that. See if we can get that issue and get an agreement on what we might have.

>> Mayor Leffingwell: Propose time certain for 4:00 p.M. For item number 11?

>> Riley: 4:00 p.M.?

[03:52:02]

>> Mayor Leffingwell: Yes.

>> Morrison: Mayor?

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison: I would like to propose we set item 45 for the same time certain. That's the resolution concerning the senate bill 410 and house bill 1024 related to the creation of a board. Manage the operations of austin energy and my sense is that a lot of people might want to talk about that may also be interested in 11.

>> Mayor Leffingwell: I had thought about that. But then I also thought about the possibility that 45 would pass on consent but assuming that you're bringing it up kind of makes that a possibility.

>> Morrison: I would like to discuss item 45. Yes.

>> Mayor Leffingwell: So we'll set them both for 11 and 45 for 4:00 p.M.

>> Martinez: Can I suggest we fake speakers on both items as opposed to signing them up twice.

>> Mayor Leffingwell: Absolutely, yes.

>> Morrison: If I may, I wanted to mention and thank the staff on friday they put out this book

-- austin energy governance, proposed ordinance and comparison study. I think this all

-- it's all in our back up, now, on-line, available somewhere. It is

-- it sort of ruins my weekend. So much useful information in here. I wanted to thank staff for taking the time to put it together. Besides the ordinance, we asked for two things by resolution. One was a listing of the past three years of council action. So we pulled from the agendas. And staff did an amazing job not only of pulling them, but of categorizing all of them. So it was very illuminating for me to be able to go through the different sections and see where there had been issues. Where there had not been issues. The second major piece of this is the benchmarking study, the comparison study that we asked that was only three weeks ago, two weeks ago. And that has a lot of great information. I wanted to highlight that. Thank the staff for the tremendous effort. I think that it will really add to the conversation we're going to have on thursday.

[03:54:17]

>> Mayor Leffingwell: Thank you. I think you're going to make this important so that everybody understands it. Item 11 and 45 are related, item 11 is in no way dependent on item 45.

Everything in item 11 if you're going through the draft at this point, are things that we can do right now without any legislative action. Councilmember martinez?

>> Martinez: One last thing related to the legislature is item 33. Councilmember morrison, thank you for sponsoring this with me. A heads up on what it is very briefly. It's an amendment to the current homestead preservation district state statute that currently requires the county to be a part funding of the community land trust. We haven't been able to get the county's agreement since 2005 since it was adopted. We've lost tons of opportunities since 2005 with people having to move out because of escalating property taxes. This would allow the city to move forward without agreement from the county. And while I understand the resistance, because we want as

many funding partners to have the biggest impact, I think at this point we have to get this thing up and running and demonstrate to the county that it can work, it's a viable tool, so maybe we can dispel their concerns and have the county eventually come onboard at some point. It doesn't preclude the county from coming onboard and helping us to fund this at a later date. It removes the statutory requirement that they funded with us when we decide to fund it. So that's a good step in the right direction. I know it's not perfect. But, again, somehow we've got to get past this hurdle because we keep losing folks to escalating property taxes in central east austin. That's what the district is intended to help stem that tide, if you will.

>> Mayor Leffingwell: So if i can ask you to simply remove the obstacle, it doesn't commit us from doing it. It just removes the obstacle if we decide to do it at a later time.

[03:56:24]

>> Martinez: That's correct.

>> Mayor Leffingwell: Okay.

>> Martinez: We've created the district. We haven't funded it because it requires the county to jointly fund it with us.

>> Mayor Leffingwell: You said 2005, I remember that discussion. There were absentia discussions about why you wanted the county and city participation. If we go forward with it, we have to have the discussions again. Because there were a lot of interesting points that were brought up.

>> Thanks.

>> All right. Anything else? Okay, without objection, we stand adjourned at 10 AM.