

City Council Regular Meeting Transcript – 9/26/2013

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[Gavel]

[02:30:08]

>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. We'll begin today with the invocation from imam islam mossaad from the north austin muslim community center. Please rise.
[Speaking in foreign language]

[02:32:55]

>> we praise the lord and sustainer of the universe. We praise him as is due to the imagine industry of his kingdom and peace and blessings be upon his messengers and prophets. Jonah fled from his duty frustrated in anger, but then he called out from the depths of darkness that there's no reality, no ultimate authority except for you. And indeed I have been of those who have done wrong. So we responded to him and we rescued him. We rescued him from the despair, from the sadness, so likewise also here in austin we ask the almighty to inspire the men and women to work together to remove darkness and sorrow from the hearts and minds of those who re side reside within the city. And zachariah said my lord did not leave me without a son. And so we responded to him and we gave to him

john and we made good his family. So also we ask, we ask the almighty to make the families in austin strong, prosperous, filled with joy and happiness through the decisions that are made here today. And also the ones her guarded her chastity and we made her and her son a wonderous sign for all the world. This is true for city of austin whether central, north, west, the south or the east that all of us are in one city and all of us we share together one destiny and we ask that we are inspired as men and women to make the decisions and to take the actions that are indeed benefit for all of the people of the city of austin in a way that is pleasing to the lord and the sustainer of this city and all cities and we ask him for enlightenment both in our hearts and in the next world and we ask him for forgiveness. Thank you.

[02:35:17]

>> Mayor Leffingwell: Please be seated. Before I start the meeting, a couple of quick announcements. First, I would like to recognize the delegation from our sister city, one of our 12 sister cities, as a matter of fact, our first sister city, saltillo. That delegation is a large delegation, I think about half the city council is here and they are led by their mayor. And would you please stand and be recognized. [Applause] and I'll just say that the saltillo delegation will be here working on various issues with our city staff all day long and possibly into the night. I know I'm scheduled to see them at 6:00 this evening up in the balcony. So welcome to austin, mr. Mayor.

>> [speaking in foreign language]

>> the second announcement, you may have noticed out in the atrium there are photographs of young boys and girls. This is the heart gallery. This is a project, a central texas project to have over 600 children who are waiting for adoption have that opportunity. This gallery will only be here for one more day, as i understand it, so I urge you to take a look at the photographs and advise your friends and neighbors to also come in who might want to take a look at that. So a quorum is present so I'll call this meeting of the austin city council to order ON THURSDAY, SEPTEMBER 26th, 2013. The time is 10:15 a.M. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. We have a lengthy agenda today and that lengthy agenda has numerous changes and corrections and I'm going to begin to work my way through those right now. Item number 59, add the phrase "august 14, 2013, approved by the zero waste advisory commission on a 6-0 vote with the amendment that the final contract be presented to the zero waste advisory commission for a final approval." That is the language that is in the agenda item; however, that would not be correct because the zero waste advisory commission cannot make final approval. That will have to come back to council. I will just make that as an advisory. Item number 76 is postponed UNTIL OCTOBER 24th. Item number 77, councilmembers morrison and tovo have requested a 6:30 p.M. Time certain for this item. I want to advise anyone who may be signed up to speak or who may want to come back at 6:30 to speak on it, this item only calls for the establishment of a process. So if you want to talk about the merits of it, what you would like to see

on that field, et cetera, soccer field, open space, baseball field, that will be out of order. You will only be allowed to talk about what the process should look like. You'll have the opportunity to talk about the merits after it comes back to council after the stakeholder process is completed. I just wanted to give you that advisory well in advance. So item number 83, there's one minor correction. Delete the date october 24th and insert the date NOVEMBER 21st. On item number 84, add as a second co-sponsor mayor pro tem sheryl cole. And noting that on item 119 at its 2:00 p.M. Time certain, councilmembers martinez and tovo will request a 6:30 time certain. I thought that was supposed to be 7:00, but it says 6:30 on the list here. Our time certain items for today, both briefings have been withdrawn. The briefing on local and healthy food policy is withdrawn and the amendments to the city's environmental and drainage regulations is withdrawn. Those briefings will be rescheduled at a later date. At 12:00 noon we'll take up our citizens communications. At 2:00 p.M., Our zoning matters. At 3:00 we'll recess the meeting of the council and call to order a meeting of the austin housing finance corporation. Then we will

-- after we adjourn that meeting, we'll go back to the city council meeting. At 4:00 p.M. We'll have our public hearings. At 5:30 live music and proclamations. The musician for tonight is the migrant kids. The consent agenda is items 1 through 92 with several items that have been pulled off that consent agenda and I'll go through those in a moment. First I want to read the appointments and waivers into the record. That's item 71. It remain on consent. To the commission on immigrant affairs, sandra molanaro is councilmember tovo's nominee and julius ochello is councilmember morrison's nominee. To the m.B.E., W.B.E. And small business enter surprise procurement program advisory committee, connie sur is mayor leffingwell's come knee. To the water advisory board andy hutton is councilmember spelman's nominee. And to the intergovernmental long center board of trustees, dardin smith is mayor leffingwell's nominee. And apparently we have no waivers today. So the items pulled off the

[02:41:57]

consent agenda: Item number 8 pulled by councilmember riley. Items number 11 and 12 will be pulled and set for a time certain of 7:00 p.M. By councilmembers martinez and tovo. Items 30, 37, and 51 are pulled by councilmember morrison. Item 59 is pulled by mayor leffingwell. Item 74 is pulled by councilmember riley. And item 77 is set by councilmembers morrison and tovo for 6:30 time certain. And I may have misspoke earlier when I talked to

-- no. I already mentioned that item number 77 would be a discussion on the process only, not on the merits. Item number 83 is pulled by councilmember morrison.

>> [Inaudible]

>> Mayor Leffingwell: Item number 83, change the date to NOVEMBER 21st. We already mentioned that in changes and corrections. And number 85 is pulled by councilmember riley. Item number 90 is pulled

for speakers. And those are all the items that I have pulled off consent. So we'll go to our speakers on the consent agenda beginning with david king. Dave king. Signed up to speak on item 1, which is the minutes. You can speak on anything you want. As long as it's on the consent agenda.

>> Okay. Okay. So as I understand, the consent agenda that you just read, then

-- sorry, this is new information and I have to get my bearings here.

[02:44:06]

>> Mayor Leffingwell: It's kind of chaotic around this time of day.

>> So as I understand, items 11 and 12, are those set for 7:00 p.M. Got that, okay. Sorry about that. Okay. Okay. And so I'm going to speak on item 84, the item about

-- for increasing property taxes on seniors and people with disabilities. I'm here just to say I'm for this. I think this is a great idea and I want to thank councilmember morrison for sponsoring this and mayor pro tem cole for co-sponsoring this. And mike martinez for also sponsoring this. I think this is an important matter and I greatly appreciate your initiative on this. And let's see. Okay, and item number 81, the

-- creating the commission on seniors to advise the city council on the quality of life for seniors in the austin area, mayor leffingwell, i greatly appreciate and thank you for your initiative to help seniors and the commission that you initiated in

-- and focused on these issues that affect seniors. I greatly appreciate that. I think that's a very important matter with the growing senior population we have in austin, texas so thank you very much, mayor. And that's all I have to say. Thank you.

>> Mayor Leffingwell: All right. Next speaker is gus pena.

>> Good morning, mayor, councilmembers, mr. City manager, gus pena, proud east austinite and marine corps veteran. I want to thank you, mayor, because you showed great leadership on the monday and tuesday budget approval. It went rather smoother than what I've seen in the past 45 years and I just wanted to make comments on some housing issues on the agenda. We know we have a \$65 million bond proposal package in november and I urge voters to vote for it, but I caution

-- again, it's on the agenda, and I caution please, I've heard we won some money for weatherization, home repair. I get a lot of voters that call me, a lot of citizens and pretty powerful in west east, east austin say they have to go to direct structure housing. Anyway, the last item, mayor, I won't keep you too long, because I have to go too, is the austin tenants council to fund

-- [indiscernible]. And a lot of people are in danger of being evicted without cause. That's illegal. Thank katherine stark for her leadership. Councilmember mike martinez, i want to thank you and your office because this gentleman

-- I've had some horror stories [indiscernible] when they needed help with electricity and this is on the agenda also. I want to thank your office and thank you for your leadership for taking the messages. Particularly we had one

[02:47:30]

[indiscernible]. I want to thank you and with all due respect, mike, we appreciate you very much because what you did on the

-- on the budget. Mayor, council, that's all i have. Again, continue the march, and a society's worth is measured by its treatment of the less fortunate. The you'll is not [indiscernible] thank you, mayor.

>> Mayor Leffingwell: Jamie spear. Jamie spear. All right. Paul trayhan. Is paul trayhan here?

>> Good morning. I'm here on behalf of the austin chambers air service task force to support agenda item number 8. As you know, agenda item number 8 has to do with a development of a currently unused resource at the

-- at the austin airport. We're in favor of this agenda item, putting this resource to use to improve the financial health of the airport both in terms of generating income and preserving capital funds. We also believe this development will improve the passenger experience at the airport. So we support agenda item number 8. Thank you.

>> Mayor Leffingwell: Thank you. Margo dover. Almost didn't catch you. Signed up at the last minute.

>> Exactly. Good morning, everybody. I

-- for once, I wanted to just stand up here and say thank you. We're up on agenda item number 19 and I hope it goes well, but it's just a moment to say since the day I started at skill point eight years ago, we have been able to depend on all of you, most of you have been with me as long as I've been there, but all of you, we're very grateful the support we get from this city, from the support that has nothing to do with funding necessarily, it has to be there with opening up your building to us to welcome us and to let us bring our events to you and just basically listening to us for all these years and saying that you approve of what we're doing and that you support what we believe in and the service that we want to bring. So we intend to continue to make you proud of what we do. We think we do it better than anybody else and we'll continue to do that on behalf of the citizens of austin. So thank you.

[02:50:09]

>> Mayor Leffingwell: Thank you. Those are all the speakers we have signed up to speak on the consent agenda.

>> Mayor, I signed up as well.

>> Mayor Leffingwell: Scott johnson.

>> Thank you, mayor, councilmembers.

>> Mayor Leffingwell: What item did you sign up on?

>> I signed up for item 78. Special events.

>> Mayor Leffingwell: Okay.

>> Thank you for sponsoring item 78 councilmember morrison, tovo and spelman. Look at the financial costs from special events, one of the areas I know is going to be covered in as comprehensive way as we would like is the sustainability part of the special events. Starting back this the [indiscernible] time frame, i was at councilmember martinez's office, been instrumental in trying to shape this process of trying to [indiscernible]. We began a process that included councilmember staffs, staffs from austin resource recovery and activists in the community and members of the zero waste advisory committee. We went beyond simply trying to incentivize and make sure that we were diverting waste, that we were trying to recycle to the best of our ability so there was major pushback from some of the events such as sxsw and also the kite festival. The city's walking the talk for the city sponsored events, some staff members are actually getting out there and making sure that the recycling and wares diversion is happening. It's high time that we do more in that regard. Two years ago the event recycling rebate was put into place and the participation level is very low. 750 rebate or stipend can be given to those folks that do a good job at reducing waste and recycling, but very few are taking advantage of it. So I hope there's a very strong component on sustainability for the special events ordinance that includes more than that, water, conservation, et cetera. If you look at the slide, this is the final draft from the work we did over the course of 12 months in 2008, 2009 that was never implemented. Supposed to be implemented in early 2010. I'm here to talk about the need to quantify the air emissions from these special events. Last year I reached out through austin city limits festival and met with the sustainability fund coordinator as well as pard staff six or seven months ago, how can we quantify the generators and emissions from austin city limits festival to know what contribution they have to [indiscernible] in fact this week we've had two ozone action days. What I need the council to do or the management to do, please, is to ask that we have full access to austin city limits festival during the setup so that folks perhaps from the council of governments who do the research work can go and do a site survey to see what type of generators and other equipment. And in the past the sell tower array was running off fuel

and burning fuel for people to use their mobile phones. If that could be part and added to this direction of staff that we evaluate what the need

-- what the emissions are, it will help us go a long way to quantifying that. The city of austin now has a recommendation that special events come under the transportation department as an air quality measure to quantify those from austin city limits, sxsw, f-1, texas football games. Et cetera.

[02:54:07]

[Buzzer sounding]

>> Mayor Leffingwell: Thank you. Councilmember tovo.

>> Tovo: I think that might be appropriate for a followup resolution of some sort or perhaps a special event ordinance that's coming forward. This is really an attempt to look strictly at the finances. We have a provision in our existing special events ordinance to

-- to look at on an annual basis at the costs and revenues and make sure that we are offsetting our costs, our city costs for the resources that are required for special events, and this is really just reiterating it would be useful to see that. But thank you very much for your comments today on the other element that we should be looking at with regard to our special events.

>> Thank you.

>> Mayor Leffingwell: I also want to add that item number 82 has now been pulled by councilmember tovo. And with that I'll entertain a motion to approve the consent agenda. Councilmember spelman.

>> Spelman: I noticed two people waiting to speak on 90. What's the status?

>> Mayor Leffingwell: It was previously announced it's pulled for speakers.

>> Spelman: My apologies. Thank you.

>> Mayor Leffingwell: Mayor pro tem moves approval. Seconded by councilmember spelman. Councilmember tovo.

>> Tovo: I would like the record to reflect my recusal on item 22, the portion related to theater action project/creative action.

>> Mayor Leffingwell: So councilmember tovo is recused on item 22. All in favor say aye? Aye. Opposed say no. Passes on a vote of 7-0. Without objection, council, at the request of councilmember riley, we'll take up item number 74, supposed to be very quick.

>> Riley: This will be quick. Item 74 is a recognition of donation of new parkland in austin by members of the early family and I would like to say a word about their background. Three generations of the early family were dairy farmers in central texas for more than 78 years, from 1923 to 2001. The family is dedicating

-- has dedicated a six-acre park on the former site of the dairy and we're now seeing photos of their family on the screen. A nomination for an historical marker has been accepted by the travis county historical mission and is being considered by the texas historical commission. The early story began with fritz and margarite oertli. The family bottled milk and offered daily home delivery SERVICE FROM THE 1920s TO 50s TRANSITIONING FROM Milking by hand to machines. Their earliest sons continued the dairy operation after their father's death until 1956 when the property was sold. Kaster and his wife moved to dessau road around 1960 and their son jerry operated the dairy 40 years after kaster's death. Many may not know the historic significance of the dairy industry in that area. The early shared with as many as 10 farms, central texas had more than 200 dairies. The oertli families continued to operate the farm. The pictures of farm and early family. I would like to recognize members of the audience here today who are descendants of the oertli family and ask them to stand.

[02:57:43]

[Applause] on behalf of the mayor and the whole council, I want to thank the oertli family for the donation of this land and thank others who have been involved in this including dennis and samuel who is also with us today. We are so grateful for your contributions to central texas and in particular the donation of this parkland. Thanks so much. [Applause]

>> Mayor Leffingwell: Thank you, councilmember riley, and thanks to the oertli family and we appreciate your donating the land and we're privileged to name this after you. So we'll now take up item number 8, pulled by councilmember riley. No speakers signed up.

>> Riley: Thanks, mayor. Item 8 relates to the execution of our lease with abia retail for a tract that's about 13 acres of land at the airport to develop for commercial retail uses. And I just wanted to ask a couple questions about that. This is

-- I have great confidence

--

>> Mayor Leffingwell: Could you interrupt you? We need to go back and have a motion from you to approve item 74.

>> Riley: Okay. I move we approve item 74.

>> Mayor Leffingwell: Second. So all in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. Sorry about that.

>> Riley: My fault. Item 8 is the vomit of this involvement of this retail out there. But I did have questions just about the process for the review of the

-- of the plans for that retail. In the past we have typically had some degree of involvement in reviewing plans for city-owned property. This land is particularly significant so it will present an important image of austin not only to austin residents who go to the airport but all visitors who come to our airport. And so there is some significance to

-- to the treatment of this land. There have also been a number of issues raised about the way this tract will work. We've heard that it is intended to serve not just visitors coming to the airport but people staying at the hotel and people working at the hotel, which raises questions about how those folks will access the retail. And just in looking at the plans we've got, which are fairly minimal, I understand it's sort of a rudimentary conceptual plan which just shows big colored areas, it's not apparent how folks will be getting either from a

-- employees from the airport or guests at the hotel would access this retail area without getting in their cars and driving there. And so I just wanted to ask, would there be opportunities for council to review plans for

-- for

-- more detailed plans for the retail before

-- before it's actually built?

[03:00:59]

>> Obviously that's up to the council ultimately what you put in here, but right now article 5 of the contract was developed, we have all the standard language we use for any development in the city or on the airport property saying they have to submit plans, meet all city requirements and with the approval of the airport director. In addition, during the questions, it was articulated you wanted to make sure subchapter e was complied with as well. We talked to the developer. They don't have any problems with complying with that, but there is no specific requirement to bring the design of this back to council for approval. So we wanted to do that, we would need some direction on that when you pass this and we can accommodate whatever you want to do.

>> Riley: And if we were to add that provision, would that upset the process for developing this land at all?

>> Well, it does to the degree that it creates another level of uncertainty for the developer would have to invest money in a design on the risk that it comes back to council and doesn't pass. So it does add an element of risk. And part of the problem, council originally authorized the airport to start negotiation on this in 2009. It's taken us to 2013 to get here because of market conditions and the level of risk involved in this venture in the first place. To the degree we add another level of risk, it's ultimately left to the developer where they wanted to do that or not. You may want to ask them the question as well.

>> Riley: And I'm happy to do that. As you know, it's not unusual for us to provide some level of review. I know most recently we had lengthy discussions about the design of the seaholm development and we burrowed into all the details about how that would work, sidewalks, how the courtyard was going to be treated, other public investments in the area or development on public property have gotten some level of scrutiny and I'm not sure why this at the airport should be treated differently especially considering it will present a very important profile of the city to all those who access the airport. So I'm not sure why that risk would be

-- the risk presented by council review would be greater here than with respect to developments on other city owned land. But I would be happy to

-- if we have a representative of the developer here, I would be happy to ask that question.

[03:03:44]

>> Hi, steve glasco, representing the developer. What specifically is your question?

>> Riley: Well, I was asking

-- I think it would be helpful if the council were able to retain some process for reviewing plans for the development of this retail area. Before it's actually built. And we've heard from staff that that may introduce some level of risk that could create issues for development of the property. And I just wanted to get your take on that. Would that be a problem if council were advised about the

-- about the plans for development?

>> Yeah. We think it would add potentially a lot of cost, a lot of extra time. Like mr. Smith said, we've been working on this almost four and a half years. We've got a tremendously good aviation staff and it's not going to impact the neighborhood and it seems to me that the

-- your aviation staff knows best maybe how this project dovetails with the aviation development on the airport at large. Our plan, and we've worked diligently and efficiently over several years now getting to this point

-- to this point at great cost, and while

-- you know, if you insisted on having final

-- our feel is with the cost of the land, it's not a real big project to start with, it's a tough project because it's not a normal retail development. A lot of people are going to have to sort of take flyers on this in the first place to sort of test this concept as a retail development. So we're concerned what if we get this thing ready and it goes into another process that it will, you know, cause delays. We prefer to keep on the course we're on which is working with the aviation department and with the city staff in terms of getting this thing approved.

[03:05:55]

>> Riley: At what point do you expect there might be more detailed plans available than we have today? Right now we have one drawing that

-- that shows some buildings and we've been advised it's just a rough preliminary drawing and does not represent what will likely be built out there. At what point might some more refined plans be available?

>> We'll probably have some more plans refined probably within the next four to six months. Essentially what's happened is up null now we

-- going back almost four and a half years ago, we started talking with some folks about would you have an interest in going in on a project at the airport and most people scratched their head and said I don't know, others were just no out of hand. And then as it developed and as we worked, people are like this thing is never going to get done, here we are four and a half years later so we stopped talking to people who were interested because we didn't have a time frame. What we know is going into phase 1 is a gasoline and retail and then the permanent cell phone parking lot with public restrooms and a playscape playground. That is part of the plan that we'll have refined pretty soon. Who the tenant mix will be, we don't know yet. We've also in the past had people interested in putting restaurants out there, but, you know, these are conversations that went back a couple years. Whether these folks are still interested, we're not sure. It's also, like I said, it's an unusual development that doesn't follow normal demographic pattern of how retailers do their due diligence. So we're sort of waiting to get this approved. We are committed to getting that phase 1 done, but what happens and how phase 2 and potentially phase 3 morph and mix into the final plan we don't know, but your aviation staff is sort of aware of the of the

nuances. I think that probably it's going to change a little bit as we get plans from, you know, the convenience gas station operator and how we're going to sort of lay this out. Bud Nelson is the land planner and he's here and he's done a lot of really high quality p terms of connectivity and aesthetics of how this is going to be and a good-looking project for not only the airport but for the city at large.

[03:08:44]

>> Mayor Leffingwell: Could I offer a suggestion, councilmember? Accountable it's going to have to conform to all the appropriate city regulations, the design will, and if there are any other

-- perhaps if there are any other specific concerns that you have, and I don't want to make any up, but you could add direction that the final design include a, b and c. And that would give us a way to get around this. I want to say also that I have full confidence

-- this is an award winning airport design that we have out there. It's won awards ever since it was opened in 1999 and I'm very confident that the final design that's approved by the staff will keep that

-- keep those design criteria up. It's just a suggestion. Maybe we could get around this kind of obstacle here and get on with it. If you could lay out what your concerns are.

>> Riley: How about this. We are

-- do we have a council comprehensive plan in transportation subcommittee that meets once a month, and Jim, you've been there before. I think it might be appropriate to delve more deeply into design concerns at the next meeting of that committee. If plans are four to six months off, I don't see that it would cause that much trouble to get some additional input at this early stage. And I think that would provide the opportunity for all members of the committee and anyone else who is interested to think through the design issues at stake here and to provide input. I agree with the mayor that we have a wonderful facility out there and I have great confidence in our staff. I also have great confidence in our other staff in the city including the economic growth and redevelopment services office staff and yet but that didn't stop us from burrowing into great detail on the much smaller tracts over at the seaholm area. That's not

-- that does not reflect a lack of confidence in our staff. That reflects the significance of the public interest at stake involved in treatment of this public land. And this much larger tract here which has

-- which many more people will be encountering seems to present a similarly great public interest and I think it warrants further scrutiny and discussion by council before plans gets that that much further. I'm happy to move approval with the direction staff is bringing the item to the next meeting of the

comprehensive and planning transportation subcommittee for further discussion about the design of the project.

[03:11:30]

>> Mayor Leffingwell: So the motion is to approve item 8 with the additional direction that design plans be discussed with that committee.

>> Riley: That's right.

>> Mayor Leffingwell: Seconded by councilmember spelman. Any further discussion in all in favor say aye. Aye. Opposed no. Passes on a vote of 7-0. Item number 30, no speakers, pulled by councilmember morrison.

>> Morrison: Thank you. I think we have some staff to talk a little about these items. What we're doing interlocal agreements on 30, interlocal agreements with some of the smaller municipalities around here so that we can provide certain services to them on a fee base, on a fee basis which I think makes a lot of sense because it is much more efficient than each of the smaller locations having to develop the

-- the capabilities overall. Welcome, mr. Rivera. I wonder if you could just in general talk about what number 30 is and who it's going to serve.

>> Number 30

--

>> Morrison: That's the one with the smaller bee cave, lakeway.

>> It's an interlocal for a [indiscernible] director of human services. Some interlocal for some of our surrounding cities to provide environmental health services, restaurant inspections, nuisance abatement.

>> Morrison: And have we

-- we have been doing this for quite a while. Is that correct?

>> Yes.

>> Morrison: So this is a continuation of already a process that we have in place. One of the things that I was interested in when I started reading about this is the

-- it's all fee based and so

-- is that correct?

>> Yes.

>> Morrison: And I was curious about if there's any differential between what we charge for in-city versus out-of-city services.

[03:13:33]

>> There's no differential but we are looking into the cost of services and will be making adjustments to that effect based on the findings.

>> Morrison: Okay, and I think I might have heard that you have a cost of service study. Is it underway now or has it been completed?

>> It's underway, that's correct.

>> Morrison: And what's the time line for that?

>> Good morning, David Lopez, Health and Human Services. The plan was to look for f.Y. 15 for implementation.

>> Morrison: So the time line for the study, when is that going to be completed and we'll be able to start looking at

--

>> we could probably use review time and an additional month or two and have something to provide.

>> Morrison: But did it start in May or finish in May? I understand May was some date. I'm just trying to get more details.

>> We were first given the model back in May to start the process at looking at some of this cost recovery.

>> Morrison: Okay. So you still have

-- railroad going back, do you run the model? How does it actually work?

>> I probably could use some budget help on that one.

>> Morrison: That's okay. It's not that important. The real question, I'm just concerned, we've had a lot of discussion about achieving parity and making sure as much as possible, sometimes by policy decision we decide otherwise, but as much as possible that we recover the cost of our services so they don't have

to be subsidized by other folks. So it seems intuitive to me that it might be more costly to service people that are outside the city of austin just because, like for an inspection in general, it's going to take longer to get there, I would assume use more resources, gasoline and things like that.

>> That's correct.

>> Morrison: Does our cost of service model account for those differentials?

>> The cost model would be more specific to the actual activity and we would probably need to do some additional work on the actual capturing of drive time and maintenance and fuel.

[03:15:34]

>> Morrison: And it would all have to be averaged, it depends where you are going. Outside the city might be closer than some places inside the city.

>> That's correct.

>> Morrison: I wonder is that possible to get a sense of that because I think that's real important that we be able to at least consider if it costs more.

>> Some possible consideration might be capturing it through administrative fee.

>> Morrison: Mr. Rivera, i see you nodding.

>> It puts stress on

-- they already have a lot of work so we're well aware of the need to make sure we're meeting the needs of austin first before we expand any further. So we are looking at all the possibilities at this time.

>> Morrison: So you will be delving into those differentials.

>> Yes action absolutely.

>> Morrison: We may well want to

-- there are policy decisions we make all the time when we say there is value beyond dollars sometimes and so we don't go to the full cost of service. But at least to have the information I think would be really critical.

>> Yes. We've been using the same system for a number of years now and it's time we updated it, absolutely.

>> Morrison: Okay. Great. So will you be

-- it might be interesting to provide a report to council once you get some results from that so we can start contemplating and even possibly discussing in more detail at the health and human services committee if there's an interest.

>> Yes. I've been advised by my chief administrative officer that we intend to make fees for fiscal year 15 and we will bring a presentation and update to committee.

>> Morrison: That will allow us to delve into it. With that, mayor, I would like to move approval of item number 30.

>> Mayor Leffingwell: Councilmember morrison moves approval of item 30. Seconded by the mayor pro tem. Discussion? All in favor say aye. Aye. Positive posed say no. Passes on a vote of 7-0. Item 37, no one signed up to speak, also pulled by councilmember morrison.

[03:17:45]

>> Morrison: It's a little bit the same rodeo although it's an interlocal with travis county to provide these services, these environmental inspections, et cetera. And I wonder if you could speak to the status of that and if we also are looking carefully at cost of services.

>> I'll allow the expert to speak to that.

>> Good morning, kimberly maddox, chief administrative officer. The travis county public health interlocal is done on a cost model and it is based on actual expenses for all the programs that the county is contracting with the city to provide. There are 12 different items that they contract for and so that cost model is primarily based on the demographics, basically the prorata share that the county

-- populations in the unincorporated areas of the county which is updated yearly by the city demographer.

>> Morrison: So it's just based on numbers of people, not necessarily you have to drive to the outskirts to do it versus inside.

>> Parts of the environmental health piece of that interlocal is also based on activities, that's a norm follow layings start in 14, so that calculation is a little bit of a hybrid. It's partially population, partially number of activities out in the unincorporated areas including temporary events, mobile food, fixed food establishments, pools, whatever the activity the sanitarians are doing.

>> Morrison: Is this an update to the one done five years ago or something like that?

>> Yes. This is a new interlocal. We've done a lot of work with the county to update it and a lot of that work has also been on this cost model to ensure that everything is as it should be to recoup the costs for providing the service.

>> Morrison: Okay. I appreciate that because i think, you know, folks in austin are concerned about expenses and if we don't chair them carefully, not to mention folks in austin also pay travis county taxes. It might be interesting when you bring the cost model results to health and human services that we could delve a little more into the way this interlocal is laid out. I understand it will be approved today, but that will give us a better contextual understanding.

[03:20:07]

>> Absolutely.

>> Morrison: Mayor, move approval of item 37.

>> Mayor Leffingwell: Councilmember morrison moves to approve item 37. Seconded by councilmember spelman. All those in favor please say aye. Opposed say no. Passes to a vote of 7-0. Item 51.

>> Morrison: Mayor, I just had someone whisper in my ear that staff might be interested in taking this up a little later in the day. Is that correct, mr. Wozniak?

>> Good morning, chuck wozniak. Yes. There were questions you raised yesterday that we discussed with the applicant and they've asked time to talk about those. If we could maybe postpone this until after executive session.

>> Mayor Leffingwell: Without objection, we'll table 51 until later in the day. 59. I pulled that and we have several speakers signed up. We'll go to those. Michael whalen and is ryan hobbs here? And adam gregory. So you have up to nine minutes.

>> Yeah, I hope it doesn't take that long. But never make any promises, michael whalen on behalf of tds. This is a purchasing item in a brutally competitive industry, the hauling industry. I think you've seen how brutal it is and that competition creates great opportunity for consumers. The reason it's so competitive is information. And so the city is going to be gathering up through this contract information. And the concern that tds and other stakeholders have and that has been expressed repeatedly to staff, to swac and public hearings is how is that information going to be taken care of, monitored, protected. And this is not another edward snowden episode where we're in the moscow airport waiting patiently, but we would like our information to be protected. We've been given assurances that that would be the case, but there's a lot at stake and if this could be authorized and negotiated and come back for execution, then we will have that opportunity to see the contract, to discuss it, and if there are things that aren't

put into the contract to provide that protection, we'll have that one last opportunity to express why there should be additional protections there. I talked to mr. Gettered, he and I had an email exchanges 30 days ago, he said authorize and negotiate is fine. He repeated he doesn't care one way or another. I don't know if he's going to change that statement, but that's what he told me moments ago that it's your decision. I hope in this instance we'll have it be authorize and negotiate only and come back for execution. Since we're not against providing our confidential information, again, it is brutally competitive business, but we would like assurance from council with council oversight on the final contract and that's all we're asking for here. If you have any questions about

-- I've got all the reasons why the data is trade secret and highly sensitive and highly competitive, I'm happy to go over all the questions I would have about this, but I'll spare you. Thank you.

[03:23:30]

>> Mayor Leffingwell: Okay. Yields back the balance of his team.

>> I field it back, yes.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I have a couple of questions. I guess they should be directed to mr. Getter. Mr. Getter, can you comment on the confidentiality and trade secret nature that mr. Whalen has talked about with this contract?

>> Yes, bob getter, director of austin resource recovery. And we have had 18 months of stakeholder input on this issue. We believe that we have a contract here that reflects those 18 months of discussions. The primary issue of concern is confidentiality of data, pro proprietary information. The interests of the city in this contract is to collect data for universal recycling ordinance enforcement. The ordinance took effect october 1st of last year. Enforcement provisions began october 1st of this year. Part of enforcement is data collection and identifying noncompliant properties. What we're attempting to do in this contract is collect data through a third party, have the third party actually

-- have the data reside with the third party and the city pull reports from the third party of noncompliant properties. So what we're not asking for and we're specifically stating in the contract that we're not

-- that the contractor shall not provide the city with hauler specific proprietary information but rather that will provide recycling reports on a regular basis in honor of our need to enforce the uro ordinance. So we feel that the contract language that has been proposed through the rfp gives the protections that the haulers have asked for. I recognize mr. Whalen's request for a second look at that. I

-- I think the question is a matter of process whether council adopts

-- awards and allows us to negotiate and execute or remove the execute for a second step. I believe that's a council decision, not my decision. But I do believe we have their interest at heart in this contract.

[03:25:52]

>> Cole: So if we were able to give additional time for negotiation and meeting with the stakeholders, would that help with the drafting of the language on the confidentiality issue?

>> I actually don't think the time gives us

-- I'm not objecting to time, I just don't think that time awards us with new language and new changes in the way we approach this. I believe that we have the advice of our law staff and the advice of our purchasing staff and I believe we have the language worked out.

>> Cole: Okay, but you are not opposed to additional time, you just think that the language is tight now, but if we were to give additional time, you would use it.

>> Yes, in answer to your question. The process

-- I go back to the mayor's comments originally that the zero waste advisory commission is an advisory commission and cannot approve or edit, perhaps, in my own language, edit the contract. So I have concerns on process, but I have no objections to further stakeholder conversations. I just feel that we are at that resting point where we do have their interests at heart in this contract.

>> Cole: Okay. Mayor, I'm going to go ahead and move that we approve this item with award and negotiation only and bring it back for execution at the next council meeting on october the 3rd.

>> Mayor Leffingwell: Motion by the mayor pro tem to approve the item for negotiation only, to come back next week for

-- or when it is complete with execution.

>> Excuse me, mr. Mayor.

>> Mayor Leffingwell: Let me see if we can get a second to that motion. Seconded by councilmember morrison. Okay. Go ahead.

>> Denise lucas, deputy purchasing officer. I would like to make sure everyone understands that we are writing this contract based on standards developed by ctm. This is part of our standard process. We

have insured that we will be notified if there is any breach in securities they will agree to perform to all of our security standards and it has been vetted both by the purchasing office, the law department and ctm. So we don't think at this time that any additional language needs to be added to the contract that give us any other assurances.

[03:28:18]

>> Mayor.

>> Mayor Leffingwell: Councilmember Spelman.

>> Spelman: Have you shared that language with Mr. Whalen and his client?

>> Not at this time we have not.

>> Spelman: Do you have any objection to doing so?

>> We don't have objection to sharing the language but we would like to go ahead and execute as part of approval from council.

>> Spelman: Why?

>> That's a normal business process. Typically we don't go to our organizations and committees and allow them to be allowed in a negotiation and contract process. We take into account their input and incorporate recommendations, but they are not allowed to be part of actual execution of the contract.

>> Spelman: They shouldn't be writing our contracts for us. On the other hand, as you suggested, it's a good idea for them to have a chance to provide input into what the contract should be able to accomplish. Do you have any objection to showing the language in its current form to Mr. Whalen?

>> No, I do not.

>> Spelman: Mr. Whalen, do you have any objection to taking a look at the language right now?

>> Yes, because we have experts that would like an opportunity to examine what will happen if there's a breach of contract to the data or if that company is purchased what will happen to the data. This is first I've heard there was a contract. If we can get a commitment they will send it to us we'll be ready by October 3 with comments. There's no harm in this delay and I'm surprised they have a purported contract they haven't sent to us and this has been to the zero waste advisory council to get feedback as well. We demand so much of us in terms of giving away our confidential information to this third party, why we can't have an opportunity to look at this. I would like an opportunity not under

pressure but with i.T. Specialists and lawyers in my firm that deal with computer fraud. We'll be ready by october 3.

>> Spelman: As mr. Getter suggested, I think our interests are identical to yours in this case. There's no reason in the world why we would want your clients' proprietary information to be made public. It seems to me if you can bring to bear i.T. Experts who might be able to identify improvements in the contract or identify the contract as fine in its correct form, i think that would probably help us in our ability to be able to write further contracts in the future. Apparently we have a standard set of proprietary provisions is what I heard you saying, ma'am.

[03:30:45]

>> That is correct. To mr. Whalen, these terms were available in the r.F.P. Process so they've been visible for some time. But we are perfectly fine in letting

--

>> I would also like them to commit to get it to me today. I don't want there to be a delay in getting it to me.

>> Spelman: Thank you, mr. Whalen. I have a question of mr. Getter, if I could. This is an unusual process but an unusual problem. From your point of view is there any material effect that a one week delay is going to have on your operation is this.

>> I don't see material effect. I simply question process, but I have no objection on the time line.

>> Spelman: The biggest argument to the process if we can get assistance of i.T. Experts that have a better sense or a different sense of intellectual property law and proprietary law than we have we might be able to improve future contracts. And if a week is not going to bother you, it seems like it's a reasonable thing to do. Could you ensure that mr. Whalen gets a copy of the current language?

>> I would like to see the whole contract, not just the parsed out language.

>> We have a whole contract you can review.

>> That would be fabulous. I know that swac would also like to see the contract and they have not had a chance to see it either.

>> Spelman: Mostly because you wanted to see it. We can make sure you wanted to see it.

>> There were a bunch of stakeholders. I don't know when the next swac meeting?

>> Spelman: Current posting for October 3.

>> Mayor Leffingwell: Current motion is October 3. With the language that I read in changes and corrections about going back to the solid waste or zero waste advisory committee for approval is not

-- that's not included in the motion. At the time that was not appropriate special Springfield, Missouri I understand. So

--

[03:32:50]

>> Spelman: I understand. Maybe you will be able to share the entire contract with Mr. Whalen?

>> Yes.

>> We appreciate the additional time and as you heard staff saying we have absolutely no problems sharing this additional information with Mr. Whalen and all the other stakeholders, however, I want everyone to be mindful at the end of the day I'm relying on city staff to fashion an agreement consistent with our goals and objectives.

>> Mayor Leffingwell: Councilmember Morrison.

>> Morrison: I would just like to add a reminder, we're talking about normal process. The normal process is the council

-- authorization is required to negotiate and authorization is required to execute. And so for me while we get into this thing, this normal, this frequent mode of negotiate and execute at the same time, assuming that we are just approving execution, to have that in and of itself on the agenda would mean that the contract, as far as I understand it, would be in backup and would be available. And I fully respect that the city manager's recommendation to us has to rely on his staff. But it is our authority to approve the execution. So I think this is wholly appropriate to make sure especially if there is a special interest to make sure that the contract is available before we authorize execution.

>> Mayor Leffingwell: Motion on the table is to approve

-- negotiate only and come back for final approval on OCTOBER 3rd. Any questions about that? Further discussion? All in favor. Aye. Opposed say no. Passes to a vote of 7-0. Next item that we can take up is item number pulled by Councilmember Tovo.

[03:34:52]

-- Item number 82.

>> Tovo: This is a measure that would remove a clause that we put in to the

-- regarding alley loading by right. And so just as kind of a refresher of the earlier discussion we had, we had a measure coming forward, i believe councilmember riley asked for an amendment to our downtown plan. I've forgotten [indiscernible] basically, but we had an ordinance allowing loading and unloading as a matter of right in alleys, and I pointed out and brought forward a resolution saying, you know, we've got work going on in our community and in the city. In looking at our downtown alleys as places we might be more creative, use them as the kind of critical parts of our urban landscape that so many other cities are doing around the country. One of the compromises we struck on that day is to pass the resolution, which i appreciate. It got at least majority support if not total support to go forward and ask staff to come back with a time line and concept for how we could create a downtown plaster plan and in the meantime allow loading and unloading but to have it expire within a reasonable period and we came up with six months. To allow us to reassess whether that's something we want to continue given our interest in reinvigorating our alleys. Some of you may be familiar with the project last spring that took one of the alleys that took art and performances and had a very good impact on our city. It got lots of people down to a space they hadn't been before necessarily. They spent time, money down there, presumably, and these are the kinds of creative ventures that we could do in lots of our other places. But we really close off those options if we allow loading and unloading as a matter of right. And then many of the alley studies on the best practices around the country that has been played out. If you allow loading and unloading as a matter of right in downtown alleys from here on out, I think we will be closing down our options before we have even investigated what the options are. So while I am happy to allow another [indiscernible] we just got the memo earlier this week explaining how staff would like to proceed if we decide to proceed forward, I

-- I'll address that in a minute, but I would suggest rather than repealing it that we simply instead extend it for another 180 days, which is in my opinion a reasonable compromise. It allows staff to come back with hopefully some thoughts about our alley

-- our alleys and the use they might be put to other than a place to collect garbage, but it doesn't stop those business owners from having that option in the meantime.

[03:38:03]

>> Mayor Leffingwell: Was that a motion?

>> Tovo: Yes, that's a motion.

>> Mayor Leffingwell: Would you repeat the motion?

>> Tovo: Sure. I move that we not repeal the 180-day expiration but rather rather that we extend for another 180 days the city code cited in this one, 256592 related to requirement in the central business and downtown mixed use zoning districts.

>> Mayor Leffingwell: Could that be interpreted to just say deny approval of the item?

>> [Inaudible]

>> Mayor Leffingwell: Right. And then you can try to remember to bring it back up in 180 days. Because we're not posted.

>> Tovo: To extend it. Yes, I would like to

-- then i think the options before us would also include just expecting it to next week and reposting it as an extension of that 180 days and I would leave it to my colleagues who sponsored this item to consider that item, but yes, i do

-- I do

-- I move that we reject this item.

>> Mayor Leffingwell: So

-- I thought you said you wanted to move to postpone, revise your motion to postpone.

>> Tovo: I postpone. That's probably a more diplomatic approach.

>> Mayor Leffingwell: Until OCTOBER 3rd. [Multiple voices]

>> Tovo: Which would allow us to repost it and instead of repealing that provision simply extending it another 180 days so business owners could continue to use that loading and unloading as a matter of right.

>> Mayor Leffingwell: And this is an item from council, correct? So I don't think you can give direction to

-- you can just

-- you can make that suggestion informally, but it's up to the

-- whoever brings the item forward to decide if they want to change the language. So the motion is to postpone THIS ITEM UNTIL OCTOBER 3rd. Seconded by councilmember morrison. Councilmember riley.

>> Riley: Mayor, the language we're talking about was brought to our attention during the course of our consideration of some parking amendments this past spring. The language

-- the code language at issue previously said for a site that is adjacent to an alley, the alley may not be used for loading and unloading. Loading or unloading. Let me repeat that. The city code said the alley may not be used for loading, unloading. That might strike many as peculiar because that seems like a basic function of alleys, both historically and just by their nature. What is what alleys are expected to be for. So downtown stakeholders brought to our attention this prohibition in city code and suggested that alleys are a perfectly appropriate place to do loading and unloading. And so we accordingly modified the code to say use of the alley for loading and unloading is a permitted use. And that is the language that

-- that is currently in the code and that is the language that would

-- would revert back to the former prohibition sometime in early october

-- or around october 11th or so but for this item. And so

-- and so unless we take some action, we will revert to the old prohibition on the use of alleys for loading or unloading. I am a big supporter of creative use of our alleys and I'm

-- an event we had recently and supporter of the master plan, a bringing supporter of the use of our streets for events. And if managed properly we're able to handle events in our alleys or streets, even when those alleys or streets are use for other things. It's just a matter of working with stakeholders to make sure that everybody is on board and we understand when the events are going to happen and we have agreement that the uses are not going to conflict. I am

-- with regard to the suggestion that we need further guidance with our alley master plan, I'm excited about the master plan, but what we've heard from staff is that based on their suggestions about what that would look like, it will be quite a while before we have that in place if ever. What they are telling us is it would cost about \$250,000 and take about 18 months from the time funding is identified. We just went through the budget process and did not manage to identify funding for that master plan. So unless funding appears from somewhere, I don't know, i don't know when that would be, but it will be based on what we're hearing from staff, it will be quite some time before we have the alley master plan in place. Now, if we go through that alley master plan and find for some reason there really is a conflict between the use of the alleys for loading and unloading and holding special events in alleys, we could revisit this code provision at that point if necessary. I doubt that will be necessary because I think we can find ways to reconcile the use of alleys for loading and unloading and whatever special events are contemplated in the master plan. The point is that could be dealt with down the road. In the meantime, I think it's perfectly appropriate to continuousing our alleys for loading and unloading, not just for the next six months but for indefinite period going forward. I would oppose the item and suggest we just put the code back to the way it ought to be indefinitely, which is that

-- to provide that use of the alley for loading and unloading is a permanent use.

[03:43:37]

>> Mayor Leffingwell: Well, I think procedurally, councilmember, we have to first

-- the motion to postpone I believe is a privilege motion and we have to vote on that. And if that motion fails, another motion would be in order.

>> Riley: Right.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I want to respond to a few of the items councilmember riley brought up. The resolution direct staff to look at no cost alternatives. What we got back was a memo that only looks at paying an outside consultant and i believe we can be more creative. At the time the resolution was on the agenda, I was contacted by several university faculty members who expressed great interest in this subject and so I really believe with more time and creativity, we can figure out a way to come up with, you know, perhaps not the full and extensive and well mapped out master plan that we all would have liked, but we can come up with some direction at no cost or a very low cost to the city using our existing resources and some of our partners here in the community. I will just say look at what was achieved really thanks in large part to a community effort with the downtown alley project that I know you saw and councilmember morrison participated in and, you know, several of us went by to see. So we have some great resources in the community and I think we can get good work done. As you pointed out, this provision will not expire until early october. I really don't see a downside to extending

-- to extending it, and if you would like to propose on next week's agenda or I'll bring forward a resolution extending it from 180 days to a period that might be longer, say a year. But once we move from having it be a provision that expires to a provision that's a matter of right, then we'll be in a position if we want to make changes in our downtown master plan, identifies alleys we might want to do something different and not necessarily a temporary special event taking place but something more permanent, then we're going to be in a position of asking those property owners to give up a right that's in the code rather than

-- rather than having language in our code that signals them that this is a right you have right now, but you may not have it forever. So we've gone from saying it's prohibited to load and unload in our alleys to say you can do it for now, it expires in 180 days, we would be moving into a position of saying you can do this. From here on out you can do it. Then we would be coming back and taking away that right in a period of time. I think it's a much safer

-- it provides the kind of options I think we want. If we're serious about look at our alleys seriously and figuring out ways to use them as part of our urban landscape as other great cities have done, I think we need to preserve our options rather than close them down at this juncture.

[03:46:37]

>> Mayor Leffingwell: I'm going to support councilmember riley's motion and I don't envision a postponement changing my mind about that. Councilmember morrison.

>> Morrison: Yeah, I do support the motion to postpone and find another way to handle this because I think that fundamentally what we're making a choice here between is keeping our options open or closing doors to those options. And I think it's always, for me, always a much more rational and

-- approach to be able to keep our options open. And so that would allow us to do this. It will be no different than the situation that we're in now if we find a way to just extend it. And then we will be able to to work creatively as creatively as we want to with the alley plan.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Denial of the motion will not close any doors. Currently the code says use of the alley for loading and unloading is a permitted use. That is exactly what the code said at the time we had the wonderful event we all enjoyed in the alleys. The existence of that language did nothing to impede the holding of that special event nor would it impede holding of similar events in the future. If at any point in the future we decided we wanted to modify that language for some reason, if we thought there would be some conflict, we can always come back and change this code provision and

-- and nothing would

-- there would be no closed doors that would prohibit us from amending the code at that time. So I'm happy to [indiscernible] in the future but in the meantime I see no reason why we would make alleys

-- we would prohibit the I didn't say of alleys for law enforcement. What we have heard from staff, unless we take this action today, the

-- we will have a period where

-- where

-- where loading is not allowed, loading and unloading from alleys is not allowed and i think that is a mistake. It's a basic function of alleys and should be allowed.

[03:48:52]

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: It needs to be mentioned the whole council supports the creative use of alleys and this does not prohibit it. We also have businesses that need the ability to loading and unloading and we should not be vague about that in the interim. I think this leaves the path way open for both options and there is actually no reason we need to postpone at this time.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. I do have a question for our legal department. Two things, one, if we were to postpone this, what is the actual date, the 180-day date that that expires. Or maybe councilmember riley knows that. I THINK IT WAS APRIL 11th. I'm not quite sure when 180 days is from that.

>> Mayor Leffingwell: We can figure out when 180 days is.

>> Morrison: I guess the point is that it's after OCTOBER 3rd. Is that our next meeting? IT IS AFTER OCTOBER 3rd, AND If we needed to, we could pass something on october 3rd with emergency passage so it became immediately effective. The second thing I wanted to mention is I do have a question about whether we're closing doors from a legal perspective, my question to staff would be if somebody sees in the code that there is a current right and it has no expiration date, do they

-- would they have a claim against us if we then modified and limited that right based on our alley master plan?

>> Assistant city attorney. I understand the issue that's being raised. I think that

-- jugs looking at that language in isolation, I can see the perspective that's being voiced, but i think fundamental to any discussion of alleys is the fact we own the alleys. They are city property. We have an easement right over them. So to recognize in code that there's a permitted, it would be different if it were private property. I think if they were private property in the code conveyed a permitted use, there would be an issue good nonconformity, but here we're dealing with land that is fundamentally public property and I think there's

-- I think that's the core to the discussion.

[03:51:21]

>> Morrison: Thank you.

>> Mayor Leffingwell: The question on the table

-- councilmember spelman.

>> Spelman: 180 days was the 8th of October.

>> Mayor Leffingwell: Councilmember Martinez.

>> Martinez: I also agree with councilmember Riley, I won't be supporting the postponement. Here's what I would like to see. I would like to see a conversation about some type of requirements for use of those alleys for loading and unloading because what we find on Sixth Street and Lavaca and Guadalupe transportation corridors is trucks loading and unloading and parking right on the main lanes of our roadways. And for me, especially on Sixth Street, you have beer trucks and musician trucks on each lane on the north and south side, when you have an alley that could be used. I just wish we would have a broader conversation about where we can take advantage of those opportunities to help improve mobility.

>> Mayor Leffingwell: And I certainly agree with that and I would like to see more use of those alleys. All in favor of the motion to postpone say aye. Aye. Motion fails on a vote of 2-4 with councilmember Riley and councilmember Martinez and myself, councilmember Spelman and Mayor Pro Tem voting no. Motion by councilmember Riley to approve item 2. Seconded by councilmember Martinez. Discussion? All those in favor please say aye. Opposed say no. Passes on a vote of 5-2 with councilmember Tovo and Morrison voting no. [One moment, please, for change in captioners]

[03:54:09]

>> There is one person from the Austin Bicycle Advisory Council who did a survey and has been working on getting traffic counts for the number of trails for people who use bicycling and I noted there were only two people who marked that they feel like the police force is needed on the trails, and I bring that up right away because I realize that is one of the biggest issues that y'all are

-- that y'all are concerned about at this point, so what I am hearing from people is that they want to have the access to the trails at night because they realize they are having to make a choice between riding on the street with the many, many drunk drivers and there is a certain history, recent history of people being killed by drunk driver on the streets and the trails don't have drunk drivers on them. I think it is important for people to be able to choose for themselves whether they will take any risk on the trail or whether they will take a risk on the street at this time. One thing the last few months since the trails have been open, there has not been any kind of spike or huge concern on the tax on bicyclists for

anything of that sort. So, again, the incidents that are happening are on street and since we continue to have injury collisions of cars hitting bicyclists so we still find that actually on the traffic

-- the trails

-- the choice on the trail is one that many

-- the choice to be on the trail is one many make and it is for that reason. I think there is one consideration that this item be postponed for a month so that city staff can look into what best practices are in other cities as how to manage trails that are in parks, that are also used in transportation and how to manage curfews. I think some cities leave the trails open 24 hours and some have curfews and I

-- have curfews and I ask that you give city staff to look at alternatives. I would like to highlight

-- there is a problem when

-- where we are being asked to consider whether we should fund patrols of the trails very incrementally, where city council has been asked to spend, what, a million dollars or year or more on monitoring the trails but we don't do that for pretty much anything else the city covers, when we open a bar and city grants and alcohol license and we expand road capacity and put cars in the street, and doesn't say that will come and cost this much to patrol it.

[03:56:50]

[Buzzer alarming] and I think this is really

--

>> Mayor Leffingwell: Thank you, Tom, that's your time. I want to point out

-- you may want to

-- everybody, of course, would like to see the trails up 24 hours.

>> Sure.

>> Mayor Leffingwell: No question about that. When it was brought up, these cost impacts were raised by the police department. We don't make

-- those are tactical decisions. We don't tell the police chief how to deploy his forces. He said that's what is needed. The cost is a million dollars a year. That's what it costs. Those funds were removed from the budget a couple of weeks ago. There is no funding in the budget to cover that cost now, which means that there is going

-- the police chief is going to have to redeploy his forces which means taking officers away from other jobs they are doing now provide that service. So that's what it boils down to. It is not a matter of us deciding if we want to provide safety coverage for the trails. It's a matter of the police chief, who is responsible for all of this, to decide how best to employ his forces. We have to funding for it. The choice is whether we would like provide safety service

-- would we rather keep trails open at night or would we rather pull officers from other positions they are in the city. They have gone through a lengthy process to decide where they could pull officers from that would have the least adverse impact and that happens to be right now the police chief is here to

-- to elaborate on this or verify this

-- that happens to be pulling 9 district representatives from nine different neighborhoods around the city. So that's the impact. Do you want the drs, or do you want the frames open at night. That's the choice.

>> The drs. Distri distri ct representatives, people who work with neighborhoods.

[03:58:50]

>> Could I have a moment to respond to that?

>> Mayor Leffingwell: You may.

>> Thank you. I think that is a very tough decision and I

-- I can see where you are coming from. That's one reason I think it's important to ask for a month postponement. We would love to meet with apd to understand what their concerns are. What we see is that there are very few incidents on the trail and that's what the data has borne, and so if there is a greater need where needelsewhere, then I don't know see the need from moving it to greater need or less sir need.

>> Mayor Leffingwell: I will say the next postponement leaves us into the next budget cycle which we don't have time to wait that long so this change of assignment will have to take place. Those are all of the speakers that we have, and i and I would like the chief to come up here and expand on the choices we have here.

>> Good morning, mayor, and mayor count, art, chief of police, we know that we have 15% uncommuted time, on patrol, which is too low, it is during the night when we have hotshot and high priority calls that take more officers. So what we are trying to do is figure out where can we draw from

to have a presence on the trails at night and my staff has recommended unanimously that we take one dr from each district which leaves three

-- one dr for each district which leaves three for the air command plus the sergeant and some have corporals to provide a presence on the trails at night. Keeping in mind a lot of times

-- we have had park police up to midnight in the past. But what happens, quite frankly, on certain days of the week, as we even pull them to handle priority one and hotshot calls in george and bakers and the areas around the inner core

-- we would like to take the nine dr positions which will be one for each air command, to dedicate patrol for the trails at night. We

-- we just authorized 47 new positions. And what we will do at the end of the

-- as soon as we get the folks up and training, we will probably go back

-- assuming things haven't gone gotten worse and back fill those positions after they are released from training which will probably be 12-18 months from now but that's what we strongly feel we have to have a presence. To me it is like opening a freeway and saying, but we are not going to patrol it. You can't open a brand new freeway, when you open up the

-- the toll roads, you know, dps gets a contract or whatever, apd gets a contract to patrol it. I have been talking to the city manager. One thing we did on this morning is went on cycling.Com and found an article of the 50 most bicycle friendly cities in the country. That's based on number of miles of bike lanes and

-- and trails, and what I have asked my staff

-- they are working on it now

-- sometime today come back with the 10 largest cities on that list, what is their posture, what is their enforcement posture, do they patrol, do they have a curfew or not and so we can come back before the end of the day, I think we will have that information for the mayor and council and for the city manager as well. We should have that hopefully a little bit after lunch, and that will give us some good information on

-- so we can see what is going on with the rest of the country.

[04:02:47]

>> Mayor Leffingwell: Okay. Council member Riley.

>> Riley: Chief, your comparison to opening a highway without patrolling it, I guess we often extend new roads and I don't recall your being here, telling us at the time we opened a new road that we needed to hire more cops to patrol that road. Last year, I know, we just extended Pleasant Valley Road in the southeast area, not too long ago and I don't remember apd stepping up and saying, wait a minute, if you extend that road, you are going to need more cops. Can you recall a time when we opened a road and actually said we are going to need more cops in order to patrol the road?

>> Well, I think that road was already in existence and we have dedicated resources 24/7 to that area of command in that area, and the parks have not had dedicated services. A lot of folks in the cycling community came up and said they were under impression every day we were patrolling the materials which isn't true. Once in a while we would sweep them to make sure there weren't nip issues. Part of what concerns is the history

-- I wasn't here but some people say there were criminal offenses being committed and there were challenges with crimes being committed on the trails at night, so I think we would be remiss as an organization if we don't put our resources on there. Quite frankly, the drs are not first responders. They do long-term fixes and solutions, and so the three remaining command will have to pick up the slack for 1-18 months until we hit the 47. We talk about the two per thousand. Well, part of that is the growth that goes into a lot why the city does that and that's why we are going to take some of them to bat and get the 47 released. Quite frankly, too, when we put those nine in here, we will adjust accordingly as this continues to evolve and depending on what the data shows forward. We are constantly moving resources around our city because we know that sometimes the challenges are greater than the resources we are constantly moving. Nine sounds like a lot but in reality when you take into consideration

-- it is 365 days a year for an initial 7 hours or five

-- let's see, 7 hours that it would be open. You have to account training and account sick days and vacation, so there is not that many. So there will be a preens, not a huge presence, and one other piece on the trails, we will double up the officers. I will not have officers at night by themselves because backup is not readily something available if something were to go wrong.

[04:05:25]

>> Riley: So to be clear, when we open the road, you don't dedicate new officers to that road necessarily. You just manage to cover it with the staff that are

-- the apd staff that are already in the area. Is that generally correct?

>> Yes,.

>> Riley: Right.

>> Because all of the roadways are being patrolled on interim basis, again, depending on how much is available, 24/7, 365 days a year.

>> Riley: Chief, as you know with the boardwalk opening next year, which like these trails, has been funded largely through transportation dollars, and I think you know that many have expected from the time they voted for the funding of the boardwalk, that that would be

-- the reason that was on a transportation bond was because it was transportation infrastructure and would provide an alternative to dangerous roads, like east riverside, where we just had a death of a cyclist just recently, so many people have been hoping, at the time they voted for that and since, that that facility would be open 24 hours so it would provide a safe alternative, for instance, for those who are working in the service industry downtown and need a safe way to get home, they had been hoping they would be able to use that

-- that transportation infrastructure late at night. Has it been your expectation that the boardwalk would be open 24 hours?

>> Yes.

>> Riley: So if this item is approved and we no longer have these trailers open 24 hours, you would still expect a the boardwalk would be open 24 hours?

>> Yes. That's been the plan since day one.

>> Riley: How

-- how would you manage to

-- to cover the cost of patrolling the boardwalk.

>> Well, through the budgeting process, we identify additional needs for next year, we will probably try to make a best case. You all make a budgeting decision as to whether or not you will provide that. You know

--

>> Riley: Chief, if I may interrupt, is the board

-- with the boardwalk expecting to be open early next year,

-- it has to be funded by the budget we just approved and you talked about the budget has already been approved for next year and so how

-- so help me understand how that will be covering by your existing budget.

[04:07:39]

>> We will use our existing resources until we look at the impact and then we will come back to you in the budget cycle that's starting now, as we speak.

>> Riley: So if you are going to manage to cover that within your existing resources, help me understand why you wouldn't be able to cover these fairly

-- fairly small trails with your existing resources?

>> We are covering it with the existing resources. We are redeploying 9 positions for one program to deal with it.

>> Riley: When do you expect that redeployment will occur?

>> We can immediately move people, if it is in the best interest of the department, but probably do a 28 day notice as a courtesy to the employees. In the interim we use patrol assets and other assets to cover it until we get 9 months.

>> Riley: So about a month or so before you deploy them.

>> Befo redeploy them but in the interim we will use other resources to make sure they have a presence.

>> Mayor Leffingwell: You talk about that filling in 12-18 months. I am thinking it is probably closer to 18 months because the class of 47 doesn't start until april and so they wouldn't be online until april of 2015. Is that right?

>> Yes. The chief he has information and can answer that.

>> Yes, assistant chief, the class will start in april

-- running, 32 week training cycle and then they spend three months in a training capacity with their field training officer, so once we put them in class we look at 12 months after this.

>> Mayor Leffingwell: So this reallocation process will be in effect throughout the entire fiscal year that's coming up, 2014?

>> We can expect it to range through that, yes.

>> Mayor Leffingwell: And as far as, you know, just to comment on when we annex or build another road, covering that, those adjustments have to be made as you said at the time and part of the adjustment sometimes is with overtime for additional duties that you have to perform and I would point out that the plan was to cover

-- cover the trails with overtime money, the million dollars in overtime money but that has now been removed from the budget. We don't have that option anymore and that's why you, I think, correctly recommended reallocation of these sources if the trails were to be open at night.

[04:10:20]

>> Yes, I want to be clear, we

-- I would never support quite frankly having open all of our trails at night to pedestrians because it creates a whole new paradigm and challenge. We support the concept of having the trails open for cyclists at night but i believe that we have a moral obligation to have a police presence if we will have the dark roadways themselves. People say I will take the risk. They are taking the risk but if they get themselves killed or god forbid something occurs, their family may have a different take and I think we would be remiss as police officers to say, use your trails at your own risk, like I don't want to convey that message, you are on your own out there. We will continue the dr program if we see issues there. We have resources, just as if they are data driven, we will make sure does it make sense to maybe move other resources, so we aren't just going to draw 9drs there and see if we need them, the total nine. We will stay on top of it. The bottom line is we have to have a presence and our recommendation from our staff right now is we don't want to take first responders, 9-1-1 responders with 15% on committed time and we really don't want to have a zero presence. Even if another city does that, I am not responsible for the safety of other cities. I am responsible for the safety of the people of austin around I think people when they are out there at night, generally speaking, like I said, some people think we are already patrolling all the time. We hope there is some kind of presence. If you have a medical emergency, you fall down or fall off some of these uneven roadways that we have out there, those dirt trails, to be clear, i support it. I would rather have the bicycles out there but i believe I have a moral obligation to provide at minimal

-- a minimal level of safety for our folks and citizens. Our cyclists, whether they are on the roadway or whether they are on trails at night, count on us.

[04:12:27]

>> Mayor Leffingwell: I want to reiterate and I want to say this and say it again, i want the trails to be open, too, and it is matter of what can we afford to do and what are the priorities. Mayor pro tem.

>> Cole: Thank you. Chief acevedo, I chiefly understand your position that is if we open a new venue, you feel a moral responsibility to make sure that it is safe and that that being consistent with what you do and your oath of office and all of that, but we also, on the other hand, have cycling who are saying not just I will assume the risk. They are saying at times, at night, the trails are more safe than the streets.

>> Right.

>> Cole: And saying we want to have access to the trails as an additional venue and they are also saying, as mr. Wall did, we want some additional time to discuss that with you and I think that the additional time would do us all good in dealing with this issue. The second part of that, i want to understand, is we haven't talked about citations, so do you have the authority to issue a citation if we close the trail at 10:00 o'clock or 1:00 o'clock and you find someone

-- or 12:00 o'clock and you find someone on the trails at those times?

>> Yes, a class c misdemeanor, which is basically a ticket.

>> Cole: So basically we have to deal with two issues which is the safety issue and assuming the risk, whether the cyclists do or do not want to assume that risk, balance to give what you think is an unreasonable risk or not and then we also have to deal with the question of if they do decide to use the trails and they have closed them, they put themselves at a risk of citation. So, mayor, I think it would be good for us to have additional time for the cycling community and the police department to visit about these issues. I will make a motion to postpone item number 85.

[04:14:34]

>> Mayor Leffingwell: Motion by mayor pro tem to postpone until when, item 85?

>> Cole: October 17. Octob er 17. In the meantime, you will have to redeploy your troops to provide that coverage from october 1st to

--

>> we will have to redeploy troops or utilize some overtime in the meantime. And we

--

>> we have the intent to carry out the operational plan that you've just described in that meeting, you do? Is that correct?

>> Yes, sir.

>> Mayor Leffingwell: Is there a second to that?

>> Spelman: I will second it for purposes of this discussion.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Yes, I have a question, two questions.

>> Mayor Leffingwell: Go ahead.

>> Spelman: First question. Chief, if we were to close the trails

-- repeal the opening of the trails and henceforth from 10 to 5:00 a.M. Will be closed to runners and bicyclists

-- already closed to runners. First of all, what would happen to your patrolling? Would you patrol them at all?

>> We would patrol them but very infrequently and it would be not a dedicated unit that we would have if it was open.

>> Spelman: Why would you patrol them at all.

>> Pardon me?

>> Spelman: Why would you patrol them at all?

>> Because there is criminal activity that occurs out on our trails. There is camping, there is all kinds of things that go on out there. I mean, quite frankly, we have had ongoing issues with the pfluger bridges that open 24/7, where we had to put resources on there. We had problem with the trail

-- the bike lane that goes through

-- what is it, third street right there with drug dealing that goes on prior to 2, 3 in the morning around so we do have some challenges that we deal with, even with it closed.

>> Spelman: And I am anticipating your answers, so let me anticipate it rather than ask it. The way you do that patrolling is some patrol officer who usually gets around in a car, pulls over to the side of the road, parks to the car and walks over to the trail. Is that right?

[04:16:47]

>> If it's an an going problem, we will actually put officers on bikes down there to deal with a specific problem.

>> Spelman: I am talking about the infrequent, the camping or harassment, or whatever is going on in the trails when they are closed. Would you have somebody on a bike the entire 7 hours or do you do this on a very part-time basis?

>> When they were closed?

>> Spelman: Yeah.

>> It is not ongoing. It is every

-- I would say infrequent based on what

-- the intel and based on what we have from the community, based on what we have from neighborhoods, based on our own observations.

>> Spelman: So whether we close them or open them, you will provide some level of police protection to the trails. The question is, does opening the trails require, my point of view, does it require this big of an increase in the amount of police activity in the trails? Am I right?

>> Well, the main officers for the trails is not a very large number. I mean, it seems huge, but really when you look at 365 days a year, additional 7 hours a day for 365 days a year, put in vacation, sick leave, training days, things of that nature, that is not that many officers.

>> How many full-time equivalent staff, how many hours would you be spending, providing police protection to the trail if it were closed?

>> I don't have that data but we can probably research it. Do you have that?

>> We don't have the exact number, but, again, it would just be based, as we talk about, uncommitted time and that will impact greatly on how often the officers

-- based on the call loads and if we were experiencing spikes of crime, we may have directed of patrol geared towards that. So that would be a number very hard to give.

[04:18:47]

>> Spelman: This would be directed patrol

-- this would be a commission of time on your case?

>> Yes.

>> Spelman: Okay, so you can identify what that time is, but it probably would be less if you add up the hours over the course of the year, it probably would be less than 9 f.T.E.S worth of time, isn't it?

>> Well, it is hard to say because we never tracked it. I am not sure that we can but I can check back to see if they have tracked it with some kind

-- I will have to check with research and planning to see if there is a code where we can extrapolate that information because when we have trouble with drug dealing on third street and other side of downtown on the eastside, we cross

-- we put a lot of hours on those issues. I don't have that data but i can try to see if I can get it from you.

>> Spelman: My concern is you have stuff going up and down the trails whether it is closed, people camping and doing it for all purposes. You patrol that to some extent, to control the activities that are happening there, open or closed. And then you have a little more activity. If it is open, you have something like ten bicyclists a night, which is relatively small, in my mind, fraction on demand on your people's attentions because of the opening and it seems to me there is a huge difference in the level of patrol you are talking about having it closed and having it open, even though there is a very small difference in the amount of things for your people to be to be doing whether it is closed or whether it is open. It seems to me you could do just about as good a job of protecting the bicyclists by providing exactly the same level of patrol protection as you are doing when the bicyclists aren't there.

>> I think the biggest difference is when it is closed, there is more expectation

-- you are breaking the law, there is more expectation the police is going to be out there keeping you safe. When it is closed, we respond to specific issues that come up. When it is open, we need to patrol it. We patrol it during the day. We had multiple sexual assaults. We have had a lot of issues so we need to make sure that when we keep it open that we have a presence out there and nine officers, council member spelman, is not that many officers for that big of a place. I think if it's an affirmative

-- I think it's an affirmative responsibility to the police department if we say, hey, we are open for business, come on out, to have a greater presence than telling people, you don't belong in here, stay out. Because what we are trying to do when it is open for business to keep law abiding citizens safe and if it is closed, there is a different level of expectation from the police and people to go in there when it is closed.

[04:21:33]

>> Spelman: Although i understand that from a (indiscernible) point of view. If we only talk about a certain number of uses per night, it seems dedicating as many officers as I don't u talk about dedicating for purpose of protecting that very small number of people when it can be used for a different purpose and in a different way to protect the larger number of people and to perhaps have the bigger effect on public safety, it seems to me you need to make each every officer counts as to the maximum extent you are using them every possible way.

>> Absolutely but there is a difference, there is something called golan hour and it is the closest you can get to solving a crime from the commission of a crime

-- the golden hour, in solving a crime and also in trauma care. If you crash your bike on a city street, I don't care if it is 1 in the morning, 2 in the morning, somebody is going to find you in short order, more than likely. If you crash your bike out there on a

-- on a desolate part of the trail out there in the dark, the chances pretty slim the next day of being found until the next morning because as we were talking, hypothetically speaking, nobody is going to find them until the joggers and everybody come out there in the morning so the negative consequences or somebody using trail if we are not present and having regular presence are enough dire than if we are there.

>> That would be something else, and the interesting is how many people actually get in bike crashes on the trails.

>> I think

--

>> Mayor Leffingwell: Let me interrupt you. We are coming up on the noon hour.

>> Spelman: I am almost done, mayor. The only other thing is less of a question than a comment. It concerns me that you have 1700 police officers right now, I don't remember the exact number. But it is around 1700, isn't it?

[04:23:40]

>> Well authorized positions. We average about five retirements a month so we are never quite at ...

>> Spelman: However many we've got p. We have well over 1,000. You are looking for nine positions and you indicated you need nine f.T.E.S for these jobs and the best way to find if f.T.E.S from the dr program which is our only dedicated to force to community policing and I am concerned that the message you are sending is all of the things the 1700 officers and so doing, all of the things we are doing with traffic and drugs and answering calls and solving crime, the least effective 9 people of I can find

-- the people I can most afford the spare, to put on the trail are the drs. And that concerns me, given not perhaps what the drs always do or what all the drs are capable of doing, they ought to be the people, if they are properly trained and know what they are up to, would want to least spare for the assignment because they will be the most efficient at identifying and solving your recurring problems.

>> You mentioned the officers but here is the issue, we only have 650 officers on patrol. You can't put detectives to patrol the trails because that's not their job function. It probably would be a contractual issue with the

-- with the union. If we take our met tack teams, our met tack teams are street fighters, that when there is prostitution in the neighborhood and drug dealing in the neighborhood and you got get the call or I get the small and somebody gets the call, the med tack teams go to work right away. We absolutely believe our drs are outstanding but it is about balancing and when you are down committed time, you are down patrol officers that is 310 square miles, wherever we are at and it is a balance and I don't think that we can take the, that when a call goes out for 9-1-1, we can't prevent from the 9-1-1 responders and we want to prevent ime and the high visibility policing and patrol is the first one of preventing the crash, preventing the fatalities and this is one american to provide a presence on their trails at night, that we will continue to monitor to see if does it make sense if our drs struck too bar behind to get the 47 up in training, we may end up be putting two more drs back, we will just have to watch, and so we will keep a mind in it

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[04:27:23]

>> Mayor Leffingwell: Let me interrupt you here, because this discussion, really, in a sense, is kind of irrelevant. The point is that you are the police chief and you make the decision from how to deploy your troops, depend what you are presented with. For us to say, I think you can do it a little bit different. All of us can have different opinions about that. There can be 1,000 people telling you, well, you don't need to put quite this many officers over here. You can take more officers over here and move your troops here and there. Those are tactical decisions for you to make. The fact of the matter is, you have been, as

I said, the funds for overtime is withdrawn. If the trail is kept open, you have to decide tactically what is best for your department how to provide that coverage. You have told us for now what that would be. We may disagree with you but that's what it is going to be. I will just stand on that. So there is a motion on the table with a second. Second to postpone this item until october 17 which I will not support because I think we have to get to the reappointment scenario and we will be faced with the same situation in two weeks that we are faced with today and the fact is that this privilege, which we all support, of keeping the parks open up night long, is an item that has a cost to it, and it also has a relocation of

-- of

-- relocation of police officers aspect to it. These are the facts we have to deal with and that is not going to change on october 17, so I won't support it. Council member morrison.

>> Morrison: I will try to be quick, mayor. I have a couple of questions, chief. If we postpone it until october 17, between october 1 and october 17, are you going to be pulling drs out of the neighborhood, or are you going to manage the trail under some other overtime or something like that?

>> We

-- we will probably be doing

-- burning overtime, because we have to give people some kind of notice. We aren't going to come in say, you know, next week, you are gone, so we r going to provide overtime.

>> Morrison: Great. I fully support this motion.

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

>> Aye.

[04:29:23]

>> Mayor Leffingwell: Opposed say no. I say no. That passes on a vote of 6-1 with yours truly voting no. And so that brings us to citizens communication and mayor pro tem, I will be off if dais here.

>> Cole: Thank you. Kathie. We will start citizens, you group. Go ahead.

>> Yes, I have a green constructors group that is a small business, fairly young, working with the city of austin and I have been subcontracting and I had a couple of contracts I had trouble with

-- currently with the contractor not paying for work I have completed. I have two vendors that aren't paid. I have lost over \$40,000 on the two projects, not just because of my problems or things that have happened to my company but I also think problems with the contractor. I am real happy with the way the city has said that a contract is something that's teamwork. When a contractor signs a contract, it's forming a team with the city and the contractor. This is good. The only problem I have come across is of course because the city has a contract with contractor, it's hard for them to deal with the subcontractor. They say it is between the subcontractor and the contractor. I have had too many problems with the contractor and feel like they have not done me fair. I am having too many problems with to the point of where it's become harassment on documentation, on not believing my documentation. I have submitted so much paperwork that has been factual. I have gone to multiple meetings. It's just

-- something

-- i have looked for help and i am

-- I was a wbe. All of these problems that have been occurring with this contractor, g hyatt construction with a year with me, has almost, I want to say, defaced my company with the city. I don't think this is fair. I want to clear my name. I want to start fresh. I have learned a lot from my mistakes but at the same time, I want to know what a subcontractor can do for support from the city departments or maybe a little more help through smbr, on the documentation requirements that are very strict. There is a lot of gray areas that could have been

-- some of the work could have been accepted and that sort of thing.

[04:33:00]

[Buzzer alarming]

>> Cole: Thank you. Next we have laura martinez.

>> Mayor pro tem cole and council members. Thank you for hearing our request. On behalf of mrs. Dolorus fir and two other homeowners ask you to intervene regarding the expedite of our properties. In addition, we could like to currently endorse you to have the buyout of our homes so we can begin rebuilding our lives in safer locations. I will talk about points i elaborated on in the presentations I mailed to your office on wednesday. In september, 2010, our floods were flooded with rage from hurricane her mine and since then we were contacted by the watershed protection department in hopes of rectifying our flooding problems in our area. In january 2012, the department began formal investigations of options regarding a current flooding location. Approximately 16 months later, may of 2013 the watershed protection department notified resident of five property that is three options were under consideration, one, buying or demolishing our properties, two, razing the properties above the 100 year elevation, and three, constructing a new drainage system in our area. We were also informed

the department had decided to extend its research with option 1, the buyout. Although we do appreciate the events the department is putting forth, the process has gone on for three years with an extension on the point of closure. We know that the city has a history of storm drain improvements, option three for us, in the areas such as blair wood, dawson and resolve dale and there is an option for buyout, option one, such as onion creek buyout. Damage due to flooding when the flooding happens is tremendously costly. Mrs. Furr insurance company recommended out lay of \$62,000 for the rebuilding refurnishing in 2010 and we know flooding will occur again. The in fact, july 2012 after two days of rain, she flooded for the fifth time in her recollection, the cost to repair that flood damage was close to 43,000. As of today, we remain in limbo. Each time it rains, we prepare. Ms. Susan has the sand bags and ms. Dolores has the drains and I make sure that we have it so we will increase flow if we can. We aren't whiners but we are frustrated. That's why we come to this body today. We would like for the investigation to be expedited and a decision

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[04:36:21]

[buzzer alarming]

-- to be made.

>> Cole: Thank you. Francinefulmorepil

-- francine.

>> I want to speak on behalf of urban coyotes in austin, texas. I usual you to terminate the contract with wildlife services of texas and prevent any money being on steel lake hold coyote trapping and killing and to create a management system plan for them. Austin is the largest city in the u in austin and the first in texas to be certified as community wildlife habitat by the national wildlife federation and the largest no kill city in the united states. And, yet, we pay texas wildlife services \$10,000 to trap and kill coyotes which besides being grossly out of character with our thought of wildlife is obsolete and doesn't work. Virtually every conservation organization assemblies trapping increases the coyote population and sets off imbalance of the habitat. When this happens, there is less food resources and larger litters and more survive so less competition for food and so overall yoke coyotes, without our interference, they help stabilize the environment. This is how. They mitigate rabies by praying on the very species, rodents who carry it. They prevent the spread of disease and multiple diseases by scavenging on wildlife. They mitigate rabies not mitigate. Only two reported cases in 2010 involve coyotes and another point that almost every conservation agreement agrees on is education regarding the urban animals is the most best conflict strategy which means nonlethal ways of wildlife management as stated in the city deer policy. In october of 2011, city of council in california unanimously voted to prohibit any city funds of being spent on coyote trapping and implement a coyote plan and in 2013, the humane society

implemented a coyote workshop in westlake texas near dallas and in the same month the neighborhood of travis heights, in the city of austin, abandoned

-- a band of citizens united in a coyote system education campaign. One member designed the flyer you will have in front you in a moment. Several edited it. Another donated money to copy it and we distributed it throughout the neighborhood, including 121 households immediately adjacent to stacy park and the creek preserve with either two or three coyotes, depending on who you talk to at wildlife services but definitely one pup were trapped and killed between july 29 and august 20 of of this year.

[04:39:47]

[Buzzer alarming]

>> Cole: Thank you. [Applause]

>> Mayor Leffingwell: Ms. Ja ms. Ja ne harrigan. There you are.

>> Jan.

>> I have charts.

>> Cole: Give them to council member riley and he will pass them down. I also have a petition with 3,000 signatures.

>> Cole: Also give that to council member riley and he will pass it down.

>> Cole: Okay.

>> My name is jan. I live in travis heights. I work a lot, usually cutoffs but when we heard about what is going on with the coyotes, I put on a dress and

-- and I jumped in my car and I drove to parks and rec, the I you know by the way, they have two offices that are like miles apart from each other? So as soon as I got finished with the round trip from one parks and rec office to the other and jumped back in the car and drove here to city hall for the first time in my life, so that's how important this issue is to me, so I want to make two points today. One is that the threat of coyotes

-- the threat of injury from a coyote is less than that of a falling coconut, of a flying golf ball or a flying golf club head. Certainly lots less than injury by a dog bite, so the threat from a coyote is minuscule. The second and far more important point is that the solution to this issue, rather than trapping, is the long-term education of the people who are encountering these coyotes. There is so many things that we can do and not do to resolve this problem and we can live with these guys. We can coexist with these guys. So

-- and actually, a third point, is that the texas wildlife services that's actually doing the trapping, they are not a texas organization at all. They are a branch, a department of the usda and the usda wildlife services, this program is steeped in controversy and they are doing some pretty horrific things, so take a look. Thank you very much. Please, please, please stop this trapping.

[04:42:37]

>> Cole: Thank you. [Applause].

>> Mayor Leffingwell: Zachary ingram.

>> Mayor pro tem before the next speaker.

>> Cole: Yes, council member martinez.

>> Martinez: Jan, I want you to know, many of us had meetings this past week with the animal advocates around the coyote item specifically will go to animal advisory and we fully expect a recommendation to come in with nonlethal means of dealing with coyotes.

>> I love you, man.

>> Martinez: Thanks. [Laughter].

>> I have four copies of some of the information i will be going over. Apologize I don't have enough for everyone but everyone won't need it. I want to say thank you to the council, mayor, and the chief of police who I have spoken to this important matter. I know local government time is valuable and I appreciate your time. I am here to request that all austin police officers take 8 hours of mandatory training on the handling of aggressive dogs. This is a problem across the united states and it is a blackeye here on the great city. The community oriented policing services, a division of the department of justice reviewed dog shootings and the problem of dog related incidents and encounters that was published in 2011 and concluded this epidemic is a as a result of, I quote, insufficiently trained police officers. Including and not limited to officers making judgments on breed, dogs running or barking or lacking skills in handling dogs and reading body language and lacking k9 communication skills. When an officer injures a dog that is not serious threat, other harms can result. Such incidences can often do serious damage to community trust in the department and profession. Controversy particularly arises when an officer's assessment of imminent danger is challenged by witnesses, dog's owner or video record of the incident. We all remember cisco, a friendly dog here from austin, texas that was shot when the officer had the wrong address. It got a lot of national attention. Even recently as september 9, 2013, lola, a dog here in austin, texas, was shot by police after a false burglar alarm was tripped which is another sad example of how this is ongoing. There is legal press debt for this matter, in san jose, california, police

raided the home of three individuals and three dogs were shot. The final payout for this offense was \$1.8 million. Superior court struck down the city appeals, citing that fourth amendment

-- citing fourth amendment violations. A failure to consider an alternative for isolating the dogs in the week long planning of the raid and failure to use less lethal weapons. Essentially the department should have considered the dog's rights. The good news is I am here to help. The groundwork has been laid. I have spoken to art acevedo and spoken to the head of the continuing education department. I put the information for jim's k9 encounter training in his hands. They attended the seminar and love it and are full support of it. I think personally requested that I attend this meeting today to gather support for this training but ultimately this is one of the rare situations where everyone involved would truly benefit. The dogs obviously, the police by having better training, being safer, prevent them from getting bit but also more humane treatment of animals and then obviously the good faith sign it would be to the community that the police are on their side, that they recognize dogs are family members more so than property. So ultimately, this is a win win win, we get few of those opportunities.

[04:46:12]

[Buzzer alarming] in life or government so let's get the mandatory training for police officers to handle aggressive dogs.

>> Cole: Thank you.

>> Martinez: Mayor pro tem.

>> Cole: Council member martinez.

>> Martinez: We also asked the animal advisory committee to take this issue up. My staff member is coming up here to get your information. We want to definitely get you plugged in with those folks and make sure it goes to council.

>> Happy to do that.

>> Martinez: Thanks.

>> Cole: Thank you, mr. Ingram. Next we have carlos leon.

>> Thank you, mayor pro tem cole. I am carlos leon and I am here september 26, 2013, to speak what is right. The last few days, austin skies have appeared blue, clear, and without chem trails, amen. Let's continue keeping airborne poisons out of all the's airspace. Speaking of hot air reminds me of president barack obama, according to a new article in political.Com, in january, 2007, a few weeks before announcing he was running for president, soon to be candidate obama was taking about turning down invitation to speak at big healthcare response sponsored by the progressive group families usa when

two aids hit on idea that would make obama look more prepared and committed than he actually was at the time. Announce him to present universal healthcare in the fist term. That's how obamacare was began. We need something to say, one of the advisors hit involved in the discussion. Quote, I can't tell you how little thought was given to that thought other than it sounded good so they just kind of hatched it on their own. It just happened. It wasn't like a deep strategic conversation. It just happened. That's a phrase commonly used and homosexual men playing the role for women when they avoid taking responsibility from their actions, especially when they come from temporary illogical feelings instead of being rooted in timely logical principles. For example, cnn state of the union, nancy pelosi said for the proposed federal budget, we cannot have cuts for the sake of cuts but yet we can have obamacare on a whim to say something that people want to hear, no how poorly written it is, no matter how much economic damage it causes, how much worse quality of care becomings. She also added that, tea party lead house party ultimatum of government shutdown and avoid obamacare is legislative arson and juvenile and destructive and in reality, however, it is the obama administration and the socialist marxist insanity of the entitlement state that is totally irresponsible, completely juvenilement, guilty of legislative arson and destroying what used to be the greatest nation on earth. If obamacare is so great, why has congress executed itself from it. Daniel henningjer offers this, in this column, he says that congress can't kill the entitlement state, only the american people can. If obamacare fails or seriously falters entitlement state will suffer historic loss with the credibility with american people. It will finally be vulnerable to challenge and fundamental change and only a congressional vote can achieve that no matter what senator ted cruz does

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[04:49:56]

[buzzer alarming] we have to focus on that, finally I finish with, proverbs 28, verse 19. He that tell his land will have plenty of grid but those who ... Will have poverty enough. In jesus name I pray. Thank you.

>> Cole: Thank you. Mr. Wayne hensley. Mr. Wayne hensley. Not here. Monica nwevo.

>> Mayor, council, ladies and gentlemen, please tell the austin

-- not all of them, austin city council to leave me alone. In washington dc, I stayed for two years. They diagnosed me, psychiatric. My mental health is the (indiscernible). For social health is (indiscernible) senior united (indiscernible) 7 judges sat on a (indiscernible). After they collected the psychiatric and mental and physical health and (indiscernible) because the minority said something in san francisco who (indiscernible) me because immigration gave me back a (indiscernible) visit, the united states and I am born in nigeria. I thought, hmo, this is something. My daughter is black in a different part. We didn't (indiscernible) the minority concept. Then when I came here

[04:52:12]

(indiscernible) protect me in washington dc (indiscernible) that a black woman, p and g psychiatric, dr. Thompson, is the one that

-- united nation of the united states, you are a victim. You will know, because the social (indiscernible) complex say that

-- say that you are african-american and then these 7 justices

-- justice department said in a [indiscernible], I said, she's not born here. She's born in another country. African america are born here and she says she is black. She is black like that but she's our country naturalizer, america. But the most special

-- (indiscernible) people want to kill me. (Indiscernible) I struggle to be here today. Please tell him that I don't have no mental problems. In spanish and italian, in the country of (indiscernible) in washington dc. Said, ms. Nwevo, you are not depressed. These things that they are doing to you that you cannot cope, come, we will prescribe medicine to you. Dr. Thompson said (indiscernible) she has no mental problems

-- [buzzer alarming]

>> Cole: Thank you.

>> She

-- she smelled vomit.

>> Cole: Thank you, ms. Nwevo, your time is up.

>> Please, let me chat because

--

>> Cole: I am sorry, but your time is up, ms. Nwevo.

>> Okay, the council, the council, just tell them to leave me alone.

>> Cole: I am going to have to ask you to finish your comments. Your time is up.

[04:54:15]

>> Because I am

-- because i am the

-- because I am a catholic.

>> Ms. Nwevo, your time is up.

>> Do you have a notice that

-- if you don't do something about it, I will go back to washington dc.

>> Thank you.

>> (Indiscernible).

>> Leave me alone.

>> Mayor Leffingwell: Go ahead.

>> Cole: I would like to announce we are about to go into closed session. The city will go into closed session to take up 7 items. Pursuant to section 551.071 of the government code, we will consult with legal council regarding following items, 11 and 12 issues legal relating to registration of rental property, 95, issues related to open government matters, item 96, issues to related to transition to electing the council from single member districts. Item 97, legal issues related to property and personal injury claims from jill turner. Item 99, legal issues related to the texas voter identification law. That was item 98. Ninety-nine, issues related to big events in high capacity

>> mayor leffingwell: We're out of closed session. In closed session we took up and discussed items related to item

-- items 11 and 12 and 97 through 99, items 95 and 96 were not discussed. They were withdrawn. Now we'll go to our consent zoning cases.

[04:56:23]

>> Thank you, mayor and council, greg guernsey, planning development department. I'll go through consent items we can offer at this time. Under a 2:00 zoning ordinances and restrictive covenants, the first item I'd like to offer for consent is item no.100, that's case c14-2011-0091 for the property at 1601 and 1645 east sixth street. This is to transit oriented development

-- or district neighborhood plan, central urban redevelopment or tod-np. This is ready for consent approval on second and third readings. Item no.101, c c14-2013-0031 will be a discussion item as well as item no.102. These are related. They're on clawson. I understand there's a neighborhood

-- an applicant having a discussion, they might have actually reached a possible agreement. So I'll leave those on discussion and come back later. Item 102 is case c14-2013-0032 at 390 klaus on road. Item 103, c14- 2013-0045. This is for the property at 4200 rivercrest drive. To zone the property single-family resident standard lot conditional overlay combined district zoning with conditions. We only offer this for second reading on your dais. There was an agreement with watershed staff and the applicant regarding some additional setbacks and covenants, and so we would prepare those in an ordinance in covenant form and bring it back another date for your consideration. So we'll only offer that for consent today for second reading. If I may I'd like to go to the public hearings under 2:00 as well. 2:00 zoning, neighborhood plan amendments, public hearings and possible action. Item no.104, case npa-2013-0015.01. This is for the property located at 1137 and 1139 airport boulevard, and 1138 gunter street. Staff is requesting a postponement of this item to your october 17 agenda. Item no.105, case c14-2013-0055, for the property located at 1137 and 1139 airport boulevard and 1138 gunter street. Has is requesting postponement of this item to your october 17 agenda. Item no.106 is case npa-2013-0022.01. This is in the south river city neighborhood planning area. This is a plan amendment, for the property at 11

-- or 1511 south congress avenue. Staff is requesting a postponement of this item to your november 7 agenda. The related zoning case, item no.107, case c14-2013-002. For 1511 south congress avenue. Staff is requesting a postponement of this item to your november 7 agenda. Item no.108, case npa-2013-0025.01. This is whip within the oak hill combined neighborhood planning area for property located at 5816 harper park drive. It's a neighborhood plan amendment

-- excuse me, the neighborhood has requested the postponement of this item to your october 17 agenda. Item no.109, case c14-2013-0006 for the property at 5816 harper park drive. We have a postponement request from the neighborhood to your october 17 agenda. Around item 110, case c14-86-077 rca at harper park drive. The neighborhood has requested a postponement of this item related to the other two to october 17. Item 111 is c npa-20113-0025.02, for property located in the oak hill combined neighborhood planning area. This is a change to the future land use map for the property located at 64 rialto boulevard to change the future land use map to multi-family use. It was recommended to you by the planning commission, and this is ready for first reading only. The related zoning case, case c14-2013-004-1230 the property located at 6401 rialto boulevard, to change to multi-family ready, moderate high density, cfnl overlay or, combining district zoning. The planning commission did recommend the mf-4-co-np with zoning conditions and this is ready for consent on for approval on first reading only. Item 113, case c14-85-288.8, rca. This is a restrictive covenant amendment for the property located at 6401 rialto boulevard. Staff is recommending a postponement of this item. We'll bring it back for second and third reading of the other two items on october 17. Item no.114, this is case c14-2012-0109, for the property located at 1201 robert e. Lee road. The applicant has requested indefinite postponement of this item. This this item would require

-- prior to coming back and being on the agenda. Item 115 is case c14-2013-0023. This is for the property at 2901 davis lane. The applicant requested postponement of this item to your october 3 agenda. Item no.116, case c14-2013-0041, for the property located at 1602 fish lane. To zone the property multi-family, residence medium density or mf-3, district zoning. The zoning and platting commission recommendation was to grant the mf-3 zoning. This is ready for consent approval on first reading only. Item no.117 is case c14-2013-0042, for the property locate the at 13826 dessau road. This is to zone the property to public or p district zoning. The zoning and platting commission recommendation was to grant the p district zoning. This is ready for consent, approval on first reading only. Item no.118, case c14-2013-0043 for the property at 13826 dessau road to zone the property townhouse condominium residence or sf-6 district zoning. The zoning and platting commission's recommendation was to grant the sf-6 district zoning. This is ready for consent approval on first reading only. Item no.119, c14-2013-0060. I understand we'll hear this tonight at 6:30 at the request council spoke to earlier. Item 112020, is c14-2013-0061. This is for the property known at south chisholm trail, south of the intersection with west slaughter lane. It's to zone the property to townhouse condominium residence or sf-6 district zoning. The zoning and platting commission recommendation was to grant counsel house conditional over eoverlay or sf-6-co and ready for approval on all three readings, 121 is c14-2013-0062, for the property at 3909 westlake drive. Staff is requesting an indefinite postponement of this item. Before this item can come back we would have to renotify before it's placed on your agenda. Item no.122, case c14-2013-0064, for the property located at 12412 limerick avenue. The applicant has recently requested a postponement of this item to your october 3 agenda. Item no.1 c14-2013-0076, will be a discussion item. 14, c14-2013-0081 for the property located at 518 east oltorf street. Staff is requesting a postponement of this item to your november 7 agenda. Item no.125, case c14-2013-008-2230 the property at 7208 cooper lane. This is to zone the property to family residence or sf-3 district zoning. The zoning and platting commission did recommend the sf-3 district zoning and it's ready for consent approval on all three readings. Item no.126, case c14-2013-0084, for the property located at 901 901 junipers street. Staff is requesting a postponement of this item to your october 17 agenda. Item no.127, case c14-2013-008-5230 the property at 901 junipers street. Staff is requesting a postponement of this item to your october 17 agenda. No.128128, case c14-2013-0088, for the property at 1300 south lamar boulevard. This is to zone it to commercial liquor sails vertical mixed use or cs-1-v combining district zoning. Platting recommendation was to grant the zoning for cs-1-v combining district zoning with conditions. This is ready for consent approval on all three readings. Mayor, you have two speakers, one representing

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[05:05:59]

>> mayor leffingwell: They're both in favor.

>> They're both in favor. They both decline to speak but I wanted to make sure it's stated for resident the record that they have a private agreement, a covenant that's with the owner, and that's involving the zilker neighborhood association and the mary lee foundation. They're both in favor.

>> Mayor leffingwell: Stewart hirsch and david king, are in the chamber. This is on consent. You don't wish to speak; is that correct?

>> Correct.

>> Mayor leffingwell: David? Okay.

>> Thank you, mayor. Item no.129, case c14-2013-0095, this is for the property located at 9405 fourteen tee drive. This is a postponement request by staff to your october 17 agenda. Item no.130, case c14-2013-0096 for the property located at 11512 southwest parkway. Staff is requesting a postponement of this item to your october 17 agenda. Item no.131, case c14-2013-0097 for the property located at 11300 spicewood springs parkway. This is for postponement by staff, requested to october 17. [One moment, please, for change in captioners.] (cofa9-27-12.Ecl)

>> Mayor Leffingwell: The consent agenda is approve items 100 on second and third readings.

[05:08:01]

>> On 101 and 102 which i think you are about to get to, I've been in the lobby, we have an agreement between the neighborhood and applicant, however, because this case is up for third reading we're going to ask for postponement so we can put that in writing. 101 and 102 are requesting postponement.

>> Mayor Leffingwell: You're good. Postpone item 101 and 102 until approve 103 on second reading. To postpone items 104 and 105 UNTIL OCTOBER 17th. To postpone item 106 until november 7. And postpone item 107 until NOVEMBER 7th. To postpone item 108 until OCTOBER 17th. To postpone items 109 and 110 UNTIL OCTOBER 17th. To close the public hearing and approve on first reading only items 111 and 112. To postpone item 113 until OCTOBER 17th. To postpone item 114 indefinitely. To postpone item 115 until OCTOBER 3rd. To close the public hearing and approve on first reading only items 116, 117 and 118. To close the public hearing and approve on all three readings items 120, and to postpone item 121 indefinitely. To postpone item 122 until OCTOBER 3rd. To postpone item 124 until NOVEMBER 7th. To close the public hearing and approve on all three readings item number 125. To postpone item 126 and 127 UNTIL OCTOBER 17th. To close the public hearing and approve on all three readings item 128. To postpone item 129, 130, 131, 132 until october 17. And close the public hearing and approve on all three radars item number 133. Councilmember spelman moves approval. Mayor pro tem cole second.

[05:10:41]

>> Cole: Are you sure you read item 123.

>> Mayor Leffingwell: Well, I think I did and greg thinks I did.

>> Well, 123 is a discussion item.

>> Mayor Leffingwell: I didn't read it. Because it's not on consent.

>> Cole: I will second.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I understand there's urgency so I ask 112 and 113 back next week and the postponement on 113 will be until

--

>> Mayor Leffingwell: October 17.

>> Riley: Postponement of

-- NOVEMBER 3rd. TAKE IT UP THE 3rd. 113 would be postponed to the 3rd until the 17th and the others on the 3rd as well.

>> Mayor Leffingwell: We've already got 111 and 112 on first reading only. So the only change would be to postpone item 112

-- 113. [Multiple voices]

>> but with the direction we would bring back next week.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Mayor, I need to clarify 103. What are we

-- what's our action here today on 103? Is that on the consent agenda or

--

>> Mayor Leffingwell: That is consent on second reading.

>> On your dais there's a reading with environmental officer and the property owner after I think discussion with my staff and watershed staff have reached an agreement on those conditions, they

would have to be codified, but we are only offering it for second reading today and we have to bring it back once the ordinance is prepared and the covenants are prepared.

>> Mayor Leffingwell: Any other questions or comments? Councilmember tovo.

>> Tovo: I would like the record to reflect my vote against this item.

>> Mayor Leffingwell: All right. We'll show

-- we don't have a motion

-- we do have a motion on the table, spelman and mayor pro tem. And we'll show councilmember tovo voting no on which item? 103. All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0.

[05:13:01]

>> Thank you, mayor and council.

>> Mayor Leffingwell: So with that we'll recess this meeting of the austin city council and call to order a meeting of the austin housing and finance corporation.

>> Good afternoon, betsy spencer, treasurer of the austin housing finance corporation. We have five items on our agenda today that I overall on consent and I am available for questions if you have any.

>> Mayor Leffingwell: Okay, so the consent agenda for the austin housing and finance corporation is to approve items 1, 2, 3, 4, 5. Board member martinez moves approval. Seconded by board member spelman. Discussion? All in favor say aye. Aye. Opposed say no. Motion passes on a vote of 7-0. Thank you. So that concludes our agenda so without objection the meeting of the austin housing finance corporation is adjourned and I'll call back to order the meeting of the austin city council. And item 51 is not ready, has been tabled earlier. So that brings us to item 77 has a time certain also. Item 90. We have two speakers signed up on item number 90. Sues all in favor? Motion passes on a vote of 7-0. So I believe the next item we have is item 119. Which is also a time certain. Back to zoning. 123.

[05:15:49]

>> Thank you, mayor and council. Item number 123 is for property located at 5210 Rogers Lane. This is a zoning change request to neighborhood commercial or I-1 district zoning. The zoning and platting commission recommendation was to recommend approval of the staff recommendation which was for the I-1-mu-co combined district zoning with the conditional overlay that would require vehicle trips to be less than 300 trips per day, and no vehicle access would be taken to and from 969. The applicant does support the staff's recommendation, but the zoning and platting commission did add one additional condition. The owner would be prohibited from doing drive-through services on this property. The property as it's situated right now is located between Rogers Lane and Rogers Loop on the east and west sides and just immediately north of 969. It's currently undeveloped, but in the past it may have been used for some vehicle storage. The surrounding properties to the north, there's some

-- existing residences to the north and to the south are some residences of specific use zoned SF-2 and 3. To the east is SF-2 undeveloped and to the west is warehousing zoned SF-2. Staff did recommend that service station land use be prohibited because of traffic generation, the size of the lot, which is only about .23 acres in size, and there are some existing actually service stations in close proximity. Two of them in fact between 500 and 600 feet away so not too far away. I think

-- I don't believe you have any speakers.

>> Mayor Leffingwell: We do. Oh, you do?

[05:17:51]

>> Mayor Leffingwell: Jason Jagoda.

>> I think he's here to address about prohibiting drive-throughs.

>> Mayor Leffingwell: Okay. I assume there are no questions for staff. Jason, you are the applicant. You have up to five minutes.

>> Five minutes. Thank you. Yeah, I purchased this property awhile ago and my son lives in the area and I'm pretty well versed with the surrounding facilities that are available, and one thing meeting with a lot of the neighborhood recently I've noticed everyone is kind of coming in the same place I am is that this area is a food desert is what they like to say. There's not really eye food services, specifically anything healthy, for a good three or four miles. There's a Don's barbecue and like Greg said there are a couple service stations, but as far as for healthy food options along this specific route or in this neighborhood they are very low. This is a lower

-- well in the past I think this area has been lower economically developed and so I think the food services around that area have reflected that. There's a few drive-throughs and a few convenience

-- i think there's a fast food within a mile or a mile and a half of this location. But as far as your healthy options, they are not there. And hence this request and to rezone is to do something healthy, something for the community, something that brings awareness to the fact that there isn't really anything healthy on this side of town and bring awareness also to the fact that we have a few different farms within i think a good half a mile of this location and I'd like to be working with them and bringing some local food and some stuff from the neighborhood and make it to the people. Like I said, the only thing that they are requesting is that it don't be a drive-through. I'm trying to limit the impact on the community by making it more convenient, getting people in and out of there. I'm prepared to do whatever it is if I can't do a drive-through, then I'll go the other route, but I'm asking for you guys to give me a chance to try to bring something to the neighborhood to help the community and to make it a better place.

Thanks.

[05:20:34]

>> Mayor Leffingwell: Yeah, and I

-- you know, I would support your drive-through, but you're not saying don's barbecue is unhealthy, are you?

>> I'm not saying it's unhealthy. It's a great place. I enjoy don's, but I mean for those

-- those looking for some other nonmeat alternatives are pretty slim in the area.

>> Mayor Leffingwell: Yeah, okay, that might be a better choice of words. Councilmember morrison.

>> Morrison: Thank you. I appreciate your consideration and your intent to try and bring something different to the neighborhood. I'm a little confused because when I think drive-through, I'm usually thinking like a fast-food place which sounds opposite what you are talking about. You talk a little more about are you envisioning like a market that sells local vegetables and

--

>> well, I'm trying to do juice. Like juice, kamboocha and something healthy. As close to raw food as I can do within the parameters and try to make it more seasonal instead of always offering the same things. Change the menu as the produce becomes seasonal so we can actually really use the local farms.

>> Morrison: Okay. Well, I guess my first thought is that getting people out of their cars, getting them walking around, giving them a little better opportunity to run into each other and talk to each other is actually a nice part of a healthy food environment.

>> Sure, and this is the other thing, as he said it's a very small property so there's not really much area I could put even because I would have a very small sit-down area if I didn't do

-- and, of course, with the drive-through have a very small area as well, but it's limited spacey have. Space I have.

[05:22:38]

>> Morrison: Thank you.

>> Mayor Leffingwell: Councilmember Tovo.

>> Tovo: I wonder if you could speak a little more why you feel it's important to have a drive-through.

>> It's a busy road, 969 is, right in front of this house. You see a lot of traffic. See as much as I think 2,000 cars within an hour in the early morning rush. And it's just more convenient, allows a better flow of the traffic to come in and out. I mean I guess that the

-- if I provide enough parking, I can get people in and out effectively, but I just see

-- and like they discussed, the two roads and the fact that this is a through property, I can get them to come in off one and go through and make it nice and easy. And with a drive-through, it's probably easier for me to direct that traffic and create a better flow than it is if I've got people coming in from both sides and coming in and out of both sides. Congestionwise I think it might be more sound to have a drive-through.

>> Tovo: I guess I would like to hear the staff weigh in on that option. Could you

-- if it's really a matter of getting people coming in one direction and out another, it seems like you could do that just with your entrance and exits. I guess one of the reasons I'm asking is having a busy road, being located on a busy road can sometimes have having a drive-through there can sometimes become a challenge for a busy road. I live near one myself and occasionally the drive-through backs up well into the right-hand lane of traffic five and six cars deep of people trying to get into that drive-through. So hopefully you will have a very successful and popular restaurant and people will be coming in, but that could create a challenge for the road and I wonder if that was part of what approximate the zoning and platting committee was concerned about. But in terms of your business model, is there a reason why a drive-through is important?

[05:24:39]

>> Well, after hearing the

-- the initial recommendation, I've brainstormed with some people and some architects and looked at other options, and we can still just have kind of like a drive-up and have people run out to and from and so it wouldn't necessarily have to be

-- and still envision the same in and out easy method using some other methods. So I mean there's options. And so if it goes, you know

-- and it might come back that I'm going to sit down with some people and really look at this traffic situation and see what would be best. And if it comes down to it, even if you approve drive-through, I might not go that route. I might find this is a smoother transition, like you said, for the traffic. The great thing about having these two roads, that loop does loop around so it's easy to get people in and out. So I'm envisioning some way that we can

-- instead of

-- if there's a backup, hey, direct people up the road, okay, loop around, you can come in the other side and lessen the strain on 969.

>> Tovo: Do you have plans to sell anything other than juice from your store? Things that you would want people to come into your restaurant?

>> I'm looking at things that are

-- with that kamboocha fresh produce as well.

>> Tovo: A lot of reasons for people to come in rather than just go through the drive-through so they can browse.

>> It's a small area. I'm trying to really conserve and go small so I might only have a walkup.

>> Tovo: I see. Thanks so much.

>> Mayor Leffingwell: I can think of a couple things. It sounds like it's kind of a commuter road, right?

>> Yes, it's.

>> Mayor Leffingwell: Going to and from work. I could see a lot of people want to stop by and grab a juice and drink it on their way in. And, of course, another reason for drive-throughs is that primarily with kids in the car, it's a lot more convenient for them to just drive up and get what they want there.

[05:26:54]

>> And there are few schools up the road. My son goes about a mile away so that's one of the things too.

>> Mayor Leffingwell: It provides a level of convenience. I probably wouldn't stop there if I didn't have the drive-through option if I was going by.

>> Thank you, mayor.

>> Mayor Leffingwell: Any other comments? Councilmember spelman.

>> Spelman: I have a question for miss thomas. Would a dry-up like a sonic qualify as a drive-through or not? I think what he's describing is something

-- that's a sonic model to me. You drive up and somebody comes out

--

>> that's what I was thinking.

>> Mayor Leffingwell: Question for staff.

>> Councilmember, yes, we would consider a sonic to be like a drive-through or drive-in type of service. Our code basically speaks to being service to the vehicle whether you pull up next to it and keep going straight or pull up, back up and leave, it's still a service being provided someone in a vehicle.

>> Spelman: So if you put in a sonic model, he would not be able to do that under the zap recommendation. Actually I have another question. If you wanted to put in a drive-through and put in two driveways on 969, how far apart would the curb cuts have to be?

>> Well, there's a condition that staff would actually not allow any access to 969 in this case. It would only be allowed to the rogers lane and then i think it's rogers circle on the other side of the property. Rogers loop. And at the time we do a site plan, we would have to look at space in proximity to the 969 intersection. Typically those would have to be at least not more than 60

-- or 100 feet or 60% of the front age away from that intersection. T we would look at the adjacent driveways on the neighboring properties. There would be no access allowed on 969. We would have to look at the outlets proposed but right now we believe there might be able to have access to either roadway or both depending on how the layout of the property comes in when he designs.

[05:29:06]

>> Spelman: Okay, so the personal places of the driveway on rogers loop and rogers lane would be legal; it would not be too close to 969 and still be on his property.

>> Yes. He would have to perhaps design them so they are further away from 969, but he could take access to either one of those.

>> Spelman: In one and out the other. Do you offhand know, rogers loop appears to be

-- I've never been on the road, but looks like it's a very small road with maybe a 25-foot right-of-way. Rogers lane looks a little bigger but they are both two lanes it looks like.

>> That's correct. Rights are similar

-- widths are problem similar. Looking at the aerial, actually rogers loop looks like it's a little wide other the right-of-way according to our maps.

>> Spelman: A particular angle. Okay. They are both two-lane roads and there's no

-- is there a reason not to put a drive-through linking a two-lane residential road?

>> No, I think

-- at this point staff given the number of trips limited to only 300 a day is going to set some size limits. The store might only be about 800 or so square feet so we're not talking about something that's extremely large. The property is constrained just because of its size, it's so small, and allowing access to 969 he's not going to fit a lot on the property.

>> Spelman: Right. Thank you.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: This is between rogers lane and rogers loop.

>> That's correct.

>> Riley: That confused me because

--

>> it would be on the west side of rogers loop, on the east side of rogers lane.

>> Riley: Right, which seems odd given the address.

>> Yeah, the address is wrong. It's 5201. The address is actually 5201.

[05:31:08]

>> Correct.

>> Riley: Our agenda said

--

>> is that a posting issue?

>> My attorney is going yes it is, so we could probably postpone the item and bring it back with the correct address.

>> Mayor Leffingwell: Okay, so motion by councilmember martinez to postpone this item until when?

>> Yeah, we could probably

-- from the newspaper posting.

>> Mayor Leffingwell: We were both talking at the same time. Did you say october 3rd was okay?

>> October 3rd and we'll confirm legal notice.

>> Mayor Leffingwell: Is there a second? Second by councilmember spelman. All in favor say aye. Opposed say no. That passes on a vote of 7-0. Sorry.

>> That's all right. I'll see you then.

>> Mayor Leffingwell: I think that brings us to 135. No, wait a minute, that's 4:00 stuff. 51 apparently is not ready yet so I guess we have no choice except to go into recess until 4:00.

>> Mayor Leffingwell: We're out of recess. And I believe we can begin with item 135.

[05:33:10]

>> Good afternoon, mayor and council, my name is virginia collier from planning and review. This is the first of two public hearings for items 135 through 143. This is a total of approximately 3300 acres that

we're scheduling to annex this year. The second hearing will be next thursday, october 3, 4:00 p.M. Council doesn't take action at either of these hearings. Ordinance readings are tentatively scheduled for october 24th with a proposed effective date of december 16. In accordance with the city's annexation policies described in the imagine austin comprehensive plan, the should should annex areas in order to apply zoning and development regulations, protect and expand the tax base, more efficiently deliver municipal services such as public safety and utilities, and coordinate the extension of these services to developing areas. By expanding territory subject to city ordinances, regulations and codes, annexation improves the city's economic base and enables is to the to manage growth and development. I'll briefly describe each, however upon annexation the city will provide full municipal services to each area including services currently provided by other entities such as the counties. Copies of service plans for each of the areas are available, I left them on the table with the agenda and i would be happy to send a copy to anybody who might not be able to attend the hearing. In compliance with statutory requirements, each draft service plan includes three components. The first is early action program including services provided in the area commencing on effective date of annexation. The second requires

-- but available citywide. And then finally a capital improvement section where we would include information about any capital improvement necessary to provide municipal services to the area. So item 135 is the wildhorse ranch area. This one includes approximately 2380 acres in eastern travis county south of u.S.290 east at the intersection of state highway 130 and 290. This area is currently in the city's limited purpose jurisdiction. It was annexed in 2002 and it's adjacent to the full purpose jurisdiction on the western side of the tracts. The area is undeveloped and p.U.D. And it's being

-- at the time of limited-purpose annexation. I should point out a portion of this area, approximately 196 acres, is appraised for agriculture use for ad valorem tax purposes and for this reason in lieu of annexation at this time the property owner has the option to enter into a development agreement with the city that would ensure his property's e.T.J. Status while the property continues to be used for ag purposes. Upon filing an application to develop the property, any restrictions on city annexation becomes void and unenforceable. If the owner is interested i would bring this forward at the same time we will consider annexation of the remainder. We'll provide full municipal services and this concluding my staff presentation for item 135.

[05:36:08]

>> Mayor Leffingwell: All right. So there are no citizens signed up to speak on item 135. I'll entertain a motion to close the public hearing. Mayor pro tem moves to close the public hearing. We're not approving anything just yet. Is there a second? Seconded by councilmember morrison. All in favor say

aye. Aye. Opposed say no. Passes on a vote of 6-0 with councilmember spelman off the dais. And I assume most of that spiel you just gave applies to all these annexation and you don't need to repeat it.

>> Okay.

>> Mayor Leffingwell: 136. 136 is good night ranch, 458 acres in southern travis county. This area is also currently in limited purpose jurisdictions. The owners are

-- staff recommends continuing with the conversion to full-purpose annexation at this time. And again, there's copies was service plan available this evening if anyone wants on copy.

>> Mayor Leffingwell: Item 136, no citizens signed up to speak. I'll entertain a motion to close the public hearing. Mayor pro tem so moves. Seconded by councilmember martinez. All in favor. Opposed. Passes on a vote of 6-0 with councilmember spelman off the dais. 137.

>> The morris tract area includes 180 acres in travis county east of ed bluestein boulevard and 290 east-west of spring dale road. Although the area is undeveloped, no development plans have been filed. The watershed protection department has determined future development on this project would not be subject to impervious cover limb due to the fact the property is in the

-- so either annexation or entering into an annexation and development with the property owner would remedy this situation by extending city regulations to future development on the area. This one is also appraised for ag use for ad valorem tax purposes and so if interested the city would bring forward a development agreement for your approval in lieu of annexation at the time you would be scheduled to consider that annexation ordinance. This concludes my presentation.

[05:38:11]

>> Mayor Leffingwell: Entertain a motion to close the public hearing. Mayor pro tem moves, councilmember martinez seconds. All in favor. Opposed. Passes on a vote of 7-0.

>> Item 138 includes approximately six acres in northwestern travis county north of spice wood springs road, approximately 250 feet west of spice wide springs road. This area is in the e.T.J. Surrounded by the city limits with the full purpose jurisdictions

-- existing development on the site includes an auto glass business and remnants of an auto salvage business. A site plan has been approved this june and the applicant is proposing to construct a storage facility and dog kennel with associated improvements. Again, the city provides full municipal services to the area as described in the service plan upon annexation and this concludes staff presentation for item 138.

>> Mayor Leffingwell: Okay, we do have speakers. First is charles roth. You have three minutes.

>> Thank you. My name is charlie roth and i am a board member and representing the homeowners soaks at the southwest corner of great hills and directly adjacent to this property. What we're here to do, this property as described has a junkyard, a glass business and is proposing enhancing that property with a dog kennel and storage facility. The board would like to request city council to direct staff to work out an agreement with sufficient incentives, and those are the key words, with sufficient incentives for mr. Cavanad to remove his businesses from the area. Additionally we would like that no new commercial multi-family units be built on that property and that no new street or entrances to the property are added to yaupon drive. I think we have a unique opportunity maybe once in a generation of removing this business which has been there a long time from bull creek, which is within spitting distance just

-- just next to this property. It is one of our sources of drinking water and it's not compatible

-- a junkyard is not come patible in this area where we have a lot of preserve. The city has been negotiating with mr. Cavanad for a long time. We've talked to city staff and I want to urge city council maybe this is one of these times during this annexation agreement that we can get additional agreements to remove these businesses. We think it's unique opportunity and we should not be wasted. I do want to talk about the entrance. Stipulation that we put in, i know you have a flyer with our requests. Yaupon drive is a very steep road and this property would add additional entrance at the bottom of the steep road. It would create an inherently dangerous situation. Thank you for listening and my contact information is there in case you need to reach me.

[05:41:27]

>> Mayor Leffingwell: Thank you. For your information, i believe existing uses are allowed to continue.

>> I know they are. And that's why it's important to come up with an agreement hopefully. To remove some of these usagees.

>> Mayor Leffingwell: Next speaker is mike wilson.

>> Good evening, mayor, councilmembers. My name is mike wilson. Back in 1994 while I was serving on the environmental board, had started what was known as the drainage utility master plan. I served on that committee from '94 I believe to '97 and as part of that committee we had discussed transfer of development rights as a potential for trying to clean up the environment. In 2005 I met mr. Cavanaugh out at his business. He was asking for me what is the path way I can take to remove my existing businesses. It was a thriving auto salvage business and yet he cared about the environment. So in all the

years working with skip cameron, wayne gronquist, numerous city staff, a lot of the staff retired on us, we got into serious negotiations with tdr about two years ago with city staff. We had a proposal on the table. Mr. Cavanaugh felt it was inadequate and the discussion ceased at that point. Basically staff's position is take the offer or leave it. I'm here to encourage you to begin negotiations again with mr. Cavanaugh and please help us remove the salvage yard from the banks of bull creek. Thank you.

>> Mayor Leffingwell: Roy cavanaugh is the next speaker.

[05:43:38]

>> There's a shot of my business right there from

-- you can see from the area, you can see the salvage yard. There's a cul-de-sac north of it of 10 houses, houses to the right. That's the neighborhood association they are talking about. For eight years I've been trying to reach an agreement with the city to redevelop my property. I failed to do this because I've been talking to the wrong people, the staff. This decision is above their pay grade. The agreement should be negotiated before council in a public forum. The architects of the code felt the same way. That's why managed growth agreements were written into the code. This option was not available to me because the project duration portion of the code was rescinded because it was flawed. I pointed this out to you in a citizens communication and offered alternative methods to pursue this matter but received no response. I was denied due process and the citizens of austin were denied their opportunity to weigh in on this matter and that is wrong. In answer to my request to work out a mutually beneficial agreement comes notice of annexation. Annexation is not a solution. The problem is a junkyard

-- some people think any business is anathema to an environmentally sensitive area. I'm caught in a situation where I'm a businessman, have to support my family, I'm willing to work something out. Mike helped me come up with this idea and I've been trying to promote it and I've gotten an answer from staff, it just wasn't sufficient. Annexation allows me to continue my glass business, my used car business, and my junkyard. Annexation does not prohibit my redevelopment of a self-storage and dog kennel. The existing businesses

-- there's an unintended consequence of annexing me. The existing businesses and the new storage and dog kennel will be virtually cemented in place. I suggest this annexation process be put on hold and you tell the staff to go back to work on drafting an agreement that results in the eventual removal of all businesses from the site. Understand that the construct of this agreement is not the problem. IT'S THE AMOUNT OF TDRs TO Offer consideration that makes the staff uncomfortable. Instead of asking staff to DETERMINE THE AMOUNT OF TDRs To offer as consideration, ask them to analyze the impact of this agreement including the impact on all stakeholders. Let the council set the amount OF TDRs AND MAKE FINAL Modifications in subcommittee.

[05:46:41]

[Buzzer sounding] the staff should consider the aesthetic impact, the impact on preserves and water quality.

>> Mayor Leffingwell: That buzzer, that was your time.

>> Okay.

>> Mayor Leffingwell: Maybe somebody wants to donate some to you. Mr. Young or mr. Townsend.

>> [Inaudible]

>> Mayor Leffingwell: You can have three more minutes. Who are you, by the way?

>> [Inaudible]

>> Mayor Leffingwell: Robert young donates three minutes.

>> Mayor, I'm totally open to a reasonable agreement. At first I was trying to hold on to what I had because i worked so hard to get it. It works well, I make money there, I support a lot of families. I have two brothers that work there, two sons inlaw, a daughter-in-law and a son. And we've worked real hard, we've got a successful business. I've tried real hard to keep ahold of it. But I realize that the original offer that staff gave me, they didn't want any businesses there. And I can understand why. But I have an idea how we can work something out so in the long term the city will get what they want, all the stakeholders will get what they want, and I will benefit too. That's the nature of a win-win situation. I think the opportunity is there and, you know, this is a small thing, but it's a big thing for austin, but people who have saved parks in this world are revered and there's a chance to really save something. There's one of the two most beautiful places in the whole valley are right across the street from me. And my property can be used somehow to serve and support that rather than be an eyesore. In the future they are developing trails around there and pretty soon there's going to be a circle. What's great about what you've done with the trails downtown is it's a loop. You can access it anywhere, go any direction, it makes it fun, it's like a golf course, they make it in a loop. That trail system is almost complete. In fact, you tried to get them

-- you passed a resolution you wanted to connect the trail where my property is. If that loop were connected, you would have one really great trail system where you could go to about five different places and park and use restrooms. In fact, my site is a perfect place for that. In fact, at one time I offered that to the council, to the city, offered a parking plays with restrooms, telephones and air supply to pump up bicycle tires and everything right on my property as part of my original proposal to also build a nice building there. I WANTED TO TDRs TO CLOSE Everything down, have a development

agreement to build a nice building and give the city a facility there to support the park across the street. But they didn't

-- they didn't like it. So I'm telling you, I'm here and

-- but I'm

-- make no mistake I'm not building. I build this mini storage and I'm going to make a hell of a lot of money but I don't think it's good for the neighborhood. I think there's a better situation for me and everybody else. Have them take a look at it again and consider it. You have one department like the water quality department who are engineers and look at formulas on loads and look at this through a straw. All they say is hey, there's not that big a water quality problem, when you have to consider all these things, the preserves, the parks, the trails, the impact on all the people that use that road, the bicyclists, the pedestrians, the hikers up and down there. There's so many people impacted it's not just what you see through the straw from the watershed protection department who is the one that gave me the offer that was insufficient. Thank four listening to me.

[05:50:13]

>> Mayor Leffingwell: Thank you, roy. And I'm well familiar with that property. I think I got on the environmental board about two years after mike wilson left if my math is right and I have been familiar with this piece of property ever since that day and I know these talks have been going on since the LATE '90s AT LEAST. And I would like to see these talks continue and let's try to build a little bit of flexibility into this. So I'm going to be asking staff questions about this as we continue through this process.

>> Thank you, mayor, i appreciate your [inaudible].

>> Mayor Leffingwell: Did you have something, councilmember spelman?

>> Spelman: I understand, mayor, it's not our position right now to negotiate anything or even to begin negotiating anything, but i didn't want to just get a quick screen as to how far apart the two parties were. I wonder if I could ask mr. Cavanaugh if you had an offer to make to the city specific enough I could take a look at it. Come on up here.

>> Mayor Leffingwell: We have to have you officially recorded everything you say.

>> OKAY, NORMALLY TDRs ARE Used for, like, raw land. And that's not the case here. There's a development here. Okay? So you really have another dimension to it. But there's a guy named rick pruit, he has spoke in austin and made presentations about TDRs. He wrote the book on the subject. In

his book he made observations of other cities, I can show you the book, that we can support our decisions on and he said that one for one

-- see, I have 200,000 square feet of impervious cover. He said one for one was never a viable option. He said what was normally granted was a factor, a scaleup factor. They want you to move it away from the sensitive spot to somewhere else. They scale it up. And he said what he saw was two to five. That was the range that he observed. Well, two would be I guess, you know, not so sensitive, five would be more sensitive. With all the factors coming together on this situation, I'm taking that you are way out there into the continuum. You know, you've got all these, you know, all these

-- you're not going to be two, you are going to be five or beyond with our situation. Because where are you going to find all these things coming together at one time like they are right here.

[05:52:36]

>> Spelman: How many square feet of impervious cover have you got? 200,000.

>> Spelman: And you are looking on the order of 500,000 square feet.

>> Five times 200. Based on what you see in the textbooks on raw land. So this really is not for me anymore. You see how old I am, I don't plan to be here very long, i shouldn't be, I don't plant trees. This is my legacy for my kids. I have five kids. I live for my kids. I've been married to the same woman 43 years, ten grandkids, I do things for other people, that's how I enjoy myself, i like to make people happy. This is for them and this is what this is worth based on the textbooks.

>> Spelman: So what you are looking for is a million square feet of impervious cover.

>> Well, there's some other features too, but yeah.

>> Spelman: Roughly that's the kind of number we're talking about. Thank you, sir. Appreciate it.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: You said something toward the end, you said and there's some other features too. Would you mind elaborating? Are you saying there's other conditions you would like to see in addition to that million square feet of impervious cover?

>> Yes. They've asked

-- they've put other conditions on the property which I guess is really not the biggest thing, but there was a

-- there was an organization

-- there was an entity that set up and it was about protecting barton springs and austin was part of it. And they had a primero

-- on transferable development rights. I have a copy of it. Austin was a party to that regional group. So was hays county and stuff like that. In there they also said that the area in the creek should BE CONSIDERED FOR TDRs AS WELL. And you know, I know that that's probably, you know, but if

-- I'm telling you right there in black and white it says I should also be entitled to that as well as the 200,000. So, you know, if I were going to lawyer this I would say you also need that creek bottom too. That's what

-- you promulgated that when you put it on your website and it was done in 2005 in connection with something with barton springs. So, you know, I would argue that. Then you could almost argue too, look, I actually have a business going on. This other stuff is for raw land, but, you know, it's

-- all those things, there's some tradeoffs to be made. I know there's probably a CEILING ON TDRs AND HERE I Am have to caution not to be too careful. I tend to be too conciliatory sometimes and I should like a lawyer and argue for hard as hell and I should be for my family and I am, but I know you have to be a reasonable person. You could argue in the textbook I'm entitled to actually six acres of it.

[05:55:23]

>> Tovo: So what you're saying is one million

--

>> 1.3 million is that it would come out to.

>> Tovo: Thanks. My next question is one for staff. I would just like a sense of whether the city has ever done transfer of development rights that were in excess of one to one that were more like two to five scale or beyond.

>> I can comment on that a little bit while he's walking up there. There was a guy named bill walters he got some. My understanding he never owned the property. His blood and sweat wasn't in the dirt. This guy was a bigtime guy who bought dirt and did apartments. He had a contract and the social security was so aghast by that they took over his contract and gave him hundreds of thousands of tdr degrees. He had more investment in it AND HE GOT ALL THESE TDRs. That to my knowledge is the only time it got done but that's not apples to apples. I would love to have that deal. I'll let him give an answer.

>> Greg guernsey. Planning and development review. What he's speaking to is a tract known as the freisenhaun tract on barton creek cross and barton creek mall and there was an agreement that was done with the property owner and there was a difference between I think the

-- maybe the appraised value of the land and the city EXTENDED TDRs FOR THAT Property to be used in the desired development zone. And earlier this year we actually brought that back to you because the owner had the ability to utilize those i think until like 2016. There was not a market for those and there's some legal issues that came up with that, but to make a long story short, we basically purchased back those tdr rights that were on the remainder that were not used by the property owner and extended some fee waivers and that resolved that issue. That's the only case that I'm aware of that

-- where watershed issues came up. Back in the capital view corridors back in the mid 1980s, AUSTIN ENACTED AN Ordinance to protect capitol views before the state of texas did and we had a tdr revision in about 90 days that allowed people to transfer height from one tract to another downtown. I think it was only used by a single property and that's the only other case I'm aware of.

[05:58:00]

>> Tovo: So mr. Guernsey, just to get a sense of how those calculations are done, the freisen hahn tract is not a good comparison but the one you mentioned where a period of time downtown transfer of development rights existed was it one to one or two to five?

>> No

-- I do not recall. I know that it was a very short window of time and i could certainly get that information, but that was close to 30 years ago and i can't remember off the top of my head.

>> Tovo: I was trying to get a sense of scale. Thank you very much, mr. Guernsey.

>> Mayor Leffingwell: Mr. Guernsey, while you are still there, I'll just say this is obviously a very high value from an environmental perspective. If there's a prettier place in austin, texas, I don't know where it is than this particular area, and obviously a junkyard is not a high value environmental use and it can continue after annexation. So I would just strongly urge that we be a little more flexible in our negotiations. I'm not talking about giving away the farm, but I'm talking about not setting any hard, rigid guidelines so we can't have any progress whatsoever. [One moment, please, for change in captioners]

[06:00:09]

>> more importantly, we're concerned about the environmental impact and the safety. And currently he's been approved to be able to do a number of things: Build a kennel for animals, and also build a storage facility. With a kennel, you know, there are obvious concerns about runoff into bull creek. There was a park right down the road, down 360 near lakewood that was a dog

-- allowed for use of dogs. The city actually ruled on that and prevented that because I think it was within the city boundaries and now those animals are no longer allowed to play in ball creek. So we have similar concerns if mr. Cavanaugh was forced to develop the property and use it for that. The other concern with a storage facility would be the

-- increased traffic congestion in our neighborhood and on to spicewood springs road as well. There was a death of a motorcyclist about a year ago, and as a cyclist it becomes very concerning. So again, it's his property, he has the right, he has the use to develop it. I would urge you as a ten-year resident of the area that the city work with him to come to an amenable solution that minimizes the environmental impact and ensures the safety of the residents around the area. Thank you very much.

>> Mayor leffingwell: Thank you. John beckham.

>> Hi name is john beckham. I'm resident of the neighborhood, I'm the closest to his place. I moved in there knowing full well there was a young yard, and as a neighbor

-- as you spoke, if there's a prettier place in austin I'm very happy to live there, and I would encourage you to strongly consider two things. One, the negative effects of the kennel and the storage facility, aside from, you know, just being a tremendous eyesore on such a beautiful valley, it also does create some very physical dangers that will be very present along yaupon drive. If you haven't driven that particular hill and watch how fast cars come down regardless of the speed limit and the fact it's a turn and where the street would come out with trailers, trucks, all hours of the day and night. It's very, very dangerous. But I think this is a great opportunity for the city to look forward

-- you know, there's no one here anywhere that's going to know all the history of what's going on here, and I don't presume to. And I know there's always more involved than any of us know. But it is a wonderful opportunity for the future, and I hope that the city council will find some way to move forward to make this a great opportunity to make it a better place for all the residents and look for a win-win for everybody. Okay. Thank you.

[06:03:06]

>> Mayor leffingwell: I think those are all the speakers. I'll entertain a motion to close the public hearing. Council member spelman so moves, council member morrison seconds. All in favor say aye.

>> Aye.

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

>> Mayor leffingwell: Item 139, preserve the springs road area, this is approximately 13 acres in southwestern travis county, south of thomas springs road, approximately 3/10 of a mile west of highway 71 and thomas springs. The area is in the city's limited jurisdiction, and is adjacent to the full purpose jurisdiction on the south and the north side and the eastides of the tract. A final plat for redivision, 32 large single lots is currently in review. The majority of the subdivision is already in the city's full purpose jurisdiction and this annexation would bring the remainder into the city limits so to avoid having city lines cross the lot lines and creating potential confusion. The city will provide full municipal services as described in the service plan, copies of which are available today, and the staff presentation for

-- this concludes the staff presentation for item 139.

>> Mayor leffingwell: No speakers. Council member martinez moves to close the public hearing.

>> Second.

>> Mayor leffingwell: Second by council spelman. All in favor say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no. Passes on a vote of 6-0 spelman off the dais.

>> Mayor leffingwell: This includes the approximately 290 acres in southwest travis county and northeastern hays county, approximately 1 and a quarter miles south of state highwa and escarpment boulevard. It's in the limited purpose jurisdiction and annexed in 2000 and the extra tear tore jurisdiction, it's adjacent to the full purpose city limits on the northeast side of the tract. This area is undeveloped and includes a proposed phase 2 and 3 family subdivisions both currently in review and include a total of 260 family residential lots. Again, the city will provide full municipal services upon annexation and this concludes the staff presentation for item 140.

[06:05:09]

>> Mayor leffingwell: No one signed up? Council member martinez moves to close the public hearing.

>> Second.

>> Mayor leffingwell: Second by council member spelman. In favor say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no, passes 7-0.

>> Mayor leffingwell: Item 141, 133 acres in travis county east of i-35, north of the intersection of 35 and lawsuit lane. Slaughter lane. It's in the city's e.T.J. And adjacent to the full purpose jurp u jurisdiction on the north and west side of the traskt of i-35. A multifamily residential property is under construction on a portion of this tract. If annexed the city will provide full municipal services for the areas described in the service plan. Copies of which are available today and this concludes the staff presentation for item 141.

>> Mayor leffingwell: No speakers signed up? Council member martinez moves to close the public hearing, council member morrison seconds. All in favor sayy.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no, passes 7-0.

>> Mayor leffingwell:142 is the prosperity business park area. Includes approximately 13 acres in southern travis county south of slaughter lane along i-35. It's in the e.T.J. And adjacent to the full purpose jurisdiction on both the northwest and the southeast sides of the tract tract. It's currently undeveloped and the preliminary plan has been reviewed which indicates future development including office, retail, warehouse and restaurant uses. Again, the city would provide full municipal services to the areas described in our service plan, copies are available today and this concludes my presentation for item 142.

>> Mayor leffingwell: No speakers? Council member martinez moves to close the public hearing. Seconded by pro tem coal. Say aye?

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no, passes on a vote of 7-0.

>> Mayor leffingwell: Finally 143, the himp 71 east area, includes 407 acres in southeastern travis county, south of state highway 71 east at the southwest corner of the intersection of 71 and state highway 130. This is in the e.T.J. And adjacent to the full purpose jurisdiction on the northwest and south sides of the tract. It's undeveloped and although future proposed land use is unspecified at this time due to excellent road access and availability of city utilities, it would be beneficial and staff is proposing this annexation at this time to ensure quality growth at a highly developable location. The proposed crossing subdivision was filed but expired. The city will provide full municipal services to the area described in the service plan. Copies are available today and this concludes my presentation for item 143.

[06:07:43]

>> Mayor leffingwell: No speakers signed up. Mayor pro tem cole moves to close the public hearing. Second by council member spelman. All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. For the time being, council, we'll skip items 144 and 45. , Still a work in progress.

>> We're ready.

>> Mayor leffingwell: Oh, you're ready. Why don't we go ahead and get these others

-- there are a number of speakers signed up on that one. 146.

>> Mayor leffingwell: Good evening, jeannie plumber, office of real estate services, item 146 is a change in use of parkland known as the chapter 26 public hearing. There is no other feasible and prudent alternative to the taking of the dedicated parkland, which includes all planning to minimize harm to the park. The mitigation on this tract is \$120,395.64.

>> Mayor leffingwell: All right. There are no speakers signed up. I'll entertain a motion to close the public hearing and approve the resolution. Council member morrison so moves, second by council member spelman. All in favor say aye.

>> Aye.

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

>> Thank you.

>> Mayor leffingwell: Thank you. 147.

>> Item 147 is the shady hollow strategic partnership agreement. This is the first of two hearings on a partnership agreement between austin and the shady hollow mud and future annexation. The next hearing is next thursday at 4:00 p.M. There's a disagreement in august and september and adopted the spa at that time. Over the past year mud representatives and staff discussed the effects of annexation on mud residents and to explore it under the three-year map process. Adoption of the strategic partnership agreement is an alternative we're presenting today. Before going further i wanted to recognize that the mud board members

-- actually the mud's attorney, phil haig, is here this evening if case you have questions for the mud. So as you know, in the city's e.T.J. Developer must obtain the city's consent prior to creation of a mud. In

1980 the city consented to the creation of the shady hollow mud and we've been operating you said this consent agreement for the last 33 years. The purpose of this strategic partnership agreement is to define terms and conditions for the city's annexation of the mud and the relationship between the city and the mud during the period leading up to full-purpose annexation. This fta is designed to provide real benefits to each party. The mud on behalf of its residents agree to the following. Full-purpose annexation including city services and taxes starting december 15, 2020, a service plan that describes these services will be provided by the city upon full purpose neation annexation and adopted as part of the sap. They're both available this evening. Municipal services to be provided by the city include those that the area is currently receiving from travis county, such as public safety, police, fire and ems as well as road maintenance and the service plan describes other services that are provided city-wide. Upon annexation city residents will

-- residents will become city residents and then be eligible to vote in city elections. Also at the time of full-purpose annexation the city would assume the mud's remaining debt pursuant to the fire station they built and it predicts it will be operational by 2015 or '16. The mud will continue water and wastewater infrastructure and providing those services through april 2018. At which time the city would take over these responsibilities and assume ownership of those facilities. The city will conduct a criticality assessment of the water and wastewater systems and the mud agreed to fund and please city identified structure and improvements by july 2017. Copies of the spa are available this evening and concludes the presentation for item 147.

[06:11:43]

>> Mayor?

>> Mayor leffingwell: Council member spelman.

>> Is this the entire mud?

>> This is the entire shady hollow mud.

>> Spelman: I'm looking at a picture on the map and there are pictures surrounding the mud that are adjacent to the city but not part of the mud. Do we have plans to annex those areas?

>> What we can do to annex those, in conjunction to this, similar to spring wood is put them in a separate three-year process so they would coordinate and the end time it would be december 2020. We can't do it under this spa because it can only speak to properties within its boundaries.

>> I understand that. Should we putting something together

--

>> it would be a three-year map process that would start in 2017.

>> Gotcha. Thank you. Entertained a motion to close the public hearing. Council member Spelman so moves. Don't go away. Is there a second?

>> Second.

>> Mayor Leffingwell: Second by council member Martinez. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Aye. Opposed say no. That passes on a vote of 7-0. And we can do 149.

>> This one is a cascades mud consent agreement where staff is requesting a postponement to the October 17 meeting to allow the environmental board and the planning commission to make a recommendation on this petition.

>> Mayor Leffingwell: What was the date?

>> October 17.

>> Mayor Leffingwell: Council member Martinez moves to postpone this item until October 17.

>> Second.

>> Mayor Leffingwell: Second by council member Spelman. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Aye. Opposed say no, passes on a vote of 7-0. And 148 is an appeal case.

>> Mayor and council, I'm Greg Guernsey. Planning and development department staff. What we have on 148 is conduct a public hearing and consider appeal by Doug Stuart regarding the review board decision to deny variance request for property at 6920 Manor Cove. Back in June Mr. Stuart had filed a request for variances from the signing review board to increase the maximum number of signs for freestanding signs permitted under the code from one freestanding sign to two and also to increase the maximum sign face that's permitted from 35 square feet to 288 square feet, for the property. And as you can see on this exhibit that you have on the screen, the property is outlined in blue. There's an existing warehouse-type structure. Mary Lee Cove comes from the front. There's 50 feet of frontage on that cove. If you notice on the right-hand side is existing 130, and the property just touches 130. To give you a little idea of some of the scales of the property, right now the

-- from the property corner where the blue touches with the 130 right-of-way, it's approximately about 250 feet to the southbound lane at about 400 feet to the centerline of the northbound lane of 130.

From the edge of the property corner to the building is approximately 300 feet. 130 is a scenic roadway but since this property has frontage primarily on Mary Lee

-- or Mary Lee

-- Manor Cove, they can actually take advantage of that and have a larger sign. If they were on 130 the maximum sign there they could have would be only 64 square feet but because they're on

-- one on Lee Manor Road, you can actually have, if they had more frontage, signs that could go up to as high as 250 square feet for multi-tenant sign in the commercial sign district. The property is in the e.T.J., But we take jurisdiction in the e.T.J. They're subject to city sign regulations and we look at the use of the property to determine the sign district, so this falls under a commercial sign district. Right now they're only allowed 35 square feet based on the frontage for each one linear foot, you get 7 square feet of sign area, hence a 50 feet long Lee Manor

-- and so they are entitled to 35 square feet. They'd also be only entitled to a single sign but they are asking for two. The sign area would go up to 288 square feet, and the sign would be located, and you'll see I think in Doug's presentation kind of where that would be in proximity to 130, but it would be located closer to the 130 right-of-way than it would the Lee Manor Road. The sign review board did consider the request, unanimously denied the request. It was reconsidered for consideration this past month in August, and that was also turned down. By operational code Doug has

-- Mr. Stuart has the ability to bring this before you for your consideration, and you're kind of stepping into their shoes. And under the code

-- the sign review board may grant a variance from the requirements of sign regulations determining bringing a variance

-- granting a variance doesn't provide the applicant with special privilege not enjoyed by others potentially similarly situated, and one, the variance is necessary because enforcement of the requirement prevents reasonable opportunity to provide adequate signs on the site, considering the unique features of the site, including its dimensions, landscaping, topography, 2, that granting a variance will not substantially adverse effect on the

-- will not have a substantially adverse effect on the neighboring precipitates, or 3, that granting a variance will not substantially conflict with the purposes of this chapter. The Stuarts are here to make a presentation if you have any questions.

[06:17:59]

>> Mayor leffingwell: Before we continue discussion, i have to ask are there any requests for postponement or are there any issues of standing that any parties to this case would like to raise? Hearing none, we'll go ahead with the discussion, and next we get a presentation by the appealing party. Are you doug stuart? The appealing party?

>> Yes.

>> Mayor leffingwell: Okay. So you have to ten minutes to present your case.

>> My name is doug stuart. I am the owner of stuart connections incorporated and stuart investments llc. I do wish to erect an on premise sign on commercial property, which is, as he pointed out, abutting the texas highway 130. I own and occupy this multi-tenant property. Where location recognition is poor. I have a manor mailing address and I'm just south of pflugerville, and the public seems to have a hard time wrapping their head around the location when i tell them that I'm in the austin e.T.J. And I'm on the west side of the toll 130. Well, he said that the austin city sign code stipulates I'm only entitled to a 35-square-foot sign. This is insufficient to visibly identify three to six businesses for this 4.2-acre property on the texas highway 130. I'm attempting to minimize the amount of square feet of the

-- of sign used to advertise this multi-tenant 20,000-square-foot building and make it look more professional and less tacky. The building is 200 feet long, 100 feet deep, designed for four tenants, currently having three tenants, but having had as many as six tenants, as there are six electric meters on the building. This will allow for 600 square feet of signage to be placed on the back of the building, an additional 300 square feet of signage to be placed on the end of the building. And I could use this 900 square feet of sign area to advertise this multi-tenant property and allow each tenant to use their share of advertising area, or you could grant the sign variance request and I could cut the distance from the building to the drivers on the toll 130 in half by placing an on-premise sign halfway between the drivers and the building. Unfortunately for me, constructing and installing a freestanding sign will be more expensive and considerably more trouble than attaching the wall signs to the building. However, I feel this is a cleaner, more professional appearance and is preferred. I've spent considerable time and effort cleaning up the property, which I purchased in may of 2012 from my business stuart connections, incorporated. I've gone to some trouble to learn the rules and apply for a proper permitting of signs. I have contacted the texas core gators incorporated to insure that a constructed sign would comply with the texas department of transportation standards, and if permitted it would resemble the size and construction of the texas department of transportation sign. My endeavor is not to cluster the highway with 900

-- clutter the highway with 900 feet of wall signs but rather to put up a well designed, well planned, simple, no lights, no frills, freestanding sign that drivers can see and read to know what businesses are on the premises and how to get to or contact the businesses. Unfortunately, 35 square feet of sign is insufficient to satisfy this goal. Whether I put those 35 square feet in the front of the building, at the end of the cul-de-sac where there's no passersby or on the back of the property where it would not

-- where it would be so small you couldn't see it from the highway, either location serves the premises

-- or

-- the on premise businesses poorly. As the owner of stuart connections I would like to be able to advertise my company logo and location to drivers on the toll 130. Tenants of the properties, tiffany's properties, hill truck and auto repair would also like for people on toll 130 to be able to know their location, business type and contact information. Again, the austin city code sign regulation allows for 900 square feet of signage on my building facing the toll 130, but I would prefer to install a smaller, freestanding sign, suitable to the area conditions to keep the area's appears more professional. Thus far there's been no public opposition to my sign variance request. If you have any changes to my request that would make you feel better or happier about it, I'm open to conversion. This is a picture of my building. Here's where I staged the 35

-- 35-square-foot sign as seen from the toll 130. Same thing here from the other side. You can't even see the sign. That's the sign staged, but you can't really see from the toll 130. It's a 32-square-foot sign. I've done? Research

-- some research, 288 square feet should be sufficient to support a multi-tenant property with visible from 130. Do you have any questions?

[06:24:35]

>> Mayor leffingwell: Thank you. We have one speaker in support, and that is tiffany chance.

>> Hello. My name is tiffany chance. I am a tenant in the building myself and additional tenants are in favor of the sign and we would like for people to know where we're located. I assisted with putting together a video to show you, I guess driving down the toll road and the sign photos that he just showed, so I'd like to show the video. [Playing video]

>> we have reached 75 miles an hour.

>> I was the driver in this video, and I did not see the sign at all.

>> [Inaudible] staged sign up here on the right. We're passing it now. It is right there.

[06:26:39]

>> And I would also just like to say I would prefer a freestanding sign versus the ones all over the back of the building, because i prefer that it look nice and neat and clean rather than cluttered and junky.

>> [Inaudible]

>> toll 130.

>> The only other thing i guess I could point out is i came with him when he provided additional evidence the first time around, and the sign committee just denied hearing any of the additional information. So we didn't even get a chance to present the video or any of the information the second time around. That concludes my presentation. Thank you very much.

>> Mayor leffingwell: Thank you. Is there a respondent? I don't have any indication of that. There is no respondent, so that concludes the public testimony. Council, we can either approve

-- we can either uphold the appeal, deny the appeal or we have the option to change the appeal. Council member tovo.

>> Tovo: I think I'd like to ask mr. Guernsey just to repeat the comment he made earlier about the standard

-- you said something about the variance. You read the language about a variance and not providing benefits that similarly situated properties don't receive. Something along those lines. I wonder if you could just read that again.

[06:28:41]

>> In essence the council is stepping into the shoes of the sign review board and making its decision for the reconsideration on the appeal, and in chapter 25-10-43 of the land development code states that the sign review board may grant a variance when the requirements of the sign regulations after determining the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated and one, that the variance is necessary because of the enforcement of requirement prevents reasonable opportunity provided adequate signs on the site concerning the unique features of the site, including its dimensions, landscaping or topography 2, that granting a variance will not substantially

-- will not have a substantially adverse effect on neighboring properties, or 3, granting a variance will not substantially conflict with the purposes of the chapter. And so those are the

-- what the sign review board looks at in consideration of granting the variance. I would note just for the record, there was one property owner, I believe that owns the property to the north, that did object to

the variance request, but that was filed not so much on appeal but the original request that was filed for the variance.

>> Mayor leffingwell: Okay.

>> Cole: Mayor, I have a question.

>> Mayor leffingwell: Let's make sure council member tovo

-- are you finished? Mayor pro tem.

>> Cole: Mr. Guernsey, the sign review board, does it have any direct relationship with the board of adjustments?

>> Membership overlap somewhat, but they act as a sign review

-- sign review board is a separate entity.

>> Cole: But it's the same exact members as the board of adjustment.

>> I believe there's one

-- there's one additional member to the board

-- sign review board.

>> Cole: And does it have the

-- so it has the same number of members?

>> It has one more.

[06:30:42]

>> Cole: One more, one additional member but the same

--

>> [inaudible].

>> Yeah, we have a vacancy of one right now so I guess we have one short.

>> Cole: So the board of adjustment issued the denial. Did they do that

--

>> the sign review board, the sign review board. They unanimously recommended denial of the variance.

>> Cole: Okay.

>> Mayor leffingwell: Council member morrison?

>> Morrison: Thanks. Greg, back to when you were reading the

-- the criteria first time around, noticed specially it must not conflict with purposes of this chapter and you also said that 130 is a hill country roadway. Is that correct?

>> It's a scenic roadway.

>> Morrison: A scenic roadway. So essentially this

-- having this sign on 130, would that be allowed because that would essentially be what this would be.

>> I didn't mention before, yes, there's maybe a small corner of this property touches the right-of-way, but their frontage is actually where you can measure signs and their primary access is from the lee manor side, so that's why it's a commercial district rather than scenic district. If we calculate the sign in the scenic district it would be substantially smaller, the size of sign that they could have, because the requirements along a scenic right-of-way are more restricted than a commercial district.

>> Morrison: So I think what that says to me, especially when I look at this whether it conflicts with the purpose of the chapter, the purpose of the chapter with regard to scenic roadways, which I know this is not technically on a scenic roadway, is to protect the scenic roadway from large signs and it seems like this would effectually, from my interpretation, this appeal would effectively allow a large sign well beyond what would normally be computed for a scenic roadway to be seen from a scenic roadway. So I'll just say it strikes me that it would, in fact, conflict with the purpose of this chapter. That's just my position.

[06:32:53]

>> Mayor leffingwell: Council member spelman.

>> It appears to me also that at least from a visual point of view, a large sign would be competing with other signs put up by lots that are fronting the scenic roadway. This is, again, not fronting a scenic roadway but it does have frontage on the scenic roadway, it will be competing from a visual point of

view, and a large sign would provide the applicant with a privilege not enjoyed by others similarly situated. I move to deny, mayor.

>> Mayor leffingwell: Council member spelman moves to deny the appeal, seconded by council member morrison. Is there any further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. That brings us to

-- we'll consider items 144 and 145 together. We're not going to finish this before break but we can get started.

>> Mayor, council, jerry rusthoven from planning and development review. The short-term topic, short-term rent as. 144 is conduct a public hearing and consider an ordinance amending city code chapters 25-2 and 25-12 relating to regulation of short-term rental residential uses and other regulated lodging, establishments, authorizing the limited refund of credit. The city council passed a amendment directing the staff to amendment to type 1 for an owner present on the property to rent [inaudible] property on a short-term basis, to create a type 3 short-term rental for multi-family process with the same requirements as type 1, type 2, as well as any other regulations that are deemed appropriate. To repeal subsection c, short-term rental type 1 regulations. It was a typo. In the original ordinance, to amendment 252790 b 2

[06:34:53]

[inaudible] requirement for a fax number, the neighborhood association, to use electronic notification to adjust the notification to reflect the direction subsection e and provide a refund to applicants who previously paid the original notification fee, and to provide that operation of a short-term residence without a

-- operation of short-term rental without a property license is an offense under section 199 of the city code and to approve any other amendments necessary to implement the additional direction of part 2 of this resolution. Part 2 of the resolution directed us to have an on-line payment for the system. That's in progress. The second was create a publicly available map, short-term rentals, that's a work in progress as well. However, the resolution is before you in backup does implement the other portions of the resolution and more specifically, if I can go through a couple in more detail. With regard to the

-- the first part, we do have the establishment in there of an allowance for a person who is present to rent a portion of the property on a short-term basis. The ordinance as presented limits that to no more than two people. The

-- type 3 are the multi-family short-term rentals. The staff and planning commission recommendation is to limit them to no more than 3% of a building or a complex. Would be a short-term rentals. This is because the staff felt that the

-- we did not want them to become de facto hotels who did not have commercial zoning, so we suggested a 3% cap on both the building and the complex. And the

-- additionally the code compliance staff and the modified request that we had

-- that we amend chapter 13 part of the ordinance to include short-term rentals in all of the applicable places in chapter 13 as it relates to the

-- essential code that regulates hotels, boarding rooms and bed and breakfasts. So the planning commission recommended the approval of this ordinance up to the chapter 13 that was added after the fact. There was unanimous recommendation from the planning commission and we did have only one speaker at the planning commission hearing. So with that I'm available for any questions. Questions of staff? We're going to discuss and we'll hold the public hearing for both these items

-- both these ordinances at the same time. We'll vote on them separately. So no questions from

-- for staff. We'll go to the speakers. First speaker is Stewart Hirsch.

[06:38:02]

>> Mayor and members of the council, my name is Stewart Harry Hirsch and like most in Austin I rent and I mistakenly thought you were taking this up after items 11 and 12, so I will not make any comments on 11 and 12 until those come up later in the agenda. I support the adoption of the international property maintenance code, and I attempted at the July 30 special called meeting of the building and standards commission to enter into the record a 40 page packet documenting why I believe that information about the property maintenance code is wrong and if the posting on the web site is accurate you've received none of that as of today, and neither has the public had a chance to look at it. So I've included in your packet today a November 24, 1998 memo to Toby Futrell, who was my assistant city manager at the time when council member Spelman was on the council, documenting the historic city disinvestment and code enforcement, especially in the context of a recent balcony collapse that had occurred back in 1998, that shows you we've been dealing with this for a while. Also dealing with dorms in the 1980s, just so you'll know. So I've attached this document to show that we had six inspectors for substandard housing and three inspectors for zoning and land use, when in 1985, when we were a proactive city, we had 25. Now, the city got bigger, and the investment in code investment and in permit inspection decreased, which is part of why we have the conditions we have that lead to adoption of a property maintenance

code. The city council at that time, as council member spelman I'm sure remembers, didn't receive the kind of complaints you do today about the condition of property maintenance on rental property that happens 15 years ago, and the reason we were able to limit those complaints is because we chose to use tools that still could be used today with the code that is currently in place and the one you're fixing to adopt if you hopefully will adopt 145, because we did five things that we no longer do. One, we had a 90/90 standard. Every inspector who cited a housing or property maintenance code violation either imot compliance or significant repair activity towards compliance 90 days after the citation was issued or it's placed on the next building and standards commission order for penalty. 2, the code staff recommended the necessary time to secure required permits and inspections to the building and standards committee. The way we did that is talked to the owner and said what is it going to take to do this? If their request was reasonable based on the scope of what they had to do we supported them always, so that they could never come back on appeal later and say, the reason they didn't fix it timely is because we didn't give them a reasonable time to do it. As staff, we recommended a thousand-dollar per day penalty for penalties for noncompliance for the buildings and standards commission order on housing. I'll talk about the balance of stuff when we get to 11 and 12. I ask you to adopt the international property maintenance code on first reading only today, look at the backup information I've provided to the planning commission

--

[06:41:20]

>> mayor leffingwell: Okay, stewart.

>> And to the code amendment and please consider that on second and third. Thank you, and I'm sorry i ran over.

>> Mayor leffingwell: Emily senevert.

>> Good afternoon, I'm emily, director of government affairs and community relations for the austin board of realtors. Thank you for considering these items this afternoon. We've got just three points we want to cover on item 144, the short-term rental item. The austin board of realtors has been a strong supporter of limited regulation of short-term rentals and a reasonable approach to addressing the concerns with sgr activity across our city. We still support the program. We believe that the latest amendments before you need some adjustments. The first adjustment we would offer is that regulation of short-term rentals should be consistent and share across property types you have before you an ordinance that's incongruent with str regulations. Type 1, homestead, home said, single-family communities are exempt from the density restrictions, but in the type 3 proposal before you they are not exempt. And so we would suggest that you consider some kind of exemptions for a multi-family

homesteaded units. The second item we would SUGGEST IS THAT STRs NOT Be subject to mandatory inspections annually or at random. Life and safety inspections are not required in types 1 or type 2, that are proposed in the draft of before you as type 3. You're penalizing multi-family properties by subjecting them to inspections that are other property types aren't subject to. The grouping of STRs WITH HOTELS, B AND B's and and boarding house of itmc presents that topic. The third offer we would make is clarify the requirements for short-term rental of a partial unit. The draft currently reads the owner must be present at the str for the duration of short-term rental of a partial unit and we think that language could be tidied up a bit. I would offer the ipnc is a valuable and important administrative tool for the success of broad base code enforcement. We'll take up items later we won't speak to now, but we want to remind you that the ipmt provides a great deal of latitude and administrative tools necessary to address ongoing problems with noncompliant rental properties in austin. There's a lot of latitude. I can't stress how important this tool is and it's the basis for code enforcement in austin and we would be remiss not to take this opportunity to consider what can be vested in this code. Many of the local amendments we make are specific to code enforcement and our processes and the way we apply this code across our city, and so I hope that you take this opportunity to consider explicit direction to the city manager and his staff about how the code should be enforced and how you intend to uphold maintenance across the city. Thank you for your consideration. I'll take any questions if you have them.

[06:44:18]

>> Mayor leffingwell: Thank you.

>> Thank you.

>> Mayor leffingwell: Stacy bass. Stacy bass is not here. How about john shepherd? Aaron farmer. John shepherd?

>> Aaron farmer.

>> Mayor leffingwell: Aaron farmer. You're donating time to stacy bass but since she's not here you have three minutes.

>> Okay. Good afternoon, council

--

>> mayor leffingwell: Wait just a second. Now I see that you are signed up also to speak.

>> Yeah.

>> Mayor leffingwell: So

-- and you have people donating time to you.

>> Okay.

>> Mayor leffingwell: Leah austin? Is leah here?

>> No.

>> Mayor leffingwell: Stacy lee? No? David ozen? And abby farmer. So none of them are here so you still have three minutes.

>> Okay. My name is aaron farmer. I am the treasurer for the rail yard condominium hoa development and also a short-term rental owner at the rail yard and I'd like to read real quickly a policy statement that we made at its regularly scheduled board meeting on may 20, we took the official position, we believe that there should be no limits of TYPE 1 STRs, ALL OF OUR Homestead occupants should have the right to rental unit at any time. We appreciate agreeing with the city's proposal to REGISTER STRs AND WOULD Help the city enforce their registration. We disagree with the 3% cap on the number of units that MAYBE USES STRs. We have an active owners association. I believe we have the structure to regulate our own community. The rail yard is 112 unit condominium development that spans two half blocks on fourth street in the heart of the central business district. We face challenges few our multi-family developments do. Both buildings are three-story structures, which means that two-thirds of our units are ground level

-- or one story above, downtown for foot traffic. Now I'd like to take off my hat as an hoa board member and speak a moment about what I'd personally like to see. I'd like to see this amended to say that there's a grandfathering or amnesty period for all str units that are paying their taxes, and while it makes logical sense that there be no cap in the cbd or the central business district, I believe there should be no cap at all, but I think I would

-- I would personally be okay if it was somewhere, 15 to 25% range, no mandatory inspections, all of our properties that are HOMESTEAD STRs OR TYPE 1s SHOULD NOT COUNT Towards the building cap. And again, I think the council

-- thank the for their time in this matter. Again, I would like to see this amended with amnesty, no cap in the cbd, if there is a high one, no mandatory inspections and all of homestead [inaudible] can rent anytime towards the cap. I'd be happy to answer questions.

[06:47:30]

>> Mayor leffingwell: One question, council member morrison.

>> Morrison: Thank you for coming down, mr. Farmer. I think the rail yard might be a little bit of a unique situation. Can you talk about

-- in terms of condominiums and multi-family properties we have downtown, give

-- i spoke with some folks who gave me a little better feel for you do have a community, but you fully understand and have the expectation that some of the properties will be used for this commercial purpose.

>> Right, we are fully aware

-- I'm a short-term rental owner and on the board. There's also another short-term rental owner who is on our five member hoa board. We have three owner occupants that are also on the board. And, you know, we

-- we actually

-- we actually feel

-- we've talked about this, that

-- the main thing that we've had going for us at the rail yard is our location, and that's the best thing we got going for us. And we feel that it's a marketing

-- from a marketing standpoint it gives our owners

-- when they turn around to sell their units, a better way to market their property to say, we allow short-term rentals, if you come and owner occupy over here then you can rent out your unit for sxsw when it's grist locked down there and it takes 30 minutes to go one block. In fact, I had

-- i represented an owner last year who literally rented out his unit to a large corporation for the interactive portion, and he

-- he literally went to the bahamas. I mean and got out of town. Got out of the gridlock. He had been there and done that, and, you know, the sxsw didn't appeal to him anymore and he wanted to get away.

>> Morrison: How many

-- can I ask

-- do you know how many are

-- or are you willing to share how many of the condos

-- you said you have 112. Approximately how many

--

>> we don't have a really accurate number. I suspect it's somewhere around 20 or less that are

-- that are full-time STRs. We have some that are owner OCCUPIED STRs AS WELL FROM Time to time.

>> Morrison: Right. And do you think

-- have you

-- have you had issues? I mean, one of the issues, OF COURSE, IN STRs, Bringing them into a residential community is people might not be respectful of the people that live there. So I imagine especially since you're sharing walls and ceilings, that that could be an issue.

[06:49:48]

>>

-- It is an issue that we're aware of. We do get complaints, but we also get as many or more complaints from long-term tenants that are there. I mean, rarely do we get

-- we do get complaints from owner occupants as well, noise complaints, they might have a party or something like that, but, you know, it's

-- it's no more complaint

-- no more COMPLAINTS FOR THE STRs Than for the long-term tenants, I would say that that's the case.

>> Morrison: And then one last question, and that is I imagine there's common areas. Does that get to be an issue? Is that a liability issue at all? And.

>> I don't believe it to be an issue.

>> Morrison: Thank you.

>> Mayor Jeffingwell: Next speaker is David King.

>> I'm David King and I represent the Zilker Neighborhood Association. Thank you, Mayor, Mayor Pro Tem and Council members. The Zilker Neighborhood Association Executive Committee supports the permit and inspection requirements for type 3 STRs, SHORT-TERM RENTALS For multi-family properties. The allowance for type 1 STR owners to rent one room on a short-term basis without renting the entire structure, electronic notification of STR permits to respective neighborhood associations, creation of a public map and on-line DATABASE OF STRs AND Development of an on-line payment option for permit

application fees. Last year when the council was asked to allow type 2 STRs IN THE NEIGHBORHOODS, A majority of the council said yes. When the council was asked to reduce the application

-- the notification fees for STRs, AGAIN, A MAJORITY OF The council said yes. When neighborhoods have called the code compliance about str problems, we've been told that no compliance officers are available on weekends and the police department will not respond unless there's a life safety issue. Many str problems occur on the weekends and holidays, so neighbors are left to fend for themselves until the code compliance officers are back in the office. When neighbors have called code compliance for help WITH PROBLEMATIC STRs, We've been told to take photos and send them in to code compliance, and although neighborhood represents like me have asked the city staff and city council members to help WITH PROBLEMATIC STRs, NOT One of the proposed str amendments that we're considering today will help address those problems. Not one. Neighborhoods throughout austin know firsthand that complaint driven reactive enforcement and compliance FOR STRs IS WOEFULLY Ineffective and should be changed to proactive enforcement and compliance, as is the case with the proactive rental registration resolutions you're going to consider later on this evening. If proactive enforcement is good for long-term rental PROPERTY AND TYPE 3 STRs, Why isn't it good for type 1S AND TYPE 2s? We ask you to please consider the following additions to the proposed amendment to address problems with the str, instruction should be added to the web site on how to deal with problems for STRs. Neighbors why a problem, with a code compliance officer or representative affected neighbors and the owner of the problematic str should be set up. A provision to limit str clustering at the block level should be established, because clustering is already occurring in travis heights and zilker neighborhoods. A provision to require that all problem calls to the 311, 911 ON STRs BE Documented and available on the public str database that's being proposed. A provision to prohibit a long-term rental unit from being rented on a short-term basis. Thank you very much.

[06:53:57]

>> Mayor Jeffingwell: Thank you. Council, we have a couple more speakers to go. We have a time sensitive proclamation and it has to be coordinated with live tv, newscast, so without objection we'll put this item on the table and go into recess for live music and proclamations.

>> Good evening. I'm councilmember kathie tovo and my pleasure to welcome to city hall for our live music, migrant kids. It's a three piece band from austin by way of detroit, michigan, and cincinnati, ohio. They create an storm, and other worldly scenes. Migrant kids was joined in 2011. The two come from a large migrant family where they grew up playing music together. Once in austin, they added a third member to their group, brian o'flynn. The trio released the self-titled debut album just this week, congratulations. Please welcome migrant kids.

[Music]

[06:56:01]

[music]

[music]

[music]

[06:58:31]

[music] applause

>> Tovo: Wow. Thank you, that was really terrific. Could one of you tell us a little bit about where you might be performing next in town?

>> Yes, we are performing tomorrow, friday evening at spider house barroom for our cd release show. That will be at 9:00. So please come join us

>> Tovo: Great, and where might someone buy your music here in town?

>> Pretty much all of the major ones, itunes, amazon. There's a good one called band camp. You can get our album on

-- just google the name, you can find it.

>> Tovo: And do you have a website you'd like to tell us the address.

>> Check us out at migrantkids.com. Or visit the facebook, migrant kids.

>> Tovo: Super. On behalf of the mayor and the city council, I'd like to present this. Be it known that the city of austin, texas is blessed with many musicians whose talent extends to every musical genre, whereas our music scene drives because austin supports our music by legends and newcomers alike, whereas we are pleased to show case our artists, i, mayor laughingwell do proclaim september 26, 2013 migrant kids' day. Thank you, congratulations.

[07:00:35]

[Applause]

>> I just wanted to real quick say a few words. That's okay. That's awesome. So we just

-- we wanted to thank mayor lee leffingwell and the city council and the city of austin for this great honor. All our parents wish they could be there. Truthfully we wouldn't be here as artists without them. Thanks to them, to brian's parents, linda and marty gardocki. And john's parents. And my parents, angel and ernesto herrera. Migrant kids day represents more than just our band. We would like to recognize the latino artists in austin and how far we've all come. Being a migrant kids because we are actually children of migrant workers who grew up in texas. So today it feels more like their day and we found out about this great honor. I asked my dad how he felt and this is what he said. I look at semicolored, brown faces and I think he speaks for all of us. He said he grew up in a family of 13 children. I remember the hot summer days picking cotton, harvesting watermelons and sweet potatoes. With the lord's help and my parents' support, I graduated FROM HIGH SCHOOL, EARNED A PhD. In theology, and a masters degree in education. And I had a lot of opportunity and god blessed in america. I feel great joy that my son and his group are able to do this program for you. To be selected to be here before the city council in austin is an honor but also an achievement for our family. Thank you, god bless.

[Applause] she said in spite of humble beginnings and experiencing discrimination my parents faced in texas, we were taught to persevere and work hard to overcome obstacles to achieve my passion and dreams. Thank you on behalf of all of the families. Thank you very much.

[07:02:53]

[Applause]

>> hi.

>> Mayor Leffingwell: As many of you know, saturday will be the grand opening of the asian american resource center. This is the resource that we worked on for many years. I think we've worked on it every since we've been on the austin city council, not just as mayor but as a councilmember too, we've been working to achieve this goal. A few years ago, most of us were out there for the ground breaking and this saturday the job will be complete and we look forward to having a great resource not just for asian

americans in our community, but for the entire city and for people who come to visit our city to be used as a business center for visitors all over the world. It's a landmarked occasion. So as befitting a landmark occasion, we have a proclamation. Be it known whereas the city of austin takes pride in its cultural diversity in its home to people whose ancestry representings hundreds of nations including many nations in asia and the pacific islands and whereas a growing asian community visualized the center to show case the best of asian culture, to educate, congress regait, to celebrate the heritage, and provide an educational economic catalyst for our region. Whereas with the opening of the asian american resource center, community members will have access to classrooms, a library with computer lab, a conference room, an assembly hall, history exhibits, and heritage displays, celebrating all asian american cultures under one roof. Whereas we join the austin parks and recreation department in celebrating the new center that will enrich the lives and serve the needs of asian and asian american communities for generations to come, out there for i, lee leffingwell, mayor of the city of austin, texas do hereby proclaim september 28, 2013 as asian american resource center day in austin, texas. Congratulations to all of you. Several folks up here representing the resource center and representing the effort to get it to where it is today. Do we have a spokesman or

-- dr. Schiller is going to speak for the resource center folks. Welcome.

[07:06:54]

>> Mayor, austin community, asian american resource center is a dream of asian community in AUSTIN SINCE 1990s. On behalf of the nonprofit organization, at first we would like to thank you everyone for your long-term support from every aspect to make our dream a reality. The vision of arc as the mayor already mentioned is the resource center that could increase commerce and show case the best of asian american culture, allowing the community to educate, congress regait, and celebrate the heritage. We finished the phase one project with the building to bring asian community under one roof. We will be able to share our heritage with austin community at large. This is the joint effort of the city, the government and the federal government. Asians and nonagents, adults and children, students and nonstudent, and the people who supported the project for a long time and those who now have a chance to support the project, we thank you. Without you, we cannot get to here. Look into the future. Up to the ground breaking, we will continue our plan to work with the arc facility manager, their staff, and the park recreation department, to implement the program to serve our community. And to work on the phase two and the phase three project. We also anticipate as the mayor indicated, asian investors will come to austin and stop at aarc to understand austin, to understand our business, and to make austin as one of the business plans to make profit here and create jobs here as a win-win situation. We want to thank you again, please come to the asian american resource center grand opening on saturday. Thank you so much.

[07:09:05]

[Applause]

>> Mayor Leffingwell: We have one for you and you. Shortly, the nation will recognize mental illness awareness week. We have many organizations across the country that will work on mental illness issues. Certainly one of the most important is the nami. I've been privileged to be associated with these folks for many years. Because as I said, on several occasions, when I'm working with you that all of us who are drawn to participate in drawing more attention and more

-- more assets to combatting mental illness have in some way, whether it's a friend or family member, had close association and know what this is. So obviously the great challenge is to continue to spread that word and get more people fully involved in recognizing that mental illness is a

-- is just as important and deserves just as much attention and assets as physical illnesses. That's the objective of nami. And I have to mention if you haven't heard saturday morning, nami will host a march. There will be a bunch of folks that gather on the south side of the river and will march through downtown. We hope that if you have nothing else to do, you'll join us in that effort. So I'll read the proclamation now. Be it known that whereas the national alliance on mental illness is the largest health organization dedicated to improving the lives of families and individuals living with mental illness and whereas nami, austin, the local affiliate of nami strives to educate the community in understanding that serious mental illness is a highly treatable, medical illness of the brain, posing the same concerns as cancer, diabetes, and other illnesses, and whereas nami believes every austinite can make a difference in improving the lives of individuals and families affected by mental illness in works to dispel the stigma associated with mental illness by ing the annual nami austin walk scheduled for september 26. Whereas we urge all members of the community to learn more about what good mental health means and promote treatment, recovery, and illness. I, therefore, lee leffingwell, mayor of the city of austin, texas do proclaim october 6 through the 13, 2013 as national mental illness awareness week in austin, texas. Congratulations. Now I'm going to ask adrian kennedy to come up and say a few words on behalf of nami.

[07:13:28]

>> Thank you so much.

>> Thank you.

>> Thank you, mayor leffingwell, for recognizing the importance of mental illness awareness week. While it helps to have a week devoted to shedding light on the biological brain disorders that affect one in four americans, we know you, mayor, join us in recognizing that mental illness affects the lives of families and individuals each and every day. Nami stands on the forefront of educating the community and providing no cost classes, support groups, and presentations, which help austinites gain a better understanding of mental illness and in turn diminishes stigma and encourages individuals and their families to seek the support and the care they need. We know that information works to change minds. Support works to reduce the burden. And lastly, treatment works to help us meet the medical

-- the physical challenges of biological brain disorders as i often like to say, there's nothing mental about mental illness. With information, support, and treatment, everyone has the opportunity to actively and productively participate in and contribute to their community. Nami austin is dedicated to a division that within austin, texas, no individual with a mental illness and no family member working to support their loved ones' journey need ever suffer in shame or in isolation. Every journey starts with the first step. As honorary chair again this year because of the kind of commitment and dedication that the mayor has shown with us and for us in the mental health awareness arena, we begin on auditorium shores, signup at 8:00 we step off. The mayor and I will lead the stepoff at 9:00 in the morning. Nami walks is proud to be the home of some of the largest events in texas. The active display of support for people affected by mental illness, we are changing how our austin community views persons living with mental illness. Thank you for participating in this important community event and supporting our work in bringing hope and health to the austin community. We look forward

-- I look forward to stepping off with you on sunday morning

-- saturday morning. Sorry. Yeah. That too, right.

[07:16:10]

>> Saturday. Hot off of the press. You have the first t-shirt. Don't have to wait for saturday morning.

>> All of the sponsors are on the back. We thank a lot of people in this community.

>> This is yours. We're going to take a picture.

>> Excellent.

>> Mayor Leffingwell: You can do that. Gladiator?

>> Mayor Leffingwell: So national night out is coming up. This is a national endeavor, and, of course, we've been participating locally for a number of year, to promote public safety in a special way. That special way is to encourage neighbors across our city to talk to each other, to keep an eye out, to keep an eye out on people's property and on their persons, and report what they see. Be it the eyes and ears of the police department out on the street. Our police department, of course, is one of the finest in the country. We're, I believe, number two now. The second safest city in america for violent crime. And I think that's a great record. We're just going

--

[07:18:24]

[applause] and we're not doing quite so well on nonviolent crimes, but we're doing very well. We're coming up. We're number 26 in nonviolent crimes. But I think the important thing, of course, is that ranking for violent crime. So in a few ds in neighborhoods across the city, our police officers will be meeting with their neighbors and keep the porch light on for them so you can show your support. And your health for our great police department and our great chief, r.l.Sevado, who will say a few words in just a minute. But before he does, I have to get a word in edgewise to read the proclamation. Because I may not get another chance. Taking a shot. No, I'm not taking a shot. I just know I can't out talk you.

>> I'm cuban.

>> Mayor Leffingwell: Be it known that whereas national night out is a nationwide program designed to heighten crime awareness, increase participation in local any crime programs, strengthen neighborhood spirit, and police community partnerships, and send the message to criminals that neighborhoods are organized and fighting back and whereas the austin police department plays a vital role in establishing joint crime and drug prevention efforts and encourages citizens to attend national night out events to get to know one another and learn how they can reduce crime and drug abuse in their neighborhoods, and whereas we join with apd, the travis county sheriff's office, and other law enforcement agencies in local business sponsors in supporting the 29th annual national night out, now therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 1, 2013 as national night out in austin, texas.

[07:20:33]

[Applause] we have the symbol of national night out.

>> Nate the knight.

>> Mayor Leffingwell: Going to invite chief acevedo to say a few words.

>> Thank you so much. We're a safe city because we have a strong support of yourself and the council and the city manager. It's a great day. Tuesday, october 1. We have over 400 parties already registered. 400 groups of neighbors. We're standing together as a community to keep austin one of the safest cities. And it's exciting that every year we win awards because we do more parties than most cities in the country. And that's what we should be excited about. Would like to invite everybody at the kickoff. The barton creek square mall at the north side parking lot where you can see the beautiful downtown. Helicopters, s.W.A.T. Teams, fire engine, e.M.S. A lot of great free giveaways, we all like freebies, especially where I grew up. And we're going to give you a bag, t-shirt, all kinds of goodies. I would like to present that to you on behalf of all of us. The kickoff again is at barton springs. We will start with our presentations at 6:00. But you're welcome to be there between 5:00 and 7:00. Should be a good night. If you haven't registered, please, just google us and we will be

-- it's not too late, we will take late registrations. That's not what it's about in austin, texas. We look forward to seeing that in october 1. Look forward to the meetings and the party, mayor, as always, thank you for your continued leadership and recognizing 30 years of national night out. Please remember, make a statement. Take a stand. Turn on your lights if you're having party or not. Let's light up. Let's don't look like north korea on november 1, let's look like austin, texas with every porch light on. Proud to be your chief. Rosie, could you say a couple of words in spanish. Not that I don't speak spanish.
>>.

[07:22:49]

[Speaking spanish] this is a partnership between travis county sheriff's office and the austin police department. We have deputy banks supporting us here tonight. Thank you.

>> All right, thank you. Great job. Great job. But, rosie, you forgot one thing, hot dog in spanish is hot dog

[with accent] am I not telling the truth or not? If you can't translate it, you say it with a spanish accent, you're good to go. So

-- so people we want to make sure that they understand you. And, mayor, could we just take a group shot, that would be great.

>> Mayor Leffingwell: We can do that.

>> Thank you, sir.

>> We talked about community policing earlier. One of the things we're proud of in Austin, Texas is our youth programs that the police department has. In 2007, when I got here, we started the police activities league and the program in our district. This young man

-- come up here, Christian. Christian is one of the first explorers. Graduated number two in the class. At the University of Texas. He will be an Austin police officer, home grown. He'll be one of ours. Proud of him. Also Nate the Knight. He's a volunteer. Give him a hand for being out here. They competed in Corpus Christi. How many trophies did you bring back to the great city of Austin. 12 stories.

[07:25:46]

>> That's a wrap for us. Thank you.

>> Mayor Leffingwell: What is the official time?

>> They told me 6:08, mayor. Got it right on time. Thanks, mayor.

>> Mayor Leffingwell: Come on up, you want to bring it with you? You might need a little help. How much time do we have? The whole newscast?

>> Commercial break right now.

>> Mayor Leffingwell: Okay.

>> Mayor Leffingwell: Is that the cue? That's the thumbs up. That's the cue.

>> Thumbs up, cue.

>> Mayor Leffingwell: Okay.

[07:28:16]

>> Mayor Leffingwell: Yeah, tonight it's our privilege to honor an austin icon. You don't mind being called an icon, do you? Jim swift, a native central texan, comes from georgetown, texas. He's been a part of kxan, our local tv station since august of 1977. He earned his degree in southwest university in georgetown. While he was there, he became a disk jockey and then while the general manager was on vacation, he replaced him as the station's news reporter and anchor while he was at southwestern. So he started off his career. He was going to be a preacher, a school of theology at smu university. And then he made the natural transition to actor and joined a travelling theater company. And then wound up back in radio and television news. We all have seen jim's work over the years, over the last, what is it, 36 years or so? And he's really put a lot of spirit back into our community. And all of his stories are so entertaining and nostalgic at the same time. We always enjoy him. A bittersweet occasion for jim, I'm sure. He's leaving a career that he loved and done such a great job in. But he's also going to be able to enjoy retirement now, something several of us up here aspire to. He worked his way through the cold war on a lot of stuff. And I was reading through your resume here, jim, it appears in a lot of ways we parallel each other, I think we're about the same age. So we have a lot in common. He's won some important awards. In 2010, he was the winner for the best light feature reporting for his story, arm dill low bob and he also got honorable mention for a feature reporting for the story, "swan song" and that was voted by the texas association of broadcasters. He was also honored by governor rick perry with the barbara jordan media award for his story, actors with disabilities find open arms. So now the fall is here. We're coming to the end of the summer of swift with a bunch of reruns his best work over the past 36 years. So, jim, we have a proclamation in your honor which I'm going to present to you. It says be it known that whereas kxan news reporter jim swift has been reporting on issues in austin for 36 years, longer than anyone still working in television today, and whereas jim swift's long-running on the porch series defined human interest reporting, spotlighting offbeat and endearing stories of austinites from the ordinary to the extraordinary, and whereas jim swift's story telling has been a decades-long commentary on the characters that make austin unique, often weird. And whereas jim swift's humor, sentiment, and passion cemented his enduring legacy in austin, texas, and whereas we're pleased to join jim's co-workers and viewing audiences in congratulating him on his career and wishing him an enjoyable retirement, now, therefore, i lee leffingwell, mayor of the city of austin, texas do herein proclaim september 27, 2013 as jim swift day in austin, texas. Congratulations, jim. We'll give you the opportunity for one last story.

[07:31:58]

>> I appreciate it, mayor. Thank you so much.

>> First of all, I want to thank the people who made all of this possible for the last eight years, my wife and the management and staff at kxan-tv who have been nothing but supportive despite there being times where the pressure was intense not to be. And my

-- my gratitude is

-- is heart felt for all of them. The mayor mentioned I'm a story teller. I'm not going to argue with that. But I would say I'm more of a facilitator. I help other people tell their stories. People who normally do not rise above the surface, where for better or for worse, some people do ride above the surface and lined up on the news. These are people who are down beneath the surface, living their lives, they're creative, beautiful, sublime, interesting, fascinating, powerful, important lives. And it has been my honor for 36 years to seek them out and to find them and to give them the opportunity to help us all understand how amazing and beautiful they are. I love this town. I love being here. And it has just been an honor and a privilege. Who gets to do what I've been able to do for 36 years? It's just been great. And thank you. Thank you all.

>> Take a picture over here?

>> All right.

[07:34:42]

>> Tovo: Yeah, come on. Hello, everyone.

>> Morrison: This month is domestic violence awareness month. And the unfortunate prevalence of domestic violence and sexual assault in our country continues. There's startling and horrible statistics. And that is, for instance, domestic violence affects over 4 million americans each year. One in three report being a victim

-- one in three women report being a victim of domestic violence. One in five women report being a victim of sexual assault. And one in three americans have witnessed an incident of domestic violence, which brings up the issue that awareness of domestic violence and understanding how to react is critically important. In fact, three out of four parents with children under the age of 18 said they have not had a conversation about domestic violence in their home. And 75% of americans say they would step in and help if they saw even a stranger being abused. But almost 2/3 of americans age 15 or older say if we talked more about domestic violence, it would make it easier to help someone. So it's clearly a community effort to be able to tackle this issue. I'm pleased to be joined here today by several people, including julius span, or is it spawn?

>> Span.

>> The executive director of faith place. We have comfort lopez with us here. I'm going to let julia introduce. But we do have a proclamation. Thank you for your work in this area. It says be it known that whereas the family is the foundation of a safe and healthy community, however the problem of

domestic and sexual violence affects austinites in all racial, social, religious, ethnic, geographic, and economic groups.

[07:38:14]

>> I'm Julia Span, director for Safe Space for Austin and Travis County. I'm going to introduce the people behind me in a moment. But in some ways, it was almost interesting how frequently the mic started buzzing. The length of time between those two buzzes was about the length of time in which someone experiences domestic violence in the United States. It's about that frequently. But, the good news is that there's an enormous team of people working on this issue and in Austin, Travis County, as the chief said earlier, we're doing a great job of creating a safer community. It's due in huge part because of the wonderful partnership with a nonprofit organization such as Safe Place and the public entities that support this work. So behind me are folks from the Constables Office, from Travis County, from the Sheriff's Department. From the Police Department. And I can name all of the names but in the interest of time, I think that what's most important to know is that there really is a community that's coming together that believes that these types of violence should not exist and every person listening tonight has a role to play in that, of being someone who stands up, says no more, and shows a safe

-- model of safety and uplift their relationships.

-- In all of their relationships. Thank you so much.

[Applause] May I say one more thing, October 3, 5:30-7:30 at Lady Bird Lake starting at the Texas Rowing Center dock, free paddle boarding, canoes, kayaking, face painting, family fun. October 3, 5:30-7:30. Come out, make a statement we are a safe community and we intend to stay that way.

[07:40:33]

>> Morrison: You can leave those and we'll take this.

>> You want to speak?

>> Yes.

>> Okay. Sorry?

>> Martinez: It's all right. So, for our next presentation, it is my honor to be able to present these awards to our hispanic latino quality of life initiative oversight team. We officially started this endeavor in 2008. Via the council resolution. And the work that these folks have done to get us to this point, some of the folks may think five years took a long time. But let me tell you, there are a lot of issues that our community faces. And the reason this oversight team took the necessary time they did is because I'll never forget this conversation

-- the chair who you'll hear from in a minute, she came and said, we will get this right. With will not get this fast. She was so determined to make sure no stone was unturned. That every issue was brought to the oversight team that was a priority for them made it into the report so council could use it as a guiding principle. So I'm here to congratulate this team, to thank them, and to provide them with distinguished certificate. So, as we move forward now, we have this report before us. And council, as we did in the budget process, we look at every opportunity to address the recommendations that the oversight team has made. But as a next step, we move into a very critical point within the report, but that's to create the hispanic quality of life resource advisory commission. That commission is going to become the citizen-led commission that makes recommendations on the ongoing basis. This is recognition of their efforts but a call to the rest of the community to say it's time for you to step up to ask your councilmembers to consider you as an appointee to this commission because it will be critical to address all of the recommendations in the report. I'm going to read one of the certificates and present it to the chair, teresa perez wiseley. The distinguished service award reads for bringing her knowledge and experience as chair of the hispanic quality of life community oversight team, teresa perez wiseley rendered valuable service to the city of austin. The community oversight team was charged with making recommendations for short and long range plans to improve the quality of life for hispanics in austin. Education, youth services, housing, community development, cultural arts, economic development, health, and engagement. The team's work will result in improvements that will have a meaningful impact for generations to come. This is presented for the sincere thanks for the service, the 26th day of september, in the year 2013. And I will present this to ms. Wiseley, ms. Perez wiseley. I have one for each of the other members. Mr. Rodriguez. Johnny limon, lupe morine. Rose reyes. Sisana ubanza. And last but not least, sylvia orozco. Thank you very much. Congratulations.

[07:45:32]

>> Thank you, councilman martinez. Welcome, guests. We started this past actually to get it three years ago. But most of us participated the first two years by attending the citywide meetings that were held. Since then, the hispanic, of course, latino advisory commission has been created. We only need now to get the applicants in and selected and appointed so that we can hand the report that we provided on june 27 to them and say, okay, it's yours to do now. But, until then, we have still been meeting with more governmental agencies, private industry

-- private organizations, and actually now I made presentations before, united methodist church group, that all want to be able to get in and assist in the funding and in the actual following up and creation of many of these 83 recommendations that we have made. So now for

-- now our part has sort of ended, but it's now back in the ball of the council

-- council martinez and the mayor and the rest of the council and city staff who hopefully will not forget our report. Because we will still be there somewhere in the crowd monitoring to make sure that this package actually happens. Some of these were slated to be done in the first year. Some in the second year, third year, fourth year. Because many of them may take an ordinance or maybe even sitting down with a state legislature to make sure that they can be done, like funding of the 4-year-old program citywide. So we have a lot of dreams and we think these dreams are going to be shared with everybody and anybody in this community. You won't have to be hispanic to benefit from these. So we hope that the city as a whole supports us and puts that little phone call and e-mails and texts to the elected officials to make sure that it gets funded also. And so anyway, thank you very much, we're proud to receive the award.

[07:47:38]

[Applause]

>> Martinez: Going to take a picture. And our watershed department has been recognized by the texas floodplain management association. And so I'm going to read the proclamation and then let you say a few words. The award recognizes the martin luther king boulevard transit development drainage study. This project integrated complex hydraulic models to develop a comprehensive drainage assessment to promote development of the m.L.K. Todd and develop alternatives to alleviate localized flooding in an area with drainage complaints. This innovative project bridges the gap between large watersheds and storm drain systems, applauding watershed protection for this award and for their outstanding work on behalf of our citizens, presented this 26th day of september in the year 2013. The city council of austin, texas. Mayor lee leffingwell. Thank you. Who wants to say a few words?

[07:51:03]

[Applause]

>> congratulations. Guys.

>> I'm with the executive board of the Texas floodplain management association. And we're pleased to present this award to the city and to the watershed protection department. Johnny? [Applause]

>> Thank you, Tom. Thank you, Mayor pro tem. Austin is very progressive, especially with our floodplain management and our creek and local flood mitigation activities. The M.L.K. Todd drainage study integrated, Mayor pro tem said, integrated creek flood modeling which is done big scale with local flood modeling, which is done very small scale, to come up with an integrated or comprehensive model that not only promoted the development of M.L.K. Todd but also we looked at ways to alleviate some of the known flooding. The combining of large-scale basin wide model with a very local storm drain modeling is not something that's done every day and it asserts the efforts of a great group of people, working together to get this done and it's not uncommon, it's what we do every day. So I'd like to

-- every day. So I'd like to thank Jose Guro, Horsay, Glen, John, Angela, and Sergio Men Dozea, also thank you to our external engineers. Thanks to Tom at C FMA and thank you, Mayor pro tem.

>>

-- Mayor pro tem.

>> Good guys. Want to take a picture?

[07:53:58]

>> It is with great pride and great joy that we get to recognize the national black public administrators.

-- Administrators. The national forum for black public administrators. Come on up, guys. For incredible work all the time. We appreciate all your efforts. I'm going to read the proclamation. Be it known that whereas Austin is pleased to be hosting the regional conference. Central Texas chapter of the national forum for black public administrators, with the theme, the new normal, equipping today's public administrators for tomorrow's challenges, and whereas NFBPA has a growing reputation for strengthening the capacity for state and local government managers a multi-through of disciplines through intensive training, and whereas the conference will provide workshops and forums that focus on healthy living, wellness, leadership, education, workforce productivity, and will address issues that impact attendees communities, and partnering with the city, Travis County, and AISD also will introduce more than 100 high school students to the diversity of public service careers on public administration day. Now therefore, Eileen Leavelle, Mayor of the City of Austin, Texas, do hereby proclaim October 10th through 11th, 2013, AS NATIONAL FORUM For black public administrators day. All right. Who's going to talk?

>> Dusty.

>> I knew that.

>> Thank you, mayor pro tem, we appreciate your sponsoring. We want to thank the entire city council, including mayor leaving well. We also want

-- leffingwell. We also want to thank the commissioners court dealing with the judge business coal and all the rest of the commissioner who goes provided us with tremendous support as well. We are having public administration day on october 10th. 2013, and that's public administration day, an opportunity to provide 125 high schoolers the opportunity to come to the city of austin and to look and mingle with city employees, with regard to var yourself jobs around the city. Various jobs around the city. It's an opportunity to see whether or not occupations we have in the city would be good for them or desirable for them. And so it's a great day we're going to have. We're also going to have

-- what's called the education BOARDS LUNCHEON ON THE 10th. That luncheon will be

-- by miss shirley franklin. Shears a former mayor of atlanta. And she is also the visiting professor over at the lbj school of public affairs. And then on the next day we'll have the marks of excellence luncheon, which will be keynoted by ms. Helen giddings of dallas, texas. And so we're excited about the opportunity of being able to be here we're excited by being sported by the

-- supported by the city and county and other sponsors as well. So we're glad to be here. Thank you very much for this support and folks behind me are members of nfbpa. Thank you ranked from the

-- they're ranked from the city and county, as well as retired. We have members in all the various areas. Thank you very much for your help.

[07:57:41]

[Applause]

>> I'm trying to figure out why assistant city manager anthony snipes who is I believe a national officer, do you want to take a picture snugs from

-- with us? Come on down! All right. Let's step over here and take a picture with the proclamation.

>> Mayor leffingwell: We're out of recess and we will pick up with our public comment period on items 144 and 145. Next speaker is andre lubo luno.

>>

-- Lubo mudro. Correct me on the pronunciation.

>> The second time was good. Good evening, mayor and mayor pro tem, council. I'm here tonight to speak

-- to speak to you as a homeowner, asking for a reasonable compliance for type 1 short-term rentals. We have

-- I've laid out some key priorities here that I believe would help go a long way in creating that reasonable path. First of all, I urge you to support council member riley's amendment that he discussed tuesday and that you're

-- at your meeting on tuesday, which reverses the prohibition on partial dwellings cleanly and eliminates the invasive random or scheduled inspections. I believe that inspections would be highly problematic for short-term rentals since they are unique and that this is your own property that you're renting out on a short-term basis, and having

-- having them subject to inspection would would create interesting scenarios such as if you briefly or sxsw and then decide you don't want to continue renting and if it's the day before thanksgiving and you're sitting down to breakfast you could be subject to an inspection, even though you haven't rented in a long while and don't plan to continue renting. I worry about unintended consequences. I urge you to consider reducing the registration fee. The problem with the current registration

-- initial fee of \$1 285 it creates a perverse incentive to commercialize as much as possible a property in order to proportional

-- to reduce proportionally the up-front costs of renting. In addition, the high fee places

-- it costs the city money in terms of hotel occupancy taxes because it pushes many properties underground who would otherwise be willing to register and pay the 15% occupancy tax. I haven't heard this come up, but I'm very concerned about the map that was proposed in the february 28 resolution. I noticed that short-term rentals are now availability and searchable in an on-line database through the city's development viewer, and i hope that that

-- I hope that that will suffice as a means for people to find out who's renting

-- who's registered in their neighborhood. I worry that a publicly available map allows anyone anywhere to identify which properties are rented on a short-term basis, and that creates public safety concerns for

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[08:02:37]

>> mayor leffingwell: Thank you, andre.

>>

-- Owners.

>> Mayor leffingwell: Julie montgomery? After julie will be daniel cishet.

>> Good evening, everyone, thank you for hearing this item tonight. I'm also here to speak on behalf of type 1 owner occupied homeowners who would like to see a reasonable path to compliance for short-term rentals. I think it's really important to stress that the people in this group are austinites. We are just regular people who live here all the time and are facing increasing threats to the affordability of our neighborhoods, rising property taxes and a lot of this to be quite honest is due to the increased amount of activity that you guys are bringing to the city. You are allowing more and more big events, you're increasing economic development and all of that is well and good but it does make our property taxes go up, and it would be good of you to allow homeowners to share in the massive amount of wealth that these big events bring to town. A lot of us just want to rent out a bedroom or a house

-- our house for a few days to help make a few bucks to help us pay our bills. We're not california real estate developers. We're just normal austinites. And to create a reasonable path to compliance we feel like the initial registration fee should be lower. You want to get people into the system. You want to make compliance as easy as possible, so have 25, \$50 initial registration fee and then make a proportional increasing fee

-- you can collect it what the quarterly hotel taxes in proportion to how many nights people rent out their homes. There are options there. Get people into the system so that we can pay our hotel occupancy taxes. Don't drive us underground where the systems aren't safe for either the austinites that are hosting or the guests. Get rid of the random inspections, please. That violates our privacy. Please don't create a publicly available map that endangers our safety, both us as hosts and our guests. And if you're going to allow partial dwellings, if you intend to start that, say, in january, please put a moratorium on enforcement between now and then, because if you intend to make it legal, please don't continue to punish folks like the ones you'll hear from tonight who rely on this as a source of income. Thank you, and if you have any questions I'm

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[08:05:29]

>> mayor leffingwell: Julie, I was with you just about all the way until uched you

-- until you said that part about events coming to town makes your property taxes go up. I'm not certain that's true. So the next speaker is Daniel Kashet, and after Daniel it will be Sandeep.

>> Good evening, council, I am a resident, owner occupier and short-term rental house at the rail yard condos, which you've already heard from our HOA board treasurer, Aaron Farmer, and I want to share in both what Julie and Andre talked about for type 1 and what Aaron talked about for type 2. I think I'm at the nexus of these two different issues, because for the type 1 issues, I live there. This is not

-- you know, I don't run a complete commercial operation. This is not a

-- this is not like, you know, running a hotel. This is just me helping to pay my mortgage through, you know, renting out. When I bought the apartment I knew that the rail yard was the only building downtown, it was the only building in the walkable neighborhood that I wanted to live in that allowed these short-term rentals, and I knew that I could supplement my income by renting it, and that was part of the reason why I chose to live there. I have great neighbors who rent their places out short-term. I would be very sorry to see it capped at the current 3% per building, which would limit it to two units in each of the buildings, and as Aaron said there are quite a few more units there. I've heard some concern that this would mean that

-- that this would mean that if you raised it to 33% or 50%, that this would mean driving people out of living downtown, but the rail yard really is a unique case. We're the only building downtown that does not already ban short-term rentals, either by HOA agreement or by, you know, the agreements in the leases. So even if you set a neighborhood-wide cap of 10% along with a building cap of 33 or 50%, we wouldn't come close downtown. We wouldn't come close to filling that 10%. The vast majority of units downtown are going to remain units for people to live in. So I heard concern while Aaron was talking about living

-- what's it like to live in the same condo building with people who rent out short-term, and I'd like to say that it's actually a lot easier within the condo building because we have much stricter rules than the city does regarding things like noise violations. A single noise violation is a \$250 fine. You can't contest it. There's no

-- you know, there's no warning. This is enforced by the

-- enforced by the board it is enforced. I have short-term rental neighbors across the terrace from me on both sides, and their wonderful, wonderful neighbors because people know, you know, they warn their guests, that this will, you know

-- any noise violations will be passed on on to the guests. So

-- so I want to see the caps raised. And I want to see the owner occupied path to compliance easier both

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[08:08:58]

>> mayor leffingwell: Thank you, your time is up. Where did all you guys come from? When we left there was only two more people. Now we got a dozen. Sandeep nanda, and after sandeep will be rachel fisher.

>> Thank you, council, i appreciate the time. I'd just like to echo some of dan's comments. The rail yard condominium complex, which is where i operated a few short-term rentals is the only condominium in austin, as far as I'm aware, and definitely downtown, in which the founding condominium documents do not prohibit short-term rentals. So if you pass some sort of limit you'll effectively be wiping out short-term rentals downtown, except for two, or four at the rail yard, which would dramatically impact people's ability to stay downtown, because it's a very affordable alternative to hotels, especially during the conventions like sxsw or acl or things like that, you'd pretty much wipe out the supply. The second point I'd like to make is that, you know, we have an hoa, just like dan said, and it's actually \$250 for the first fine. The second one is \$500 for any noise violations. So we have self-governing bodies, unlike the neighborhood associations that were pushing for the restrictions on single-family residential housing. So I'm not sure if there's a need for the council to place any limits on any condominiums or multi-family buildings at all. And with that I will stop before my time is up. Thank you.

>> Mayor leffingwell: Thank you. Rachel fisher. Following rachel will be nathan wilkes, and it will speed things up a little bit if you will work your way up to the opposite mic so you can speak when rachel gets through.

>> Good evening, mayor, mayor pro tem, council. Thanks for giving us the opportunity to talk about this. I am just going to speak on the 2012 international property maintenance code and austin's adoption of that and local amendments. We've all heard a lot of talk, especially lately about the code compliance toolbox, and I would suggest that this document before us now is, in fact, that toolbox that we've been talking about. Specifically, the 27 pages of local amendments. Here is where we find the code compliance department officials are able to act to address substandard properties and some of the issues we've all been so concerned about. According to this document code officials shall act to address any violations they discover and the document grants them arguably very oh grants them wide authority to act. The voting and standards commission have hear cases not otherwise resolved. Landlords should be made legally accountable for retaliation. Code compliants can prevent units from being leased if they are dangerous. The majority of substance they're woog at today is not new. The local amendments mirror the same local amendments that currently exist in addition or I guess I should say accompanying the 2009 international property maintenance code we've already adopted. Later this evening as we all discuss items related to code compliance, the austin apartment association hopes that council will bear in mind the authority and responsibility currently vested in this department. Finally, I want to take this time to express support for director smart and the code compliance department as we move forward in implementing the 2012 itmc. And at that I'm available for questions so I can get out of the way.

[08:12:45]

>> Mayor leffingwell: Thank you. Nathan wilkes? And following nathan on the other mic will be catlan macin.

>> [Inaudible]

>> mayor leffingwell: Okay, you're passing? Because andre has already spoken. Go ahead.

>> My name is nathan wilkes. I'm also here in support of limited owner occupied rentals and reducing the barriers to that, and contrasting that with commercial rentals. It bothers me that the fee and kind of regulations would match something that you would do 365 days a year as an invasive presence in a neighborhood as opposed to, on the other hand, if you're an owner occupier, if you live in your home and you want to get out of town for two weeks and give a visitor to austin a different experience visiting and also supplement your income at the same time, that those fees and regulations are the same. So I certainly urge you to look at the amendments that riley has proposed but also look at the fees and make sure that those are in proportion to what a commercial operation is getting out of it and what, you know, homeowner and community stakeholder is getting out of it. So short-term rentals i think are an important part of the future of the sharing economy of how our economies will work moving forward. There's examples like car sharing, bike sharing, things like that, where we're looking at resource sharing and certainly sharing your own home is a very intimate experience, different from just having a rental place that you're trying to make money off of. So I urge you to look at these in a different light.

>> Mayor leffingwell: Thank you.

[08:14:45]

>> Thanks.

>> Mayor leffingwell: Catlynn macin is passing. We'll go to mark green. Mark green. And after mark will be leslie mcginnis on the other mic.

>> Good evening, mayor, mayor pro tem and council. I'll try to be brief and not getting too in the weeds, i want to lend my voice as an owner and resident downtown in the railyard where we HAVE THE TYPE 1 AND 2 STRs And tell you that I was on the bench and I was a skeptic about having those in our hoa, but

it's worked out really well for us and worked out for the neighbors, the type 1 and type 2, and it's been good for the community, it's been good for the hoa and I'm not in favor of severely limiting the number of type 2s. It worked out for us. Thank you.

>> Mayor leffingwell: Thank you, mark. Leslie mcginnis, and next will be savannah adams on the other mic.

>> Good evening. My name is leslie mcginnis and I'm a property owner in central east austin. I own a single-family house. I'm here to speak against the proposed changes to the short-term rental ordinance. I'm an employee of aisd and have been for ten years and my property taxes go up and my salary doesn't. So as a result I have to think about ways that I can pay my mortgage and my taxes every year. The reason why I'm against the proposed changes are i don't really agree with the whole registration and taxation thing anyway. I think that the city resources could be better used in other ways. I think that there are other issues that are more pressing to our city, but i assume that this is inevitable, and if it is inevitable the reason I'm really against what's going on is I don't think it's your neighbor's business to know what's going on in your house. If it's a commercial rental, yes, but if it's a home that somebody is letting in, I've never had to notify my neighbors that I have a roommate and I've had many roommates in austin because this is a college town so i don't see why a short-term roommate would require my neighbors being notified. I'm very much against the public database because I'm a single woman. I don't want people to be able to know that I live alone and need to

-- you know, I'm renting my place short-term. I'm very much against random inspections because it's a violation of privacy, and again, with rising taxes and the stagnant salary I think that you should allow a reasonable path to compliance so that you can generate revenue and get more people on board to do this legally and not make it such a difficult and somewhat scary situation to navigate. At this point for me what it looks like is it might actually be less invasive and more lucrative for me to rent my place short-term

-- long-term, commercially and go live somewhere else instead of living in my place and having people come in on a short-term basis. I really don't want to do that. I think if I'm not there that kind of destroys the fabric of the community where I live and I think it makes much more sense to have people in their homes hosting people from out of town because that's what keeps austin weird, and i think that that's one thing that's very unique about this town and that's where I that's why i live here. So I think those things should be considered. If you have questions I'll take questions. Thank you.

[08:18:13]

>> Mayor leffingwell: Thank you. Savannah adams? And after savannah will be bell zarrs, on the other mic.

>> Good evening, I'm just here to echo the sentiments of the last speakers. I am a homeowner here in austin, and I am interested in renting my home on a limited short-term basis, and I feel that being lumped in with those that are running businesses, such as TYPE 2s, IS PRETTY UNFAIR. I agree with a lower fee for registration would make that path to compliance much more reasonable. Renting my house out, you know, one to three times a year helps me create

-- it's a creative income for myself to help me pay my property taxes. As you know, the people that have spoken before me. Also the high cost of obtaining a license does encourage, I would think, a more frequent rental of your property, which can start to destroy a neighborhood fabric, hence, the cap on TYPE 2s THAT IS IN PLACE. The notifications do concern me. I feel that they are confusing and again, if you're

-- if you're renting a type 1 short-term basis, i do not think that it's necessary for our neighbors to get a confusing piece of mail, and I think that that can cause strife between neighbors when we can easily just talk to each other across the street if there are concerns, or tap into 311. That's all. Thank you.

>> Mayor leffingwell: Thank you. Bell zarrs? After bell will be alejandro puyana.

[08:20:17]

>> Hi, I'm bell zarrs. I live on east side. I'm 60, and having short-term rental is a job for me. I do all the cleaning. I take care of people. You know, I let dogs come, babies. It provides a different kind of place for people to stay. And I've been trying to register now since march, and it's not easy. So that's why I'm very supportive of this, that is for partials and bedrooms, because it turns out that even though I have a house and I built a little house in the back for my dad when he was no longer able to live in assistive living, and then when he died, i thought, oh, that would be a perfect place, but it doesn't have a kitchen. So it's not an entire dwelling unit, which means that I can't register. So code compliance has been out many times and they've shut me down, and now I am waiting, waiting for this partial and bedroom thing to happen, and it's been postponed and postponed and postponed, and please, i hope that you will make this legal and I also hope that you will somehow accelerate this so that we don't have to wait till january. That's actually the thing that worries me most about this. I do support riley's amendments, particularly the one that says the owner does not need to be present for the entire duration. That's just unreasonable. And that was started in new york because they didn't want people to do an end run, right, they don't allow a whole residence, so they thought if people were renting a bedroom then they wanted them to be there so they wouldn't actually be renting their apartment, you know, on the sly, right? That's where that came from. It doesn't make any sense in our situation because we allow the whole thing. So if I go on vacation I can rent my whole place, right? It's just a little kind of weird thing in there. I also think taking out random inspections is a really intelligent thing to do. I think if you've got

complaints and people are calling into 311 and they don't have hot water or whatever, then you can say, okay, we've got a complaint and we'll follow up and we'll check out this place. So bottom line for me is this is a super important

-- this is my job. This is my income. This not only pays my mortgage and my taxes, but this has put food on the table for me. This makes living in east austin affordable. So maybe you can say that events haven't raised our taxes, but something certainly has, and the value of our home has gone up. So we

-- it would make a lot more sense for us to sell and move someplace else and actually work to rent it to five students, which is all around us right now. So please

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[08:23:21]

>> mayor leffingwell: Thank you.

>> Do it. Alejan alejan dro puyana.

>> Good evening. Mcl NAME IS ALEJANDRO Puyana. I want to echo the support for the amendments that mr. Riley proposed. I am a homeowner in hyde park. I

-- I'm in the same situation as bell where i have a separate unit in my house without a kitchen that shares utilities. With my property I am in a gray zone where I can't register. I am still paying taxes for the property

-- hotel taxes for it. But I am in this gray zone, which the amendment will fix. I also feel that reducing the rates for people that own their house and rent out of their own property is a smart idea, and I'm also opposed to random inspections. That's it. Thank you.

>> Mayor leffingwell: Thank you, and that's all the speakers that we have signed up that wish to speak. So as I said earlier, we will take up the items separately, so now we're on item no.144. Council member riley.

>> Riley: Mayor, I will move for approval of item 144. I do have a number of amendments to make, so i could offer the amendments as part of my motion, if that would be your preference, or I could do those separately.

>> Mayor leffingwell: I think that would be

--

>> riley: Okay, I'll make a motion for approval with the following amendments in mind, and I've just passed out yellow sheets to list all these. And these are essentially the ones that I've mentioned at the work session on tuesday, but I'll explain them in a little more detail here. The first amendment would address section 25-2-788 a, which is the general provision for type 1 short-term rentals, those that are owner occupied, and it would

-- specifically it would delete subparagraph 2, which

-- which says

-- which says it is not part of a multi-family use. In other words, it would allow multi-family units to BE TREATED AS TYPE 1 STRs So that

-- we heard about the guy in the railyard who wants to go to the bahamas during south by. Well, this would make that possible. It would also allow for part unit rental

-- rental of parts of those units. If you have a great big condo you could rent out part of it during south by. The second amendment addresses paragraph b of that same section and it cleans up the provisions governing rental of partial units, and specifically it says that you can rent part of your unit, whether you're an apartment or a regular house, you can rent part of it under the following

[08:26:20]

conditions: You can rent out

-- rent out the

-- a partial unit if it includes a the a minimum the exclusive use, a sleeping room and the shared use of a full bathroom. The owner must generally be present at that license

-- at the property for the duration but not

-- not 100% of the time as current code might suggest. You can

-- no more than one partial unit at the property can be simultaneously rented, so you can't rent a bunkhouse to a bunch of different parties, reant al rental ofa partial unit is limited to single individuals, you can't have bunk rented out to different parties. Those are just cleanup provisions to allow for partial rent

-- rental of part of your home or apartment. The third item would keep

-- would speak to the 3% cap specifically in noncommercial zoning districts, so it would say that in

-- in

-- in a multi-family property in a residential neighborhood, an apartment complex in a neighborhood that will still be subject to a 3% cap. But item 4 would say if you're a multi-family property in a

-- in a commercial area, that's subject to different rules. And the reason is simple. The whole objection reheard to short-term rentals was it's commercial use in residential areas and many people consider that inappropriate. Well, that same objection doesn't apply to the same extent in any commercial area. And so paragraph 4 would set a different limit, and we've

-- as I've discussed on tuesday, there's going to be some degree of arbitrariness as to what exactly that limit will be. It seems like it should be more than 3%, somewhere between 3 and 50% seem like the right number. Some input we've gotten we suggest that should be set at 25%. There are some condo places downtown already that set a limit of

-- on rental units at 25%, and that's based on some notions about maintaining a proper balance. I don't know that 25% is exactly the right number so if we start bumping up against the cap and folks downtown want to revisit that I'm open to that. But 25% seems like a fair way to go for the time being. So we'd oppose the gap of 25% on rental units on both an individual building and multi-complex and the whole multi-family complex to make sure you don't have one place that will be a saturates of short-term rentals. I'd propose that

-- he'd say in one building or the whole complex. And that

-- hopefully we'll ensure we continue to maintain a strong base of long-term residents even in downtown. Item 5 would create a grandfathering period. People said they want to see that, people doing short-term rentals were continue do doing that and that's consistent with what we did the first time around. The sixth would clean up the provisions regarding advertising. We've heard people want to advertise their unit and they feel they should not be penalized for that before they get licensed. If they get a good response and want to go ahead and rent out the unit, they ought to be able to go ahead and get licensed to do that and the fact they were advertising without a license shouldn't be a basis of denying their permit. That doesn't mean you can do illegal activity. We worked for the right language on this. You can't be out there, advertising, come stay in joe's crack house. That will be the basis for denial of your permit, but if you're advertising

-- but you can't advertise that

-- but you can advertise that you

-- you can advertise for short-term rental and the mere fact that you weren't licensed at the time of advertisement is not a basis of denial of the permit if you find that the response is positive and you decide to go ahead and rent it out. Item 7 is another cleanup item that would just provide that you could

-- there can be at least one short-term rental in any census tract or multi-family building or property, and that's to deal with those areas where there's just a very

-- a small handful of properties. And so you wind up with some fraction of less than one. In fact, there's a neighborhood up in north central austin that had so few single-family homes that they couldn't even get up to 3

-- 3% actually came up to less than one short-term rental and so they wanted to be able to do one. So in any census tract you would be able to do at least one short-term rental, and the same would go for multi-family buildings or properties, even in smaller complexes where the percentage might get to you something less than one, you'd be allowed to do one in those cases. Item 8 would provide that

-- well, actually 8 and 9 are both cleanup provisions that just

-- it's kind of a technical thing but it gets into the property management code that a couple of the speakers addressed. The definition section, in section 1301, really should properly be in that property management code. So the eighth amendment would take it out of the the str provisions and item 9 would

-- would also address

-- would address

-- section 13.02, to address the inspection provision, to provide that you're not going

-- if you operate a short-term rental you won't be subject to random inspections. You are still required to get your property inspected the first time around, before you go to rent out your place for a short-term rental, whether you're in a regular home or a multi-family complex, you do have to have an initial inspection to make sure that it's fit to be rented out. But you're not going to be treated like a hotel or a bed and breakfast and be subject to random inspections because these are really different animals. So those amendments are all based on all the input we've gotten from a variety of stakeholders for the past few months. This effort was

-- is largely cleaning up the

-- have been clarifying provisions for multi-family properties but along the course of the way we found there were a number of items that could be clarified with respect to single-family short-term rentals and we've tried to do that. I can't say that we've cleared up every single problem. There may be more. We'll continue to work with ms. Stars and others who have been experiencing difficulties, but I think this will move us a good ways further down the road towards having a process that is simple, clear, efficient and easy to work with, and I appreciate everybody's patience and help as we've tried to get this right. So, mayor, with all that said, I will move approval of the item subject to all of those amendments.

[08:33:29]

>> Mayor leffingwell: Motion by council member riley to approve the amended version that we have on our yellow sheets here, second by council member spelman. Is there any further comments? Yes, mayor.

>> Mayor leffingwell: Council member morrison.

>> Morrison: I'm a little disappointed I can't vote on these amendments one by one, like we do sometimes.

>> Mayor leffingwell: Well, you can

-- you can suggest amending all of them out one by one.

>> Morrison: Okay. I'll do that. But I guess first I want to say that, you know, there was so much controversy and I was one of the two people that voted against the str ordinance a year-plus ago. This is

-- this is essentially a very good step in the

-- in the right direction, I think, because it

-- you know, we just didn't address multi-family last time and it does address multi-family. I think that's entirely appropriate to address multi-family, so i appreciate that. I think the issues that i have are I'm concerned about a 25% cap, which is under no.25.

-- I mean, excuse me, under no.4. And I

-- you know

-- I'm not sure how much of an effect this is going to have. If this is

-- if this 25% cap is allowable in cbd and dmu and that's it, then that's much less of an impact in terms of I'm not sure where else it will filter over to. It's not going to apply to mf, right? Okay. So it appears it's pretty much just downtown, but it's going to apply. Is that

-- would that be your understanding? Commer commer understanding?

>> Commercial zoning district. So for instance, if

-- i believe

--

>> it could be gr-mu, cs-mu, would be the two that come to mind, or csg or crv.

[08:35:30]

>> Could I ask where in the code it says short-term rental is allowed in mu?

>> The code has listed right

-- as listed right now does not permit short-term rental in a mixed use zoning district, that I can see.

>> Morrison: Okay. So, in fact, pretty much would be cbd and dmU. Right now it's not allowed in go-mu. So

-- so that's fine. So I'm comfortable with that, because I think that effectively most of the places downtown, as was stated, are either leases that are going to prohibit it, or if there's a condominium regime, many of them have already limited it, and the concern I have is that I want to

-- I don't want us on a path of undermining the success we've had denying in the appropriate places in town, and I think everybody agrees that downtown is one of those places. So to hand over in theory with this, you could hand it over 25% of the 10,000

-- knock out 10 fs

-- 25% of the 10,000 people living downtown. That would be a really bad thing. But with the understanding that it is really just going to apply to cbd and dmU, then I can live with that. I do want to mention under no.6, the issue about shifting the language regarding advertising. I believe I heard mentioned that this was really put in place just for a very narrow purposes, in the first place, but it was my understanding that we put it in place and it's one of the tools that our staff uses to be able to find short-term rentals that are not

-- that are not registered, and I wonder if I could ask staff a question about that, if that

-- if I'm understanding that correctly, and I think this might be Mr. Smart, not necessarily Mr. Rusthoven, just in terms of what our compliance folks do in terms of looking

-- or is that pdr, looking for places that are being used for short-term rental that are not registered.

[08:37:52]

>> I'll let Mr. Smart answer.

>> Mr. Mayor, members of the council, Carl Smart, director of co-compliance department

-- code compliance department. If I understand the question correctly you're talking about identifying properties that are being

-- that are advertising, that may or may not be operating as short-term rentals?

>> Morrison: Well, right, and what do you do

-- do you use that as a tool right now for being able to find folks that are not registered that should be registered?

>> Yes, we do. We're checking web sites and other means of advertising to see if

-- if homes are being advertised as short-term rentals, but then there's follow-up to check and see if that's actually occurring. It will have an impact, of course, because some will be advertising and some won't be operating and some will be advertising and won't be operating and it will be up to code compliance to make that distinction and then follow through with enforcement activities.

>> Morrison: So you're saying, I guess if I understand properly, you're going to continue what you're doing looking at web sites?

>> That's correct.

>> Morrison: It's just going to take you another step to check with people and

--

>> that's correct.

>> Morrison: Whether or not they're actually

-- okay. And then lastly, under no.8, removing the definitions and renumbered

-- this is not something that I

-- I don't have a dog in this fight one way or another, but in terms of the definition, it's my understanding the definitions are in there now, and so

-- because we're repealing and replacing with 145. We're repealing and replacing chapter 13. So this is not completely new. It's the same for the most part, and so I'm just curious about why up until now we've needed the definitions of bed and breakfast, boarding house, hotel and rooming house, and now all of a sudden, because WE'RE LOOKING AT STRs, WE Don't need that definition anymore.

[08:39:58]

>> Do you want to answer that?

>> Kathleen Buchanan, assistant city attorney. Council member Riley's office brought it to our attention that we had some level of duplication between section 1301 and item no. 144 for the short-term rental ordinance as well as section 201.1 of the item 145, the international property maintenance code. So what we're proposing

-- what council member Riley is proposing, I believe, is to relocate the definitions into section 201.1 and kind of collapse those sections. And so that chapter 13 will actually start with 13.02, then, which is the inspection section.

>> Morrison: Okay. So

-- okay. So you're saying that the definitions are in another part of the code?

>> That's correct, council member. Other than the definition of bed and breakfast and hotel/motel does not occur in 201.1 currently. The other definitions do. So we'd move the ones that don't occur now in 201.1 to that section, and we would not duplicate the other ones that are currently in that section.

>> Morrison: Okay. Thank you.

>> Thank you.

>> Mayor Leffingwell: Further discussion, council member Tovo?

>> Tovo: I have some questions for staff. I would like to talk first about item 9, and I guess my preference would have been to devote on these individually but I will if none of my colleagues do on e.

>> Mayor Leffingwell: Just for the record, council member Riley was able to make any motion with the wording that he chose as long as it's within the posting language.

>> I understand that, it's not our typical practice. We typically do one motion, the motion that's in the agenda and then we add on, but in any case we can get there one way or another. No.9, inspections. Right now code officials make inspections to determine hotels, rooming houses and bed and breakfast establishments. Staff is proposing short-term

-- help me understand, Mr. Rusthoven, whether there's

-- why staff had short-term rentals in there.

[08:42:32]

>> I believe code compliance will answer that.

>> Tovo: Thank you, mr. Smart. Can you talk to us about inspection ?S the proposal is to eliminate short-term rentals from the list of operations that need to be inspected, and so if this amendment goes through code officials would do inspections of boarding houses, hotels and rooming houses and bed and breakfast establishments but not short-term rentals, yet the short-term rentals we're talking about function like

-- you know, if they're renting out a room it's akin to an operation in a rooming house, a bed and breakfast. They're similarly one room or two rooms. Is there any meaningful difference from a code official's perspective, is there any

-- do you see that as a value to eliminate short-term rentals from this list? I mean, they operate in many ways in the same way as the other groups that are going to continue to be subject to this level of scrutiny.

>> Mr. Mayor, members of the council, carl smart, code compliance director. In response to your question, council member tovo, I think that we

-- we think that there is value, actually, to having the inspection of short-term rentals too. We inspect hotel/motels, rooming houses, boarding houses as we get complaints on them or if there is a noticeable need for an inspection. The short-term rentals now with type 1 and 2, you don't really need inspection if you've got a certificate of occupancy, and then if you do need an inspection you can actually have a third-party inspector do it instead of a code compliance officer. But if there is a problem, if we get a complaint on the short-term rental or if we notice a problem or a neighbor calls in a problem, then we just need the authority, the opportunity to go out and check the problem and make sure that it's

-- identify whether or not it's a violation of the code and then communicate with the proper owner so they can take care of that problem. And so that was the reason for having it in there. It

-- taking it out, in talking with the attorney, it doesn't necessarily negate our ability to respond to complaints. So I think from that standpoint it will have minimum impact, but it was there so that we could have that authority to do inspection if the inspection is needed. We do not

-- I think that maybe

-- there may be some perception that we do random inspections on motels, hotels, rooming houses, et cetera but we do not. That authority is there to go in and do the inspection if there is a need for us to do so.

[08:45:12]

>> So I guess I would

-- i guess I would argue that i haven't heard a good reason why short-term rentals shouldn't be treated similarly to bed and breakfast, hotels and rooming houses, and why they shouldn't

-- why they shouldn't be treated just the same way in terms of ensuring a level of safety there. What we've heard from mr. Smart is that they don't do random inspections on any of those and they'll still have some ability, but it's, I guess

-- offers some additional certainty to have it as part of the code. So I would argue to remain

-- to keep that in and I can make a formal motion to that effect here in a little bit. Mr. Smart, council member morrison talked to you about this before, but I want to get back to this idea of advertising. I guess one of the main tools in making sure people had registered, it seemed to me when we had this discussion about short-term rentals earlier was to look for advertising.

>> Yes, on advertising, it is

-- we want to make sure

-- I guess the original INTENT WITH TYPE 1s AND TYPE 2s, WE WANT TO MAKE Sure that if you were advertising as a

-- as an str, you were a licensed str, but as commented here before, that

-- by other folks here, that there is a

-- there is a desire by SOME STRs TO TEST THE Market first, advertise it and see if they get any takers, and then if they get takers, then come down to the city and request a license. And we can see where that process can work in some cases. We just

-- obviously from a code compliance standpoint we're concerned about compliance and whether some may advertise and then go ahead and operate without a license, and that would be a concern for us. And the concern

-- another concern is being able to identify those. So situations where that is happening. It will make it a little bit

-- the impact will be that will make it a little tougher for us. We will have to follow through to find out if that property is actually operating as an str. We know it's advertising. Is it operating. And we would have to probably check it during an event or something to see if we can determine if it's being rented out as a short-term rental or not. The impact it would be it would make it a little tougher for us.

[08:47:53]

>> And tougher equates to staff resources, which equates to money.

>> That's correct, staff time and inspection time.

>> Do we have any other businesses that are allowed to start advertising themselves to kind of test the market? I mean, with most businesses you have to get the permit first and then

-- and then move forward in advertising your product.

>> You're probably correct, but I would have to research that to be certain. Yeah, in most cases the ones that we have licensed, anyway, are

-- there is a requirement that, yes, you get the license first, then you're able to operate legally before you start advertising. Advertising itself is

-- is usually evidence that you're operating a particular business or whatever. But we're prepared to enforce this, whichever way it comes out of council. I want to

-- I'm reminded too that we do

-- we mentioned earlier about complaint inspections on hotels, motels, rooming houses and boarding houses, et cetera. We also do periodic inspections on those properties but those are scheduled inspections and not random.

>> Tovo: Thank you. The last question I have regards

-- it relates to grandfathering, and I think this is probably for mr. Rusthoven, no.5. Anyway, we have heard anecdotal evidence that some

-- that there are certain multi-family complexes that may have pretty large numbers of units being rented out. I don't know if you have any evidence of that.

>> I've heard

-- I've spoken with some people who own some triplexes, fourplexes, and as large as a sixplex that use more than one unit as a rental.

>> As many as all of them.

>> Or in one case five out of six.

>> To me, five out of six, you know, grandfathering in complexes that are

-- where five out of six are used for commercial operations 100% of the time really looks more like a hotel to me more than a short-term operation. And grandfathering those in doesn't allow us to subject them to the same kind of limits that every other multi-family complex is going to be limited to. So that's

-- that's one that gives me concern as well, no.5.

[08:50:14]

[One moment, please, for change in captioners.] would allow councilmember riley's amendment to function in commercial districts. Councilmember morrison was correct if we leave the language as stated the amendment would allow them in commercial districts and yet the list of does not include commercial districts so essentially the amendment would be negated.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: So

-- but we've been talking about cbd and d.M.U. So is that a commercial district?

>> Yes.

>> Morrison: It doesn't negate it, only the commercial district where the cap

-- where the 25% cap applies, the only district where is cap applies is c.D.B. And d.M.U. And now we're talking about allowing them in m.U.

>> You are correct, but i understand from previous conversations staff was allow it in

-- I was just trying to make sure that was understood.

[08:52:20]

>> Morrison: If that's going to be the case, I would sure like to see that all laid out and have a chance to look at across any other implications to that and I really, really have a problem then

-- I mean I was getting comfortable with the 25% in the d.M.U. And c.B.D. Because I think that's only going to be allowed in the buildings that want them. And so that's fine. But if now all of a sudden we're

going to allow all of our m.U., Multi-family developments along our corridors to potentially be 25% short-term rentals, we have done a huge disservice and undermined the attempt at our corridors and I think that's a really bad step to take. I think that's a whole other ball game if we do that.

>> Mayor Leffingwell: Question. I don't think it referred to multi-family, in particular only if it's m.U.

>> Right.

>> Mayor Leffingwell: Only designated commercial uses which would be anything that had m.U. In it.

>> Except that we would specifically restrict it to grmuen csmu because those the only where hoe dell districts are allowed.

>> Mayor Leffingwell: And

--

>> but councilmember morrison is correct if we leave that language out the commercial districts would be cdbu and d.M.U. I want to make sure the intent of councilmember riley's amendment was possible in the ordinance language.

>> Mayor Leffingwell: So what we require would be an amendment to revise part 1 to reflect those commercial services, those commercial zonings where this would apply which would be grmu and crsv.

[08:54:24]

>> And grv. Councilmember morrison is correct, the available properties that have that is larger than the cbd or grmu.

>> Mayor Leffingwell: I would offer that as an amendment. Is that acceptable to the maker and second? Councilmember spelman.

>> Spelman: Could you repeat it.

>> Mayor Leffingwell: It would be to revise part one as mr. Rusthoven outlined to reflect this applies in commercial zoning for grmu, csmu and grv.

>> Spelman: Yes.

>> Mayor Leffingwell: Okay, to sheets part of the motion. Councilmember morrison.

>> Morrison: What I would like to address to address the fact we may be turning 25% of all of our corridors over to short-term rentals, this is allowing that is under number 4 where you have the recommendation

-- you have the amendment councilmember riley to allow in commercial zoning districts a cap to be 25. What I'd like to suggest perhaps as a friendly amendment and if not I could add it to just make it to take a vote on it is rather to say located in a cbd

-- in cbd or d.M.U. The cap be 25%, but commercial districts, other commercial districts stay at 30

-- 3%. Because we're talking about all the apartments on lamar. Those are all m.U. All the apartments going up in burnett and, you know, we've just done all this analysis saying where are we going to fit 750,000 more people. And we were counting on those corridors and I think that would be

-- it would be a smart thing to do.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: The objections we heard were to short-term rentals were generally aimed at the idea that they were

-- they represented commercial uses in residential districts. And I don't see how that same argument applies in commercial districts such as along our corridors, nor do I think we would necessarily see wholesale conversion of 25% of all those units to short-term rentals. I don't think there is any evidence to suggest that.

[08:56:53]

>> Mayor Leffingwell: So you don't accept

--

>> Riley: I do accept

-- no, I don't accept councilmember morrison's amendment.

>> Morrison: And I would like to reply, you are right one of the arguments we heard, one of the concerns we heard when it was voted to go ahead and allow these in residential was it's a commercial use in a residential area. But there was also the concern about what's going to happen to turning over a good number of our dwelling units to be short-term rentals and we're not going to be able to putting families [indiscernible]. So I think that with regard to the fact that yes, hotels are allowed there so these

-- so you don't have the conflict in putting the commercial in the middle of residential, but i think that it's a very valid concern, I agree we're not going to see a wholesale turnover of 25%, but I think we should set our laws according to what we think is okay, and 25% is not okay.

>> Mayor Leffingwell: So he does not accept that as friendly. Are you making it as an amendment?

>> Morrison: Yes, I would like to make an amendment.

>> Mayor Leffingwell: Is there a second to that? Seconded by councilmember tovo. Is there any more discussion? This will be a vote on the amendment to adopt the amendment. Councilmember martinez.

>> Martinez: I was wondering if you had any information or anyone in the audience that is the operator of a multi-family property has any information about current leases and the way they are structured whereas subletting would not be allowed under most leases.

>> If I may, two more things to add to that. Yes, my understanding is the vast majority of leases in town are t.A. Leases or texas apartment association leases. I did contact the t.A. And got a copy and it's pretty iron clad is my understanding and that does not allow subletting. Somewhere north of 80% of the multi-family projects in austin use that standard t.A. Lease. It's the easiest thing for a landlord to use. If I could point out two things real quick. Just for clarification, the csmu and the grmu are the two districts where a hotel is allowed which is why i suggested those two districts. There's

-- it would allow a multi-family, it would not allow hotels. I believe the intention is to not include lrmu but just gr

-- and secondly I had a realization and I'm sorry this is a late realization while standing up here, but actually today under this ordinance it does not allow s.T.R.'S at all in grmu or csmu or grv. So I believe if you want to allow them in there as we would allow them in other multi-family complexes, it is necessary to add them to this list. But councilmember morrison's amendment would still, of course, restrict them, would only raise the cap in cbd, not in additional zoning districts. What I'm saying is I think we need to add them to the list irregardless. Your motion would obviously

-- the 3% cap would still apply on those grmu and csmu cases

--

[09:00:25]

>> Mayor Leffingwell: Your amendment is to change item number 4 and instead of saying 25% cap you would say limited to cbd and d.M.U.

>> Morrison: Not quite. Under item 4 where it says located in a commercial zoning district, I'd say instead located in cbd or d.M.U.

>> Mayor Leffingwell: I thought that's what I said, but if I didn't, I stand corrected. That's what I meant. So that's the amendment. The second is on the table. The vote will be on the amendment. All in favor of councilmember morrison's amendment say aye. Opposed say no.

>> No.

>> Mayor Leffingwell: That fails on a 2-5 vote with councilmember riley, councilmember martinez, myself and mayor pro tem cole voting no. Any other

-- councilmember riley.

>> Riley: I see mr. Arredondo has approached.

>> I wanted to address councilmember martinez's question mr. The leases. The apartments, the t.A. Standard lease prohibits subletting. In condos, again, I just want to make the point that as far as I know, every condo in austin, the condominium documents prohibit short-term rentals of less than 30 days. I wanted to reiterate that because a lot of discussion I've heard after I made that point seems to have not incorporated that information. Thank you.

>> Mayor Leffingwell: Okay. Councilmember tovo.

>> Tovo: Yeah, I'd like to propose eliminating the item 6 that we spoke about earlier. For the reasons already stated. I think we need to make

-- i think we need to give code enforcement the tools they need to enforce the regulations we have and we had a pretty lengthy discussion about it the first time through when we were considering the short-term rental regulations. I believe code enforcement needs to be able to use the advertising as evidence that somebody is operating a short-term rental and use that as the basis for whether or not

-- for making a decision about whether they've registered and are following the rules and as far as that goes.

[09:02:47]

>> Mayor Leffingwell: Councilmember riley

--

>> Tovo: Again, I think it's consistent with the way we

-- the way other businesses operate. And it is

-- it is a risk on their part, but you do your

-- as a business owner, you do your market research and determine whether or not it makes sense for you to venture into that field and then some of it is making an investment, financial investment and jumping in. So that's my motion.

>> Mayor Leffingwell: Do you accept that, councilmember riley?

>> Riley: I would like to ask questions of staff first. Jerry, it's been my impression in most cases that wouldn't be a problem because most short-term rentals, with most short-term rentals when you look at the advertisement, you typically see reviews of

-- of past guests. That's what the whole system

-- certainly with type 3 short-term rentals, that's the most

-- most seem to be advertised with accompanying reviews who say they are previously in so in that case it would be apparent if somebody was repeatedly doing it so code would have no difficulty in that situation determining that it was a repeat

-- a repeat provider of short-term rentals. But I understand there may be other cases, the occasional one, particularly the type 1 short-term rental that it would be nor difficult so the point is well taken it could cause problems for code compliance. So I just wanted to ask, you've had a lot of contact with stakeholders on this. Have you heard concerns on this subject?

>> Yes, the concern I heard expressed was that if someone did make a mistake, if you will, and advertise a short-term rental without coming down and seeking a license either because they want to test the market or maybe they are not aware of the law or choosing not to comply with it, if they did it and were caught by code compliance, the desire would be that they would have an opportunity, that they would still be allowed to apply for a license to basically correct the situation, that they be allowed to apply for a license. And concern for the existing language if someone advertised without having a license, they got caught, you know, they were unaware or whatever, that they would then be denied a license because they already advertised without having one. So the desire was to allow people to be able to come into compliance even if they are caught advertising without a license by allowing them to get a license. But still be able to withhold

-- to still be able to deny the license if they are advertising in ways that otherwise violate the code besides just not having a license, for example, if they are advertising holds 20 people or free drugs or something like that.

[09:05:51]

>> Riley: And I know I have heard that the concern about compliance raised by at least one stakeholder. Is that a concern that you've heard from other stakeholders?

>> About?

>> Riley: About being able to enforce the rules. How can code know which ones are actually operating without a license. Typically, and maybe this is a question better directed to Carl. Typically when we see somebody advertising, would the advertisement alone provide the basis for reaching out to that advertiser to inquire about their

-- their registration status?

>> Yes, sir. That would be a reason for us to reach out. One of the

-- one of the challenges and difficulties enforcing this ordinance is determining where are the short-term rentals, who is operating the short-term rental. It's not like in hotel-motel it's evident you are a hotel-motel, but in short-term rentals it's not evident. In most cases it looks and acts just like any other rental. So yes, the advertising has been used by us to try to help identify how many short-term rentals we have out there operating. We haven't had a lot of cases yet of advertising without a license, but we are

-- there is a lot of

-- a lot of situations that we're following up investigating. Now to see.

>> Riley: Okay. Well, I

-- councilmember Tovo said would this amendment

-- with this amendment would you be willing to support the item?

>> Tovo: I am

-- I am concerned still about the grandfather piece and I have grave concerns about the 25% in the various commercial districts. I was almost there, I have to say I was almost there, I do agree with the comments of my colleague that

-- that the ordinance before us represents, you know, represents a good step in the right direction in terms of putting some regulations in place. But a few of these amendments are troubling enough to me that I'm not sure if I'm going to be able to get there.

[09:08:08]

>> Riley: Mayor, at this point I don't consider the amendment friendly.

>> Mayor Leffingwell: Excuse me, that's not friendly, not accepted. So are you proposing it as an amendment or dropping it?

>> Tovo: Sure, I'll propose it as an amendment. We'll go the route again.

>> Mayor Leffingwell: Proposed amendment with second. All in favor say aye. Opposed say no. No. Motion fails on a vote of 2-5 with councilmembers riley, martinez, myself, councilmember spelman, mayor pro tem cole voting no. Anything else? I have one friendly amendment and that would be that if this

-- if this motion does not pass with more than five votes, passing on all other readings, that we close the public

-- all three readings, we close the public comment period. Is that accepted? Any other comments? Are we ready to vote on the main motion? All in favor say aye. Opposed no. So that passes on all three readings on a vote of 6-1 with councilmember tovo voting no.

>> Thank you.

>> Mayor Leffingwell: So we still have quite a bit ahead of us, just to give everyone a heads up. Giving some order to how we proceed from now on, the order will be 51

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>> [inaudible]

>> Mayor Leffingwell: Pardon? Oh, we have to vote on

--

>> Morrison: I'll let you know when we're ready on 51. I think we're making progress.

>> Mayor Leffingwell: We're not ready on 51. We did have to vote on 115 first.

[09:10:11]

>> I believe we forgot a vote on 145.

>> Mayor Leffingwell: That's what I meant, we have to vote on 145. I think also we wanted to include that the previous discussion that the definitions that were in the previous ordinance have been removed and they will be added to the property management code as we previously discussed, 202.1.

>> Mayor Leffingwell: So we've already had the discussion and the public comment on 145. I'll entertain a motion.

>> [Inaudible]

>> Mayor Leffingwell: So councilmember spelman

-- move approval of 145 as amended.

>> Mayor Leffingwell: 145 as the amendment described by mr. Rusthoven. Are we clear on that? Seconded my councilmember martinez. Discussion? In favor? No. Passes on a vote of 7-0. We're still not ready on 51 so we will go to 77, then 119, then 11 and 12, then go back to 51.

>> [Inaudible]

>> Mayor Leffingwell: Which one is that? Yeah, it's posted for 7:00. I know, but the others are posted for early times. I'm just trying to

-- trying to play it straight. If it's the will of the council, council is requesting to go out of order and take up 119 first, we can do it.

>> Spelman: We can spend is rules.

>> Mayor Leffingwell: If there is no objection, we'll take up number 119 first. I just wanted to make clear why I did it that way because it was posted last on the agenda.

[09:12:13]

>> Cole: Mayor pro tem, i have a question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: The item number 77, we have quite a few kids here on the issue of the park at st. John's. I know that we're only considering procedural issues, but I would like to propose that we take that one up next.

>> Mayor Leffingwell: Well, item number 119 only has one speaker. Item 77 has 36 speakers.

>> Cole: Try and get it out of the way.

>> Mayor Leffingwell: Yes. That is what was suggested by councilmember martinez and councilmember spelman.

>> Mayor Leffingwell: When we do get to item number 77, we're only talking about the process, not about the merits of various prospective uses. 119.

>> Thank you, mayor and council. Item number 119 is a zoning case, c 14-2013-0060 for the property located at 7101 bluff springs road. This is a 1.88-acre tract of land and the property owner is requesting to rezone the property to Irco to modify an existing conditional overlay, from a prohibited use list. The property is situated at an intersection to the north is some undeveloped property zoned cs-co, to the east is some mobile home, manufactured home development, to the south existing single-family mobile homes and to the west across the street is an apartment and vacant warehouse that are zoned csmuco and I want room rr. It was recommended to you by the zoning and platting commission on a 5-0 vote on the consent agenda. Staff also recommended the zoning change with an additional condition that there be a 2,000 vehicle trip limit on the property. With that I'll pause. If you have any questions.

[09:14:47]

>> Mayor Leffingwell: Any questions of staff?

>> Mr. Phil moncada.

>> I'm phil moncada. , The agent. I'm sorry if I'm being redundant but our case was heard with the zoning and platting commission and approved on consent with no opposition from anyone. Staff recommended the removal of food sales and restaurant, fast food drive-ins from the list of prohibited uses. The conditional overlay would apply, staff affirmed the food sales and fast-food restaurant drive-through on two of the other commercially zoned properties north and west of this site. We have met with the neighborhood groups and the group I was unfamiliar with called gava on two different dates to discuss the project and believe we addressed their concerns. The last meeting was held at houston elementary school on 9-17-13 and this is what we discussed and agreed to. Capital metro was also at the meeting. We have a bus stop that's currently located adjacent to our site and we are in discussions not only with cap met but with the neighborhood and are willing to do whatever we can to upgrade or provide additional land if necessary to

-- to provide a shelter there at that current bus stop that doesn't have one at this time. I also want to remind the council in '99 when this first zoning case came up, they did and agreed to provide additional right-of-way on bluff springs for future land use that could include a bike lane in this area because that is a collector. My client has had another convenience store in this area since 1997. 16 years. A lot of the neighbors didn't know that and I was unaware until we had our meeting. One of the things

-- another thing we agreed to do is to start providing fresh fruit and produce in this establishment to give the citizens in this area additional healthy food options. We've also agreed to work with local law enforcement to create a safe place location for the children going to or coming home from langford elementary school. We have agreed to post signage or stick others the storefront so they are aware of it. We will also monitor the site and report anyone drinking on the premises or adjacent to the premises, which was a neighborhood concern. I believe one of the reasons we did have some opposition originally was the language that refers to a drive-in restaurant. We are not proposing this. What we're proposing is a convenience store with fuel sales and potentially some smaller suites that would provide personal services and uses for the immediate neighborhood such as maybe a nail shop, maybe a dropoff laundry, maybe a small laundromat. In close, I want to state that robert tipples, one of the neighbors in the area that first

-- excuse me contacted me opposing this change contacted me yesterday, stated he no longer opposed our zoning modification request and wished us the best on our endeavor. He also reminded me he was only speaking for himself and no member of the neighborhood organization. I'm available if you have any questions. Thank you.

[09:18:38]

>> Mayor Leffingwell: Questions of the applicant? We have no one signed up in favor so we'll go to those against. Bobby sandoval. Is bobby sandoval here? You have three minutes.

>> Should I wait or

-- okay. I'm bobby sandoval, a teacher at langford elementary and a volunteer with gava and austin interfaith. Mr. Kibbe is at home with health issues right now and he would love to be here to state his position but I'm here in his stead. We are working to ensure that the development proposed on bluff springs is a positive addition to the community. We would like to work with the owner and we believe we can finalized a covenant that will help provide key protections. However, we've not yet finalized this agreement. Therefore we ask the council to not approve the zoning changes

-- excuse me, at this time. As a teacher in the community, I witness families making poor health choices on a daily basis primarily due to limited options in our area. I make and take my lunch to school almost every day, but sometimes it's just not possible. Those days I end up buying my lunch from places like taco BELL or McDonald's and what I would really prefer is buy a healthy sandwich from the closest corner store. Talking with parents one thing is clear that easy access to healthy choices within our community is lacking and is growing in priority. Langford has partnered with gava to promote healthy choices including regular exercise and healthier diet. Studies of our neighborhood show there are many gas stations that serve unhealthy foods some of which are owned by this very same owner. These u.T.

Studies have classified the dove springs area as a food desert with few venues that offer healthy choices to the community. At the last community meeting, the owner agreed to make healthy foods a priority and we look forward to working and beginning these efforts in addressing our additional concerns as well. We are also concerned about the alcohol sales so close to our school. A mere 200 feet closer and these sales would be illegal. In fact, a district bus stop, a district bus stop is stationed at that very corner. Buses picking up our students from the steps of this store would be driving them to and from middle school every day and then dropping them back off here. Students' safety to and from this bus stop are definitely a concern. We would be excited to finalize a covenant with the owner which would secure these protections for our community. We've walked the neighborhood and we're meeting with residents and it's obvious that residents are interested in collaborating with the owner of the store to ensure that it makes a positive impact on the community as a whole. Again, we ask that you not approve the zoning case on all three readings tonight. We would be happy to invite this new store into our neighborhood once we've finalized the covenants. Thank you.

[09:21:56]

>> Mayor Leffingwell: Question from councilmember spelman.

>> Spelman: Clarify for me what is going to be in the covenant? How are you going to define healthy food and what are you going to do about liquor sales?

>> Again, I'm here in mr. Cibbey's sted. I don't have all the details.

>> Spelman: Are you seeking a complete ban on all alcoholic beverages or something more limited than that?

>> I don't believe we are.

>> Spelman: Okay. Thank you.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. I do have a question. Also I know that there originally was some concern about drive-through fast food, drive-through places. Can you speak to that? Is that off the table is your understanding?

>> No. I believe that a lot of the concern is just the high traffic and the high volume. There are district bus stops there as well as city bus stops there and the extra drive-through coming on both sides of the corner would definitely create trouble for our neighborhood.

>> Morrison: Okay. And is that being discussed with the owner?

>> We would like to work with the owner on that.

>> Morrison: Okay. Great.

>> Mayor Leffingwell: Those are all the speakers. We have a three-minute rebuttal from the applicant.

>> Thank you.

>> Mayor, mayor pro tem and councilmembers, I forget to reiterate at the last meeting TO 17th, H.E.B. HAD A YOU Mean can of represent itself there that were also going to be working with the neighborhood to ensure they were providing not only healthy food but additional specific food types for the community. One thing I want to make clear in what I'm going to state tonight is the site plans that would be proposed if this zoning case moves forward would address any safety concerns associated with the driveways. And I know we're at an intersection so transportation reviewers would make sure that the driveways were safe. The other thing I want to state is we would also be providing sidewalks, which is another requirement of the site plan for not only what's on the bluff springs side but also on the blue meadow portion of that roadway and this is the first time that i as the agent for this owner have heard anything about a potential restrictive covenant discussion.

[09:24:19]

>> Mayor Leffingwell: Thank you. Question, phil.

>> Morrison: I do have

-- maybe I just missed it, but is there going to be a drive-through planned for this?

>> No, ma'am, I specifically spoke to mr. Majeed, the owner. There is not going to be any kind of a drive-through window. Again it has to do

-- and mr. Guernsey could probably address this more clearly. The way the planned development code referenced drive-through and restaurant, I believe it made the neighborhood initially believe or the speaker that we were proposing something like a FAST-food McDonald's, and I'm not trying to say that's not healthy food or, you know, a jack in the box.

>> Morrison: You can say it if you want to. Free speech and all.

>> No drive-through.

>> Morrison: What about service station?

>> Excuse me?

>> Morrison: Are there going to be gas pumps here?

>> Yes, stated they are proposing to provide that as amenity to the neighborhood because you do have quite a bit of traffic at William Cannon. One of the things I forgot to mention, Capital Metro is looking at potentially doing more upgrades and getting with the City of Austin's transportation department to provide easier access in and out of that facility at William Cannon and 35. I believe that location is about six to seven blocks from our site.

>> Morrison: And you mentioned H.E.B. Are they part of or they were just part of the neighborhood?

>> They were at the Gava meeting.

>> Morrison: When you said they are plan to go provide healthy options

--

>> additional healthier options and maybe create an easier way for people to get into the neighborhood, to get into the store that live in the neighborhood because that may be one of the reasons they were making bad choices.

>> Morrison: Okay, so they are not partnering with your owner.

>> No, but we would be willing to talk to them as well.

>> Morrison: Great.

>> Maybe we'll be buying the produce and fresh fruit from them.

[09:26:21]

>> Maybe the kids will be growing it in their neighborhoods and selling it to you. I do have a question for staff. Thank you, Mr. Moncada. Thank you, Mr. Guernsey. Does the proposed

-- the proposed zoning allow for drive-through?

>> There is a way that I think you could do a drive-through if council wanted to have a limit restaurant. Without drive-through they could make it prohibited as accessory use.

>> Morrison: So we could prohibit it. They have not been planning to do it and I think that's a concern

-- [multiple voices]

>> there would be a way you could do that if you wanted to.

>> Morrison: Would that be a condition you could put on the zone?

>> Conditional overlay that would prohibit a drive-in service as accessory to the principal use.

>> Morrison: Okay, and then also could you help us understand the situation with liquor and what

-- what is allowed

--

>> if you have food sales in austin, up to 51% of your sales must be food, subordinate amount must be

-- could be alcohol to really get to be a food sales use. And so any food sales use in the city has a right to sell alcohol the way our ordinances are established. They are not within 300 feet of langford elementary so there's not additional approval required by council to allow alcoholic sales in this location because it is further away than 300 feet.

>> Morrison: So if we were within 300 feet here and the council didn't approve it, does that become a condition of zoning?

>> Actually that would be a separate waiver that would have to be considered by council. If they were within 300 feet. Then the council could deny the alcoholic beverage permit.

>> Morrison: Well, it sounds like there's concern about that and I'm not sure exactly, I think that's probably going to be developed some more in the discussions that the neighbors have with the owner. So maybe we'll just set that whole issue aside and see how that develops.

[09:28:39]

>> Mayor Leffingwell: I'll entertain a motion on 119. Councilmember morrison.

>> Morrison: I'll move that we close the public hearing, although we can always ask to speak with folks, and approve on first reading with the

-- with the additional prohibition mr. Guernsey mentioned about drive-throughs.

>> Mayor Leffingwell: Motion by councilmember morrison to close the public hearing and approve on first reading only with c.O. Prohibiting drive-through.

>> Morrison: There was some comment about the rising awareness among the community and dove springs about the need for healthy eating and it's clear there's just been a huge increase in capacity and engagement and it's just really heartening, very heartening to see so i appreciate all the work.

>> Mayor Leffingwell: All in favor of the motion say aye. Opposed say no. Passes on a vote of 7-5. 7

-- 7-0. Item 77. That was pulled by councilmember tovo and more for time certain. We have almost two hours of testimony. It says approve a resolution directing city manager to obtain community input and report to council by october 24th of this year with options for the future use of city-owned tract of land located at 401 west st. John's. So what that means is that if you are signed up to speak, you can speak about that process. The city manager gathering stakeholders. It means that if you talk

-- if you want to talk about particular uses for the land, what you would like to see there, that should not be tonight. That should be when the city manager

-- assuming this passes, goes out to get that community input. The directive is for the city manager to seek community input and bring that input back to us. So with that restriction in mind, remember we're talking only about process, the first speaker is rebecca rappaport.

[09:31:28]

>> Hi, thank you so much. Rappaport and I wanted to speak briefly about the process and some of the concerns I think the families have had. We're here because I think most of us are worried that we will get shut out of the process. Which up until now has been pretty troubling. Like most parents I did not hear anything about this debate until last saturday, so about two weeks ago, when after a game we heard from some of the optimists who told some of us they were troubled by rumors that something might happen, they weren't sure what. They thought there might be a stakeholders meeting, they didn't know. I am a political reporter. I say oh, I can figure it out, right, and I called councilmember tovo's office and I'm really appreciative of the work your staff put in with me and I really appreciate that. However, the first time i called I was told that all the information gathering was done, which was consistent with information other people had listen told, but they were going to check back. I called again the next day and it was unclear whether i should be included because i lived across koenig. So I'm pretty close to these fields and whether my voice should be heard on that issue. Your office was wonderful in the end and I got in touch and we called, but it was very concerning. I found out about this resolution obviously and was able to share that with other parents, but I was sort of worried what if I hadn't called three times. And a lot of our other parents had stopped and thought there was no method to input. And it left us sort of concerned, would city council have made a decision without hearing from hundreds of austin families who rely on these things. Given no parents have been part of this process until now, which has a history, I'm worried one month isn't a long enough time line to do the outreach and conversation work that would yield a constructivist out come.

[09:33:48]

[One moment please]

>> Mayor Leffingwell: There is no plan.

>> Right, I thought this

-- [multiple voices]

>> Mayor Leffingwell: Excuse me. Excuse me. This is the beginning of the process. [Buzzer sounding] this resolution directs that process to go forward.

>> As I understand it it asks the city manager to come up with three different plans.

>> Mayor Leffingwell: It says to obtain community input and report back to council by OCTOBER 24th. And you raise a good point there, you may not

-- that may not be long enough and you may want to suggest that we take longer than that to do that.

>> The two things I'm suggesting one is it take longer and two it lays out as I understand it three different kinds of things to look into. Uho park and some compromise plan, some compromise of the two, and I'm asking in addition to a longer time line that that compromise be kind of preferenced above. So those are the three times I'm asking for.

>> Mayor Leffingwell: All right. Thank you.

>> Thank you.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I appreciate your being here and I want to apologize that the first information you got wasn't correct, but I do want to make a point of saying as soon as we learned you had been given incorrect information, I had my policy agent reach out and make sure you would have an opportunity to participate and there had been no decisions reached and that part of the process would be community stakeholder input. But to the other parents, i want to make you aware that we have

-- probably all of our offices have been in communication with mr. Reznicek and various officials in the optimist club for several months. I'm sorry that word hasn't gotten out to parents, but I'm glad you are all here and we'll do our best to continue communicating that.

[09:36:13]

>> Thank you very much. Appreciate it.

>> Mayor Leffingwell: Samuel baker. Samuel baker and alicia marberger.

>> [Inaudible]

>> Mayor Leffingwell: Mohan saleti. Hold on. Jimmy noman. Jimmy is not here so you have up to nine minutes to talk about process only.

>> I have less

-- I'll probably take less time. Can I reserve time if necessary?

>> Mayor Leffingwell: No.

>> I would say I just want to reassure you we'll probably be delegating back a lot of time. I think we are make our points expeditiously. Eye name is sam baker. I'm proud for a uho parent. I'm glad you restricted this to process because process is what we have come here to talk about. We at uho are optimistic to people can come together and find common ground and share goals. That is why uho strongly supports a process that is open and fair to all stakeholders. Dedicated to us finding a compromise, a shared use park supporting many activities. But I too am worried because so far the process is us parents like myself with a distinct impression that our voices do not matter and their children's needs don't count. And I take exception to the idea that the process is just beginning today. There have been many meetings I know and some have included the optimists, but there have been many meetings apparently that did not include the optimists and I think there's been a problem in the process and needs to be looked into and addressed. We're worried that the resolution as written rushes this new process, the stakeholders meetings, i should say a stakeholders meeting which is what the resolution currently calls for, one meeting. Rushes that process and will once again leave out the parents and kids who are those with the most at stake. None of us in uho have seen a city council person come to the park to see what we do or talk to parents and coaches. What I learned a resolution is being prepared less than a couple weeks ago, I tried checking on the neighborhood list serve and was told repeatedly because I live on the other side of koenig i have no business getting involved in the fate of the field where my child is growing up playing ball. Uho parents are never invited to stakeholder meetings and i don't think that's due to failing on the part of the optimists, that's due to the lack of a truly public process that embraced those parents the way for example the members of the neighborhood association were embraced. Our community including leadership was confused by conflicting reports about advancing plans for a park. I was saddened to learn one of our neighbors was not allowed to speak at a neighborhood meeting on the grounds while uho ground are in the neighborhood uho people don't belong. Parents and kids who have come here understands the fate of uho is not being decided today. We understand this resolution is about starting a process. We're here because, literally, this is the first time anyone has been able to speak up in public, not in a closed back room meeting, but in public in support of the wonderful things uho does and support a process in which

the voices of the uho community will finally be heard and their needs met. I'm here so say resolution 77 should be amended as follows. First because we need a collaborative process, the resolution should specify from the outset the main goal of turning the current uho fields into a shared use park for all, for both neighborhood kids and people and for sports use. It should specify that the stakeholders in this process include relevant city agencies, various relevant neighborhood associations, rbi and local school health boards. Second the resolution should call for a series of stakeholder meetings in a full year for this collaborative process to come to fruition. A month is far too short a time to undo the harm done by the process so far and to conduct what we sincerely wish for which is a true journey of reconciliation and mutual understanding with our neighbors. This is the uho I want to hear speak and respected. The coaches and teammates who have meant so much to my family and have taught my son so much and mean so much to us. But here whatever is what the process to date has brought and I understand this is a failing of process and a failure of communication that I want to see remedied. This has been a sad tragic separation and exclusion so big that on the cover of city current newsletter the neighborhood association calls the uho property, quote, a scar on their neighborhood map. Imagine how that slur on uho makes us feel about the process so far. Uho is not a scar on someone else's map. It is a treasured field that brings together wonderful charitable human beings who matter so much to me and these kids and I hope to the city. Show us that these people matter by starting a brand new thorough process that includes us and our representatives as equal partners in finding creative solutions to meet our needs and those of our neighbors alike. Thank you very much.

[09:42:19]

>> Mayor, I have a question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Mr. Baker, I appreciate your comments and I want you to know my kids play for uho but they are now grown

-- well, one is 17. But one of the things

-- I just want you to help my memory. While we may try to give direction to the process, I remember that the uho kids came from a lot of different neighborhoods. Often far away and their parents or uncles

-- it was kind of a community. So it wasn't even always necessarily that their parents were bringing them to practice, there was a lot of carpooling and that kind of thing going on. If we're trying to make sure we are actually including stakeholders that have an interest, what would you suggest needs to be done?

>> Well, you know, we have some parents actually who would like to speak to exactly this in terms of the process, the fact that the

-- the diverse community that who serves is a community of people who it's very important to bring into a process like this to let know that the city is listening to their voices and being fair. And for that reason, a stakeholders meeting, right, if you have only one, if somebody has to work and they really, really have to work and they cannot miss a shift or they are fired, right, and they miss that one chance to have their voice heard, I just think that's a tragedy. And no matter what happens down the road with planning going forward, which could go a number of directions, just the opportunity to be able to be involved in this process would mean so much I think to people having, you know, a good feeling about the outcome and not feeling like they've just been, you know, seeing their clubs, exactly uncles, parents, even grandparents play for is just gone because there was a meeting and oops, now it's gone away. We feel like that almost happens, to be honest. We feel like

--

[09:44:21]

>> Cole: What I'm speaking to was the fact I think we will be challenged to make sure that everyone is notified. At least with the

-- and so I'm look for people to help give us some direction on particular neighborhood associations, churches or even tonight that the message will be spread I think probably tonight is the best night to make that clear, so maybe just go back and sit down and talk to some of the other parents and think about that.

>> And we're working on that and we've had about ten days and I think the fact we've been able to get the word out and get parents involved and done what we have in ten days is a lot. Abby mentioned there's a problem of parents across I-35 being told that they are not

-- that they are not part of the community of this field, right? I actually think that

-- going to your point about neighborhood associations, right, that a more inclusive process that actually said no, let's find these kids and you'll find a way to make sure they are in conversations, you know, right? That we're integrating would be a fantastic thing and with time I think we certainly can do that.

>> Cole: Who is one of the most integrate place my kids went so I want this thank you for that.

>> Mayor Leffingwell: Richard weller.

>> [Inaudible]

>> Mayor Leffingwell: Lee reznicek.

>> Not here.

>> Mayor Leffingwell: Edward reznicek.

>> Mayor pro tem, councilmembers, I'm here representing university hills optimist club.

[09:46:25]

[Indiscernible] university hills is very excited about the process of stakeholder meetings and trying to understand what everybody needs. We are looking forward to working with the community to establish a workable plan. We are also concerned about the time that is allocated for this review, but we also need a reasonably quick response because there are safety issues out there that need to be addressed. We have addressed one of them. Council has

-- council staff has told us not to spend money. We're kind of caught in the catch 21 area. I'm going to leave it at that to say that we want to participate as partners in a process to develop something that serves the youth of the community. And we thank you all for the opportunity of serving the youth of austin for the past 46

-- 42 years. We look forward to continuing that service. Thank you very much.

>> Mayor Leffingwell: Thank you. Victor manila. And donating time is ray cabbanaro.

>> I want to thank you for the opportunity to speak to you. Victor manila, the president of uho, president for the last four years and member of the optimist club for the last 15. I'm an austinite over 50 years and I appreciate everything you guys do to help us move forward. We are here to talk about the process of what's going to be done. As some of the other people have spoke, we want the opportunity to have a good stakeholders meeting or multiple shake holders meeting so we can come together and find out what's the best use for that property. I am also a uho parent. I've had kids that have played at uho. My daughter was in kick ball, we have some kick ballers here's and soccer and baseball players. That's what we serve. And my main goal is

-- is to make sure that we continue to do that. The only way we can continue to do that is to have multiple discussions about the use of that property. And as has been spoken, the limited time that we have to the 24th is not going to be enough time to do what we have. Councilmember tovo is correct, we did have some meetings. Those meetings were kind of open ended and nothing was ever finalized and so that's what we're kind of here to do tonight is to talk about that continued process to make sure that everybody, the neighborhood association, the players, the parents of uho all have an opportunity to utilize that land that was donated to us 42 years ago from another city council just like you guys that

allowed us to be able to utilize that property to service kids and to make sure these kids grow up and learn the values of team sports.

[09:49:51]

>> Mayor Leffingwell: You are kind of drifting away from process.

>> I'm sorry. I apologize for that. Again, like I said, I'm here for those youth and for the process to continue for us to be able to speak and negotiate with whatever stakeholders that are out there to make sure that property stays as a multi-use or whatever use, but to continue to service the youth and not only for our neighborhood but the city of austin. And our numbers will show that we do service numbers. Again, I'm getting off the process and I apologize. Again, I appreciate the opportunity to go through this process.

>> Mayor Leffingwell: Let me assure everyone who has talked about some kind of process going on in the background, that's totally informal discussions. The public process begins now. You'll have an opportunity and the city manager will report back to us on that process and then we'll have to act on this. And then is when all of you can come in and, you know, tell us what a great thing little league and the optimist club

-- by the way, I was on an optimist team when I was a kid so I have a lot of appreciation for that. [One moment, please, for change in captioners]

[09:52:07]

>> so some of that discussion has been ongoing for a while now. But thank you, I appreciate you being here.

>> Mayor pro tem.

>> Cole: What amount of time are you suggesting needs to be spent?

>> Well, I don't know if I'm in total agreement with sam that it has to be stretched out over a full year. But obviously a month, between now and the 24th of october, is not going to give us enough opportunity for both the highland neighborhood association and uho to come together and to talk about

this. I think, like sam said, we have people that may not be able to make that particular night. So I'm just suggesting maybe we look at it, you know, for two or three months, you know, or

-- maybe four, but I don't think a full year is needed. But, you know, then again, it may be, but I think a month is not long enough for us, and that's

-- that's what I'm hoping that this process will do, is to give us a little bit more time for all of us to come together and talk about what the

--

>> cole: Three or four months. Thank you.

>> Thank you.

>> Mayor leffingwell: All right. Marisa campsano. Nathan everett? Nathan everett? Are you marissa? All right. Nathan everett will be next.

>> Hi, good evening. I'm also suggesting I'm a uho parent as well, and also a board member. I am suggesting also more time. I think anywhere from three to six months would be acceptable, I think, to come up with a plan and have meetings with highland and definitely decide how we should work together. I think definitely working together is a better option than saying no to either one, either one of those and just flat-out having to find our players another spot or having another park designated for highland. I think we can definitely work together and come up with some kind of compromise.

[09:54:09]

>> Mayor leffingwell: Thank you.

>> Thank you.

>> Mayor leffingwell: Everett nathan, and following everett nathan

-- nathan everett, will be matt price.

>> Mayor, I'm nathan everett. Pretty much I'm going to repeat what everyone has been talking about. I am a highland park

-- a resident there, been there for the past eight years. Probably the subject of our next meeting, but I just want to iterate that, they're doing everything and maintenance there. So I'd like to come up with a selective

-- see if we can come together with the community to work as one. That's pretty much what i want.

>> Mayor leffingwell: Great. Thank you.

>> Thank you, sir.

>> Mayor leffingwell: Matt price? And you got a bunch of donors here, jack tackily? Is here. Christopher tach and jordan rustling

-- oh, jordan is here, so you have up to 12 minutes if you can fill that space.

>> I'm probably not going to need anywhere close to that amount of time.

>> What is your name?

>> Robert

-- robert [inaudible].

>> All right. So you have to 15 minutes. [Laughter]

>> excellent. You have good questions, thank you for having me. I'm matt pricer of rbi boston, the affiliate of baseball

-- baseball in inner-city program. We're about to finish our third year here in austin, and

--

>> mayor leffingwell: We're talking about process here.

>> Right, I'm trying to give you background. We as a

-- we've been able to partner with uho, and hopefully seek to build up the program there, and kind of what I would want to represent tonight is similar to what's been said before me so I don't need to be too long. I've been living in the same neighborhood for a little over five years now and similar to everybody else i found out about the initiative that potentially would change the usage of the park, kind of seemed like last-minute, and i really want to be a voice, and for lack of a better term, go to bat for my neighbor, my neighborhood and the kids that are there, that play uho and have been involved there. And so I would really just like to emphasize what everyone said before, that we'd really like there to be the process, to be plenty of time for each stakeholder to be involved. And I agree, one meeting could really exclude a lot of these families, especially single mom homes where they might be working at night and not be able to get there. So I would like to request that the process would be extended and there would be more time to make sure everyone is involved and include the neighborhood associations that are surrounding there and really give everyone a fair say in the process. So that's what I think

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[09:57:13]

>> mayor leffingwell: Thank you, I think we're hearing that message loud and clear.

>> Yeah, thank you.

>> Mayor leffingwell: Council member tovo?

>> Tovo: Sir, would you clarify

-- I think you opened by saying you're part of rbi?

>> Mm-hmm.

>> Tovo: So you're part of the group that uha has sublet with. You part of the conversations that will be going on with the parks department?

>> Yes, we've been in good touch with the parks department regarding usage of fields and things of that nature, including dobson field.

>> Tovo: Are you involved in the other rbi programs that actually have a direct relationship with the parks department?

>> Yes, that's what we are. I've been in touch with ms. Mcneily

--

>> I didn't know if you were a parent with rbi

--

>> I'm the director of rbi austin.

>> Tovo: I'm curious, this isn't related to the process necessarily but because we have these direct relationships, direct contracts with your in other areas, I guess I'm just curious why

-- why you didn't pursue one in this case.

>> When you say didn't pursue

-- what, what do you

--

>> tovo: You went through uho rather than going through the parks department.

>> Sure. Yeah, I can explain that. Our purpose and our mission is to provide opportunities for inner-city youth, and so part of that and what's happened in a couple cases now as we've started the program in austin, is some local youth organizations, whether it's a parent or a board member, whoever, have reached out to us and said, hey, we're really struggling to find the coaches and volunteers and get enough kids in to participate and have, you know, full divisions and leagues and things like that, and so nicu ho, a parent reached out to us and said, hey, the

-- we hear rbi is getting going in austin, we'd like to build up the youth baseball program and continue its long hair teenage and improve it. Is there a way we can partner with rbi? And so that's how the relationship started, and so we sat down and we talked through, hey, well, here's what we do and here's some of the kind of strengths that we have as far as being able to recruit volunteers and having partnerships with the local schools and things of that nature. And so that's really how the relationship began, and it has been probably the last couple months when in communications with the city they said, hey, we want to

-- we want to kind of iron out the formalities as far as

-- you talksubletting. If we're

-- talk about subletting, an organization with uho, partner with them to have clear definitions what that looks like.

[09:59:53]

>> Tovo: I don't think anybody was aware you were operating on the site until the last few weeks.

>> Sure.

>> Tovo: How long have you been at the uho site? 2013 was our first year there.

>> Tovo: All right. Thanks very much.

>> Yep.

>> Mayor leffingwell: George wan.

>> [Inaudible]

>> mayor leffingwell: You'll have to remind when he when he comes up. Jason becker? Jason becker? Robert minmin?

>> [Inaudible]

>> mayor leffingwell: No, you already donated your time. Kelly saldana? Following kelly will be dennis caldwell.

>> Good evening, mayor and council members. I'll make this short because I am not a public speaker by any means. I would like to address mayor pro tem cole's question about who might the stakeholders be, because we do have a very diverse group of kids that use the uho facility, especially where kickball is concerned. Kickball is only

-- there's only three leagues in austin so we draw not only from our neighborhood but other areas. We do have a way to get in touch with them. We can reach out to them, but definitely more time would be

-- give us more opportunity because we're not in season. We do have a very strict guidelines about our season, and so more time would allow us the opportunity to reach those stakeholders.

>> Mayor leffingwell: Thank you.

>> Cole: I'm sorry, would you say your name again?

>> Mayor leffingwell: Mayor pro tem.

>> Cwould you say your namegain?

>> It's kelly saldana.

>> Cole: Thank you.

>> Mayor leffingwell: Dennis caldwell?

[10:01:57]

>> Thank you for this chance to speak, mayor leffingwell, mayor pro tem cole and members of the council. My name is dennis caldwell. The last four season I've been a coach and a board member of the uho little miss kickball league. As a matter of context, over the past 40 years uho has provided thousands of austin youth from diverse backgrounds, abilities and ethnicities, opportunities to participate in low cost, high quality sports programs in soccer, baseball and kickball. However, if uho and its sports programs are to survive and thrive another 40 years, the city council must lend us a seat at the table to share our voice and ideas in this process. Apart from including us in this process of determination, this is the decision the council holds in its hands. Banish one group to benefit another. In an instant the council could decide to do away with 40-plus years of tradition, pride, volunteerism, smiles, hugs, tears, hands raised in victory, hearts humbled in defeat, and fond memories of the tastiest french fries that you will find at any field. [Laughter] is that the best end? Can there be another way?

There should be and hopefully there is. We are rightful stakeholders, and necessary participants within this process. We plead with you to include us as part of the process for shaping our future with you, which we hope would result in uho and the highland neighborhood association working together as partners for the benefit of youth through sports in the advancement of austin's people. Council members, I implore you to advocate one of the greatest lessons we've sought to teach youth, working together as a team. Uho is willing to be part of this new team. We hope the hnh, the neighborhood association, is willing too. I ask you to put us both in the game. Let's take our time to come up with a win for all, past, present and future. Thank you.

[10:04:29]

>> Mayor leffingwell: I suggest that all of you who have a concern about whether or not you're included in the process give your name to one of the sponsors of this item, council member martinez or council member tovo, and so we can assure you that you're not going to be left out. Okay? And you don't have to do it now but you have to do it at some point in the next week or so.

>> Okay.

>> Mayor leffingwell: Burger smitts? Okay, donating time, ryan rutan, adrian getsock, michael anderson. You have to 12 minutes.

>> I probably won't need that much. Good evening, I'm alex smitt, I'm here to support the resolution. There are a number of neighbors behind me. We understand this resolution is essentially a fact finding initiative so we won't be discussing [inaudible] if the future about it. But to talk about the process, I wanted to give an overview of the process history of this property as it pertains to our neighborhood. The highland neighborhood has been pursuing this property for seven years and this resolution if passed would assist enormously answering questions we haven't really been able to get consistent answers to. The property is owned by watershed protection, who approached the h and a about installing retention ponds on it roughly ten years ago. The highland neighborhood supported these efforts and a plan was discussed with tom frankie at watershed to turn the rest of the space into a park. Now, this was only discussion. This was also seven years ago. At that point of the neighborhood association president david hauser went direct so soliz to ask. He was told they could build a park after the sports fields were relocated. The neighborhood plan voiced support for this end of 2003, a decade, no action has been considered to facilitate the plan with city input. With this neighborhood plan the neighborhood association has consistently supported pro growth, pro density and we're still lacking in open space. The desire for a park was made known to watershed

-- sorry, once the desire for a park was made known to watershed, our neighborhood president spoke to tom frankie again annually, for seven years, just reiterating the details of this park. Last december

watershed held a meeting to which our neighborhood association was not invited to. The meeting what between watershed and uho be, where they announced that they would be building a retention pond on this field that would not impact the ball field and would reduce the parking. We've been informed that at this point that plan as created by watershed is 60% complete, meaning it would only allow minimal alterations, if any at all, because of the money that's already been spent. In march of this year this plan was then presented at the neighborhood association quarterly meeting. The neighborhood was, to say the least, very upset by having no involvement in these plans, even though after seven years still no mention of a park here. I just want to point out as well that at that meeting in may that mr. Reznicek was there, so they've known at least since may that this was being discussed at that point. We support the resolution because the neighborhood wants the opportunity to provide input into what happens to this land in the middle of our neighborhood.

[10:08:28]

>> Mayor leffingwell: Okay. Thank you.

>> That's it. Thank you.

>> Mayor leffingwell: Juan vali. Juan vali. And next will be david zavala.

>> Real quick, we purchased our home ten years ago this october, and it actually borders the park fields, we're across the creek, our back fence is on the parkline there. And I live live there with my wife and I have a 5-year-old son. I support this resolution to explore different options for the st. John's property. The land becoming a park would help to decrease crime in the highland neighborhood. The effect that parks have decreasing crime is landfilled as one of the benefits in multiple articles

-- mr. Va li? We're talking about the process, not about the merits or advocating for any particular use.

>> Okay. We're

-- and as I said, if you're concerned about being included, you and all the other folks here who have that concern should get your names and contact information to one of the sponsors. Council member martinez and tovo and, who else?

>> Morrison.

>> Mayor leffingwell: And morrison. So that you can make sure that you can make these arguments when this community input process starts.

>> Okay. Can I continue at all or

--

>> mayor leffingwell: If you stay on that subject of this isn't enough time or this is too much time, talking about the process, not about the merits.

>> Okay. I guess most of mine is on the

--

>> tovo: Mayor?

>> Mayor leffingwell: Council member tovo.

>> Let's allow latitude for our speakers.

>> Mayor leffingwell: We've allowed latitude,.

>> Tovo: But this gentleman isn't getting any, and we've heard about the value of sports and what happens on the field. Perhaps you could put your comments into the context of why you think it's important that the process include some consideration of a park given the long-term goals

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[10:10:40]

>> mayor leffingwell: Council member tovo, I'm going to insist that we stay on the subject of the posting language and I'm going to insist that you not try to override me on that. So go ahead.

>> Tovo: I'm offering the gentleman some suggestions because typically were he when we have a meeting people can speak to the language in the resolution and certainly there's language in the less liection that talks about the value of sports and the value of parkland. It seems to me we have a very narrow interpretation here.

>> The use it is right now and the issues we have currently, I think that's kind of what I was speaking to and kind of got to a little further in. Just being a neighbor that sees the property every night and I kind of see how it works as it is being really single use and not open to anybody except for a very narrow group, which i don't have a problem with youth sports and I think that's a great thing, but i think that space could be used as something much more and more inclusive to our neighborhood, and even people with disabilities, elderly, it could be something much more. But that's, I guess, as far as I can go.

>> Mayor leffingwell: Okay.

>> With that.

>> Mayor leffingwell: Thank you.

>> Thank you.

>> Mayor leffingwell: David zavalá.

>> Good evening

-- well, good night. [Laughter] my name is david zavalá, and I live right off of st. John's, and I play five and I've been there 30 years and I've been a member of uho 14 years. I'm a licensed and certified coach, and the only invitation as we move in the process is yes, we can get a little bit more time on it, because I think we can work our differences and I want to invite highland people to come and join us, and also uho and all of our programs to come and join us, and I'd like to see

-- hopefully i can see every one of you council members and mayor come and join us so you can see what we have in there. We have a treasure

-- a lot of people around here don't have no idea what we have on there. So hopefully I can see you all someday there. Thank you.

[10:13:02]

>> Mayor leffingwell: Thank you. And I've just been informed by the clerk that the speaker who spoke last was not juan vali. Is that correct? You spoke but your name is not juan vali?

>> [Inaudible]

>> mayor leffingwell: Are you signed up?

>> Yes, I am.

>> Mayor leffingwell: What is your name?

>> [Inaudible]

>> mayor leffingwell: Baylor, okay, we'll get

-- so we'll go back to juan vali.

>> Good evening, my name is juan valle. I'm a coach at uho. I've been coaching with the kids for about five or six years, pretty much know all of them pretty well. I want to thank you you guys for letting us

come out and hope that this can be an ongoing process where this is not something that's a decision is made in one day, I guess. I just really appreciate all the parents, everybody out here for making their efforts and coming down, even though it's late, a school night. But I just want to thank everybody, and I just

-- i don't want

-- I've been coach five years. I've been a resident nearby. I had the opportunity to play there. Now I got my son coming to play, and I'm hoping that he has that opportunity. I want this process to keep on going. We want the process to not just be, you know, over and done in a month's time. I know it's been an ongoing process with the watershed or with them trying to turn this into a park. Some of us didn't know anything about this, but i just want

-- I really hope that the process doesn't quit and that we can continue and have a park, you know, for everybody to enjoy. I just don't want to see it end that way.

>> Mayor leffingwell: Thank you.

>> Appreciate it. Charlo charlo tte garza. And donating t damond. Robert degan is here. William hornish. So you have to 1212 minutes.

[10:15:28]

>> Good evening, mayor, mayor pro tem and members of the city council, I'm charlotte garza. I'm a home owner in the highland neighborhood and i along with other people here, generously donating time to me support this resolution being passed. My husband and I moved into our home in highland in 2006 and have been amazed about how our neighborhood can which supports smart growth has been more diverse during the time we've been there. There have been many changes to our neighborhood in the time we've been there you wouldn't be surprised that the density in demographics in highland have changed radically over the 41 years. Since the 1970

-- in the 1970s our neighborhood was in the suburbs on the edge of austin and there was a great deal of open space. I actually called to confirm this with my mom today because she lived in st. Johns in the mid-70s. At that time it made perfect sense for there to be sports fields.

>> Mayor leffingwell: You know what I'm going to say, don't you? [Laughter]

>> well, what I'm saying

--

>> mayor leffingwell: You'll have plenty of time to say all that. You don't want to have to come back and say it all again, do you?

>> I might. [Laughter]

>> mayor leffingwell: I thought you might.

>> But I feel like some of the things I'm saying, specifically about this property are relevant to deciding whether it should be considered for other uses or not. So I feel like this is part of the process and the resolution specifically.

>> Mayor leffingwell: Okay.

>> So at that time it makes sense for there to be fields that were used exclusively for sports at st. Johns. There's plenty of space for the neighbors to gather and do outdoors activities, people could work on safe suburb and records where there was moderate traffic, and it's conducive to what I have to

-- outdoor activities without putting a lot of evidence into doing. Today, september 26, 2013, we have 4,500 diverse residents and the area is

-- airport boulevard and the apartments planned for acc campus at highland mall. The number of people in our neighborhood will only increase in the coming years. Now, based upon a neighborhood voting for backyard residences and zoning on airports, the majority of

-- it's positive growth. I'm getting

-- the opportunity to have even more [inaudible] to frequent new neighbors

-- this is a good thing by us. So I probably don't need to tell you that along with this growth comes the need for publicly accessible green space, something which our neighborhood already sorely lacks. From my understanding across our beautiful city the majority of neighborhoods have an average of 3 to 5% green space and highland neighborhood

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[10:18:22]

>> mayor leffingwell: And all those things you'll say when the time for community input comes and you'll get to say it again when you come back to council.

>> Okay.

>> Mayor leffingwell: Thanks.

>> So

-- [laughter] well I have my time. I mean, I can talk about some of the things. It's already been a decade that this has been discussed, the changes, like highland, we talked about in our neighborhood plans since 2003 that they want to have a park there. This is relevant to the process. The optimists have known since december that the plans to have a watershed put some ponds in and possibly change the fields, they were having meetings with watershed without involving the highland neighborhood association. And I mean, we weren't involved in that process, so it was the neighborhood that wasn't involved, not the optimists.

>> Mayor leffingwell: And we're going to make sure that you're involved.

>> Wonderful.

>> Mayor leffingwell:

-- next time.

>> But the optimists knew since december there were changes coming, and there hasn't been anything communicated to their constituents about

-- or the players, their families, about possible changes to the space. And they have registration forms, they have contact information for their players for the families. We have 4,500 residents that are scattered throughout a large expanse of space, again, where there's no park, but it's hard for us to be able to get in contact with all of our people, and yet we're willing to move forward in the coming months because this has been a conversation we've been trying really hard to have with everyone since we found out that the state could be changing back in december. We had mr. Reznicek, victor manila and a parent speak at our

-- I believe it was our may meeting, the neighborhood association meeting. There were a number of players and their parents there. I'm not sure why the conversations with their players and the teams and the parents hasn't been going on this whole time, but it's bewildering us to think we'll drag this out for many months, possibly a year, when we've been working really hard to have conversations with the people within our neighborhood to make sure they know what's going on and they're able to express their opinions about everything.

[10:20:35]

>> Mayor leffingwell: We will have that discussion about how long

--

>> wonderful.

>> Mayor leffingwell: That community

--

>> then also, in terms of involving the optimists in our conversations and trying to be open to them, mr. Reznicek was allowed to speak at our may meeting. He was put on the agenda. Victor manila was on our neighborhood's meeting, the players came, everyone was welcome, and then they were talking about how mr. Reznicek was not allowed to speak in june. He showed up at the neighborhood association in june without asking to be put on the agenda. There's a process for our neighborhood in terms of the meetings because a bunch of families have young children. I have a 1-year-old at home and it's very hard to get away or have everyone attend a meeting and then go home and put your baby to bed if people ask to speak at the last minute. That's why the process exists. So that's why he was asked at that meeting to not

-- to instead communicate through other channels, just out of respect for the families of highland neighborhood. Let's see. So I mean, yeah, I do have a good amount of information about why we think it's very important for our neighborhood to be considered for having a park, and I know we're talking about process tonight. I respect that. I just want to make sure that the people in our neighborhood are heard, and we've tried to condense our signs time to be respectful of city council. This is a late meeting. We understand that everybody has places they need to be as well, but we really support this resolution going forward. We feel that it's very important for the 4,500 people that live whip our neighborhood, that haven't had a neighborhood park u until now, they haven't had access to green space

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>> mayor leffingwell: Okay.

>> Please think of our residents whenever you vote and please vote yes

--

>> mayor leffingwell: The reason I'm saying this over and over is because I'm trying to be fair to everybody. If some people respect the rules and speak about what they're supposed to and i let other people, you know, go ahead and talk about whatever they want to, that's not fair to the people

--

[10:22:51]

>> well, I understand

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>> mayor leffingwell: Go by the rules.

>> People talking about french fries and things like that, and it's nice and there's some leeway here. I'm not taking up that much time. I don't think our neighborhood is asking to take up that much time compared to how many other speakers have been called forward, so in that way we're trying to be respectful.

>> Mayor leffingwell: All right. Thank you.

>> Thank you.

>> Mayor leffingwell: Brad wright. [Applause] brad wright. And is george warren

-- i called your name once before. You've already spoken, haven't you?

>> You're donating? You have up to ticks minutes.

>> Thank you very much. Not to beat a dead horse, not to be overly redundant and not to be corrected, i want to say one thing. The number one thing I've noticed from both sides is we have a significant amount of disjointed information. We have a significant lack of communication, and if that is the case, if we have seven years, if we have ten years of disjointed communication about one item, we're talking about a

-- it's extremely important. And I could go through and tell you why all that's important because we have another time to do that and I appreciate that, but I am a coach. I am a coach and, gentlemen, I have seen 15-year-olds go to school that would never have that opportunity. What we are doing in the future is to establish that, a significant level of literacy. I can be corrected, that's fine and we'll continue to go. My point is we need to have an open level of community. We need to have an open line and that's all we're asking for. That's what the process is. I've talked to everyone and what we seem to have is an exclusionary situation. We have everybody trying to protect their rights without working together. However that looks, however we can that is what we need and that is what I'm hoping for and I am begging for that. Thank you.

>> Mayor leffingwell: Thank you. Joaquin waterama.

[10:24:53]

>> Good evening, my name is joaquin waterama. I am with the st. Johns contact team and treasurer of the st. Johns neighborhood association. The reason I'm here is because this item will not only affect our friends at the highland park area, but will affect us in our enabled

-- in our neighborhood. So we hope that our voice will be heard and that's why I'm here. Our kids have been playing on these fields, kickball, baseball, for the last 40 years, and we look forward to finding a solution that will help and benefit everyone, and especially our kids. Thank you.

>> Mayor leffingwell: Thank you. Jack murray. Jack murray? Okay. That's all the folks I have signed up wishing to speak. So with that I'll entertain a motion on the item. Mayor pro tem?

>> Cole: Mayor, I certainly appreciate all the testimony and recognize the hour and know that tomorrow is a school day, and I really believe in this resolution that everybody should have use to this park, the neighborhood and uho. I just have a quick staff question, or maybe one of the sponsors can answer this. What is the issue with the storm water pond?

>> Tovo: Mayor?

>> Mayor leffingwell: Did you want to answer is that question?

>> Tovo: I would, and then I'd like to call up the staff because it also gives me an opportunity to call your attention to the yellow version that's on your

-- on your dais there. So this land was purchased by the city to be used for the primary purchase

-- for the primary purpose of storm water management, and so, you know, the

-- the reason we're having this discussion, really, it was triggered by the work that the watershed protection folks were having. They have been trying to figure out a pond on the site, and as you heard from some of our speakers, they were talking with the optimists and trying to, you know, craft one that worked around the fields, and then the highland neighbors said, well, look, we had been having these earlier discussions about doing something different on that site. And so in our conversations with watershed, it became clear that the draft

-- the initial draft didn't include necessarily mention of the storm water management that has to take place on the site. And so that's the reason for these changes, to make sure that each of these alternatives will explain what the watershed

-- what the storm water management option would be and how it would be affected by each of these alternatives, and then I'll invite staff, if I may, to come up and talk about it from their perspective. And also, if you would address the timing issue, because as some of the speakers talked about, watershed has had a 60%

-- got to the point of 60% design, and at this point their project is on hold until there's some kind of resolution on the site. So the timing is being triggered, one by trying to get an answer to watershed so they know what they're doing, and also out of a concern for the optimists too who need to know whether or not they're going to make an investment in our in their buildings that are on that site. Staff would be better

-- we should call staff up

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[10:28:26]

>> cole: I'm satisfied with your sea.

>> Tovo: They can probably add to it. I can ask them my question in a minute.

>> Mayor leffingwell: Okay. Council member martinez.

>> Martinez: Thanks, mayor. I just wanted to thank folks for coming down tonight. Obviously this does begin the process. I hear the concerns about there not being enough time, and often what happens in these resolutions is that the city manager will come back and ask for more time on that date. We put a date so that we can make sure that the work is moving forward. On that council member date, and everyone will know ten days in advance of that what the agenda item is, can very well just be an extension of another 60 days, another 90 days, depending on what the city manager has heard and found out within the first 30 days. So I'm open to extending it, but I do want to hear from staff on the timeline they're working on. I just want everybody to understand that many times when we adopt these resolutions we do put dates so that our staff can responsive and so that they, you know, get to work and do the work that we've asked them to do. We're also going to be a part of this. This is not void from a council conversation. I definitely want to hear all of your concerns, from the neighborhood association to uho. So I just

-- I know it's a late night. You guys spent a lot of time out here today. I really appreciate you coming out, though, and sharing that information with us. So with that I'm going to move approval, mayor, of the site.

>> Mayor leffingwell: Council member martinez moves approval, seconded by council member tovo.

>> Cole: Mayor, I would like to

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>> mayor leffingwell: Mayor pro tem.

>> Cole: I would like to make what I hope is a friendly amendment that we extend the time for consideration of this item to january the 15th, which is four months to give the stakeholders and the university optimist club, along with the neighborhood and staff, opportunity to explore the options presented in the resolution.

[10:30:27]

>> Mayor leffingwell: Council member martinez?

>> Martinez: As I said in making my motion, I would like to hear from staff on the timeline issues.

>> Mayor leffingwell: Staff?

>> Mr. Mayor, members of the council, I'm tom frankie, I'm with the watershed protection department. As far as timeline issues you're looking at the water quality pond that's proposed. Currently it's on hold, obviously, and we are in the site plan review process. We've already requested a six-month extension. If that extension were to expire, it would be very easy to just resubmit it at a later date if we come up with an alternative plan.

>> Which does the six-month extension expire?

>> I believe it's mid-january. .

>> So we have at least through january? Yes.

>> So I accept the amendment

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>> council member tovo, do you accept that?

>> Tovo: I do, I think that gives enough time for a couple community meetings at least and a lot more dialogue, and again, please know we're trying

-- because this is watershed land we have to be sensitive both to the timeline and also to the fact that it's a site that needs to perform well from their perspective, in addition to some of the other things we hope it will do. So it's important to me that that will not

-- I mean, i wonder if you could speak to whether extending this delay any further is of concern for any other reasons other than the site plan. Obviously you want to get to work on the project but

--

>> yeah, obviously we'd like to get the water quality facility constructed and start treating the storm water from the drainage area up in the upper waller creek area. Waller creek has always been impacted throughout the area. It's heavenly developed, creek bed is heavily eroded so we're trying to minimize as much as we can. So any day we don't have it in place is one day we lose treatment of the storm water that runs through the creeks. So yes, we certainly would like to get it as soon as possible. As far as delaying the site plan, I'm willing to work with everybody. I want to find out what works best for this property, but I do still want to get a storm water facility in there.

[10:32:37]

>> Tovo: I appreciate that, thanks, and I know you've been very patient with the discussions we've taken so far. I think we'll have

-- thank you for all your work on it.

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

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. All right. We'll go to item 51, i believe is ready now. Council member morrison?

>> Morrison: Thank you. Item 51 is the sos variance for the garza tract, which has been

-- I think I'll wait just a minute, mayor, if that's all right, while folks empty. Okay. Item 51 is the garza tract. It's an sos variance that's been proposed based on a long-standing discussion, and it's been a very beguiling decision. We've seen it at least once already, and I certainly recognize as an sos variance

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>> mayor leffingwell: Could I ask you to hold the conversation down till you get out so we can go on with the meeting? Thank you.

>> Morrison: Thank you. As an sos variance we've passed it on first and second reading and it only passed with five votes and mine being one of the nays. Obviously I recognize a special situation, and i wanted more time, and i appreciate the time that i got for more information and to more fully understand all the elements of the decision. I just want to lay out briefly how I've come to the decision that I have, and that is, first of all, the first basis of the decision is what

-- is understanding the current entitlement that sit on the garza tract, and I think we heard from staff that based on a court decision, that of the 34 acres, half of the acres are under sos and have a 15% impervious cover allotment. The other half are under the comprehensive watershed ordinance and have a 65% impervious cover. So you mix that all together, basically they have 32% impervious cover. The proposal we have in front of us that we looked at on first and second reading was to, number one, spread the impervious cover across those tracts, and they do two things that were particularly important to the environment. One, and what I considered a negative way, add 50% more impervious cover allotment, and to allow building in the transition zone. The good news was that it required sos water quality across the whole site, which was important, and it would result then in 48% impervious cover, and the rationale given for the increase in impervious cover was, well, that was needed according to the owners to pay for the increased cost of doing the sos water quality. So as I looked at all the pieces of that, the staff analysis, they gave us an updated analysis last

-- they gave us an analysis in august issues and then they sent a memo, I hope everybody had a chance to look at, with updated analysis comparing the reduction in pollutants into the aquifer based on the current entitlements versus resident proposed entitlements with sos water quality. And those reductions were absolutely compelling. There's no doubt about that. They went from big, tall bars of pollutants to short little bars of pollutants. So to me I found that reduction very compelling, although it was important to note that if you looked at the difference between the 48%, which was the proposal on the table, versus 40 or 45%, there were still factors of 2 in terms of reducing the pollution that we were going to be seeing. So I think that that's important to keep in mind. I was concerned about the claim that that much of an increase, 50% increase in impervious cover was needed to pay for the sos water quality, which they gave us an estimate, and i appreciate them being willing to provide that to us, that that system would cost \$2.3 million. What's important to note is it's not a differential. It's just outright and under current entitlements they would still have to do some kind of system. So it's hard to say exactly what that increase in cost was. But a 50% increase in impervious cover is very, very significant. Another element that I tried to really think about and keep in mind in the discussion was the history of this land. We know that there was a donation made by the family to be able

-- to

-- mopac, which a lot of people think it was a positive addition to the community, but

-- and I think that that's

-- that is compelling, but we need to keep two things in mind. Number one, the donations actually allowed the property to be located then adjacent to a major roadway, which increased the value of the property in and of itself, and then, of course, we read in the states man man --statesman this morning that it wasn't a complete donation, that there was some payment involved in that, so it was, you know, difficult to make important decisions like that when we only have a skewed picture. So this element of it I find a little bit less compelling. And then the last thing i want to mention is that

-- another piece of the discussion is that

-- has been that there are other avenues that the property owner could pursue, namely, going to the ledge, and if we could come to an agreement that this would put a long saga to rest. And in general I don't think that we need to

-- we should use the ledge as our guidepost for decisions that we make about austinities and for austinities, because we're left here to do that, but I do think on the other hand we need to be cognizant of the reality of the dynamic, and I know it's important that we take reasonable approaches to try and manage these things. So with that, I have looked quite a bit at different options, and it's been a long day. I know a lot of different options have been on the table, but the bottom line for me is I couldn't support the variance in its current form because I think that it's not appropriate to increase the

-- the impervious cover by 50% for that trade. So I have looked back and forth at a lot of different options and numbers, and have come up with a magic number rather than 48% impervious cover. Two things, one, to change that to 43.5%, and to remove the allowance for building in the transition zone. And I do have logic for that, and it's a little complicated for this late at night, but basically the proposal that was on the table in the draft allowed for building in the transition zone, which is of course a negative thing. That would be a variance, but it had a two for one cost for building in the transition zone. And so if you actually look at

-- so if they did build in the transition zone with the proposed two for one cost, the actual

-- the actual impervious cover would be, in fact, 43.5%. So that's the number that I settled on, and with the assurance that we are removing

-- that they won't be building the transition zone, which actually leads to a nontrivial improvement for the environment as a proposal. So with that, this

-- I am going to make a motion. I think you all have the motion

-- do you all have the yellow sheet now? And it's

-- and the clerk has it, so basically it is

-- my motion is to approve the draft, and I'm actually going to make two motions

-- to approve the draft with the amendment to

--

[10:41:55]

>> mayor leffingwell: I think you can make them both in the same motion.

>> Morrison: Okay. So to move to amend part 2 of the ordinance to limit the change

-- change the impervious cover limits of 43.5% and delete part 3c, removing the allowance for 28 acres of impervious cover in the transition zone. So realign ben garza lane so that's to lower the impervious cover and do the transition zone. Several things I wanted to to was to ensure that what you might call noxious uses that can harm

-- particularly harm the environment are prohibited on the development. So I would also move to amend part 6 of the ordinance and add a new subsection d to impose a condition to the amendment and variances granted in the ordinance that specific uses are not allowed in the project. And I have a list in exhibit d of things such as automotive rentals, exterminating. I'd be happy to share this with anybody in the audience that's interested, and it will be in the record so the clerk has that. So that is my motion that we adopt

-- we approve the variance with these two amendments.

>> Mayor leffingwell: A motion by council member morrison to approve two amendments on second and third reading of

-- and first would be to amend part 2 with the impervious cover change and removing 8/so of 10 of an acre from the transition zone, and to amend part 6 by restricting uses

-- prohibited uses in exhibit. E. Second by council member spelman. Further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: Passes on a vote of 6-1, council member tovo voting no. Brings us to final two items on our agenda, which we'll hear together. We'll hear the presentation and we'll hear the public comment on items 11 and 12 together. And then vote separately on those two items. Do we want to go directly to public comment? Does anyone have any questions or statements you want to make?

[10:44:34]

>> Cole: Mayor?

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I will be recusing myself on item 11 as I own property within one of the pilot areas contemplated by that item.

>> Mayor leffingwell: So mayor pro tem cole is recused on item 11. So you will not be participating in the discussion or voting on item 11.

>> Cole: That is correct.

>> Spelman: Mayor?

>> Mayor leffingwell: Council member spelman.

>> Spelman: I will not be recusing. I have a question, however. It seems to me we're taking item 11

-- 11 and 12 together from the point of view of citizen communication on the items. So it would be

-- it seems to me it would be appropriate for mayor pro tem cole to be here for the citizen discussion, but then she will have to leave for either 11 or 12.

>> Mayor leffingwell: That will be my assumption what she intends to do.

>> Spelman: I wanted to be sure she could be here for citizen communication.

>> Cole: Yes.

>> Mayor leffingwell: All right. We'll go to our speakers. Stewart hirsch? And donating time is andre lumomudro.

>> I won't need it, mayor.

>> Mayor leffingwell: You have three minutes.

>> Five hours ago, mayor and council, you received what i was about to say, so let's cut to the chase. My name is stewart harry hirsch and like most in austin I rent. [Inaudible] is the wrong place to put this stuff, if you're trying to maintain your property you look at chapter 25, so if you do amendments tonight you need to put it in the place users would find it, chapter 25. I have argued that recidivism, registration of resid advises makes a lot of

-- resid advices

-- they should be embarrassed and there's appropriate language about what they look like. It's somebody who violates two building and standards proposal in two years. On voter registration, i continue to argue that the code compliance department has ten times the resources we did in 1998, in a city that doesn't have ten times the population that we did in 1998. And if we use the tools that you approved earlier tonight with the adoption of the international property maintenance code with local amendments and got the building standards commission to continue doing what it started doing last

month, which is imposing a thousand dollars per day penalties instead of the penalties we have, you have all the ordinance language you need without rental registration to be proactive and complaint-driven at the same time. I was on the staff when we were proactive after the adoption of the austin tomorrow plan in the seven '70s, and the documents I gave you earlier tonight show that we have a lot of resources. We can't be complaint driven when those were driven by 20 code compliance things tonight. It's the only thing to do with best resources. Now you have over 100 employees based on a budget you approved two weeks ago. Make them have the right performance measures and have a sense of urgency and you won't need rental registration and all the renters in this town including people like me won't have to worry about choosing between affordability and safety. Thank you for your consideration in this entire process. I'm available to answer questions.

[10:48:11]

>> Cole: Oh, I'm sorry, paul hilgers? William dame? Are you in the audience? Bill morns? Teresa scott tibbs? Okay.

>> That's plenty. That's plenty.

>> Cole: Let me do it for the record. Julie montgomery? You have up to 15 minutes if you need it. Hopefully

--

>>

-- 15 minutes. I promise you. I'm paul hilgers, the chief executive officer of the austin board of realtors and I'm speaking personally specifically on item 12, but in the capacity as the chief executive officer of the austin board of realtors i represent 9,000 realtors, property manager, industry affiliates and indirectly the consumers that they serve across central texas. The austin board of realtors shares the council's concerns about the serious problems created in our neighborhoods by property that is not complying with our building codes and is jeopardizing the health and safety of their tenants and having a negative impact on our neighborhoods. That's why we're here tonight to support item 12 and ask for your serious consideration of two substantive changes, plus one more recommendation. Change one

-- chan the definition of repeat offender from notices of violation by code inspectors to repeat orders from the building and standards commission. The change

-- this change is needed in some form because the way the ordinance is written today there's no difference between distance violation versus structural deficiencies that could threaten the health and safety of a property. Using this from the building and standards commission shines a light on the

importance of that body, if utilized to the fullest extent the building and standards commission will be a powerful tool to hold these property owners and property managers accountable. Change no.2.

[10:50:16]

[One moment, please, for change in captioners.]

>> and send the message that health and safety violations are not tolerated in austin, texas. Thank you for your consideration.

>> Cole: Thank you. Next we have lisa mansana and council member riley makes a motion to extend the meeting past 10:00 o'clock and it was seconded by council member spelman. All those in favor, say aye. Aye.

>> Aye.

>> Good evening, mayor pro tem and council members. My name is lisa and I own a home in hyde park. I am here ask you to oppose number 11 tonight. My home is ground vow from the universal housing and so many called stuff dormed and they are found in blocks around my house and blocks nearby. In fact the university housing is behind my backyard. I am aware of the nuisance and some owners of the surrounding property of the areas of town and thinks

-- rental property

-- and i think the city needs to look at the serious problems associated with the stuffed dorms. With that said, I don't feel registration will stop the stuffed dorms. For them to undergo registrations and undergo internal inspections of the home, will not enhance code compliance, able to enforce occupancy code or give the accountability to the owners. It does not define a difference between unrelate and related occupant and providing no firm definition for occupancy so how do you determine a boyfriend, a girlfriend, a friend coming to visit for the weekend, you know, it's not defined. Other cities have done it but our code does not have the specifics right now. Without these important terms defined more clearly, it doesn't matter how you limit the work pan thefulmoreoccupancy code because you can't enforce something like this. Please don't have a program that will penalize the rental problem owners. It is a misuse of the tax dollars and I oppose out. I urge you to consider item 11 and consider adopting other solutions. I know a stealth dorm workgroup weekend session was scheduled today and it will come up with a multitude of options that we could address the problem more effectively. Thank you for your careful consideration of my thoughts and your attention to the issues of stealth dorms.

[10:53:57]

>> Cole: Thank you, lisa. Bell evans. Diane kennedy, you here? Diane kennedy. Garrett azizi. Garrett. No garrett. John shepherd. No john. Brian bowers. Brian, you have up to 6 minutes if you need it.

>> I hope not.

>> Cole: Okay.

>> Good evening, thank you for allowing me this opportunity. My name is bill evans. I am the incoming president of the austin board of realtors and I represent 9,000 plus individuals like myself, hardworking active professionals that care deeply about all homeowners and tenants in our city. The bottom line is, I am just another working guy, like you, and I also own rental property in the city of austin, like many of you do. I am also a full-time professional property manager that manages over 200 properties, approximately 80% of which are within the city limits of austin, texas. I am intimately familiar with the ins and outs of proper property maintenance and recognize the impact that maintenance has on tenants and the neighboring property owners. 57 percent of all residential properties within the city of austin are rentals, based on a report from the university of texas in judgement of this year. The austin board of realtors realize there are serious problems not in compliance and are very concerned about the impacts it has on the properties of the tenants who live in them, the neighbors who live next door to them and all of the citizens of austin. The city already has full administrative power and authority to bring these properties into compliance by using stiffer penalties and crimes and through proper communication and they can return to the proactive approach to triage of the community and dedicating staff to proactive windshield inspections in the areas that have the greatest number of outstanding violations. These proactive external inspections coupled with full use of administrative and judicial tools available are real solutions to the problems that we face. When I talk to a potential client, I mention we will beer I don't doic drivebies of the properties. You can tell a lot about what is going on inside a property by what is going on outside the property. We do not believe that a blanket rental registration program is a way to solve these problems, because it is not an enforcement tool, it is a tool to find violators and communicate with them. To call it proenforcement tool is incorrect. We know who the bad actors are. The sunday statesman in august listed the top ten offenders names, gave their addresses and it gave the number of outstanding complaints against them. So suggest that we don't know who these people are is just unreasonable. Rental registration in the form you are providing takes the approach that all landlords are bad actors until they are proven otherwise. Bad actors are just that bad, they are bad actors, why spend city resources working for compliance in a registration program when we should be focused with compliance with the existing code requirements. The cost and feasibility of a blanket program, such as that in item 11 is a misuse of taxpayer dollars. Cities can't continue to create bureaucracy it can't enforce. Cities should not penalize responsible owners because of the irresponsibility of some repeat offenders. I personally should mott be required to purchase a license to use my

-- should not be required to purchase a license for my property to house someone, to give someone shelter. All costs incurred in these programs will flow down to the tenants. When I represent my

landlords, I do not work for free. They will pay a rental registration fee. They will pay me to comply with the city ordinance. This does not further the cause of affordable housing in austin. In conclusion, let me be clear. Serious health and safety concerns associated with the dilapidated housing and the life threatening risk that some of these properties pose to the tenants is the primary focus of this conversation as it should be. I urge you, please, to consider the programs before you and focusing on the individuals that reside in these substandard buildings and consider if requiring the owners of these properties to turn in a piece of paper with their contract information on it or even subjecting them to mandatory inspection is the right answer. Solution we need is aggressive penalties in the full use of our governance and justice system to send a message that a lack of care and consideration that these owners show is not acceptable to this city. I would like to thank you for your careful consideration. Please vote no on item 11 and please consider viable alternatives of proactive enforcement. Thank you.

[10:59:40]

>> Cole: Thank you. David king. David king.

>> Yes.

>> Cole: It is your turn.

>> Thank you mayor pro tem and council members. I am david king and from the zilker neighborhood and I've heard the discussion about the so called bad actors. From my own personal experience growing up and my family were poor income family, we lived in worse than affordable housing. It was despicable housing, but we dare not say a word, less we be kicked out and had to go find another home, but what we did is we had to suffer through cold water, the hot water heater didn't work often. We had to suffer through leaking roofs, cold rooms, hot rooms during the winter time

-- and cold rooms during the winter time. First hand experience, this happened to me and my family. Thank goodness. I have education. I can afford better housing than that. But there are many people out here who are not being represented from what you've heard so far and these bad actors are not found until it is too late, until they have already caused harm and injury to somebody and along the way the suffering that these people have gone through and not said a word about it. We need to not forget about them. Let's not forget about them. So we need both of these plans. We need to tell the bad actors we know about, you are going to pay the price. You are on our watch list and we need to go after those that are detected

-- that are not detected yesterday and hidden. Let's do both of those. Let's do the pilot test to see how it works. That's all we are asking, do the pilot test. If it doesn't work, we will stop it but let's do the pilot test, that's all we are asking. I urge you, please, pass both of these ordinances

-- resolutions tonight. They are both good and they have merits. Thank you.

[11:01:43]

>> Cole: Thank you, david. [Applause]. Dedra aerl and after dedra there will be bob thompson. It's okay.

>> I am ready to go home. Thank you so much for your hard work. Every time I come here, I am blown away at what you have to listen to for hours on end. [Laughter]

>> Cole: We are not supposed to laugh at that. [Laughter]

>> Cole: I am blown away every single time. I am in full agreement that landlords needs to be penalized but here are the staff, according to code enforcement staff, there are only a few owners who have have dilapidated unsafe structures and the staff knows who they are. Additionally with hundreds of thousands of rentals, there is no evidence that any tenant has been hurt or killed due to a landlord neglect. Targeting specific neighborhoods with regulatory control is discriminatory. It will artificially sway the market and unfairly burden their landlords and their tenants. A mandatory or random inspection program would be very costly to taxpayers. At a time when we need costly water solutions and property taxes alone are forcing in long-term austinites and elderly people out of their homes, creating rules and expenses that have no basis in reality is simply unconscionable. Dallas/fort worth and houston all residing counties that voted to maintain slavery and join con con fed acy but all cities railroad all of them are doing things and no justification for following suit and who served humanity better, galilei yo who defended medicine and science or those who imprisoned him. Indeed our entire justice system depends on innocent until proven guilty and numbers 11 and 12 are quite the opposite. For ten years I lived in hyde park and loved it and delivered the newspaper from door to door and two years i did a graduate degree with thousands of other u.T. Students. Never once in the twelve years did I hear a single person say they were worried about the safety of their living environment. Going to sleep many nights with earplugs wasn't as annoying as the hyde park association and endless rants to enemy de jure. A pilot program there is unjustified. These ordinances are great reminders of the short term rental debate, complaints handful zelots where they are renting it to landlords of prostitutes and shorter complaints than long term rentals and also fewer then talls than owner occupied properties. To prevent hysteria and fear, short term has turned to be better short term rental and against police advice the good actors were forced to have address of remembertas published on city website and burglars use that to blaringize the properties.

[11:05:12]

>> Cole: Thank you, dedra, your time is up. Bob thompson, linda thompson. Bob, you have up to 6 minutes.

>> Mayor pro tem, city council. I am here to speak against the blanket rental destruction program in number 11. I am speaking as an owner right now. My wife and I have small owners of a smaller rental property. We own 8 plex and duplexes which are 40 years old, although it sounds old, it is only a bit older than the 30 year median age of our austin rental properties. Older properties such as this are only a minority of the total rentals in austin but there are a fairly large number of such properties and they represent a majority of the sources of affordable housing in austin. In fact, the affordable housing that we owners of all of the properties provide dwarfs by a large margin all of the affordable housing that is brought through the few percent of units that are required from various in sundry developments around town. Most owners of smaller, older properties have struggling

-- are operating their properties very well, keeping their properties repaired but struggling to do a good job and straining to keep their rents reasonable for the benefit of their tenants whose financial means are often limited, and yet, it is just we, owners of these older rental problems that are the ones most directly in the cross hairs of this blanket rental registration program, we are the ones that will be relatively the most burdened onerous regime or intrusive inspections and disclosures and the burden are on top of other burdensome programs which also have been introduced recent years, one of which is the energy conservation ordinance, which we are complying with. We owners of smaller, older properties generally have no on site staff, and inspections are particularly burdensome to us for that reason. We are the most vulnerable to code enforcement abuse. What I mean by that are nitpicky citations for minor degyesations which are not

-- degradations that are not a threat to health and safety. There is no free lunch, there is a down side and upside but the down side seems to be underappreciated. The upside is trying to catch serious safety hazards but the upside by and large doesn't apply to most of us good faith owners of the properties so there is smaller for the majority of them. The down side is the costs that come with this program and afflict everybody will force rate increases. That in turn will hurt the very low income tenants that we serve. It will hurt them severely and in large numbers. I conclude that blanket rental registration will be counter productive to the very peoples the intended to help, from the point of view as we property owners who are trying to sell to the populations, it is a kick in the teeth to us. The program is all stick and no carrot.

[11:09:05]

[Laughter] what we need is a targeted ordinance instead and the language I have seen for the targeted ordinance is fairly good. There are a couple of suggestions I would offer. I think there should be a robust appeals process incorporated into the language and I haven't seen that so far, just for the

-- to comply with elemental fairness, and I think the signage requirements seem fairly extreme. To small property owners and even if you get caught in the ordinance, having to have constructed two foot by one foot weather proof signs and find some place to post it or if you have a duplex, hang the thing in the kitchen, maybe that's intended to be part of the punishment but the people that we rent to are n idiots and it seem would suffice to give them a piece of paper with the rules along with the other rental documents and I don't think you would have to go to such extreme on the signage, but I would urge you to improve the item 12, targeted targetordinance and not to inflict the item 11 blanket rental registration on all of the good, struggling property owners of smaller, older properties, particularly here in town. Thank you.

>> Cole: Thank you. Sharon brady. Sharon brady.

>> It is hard to stand up after you have been sitting so long. I am sharon brady and I have been a licensed realtor for about 30 years. I specialize in working with investors and I have sold a number of duplexes and fourplexes, investment property, and I

-- and I of course decided that I too soon would be a little old lady and I should probably have some myself and so I do own property, and it was inconceivable to me that people wouldn't take care of their property, because first of all, it degrades the property. It depreciates in value, plus if you want to have happy tenants, how can you have a terrible property? However, this summer, i wrote a contract for a compliant of a fourplex and it was very attractive i thought and I wrote a contract for the one that was owned by the same person that was next door. When we moved through the property, I was astounded, because there were many things that were red tagged but had somehow miraculously been bypassed, and the tenants were eager to tell us that the owners did not fix anything. It was helpful that I spoke spanish. I said i, for the first time, can really acknowledge that there is a problem but I think the most important solutions to the problem

-- and the simplest solutions

-- are really twofold. One is information. I think if every utility bill, there was a list of, what we might consider, tenants rights to hot water or

-- adon't even know all of the list

-- I don't even know the lists you might make but tenants don't know what their rights are and a lot of times landlords don't know the codes. I have a master's degree and have been licensed as realtor for almost 30 years but yet most of what i learned from the code is what I learned from nottors when I had to pu' a person in a property and they said this doesn't meet code or that doesn't meet code. I am delighted to find those things out. I think the most effective thing to do would be to inform people in

very simple language in english and spanish what the requirements are and I saw the city code book that one of the city staff is carrying. You can't put that in the utility bill.

[11:13:39]

[Laughter]. But I do think it is better to inform and empower than it is to try and license 57% of the properties in austin. [Buzzer alarming] when I think about

-- well, I think some people said i could have their time but when I think about

--

>> Cole: Are they here, are they signed up.

>> Excuse me?

>> Cole: Are they here and signed up because you are out of time.

>> No, they had to go.

>> Cole: Please wrap it up.

>> I will be fast. When I think about the number of staff members that would have to be added to the city staff and the offices that would have to be provided, it is overwhelming.

>> Cole: Thank you.

>> In the costs. One small other point. [Laughter]

>> this

-- I am going to put you in the utility bill. [Laughter]

>> okay. This summer, we paid \$97 to get a permit not to get a permit, and that's the kind of bureaucracy I don't want to see happening to 57% of the properties in austin. Thank you for your time.

>> Cole: Thank you. Mr. Fernandez, frank fernandez.

>> Good evening, my name is frank fernandez and I here on be-of my organization, green doors, to support both rental registration ordinances. As you all know, organization partnered with the u.T. Community development clinic on a report that focused on problem properties. Problem properties are a huge, huge issue in this community. They are a

-- a central reason why we have urban blights in places like northeast austin, in rundberg, dove springs, it is a significant issue for our community. I have heard some testimony that has gone on so far in terms

of some of the concerns people have. The report that hopefully you had a chance to read really walks through a lot of those things. In terms of, if this is done properly, does not have to be overly burdensome to good property owners because most of the folks who testified are correct. Most property owners to do what they are prosed to do

-- what they are supposed to do but there are a lot that do not and the challenge after going just after problem folks is as we know in the community, there are a lot of people who will not report for lots of different reasons the challenges they may have. They may first not know

-- understand them, if they are structural, don't know how to look at that or they may be scared that, if they did, they will be retaliated against. Both of these ordinances take a really big step towards helping to address the issue of problem properties. I agree with other folks who have testified and I am sure will testify that enforcement is a huge part of it. It has to be, but it cannot only be that. Rental registration helps identify more proactively than reactively all of the challenges. I can tell you first hand some of the revitalization we have done in buying problem properties and dealing with some of these owners that were problematic that they need to be registered. This is a good first step. I encourage you to look forward to it. It doesn't have to be burdensome. It can work. There is good examples of this in dallas, san antonio, fort worth, houston. Thank you.

[11:17:38]

>> Cole: Thank you, frank. Next we have elizabeth andrews. Elizabeth andrews. Michael reilly. Michael riley. Ruby roa.

>> Good evening, council, members, my name is ruby roa, I am a member of the ladies of charity and the organization serves the poor. I am also a leader for austin interfaith, and i don't represent 9,000 realtors, but what I do represent tonight is the 60% of people that rent, and those folks, many of them, live in substandard conditions, and I urge you tonight to please vote for both rental registrations because we need them. Do we have to wait for a man, for someone to be killed because these property owner do not keep up with their property? I would like to urge you as our council to be proactive and to put in place a rental registration. We need this policies. The top ten properties that we saw in the newspaper, well, we know that those are problem properties, but i guarantee you, there is at least ten times ten out there in this community because I visited those duplexes. I visited those apartments. And many of the people that live there are working poor, either they speak a different language, not only just spanish. They are

-- there are people here that speak

-- I visited their homes that speak swahilly, so it is just not

-- it is everybody that is affected, so I urge all of you to please support both rental registrations. Thank you.

[11:20:10]

>> Cole: Jonathan steelly. [Applause] patricia baruta. Jonathan, you have up to 6 minutes.

>> Good evening, council, mayor pro tem. So my name is jonathan steelly and I am here to speak opposition of item 11 and in favor of item 12. While I can certainly appreciate council trying to come up with a solution to collapsing balconies and substandard living conditions which is something we definitely need to address, rental registration is simply not that answer. Rental registration is a blanket bureaucracy, a waste of my tax dollars and i heard about people saying about the rental registration would be so good apand it hasn't offered solutions and the solution is here and it is code compliance. Have been to meeting after meeting and talked to neighbor after neighbor and the same cry comes up from all of the people I talk to and that is, why is code compliance not doing something about this. Rental registration has come around because it is a work around to a solution that

-- it is a work around to a problem that is not being solved right now by code compliance and all of the people I have spoken to, there is never one person that said, oh my gosh, can we just please have one more government body to come in and call so I can get confused by someone else to solve this problem. I want to speak personally with some of the issues i have with code compliance. We have a neighbor, very nice lady but she is a chronic hoarder and we believe in trying to help people out before you call the city. I have helped her move things out of the front yard and backyard but there is only so far you can go that before she thinks having four broken treadmills and a bunch of ironing boards was a good idea without hurting her feelings, so we called code compliance and code compliance answered. We waited two weeks to go by and then called them again in three weeks, finally got a driveby three weeks later because we saw the gentleman drive by and the first time we called in that, registration number for that complaint had gone away. Every time you call it is brand new one. My wife and I started to question, why is it if I get billed over for speeding in lubbock texas in 1978, well, it would have been early, 1985, '89 and if I didn't have insurance they would know that but if somebody is constantly cited for code compliance, they don't notice there? It doesn't make sense, so we don't need a rental registration for multiple information and I know people say if we send it to travis cad, there is an issue of po boxes but at some time, code compliance came to

-- code enforcement came to generating revenue instead of enforcing the code and if we collect nor revenues, we will collect and if the fines are large r large enough and the code compliance is active enough, the city won't have to deal with a registration on it. Once they start getting up to \$1,000 a day

and it is regular and they get up to 80, 90, \$1,000. And if the city says you will have to change this or pay that and I guarantee you they will hire an attorney who don't want to

-- right now the fines levies by these bad actors, it is the price of doing business. They know. They will pay whatever fine it is and go on with it. So the other thing about rental registration I have seen about is how it is lumped in in how this registration will stop stealth dorms. It will not be the solution. I have a stealth dorm in my neighborhood, fortunately we are farther north so it is not college kids, it is 1300 square foot, two bedroom house and there are 6 cars there and if their friends are there, it is 10 or 12, and it is not bad but it is out there and they don't care of the way the property should be, and I called traffic cad and I saw it but if I call 311, they can't enforce something that is not defined in the code right now. Rental registration is not going to solve a problem. That is a problem not just in downtown austin, it is creeping into the north and we are starting to see that, especially the new toll will be coming down the middle of mopac, you will see that creep out there, this is important enough in austin it needs to have its own separate stakeholder property to define what occupancy here is in austin. The last thing I will say is I've run businesses for a long time, ran restaurants for a long time and I think it is germane to kind of compare the city to a business. In my restaurants if the hostess is not answering the phone correctly and not answering, I didn't create a new manager for hostesses and telecommunications, we went and counselled them on the policies and if she didn't do it correctly, we let her go or wrote her up and writing them up is documenting that and that's what council member spelman's number 12 so I am in opposition to number 11, I think it is duplicitous government and wasting my tax dollars and we can do it more efficiently now, especially when property taxes are going up and up and up in town, I was just on kvue talking about that specifically a few weeks ago, speaking opposition of number 11 and I favor very much council member spelman's, item 12, some of the changes brought forth by mr. Hilgers. Thank you.

[11:25:55]

[Applause]

>> Mayor Leffingwell: Next speaker is mary engel. Donating time is claire de young. You have 6 minutes.

>> I will try to be brief. My name is mary engel and i am a resident of north university neighborhood which is next door to hyde park, the more

-- the more prestigious neighborhood where council member spelman lives and I am also a member of can pack which is the planning group that includes 7 neighborhoods around u.T. And one of them is heritage neighborhood and that's where council member tovo lives, and we all know that we have specific problems to the area and some of them involve properties that aren't up to snuff or violating properties of nuisance and other things, so I wanted to say I support both programs, 11

-- item 11 and 12 on the agenda, both of them have very good things to offer, particularly in the cole-selman resolution, the justice of the peace court is just absolutely essential for processing violators and fines. That's absolutely essential, and in the tovo-martinez resolution, pilot program, this is a brilliant idea to work out the glitches in code enforcement and code compliance and code compliance doesn't have a perfect record in my mind, but this is something that they will work on. The bottom line is, landlords are responsible for their tenants and they are responsible for their health and safety so these properties need to be held to certain standards. I am concerned, also, about something called "stealth dorms." And code

-- the rental registration program will not solve stealth dorms but it will provide a tool to help with stealth dorms and these are stealth duplexes, too, these are in single family housing. I am on the working group that the planning commission has established to deal with stealth dorms and we have talked about this but i really do believe rental registration will provide a tool to deal with this because what stealth dorms do in problem properties is they erode the fabric of our single family neighborhoods and we all really do need a good quality of life and we deserve it. I would urge you to pass both of these programs on reading only and I can answer any questions.

[11:29:09]

>> Mayor Leffingwell: Thank you. Mike wong. You are actually signed up as wong mike but I took the liberty of translating.

>> Thank you. Hi, I am the president of the north field neighborhood association, also have been working pretty feverishly with a group of central austin neighborhoods and some neighborhoods that are just north of the ken pack area which would include my area, north field. I am in speaking in favor of the rental registration process that has been brought forth because it has been put forward by, i believe, the north austin civic association, and it was originally designed to address the problems that they had in their neighborhood. There was mention of stealth dorms because this was a tool that we could use for the enforcement of any upcoming changes or regulations that might come forth out of the stealth dorms working group. However, we don't think that this is necessarily the solution. However, in working with code compliance, we are very aware that a lot of the things that have been complained about, that code compliance is not enforcing code is because they don't have any tools. They don't have any right to enter property without warrants and obviously a warrant process would be very time consuming. I am going to leave with a little bit of an analogy. When we all buy cars here, we all have to go get them registered and make them

-- make sure they are safe for the road. We go through the

-- I am sorry, inspected and then we also go through the registration process to make sure that everybody has insurance for their cars. While it can be a little bit of a burden for some folks, especially the poor, nevertheless, we do abide by those rules. There was one gentleman that mentioned going to the restaurant business, well, we have health and safety inspections for restaurants, to make sure that they abide by the rules and yet the general public doesn't think that's overly burdensome and feels that it's a proper way of maintaining the public safety. Thank you.

[11:31:51]

>> Mayor Leffingwell: Mike lyley. Sandy eckert. Donating time is teresa edner, she is here. Rachel fisher. You have up to 9 minutes.

>> Thank you. Good evening, my name is sandy eckhardt, the immediate past president of the austin apartment association. At this time I would actually ask for all association members present this evening, if you please stand. More than 375,000 people in the austin metro area live in rental units owned and managed by the members of our association. The austin apartment association remains opposed to any program that burdens responsibility property owners in indiscriminately searches and inspects homes. I have been personally involved in numerous code compliance stakeholder meetings dated back to 2009 and additionally have sat in on a number of meetings with director smart and his team. It is clearly identified early on during the stakeholder sessions by all involved that the problem was with lack of enforcement upon bad actors, and that continues to be the overriding concern today. Lack of enforcement, not lack of inspections. The austin apartment association supports code compliance and want proper staff to support the duties. That's why we supported the 2012 hiring of 8 employees which included 4 inspectors dedicated specifically to multifamily. We continue to support added resources if this is what is needed to solve this problem, but we cannot support programs that will not help the program but will hurt responsible properties and the people who live there. We have not seen strong evidence that blanket registration programs actually mitigate life and hell and safety concerns. Code compliance officials at wood ridge multiple times before the unfortunate collapse, with the authority to inspect any and all aspects of the community. It is not uncommon for inspectors, while on site, to take the liberty to inspect more than the initial area of concern that was reported. Rental registration would not have prevented that collapse. We do not need more inspections. We need follow through enforcement. The u.T. Report claims rental registration program would give inspectors authority, but the reality is, code compliance inspectors already have authority to initiate inspections when they see these problems. Just yesterday in a kut piece on code compliance, the reporting staff went with what they call a proactive inspection. It was evident that this property needed the inspection, and that's what we need more of. If a neighbor can call on a house because of violations in sight, code inspectors can see the same one. The austin apartment association is happy to hear that director smart and division christianson are ready to allow a multifamily response unit, we are pleased. The austin

apartment association agrees austin's code compliance has been ineffective but with disregard to the u.T. Report which states this is due to the complaint-based system. The complaints are coming in. The issues is a lack of follow up and enforcement although aaa does not believe complaint retaliation is a widespread occurrence, we acknowledge that retaliation, even in one instance is unacceptable. Texas law incorporates protection from retaliation in the texas apartment association supported increase protections in the most recent legislative session. Aaa is willing to help with the education and outreach on this matter. Now, and going forward. Austin apartment association fully disagrees that the pilot program will incentivize properties to be in compliance. Instead this program requires responsible owners to obtain license just to do business and then threatens to take away the right to operate. This sends a bad message of distrust in rental property managers. Unlike many cities, the majority of austinites are renters. Thousands of people move to austin every week, creating high, ongoing demand for all types of rental housing in austin. The multifamily industry is a partner in austin's growth and prosperity. And an indiscriminate rental registration program would be unfair and irresponsible to impose on such a crucial and faithful partner to the city of austin. In closing, I would like to state again that we are opposed to agenda item number 11 and are in favor of agenda item number 12. Thank you.

[11:37:19]

>> Mayor Leffingwell: Thank you. Robby robinson. And donating time is brooke mahoney and stephanie mckey. So you have up to 9 minutes.

>> Good evening.

>> Mayor Leffingwell: You can just say ditto if you want to. [Laughter]

>> thank you for allowing me the opportunity to speak to you tonight. I am robbie robinson and currently the president elect of the austin apartment association and i personally supervise over 4,000 units in the city of austin. Just to echo what sandy just stated, the austin apartment industry is vital to austin sustainability, and reflect the cost of doing business in any given market and this is true for prices in any industry and in order to remain viable, you must consider expenses. We realize for now that the ordinances are written without fees. However, we feel that the city could eventually expand the program and add fees. While austin's rental housing is prosperous now, it has not always been the case. The market has driven rents up in the past 18 months but much of this has been a correction from years past when rental housing made many concessions during the lean years. We are subject to the same market forces that renters are. We have been very cognizant not to add services where we have to pass on fees to residents over the last few years, mainly because the market has driven rent growth substantially on its own and we understand the residents are already getting hit with huge increases. Adding a fee for rental registration will, in some way, get passed on to the residents and, thus, affecting

the issue with overall affordability in the city of austin. This along with other fees that the properties are incurring such as cycling ordinance, e cad, license irrigation inspections, itself, are negatively impacting our cost of doing business in this city. Many still feel a nominal fee will be for rental registration it is not this is the only fee costs property also incur. For example, as the austin rolls out mandatory irrigation inspection program and increased utility rates, they are budgeting for what is termed maybe regulatory expense. As this aggregate number continues to increase, aaa strongly encourages council to carefully consider the impact each has at the margin, while fees are concerning, perhaps even more so is the administrative and bureaucratic costs of handling searches and inspections of apartment homes, certainly if units are occupied. With high occupancy rates, guaranteed inspections of ocooccupant issues which could be a private issue. They are inspected for multiple reasons. We have insurance inspections, fire department, lender inspections. Health department inspections, not to mention those properties that are subsidized as well. While we make every comfort to maintain our properties and not defer maintenance, all expenses must be weighed against each other when we are trying to keep our rental rates competitive. This becomes especially concerning for those smaller properties, which provide more affordable rent and are often independently owned and managed, operating on very small margins. We ask that you oppose item number 11 and vote in support of item number 12. Thank you for your time.

[11:40:50]

>> Mayor Leffingwell: Thank you. Connie ron is. Donating time is victori dreez. Okay, and dwayne stewart. You have up to 9 minutes.

>> Thank you. Good evening and thank you for the opportunity to speak to you. I am colleen and I am the current president of the austin apartment association and as well, I am the regional manager and represent over 3200 units in the austin metro area. As robby mentioned, our industry is vital to austin's sustainability. Our members create economic impact of over 1 billion-dollars to austin and it is growing. And I am here to oppose number 11 and support council member spelman's item number 12. I oversee community located in the proposed area of council member tovo's pilot program. This community was built in 1985 and rendered \$183,000 in property taxes in the city of austin in 2012. In this particular neighborhood, there are many properties, both renter and owner occupied which are not in compliance with city codes. Not only do these offenders threaten the value of my asset, they also drive down our ability to attract and remain quality residents. We have all experienced frustration over the lack of enforcement the last several years and the austin apartment association has consistently voiced the desire for more thorough enforcement. It is now doubly concerning that my community may be mandatorily inspected, searched and possibly even pay a fee just to do business. It is neither equitable nor efficient for responsible properties to together to which makes a property as a business more challenging to conduct. The responsible owners would have to show undo cost of registration and inspection, owner occupied single family homes, duplexes, as well as restaurants and service stations

and places of businesses would be ignored. Some of these properties are the worst code defender, degrading quality of life and the communities we strive to maintain. The city already has the authority to bring the defenders into compliance. Code compliance needs to run deeper, not wider. All property should be held to the same standard and code compliance should make a concerted effort to bring properties into compliance as soon as possible. Properties must be held accountable for their own actions. This is what council member spelman's ordinance claims

-- aims to do. Many say that austin is behind the curve by not adapting a rental registration program. However, austin gives its code officials a high level of authority to bring properties into compliance through local amendments to the international property maintenance code. Austin now has the opportunity to stand out among other cities, by taking a strategic, timely, dedicated approach to these problems. Some additional suggestions would be that austin should require code compliance department to take action if a property is not compliant or making observable effort towards compliance within 90 days of receiving a notice of violation, this action should be initiated. The property should be notified when you receive a notice of violation that has been noncompliant or the efforts towards resolution within 90 days, they would be subject to action that could include fines up to \$2,000 a day per violation. When properties go through municipal courts for violations, code compliance should be required to reinspect the property after adjudication, to assure the property came to compliance. In closing, I would like to reiterate, we are in support of agenda item 12 and recognize the need for stiffer fines and penalties for bad actors. This is a blanket program which fails to address the problem and simply penalizes responsible owners. Thank you.

[11:45:11]

>> Mayor Leffingwell: Okay. Leslie mcguinness. John gray. John gray. John green.

>> Thank you mr. Marth and council for your service to our community. My name is john green. I am a member of austin interfaith and a current member of the north austin civic association and also a rental property owner myself. We support both items 11 and 1. And is that you vote to support both council member tovo's and council member spelman's ordinances. Requiring registration of all rental properties is the only way to ensure safety marks for the rental housing and other impacted neighborhoods. These worked in other texas cities. Current city processes do not address repeated code violations we see along with documented increase in crime at the problem properties, as documented by the u.T. Report and other research. Further, using the building and standards commission is not practical. They meet once a month. The lack of city

-- of effective city code enforcement, lack of legal action on nuisance abatement and the failure of the industry to address the problem and unsafe properties hurts residents, the children and the

neighborhoods. Rental registration improves tenant safety by providing a housing safety benchmark. They can find safety structural issues that trained personnel can as opposed to tenants and neighbors. Active force of registration can reduce the number of code compliance complaints and further the development of commission recommended these ordinances to be supported. We are looking you to support items 11 and 12, nor to address documented failures of landlords, industry advocates and the city management. There needs to be accountability in austin rental properties. Thank you very much for your time. Do you have any questions?

[11:47:35]

>> Mayor Leffingwell: Nu

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>> good evening, my name is nullia and I wish I lived in hyde bark but I am ground 0 stealth dorms, that is a west university neighborhood. Over the years, we met with code compliance time and time again and the answer is always, we will be able to address that when we have a rental registration program and I always chuckle and i am like, sure, and I am just so excited that we are finally here tonight and it is something that is viable and that it has an opportunity to happen and so for that I thank you all and I hope that you will support the ordinances on first reading. My hope is that even though the bulk of what these ordinances

-- ordinances are supposed to do is help with the health and safety issue of multifamily projects, which I think is sorely needed, but, also, help with stealth dorms. As an aside, I own four rental properties and if by ignorance or greed or whatever reason I have endangered my residents or degrade the neighborhood, i do hope somebody intervenes. In the end, it protects me and it protects the tenants and protects the neighborhood. I hope today we support the ordinances on first reading. Thank you.

>> Mayor Leffingwell: Thank you. Belinda sharra. Okay. Is courtney devrall here? Courtney? You have up to 6 minutes.

[11:49:40]

>> Good evening, council, my NAME IS MELINDAATHR(p'NO CARRIERRINGCONNECT 57600

>> and that information is required to be posted within the property. We look forward to reducing the resources of a.P.D., fire and code compliance by actually reducing the number of emergencies, problem properties and complaints. We look to improve substandard housing and preserve the affordability of the existing property. These are examples of pictures taken within the rundberg area. These pictures show that imminent danger is present in unreported properties because this did not happen overnight. The building and standards commission does not meet enough to handle the number of problem properties. Not like when stewart hirsch was on the buildings and standards commission. This is a water heater closet. With no door. That's a pole, supposed to be keeping up some overhead structure, you can see how much it's leaning. Imminent danger is definitely present. These nails are holding those boards together by a thread. I think. This is in the news this week, apartment complex had its power out for days, the power was not working to

-- due to a disfunctional cable. Proactive inspections could have found the dysfunctional capable before the problem escalated. Rental registration would provide the local manager contact and the 311 code information for the tenants to call to help resolve the problem faster. This apartment is located in the riverside-oltorf combined planning area. The u.T. Law school community development clinic did a report

-- did a report that you guys have seen. Called the [indiscernible] problem properties legal and policy tools. In that report there are studies and surveys that

-- that the research shows that proactive inspections work in a study, examining seattle's complaint driven code enforcement system.

[11:52:38]

[Reading graphic] asheville, north carolina

-- [reading graphic] I really look forward to your support, thank you.

>> Thank you. [Applause].

>> Mayor Leffingwell: Stephanie tran. Good evening. My name is stephanie tran, i am a law student at the university of texas school of law. Last semester the professor other law students and i researched legal and policy tools to address problem properties in austin. We released our report last month. We found that a complaint based system reactive approach, this is up to 80% of code violations, that a more proactive approach is needed here in austin. These studies were shown in seattle, san francisco, memphis and asheville. In our report we highlight rental registration as a best practice found here in texas and across the nation. Both a proactive and an enforcement tool. Rental registration has been found to decrease code complaints up to 61%, decrease fires, increase compliance. It is the only tool out there that can help code identify the violations that don't get reported because of lack of knowledge or fear of retaliation. This evidence backed tool is implemented in 20 other cities in texas, including cities

such as houston, dallas and fort worth and cities across the nation such as boston, los angeles, minneapolis, philadelphia, raleigh, sacramento and seattle. It will help keep our current housing stock from becoming the next would ridge. The implementation of rental registration can be self funding, inefficient and non-burdensome. Would be very low, \$10 a year and also efficiently. For example in houston, city multi-family rental registration program is on track to inspect all 5,000 of their multi-family rental properties in five years with only four code inspectors. In austin alone only has 3400 multi-family properties and far fewer in the pilot regions alone. This is not a problem that's unique to austin. Every city has problem properties and we found best practices across the nation using rental registration. During my research, a legal aid attorney said something that really stuck with me, he said complaint based systems doesn't care about poor people, it puts the responsibility wholly on to our most vulnerable residents. To say that we know all of the bad actors in austin he is just misleading. In the spring a roof collapsed on a multi-family property where no code complaints were ever called in and we were just lucky that no one was hurt in this situation. A rental registration inspection program will help prevent something like that from happening again. Thank you.

[11:57:04]

[Applause].

>> Mayor Leffingwell: Terri metheney, donating time to you is jason teaman and bob [indiscernible] so you have up to nine minutes.

>> Thank you. My name is terry metheney, a resident of austin for the past 21 years, I live in southwest austin. I own four communities in the north targeted area. Three of these are small 50 unit properties. I say small. It's not a four-plex but it's not 200 some odd units. Common trace is the first property that I bought, i would have loved to have shown some pictures if I had my act together sooner and got them up. But I bought this in 2010. With only about 60% of the units that are liveable at that time. I rehabbed this property and I now consider it the jewel of the neighborhood. In fact I would love to have any folks come out and take a look at it. It's

-- I'm very proud of it. Beautiful interiors, native landscape grounds that actually require no irrigation and are still beautiful. I get continual comments from my residents of how they love living here, thank you for the changes that you have made, never thought that I would enjoy living in an apartment. I want to explain how owning a property like this is

-- i am a small business owner in that sense. With these properties i employ eight to nine people, paying taxes, making purchases in our city. Owning apartment complexes very similar to you owning your own house. I pay a mortgage. 80% mortgage on my properties. I pay taxes. I pay insurance just like we all do. In fact in the apartment industry just this past year insurance rates have absolutely doubled due to all of the coastal storms that we've had. I pay utilities, water, sewer, gas, trash, phone, security systems,

cable, all of the same things we do in our own homes and I pay property upkeep expenses, painting, landscaping repairs, roofing, pool cleaning, et cetera. And I venture to guess that I pay more and more regularly on my rental properties than we do in our own homes, in our own homes I think we tend to defer our maintenance items and my rental properties, all the time. To be profitable, my business model demands that I offer safe, clean, structurally sound homes for my residents. By immediately addressing all of the dangerous items to people or buildings themselves and having continuous regular maintenance of the buildings and grounds. Doing this directly affects the value of my property in a positive way and gives me the ability to maintain good housing for my residents. And also with my business it demands that I treat all of my residents with dignity and respect. This is their home, this is their home that I'm providing. In talking about the ordinances, I'm completely in agreement that problem properties need to be addressed. They, too, directly affect my property value and in a negative way. Indirectly affects the quality of my residents lives. Directly affects my ability to remain profitable as well. However, it seems like a proposed solution does not target the problem properties and will disparitly affect the great properties like mine, I say great properties because we will address any concerns that code compliance would come to, where the problem properties will not do that and what that will actually do is fix some problems, but increases expenses on us as opposed to actually adding any income. I have seen reports like the cut program on monday that was mentioned about the property in northwest austin and the until that we all have about the wood bridge class

-- woodbridge balcony collapse and august 2013 u.T. Report just mentioned. It seems like the major problem isn't in knowing about the bad violations that are bad actors, it's having the necessary staffing levels in multiple departments with proper funding and adequate tools to address these problems in a timely manner with enough teeth to ensure continued compliance. To the

-- to the issue of

-- of the one resolution that would require inspections on all properties, except during normal scheduled maintenance where we go and replace a.C. Filters, smoke alarms, et cetera, I as a landlord have the opportunity or ability due to privacy laws to actually go and inspect the interiors, unless I think there's an absolute need to. We have to rely on tenant reports and complete repairs immediately. Our exteriors are always kept

-- exteriors are always kept up because our staff always see that. Any inspector on any given day would be able to find a number of violations with these inspections which is not to say the property is not being operated

-- is being operated in a non-compliant fashion, it's just the function that you have 100 to 150 people daily living in this area. How would regular or random inspections affect my operations? They would take valuable staff time to prepare and escort the inspectors. Which takes away from the

-- my normal maintenance that i need to do, as well as handling the resident activities. I believe that I would be addressing potentially lower priority items that showed up on the report as opposed to the more important tenant items that needed addressed. Reports of retaliation have been mentioned. I don't quite understand that. From my point of view i don't understand that. We always probe the

tenants at rent time if they have any problems that's the only way I can know what's happening, I really want to know what is happening inside their units. If they have problems, we make work orders and fix them. It's in my best interests to fix these as soon as possible because it's protecting my asset and also in a dual mode providing good housing for my tenants. That keeps my attention happy, keeps my asset in the best condition possible and attracts the best new tenants possible. Thank you for your time.

[12:04:11]

>> Mayor?

>> Mayor Leffingwell: Councilmember tovo?

>> Tovo: I just have a quick question for you, at the beginning you were talking about, first of all I want to say thank you it sounds like you are a very good property owner and that you really have properties that are an asset to the community around it.

>> Thank you.

>> Tovo: You talked about a property that you purchased and you have mentioned a percentage of the units that were not

-- could not be occupied when you purchased it. Would you mind reminding us the name of it?

>> Retama trace at the corner of west rundberg and north gate.

>> Tovo: Did you say 60%? 60% were unoccupiable and half of the ones that were occupied I wouldn't have thought that they should have been.

>> Tovo: I see. Do you know if they had any outsiders code violences on that property when you purchased it?

>> We did

-- we bought at a foreclosure. We did a city records check and it had a couple, but none hardly to mention of.

>> Tovo: Okay. Thank you.

>> Mayor Leffingwell: David kirk. Donating time is randy keach and monica guzman, you have up to nine minutes.

>> Thank you, mayor, mayor pro tem, council. My name is david kirk, I'm a professor of sociology at the university of texas. I'm also a research advisor to the austin police department on the restore rundberg project also a member of the department of justice working group on community crime prevention, we get-together and talk about the most innovative approaches to community crime prevention, i mentioned that because I was in dc a couple of weeks ago. We were talking about restore rundberg. I think that there's a lot of eyes on austin to see what we're going to do down here in terms of dealing with the root causes of crime. I certainly think that issues related to housing preservation is part of that discussion. I think that it's a very important vote that you all are doing tonight. So I appreciate your time and the opportunity to talk. But what I wanted to do with my time he is to, I'm a scientist, I wanted to first talk about some facts. One of our first speakers tonight a woman in wearing a white dress, I can't catch her name, but she made a claim that there's been no tenants harmed by substandard housing, I just wanted to call your attention to a reference in professor [indiscernible] and stephanie tran's report, they mentioned an austin american-statesman article from february 9th with this headline. Apartment fix is ordered after two die from gas poisoning. So I just wanted to set the record straight there have in fact been in very serious injuries from

-- from substandard housing much one of the things that I have been doin rerundberg is

-- one of which is related to the extent of code violations in the area. We have already heard about some of the other cities, san francisco, memphis, seattle, the number of unreported code violations and so I thought it was important to come here tonight to tell y'all a little bit about austin. What I have done with my research team is conduct a windshield survey. Basically you sit in a car and assess the conditions, for some period of time, five minutes or so. Necessarily it's going to undercount the number of code violations at a place because we're not going inside. We're just looking at the exterior conditions, things like rotting wood, bowed roof, balcony coming down, things like that. I instructed my research team to not focus on trash and weeds unless it represented a

-- an imminent danger to the residents. So my data do not reflect a bunch of weeds. After we did our data collection, we compared it to the cc track database. The findings were basically this, in the restore redundant berg area, roughly a third of the multi-family properties have at least two exterior code violations but did not have a code complaint in the code compliance database in 2012. So that leads me to leave in austin, just like in seattle, just like in san francisco, just like in memphis, we have got a problem with unreported code violations. And that the complaint drive very much process, reactive process that we're functioning under right now is not in fact uncovering all of the code violators as some of our previous speakers have speculated about. So that's some data. I also wanted to talk a little bit tonight about some of the core goals of the restore rundberg project. What the white house really hoped for with this restore rundberg project was to build collective efficacy in the neighborhood. Now, it is way too late to talk about a bunch of academic mumbo jumbo. So let me just say what that means, or at least give you an example of what collective efficacy is. One example is neighborhood residents coming together, coming to city council, and collectively asking for help and asking for resources. The folks of the restore rundberg project and naca have been doing that time and time again, they have emailed you, had meetings, called y'all, not just this time around, they were very active in this discussion going back to 2009. What I'm worried about, they are already engaging in collective efficacy the

research evidence very strongly suggests when there's collective efficacy in the neighborhood it is very good for controlling crime. It allows the residents to in essence self police the neighborhood. Without collective efficacy that's when we have to really rely upon the police. What I'm worried about is that with all of these residents coming together with the collective efficacy to ask the city for resources what happens if it doesn't work out? These folks have been resilient. It doesn't work out in 2009, they came back for it asking for it again. What happens if it doesn't work? Does it undermine the collective efficacy, the civic engagement that they have been showing so prominently for the past few years? So I just wanted to bring that up. Two final comments. One, we're talking about, at least with ordinance number 11, we're talking about a pilot program. You know, like I said at the beginning, I'm a scientist, I believe in testing things, this is a pilot program. I'm in favor of testing it out. If it doesn't work let's ditch it. But if it does work, we should have a discussion about continuing, so that's one point. Second point, second final point, we haven't talked a lot about money tonight. Costs. I would say that if it comes down to costs, that is preventing us perhaps preventing us from dealing with providing safe housing for our residents, we use the restore rundberg money to fund the pilot program. I think there's a lot of confusion in this city about whether that money has been spent or allocated, I kind of wanted to cut through some of the confusion, the police department has spent \$150,000 out of the one million so far. There's \$850,000 left to be spent in 2014 and 15. What the department of justice expects and what the police department put in their proposal to the department of justice was that once they do come up with a plan for crime in the neighborhood, then they will readjust the budget. So that's all a way of saying that if it comes down to dollars and cents, we do have money in this

-- from the federal government which is supposed to be used for addressing the root problems of crime in the neighborhood and in my professional judgment one of the root causes of crime is the fact that the neighborhoods decline and that is associated with dilapidated housing and so on. So anyway, I just wanted to say thank you again for your time and for your hard work on these very important issues. I think it bears very significantly not only on the rundberg community but some of the other ones in austin.

[12:13:48]

>> Tovo: I have a very quick question. Can you tell me the statistic that you cited for the windshield surveys that you did?

>> Right. One third of the multi-family properties in the

-- that we sampled in the rundberg area had two or more exterior code violations, again not trash or weeds, I'm talking legitimate violations. One third of them had two or more code violations but they did not have any kind of code complaint [indiscernible] in 2012.

>> Tovo: Thank you, that's very helpful.

>> Mayor Leffingwell: Steven yarek. Heather way.

>> Good evening, I'm heather way, I warn you I cannot speak after 11:00 p.M., I mumble through, I apologize, I'm one of the co-authors of the report that people have been citing tonight. I've been invited here as a resource witness to speak to the work that we did on that report and I just want to mention that we were invited by the [indiscernible] to look at this. We didn't come into this preconceived notions. We went into the

-- we spent six months studying this issue, looked at study after study and assist a result of our work

-- as a result of our work, based on the facts rental registration was one of the key recommendations we made in our report. Enforcement is a part of that, too. But rental registration was really key. You want to talk about the facts. You have heard a lot about the doom and gloom if we adopt this ordinance, a lot of misrepresentations and misunderstandings I think that it's appropriate to say about what the impact that is going to have. The fact shows this is an extremely effective program, city after city around the country has adopted this. We know from the stats that you have already heard up to 80% of code violations in our community are not identified. These are the most dangerous conditions, I've been as a former legal aid attorney been in some of these units before. It's atrocious the kinds of conditions that tenants live in that are not on our radar scream at all. Rental registration identifies comprehensively the dangerous properties and gets them into the system. A second fact we know that rental registration results in safer properties. That's why we are here today. Hopefully we have the same collective goal. We want a policy that's evidence back that's going to work in safer properties. We know based on the facts that rental registration works, results in safer properties. We know from the studies that have been done in north carolina, studies down in los angeles, we know you see a plummet in code violations and reports in residential fires and increase in tenant safety as a result of these policies. In fact this policy is

-- ultimately has a minimal cost to landlords and tenants and really minimal staffing requirements. City of houston finishing their first five year cycle, the fact that two kids died from a stairwell that called actually to the legislature to sort of required houston to adopt this policy, that with four code officers. They inspected every property in that city over a five year cycle, they are about to finish that up with overall minimal cost to the city. So minimal cost. Minimal staffing and things that are really important that haven't been mentioned,

[12:17:50]

[buzzer sounding] process ability to identify who these owners are is a really key things, too. That I don't think others have mentioned, thank you for your time.

>> Mayor Leffingwell: Thank you.

>> Tovo: Can I ask you to hit your next point that you missed. [One moment please for change in captioners]

>> ... I think. I can't recall what it is at the moment. Yeah.

>> Tovo: Thanks. One of the things we heard from a few people but i think your report talks about as well is why

-- why a proactive approach? I mean, you've cited some of the studies that show from seattle and san francisco and nashville how a proactive program has

-- has been demonstrated to be more effective, but can you just sort of recap what some of the reasons are that a tenant living in substandard housing might not pick up the phone and call code compliance?

>> Even with anonymous reporting system, if you are a tenant, the landlord knows who is violating the violations and despite what is on the books, tenant retaliation is real, even though the tenants know about their rights

-- there is a san francisco report on the study itself asking why the tenants aren't reporting and it is a real issue of being fearful of reporting and tenants are not engineers and they don't have

-- even when they identify led bugs and air conditioning not working, some of these major structural violations, they don't have the training to be able to identify what those issues are but the main thing is tenants don't report, for multiple reasons. Look at our tenant population in austin and large percentage of first generation immigrants who, aside from being fearful of being evicted, fear from being, frankly deported. It is a really big concern and issue. I think we found in our report, I think it was the travis county group of some sort that studied the issue of real fear for tenant retaliation among immigrant populations being one issue.

[12:20:56]

>> Mayor Leffingwell: Bert cadena mitchell and orella cortez. So you have 6 minutes.

>> So, good evening, mayor and council members. My name is curt mitchell. I am a member of wildflower universalist church and leader of austin interfaith and we support both proposals before you tonight. However, I am going to focus my comments on the pilot rental registration program because that seems like the requiring more courage to support, so we

-- first of all, we support both of these proposals because our faith traditions call us to do so. As a unitarian universalist, the first two principles of my faith are one to uphold the work and dignity of every person and second to work for justice and equity in human relations, so we heard comments about

sustainability and valuable assets and small margins are for us in our work and congregations and schools and our families, we think the most important asset to the city are the people and the most important asset we need to protect our families and the people who are living in housing. Yes, housing is an important component, buildings are important, but really, as part of our interdependent web, it is the families we need to be protecting. Also, when we are talking about margins, really the most important margin we need to look at are the marginalized families like the professor mentioned, immigrant populations, low income families, families who are less assertive in making sure their rights are protected. Those are the families we really need to think about and that's why we especially support the pilot proactive rental registration program, because we recognize that not every family is going to make that call to code compliance, even if they know that line exists, they may not make the call because they may find it too risky, so I hope that our council tonight takes the risk of supporting both of these proposals. Now, we have heard comments about why this pilot rental registration program might be risky, it might not work but what we think is this pilot program is designed to be a test, to see if it would work, if this is the best strategy for Austin and it seems inconceivable to us that we wouldn't be willing to take the risk to see if it could work and to say, yes, we are willing to take the risk to protect our families, we are willing to invest 18 months to see if our families would benefit from these types of protection. How could we possibly know which of these programs will be most effective at ensuring that families can have safe and humane housing if we don't take the risk of 18 months to see if this pilot program would work. So Austin Interfaith is always glad council meets on Thursdays, because most of the deadlines for pulpit and bulletin announcements are Friday at noon so earlier today we had our city wide leaders meeting and we prepared to do pulpit announcements and sign up in the pews and bond election for affordable housing and we are committed to supporting that and endorsing the effort. We will also be announcing at the same services the outcomes of this vote, because at our last leaders meeting we decided to support these proposals, so we really hope that to our congregations, they will be able to say support the city of Austin bond proposal and we were successful in ensuring of protecting tenants who are living in housing already and make sure they can stay in safe and humane housing. Thank you.

[12:24:45]

[Applause]

>> Mayor Leffingwell: Those are the speakers that we have, so now we will take up item 11. Item 11.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member Tovo.

>> Tovo: If I may, I just want to point out to relatively small

-- two relatively small changes i believe we have discussed both of them at our work session. The first is under article one, 4141, section b and that extends the term of the pilot to 18 months, which i think will give us a little more understanding

-- better data to really assess whether this works and that's the discussion i think we've heard some feedback about, including from the community development commission. There is also a change, i believe city legal has made on 414-5 to change a person to landlord, that's on page 5 of 16. And we did have a discussion at the work session about how well this would

-- this resolution

-- this ordinance, rather, would help

-- would help provide a tool for code compliance to address issues of occupancy and so on page 8 of 16, you will see a new item e, but as the language

-- but as the

-- the ability for code compliance to view, not take possession of, but to view a list of tenant names in the event that the city receives a complaint related to occupancy of the rental property so, again, there are no

-- there will be no taking possession. Our city officials will not take possession of the list, and, thus, will not have to

-- that list will not become a public document subject to open records. It just simply adds another situation under which code compliance officers could

-- officials could look at that list. And so I would like to move approval of this resolution with those three amendments.

[12:27:26]

>> Mayor Leffingwell: Motion by council member tovo to approve the ordinance on all three readings, item 11 ordinance, with the changes, amendments that she just went over.

>> Tovo: And I have a few comments but I will wait.

>> Mayor Leffingwell: The there a second? Second by council member martinez.

>> Tovo: I want to thank

--

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Yes, thanks. I want to thank everybody who has come out and I know many of you represent organizations and groups and families who weren't able to be here tonight and I appreciate y'all speaking with it until 11:40, my guess is we will be here yet longer and as many of you have mentioned, this is a discussion that has been going on in this community at least since 2009, when council passed a resolution very similar to the one that gave rise to this ordinance, but there are two very important distinctions. One is that this ordinance, as you know, is a pilot program. It is not a blanket registration program, as we've

-- some of the speakers have said. It really is a pilot, designed as a pilot to determine whether this is an effective program for Austin. It is a best practice across the country and in many Texas cities but we need to see how well it works for Austin, so that was one important distinction and the second is that it is narrowed to three neighborhoods, one north, one south, one central and we have already talked about the reasons why those three areas were selected. And so, you know, some people have asked, well, why take up this issue again. It died in the stakeholder process. It was very controversial. Frankly we are hearing some of the very same concerns now that we heard then. As I looked across the country, in almost every community I read about, when a rental registration program was introduced, there were the same significant concerns, cost, costs being passed along to tenants and the bureaucracy of it and

-- and it looked like in most cases, the board of realtors in that city or in that state were opposed. I do want to thank the board of realtors here in Austin, because I appreciate that every time you have come to my office or to one of our hearings, you've also made the point you care about safe housing. We all have that the concern of having safe housing here in Austin and one reason this pilot program has no fee because we heard other concerns about costs. So the program will not have any costs as a pilot so there will be no costs to pass along to the tenant. Thank you for your input into that and I appreciate, also, I want to say, the apartment association willingness and offer to work on issues about providing education, including the really important laws that we have in this state about tenant retaliation. I hope as we move forward in whatever way we move forward, we can really work together in these issues because you are important partners in this

-- in this effort to make sure that everyone lives in safe housing here in Austin. But it seems really clear, with the issues that we've had over the last couple of years, that we do need, as a city, to do multiple things in terms of making sure people have safer housing. Yes, we need stiffer penalties, yes, we need more prosecution of offenders but we also need to make sure as a city, our code compliance tools it needs is really aware of the housing in this city and what kind of condition it is in. It was a code compliance document that talked about the fact that a sizable number of multifamily housing

-- sizable number of multihousing in this city is substandard, aging and overcrowded. We know we have a lot of substandard housing in this community. We don't know how much and what condition it is in and we have a sense of what areas may have more substandard housing than others but we don't have a concrete picture of it and that's what we need, we need to protect the safe and health of our family

and community who rely on it. As many people have said, more than half of the households in this city rent and many, many thousands of those individuals live in substandard housing and it is our job, I believe, as policymakers to really be as aggressive as possible on these issues and rental registration is a good

-- it is a very good start. I thank mr. Kirk for pointing out that we have had

-- have had deaths in this community as a result of substandard housing. I will just point out another one, november 12, 201, this is an article from the statesman, east austin house fire, 7 people living in 400-foot structure, four suffered critical injuries, one was pregnant team and one was an 11 year old. We have to get a better handle on substandard housing in this community and make sure that the violators are held accountable. Professor way and others have talke about the examples in other communities. We know that proactive programs work better than reactive ones. San francisco, ashville, several of the others demonstrate that, proactive programs work better because tenants fear retaliation, they don't know necessarily what constitutes a violation and even if they do know it constitutes a violation, they may not have the expertise to recognize it, i strongly urge we consider moving forward with this program tonight and making sure that we are doing everything we can to get closer to the goal of making sure that everyone in austin lives in safe housing.

[12:33:16]

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I am not going to be able to support this motion, and I think I need to say why. Council member tovo said a few minutes ago that we started this journey in 19

-- 2009 but the move for rental registration died in stakeholder process. It didn't die in the stakeholder process. We had a very lengthy stakeholder process, many of the people in this room were participants in that process and to my mind it didn't die, it morphed, because what became clear to all of us who participated in that was we are really dealing here with two really different problems. One problem, which council member tovo has brought to light with the rental registration proposal which heather way and stephanie kirt and david brought a lot of data

-- thank you for doing that

-- we don't know all of the violators. We don't know all of the substandard apartments and all of the dangerous conditions in our community. I believe that is absolutely true. We don't. On the other hand, we have another problem here, which is even the ones we know about, we are not doing as much about as we ought to. As we just heard, I don't know how many times it used to be that we got a 99%

compliance within 90 days. Now we don't get 90% compliance and certainly don't do it in 90 days. We used to be good at that. We are not as good at that anymore and I am not sure exactly why but it is something we need to get good at again. The cases we are hearing about are wood ridge and las palmos and both of those where there were multiple violations and some for unsafe and dangerous conditions. We knew what was going on in the places and we didn't get them fixed and we need to think seriously about the enforcement issues which leads me to the reason why of these two I believe the enforcement issue is the bigger one. If we can figure out how to enforce cases, then even if we don't know everything we

-- we don't know about all of the substandard conditions, at least we can deal with the ones we know about which means we are using our resources as efficiently as we can. Getting compliance and getting enforcement we need. We are fixing problems we know about. At that point it makes sense to broaden our horizons and get a better sense of what is going on out there that we better know how to fix. If instead we focus scarce resources of identifying the problem conditions without focusing as much attention on enforcement, we are going to have a long list of notices of violation, that will be a wash in, in problems but we will not have done the hard work we need to be able to solve the problems. It seems to me we have to balance our resources and figure out what is the most important problem to solve here, that we don't know all of the cases, which is true, or we don't know how to fix the problems we've got, which is also true. Given the choice between the two, I am much more concerned about enforcement, PARTICULARLY IFLLqñ WE ARE GOING To do the two things we ought to do enforcement first, instead of having a long, long list we need to fix, let's first do enforcement.

[12:36:48]

>> Mayor Leffingwell: I want to say I agree with council member spelman, everything he said. I think we can do a better job of making rental units safer by focusing our resources on where we know the problems are. I also have concerns about privacy and I know ultimately it will become a problem

-- I believe will ultimately become a problem, and I am really intimidated by the potential if we want to make the rental registration program that's envisioned in this item effective, the costs literally will explode. It will be too expensive for us to do the same job as effectively as if we focus our attention on the problem properties. Council member martinez.

>> Martinez: Thanks, mayor. I just want to make a few comments, I can tell where this is headed. But one of the reasons I am supporting this is because it is a pilot program. I don't know that rental registration is the answer. No, it is not the only answer but it could be a key component. I am going to support council member spelman's resolution because I think there is really, really good policy framework in the ordinance. The reason I supported this one is, one, because it is a pilot, and, two,

because of the face of a lot of opposition, I stood strong and supported the short-term rental ordinance, where 100% of all short-term rentals were regulated. We knew for a fact not all short-term rentals were bad. Bad actors, not all short term rentals were causing problems. We heard about the problem ones all the time. We heard about the Lloyd loud noises and parties all the time but we came forward with a resolution and supported it saying put regulation on us, identify the owners, put information out there so we can contact them so we can get to if bad actors. That's exactly why I am supporting this ordinance that's before us, because it does exactly what we did in another instance, where we had a few bad actors tearing up the whole entire industry with their bad names, so I

-- I just, for the life of me can't understand why we wouldn't support at least a pilot program moving forward. Maybe this isn't the best thing in the end. Maybe

-- you know, there are

-- there is information that we can gain so we can truly hone in on something that works well for everyone. But we are talking about three neighborhoods that we know have a lot of problems, and that's why we narrowed that to those three neighborhoods so we could focus and so, mayor, so it wouldn't spiral out of control in terms of cost. That may be a very compelling reason for not going city wide. Maybe we do it on a neighborhood by neighborhood basis or as funds are available, by, again, this is nothing more than a pilot program to take a step forward to see if this is something that can be incorporated. I think the study from Heather Way and her colleagues speaks for itself. We have some major issues and in 2009, I didn't pick up the ball and run with it because I wasn't convinced then that the problem was as big as it was or at least people were telling us that it was. I am firmly convinced several years later that we have an issue we have to address. I am not convinced that I have all of the answers or that we have all of the answers but I know not doing anything isn't going to help us solve the problem any better.

[12:40:31]

>> Mayor Leffingwell: Council member Riley.

>> Riley: I absolutely agree that we need to do something and the question that is raised is why would we not go forward with a pilot program, and my answer is because we have

-- we have

-- we are going to have our hands full for a good while in getting our act together. I want to applaud everyone who has been involved in bringing this issue to our attention focusing all of the community resources and figuring out how we can do a better job of dealing with problem properties. This was a

really excellent report. I want to give credit to everybody who was involved with it, several of whom spoke tonight and it educated me and I have had conversations already with staff as to what we can do about in upping our game. What it did is it looks across

-- looks at best practices across the state and across the country and identifies ways in which we are falling short. It is absolutely clear we are falling short in numerous respects. We need to do better. Other cities have interdisciplinary problem properties

-- problem properties teams where you would get your code enforcement and your

-- and your law department and your police department together on regular basis to figure out proactively how you are going to deal with certain properties. You

-- we need to have better training of our code compliance staff to make sure that they are on the lookout for problems, not just problems called to their attention by complaints but problems they can readily identify either by drive throughs or when they are visiting properties like wood ridge and they can look around and spot other things. We also know as a result of this report and other input we have gotten that there are certain properties that are generating a lot of problems that aren't getting nearly enough attention. The report notes that just 2% of the addresses in the restore rundberg project area account for 60% of the calls for service in that area which is a fact near to many cities nationwide. There are a handful of properties that are particularly problematic that we are not adequately dealing with and we need to do a much better job of dealing with that. And my concern is that

-- that adding all multifamily properties in the mix, into the mix in the targeted areas would add a sizeable bureaucracy and not move us significantly towards those properties that we know are serious problems. I am not sure it would

-- even

-- even if we work through adopt the

-- the item 11, there are still other properties out there that would not be addressed by them. I met recently with folks about a property in north austin that has been a real problem for its neighbors, it is not even a rental property and would not be touched by this item and we should have been able to deal with it, if we had an interdisciplinary team of folks working together. Once my office contacted staff and we got folks together in talking about it, we realize we have the tools to deal with it but we didn't have a system in the first place to step up and deal with it. That is the kind of thing we need to address. I am not sure exactly how to get to all of the properties. I am not sure what we do about

-- there is the house buyer in 2012 and 2012, that council member tovo mentioned, it was not a multifamily property and apparently that one was arson, I am not sure we can

-- we can

-- that we will necessarily solve all of the problems but we can do a much better job of identifying properties that are real problems, whether single family, multifamily, ownership or rental and addressing the problems without incurring the costs and imposing the costs on city and tenants associated with the bureaucracy that is contemplated by item 11. I had hoped that item 11 might provide an effective way of dealing with stealth dorms. I am not satisfied that what we before us would do an effective job in addressing that problem. Stealth dorms are a very serious issue for

-- particularly for certain neighborhoods and we have got to wrap our hands around the issue and come up to a solution to it but right now having tenant lists

-- having owners compile tenant lists that we would be able to view upon request doesn't really do much to solve anything. I am not sure what good it does for city staffer to serve

-- to scan a tenant list upon request. I just don't think that really is an effective way of dealing with the problem. In fact, the classic stealth dorm would be a single family property that might not be covered under item 11 at all so I think we need to continue to work with the stealth dorms working group and make sure that we

-- we make progress on the issue and figure out a solution that really will be effective to it. I am open to the idea of broader registration program at some point, but at this point, the issues we face in dealing with problem properties are just too serious for us to be directing our energy and resources towards registration of properties that have been fully compliant with all of our codes. Let's get our act together in identifying and dealing with properties that we know are the real problems and then we can take a look at whether we need to expand the scope.

[12:46:20]

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I will be mercifully brief. I just want to note that I, too, was someone that was very hesitant about whether or not we should put in full rental registration process and program and I have come to belief because we have such high needs and we have been so ineffective in actually achieving the goals that we have, we need to try these different tools, and so I will be supporting this motion. Six.

>> Mayor Leffingwell: All in favor

-- council member martinez.

>> Martinez: I wanted to see

-- I wanted to potentially make a substitute motion but i wanted to ask city legal how to do this because I am not sure. One of our council members has recused herself because it encompasses an area where she owns a rental property. I firmly don't believe any of us in executive session need to recues ourselves on any of these items. We had a long discussion and that is my belief. City attorney, if I wanted to somehow postpone this item and come back with three separate ordinances that are identify in nature except for the geographical area, how would I make the motion?

>> Mayor Leffingwell: Make a substitute motion to most pone.

>> Martinez: But if I am postponing this item, this item would have to come back and what I am saying is i would want to draft three separate ordinances that specifically address this on geographic ordinance.

>> Mayor Leffingwell: You can postpone it and then issue a new item and then when it comes up, the item that comes up could be withdrawn.

>> Martinez: All right. I move to postpone with the intention of bringing

-- move to postpone to next council meeting with the intention of bringing three separate items. Postpone indefinitely?

[12:48:28]

>> Martinez: I thought i would have to wait until the three items came back and then withdraw this item?

>> Mayor Leffingwell: I don't think there is any requirement to have

--

>> (indiscernible).

>> Mayor Leffingwell: There is no notification requirement or anything, so ...

>> Martinez: I move to postpone indefinitely, obviously with the attention of coming back with three separate ordinances next week with each geographic area identified.

>> Tovo: I will second that and I just want to add to it. I think it is a good idea. Obviously we will have a split vote here tonight and that allows us to include our colleague in two of those three decisions. It also

-- we have heard some concerns tonight about resources and that also allows us to evaluate each of those three areas so those choices have to be made, we can allocate them to the highest need. I firmly

believe we should proceed with all three, but clearly we have some difference of opinion on that front. And so, yeah, so that's my ...

>> Mayor Leffingwell: Second by council member tovo. I am not going to support the motion to postpone because with the intention of coming back with three separate ordinances, because we are going to be presented with the same situation, the same set of facts, the same criteria. Evidently the only reason for doing this is to engage and have another council member engaged in two out of the three and I really don't see the point of that, so I won't support the postponement.

>> Tovo: Mayor. Me.

>> Mayor Leffingwell: Unless you have some information that I don't, council member tovo.

>> Tovo: Yes, one we have a split vote and I think having an additional person here would be useful and also I want to point out there is precedent for this. We, in terms of splitting things out, on several occasions, council member riley and I have wanted or needed to vote on an item and we needed to recuse ourself from a portion and we have taken that item and split it apart so that we could vote on it and we could recuse, so we could be in compliance with

-- with what we felt like was our ethical responsibility and still participate in the larger decision, so we have done that in several cases and I will mention the riverside plan is another example, where the staff went through and parceled out the decisions in such a way that we could have much council participation as possible, parceling out the items that a council member needed to recuse on.

[12:50:58]

>> Mayor Leffingwell: Council member riley.

>> Riley: Mayor, I am unclear as to why a postponement would be necessary in order for council member to bring forward three items separately next week, regardless of how we deal with this tonight, why wouldn't someone be able to bring forward different but related items next week?

>> Mayor Leffingwell: I think that's a good point. This could be dealt with

-- this item could be dealt with tonight and any council member

-- council member martinez or anybody else can bring forth an entirely new item. Council member tovo.

>> Tovo: I guess I would like to ask legal about that because if we postpone it

--

>> Mayor Leffingwell: Go ahead.

>> Tovo: I have a question for the city attorney. If we postpone it, would we need to initiate a whole new zoning

-- a whole new ordinance process, or

-- or are our staff commissioned and can go ahead and split it into three?

>> I think I was doing the previous way, postpone indefinitely because I think there has been a practice that when the council postpones something, generally you will have a date that it comes back so the agenda office has the practice of bringing back the exact item that was postponed. I think you can always bring back, you know, like the mayor said, separate it out and bring it back, but the practice has been that when you postpone something, the practice is just to bring back the exact item that you postponed.

>> Mayor Leffingwell: Like council member riley said, it's going to have to be three new items anyway. Council member riley.

>> Riley: And this

-- this

-- this ordinance would not affect chapter 25 and so there would be no statute

-- no statutory requirement that it goes through the planning commission, so i don't know why

-- what would stop the council member from bringing forward a whole new item based on

-- that is very similar but only directed at one or two particular areas and post that

-- post that. Hypoth hypoth etically if we took the vote on the main motion, and it did not pass, council member martinez could still do what he wants to do anyway. So do you want to maintain the motion or

--

[12:53:39]

>> Martinez: Well, I don't think it matters at this point if we can come back next week with three different ordinances, then that's what we will do.

>> Mayor Leffingwell: Do you want to withdraw your motion to postpone?

>> Martinez: Yes, let's go ahead and vote on it.

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

>> Aye.

>> Mayor Leffingwell: Opposed say no. No. So that passes on a vote of 5-1 and I voted no on that. So the item is postponed indefinitely. That brings us to item number 12.

>> Spelman: Latest version of item 12 is making its way down the dais. Like the previous item, it there has been some changes since it was put in backup. I will go over the important ones that responded to mostly some of the concerns we heard voiced earlier this evening. On page 2, we identified two terms of art which I am understanding infrequent use by our code inspectors but not frequently

-- not found in direct form in the ipmc or used very much up here. One of them is dangerous, which is a flag used by the codes inspectors for certain conditions they find which they say they notice they know that it's a violation on and it was called substandard and then we ended up with habitability on advice of attorney, that is other violations of the property management code which impair the quality of the tenant we are not nuisances or zoning problems, zoning code violations are important but we aren't focusing on that here and nuisance violations including high weeds, junk, litter and dumping, although they count for the vast, vast majority of things inspectors found are, again, not public health and safety violations which again is what we are focusing on so habitability and dangerous conditions are the two classes of issues that we will be focusing on this ordinance. The grounds for identifying someone

-- a property, not a person but a property as a repeat offender are three. First, that there are two or more notices of violation for dangerous or habitability conditions that have not been corrected in a timely manner. We told you what to do. You didn't do it. Alternatively there could be five violations for public and healthy and safety conditions, dangerous and habitability questions, even if they are corrected, if we come back to you five times in a year and even if you correct stuff, we need to watch you a lot more carefully, finally, if there are two or more citations to either the municipal court or the building and standards collision within a twelve month period, again, this is grounds forgiving you additional scrutiny, those are the three ways you get in the repeat offender program. Again, there is the technical change of what's

-- what the land lord changes to an owner, the person responsible of course is the owner of the property. Let's see. Some technical changes on the contents of the palomino of the application but one is important. Number 5, it turns out texas property code requires an emergency phone number be available for all property owners, if there is an emergency, there has to be somebody to talk to 24 hours a day, somebody has to be available to answer that phone and deal with an emergency. Since that's already a requirement of the texas property code, this is put in the ordinance of something you must provide to us if you have been found to be repeat offender through any of the three methods identified before. Now we have your phone number. Now we can find you, presumably in a very short order as well as the usual other stuff we are asking for. On page 7, there was a lot of concern about a tenants list, for a wide variety of reasons. The one my staff was most concerned about is if there was a physical list

that had all of the names of all of the tenants in it, what happens if la migra comes and wants to find people who are not legally in this country, if we have to hand over a list, then we may be at risk of deporting folks who are doing just fine all by themselves. Rather than find ourselves and landlords in that position, all we are asking here is the requirement of the list be met, whether there is a list or not is less important than that. The landlord is able to contact all tenants within two hours of an emergency situation, if there is an emergency, you, the landlord need to be able to contact your tenants and let us know you were able to contact them or how you weren't able to contact. It is up to you how you keep track of the stuff. We don't need a list which someone presumably can grab. Most of the rest

-- chris bradford suggested a couple of days ago that there might be a legal issue associated with being a tenant in a building that has

-- the registration for which has been suspended or revoked and suspended there might even be a 500 or 1,000-dollar a day fine that had to be paid by the tenant. It turns out our legal counsel suggested there was no issue with that but it was necessary the tenants know that the apartment has been put on notice, that they are on the repeat offender list, if they have been suspended or revoked, the tenants need to know about it so if registration is suspended, the landlords must give notice to the tenants. There is more about revocation, in particular, clarification under c in part 11, reinstatement is possible if the rental property is compliant with city code, city code may reinstate the registration, meaning you can go back and rent more units. The way the revocation works in this case is not that we are going to close down all apartment buildings for which registration is revoked, only you can't rent any new apartments until we have reinstraighted the registration. People who are there are perfectly ok stay where they are. Finally, a particularly embarrassing omission, part 4 on page 12 and 13, council member riley suggested, gosh, wouldn't it be useful if we actually kept track of what happened here to verify the program was, in fact, doing what it is supposed to do but we are really improving enforcement. I am still kicking myself for not having thought of that, thank you, council member riley for having come up with that. That's what part four is all about, making sure we are electing the information of the program and making downstream changes if necessary. Mayor, I move approval of item 12.

[13:00:50]

>> Cole: Second.

>> Mayor Leffingwell: Council member spelman moves approval. Seconded by mayor pro tem. Further discussion?

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I would just like to say that I believe that this a problem and a problem that we have and this is a way of going with it city wide and immediately it will hopefully start to give some relief to the bad to the bad

-- to the people who are experiencing contact with bad actors, so I am proud of council member spelman's work.

>> Mayor Leffingwell: Further comments?

>> Spelman: I need to say one more thing.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I believe

-- as I said a few moments ago. We don't know all of the problems we've got and although I

-- I focused attention on the

-- this particular issue, which is enforcement, that doesn't mean I don't agree that we need to identify the problems

-- identify more problems we know about right now. Once we have made head way on enforcement issues we can get something like 90% compliance in 90 days, i think it is time to revisit the idea of some form of a program, whether it is rental registration or some other words that are less poisonous to some parts of the community, some ways of identifying all of the

-- of the substandard and dangerous conditions that are just not reported to the

-- reported to our code compliance officer.

>> Mayor Leffingwell: Okay. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. And I believe I am correct in saying that that completes our agenda for this meeting and without objection, we stand adjourned at 12:15 a.M.

[13:02:51]

[Meeting adjourned].

