

City Council Meeting Transcripts - 6/6/2013

>> Mayor Leffingwell: Good morning, I'm austin mayor lee leffingwell, we will begin today with the invocation by father bill wack, csc pastor, st. Ignatius catholic church, please rise.

>> Shall we pray. Good and gracious god, today we commemorate d day, june 6th, 1944. WE COMMEMORATE THE BEGINNING Of western europe and the beginning of the end of that long and terrible war. We ask you that your children who died there in the battle fields and beaches and in the air, in the water, that they may be

-- they may rest in peace, we their children, grandchildren, nieces and nephews, their descendants may honor them and you by promoting peace, in all parts of the world. As well we pray for our local community, we thank you for the blessings that you have given to us in this growing and wonderful diverse community. Help us to set aside our selfish interests so that we may look to the needs not only of ourselves and our loved ones, but especially to those who are most in need to children and elderly and to the poor and to those who wish to make a better life for themselves here in this land. Bless our deliberations, may they be respectful, may we listen and speech with courage. May we remember that you are the center and the destiny of all of our lives, we ask all of this for you, god, for you live and reign, forever and ever. Amen.

>> Amen.

>> Mayor Leffingwell: Thank you, pastor. A quorum is present, so I'll call this meeting of the austin city council to order ON THURSDAY, JUNE 6th, 2013 at 10:05 a.M., Meeting in the council chambers, austin city hall, 301 west second street, aus texas. We begin with the changes and corrections to today's agenda. Items 8 and 9 are postponed indefinitely by staff. Items 14, 15 and 16 are POSTPONED UNTIL JUNE 27th, 2013. And item 44 is postponed TO

-- UNTIL JUNE 20th, 2013. Time certain items for today at 10:30, briefing on the waller creek design plan and proposed joint development agreement. At 2:00 p.M., Public works and transportation department's briefing regarding the rainy street recommendations. At 12:00 noon, we will have our general citizens communications. At 2:00, we will take up our zoning matters. At 4:00 our public hearings. At 5:30 live music and proclamations and the musician for today is g obi. The consent agenda for today is items 1 through 53, with some exceptions, which I'll go through in a moment. But first I want to read the appointments to the boards and commissions. Nominations to boards and commissions. To the urban transportation commission, mark gilbert is councilmember riley's nominee. And to the environmental board, robert deegan is councilmember riley's nominee. We'll also approve a waiver of the attendance requirements of section 2.126 of the city code for the service of randy walden on the electric board, the waiver includes absences through today's date. And approve a waiver of the attendance requirement in section 2.126 of the texas city code for the service of rick cofer on the zero waste advisory commission, this waiver includes absences through today's date. We will also add a time certain of 3:00 p.M. For the

-- for the meeting of the austin housing finance corporation. Following items were pulled off the consent agenda. Item 21 is pulled by councilmember spelman. Item 45 will be pulled by cilmember riley, for the purpose of

-- of postponement and direction. Item 47 is pulled to be heard after executive session. Items 49 and 50 councilmembers tovo and martinez request this at a time certain for 6:00 p.M. Item no.51, councilmember morrison and mayor pro tem cole asking a 4:00 p.M. Time certain, if there's no objections on those items we'll bring them up after those times. The following items were pulled

off consent due to
[04:08:41]

speakers: Items 12, 25 and 26 will be heard together. That item is pulled for speakers. And item 44 is pulled for speakers. Those are all of the items that I have pulled off the consent agenda. Are there any others?

>> [Indiscernible]

>> Mayor Leffingwell: Pardon? 44 [indiscernible]

>> Mayor Leffingwell: 44 is postponed, correct. So that will
-- that will not be heard.

>> Tovo: Mayor?

>> Mayor Leffingwell: Councilmember tovo?

>> Tovo: 8 and 9 did you pull those for speakers?

>> Staff withdrew them.

>> Tovo: Missed that, thank you. I have a quick comment to make about 4 and 5.

>> Mayor Leffingwell: Which?

>> Tovo: 4 and 5. I think they could stay on consent.

>> Mayor Leffingwell: Okay, 4 and 5 are pulled off by councilmember tovo. We have two speakers on the consent agenda so far. Gus pena, is gus pena here? Is david king here? David king.

>> Thank you, mayor, my name is david king, from the zilker neighborhood. I'm speaking about item 48, the resolution to install parking meters in butler shores softball field parking lots. This apparently is going to be a replacement for the parkland parking ordinance that I understand will be withdrawn later on in the meeting today. But essentially, it's the same. It's alling businesses to use park parking lots and set a precedence for meters to be installed in other parks. I think it's important to clarify information that got into the record from the council's work session meeting on this past tuesday. The park's board opposed to the parkland parking ordinance. I was at that meeting with you, councilmember riley. And in which the park

-- the board members asked what effect would it have if they voted to take no action on that ordinance? And they were told by staff that it would have the same effect as opposing it. So I think it's important to get on the record that the parks board appear possessed the parkland parking ordinance. Not only did the parks board oppose it, the

-- the planning commission voted unanimously against it, the anc which represents the neighborhoods across austin voted unanimously against it and many other neighborhoods voted against it. They are voting against using parkland parking lots for business use. That's the bottom line. This resolution would effectively do that. The problems with butler shores parking lots are not related to business problems. They are related to the park itself. The park should be repurposed for other purposes

-- repurposed for others if it's not being used for

-- maybe we should replace it for yoga or something instead of allowing businesses to use those parking spaces and setting a precedent. The other thing we should consider doing is using that parking lot to stage for shuttles for large events. So people could park there, take a shuttle to zilker park and that's a good use of that space because it's for park users. Of the problem of trying to let businesses use the park to generate money for the parks is not going to solve the funding problem. The problem is the counsel redirects so much of of the rentals generated to the parks land to the general fund instead of the parks. That's one of the problems with the lack of

maintenance at that park. That's how you solve that be proper. Allowing businesses to use parkland parking is a bad idea and I hope that you will not support that resolution. Thank you. [04:12:49]>> Mayor Leffingwell: Thank you, mr. King. I will pull item 48 from the consent agenda. Those are all of the speakers that I have signed up to speak on consent. Gus pena is not here.

>> Mayor?

>> Okay. Just barely made it.

>> [Indiscernible] [inaudible - no mic]

>> Mayor Leffingwell: You signed up on two items on the consent agenda. But you only get three minutes.

>> If I can remember in my old age. Yeah, I just if

-- if it's appropriate, I'm not too sure, I think it's item no. 13, economic development. I just want to make sure that this money is going to

-- I'm pretty sure it's going to something worthwhile and, you know, because a lot of funding is going to some initiatives that we feel in the community not going to the appropriate action or whatever, you know, but anyway I'll leave it at that, these are two good items, I'm forward and wanted to leave it at that mr. Mayor. Apologize for being late and thank you.

>> Mayor Leffingwell: Thank you. All right. I will entertain a motion on the consent agenda.

>> So moved.

>> Councilmember spelman moves approval.

>> Soaked. Mayor I would also

--

>> Mayor Leffingwell: Mayor pro tem cole seconds.

>> Cole: I want to let you know at the appropriate time at 2:00 I will be setting item 76, for a 4:00 p.M. Time certain.

>> Mayor Leffingwell: We are so advised. All right. Motion on the table, all in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. We will go to 4 and 5 together, councilmember tovo had a few questions.

>> Tovo: Yeah, just a probably just a comment though I see we have austin energy staff here. These are multi-family energy efficiency rebates. We're at a point where we had a very lively discussion about that and we're moving forward with a plan to capture data. But I just wanted to point out to my colleagues and to the austin energy staff if I'm correct, the rental rates for each of these complexes actually post rental rates on their website, I thought it was just interesting. One that this information is publicly available and, two, I wanted to bring it to austin energy staff attention so that even though these complexes will be outside of the program, because it's not been started yet, I would like this information captured for our own reference about the rental rates. It looks like the arts at south austin, one bedroom one bath, starts at about 795, two bedroom two bath about 975 and it goes on up from there. Timber creek apartments, again, they also have rental information available online. And with specific apartment no.S. So you can see, for example, that apartment 215 under floor plan a 3 rents for 1225, it's a 644 square foot apartment. But again I think this data is critical. We talked about the information being important to understanding, you know, whether there's any impact of our energy efficiency rebates on rental rates and though these are outside of our program, the information is publicly accessible. So I hope that you will just collect it, if you could, or I would be glad to pass it on to you so that we have that and can look back at it in a year or two to see whether there was any measurable

increase in rent.

[04:16:24]

>> We'll do that.

>> Thank you very much, mr. Reese.

>> Mayor Leffingwell: Do you want to move approval, councilmember, 4 and 5.

>> Tovo: Move approval.

>> Mayor Leffingwell: Councilmember tovo moves approval of items 4 and 5, second?

Seconded by councilmember martinez, all in favor say aye.

>> Aye.

>> Opposed say no, passes on a vote of 7-0. We will go to item 45, pulled by councilmember riley. For a postponement. Possible postponement.

>> Riley: Thanks mayor, item 45 is an item related to the amendment of our city code related to ground transportation properly known as a ride sharing issue. We have had a number of issues with ground transportation services that [indiscernible] ride sharing, we've had those under discussion for some time. At the last meeting we postponed the action so that we could get a report that our staff was working on that entailed looking out across other jurisdictions to see how other cities are handling this issue. We got that report on friday. And it's a very helpful report. And sheds a lot of light on this question. What we find in the report is that in fact all of the city's contact indicated

-- contacted indicate an ongoing concern with the emergence of new cell phone applications which [indiscernible] related to vehicles for hire. In fact, east coast cities such as philadelphia, washington and new york are each actively enforcing their vehicle for hire ordinances. T what they believe are illegal taxis. The one exception is california. There is some ongoing discussion in california about exactly how they're going to approach this issue. San francisco has set up a pilot. There are ongoing concerns about that pilot and the effect that it's having in san francisco. In fact staff has a lengthy quote from the deputy director of taxi services in san francisco who says our taxi industry is no joke. Looking to be on the verge of collapse. Part of the issue here is that there is continued confusion about exactly what we mean by ride sharing. Many people have -- think of ride sharing as something similar to carpooling, you're going somewhere and you offer someone else a lift if they're going in the same direction. That's the popular concept of ride sharing. That is very different from what a number of services are offering these days under the guise of ride sharing. In fact many of these services are actually hiring people to actually work as drivers that are essentially being dispatched to give rides for compensation. And that is the root of the problem. That to me is not ride sharing. Just because you are using a cell phone does not necessarily

-- a smart phone does not necessarily make it ride sharing. If you are offering rides for compensation, that does raise very serious questions borrow essentially providing a taxi service. Our taxis are subject to considerable regulation. This is a

-- this is a profession that affects the public interests. We have serious expectations for our taxi companies. We expect them to offer 24 hour service throughout the city, to offer rides for people with disabilities, we have expectations in terms of insurance and the condition of the vehicles and the records of the drivers and so on. We have a very extensive set of regulations that are built up around the taxi industry and to allow new taxi operators to come in outside of t realm of all of

those regulations and to be offering services for compensation raises very serious questions of fairness to those who are actually providing those services within the law. That is as it has been developed. So the spirit of the

-- of the amendments that are proposed by staff is very understandable. It seeks the

-- the amendments seek to clarify the code to make clear that ride sharing does not entail compensation beyond just the bare costs of operating the vehicle and anything else is a vehicle hire service that is subject to regulation. And I was

-- I was prepared to support that. In the meantime, we have some other interests at stake as well. We do not

-- Austin is a very creative, innovative city. We have many people here who are eager for

-- for a creative

-- for creative approaches to transportation. Especially in light of ongoing issues with congestion and so on. So there is considerable interest in seeing if there is some model that could be developed that would be consistent with our regulatory framework. So we have had continuing discussions with

-- with several of these providers, especially side car, which has emerged at the center of this discussion. Side car is aware of the concerns that have arisen here and elsewhere about its business model and the tension it raises with respect to the existing regulatory framework and they have indicated an interest in continuing to work on those issues understanding that they are not going to be allowed to continue service that is

-- against our basic framework. I do have a representative, I would like to call up Mr. Whelan.

My understanding is that there is some

-- side car is interested in some way, some approach that could be worked out that would enable ride share to continue

-- not ride share, side car to continue operating some services under some set of rules. In the meantime the side car, as I understand it, would be willing to cease its operations so that we could work on

-- work on this effort to develop additional regulations. Mr. Whelan can you celebrate on that.

[04:22:29]

>> Michael Whelan on behalf of side car. Generally that is correct. As I've explained through your aide, I have a written commitment from side car to turn off its app for 60 plus days. I think the next meeting is AUGUST 8th, TO ALLOW Stakeholders to look at this with a little bit more of a macro view given the fact that we have over 100,000 commuters every day coming into the city and trying to figure out whether there isn't a solution through a pilot program or some form of city of Austin ride sharing pilot program that could really set a great standard for the nation. So I hope that's what we can do so that we can balance innovation, regulation and the incumbents in this transportation niche. So that's what we're prepared to do.

>> Riley: So, Mayor on that basis, I'm prepared to offer to move that we postpone this item until our first meeting in August to allow continued work on this issue subject to the agreement from side car to cease its operations in the meantime. I would just add a note on my behalf that

-- from my standpoint, I hope that we can get clarification around the terminology associated with these services. So long as drivers are being compensated before the costs of operating a ride, I

-- that

-- that to me calling that ride sharing just confuses the matter. Ride sharing really ought to be considered that those services that do not entail compensation beyond the cost of providing the ride. And perhaps there is a business model that can be worked out along those lines or maybe there's some other franchise arrangement that could be figured out. I don't know what the right approach is. But I think that it's worth taking 60 days to see if there is something that could work that would not upset our current regulatory framework. With that in mind, mayor, i will move that we postpone until our first meeting in august, which I believe is AUGUST 8th.
[04:24:41]

>> Mayor Leffingwell: AUGUST 8th.

>> Cole: Second.

>> Mayor Leffingwell: Motion by councilmember riley to postpone until AUGUST 8th, SECONDED BY Mayor pro tem cole.

>> Cole: I have a comment.

>> Mayor Leffingwell: Mayor pro tem, go ahead.

>> Cole: I certainly appreciate the

-- what side car is trying to do in terms of relieving congestion and providing innovative ways to take traffic off of our streets. But I have several concerns that have been raised by the taxicab industry and also raised in the literature that was presented from the report of staff and some of the research that has been done. First is insurance. It's

--

>> Mayor Leffingwell: Mayor pro tem. Now that we have a motion to postpone on the table

--

>> Cole: I'm going to give direction to staff

--

>> Mayor Leffingwell: Limited to discussion of the postponement.

>> Cole: I would like to give direction of staff with respect to these items that I'm discussing now in connection with the postponement because I would like staff to look into how insurance could possibly be required of side car or any other entity who is providing this service because -- because if there is compensation given, any compensation or especially compensation above and beyond the cost of a ride, it's my understanding that it's commercial. Would like staff to look into how we can require that. And then also in california and a few other states, there's been special regulations with respect to airport rides and letting those -- that transportation only apply to taxicab, the taxicab industry. So I would like work done into those things.

>> Mayor Leffingwell: Okay. Thank you. Councilmember tovo?

>> Tovo: I will let

--

>> Mayor Leffingwell: Councilmember spelman?

>> Spelman: I have a question of mr. Whalen if i could.

>> Direction to staff at least potentially.

>> Yes, sir.

>> Spelman: Mr. Whalen, from your point of view, one way of handling this might be to -- to create a new set of regulations for side car-like operations, another possibility would be of

course to completely discontinue side car like operations. A third one, which we haven't discussed yet, I was wondering, wanting to know whether it was on the table from your point of view or the client's point of view would be to bring side car in in the franchise as a taxicab. Regulate them like you do taxicabs, you just hail them in a different way.
[04:27:10]

>> We have not talked about that anywhere that we have operated because it's more randomized, there's no dispatching occurring by these drivers. They are simply going to and from wherever the driver happens to be going to and from and then in a dynamic way off the software riders are connecting with them rather than a static model where you have to start phone calling people from a list. So we haven't considered that at all. I think what we did in california was come up with, I think that I circulated it, several requirements by the california p.U.C. That apply over and above what would be applicable to a normal carpooler in a lacrosse carpool, if you will. I use lacrosse instead of soccer because everybody says soccer, I like lacrosse.

>> I understand.

>> That's always been the middle way because it is kind of a hard one to -- to dice through.

>> Spelman: The reason that I mentioned is because side car actually has the potential to run several different kinds of operations, pure ride share I'm going this way anywhere, as well as one for profit. The profit one is sufficiently close to a a taxicab if we regulated on the key issues that councilmember riley mentioned, insurance, making sure the drivers were properly trained to be good drivers, things like that, then it could be that we could just consider them to be a taxicab franchise. That's a possibility from your point of view at least potentially?

>> I would have to look at it. I think the great thing about getting a stakeholder group together to explore a way to pilot this is then we get more data. If we could just get up and running under our normal model, we would get more data in a year and I think that could really help outline maybe further need for regulation as we try to balance this innovation with the incumbents.

>> Spelman: Okay. Mayor, if I can include in direction to staff that we at least consider that possibility, recognizing however that the stakeholder process is going to have to involve as other stakeholders occur in taxicab franchises, they are a party to this, too.

[04:29:18]

>> Mayor Leffingwell: That direction to be included with the concurrence of councilmember riley and mayor pro tem cole. Councilmember tovo? I keep calling on you because you asked to speak.

>> Tovo: I would like to speak. Councilmember martinez, i think

--

>> Mayor Leffingwell: All right. Councilmember martinez. .>> Tovo: THEN I WILL SPEAK Next.

>> I want to ask [indiscernible] a question regarding postponement. Certainly appreciate all of the efforts that you have put in on this. It's been a conversation that's gone on for quite some time now. Your recommendation is to move forward with the codification of these definitions but I

wanted to ask you what a postponement

-- would a postponement preclude you from continuing conversations with side car or anyone else who wants to still see if they can come up with a pilot program, maybe even come up with additional amendments to the definitions to allow ride sharing in the manner that it should be conducted in accordance with existing ordinances?

>> I thank you councilmember. [Indiscernible] roberts, director of transportation. In our report we discussed what we believe the difference between ride sharing and taxi service is. We think that any confusion in our current code can be cleared up by clear definitions of what sharing versus paying for transportation might be. If an organization wants to propose an innovative way to work within that definition, we're happy to talk to them. With side car specifically, I think that we have a challenge that we would need direction from legal on, in that they have previously filed legal proceedings against us because they feel that our current code has a loophole in it. And so with the anticipation that we are still under that threat of suit or future suit, I am not sure without direction from

-- advice from council as to how i would continue to work with them.

[04:31:25]

>> Postponement of 60 days, you still wouldn't be able to talk to side car because they filed legal proceedings.

>> I would need legal advice on that. I don't know the answer to that.

>> Martinez: Sure.

>> I do know from california, my understanding is the debate between the public utility commission in california and the local municipalities from the perspective of the regulators on the ground, municipalities, they are deferring to the california public utilities commission until later this summer possibly to make a determination of whether that organization has the legal standing to regulate taxis, that's what i understand from the news article that we got just the other day. Clearly from the regulators on the ground, their perspective is that these are taxis and are causing problems. So I

--

>> appreciate it.

>> I don't know if that answered your question.

>> Martinez: It did, it's helpful. The reason that I ask these questions, mayor, we have three substantial businesses in this community that are in limbo until we move forward. It doesn't preclude conversations. The ball is really in the court of sidebar. Postponement does not preclude any conversations from taking place, it doesn't preclude anything from coming back to council, including a pilot program. I'm going to make a substitute motion that we adopt the staff recommendation.

>> Mayor Leffingwell: Councilmember, the motion to postpone is a priority motion. So we'll have to vote on the postponement before we consider another motion.

>> Martinez: I'm unclear as to what a priority motion is.

>> Mayor Leffingwell: It takes priority, it has to be voted on before any other motion can be made.

>> Martinez: When did we start that precluding substitute motion.

>> Mayor Leffingwell: After I erroneously heard the substitute motion at the last council

meeting. That was incorrect. So first we will vote on the postponement. Councilmember tovo.
[04:33:28]

>> Tovo: In that case I am now ready to speak. I think that we have delayed this issue for a long time, it seems to me that our staff just said that we have operators here in the city suggesting that we have a loophole in our code. The staff have come forward with definitions, this issue has gotten very convoluted and confused, I think, by all of the many, many people who have weighed in about side car. You know, we have a definition in front of us that's going to allow -- that will erase any confusion that may exist in the minds of the public about whether or not you can drive your neighbor to work. So I think there is very little -- I think absolutely we should support the staff in their efforts to clarify that definition, to allow and to make it very clear to the approximate be that you can carpool. You can drive a neighbor to work. You are not running afoul of the law, you haven't become a vehicle for hire. It seems to me completely sensible to move forward and anything else I just have real questions about why we would be delaying moving forward with those definitions and initiating a -- a stakeholder process that is going to be long and complicated and controversial in the meantime and I -- I mean, after reading this report and seeing that some of the side car users just based on a very limited study, you know, one of them had -- let me make sure that I get this right, this is here in Austin, this is isn't even based on other people's experience, one of our -- one of the drivers for side car here ended up having a vehicle impounded, the driver was operating the vehicle while on parole and the vehicle was equipped with an alcohol detection device. This is in the report that the staff gave us last week. ON FRIDAY, MAY 31st. This is based actually I'll call up Mr. Spiller to talk us through this and explain what these are, but this is based on their limited

--

>> Mayor Leffingwell: I want to confine the discussion to the merits of the postponement and not a discussion of the case.
[04:35:32]

>> Tovo: Sure. Well we've had comments about direction to staff. But since I've made a comment I wonder whether staff can speak to whether or not this is accurate.

>> Mayor Leffingwell: Mr. Spiller I'm going to ask you to confine your remarks to the postponement and why the postponement would be adverse to some interest.

>> Tovo: I will ask a different question. Mr. Spiller.

>> I'm stuck, I sorry.

>> Tovo: Sure. Mr. Spiller, do you think that the prior postponement had the impact of allowing individuals to use side car and take people around the city through that application?

>> We have continued to enforce our current ordinance, we have enforced as recently as yesterday. On people that we believe are providing taxi services.

>> We did receive a report that shows that some of those have been cited for no operating permit

and no chauffeur permit.

>> That is correct.

>> Tovo: Including other things such as operating a vehicle while on parole.

>> Not all of those are side car, there's a variety of providers doing the thing.

>> Tovo: Thanks for that clarification, mayor I'm going to argue that we should not be postponing, we should be going ahead and hearing the definition. We have 32 speakers, no, 23 speakers signed up to talk on this them. I would like to invite, i know we've had a representative of side car come up and speak to frankly not a postponement but beyond that, I think, in scope. And I see mrs. Means and mr. Casa and others here. I wonder if they could

--

[04:37:32]

>> Mayor Leffingwell: I will allow one speaker to come up and speak on the merits of the postponement. Whoever wants to speak will have up to three minutes. We're talking about the postponement, why the postponement.

>> I'm [indiscernible] president of yellow cab austin. I think the ordinance that's before you does a fantastic job of clearing up the confusion between what is a for-hire transportation service and what is ride sharing. In addition to that, voting on that today does not stifle innovation. It doesn't stifle creativity. It doesn't stop the conversation. It clears things up for the community. This is not about side car. This is about a community of people who want to use innovative tools to provide ride sharing and there are tech companies that are coming to town that can function with this ordinance if you guys vote to

-- to have it go into effect today that still helped 110,000 people that mr. Whalen references in, you know, our neighbors north and south of us to use ride sharing in its most authentic form to help solve congestion problems in austin. And then we can still have a conversation about this theoretical, hypothetical business that side car wants to run that no one knows what it is, to see if that's something that we may look at in the future. So voting today does not stop that conversation.

>> Mayor Leffingwell: Mr. Carr, you did hear that they were going to suspend operations for 60 days or until this case is heard in august.

>> So that's why I think it's really important to note that it's not about just side car. There are other rogue app companies like side car that are also providing taxi services illegally in the city of austin. This stops all of them and the city can still have a conversation about whatever theoretical business model side car and companies like them would like to consider for the future. There's no solution. I mean, they want to have a stakeholder meeting and we don't even know what we're talking about.

[04:39:54]

>> Mayor Leffingwell: Thank you.

>> Thank you, sir.

>> Martinez: Mayor? I just wanted to ask legal to explain to me the priority motion that is now pending and how that is all of a sudden now a different practice from just so I know for future

references because if

--

>> Mayor Leffingwell: Okay. First of all, I'll say this that's a ruling of the chair. I will ask the city attorney to clarify.

>> Councilmember under roberts rules it does state that a motion to postpone takes precedence over a motion to [indiscernible] or amended or to indefinitely postpone and that be discussion with regard to the postponement should be limited to the postponement itself.

>> Martinez: So a substitute motion to adopt what is on the agenda that is the staff recommendation is out of order?

>> Mayor Leffingwell: A substitute motion is a motion to amend.

>> Martinez: I don't

-- i appreciate the chair's position. But I am going to continue to question this after this council meeting because

--

>> Mayor Leffingwell: That's your privilege.

>> Martinez: There are differing opinions and i have experience with roberts rules as well.

>> Spelman: When you made the rule, I want to get a clarifying

-- clarification from roberts rules directly. And councilmember martinez you might google roberts rules of orders motions chart. I have one in front of me which has the order of precedence of all possible motions that can be taken on main motion. The main position has the lowest order of precedence, anything that you do such as lay it on the table or postpone it indefinitely, takes precedence and has to be taken up before you can actually get to the main motion itself. I think that's what the mayor was referring to.

>> Mayor Leffingwell: All in favor of the motion to postpone?

>> Tovo: Mayor, I have sorry question about that. I'm looking at potentially the same chart. What does m follow the agenda mean because that is above postpone to a certain time. On my chart it says postpone to a certain time. But make follow the agenda is above that. So can somebody please explain

-- what

--

[04:42:13]

>> Mayor Leffingwell: Councilmember, if you disagree you can challenge the ruling of the chair.

>> Tovo: Okay. Thank you, I think that I do disagree.

>> Mayor Leffingwell: Requires a two-thirds vote to override the rule of the chair.

>> Tovo: Thanks. I wonder if we can get an explanation first of make follow the agenda that may provide me with the information that I need to know whether or not it's

-- whether or not it's

-- it's appropriate to challenge the chair.

>> Councilmember, I can't give you an answer to that right now. I would really have to do some research on that.

>> Tovo: Okay, thanks.

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison: I would like to make a comment. With regard to the motion on the table which is to postpone, I want to give some direction to staff. First coach it in terms of thanking staff for the report because I thought it was a really helpful report. Really laying the foundation and answering the question of why do we even regulate passenger services in town. In terms of it being

-- being a public safety issue, a passenger safety issue, it's also providing a safety net for our community so if this motion to postpone passes and you are engaged in conversation which we don't even know if you will be or not because you will be consulting legal, I wanted to ask you to stress that those are fundamental issues that we have with passenger services and transportation services in town that we would need to incorporate into anything that we're looking at. Even if we're looking at expanding things and then a third element there, of course, is supply and demand and ensuring that the people that are engaged in the business can make -- that we get that supply and demand balanced properly. But with that, I do want to say that I won't be supporting this motion to postpone. I agree completely that it sounds like we have overall agreement from everyone in the audience here that what we have in the agenda from staff recommendation is something that makes sense. And the idea that there are others out there that aren't

--

[04:44:26]

>> Mayor Leffingwell: Councilmember, discussion on the postponement. Please.

>> Morrison: Right. The idea that there are others out there that will be continuing they have not been here agreeing to suspend operations that will be continuing what could well be a safety issue, a problem. Over the next 60 days, I think it's ill suited for our community so I won't be supporting the postponement.

>> Councilmember, if I could. I would like to clarify something that I had said earlier. I said we had been enforcing our ordinance as of yesterday, I should have said last month. I apologize for that. Our last enforcement was on MAY 5th, I DON'T WANT TO Leave the wrong impression.

>> Riley: The enforcement actions that you have been taking are on current code, in fact we have cease and desist orders on other operators that are currently in place. To the extent other operators pop up over the next 60 days, I assume you would continue to enforce our current ordinances by issuing cease and desist ordinance from anyone for hiring ground services for hire for operation.

>> We enforce every day.

>> Riley: Nothing about a postponement would limit your ability to do that?

>> I don't know the answer to that. We would still continue to enforce.

>> You would still continue to take the appropriate enforcement actions against people that are providing ground transportation for compensation?

>> Yes.

>> Okay.

>> Mayor Leffingwell: Councilmember tovo?

>> Tovo: Mr. Spiller, I wonder if you could just answer one more for us, why the staff feel that it's appropriate to address this issue now with the resolution

-- with the amendments that are before us.

>> We believe that our current ordinance is very clear, taxi services, what the intent of council is to manage the franchises but it is not clear on the definitions and several organizations have suggested that they are operating within the scope of the ordinance because there's lack of definition on these definitions or there's lack of clarity on these definitions. So that's why we believe that we need to

-- that's why staff has brought forward the recommendation to clarify definitions.

[04:46:49]

>> Tovo: So getting them on the books as soon as possible in your opinion makes good sense because it allows you to clarify those discussions with outside parties that are challenging you?

>> I believe if there's any confusion on the part of our citizens, we should clear it up, yes, sir.

Yes, ma'am, sorry.

>> Tovo: With haste. Thanks.

>> Mayor Leffingwell: All in favor of the motion to postpone say aye.

>> Aye.

>> Mayor Leffingwell: All opposed say no.

>> No.

>> Mayor Leffingwell: Passes on a vote of 4-3 with councilmember martinez, tovo and morrison voting no. Postponed until augu 8th. Now we will go to our morning briefing. The first one a briefing on the waller creek des plan.

>> Just the first one. Good morning, mayor, mayor pro tem and councilmembers. I'm sue edwards, assistant city manager. It is my pleasure today to introduce this briefing for a truly exciting project. The purpose of this briefing is to provide you a review of two items that will be on the council agenda for your CONSIDERATION ON THE 20th. The approval of the overall design for the waller creek district and the negotiation and execution of the joint development agreement between the city and the waller creek conservancy. Although many cities across the country have partnered with conservancies to build parks, this is a first for the city of austin. You know the conservancy was borne out of a request by councilmember cole and created by three extraordinary individuals, tom meredith, melanie barnes and melba wattly who have taken the responsibility of raising the money and gifting the city with a district of parks, the high quality and uniqueness of which the city of austin cannot afford. As a bit of history, for the public, in 2011 the council approved a memorandum of understanding between the city and the waller creek conservancy, created a local government corporation to oversee the development and operation of this project and suspended the roma design plan until such time as the final design was approved. In 2012 the council confirmed the selection of the design team led by michael von falconberg associates, amended the memorandum of understanding by appropriating \$75,000 in support for a project manager for the conservancy and authorized the expenditure of \$270,000, a portion of the cost shared with the conservancy toward hiring mvba for design services related to the tunnel project. I think it's important to note the focus this agreement engendered. A negotiating team from norton, rose, fulbright and the waller creek conservancy have been meeting on a regular basis to draft the agreement. It includes the

[04:50:20]

[indiscernible] department, economic adapt office, real estate office, transportation department, public works, watershed development, planning and development review, the budget office, the law department, the city manager's office and the executive director and two board members of the waller creek conservancy and their outside council, which somewhat explains how complex this issue has been. The project is anticipated to take approximately 20 years to complete. And includes constructing over a period of time a series of projects. Five parks, one of which includes an entertainment venue, biking and walking trails, lattice bridges that provide connectivity across the creek, and special places with special amenities for both adults and children. The briefing today includes three short presentations. stephanie McDonald, the executive director for the waller creek conservancy who has been responsible among many things, assuring that the community has had a number of opportunities to view and comment on the design, will share with you how the design has been received by various boards and commissions in the community at large. Michael van [indiscernible] heading the mvba team will take you through the design of the district which stretches from waterloo park to lady bird lake and lela fireside with the law department will end with providing you with a summary of the terms of the agreement. In the audience are board members and staff that are available for questions, should you have them after the presentation. And with that, I would like to introduce stephanie McDONALD, THE EXECUTIVE Director for the waller creek conservancy. 123450 good morning, mayor and council, it is my pleasure to represent the waller creek conservancy. I know that the last time i was here, we were really excited about the selection and affirmation of michael

[04:52:21]

[indiscernible] associates and thomas pfeiffer and partners. I've had the opportunity to work with them since october and I'm really thrilled that

-- that the

-- that the gift of these parks to the city will become a reality. And I know for sheryl and i it's one that we've been working on for a very long time. I've been taking the design that we got from the design competition to the public, that included a step in the design competition and i know that you received copies of the feedback that we received from the public during the competition phase, but now as we've been working to develop this design plan for your consideration, we have taken it to

-- through additional steps, including the design commission in march, the downtown commission in march, we had staff brief the facilities subcommittee of the parks board and recently sent a memo to the parks board last night i visited with the m.A.P. Board and also presents preferenced to the planning commission in regard to the city boards and commissions we have taken this to other public entities, we have met with many groups, developers, realtors, citizens, and in fact councilmember invited me to the metropolitan breakfast club and we had the design concepts there. We have gotten overwhelmingly enthusiastic feedback and the number one question is when is it going to be built? I think that the other feedback that we received is significant and we will share that with the designers. It's things about safety and concern about making sure that we do have adequate facilities for rivers and we take into account if approximate we do fishing we need to have certain bulb outs for safety when you cast, these are things that we can take care of but we need the design plan to move forward. Last night at the m.A.P. Board there was a lot of positive reception, I think one of the things that was highlighted was the need to respect the history of palm park and to make sure that we honor the

-- the community that made that park significant to austin and we will do that and we will work with the designers in the future. I think the other thing that we have learned is with the growth of the medical school and the construction of the research hospital that more than ever we need waterloo park to be a great space. I had to go testify in front of the senate subcommittee in public/private partnerships and the thing that struck me is that this is the gateway to so many people, especially school children when they come visit the capitol for the first time. So if you have any questions, overall I think everyone is enthusiastic, I think that we are creating something that is uniquely austin, I do my best every day to make sure that we reiterate that this is something very special, unique to austin. But it is grounded on a lot of work that has been done throughout the nation. And I do want you to know that

-- that the conservancy model is one that was born in new york city for central park but is now used throughout the united states to augment public parks systems, these are private people helping public parks for the public good and I think that's a really noble thing. I do want to point out that the inventor of the conservancy model is a native texan. So with me today it is my pleasure to introduce michael, michael is the president and c.E.O. Of michael [indiscernible] associates. He is a

-- he is a professor landscape architecture of harvard graduate school of design, he operates studios in both cambridge, massachusetts and brooklyn, new york. He oversees a wide range of projects including those that work with other conservancy. In 2011 he was the recipient of the american society of landscape architecture design medal. His projects include brooklyn bridge park in new york which we had the pleasure of visiting early, the george w. Bush presidential library, currently the arch project in st. Louis also borne out of a composition similar to waller creek. I think most importantly, he is a detail guy, but he has a sense of fun and we all experience that. He designs a wicked slide. So

-- [laughter] with that, I would like to introduce michael.

[04:57:06]

>> Councilmembers, mr. Mayor, it's a pleasure and an honor to be here this morning. It is true to pick up on what city of family was saying is that

-- what stephanie was saying, most of the large urban projects that we are involved with currently in our practice are a partnership between conservancies and city government, so it's of course important to be here today to gain your support. I guess a place that I want to start is we have really enjoyed starting to get to know austin. I heard somebody, I live in brooklyn, I heard somebody today refer to it as the brooklyn of texas, I hope that's a good thing for you up there. But it's an exciting and vibrant city. Also a city that's changing really incredibly dramatically, I think that waller creek has a potential of being the kind of place that all of austin feels like it owns and is proud of. Not advancing. There we go. Thank you for whoever did that. Everybody I think knows where the project is, but just to make sure that we're all on the same page. Our project starts at waterloo park and terminates where waller creek connects with lady bird lake. There are many beautiful things about waller creek already, I think one of the big challenges for us as designers that we have been working on and that we will continue to work on with your guidance is what are the things that we keep

-- I think this isn't working. Is this some kind of texas test going on here? Use the trigger?

Perfect.

[04:59:25]

[Laughter] I got it. I grew up on a dairy farm so I know about triggers, there's a lot of things that are needing fixes, a lot of things falling apart, places you don't feel particularly safe. Probably the most important thing about this place when it's finished is that it feels welcoming in a place where a mom or a dad with young kids would feel totally safe going into throughout the day. In that regard we feel there's a great opportunity for opening up the channel and creating sight lines and bringing sunshine and daylight down in there. That's partly what makes us feel safe in public spaces, but it also is what would allow us to restore a more native texas landscape in that corridor which is one of our major aspirations. There is a unique opportunity at the moment for the project to relate to the ongoing waller creek tunnel project. We built our projects solutions around the idea that there were critical points along the creek way where things about the tunnel project were going to change the way the creek looked. Our project was very much about putting our arms around that and recognizing those moments as opportunities to bring the tunnel project and the park project together. We see the park in its completion as what we are calling a chain of parks, a series of smaller parks along the way that serve different constituencies, but which knitted together from end to endless makes a park which is cohesive and very much has a feeling as a whole when it's completed. We see the beginning of the project down at the connection to lady bird lake. One of the center pieces of our project is to tie into the trail network project that is going on, of course, near waller creek, but even stretching through other parts of austin as well and that will be an incredible legacy for austin in a couple of years. It's a city, as you all know, that is devoted to exercise and health and celebrating the weather. Which is -- which is nice most of the year. And something that makes me jealous when I come down here, particularly in the winter. So we wanted to create a structure that -- that make it easy to get from the -- from the end of waller creek to the other side of the lake. And a bridge would raise all sorts of questions, it would -- it would raise very long-term and perhaps insurmountable environmental issues and so we've come up with the idea of a floating pontoon bridge. It's really more like a boat than a bridge, but it gives you a way of getting across and our idea is that by -- in addition to fostering the north-south connections, it's something that could actually be opened and closed much the way a draw bridge -- draw bridges work in other parts of the country. We know the importance of rowing on the bridge and we're designing it in a way that the skulls can go right under. One of the guys on the team his son is in high school and a member of the rowing team. He says that one of the things that this would do is that it's really great in races if you can look down on the racers, so this was actually we think be a net improvement to the importance of that sport in the city. So separate from that, is a notion, a goal of the whole project is to see waller creek not as a dividing line between east and west in austin, but a connective place, something that draws the east side and the west side together with real democracy and fosters easy movement back and forth. An idea, we are working with ted zoli who is a bridge designer and is -- is invested in designing very lightweight temporary structures as part of his work. So we see this section of these lightweight bridges down at the end where there's a tremendous pent up need for moving back and forth from east to west. This would be a little bit of a sense of what it would be like to be below those down in the creek itself. One of the goals of the redesign of the creek

would be to kind of reinvigorate its natural ecology, to bring back the native plants, but also to not only foster the wildlife that's there, about you to improve upon that as a place of learning and study and honestly just enjoyment. I don't study those when I'm out walking, but like the sounds of the birds and seeing things just really improves the experience of walking. So working our way up the creek, the next place is

-- the next park we're calling palm park. Because it is palm park. And because of its great history in the palm school being there. See we're really smart sticking with that palm park name. But there's right now a funny disconnect between the park and the creek, there's that edge, you can't see it, you don't know what's going on down there. Those are all things that we imagine changing, we also would like to change the contouring of the land so that we would create an expansion of palm park on the other side of the creek on the west side and create a public gathering space and this passageway that would make

-- that would make a really enjoyable way of walking from the east side to the west and vice versa. Here's kind of how it

-- i know plans are a little hard to understand, but you can see the palm school in the lower left-hand corner and then where we're proposing to regrade so that if you are, say, coming in at cesar chavez and have passed under 35, that you could easily walk all the way through palm park down to the creek and back up the other side, this would, of course, be graded in a way so that it's fully compliant with wheelchair access. This is very early, these are our drawings from the competition, but we see the potential of reworking the palm school. And palm park around the school to make it a focus of neighborhoods. We had a very compelling and moving presentation from eastside parents at one of our meetings talking about the shortage of playgrounds and especially exciting and innovative playgrounds that they felt should be more cognitively challenging and more like all of the things that are changing in education, so we're going to try to wrap that up. Between fourth street and seventh street it gets very tight. There's a lot of buildings that squeeze right in on the creek. We see this as making austin's own version of some of the urbanity that other cities have along creek ways and the potential, the arrow is suggesting that there's the potential

-- the tunnel project is going to take the challenge of flooding in waller creek out and that's the way within this area looks the way it does in this photograph does, but occasionally when it does very violently now, water comes way up in this channel. When the tunnel project is complete, that's going to go away. So the arrows and the dotted line is suggesting the potential of punching the lower level connection through so that when you are walking along the creek, you don't have to go up the street level, but it also gives building owners the potential of activating those lower level areas and creating cafes and eventually uses that spill into the creekway. So this is how the dotted line in white is the old flood level and the black dotted line is the new flood level after the tunnel project and you can see all of the potential of

-- of new areas being created to spill out

-- some of these things of course are going to exceed the design of waller creek. It will be opportunities that will be presented for private owners along the edge of the way. Up where the police station I now between 7th and 12th street, is the assumption of our project that those will eventually go away. We are seeing the opportunity, especially along the 8th street corridor, of -- of making something that's more traditionally park-like in its character. Taking down those buildings which are the magenta lines on the plan, regrading, planting, having grass areas and picnicking areas and family friendly areas in that area so that an area that looks like this now, which is also kind of the back side of the parking structure and

-- and pretty disconnected would open up and offer a view like that and access in particular to the water's edge, lots of

-- we're seeing this as especially child and young person oriented. We see the potential of ecological learning, of developing programs that can tie into the school programs along the way. Then finally, up at waterloo, of course, this is where the

-- this is where the creek goes underground in the new tunnel. What we are seeing here is a picture from six months ago of the tunnel inlet under construction. It has to be big because in a flood event there's a lot of water going in there, the idea is that the kind of slightly overused quality of waterloo park, this is an opportunity to upgrade that. This is from 2009. The 1.4-acres shaded in the diagonal blue is an area that would be lost or has now been lost or taken away because of the

-- of the water inlet area for the new tunnel project. Our proposal is to build a cantilever over that and to restore the lawn and so we would be putting about an acre of that lost parkland back, so it really only a net loss of .4 acres, which is pretty good for a big infrastructure project like this.

Then to construct a performance venue that we're calling the poppy, this has been fined by tom phifer, we see this as an area for all rts of outdoor events throughout the year, music and otherwise. These are very early sketches. People always say that looks like it would blow down in a 25 miles an hour wind. I hope you guys are going to concern yourselves with climate. So that's one thing that we've had lots of good feedback on, I promise you that you will. But it's a very exciting project. I think that it's a very forward looking moment. It's a project that's thinking about the future. It's thinking about

-- about your children and the quality of city that will be here when the first phase is completed rather soon but also a project that will take

-- will take many years to complete and will require the resources and

-- and excitement of the community to be behind it, which we're committed to trying to realize with you. So thank you very much.

[05:12:00]

>> Mayor Leffingwell: Thank you.

>> Good morning, councilmembers, mayor, mayor pro tem, city manager. Let me see if I can work this.

>> Mayor Leffingwell: There's a trigger on it.

>> Apparently there is. Being from upstate new york, I'm not working it well, either. Okay. So my name is lela fireside, I'm an assistant city attorney here in the city of austin, I am one of the many people who have been working on the draft joint development agreement between the waller creek conservancy, the city of austin and the local government corporation that you all created to help with this project. And we have outside counsel here who has been working on drafting the agreement as well and that's jane smith from fulbright a jaworski, also jacquelyn [indiscernible], another attorney in our office who has been working on this project. As an overview, I don't get the lovely pictures, I have the boring legal words, but hopefully they will be helpful to you. The idea of the agreement is that it will document this long-term relationship between these three parties and that the ultimate goal will be that it will form the framework that will let us be able to implement the projects and ultimately get to an operations phase of these projects as they are built. It will contain related agreements and documents, including the design plan and design guidelines and the operating agreements. And thosere each different pieces, which I'll talk about in a little more detail in another part of my presentation. So hang on. There

we go. I want to talk about the role of the three parties to this agreement. I think the most important party here in some ways is the conservancy because they were created to help bring this project to fruition. And to act as a steward for the parks and the trails. They partnered with us for the design competition. They raised funds to help us with that. And also they are going to continue to raise funds and it's envisioned within the agreement that they would do that both for building this project, which is substantial, a series of projects, actually, and then lead construction on some of the improvements. We will lead construction on some of the other ones and ultimately they will operate the public spaces within the district, including being responsible for rentals, charges for venues, such as the poppy that you saw, within the district. The role of the city, we will review and approve the design for the public improvements. Administer the guidelines that will be part of the agreement. This is not zoning, but it's kind of guidance to the neighboring properties as they develop, so that they can see what's going on and maybe have some ideas of how they can integrate their development to take advantage of these new spaces and new public improvements. Also, we improve and maintain the structures in the right-of-way. And we make sure that the construction that's done will meet or exceed the city standards. We fund the public improvements as we have been authorized by either the voters, if there are general obligation bond funds going to some of the parks, for example, there may be funds going to sidewalks or

-- or some of the other typical city infrastructure and then counsel, if there are operating funds or other capital improvement funding, that would be brought before council over the years of this project. The role of the local government corporation. You, council, have created this entity in april of 2011 and when this project is up and running and you have approved it, they will review the work within the district to make sure that it is consistent with the design that you have approved. They will conduct open meetings, if they have a budget for anything that they need that will be approved by council and they may review and approve if their bonds or grants or other things for which they are needed. So they may help as a funding conduit. They will also be responsible for reporting and updating council on the projects in the district periodically a request. Key points ... I think that it's important to note that the city has a long history of public/private partnerships, this is similar to other ones that we have done before. In that we are partnering with a non-profit to develop a resource that will be a public benefit using a mixture of public funds and private funds. And it's unique because it would be the first partnership with a park conservancy and to build a whole series of projects over many years. The term of the agreement is 20 years. There will be options for multiple 10 year renewals, that's what we are envisioning and then funding for each project will be in place before the project is constructed. I mean it is a very visionary process and a long-term process and so i think that it's impossible to have all of that funding in place from the date of council approval. Council will approve any city funds that are used within the district through either requests that come up during the year or through the budget process. I am, you know, working on many of these types of projects and one of the things that I think all of us in the law department focus on is the state law and constitutional requirements that there be controls on city funds, that they be used for a public purpose and that we're able to document that that purpose was the purpose for which the funds were used. And so we are working to

-- it would

-- in the agreement, we would work together to create a phased plan for all of the different pieces. It would set out the design documents, the method of procurement and all of those sort of things that you are familiar with. The city would disburse city funds in the same way that we

have done in further public/private partnerships. For example, zach scott, topfer theater, many that you have probable seen, we have a mechanism for how to disburse the bond funds to be used in conjunction with the private funds that were raised by the theater to build that. Then that will be set out for each project because it will differ, you know, depending on whether it's a physical structure being created or perhaps trails. As part of the annual budget adoption that council does, we would bring before you a request to use any of the city funds that we need to use to get these projects up and running. How do we make sure that the projects are consistent with the plan approved by council? Oops I have gotten ahead of myself here. The projects within each phased plan that would be consistent would go through a more complete design development of, you know, the

-- the bridges and other things need the documents and whatnot to make them functional. And then projects that are consistent with the design plan and that use any city funding would have a funding plan approved by the local government corporation and any project that would be different, if there's any reason for making a project different than what council has previously approved, that would come back to council. Next steps. JUNE 20th, WE WILL COME Back to you with

-- with two items, one will be

-- ask the city, to ask for the city manager authority to negotiate and execute the joint development agreement and the related documents. You are also

-- you will also be asked to approve the design plan that was set out by mr. Van valkenburgh, then we have to do will a of the final work to get the documents in shape, execute them and again to implement the design. And then I'm available if you have any questions.

[05:21:13]

>> Mayor Leffingwell: Questions? On the briefing? Anyone? Mayor pro tem cole? [One moment please for change in captioners]

[05:23:28]

>> cole: Ok. We know the local government code has bond authority and where we see grants; is that correct? Hey may end up taking stems to do grants or bonds. We'll have to look into that and see whether that makes sense and whether there is advantageous financing out there for them to access.

>> Cole: Well, I'm assuming we will still go through our normal process of receiving grants that may be applicable to walker creek in the normal process in waller creek.

>> And fulbright is the outside counsel for this agreement because they have bond counsel that we have worked on with our bond. They're familiar with the processes.

>> Cole: Thank you. I have a couple of questions for stephanie. Are you having fun?

>> I'm having a blast.

>> Cole: I can tell. I am working harder than when I worked for you.

>> Cole: I can believe that knowing you're the culprit on this. Stephanie, layout for us how you see the development that is already occurring like on rainy street and that will occur with the medical school and teaching hospital and that the other development that is going to occur with respect to the design guidelines.

>> First of all, the design guidelinre the guidelines that were created for the waller creek master plan, that had the assistance of roma. These are guidelines that have had a lot of setting that came out of the community stakeholder process that we did for the master planning. Then they are

taken to the michael van valkenburgh associate, and they made a layer over their design of the subdistrict design that the waller creek master plan had. And they crafted them based on the new idea of the chain of parks. Each of the five years, they kind of edited the subdistricts in the plan to apply. I think it is difficult to have a universal set of design, you might say standards, guidelines for the entire corridor. We want to make clear that the tiff boundaries are not the same as the other boundaries. We're concerned with the conservancy that is adjacent to the creek, but we have a responsibility to make sure the entire district works and is integrated. Things along the rainy corridor, which are part of the tiff are not necessarily adjacent to the creek. We're working carefully on ose. I want to make clear that the district boundaries are not as same as the tiff boundaries.

[05:26:45]

>> Cole: Go ahead.

>> We want to work with them to work with the different landowners, the users through the corridor and not create a uniform set too early that may not apply, and as you know the bank conditions are different. If you are by cesar chavez, there is a stream grade change that may prevent you from being close to the creek and that is different on 8th street and being close to the creek is easier. We want to make sure we have been thoughtful. I think that will require more work if you consider and adopt the initial guidelines.

>> Cole: So you would like us to appve the joint development agreement, and then we will deal with the design guidelines, and what I'm sensing you're saying is that may need to occur in phases, like what's contemplated?

>> So we're going to ask that you consider the design guidelines that came out of essentially the master planning effort that had some additional review and efforts from michael van valkenburgh design. And move forward from there and having a discussion of design standards, regulatory enforcement, requiring more community input and time. To get started with the private fund-raising aspect with this, it is important that the council approve the design plan so donors feel they are giving to something that has the blessing of the city council.

>> Cole: Ok. Mr. Van valkenburgh I don't know if he wants to talk about this but he spoke about different expansions along the creek, can you speak on that?

>> I think it is great to know all the work that is done to waller creek has added. Nothing considered irrelevant, there are different uses along the creek currently. That will probably remain the same. In fact, it will change more. We need the park space to serve all the disparate users whether it is transportation corridor, recreation amenities for families, whether it is a healing garden, whether it is a place to get some, you know, fresh air, if you are in the hot air of the capitol. I think that, you know, the park itself needs to serve all the different users, as the downtown densifies, i think we will see more residential users who want the recreational amenity. I think we will have to consider what we do with dogs and also we want to see places that really attract the community as a whole, that may be programming and active spaces. We will have to work as we implement this plan to make sure we are reaching out, figuring out who the users are and need to be flexible to do that.

[05:29:48]

>> Cole: The last question, stephanie is: I know you have taken this to bords and commissions, can you tell us who you went to and what did you receive?

>> I talked about this in the intro. I have done a briefing to the facilities, mac board and others.

Since we were here. We did a round of this in october last year for the design competition. This saul happened this past march, april, may.

>> Cole: Thank you for your work, stephanie.

>> Thank you. I want to close really fast by saying, I think the board of directors of waller creek conservancy are excited. That is one of the most heartening things about this.

>> Cole: I want to say thank you to the board for the work thus far and the work committed to do the fund-raising.

>> Mayor leffingwell: Almost as exciting as the project itself, the aesthetics of it, is the model that it begins. It is a public-private partnership that can serve as a model, not only for waller creek, but other places across the city. I have been privileged to see the work done using this model in new york city and projects done by mr. Van valkenburgh himself. They're impressive. We have the opportunity using this model to take the park system to a new level in the future. I just commend everyone for their great work on this. Councilmember tovo.

>> Tovo: Thank you. I have a few questions. The first ones are probably about the agreement, probably for ms. Fireside. You mentioned that there are other public-private partnerships. I wondered what you thought the closest analogy

-- the closest analogy to this situation would be?

[05:31:52]

>> That is kind of difficult to say, because while we have some public-private partnerships with nonprofits, they tended to be for a specific project. Um, more complex projects have been with for-profit developers, like the miller which has a number of years and number of phases. It is really unique in that sense that it is long-term, multiproject, and with a nonprofit. I think ms. Edwards has probably considerable more experience than I do in the ones we have done, if you want to ask more.

>> Tovo: Sure, if you can add to that, but that is good to know there is not one model to use, but had to compile a few models.

>> I would agree miller is one of the closest, it has a 20-year project, it has a government corporation, and taken down in phases. You look at each project on its own. Although it is certainly a mixed use project as opposed to a park, the pieces of it are almost the same.

>> Tovo: Thank you. That's useful. Next, the requirement that the funding for each project be in place before the project is constructed?

>> Yes.

>> Tovo: In terms of looking at the plan, what will that look like on the ground? For example, each of these components, seems to be very multifaceted. So does the funding need to be in place for every facet of that program or can work begin if a substantial amount of funding has been received? So I guess, you know, looking at palm park, i mean, there is

-- does all of the funding need to be in place or just a substantial amount before work can begin? Are there phases in each of these components?

>> The ways we have written the agreement, if that is helpful is that it is flexible. We are trying to leave that decision to the parties as we work through them. You know, can we come, can we do a design phase and then figure out whether there are pieces within that, that can be funded and implemented? I think that takes the whole team. And there is

-- the key will be to make sure that whichever piece we do, that it is consistent with the plan approved by council and then that we have funding that we're not just beginning something that

ends up halfway built.
[05:34:28]

>> Tovo: I see. But there will be an opportunity to take on certain phases of, say, palm park, without having raised all of the money?

>> Yes.

>> Tovo: An example would be where you would have a trail that connects all the way through park and we would have bond funds possibly already to do the trail all the way through the park, or in your case, in your example, there, yes, could be pieces of palm park that could be done without having the building itself be renovated. Or it could be the building itself that could be renovated and not the other portions of it. That's why we have talked about this in hopefully a very flexible way, given that when we have the available funds and the conservancy has the available funds that we can move forward with the discreet piece, but we call that a discreet project where all of the projects would be

-- all of the funds will be available previously for that particular project. That is one reason that you saw the team was so large. We have all of the develop departments, the economic development department, involved to look at that, to ensure that that is going to happen. In addition to that, we have nick nacarado who is the project oversight manager for the entire piece. And he has oversight over city hall when city hall was built. He had oversight over miller, and has a great deal of experience. So we're trying to make this as simple as a complex program can be.

>> Tovo: That's great. I appreciate that answer. It does mean we will start to see small pieces of it, at least, as early as the funding is lined up, without waiting for the huger numbers. I'm trying to understand how these, as it moves forward, where will be the points of council approval? So I think I have a few specific questions, on page 3, for example, it talks about the conservancy operating the public spaces and dealing with the rentals and charges for venues. Will it work like our other parks charges that they are part of the budget approval process? Will we approve at fees or will the conservancy bear the responsibility of approving those fees and determining what those are?

[05:37:02]

>> I think it will work similar to other spaces we have that are run by a nonprofit, where the fees are set by the nonprofit so they can make sure they have the fees available to operate properly.

But they'll be reviewed. Right now, we've got it set up, as we're working on this

-- you know, it is evolving. To have those reviewed by the parks department, that the fees should be reasonable, and also that there be provision for free and reduced charges for different groups and for the city itself so that we can have use of the venue spaces at certain times so that they'll have a pro forma and they'll have a plan fortunate how to do it

-- plan for how to do this, and review. Like zack and some of the other facilities we have, they need to evaluate and run things beyond what the city has been able to do.

>> Tovo: But there will be

-- it will be a value that they have a certain amount of space available at a free and reduced rate?

>> Yes.

>> Tovo: Ok. And how will that be negotiated? Will that be negotiated as time goes on? Will it happen in the parks oversight? Is that something that at this point we need to specify in the joint agreement?

>> We are specifying a framework in the joint agreement and operating agreement that as a venue comes online, that we'll create a mechanism to determine what -- they'll provide the pro forma for what they expect it will cost to operate, and then we will work within that to make sure that we have the free days for the city and the reduced fees for certain groups and things, per venue. So that each one should be sustaining, but also each one have that value that will be appropriate. And then there will be certain areas, like the trails and things, that will always be open.

[05:39:10]

>> Tovo: When you say "we" is that a staff role? Is that something that you would bring to council for approval? Is that something that would go to the waller creek local government corporation? Who is going to determine whether that framework kind of meets the goals that we bring to other kinds of arrangements of that sort?

>> I think because they would be legal documents, they would be drafted by staff. Similar to a north austin rec center and zack scott and some of the other facilities that we have that are run by nonprofits. You will have communicated that and these are public spaces and public facilities. So we have that obligation to make sure they're open to the public.

>> Tovo: Ok. Thanks. And then I have one last question. And this is really about the design. I'm intrigued by this

-- well, all of it, it's fabulous. Is a very exciting project. And I'm eager to see it get to this point. I'm happy to get to this point and eager to see it move forward. I have a specific question about opening up the chon channels with the long sight day line and long sight. How do we achieve that. Where is the focal point for that? Throughout the this discussion in the public meetings, others, there is a goal of identifying some areas that would be more natural than others? So how will

-- since we're approving

-- we're considering a very, very general design framework, i guess I would like to have more information about that piece of it.

>> I think as we move forward and take each of them, as we call them phase plans, forward, we'll have a better sense of what it will look like when it is constructed. Right now, we need a general framework.

>> The idea is that we have to be careful with the ecology and flora fauna that exists. It is more tricky if we clear the open spaces first. That all of a sudden clears a lot of the water in the creek from the stream bank. We have to be careful because so many of the invasive species are holding up the stream bank right now. Tell have to be designed. That is one of the things that michael van valkenburgh is good at. Creating things that look federal, even though there are microfibers holding up the grass. Palm park is another place that they feel needs to be opened up, a more gentle grade down into the creek, right now, it is almost a cliff. There are other places where the creek is almost level with the ground in the city

-- the 8th street, ninth street area. And making sure that the trees are planting further away and having other classes near the stream bank. I can't say it is consistent. There is a goal to be very visibility of the creek. It is hidden now. We can't remove the buildings that are there, but we can work with the invasive species, with the stream bank, make sure the development doesn't encroach on the stream bank.

[05:42:34]

>> Tovo: In terms of what is COMING IN THE 20th, WILL There be areas where this is identified as an appropriate strategy? Or as you said those phased plans

-- will it work out in the phased plan?

>> It will work out in the phased plan. This is a concept and a goal. There are lots of places it can be applied. There are others where it will be much harder. We were talking to the native plant expert on the jury, he was in town recently. He was pointing out the stuff that grows toward the mouth. As very

-- he was laughing. He said, if you take that out, you won't have a stream bank left. We will have to work with the watershed protection division, I know joe and his staff have been studying this and looking at places and how you do this carefully and thoughtfully.

>> Tovo: The planned will go

-- they will not come to council, as I understand it, they go to the local government corporation?

>> Yes, unless there is a substantial change. Unless it happens and it deters is significantly from the plan, it has to come to the council.

>> Tovo: Yet, if we are approving something general that says we are opening up the channel with long streamlines and sight lines, that gets latitude to do it wherever along the creek that is deemed appropriate. I want to recognize the members of our community who are concerned about leaving the parts that are able to remain as natural as possible in that state, in an enhanced state, but maintaining, respecting that and not crafting very contracted environments in those areas. Can you help me understand how we can give them assurance that that will happen?

>> Well, I think if you have seen any of michael's project, you will know that it will be considered carefully. Brooklyn bridge park, sits in brackish water. Everything they have done to incorporate, in fact, they built up trees to set up on the end. It is built on a constructed hill, something that didn't exist. Because the trees are there, you have birds, wildlife. They have been careful with how they treat the condition in the water itself to make sure that it remains as natural and healthy and almost swimmable. So I think that is one of the reassuring things about the selection of michael van valkenburgh as the principal landscape architect. I think because we have the technical advisory group, which is a lot of city staff that are working very hard on this project. I have to shout out to kristin pipkin, an engineer in the water division. She designed a fish run, so fish can go up when there is water in a dry condition. There are things really studied. We're talking to the auto bahn society to incorporate their findings and research into the park. The other thing is we have been working with the initiative at the lady bird johnson wildflower center. It grades landscape, sights does for landscape. That was part of the criteria and the evaluation of the selection into the team. We hope that as we finish out certain phases, that they will be scored through the matrix.

[05:45:52]

>> Tovo: Thank you for your work and everyone involved in the project.

>> Mayor leffingwell: Katie mattera morrison.

>> Morrison: I want to congratulate everyone, too. Very exciting. I have one question about the design and particularly the pontoon bridge. The question I have is: Is that something you can answer, stephanie? Ok. Great. So it swings from

-- all the way from the south, and it swings over to the north shore to back to a dock, it looks like. Is that dock already there, or would it be a new dock?

>> It would have to be a new dock.

>> We know this is ambitious.

>> Morrison: That is all right. It is a little stunning in a good way and oh, a pontoon bridge, a good idea. Concepts of when it will be connected to the south shore and wouldn't be?

>> We have to talk to the community. One of the issues is relieving parking from rainy street. If you can get a bike and connects to rainy street and you can easily ride your bike, it would have to move with the life cycle of rainy street. Probably wouldn't do a lot of good if it didn't crossover at a certain point trying to get the traffic home from the night life. On the other hand, maybe that is not the user group, maybe it will be a commuter route for cyclists to connect to downtown. That would be very specific hours, right, where it would have to be able to swing back. I think this is something the designers are thinking about. They thought about having two points that are fixed and you could almost set your clock as to when the bridge would swing. It is also designed to be led like a tug boat at the front and be a boat so it can be nimble. So there is a lot of flexibility about when it could pivot. I think we have to talk to the community more to see when they would like it to pivot and who would be using the pontoon bridge.

[05:48:03]

>> Morrison: It is a very open concept at this point. Eat. I appreciate that. I want to understand more what you were talking about, the design standards from the master plan. I think you said they were sort of layered over the design. From the

-- exciting designs that we have in front of us, layered over. And crafted into design guidelines that are going to be part of this agreement in front of us on June 20, did I understand that correctly?

>> The roma design p that were the original design guidelines were approved by the council. So we took those roma design guidelines and sent them to michael van valkenburgh, and he overlaid his design over those guidelines. So it uses the same concepts and the same principles, there is just some slight differences, based on the difference in design. But the concepts of those designs that you have already approved are there. So I wanted to clarify that they will be available, attached to the agreement.

>> Morrison: Two things. You mean it will be available for review prior to June 20?

>> Yes.

>> Morrison: So we will have a draft?

>> Yes.

>> Morrison: So the item on the agenda will be to negotiate and execute. Not that we're going to be doing the final

-- we won't see the final

--

>> I probably misspoke. Usually when we negotiate and execute, we will send the terms. If council, you are concerned about the guidelines and would like to see them beforehand, we will have them ready so we can make that available to you, if you would like.

>> Morrison: That would be helpful, I think, especially considering a lot of folks have put a # -- put a lot of energy into that. I'm confused about the roma guidelines and the development guidelines in the master plan. Those are particular about parking, curb cuts, encroachments, setbacks. I see George

--

[05:50:23]

>> I will let George speak to that.

>> Morrison: Is that what we are talking about in terms of the Roma design, or something else?

>> I believe they're one in the same. As both Stephanie and Ms. Edwards mentioned, the starting point where the Roma design guidelines that were part of the Waller Creek Master Plan, MVVA tweaked those slightly. The final document is the combination of the basic design guidelines Roma had and the relatively minor changes MVVA made to those.

>> Morrison: I am confused. In the master plan, there is something called a proposed subdistrict standards. Are those what you are talking about?

>> Yes. But they have been translated from the Roma subdistricts to the five areas that Mr. Van Valkenburgh talked about.

>> Morrison: And when we

-- but those, to make them enforceable have to be put in code. So I'm confused about, is that the intent to implement them in code?

>> Well, as you mentioned, with the approval of those as part of the joint development agreement, they would be guidelines, advisory. We anticipate going through a stakeholder process and looking at ways to translate some or all of those into something more regulatory. Something that has more teeth to it.

>> Morrison: I think that was the intent of the master plan that speaks to implementing the code?

>> Correct.

>> Morrison: Is there concern about actually following through with that? I would like to know if there is going to be concern about that from any of the parties that are signing the agreement?

>> Right. No, I don't think for many of the parties signing the agreement there is any concern. What we heard during

-- leading up to the adoption of the Roma master plan is that there were perhaps specific guidelines in there that there was concern about the overall idea. There was a concern. But we always anticipated going through another, you know, separate process to vet those out.

[05:52:44]

>> Morrison: I think timing is important because we have projects being conceived now, and I think there are projects being conceived asking to, you know, go and do things that violate these things. So

-- or proposing to do that. And so, we may well lose our opportunities to actually put these in regulations. So

-- is it going to be another three-year long process?

>> Hopefully not.

>> Good.

>> What we are trying to do with the practicals that are moving through now is coordinate as best we can the concepts of the design plan with the projects. You know, before they get too far into their design process.

>> Morrison: Ok. Great. I appreciate y'all making those available, there will be on my part and some folks' part to understand the translation is made to get them into the new plan. What about the rest of the agreement? Is any of the rest of the draft of the agreement going to be available before the 20th?

>> It was not our intent because we were asking to negotiate and execute. But it is always at your pleasure.

>> I would certainly appreciate that. I think that it will give a greater sense of accomplishment. I

know there are questions up here about how exactly something will work. That will be helpful.
>> If you would allow us to put it in as a draft, understanding there could be tweaks since we are in the process of discussing details, then we would be pleased to do that.
>> Morrison: I would be absolutely comfortable with that. We have done it before. It just gives us more foundation for understanding it.
>> One other clarification i wanted to make with respect to the pontoon bridge, because it is a sensitive issue right now. We are in the process of discussing with transportation the pontoon bridge and the location of rail, since those are two issues that are outstanding. And I just wanted to make sure that everybody understood that wherever the pontain bridge goes, it will be a joint decision about how we move forward since woer going to be moving forward with the pontoon bridge certainly before rail is going to be in, if it gets there.
[05:55:13]

>> Morrison: Are you suggesting that the pontoon bridge could serve as a bridge for rail?
>> No, we're not.
>> Morrison: Always good to do dual purpose things. All right, thank you very much.
>> Mayor leffingwell: Ok. Thank you very much. WE'LL SEE YOU ON THE 20th.
Councilmember spelman pulled item 21. Th are no speakers, do you anticipate that is a lengthy discussion item? We will take that item up now.
>> Spelman: I want to ask mostly what I can and in public. Mr. Loya is probably the best situated to answer my questions, if he's around. I think I can hear the pounding footsteps as he runs from the staff bullpen, and there he is. Ha-ha.
>> Item 21?
>> Spelman: Yes, sir.
>> He hasn't asked a question yet.
>> Spelman: But I bet you knew what I was going to ask. You helpfully provided us with a memorandum, which as usual says "confidential client information." It seems none of this is confidential, but I wanted your opinion on this subject.
>> I think that is right. I am happy to, in response to questions if council has questions, I'm happy to cover the material in the memorandum.
>> Spelman: I have three questions, I don't think we need all the details, but three questions. First, what is the current status of our work on chapter 245?
>> Well, in response to council's narcotic in ADDITION ON THE 28th,WE'RE Working on a draft. It worked on expiration related issues. There is more to the ordinance. The ordinance would, per council's direction, codify a process for review of 245 applications for submittal. Sether is a lot of meat to the ordinance. We're working in consultation with outside council as well as with the internal 245 team to refine the ordinance, make it more clear, make sure it fits with other development mores, and we anticipate
-- we are making a lot of headway, but it is complicated work. We anticipate having a draft that would be ready for planning commission review in july.
[05:58:12]

>> Spelman: Presumably, if it is planning commission, if we need to dispose of it in july, we will see it in august?
>> That's correct.
>> Spelman: At what point would it be appropriate to release a copy of that draft?

>> We're not there yet.

>> Spelman: I will ask a better question. What point would it be appropriate for you to give us something like a term sheet on the draft? Here are the important things we're trying to accomplish with the ordinance?

>> I think that in advance

-- in advance of releasing it for planning commission review, we can release a term sheet with the elements of it. Sometime in July.

>> Spelman: In July, you may not have nailed down all the words, or have the pieces connected to the current code but a good idea of what we want to accomplish and something you can present to us and the public?

>> Yeah, we'll be ready for that.

>> Spelman: Is there any reason why you would not feel comfortable producing that for us and the public now?

>> I don't think we're far away from having the details in place to provide that high-level summary, but there are a few key issues we have to figure out the direction on. That is director Gurnsey's decision is for.

>> Spelman: That is what the item 21 is about?

>> Item 21 would include definitely a review of the draft ordinance, but additionally, the city is looking at, you know

-- is looking at applying the dormancy provisions, which we talked about at great lengths a few weeks ago. That is new territory for the city. Additionally, beyond simply reviewing draft ordinances and giving us comments and feedback, outside counsel is helping us figure out how to implement dormancy in our existing 245 caseload.

[06:00:21]

>> I appreciate the difficulty of your task, as I remember, was to come up with something that went beyond the dormancy rules of the state law that went beyond the 245 proposal but was completely consistent with state and did not overreach. Is that a fair statement.

>> That's correct. Beyond consultation with outside counsel, director Gurnsey and the law department met with the city of San Antonio and reviewed the procedures of other cities. What the city is looking at, considering, talking about is based on that feedback and that consultation.

>> Spelman: Very difficult task. I don't begrudge the time you spent on it or your inability to tell us about the details but I look forward to seeing the details as soon as you can provide them to us. I move approval of item 21.

>> Mayor Leffingwell: Councilmember Spelman moves approval. I second. Passes on vote of 5-0 with councilmember Morrison and another off the dais. We will move to the next item, Kathleen Flat is speaking on code compliance. Don't donate time. You have to use your three minutes by yourself, basically.

>> Good afternoon, my name is Kathleen Flat, I have been a resident of Austin for 40 years. We're aware of a recent council official who was arrested for D.W.I. That official, within a few days of arrest took ownership and responsibility for their actions and pled guilty and served time and paid fines and is going through the steps of recovery to put their life back in order. Had that event happened 20 years ago, it might have played out differently. That official would have been pulled over, once the officer realized who they were, most likely the officer would have secured the car and driven that official home as a professional courtesy. If I may, let me see by a show of hands for the council members and audience if anyone believes that is how the recent arrest

should have been handled today? Thank you. Just a few weeks ago, an austin police officer was put on indefinite suspension. The reason for his dismissal was because he lied in order to get a free movie ticket. He could no longer be credible witness for the prosecution. Again, may I see a show of hand if anyone thinks we should retain employees whose job it is through a court of law, which it can be determined that they lied in an official capacity? Thank you. I think it is safe to say that we all agree that the days of professional courtesies when public officials break the law are over and are no longer tolerated by the public and we as a society cannot and should not tolerate employees who lie for personal gain or lie in an official capacity to imply things that not in fact in order to misdirect an investigation. It has become necessary for me to publicly stand before you and place in the city's records that I am here as a whistle-blower to report in this public forum that employees of the code compliance department continue to openly violate not only their own department policies but state and federal law. Whistle-blower is the necessary term because i have and continue to experience retaliation and veiled threats by city employees for trying to bring to light documented cases of abuse, authority, tampering of government records by code compliance employees. There is not enough time in this forum to present information and facts. It is facts, not opinion that I offer. A started off a few years ago in our personal time educated about code compliance department. I have obtained through open records the policy manual but all the training materials used to educate their employees. It is within their own training material where loys the reference of accountability and the laws to which they're held accountable for. Make no mistake the law enforcement officers are out there documenting homes and businesses, using photos, case notes, creating reports and the same employees testify in a court of law as to their actions. Over the last few years, i myself have documented and turned in [beep] mest thank you, ma'am.

[06:05:18]

--

>> mayor leffingwell: Thank you, ma'am. Next speaker is dale flat, code compliance and austin cemeteries. To be continued.

>> To be continued, sir. Yes. Over the past few years i myself have documented and turned in violations of the city code over things like empty lots used as dump sites. Roadside dumping in yes, city of austin property. I keep before and after photos of each location i have turned in, as well as copies of investigative case logs by city inspectors at each address. These along with records provided to me by the city through open records request paint a clear picture. It is your own documents not my opinion that clearly shows the state laws are being broken. That austin properties in violation of city code are given a professional courtesy and in many cases no action is taken in these cases are simply closed. This selective enforcement should not be tolerated. This places city employees that work in the spaces in danger and endangering the public that visit the spaces when we allow work it be done without permits and inspections. I have reported my concerns to staff and even austin police department with no results. What was to be a one-on-one meeting with assistant city MANAGER mike McDonald to discuss my concerns happened to be not only the codirector and the lead supervisor for the city i work for. We will call him harry. When I asked harry why are you here he said chief McDONALD ASKED HIM TO Attend. Harry played the part of secretary and took notes on A LAPTOP AND chief McDonald made it clear that it was his opinion that all I had was opinion. That he was a professional law enforcement officer and I did not have the training or all of the facts. It became very clear MR. McDONALD WAS NOT THERE To listen to a citizen reporting crimes, this was an ambush

with the only possible reason for harry to be there was to intimidate me and create a veiled threat to my employment if i proceed to bring facts to life. TO chief McDonald, i publicly state, sir, it did not work. City policy and state and federal law is very clear. If an employee suspects fraud or illegal acts by others, they are to report it to their employer and retaliation for reporting such acts will not be tolerated. So I'm here at the top rung of the ladder of government speaking to you the city council. It is clear the city will not police itself so it is clear to expand the public visibility. Some of the research can be found at joe fair.Com. Soon much more content will be added. You can look us up on youtube, look for stories about austin code compliance. We actually have joefairview on facebook. Now I ask you what is the next step? Who will sit with me and look at the facts? Anybody? Is there any council member that will sit down and look?

[06:08:33]

[Beep] let me say, nobody raised their hand.

>> Mayor leffingwell: Katie matt spelman.

>> Spelman: It is irregular for anyone to respond. If you send me something in writing, I will happily take a look at it. I won't commit to a meeting until I see something in writing.

>> Thank you, sir. Thank you, council members.

>> Mayor leffingwell: Min inan. Min inan. City of austin investment and workforce. Re welcome to speak for three minutes.

>> Good afternoon. My name is ben inan. I am a board member at capital idea. I first want to take this opportunity to thank you for what you created with the initial samsung investment. I'm also very proud of one of the capital idea pilot project graduates from that time. John deleon. He's now part of my highly skilled technical team at samsung. In 1998, john only had a g.E.D., But with special classes in math conducted by leaders at austin interfaith at san jose church, he got a higher paying job as an equipment operator, where advanced technology skilled were required. Now, with his two-year degree from a.C.C. He's moved to samsung and become a key member of my team, responsible for maintaining master optical patterns we use to make microchips that are likely in the cell phones and tablets of everybody in this room. John and another lady here, one of our graduates, michelle

-- by the way, these are all the former students, staff members, and board members of capital idea standing. You will hear from michelle in a second, and her sons, who are powerful examples of the potential of ordinary austin citizens to contribute to a world class industries through targeted education supported by capital idea. But in my case with john, he could not repeat this path without having his two-year education first without doing this in 2013. Entry level requirements in all industries have risen to be associate degree level. And they keep going up. So I thank you for your support of capital idea and I urge you to continue making workforce development invest in austin citizens. It is now more important than ever. Thank you.

[06:11:19]

>> Thank you.

>> Mayor leffingwell: Now michelle montreal. I'm not sure if I said that correctly or not.

>> I'm one of more than a thousand individuals who have entered to the skilled career field thanks to capital idea and you. I wanted to express my thanks for the ongoing investments the city of austin has made over the last 15 years to keep this enormously beneficial program

available to low-income adults. When I started with capital idea in 1999, I was struggling to raise my son and support myself on \$8.50 an hour with no benefits. I was dependent on section 8 housing. Like many poor adults I have a strong desire to provide more for my child and was willing to work as hard as i need to, to better our circumstances. Capital idea took that desire, laid out the path that I would need to meet my goals and helped me address every barrier in my way. Since my graduation in 2003, I have received numerous accommodations for the work that I do and nearly tripled my next. I am now a lead surgical tech for st. David's hospital forore than 13 years. Thank you for breaking many cycles that have held on to my family for generations. And because of you, that cycle has now been broken. I'm going to introduce my son gabrielle perez who is third year in texas state university.

>> Hello, my name is gabrielle. I'm a student at texas state. I'm working through my bachelors in healthcare administration. I wanted to thank you all for your investment in my mother's education and briefly share are with you the impact it had on my. My mother's decision to go to college set a standard that wasn't there before. As a child, witnessing her success and seeing circumstances change, i realize how important education can be. There was no question i would go to college. When I was confused about career choices my mom was the resource I would go to. Rather than jus picking a major and hoping there would be an opportunity on the other side, she helped me research and envision a long-term career goal, then work backwards to lay out my path to get there. Your investment not only gave her the opportunity for self-sufficiency in a career, it gave me an excellent example to follow and established a respect for education that I will pass down to my children some day. Thank you.

[06:14:06]

>> Thank you, gabrielle. [Applause] you brought several people to tears with your story, including your mother. Thank you very much. Adele noel. Adele's topic is air quality.

>> I'm here today to provide information about air quality in central texas, in particular ozone. Ozone is good up high, bad hereby. Up high, it protects the earth from harmful ultraviolet rays. Nearby, it is a health concern. It can cause shortness of breath, coughing, wheezing, headaches, nauseous, throat and lung irritation and asthma. Young people, the elderly and those with preexisting respiratory conditions are the most vulnerable. Even healthy adults can be affected. One out of every 10 children and one out of every 13 adults are impacted by asthma. Some people say: I don't care about ozone, I don't have asthma, I'm healthy, it doesn't impact me. It does, it hits you in your pocketbook. Higher insurance and property taxes. Ground level ozone standards are set by epa to protect public health and environment. The current federal standard for ozone is 75 parts per billion. In texas, central texas we are currently measuring 74 parts per billion, just on the edge of exceeding the standard. In december of this year, epa could lower the standard to below the current standard of 75 parts per billion to anywhere of 60 to 70. If that happens, central texas and austin area will be designated a dirty city. We are clean now and safe, we need to do everything we can to improve air quality in our area to maintain our clean city status. Local governments in central texas including the city of austin have been proactive and committed to ensuring good air quality and developing an ozone advance plan. Ozone advance is the latest in the series of air quality plans the region has undertaken to assure continued attainment with the federal standard. For example, about 10 years ago, our design value, the central texas area was 84 parts per opinion, today it is 74. These plans do work. A key

component of the ozone advance plan was to secure attack holder and public input on control strategies to reduce pollution. In order to get public input, an on-line survey has been developed. We need people to complete the survey and give us your input. Everyone living in central texas and six surrounding counties, including travis, ramsey, bastrop, caldwell, hays burnett are encouraged complete the survey. It is quickly found using the internet search of ozone advance + austin. There are other ways people can become involved as well, besides completing the survey. Visit the website, spread the word, pledge to reduce your own emission.

[06:17:32]

[Beep] thank you very much.

>> Mayor leffingwell: Thank you. Reverend fred krebs. Speaking on the needs of the working poor.

>> Mayor leffingwell, council members, city manager, city attorney, my name is fred krebs I'm pastor of prince of peace lutheran church. I'm a board member of capital idea. We thank you for the city's investment in michelle, john, and many other graduates and students of capital idea. It is important work of justice and opportunity. It is also an important work of economic self-interest and economic development. As we have shared with you before, the university of texas has calculated that the return on investment to taxpayers is 501% over 20 years or equivalent of 17% annual rate of interest. Graduates last year began their career at \$19.11 an hour, with benefits. With your investment, they transformed themselves from people needing public assistance to becoming substantial taxpayers themselves. There is much more to do. Over-100,000 austinites get up every morning and go to work yet do not earn enough to support their families. This is both a need and an opportunity. Every working poor adult we support to enter a good paying career in austin industry pays back the taxpayers with 17% interest. As we head into the budget process we urge you to continue the \$1 million investment into capital idea. Thank you. [Applause]

>> mayor leffingwell: Thank you. Lane adler. Water fluoridation.

[06:19:35]

>> Two weeks ago, the people of portland, oregon, scored a stunning victory by resoundingly voting down an attempt by politicians to force fluoridation on the water. Pored landers are like austinites, well educated, health conscious. They even say keep portland weird. Their pure water that comes from snow melts in the cascade mountains has never been floridated. The battle though framed as local was intigaited by outsiders. The d.C. Based fluoride lobbyists with the unlimited funds and corporate print media in their pocket, crept into town and acted through a group called upstream began to secretly member the five member at-large city council. Last august the at-large city council suddenly announced that they would vote to floridate at their september 12 meeting. Meanwhile, the decision already made, they staged the september 6 mok hearing during which they heard six hours of citizen input, most opposed to fluoridation before discussing it. Following the council's vote, the group sprang into action with a referendum to place the item on the ballot. They needed signatures and collected 43 k in 29 days. They spent the next six months educating the public already outraged by the council's stealth campaign. In the end, it wasn't even close. Despite being outspent 3-1 over-800 k by fluoride pushing corporate into their only 2 eighty k and facing a supposedly invisible team of high-profile campaign consultants they won by a 20% margin, 60% to 40%. Ironically, the same margin by which wichita voters defated and austin voter defeated last fall. Those are starting to sound like

magic numbers. It is probably clear to most of you by now that fluoridation in austin -- excuse me, needs to stop. Here is how to do it without loss of face. I have here a letter of florida official sent to over 40 fluoride suppliers one year ago, requesting detailed product information. Not a single vendor replied. The format is excellent and needs to be adapted to texas law, and sent to mosaic. Request an analysis and toxicological studies. You will not receive a response and you will have cause to cease purchasing their product as was done statewide in utah. And I have a copy of our -- of mike martinez as chair of the public health and human services, one for the city attorney, and one for the record. Thank you.
[06:22:49]

[Beep]

>> mayor leffingwell: Thank you. Kuyoung kim. Austin citizens, homeland security.
>> Thank you very much, i appreciate all of you. As I told you, my honorable and perfect mayor and mayor pro tem and members chris riley, mike martinez and kathie tovo and laura morrison. And bill spelman, all of you are the best members in the city. And thanks to you I enjoy living in austin city. Thank you very much, all of you. And we talked this morning about law, justice and education. Your council today item is law as an agenda. But I ask you my item about law and employment and justice and my item was not accepted so far as an asianer. And one of you told me over the phone that denial means we did no response from you means we did not accept yours. That is against the law. The law said no response means my request all things accepted as true. You have to study the law. Also, last time I mentioned about democracy and mentioned about your city code, 2.5 in a government. And I explain details. And I come in the paper to you several times. But I didn't respond. Today, I really hope some of you will respond to me. This discrimination, like motels, hotels, restaurants. We don't have that kind of discrimination anymore. But actually, the provision of the discrimination law is self-discrimination. What happened to the discrimination by the government officials state, government officials, other government officials? There is no response for that. This morning, today, i talked to laura livingston, you know the other minister in the district court of the
[06:25:51]

[indiscernible] county. Laura livingston. She said our local jurisdiction court system is perfect. Not true. I said texas is notorious for being broken court [beep] killing innocent person.

>> Mayor leffingwell: Thank you, mr. Kim.

>> Thank you, sir. Ronnie reeferseed. Is ronnie reeferseed here? Those are all the speakers that we have signed up. So the city council is going into closed session to take up two items pursuant to section 55107 of the government code and consult on 47, legal issues related to amendments of city person policies to provide 30 days of paid parental leave in the development of a paid leave bank. And 61, city of austin labor negotiations with the fire, police and e.M.S. Departments, noting items 59 and 60 are withdrawn. Any discussion on these items? Hearing none, we will now go into executive session.

[08:17:51]

>> Testing 1, 2, 3, 4

[08:20:24]

>> mayor leffingwell: We are out of closed session. In closed session we took up and discussed legal issues regarding 47 and 61. It is after 2:00 p.M. So mr. Guernsey, are you in the room? We can do our consent zoning agenda. Hank you, mayor and council, greg guernsey, planning and development review. Consent items at 2:00 o'clock, zoning ordinance with the restricted covenants where the hearings were closed, first is item number 62 for consent, c14-20110141. This is for the property at 8107 peaceful lane and 501 hubach with conditions. Number 64-c14-2012-0083. And this is located on 800 west sixth street to 602-702 west avenue. This is to reserve the property downtown mixed use, central redevelopment or dmuc-cure, combining district zoning for tract one or lo and tract to for dmuc-cure. There is an item that addresses that.

>> Mayor leffingwell: Technically those are third reading?

>> Guernsey: Technically those are third reading and public hearings are closed. I can go through the rest if you would like.

>> Mayor leffingwell: Yes.

>> Guernsey: Number 64, np2012-0023.01, this is for the 1504 east 51st street area. I believe we a few citizens signed up.

>> Mayor leffingwell: No citizens signed up.

[08:22:24]

>> Guernsey: I guess I can offer that as consent item for three readings. A neighborhood plan amendment to designate on the future land use map to mixed use land use. Item number 65 and 66 are related. Sixty-five is npa-2012-0016.01 for the property located at 1411 shady lear 1500jain lane.

>> We have people signed up for those.

>> Guernsey: Sixty-five and 66 will be discussion.

>> Spelman: Mayor, only people signed up to sign up for

-- to speak for 65 are four. If that's the only case for consent, we could hold up on consent. They aren't signed up to speak. They are just weighing in as against.

>> Mayor leffingwell: Well, is there one who signed up to speak in the public hearing on 65 and 66 who would like to speak? Anyone at all? Anyone at all? Did I see a hand over here? Okay. So take 65 and 66 off consent.

>> Guernsey: Okay. Thank you, mayor. Item number. This case, npa-2013-0011.01, for the property located at 4805 harmon avenue in the north loop neighborhood planning area. This is -- I changed the future land use

-- a change of future land use map to designate as single family land use. Commission did recommend as single family land use and it is ready for approval on all three readings. Number 68 is c14-2013-0013 for the property at 4805 harmon avenue and it is to zoning the single family residence small lot or sf4a in p combining zoning and the planning recommendation was to grant the sf-4a with the conditional overlay combined district zoning. This is ready for approval on all three readings. Item number 69 and 70 are related. Sixty npa-2013-0011.02 for the property located at 4914 benefit avenue and the zoning case related to that is c1420130021 for 4914 bennett avenue. The applicant has requested an indefinite postponement about 69 and 70 and we will have to renotify again when this item comes back at a later date. Item number 71, case npa-2013-0025.04. This is in the oak hill neighborhood planning area for the property located at 6110 forest hill drive. This is to amend the future land use map to show higher density single family land uses and it was recommended to you by the planning commission and the related zoning case is item number 72, c14-2013- 0018 for the property located at 610 hill forest drive to zoning

the property to urban

-- to zone the property to urban family conditions at sf5conp and the planning commission's recommendation was to grant the conditional overlay at sf5somp for the reasons and there was a restricted covenant associated with this, I would note, and was executed and this is also ready for third reading and there is also an agreement with the neighborhood on this item as well. Item number 73.

[08:26:19]

>> You are talking about 71 and 72, we have one speaker signed up on both of those items.

>> Guernsey: Mr. Rusthoven indicated there may be speakers signed up.

>> Mayor leffingwell: That's correct.

>> Who don't wish to speak.

>> I spoke with them. They are in agreement and don't wish to speak any longer on 71 and 72.

>> Mayor leffingwell: Kent gregory, you don't want to speak?

>> [Indiscernible]

>> mayor leffingwell: No, no, now is not the time. I just want to know if you plan to speak or not.

>> [Indiscernible]

>> mayor leffingwell: Okay.

>> Guernsey: Then I will continue, then.

>> Mayor leffingwell: Yes. Seventy-one and 72 are first reading.

>> Guernsey: No, we are ready for three.

>> Mayor leffingwell: Ready for all three.

>> Guernsey: On both of those and we have the executed restricted covenant. Item number 73 is case c14-2012-0140, property located at 3511 manor road. Staff requesting postponement of this item to your august 8 agenda. Item number 74 is case c814-2012-0160 for the property located at 211 south lamar boulevard. Staff is requesting a postponement of this item to your june 20 agenda. Item number 75, case c14-2013-0011 for the property located at 11,800 arabian trail. This case has been withdrawn. No action is required of the council today on this item. Item number 76, this case c14-2013-0020 for the property located at 2324 russell street. I understand we have citizens who have sign out up for this item.

>> Mayor leffingwell: One.

>> Guernsey: That would like to speak to it.

[08:28:19]

>> Mayor leffingwell: Okay.

>> Guernsey: Item number 77 is case c14-2013-0031 for the property located at 3907 3907clawson road. Staff is requesting a postponement to your august 8 agenda. Number 78, c14-2013-0032 for the property located at 3903 clawson road and staff is requesting a postponement to your august 8 agenda. Seventy-nine, c14-2013-0037 for the property located at 7509 manchaca road and this is to change it to lo zoning and the planning commission was to limited office or conditional overlay or lo-co combined district zoning and it is ready for approval all three readings. Number 80 is c14-2013-0041 for the property located at 1602 fish lane. The applicant requested a postponement to this item to your september 26 agenda. Our related zoning item is item number 81, c14-2013-0042 for the property located at 13826dessau road and the applicant asks a postponement to this item to your 26 agenda and the third red of this series of

zoning, number 82, c14-2013-0043 for the property located at 13826 spathes dessau road and the applicant requested a postponement of this item to your june 26 agenda.

>> Mayor leffingwell: So the consent agenda is to approve item 62 and 63 on third reading. And on

-- to close the public heari and approve all three readings, item 64, to close the public hearing and approve on all three readings 67. 67, 68, to post upon items 69 and 70 indefinitely. To close the public hearing and approve all three readings item 71 and 72. To postpone items 73 until august 8, postpone item 74 until june 20, noting that item 75 is withdrawn. To postpone items 78, -- 77 and 78 until august close the public hearing, approve all three readings, item 79, and to postpone items 80, 81, and 82 until september 26. Entertain a motion. Council member spelman moves to approve.

[08:31:19]

>> Cole: Second.

>> Mayor leffingwell: Mayor pro tem cole.

>> Cole: And mayor, I would also like to

-- well, I will follow with this motion and make a motion to move oak creek village to 4:00 o'clock time certain.

>> Mayor leffingwell: That item will be set for 4:00 o'clock.

>> Cole: Okay.

>> Mayor leffingwell: What item number is it?

>> Cole: Seventy-six.

>> Mayor leffingwell: Yes, okay. No worries on that one. [Laughter] all those in favor, say "aye." Aye. Opposed say no? Passes on a vote of 7-0.

>> Guernsey: Thank you mayor and council.

>> Mayor leffingwell: Thank you. So we will go back to our briefing, our second 10:30 briefing which is on rainey street recommendations.

>> Your honor, council members, I am gary shaw the assistant director of the city of austin, the city's engineer. I am joined by sarah hartley, chief of staff of the public works department to come back and give a briefing for revised option for addressing traffic along rainey. It won't be as colorful as waller creek, so i apologize. Just to recap the location of the rainey street district bounded by cesar chavez i-35, lady bird lake and waller creek. The history on this briefly began back in january of 2011 when council asked us to take a look at what we could do regarding parking, pedestrian issues, safety in the area. A lot of outreach, a lot of conversations with the community on this, a lot of folks want something done. It is just a challenge figuring out what that should be. And then through february of march

-- in march of 2013, we developed some alternatives. March 28,

-- or in january, we shared those alternatives that we had developed with the council. There were concerns with the idea of having rainey street be one way. So in february, march, we developed somee alternatives. We took those to the community, march 28. They appreciated us coming back with some alternatives. They've shared their support of that, made some refinements based on their input, and I believe, mayor and council and city managerdid receive a letter indicating endorsement by the rainey neighborhood association soon after that meeting. What we are bringing forth this time is the idea to leave rainey street two way. The existing cushioning would recurbing would remain in place. We would do shared lane lanes for biking to move along and the parking would be on the eastside of rainey street. In other words the worth bound side. On

the west side, we would basically install a striped shoulder, if you will, varying anywhere from 6-8 feet wide and within that striped shoulder, we would install bike parking in the form of bike corrals. These could also be locations where pedi cap stands could be and pedi cabs could wait and pick up patrons and still reapportion that existing right-of-way but provide that two-way motor vehicle operation, provide a shared space for bicycles. Still coming with the sidewalks and curb ramps we talked about. So overall, our recommendation would be to implement those improvements. A variety of things here: The existing speed cushions, we replace those with speed humps. There are significant differences but fire and ems are okay with that. The ball bounce at rainey and davis will be revised so we could have two way operation. The traffic circle would be revised into a modern rounds about with changes to the curb ramps and some of the geometry there and also implement accessible safety places on rainey street and east avenue where we put the back end angle parking. Notification to the community

--

[08:35:31]

>> mayor leffingwell: I hate to do this to you but could you pause just a second. I forgot to recognize our boyscouts from troop 61.

>> Oh, absolutely.

>> Mayor leffingwell: Could you stand up, boyscouts from troop 61. [Applause] I wanted to recognize them now because they are here working on a merit badge and as soon as they get their hours in, they will probably leave so I want to make sure to do it now. [Laughter] sorry to do this to you. Go ahead.

>> If they are getting their hours in on this, I really appreciate it. [Laughter] thank you. So we would

-- you know, with the

-- with the endorsement of the council, we will provide notifications to the community that this is what we would like to move forward with. We would begin the design process for improvements starting in october. The money associated with the design and implementation of these improvements are tied to the anticipated 2014, or october 2014 bond appropriations, and then we would create those designs and then either through our idiq contracts or through city forces, we would implement those improvements in the january-march time frame of 2014. With that, we will entertain any questions, comments, please.

>> Mayor leffingwell: Questions? Council member riley.

>> Riley: Gary, I want to thank you for all of your work on this. This has been a long time coming and I appreciate all of the efforts that have gone into it. One question about the bicycle facilities here. A lot of discussion around the street improvements have focused on what we are going to do with bicycles and there was earlier some discussion about having cycle tracks -- on a two-way cycle track facility which would require taking parking off parking on both sides and make the street one way. That was the subject of extensive discussion at the bicycle advisory council and I was able to attend some of those meetings. As I understand it, the bicycle advisory council has concerns about the cycle track configuration, partly because the current traffic levels don't necessarily warrant separated

-- a separated facility but more importantly, because in the absence of sidewalks, there was a fear that the cycle tracks would become de facto pedestrian areas and that would raise the specter of bicycle pedestrian conflict. At their last discussion i heard there had been

-- the bicycle advisory council did pass a resolution saying that they still like to see cycle tracks

at some point in the future, that while they

-- they didn't think it was the best idea now and they actually preferred the configuration you showed here, with the arrows, they are still hopeful as we see increases of traffic in the area and improved sidewalks, that they think cycle tracks could well provide a preferable facility along rainy street. So I just want to just ask you on the record, is that your understanding of the recommendation of answers and do you see a process of getting separate facilities in rainy street in the future as conditions of this?

[08:38:49]

>> That is insistent with my

-- inconsistent with my understanding, that this proposal that we have forth today would not preclude such a change in the future, and I think the wisdom of waiting for wider sidewalks, where you can better accommodate the pedestrian load would be part of that context that would suggest maybe we could explore separated cycle facilities in the future. Absolutely. That would be consistent.

>> Riley: In the meantime improvements to the traffic circle as well as the other improvements you outlined would improve conditions for everyone, is that right?

>> Yes, rainy street is a shared area. We need to make sure that everyone is doing their part to keeping it safe for everyone else.

>> Riley: Thanks again for all of your work on this.

>> Thank you, sir.

>> Spelman: Mayor.

>> Mayor Jeffingwell: Council member Spelman.

>> Spelman: Gary, tell us the difference, if you could, between a traffic circle and a modern round about.

>> Briefly if I could, sir. Traffic circles are

-- both intersection types are referred to appropriately as is a circular intersection. Traffic circles we have about a dozen of them in Austin, mostly in neighborhood areas. Some are located in Hyde Park, in the Bouldin Creek area, et cetera. The primary difference between the primary circle is the round about or the geometric features associated with it. The round one is an island and no other pertinent and modern round about adds additional pertinences and it is referred to as a splitter or triangular island in advance of the circle, and so it causes everybody to go around to the right and that also causes traffic speeds to be in the 10, 15, 20 miles an hour range. The other major difference is all of the approaches are yield controlled in a round about. A traffic circle may have stop control. Some of the

-- stop control and some of the larger rotaries there traffic signals associated with them. The other thing is the pedestrian crossing point at a round about is pulled one vehicle length back from the circulating roadway. Right now at our traffic circles, we've left the sidewalks and the crosswalks right where they are. So you've still got all of that conflict going between turning vehicles and pedestrians. By pulling that crossing point one vehicle length back, motorists only have one thing to do at a time. I looked for a pedestrian, I don't see a pedestrian. I come to the round about, I look to the left for a gap in traffic. I go and then I look for a pedestrian on the departure. Pedestrians similarly have to look at

-- for traffic coming from either the right or from the left. They are not dealing with turning traffic.

[08:41:39]

>> Spelman: So the traffic circle, it sounds like, would be perfectly appropriate for volume -- collector street, for example, in a neighborhood and if the volume got to a certain level, we would need the pertinences associated with a modern round about. Is that appropriate?

>> Yes.

>> Spelman: Are there other reasons we use modern round acts in town?

>> There are a number of significant reasons, sir. A lot of people have viewed round acts as a way of traffic calming in neighborhoods and in fact Texas is lacking in the use of modern round acts and in fact, modern rounds have significant use in that they are safer and serve all users, transit riders, bicycles, et cetera, regardless of their ability. And it is flexible and a lot of ways to be done and it creates gateways for community focal points for communities. And I said as a traffic engineer for our 900 something signal intersections we could easily consider converting 200 of those to modern round acts. As a matter of fact, as part of the i-35 corridor program, we identified multilane round about opportunities at i-35 and 51st street, i-35 and Wells Branch parkway, three round acts at that

-- 3 round abouts at that location and looking at it on Mopac and Davis Lane for the round abouts. And there are reasons,

-- they can be more cost intensive in terms of capital dollars but when you do the values over time with operation and maintenance and the importance of the reduction and crashes occurring, all crashes injured and fatal, round abouts lead traditional intersections.

[08:43:41]

>> Did you know round abouts used to be they had more crashes but less serious crashes than you had at signalized intersections, that's no longer accurate?

>> Earlier that was the case. In the past, 12 years, for sure, that modern round abouts have really gotten a lot of attention in this country and there has been a lot of research and practice in their use. Our design of them have gotten better, so we are seeing a lot better behavior and a lot better response from the traveling public as they encounter a round about for the first time. So overall the crash is reducing. We see 44% reduction in all crashes

-- the risk of all crashes, about a 70% reduction in the risk of injury crashes in about 90% reduction and risk of fatal crashes. Council member I have no better tool in my tool box to address that.

>> Spelman: They are just plain safer and will reduce crashes and improve public safety on the roads. They are a little bit more expensive, we have a little bit more right-of-way to create the space for the circle?

>> You can.

>> Spelman: You generally have to, though, don't you?

>> You generally have to. The good news is we can approach our corridors in from the concept of wide roads, narrow roads. So instead of having a four-lane roadway with a traffic signal, we could do a two-lane roadway with a single lane round about and still provide the same level of service to all of our roadway users.

>> Spelman: For a new roadway we are saving money of round about to the right-of-way and the round about would allow us to have the same roadway with a same capacity?

>> Yes, sir.

>> Spelman: We've got a three lane

-- a six lane roadway now. This will allow us to have more capacity on that six-lane than we would if we only have signalized intersections along it. Is that true?

>> That is possible as well.

>> Spelman: So we can handle more traffic. It's going to be safer and it provides an amenity to the neighborhood surrounding it and the only cost is sometimes a little bit more right-of-way surrounding the south texas itself?

[08:45:51]

>> Yes, sir.

>> Spelman: Sounds like an excellent deal. I hope to hear more about them.

>> We hope to do more, thank you.

>> Spelman: Great.

>> Mayor leffingwell: I agree. I think it's a good practice, but there is

-- i mean, just to manage expectations, there is a learning curve involved the drivers, basically, to learn how to manage those, but that's what I have seen, but anyway, I think it's a good practice.

All right. Any other questions? Thank you.

>> Thank you.

>> Mayor leffingwell: No objection, council, we have three items on this morning's agenda that have no one signed up. Take up item number 54. I am assuming we don't have any comments from staff on this item? Entertain a motion?

>> Cole: Move approval.

>> Mayor leffingwell: Mayor pro tem moves to approve. Second by council member martinez. All those in favor, say "aye." Aye. Opposed say no? Passes on a vote of 7-0. Item 55, the public hearing has been closed. And this is for second and third readings. Council member spelman moves approval. Mayor pro tem cole seconds. Discussion? All in favor

-- oop.

>> Sorry, mayor, [indiscernible]

>> mayor leffingwell: You just barely made it.

>> Thank you, sir. We did want to clarify one section of the international residential code, as soon as I can find my notes. We just wanted to clarify a particular section. It's section r105.2, work exempt from permit. We want to add additional language in there. In section 1ac, d, and j, at the end of those sections, it says within a flood hazard area, we want to add provided they are not located within a flood hazard area. It is similar to what we've done in the international building code.

[08:48:18]

>> Mayor leffingwell: When you say clarification, I am assuming you are saying it doesn't change the substance of the code?

>> It doesn't change the substance. It just clarifies.

>> Mayor leffingwell: Right. Is that acceptable to the maker and second? All right. As modified, then, all in favor say aye. Aye. Opposed say no. That's approved on a vote of 7-0. Item 56.

>> Spelman: Mayor, I have have a question.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Leon, maybe you are the right person to ha this. Last two weeks ago when we did the first reading on this ordinance, we

-- several people from home builders association came up and made the claim that if we adopted the code in its current form that the electrical

-- the cost of putting electricalconnections in

-- electrical connections in single family houses would go up 20% and henry savio asked that we revisit our impact assessment on this ordinance. I wondered if you had a chance to look at that or whether you have any comment on that issue.

>> The direct neighborhood housing may be here, but let me put my two cents worth in.

>> Please.

>> If you are doing projects as you should be under state law, you should have a licensed contractor on the project. They are required to pull a license and the permit can go from the city of austin. This particular amendment a will

-- if you decide you want to hire another contractor to do work for you. You are just overloaded and need help in the project. That contractor is also required to be a licensed contract per the state laws. We are also going to require that that contractor have a license, also. They have to register with the city of austin.

>> Spelman: Okay, basically it means journeyman contractor, equipment, hang out shingle and expect to get subcontracts?

>> Cannot do contracting. That's correct.

>> Spelman: Okay.

>> Unless you are

-- if you have a license with the state, licensed contractor and you have a master license

-- electrician on your staff, you can do that, yes.

[08:50:23]

>> Spelman: Right but just as journeyman and apprentice, I couldn't hang a shingle and get a subcontract?

>> It would be against the law

--

>> Spelman: Could it be consistent with the code? Could we rewrite the electric code so it would be consistent?

>> That is state law so i don't know if we can do that.

>> Spelman: That's the gist of the opportunity. It is restricting the your my men to engage in

-- journey men to engage in subcontracting, I understood it.

>> That's correct.

>> Spelman: Is it a change in the electric code from the current version?

>> It's a change in the previous codes we had adopted. We tried to identify subcontractor. We had a definition for subcontractor and we shouldn't have gone there but we did and based on electric boards comments and legal staff recommendations, we decided to remove the definition subcontractor and keep with what the language the state had written and stay with contractor.

>> Spelman: So does that suggest what is inherently common practice in the home building community of hiring subcontractors is inconsistent with state law?

>> It could be consistent with state law to be able to hire a licensed contractor.

>> Spelman: If you hire a licensed contractor who is not a licensed master or has a licensed master on staff, then that would be inconsistent

-- that is a contract that's illegal.

>> That's inconsistent, yes.

>> That would be inconsistent with such a law.

>> Yes.

>> Spelman: That was my understanding it is common in the building industry. That was the gist

of what mr. Savio's comments were?

>> Yes, that's what he said but what I understand from talking to the electrical folks there may be have been delays or reasons that some of the staff wasn't paid their just

-- their workers' compensation, things like that and maybe it is part of the reason it is 20% because these folks aren't getting the pay they are supposed to be getting along with their benefits. That's what I was told.

>> Spelman: Okay. So from your point of view, the 20% simply does. Apply if you are consistent

-- this is bringing our electric code into compliance with state law. It is

-- by reducing

-- eliminating subcontracting as a category and on the talking about contracting consistent with state law we are now fairly consistent with state law and arguably we were not before. Is that right?

[08:52:48]

>> That's right.

>> And if somebody hires subcontractor as a journeyman without a master on staff, that violation of state law?

>> That's right.

>> Spelman: Thank you, sir.

>> Council member I want to mention that similar questioning to why we are

-- some are questioning why we are doing enforcement and we have staff on routine basis check for licenses and make sure they are properly licensed but if we try to report anything that's not

-- that's inconsistent to state

-- consistent with state law we report them to the president of state licensing, the problem is they have two gorzyckis statewide.

>> Spelman: Do we have the authority to enforce the state laws, or is it entirely up to the state?

>> According to occupation law of tdr, texas department of regulation, we do have the thrt to do that.

>> Spelman: So we could take them

-- what view legs, a class c misdemeanor or something more interesting?

>> That I am not sure of. I don't know if the law department can tell help me with that.

>> That could be enforced if we chose to do so?

>> Yes.

>> Spelman: Thank you.

>> Mayor leffingwell: Just to try to summarize what council member spelman said, is it fair to say that what in does is it makes it easier to ensure compliance with state law?

>> Yes, it does. It makes it a level playing field.

>> Mayor leffingwell: Okay.

>> Mayor, I have one more staff request. We would like to make this effective on september 16 of 2013. It kind of coincides with the rest of our codes if they are adopted today.

>> Mayor leffingwell: Just this item?

>> Yes, sir.

>> Mayor leffingwell: All right. Entertain a motion on item 56. Council member morrison moves approval with the effective date of september 16. Is there

-- and council member martinez seconds. Discussion? All those in favor, say "aye." Aye.

Opposed say no. Passes on a vote of 7-0. So now that brings us to items -- we will consider items 12, 25, and 26 together. Do we have a staff presenter or presentation? If not, we have a whole group of speakers. Here we go. So we will vote on these items separately but we will hear the presentation and the public hearing at the same time.
[08:55:18]

>> Thank you, mayor and council. Cora wright, assistant director for the parks and recreation department. As you know the council received a full briefing on these three related items that pertain to improvements for auditorium shores. Staff is ready to respond to any questions that you might have. I have with me mr. Jesse vargas who has been the project lead, as well as jason mower who has helped us meet with the event organizers and also mr. Marty stump who is our cip project manager. So staff will await any questions that you might have.

>> Mayor leffingwell: So i have a question for you, before we go to our speakers. Is the plan for the master plan to come back for council approval before it's put into place?

>> If you are referring to the work that the tir partner, the tir group would be doing, yes, the council passed resolution asking for them to look at feasibility study and look at events of auditorium shores and zilker and fiesta gardens and that report will get underway and full swing this year so the plan will be as the process completed with stakeholder input, we will bring that report back to council with recommendations.

>> Mayor leffingwell: Very good. Council member martinez.

>> Martinez: I have a similar question but may be more expanded than the mayor just asked. Does that include the full design that will be implemented via the correction phase as well? When the report comes back, council will have the option to review the design and make amendments as necessary?

>> With respect to any recommendations, if it includes a change in design with respect to the master plan, then of course, yes, we'd like to have a very in depth conversation with council about those recommendations so that we will get some sense of how council would like for us to proceed.

[08:57:21]

>> Martinez: Great. Thank you stop.

>> Mayor leffingwell: Several speakers. James moody. Is james moody here? Don't see james moody. Adrian patterson. Mark littlal field.

-- Mark littlefield. Lara morgan. Graham williams. Okay. All of those folks are signed up against. But they are apparently not here. Council member martinez.

>> Martinez: Can I just make a brief comment and then i will move approval of the item. The reasons these folks were signed up against, they have been discussing with my staff and with pard staff today. There are still concerns about the availability of auditorium shores during this construction process and post construction because the redesign of the trail, the n dog facility, those conversations are still going on. There were some concerns

-- there still are concerns, shall I say, but based on the mayor's question and my question, the response from staff, there is there still would be stakeholder input. There still will be further council action as to the finality of any of this. So with that, I feel comfortable moving approval of these items.

>> Mayor leffingwell: Well, we will take them separately. You want to move approval of item 12?

>> Martinez: Which ever you want.
>> Mayor Iwell: Be let's go in order.
>> Martinez: Item 12.
>> Mayor leffingwell: Council member martinez moves to approve resolution 12. Second by council member martinez.
>> Riley: Mayor.
>> Mayor leffingwell: Council member riley.
>> Riley: Just one question for staff on item 12. Cora, this item refers to town lake area north of riverside drive. Meanwhile, there is other work that will be moving forward to the rest of town lake park, including the area south of town lake pact. One issue I have is connectivity throughout the park and I mentioned before I am particularly interested in ensuring we looked carefully at connectivity for those who
-- who are moving through the entire park space and that's a little hard to do when you only
-- when you break it up piecemeal and you are only looking at one piece of the park at a time. So my hope is that as we move forward with the contract that's on the table in item 12, that we will be able to make adjustments as plans proceed with regard to the rest of the park. So, for instance, if we were to identify a principal pedestrian or bicycle corridor going along a particular trajectory, from one corner of the park to the other, that we would be able to come back to the area north of riverside drive and make adjustments of the work to be done there in response to plans that are evolving as we look at the pard, of the park of the south of riverside drive. Is that a fair expectation of this work, even though this is focused north riverside drive, we will still be able to make adjustments to the plans taking place south of riverside?
[09:00:32]

>> Yes, sir. I am glad you brought that up. We have had quite a bit of conversation on that. I will ask jesse to come forward around talk about what considerations we made so far and include that with what will happen across the other side.
>> Jesse parkinson, assistant director parks recreation. Good afternoon. To answer your question, council member riley, we are looking at improved connectivity, increased connectivity south of riverside drive. We feel like we have an opportunity when we undertake the children allian projects that partially bond funded and how we can decide how to visit to best provide conveyance lanes for pedestrians and cyclists that safely get children to the play area and also as a tool way to the northern part and up to the shores north of riverside drive as well, so most definitely on the radar so we understand that that is in high demand, both constituents and also park users.
>> We won't have issues of finding that we are already set in stone in the area north of riverside drive when we identify routes to this house?
>> Correct. We are allowing for that design element for sure. Absolutely.
>> Riley: Good to hear. Thanks.
>> Mayor leffingwell: I haven't heard that you say you are looking for less connectivity yet. But that's good.
>> Thank you, mr. Mayor.
>> Mayor leffingwell: All those in favor, say "aye." Aye. Opposed say no. Passes on a vote of 7-0.
>> Thank you, mayor, council. And that's
-- now we are up to item number 25. We had some folks show up whose names I called. James

moody, do you want to speak at all? Give you the opportunity. We've already approved item number 12 and now we are up to 25 and then 26 next.

>> Thank you, mr. Mayor, council members. I appreciate y'all's hospitality today. I just want to offer a little context as a signature event at auditorium shores but also as a 12 year resident at bowl din creek neighborhood. I am a partner at fun fun fun fun fest, james moody is my name and I have been a member of the park system for 8 years now. I agree with everyone around the needs for improving auditorium shores. We hosted our event there and y'all have seen if pictures of dust and bandannas and the kinds of things we don't want to have out there but it is a beautiful park. I am here today because I am a little bit concerned, though, as an 8 year veteran of the park system, as a

-- gosh, almost 12 year

-- 1 year resident of bouldin creek and as a dog owner, i never received a phone call on this and I am concerned about the key stakeholder process and the quality of it, and that the first i heard about this was through the austin american-statesman. And we have been diligently working with everyone that we can to sort of catch up, the designs were already so far down the road, that there were concerns about prohibiting the broadest and best use, not only for our event but future events. And I always like the idea coming from waterloo park and moving to auditorium shores, for events to be ready for ours or like the acl fest 20 years from now. So I am concerned at how i found out and why I wasn't involved in the stakeho process to the degree that we should have been because I think we really could have helped. We know the park intimately. We work on it all yearlong and will live there for three days every year and so we have good advice but i also bring my dog down there and so I just know and love the park and I would have liked to have been involved. Now I know that they are sort of general

-- there are sort of general notifications that go out but we were not specifically asked for input until we actually saw park designs. So in the spirit of collaboration, we would

-- we would like to work with a key stakeholder process. We would like to work with parks and we would like to contribute as one of the signature event holders to the process. So this is a great park for us, for our neighbors and for everyone in the future. In terms of consequences of moving, again, we knew that it was a possibility but we didn't know for sure that we were going to be displaced until the statesman article came out, and I just want everyone to know, as an 8-year event, this contributing over \$20 million in economic impact and significant jobs, it does cost us a lot of money to move.

[09:05:35]

[Buzzer alarming] so we are willing to do that because we love this park and

--

>> mayor leffingwell: Hold on a second, james. Are one of you

-- is one of your donors here, adrian patterson? Mark littlefield or lara morgan? Okay. So you have three more minutes if you want.

>> I appreciate the time. I will try not to take all of them, mayor. Thank you. Displacement cost us

-- costs us money. It could cost us customers. We are willing to do it for the spirit of a long-term good relationship with parks and the city, but it's a big is for us to

-- a big ask for us to find this out in this way so we are asking for a formal stakeholder process on the design is that comes out for council approval. We don't want to be disproportionately affected. We understand if expedited construction cycle better. Truthfully if the construction

cycle goes well, we could be at auditorium shores in 2014 and a clear back-up plan and a long-term strategy is what we would like to do. We don't have an alternative right now for 2014. We are looking at alternatives but we don't have anything that's satisfy to our business. So we are asking for help. We think that economic impact, what we do for austin and also what we do for our vendors, our sponsors and community is important and after 8 years, I hope the math and our results justify that we are a growing small business and we will continue to grow for the next 10-20 years. So thank you for your time.

>> Mayor leffingwell: Thank you, james. I am sure you heard our earlier discussion.

>> Yes, sir.

>> Mayor leffingwell: Where there would be that kind of process and it would come -- the master plan would come back to council before it is finally adopted.

>> Yes, sir. We appreciate your support.

>> Mayor leffingwell: Okay. So I will entertain a motion on item 25, which I the ordinance, ordinance authorizing negotiation and execution.

[09:07:49]

>> Move approval.

>> Mayor leffingwell: Council member martinez moves approval. This is on all three readings. Second by council member spelman. All those in favor, say "aye." Aye. Opposed say no. Passes on a street of 7-0. And entertain a motion on item 26.

>> Move approval.

>> Mayor leffingwell: Council member martinez moves approval on all three readings. Second by council member spelman. Discussion? All those in favor, say "aye." Aye. Opposed say no. Passes on a vote of 7-0.

>> Mayor, may I make one comment, please? I will keep it short. I just want to -- as you rightly said the public engagement process will continue from this point forward, simply coming to council for permission to officially eage the public as we move forward, what we have now and I think what people are seeing, they call it a design but what it is, it is conceptual at that point bubble diagram that we intend to fill in with details so we will absolutely reach tout our partners, both in the event side, the general public of course and of course pet owners across the city so ensure we have a fair and transparent process to reflect their needs as this park moves forward.

>> Mayor leffingwell: Thank you. I am sure a bunch of us up here on the dais appreciate that statement. All right. Now, council, without objection, I will recess this meeting of the austin city council and call to order a meeting of the austin housing and finance corporation and have ms. Spencer up here to take us through the agenda. We do have speakers signed up on items 2 and 3.

>> Okay.

>> Yes, sir, betsy spencer, treasurer of the austin housing corporation. Good afternoon. I was going to offer all three items on consent but perhaps you want to have the speakers and we will see.

>> Mayor leffingwell: One at a time here. Item number 1 does not have any speakers, so entertain a motion for move approval. Council member spelman moves approval. Mayor pro tem seconds. Discussion? All those in favor, say "aye." Aye. Opposed say no. Passes on a vote of 7-

0. Item number 2 has one speaker, gus pena.
[09:10:13]

>> Good afternoon, council member, mayors, gus pena, native east austinite. Increasing number of over \$1 million and they have been doing an outstanding job but what i have told the legislature in legislative sessions ago, the city council and
-- i apologize counting on you number spelman, do you remember in 1997, i mentioned this again and again and again, where the supply is lower than the demand. The demand is greater, but we are doing more sor, single room occupancy for singles, we have a lot of families who are homeless, about to become homeless or living with other family members and they are homeless. I support walter morrow and number 2 but the issue is we need to change mindset to include more units for famiies. It is not net getting done. We started the h.U.D. Issues and we started in 1998 and ended in 2004 for homeless veterans. Not so much said about families and item number 2, I want to suggest respectfully we look at more units for family not just for single room occupancy for single. Go down to salvation army, i will go down to help veterans out and their families, you go to the arch, this is the demand and the problem over there, more help for singles than families. Mayor I will leave it at that. Please, please, please, if you will listen to gus pena. I have been homeless before, this is nothing new to me but we have more homeless families and need more help for homeless families. Thank you very much.
>> Mayor leffingwell: Were you commenting on items 2 and 3 together? Or on 3 you want to spoken.
>> No, it is fine like that, mayor. I don't need the time. Thank you very much for listening to me.
[09:12:17]

>> Mayor leffingwell: So i will ent
-- let me see here. I will entertain a motion to approve items 2 and 3.
>> Mayor, I move approval but have a question before i take a vote.
>> Council member spelman moves approval. Cole seconds. Spelman.
>> Spelman: Yes, I am intrigued by mr. Pena's question, do we have a way to know whether we are building proportionately number of units, for families as opposed to oneor two for individuals and couples?
>> We actually do fund both. Typically you will find singles in a different complex or environment than you would families and actually the developer for this does both. Anastacia is a prime example and then pha communities at the end station and I don't have the exact percentage numbers for you. I would have to get back to you on that but I can tell you we actually have developer that is do both.
>> I understand that and i remember the case as you were talking about. Is there some feedback mechanism where we get to developers and say here is how we are doing with singles and couples and here is how we we are doing in providing affordable housing to families that need more bedrooms?
>> On our return on investment website, where we have documented all of our initial regulated bond investments, we break it down, whether family units or single family units or psh or the

different populations we serve. That would be a quick way for someone to get the information. If you are looking for another way for us to communicate that, I am sure we can figure it out.

>> Periodically, I know we have a sense

-- we developed through a study of a sense of how many units short we are for a need or demand for affordable housing. Do we ever estimate that on the basis of families versus smaller groups?

>> We sure do and we are actually about to put on an rfq new updated market study. The last we did was 2009 and which are an't a to update that data to have it

-- we are about to update that data to have it available next year but based on the needs of one bedroom, two bedrooms, things like that.

[09:14:35]

>> Spelman: So we will have needs on whether we will need one bedroom, two bedroom, et cetera?

>> Yes.

>> Mayor leffingwell: All those in favor, say "aye." Aye. Opposed say no. Passes on a vote of 7-0. So that completes our agenda for the austin housing and finance corporation. Without objection, that is adjourned. Call back to order meeting of austin city council and take up item number 47.

>> Mayor leffingwell: I would like to say that is certainly a better, more liral policy, but we have to be concerned about the cost and the resolution approved in the motion, that is made, contemplates certain conditions. And preliminary cost figures were developed and discussed, based on those conditions. And so when we come back with another scenario, which does not use the sick leave, the number will be better. But when we do come back, i assume we will have a fiscal note for each scenario, i would like to add to that public safety employees that are not covered currently. So we can see what those numbers look like. I will say that, obviously, this is a very good thing to try to do. But cost is a very important factor. There is a lot of difference between talking about adding \$300 in that

-- \$300,000 to next year's budget and a million dollars or more, and that will bea I bigb factor in that decision. I do want to see what the numbers are in the various scenarios when it comes back. Councilmember spelman.

[09:17:56]

>> Spelman: I think the reason why we framed it the way we did, we were trying to keep the numbers to a manageable number and trying to avoid the price tag yet. But I fully support the idea of extending these benefits to people without making them use up all the annual leave and sick leave in advance and see what it costs and whether we can afford to do it. I think there may be a legal concern, I will defer to the law department. Let me ask, since there is somebody here. If we wanted to extend these to public safety employees who we usually establish benefits by contract, what is the procedure for doing so?

>> Let me get an employment attorney down here.

>> Spelman: I don't think we need it right now, but we will need is it before we pick it up again.

>> Mayor leffingwell: If it is illegal, we won't do it.

>> Spelman: We'll know if it is legal or not, that is the critical question. I would like to thank the mayor's staff and my own staff that worked hard on this, countless hours beating up other people's staffs and knocking through spreadsheets to figure out how much things cost and the great benefit of all this is we were able to get ed vannino to do a wonderful job in costing this out. This is the first time i have ever seen anybody do a cost analysis that is so good that I could not possibly improve on it. I asked ed if I could use it in class. That stands, I will use it in class the first opportunity I get. It is a model of the trade. I'm happy we were able to get as far as we have. It was a group effort. I would like to thank everybody that was involved.

>> Mayor leffingwell: You did such a great job, you get to do it twice more.

[09:20:00]

>> [Indiscernible].

>> Mayor leffingwell: All right. All in favor of the motion, say aye. Opposed, no. Passes on a vote of 7-0. So I believe next is item 48, which I pulled off the consent agenda. We have one speaker, but he's already spoken. So my question, and I guess to the staff, is there someone here that maybe is from the parks department that can answer these questions? Or someone else? We're talking about a solid parking meters near the butler softball fields. . The question has been raised. Number one, the planning commission voted against, parks commission voted against it. Is that not true? I mean, that's what someone said this morning. But that's not true?

>> Jesse vargas, assistant director of parks and recreation. Mayor, I believe you are referring to another item. You are referring to the parking ordinance. I don't know what item number it is, 86.

>> Mayor leffingwell: Right now, I'm referring to 48. 86 is what they're referring to

--

>> mayor leffingwell: Parking meters.

>> This matter speaks to, and correct, councilmember riley. It is to install parking meters at butler shores, only. And it is separate and independent of the other item.

>> Mayor leffingwell: So how

-- what kind of precedent does this establish for other parks owned by cities? Are we going to have parking meters just at this park? Are we kind of having them at all neighborhood parks or all parks where there are athletic fields?

[09:22:09]

>> A good question. The thought internally is we're working on a parking district plan to better inform that idea. So at the moment, to be quite honest, we don't know what the full impact will be and whether or not how extensive that reach would be for a parking district. The parking district is envisioned to basically take the form of the parking areas in the "urban core" and along the lake to butler shores.

>> Mayor leffingwell: People that are using the fields, will they have to pay the parking meter to play in the games, watch the games?

>> As currently envisioned, mr. Mayor, we would have the ability to disengage the meters at the time of the use of the field. We know in advance when the leagues are active and we can work with transportation to preprogram the meters so they would not be on at the time that the

activities were taking place.

>> Mayor leffingwell: So I'm not sure I know how to ask this question. But I'm assuming the paid parking spaces would also be available for local businesses, not only patrons of the park? Would this full field parking requirements for local businesses who are required to have a certain number of spaces?

>> I don't know whether I'm qualified to answer whether it serves as parking for the businesses, but it would serve the businesses and residents in the area.

>> Mayor leffingwell: Maybe mr. Garnsy can answer that question.

>> Greg garnsy, planning and development department. There is an item coming up later on the agenda, where it may allow park lines to be used. That is not this item. The metered parking would not.

>> Mayor leffingwell: Is this a prelude or precursor or prerequisite for changing the policy? I mean, do they have to have the spaces avaie, in other words, before you can change the policy on whether or not they have to have them?

[09:24:26]

>> In order to really discuss using parkland for a private use or metering parking, in this case, the metering parking would not necessarily make it easier or harder for someone to count them towards their private use, because I think that will be the other item.

>> Mayor leffingwell: I guess I have the hard time seeing what is the purpose of doing this if it is not to facilitate parking places for local businesses. If it is not for that, what is it for?

>> Well, I understand that reviews the parking meter system to make sure you don't have people parking in those spaces all day long and you get turnover of use of those parking spaces.

>> Mr. Mayor, if I may add to that, he's correct, that is one of the benefits with that. Two benefits. It would provide a revenue stream for the upkeep of the parking areas as mr. Garnsy rightly pointed out, it would curtail the parking as long-term parking, which is currently occurring. Again, as part of the parking district investigation, we'll know better in a few, you know, few weeks, even, whether or not it actually accomplishes the benefit that we're looking for.

>> Mayor leffingwell: Now you said something that caught my ear. The purpose is to curtail people who are using it for other purposes. Say people who want to park down there, say and then ride the bus to work or something like that?

>> Anecdotally, I went down there this morning to get a better feel for it. For example, there were 40 cars out there this morning from 7:40. Anecdotally speaking, based on where they were parked, they were the construction workers, the work site directly adjacent to the park itself. That is an example where the cars are going to be parked there all day. The reality is that the park users come in after the fact have to seek parking elsewhere, maybe further down the road. I'm simply pointing these out as ancillary benefits to us. In terms of the primary benefit or purpose, I cannot speak to that.

[09:26:46]

>> Mayor leffingwell: How many parking spaces are there? 144 based on what we were given this morning.

>> Mayor leffingwell: And you are seriously contemplating having parking meters at other parks around the city? Neighborhood parks or other parks?

>> We owe it to ourselves to explore the idea. It has been floated out there before, as something people ask about. At least put it to bed once and for all if it is good to carry through. We want to invest time now, while we have it to determine whether or not it is the right approach.

>> Mayor leffingwell: I'm trying to assure myself that this is not something we're doing. Installing a bunch of parking meters to facilitate one or two businesses on the road?

>> I would say that the process that we have undertaken at the moment is a more global approach to the matter. The finality of that exercise has not been determined. We could come back, say we looked at it Mr. Mayor, council and don't believe it is the right approach. That could be the eventual outcome of the investigative exercise.

>> Mayor leffingwell: Will this come back to council before they're installed.

>> Most definitely. It will come back up before we flesh it out 100%. That is why I am somewhat halting in my words. I don't mean to represent it is the entire work group on it, but this is where we're at, at the moment.

>> Mayor leffingwell: Let me unhalt it. Before it comes back, there will be a comprehensive study, places where this particular technique might be used to protect parking spaces for the parks around the city. And you will also have other data, that whatever the parks department and city manager comes back with recommendations as to whether or not to do this in this particular spot and or other spots?

>> Correct. And we have an example of it at the mac, for example, already installed parking meters. So we have a starting point.

[09:28:47]

The question now is: Does that model make sense for the other parks in the system? Mrs. Cora Wright would like to say a few words.

>> Good afternoon again. I wanted to arrive at that point. What is before the council is the approval of a resolution for the city manager to consider installing parking meters in the parking lot. Is an item for council. The continuity is that we have begun to explore the idea of using parking meters at certain recreational facilities where there might be an opportunity to share it with the public and the recreational parking facilities might generate revenue to support that. There has been interest in the Butler Park shores. Several perceptions that the parking lots at times are less than peak. If is opportunities for just businesses, but the general public who want to use the park to use the same parking lot. The notion of using parking meter approach ultimately help us accomplish two things. By looking real closely at when the peak times are that we can adjust the parking meters so our park users have priority use. And during down time, general public including businesses in the area, might be able to utilize them. This will give us an opportunity to look closer. Only two months under our belts with the parking meters at the mac. We're starting to generate some revenues. We need time to look at the expenses and get a cost benefit. The item is from council. We think it might be a good idea to look at Butler shores as a way of establishing that.

>> Mayor leffingwell: It also establishes a beachhead in south Austin for parking meters. Councilmember Morrison.

>> Morrison: I have a question. I hear the language

-- I am in support of this. I think it is great to at least look at the option. I hear you talking about, and hear language of contemplating using the park's parking for other uses besides parking. Park parking. Doesn't that get us into chapter 26 territory? This is probably a question for the city attorney.

[09:31:15]

>> Yes, councilmember, that is a consideration. And while they're doing this, we will be working with the parks department to look at that issue.

>> Morrison: Great. So when you come back, july something or another, we will be able to have that considered? Appreciate that.

>> Mayor leffingwell: Councilmember riley.

>> Riley: As I understand it, chapter 26 was not considered for a cultural center. And my understanding was that because the proceeds of the meters are used for the benefit of the park land, that is still considered a park purpose?

>> I will confirm with the parks department, but i don't believe the mexican american center is considered park land.

>> There is a section of the campus that is not park land, but we were able to

-- we do learn as we go. Butler shores is dedicated park land, there is a difference there. We have to explore that. What is helpful here today from mr. Gurnsy, if in part the interest is to reduce the requirement to area businesses on parking, on park land, that opens up another discussion. We think the immediate benefit is to

-- when the parking lot has reduced usage, that we are able to open it up to the general public, if you happen to be visiting a restaurant in the area, of course, use it. So we still have to tweeze through all of the details. We just don't know them all at this point.

>> Riley: Currently, according to staff, we're seeing about 75 vehicles parked in this parking area for nonpark purposes, every day. Let me repeat that. Every day, about 75 cars are using this park land for nonpark purposes. The park is getting nothing out of that. Why doesn't that use of the park require a chapter 26 hearing?

[09:33:19]

>> Um, you would have to go back to the legal discussion. Viviana hurtado we're using that park land to provide free parking for businesses and neither the city nor the park gets anything out of that. I want to understand the legal justification for that.

>> Mayor leffingwell: Councilmember, that is a very good point. But I think that question will be answered when it comes back.

>> Riley: Well, let me ask about that. The resolution before us asks the manager to consider installing parking meters in the parking lot and says to install parking meters, should work at the softball league and theaters when the free parking should be considered for park usage. And it says the city manager is asked to city it in the vournting streets. It is my understanding it would be based on this resolution for installation.

>> Mayor leffingwell: That is not what I heard. I asked that question.

>> Riley: I see transportation staff is here. Can I understand why there has been a complete change in staff's position on this? What we were told is that staff would have full authority based on this direction to proceed with the installation of meters, I want to understand why that changed.

>> Gordon derwood, transportation director. We have the authority, we're working through the

policy issues related to that. That will form the final implementation to install or not install. So my understanding of the study they're talking about, we will bring up a lot of the issues you discussed there. We currently have the authority to do them in the public right-of-way. And then as has been discussed earlier we have done at themac and parking has been changed at the park for a long time.

[09:35:27]

>> Riley: Was there council direction to charge for parking in that park?

>> From the fee schedules, again, that goes back to part of the issue that you raised earlier. About chapter 26 and parking.

>> Riley: Had the staff suggested they come back, there is no suggestion of a time line. How much time does staff feel they need to do this work that was not mentioned previously?

>> Councilmember riley, the fleshing out of the parking district concept, that would take a month, couple of months. We have to convene with other departments, coordinate accordingly. We do intend on bringing that forth, hopefully back for full review and approval here in the summer. I would say, again, not for my team, but I assume i could do it quickly. A parking district idea, but somewhat different than the current item here than we're discussing today. This item is specifically saying we would consider putting parking meters in there. I'm saying we're taking a more global approach and how we impact the urban core. If we look at this item, we can look at it in a different light.

>> Riley: That is what i want to give focus on. There is parking being made on this parkland, with no benefit to the park, wouldn't it be appropriate to proceed with the installation of the meters in order to address that specific problem, before we step back and do a global study that could take months and be subject to further discussion and then would not staff have the authority to proce based on this resolution?

>> We certainly are happy to undertake that effort as a singular event and say what would it take to make this one park, you know, meter-ready and what kind of impact do we foresee from the meters. We would be happy to do that. It would be a shorter point.

[09:37:43]

>> Riley: I want to be sure I understood that part. To the extent that the city attorney concludes you have the legal authority based on this implement of parking meters at the butler ball fields, you would move ahead with that before coming back to council?

>> Yes, assuming we have the author and assuming mayor and council are in agreement.

>> Mayor leffingwell: I thought you just told me, you would come back here to answer all those questions before the city manager considered it to come back for the plan.

>> This is for the larger scope parking district for the entire urban co-op. We would bring that back.

>> Mayor leffingwell: We're not talking about the larger urban core. We're talking about park land parking, particularly on butler shores.

>> If we're specifically talking about butler shore, we can take direction to single that out if that is the intent and wish of mayor and council, but come back with the proposals at whatever time is appropriate.

>> Mayor leffingwell: It is certainly worth something looking at. It is getting to the point where we need to look at the whole context at the same time. Have a general plan that includes the entire city, not just targeted to this spot, this spot, this spot. I would feel more comfortable

-- there is not a motion on the table, but i would feel more comfortable if we come back with the answers to the questions in the general conceptual plan.

>> Understandable, mr. Mayor.

>> Mayor leffingwell: Councilmember tovo.

>> Tovo: We don't have a motion on the table, but i provide the suggestion that if it does pass to please make sure it goes to the parks board for full discussion. I know at least one commissioner has said

-- has expressed her interest in making sure that this does get a full discussion at the parks board.
[09:39:45]

>> Absolutely.

>> Mayor leffingwell: Councilmember riley.

>> Riley: I move aproofal.

>> Mayor leffingwell: Second by mayor pro tem. Would you accept as a friendly amendment to come back before the meters are installed?

>> Riley: The point of the resolution is to direct the staff to proceed with the installation of meters at butler field to address a very specific problem that relates to the fact that a significant number of the spaces are being taken up for nonpark uses with no benefit to the public that is displac- that means that the park users

-- those spaces are not available for park users, and I don't see a justification for delaying dealing with that specific problem. We have already moved forward with the installation of another parks facility. Not breaking new ground here. The mac is a parks facility, even if some of the land it sits on is not park land. I did not hear any hue and cry from the dais about proceeding with metering at that park facility. I'm certainly supportive of developing a more comprehensive vision for management of parking spaces at parks generally. I think it would be great to get that. But in the meantime, I don't see any reason to delay with the installation of meters to address th specific problem that is the subject of the resolution.

>> Mayor leffingwell: Councilmember morrison.

>> Morrison: Mayor, I agree with you, if it is not a friendly amendment, we can vote on it. I think one critical item here that tells me I want to hear back at council before a decision is made is to get especially the legal discussion about whether chapter 26 is needed or not there might be a gray area. If there is a gray area, the council needs to look at that. To point out, I believe our staff said that the mac property was not dedicated park land. It is a different situation, the parking area.

[09:41:51]

>> Right, only the parking area there is excluded.

>> Morrison: I'm with you.

>> Mayor leffingwell: What did you say? Ok. Is that an amendment?

>> Morrison: I guess, has it been

-- it has been turned down as a amendment.

>> Riley: Did the suggested friendly amendment include a time frame?

>> Mayor leffingwell: I didn't propose a time. I would like to find out. I think 60 days. 90 days would be.

>> Morrison: Especially to go to the parks board.

>> Mayor leffingwell: Councilmember morrison still has the floor.

>> Morrison: I'm not sure. Am I making.
>> Mayor leffingwell: I think you were asking councilmember riley if he will accept it as a friendly amendment.
>> Riley: I asked about a time frame.
>> Morrison: The question i would ask staff what they think would be feasible.
>> We would be comfortable with 90 days. Councilmember morrison.
>> Morrison:90 days seems excessive to me. There is no reason why this couldn't be done
-- I don't see why this couldn't be done in 30 days, but I can live with 60. In 90 days, staff has put it off and started in the last month.
>> We can live with 60, councilmember riley.
>> Riley: I would accept 60.
>> Mayor leffingwell:60 is friendly.
>> Riley: We have been through this exhaustively with city legal staff and written items saying no chapter 26 is required. A lot of this work has already been done over the course of many months. All this ground has already been plowed.
>> Morrison: This will allow us, then, in the timely manner to have a discussion with the full council. Thank you.
[09:43:52]

>> Mayor leffingwell: Mayor pro tem, are you ok with that 60 days?
>> Cole: Yes.
>> Mayor leffingwell: Councilmember tovo. That is accepted.
>> Tovo: What is accepted is to consider installing parking meters and to report back with the decision by july.
>> Mayor leffingwell:60 days. It has been modified by friendly amendment.
>> Tovo: So the friendly endment has had the impact
-- the action here
-- the action contemplated was not to install the parking meters but to ask the city manager to consider installing them and report back by july 1 in his decision. With the friendly amendment, it asked the city manager to still consider installing the parking meters but to take more time to complete it? Or leffingwell: As i understood the friendly amendment, it is to have the item come back to council in 90 days.
>> Tovo: It was always coming back. It was not going here and installing parking meters, it is just that we're allowing the city manager more time?
>> Mayor leffingwell: His interpretation of his resolution is the city manager would consider it, and if he thought it was a good idea, he would put them in.
>> Riley: That is right. The language in the resolution reports back on the manager's decision, not a request for further action. We would receive a report on what the decision was and what happened. That was not contemplating a need for further council action.
>> Tovo: Thank you.
>> Mayor leffingwell: So now the motion is to have the city manager consider it and report back for final approval to council within 60 days. All those in favor say aye. Opposed, no, passes on vote of 7-0.
[09:46:00]

>> Riley: Thank you.

>> Mayor leffingwell: I believe that is all we can take up. The rest of the items have times certain. So we will go back to our zoning cases.

>> Thank you mayor and council. Planning department. I would like to present two cases. They're related, 65 and 66, the plan amendment and the zoning case with that. Item 65

--

>> mayor leffingwell: Hold on a second. This is for the clerk. I believe we approved item 64 on all three readings this morning. Before anyone was signed up. I'm still showing it

-- i know. That is what I said. But I'm still showing it with one citizen signed up, and that shouldn't be the case. 64 has already been approved. So we are going to 65.

>> Item 65 is case mpa 20120061 sh. This is for the property at 1411 shady line and 5300 jane lane. It was recommended to you by the planning commission. Item 66 is a related zoning case c 814-2012-0128. For shady lane and jane lane. The development in the plan, combine the zoning. And the planning commission also recommended that case. Let me tell you about the property. It is approximately 24.3 acres in size. And actually straddles an unconstructed portion of what would be the extension of jan lane. It is a proposed mixed use type of development. It could have the potential of 444 multifamily units. About 37,000 square feet of retail office. 118,000 square feet of liveable work space. 62,400 of creative studios. Minimum of two civic facilities totaling about 4,800 square feet. It is near the old tank farm in east austin. It has been cleaned up for residential use on the other side of the rail tracks to the north. There are sections that are not able to be used for residential uses but i understand these areas have been cleaned up to that standard. I think I will pause. I believe the applicant has a rather detailed presentation for you.

[09:49:28]

>> Mayor leffingwell: Before we go to the speakers, i will say we'll conduct the public hearing for item 65 and 66 together.

>> Yes.

>> Mayor leffingwell: We'll consider the items separately.

>> Both of the items are only ready for first reading. We have received very late a petition on item 66, the zoning change, but this is only ready for first reading this afternoon.

>> Mayor leffingwell: A valid petition against the zoning change on 66.

>> That's correct. We have not validated it because I just received it.

>> Mayor leffingwell: Ok. All right. We will hear from the applicant, robert summers. And you do have

-- you can add to your five minutes with no time onations. Hillary summers. Catherine marg yadah. Richard devarringa. Anthony horton. So you have 17 minutes, if you need it.

>> Thank you, I will try not to use it all. Mayor, city council robert summers with my partner, we are the owner and developers of think east. We were back here in october for our initial development assessment. We were encouraged and emboldened by your kind words of support and now we're back before you to ask for your support to make the dreams that many people had over almost a quarter century here a reality for our city. Think east is the transformation of a brownfield industrial site into a mixed use, mixed income district to include affordable living and working spaces, opportunities for educational facilities and many community benefits, all within a park setting with direct facilities in several areas and the future green line. Think east is the realization of the vision for the redevelopment of the tank farm properties that was created over a decade go by the go valley johnson terrace neighborhood team and their plan, which served as a

blueprint for our development. Finally think east is to create an exemplary pud. One that meets each and every item in requirement, including for the housing as a model for future development in our city. Here we are in the go valley johnson terrace. And in the city of austin zone. This is adjacent to the austin northwest railroad, the future green line off shady lane. This is the map of the former tank farms. The ready areas are where the operating facilities were. Only three acres of our property actually contained the tanks in our facilities. Our entire tract is in the cleanup area that was cleaned up and sieved by the tcq. The entire tract is identified in the 2003, neighborhood plan. The operations in the red areas will begin in the 1950s AND TERMINATED IN 1992 When the coastal plant that was on our property in that small triangle on the north side, when that was closed and dismantled. Here is a survey that shows something called the plume management zone in red. This is simply the area where there was one documented spill on this tract. It is also the area where the remediation equipment was located. There was 23 years of environmental remediation on this property, from 1990 until 2003. In 2007, there was the highest level of remediation closure for this property. As stated, this is the only property in all of the tank farm properties that is cleaned for residential use. One issue with the plume management zone and the equipment there for so many years is that is what restricted the completion of this project and why this ROADWAY THAT IS 1930s Easement was never completed. And the fact that the part owner, coastal will not deal with the city on a right-of-way. We have offered to dedicate 1.342 acres for the right-of-way. The analysis shows, all of the driveways and intersections am operate at property levels. If there is a slight revision to this intersection which is also part of the cip. Both of those were uncompleted. When they are completed, it will have no adverse impact on the traffic, according to the analysis. Here is the proposed pud zoning. We have the brown areas are the csmu and lomu areas. The one multifamily area is in yellow and we show the park land, the second dedication we're making, the 1.30 parkland designation which creates a new entrance to go valley park where none exists presently. Not only are we not exceeding base zoning but voluntarily reducing the density of the base zoning in the respects listed here. I will go over them quickly. I know this is first reading. We voluntarily limited the height in the ms 6 area, and the csmu area we voluntarily limited the height, the impervious color and the far. With the voluntary reductions, we end up with a minimum open space of over nine acres in this development. 37% of the entire development. Which is consistent with the neighborhood's planned intent of green, low density development. One more note on the density, the density is 27 units per acre, which is low. Zoe alma zon's statement is there, and it is essentially with the improvements, the completion of the roadway and revision to the intersection, with the improvements that the forecasted traffic conditions will meet levels of service for all the intersections. Mr. Garnsy mentioned the totals of the units. Those are at the bottom of the right-hand page for the land use unit calculation. You will see the apartments at 444 and the others as mr. Garnsy mentioned. Here is a conceptual view of what the think east pud can provide. We show the affordable housing, the apartments on the bottom of this, south of the boggy creek tributary that runs through middle. You can see the revised roadway there. In red are the creative studios conceived of. Brown of the live-work units. You can see the center of the plaza. Here view, essentially looking top west. That is the end of the boggy creek priority woodlands, which we will protect and improve. You can also see the community gardens and the plazas and the abundance of green and natural spaces in the proposed development. Here is the thing that we're most excited about and hope that you will, too. That is the affordable housing. What we have done is created two options for the affordable housing for this development. The first option is to take advantage of possible subsidies, barn money or any other money for affordable housing in

the future. We met with each one of you individually after the failure of prop 15 to talk about housing money, if it comes to this development, there will be affordability in two land use areas, 100% affordable for rental to 150% mfi and owners 30 to 40% mfi based on subsidy. If there is no affordable housing money in austin, none comes to this project, we will nevertheless on the private basis provided the lowest and historic affordability. That is 20%. Which is 10% and 80% mfi and 10% at 6% mfi. We have agreed to the neighborhood to provide 20% affordable housing without a bond, in the units which will equal 332 units if build out to the highest conceptual level. This is a certified smart housing project. We included the superiority chart. In the packets, I'm happy to answer questions about that. The summary is we need 12 of the tear 1 sections. We made the three additional sections which are the sup chapter e design. The pedestrian or ended uses. And we meet all of the tier two exemptions. We come to you today with the unanimous approval of the staff's recommendation to the environmental board. Mr. Bob anderson said it is a superior environmental elements detailed including water quality, invasive plant removal. Restoration of the site from the former hydro carbon storage unit are commendable. Chuck said it was one of the first he worked on. He's excited about this.

[09:59:54]

He stated: I strongly recommend the project, i think it is great. I hope we see more in the near future. We come to you with unanimous approval to the staff's recommendation to the planning commission. The commissioner who made the motion stated this is what a pud should be. Providing affordable housing, significant open space. Environmental superiority. The list goes on and on. Finally, we come here today with support of the johnson go valley terrace neighborhood planning team. A member of that team is already recognized our efforts by awarding us the cesar chavez award for demonstrating leadership that is changing lives and transforming communities. We appreciate your interest and time. We respectfully request your support for think east pud.

>> Mayor leffingwell: Any questions? Councilmember martinez.

>> Martinez: I want to ask when it will be prepared for second and third?

>> June 20 for second and third reading.

>> Martinez: Bring it back before you go on break. It is valid, I guess. 28, 27, would be the earliest I can bring i back.

>> Martinez: We have all of a sudden gotten e-mail about this from folks we haven't heard from. I want to have time to touch base with the folks and see the concerns but look forward to getting it back here. I move approval of first reading.

>> Mayor leffingwell: We have other speakers. Did you have a question councilmember morrison.

>> Morrison: Thank you for your presentation. It is an exciting project. Can you go back to the slide on the afford ablt

-- affordability. You have two options up there. On the first option, that is depending on partnership funding; is that correct? Whether it is public or private?

[10:02:23]

>> Yes, ma'am.

>> Morrison: And do you have a sense for how much it would take in terms of being able to get from some other partner to achieve the affordability?

>> I do not at this point. What we have to look at is

-- what we have done is created the largest model that we could to provide the most affordable housing. So if it really is 332 units of affordable housing, i don't have an answer to that question. We have been asking and talking to anyone about any money that's available. So we have not quantified essentially what the gap is to fund the additional affordability, that is something we are studying now.

>> Morrison: Because we have a certain amount

-- we have a context here at the city because we know that there is a certain amount of money that we have control over. There may be a bond in the near future that would provide more. For me, it would be relationship helpful, because that is wonderful what you are proposing there, the scenario. But it would be really helpful to get some kind of ballpark, some kind of order of magnitude, you know, if it will take \$100 million to do that, it is not a realistic goal probably. I don't know if you can do a back of the envelope calculation

--

>> I will be happy to do better than that and bring you more information when we are back about what that is. That is a terrific question.

>> Morrison: I appreciate that. I think that will give us a sense of how realistic or what kind of arena you're playing in. And could you talk about

-- without public or private

-- this is the bottom line plan, at a minimum, you are going to provide 10% rental at 60%. 10% rental or owned

-- rental or owned at 80 and 60. For 10 years. Can you talk about the 10-year and how you selected that? We are used to seeing 40 years for rental, 99% for ownership.

[10:04:39]

>> We looked at the standards in smart housing and looked at other developments. And what we traded off, essentially, was the level of affordability. I think the deeper affordability is m important, right now, for the neighborhood, as you remember, when we first came to you, we had a proposal with guadalupe neighborhood development corporation where gndc was going to purchase the two land use areas and we hope they still with, if others don't. They are the ones that with the neighborhood, requested these. And the idea is we may not have a lot of units at the lower affordabilities, but at least establish the range where we get down into the 30s WHERE THOSE PEOPLE NEED To live. And establish that range in the model for the future. So it was a decision to offer on a private basis without funding, without any subsidy to offer 60%, but limit it to 10 years.

>> Morrison: Last question: Is gmndc a partner in this? Potentially?

>> They're a potential partner. When we came to you the first time we had a letter of intent. That whole deal was dependent on prop 15. Other than that gndc up until now has not been able to fund the funds. In the interim since we met with y'all all about it, we met with the affordable howsers to introduce them, talk to them about the project. We think there will be a lot of interest in this and know that gndc will be on that list. They're a preferred provider, so to speak, by the neighborhood, because they have a list, if you call their phone, they have a list, that is a five-year waiting list of people of

-- of names of people in the neighborhood to need the housing. We want creative types and new

people and we want the neighborhood people there. Gndc is a reference for us and the neighborhood.

[10:06:47]

>> They have

--

>> we don't want it to sit for another 25 years.

>> Morrison: Right. And then you have

-- you said that gndc and their letter of intent originally was based on the bonds passing. So what was contemplated at that point, do you know? If terms of the bond support they need.

>> That point in time, looking at the wham purchase funded by the bonds. They have not gone to the next step of developing a plan or conupsetual idea of what money they will need. Same question you asked earlier, I think that is information we all need.

>> Morrison: I appreciate that. I look forward to it.

>> Mayor leffingwell: We will go to the other speakers in time.

>> The gentlemen that did our time. Mr. Turner is our tia he's not here to speak except to answer questions. Same with mr. Horton, the geo staff out there for 18 years. For my team, I am the only speaker in support, I give back the time.

>> Mayor leffingwell: Daniel yonnas.

>> He is here.

>> Mayor leffingwell: You have three minutes.

>> Thank you, mayor, council. Thank you all for your service. It is tough. I'm happy to know that y'all are here. So I chair the johnson neighborhood planning team. As you are aware we have been working over two years now with the developer, city staff referred them to the contact team. We met with them. They told us about our practical, we told them what was important for us and together we crafted what is before you, in concept, anyway. And I'm glad that you asked about gndc, because from our perspective as the planning team, as a matter of fact, i talked to mark rogers as early as yesterday about this project. We will do everything we can to find the money so that gndc can be the partner because exactly what mr. Summers said. This is one of the very few projects in go valley johnson terrace that actually accommodates the new growth of people that don't live in my neighborhood, that are coming to my neighborhood and also stems the tide of black and brown plight, if i can say that. People in my neighborhood have been taxed out year after year after year after year, and this project will provide at least 150 to 300 units that will be from 30% to 60% of ffi. In my neighborhood, the average income is \$15,000 a year. So this is the only opportunity that people from east austin will have to stay in east austin. We've met with several of you. What I would ask you all is to help us find that for the affordable housing part. I would be happy to answer any questions.

[10:10:00]

>> Mayor leffingwell: Thank you. Suzanna el monte.

>> Good afternoon mayor and sick success members. I'm here with the human resources, a man of the go valley johnson planning team. As danielle said we have been working on this case

almost two years. What we're really glad is we were in it from the beginning. You know, a lot of times, the plan takes off and then they ask you what do you think. That is not the case here. We have been sitting down, from the beginning looking at this particular plan and shaping it to make sure that there is a balance. There is a balance of affordability, but also a balance with mixed use development, so you will be able to have the market rate, but at the same time, be able to have affordability here. And to us, that is very, very important, because as you know, peder was involved in relocated the tank farm. For such a long time, there was housing along that section where we are proposing the affordable housing, which is one of the best sites because it backs up to the go valley park. Wouldn't that be so beautiful to look out your windows or have the children just go their whole backyard would be the park. When we look at that, that is one reason we chose that particular side of the project, because it is adjacent to go valley park. And just to see that transformation coming back, to see that land be idle there for a long time, to now be revived, have families come back, open space, park amenities, trail. That is a dream for so many of us. We wish that would have been the plan for all of us. Here we are at the future and we think this is a very good plan. That we hope that you would vote and move forward, you know, to make this a reality. So thank you so much.

[10:12:06]

>> Mayor leffingwell: Thank you. Now we will go to those in opposition. Alex sandkitsch, donating time. Jeff colo. Ok. So you have up to six minutes.

>> Great. First of all, before i start, I wanted to make sure that we cover the petition is for items 65 and 66. I believe that is what it says on the petition.

>> Mayor leffingwell: Not a factor today. It is only first reading.

>> Ok. Great. Thank you, mayor, councilmember, my name is alex vankitsch, I live on desirable drive. It is a stone's throw away from the proposed project. Thanks for the opportunity. Let me give you a brief rundown why I'm opposed to the project. I want to show you an aerial photograph of the NEIGHBORHOOD IN THE 1980s. I want to show you page 53 from the go bell neighborhood plan from 2003. I'm showing you that because the well thought out and envisioned future of the property known as the tank farm specifically excluded a three-acre offsite area. I want to pay particular attention to the location in the neighborhood plan. If you look at the aerial photograph, the line on the map of the tank farm does not line up with the actual project location of think east. It is a different property and those three acres were excluded back from 2003. Follow only twrs% of think east projects are on the land that was formerly tank farm. That land is 5% of the original tank farm location. All the rest has been zoned single-family, always. And tank farm never existed on the other 88% of it. If you could please set aside any preconceptions about this prlject writing an environmental justice on this land because the tank farm was not described in the neighborhood plan and this specific location. I want to address the neighborhood involvement in the planning for this project or should I say the lack of neighborhood involvement. The vast majority of neighbors, in fact, 50 of them who signed that petition have never

-- and who I have spoken with in the last several days never heard of the project before november 2012. That is when I personally distributed a flyer to them about the proposal, walking around the neighborhood and knocking on doors. The developer and anyone else that has ever been involved in the planning, prior to 2012 never bothered to come around and knock on the

doors of the neighbors. I run into the project because a yellow sign was on the fence nearby the property. I initiated the project to get it out to the neighbors. To the best of my knowledge only two neighbors that signed the petition knew about the project. That is Bertha Williams on contact team and Nadia Berrera. By the community meeting, a planning had been reached with the team and developer six months prior to any neighbor finding out about it. This is in opposition of the desire of the local community prior to issuing a recommendation letter on it. Basically, figuratively speaking, the train left the station by the time the neighbors got involved and our feedback and concerns were completely ignored by this proposal. And actually since the neighborhood meeting it has gone from 280 units we heard of at that time, to now 444 units also significantly increased the level of affordable housing, which is the opposite of the concerns expressed by the neighbors at the November meeting. Apparently, this project started somewhere around 100 units when it was first proposed but that was before any of us learned about it. The current plan is 77% affordable housing. I don't deny there is a need for it. But this clustered affordable housing in this density is too much of a burden for our neighborhood of 50 homes to support. Councilmembers, we welcome

-- they will tell you that they welcomed the neighbor's involvement. There was no communication before the November 2012 meets or after, up to today. I know they have a list of everyone at the meetings and their personal contact information from the November meeting. Both the developer and the planning contact certainly know where the impacted neighbors are. We never heard anything from them, with the exception of the one meeting we feel was a formality. The developer will tell you that he worked through the official neighborhood group, but he forgot to include the actual impacts neighbors which are in the neighborhood within 500 feet. The project, according to the transportation study will add six to 43 vehicles per day to a street where several of the intersections are way overtaxed with the existing cars and have significant delays at intersections. It does not include a plan to alleviate the current problem, except for saying it goes back to prior plan from many, many, many years ago which I don't believe included 6,500 vehicles. It also speaks to the lower body creek woodlands.

[10:18:27]

[Beep] I know this to be true because my property sits between the project site and priority woodlands. I have never been approached.

>> Mayor Leffingwell: Thank you, Alex.

>> Thank you.

>> Mayor Leffingwell: Those are all the speakers we have signed up against. Signed up wishing to speak. Mr. Summers you're entitled to three minutes, rebuttal.

>> Thank you, Mayor, City Council. I will take a moment of your time. This argument that we're not the tank farm is surprising, mostly to the people that have lived there for 25 years and who picketed the oil companies and created the neighborhood plan. In the very same room in the library in East Austin where we had the neighborhood plan amendment meeting, that is where they created the plan 10 years earlier to deal specifically with the tank farm properties and deal with the land the PD. We're within that zone and fulfilling their request. Regarding the neighborhood involvement, we have, as both Daniel and Suzanna told you, the first place we went, before we came to any of you or any of your staffs, was to the neighborhood, the neighborhood planning team. Every neighborhood association and other business groups are a member of the neighborhood planning team. We have dealt with them directly, cooperatively, when we filed our predevelopment assessment in July, you may remember there was a

tremendous amount of publicity in print and on tv. We were contacted by a number of people with concerns, questions that we dealt with happily and speedily. We rocked along in the process for almost two years and get up before the planning commission and the gentleman comes with others from the neighborhood to suggest they have been excluded from the neighborhood. They have actually refused to communicate with daniel, as the person that goes to talk to the neighborhood, we went to the right person to talk to, to the right groups and we feel confident about than the last point with affordable housing. We will meet with the neighborhood and the people that signed the permission. One of the major complaints is too much affordable housing. I'm afraid I won't agree. I will come to you and ask for the most affordable housing I can do on this project. We all know the reasons why that is important. Thank you for your time.
[10:21:04]

>> Mayor leffingwell: Thank you. Councilmember martinez moves to close the public hearing and approve item 65 on first reading.

>> Second.

>> Mayor leffingwell: Second by mayor pro tem. Any discussion? All those in favor aye, opposed, no. Entertain a motion on item 66. We already conducted the public hearing. Councilmember spelman moves to close the public hearing and approve on first reading. Second by the mayor pro tem. Discussion? All those in favor say aye, opposed no. Passes on vote 7-0. I believe we have one remaining zoning case.

>> Number 76 is the remaining zoning map amendment. This is a zoning request for multifamily family resident, highest density, which is ms 6 comp. The recommendation was to grant the zoning change unanimously on this with the strong suggestion and agreements between the applicant and the oak creek village tenants association between the applicant and the association finalized prior to third reading. The property itself is already zoned multifamily medium density or mf 3 district zoning today. It would allow for property to be developed approximately 324 units. Under the existing zoning. The property itself is almost nine acres in size. The recommendation that the commission recommended was part of the staff recommendation. It would limit the heights to 60 feet building coverage to 60%, impervious coverage, 70%. Would allow up to 486 units and would take access to old fourth and or south street. I think I will pause on this one as well. I'm aware that the applicant has a lengthy presentation that he would like to go through slides with you. I will say that the properties west of this site include auto repair, detailing, some commercial uses, a carpet cleaning business, various restaurantsr washes. To the east are single-family and duplex residential uses. And the fronts on euclid street. No access is proposed to euclid. To the north, single-family duplexes. Also retail shopping centers. To the south there are fast food restaurant, offices, retail uses, some single-family. Further south convenience store and another retail shopping ea. There is a t.I.A. And recommendations addressed in that traffic impact analysis and those would be addressed as part of the staff recommendation. The others are requirements including the one that would address t.I.A. When we come back. I will pause. If you have any questions, mr. John denisy is here with his presentation.

[10:24:54]

>> Mayor leffingwell: So we will hear from the applicant. That is you mr. Denisy. You have steven rye donating time. Steven is here. Robert halls. Is robert halls here? Back in the back. Ok. So you will have 11 minutes. If you need it. We have four people signed up neutral. We're

supposed to take the fors and against in order. If you are really neutral, we will take you last. We'll find out when you speak, I guess. Mr. Deniy.

>> Thank you mayor and council. I'm john denisy. I'm here on behalf of urrek

--

-- eureka holdings, the applicant in this case. Before I get into the presentation I would like to thank people that spent time on this case. First off the golden creek neighborhood association, chan, cindy and kevin. They made a number of suggestions incorporated into the proposal that you will see today and frankly they made it a better project. Also, I would like to take a moment to thank especially corina malone with the newly created oak creek village tenants association. Kirk caddenachell and austin interfaith, they put a lot of time into this. We don't have everything all worked out. That is why we're here only on first reading. Asking that you not take action beyond first reading and that you consider leaving the public hearing open so the folks can continue to participate as we move forward. But we will be continuing to work with them as we progress. As mr. Garnsy said this apartment complex is located about a mile south of downtown, home to 530 austinites. It is near the intersection of south forth and old dwarf. It is a little shy of nine acres. IT IS A 1970s-STYLE GARDEN Apartment complex, about 27 individual building, pretty inefficient use of the buildings and the space. It is zoned today ms 3. It offers and provides 173 affordable units under a or hud contract, it is operated by hud. It has surface parks, the access is solely to and from wilson street. A local street. The complex reached the end of its useful life. It does contain a unique mix of unit sizes. THE '70s APARTMENT COMPLEXES Include one, two, three, four bedroom units. So it is extremely family friendly. It contributes to the city's affordable housing inventory. This is a picture of one of the access points off of wilson and gives you a feel for the scope of wilson street itself. This is the second access point which is little up the street to the north. Some other photos it is part of the affordable rental housing. The red arrow leads you to the site. It is the only hud-backs affordable housing project within golden creek. A little bit on the preservation of the affordable housing. April 2008, neighborhood housing, community development issued a report about preserving affordable housing in austin. It identified a threat, i

[10:29:01]

quote: In austin, concerns surrounding the preservation of affordable housing have come about because of the first wave of project-based hud subsidies are set to expire in the next several years, threatening the affordability of many multifamily units. Mayor, this is one of those project-based hud subsidized complexes, and it represents 173 of those units that are at risk. So what are the options for oak creek village? The contract would be allowed to expire and the market could be converted, demolished replaced with market-price apartments or high-end condos. Current zoning allows 324 units and the current residents would need to find replacement affordable housing. We come with a different proposal. That is to renew the hap contract, replace the existing complex with new construction, including affordable units including the market rate and the units would be 1-1 if someone is in a three-bedroom today, it would be a three-bedroom unit in the redevelopment. 173 units of affordable housing that exist today, would exist in the new development. Current residents have the option to move into the new construction at the same subsidy. [One moment please for change in captioners]

[10:31:15]

>> and stair stepping the height away from the sf-3 properties along live oak and wilson, and at the suggestion of the neighborhood we would offer

-- we would propose an affirmative limitation on the maximum number of residential units at 486. This walk sheet

-- site development standards under mf-3 and mf-6 and then the co that we would request. Again, far is the only item we need under mf-6. Walking through the bouldin creek neighborhood plan this area has been designated as appropriate for multifamily. In the flum, top ten neighborhood priorities, lists affordable housing. It's a little difficult to read this but on land use it says multifamily development should be allowed in the interior of the neighborhood we're already permitted by existing zoning, we are. New multi-family development should have adequate off-street parking. We are parking this all on-site. Provide adequate green space and buffers between multi-family and other uses. Again, we are respecting compatibility, the current project does not. Be designed to mitigate or limit additional traffic impacts along residential streets or intersections. I feel like we're, frankly, solving a problem that was created in the '70s when the unit took all of its access solely from wilson by punching through to oltorf and south first. And not exceed 60 feet in height. So in some we've been recommended

-- sum recommended by staff, recommended by the planning commission, consistent with imagine austin, consistent with the bouldin creek neighborhood plan, consistent with the neighborhood housing community development goals. The council, thank you, in february, you approved a conditional commitment of funding to the tune of \$2 million for

-- for the preservation of the affordable component here and the texas department of housing and community affairs currently has a tax credit application for this project that's put a little fire under this. We need to have the zoning in place by august 1 to be able to get funding. So with that I'm happy to answer any questions you may have. Questi questi ons for the applicant? All right. We'll go to those speakers signed up against. Cindy brammer. You have three minutes.
[10:33:53]

>> Thank you, mayor and council members. My name is sidney brammer. I'm an austin native, born here in 1952. I'm the daughter of billie lee brammer who wrote the gay place, a beloved novel set in the more housian days of 1950s austin. I'm also a homeowner since 1987 at 216 fletcher street, approximately 100 feet from the oak creek village complex. I'm adamantly opposed to the m 6 rezoning of the 9-acre complex. As a writer myself and a part-time creative writing professor at austin community college and a public education retiree, i have very limited financial capacity to buy a home in my own home town. But I was finally able to find low cost older home in south austin, old south austin, a diverse quiet neighborhood where many austin artists, writers and musicians with day jobs have found safe haven for their later years. I've watched many of the children that I heard playing at oak creek village that cinched my decision to settle in south austin. I've watched them grow up, playing in that so-called inefficient use of green spice and live oak groves. I've watched those children come to my door trick or treating or telling me about their schools while I buy candy or cookie dough for their school fundraisers. I know their mothers. They go to my garage sales, I go to theirs. It's a pleasant neighborhood, much like those in which I grew up here in the '50s. But in the last several years the neighborhood, now known as soko, has been all encouraged, by pro growth city fathers to undergo considerable change. There's heavier traffic, and there. Outsiders month leave trash and

beer cans in their wake. I've started carrying a mace dispenser when I walk at night because I've encountered so many surly drunks from town lake or south congress on event weekends. There's little response to neighborhood complaints about drunk drivers, nonemergency helicopters, hot rods and noise pollution from endless town lake events. Road rage commuters on south 1st and south congress regularly cut through our side streets trying to beat the much heavier commuter traffic. And the city asks residents to pay for speed bumps on side streets. With all of these unhappy changes I've also noticed changes at oak creek village, particularly since 2007, when eureka holdings, a dallas company, took over the complex that began to look run down and a bad element was allowed to move in. Drug dealers and party animals of another sort. In spite of many calls to the property manager and police nothing has been done. I was not surprised, then, to learn that when ray campos jr., The millionaire investor and owner of the ridge crest apartments in oak cliff, dallas, is real principal face behind eureka holdings.

[10:37:06]

>> Thank you, sidney, that's your time.

>> Would anyone like to donate time to me?

>> There's no one else signed up against.

>> Oh, really? I thought someone else had just signed up

-- I thought I saw two people here signed up against.

>> What is your name?

>> William [inaudible]

>> I'll so

-- do you want to donate the time?

>> Yes.

>> So you have three more minutes.

>> Thank you. According to investigator reporting in

-- eureka holdings specialize in managing hud supported housing complexes, then letting them go to hell in a handbasket pocketing federal and city loan money while keeping vulnerable and low income tenants stuck in horrible conditions rather than the promised up keeps. In 2003 eureka was hired to manage another federally subsidized apartment in mesa ridge. It ended after mesa was sued by the city for multiple code violations and now he's come to austin to boondoggle representatives to allowing him to do the same thing all over again. He has sent his very presentable attorney, mr. Donisi, to piss neighbor against neighborhood associatto sell out to developers, blackmailing the liberal spirited homeowners around the complex into having to negotiate an n 6 rezoning if they want to protect the homeowners from losing homes and having input into the design. About the only good thing to say about this situation is that an active tenants association has risen up at oak creek with help from austin interfaith. The valiant efforts have been made by bcna, the austin

-- the association of tenants and the owner's representative, I am still opposed to the rezoning application because of these specific reasons: Increased traffic and parking problems in a neighborhood already beset with these issues, an analysis of the environmental impact on the eastern floodplain and creek bank of bouldin creek has not been mentioned one single time through two planning commission hearings. The property line runs along the creek for approximately the length of three city blocks. Aren't there any height restrictions for a five story building?

to be built on the eastern shore? That's one of the top ten priorities. What will the lack of morning sun do to the health of our creek and wildlife. They've proven to be poor managers of other property in oak creek village. They've made promises to hud and dallas city and reneged on them. Why should we siewm they'll follow prescriptions or covenants we make with them here in austin, a manage air with no commitment to our community or our way of life. If oak creek village becomes a five-story building for upscale singles, all that i personally lose is afternoon sunlight from a 60-year-old vegetable garden, the food i eat, right? I will never see another sunset from my front porch or living room window. Constant construction noise 100 feet from my desk where I work at home. The wildlife that we've loved watching will disappear because the creek will lose half of its daylight hours, a catastrophe for riparian ecology, the red tail hawk, the song birds, foxes, even the once endangered wood duck will disappear. The wood ducks made a miraculous recovery in travis after the save our springs unit took down a former city council that was stoned on growth hormones. I totally oppose rezone

--

[10:40:44]

>> mayor leffingwell: Your time expired. I read your dad's book and i thought it was the quintessential austin book.

>> Thawed.

>> Mayor leffingwell: It was the '50s. Now we'll go to a group of speakers who are signed up neutral. Cindy colin. Cindy colin. Did you want to speak?

>> Yes.

>> Mayor leffingwell: All right.

>> I have to get this right. Good afternoon, mayor, mayor pro tem and city council members. My name is sirched I colin. Cindy colin, president of body increek neighborhood association, and bouldin creek

-- or our whole organization has held a public process over about the last six months in regard to the oak creek redevelopment. We started about in december, and during this process we had many meetings in terms of general association, in terms of special meetings for this particular development, and neighbors showed immense support to retain the affordable housing component on the property, which is we were all very impressed with that because we had a lot of feedback early on in the process that folks really

-- hey, section 8 is great, but the term is over, it's time to have market rate units come in there. But holding true to our neighborhood plan, which mr. Donisi showed you one of our top priorities is to retain affordable housing in the neighborhood, and we were able to work with neighbors and really talk with them about the importance of what affordable housing does to retain our unique being culture of racial and economic diversity in the neighborhood. So we're real proud of that and we're hoping that that continues, and we wrote a letter of support to the tdhca for the tax credit application that eureka holdings or travis heights put in back on march 1. Currently we are negotiating a conditional overlay, public and private restrictive covenants with the applicant, and we are very hopeful to have them completed by the next reading. We're really pleased

-- i know I sent you all a whole big list of terms that we proposed to them, but we're pretty much there. We are like this close, and we're real hopeful they'll be done. I would imagine, hopefully

by june 20. So what we're asking is would council consider to continue to hold
-- to have the public hearing remain open for the second and third reading, because we do have
some others that want to participate in this process, and we do want to come back and tell you all
how we're coming along on those documents. Thanks.
[10:43:31]

>> Mayor leffingwell: Thank you. Corinne malone. Also neutral. And you have three minutes.
>> Hi, good afternoon. Thank you for your time. My name is corina malone. I'm a tenant of oak
creek village and also president of the tenants association. I'll take a few minutes of your time to
talk about no.76 on the council's agenda. On may 28 the planning commission heard testimony
from several tenants including myself and leaders. More than 50 leaders stood in support of the
proposed redevelopment. Oak creek village currently provides 173 units for 600-plus people
including 250 children. We expressed our support and optimism for that project provided that
eureka and the association agreed on terms that included keeping affordable housing in the hap
contract, keeping

-- making sure that we increase measures for safety, and more specified relocation plan that helps
protect the tenants and unforeseen charges, redeveloping and implementing youth and senior
citizen programs and having free access to our community center. These terms were being
negotiated to the covenant that would have been legally binding with eureka. We have been
working emphatically with eureka for months and we received statements [inaudible] to agree
with the stipulations. Furthermore, at the planning commission, commissioners unanimously
agreed regarding the granting the zoning when and if the covenants finalized. The tenants
association austin interfaith met with eureka on tuesday night. During that meeting two very
important terms were discussed in depth: Safety and you can

-- youth and senior citizens programs. Eureka has not agreed to sufficient funding for children
and youth and senior citizen programs along with

-- along with long-term commitments for safety. As a result the tenants association held an
emergency meeting last night. We had over 50 tenants show up. And we have a very small
community center, our community center was very hot and very small, but everybody stayed.
The tenants voted against accepting the change for the youth and senior citizen programs and
will continue negotiation regarding the safety matters. We will inform the council if our position
changes. However, it's important for the owners and for the council members to know that
without proper protection for the tenants and the broader community, this project will not be a
model for excellent redevelopment, but a liability to schools, body increek residents and an
-- bouldin creek residents and a problem for the city. Therefore it's essential that we keep open
discussions and if the agreement is not reached for the tenants association and austin interfaith
we will no longer support the redevelopment and the zoning entitlements for this owner. We
strongly believe that our elected officials should not provide increased benefits to a non-austin
owner who is not willing to provide protection to the austin residents. Again, thank you for your
time.

[10:46:35]

[Applause] questi questi on for you, council member morrison.

>> Morrison: Thank you, ms. Malone. I have a question.

>> I apologize.

>> Morrison: I wonder if you could fill in a little bit of detail on some of those issues, like what does adequate safety

-- a commitment for adequate safety look like to you?

>> Well, what we specifically asked for was at least 40 hours from

-- currently we have, my understanding, three contracts with apd officers. Each contract provides five hours. However, they're not there in specified hours, and what we've asked management to do is to work with the tenants assoation to address the services of the tenants

-- the needs of the tenants so that if we have problem hours, they are during those times, as a deterrent. Well, right now my understanding is that we're not able to control those apd hours and that's something I need to check into. So eureka has come back into saying, okay, well, we're willing to do this, you know, and provide security contracts, but it's not for a long period of time. So

-- and that's what we've asked for for a long period of time, hence, why we're asking for [inaudible] covenant.

>> Morrison: And you say these are contracts with apd

--

>> with private security.

>> Morrison: It's private security.

>> Yes.

>> Morrison: Great. And then what about

-- it sounds like the relocation issue is going to be adequately addressed. Does that, in your mind, mean that the families will be relocated on-site to alike apartment? Are there commitments in that regard?

>> Eureka has

-- during that tuesdayeeting eureka provided a relocation plan based off of another

-- i guess another facility. I haven't had the opportunity to look through that relocation plan.

What our plan does is it opens up the options for the tenants and management to work together to

-- if the tenants so choose and they need to go off the property, they can. They can do whatever they want to do that's going to be suitable for the tenants. But what we're trying to do is make sure that the tenants are protected against any foreseeable charges

-- unforeseeable charges, such as any type of deposits, utilities, moving, packing, things of that nature that would be encompassed in a normal move.

[10:48:59]

>> Morrison: Great. Thank you very much.

>> Any other questions?

>> Mayor leffingwell: Council member tovo.

>> Tovo: I have a few follow-up questions too. Thanks, ms. Malone, for your testimony. I wonder if there's any way you could follow up with us and kind of outline some of these. I know you named a few things. Security was one, and I have a few more questions for you about that.

>> Okay.

>> Tovo: And then you talked about senior

-- senior citizen and youth programs, and so I would

-- I'd like a little bit more information about that too i know

-- I know a few among your group have my contact information, so if you don't mind

--

>> certainly. I'll get with you regarding that. I was going to say, I could address very quickly

--

>> tovo: That would be great. If you don't mind.

>> What we've asked for, when we had our first tenants meeting we asked for feedback from the tenants about their hopes and dreams and their concerns and comments, and their hopes and dreams is to get it

-- to get our property into a community that is going to allow, you know, youth programs for after school, during the summer, you know, classes for senior citizens and adults and adolescents, whether that's zumba, you know, computer classes, esl, things of that nature, and what we're asking for is extensive hours, not just

-- not

-- not

-- we're asking for extensive hours.

>> Tovo: And so how is

-- how would that

-- would the developer provide that? Through access to the community center?

>> Yes, ma'am.

>> Tovo: Through financial support for the program?

>> Okay, I'm sorry. What that looks like is we've asked them to work with us to develop and implement a program through funding. We've asked them to specifically put in an item on their budget, a line item, that would consistently stick there, you know, stay there, for the period of 35 years and to increase as the hap contracts increase or either stay the same if the hap contract decreases.

[10:51:10]

>> Tovo: Okay. Thanks. And with regard to the

-- the construction and the potential moving, from what you were just talking about I think I understood, you want tenants who are there currently to be able to have the option of moving off-site

--

>> if they

-- if they want to work with management and don't mind moving off-site, sure.

>> Tovo: But they would still have their costs? I think I understood from what you were saying is they would still have their moving costs compensated

--

>> that's our plan. That's the goal, yes, ma'am.

>> Tovo: And with the intent that they are then able to come back to the property once it's completed?

>> Yes, ma'am, that's also in our covenant as well.

>> Tovo: I see. Thank you very much for those clarifications. I really appreciate it. >>E welcome. >. Mayor?

>> Mayor leffingwell: Council member spelman.

>> Spelman: While we're on the subject, let me be sure I understand where we are right now. Does the developer currently

-- or the owner currently provide private security on-site?

>> Yes and no. They state that there is a contract with apd for three officers at five hours per officer. I have only seen one contract, and I've only s with two officers.

>> Spelman: Okay. So allegedly there is a 15 hour contract, but you're only aware of two officers participating in it?

>> I've only seen one contract for five hours and spoke to two officers who testify they each work five hours.

>> Spelman: You've seen two police officers around, you just haven't seen the contracts for both of them, and there may be a third but you haven't seen it.

>> Exactly.

>> Okay. Him or her. Okay. What kind of youth and senior citizen programs are being provided right now?

>> There are none.

>> Spelman: So this is something new you'd be asking for as a result of
-- in exchange for the redevelopment?

>> Yes, sir.

>> Spelman: Okay. And what exactly is on the table right now with respect to moving expenses?
[10:53:15]

>> Quite a few things. We
-- other than the relocation plan that was recently given to us on tuesday, what we specifically have been asking for is reimbursement in the event that individuals are having to pack, in the events that they're asked to show
-- that management is asked to show three different apartments. So in the events, you know, they have to move off-site, that they're given options. The other thing is to kind of true-up, per se
-- so as mr. Donisi said, if you go from a there bedroom, you'll come in as a three bedroom. There are certain individuals there that may have be leaving out of a three bedroom but they truly need a one bedroom, or vice versa, they're in a three bedroom and maybe they need a four bedroom. So it will kind of true that up, per se, so it's adequate for the family size that they currently have.

>> Spelman: Sounds like it might get to apition where you just have
-- a position where you have too much demand for a particular kind of apartment. It may not work out evenly.

>> Well, I mean, that's not
--

>> spelman: I understand, no. Okay, you understand that's the sort of thing which might happ if people are moving around from threes to fours and so on.

>> Well, what we've also asked is they don't move any more than one unless it's an absolute necessary thing. The other thing we've asked for is that not to have
-- if they have to move off the property, for instance, is not to have this new lease in their name. Any type of deposits for utilities, anything along that lines would stay in the name of eureka, so that they don't have to worry about those type of things.

>> Spelman: That sounds reasonable. Thank you, ma'am. I appreciate it.

>> Mayor, I have a question.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: Hi, I'm trying to understand this contract with respect to the security. Who is that contract with? Is it actually with

-- the original developer of the property or is that with a management company?
[10:55:15]

>> The management company and the developer are one and the same. They're both
-- it's managed by eureka, who is also the owner and the developer, is my understanding.
>> Cole: Okay.
>> And that original contract, the one they
-- from apd, from what I saw, it was through eureka and apd.
>> Cole: Okay. And you also spoke about the programs that are not there for children and senior citizens. Are you familiar with other management companies or developers that have done that in these types of developments [inaudible] that idea?
>> Yes, sir. Before
-- before we went to eureka we added this language into the covenant. I did a lot of research. And I spoke with a gentleman who's an executive director with foundation community. And through that research we found out what services that they provide to their children, the funding they offer and the cost that it is per child, and kind of went from there to see, what do the tenants from oak creek really want? Because what they provide is a little more extensive than what the tenants have asked for. So based off of that I then went out and I solicited bids to the ymca, to boys and girls club, and kind of developed a budget per se to kind of get an accurate feel of how we can serve the children in our community.
>> Cole: Okay. And this is the last question. I don't want to
-- I don't want to berate this point too much, but maybe we can talk a little off-line about it. I think it's something that is very well needed in a lot of communities, which is that the services are actually where the people are, we're not having to move people to services.
>> That's right.
[10:57:16]

>> Cole: But we have some complications when we do that in trying to figure out what a budget would look like and also in a zoning setting, trying to require that of a developer. So I'm not sure about the legalities of even doing that. I might ask the city attorney to talk about that.
>> Mayor leffingwell: City attorney? Do you want to answer
-- do you want the city attorney to answer your question?
>> Cole: Yes, yes.
>> Mayor leffingwell: It might have a private restrictive
-- let's let the city attorney speak.
>> Mayor and council, i really am not 100% sure of the answer to the question. With your permission I'd like to look closer at that, although I do share your concerns, mayor pro tem cole, as to whether that's something that could be enforced by the city in this zoning context. But again, I would ask your permission to look at that more closely to provide you a more accurate answer.
>> Cole: Okay. Thank you. So you understood that question?
>> Yes, ma'am, I do, and that
-- we have
-- we have received
-- we now have a legal counsel, and through his help that's where we were explained, through the private covenant, we may

-- it's not something based off of the city that would
-- that would enforce this. It would be something that the tenants would be enforcing through the private covenant.

>> Cole: All right. Thank you, mayor.

>> Mayor leffingwell: And subject to the city attorney's response, I think you're absolutely right, it would

-- it's a private restrictive covenant, which we, the city, would not be a party to, not be able to enforce it. It would be strictly between you and the developer/manager. Okay. Next speaker is asia lynn thomas. Asia lynn thomas. You have three minutes.

>> Hello. My name is asia, and I'm a proud leader of austin interfaith. I'm a proud member of the ywca for girls for eight years. I'm a proud parent of travis heights elementary. I am a current student for capital idea. Most importantly, I am a resident of oak creek village for 26 years, and for many of us at oak creek, it isn't just the roof over our head, it's home. For many of us our foundation was built through the participation at the oak creek village community center. We no longer have the programs for children and seniors like we used to. Excuse me. I am here to advocate for the reopening of this center, and through the private restrictive covenant between the owners and the residents, I'm here to voice the importance of our center and the resources it can provide to help our community and neighborhood evolve from the hud standard or the project-based statistic to a faith happy resourceful environment for all, bcna, oak creek village, everyone in this area. We ask you the council to work with us in the development of these resources and for the owners to commit to the private restrictive covenant with us, the residents, so that we can all work together under sound mind. I came before the city council to take a stand and to fight for not only my children but the youth, the adults, the seniors, to have the same privilege that i was able to have when I was young. We ask

-- we the tenants are willing to do our part as long as the owners and eureka will work with us to make this move forward. Here I have a brochure, if i can pass it

--

[11:00:56]

>> mayor leffingwell: Pass it to

-- she can pass it down.

>> That's a brochure from the oak creek village community center before it was shut down when eureka came into play. I have been

-- I have been there 26 years, at 8 and 9 years old I

-- we started our own environmental

--

>> mayor leffingwell: Talk in front of the mic, please. Otherwise you won't be preserved in history.

>> Thank you. Thank you, sir. We won second place with keep austin beautiful. We received scholarships, and we were flown out because we had something that helped our environment as students. This is also a picture of the activities and the children that were a part of this organization. This is the next generation, and I want to be able to have the same thing with my children, to have this experience. My daughter is the character based off of this published book by my sister in dallas, texas, and this is the book for anti-bullying. She is so patient about doing it and going out and advocating for this. I want to be able to have the resource to give this to her. Thank you.

>> Mayor leffingwell: Thank you. Council member morrison.
>> Morrison: Thank you, ma'am. I have one question for you. I didn't quite catch it. So when this community center was in existence for
-- from when to when?
>> This community center? I believe it was
-- I think it was probably in the early '90s when it
-- when it came, probably like '94 or '95, I'm not sure on specifics, but it came from
-- in 2001
-- to an end in 2001, I believe. So I was able to experience it with the ywca girls group. The boys had phoenix house, we worked with the police and fire department about safety for children, stranger danger. They kids don't have this anymore. They're stuck in androids. It's time for our kids to use their minds and expand their imagination as we were at kids. There's not opportunity in oak but there's in meadow brook apartments and I want the same for our kids.
[11:03:14]

>> On-site at the apartments.
>> Yes.
>> I don't suppose you know how it was funded?
>> It actually says there in the pamphlet
--
>> morrison: I think it was hud, if I'm not mistaken.
>> We had a lot of these volunteers and organizations that did come and become a part of the oak creek community center were nonprofit as well.
>> Morrison: Thank you very much. That's helpful.
>> Thank you.
>> Mayor leffingwell: The next speaker is chris walters. Also signed up neutral.
>> Hi, thanks for your type. I live at 2206 euclid avenue, have since fall of '93. Euclid runs parallel to wilson and between live oak and oltorf it's a popular shortcut because it allows drivers to jog right on live oak, head down euclid and hit oltorf bypassing the kind of gnarly intersection where the h.E.B. Is located. And if traffic calming is done on wilson, which seems to me a great idea, it's a certainty, it's guaranteed, that euclid will be more popular as a shortcut. And I just wanted to mention this because it will come up to council sometime in the future. People are going to be asking for traffic calming on euclid, and I didn't see it in the traffic
-- the tia, although I haven't read every word of that. It doesn't seem like it's been mentioned too much. And euclid has about a dozen homes and st. Ignatius church and school. And it does have sidewalks on both sides, which is good, so children aren't walking in the street. But it's a popular driveway now and it's going to get worse, and I just
-- a discrete point I thought should be made. Thank you.
>> Mayor leffingwell: Thank you. Those are all the speakers that we have signed up, and mr. Donisi, three minutes for a rebuttal, if you need.
[11:05:19]

>> [Inaudible]
>> mayor leffingwell: What is your name?
>> [Inaudible]
>> mayor leffingwell: You are signed up. You must have just signed up.

>>

--

>> mayor leffingwell: In the last ten seconds.

>> Curt [inaudible] wildfire university church with austin interfaith and I just signed up because I want to sign up a couple things. One that already became clear which is there is a precedent at this complex to provide on-site youth services. It was previously done and our understanding is when eureka assumed management at some point that ended. So there is a precedent for that happening. Not only is there a precedent for that happening at this complex but jimmy arnold from eureka has actually assured us in writing that they provide these services at other apartment complexes, including one in dallas. So they already did do provide these types of services. So where we're at right now is just the specifics. They've agreed in principle that they would provide it. We asked specifically as a line item for 80,000. That was after checking with programs that provide these types of services and we thought that's not an exorbitant amount. That's a reasonable low amount for provide year-round services for over 250 children. The response that we got was a counteroffer of 20,000. After checking with those organizations and three -- including myself, master level social workers, \$20,000 is not

-- you can't do it. It would be impossible to offer a quality program. So we're currently negotiating on the amount, but there is a precedent for offering that. And mayor pro tem, i appreciate your question on if that can happen, if this type of conversation can happen in the zoning case, then we'll anxiously await response from legal, but it's our position as citizens that zoning is discretionary, and this is an opportunity to create a good development. We think it is a model for an excellent use of density with affordability. We think it could be great for the community and we want to work to that end, but it is

-- we will encourage you to use your discretionary authority to create a good project, and the planning commission's original recommendation was on the condition of the negotiation of the successful covenant. Staff clarified that they can't make it on that condition, so they strongly encouraged it. But that was the recommendation unanimously originally from our planning commission before staff clarified that. That's the type of development they wanted to see unanimously as well. So thank you.

[11:07:39]

>> Mayor leffingwell: Three minutes, mr. Donisi.

>> Thank you, mayor. I'll be brief. Let me address the legalities real quickly. We have proposed a voluntary private restrictive covenant between us and the tenants association to provide these services. We' commitments to provide these services, the issues that were raised, security, youth and senior service, all of these things. We're continuing to work out the specifics. We'd ask you to not to grade our paper already. We want to come back of course on second and third reading and we'd like the opportunity to continue to work with the tenants association and others. Let me correct this. Eureka did not acquire this property until 2007, so if the testimony I understand that I heard tonight was the the youth services were in place but they went away in 2001, they've never been there since we've had

-- or eureka has held the property, but we made a commitment to provide them and we're going to do it. So let us continue to work on that and we'll come back to you on second and third reading and hopefully we'll have an agreement.

>> Mayor leffingwell: Council member morrison?

>> Morrison: Thanks, mr. Donisi, and I know you guys are working hard and everybody has

their sleeves rolled up to try and make this work and get a win-win. Is your discussion about the private restrictive covenant also going to be talking about commitments, the specific commitments to affordability and all that? That doesn't go into the zoning; is that correct?

>> Absolutely. That is

-- you're exactly right. There is a separate voluntary private restrictive covenant that the owner is entering into and has proposed to the bouldin creek neighborhood association that says that no increase in entitlements would be pursued on this tract of property, would be utilized by the owner, unless 3 units of affordable housing are provided there under a hap contract for the next 35 years.

[11:09:40]

>> Morrison: So effectively, a little bit like conditional zoning, not that we can do conditional zoning, but you're putting

-- you're placing that on yourself.

>> Voluntarily placing it on ourselves.

>> Morrison: Very impressive. Thank you.

>> Cole: Mayor, I have a couple of questions.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: Mr. Donisi, I was particularly struck by the slide and your comments about the amount of housing stock that is going to go off-line that I believe you said was hud-backed. Can you explain that to me a little more?

>> Sure. The hud had a

-- and sarah andre is here and she may be able to speak to it in more detail, but hud had a product, the housing assistance program where they entered into contracts on specific properties. That was done in the '70s. I believe it was during the regan administration, it was severed and quit in 1983, but contracts that were existing and continue are grandfathered. Once they -- once you lose the contract, it's gone forever. You can't transfer it from property to property or whatever it may be. So what we're doing is we're proposing to re-up that contract and continue going as long as we can. I think 35 years at the max

-- well, there are different term periods, but

--

>> cole: Let me understand, when you say you're intending to re-up that contract, do you mean you will actually be providing a type of housing assistance program for the tenants?

>> We're going to

-- we are going to continue to operate under the hap contract. The only

-- the only, i guess, discretionary aspect of it is if hud quits providing this product, i guess, or congress decides that they're not going to do that, but our commitment is to continue with the hap contract.

>> Cole: So we really have a three-party agreement as part of the private restrictive covenant, between you, hud through the hap process, and then with the tenants; is that correct?

>> Well, hud is not a party to it, but we are committed to continuing to re-up the contract.

[11:11:46]

>> Cole: Okay. So you are, in essence, stepping in the shoes of hud through the happen contract?

>> To the extent that we can.

>> Cole: To the extent that you can, but not completely. Can you give us a sense of what type of

services you would be providing pursuant to that?

>> I'm sorry, sarah andre is our affordable housing consultant and she may be able to help a little bit.

>> Hi, sarah andre, consultant to eureka holdings. The hap contract, I just wanted to clarify, and these are very complex issues, is made between hud and an owner of affordable housing. So our commitment is to continue to operate 173 units of affordable housing on this site, using a hap contract and using the low-income housing tax credit program. So if hud was abolished tomorrow and those contracts were to go away, our, you know, national legislators were to get rid of that program and no more hap contracts, we would then be operating affordable housing under the tax credit program. But we don't control whether or not hud provides a happen contract on a continuous basis. What we do control is whether or not we opt in or opt out.

>> Cole: And now you're saying you will opt in.

>> That is correct, and we have already sent in our documentation to voluntarily opt in for one more year during this process, and intend to continue opting in, preferably for a longer period of time. It is not uncommon to have a five-year, a 15-year or a 20-year contract.

>> Cole: Okay. Mayor, I would like to move that we adopt the planning commission recommendation with also all of their strong recommendations, and I believe we're just taking this on first reading; is that correct?

[11:13:55]

>> Mayor leffingwell: Right.

>> Cole: And leave the public hearing open.

>> Spelman: Second.

>> Mayor leffingwell: Motion by the mayor pro tem to approve on first reading only, second by council member spelman. Council member tovo.

>> Tovo: I have two quick questions for mr. Donisi. I have a question from a nearby resident about the construction access. Would you mind just addressing that? It sounds like derwood street needs to be extended to have that access to the oltorf?

>> Council member, right now the only

-- there is a fence. The right-of-way, it ends in a fence that is on our property line. That would need to be removed and then that punches through and allows direct access to oltorf. We have also purchased a lot on south first that allows for us to connect to south first via a bridge over -- over bouldin creek. So

-- but during construction phase we would be taking access partially off of wilson and partially off of durwood and oltorf.

>> Tovo: So you would be taking access off oltorf during the construction phase. You won't wait until completion of the whole project

--

>> nome.

>> Tovo: Before you take access off oltorf but sounds like you will wait until the construction is concluded before you take access off south first.

>> Well, I'm reluctant to make a commitment on how long it's going to take to build a bridge and punch in all the way to south first, but the easy part is punching through on to durwood, which is existing right-of-way, and take access that way.

>> Okay, but that will

-- that will happen soon?

>> Yes, ma'am.

>> Tovo: Before e construction. Okay. And then my second question for you is about the security, the private security contract. Can you give us some sense of how long that's been in place?

>> The tenants association asked for copies of the contract, and the only contract we were able to find was one contract, and it seemed to be with off-duty police officers, i believe, to come and serve for a certain number of hours. I have never seen a contract like this before. But that they would come and they would serve, they would enforce only certain things. They would patrol the area for a certain time, enter into some sort of log and then move on. We've already made a commitment that we're going to provide 40 hours a week now of security. I think mentioned earlier

-- I think what was proposed on tuesday night is that we would do it now for 40 hours going forward and then we would reassess at some point. It sounds like they would like a commitment that we would do it for a longer period of time, and we're certainly open to that.

[11:16:33]

>> Tovo: Great, but you have made a commitment to 40 hours a week?

>> Yes. Yes.

>> Tovo: Okay. Thanks. >>Or?

>> Mayor leffingwell: Council member morrison.

>> Morrison: I wanted to make just one comment in general. I mean, the idea of being able to preserve all this housing is incredible, and just to pick up the issue that mayor pro tem had mentioned, I wanted to remind everyone that we did pass a resolution. These are in our

-- either in our last meeting or the meeting before that, addresses

-- specifically addressing preservation of affordable housing and asking our staff, both in the short-term and long-term to fosm alley integrate

-- formally integrates, into our action plans and marketing studies and all that, but we are at such a critical juncture and the resolution, in fact, referenced the report that was done in 2008 that we saw mr. Donisi reference. It's something that's been on the table in front of us for a long time, and we've never really

-- we've never gotten our hands around it. We've just recognized that it's an issue, and so hopefully we are now on a path of taking some formal action in that regard, and, you know, looking at possibilities of focusing specifically on targets that might be available for -- for purchase or for, you know, specifically incentivizing people to partner to ensure that certain aging units are going to be able to remain as affordable and things like that. So there's a lot to do, a lot that we have to do, and it's a critical piece of our affordable housing strategy. It needs to be. So I'm

-- I really appreciate you all being willing to be part of that.

>> Mayor leffingwell: All in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. Try to get

-- we're approaching recess time, so no.84 item no.84 has no one signed up in that public hearing. We'll see if we can get that done in ten minutes.

[11:18:43]

>> Cole: Says it's postponed, mayor.
>> Mayor leffingwell: Oh, sorry. Do you want
-- clerk, do you want to take that off the list, if it was
-- if it was postponed?
>> Cole: Maybe it wasn't. Did we not
-- I've got
--
>> mayor and council, staff is offering a postponement, indefinite postponement of item 84 and
we'd also offer a postponement till june 20 of 85.
>> Mayor leffingwell: Both of those until june 20?
>> No, 84 is indefinite postponement and 85 is a postponement to june 20.
>> Mayor leffingwell: All right. So I'll entertain a motion to postpone 84 indefinitely and 85
until june 20.
>> Question.
>> Mayor leffingwell: Council member morrison.
>> Morrison: Mr. Guernsey, could you talk
-- I know that 84 was quite a controversial topic for some time, and we heard from both sides
some time ago. Is that just going away?
>> I understand
-- well, i might let mr. Rusthoven speak to that. I know he's been talking to some of the parties
involved.
>> Jay rusthoven, planning and development review. The folks have been working on this are
the same folks who know affordability and they requested we get through the affordability item
before we approach the group home item. And so we felt a need to go ahead and do a
renotification since it's been so long, and so we don't know exactly when the
-- it will finally be resolved so we decided to indefinitely postpone it and give us a chance to
bring it back.
>> There were clearly folks before and folks against. Have you been in contact with all those
folks
-- not all but representatives
--
>> yeah, we've spoken to four or five folks.
>> The key.
>> Most of these folks have been working on uno affordable. We asked we get through that one
and then
--
>> morrison: But I'm saying something different, and that is, there are some folks that I don't
believe are working on uno affordable that are very interested in this passing, the mf-4 group
home thing. Did you talk with them about indefinite postponement?
[11:20:55]

>> We spoke with the person who has been the lead
--
>> morrison: On that?
>> Yes.
>> Morrison: All right. Thank you. Entert entert ain motion?

>> Cole: So move.
>> Mayor leffingwell: Mayor pro tem cole moves to approve the mini consent agenda on 84 and 85. Second?
>> Yes.
>> Mayor leffingwell: Second by spelman. Discussion?
>> Aye.
>> Mayor leffingwell: Pod say no. Passes on a vote of 7-0.
>> I have another postponement I can offer to you if you want to entertain that.
>> Mayor leffingwell: Yes.
>> Item no.87, staff would order a postponement of this for two more weeks. It's the item dealing with electronic prototype assembly and testing.
>> Mayor leffingwell: Being june 20?
>> June 20. Entert entert ain motion to postpone until june 20. Council member martinez so moves. Seconded by council member spelman. Discussion, all in favor say aye.
>> Aye.
>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0.
>> Mayor?
>> Mayor leffingwell: Council member riley.
>> Item 86, I'd like to move for an indefinite postponement on that one.
>> Mayor leffingwell: Council member riley moves to postpone item 86 inches 86 inches definitely. Okay. Is there a second by council member spelman? Any further discussion? All in favor say aye.
>> Aye.
>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. So we'll stay in recess until approximately 6:45 p.M.
[11:28:22]

(Cofa9-27-12.Ecl)
[11:33:14]

>> mayor leffingwell: Live music section of the city council meeting. Today we have gobi. They were from el paso, texas and are now in austin. They have the reputation of turning every room they play into a jungle of lights and beats. We can all look forward to something a little bit unusual tonight. But as we like to say we welcome all genres here at austin city council. Unique sound can be described as indy dance rap. I don't think I've heard that before either. They have played at such notable events, nocturnal fest, neon desert fest, pachaga music festival. They're getting ready to reasease their debut lp. It is titled "gold and black ice." Later this year they're headed out on a midwest tour in july with fellow austin artist, zellie this summer. Help me welcome gobi. Take it away. [Music playing]
[11:35:42]

[music playing] [music playing]
[11:37:42]

[music playing]

>> mayor leffingwell: You brought your fans with you. Up in the front two rows. They like it. Ok. You can have a minute or so to tell us a little bit where people can buy your music, where they can see you.

>>

-- Can buy your music. Where they can see you?

>> We want to thank you, mayor leffingwell. We will put out our first album this summer. It will be out september 3, nationally, june 22, playing at stubs. That will be the next show. With zealie. Midwest starting july 12 and back home july 24. Then playing holy town on july 26. Hope you can come out, make it to one of the shows, see us play. [Indiscernible] and really, honestly, we want to thank you for giving us the proclamation. We're fortunate to come to the city that we love. We want to thank the beautiful city and spirit of austin, that lets guys like us perform our dreams and make a living off of that. We appreciate that and the people that make this a beautiful city. Thank you.

>> Mayor leffingwell: I will read the proclamation. Be it known that whereas the city of austin, texas is blessed with many creative musicians, whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, local favorites and newcomers alike, and whereas we're pleased to showcase and support our local artists, now, therefore, I lee leffingwell, mayor of austin, texas, the live music capital of the world, austin, texas, do hereby proclaim june 6 as gobi day in the city of austin. Congratulations.

[11:41:22]

>> Mayor leffingwell: Ok. So we have several certificates of congratulations. For people who are winners of bright green grant. Bright green grants. I will say that again, twice. Future grant. I'm going to ask the city sustainability officer lacia athena to tell us about the grant.

>> Thank you, mr. Mayor, we're excited to talk to you today about the bright green future grant. This is the first of the inaugural year of our grant, and we created this grant program through the office of sustainability for elementary, middle school and high school to compete for funding to implement really cool sustainability and green projects in their school. And there are so many great ideas out there, not enough money to go around to implement them. There are lots of hard workers, wonderful students and teachers at the school. Not enough resources. We're really proud as well, because the judges that judge these entries said it was one of the hardest jobs they had ever done, picking out the three winning schools from all the incredible applications. So you guys should be very proud that you are winners, because there was very stiff competition in this. We call it bright green future grant, with all the kids' brilliant, the teachers supporting them, their future is so bright, we will have to wear shades.

>> Mayor leffingwell: Oh, my goodness.

>> Should we call them up, one by one? Let me read one of them so we know what's in here. I'm not going to read all of them, because they're all the same. But as an example, this certificate of congratulations the city of austin is pleased to honor cunningham elementary school. Cunningham, raise your hand. Receiving a 2012 bright green future grant from the city of austin office of sustainability in recognition of their partners in education, agriculture and sustainability community garden. Project involves educators, students, parents and other

community members in gardening, composting and cooking activities. In addition to learning about sustainable irrigation and organic farming practices participants will have increased access to healthy fruits and vegetables by building stronger connections between students, local businesses and community members, presented this 6th day of june, 2013 by the city council of austin, texas. Congratulations to cunningham.

[11:44:18]

[Applause] and we have one here from

-- who is here for [indiscernible] oh, she said yours is different. City of austin is please to honor fillmore middle school for receiving a 2012 bright green future grant from the city of sustainability and recognition of the highly successful air-conditioning condensate collection project. The condensate collected in rain barrels provides a self-sustaining water source for native texas habitat featuring drought-resistant plants on campus. The grant allows the habitat area to be enlarged to provide additional education for fillmore students about sustainable methods of water conservation, waste reduction and landscaping during one of the worst draughts in central texas history. It is presented the 6th day of june, 2013, by the city council of austin, texas. I might add parenthetically that I am a graduate of fillmore middle school. [Cheers] [applause]

>> mayor leffingwell: And one more. City of austin is pleased to honor american youth works for receiving a 2012 bright green future grant from the city of austin's office of sustainability in recognition of the school's conservation core program. Grant funds will go toward the installation of a rain garden on-site. In addition to creating habitat for native species, promoting water conservation, and protecting water quality, the rain garden will provide students with an opportunity to participate in green job training through american youth works. The plan is for students to educate others through hands-on experimental training and education, presented this 6th day of june, 2013 by the city council of austin.

[11:46:36]

[Applause]

>> I also want to thank mary privy from our staff who has really pulled this whole program together, been running it, doing a great job. We are excited about nex year. We have additional funding for next year. We will have an announcement going out when we're ready for that, for schools to apply next year. So hope to see you then, thank you. [Applause]

>> we want to do a picture each group and then the whole thing.

[11:50:09]

>> Mayor leffingwell: River city youth? Ok. Come on up. Yes. Ok. Now we will talk about one of my favorite days, father's day. And I have a vested interest in that day, of course. But I'm very pleased to see the river city youth foundation is having a special event in honor of fathers. And we look forward to hearing about that. I'm going to let mona gonzales come up and tell us a little more about their event. But first, I'd read the proclamation. Be it known that whereas fathers in our community are precious resource, playing a vital role in the well-being of our children and the future of austin. And whereas, this year's father's day parade and fiesta aims to increase the positive involvement of fathers in their children's lives, foster success, goods citizenship, brighter

future and whereas river city youth foundation, dell, education face, austin fire police department, terry road baptist church. Capital area food bank and new york life are sponsoring a parade and accompanying festivities and whereas we're pleased to join river city youth foundation and other sponsors in honoring local fathers and their commitment to the future of our youth and families. I the mayor of the city of austin, texas do hereby proclaim june 8, 2013, as the 13th annual father's day parade and festival in austin, texas. Congratulations, mona. You can tell us more about it.

[11:52:22]

>> Thank you, mayor, it is indeed a pleasure to be here today. And very good company. We know how important dads are in the lives of children. And the research is bearing it out that dads that are really positively involved with their kids have kids that generally make better grades and have more success in life. And we want that for all of our children. Joining me today, I have our esteemed and dear friend, assistant chief matt orta, with the austin fire department. They are cosponsors, and they will be at the very front of the parade with their fire truck, which will be filled with kids, and the master of ceremonies for the parade. So I want to thank the austin fire department. I also want to thank the austin police department because they're going to make it safe for us to have the parade on saturday. I also have with me alfonso ringon, he has come from seguin. A nationwide father hood training expert. Especially with the latino population of dads, which is a booming population. I would like for you to join me just for a moment and answer the question: Why are dads so important?

>> Well, fathers are very important for lots of reasons. But certainly they're one-half of the parenting equation. And in order to have a balanced outlook on life and balanced sense of self in terms of navigating life, it is very important that students or children learn from mothers or -- mother figures as well as males or father figures about what it is to be a productive citizen through your gender roles and modeling of the adults is a very important part of that. My work involves actually systemic changes, primarily school environments and education environments, because that's the place where, as a matter of course, there is a very high invisibility of male role models. And so, I do a lot of work through partnerships and school districts and universities to make fathers visible in school systems. One of the things we learned is that contrary to the expectation or assumption that fathers won't show up because they have to work and all kinds of other reasons, that if you create systemic efforts and opportunities overtime, fathers will come out, not only in numbers, but in huge numbers, and not only that, but over a period of years. I've had models where we've had modeling the same place for almost a decade and the fathers consistently came from the time the kids were in elementary to middle school through high school, which also breaks the stereotypes that somehow parents will disappear from school environments once the kids get into middle school and the kids don't want their parents there. On a quick note, as far as what we are doing this year, every year, we have an essay, we pick a different topic. This year's essays are getting students to reflect on what it is that fathers contribute to students that cannot be contributed by computers and other forms of technology in an age when that is taking such a big role of children and students' time. I thought that would be a good way for students to reflect and think about that so they can focus on the value and importance of fathers. Lastly, the other very important issue along the spectrum of the involvement of fathers and male role models is research has shown SINCE THE EARLY 1990s

GIRLS As a group are outperforming males as a group in high school and higher education. That is another issue. That is why's are important in the school system, so the boys see the affirmation and the importance of school and academics so they can go on to higher education and succeed there as well. Tomorrow, as a matter of fact, your city will be the site of the third annual project male symposium, which is a university-based system

-- program, rather at ut austin, which will become a statewide consortium this fall in which university systems are now beginning to partner and interface with organizations, such as face to address the issue of what we call the invisibility of males in higher education. In texas, by nature of the demographics that means a lot of latino males that need to be in the school system rather than outside. I'm glad to partner with river city youth foundation, which has contributed in an important way, and that is to do it year after year after year after year, rather than every once in a great while. I congratulate mona and the sponsors that stepped up with the efforts through the year. I look forward to the excitement of our activities this weekend, in which we always include a lot of fun and games, because that is fundamental for the connection of fathers with the kids, as well as little ones and older ones, thank you very much.

[11:57:42]

>> Thank you. Thank you for joining us this evening. Also here are two success stories from the doug spring 774 community. To my left is ricardo savala who grew up in dove springs and now the program coordinator for the city of austin for the community youth development program. I'm so proud of him and I'm proud of ed reyes, who is with us today. Both of the young men have grown up in dove springs. Ed was elected the community development commissioner for dove springs. He will represent the very area where he was born and raised. I want to thank both of you also, because all of the men that you see here today are fathers or fathers-to-be. And I'm just delighted that they took the time to join us. I do want to say this: Do you realize that the father's parade here in austin, in dove springs is singularly unique? We have not found another parade in texas, and we only found one other one in the united states. So we're helping to keep austin really weird. [Chuckling] ok, as they say up in iowa. But I'm delighted. We have something beautiful, good, pure and fun. It is family fun. And we will be there on saturday, and we would love for you to join us. Thank you, mayor, for your indulgence of this group, and to all of you, we bid you farewell and we hope that you can actually come out and have fun, too. [Applause] if I may, mayor, I have one more thing that I wanted to say. Ed's grandfather just passed away. Ed is leaving from here to go to the funeral home. I wanted to acknowledge ed's grandfather, because he was a wonderful father figure as well as a grandfather figure. And ed wanted to be here tonight in honor of his grandfather. So I know his family is watching this evening, and our condolences to the family. And again, you know, ed, thank you so much for braving it and coming out this evening.

[12:01:50]

>> Mayor leffingwell: Now, it is my privilege to read a proclamation in honor of a group of young folks here who are

-- heavy the noble goal of making sure that no kid goes hungry this summer. As you know, a lot

of kids are in programs that are kind of subject to the school year. So -- there are three hungry months in between, just about from the end of school year and the start of the next one. So these folks and folks like you do so much to improve austin's quality of life for those who are really in need. I want to thank you personally for doing it. I will read the proclamation, and let you come up and explain, katie, exactly what your program is like and how folks can perhaps participate and at least recognize and thank you for what you're doing. Be it known where summer is a critical time for kids' and teens' physical and academic development, studies show kids are at a higher risk for both hunger and obesity during the summer months, and lose several months of learning in mathematics and reading. And whereas summer meal programs are more important than ever before as families are facing tough economic times. Summer meals also provide kids and teens a fun, safe place to be with friends and stay active. And whereas the texas hunger initiative is working to increase awareness about free meals, and increasing the number of meal sites or expanding capacity at existing sites in underserved areas. There is also a need for summer programming to attract more kids to meal sites in order to make sure no kid goes hungry this summer. I lee leffingwell, mayor of the city of austin texas do hereby proclaim the summer of 2013 as no kid hungry summer in austin, texas. Thank you so much. Please, katie, come up and tell us more about it.

[12:03:59]

>> Thank you very much, mayor leffingwell, thank you. We're here to recognize a collaborative effort going on. In austin this summer, 66,000 kids will be at risk of hungry. Thanks to our sponsors, including city square, austin food bank and the austin school districts, 150 sites will open their doors for free meals to kids this summer, it will ensure no kid goes hunger this summer. Visit summerfood.org to find sites all over the city, travis county and texas. And text foodtx on their phone and get the three closest sites whether they are on vacation, at home or at school this summer. We thank you for this recognition. [Applause]

>> I'm chris riley from the austin city council. It is my great pleasure to recognize folks that have been doing tremendous work on behalf of the community. Their efforts started back in 2000 -- actually, the story of their efforts began back in late 2011 when word got out about someone here in the community who had managed to install -- design, install and get permitted a gray water system. A gray water system is where you take household water that would otherwise go right down the drain, and you manage to put it to some other use. Typically, irrigation around landscaping. And if we could do that on a large scale, it could have a tremendous impact, because just think of being able to get double mileage out of all the water you use in your household. It is very exciting possibility. The astounding thing was that was the first time that we know of that anyone was able to design and install a system that was permitted. Never done in the city of austin. That got us talking and wondered why was it difficult to get that in place? We know there are other jurisdictions, particularly in california, where this sort of thing is done for some time. They make it easy for consumers to install these things. It was never done in austin. There were a number of obstacles that made it difficult. We were able to figure out exactly what the obstacles were and how to work those out. The city could not have done it alone. We have dedicated citizens that are committed to the community and knowledge and insight and dedication to work hard and figure out how to overcome the impediments. An amazing effort. They made recommendations over the course of a period of months. They started

in january 2012, and over the course of the next year and a half or so, they set up, identified obstacles in the current system. Made recommendations on code amendments, and other programs. There was an effort to amend the 2012 uniform plumbing code. That has culminated to be an item on the council's agenda tonight. There are local amendments that involve working with staff from many different departments and also members of the mechanical plumbing solar board on solutions to the gray water impediments. As a result of all this, systems like they have in california, the laundry to landscape systems and other gravity based systems, under 250 gallons a day will be allowed with homeowner design and permit. By the end of this year, we'll have a technical guidance document and curriculum for an installation workshop, all thanks to the work of the small group of dedicated citizens and amazing staff working hard on this. I will offer a certificate of appreciation to a number of the people that were involved in this effort. Also I want to recognize the city staff who worked hard on this from developa grossd -- right there. Developa gross, robert stefani, come on down and join us. Agreementa gross and robert stefani. And joe in my office that had been working hard on this for a long time. Come on. And annie moore from councilmember martinez's office. It has been a very collaborative effort on the part of many very dedicated individuals. So I'm going to read the first certificate. The certificates are all similar, so I will read the first one, just to give you a favor of it. The first one goes to paige hill here with us tonight.
[12:09:50]

It reads: Certificate of appreciation for sharing her knowledge and expertise as a member of the gray water working group. Paige hill has rendered valuable service to the city of austin. The gray water group was charged with making code and permit changes, program of staff support for gray water systems. We appreciate the willingness to work with the austin staff to conserve water through reuse. This certificate is presented in recognition thereof the 6th day of june, year 2013. Signed by the mayor on behalf of the mayor and the whole city council. It is my pleasure to present this to the members. I will present these one by one, see if anybody wants to say a few words. The first one is to paige hill. Paige, thank you. Chris maxwell-gains.

>> He's here.

>> Riley: There he is behind me. Chris, thanks. Next one is kby frye. Amanda epps. Lauren ross is here. There she is, right there. Gayle morris. And karen ascot is not here with us. She was an integral part of this as well. Thank you so much. I want to invite anyone that wants to come up and say a word, paige, would you like to make any comments?

>> Well, I just wanted to say thank you for all the staff support, and certainly, we were just a tiny piece of the whole puzzle. And it was so wonderful to work collaborative low with staff and all of the departments. It was a huge effort. And I really enjoyed being able to work together with stakeholders and staff and all the different departments that made it happen. So I look forward to doing more together.

[12:12:08]

>> Um, I wanted to also acknowledge the work of staff, but particularly your leadership, councilmember riley, because we wouldn't be here tonight passing a gray water ordinance that allows us to recycle more than

-- more than half of all the residential water that is used inside the house could be safely used to supplement our landscape watering. And your leadership and your staff leah, councilmember martinez's staff, andy moore, really shows us what a collaboration of public leadership, city staff,

and private individuals can do. I hope it is a model for more work along the same lines.

[Applause]

>> it occurred to me to implore members of the public to get involved now. So we do have an opportunity before us that we didn't have before. And I would like to invite everyone who is interested in conserving water this summer. I don't know where the camera is, I feel like I'm talking to the air. [Chuckling] I will just talk here. Because you are going to get our first gray water system, aren't you in the system, other than rebecca's legal system. I want to encourage everyone to follow the process, take advantage of the workshops that the city will have available. It is exciting. Let's conserve water in austin and reuse and reuse and reuse. [Applause] vil thanks again for all your work on this. Let's take a picture.

[12:51:11]

>> Mayor leffingwell: We are out of recess and will begin with item 51. There are a number of speakers for item 51. And set for time certain of 4:00 p.M. Ok. So we will begin with that item, 51. I will call for speakers gus pena and councilmember morrison.

>> Morrison: I wonder if i could get some information from the speakers about the resolution. We have had a lot of dialogue about it. A lot of the dialogue has focused on whether there needed to be a change in the way that fee in lieu is calculated. As I read this resolution, it sounds like it is also suggesting that we change the way onsite affordable housing is being calculated and base that only on density above the baseline. I'm wondering if I'm reading that correctly, if it is only meant to be about fee in lieu or onsite also.

>> Mayor leffingwell: That is my understanding, but i will let councilmember martinez, as the lead sponse or.

>> Martinez: Yeah, ma

-- yeah, mayor. That is correct. I'm trying to fill out my agenda page because it got canceled out.

>> Morrison: It says 10% of all the housing would be affordable, I guess 5% if it is ownership or something like that. So this is suggesting that it would only be 10% of whatever housing comes from above the baseline density?

[12:53:12]

>> Martinez: Right.

>> Morrison: How would you find out what is beyond baseline housing and mixed use? Is that up for discussion? That was a discussion point. That is why the language remained in allowing the department director the discretion, if necessary to set that base of zoning. In some cases you are going from completely gr in a pud, the current zoning is pr with existing entitlements but not residential to a pud that is all apartments, 100% residential. So we have to establish that baseline at some point so we can determine the differential between baseline and the entitlements.

>> Morrison: Thank you for clarifying that. I want to make sure folks in the audience underst that.

>> Mayor leffingwell: Gus pena? Not here. David king? You have three minutes.

>> Thank you, mayor, councilmembers, for the opportunity to talk to you about this pud ordinance. My name is david king. I live in the silver neighborhood. I'm glad you're working on the ordinance and particularly the affordable housing under the ordinance. I think it is important that we make it clear the entire development must be used to calculate the affordable housing requirement. For example, in the pud application for 2011 south lamar, we call that the taco pud. Once you calculate

-- the developer wants to calculate the affordable housing based on the 30-60 he wants from the public, not the entire 96 feet in height. Yet that is the most valuable portion of the development and the affordable housing benefit should be commiserate with the increased value plus the value of the remainder of the development. The additional 36 feet in height will give the developer three additional stories to build 45 additional condos. That results in roughly \$21 million of additional value to the developer, however the developer only wants to contribute \$400,000 for affordable housing, less than 2% of just that 36 feet in value. The public benefit such as affordable housing should reflect the value of the entire development. Other improvements I hope you will consider are that patios or balconies above the first floor should not be counted as open or green space. The public cannot access them. Public benefit should be counted once. Water quality should be counted as water quality or green space or open space but not all three. They're able to compound the benefits and get extra credit. We need to make it fairer. Thank you for listening to my comments.

[12:56:06]

>> Mayor leffingwell: Herb caddido mitchell. Reverend jim newman. Karen polk. Is william town here? So you have six minutes.

>> Thank you, mayor, councilmember, my name is karen polp, I testified four years ago when this came up, the council passed the title ordinance, I participated in the stakeholder process that led up to the adoption of the ordinance. Overlays are one of the ways we can increase affordable housing around town as opposeojects that require a lot of bond money or subsidy, we can attain some degree of affordability and scatter it around town so we can keep austin being the kind of area we think of as being an interesting and diverse neighborhood by including a little bit of affordability everywhere, we can have a better city. The pud ordinance is one of the programs that does that. It is one of the earlier programs that does that and so it is based on the principles that led to uno and bmu. And I'm not against opening it. There are things that I can think of that would improve the pud ordinance and would improve the degree of affordability that we have, especially the ability to get on-site affordability. But I signed up against because I want to really emphasize the affordability is a crucial piece of the pud ordinance. I ask you to, in reconsidering how the pud ordinance is worded, to allow stakeholder input so we can make sure the affordability are included.

[12:58:07]

>> Mayor leffingwell: Thank you. Councilmember morrison.

>> Morrison: Thank you. I know you were involved in pud, eou, and others, and the pud. Can you talk about when we went

-- the vmu affordability is 10% of all residential. There is not even a fee in lieu.

>> That's right.

>> Morrison: So how building does the affordability concepts for pud tie to the fact that we had just passed that vmu ordinance and looked at how it all worked in that regard?

>> Yes, the pud ordinance came right on the heels of vmu, and had a lot of similarities to it in terms of how the program was structured. One similarity was the degree of affordability. In vmu, neighborhoods were given a choice of the level of affordability they wanted. And the majority of neighbors chose 60% mfi. In the pud ordinance, city staff is left to work with a report from the developer on the degree of affordability. And to my way of thinking, it allows increasing prices in neighborhoods and gentrification to kind of lead the process of emptying out the

neighborhoods of affordable housing. If we look at the 78704 area, there was a lot of affordability in that area. So much for, it was a preferred area for tax credits a few years ago. Now that is eroding away, but there are still a lot of people in that area who have lower-cost housing, and it is part of the attraction and diversity of south austin.

>> Morrison: Can I break in here?

>> Yeah.

>> Morrison: Specifically with vmu, the requirement is 10% of all the units have to be affordable, that is also the requirement written in the pud ordinance.

[13:00:08]

>> Right.

>> Morrison: The suggestion that we change that to it's only 10% of what's above the baseline, can you comment on how significant a difference that is? [One moment please for change in captioners]

>> ... And adjusted over the current ordinance which doesn't really deal with smaller sites.

>> Morrison: But the fact of the matter is if we change from 10% of all of the units to 10% of just the bonus units, you have a significant decrease?

>> That's right.

>> Morrison: Thank you.

>> Mayor leffingwell: Monica guzman.

>> Excuse me. Thank you. Unfortunately I just found out about all of this right before lunch today so i haven't had a chance to do my homework. It is my understanding, and I certainly hope I am wrong, that this post change is supposed to

-- the developers don't have to provide as much affordability housing

-- affordable housing

-- and i use that term loosely i rather say housing affordability. Affordable for who. The developers get tax abatement from the city, the state and the feds as well depending on what they are doing. If anything they need more of it. I lived in affordable housing and because of of my contacting different governmental agencies, specifically the texas housing of community affairs, it got me evicted and I was running ragged for two@ weeks looking for another place to live. I ended up having to live in a regular market value apartment that I scraped for to pay for. I am lucky, I am extremely frugal in my expenses. Not everybody who needs affordable housing can say that. You tell me if I am wrong in my understanding. I don't understand all of this vmu, 10% baseline, all of that. Who I do understand is developers look up for cheap property and jack up the rent even if it's declared affordable housing. It forces people out. Gentrification renews and given the pretty name, urban renewal, doesn't change the fact it pushes us out from where we want to live. Thank you.

[13:03:23]

>> Mayor leffingwell: That's all the speakers i have signed up wishing to speak.

>> [Indiscernible]

>> mayor leffingwell: No, this is

-- were you signed up?

>> Yeah.

>> Mayor leffingwell: What's your name?

>> [Indiscernible]

>> mayor leffingwell: I called your name. You can come up and speak now.

>> [Indiscernible] okay. Normally you have to be in the room but go ahead and speak.

>> Thank you. Again, my name is curt kay curt mitchell el and I belong to a church around I want to congratulate the existing city council for a pud ordinance. We support strong based of affordable housing and we believe planned use is a tool to create on sign affordability or create revenue for other affordable housing projectsches as a unitarian universalist, I am happy to say equality for all and that means how it treats the most vulnerable in this society. The language of this proposal has caused some concern and we have several questions. As a person of faith, i first warrant to ask if

-- i first want to ask if this council is committed to

-- committed to affordable housing affordable housing and we have heard commitmade but it doesn't seem to be reflected in the budget or decision making. We want to make sure tonight the decisions reflect the commitments. The question we have, we want clarity on what the baseline is in this recommendation

-- in this proposal. Who determines the baseline for existing entitlements? I want to thank council member martinez for stating in the work session that the baseline was the existing zoning. We want to make sure that's what the proposal actually reflects. We heard some discussion that it could be existing zoning or it could be just set by city staff and we would like to make sure that that is clarified tonight about who

-- who makes that determination and what it is. Austin interfaith would not support language that allows staff to determine the existing entitlements of the baseline. We want that clarified and stated and that will be some consistency to it. So we want to

-- we want to urge council to amend any language that is unclear, as regard to the baseline and urge city council to not see this authority and responsibility to staff to make on a case by case basis. Another question we want to council to consider is would any change to reduce the formula for creating affordable housing incentivize fee in lieu payments instead of creating on site affordable housing. We know vmus have seemed to be an economically feasible development to create on sign affordability without an option for fee in lieu and the formula seems to be based on total square footage. We just want to make sure and ask have there been any studies or research that staff has done to determine is it economically feasible for vmus, could it be economically feasible for puds and at what level do we inventivize fee in lieu in stead of on site. We believe we reached consensus that austin does support affordable housing. We may disagree on occasions how to achieve the goal but we do agree as consensus for that v so austin interfaith any proposal that reduces our

--

[13:07:00]

[buzzer alarming] we aren't anti-density and we want to make a smart decision to move forward.

>> Mayor leffingwell: Edward newman, and I also did call your name, sir. You have three minutes.

>> Thank you, mayor and council. I won't take 3 minutes. I just want to add that it seems kind of strange to austin interfaith leaders that while several city council members are

-- are proposing another affordable housing bond for the november ballot or sometime in the future so you would be asking taxpayers to essentially support affordable housing, but at the same time, this proposal would allow developers to decrease their share of support of affordable housing. It doesn't make a lot of sense, so I think if you were to go before the public with a new

housing bond, having already said that you are allowing developers to pay less in the affordable housing trust fund, the chances of that housing bond passing would be reduced. [Applause]

>> mayor leffingwell: Reverent, can I explain

-- i am a cosponsor on this and my rationale would be that under

-- under the proposal that is a current interpretation of the pud ordinance, that the entire development would have to pay that

-- would have to pay if they succeeded the existing limitations on density. For example, if you are entitled right now to have a building that is 100 square feet and you wanted to increase to 150,000 square feet, but if you did, you would have to pay a penalty on the entire 150,000 feet, you might choose to just say, i will just have 100,000-foot building

--

>> I know.

>> Mayor leffingwell:

-- and then nobody would go toward affordable housing, zero.

[13:09:04]

>> I know, mayor, but, you know, while you were flying the friendly skies, i was

-- the friendly skies i was a lawyer representing people all across the country and I have cried bucket full of alligator tears saying my client afford to do this. You make it so expensive, we won't just do it at all, but the developer

--

>> mayor leffingwell: It is a possibility. And you know, I didn't want to get into a debate about it. It is a judgment call.

>> Yeah, yeah.

>> Mayor leffingwell: Basically and I didn't fly the friendly skies. That's united, okay.

[Laughter]

>> well.

>> Mayor leffingwell: All right. Thank you. Thank you much.

>> Thank you.

>> Mayor leffingwell: Council member martinez.

>> Martinez: I just want to follow up on that same line as well. When one of the speakers talked about your policy should be reflected in how much it helps the less fortunate or the least fortunate, I am sorry, let's take a different example and let's say

-- let's say we only had a fee in lieu so that we could generate the most possible money for affordable housing, and let's say we made that fee in lieu \$1,000 per square foot of entitlement sought because that's really, really pushing it hard and that's really asking for the most that we could possibly get. That would be totally counterintuitive to helping the least fortunate, because no one would seek that entitlement with a fee that aggressive. That's the scenario we are facing with these differing interpretations of the

-- of the pud ordinance. I was a part of that conversation back then. I have clear recollection of what was discussed. I have email evidence to what was discussed. There are three different opinions right now that are out there. This one simply says to apply one interpretation and run it through the codes and ordinances process. If folks have other suggestions, there will be that opportunity to bring those suggestions forward, as ms. Pop may have some great additions to the

pub ordinance, because it is going to go through that process and end up back here at council. But, again, I believe this is tracking exactly in line with the vmu as well, because under vmu, when you look at the properties that have gone to vmu, those were largely ground floor retail. The entitlement that vmu gave them was the residential component above the retail, and it was 10% of the habitable space. That's the entitlement that vmu gave. That to me is the rationale for the 10% of the entitlement being sought in a pud. It tracks. It makes sense to me. Maybe not to everyone. There will always be, i think, differing opinions upon this. But I think if we are really trying to achieve on site affordability or generate revenue for affordability, we need to create something that is that balance to where it does happen, and not just stand strong and say, we are going to make this 100% of the entire project because that's going to be what is best and that's not letting developers off the hook, when the direct result will be, we achieve nothing at all. So that is why I am supporting this item and why I think it's important to get clarity on the definition of fee in lieu and on site affordability. So I would move approval with the comments that going to go through a full public input process

--

[13:12:33]

>> Cole: Second.

>> Martinez: And people will have ample opportunities as it goes to council and they can have their input as well.

>> Mayor leffingwell: Motion by council member martinez and seconded by mayor pro tem cole. Mayor pro tem.

>> Cole: I am a strong advocate of affordable housing and that is the exact reason why I am a sponsor on this item. I don't think we accomplish anything when we just assume that people are making it up when they say that they won't build under those conditions. And it's just a question of whether we can strike the right balance so that we get more affordable housing and, at the same time, we don't let builders

-- or developers off the hook for contributing to it. And what's the magic number? We don't know. We just

-- I just know that going on 100,000 square foot building from having to pay approximately 60,000 to 660,000 seems like a lot to me, and I also know that I've sat on the council long enough to go through a recession and see many developers go bust and at the same time, our affordable housing stock decrease. So we have to work together to get the same

-- to reach our goals. Thank you.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Thank you, mayor. I agree with everything that

-- from mayor pro tem cole said and everything council member martinez said. Let me adjust a couple of more things. If what we are trying to do is maximize the amount of affordable housing that we get, that's one thing that makes sense for us to try and accomplish but there is a couple of others that could go along with that. One of them is that we want to be sure that whatever fee in lieu we set is not going to be giving developers a provocation to only do the fee in lieu and not to do on site housing. We need an equivalence of the amount of money they would spend in order to meet fee in lieu requirements and the amount of money they would need to spend in order to meet on site requirements so they are indifferent between on site and fee in lieu and maybe it is

just a little bit cheaper to provide it on site because i think we all agree it's better for us to scatter our affordable housing but I am not sure we are doing that with this proposal and i wasn't here when we developed the pud ordinance so I couldn't speak to that. It seems to me if an ordinance goes on 4, 5, 6 years, the market is changing and we may need to true up our requirements for fee in lieu to match the on site construction requirements every so often and this might be a reasonable time for us to do that. The other issue, which goes along with this, is what makes this whole thing work is there is an equitable sharing of the excess profit associated with the increase in the endowment. If you have a baseline number and you are asking for a pud which gets you more above the baseline, that will be reflected in additional profits for the developer and what we are doing here is more or less attacks, exacting the exchange for increased endowments and increased ability to make profit. We are taking a little bit of that back because we realize there is a profit for the entire city to have affordable housing but the only way that works is if we have a good sense for what developers are going to be able to make in the increase in endowments. And I am not sure what that is. I know we've gone through this drill with respect to the downtown density bonus and the jim robertson and other folks in the planning and development review are in the middle of doing a study to determine what the excess profits of like would be on a square footp to square foot basis to true up our downtown density bonus program. It seems like we may want to think about our pud bonus in the same way. How much money will they be making with every 10,000 square feet. That would be a place to determine of equitable to split the profits so we can keep some of them for affordable housing and they can keep enough of them to have incentive to build those and have the square feet and provide the additional density which is good for the community as a whole, most of the time, and to give them the provocation to seek the increased entitlements which will give us an opportunity to build more affordable housing. It seems to me we need to true that up every once in a while. I am not sure what circumstances we are in right now, whether we are trued up or not. I would like to direct a question to mr. Martinez, if I could. Mike, as I understand it, there was a 6-dollar per square foot fee in lieu associated with the pud ordinance. Is that accurate?

[13:17:21]

>> Martinez: I think that's right, yes.

>> Spelman: What was the \$6 based on, do you know?

>> Martinez: I think it was more of a negotiated, we would like to have

-- there were conversations about 10-dollar fee in lieu of and that was

-- I think it was based on some previous decision points that were made but nothing that was codified in policy. Obviously developers wanted a smaller fee in lieu of and I just honestly think it came out of a negotiated conversation.

>> Spelman: It seems to me that the argument over whether it is the increase in entitlements or the whole thing can be short circuited by just figuring out what is the proper fee in lieu. If we could, for example, take a 3-dollar fee in lieu for the whole thing or 6-dollar fee in lieu nor increase in entitlements might end up being exactly the same number and it's almost arbitrary which of those two base

-- baseline of 0 or baseline of current zoning, so far you fit the fee in lieu of the right number but it seems to me we need to periodically need to visit the fee in lieu to make sure it is trued up to on site availability and the profits the developers will be making which will change over time

and it seems like it might be a reasonable time to do it. What do you think?

>> Martinez: It could be. The conversations, also, when we started talking about where to establish a fee in lieu, is that not every project is the same. So the economics of a project, depending on the number of units, depending on entitlements sought, that changes, thanks to my trusty aide who just ran out here and who knows the answer to the question and I hope andy hears the question and will come back to correct me if i am mistaken and it was 60% of downtown bonus that was square foot and that's how we come up with 6-dollar per square foot number.

>> The presumption you wouldn't be making it as much as downtown outside than inside.
[13:19:24]

>> And then it will be krnt cbd and it will be different on 60-90-foot as opposed to 2, 3, 400-foot.

>> Spelman: That seems like reasonable baseline. Would you be okay to have
-- not a friendly resolution but friendly direction to staff the that in
-- we are asking to rewrite the ordinance, so as part of rewriting the ordinance that staff be directed to give some thought as to what would be necessary to coming one a means to trueing up the fees in lieu so that it actually is meeting the goals we have for it. It is equitable on site and also a reasonable profit sharing number, and then come back to us with a proposal for collecting that information and maybe a recommendation as to whether it makes sense for them to do it or not.

>> I think so. I also would like to ask

-- jerry was a part of this during the whole pud process. Jerry, I seem to recall these conversations. I am not sure if we used methodology to balance the on site versus fee in lieu, but maybe you can add to that if you recall.

>> Yes, jerry rusthoven, planning and review. That is correct. We determined at the time we had the downtown density bonus program was in effect at the time we passed the pud ordinance. The downtown density bonus program did base their fee in lieu of and affordable housing requirement on the arrest above and beyond the bonus area. The presumption was the cost of providing the housing would be less outside the cbd rather than in the cbd. We've chosen number 60% which is a consensus number we would use 60%. There is a provision in the downtown density bonus program that nobody as used as yet that periodically the \$10 a foot would be reviewed. Thusfar it has not been and thusfar nobody as used the program but it was based on a downtown density bonus program that was above the baseline, if you will, just 60% above that number.

[13:21:31]

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: As I understand it, jim robertson on your staff is doing the study to determine whether the \$10 a square foot is the right number, still. Am I right about that?

>> That's correct.

>> And later he will come back with estimate, it is \$12 or \$8 and here is what the number ought to be.

>> I believe he is bringing that back on June 27.

>> Spelman: I would love to see it on June 27. At that point, suppose he comes up with a number of \$12, would that, then, mean the PUD ordinance, the number would not be \$6 but \$6.20.

>> Yes, you would adjust it because it refers to the downtown ordinance.

>> Spelman: From your point of view, is it unrealistic, unnecessary or possibly useful to do some kind of a study to verify that 60% number?

>> We will be happy to work with the neighborhood housing review and development department to see if they still believe the 60% is an accurate presumption.

>> Okay. If you would be willing to do that, I would like you to try it.

>> Sure.

>> Mayor Leffingwell: Let me just say I totally agree that the numbers should be reviewed periodically, because we don't have that much experience with how to compute the bonuses and how they are being accepted and whether they are reasonable division of profits or total disincentive, for example, to build extra density, and so I think that's a good idea and my understanding is the basic premise is we are still talking about in this resolution, initiating a code amendment that would base any excess payment on the amount above the existing entitlement. I just want to make sure that I understood that correctly. Council member Morrison.

>> Morrison: I guess I

-- there are a few issues on the table here and I think we need to keep

-- for me, it is important to keep them separated. First the issue of, does it make sense to calibrate the way we are calculating a fee in lieu amount, and, you know, we have in the ordinance already that it's 60% of something that will be calibrated, so at least we have one level of calibration and if, in fact, we are going to do that analysis, again, to me, that's not unreasonable if we think it might not be 60% anymore, although I think it needs to be made clear that when we did the

-- when we were back doing

-- I was on the commercial design standards task force and very involved in the VMU discussions. I was then involved in the PUD discussions and stopped attending when I had campaign duties instead.

[13:24:20]

[Laughter] but when we did that work and we looked and figured out and set that 10% as the standard for VMU, which then carried over to

-- to the PUD, VMU

-- for on site, 10% of everything, we base that on a real analysis of real projects. Some folks who were willing to open up their books and allow us to take a look at where is too much

-- where is a 10%, 5%, wherever, when is it

-- when is it too much and it didn't bring the profit margin that a person that developing has a return develop

-- and those numbers, I still remember a spreadsheet years ago, that it showed clearly to make a certain amount of money on your investment, under existing zoning was one thing, to make

-- make the same amount of profit on a VMU project with the increased density allowed and if you had

-- there was some iteration and if you had to provide 10% affordable on site and part of the assumption was the minute the density bonus went on as an entitlement that, the value of the

property went up by 25%, the value of the land went up by 25%. So with all of that
-- remember, karen? With all of that, they were still able to make plenty of money and so it was
-- it was
-- that was taken as the standard that we were
-- we would be
-- we could do 10% on site affordable. To change now without any analysis to say we now want to change that to be 10% of the bonus, which might be
-- you know, if you are doing 100,000 square feet and your bonus is 25,000 square feet, you are going to be doing 10% of only 25 instead of 125. This is decimating the amount of affordable housing that we have in our code right now and to be doing that after careful analysis drove us to the consensus of being able to do this. At 10% on site of the whole
-- of all residential. For me it is just the wrong way for this city to be headed and as the gentleman said, how can we go after taxpayers to pay for and support affordable housing when we are going to, without an analysis, after already having gone through years of discussion and years of analysis proven that this is okay, they are going to think, well, it is not okay so we are just going to change it. For me, this is just the wrong kind of thing to do. If we want to talk about it some more, if we want to step back and see we need to re-evaluate what we are doing here, but that's not what this says. This doesn't say re-evaluate and see if it needs to be adjusted. This says change it. I can support re-evaluate if we need do that but that's not what this says and i think that it is just a really, really wrong step for this community is struggling so hard and i believe everybody on this dais and in this community is committed to affordable housing, but we need to be
-- to stay awake and know what we are doing because this is a huge, huge difference.
[13:27:53]

[Applause]

>> mayor leffingwell: Any other comments? Council member tovo.

>> Tovo: Yes, I have one. I commently agree with my colleague, council member morrison. I mentioned on tuesday I was part of the original stakeholder process and I am quite clear that this was not a mistake. It was intended to be a part. It was intended to be on the whole square footage and, you know, as we talk about calibration, I mean, that fee in lieu was set, in part because it was on the whole square footage, not a portion of the square footage, not just the delta between what they had and what they sought. And thinking about the precedents leading up to that, we talked about concordia and vmu and the other was the hyatt project across the lake and the fee in lieu we had was something like \$14 a square foot and that was the kind of fee in lieu that preceded the pud ordinance process. To me to change the whole method of calculation at this point, to say it does anything than lowers our affordable housing benefits that accrue from pud is just not

-- it's just not accurate. I mean, changing

-- changing the way we can configure the affordable housing for pud developments absolutely readjusts that deal and i agree with the statements we received. If we are going do that, we need to reopen the stakeholder process and we need to bring in some of the folks who have been here, karen pop and others and those who were part of the original stakeholder group and the developers who participated in the original one because we had other ones participating. It was a very careful balancing of interest and very careful consideration of what
-- how those fees in lieu needed to be set and frankly, I came away from the process thinking that

60% of downtown was way too low and was lower than some of the cases leading up to that and I think it's very unfortunate that we are taking -- contemplating taking the step today. I would support, als a re-evaluation of the pud ordinance. I think it is time to recalibrate and look at it again but I am not going to support a resolution before us to change and I want to mention, heather way who was also part of the original stakeholder process. We received a letter from here last night, I believe, and I just want to read a little bit of it, because she's not here this evening. She said I am heavily involved in the discussions in 2008 about what the affordable housing provisions in the new pud ordinance would look like. They were extensive discussions at that time about whether the affordable housing requirement should be based on total square footage or increase in density. This was a very important issue the housing advocacy community at the time. We felt strongly the affordable housing requirement should be tied to total square footage in lined with the city's vmu and uno ordinances and what was negotiated at the con concordia development which led to the m.U.D. Ordinance rewrite and I will jump down later. She said I was party to many phone calls of council members at the time with the pud ordinance and tying the affordable housing requirements to total square footage and party to several emails and drafts to the ordinance which were circulated which included very clear language tying the affordable housing to fee in lieu of puds to the square footage of development and we verified that with staff. Drafts were surge lated talked about the total square footage not increase, so I concur with my colleague, council member morrison, this is the wrong step and this is stepping back from what we required of developers and ordinances and we have more need for affordable housing than we ever have. [13:32:08]

[Applause]

>> mayor leffingwell: Let me just say

-- and please, clapping only, no cheering. We try to create a little bit of decorum.

>> I understand.

>> Mayor leffingwell: As council member morrison said a minute ago, all of us here are in favor of affordable housing. We all want more money for affordable housing. So the housing is how do you get more money for affordable housing. In my opinion, if you have a reasonable fee that's based

-- or reasonable penalty, for want of a better word right now, based on the amount of the existing entitlement, at the end of the day, you are going to get more money assessing fees that way, than you would by disincentivizing a certain percentage of developments from utilizing anything from their existing entitlement. At the end of the day, we will see which of the pots fills up first. I believe it will fill up first using a reasonable assessment based on an additional increment above the existing entitlement. So I think that will raise more money for affordable housing that way. That's why I agreed to sponsor there resolution.

-- This resolution. Council member morrison.

>> Morrison: Yes, i apologize. One thing I forgot to mention that I thought would be of interest to some of my colleagues is, as you know, mayor pro tem

-- former mayor pro tem, brewster mccracken was very involved in those discussions as well and the pud task force and i asked him about some of his memories and how that all came to be and he sent me a long email which I won't read verbatim to you but he was dead certain that there had been, you know, extensive discussions about vmu and this was

-- that it had been proven after a year of extensive, careful, multistakeholder negotiations with

developer representatives, that they were able to look and unanimously agree that 10% of all residential was a feasible way to do a

-- for 10% of all residential being affordable was a feasible way to

-- to ensure adequate profit but also bring the community of benefit. But he also talked about the whole issue of how infeasible it was to do measurements above the baseline. And do it just only

-- only taking into account the square footage above the baseline, because he says that, how would one go about determining which of the units were the bonus units

-- they were

-- there was talk about what if you have a mix of 1, 2, and 3 bedroom units? It could be that 10 3 bedroom units were made possible by the bonus so they would say, well, you only have to do 10% of that which is one. On the other hand, you could have had many more one-bedroom units which would have been maybe 20 one-bedroom units and then 10% would be 2 and so it's very, very murky as to what exactly it means to calculate that. So I did want to say that. I hear people saying that, you know, it's their opinion that it would be better to do it this way. I think that it's important to show respect for the hundreds of hours that in good faith our community sat at the table and worked this out and so I would like to offer an amendment and achieve, instead of just going forward and changing it, instead, ask staff to help lead a discussion to evaluate whether our pud affordable housing clauses are reasonable, because i think we all agree we want them to be reasonable, and to help us come up with suggestions as to how to change them if it's found that they are not reasonable, so that's an amendment to replace the first be it resolved thing. Just go change it so it is only above the baseline. I don't know if it would be considered friendly.

[13:36:38]

>> Mayor leffingwell: It's not friendly.

>> Morrison: So I would like to make that as a formal amendment to be voted on, then, that instead of just going forward and saying we are going to change it to be just what is above the baseline, that we go forward and ask staff

-- direct staff to do some work with the community to determine if what we have is reasonable and if it's not reasonable, to come up with some suggestions as to how to make it reasonable. That's my motion.

>> Mayor leffingwell: Okay is there a second to that proposed amendment, by council member tovo

-- it is my understanding that part has already been accepted as a friendly amendment, to go through the study and evaluation. So what your amendment really does is rip out the part where it says it's defined as only the bonus additional density that would be subject to whatever this penalty is?

>> Morrison: That's correct. That's correct. And what I understood from the previous amendment it was just to look at whether 60% for the fee in lieu, 60% of the downtown fee in lieu, if the 60% was correct.

>> Mayor leffingwell: Mike

-- well, whatever, but my understanding was to look at the

-- not only to the 60% but the baseline amount but I think it would be wise to look periodically, regardless of what has happened to periodically look at the base penalty fee plus the percentages.

>> Morrison: You are correct, mayor. What I am saying is, let's look at the structure, whether it should be based on all or just the bonus portion of it as well.

>> Mayor leffingwell: Okay. So proposed amendment on the table to basically change it from

being as a resolution uses it, to propose it to make it based on the increment based on existing entitlement to be based on entire development.

>> Morrison: No, sir. My amendment is to look at

-- to evaluate whether it should be based on the full entitlement

-- the full development or just the baseline. Basically

-- actually my amendment is more general than that, and that is to say, look at it and determine if it's reasonable the way we are doing it. If it's not reasonable, then come up with a way to change it, which could be above the just

-- just looking at it above the baseline.

[13:39:00]

>> Mayor Leffingwell: Well, I just want to make sure that I understand correctly. You are not saying that the

-- whatever the assessment is, you are not saying that should be based on the entire project?

>> Morrison: I am saying let's figure out if that's the right thing to do. Rather than just throwing out all of that work, let's look at whether it's appropriate to be basing it on the full development. , Instead of jumping to the conclusion that it's wrong.

>> Mayor Leffingwell: Could you restate your amendment so that I understand it?

>> Morrison: I will certainly try.

>> Mayor Leffingwell: All right.

>> Morrison: It is that

-- to replace that

-- that be it resolved to say that staff is directed to

-- with the discussion with the stakeholder community, the stakeholders, re-evaluate whether the approach to determining the amount of affordable housing in the ordinance is reasonable.

And if it's not reasonable, to propose some alternative so that it

-- alternative that are reasonable.

>> Mayor Leffingwell: Okay, I think the objective was to achieve clarity and I don't think this advances that motion.

>> Morrison: Mayor, it just

--

>> Mayor Leffingwell: We can go ahead and vote on it.

>> Morrison: Reasonable is the word I heard you use in terms of looking at whether an affordable housing structure and requirement is going to work or not. It's not reasonable if people aren't going to use it because they won't be able to make a reasonable profit margin, so it's whether it is economically reasonable for us to be able to impose those kinds of constraints.

>> Mayor Leffingwell: In favor of the proposed amendment, say aye.

>> Tovo: Mayor, I have a comment and it looks like council member Spelman.

>> Mayor Leffingwell: Council member Spelman.

[13:41:01]

>> Spelman: I will allow council member Tovo to go first since she has been inviting everybody else to go first all day.

>> Mayor Leffingwell: Council member Tovo. [Laughter]

>> Tovo: Yes, I want to speak to the ordinance of this amendment. And that is we talked about

-- mayor, I heard you say that it's your opinion that when faced with a choice of paying a certain

fee on the whole square footage, versus paying that fee on the delta, that they will
-- they will choose not to build and I think we just don't have
-- we really don't have good numbers in front of us, to evaluate whether that's true and how
-- how the fee in lieu might
-- might be different if we switch from one program to another and so i just think it's appropriate
for us to take some time to evaluate, to run the numbers, as they did in several of our earlier
density number programs, look at the numbers as part of stakeholder process, get input from
developers from affordable housing advocates and experts and see what that evidence looks like
and look at other cities that do this successfully, because that is another component that was part
of the pud stakeholders process. We looked at what other cities do in terms of a density bonus
fee in lieu so to me it is completely appropriate to not
-- not get to the conclusion before we've actually looked at some of the data and some of the
evidence. And that's what this amendment would do.
>> Mayor leffingwell: Council member spelman.
>> Spelman: I am very sympathetic to doing a study on this in part because it's codifying exactly
what I was asking for in what more detail but it seems to me that we're
-- what I thought we were voting on is different from what it is
-- the discussion has been. What I thought council member martinez original idea was, we had
this discussion. Somehow it got
-- there was a general agreement, at least some people believe they had agreed to the fee in lieu
and the on site requirements being based on some number over baseline. And what this
resolution was doing was directing staff to fix something that had been broken, something which
had been lost in translation. Now I am hearing from council members tovo and morrison, who
were there at either this or in some parallel discussion, that that was never if issue, always talking
about 100%, never we were talking about the baseline or of ranking overage of the baseline at all.
It seems to me both cannot be true in the same universe. How can some people come out of the
discussion saying it was about overage over baseline and others say it was about 100%. I don't
understand that.

[13:43:48]

>> Tovo: Mayor.

>> Mayor leffingwell: Council member tovo.

>> Tovo: I need to just point out that what was in the ordinance that was adopted by

--

>> Spelman: I understand that.

>> Tovo: Council members and the mayor and had gone through many iterations with that
component in it was the 100%. So, I mean, I appreciate that there may be confusion among some
people about how many that emerged. But that is what emerged and that is what the council has
and it's not like it came in at the last minute on the dais. It was in there for multiple drafts.

>> Spelman: I understand that and I can understand how people looked at it and said I am
uncomfortable with that language now that i looked hard it and create a development that fixes it
and I want to find a way of knocking it down to the overage over the baseline, that would be a lot
more convenient to me. I can also imagine how someone didn't look very carefully at the draft
and then the thing passed and then they thought holy moley, what did we do. Which position are
we in? Council member martinez you talked about your understanding of what people were
agreeing to when the ordinance passed. You know more about this ordinance than anybodye.

Can you illuminate us.

>> Martinez: You know, let me first say, for everyone who keeps saying there were broad discussions, broad discussions; they are absolutely correct. There were tons of discussions. But if there were sump broad discussions and I asked multiple times for people to produce the evidence of broad discussions relating specifically to what is in debate right now, then there is none. I am looking at an email from 2007 that is the proposed offense that may aide sent to all of the stakeholders that was in the process, and here is how i think it could be confused. It's broken out in tables. So in boxed tablings. And

-- boxed tables and then it is defined. So in the bonus table, it's literally what it is called, the bonus table, it specifically has language that is what made it into the codify cation of the ordinance. But it's in a box table called the bonus table. The bonus table didn't make it into the codification language and the bonus table did and it would be where both sides of this conversation fell apart because the language says the development must provide 10% of the dolling units to house persons whose household is less than 80% of median income statistical problem area as determined by the director of housing and community development. That's clear, 10% of all of the housing units but that language is in specifically what is called for, the bonus table, and it's in exchange for. It even says "in exchange for." So that means the entitlement being sought.

[13:46:39]

>> Spelman: In exchange for the increase

--

>> Martinez: Of the request.

>> Spelman: 10 percent and in context, it is clear, to you, at least, it would be the bonus?

>> Martinez: Correct. Yes. I mean, again, this is going back to 2007 email and the conversations were almost two years long leading up to this point. So, you know, all I am saying is I would like to see something that talks about the

-- the whole 100% of the entire pud being the calculating factor for fee in lieu or, you know, on site affordability.

>> Mayor leffingwell let me say that I was on the council, I guess almost 6 years ago, when this was passed. Definitely

-- six years is a long time to remember things exactly. Sometimes six minutes. [Laughter] but

--

>> Spelman: I agree.

>> Mayor leffingwell: But truly, this was in no way my understanding of what this pud ordinance would do. The pud ordinance was to

-- the purpose of the pud

-- granting pud zoning would be to prove

-- demonstrate the superiority of the pud zoning and so obviously the superiority gained from these extra entitlements would be a part of that

-- the way that was figured and that was not my understanding at the time. I want to back up council member martinez on this, and I will say that I would not have voted for it under those circumstances if I had believed it to be based on the computation to be based on 100% of the entire development, including the baseline and the bonus. Council member morrison.

>> Morrison: Thank you. I want to thank council member martinez for pointing out that maybe there is some good reasons that there is confusion and that there were

-- there were documents that were written, things were not clarified completely. Some people were working under one understanding. Other people with another understanding. And clearly, as council member spelman said, you know, there are two universes here that people are working with, and so, you know, I understand that that happens sometimes. It's a pretty monumental disconnect that we had and here we are and I appreciate you pointing to something that, you know, really could point to to different people reading it different ways. All more, I would say, to suggest that rather than just say, okay, there were two universes we were operating in and i believe

-- I am willing to believe that people were speaking honestly and there really were two different universes, and rather than now, at this point, just say, okay, well we have decided we are going to make it this universe, I believe that we should go back and try and align those conversations but get rid of the confusion and have a real conversation that we need to have. And I believe that that is what my amendment would do.

[13:49:52]

>> Tovo: Mayor.

>> Mayor leffingwell: Council member martinez has called a question. Is there any objection to that? This takes priority and it can interrupt somebody who has the floor.

>> Tovo: That's fine

--

>> mayor leffingwell: Council member martinez.

>> Tovo: You said if there was no objection. I said there was.

>> Mayor leffingwell: Is there a motion to call the question. Council member martinez.

>> Martinez: I will make that motion. I think everybody has had time to talk about this.

>> Mayor leffingwell: Yes. Yes. I think we are going around in circles at this point. I will second the motion. The motion is on the take to call to question. And all those favor to call the question, say aye. Aye. Opposed say no.

>> No.

>> Mayor leffingwell: The motion requires 2/3 majority so it fails.

>> Tovo: Mayor.

>> Mayor leffingwell: Go ahead.

>> Tovo: I will make this very quick. I just want to

-- we've had a discussion about whether or not there were emails existing from back there that might be helpful to this and I am looking over an email from, again, heather way who is part of the pud stakeholder process, and she is sighting various emails, jerry, that you sent to the pud stakeholder members and city staff and several other folks about 60 people copied and goes through various dates, march 6, 2008, may 9, 2008, june 13, 2008, in which

-- and the language and all of these talks about the

-- that the provision would be based on the

-- for each square foot of climate controlled space. So I wonder if

-- i understand council member martinez that you are suggesting it would be helpful to see some additional emails and i would just suggest, mr. Rusthoven, perhaps you can provide them to all of the council. I can give you citations and various different drafts that have been cited in heather way's email. But, again, I am not sure this email

-- constitutes email specific cliff talking about the 100% of habitable space, but it is talking

-- it will show that while they were add jutments to

-- while there were add justments to drafts around that section, that was not a changeable item. It was always consistent it was a square footage of space.

[13:52:09]

>> Mayor leffingwell: Council member spelman.

>> Spelman: Thank you, mayor. My extremely resourceful aide just pulled up

-- i can't find it on my screen right now but I think I can recite most of it. I can paredes phrase it. My extremely resourceful aide pulled up on article written by elizabeth figano and informs from 2009, reporting on our decision in the graco pud case. Margaret shaw was talking about how to interpret this pud ordinance and she concluded along the way

-- i am paredes phrasing, I wish I could give you the exact quote from

-- pigano's article. You want me to read that? Good golly. Allow me. Staff writes, upon con fulltation with margaret shaw, director of housing and community development, they have calculated it to be \$3.1 million. If the council provides to provide the fee in lieu, blah-blah-blah, okay, this is what they calculated. However, if you base it on the actual text of the ordinance, which apparently even 2009, two years after we passed this, we were aware of there being distinctions so wrote staff's feeling of the ordinance is using few in lieu, total climate control within the pud not bonus and the fee rises to 7.8 million. This amount is not economically feasible for the applicants. Basically we end up with \$3.1 million. It seems to me we have been aware of this problem for quite a while. We made a decision in the graco-pud case in 2009 to do something which was economically feasible. The right number was \$7.8 million and it was \$3.1 million and we chose that number because it was the right number and it seems to me we have at least some recognition that may be some

-- may be

-- maybe overage over the baseline is maybe the right number right now. It doesn't answer my questions as much as I would like, because I have another question I would like to ask. Jerry, if we were to do the study, which council member morrison is suggesting, then that would probably fall into your bailey wig. Is this a fast study, a slow study? Is there a way of doing this within, say, 60 days? Or is this going to be a big stakeholder circus which is going to take a long time?

[13:54:38]

>> I put my money on the ladder. [Laughter] on the latter. [Laughter]

>> Spelman: Let me ask you, though, if we want to break the three ring circus, is there a way of doing it quickly?

>> I am sure there is. But if I may add to get clarification. The way I understand the ordinance or be it resolved portion of it, it tells us to initiate an amendment to clarify the affordable housing requirement and few in lieu of are based on the bonus amount, exceeding baseline amount. It doesn't say specifically what that is. The way I look at it is we look at recalibrating the ordinance such that it is the base

-- it is the bonus amount is the portion that we apply the affordability to. How we apply the affordability, whether it be the 60% or whether it be the \$6, I think needs a fresh look and so we can look at those numbers right now. It would just clarify for right now the fact that we are looking at only the area above the baseline, the bonus and that we could come back and look at the percentages, the dollar amounts, et cetera, and bring that back and go through the process.

>> Spelman: Would that second study just set the baseline? Here is the baseline. Now, what is

the proper percentage or amount of the baseline, is it 12 bucks, 6 bucks, is it \$23?

>> To me this is what the resolution tells us to do.

>> Spelman: We are basically changing basis of the calculation but we could reasonably ask you to go back and do that calculation again?

>> Yes.

>> Spelman: Okay. How much trouble

-- how many time and trouble from your point of view is it to figure out the right calculation above that baseline, given - let me see if I can

-- can zero in on morrison's language a little bit. I am interested in equitable sharing of profit.

That's what jim robert son was taking a look at. I am also interested in rough equivalence of on site costs and fee in lieu costs so we aren't tilting the scale so much that we are only getting fees in lieu and we aren't getting any on site stuff. That is probably the right place to stop because i think if we get equitable sharing of the profit, that is the place we will get the maximum amount of affordable housing, either on site or fee in lieu produced as a result of this ordinance. So could you focus on those two issues on staff report, asking questions of appropriate stakeholders without necessarily convening a large stakeholder process?

[13:57:04]

>> We could. We rely upon the work that is currently underway by mr. Robertson and work with the developer community because they are the ones with the best ideas as far as the costs and profit amounts and stuff like that. But I believe we can weigh heavily upon the work that jim -- mr. Robertson already underwent for the cure ordinance looking at this ordinance.

>> Would it be unreasonable to ask you to come back in 60 days for that answer? I don't see jim out there to say yes or no. You might have to guess this one yourself.

>> We can do our best. We will try. Given the time frame of the council, that would mean us coming back in august.

>> Spelman: The reason I ask is because I know there is at least one pud proposal which is midway through the process. I think we voted on it in first reading and it is awaiting second and third readings. I would like that proposal not to have to go back to square one because we were going

-- engaging in a six month or a yearlong process to figure out what's the right number.

>> The other pud that this is an issue that you postponed today is coming back on the 20th.

>> Spelman: I don't see any possibility of

-- actually come up are with a right number

-- come up with a right number between now and 20th but we delayed this pud so many months as it is, it seems to me 60 days would not be unreasonable. I am sure they will see it differently, but I think getting the right number seems to me to be extremely important. Council member morrison, first my apologies for simply referring to you as morrison. I couldn't get council member, too many syllables and I was in a hurry. Would you accept a friendly amendment that jerry come back - pdr come back with us in 60 days?

>> Morrison: Yes.

>> Spelman: Okay. Thank you.

>> Mayor leffingwell: Council member spelman, i want to make sure i understood what you were saying.

>> Spelman: Yeah.

>> Mayor leffingwell: What I thought you said is you wanted a study about the proper fee or the

proper amount to be based on that above the baseline?
[13:59:09]

>> Spelman: Yes.

>> Mayor Leffingwell: Is that correct?

>> Spelman: Let me rephrase it one more time. Whether we go above the baseline or 100% is almost in so long as we pick the right number and my preference, fairly strong preference is we look at the amount over the baseline, but that we pick the right percentage of the right dollar figure over the baseline. And it doesn't really matter, whether we take 100% or over the baseline, if we've got the right number, we will get the right number. We will get the maximum amount of affordable housing because we will be trading appropriately between on site and fee in lieu because we will be doing equitable profit sharing, so I think it is arbitrary to which one we pick. It seems to me having the same

-- having our downtown density bonus program being on the same basis as the pud program makes good sense and the lawyers will probably try to shut me down when I say this but I feel I need to say this, this also reduces the threat that somebody will try to shut us down on an inclusionary zoning char which I know is not consistent with state law and any time we are trying to base our affordable housing on 100%, then that seems to me that someone might reasonably claim we are insistent with the

-- incon cis tent with the state law. Debra is shaking her head this isn't an issue. Probably why I didn't go to law school. Probably a little too imaginative to be a lawyer.

>> Remember, this is all under a voluntary bonus incentive plrtion. Therefore, we are totally clear and free to structure that in any way we think is appropriate. [Applause]

>> the square footage as large as we simply want it to. [One moment, please, for change in captioners] my

-- my strong predisposition is to do it that way. But I don't want us to do anything until [e have a number which we can take to the bank. And

-- I don't feel strongly enough about my predisposition to go to baseline and above and not 100% at this point to say that we need to adopt councilmember martinez's okay original resolution without doing the study. I want the study done. I think we have the study done that will answer the question either way, whether it's 100% above baseline. That will give us the number that we need and we will do it either way.

[14:02:10]

>> I'm fine with councilmember martinez's resolution plus the staff.

>> Cole: I am, too.

>> Mayor Leffingwell: But what I heard from the amendment by councilmember morrison is she wants to modify the resolution

-- original resolution to take out the part that clarifies we're talking about the bonus amount and not 100% of the entire development.

>> Morrison: Mayor, it's not that I don't want to consider that. I just wanted to keep the options open and not necessarily have us make the decision today that it should be only above the baseline.

>> Mayor Leffingwell: So you do want to consider councilmember martinez's resolution but you also want to consider something else at the same time.

>> Morrison: Yes, that's correct. I just want to make sure that we're not making the choice today

that it would be above the baseline, i want to make sure that we're looking at both ways, the numbers that councilmember spelman has identified, the feasibility of even the practicality of calculating how many apartments would it be above the baseline and look at both ways and what the numbers would be. So that's my interest.

>> Mayor Leffingwell: I almost think we're down to splitting hairs because we're talking about we're talking about doing studies that are open ended in both cases, we jt have a little more specificity.

>> Cole: I have a question, this is going to go through codes and ordinances or a subcommittee is that correct?

>> The way it's written right known, now, it go to [indiscernible], planning commission and also the community development commission.

>> Cole: That's all a part of the stakeholder.

>> And adds the cdc in addition to that required by the code.

>> Cole: As we go through that process, can we get jim robberson, t stakeholders, the other part of the density bonus recalibration that information, can we just receive all of that information and call that a study?

>> Yes. We will be relying upon the work that's already done. Again the way I read this, it clarifies the portion that says the

-- what we're working with is the area that's above, density bonus, area above the baseline is the area that the affordable housing will be based upon. It leaves somewhat open ended what is that amount going to be, percentages, dollar amounts, et cetera, et cetera. But it just clarifies for today the argument that the affordable housing calculation is based upon the density bonus area. Just as it is in the downtown density bonus program that we have today. That being said, we can work with what is the proper dollar amount, what is the proper percentages of required housing, fee in lieu of, et cetera, et cetera. That I think is what we will except to be looking at as we go through the process unless the sponsors tell me that I'm misreading that.

[14:04:58]

>> Mayor Leffingwell: It seems like we are not quite as far apart.

>> Cole: I agree with that, mayor.

>> Mayor Leffingwell: Basically your resolution with the additional direction to go back and study the entire thing, the entire

-- the fee for the entire

--

>> I don't

--

>> what is the proper fee?

>> I'm sorry, mayor. I didn't hear it that way because if I had heard it that way, I probably would have accepted it as friendly. What I heard was an amendment that says do not process the code amendment to calculate affordable affordable affordability based on the entitlements sought. What I heard was an amendment that said let's do the study and then bring back a decision of whether or not that is the appropriate decision. That's not friendly. I would like to move forward with the code change and we can continue to study this. As jerry just said, just like the downtown density bonus program is at \$10 an hour, it is set to be recalibrated and could move. So could the p.U.D. Ordinance because it's lined up with the downtown density bonus plan.

>> Mayor Leffingwell: I agree with your statement. I was basing my statement that it sounds like

we're not so far apart based on what mr. Rusthoven said his interpretation was. With that understanding the amendment is on the table by councilmember morrison and hopefully we can vote on that. Let me say that I will not support it. I will instead support the direction to evaluate what the proper fee is.

>> Spelman: Mayor? I understand your wanting to get to a vote. But I still have one more question. I would like this issue to be done 60 days from now. I would like us to have a fair closure on this regardless of whether it's over the baseline 100%, what the number is, just so we don't have to worry about it any further.

>> No issue is ever done in this building, council.

>> I understand. That's what I would like to see happen. Not what I expect. At least for the foreseeable future, the two or three weeks in this world, that a developer who wants to present a p.U.D. Would have an idea for what it is that they have

-- standard that they would have to meet, not to go on for another few months as we went back and forth with the codes and ordinances and planning commission and us and so on. Is there a way that we could have two

-- two amendments that we could process? One based on 100%, one based on over the baseline. I presume the numbers of 100% would be lower than the numbers on and over the baseline. We could then make a decision on pick one or the other, if we voted on all three readings, god help us, that's happened before, then we would be done with this and then people who are trying to develop p.U.D.s would be able to get a fair certainty as to what we would be expecting from them at least for the foreseeable future. We could get that done in 60 days all inclusive.

[14:07:58]

>> Mayor Leffingwell: I think the first thing that we have to do is address councilmember morrison's amendment which has been seconded. That

-- if that amendment were withdrawn another amendment similar on the one that you suggest could be offered or it could be offered after we act on councilmember morrison's, but I think before we address another amendment we have to act on councilmember morrison's amendment.

>> Spelman: Let me rephrase my question then. If we adopt what I believe to be councilmember morrison's amendment, what is to do that, could we have option a, option b before us in 60 days to vote on?

>> That's the council choosing, that's what we will do.

>> Spelman: Okay. Then that is my understanding of councilmember morrison's amendment is give us two options, one at 100%, one over the baseline and give us the right number, which is an equitable profit sharing and a proper equivalence of fee in lieu and onsite for either of those two options and then we'll pick one in 60 days. Am I properly restating your amendment?

>> [Indiscernible]

>> Spelman: Thank you.

>> Martinez: Again, I don't think I can support the amendment, not because of the spirit of the amendment. I would support it in a different form. But when you start talking, we had substantial conversations in 2007 and 2008 about the existing entitlement on the ground. Ms. Thomas just said something that triggered this thought. And that

-- and the conversations that were had back then and that is as long as it's a density program, we can

-- we can impose whatever we want. The reason that we imposed it on the entitlements sought is because that there was a concern about imposing something on entitlement, an entitlement that

exists in baseline zoning. And that's why we came up with baseline zoning in the p.U.D. Because there's an entitlement on the ground. Whether it's single family, whether it's gr, there's an entitlement that exists. If someone comes in and seeks a bonus and you are saying now we're going to apply the fee in lieu of or on site affordability to 100% of the project, there was a strong concern that that could be challenged successfully and I don't want to start getting into lingual conversations on the dais, but I clearly remember those conversations and why we had to establish baseline and why that was a concern because there's entitlement that exists that you can't necessarily just impose something on something that a person owns by right as a property right. So I will not support the amendment.
[14:10:43]

>> Mayor Leffingwell: I agree with councilmember martinez. All in favor of the amendment say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor Leffingwell: Let me get a count on the nos again, no, no, no, no. The amendment fails on a vote of 4-3 with councilmember riley, martinez, myself and mayor pro tem cole voting no. So we're back to the main motion, which is the motion to approve the resolution. With additional direction to

-- with additional direction to the updated study on what the proper amount should be.

Councilmember morrison?

>> I would like to add a suggestion that we also at the same time look at putting additional detail in the baseline zoning, I'm not quite sure how to say it, to ensure that as much as possible it matches current zoning. I'm going to have to vote against that motion.

>> Martinez: I would accept that as friendly if you would vote for [laughter]

>> Morrison: I am saying I'm going to have to vote against it, but I hope that you would see that's a good step in this case, assuming this passes, which I think it's going to.

>> Martinez: Can I ask jerry or director guernsey, I don't recall the p.U.D. Cases that come through, I don't think it's been that many since we've recodified it.

>> We've only had one.

>> What was the department director's decision in terms of baseline.

>> It says that the applicant shall suggest a base line. The director shall review it. The zoning district, the districts will be most appropriate for the property if it were developed without p.U.D. Zoning the district or the baseline must be consistent with applicable neighborhood plans or neighborhood plans amendments initiated currently with p.U.D. Zoning unless the council establishes a different baseline under the comment

[14:12:51]

[indiscernible] the director's determination establishes the baseline for the purpose of determining development bonuses under section 2.5 development bonuses. So the way it works, we've only done one so far, but we come in before you all with the development assessment, before the p.U.D. Actually been submitted. We've discussed with the developer what the baseline should be and we present that to the council before the p.U.D. Is even submitted. If the council tells us we're off base on the baseline, then we go back and relook at that begin before we come back with the actual p.U.D. Request. So there's a prereview of the baseline by the council before

the case is even submitted. The case that we have already done, the case that will be before you next week, the

-- there was no question of the baseline because the existing zoning was already cs which is already the presumed maximum amount that they could get. The only question is where you had a p.U.D. Proposed on a piece of property that had a very low zoning such as single family.

>> Martinez: Or multiple zonings.

>> Exactly.

>> Morrison: I guess one thing, though, that concerns me

--

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you.

>> Go ahead.

>> Morrison: I heard you say make sure that it's consistent with the neighborhood plan. The neighborhood plan has future land use maps that can have allowable densities way beyond existing zoning. So I just think that it would be really helpful to have in the language somewhere that we're using, we want to use current zoning as a guide.

>> Sure. I would be happy to accept that as a friendly suggestion and direction. So I'll just make a closing comment, hopefully we'll move on. But this is the classic example of no good deed goes unpunished when we try to rewrite the p.U.D. Ordinance. As jerry just said only one has come through, only one. We voted 7-0 on the second one today on first reading. So I believe that the p.U.D. Rewrite actually did work. There is a lot of merit, a lot of good in it. It's not perfect. Going back through the 2008 emails, reca was adamantly appear possessed, the developers were so they took no position at all. We had a lot of competing interests. It's a very delicate balance. I appreciate the council's concerns, sentiments today. I think that we all care about many things, just in varying forms, but I think the p.U.D. Ordinance is working, I think it can be improved and I look forward to continued discussions and the work product that the city manager will bring to us in the coming days.

[14:15:26]

>> Mayor Leffingwell: It is certainly true that no good deed goes unpunished. Councilmember, all in favor say aye. 7 opposed no. Passes on a vote of 5-2 with councilmembers to see tovo and morrison voting no. We're going to have to pick up the pace here. Item no.88. Public hearing and an ordinance amending chapter 25-2, subchapter e relating design standards. We do have a number of speakers. Staff, do you have anything to add before we go ahead with our speakers? All right.

>> Morrison: I do have a question.

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison: I wonder if we could

-- this is subchapter e, right, that we're talking about? I wonder if we could get staff to just give us an overview of where things stand? I know that staff and folks have done a lot of work on over the couple of years, thank you, george. And then it went to planning commission and after planning commission i understand there's maybe just one item that there's disagreement about or two. Is that correct? I wonder if you could delineate those for us so we could focus in on them?

>> Yes, thank you, councilmember. I'm trying to catch my breath. I just did the 50-yard dash

which I haven't done in a while.

>> Mayor Leffingwell: You could just stay out here all the time.

>> So George Adams, assistant director of planning and development review department. I think if I can forward to one of the s maybe we can hone in on this, I'm going to move real quickly.

Okay. So this went to the planning commission I believe on APRIL THE 9th. The planning commission recommended approval of the amendments with four or five additional recommendations. We concur with most of those. There are two that we feel like there's some good cause to kind of dive into in a little more detail. That is the first one on this list and the second one. I'll give you just a brief overview of each one of those, the first one relates to so-called large sites, greater than five acres that are on suburban roadways that have a multi-family development proposed on them. The way the subchapter e is currently structured, if a property is zoned multi-family and meets all of those other conditions, it doesn't have to comply with a number of provisions of subchapter e. If on the other hand it's zoned residential or commercial it does have to comply with subchapter e completely. So we've heard from shareholders for a for years to some extent the building placement requirements and then the requirements for internal roadways are maximum block sizes. So with virtually all of these types of projects, we end up approving an alternative equivalent compliance plan. So we

-- we work through the issues, we eventually get there, but it's a somewhat cumbersome process in a lot of the need for that is on these suburban sites, they usually have more topography, they usually have, you know, high tree cover and so we're having to work around a lot of constraints. So in response to that, we heard those concerns at planning commission codes and ordinances committee. In response to that staff proposed some flexibility in regard to this. So you would still have to provide the internal pedestrian connectivity. You would still have to have some level of the vehicular connectivity. But there wouldn't be a maximum block size. There wouldn't be a building placement requirement for

-- for these large sites on suburban roadways that were strictly multi-family use. Once we got to planning commission, they recommended deleting this provision. So that's kind of the issue. Do we provide some level of flexibility in regard to this issue or does it stay as the current code is written.

[14:20:40]

>> Morrison: Can I just jump in here. The way I thought I heard it, sort of articulated from the planning commission commissioners was are we going to require sort of the urban walkability in suburban multi-family developments. Would you say that's also a way to

--

>> well, depending on what you mean by urban walkability. We still would require the internal pedestrian connectivity so that all of the buildings, all of the amenities within these projects would be connected by, you know, high quality sidewalks.

>> What about building placement. That's one of the things that gets lightened up.

>> It's a little complicated so I try to make it as easily understood as possible. On suburban roadways, there's a hierarchy of roadway types in subchapter e, on the more rigorous ones, the core transit corridors, you have to bring the buildings up to the streets. Urban roadways you have to do that to some extent but not as much as the core transit corridors, suburban roadways essentially don't have any building placement requirement. Now, where it gets complicated when

you go to these large site provisions, there are building placement requirements but they relate to internal not external roadways.

>> Morrison: So those would be relieved in what you have proposed.

>> That's correct.

>> Morrison: They don't have to be necessarily adjacent to or quickly accessible from the sidewalks.

>> That's right, there would be more flexibility then. We think from a practical point of view it's not like you're going to have an internal roadway in the

-- and the buildings are going to be set 150 feet back from that. There's a practical need to have some proximity there. But we felt like because of the topography, potential environmental issues that this made sense.

[14:22:41]

>> Morrison: Then was there another issue?

>> Yes, I'll try to be more brief on this one. Once again at planning commission, codes and ordinances, there was a speaker who suggested the idea of allocating a portion of the required on site open space to a transit plaza when a site is adjacent to a capital metro bus rapid transit stop. The general concept we think is a very good one. We suggested putting that in as an option to allow that to be one of the open space types that you utilize. The planning commission recommendation was to require where a site is adjacent to a capital metro brt stop. 50% of that required open space would be provided in a transit plaza adjacent to that stop. Our initial recommendation was to keep that as an option. We have kind of a substitute recommendation that might work. I feel like if we build in some flexibility for the director to modify that if the requirements are too excessive that that would provide the flexibility that we would need to make this work.

>> Morrison: Great. So this is the language, you do have some language.

>> I believe so, yes. The additional language, let me look at it real quickly, but essentially says the director has the ability to modify this requirement under certain circumstances.

>> Right, I think that we have a speaker that if he's still here is going to be talking about this, at least one.

>> Mayor Leffingwell: Question before you leave. Does the staff recommendations, do they simplify the code, make it easier to apply?

[14:24:47]

>> The

-- we have tried to, most of the amendments are aimed at reorganizing and clarifying subchapter e making it easier to use.

>> Mayor Leffingwell: [Indiscernible] I was just going to point out that I think that was one of the goals we talked in the imagine austin plan was to have a smaller maybe shrink it from this they can down to think thick, something like that.

>> Right.

>> Okay.

>> Mayor Leffingwell: Ready to go to our speakers. Michael z? Zu? Please correct me if I miss pronounce your name. And you are sign up neutral, you have three minutes.

>> Thank you. My name is michael hsu, here representing the architects, we have been working with the city staff the past two years in stream lining to improve and clarify the language in subchapter e based on our mber feedback. Coming from there sort of real world situation, doing developments in austin. Through that process, we've had numerous forum meetings with our membership, including having staff come to our membership and present drafts throughout this process and we wanted to thank the city of austin and city staff, in particular george adams' office for including us and more importantly carefully weighing the input of the membership from the aia austin. I would encourage you that we have been working carefully on these last two small items tonight. We are concerned about the transit plazas, brt stations, we feel like they are a great idea in the sense that they will improve and enhance the transit stations and make for a more attractive facility for the people who do use those stations in the future. We are, however, concerned about the size, so that input has gone to staff and I believe that is included in the language that you have in fro tonight. Thank you very much.

[14:27:03]

>> Mayor Leffingwell: Councilmember morrison.

>> Could you

-- could you give us your thoughts on the issue about the building placement and internal roadways for the suburban multi-family, did you guys delve into that last issue.

>> I wasn't one of the members who dealt specifically into that because I don't have a lot of experience with it, but there was a lot of concern that internal circulation and connectivity was definiomething that the aia austin is in support of. The largest concerns were how to accomplish those things without unduly dividing up a site that didn't lend itself to those kind of conditions based on we look at specific sites that had a lot of topography, natural features including heritage streets and didn't have border conditions on its perimeter that were adjacent to other sort of pedestrian oriented sidewalk conditions, one was very close to an easement, another on a shared property line to a unopened space. So based on those stranger conditions, we were in support of giving developments more flexibility in how to achieve that connectivity.

>> Morrison: It's my understanding that they always have alternative compliance that they can work for. But for just a standard, non-challenging site, I i take it you would consider those requirements a positive, an advantage in the development.

>> I'm not sure, I'm saying.

>> Morrison: If there aren't challenges in topography or on the site, would you prefer to see that they do adhere the building placement and internal circulation.

>> That I'm probably not at leisure to really make a call on that, because I'm not familiar with that on all of the cases. I'm sort of bringing you information that is third hand.

>> It's my understanding that one of your members on the planning commission was actually the one that recommended requiring that they adhere these

-- to these higher standards. But that doesn't mean that he was speaking as an aia member at that point. But I do thank you and aia for all of the work that you did on this.

[14:29:11]

>> Thank you very much.

>> Mayor?

>> Mayor Leffingwell: Councilmember Riley, question for you, Mr. Hsu.

>> Riley: I wanted to follow up based in part on conversations I've had with probably the same planning commission member who is one of our members. With respect to last issue, you understand there are some concerns associated with the idea of just eliminating all maximum bounds on block length within the residential developments and so we have talked and worked with other stakeholders on finding some outer bound degree on that and come up with something. In general, would you believe the AIA would be supportive, to the extent that we can establish some outer limits on block sizes, that AIA would generally be supportive of that.

>> I think they could be. I would take that back @o my leadership.

>> Riley: Another issue, although I can't be certain they were AIA members, I think, but lighting. The concern that I was hearing was that setting a strict date of January 1, 2015 at which point a lot of the lights in the city will become non-client that that is problematic. Have you heard that concern

-- [multiple voices] does the AIA remain concerned about that issue.

>> They do remain concerned. We do have members looking at that specific task. But the complexity we felt the best to push through subchapter E as it is before you tonight and

-- [multiple voices]

>> Riley: Put some further work into that.

>> Yes, sir.

>> Riley: Okay. I'm with you on that. I'm thinking it might be actually preferable to continue that work without making all of the lighting become non-client on January 1, 2015, you agree with that? Ks, Michael.

>> Mayor Leffingwell: Steven [indiscernible] donating time. Steven Alleman. Somebody pointing, is he here? Apparently not. Jonathan Lockland is here, Brent Adere, you have up to nine minutes.

[14:31:32]

>> Okay. I won't use all of that, my name is Steven Zetner, president of Sustainable Neighborhoods of North Central Austin, I'm here to speak in support of the transit plaza amendments to the commercial design standards that George Adams mentioned earlier. This is the amendments that planning commission recoded 8-0 in April. Imagine Austin calls for a exact and connected city. And my organization has been pushing to have those goals applied to streets like Burnet Road, North Lamar, early suburban corridors that are several miles from downtown, ever since the commercial design standards was implemented in 2007. The way that we imagine compact and connected on an early suburban corridor is a series of pedestrian oriented communities along the corridor at key places, what you might call village centers. Each village center is wrapped around a rapid transit station. In our case bus rapid transit. The key to making these village centers work to draw people to the center of these centers to be close to rapid transit, to actually use rapid transit to go to the destinations clustered in these centers is the concept of the transit plaza. A space that's large enough for each community to have small community

events of 3 to 400 people, to have destinations like restaurants, outdoor dining, play scapes, other features that make people want to be at these places at the center of a village center. And the amendment that we're proposing to the commercial design standards accomplishes this, starts to accomplish it, I should say, in a way that does not create an undue additional burden for development. Because what we're doing is using open space that's already required in the commercial design standards for properties two acres or larger. The five percent open space requirement. We're taking half of that and just saying that it needs to be arranged close to where the transit is in alignment with the transit, in support of the transit. Also the language is sufficiently high level that we are not overconstraining the design of these features. One of the concerns that has been raised that I want to address is the appropriate scale of the bus rapid transit, should be. I took examples of different scales of space around city hall, because I'm hoping y'all are all familiar with that. The largest rectangle that you see, on the eastside on cesar chavez is close to 16,000 square feet. The rectangle, I just want to speak to that, a 16,000 square foot plaza, I would love to have a plaza that big in my community. I think that would be an excellent feature. I'm for the saying we have to have a feature that size to accomplish the intent of supporting these village centers, drawing people to them. I think that you could get by with less space. The 2,000 square foot rectangle is the minimum standard that would emerge from the amendment that we're proposing. Based on a two-acre property using half of 5% of that open space. You would get a 2,000 square foot feature. That's probably at the low ends of what you need to accomplish what we're talking about. A 1,000 square foot feature I don't think is going to do that much. A 250 square foot feature is about the size of my bedroom, that's definitely not going to accomplish what we're looking for. For us the sweet spot in size of a transit plaza for our communities is about 6,000 square feet, about what you see at scholtz's biergarten patio, for 3 to people. For a community, village center of say 2 to 3,000 people on a transit corridor, this is probably about the space you need. I'm really excited this amendment is being considered and I hope that you will consider it. I think it will have a huge long-term impact on the quality of our communities outside of the downtown area. And as you get more of these plazas along a transit line together, collectively they will greatly improve transit quality. Thank you.

[14:36:40]

>> Morrison: I just want to congratulate you because this has been a very long conversation and I know that you and your neighbors and folks trying to really envision burnet road as a -- as a thriving place for families 30 years in the future and trying to build in some infrastructure to make that happen and so i think it's really beautiful to see that we've got some actual action out of that. And that we can consider that. And I have to compliment you on the slides. Because we totally get scholtz's, especially right now [laughter] but I do have one question about the language. We're talking about if freight, we might have a situation where we have different kinds of

-- different pieces of property around one station. So it's not like we're necessarily going to be able to count on all of those properties contributing to the same plaza space.

>> No. Many of the properties that are adjacent to bus rapid transit stations are not going to have plazas, if you could bring back my slides. I have a slide that shows the distribution of where this amendment w have impacts. This is a stylized map of the two bert lines that capital metro is planning. Brt lines. You can see that it's broken out per station. Southbound and northbound for

the two lines. The burnet I think it's south congress line, I'm not sure which one goes where. I think in this case burnet goes to south lamar. The green squares that you see here are places that are property that are large enough, two acres or larger to have required open space already in the amendment and so you can kind of visualize here what a potential long-term distribution of these plazas would be throughout the city. You see that downtown is not affected by this because they have different zoning that the sites are generally smaller. Out where we live, burnet road, south lamar, south congress, you could get a number of these plazas and that -- they would considerably improve transit quality by providing pedestrian oriented places along the route. This is an example at south congress and oltorf. The corner where you have the h.E.B. On the southwest corner and a large-sized property on the northwest corner. Where the two stations are. This shows what the site, as I understand it, would look like and what the size of a plaza relative to the overall site would look like. You can see we're end you think 7 with plazas -- ending up with plazas that are in the range of sholtz's beer garden.
[14:39:57]

>> Much more than a bus stop.

>> A creative center that people want to go to and then they can take transit.

>> Morrison: Thank you.

>> Spelman: Do you have any objection to mr. Adams suggestion for a safety valve, for a safety valve to allow the director to in cases where the norm

--

>> [indiscernible] [multiple voices]

>> Spelman: Thank you.

>> Riley: I want to thank you for all of your work on this, too. I think these transit plazas will be great places. Just hope the area will fare better than the area around scholz's beer garden. With regard to the language on the table, the last sentence public access easements may be required in order to guarantee public access to these facilities. It seems like that language may not be worth -- may create more problems than it's really worth insofar if someone is going to the trouble to create this plaza right by the transit station, it seems unlikely that they would be that resistant to allowing the public to access it. Otherwise that

-- the whole success of the plaza would depend on the public being able to access it and being close to the transit station and it's fairly certain that they would. Just having that language in there creates some anxiety about the situations that it could lead to. Would it cause you any grief if that line were to come out?

>> Not to me. But if it's okay can I ask staff if they have a concern.

>> Councilmember riley will do that for you.

>> Yeah, actually, if I may, mayor pro tem, I would like to go ahead and ask staff that question. George, you heard the question. About that line requiring public access easements. Do you see any problem with removing that line?

>> No. We could live with that.

[14:41:58]

>> Riley: Great, thanks.

>> Cole: Thank you, next speaker is peter cicero. Annie armbrist are you here? You have a total of six minutes. My name is peter cicero or cicero I'm a lawyer at graves daugherty, member of the real estate council of austin board. We have worked with aia and staff on making the commercial design standards simpler, easier to use and hopefully more effective. I did want to talk about just the two issues that we've been focusing on. We support staff recommendation and staff work on this. One is the discrepancy between multi-family zoning districts and then same projects zoned mu. As you've received in the email that's been sent by annie armbrist, we would like to add a section I that states people are exempt from sections a through g and that there are sidewalks and pedestrian paths are connected between all buildings and internal circulation for vehicular connectivity is required with no maximum block size or shape. We think if this provision was in this section, it would eliminate the need, reduce the time and costs spent on alternative compliance. The second issue is what we've been talking about regarding the bus rapid transit centers. I know this issue, seems from what I understand came up at the planning commission in april. It seems that there's been a lot of work done on it. What we would like to do once again focus on staff's recommendation where there is a bus rapid transit station, the private open space or pedestrian connectivity is used to the maximum extent feasible, should be a minimum of 250 plus an additional

[14:44:17]

[indiscernible] over two and not to exceed a thousand square feet. We think that would accomplish got goals of achieving an open space for the communities and for people to enjoy but then also not exacting too much from the area. So I'm happy to answer any questions. I know that our members have been working on this a lot with aia and staff and these are the last two issues, i think we've made a lot of progress in hopefully making these provisions simpler and easier to use. And I brought some copies of the email and the language that we would like, if i could pass them around.

>> Cole: Why don't you give them to councilmember riley and he'll pass them down.

>> I'm happy to answer any questions.

>> Spelman: Thank you, mayor pro tem. I frankly was doing something else when he was talking about the transit plaza. I'm going to leave that to a better listening

-- with respect to the transit plazas I was paying attention and he offered the safety valve of the director's discretion, from your point of view that seems to me th a simpler way of saying what you are trying to say here which is to the maximum extent feasible we agree with 50% going to the transit plazas, but sometimes it's not feasible or appropriate and would it be from your point of view okay to leave it to the discretion of the director.

>> We are agreeable to having the discretion of the director involved. We would like it to start at a minimum of 250 square feet and kind of increase based on the size of the lot, per the language that we've circulated. We agree with the safety valve, councilmember spelman, we would like just to kind of start with the minimum so that some space is insured that it can go up.

>> Spelman: If you are talking about two acres, there's a certain amount of square footage of open space required for a two acre lot, is there not?

[14:46:19]

>> Right.

>> Spelman: How much would that be?

>> It's not to exceed 1,000 square feet. So it's minim of 50 square feet plus an additional 100 square feet over two acres not to exceed a thousand square feet.

>> Spelman: I think that i see what you are going, thanks. Councilmember morrison has a question for you.

>> I understand your concern about the transit plaza thing coming up at the end. What I am grappling is when the propose from mr. Zetner and them worked with staff. It's not like I requires any moore open space if i understand it properly. It just requires that you configure part of it so that it's accessible, is that correct?

>> If I understand it, it starts at like 50% is required. [Multiple voices]

>> Morrison: It's whatever is required half of it has to be adjacent to the

--

>> right. Ours is 250 square feet. So I think there's a difference from the starting point in that ours is 250 square feet and increasing and there is still discretion given to the director rather than starting from mr. Zetners position.

>> So you are just concerned about being roped into designing it in a particular way with that, you know, sort of

-- [multiple voices]

>> in concept I think it's a good idea. We do want to encourage it based on the language that we have worked on and we've circulated, I think that we don't want to get into exacting and taking too much from this area

--

[14:48:19]

>> Morrison: I just want to get clear. It's not like we're taking anything. Just requiring that the space that's already required, which is the open space, is put in a particular place.

>> It will be in that place. I mean I think that the important thing is just to start at the 250 square feet and then based on what the director wants, he can make the adjustments.

>> Morrison: Why are you concerned about it being 50%? As opposed to starting at 250? I'm just trying to get to the bottom of what the issue is for you.

>> We think it's an exaction and difficult on the land adjacent on the owners. So I think that's the -- that's where our concern is coming from. We are in favor of the concept. I think we start from different areas.

>> Morrison: Just to be clear, when you say exaction, I know you are a lawyer, you have a very specific meaning, to me that means taking something away from you, requiring somethg of you, it's really just about placement of already required space. Right [multiple voices] there's a certain amount of required private common space open space. It's not like we're requiring that more of it has to be open space. [Multiple voices]

>> where it has to be.

>> There's a difference in the starting point. I think, because we want to start with a 250 square feet and not

-- start from

-- is that half of it.

>> Yeah.

>> Right.

>> So it's really about where you are placing it. That's why I'm concerned about the use of the word exaction.

>> It is a different standard.

>> Morrison: Different standard for a property that's next to it. Okay. Good. And then on the other part, your alternative, in terms of dealing with the suburban roadway multi-family, you say that you suggest that a residential only use on a site over five acres is exempt from 225 a through g. And then

-- just trying to make sure that I understand it. Because suburban roadways are covered there, so you are just applying this to residential only.

[14:50:45]

>> Right.

>> That are on suburban roadways.

>> Right.

>> But it would

-- okay. All right. Thank you.

>> Mikhail meade. I don't think she's here.

>> Yes she is.

>> Excuse me! [Laughter]

>> mayor, councilmembers, McDETAIL MEADE WITH BROWN Mc Carroll. I want belabor the points, maybe of which I agree with. I did want to bring up two points I haven't heard anything about tonight. Before I do I will speak to the transit plaza issue, the question that you have about exaction. The thing that I have some concern about, I've been told your lawyers have looked at it. We've had lawyers look at it. Our lawyers have had a lot of concern about it, as usual differences of opinions between lawyers. But there is a line in the proposed language which states that public access easements may be required in order to guarantee public access to these facilities. And so whereas I totally agree with you, this is not asking you to dedicate any more space. Than you may already have to. But I do have a concern about the fact that you may have to make what would be private open space public. And I think that's where the question of whether the requirement of the dedication of that land to the public becomes an exaction without the lexus nexus test that would be required. So I know that you have a lawyer here to address that issue. And we haven't had a chance to speak with him, but hopefully that's something that the council can talk about in its deliberations. The issue that I wanted to speak about, which I hadn't heard brought up tonight is the issue or proposed amendment to rpp. As I have spoken with your staff, as I read those amendments, it actually is loosening the regulations, making it easier to secure residential permit parking where you've got vmu. My point that I wanted to make to the council is that representing several of the businesses in south congress, you guys probably know that parking is an issue in south congress. And residential permit parking, because parking is such an issue, has really proliferated and become a problem in south congress. A lot of work is being done right now to try to address those problems and strike a balance between what makes sense for the residential neighbors who are there, make sense for the businesses who are there. And so in the midst of all of that working done

-- work being done, I would hate to see an ordinance put in place that relaxes the regulations and makes it easier to get rpp. I don't know what the fix is, but I would ask the council to look at that and really think about it. You know, south congress for instance, because property owners have the ability to have vmu zoning, a person can get expedited rpp. Yet there are no vmu projects in south congress. It really is I think a discussion in how this ended up being something that staff was proposing really started out of the discussions about whether when you have vmu zoning but

no vmu development, should the residential neighbors be able to get residential permit parking on an expedited basis. So I think somehow it's morphed into what I consider a relaxation of the current rules and on behalf of those business+ in south congress, I just wanted to bring that to the council's attention and ask you to really consider it. Thank you very much.

[14:54:34]

>> Cole: May I have a question of ms. Meade. I believe we touched on this a while maybe about a year ago and I don't have a fix, you said that you don't have a fix right now. But -- but I guess my fix would be mayor pro tem leave it alone, let the process continue to work to try to really fix it. But don't relax the rules in the middle of the city trying to really come up with a solution.

>> Cole: Thank you, mayor, I mean, mayor.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I have paid a lot of attention to this rpp stuff, in my view it's a cleanup and not a relaxation. So can you point specifically to what

-- what parts of it relax it?

>> For instance, councilmember morrison, i think when you

-- when the staff describes it, we've talked a lot about it, they describe it as a cleanup. I see it as a relaxation, for instance. I think in the proposed rules, you no longer are required to

-- the director or the person reviewing the application is no longer required to review a study and I think that that

-- i see as a relaxation, I think the staff

-- [multiple voices] I don't have the ordinance in front of me, i apologize.

>> Morrison: The study was always waved

-- [multiple voices] no, no, no, requirements for conducting a parking study shall be waived.

That's what they put in. And they replaced it with

-- they replaced the specific parking study, the only parking study that is on the books now. So there's just that is a cleanup. So they are just trying to in case the numbers change or whatever, they're just trying to say that that's the one that

-- that gets waived. [Multiple voices] let's hear from gary [multiple voices]

>> I think before they saw that as a giving them the option whereas now it's very specified.

>> Morrison: Absolutely not. It was always waived. I was there at the negotiations and

--

[14:56:38]

[multiple voices]

>> as was i.

>> Morrison: Excuse me. If they were interpreting it as an option, they were interpreting it incorrectly.

>> I just think there's a difference of opinion about that.

>> Morrison: It says it shall be waived. Mr. Shots can you talk to that point? The original language says that the parking study shall be waived. Did you take that to mean that you could waive it? Or that it would be waived. It was required to be waived?

>> Good evening, mayor, councilmembers, gary shots, assistant director austin transportation department and city traffic engineer. My interpretation of the vmu ordinance regarding residential permit parking is that any requirements for a traffic study would be waived at the city

traffic engineer did not have a choice, but would grant r. Pp without study.

>> Morrison: I'm glad to hear that, thank you. So the replacement language that you had suggested in number 2, there was there was a specific study listed and you changed it but just said requirements for conducting parking studies shall be waived, can you speak a little bit to why that, why you would have suggested that because that was a recommendation that came from staff.

>> Yes, ma'am. The ordinance as it is currently written refers to

-- to a

-- an administrative process associated with

-- with determining residential permit parking, which has been revised. That referred to at that time we would do a traffic study of the street that simply looked for occupancy along the street.

If there were 50 spaces, we looked for 75% of those to be occupied and we said okay that's

qualifies for residential permanent parking. We went back and take a look at that based on input

from stakeholders who said well you didn't determine really who those people were. What if that

-- all of those people parked along their were residents and then you just granted rpp without any analysis of that. So we revised our

-- the residential permit parking process for non-vmu areas to require a parking study that looked at total occupancy but also looked at license plates to determine who truly was parking there,

were they residents, were they non-residents. That process doesn't apply in vmu under the

existing ordinance because the study is waived. So it was a cleanup suggested that the ordinance

not refer to an administrative process, that the ordinance says here is the guidance and the

administrative process would be framed following that guidance.

[14:59:19]

>> Morrison: Frankly, it's just trying to make it more systemically viable as a document that it should be more general. I also want to ask about msiscernible] brought up the issue

-- ms. Meade brought up the issue about

-- maybe this isn't really so much of a question it's a comment. The issue of well heck there are

residential areas that can have expedited vmu, even though there are no vmu buildings there. I

really need to remind people that in 2007 when this came to the council for approval, with

consensus, an absolute critical piece of that consensus was that piece of

-- of the ordinance. And it was specifically put in there at the request of south austin neighbors. If

we're going to have a whole other conversation about whether that needs to be changed, then

-- than was in the whole discussion of south congress parking, that's fine. But that needs to stay

in there, I'm very worried about us, you know, we lose some

-- some institutional memory and some history. And people that have spent hours at the table and

have made compromises, you know, three years down the road, we forget about those and we

sort of rip those apart. It's really important that we not do that. [One moment please for change in

captioners] so I really would hate to see that get unraveled. Anyways, gary, I thank you for your

work in looking at this and trying to get it cleaned up. I think it's big.

[15:01:39]

[Applause]

>> mayor.

>> Mayor leffingwell: Council member riley.

>> Riley: Gary, sorry to bring you back. I just want to make sure i understand. Are you sayin currently expedited review means no occupancy study? What is the current practice?

>> The current practice, a request originates from a person who lives on a requested street segment. We had a conversation with them regarding the desired days and times that residential apartments would be in effect. If they are in an vmu area and there are properties that have opted in, we do not conduct a study.

>> Riley: What does code provide with respect to an occupancy study?

>> Code says that occupancy studies are waived.

>> Riley: Automatically waived?

>> Yes, sir.

>> Riley: In connection with expedited review?

>> Yes, sir. What we do and south congress has been a good opportunity for us is take what we know, what we see, what adjacent streets there have in terms of times of day and days of week and look at least restricted of what would best mitigate or if there were a study a documented issue, so we had people who asked for 24/7rpp and we said, we aren't doing that. That's not appropriate. That street needs to serve a lot of masters so what we have looked for is what could we live with? Instead of 24/7, how about 11:00 a.M. To 8:00 p.M. Or something like that? And we've worked that agreement in advance of issuing an evidence and support petition to the requester so that when the evidence and support petition does go out, here are the times, here are the days, staff has agreed to the request that these are appropriate and they going forward together in 2/3 support and that goes to the neighborhood association for endorsement. It comes us us. In two weeks, we are making sure the petition is bona fide and we call randomly, did you sign this? Yes, it is valid and six weeks after that, we are installing signs and issuing permits.
[15:04:08]

>> Riley: Okay. And your judgment, the

-- that process is working fine and

-- and currently the

-- and how would the

-- how will the opposed amendments affect the way you do your business?

>> Proposed amendments do change an aspect relative to the petitioning. In the current language it refers to only residential units are included in the petition. We ran into the issue on south congress, where along one street was a church that had been there a long time. The pastor asked simply, why aren't we included in the petition? Because you were specifically excluded from the petition. Folks didn't like that aspect. We didn't think it was an intentional thing to the ordinance but we would rather be inclusive, so what we have done in our administrative processes is require all properties along a requested street to be contacted and granted multifamily units of more than 6 units are excluded from getting rpp, they should be adequately parked on site. They are notified nevertheless, and then we even included on those petitions, instead of two-thirds, we looked for 60% across the city, so we looked for the strong majority, still looking for a way to say yes and instead of two-thirds using 60%, we found from a lot of people because we were adding the

-- for example, we wanted license plate information. We didn't want the petitioning to seem onerous with little return on investment so going from 6 two-thirds to 60% seems like an appropriate balance in asking a little bit more of our requesters.

>> Riley: Thanks.

>> Mayor leffingwell: Council member martinez

-- morrison.

>> Morrison: That is twice today. I wanted to comment. I think that the changes that you all have made administratively in terms of the way you are working this in being proactive with the folks that are thinking about putting in rpp and trying to pull together a reasonable approach to it before they go out and do the work is really productive. I want to mention that and i think those are good improvements. Appreciate your work on it.

[15:06:34]

>> Mayor leffingwell: Well, that's all the speakers that we have. Entertain a motion on item number 88. Council member morrison.

>> Morrison: I think what i will do is move that

-- actually, could I get some help from george? If I wanted to start with something and then just deal with the two issues, the transit and suburban roadways, would it be best to adopt planning recommendation or staff recommendation?

>> I think I would start with planning commission recommendation.

>> Morrison: I make a motion that we adopt planning commission recommendation and foresee there might be some amendments.

>> Mayor leffingwell: Motion by council member morrison to close the public hearing and approve the planning commission recommendation. Is there a second? Second by council member spelman. Council member morrison, did you

--

>> Morrison: I wonder if council member riley has a motion on@ suburban roadways. Good, I would love to hear it.

>> Mayor leffingwell: Council member riley.

>> Riley: As I indicated, i am a little troubled about leaving no limits at all on the block banks in the residential rollment on suburban roadways, and the planning commission, as to why that's exactly a particular concern and that has do with the possibility

-- it has do in part with the possibility that it would limit the ability of these developments to evolve in the future. For instance if you have a huge tract development that is exclusively residential, if it some point in the future you want to add some different uses, than having smaller blocks is very important to be able do that. It is much easier to adieuses when you have a smaller blocks. Add uses and it is also important to the stakeholders as well and so I worked on this, the back of this sheet here, it would action section 2.2.5.1 the language you see there, sidewalks and pedestrian paths are required on all sidewalks and protecting amenity and in circulation where vehicular traffic is required. No blockhall exceed 27 linear feet or 100% of the maximum length on any given side and that would simply try to put some reasonable limit on the maximum size of the blocks there. It's still a very large block if you go all the way up to 2700 linear feet or 150%, but at least it puts some limit on it, and preserves some degree of walkability and some possibility of

-- of evolution of uses in the future.

[15:09:32]

>> Mayor leffingwell: Could I ask you w the upper limit on the length of a block.

>> Riley: Under current proposal, there would be no limit in these developments and this would

put the limit of 2700 linear feet on the parameter or 150% of the maximum length on either side. Are you asking what is the general limit?

>> Mayor leffingwell: No, no, I was asking what your proposed upper limit is.

>> Riley: Yes. It is

--

>> mayor leffingwell: 2700 feet.

>> For the perimeter or 100% of the maximum length on any given side.

>> Mayor leffingwell: What does that mean?

>> Riley: On any one side, it could be up to 150% of the length that those generally allow them

--

>> mayor leffingwell: The length of the side?

>> Riley: George, can you help us with that?

>> The way I would interpret that is you look at the longest side of the block and 150% would be defined by that, so if you had a 500-foot length side was your longest, that 750 would be the 100

-- the maximum size of that.

>> Mayor leffingwell: That would be the maximum size of any block in

--

>> do you have an extra copy of the language?

>> Mayor leffingwell: Maybe I have it here. No, that's not it.

>> Riley: And we actually worked with ms. Meade in developing this idea and if there are still questions about it, we could get her to

-- hear her thoughts on that. George, is it clear enough on you or would you like some elaboration on that

>> it might be good to have clarity.

>> Mikhail, can you tell us exactly what you had in mind with that language?

>> Mayor leffingwell: I am glad somebody else has trouble understanding that, besides me.

>> And I will really butcher it, council member, because that was done

-- that was part of the discussions but Steve Oliver and Richard Weiss sort of created

-- it was their brain child but I think that's exactly what George said, is you would take the longest side of the given block and you could not exceed 100

-- no other side could exceed 150% of that linear feet

-- that number of linear feet. So it really is sort of, you know, depends on what block you are talking about. There is not like a set number, but your maximum would be

-- the 2700 for your entire perimeter plus to further sort of restrict you, you also could not make any side longer than 150 percent of the longest side length.

[15:12:28]

>> Mayor leffingwell: Longest side. Okay.

>> So to really almost put a

-- you've got one restriction but because you have funky topography and that might create a strange block, they added that other restriction on top of it. So not only can you not exceed that total but you couldn't have a block with a very

-- two very long side and then a short side.

>> Riley: The only way I can make sense of it is, I assume when I read it, it referenced 150% of the standard block size. We were allowing 50% over the standard block size. So that's a lot easier for me to understand.

>> I don't know that there is a maximum

--

>> there are

--

>>

-- standard.

>> In the current code, the block lengths are generally 330 by 660. There are provisions for larger ones but that's the typical standard.

>> I think they were thinking in that language that

-- they were thinking about the abnormal lot, not the standard. The abnormal block.

>> Riley: And

-- and if we can't get certainty on that, mayor, I would be fine with just setting maximum perimeter of 2700 linear feet and punting the rest and I agree that is confusing language and i apologize

-- I thought there was more certainty to it than that and apparently there is not. So let me

-- I could

--

>> mayor leffingwell: Just restate your proposed amendment. >>: Looks like council member morrison has a suggestion to make.

>> Morrison: No, I don't, i wanted to

--

>> Riley: I was going to address by putting a period after 2700 linear feet.

>> Mayor leffingwell: Okay, maximum block length, 2700 feet.

>> Riley: No, maximum perimeter measurement of 2700 linear feet and certainly if we come up with another provision regarding maximum length of block height, we can look at that. All of these things will be looked at in the course of the code rewrite anyway but anyway, we would include a maximum perimeter of 2700 square feet.

[15:14:41]

>> Does that sound good to you, george? I am fine with that and I am glad to know steve and richard have been working on this. It is a main driver.

>> Riley: Very collaborative.

>> Mayor leffingwell: So the maker, do you accept that, council member spelman, do you accept that? Okay. What is next? Council member riley.

>> Riley: I would like to offer an amendment if i could, regarding lighting. And I mentioned this before in

-- in the discussion with mr. Shoe. Currently section 2..5 f on nonconforming lighting provides that all fixtures lawfully installed prior to and operable on the effective date of this chapter are exempt of all requirements until january 1, 2015, at which time they will be subject and shall be considered con con forming. I

-- nonconforming. I heard from a lot of people there is a wide concern that as of january 1, 2015, many, many lights, if not the majority of lights that are sunt to this provision will become nonconforming and i also heard that there is a widely shared recognition at there needs to be a lot more work on the lighting provisions so my suggestion would be that we simply delete that section, 2.5f on nonconforming lighting with the expectation that there will be continued work on the lighting provisions in the course of the code rewrite.

>> Mayor leffingwell: Okay. Council member morrison and spelman.
>> Morrison: If I could just ask a question. So let's say one of the lighting fixtures becomes nonnonconforming. Then what happens if the lightbulb burns out, can you not replace it? What kind of situation does it put u in?
>> With the current language, the potential is that we have many, many lighting fixtures throughout the city that were installed prior to the effective date of subchapter e prior to 2007 and those would become nonconforming and would need to be replaced.
[15:16:51]

>> Morrison: But they wouldn't have to be replaced until they would have to be replaced. Right?
>> That's correct. Yeah.
>> Morrison: And so then when they
-- what would lead to them, quote, having to be replaced? I am just trying to get an idea from
-- say I own a wal-mart and I have lots and lots of lights around my parking lot, for instance. What happens
-- and they are all nonconforming. What happens on january 1, 2015? Nothing, right.
>> One potential would be if any type of activity on the site could trigger the upgrade of those lighting
-- of those light fixtures, any kind of development activity. It
-- so I think it's the
-- the concern that I have heard is just the potential scope of that level of nonconformity, because we are probably talking about a very large percentage of the city that has lighting that was installed prior to the effective date.
>> Morrison: So if we want to move toward
-- if we want to move toward a goal of better lighting in this town, whatter
-- what are some other mechanisms to
-- to really move toward that path and start getting them switched out?
>> The
-- you know, currently, as new development comes in, it is subject to the new lighting requirements and so that
-- that is significant improvement over, you know, the standard that we had in the past. So that is moving us in the right direction.
>> Morrison: I guess I could accept it with the understanding that in the coming discussions, are you really going to be talking about this during the land development code rewrite?
>> My thoughts
-- we have met with stakeholders, lighting professionals for a long time on this issue leading up to it and we had hoped to roll what I call the bigger fix into this set of amendments. We couldn't quite get through that material and get that, you know, incorporated into this set of amendments. I think we@ can continue that discussion and try to flush that out, you know, in the current time frame. Frankly it is a very technical discussion and i am not sure that we want to eat up a lot of our consultant's time with that when we can do it as kind of A CONCURbENT PROCESS.
[15:19:25]

>> Morrison: Okay so any case, it sound like you expect to have it done within a year and a half. Is that correct?
>> We would like to get it done soon. This has been a

-- you know, throughout the life of subchapter e, it has been one of the three or four most problematic areas to deal with.

>> Morrison: I guess I don't want it to be January 1, 19

-- excuse me, 2018, and we are still talking about it so if we can get some sort of balance around where we are going to be able to take care of it in a big way.

>> Our schedule for the code rewrite is mid to late 2015, so ...

>> Morrison: Okay. I guess I am willing to accept that. Are you.

>> Mayor Leffingwell: Okay. That's good. Anything else?

>> Riley: I think

-- I know there is

-- there is

-- I am expecting some interest in amendment with respect to transit plazas and I think

-- if we could, I would like to ask one question from Mr. Shoe. I think he

-- Mr. Shoe, can I ask you about the perspective of the AIA on this discussion about transit plaza. You saw we had a suggestion of requiring 50% of the open space to be near the transit stop. Some concern about whether that could be considered an exaction and whether we should be requiring that much space to be made public. Does AIA have a position on that discussion?

>> They do. We like the idea of the transit stations. It is about getting it to the right size. The fear is that if these spaces are overly sized and unactivated, unused and on very busy urban corridors like Burnet and Lamar, which is where they will be, they will have the exact opposite effect of their desired purpose, which is to create activity and draw interest. Instead we feel like a smaller development there connected to the larger open space at the interior of the development, where there is more programming, such as food and beverage restaurants, retail, it's probably better use. The other concern is that these large spaces, I think 6,000 square foot was an example which is approximately the size of this room, I would be guessing, placed at the very front even of a development along a street kind of takes away some of the most prime spaces we have as designers to help activate and create interest in the development and that may or may not be used and the idea behind it is not doing damage to the sort of intent.

[15:22:01]

>> Riley: Mayor, I think Mr. Shoe has stated a very legitimate concern and we've had serious issues with plazas downtown. We love have plazas but it is not a simple thing, to keep them activated all the time and there is a risk that

-- that if you don't get that just right, instead of creating a great, active destination, you have actually created a dead space that actually thwarts the objectives you are trying to serve and so one suggestion that has come up

-- and I just passed this out on the ds that we simply require that a portion of the private of open space shall to the maximum space feasible be allowed to join and enlarge the existing corridor permitted station, and then

-- as part of the same amendment, I would suggest that we go ahead and delete that last line about public access easements being required since we've heard from staff, that really isn't necessary and we know that does raise some serious concerns.

>> We did sit down with the designers and come up with the square footages through an occupancy sort of exercise. Trying to figure out what sort of size spaces would be attractive and going back to some

-- that cozy inviting spaces will be more welcoming than oversized plazas that may or may not

be welcoming.

>> Spelman: Council member Riley, except

--

>> Morrison: I am still discussing.

>> Spelman: I have a question of both Mr. Shoe and Mr. Riley. Mr. Shoe, because you happen to be there. I am looking at the text of subchapter e, this section and noticing that we have requirements for landscaped areas, which are minimum depth and width of 20 feet and minimum total area of 650 square feet. Again, use some of your 5% it has to be used in that area on open space and then you've got to have landscaped area, we have minimum size of landscaped area that makes sense. We also have a minimum size for a patio or plaza with outdoor seating areas, the same size, 20 or 20 or bigger and a minimum total area of 650 feet and play areas with amenities or equipment suitable for children. Could you comment on the genesis of that 20 by 20 or minimum of 650 square feet?

[15:24:24]

>> That's in the

-- what portion of the code is this?

>> Spelman: 2.7.3, what we are talking about for the BRT transit plazas. Comment on open space and pedestrian amenities.

>> Council member, that was language that was developed as part of an amendment that went through in 2010, I believe it was, larger open space amendment. I did not work directly on that so I can't speak specifically to those dimensions. I think that the overall goal was to make sure that there was a certain, you know, I guess critical mass or minimum so that we didn't end up with very small, unusable spaces.

>> Spelman: I think that's exactly if

-- the discussion we are having here, minimum size, there is no space too small to activate. If it is as big as this room, it will keep enormous amount of work to keep things going in that space and useful. There is some Goldilocks principle here, a just right size to start with and 650 square feet at least struck somebody in 2010 as being the right size, at least to begin with for a plaza, for outdoor seating area, for landscaped area, for a play area. Does that strike you as the right size, Mr. Shoe?

>> It strikes me as right size for open area. To me it is more about placement than size.

>> Spelman: I understand.

>> And whether or not right at the BRT is a right place for the plaza at that size and what would the uses be in that plaza. To me if we dedicate too much of the open area space to BRT plaza, then we put more emphasis on the internal open area space and when we design the open area spaces are the spaces we try to cluster gathering, retail, hospitality, coffee shops and that space is useful and activated and that's usually the goal for that. Here, it was matter of

-- instead of creating large plazas that would be potentially on both sides of the street running up and down Burnett and Lamar, to let people know there is a BRT station and it is large enough to visualize from a distance and be inviting from that station and the connectivity is what we are relying on to help tie the stations to the other uses of potentially a mixed use development.

[15:26:56]

>> Spelman: So from your point of view, minimum size would hurt the capacity to actually create usable open space?

>> A minimize size for the brt plaza?
>> Spelman: Yeah. I am trying to determine what
-- rico was suggesting minimum size of 250 square feet would be appropriate.
>> Right. We worked that language with them.
>> Spelman: You are okay with that language?
>> Yes. The language came out of aia austin.
>> Spelman: Okay. Would you
-- well, then, thank you, sir. So council member riley, given that aia has worked out minimum
language of 150 square feet 150 square feet per acre larger than one, which is a complicated way
of saying 250
-- 2250 square feet for a
-- 250 for a 6-acre look, 1,000 for 10-acre lot, that's
--
>> 2350 would be the minimum.
>> Spelman: 250 would be the minimum but I am working after the rather tortured numbers. 150
plus 100 times the number of acres greater than one. That's how you decided to describe it.
Okay. I can roll that
>> minimum of 250. From your point of view, that is minimum activatable useful space for this
purpose?
>> It does its job which first of all is the to highlight and make more useful and attractive the
brt station and connect the activated stations within the domain so.
>> Spelman: Council member riley, do you have any heartburn of creating that minimize size in
this.
>> Riley: Not at all.
>> Morrison: And are you also going to
--
>> mayor leffingwell: Council member morrison.
>> Morrison: Are you also suggesting adding the growth rate, the minimum growth rate for as
the sizes gets larger?
>> Spelman: Yes. Basically I would be adopting mr. Shoe's suggestion and incorporating that
into the words that mr. Riley sent around.
[15:28:57]

>> Morrison: So you're
-- you're actually adding the rico language here? Where it says for sites greater than one acre
where there is
-- which part of the rico language are you adopting?
>> I am not exactly sure but the part I know I want to add is a minimum of 150 square feet plus
an additional 100 square feet per acre over 1, not to exceed 1,000, so that line i would graph
-- the second sentence I would graph on to council member riley's.
>> Morrison: Okay. I will go ahead and accept this. I realize there is a lot more discussion to be
had because I think this does not achieve the vision that the sustainable communities have tossed
out there so maybe there is more work to do. My request would be that as we move forward on
working on burnet road and brt and however we can manage it with the land development code
rewrite, that we get aia to the table and help us put something together to be workable to create
these centers and gathering spaces.

>> If I might, to make sure I have the perimeters correctly. It would be minimum of 150 square feet, plus an additional 100 square feet per acre, not to exceed 1,000. Is that right?

>> Mayor leffingwell: They will get the language to you. It is printed out here, to add on to council member's riley

-- a sentence adds on.

>> Spelman: I am writing it down, mayor.

>> Mayor leffingwell: Okay.

>> And

--

>> mayor leffingwell: I am still stunned that we are getting into this level of detail on something like this. But go ahead.

>> Morrison: We are done.

>> Council member, if i might add one more suggestion, and I think this was an oversight on part, that we add a provision that this would apply only outside cbd and dmu zoning which I think mr. Zether mentioned was always his intent.

[15:31:02]

>> Spe: Absolutely.

>> Morrison: That's fine.

>> Mayor leffingwell: Okay. Is that it, council member? Anybody else have anything? So we have a motion with

-- I think it's three amendments we have so far. All agreed to is friendly. So motion is on the table as amended. All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0, all three readings.

>> Thank you.

>> Mayor leffingwell: Is this what it's like at cnu meetings? [Laughter] okay. That brings us to item 89.

>> Good evening mayor and council, leon barba, building official. Eighty-nine is recommendation to take the 12 international building code and replace that 2009 building code that we are using. We did adopt the 2009 code in june 24 and it became effective on october 1, 2010. Chapter 34 of the current

-- of the new international building code was made to adopt 2012 existing building code as it was done on previous ordinance. This code is adopted as part of the twelve international building code and applies to structures governed by this code. What this particular code does, this gives the designer flexibility, when they are doing remodels or alterations to have alternate compliance method instead of staying with a stricter international building code. Some of the significant local amendments, we have allowed new exception for small repairs of wallboard limited to 32 square feet were not part of fire assembly, firewall or she tub around. It means no building required. Dead ends to language section 2 to reflect published code, allows deadened up to 50 feet for certain occupancies. One point we were requiring 25 feet which was a design issue for some of the architects. So we

-- we softened that requirement. Ibc requirement for type b unit which is a structure for three or four units instead of four for certain occupancies. The key changes to the published code, most changes to published code are modifications and clarifications to existing language but these are key changes. All definitions are now included in chapter 2. Classification provided health care related facilities have been clarified. Amendment number fire service aca says to elevators for

applicable high rise buildings has been increased one to two where multiple elevators provided significant. Automatic sprinkler systems are where up pollstered furnitures are manufactured or displayed. And manufactures

-- good grief

-- dan, institutional, and occupancies or residential occupancies. Minimum window sill height for window height, no mar than 72 itches and a guard has been increased from 32 to 36-inches for child safety. That concludes my presentation.

[15:34:58]

>> Mayor Wynn: There are no speakers signed

--

>> mayor leffingwell: There are no speakers signed up wishing to speak so I will entertain a motion for item 89.

>> Cole: Move approval.

>> Mayor leffingwell: Mayor pro tem votes to close public hearing and approve all three readings. Council member spelman seconded. All those in favor, say aye. Opposed say no. Passes on a vote of 7-0. And that brings us to item number 90.

>> Ninety is a proposal to take the 2009 uniform mechanical code to the 2012 uniform mechanical c the 2009 was adopted on june 24 of 2010 once again. The significant changes

-- i am sorry this isn't exciting as other projects tonight.

>> Mayor leffingwell: Believe me, it is. It is.

>> Thank you, I appreciate that. Roof drainage and doors and scuttles, require roof ten feet from the edge which goes to with commercial. Eliminates need for electrical disconnect and ducts and emergency control, we add exceptions for the machinery rooms. This one is important. It requires locking caps on refrigeration

-- refridge rant ports and also set standard idronic piping to be in fittings. That concludes my presentation.

>> Mayor leffingwell: No speakers.

>> Cole: Move to close public hearing and move approval. Ayor leffingwell: Mayor pro tem has a motion to m&o approval and close public hearing second by council spelman. All those in favor, say aye. Passes on a vote of 6-0. Council member riley off the dais. Ninety-one.

>> This next item is taking us from the 2009iecc, the international international energy conservation code and we are going to the 2012 international energy conservation code. Changes to the residential and commercial provisions advance objective of the austin climate plan and austin energy plan. Residential changes moves closer to the goal established by the zero energy capable homes initiative and residential and commercial provisions are designed to reduce energy as well as peak demand. Most of the local amendments are not new and already in austin's 2009 energy code. Some of the key commercial provisions, reflective roofing, hvac, shutoff required for overhead doors, mechanical system commissioning, filtration of ventilation return air and water heater timers for groove r buildings. Some of the key residential provisions are some residential buildings are under residential provisions, considered commercial, more strictive, r15, raw insulation, a testing for envelopes and the mechanical testing assistance, greater lighting efficiency. We have limits on resistance water heating and we have greater emphasis on efficient design. That concludes my presentation.

[15:38:24]

>> Mayor leffingwell: We have a couple of speakers. Benjamin posy. Cyrus reed. Cyrus reed. Those are the speakers we have signed up. Entertain a motion on item 91. Council member spelman moves to close the public hearing, approve all three readings. Second? Second by mayor pro tem cole. Discussion? All those in favor, say aye. Aye. Opposed say no, passes on a vote of 6-0 with council member tovo off the dais. Ninety-two.

>> Item number 92 takes us from the 2009 international fire code to the 2012 international fire code. Some of the major local changes, we are asking for additional permits to support the new cross departmental special events group. Permits are to be required for carnivals and fairs, exhibits and trade shows. Clarifies all fire and hazmat emergency vents need to be reported to the fire department and a local amendment to reflect cooperative process between the fire department and transportation department related to traffic calming devices. So the major local changes, again, clarifies alarm notification requirements for balconies, clarifies underground tanks cannot be installed under buildings are impacted from structural loads from buildings. These are the major published changes. Gives us guidance on the installation power systems, voice alarm systems required for most e occupancy fire alarm systems. E would be the educational occupancy uses, installation of carbon monoxide detectors. Carbon monoxide detectors are there. And this is a local amendment requiring the city permit. For example, if you are going to do some work on an irrigation system, we are not going to require you to make this retroactive for that. It's going to depend on the permit that you pull.
[15:40:36]

>> Mayor leffingwell: Is that it?

>> That's my presentation.

>> Mayor leffingwell: Is the carbon monoxide detector, is it the same as a smoke detector?

>> No, an additional item.

>> Mayor leffingwell: Additional detector.

>> Yes, additional.

>> Mayor leffingwell: We have no speakers signed up. Council member martinez.

>> Martinez: I am going to move to close the public hearing and approve all three readings and add one amendment that the effective start date be amended to june 30th of 2013.

>> Mayor leffingwell: All right. Council member martinez moves to close the public hearing and approve on all three readings with an effective date of june 30.

>> Martinez: Also I have one more additional amendment that the fire department is asking that we insert in section 105.4.2 the second sentence after

-- it says austin fire department, the added language will be all shop

-- all shop drawings for fire sprinkler and fire alarm systems submitted to the fire department shall be accompanied by a completed fire department checklist to demonstrate the applicant has verified the completeness of the submittal.

>> Mayor leffingwell: Okay motion by council member martinez. Is there a second for that motion with two amendments to the staff recommendations?

>> Spelman: Second but a question.

>> Mayor leffingwell: Council member spelman seconds. You have the floor.

>> Spelman: I understand the need for shop drawings with the alarms with inclusion of the checklist. I get that. Why june 30?

>> Martinez: June 30 only applies to the shop drawings for the sprinkler and fire alarm systems.

>> Spelman: Okay so basically everything is the same except for shop drawings, that would be

starting june 30 be required?

>> Martinez: Yes.

>> Spelman: Got you.

>> Mayor leffingwell: All t. Further discussion? All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 6-0. Council member tovo off the dais. Ninety-three.

[15:42:48]

>> Good evening, mayor and council. My name is dan mcnabb, the division manager for building inspections. I had the privilege of providing you with an overview of the adoption of the 2012 uniform plumbing code or the presentation. We are moving from the 2009 to the 2012, 2009 was adopted on june 24, 2010. The first item that I would like to bring your attention here is the city council briefing that, if I can figure out how to work this

-- where do I point this? Sorry about that, to identify the impediments for planning the graywater working group. You all may remember that presentation and I think they had a follow-up recognition today of that particular group, which we had the opportunity to work with. There were 8 technical impediments to graywater use as directed by the council resolution

-- I won't read the resolution. The recommended addressing

-- the recommendation of addressing the 2012 uniform plumbing code and local amendments was accomplished

-- will be accomplished with the 8 technical impediments to the graywater use and then there were identified biprocess and information related impediments and those impediments a in the process of being addressed or addressed with this code adoption. The graywater of the 2012 uniform plumbing code brings and allows gravity based system under 250-gallons per day.

Graywater includes shower, bathtub, laundry, wash basins, et cetera. Also homeowners design and permitting which is cost saving and that was an impediment that was identified. No back flood protection required at the meter and language reduces number of inspections which added cost savings and was only the uses for irrigation outside of structures. Address the graywater water system design requirements allowing single zone distribution system rather than three zones which is one of the impediments identified. Change minimum to minimum requirement filled which is two inches which allowed shallow depth of parking and that also reduced costs. Allows laundry to landscape system, simple graywater distribution system may be installed in existing one or two family dwelling. And that provides a potential savings of 42-90 gallons per day and laundry graywater for irrigation use outside of structures only. There is only been the last two codes, at least an allowance for graywater design. What there code did is there is obviously a recognition across the natio for the need to reuse water. In this particular code, being the 2012 uniform plumbing code, just in the writing of that code and the code body that was involved in that process recognized that and addressed those issues, and so at the same time, we are looking at different areas that we can address the impediments that have been identified and we have been fortunate to be able to do that. I think you guys have probably

-- or council members have seen this slide before, how it identifies what the difference is with graywater, the laundry, is sustainable savings that can be accomplished by the use of graywater from bathtubs, showers and lavatories and laundry and the benefit. Of course we are in a drought, so it obviously becomes more important issue to take a look at those issues. No slide that you've seen in this course I believe is the installation for the laundry to landscape. One thing that I had looked

-- when I looked at the

-- I looked up on the internet, consumerenergy.org. I find it interesting typical family uses 16,000-gallons of per per day, the amount for laundry to landscape can be reduced by 40%, possibly saving 9600-gallons a year with a front loader washing machine and more than with an energy saving

-- 96-gallons with an energy saving front loader and 1600-gallons with a top loader which I think more and more folks are starting to use the front loader, and so that's the possible savings that have been identified. On a separate issue and separate item, one of the major issues or one of the issues have been identified with the 2012 code adoption which is an amendment, is to change the language that in section 508.4, water heaters and location of water heaters and these are storage type water heaters located in the attic. What it does is limits the capacity gallons of 17 to a water heater that can be located above in an attic environment. So

-- and the reason for that

-- what we see is see water heaters that are very old and there may be water heaters abandoned in an attic that is not designed for the weight. We are looking at 533 pounds for a 352-gallon water heater that is left in the attic area. If you multiply that times 2 or 3 over years where you have a situation where you are not designed for that, and you have a water heater that's leaking, generally, where a water heater, you know, is abandoned, there is something wrong with it. It is not working properly, it started leaking and every one of you have probably experienced the pain that's designed for a water heater. It is not designed to take the total leakage of full flow condition. It is designed to take a drip. Nevertheless, we are proposing in this local amendment and your boards have proposed in this local amendment to not allow water heaters above 17-gallons to be installed in an attic. It does not eliminate on demand water heaters from being installed in those areas which are more energy efficient and more cost savings. The last thing I would like to add on that is it costs on an average \$800 to have a water heater removed out of the attic because they have to cut out the water heater to get it out. So you have that possible damage of the water leaking, causing mold and mildew

-- mold and other issues and when you try to get the water heater out, try to remove the water heater out, you can't get it many times from the area, so you end up having to cut it out and it takes two

-- we did checking. It takes two folks trying to remove the water heater three hours. They have to cut it up, remove it in pieces. They have to pump it out first. Once they cut the top off and you have the possibility of sparks and what have you. So that's the reasoning for this and one last issue on that is in that San Antonio

-- which has adopted this particular requirement. It does allow water heaters to be located in the attic through a door where you have an occupiable area where you are opening into the area where the water heater is located so the idea is that you can move the water heater out of the closet easily to remove it when it stops working or not functioning correctly. That and I will entertain any questions.

[15:51:35]

>> Mayor Leffingwell: Okay. We do have one speaker. Harry Savio.

>> Good evening, Mayor, Council, his name is Harry Savio and I work for the Home Builders Association in Austin. We cover a 6 municipality jurisdiction and our builders create 90% of the homes in the greater metropolitan area and 75% are Austin permits. The HBA for some time has encouraged adoption of the International Codes as written. The reasons are that there are efficiencies that come with standardization. It gives all of us out of the platization of code safety

versus affordability arguments. Also there are crucial issues we feel like we have a role and dialogue where that

-- that can best be done when

-- or has been done in the past through the international code adoption process. Those arguments or that background plus cost, standardization of work practice, for example, some of the reasons we oppose the electrical code amendments that you passed this morning. Standardization is also one of the reasons why we host the region's building officials at our office quarterly to sit down and get common interpretations. Even though we recognize in some jurisdictions it will result in some increased costs to building community and I am here tonight to oppose local residential amendments to the plumbing code which will prohibit the installation of hot water heater greater than 17-gallons. Attic installation save usable floor space. They save mass. They save water. They save energy on consumption to the extent the hot water heater can be located closer to the center of the home. In my personal house, it would save about 20 feet. The argument, as you heard, is there is a problem with plumbers failing to remove used units but that issue

-- the issue of failure to remove is one that should be addressed by code, not the standards for new home construction. Also, it is a problem that we've heard about

-- we heard anecdotal information but not quantified. How often has that occurred? How many installations and does a plumber actually walk away? Finally, while the local amendments on this issue, there is no fiscal note as required by ordinance and the housing affordability impact assessment on none of the local amendments that were offered up relative to theidential code were addressed by the housing affordability impact assessment. Thank you.

[15:54:15]

>> Mayor leffingwell: Council member spelman.

>> Spelman: I have a question for you, mr. Savio. You are saying putting the water heater in the attic rather than the perimeter of the house, in your house you would save 20 feet?

>> That's correct.

>> Spelman: Approximately how much water will that amount to?

>> I am not sure I know

-- in the mornings, I run my water for about three to five minutes before I get hot water.

>> Spelman: I do the same thing.

>> Mayor leffingwell: Me, too. [Laughter]

>> Spelman: But if we have a hot water heater located by the bathroom or closer to the bathroom, in the attic, directly above the bathroom and we run it we get hot water quicker.

>> That's correct.

>> And wouldn't be wasting as much water.

>> That's correct.

>> Spelman: You are suggesting that

-- in your written communication you said typical sizes of hot water heaters are 30 and 40-gallons.

>> That's correct.

>> Spelman: How do you size it?

>> It is based on the number of bedrooms anticipated that are going to be pulled off any one hot water heater and then in those very large houses, which I have never aspired to be able to

-- been able to dream about, but there will be a secondary, which is a 17-gallon hot water heater that be mcNabb referred to. You will have a separate off

-- or remote hot water heater that will be closer to that unit. Also some of the
-- those are the kinds of houses that can afford the on demand system. I believe those costs are
about \$2,000 more than a conventional hot water heater.

>> So at guess we have a 17-gallon

--

>> the 17 is only good, for example, one bathroom. My teenage son will go through that in one
showering. [Laughter]

>> Spelman: I don't have a teenager yet but I imagine I will be in the same position in three
years. How heavy is, say, a 30-gallon hot water heater going to be?

>> I am not sure. Mr. McNabb said the 500-pound range. I wouldn't argue with that. What
happens is once you put water in them, they are heavy, and that sounds logical to me. Again, our
point there was the hot water heater does really need to be removed. That ought to be a condition
-- when you replace your hot water heater you are required to get a permit and a replacement hot
water heater has to be inspected. It had to be part of the inspection process to make sure the used
hot water heater is removed.

[15:56:40]

>> Spelman: Sure, and it is going to be harder to remove if it is a big hot water heater than a little
one.

>> Yes.

>> Spelman: Which is going to require a little more damage to somebody's house?

>> As Mr. McNabb correctly said, it involves cutting it up.

>> Spelman: How often do you have to replace a hot water heater on average?

>> Again, I am going to yield to Mr. McNabb because he has a lot more experience than I do. I
personally get 20 years of life per hot water heater.

>> Spelman: About 20 years, a useful life. That sounds about right to me. Mr. McNabb, if we
wanted to increase 17-gallons to 30-40-gallons, is there a way to be ensured a 30-40-gallon water
heater would fit comfortably on two by sixes and presuming it didn't leak, that that would be
sufficient to hold it up?

>> I think that would be a logical conclusion. However, I don't believe you will see very many
30-gallon water heaters installed in today's recovery rate, energy efficiency, you are looking at
generally, on average, for a family of two to four, a 52-gallon water heater and that heater,
generally if it's over 50 feet under the current code, as far as return pipe, which is

-- we were talking about having hot water when you

-- when they turn the valve on to have hot water, and if

-- and today's code, you

-- in today's code, you would be required to have a return pump or a situation, a piping
arrangement install idea you would have instantaneous water when you turned the water on in
the shower.

>> Spelman: I will let that be magic, rather than ask for an explanation of how you do that.

>> Yes, sir. Spelman: So one of the requirements of the plumbing code somehow is that you will
get hot water and you don't have to run it three minutes in order to get

--

[15:58:45]

>> that's correct. It is part of the energy requirement as well now. Plus you insulate the hot water, you didn't have to

-- years ago, you weren't required to do that.

>> Spelman: In your experience, how often do hot water heaters leak?

>> About every 8-10 years you have to replace

-- it depends on you live and it depend on the installation as it relates to sacrificial anode and how it reacts to the water hardness. It depend on if your water is softened. It depend on those type of issues. I mean, I would say 10 years is a good expectancy for a life expectancy out of a water heater. If you are getting 20 years, this' great.

>> Spelman: And the first indicator you need to fix if water heater is it's going to leak rather than

--

>> it stopped working or leaking and many it's leaking, many times it is too late because a water heater pan is not designed to take away a large leak. It will come down through if it's installed above the attic, it will leak through the attic, insulation and all.

>> Spelman: I understand the concern. Thank you, sir.

>> Mayor leffingwell: Okay. So 17-gallons will leak, too, right?

>> Yes, sir, but a 17-gallon water heater is not designed for a shower. It is designed for washing of hands and generally you don't see a 17-gallon water heater installed. Residential application

--

>> mayor leffingwell: I understand. Another point I wanted to make

-- you talked about if revised code,

-- the revised code provides for recirculating, saying I have to vote. Every time I turn on the hot water heater, I start any electric toothbrush which runs for two minutes and be the time I get in the water, it is hot and with the updated code, you don't have this problem. But this would require that replacement water heaters without bringing your house up to the plumbing code, you still couldn't replace an old water heater with more than

--

[16:00:59]

>> no, sir, this would be for new installations only. This is

--

>> mayor leffingwell: No installations?

>> No, sir, there is not referring

-- the language does not

-- generally in code language, when you adopt a code, it is referring to or proactive to houses or residential

-- the plumbing code is applicable to all structures, not just residential. Commercial as well. The proposed code. [One moment, please, for change in captioners]

>> one argument that we heard from mr. Savio, the installation of a new water heater requires a -- an inspection and so that inspection could entail a verification of the old water heater was removed which would avoid the need for a section, the language in section 508.4 regarding appliances and attics above ceilings. What's the flaw in that reasoning. Why wouldn't we just build

-- build into the inspection for the placement of a new water heater, a confirmation that the old water heater has been removed. Wouldn't that address the concern?

>> It's a great question. I talked to several contractors about this particular issue. Now currently

what happens is that they are requiring them to sign a release before they leave if they're not willing to pay \$800 to have a water heater removed. Now, if you're a single mom or you're a family, you know, just barely making it or, you know, paying the bills and you have a water heater go out, you're going to want hot water and then you would have a plumber come tell you that it's going to cost you \$800 to a thousand dollars to replace that water heater, just to replace it, then you're going to have another \$800 tacked on to take that water heater out. I just feel like it's a better and more efficient way to deal with it on the front end rather than.

[16:03:36]

>> Riley: I see. It affects affordability down the line. I see. Okay. Well, mayor I'm pleased that -- to provide a second for this motion. I just want to remind everybody that this -- of the significance of this one significant aspect of this is that it does incorporate amendments intended to allow for green water systems as mr. McNabb explained. Gray water systems. I want to thank everybody who served on the gray water working group, the staff who helped them and for everything that went into that. It was a lot of work. I really appreciate your coordination with them.

>> Thank you very much, i appreciate that.

>> Mayor Leffingwell: So I'm going to support the motion but that kind of shed a whole new light on it for me was that it only applied to new house, this requirement. Because otherwise well with that requirement and the simultaneous requirement of the recirculating system, i don't know why anybody would want to put any water heater in the attic, frankly. [Multiple voices]

>> I wouldn't design a house that way.

>> Mayor Leffingwell: Okay. All in favor say aye.

>> Martinez: Just for the record, I only use two table soons of water to wash my hair every day. [Laughter]

>> Mayor Leffingwell: That's what it takes to wet a damp cloth, huh? [Laughter] all in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. Councilmember

-- mayor pro tem cole moves to extend the meeting beyond 10:00. Requires a super majority to approve this. Seconded by councilmember spelman. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes 7-0. And now that leaves us with items 49 and 50. And since these items are related, council, we'll hear rather than hold two separate public comment periods, we will have one combined comment period.

[16:05:53]

>> Martinez: I appreciate that. I know there are some folks signed up for one and again the other, I just want them to understand that you are only going to get to speak once on both items. Hopefully that will cut the five hours down to two and a half.

>> Mayor Leffingwell: I'm going to go down through the list of 49, then I'll double check the list for 50, but I'm only going to call you once, whether you are on both lists you are still going to get called once. Councilmember tovo.

>> Tovo: Likewise, i noticed in looking through both lists there are different speaking configurations, some people were donating their time on one but speaking individually on the other. I hope that you will allow them an opportunity to

--

>> Mayor Leffingwell: We'll be flexible. We'll be flexible. First speaker in I moore. Welcome, you have three minutes.

>> Good evening, councilmembers and mayor. I'm still awake and I hope you are, too. I am a member of north austin civic association and a member of the austin board of realtors for the past 33 years. And I mention both things because this issue kind of relates to both. I like elements of both the resolutions regarding rental registration, but I believe that the solution is a city-wide ordinance that would require registration and inspection and enforce. By code enforcement. My neighborhood in north austin is heavily comprised of rental property. We have 72% of our housing is rental. So if the majority of those rental properties are poorly maintained, and they are, it affects the quality of life in the neighborhood. And the surrounding homeowners and tenants suffer from the lack of maintenance. And we become a magnet for crime. As part of the restore rundberg project, I heard a comment from dr. David kirk, a u.T. Sociology professor. And he said if we do not do something about the problem properties, the grant money going to the police department, which is I think three million, will largely be wasted. And I believe he is right on target. So I encourage the council to work on this issue and to come up with a good ordinance like the one that fort worth has that is well written and will include a checklist for code inspectors and a questionnaire for tenants. So thank you and I hope that you come to a great conclusion.

[16:09:01]

>> Mayor Leffingwell: Thank you. John green. Thank you councilmembers and mayor. My name is john green and I'm the current president of the north austin civic association called naca, bounded by 183 and lamar. And kramer and metric to the northwest. I am also an austin rental property owner. We want at naca to advocate for rental registration. All folks in our city deserve healthy living conditions. We have data that we've worked with the university of texas community development clinic for two studies, one done in 2009 and one that will be wrapping up this month demonstrates the effectiveness of rental registration in texas. There are multiple studies, also, ms. Moore alluded to them, fixing code violations, otherwise known as the broken window syndrome, critical for restoration, revitalization and crime reduction. Naca also captured and documented code violations this year with reports to code enforcement, pictures, letters to the owners of these distressed properties. So far we have no results and no actions to address the documented issues. Therefore we think proactive enforcement instead of a passive enforcement is needed now. We need judges that understand the code issues. Prosecutors that know how to effectively prosecute code violations and especially repeat violations that occur. This is important to naca. We need rental registration and we will petition for this until we get success and have our neighborhood revitalized and we thank you for your time.

>> Spelman: Mayor?

[16:11:04]

[Multiple voices] I won't belabor this too much. I'll ask questions very sparingly. This is important to me. You and your neighbors identified some problem properties, you took pictures, you sent your information over to codes, what did you hear back from code?

>> We got an occasional phone call as far as some follow-up, but there was never any dialogue. These calls were typically [indiscernible] work things of this nature the return phone calls. There was a lot of telephone call back and forth. But as far as the properties themselves, as far as seeing

a

-- broken windows replaced, trash in the yard, overgrown yards, we haven't seen anything substantial.

>> Spelman: If there were a notice of violation served on the landlord or manager of the property, you never heard about it.

>> Correct. Then also seems to be an issue when you call 311 and get a case number, there seems to be a systems issue between the 311 folks and code. Because when you try to track these numbers down, you end up with false or bad information. I called back on one case number that I was given it was a dog on brazos, that's not us.

>> Spelman: Different data bases and the numbers don't match.

>> That's my understanding.

>> Spelman: Thank you very much.

>> Mayor Leffingwell: Me linda sira. Shirley johnson here? Ruby [indiscernible] here. Eleanor langsdorth and susie lam, you have up 12 minutes. My name is melinda shira, a north austin civic association resident as well. I would like to speak about why a proactive registration and inspection program will help address problem properties. We know about the wood ridge issue. The balcony collapsed and dozens of tenants were displaced. After that, there was a reactive inspection, there were 84 units with 760 code violations. How did 760 code violations go unnoticed? It proved that the reactive system does not work and that we do need to be more proactive.

[16:13:51]

[Indiscernible] registration is an essential part of the emergency and non-emergency tenant relocation memos that are already in circulation from the austin code compliance department and the community development commission. There are many ways that an improved rental registration and inspection program will help protect tenants. There's a long history of hazardous conditions at wood ridge, even when it was previously called hilltop under a previous owner. There are also plenty of other neighborhoods that support a proactive rental registration, the neighbors that support or against absolutely the stealth dorms, the plans make it easy to [indiscernible] decreasing the quality of the neighborhood and decreasing affordable housing. Some supporters note that a rental registration program would be helpful in supporting the city's energy conservation audit disclosures ordinance and the city's energy efficiency codes. Our neighborhood has been very proactive and I have helped a lot recording first of all reporting code violations, saving those code violation report numbers to our own database, saving pictures that our residents have taken when reporting the code violations, asking that the issues be addressed. We have received a response maybe from one, but not a whole lot of response. We've even started a creation of a phone app to help residents report code violations. We are very serious about improving our neighborhood. Here's a specific example at 9411 grouse meadow. We reported broken windows back in february. This was the past weekend JUNE 2nd. It's been over 90 days, there are still broken windows. We think it might be time to go back for an inspection and increase fines. Grouse has a large history of code violations, buckeye items, debris, garbage left out. This was taken on a sunday. Trash pickup is on thursday. This trash will probably not be picked up because it is not properly sorted. This is the same street. Same issue here, bulky trash. There's one property owner whose name is steven tong and his wife who own four moment plexes and at least 38 in naca. Many were purchased during the foreclosure crisis. It may be time to start increasing the finally this evenings for subsequent code violations. The housing

conditions in

-- on this street are declining. You can study trends in the values of structures versus the values of land to see that that is occurring. The value of mr. Tong's building decline in value by 32% during a period that the average home sales were up by 9%. This is the same street, the same day, sunday, when trash pickup is on thursday. We have attempted to meet with mr. Tong in the past. He, you know, cleaned up one property. We've tried to contact him again and no response. This shows how crime and code violati reported. Restore redundant berg s broken window theory states that we should monitor our environments to stop further vandalism and escalation of more serious crime. That one property with the broken windows had nine offenses in only may. 69 offenses in approximately 100 yards of that one address. We are obviously very concerned. This is another address on rutland. Two broken windows, furniture and trash and another property owner who owns multiple properties. In may there were five offenses at this one address. And it looks to be a single family home. We also want to show other neighborhoods besides ours support rental registration. This is in south austin. There are illegal structures, furniture, trash. This is all on the same street. There will be several slides. There's a broken window, a tarp over the patio. A falling gutter. A fallen tree branch on a roof. A fire hydrant hidden and abandon vehicle on a bucket. Chemicals by the ac unit. Abandon vehicles and obvious debris that has not been attempted to be picked up whatsoever. We understand that there are issues that code enforcement compliance will not address and we would like to donate our own time and resources to improving our neighborhoods, all across austin. Maybe if we had a registration program we would be able to contact our property owners more efficiently andate what we can. We do want to point out that we do not want to step on the toes of good, responsible landlords. That there are ways to focus on the bad actors and, you know, be not really addressing the properties that don't have problems. We definitely want to point out that the community development clinic has done a lot of research on adjusting problem properties. And they recommend proactive tools and enforcement tools and recommend a rep tall registration program -- rental registration program and proactive property registrations. That's all that I have i really hope you all consider helping our neighborhood. We are working really, really hard. I just hope you all want to help us. Thank you very much.

[16:20:32]

>> Thank you.

[Applause]

>> Spelman: Mayor? I have a question for you. I always hate to put words in people's mouth, but i think all of us want to help you and your neighborhood and there may be some differences of opinion about how the best way to help your neighborhood. But I think everybody here wants to do that. You mentioned you started your discussion with the wood ridge apartments and talked about how what happened and we're all familiar with the caves in, the walkways. I think you mentioned there had been complaints about wood ridge in the past. Are you aware there were 18, you probably know the numbers, I actually counted 18 complaints against would ridge in the previous nine months and three findings of notices of violation filed with the landlord in the previous nine months. Codes knew about wood ridge. There had been lots of complaints over the years. They had

-- they knew this was a problem property. Nevertheless, codes did not identify that problem walkway in time to prevent it from caving in or the next walkway from caving in in front of kvue in fact. You also mentioned grouse meadow, a problem property which you know all about. Put

in a lot of complaints, still doing what it's doing. You have identified mr. Tong's properties, still doing what he's doing. Seems to me that you've been very proactive. Somebody was proactive with respect to wood ridge apartments but we're not getting any action. Seems to me the real issue is not the lack of pro activity we need somebody to be proactive, to file a complaint but you're doing that, nothing is happening then or at least we're not getting abatement of the problems quickly enough.

>> The property owners probably need to be prosecuted before
-- in municipal court or something else.

>> I don't know whether it's municipal court or building and standards commission or not, but some action needs to be taken. Seems to me it's reasonable for us to focus attention on somebody being proactive, but I want also to recognize the issue is having identified the problem property we need to do something with it, we are not doing something with it. Does that make sense to you.

[16:22:50]

>> I agree, thank you.

>> Mayor Leffingwell: Just want to follow-up because i agree with councilmember spelman. What I think he's leading up to is that with all of these limited resources isn't it better to focus those resources what we know to be the problem properties and that way be much more effective in the use of our resources rather than getting ourselves spread very thin. So it's not really a question. I just

--

>> I would like to answer that. I have thought greatly that I think a pilot program will help us figure out exactly what

-- where all of the problem properties are and do the research to figure out what it is that we need to do.

>> Mayor Leffingwell: I think we pretty well know already. We just need to do a better job of enforcement. Thank you.

>> Thank you.

>> Kathryn stark.

>> Good evening, my name is kathryn stark, I'm the executive director of the austin tenants council. Thank you for staying late to hear us. As you know, myself and my staff have probably been to most of the

-- of the problem pies. In the city of austin. The city pays us to do a rental repair program where we go out to home visits, assist in the paperwork that needs to be done to demand repairs, work with code enforcement, to try to get those repairs done. And it's an ongoing process and it's the same people all the time. I mean, some new actors come, some old actors go and sell a property. But over the 20 years that I've been there, a lot of it, steven tong, I'm well aware of him, he used to be over on sweeney, now moved his operations elsewhere. So a lot of it is the same. I don't know if the city-wide registration is a good thing or a bad thing. I think it probably will be the devil is in the details on how it's done. I have concerns that affordability might be a problem, we are having that problem already. We need to do something to speed up the enforce. Process. Against these bad actors. So that six months later we're not still dealing with the same broken window, that something has been done to affect that. That it has been cured. It's very frustrating for tenants when they come to my agency and they get our assistance in requesting repairs and it's just a really, really long process and sometimes it's

-- it's not huge amounts of money that need to be put in. If a window is broken, that's not a huge amount of money, it shouldn't take six months to get that done. So we need to look at how we can streamline the process to get this to move through to resolution much quicker. Whether that's rental registration, whether that's a judge in a court and litigators at the city, you know, there's a lot of options out there. I'm not

-- I don't know which one is right. I think we really need to look at it. But I hope we do something about this problem. Thank you.

[16:26:19]

>> Mayor Leffingwell: Thank you. William town.

>> Hello, I'm william town. I got a slide show that pretty well

-- hopefully is going to work. Okay, I live at this apartment complex in northwest hills and the things that have gone on there are pretty much kind of to me I'm

-- what I am here to support both amendments or resolutions. And enhanced, you know, proactive investigation which actually happened at my apartment complex. These pictures we had a big code enforcement investigation in july of last year and this is the conditions that are still there. This is our mailboxes. The pictures just this is my post man showing how you can just take your finger and pull the mailbox open. And we don't know how to get them to replace those mailboxes. This is a bridge that they

-- that the complex was give very much a choice of either rebuilding or either repairing or destroyin they took it down, but they left all of these cables and wires and they haven't been fined anything. When code enforcement came out, there was I think believe 150 balconies that were cited and we had our doors locked so we couldn't go out on the balcony and the walkways were cited. What the code enforcement told us, they were just trying to take care of the worst things first. However, you know, they really dragged their feet on it. Like I said, as far as i know they've never been fined anything for any of this, which is amazing. In the mean time, they've gone ahead and done other things. They have this kind of idea that they can do anything with immunity. This is a

-- impugnty. This is an electrical thing with my building that dragged me into this whole mess. Ran an electrical wire out of the box and stapled it and we're going to follow the wire here along the wooden balconies that had just been rebuilt. The day she put this up i contacted my manager, I told her please don't do this, this can't be right. I went over to home depot checked with the electricians there, they said this thing could burn down the building and i texted her. I got like text messages, you know, telling her the whole thing w dangerous. Finally, after a month of this, had gone on, I was told, this gets to another issue I would like to, you know, suggest, it's not in the resolution, but to put more enforcement into having to do with the retaliation. What happened I went

-- my

-- we were supposed to come up for our lease renewal [buzzer sounding] we were told that if we didn't leave this issue alone they were going to not renew our lease.

[16:29:41]

>> Mayor Leffingwell: Okay. Thank you, william.

>> Julie montgomery. Is steven yarik here. All right, so you have three minutes. Hi, good evening, my name is julie montgomery. And I registered on neutral for item 49 and against item no.50. I want to begin by saying i have been a policy advocate for the low income and so my

motive here is not by any means to worsen the problems that already exist for underserved communities. My primary concerns with item no.50 are the invasion of tenants privacy. I think it's extremely invasive to be collecting and cataloging every tenant's name in austin, name and address and putting them in a government database. That would then become public record. Also the mandatory unsolicited inspections, if they are done when a tenant is, you know, occupying a premise, like a dwelling, then they may not want a government inspector to come into their home. And I feel like this probably has potential consequences for any undocumented immigrants in our town that need to be considered. Also we have this fiscal year I know I was looking at the code compliance budget highlights and we have eight new code inspectors four of which will be

-- are specifically tasked for proactively enforcing multi-family code enforcement and I think we need to help those folks out and give them a chance to do their job. I do think that some of the tools in item 49 would be very useful. I like the idea of ratcheting up penalties for serious health and safety code violations. I think we need to make sure that we distinguish between, you know, somebody letting their lawn get a little too high versus a balcony about to fall down. There are serious problems out there, we need to make sure that our limited resources are targeted to those. And I also would like to ask that things like this that are going to affect more than half the city are vetted through a broader public input process. I only learned about these resolutions like five days okay. So I haven't had much time to do my research on this. I'm sure there's a lot of folks in town that would have liked to come and speak about the potential violations of tenants safety and privacy that couldn't make it on such short notice. Okay. Thanks.

[16:32:43]

>> Mayor Leffingwell: Thank you. Councilmember tovo.

>> Tovo: Thank you for raising those concerns, those are issues that we discussed actually at our work session on tuesday about tenant names and there is a revision in the resolution number 50 to address to change the language to address that concern and so the

-- so the language that I'll be proposing at the appropriate time is now says a listing of tenant names if feasible given privacy concerns. We recognize that there are privacy concerns, we also recognize that in certain situations it might help enforce occupancy, but certainly we don't want to do anything that's going to endanger people's privacy. So, you know, the resolution before us today in number 50 is asking staff to go forward and craft an ordinance and come back to us. And so that is a direction to them to see if there's a way to resolve that satisfactorily, but thank you for being here and raising that.

>> Thank you.

>> Mayor Leffingwell: I would just add, julie that your

-- your comments about process both of these resolutions merely direct the start of the process. They involve code amendments which will involve the process that you are talking about.

>> Thank you, I'm glad to hear that. I hope those processes are well published and that the -- publicized and that the staff really listens to the public.

>> Martinez: Thanks for your testimony and absolutely share your concerns about the immigrant population, but it's actually a huge motivating factor for me in wanting to use every tool that's available to us because it's largely immigrants, the represent terse in these blighted conditions that don't have a mechanism to fight or speak for themselves, my intention for this policy is to create that voice that's sorely needed in some of those areas, as you saw in the photos, they are pretty rampant around austin, this is pretty narrow focus in specific geographic areas of the city.

This is a pilot program to allow staff to come back to us, we will certainly have a fully vetted public input process and we look forward to working with you.
[16:35:00]

>> Thank you.

>> Mayor Leffingwell: [Indiscernible] [calling names]

>> mayor and council, very impressive pronunciation of my name.

>> Mayor Leffingwell: Well, what's the right version?

>> No, you hit it on the mark, andre [indiscernible]. I'm here to speak. I've been speaking with some of the folks from naca out there, with some of the housing advocates as well. I certainly share the concerns that people have brought in front of this can people or council tonight. But I also have some concerns about tailoring the resolutions to address the problems that have been most conspicuous. And in particular I really want to emphasize concerns including single family rented homes and also to consider owner occupied single family rented home. There's an unknown number of people of households in this city who are

-- that are owner occupied but that which rent either a room or an accessory structure to a roommate. Sometimes a family member. And it's not clear to me reading through the resolution whether or not owner occupied rented units would be included in the

-- in the registration program. And I would ask

-- I would ask that you

-- I would ask that owner occupied homes be specifically excluded and if there is a broader home

-- if there's a broader problem with ownner occupied rented homes, it seems that those problems would affect all owner occupied properties. And so it would be more global problem. I also wanted to echo what ms. Montgomery said about the public definition of what health standards are. Because looking at

-- looking at chapter 10.5, mouse public health regulations, that does in fact include weeds or grass more than 10 inches tall, garbage, rubbish or brush and then other unsightly, objectionable, unwholesome matters. If we're going to increase penalties or base a registration system on zoning code citations, then I think we have to be careful to hone in on what we're talking about health and safety issues so that we're not picking up people with cracking paints and with grass that may be a little too tall. That's

-- I think that about finishes me off.

[16:38:04]

>> Mayor Leffingwell: Okay. Councilmember morrison has a question for you.

>> Morrison: I just warranted to make a comment. Wanted to make a comment. I certainly agree we don't want somebody to get trapped in this net if they don't mow the lawn for a little bit. The language is really murky in terms of what's a citation and all. In fact as I understand it, I'm sure our legal department will correct me if I'm wrong, what we're talking about is you get a notice of a violation, you have 30 days to correct it. If you don't then you get a citation. So you fall under this net if you don't correct it. And you have 30 days. So I think that that gives some leeway of just, you know, the human experience of making sure that you take care of things, because i agree we don't want to overdo it. It.

>> Martinez: The other point is during our discussion tuesday at the work session, mr. Smart did talk to us about a program he implemented in fort worth and there were provisions like a plus two and above. So if you own more than two and don't have multiple violations, you're not a part

of this process. I think your suggestion of owner occupied is a worthy suggestion, coupled with councilmember spelman's resolution because if we exempt owner occupied, we still have the provision of going into multiple violate later and imposing some strict penalties and fines. So we certainly hear your concerns.

>> Thank you.

>> Mayor Leffingwell: Russ smith.

>> Thank you, mayor and council, this is a long time coming. I sent you an email this afternoon suggesting an alternate way to target apartment complexes for enforcement. And I'll leave you all to discuss that. I would like to talk about how to get compliance. The easiest way to get compliance is to hit income. If you want to get an apartment complex owner to clean up his act or her act, you shut off the income stream. There are a couple of ways to do it. One, you might -- is to have the law department look into whether a lien for fines can be attached to the rental income. The second is to

-- to take steps to shut down the building. The attorney general's office can assist you with this. If you have multiple callouts from a.P.D., If you have assaults, drug violations, gun violations, in addition to code compliance issues, the answer is to go to a judge with a petition to have the site declared a public nuisance. The onus would be on the city to find housing for the tenants because the entire facility would be shut down. But in extreme situation, that is the way to go. So there are

-- but the bottom line is in order to get a compliance, you have to shut off the income stream to the owner. And so I encourage you all to

-- to take a good look at that. Thank you.

[16:41:36]

>> Mayor Leffingwell: Steve crossland. How about brian bowers?

>> Yeah. Okay. Lisa masanna here? All right. You have up to six minutes.

>> Thank you, I'm steve crossland. I'm a real estate broker in austin. I manage rental property, my wife and I also a broker own a real estate company. I was part of the process three years ago to look at this issue and we had a lot of meetings with neighbors and other stakeholders and talked about all of the problems that are being talked about here tonight. At the end of that process, it was determined that the real problem was a lack of ability to enforce. As you've seen here from these slides tonight there's no lack of identifying problems, it's that you have an impotent code enforcement department that doesn't have the tools or ability to go out and make the corrections force the corrections on to these property owners. So I'm against mandatory rental registration for a number of reasons, but mainly it will be ineffective and I think that's the conclusion that a lot of us came to. At the end of that process three years ago, it kind of -- it kind of ended up being that, well, code needs tools. They need tools to go out and address these issues. So

-- so the best analogy that I can think of is if you were to write a computer program, no matter good of a program that is if you install it on a decrepit faulty computer or a piece of hardware, you can't expect it to run properly or accomplish what you want. If you think of your rental registration program as a program and then you're going to try to run that on top of the code setup that you currently have, it's just not going to work. Can we think of anything stupider than having city code people drive out to circle c to inspect a one-year-old rental home. All your neighborhoods that have hoas, they have their own enforcement mechanisms. In fact, most single family homes don't have problems except for certain pockets. So you could identify those

pockets, figure out a way to enforce the complaints that you do know about, and make those owners take whatever action you want. But punishing the 99% of good rental property owners by making them submit their names and addresses and tenant names and all of this into some government bureaucracy is not going to accomplish anything because code still won't have the tools and the resources that they need to go out and make the corrections to those really bad properties that are out there. Rental registration will increase rents because it will reduce the -- it will reduce the pool of rental properties that are available. We sell to investors. Part of the conversation we have with them is do you want to buy in austin, do you want to buy in another area. If we layer into that conversation, oh, yeah, austin has -- has mandatory rental registration, a lot of investors are just going to go up to leander or up to round rock and buy a rental home. You will have less supply for the family median income people who want to represent a home and save money before they buy. The other thing that came up a lot in our -- I'm going to steal a term one of the other speakers used was an annie armbrist next door tall versus quantified. How do you quantify those problems, there's too many people living in a stealth dorm, whatever you want to call it. How do you quantify too many, how do you identify an actual violation, what is a violation. If we had time we could get into all of the minutiae that we got into on the three or four however many meetings that we had with stakeholders before and you get into some real quagmires when you start trying to figure out how you are actually going to put into place whatever you think the solutions would be. There's a lot of -- of issues that I don't think have been thought through on these ordinances. If one of them was going to have to pass, I would say the closest one would be number 49. I believe that's mr. Spelman's and ms. Coles because that goes more toward giving code enforcement the tools they need to go out and start solving the problems instead of just collecting names and getting more violations. Because they can't handle the relations they have now. I think I'll stop there. [16:46:40]

[One moment please for chan in captioners]

>> mayor leffingwell: A pilot is

-- the intent is, if this works, we will go city wide. I don't think you could possibly have a registration program that was confined to certain parts of the city, it is a huge bureaucracy and anecdotally I hear in other cities it is just a nightmare. My colleagues, we are part of a listserv in all over the country. Areas with a rental registration, it is a nightmare and it does not do what it is meant to and it causes lots and lots of problems.

>> Spelman: I think council member tovo is first and you unless you want to defer.

>> Tovo: No, on item number 50, I want to speak to the intent since you referenced the intent, I want to be clear, this is for a program for geographic areas. I think mayor you said to expand it city wide but we have a resolution to ask staff to come back with an ordinance that would be a pilot program that would be located in three very specific geographic areas and as council member martinez said on tuesday that area would allow us an opportunity to see, is it effective, does it work and then to make decisions on what the future of that rental registration program should be and I just need to point out now and probably will send it out later but there are dozens of cities in texas and across the country that have registration for rentals and they operate effectively and I have some information about seattle and how they do it and there are multiple sides of this issue and we have lots of other cities that have implemented this because they think it

is an effective means of addressing some of the challenges of aging rental housing.
[16:49:33]

>> Mayor leffingwell: To be clear, when I said intent, perhaps that was inaccurate, but I would think that

-- i would think that you could not have a permanent program that was confined to parts of the city if that's not

-- if that's not illegal, it certainly raises questions about equity. If you

-- equity. If you rent over in west austin, you don't have to register your rental, if you do in east austin, you do. To me that is an untenable situation. Council member spelman.

>> Spelman: I want to point out that council member's tovo resolution and my resolution both call for a change in the code which would allow codes to better direct its attention to repeat offenders. I think that's a tool that mr. Crossland recognized was putting some new authority in the hands of codes compliance and we both agree that's something that needs to be done.

>> Mayor.

>> Mayor leffingwell: Council member martinez.

>> Martinez: As the sponsor of item 50, just to share your concerns about adding another bureaucratic layer across the city. I think we all share that concern. What we are trying to do is take some of the most problematic areas that are having the most amount of complaints that come in and focus on the areas so that we can implement something city wide that truly addresses those issues and doesn't necessarily affect every single renter in austin. That is the intention and that is the goal. So I want to make that very clear. Council member morrison.

>> Morrison: And I think it is interesting because the pilot program was put together anecdotally where we know there is a lot of issues but since then we have gotten some numbers. We have a list from staff of all of the addresses that have two or more notices of violations, for this fiscal year so far and then for last year. And the amazing thing is, when you look at

-- so these are the ones that would be

-- that are sort of the problem properties that clearly that some of them would have corrected them. But in the fiscal year, '11-'12, there were a total of 125 properties that had more than two

-- two or more. Of those, 59, 47% are in these three areas. So this says that

-- like essentially half the problem properties that we are looking at are in these three areas and then for this current year, for '13 to the current, there were 57 total and 26, which is 45%, were in these three areas, so amazingly, the anecdotal evidence has

-- amazingly the anecdotal evidence has led us to pretty impactful boundaries for this program and I think if this passes as a pilot program and if there is ever going to be a consideration of expanding it, we've got these kinds of tools to look at to allow us to target the areas and the fact of the matter is, the sponsors did a great job of figuring out what would be some good areas to target, with the help of the community who brought it to our attention.

[16:52:52]

>> Rick racronivak. Rick is not here. Signed up against. Lynn kosta adams. Okay.

>> Thank you, mayor and council, my name is lindsay kosta adams. I a member of saint david's episcopal church and part of interfaith. We are working with local leaders to find creative solution support austin families living healthy, happy lives and ensuring they have a safe place to live with dignity is very essential. I fought bed bugs, crumbling terraces and moved three times in the two years i lived in austin. About a year and a half ago I moved into a property in 78741. The balcony

-- I was on the second story. The balcony was actually falling off the wall. I could feel it move under my weight whenever I stood out on it. I only weigh 100 pounds. It is not hard for me to move

-- it is pretty difficult for me to move a balcony. The railing that prevented me and the 2 year old in the family that lived next to me from falling to the first story was actually out of the wall, the stud had been removed from the wall and nothing was being done when we told owners about it. The foundation was clearly

-- it was clearly a foundation problem. I called the city. My neighbor called the city a few times and then somebody did come out and posted on our wall

-- it is a very confusing process. You don't really hear back from people. Somebody posted on the wall, this building is deemed unsafe, warning. And I spoke to other people who have had similar concerns that spoke tonight. Then the owner sent their own person out to

-- to analyze the property. Well, they deemed it was safe. They took the warnings down and everything went forward as status quo. I called the city bac I didn't hear a response until I moved to a safer location. But there is still families living there. The balcony was the same as when I was there, and we do not need another wood ridge to happen. Even though my neighbor and I were proactive in calling, we do need some sort of solution. I think that we definitely support tovo

-- council member tovo and council er spelman's solutions. We want to be proactive in addressing concerns and also look at something city wide so more than half of austinites are renters that we've talked about before, keeping a record of those who are unresponsive to violations is a tool city staff can use to keep austin safe and keep austin beautiful. Thank you for listening to us tonight.

[16:56:06]

[Applause]

>> mayor leffingwell: Next speaker is stewart hersh. Stewart signed up against.

>> Mayor, members of the council, my name is stewart harry hersh and like most in austin, I rent. I was a code enforcement inspector when housing inspection was proactive, became complaint driven and more effective. I am here tonight to oppose both resolutions for rental registration. Some of this calm this proposed rental registration the rat, the renter of austin tax, because it is imposed on our owners, then we eventually pay it. What we need in this town -- and I think you heard it tonight is better performance measures from getting substandard properties into compliance while keeping them affordable. The building and standards collision -- and I have talked to them about this and they don't listen -- can already charge higher fines than they currently do. The city attorney can go collect those fines through the courts more rapidly. We used to do that as a business practice. We have abandoned it for reasons I cannot explain to you. We used to do this as a city and our performance measure was at 90% of complaints would be resolved in 90 days. The 90/90

standard, according to international city manager's association, we led the nation in the past. We've abandoned all of that. So the issue before you, as you've heard is we've got a lot of substandard conditions. And we have mechanisms that allow us, without any additional tools, to get all of those fixed. But we have lacked not resources but political will to reinstitute the things that used to work so that they can work again. So I am opposed to rental registration because all we have to do is go back to what we used to do effectively, and the problems that everybody will speak about tonight could go

-- could become extremely diminished and you wouldn't need to devote any more public resources to accomplish that because they would be paid for through the increased fines through the building and standards commission process. So I am suggesting that the goal of compliance is worthy of achieving but the rental registration is at cross purposes of what we need to do and I am more than happy to detail y'all that history. I used to go serve whole neighborhoods proactively about where substandard conditions were and we got them fixed and we had a whole lot less resources than the code enforcement did because we were just the division of building inspection, and you know how well they get funded. So there is a way to get from here to there without adopting either of these resolutions. I seriously ask you to look at your past, not other cities as a guidance of how do this best in Austin. Thank you very much.

[16:59:04]

>> Spelman: Mayor.

>> Mayor Leffingwell: Question for you Stewart. [Applause]

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: It sounds like this is

-- we touched a sore subject with you and you could probably go on for a long time describing what it is that we could be doing differently than what we are doing. I want you to elaborate just a little bit. What did we used to do right and what are we doing wrong?

>> We did what some of the people suggested to you tonight. We had a standardized checklist of what could be wrong. That's where you start. So every inspector is looked

-- is well trained in looking for the same thing every time. Depending on the magnitude of the violation, you gave different problems, different lengths of time to fix. If somebody's light switch was sparking you want that dealt with immediately.

>> Spelman: Right.

>> If somebody's insulation in their attic wasn't 6-inches thick, that could take a little more time. You know, so you triaged it and you sent a report, certified mail to the owner and you said, you have this many days to either fix this stuff or appeal. And if 90 days ran and they didn't respond, you were on the building standards commission agenda and you could seek 1,000 per day fines through the building standards process, which meant that if that owner didn't comply within 30 days of when their deadline was up, they owed the city \$30,000, which meant you could go to the city attorney, immediately go to collections. And when an owner is at risk of losing their rental property because of their nonperformance, you tend to get their attention. It is like hitting them over their head with a two by four. We used to do all of that. We collected over \$125,000 from a property on Riverside Drive that wouldn't comply. They ended up selling it to somebody who fixed it up right away. We got a 3 and a half million dollar judgment on a property off of 290 East, East of I-35 and forced that owner into the bankruptcy courts to, again, to convey it to somebody who fixed it up right away. The goal has to be compliance not collections. If it goes into the collections of the improvements we are better off and one thing we stopped doing is we

used to have a minimum standards permit fee that was \$25. The cost of issuing the permit. And any property owner who wanted to improve their property into compliance could work off the punch list, walk into the building inspection department, get a permit on the spot, regardless of whether they were spending \$50 or \$50,000, it's a fixed fee, and we would go inspect it after all of their stuff was done. And you didn't have to do as much complaint investigation because all the good people who mostly want to do the right thing if they were just told what it was will do that and then you only have to focus on the 5 or 10% who don't want to do the right thing and you do have to hit them over the head with a two by four because that's all they understand.
[17:02:14]

>> Spelman: Thank you, sir.

>> Thank you, sir. [Applause].

>> Mayor leffingwell: Teresa tibbs. Passing. Okay. Emily shin overt and how about christina ortiz. Here. Stacy blast, here. You signed up twice but only get window nation, so that means you have up to 9 minutes.

>> I will take it. Good evening, I am the director of government affairs and community relations for the austin board of real of thes. I want to take a few minutes to remind you of the lengthy and arduous stakeholder process we went through over three years ago regarding rental registration, specifically. There were no clear answers as to why code compliance wasn't able to enforce the current property code and were not able to identify any specific conclusions to address those issues. I want to quote specifically the code compliance director at that time, well yam rhoades to his memo to the mayor and council at the conclusion of the stakeholder process. It would be for staff to develop an efficient and cost effective program that the community could support. Therefore, ccd is developing a scope of work for the production of housing stock survey. He goes on to say that that data will be presented an their recommendations would come forward to council at the culmination of the data collection study. Unfortunately that data has not come forward to the best of my knowledge. It was not presented to you. Nor do we have the housing stock study in place currently. I am afraid that means we are prematurely considering action on an item that considers further research as dealed by your own city staff and stakeholder and community members that were involved in the yearlong stakeholder process. Further I think there were several alttives to rental registration that were identified to bring bad actors into compliance and to protect residents across the city. There is alternatives

-- those alternatives were identified in the stakeholder process and there was consensus for some of those alternatives and common ground among many community players, a variety of organizations that participated in the process. I'd ask that you take some time to consider both what we consider the ineffectiveness of rental registration but also these alive solutions as ideas that could bring some of these bad actors into compliance. Those processes, some of which you've already identified in the existing resolutions which we appreciate are the prosecution procedures and increased fines for repeat violators

>> I think both 49 and 50, you addressed the ability of city attorney's office to further enforce and bring into compliance violators by bringing them into court and not settling outside of that. We appreciate that support. Additionally we believe you can utilize utility as a backstop so the owner could not make a unit market ready. You could turn the utility off when multiple outstanding violations are in place and prevent them from further renting the unit until it was brought into compliance. We believe we could work as partner to you to increase awareness of the jp court authority, the jp court's authority to here tenant and landlord cases. We think we

could work together to increase awareness of the code compliance complaint process and you can file anonymous cases when the tenant is afraid to do so openly and we think we can work together with the council to provide better information about tenants' rights in austin as well. You could require that property owner contact information be provided on the utility application as tenants are often the most knowledgeable parties regarding the local property point of contact. Whereas someone is applying for the utility hook-up. You could ask for local point of contact in a rental unit which would not provide additional process or layer of activity out of code compliance. You are already accepting a lot of information into some sort of database in the utility and you can additionally accept this information and where you need it, ask code compliance to tap into that information to further their enforcement efforts. I think these are just some of the solutions that could work for you, and for the city of austin, to support all of the tenants' rights here. I think that the austin board of realtors believe there are viable solutions outside of rental registration and that we want to be partner to the city to address those solutions and we just ask for the time to do so in a way that is effective. We want to be able to think smartly about the solutions and to be sure that they are the best, in fact, for our community. We are very concerned about the targeting of specific neighborhoods in item 50. We are very concerned about the artificial, sort of flux that creates in the marketplace, when some portions of the community are targeted with specific regulatory proposals and other parts of the community are not. We have seen a similar line of argument against artificially lowering appraisal caps in that it sways the marketplace in a way that it creates instability and that we are concerned with. I would appreciate your careful consideration of these alternatives. I ask that you do take your time in considering the data and the information that was founded in the yearlong stakeholder process that did occur three yea ago. And I ask that you continue to work with the austin board of realtors and all of the stakeholders involved in this process to address real solutions for what we have identified as serious concerns in our community.

[17:07:58]

>> Mayor leffingwell: Thank you. [Applause]

>> mayor leffingwell: Paul yogers. Is brandy guthery here? Okay. Terry gobo. You have up to 9 minutes, paul.

>> Thank you, council. [Indiscernible] it is good to see you y'all. I am tom, president of the austin board of realtors. I am speaking in support of the concerns for the 9,000 members, and as there

-- written in their current form, we oppose items number 49 and 50. We are concerned about the proposed effectiveness

-- the effectiveness of the proposed solution to address these real problem properties. I am intimately familiar with the complexities of implementing regulations to address housing issues in my previous experience with the city. Each problem with housing has its own set of dedication
-- dedicated

-- needs its own set of dedicated thought and purposeful action without cr unintended consequences. Therefore, we believe we need greater stakeholder input and clear definition of the problems. We urge you not to rush these proposals with all respect to the good intents that blind them. The austin board of realtors is opposed to rental registration program because it is not an effective way to address the existing health

-- the threats to health and safety from repeat offenders. We believe the code enforcement staff is aware of the locations. We have seen that tonight on many of the properties with the authentic

code violations. Further we believe that the city of austin has not been aggressive enough in using their existing enforcement authority has stewart talked about to address the issues. We support the issues to prosecute violators an more contact information. We recommend the city focus resources and attention to property owners not meeting code requirements and we will continue to work to increase accountability and compliance among all property owners and property managers. I have experienced first hand many of the issues associated with rental properties in my own neighborhood. I understand the frustration expressed by many of the constituents but, again, the rental registration program will not solve those problems. Or alleviate those frustrations. Namely, collecting the names of tenants on a property will not do anything to enforce existing occupancy limits, utilizing a blanket approach that penalizes responsible owners does nothing to improve further enforcement of the code. Newly adopted regulatory measures should be aimed at providing tools to address poor actions and choices of repeat violators we believe the city is clear of. I want to be clear the austin board of realtors has work on that for a while, we have local policy issues committee and property management committee that are here tonight and they have been members of the sta process for many years. I want to be clear that the austin board of realtors does support stringent enforcement of the code where regard to legal means. With 49, we appreciate the council members to fully prosecute code violators, this is one of the solutions we believe that will address the severity of the problems we are addressing, particularly in the neighborhoods where they exist. You know where they exist. Additional alternatives were talked about inspect stakeholder process. We talked about those. We would like to continue to work with the city council and staff to include some of the mercks in the proposal to further enforce the code because we believe in promoting the integrity of the industry -- of the real industry and protecting the rights of tenants and homeowners. We are also a partner to the city by educating and promoting ethical property owners in austin. We work all segments of membership to obey to strict adherence of the realtor code of ethics and we emphasize the importance of maintaining integrity with all interactions. We are willing to educate the consumer for the reach of our membership in consumer publications with regard to tenant rights and in filing code compliance complaints. We want to encourage the community to help address the city in the marketplace with these means. We believe more time is necessary to to help the city council and staff to find the efficient means to address the issues with respect to irresponsible rental property owners. Austin needs real solutions to address blighted properties and safety issues associated with overcrowding. Austin board of realtors advocates alternative solutions identified in the yearlong registration stakeholder process as ementioned by emily. We would ask the council they delay this action and work with the stakeholders to determine a more effective approach to address health and safety from noncompliant property owners. Thank you very much for your careful consideration of this.

[17:13:19]

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Mr. Hillguessers, would it be a reasonable synopsis of what you just said that the primary concern of mayor pro tem cole's and my approach in resolution 49 is it doesn't go far enough?

>> Yes, sir, that, and instead of just

-- yes, it does not go far enough, and it includes rental registration as a component of its solution

--

>> Spelman: Although I won't take issue with you. If you want to call it rental registration, I he we call it rental registration, and we can easily remove the words if the words are the problem, but what we are trying to do is focus attention on repeat offenders.

>> Absolutely.

>> Spelman: What we did is focus attention on municipal court and less sir extent through vsc. You are talking about we can use utilities and jp courts and be focusing a lot more attention to beating the bushes to get anonymous complaints because there may be cases we don't know about yet?

>> That's correct. And also we really support what you have heard tonight from the neighbors who say they know where the problems are, and kathie and her agency does an unbelievable job of helping to find where these complaints are. We need to support that agency and that organization and continue to find ways to actually address the real problems and -- and target those resources to people who need to be held accountable for not living up to their responsibilities.

>> Spelman: I agree completely with everything you said, sir, except for the part you disagreed with the resolution, I think it is a very good start. But I do believe we need to do more. I agree with you. [Laughter]

>> Cole: I have a question of mr. Hilger.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: It is my understanding you don't really disagree with the resolution, just it doesn't go far enough. You already said that so you have to agree to that but what I hear you saying

--

>> let me be clear.

[17:15:19]

>> Mayor leffingwell: Remain silent.

>> Let me be clear about what the position of the board of realtors is, that is my responsibility. We believe rental registration is an

-- is not an effective tool and that creates issues for my members. That is the component. There was some discussion on whether you actually track the

-- and log and keep an accounting of who are the repeat violators, repeat offenders. That's what you meant by rental registration. That is not what it means to my membership. And so in that sense, I need to be clear. I don't mean to be splitting hairs, but that's the issue. That is, again, the specific issue that

-- that causes us to not be completely in favor

-- the direction you are going, we believe we will continue to be part of this process, continue provide input on how the ordinance goes, as the mayor said earlier, this is the beginning of the process, and so we

-- we look forward to continuing to define how this should go forward.

>> Cole: Thank you, mr. Higgers.

>> Thank you very much, mayor pro tem.

>> Mayor leffingwell: Betsy conway.

>> Thank you for staying late to hear all of us this evening. Good evening, mayor, good evening mayor pro tem and council members. I am kathie cunway and the 2013 chairman of austin board of realtors. And we are here tonight to make our position crystal clear to you. It's not that we don't want to support some kind of a resolution that you have, but we can't

-- we just simply can't support the 49 and 50 that you are trying to bring forward. We don't believe the rental registration process is

-- will adequately address the important issues associated with irresponsible rental property owners in the city of austin. We believe our community can find a more effective measures to address the serious issues of overcrowding, noncompliance, blighted conditions and the health and safety concerns. There has been little stakeholder review of these proposed resolutions. There is not a clear understanding of the various problems we are trying to solve, and more times necessary to allow the city council and the staff to find the most efficient means to address a variety of issues that have been identified in association with some rental properties. We support more aggressive enforcement measures aimed at repeat offenders. I think you've heard that twice from our group. Austin needs focused compliance, based solutions to address dangerous properties andy issues. Rental registration program is simply not an effective tool to address these serious concerns. We would ask that the council delay this action and work with the stakeholders to determine a more effective approach to address threats to health an noncompliant property owners and we would like to work with you there this process and hope you consider that instead of passing these two tonight. Thank you. Any questions?

[17:18:51]

>> Mayor leffingwell: Just repeat again, I think what council member spelman did to the last speaker. It says rental registration program but it is applicable to only owners of properties that repeatedly violate. Maybe a better term would be a list of violators, as opposed to.

>> Cole: Exactly.

>> Mayor leffingwell: Rental registration, because that's what it is. It is a list of violators.

>> Well, I thought mr. Hersh's comments about how they used to do it has some real solid means of solving that problem. And so I just want to recreate

-- I don't want to recreate the wheel on something that can be done in a simple manner around create a larger bureaucracy when you don't really need it if you can find a way to solve it differently than that.

>> Mayor leffingwell: I understand.

>> So we would like to be at the table to talk about that.

>> Mayor leffingwell: Thank you. Sandy eckert.

>> Good evening or almost good morning, I think. Thank you, mr. Mayor and council. My name is sandy eckhardt. I have been involved in the multifamily profession in austin for 21 years. I currently serve as president of the austin apartment association and um employed by milestone management as regional manager with milestone who currently manages over 3,000 units here in austin. I am here this evening to speak in opposition to council member tovo's resolution and to support council member spelman's resolution. The austin apartment association and myself in particular have participated in stakeholders groups with the city of austin, specifically code compliance since 2009. The history of the stakeholders' process, which was from 2009, actually to 2011 clearly revealed widespread opposition to the blanket program that council member tovo -- excuse me, tovo suggests. Okay. It unduly impacts compliant properties, adds to the aggregate cost of doing business which will impact all rent in affected areas and this is on top of recently acquired e-cash inspections, beginning of multifamily water program for irrigation and for properties to move forward in the mandatory recycling program. This is in addition to other fees and taxes we already pay. This poses a real problem for the city of austin when affordable housing is great concern for the city. On the other hand if this program is funded by the city, it

will be to taxpayers where many properties are already subject to inspections for insurance purposes, lenders, fire, h.U.D., Health and flood inspections. It is also identified through the stakeholders process that code compliance is not fully implementing existing policies and tools that needed to be done to address the bad actors and repeat offenders which i think we heard numerous times this evening. Since the stakeholders process, the austin apartment association supported code compliance staff, expansion of the fiscal year '12-'13 to hire dedicated windshield inspectors. We have provided information in support of the emergency tenant relocation program, and we seek an open door policy with all city departments. For these reasons we support council member spelman's resolution. It addresses problem properties. During the stakeholder group it was clear there were avenues available to address the repeat offenders and bad actors. It minimizes the negative impact and more accurately reflects the stakeholders' process from before. So in closing, again, i would like to say we support council member spelman's resolution as it was clearly identified of the stakeholder group as well as city of austin staff

--

[17:23:05]

[buzzer alarming] that a relative small percentage of landlords were responsible for motion health and safety code violations.

>> Mayor leffingwell: Thank you.

>> Thank you.

>> Mayor leffingwell colleen grunn. You have 3 minutes.

>> Good evening, and thank you, mayor, and council members for the opportunity to speak to you this evening. My name is colleen and I am the president elect for the austin apartment association and I have been involved in the austin multifamily industry for over 15 years today I am here to support council member spelman's resolution. As sandy discussed, the history of this issue and why we oppose a blanket resolution as mentioned in council member tovo's resolution, I would like to focus more on what we hope to see in the future with council member spelman's resolution. We would like to make sure that there is an appropriate timeline and inclusive timeline as it is difficult as you have heard previously to gather our members on a short notification to discuss different resolutions. And we would be more than happy to take part -- part of this and be active in the discussions. Proper consideration of and in harmony with already existing guidelines, such as city code, state law and city departments already in place. Clarification of existing process and the future process. Importantly, when you -- we need clear definitions. What is the difference between, you know, bad faith and bad luck? What is the difference between health and safety issues and as we've heard many times tonight, the grass being too long. How do you define a year? And the exit strategy or process for the bad actors that find themselves on this list and how do they get themselves out, what is the process or procedure for that? Again, to the mayor's point, I would love to suggest the changing of the word rental registration to list of violators, I think that would make all of us in this room with that resolution. That's it. Thank you very much for your consideration.

[17:25:20]

>> Mayor leffingwell: Thank you. Bob thompson. Is linda

-- okay, so you have up to 6 minutes.

>> Good evening, mayor, city council members. My name is bob thompson. I previously appeared before you mostly on neighborhood zoning cases, but tonight i am wearing my hat as a member of the austin apartment association. My wife and I are small rental property owners in south central austin. We own smaller properties and older properties, and those are the sorts of properties that are most affected by rental property and they are also

-- rental registration and they are the sorts of property that mostly contain affordable housing within the city. Previously a lot of attention was spent on item 51 about affordable housing, and I wish it would be appreciated that a full blown blanket rental registration program, such as resolution 50 would lead to if it were phased into the

-- across the entire city would be very detrimental to affordable housing to this city because of the cost it would impose to 90 plus% of rental property owners who are good actors and trying best to keep cost down, maintain property to a high standard and help their tenants achieve arrange affordable affordable placeto live. Let me start on positive note saying the apartment association agrees with of the whereas statements or problems that do need to be addressed. It's been mentioned that there is difficulty sometimes contacting owners and managers of the problem properties. We are all in favor of trying to construct a phone book with contact information so that these can be contacted. We are all in favor of facilitating efficient, anonymous means by which den plants can report complaints or issues that need to be tended to. We are certainly all i favor of pursuing bad actors, noncompliant owners and we have no sympathy for the difficulties which they prevent the tenants and additionally we believe the stealth dorm problems need to be pursued and cured. However, none of these problems which we agree requires a global or blanket rental registration program for their solution, a program which lumps the 90% of good actors in with a few bad actors. I know

-- let me retreat to the stealth dorm issue. I know many neighborhood associations or many neighbors across the city are concerned with stealth dorms. But there is also

-- if you look on the listservs of the anc, there is also sentiment against a global rental registration problem

-- program. And I appreciate the testimony that we heard earlier from julie montgomery and andre lumenwoodroof in that regard and I appreciate the testimony from ms. Shara about not wanting to step on the toes of the good actors which this city predominantly contains. A global

-- I should also say that emergencying the

-- that merging the stealth dorm problem into code compliant issues muddles both of these issues. That's not the way to attack curing the stealth dorm. And it's counter productive. The austin apartment association would be glad and appreciate to participe as a stakeholder in the stealth dorm initiative but we don't think that's a way to get at that problem. Global rental registration is a major burden to rental property owners. It is intrusive, disruptive, unnecessary, and rental owners use code enforcement in a way that taxpayers view irs auditors. Global rental registration is analogous to a program in which everybody in the country, every taxpayer is audited every few years and they are asked to pay for the cost of the audits. It's just not a good idea. Code enforcement resources should, instead, be focused on the problem properties as you've heard before. And affordability should be protected and not sacrificed with one more burdensome program on the backs of remember tall property owners. A couple of special concerns with resolution 50 has to do with the name collection. Many of our rental property owners would be reluctant to release names of our tenants for privacy concerns. We would be

afraid of being sued by their tenants. Many police officers, judges, exgirlfriends, et cetera do not want their addresses on a city database and I am surprised that the city department would embrace the city of austin undertaking, allowing this along those lines. In regard to the pilot program in specific geographical areas, we also would agree that creates a geographical stigma. Those rental property owners in those areas are going to be at a disadvantage in competing.
[17:31:41]

[Buzzer alarming] with other areas around the city. And I just don't think that's a good idea.

>> Mayor leffingwell: Thank you, bob. Rachel fisher. Nobody is giving up tonight.

>> [Indiscernible]

>> I think the folks that preceded me made the points better than I can, but good evening, thanks for being here so late. My name is rachel fisher and I do work for the austin apartment association. I actually want to point to a few comments that were pretty movingly made from this dais earlier in the evening about throwing out stakeholder processes that have occurred in the past, and the many hours that went into those when they took place. I am not going to speak to the issues that we were talking about then, but i think that it's fair to say in terms of the process, we are talking about a similar situation here and i personally was not involved in the stakeholder process for rental registration before. I would echo the comments that we've all already heard from the other folks in the audience, so, again, try to get out of here. Rental registration was deemed unfavorable, that was clear. I think we all agree compliance issues persist, and if we need to go back to the drawing board and have another conversation to echo other comments that were made at the risk of entering a stakeholder circus, i think that's what we need to do and that process needs to start with defining the problem, where it begins, where it ends, and what are our options for addressing it, rather than short circuiting the very important question and going straight to a possible solution and starting the conversation there. And unfortunately, it seems like that's what is happening here. In the course of about, i guess, 6 days now, we found out rental registration was coming back for a vote and julie mentioned a concern about the time frame and i understand the answer, assuring that the resolution would simply start a code amendment process and that's fine but the point is we are starting a conversation targeted as a possible solution instead of starting a conversation about what's the problem and how can we address it. That's where the stakeholder process happened last time. I would

-- I don't think it would be responsible for this body, and, again, in the context of the comments that have already been made, to throw the process out. I think everything else is really been mentioned and i would definitely echo emily and paul's comments because they did a really good job of listing out specific things that could be done. So at that, I am available for questions or I will move on with it.

[17:34:29]

>> >>Professor: Thank you.

>> Thanks.

>> Mayor leffingwell: Monica guzman. Monica guzman. Is apparently here. W about mercedes? You have 3 minutes.

>> Thank you for extending past 10:00 p.M. I am sure we all would like to go home, and speaking of our homes, like I did earlier, I think the concept of a rental registration is great, both of them. I support council member tovo's proposal. I think for a pilot program, it probably needs to go longer than a year. Not everything can be solved in a year. I also can appreciate limiting

certain areas but i think there may need to be other areas with maybe smaller pockets that need to be included. I, too, am on the amc message board and there are some of us on there that support this, and there are some that don't support it. I have heard people talk about tenant information in government databases and i am like, okay. It is already out there for the day we were born probably. So it is nothing new. My understanding this is about the property owners. Not the tenants. Essentially repeat what everybody said. Need to be proactive. There is the broken window for lot of fee, longer broken window goes unattended, the more likely you will see more vandalism. I see apartment complexes every day including my own that need repairs. I have had my own issues with code compliance and i still need to address those but I will go through them directly for that. There is also

-- it amounts to an ounce of prevention is worth a pound of cure. You invest whatever is necessary, reasonable to take care of those issues and it is going to save everybody a lot of money somewhere down the line and it ensures people have safe homes to live in or when there is a need for repairs, they are taken care of on a timely basis. When they are not, there is someone who can contact to get it taken care of, whether it is the austin tenant's council, code compliance or coming down here, sitting all night to speak to all of you. Basically I am going to at dress some other things i heard. Someone was talking about shutting down buildings when there is not compliance from the owners. That's certainly not conducive to the tenants. I think there needs to be a time frame on that. Too many tenants already had to deal with emergency displacement and that's unfortunate because it also shakes up their entire lives, for them, their families and children. I am very active in the education community. I have seen what happened to the tenants of the shoreline apartments. I have seen what it did to their children who are attending sanchez. And a lot of people don't realize is affordable housing, or housing affordability cuts across many lines. It provides them hopefully close access to education, employment, sustainable food supplies, grocery stores or farmer markets, anywhere inbetween. [17:37:53]

[Buzzer alarming] too many things come into play. Thank you.

>> Mayor leffingwell: Thank you. Brian mcgiveronn.

>> I like the phonetic spelling of my name on the screen. Good evening, I am only going to talk to you for a moment. I am an attorney with the texas civil rights project and also a member of saint david's episcopal church which is part of interfaith austin. I came here to talk to you because of my personal experience with this issue. A large part of it became when I was representing tenants and former tenants of the woodridge apartment complex after their balconies fell, and the experience representing many other tenants and similarly heart wrenching conditions, terrible conditions. I am talking about the elderly, I am talking about children, I am talking about the disabled. Many people. Based on this personal experience, I am really delighted that the council is trying to do something to shake up the status quo, because clearly something is not working, and although the devil is certainly going to be in the details and there is still a lot of work between here and the finish line, I really encourage you to move full speed ahead with both of these provisions. Because frankly, people in this city, if they find themselves stuck in an apartment complex that, you know, is full of mold or has an electrical hazard or has a balcony that might fall out, many of them don't have the option of leaving. I am sure all of you know just as well as I do, there is a 97-98% occupancy rate in austin. What that means is if you leave your apartment, there is a very good chance you won't find another one in time to avoid some time period of homelessness. All right. These folks cannot go with their feet. The market is not going

to save them. The only thing that can do that is the city. Not enough has been done in the past. I appreciate your

-- that you are working to try to do something now and I am really just here to try to impress upon you the urgency of this issue. Thank you.

[17:40:28]

[Applause]

>> Tovo: Mayor.

>> Mayor leffingwell: Council member tovo.

>> Tovo: I have a question for you. You know, in looking at some of the rationale for why proactive rental registrations have been enacted in other cities, one of the things that surfaces is an interest in supporting tenants who may feel

-- may fear retaliation and may not want to speak up. Since you have worked a lot with tenants on an individual basis, I wonder if you can speak to that issue, if that has been true in your experience, that tenants may not want to call attention to conditions at their apartment, may not want to pick up the phone and call code compliance?

>> Fear of retaliation is a very real issue and for good reason, because it is very real. And I -- in circumstances like woodridge and other places where you are talking about, you know, widespread problems in a complex, landlords do retaliate. And they have a lot of tools do that. You know, they incrementally harass a person until they leave or they find a person to evict them. So it is a very real problem. It is a very real threat. I don't know if proactive registration -- I don't know how that would interact with the potential for retaliation, per se, but it IS A VERY REAL PROBLEM.

>> Tovo: The way it interacts is you have the city periodically inspecting apartments so they are -- i mean the intent is that they are the eyes on the property and can spot unsafe conditions and so you have

-- you have interaction on the part of city officials with a particular property so it's not incumbent just on tax tenants to raise those issues to the city's attention.

>> I think for the fear of retaliation and also the other factors that may go into what is causing the situation which the city is not effectively policing conditions in these complexes. Woodridge is a perfect example. By the time the city finally went in there, there were over 700 violations. I think if there are routine inspections like what you are talking about, I don't think that things could accumulate that way.

[17:42:43]

>> Tovo: Right, might catch it earlier. Thank you.

>> Spelman: Mayor. Or leffingwell: Council member spelman.

>> Spelman: Mr. Giveronn and I will print it out phonetically since it is spelled for us.

>> I answer anything that sounds close.

>> Spelman: You know the subjects better than I know but I know one thing you didn't know is how many times the inspectors had complaints from woodridge apartments before walkways caved in and how many notices of violations were filed against the apartments before the walkways caved in and they still didn't catch the walkways. They knew about woodridge and were intending a lot of time in woodridge answering or addressing complaints. I don't know how many cases got filed but this is clearly on the radar screen of our codes compliance people. They didn't need a proactive program to identify that this is a problem property but still we didn't do

anything about it and it seems to me less proactively in the woodridge case than it is having if tools to bring the problem to retribution and get appliance and get abatement of conditions. Does that sound reasonable to you?

>> Sir, respectfully, my thought is that no particular anecdotal account or certain anecdotal account is going to give us one answer on how to fix this problem. Frankly one policy reform, two policy reforms, either one of them might not be enough, they might not be enough together. We won't know until we try them. I hear what you are saying about woodridge and that there were complaints and that the structures there were not caught. It doesn't mean they wouldn't be caught somewhere else. I really appreciated some of the prior speakers comments about just being more aggressive with the tools the city has. I think it is a great idea. I think maybe you should try all three things and bring in the kitchen sink while you are at it. Things done are not right and something needs to be done. I suggest you take both of these measures -- try both of them and see what the result is.

[17:44:50]

>> Spelman: We certainly agree we need to do something. Thank you, sir.

>> Mayor Leffingwell: Joyce pullman. All right. Karen pop. [Laughter]

>> : Talked about the strain that places on tenants. Talked about the strain is places on tenants. It really does. People don't have a place to go, they can't afford the higher rents, I think this is a measure that in the long run will help affordability because it will increase the quality of the how's but in the short term it could be used to push people out without a place to go, I ask you to incorporate protections for tenants as part of this

-- as

-- this proposal. Thank you.

>> Mayor Leffingwell: Thank you.

>> Mayor?

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Ms. Pop, can you elaborate on what you think those protections would look like or other programs that have done so effectively.

>> If there are provisions in the property code in the process to find and pick costs up when attempts are forced to move that we didn't pursue with wood ridge and I never

-- i talked to people about it, but I couldn't figure out why. There may be things that are already there. But we have to be aware when properties are occupied, when code went to woodridge people were given 20 minutes to leave, that's a very impossible amount of time to figure out how to gather up your things, they had for place to leave to. So provisions have to be made in that kind of situation to have a place to go to and for simpler violations that

-- that may just accumulate and cause something to be, I guess the short answer is I don't have any specific language for you to incorporate, but I do think that it's an issue that needs to be included.

[17:47:36]

>> Tovo: If I understand what you are saying, you don't see it as an

-- such an okay stack kel that we wouldn't move forward with a

-- okay stack kel that

--

>> I think there are ways to incorporate it. That

-- there are responsibilities that landlords have, they sign leases with people, they warranted they were renting a habitable unit.

>> Tovo: So those protections would ensure that in situations where the housing has deteriorated to the point where it poses an imminent threat to health and safety imminent threat that there would be protections built into that process to assure that tenants can be accommodated somewhere else safely, that the landlord bears the responsibility for that relocation, those kind of things.

>> Right, when it's imminent and a wood ridge type of situations, code violations that aren't as threatening, but serious problems that do have to be tended to. An accumulation of those types of problems might cause an economic situation where the landlord made a decision to close the property or something.

>> Tovo: Thank you.

>> Mayor Leffingwell: All right. Carol [indiscernible] bejerky.

>> I'm going to have to give you a lesson on how to pronounce my name. Because I come here pretty frequently. But it's betgesky. It's easy to say, don't try to read it, because then you will get confused. I'm carol betgesky the director of texas roads rate pair organization to save energy. Of course I'm usually here talking about utilities and utility matters. But I am also a member of a relatively loosely knit networking group called austin women in housing, i am interested housing issues and utilities do have a veryrofound impact on the affordability issue, so I don't feel as though it's an issue that is irrelevant. I was involved a little bit in woodridge with other people here because there were problems that arose with people having to get new utility service and transferring accounts and security deposits. This afternoon, you had some speakers from oak creek who talked about the fact that they were concerned about what was going to happen to them during a construction project. And to build on what ms. [Indiscernible] was talking about recently, just before me, I do think it would be advantageous to add some language to the resolution that says that you should address a safety net and a relocation plan or a relocation protocol for people who may be displaced, you know, because of the ordinances and then that in that language we could take into account, you know, like replacement housing, utilities, security deposits and, you know, all of that other stuff and be more specific after that. So that's one addition that I would ask you to make. The other one is to look at the ecad ordinance, energy conservation audit disclosure ordinance as it relates to apartments and see if there's some way that we could also improve the implementation of that ordinance and its enforcement. And in conclusion, I would just say that I would like you to move forward and to save time and because mr. McGIVEERN DID JUST A GREAT Job of explaining why it was a good idea to move forward with these two ordinances, i would just like to also adopt his comments and that concludes my remarks.

[17:51:54]

>> Mayor Leffingwell: Thank you.

>> Tovo: Mayor?

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: While our next speaker is coming up, I want to mention our staff have been working very hard on relocation plan, working with a lot of you who are here, stakeholders from the apartment association, from our housing community, you know, a wide variety of stakeholders to come up with plans so that in the

-- in this situation where tenants need to be relocated immediately we've got a good plan in

place. So I think, I commend them for their efforts and thanks to everybody who has been participating in that.

>> Mayor Leffingwell: Brian bowers. Brian bowers. Curt cadena mitchell.

>> Hello, councilmembers, i almost got to say tgif. I'm saved by a few minutes, my name is curt michelle, I'm a member of wildflower universalist church, austin interfaith. I want to reiterate that austin interfaith supports both items 49 and 50. Our religious traditions teach us that everyone has a right to safe, sanitary and affordable housing but i want to make clear that i began working with my gone inauguration and other austin interfaith institutions on affordable housing not simply because i value affordable housing but because in the last year and a half, I have moved five times within the east riverside neighborhood. Because of rising rent prices and because I've had landlords who have been unresponsive to code violations and have run unsanitary and dangerous complexes. In one complex I moved because my sewage regularly backed up and discharged into my living quarters. In another complex I lived for two months with bed bugs before my doctor was able to diagnose it accurately and my landlord said it was my responsibility despite the infestation being throughout the entire complex and there being no violations reported to the city. I later learned later that i was the first person to report that complex for bed bug infestation. In my election complex i lived without a working air conditioner for six weeks in july and august. And that apartment also became infested with bed bugs. In that situation I rented a condo in a complex where there were many homeowners homeowners who rented out the complex. Three units below me had the infestation but it rose up, there were multiple owners within the complex and the infestation was taking place by -- we support this resolution because in my own personal exper, i search for an apartment near my church and near my work in the east riverside neighborhood. Apartment complex after apartment complex that i visited either admitted that they had bed bugs or had occasional reports to code complice for violation or were visibly unsafe. I am angry and disturbed we have allowed our housing to deteriorate to this agree. I particularly spurt a proactive approach because despite me being a master level social worker and usually having an assert voice on the issue that's are important to me I did not report this. Because first I didn't know how to report it. Then I was embarrassed and then thirdly I was afraid of retaliation from my landlord. It was not until the third time I moved due to unsanitary conditions with unresponsive landlords that I finally made a complaint to code compliance because i was tired of having to pay the cost to frequently. I believe we need to have a proactive approach because too many of my neighbors and our working families are being taken advantage of

--

[17:55:56]

[buzzer sounding]

>> Mayor Leffingwell: Okay. Steve alleman. After steve will be jolene kilbasa.

>> Good evening, mayor, mayor pro tem, councilmembers, city staff. Just real quick with regard to both item 49 and number 50, I believe that it would be helpful if in addition to directing the city manager to either initiate or consider the initiation of code amendments some additional language be added that really captures a lot of what's been said, not only legislation but having a comprehensive plan and having the city manager worm on a comprehensive plan that addresses the issues that we have heard about it tonight. I I know that's sort of I am police it, enforcement, tougher tools, but I think it needs to be clear in the resolutions themselves that really goes beyond that. Probably most of what you're including in the scope of this can be addressed by city

departments at various levels, but we've had i think very innovative ideas about rolling in austin energy and not allowing them to continue service like in an apartment complex where there's pending complaints. Going to jp court potentially or travis county district court, things that go beyond the city of austin itself. So I believe that a comp comprehensive plan can encompass a lot of ideas, go back and incorporate a lot of ideas that have come from the stakeholders process. The stakeholders process it seems is going to be going forward. There may be new additional ideas. I would ask whichever resolution that you go with, I would include comprehensive plan as an explicit requirement and directive to the city manager in going forward from today. Thank you.

>> Mayor Leffingwell Okay. Jolene killbasa.

[17:58:01]

>> Hi, let me be the first to say good morning.

>> Mayor Leffingwell: Two minutes.

>> Oh, there was somebody else who signed up to give their time to me. But anyway, I have a presentation. Hello.

>> Mayor Leffingwell: Who was the person? What was the name of the person.

>> Alleman. Almon.

>> Missing the [indiscernible] from almond.

>> Virginia?

>> Mayor Leffingwell: Okay. I don't have her on my list, but we'll start off for six minutes and

--

>> thank you, I know it's 6 minutes, I'm Jolene with the heritage neighborhood association and also the austin neighborhoods council central sector rep. And but I'm not here in those capacities, just in my capacity as somebody who has been discussing this issue with most of you councilmembers and I'm focusing mostly on stealth dorms here. But I want to address something I was one of the two people who brought rental registration to councilmember Spelman's attention three or four years ago. My recollection of the working group process and the outcome is very different from what I've heard from the people who oppose rental registration. But first to go over these slides and I'll make it brief. We do believe this proactive rental registration can help us deal with stealth dorms. It will alert landlords to their responsibilities and will provide a phone number, a basic thing to call for the good or the bad. Like hey there's a broken board in the fence. And also it would alert people, we have a lot of college students it would remind the college students of what to expect in the rental and also of good behavior. And tcad does not require a local address or local telephone number or even a name on a property. So that would help rectify that situation. With six or more unrelated adults in a stealth dorm, rental registration would clarify who is actually and legally living there. And make it clear to the leasing agent that the maximum is six unrelated adults. And it would bring a standard of health and safety to stealth dorms that's just not there right now. That's why we think the inspections, we I'm talking about the group of us that some of you have had coffee with on tuesday mornings, we think that this would be very proactive. Probably, hopefully, that rental registration and a more focused view on what's going on would present something like this. 62,000 fines assessed against 1917 david street, a stealth dorm. That money was never collected by the city, that was forgiven, hopefully it would prevent getting to that point and also losing money \$62,000. The cost of registration

would be a tiny fraction of the rents charged for stealth dorms. Each of those units rents for \$5,500. So I think the

-- I think rental registration, the fee, would be

-- would be easily absorbed in that. This resolution targets neighborhoods that have been begging for help. Including my neighborhood, heritage, hancock, northfield and so hopefully this will get enacted and my neighborhood, which is heritage is being encroached south of 30th street, those are all stealth dorms, and there's one stealth dorm, there's one residence there at the corner of rio grande and 30th where three years ago a woman and her family bought the house and three or four stealth dorms were built, four stealth dorms were built around it on rio grande and 30th. And also west 35th is heavily affected. This is northfield and this is

-- this shows at 5% of the houses there are now stealth dorm

-- documented stealth dorms. So proactive rental registration is not the answer to all of our stealth dorm problems. But it is the first step to guarantee safe and compatible housing in our neighborhoods. Thank you very much. We've circulated a petition, change.Org petition online and I will pass it off to you. Thank you.

[18:03:00]

>> Mayor Leffingwell: I found all of your donors. You actually have

-- if you need any more time, you have got nuna, is nuna zaragosa here and thomas almond. All right, thank you. Question for you, though. Councilmember morrison?

>> Morrison: Hey jolene, you said that you mentioned that your recollection of how that process went four years ago was real different. Could you real briefly share some of that with us?

>> The somewhat undiplomatic answer at 12:05 a.M., We essentially felt a little outnumbered and a little stonewalled on our concerns. It ended up being about three or four people, neighborhood activists who attended the working groups as opposed to about 30 people from -- from

-- about 20 to 30, but we felt outnumbered and that we just couldn't come to consensus on anything.

>> Morrison: You didn't feel like the [indiscernible]

>> it just wasn't a real dialogue.

>> Morrison: Thank you, good morning.

>> Mayor Leffingwell: It is good morning now. Daniel [indiscernible]

>> ward. [Indiscernible] ward. Jeff jack. Those are all of the speakers that I have signed up to speak on 49 or 50. Okay. Come on down. I will try to find you. Sometimes we miss one combining these lists. Which one did you sign up on? 49.

[18:05:01]

>> [No microphone]

>> Mayor Leffingwell: That counts, that's all that you get to do is one shot. You donated your time on 49. That's all that you have. You signed up on 49?

>> Yes, sir.

>> Mayor Leffingwell: When did you sign up?

>> Earlier today. I don't know probably about

--

>> Mayor Leffingwell: Go ahead.

>> About 2:00. Yes. Thank you, mayor and thank you councilmembers for being here so late and listening to all of the speakers tonight. I think both resolutions have merit and we need both resolutions in our tool kit. For the chronic offenders, they do need a wakeup call and to me it upgrades us from a two-by-four to a four by four. Now we can hit them a little harder with a little bigger two-by-four here. The resolution 50 to create a pilot rental registration program for targeted at neighborhoods with the most complaints, i think is a valid resolution and it has merit. The scope of that pilot should be broad enough to help confirm or validate perceptions of suppressed complaints or hidden violations. If we just say we're going to target the chronic landlords that we already know about, then we won't really get a good lay of the lapped there. But based on the results of that pilot test it could be expanded or adjusted to target other problem areas. One result of the pilot could be that we create a watch list for rentals with two or more complaints within a year. Those landlords would be required to participate in the rental registration program and subject to unannounced inspections. A proactive rental registration would help, i believe, uncover problems like poor water pressure, lack of hot water ... Electrical problems, so on, that aren't obvious from the outside of the structure. Landlords threats to terminate rental leases of tenants who complain does suppress complaints, that's a valid point. And a proactive registration program will help uncover these situations. Not only will both resolutions help improve the quality and safety of rental properties in austin, they will help save lives, reduce injuries and increase the quality of life for thousands of families. Thank you very much.

[18:07:21]

>> Mayor Leffingwell: I can't find you on the list, so would you please register with the clerk? Now that's all of the speakers that we have signed up to speak. On 49 or 50. So we'll take the items separately for discussion and motions. So first is item no.49. I will entertain a motion on item no.49. Councilmember spelman?

>> Spelman: Although there are a few people who take exception to the term rental registration, and although there were a few people who just didn't like the idea of what it was that we were -- that mayor pro tem cole and I were suggesting in 49, it seems to me the vast majority of the people in this room recognize, as we recognized we put this resolution together, that a huge percentage of the problem, in fact I can document the vast majority of the problem that we are aware of is due to bad actors, people who do not get with the program, despite repeated complaints, repeated notices of violation, repeated taking to court, going to the building standards commission they still don't quite get it and take care of their properties. What we tried to do in item 49 is to focus attention of the codes compliance officers, municipal court, the prosecutors on those people. I was a little surprised and I shouldn't have been, but i was, to find that there were a bunch of things laying on the table which I didn't take appropriately into account. There was some very good ideas put forward by the apartment association, the board of realtors, which could have been included and should be included in a more comprehensive solution even to the repeat offenders part of the problem. And like stuart hirsch i agree we need better performance measures, like the board realtors I think we need to take into account what we

can do with the utility, jps, several other things they suggested like
[18:09:35]

[indiscernible] I think we need a comprehensive plan for using the tools that we've got more effective than we have been. Like William Town I understand how tenants may reasonably be afraid to report conditions they are extremely well aware of, like Brian, I think we need a better way of dealing with retaliation to give people the opportunity to report without any concerns that they're going to be thrown out of their apartment or any of a dozen other things that landlords can do to make life difficult for people will actually be done. So I'm in the middle of a quandary. On the one hand I want to go back and rewrite this resolution so it is comprehensive and includes all of this really good stuff that I heard tonight because I want to be sure that we're making the right kind of statement and giving the right kind of directions to our code compliance office and earn else concerned with dealing with this problem. On the other hand I want to make forward progress on it, I haven't seen anything here which causes me, other than changing the word rental registration to list of bad actors, I haven't really seen anything here which causes me to think that we're on the wrong track. So I would look forward to hearing discussion from other folks regarding whether I should take this back and rewrite it or whether I should move forward.

>> Cole: Colleague, I am thinking that you can consult with legal and simply give direction to staff to begin some drafting of the items as we've laid them out to be included in the resolution.

And we can move forward tonight. And the only item that you did not list that was

-- that I heard from some of the speakers tonight was the checklist, which I thought was very useful, very new, I think Mr. Hirsch brought that up. But I specifically would like to ask staff when they bring this back to include a sample checklist and to visit with some of the stakeholders about that and give some thoughts to how that

-- I think the term was used triage to actually think of

-- of a

-- of the

-- of the possible violations that are occurring in an apartment in priority order and give people a chance to

-- to address those in that order. What I was thinking.

[18:12:07]

>> Mayor Leffingwell: I agree. I think that you could go ahead and give additional direction, sort of a checklist and considerations that should be

-- should be talked about when we go through the process of

-- of drafting an ordinance.

>> Spelman: Well, may, in that case, boy the enthusiasm of my colleague, I will move approval of item 49.

>> Cole: Second.

>> Spelman: With additional direction to staff as I described a few minutes ago and if you would like me to write it down, I'll be happy to do so.

>> Mayor Leffingwell: I think as long as you give the list to the clerk, make sure that it's got everything that you mentioned, it

-- I might not have been taking notes when you said it. Motion by councilmember Spelman to approve item 49, seconded by the mayor pro tem.

>> Cole: I have another item, I don't believe you mentioned performance measures.

>> Spelman: I started with that.

>> Cole: I missed it.

>> Mayor Leffingwell: Okay. Councilmember morrison.

>> Morrison: I'm pleased to support this motion. I think that I mentioned on tuesday, I'll retake it it real briefly in case these folks weren'tere. I have been very hesitant to support any blanket rental registration program across the city. On the other hand was certainly sensitive to all of the issues that people were bringing up. So I know we'll be talking about 50 in a minute. What I had come to seeing these originally as dueling dueling resolutions I see them as complimentary, I like the idea of going in to problems where half the problems in the city are, relatively small areas, at the same time picking up with this resolution with 49 all of the scattered bad actors. I am pleased to support this. We did talk on tuesday about language in here that talks about only addressing folks that have two citations and in fact there are other ways that people that notices of violation can

-- can play out and we got this nice fancy chart to show us because you can

-- not only can you have a notice of violation turning into a citation, it can also

-- which ends up going to municipal court, it can also not be a citation but just get taken to boards and commissions and it can also just be filed as an affidavit directly with the board. So I wonder if we could just clarify in the resolution, i don't know if you want to change language specifically or just give direction to staff that in fact it's two violations or just two notices

-- excuse me, two citations or just two notices of violation that aren't corrected in a timely manner and have follow-on action. Would that be acceptable direction?

[18:15:04]

>> I like that.

>> Morrison: Great. Is that clear? To the staff?

>> Mayor Leffingwell: Mayor pro tem?

>> Cole: Yes, that's fine.

>> Spelman: I should note our language only calls for repeat violators does not describe citations ony particular issue. If you would like me to lay out what repeat violators might be or different ways of describing repeat violators which I think is what you were getting at, i can do that.

>> Morrison: What I read, maybe I have bad language here [reading]

-- so that after the second health and safety code citation.

>> Spelman: That would be for the code amendment. The first be it resolved is the

-- my apology, I'm trying to remember where we put everything after we moved it around. The code amendment would be associated with the municipal court, which in my opinion requires a citation. But we also in the third paragraph were at least engaging the building and standards commission which does not rely on sitation

-- never mind, let's clean up the language.

>> Morrison: Okay. I do

--

>> Spelman: We cleaned up half, I will just clean up the language.

>> Morrison: Okay. I am looking specifically as the second be it furthe resolved. So I would suggest that we say the city manager is hereby directed to initiate a code amendment to create a reat offenders program so that after the second notice of violation that is not corrected within the specified time period and if I could askur legal department if they think that catches everything that we're intending. Yes. We're getting a nod. Okay. And then we strike health and safe code

citation. So we're just catching the approximate 'em that after the second notice
-- we're just catching the people ... That's not corrected within the specified time period within
one year of a given property

--

[18:17:14]

>> Spelman: I would like to maintain some distinction between the tall weeds and the falling
walkway. Health and safety violation was my code word for maintaining that distinction. If we're
going to get in the weeds of getting the words right I would like to maintain that if possible.

>> Morrison: I have another option. Two ways to capture the that is leave that be it resolved the
way it is. Add a new one directly after that that says up corrected notices of violations taken to
the buildings and standards commission in cases filed directly with municipal court by affidavit
serve equally and in combination to count toward the trigger requiring a property to be registered
with the city.

>> Spelman: That's pretty. I get chills up and down my spine. I'll accept that [laughter]

>> Morrison: We'll do that one.

>> Cole: I also accept. [Laughter]

>> Morrison: Then one question I have. I don't know what kind of timeline you are thinking
about. There is no timeline in here, is that intentional? To bring it back? Well, I was going to
suggest that the other one that number 50 has a 90 day response back to staff

-- to council. So I thought if it's feasible from staff's perspective it would be nice to align those,
assuming they both pass, but I don't know if they will. I won't assume that. So

-- and I think that if possible it would be great to take this to the community development
commission and that building and standards commission.

>> Spelman: Take the completed ordinance back to those commissions, sure.

>> Morrison: So that would be at the end an additional further resolved. The proposed program
and ordinances are to be presented to council within 90 days. And they are to be reviewed by the
community development commission and the building and standards commission prior to
presentation to the council. I can provide this. I do have one other request that

-- to consider, that is that we heard a lot of great ideas and I think it's wonderful that staff will be
able to bring back ideas about, you know, performance measures and all of that. I presume we
already do a whole lot of things and probably have checklists and things. I think when it comes
back to us, that would be really helpful for us to start with an education of us of how do we
actually do things, how is the whole process working here. So that would be helpful to get it all
in perspective. Thank you.

[18:20:01]

>> Mayor Leffingwell: Okay. All in favor of the motion say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Motion passes on a vote of 7-0. Item 50.

>> Cole: I have a quick question of staff. Karl, it late. For the pilot program in item no.49, do
you have any idea of the budget implications? I mean 50.

>> Mr. Mayor, members of the city council, I'm karl smart director of the code compliance
department. In response to the mayor pro tem's question, no, we've not done any calculations at
this point. We're just waiting to see if the resolution passes, we'll quickly get involved in that.
We will look at the ordinance as well as look at the fiscal implications.

>> Cole: Of course you don't have a fiscal note before we pass the resolution, but I'm trying to think about a pilot program to cover these neighborhoods, which I think are relatively small. But whether you would actually have to go about the business of hiring additional ftes. Do you have any thoughts on that?

>> It probably will take some additional staffing in order to implement, i suppose are you talking now about resolution 50 versus 49.

>> Yes, yes, I'm talking about the pilot program to actually do the registration in those three areas.

>> Okay. Yes, there's probably a couple of ways to do that. We could look at temporary staff since we're talking about a pilot of one year. Versus permanent ftes. We'll la at both options and bring options back to council, if that resolution passes.

>> Cole: Okay, you can't give us a sense of that now, I expect, because you're not chief acevedo. Thank you [laughter] I'm sorry. I don't have that.

[18:22:06]

>> Tovo: Mayor?

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I have a few questions, mr. Smart while you're up here. We've heard a lot of discussion about problem properties and the fact that they are often well known to members of a particular neighborhood. I just want to ask you, have you at code compliance identified all of the problem properties in the areas that are identified in our

-- resolution 50?

>> No. We have not. We do have a lot of property that have been identified, basically the department has been operating in a reactive mode. So as we get complaints, we respond to those complaints. But that doesn't necessarily mean that we've touched every property that needs to be touched. Identified all of the property that needs to be identified. That would be one of our challenges, if that resolution passes, is to

-- is to look at

-- the number of complexes that are in those areas, identify the locations, do surveys to identify those properties and maybe even do some rating of those properties, which ones are

-- are good, which ones are bad. And start a process of

-- of lookingt those properties that are in the worst shape in identifying what the violations are.

So the answer is no, not at this point. But if we are directed to do so, we will come up with the resources to look at each of the properties in those areas and identify them.

>> Tovo: So do you believe that a rental registration program would help you identify some of those properties that are not known now as problem properties but are presenting unsafe conditions for their tenants?

>> My professional opinion as it relates to rental registration that it can be a very effective tool for code compliance, it sets a standard and communicates that standard very well to property owners and to tenants so that everyone is aware of what that standard is and provides a more proactive method of actually addressing code violations. So in my professional opinion, it wo helpful.

[18:24:34]

>> Tovo: Thank you. Mayor, I would like to move approval of this item.

>> Second.

>> Mayor Leffingwell: Councilmember tovo moves approval of item 50. Seconded by councilmember martinez.

>> Tovo: I would like to start by just drawing my colleagues' attention to the yellow copy I just distributed. It includes just a few edits based on our conversation on tuesday. I believe it was councilmember morrison that pointed out that the boundaries of [indiscernible] are not identical to the north austin civic association so this resolution incorporates both so we are making sure to include all of the restore rundberg area. Then in light of the privacy concerns that the sponsors themselves identified in bringing this forward and that we've certainly heard feedback from the community that is a concern to them, too, we have added language in the last paragraph that talks about included, developing a program that would require a listing of tenant names if it's feasible given the privacy concerns, so that allows staff to research whether there's any way to get at that without running afoul of the very legitimate privacy concerns that people have raised.

>> Cole: Mayor, I have a question for councilmember tovo on that very points. Are you -- I don't understand what you mean by if feasible. Are you gng to still require a listing of tenants' name, not require that at this time or leave that within the discretion of staff.

>> Tovo: I think we need to get feedback from staff. I think it's mainly of interest when code compliance would like to enforce occupancy limits, especially in areas where there are suspected stealth dorms and a preponderance of evidence suggesting that there are more people living in a particular

-- more people

-- more unrelated people living in a particular structure than would be allowed under our occupancy codes. So there may be a way to limit it to stres with multiple bedrooms or bedrooms of a certain number. I don't know that we will be able to find a resolution to this item, but at least i would like staff to present us with some options. There may not be a solution here or any options that would also allow

-- the privacy of tenants. I believe in my research i saw some other registration programs that required some kind of tenant information to help them assess occupancy, but I think we will need to ask staff to do more research into seeing

--

[18:27:21]

>> Cole: I was very concerned about the privacy issues because of the fear of retaliation that we heard so much about, also. So on the one hand you need the information to try to correct the problem, but at the same time you don't want to go help somebody with a code compliance issue and then have them kicked out. So you're just suggesting that we let staff think about this.

>> Tovo: That's right. I share your concerns. It's just to keep it on the table.

>> Mayor Leffingwell: Let me just say that I'm not going to try to cover all of the ground that's been covered tonight, but I am not going to support this because I believe there are privacy issues that can't be overcome. I believe it's overly intrusive. I believe it's going to be overly costly. And I believe that eventually the pilot program would have to be in order to be fair would have to be cover the entire city creating a huge bureaucracy and I don't think it's a wise targeted allocation of resources that we have available now to address the problem. So I'm not going to support it.

>> Spelman: Mayor?

>> Mayor Leffingwell: I believe councilmember riley was next.

>> Councilmember spelman.

>> Spelman: I'm not going to support it either. If I were inclined to support it, I would have a

few friendly amendments. Whether they are taken or not that's not going to change my vote on this, so i won't offer them. But my primary concern about this is that it is a very broad brush and even in the most targeted neighborhoods a neighborhood is not a very targeted way of finding what amounts to a needle in a hay stack. I was tempted to make a bigger deal out of this than I will but since I did the work, I may as well pass it out. It will only take a minute. [One moment please for change in captioners]
[18:30:05]

>> Spelman: ... The number of inspections there of 198,000 envisions the following thought experiment. Let's inspect everybody, every rental unit in town. We will inspect at least once. If we wanted to do that, we would have to do 180-190,000 inspections, that's the number mayor you were looking for a while ago. That is the number of rental units in the city of austin as of the 2010 census. To do that we need 103 inspectors. I figure five a day, 362 working days a year per inspector, 198 divided by 13 is 153 people. We would not need an army but at least a company of inspectors in order to go out and do all of those inspections. If those inspections cost \$65 a piece which is more consistent with five inspections a day plus 50-dollar inspector and overhead and so on, that's about 13 million. I don't know if we were going to expect 198,000 and this is the scale we were looking at and I was looking at a way of focusing our attention of a smaller group. If we look at people we know who have violated and previous violation within a twelve month period, that would be 572 people in the fiscal year 2012 had within a one-year period received a notice of violation over the course of that year. 572 is a little less than a half an f.T.E. We can have one inspector do that in a 6 month period go through a month basis and cost \$137 more or less and it would uncover 61.2% of the subsequent notices of violations sent out. What I am getting at here the vast majority of notices of violation we send out in codes are sent out to people we already know because we already sent notatio of violations before in the last 12 months. The vast majority of our programs is bad actors and repeat offenders, and that is the most cases we know and it is almost as true as two times and three times violators and that is half the problem and five time violators you are getting to sizable part of the problem, 34% of all notices of our program are people who violated five times in the previous year. There is a tremendous concentration of this problem among a very small number of bad actors and problem properties and if we can fix those bad actors and problem properties, we would be able to fix the vast majority, I think, of our property compliance problems for the entire city of austin
[18:32:50]

>> Mayor Leffingwell: And so a bad actor focus is going to be efficient and cheap in the sense of using half f.T.E. Or another f.T.E. And something that won't cost a lot of money and it will capture the vast majority of violations we mentioned. And I think I need to couple that of a program of beating the bushes, explaining how many different ways there are to anonymously report, to work with tenants council, to work with legal aid and to neighborhood association so that even if is someone rats on your apartment, you are bad actor who ratted out, you can't blame your tenant because there are so many other people who could have actually identified you as having a violation. So there is a
-- I think this is not sufficient by itself to solve our problem but I think it means we will get to the vast majority of violations without having to hire an army of people to do it. Here is my problem with the study area focus. If we look at these proposed study areas, there are 39
-- almost 40,000 rental units in these three areas. Now, these three areas as council member

morrison, council member tovo have pointed out are the three best areas if we are trying to find violators. There are more violators in these three areas than anyplace in the city but there are 40,000 hay stack and only a few needles. To go through the 40,000 pieces of the hay stack we need 31 inspectors and \$6.2 million and we will only identify a little over half of the violations in the city. I don't think anybody is expecting we will really do 40,000 inspections. We will wind that down and there is going to be a using A WINDSHIELD SURVEY OR Citizen complaints or something to identify a portion of those 40,000 to look at but it seems to me what we are going to have to end up doing inevitably if we use it efficiently is to use complaints to use our eyes and ears to window it down to people we already know about and ultimately if we are going to be efficient about study area of focus it will amount to repeat offender focus. And value of repeat offender focus is I think it's going to be efficient and very directly targeted from the very beginning and it is city wide so nobody has to worry that we aren't in the pie lat program so we won't get special attention. You have a repeat offender in your neighborhood, you will get special attention. We don't have to figure who are going to be the winners and losers like in the pilot study and we avoid the problem that the apartment association and board of realtors identified after having difficulties of making everybody go through stuff and making everybody pay through some place to pay for inspections and so on. Let me point on one last thing. Inspection costs about \$65. The fort worth program would done, apartment owners approximately \$10 per unit. More for the first unit, less subsequent units but approximately 10 bucks a unit the z what we are talking about. Which means if we want the program to be self-funding, that means we will have six and a half times the cost relative to the money that's coming in. If we have done \$10 a unit for those 40,000 units in these three areas, we have \$400,000 to work with but it's going to cost us 2-point of million dollar -- \$2.6 million if wasn't to inspect the properties, we will or we will take \$2.2 million out of the fund and putting it in the program. I am uncomfortable with these options but more on beating the bushes to increase number of complaints and focus on repeat offenders. I think we avoid a bunch of trouble that way. Thank you, mayor.

[18:36:45]

>> Mayor leffingwell: Council member.

>> Riley: I have a question of council member spelman.

>> Mayor leffingwell: Council member riley.

>> Riley: When you were coming up with costs for inspections, are you assuming that everyone would be inspected once a year?

>> Spelman: This is a thought experiment. I am not suggesting this is actual what we would do in either of the cases or second of the two cases.

>> Riley: Come up with a number of inspectors that would be required and so the same is everybody is inspected once a year?

>> Spelman: And when i discussed this with mr. Smart on tuesday, i threw out the number of five inspections per day. He seemed to think that was a fairly reasonable number.

>> Riley: I am not sure that that is necessarily a premise that we have to accept. I know that seattle just launched a program last fall and within their rental program all rentals within ten years and subject to reinspection within five years or so and it seems like it could affect the cost to some degree. It wouldn't address everything because you have the issue of \$65 per inspection and \$10 being covered but it seems

-- I am not sure I would be ready to accept all of the numbers at face value.

>> Spelman: Actually, let me

-- I understand your concern and this is, again, not

-- not to be taking it face value, but it could be. If, for example, you wanted a seattle-like program when we were expecting everything in the proposed study areas over a ten-year period. Over a ten-year period we are going to get to everybody, divide number of inspectors by ten and it costs three inspectors in order to cover these 40,000 properties over ten year period and across on annual is 2.6 million divided by 10 or \$260,000. So it is all scalable.

>> Riley: Mayor, if I may, i certainly agree there are many questions that are raised by item 50. I am inclined to support it.

[18:38:47]

>> Mayor Leffingwell: At this point with one amendment that I've passed out on the dais if I could, and I will note, i appreciate the concerns raised about privacy but i notice of course in fixing that, it raises a grammatical issue with the last sentence of the draft, and, in fact, the amendment that I actually suggested would fix that. It simply inserting into the last line to the next to the last paragraph the new phrase so that

-- so that it would read the city manager is further directed to work with stakeholders in the course of developing the program and present an ordinance to council within 90 days. And that's based on the recognition that there are many details that are still to be worked out with respect to exactly how this program would work. At this point let me pause and see if that

-- my hope that amendment might be considered friendly. Could I ask if that would be the case?

>> Tovo: Yes, if i understand it, you are adding city manager is further added to work with stakeholders in further working with the program and fixing a grammaticalrror?

>> Riley: It works with that language, yes, yes.

>> Tovo: That's fine with me.

>> Riley: Okay. I think that will be very helpful because I think the folks we have heard from tonight and those they work with will be very helpful as we try to pull something together along these lines. As I mentioned, I do think there are many questions that are still to be resolved. Probably the principal one is the one that council member spelman focused on; and that is the cost, both to the property owners and to the city as a whole and there are a number of other questions as well. Could those costs be

-- could the program be structured to ensure that those costs are borne principally by repeat offenders and not by the good actors. How effective would the program be at addressing some of the issues that have been identified in particular stealth dorms and other issues that led to the target areas being include in the program. We need to be sure that if

-- that the program really would be effective at addressing the problems that gave rise to this suggestion and I think getting input from the stakeholders adds we pull this together will put us in a very good position to assess the recommended ordinance and consider it further when it comes back to us 90 days or so from now. These are very serious issues. We saw in compelling images here tonight and we all know the problems in the areas that are targeted in item 50 are long-standing issues that we have not managed to adequately address so i think in light after all of that, it is worth pursuing this further to see if there is a way this program could be designed to be an effective policy response to all of those issues without imposing an undo cost on both the property owners and the tenants and the city as a whole so I think it's worth looking into this further. With that amendment, I will be supporting it.

[18:41:56]

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: If council member riley is right, i hope he is, then I look forward to changing my mind and voting in favor of the subsequent ordinance. And I would suggest

-- i really appreciate the numbers you brought out here but I would suggest they don't really

-- once a year for every place in town might be a bit much but they will certainly will be a lot of places that have a lot more than one inspection a year, too, so I still think the numbers are indicative of the massive cost to this project. Council member morrison.

>> Morrison: As I mentioned, I am going to support the project and obviously there are going to be challenges and lots of work to do to be able to put it together. One of the challenges that i think some people talked about is that it is

-- to be able to address occupancy issues that go along with stealth dorms. I hope there is a way to figure that out but it does present a lot of challenges. Any case, as we discussed on tuesday, it really

-- because this is a pilot program, it really makes sense to plan ahead for how we are going to evaluate the program in the end. And we did talk about extending the length of the pilot program but I noticed the posting language says do a one-year pilot program, so what I am going to do

-- i can extend it to 18 months

-- we can't extend it to 18 months but I would like to add language that says that the

-- the city manager is directed to bring the pilot registration program for residential rental property including a plan for program evaluation and then I would like to ask

-- that would be

-- that would be an amendment, if that's acceptable. And I would like to ask that when it comes back to us, that maybe we would have the

-- it would be posted in such a way that we would have the option to make it last a year or 18 months. So that way

-- at that point we could extend it

-- make it an 18 month pilot program, run it a year and then spend six months evaluating it. I also would like to add the same amendment that we did to the previous resolution, to ask that the ordinance should be reviewed by the community development commission and the building of standards commission prior to presentation of council. Great.

[18:44:30]

>> Mayor leffingwell: Council member tovo.

>> Tovo: Thank you, mayor, and thanks, colleagues for your comments. I want to point out a couple of things and adds promised, I want

-- and as promised i want to mention a few of the studies that I think respond to the issues earlier.

The one thing I want to point out before we move on to the numbers, one, one of the assumptions upon which those numbers have been based has alreen discussed. I ran into very few programs that inspect every year. Most of them set expectations of inspecting every five years or ten years.

That may become more frequent if they have violations. The other thing is in a multiunit

apartment complex, it is my understanding that they don't go in and inspect every single

apartment complex. They inspect several and see if there is reason to go further so those

numbers, again, those are based on an inspection of every single sture and I know it has been pointed out to me and i ma'am has been pointed out

-- has been pointed out to others up here that's simply not the way it works in practice. So with

that said, i absolutely agree with those of you who said that this is not

-- this is not the only solution. I mean, this is not going to solve our issues of substandard housing in this community that poses dangers to tenants and we need to

-- that's one of the reasons i thought it was great both 49 and 50 also talk about increased enforcement and stepping up our enforcement when we have property owners who are not maintaining safe conditions and not responding quickly and coming into compliance. So will this solve all of the problems? Absolutely not. Is it a good strategy in begin to go do so? I think it is and I think the evidence of other programs bears that out. There are a couple of reports that were brought to my attention I want to highlight quickly. They were both master level reports at universities looking at proactive rental registration programs. First is

-- was done in washington. It was done looking at

-- looking at the seattle program when it was done on a pie lat program basis. It was called the housing code enforcement demonstration program. It surveyed 350 randomly selected apartment buildings and noted 78% had code violations. Of those 80% had not previously been reported to the city, so the proactive approach of looking at those apartment complexes found that 78 had code violations, many of them minor, not all serious but 80% of those had not been reported to the city including some some of the more significant violations and 10% of those violators were significant violations and violations significant risk to health and safety and they were on a bad actor list and not come in contact with code compliance. The second study I want to talk about 2003 master study of north carolina cities that had rental registration programs. I will be happy to share them with my colleagues. I had a than cancer to review them carefully. It noted in the cities, they had evidence that

-- documented evidence that showed that there was more rapid compliance with housing codes on the part of apartment complexes that had violations and that

-- and they noted this in terms of decreasing in complaint

-- significant decrease in complaint there is those cities. And another important note i noted is decrease in residential fires. For example, in 2002, ashville, north carolina reported the number of residential fires had decreased by 50% since its fu implemented its inspection program. After a low of 65 residential fires in 2002, they began to increase in 2000when the esidential inspections stopped and had gotten up to 187 by 2003. Seven. So they noticed decrease in residential fires and when the program switched from being proactive registration program to a reactive program, as we have, they noticed, again, an increase in residential fires. So I am glad to share those again, glad to share those, but I think

-- I think those limited evidence and the discussions that are happening in communities that have rental registration programs show they can be very effective because all of our problems are not in complexes or rental structures that have had existing contact with code enforcers. It will provide a proactive approach. It will help our city officials will in

-- intervene before the housing stock has seriously deteriorated and everybody in this community has a right to safe housing. I know we all share that goal of making sure that our housing in this community is as safe as possible. So I think there was one point I wanted to make here. Yeah, I do, actually. We talked about woodridge and las palmos or some of you have in the emails and i want to mention two other emails that someone mentioned when they wrote to us. First happened february 9, 2011 where two individuals died from gas poisoning in a southeast austin duple. Again, code compliance, this was not on

-- this was not a duplex that was on their radar. It had been illegal converted into 16 three bedroom apartments and had done so that was not compliant and posed such a significant threat

that two lives were lost living in there. And more recently there was a fire in east austin where 7 people were staying in a 400 square foot structure behind an east 14 street home. I believe there were duplexes nearby where that also had

-- that were also discussed in the article and two people were critically injured in that fire, including a pregnant teen and 11 yea old girl who suffered serious to critical injuries I guess I would say who would like us to weight and collect more evidence, we can't really afford to do that. We know there are unsafe conditions in this city with regard to rental housing and we have a responsibility as leaders in this community to take whatever steps necessary to correct those and to make sure we are using all of the strategies available to us to ensure

-- to do our best to ensure that everybody has safe housing.

[18:51:19]

>> Mayor leffingwell: And again I would just say that nobody is arguing with that, that we need to be very aggressive in correcting problems that could cause loss of life or loss of property in these homes, but this is somewhat like looking for the needle in the haystack with a backhoe to me. It's going to be massively expensive. Ultimately the cost of this program been borne by austin renters and austin taxpayers, and those costs are going

-- we are going to feel those costs when we go through the budget process here in in just a few months. All in favor of the motion say aye. Opposed say no. No. Passes on a vote of 5-2 with myself and council member spelman voting n. There are no other items on the agenda. Without objection, we stand adjourned at 12:52 a.m. ...