

## City Council Work Session Transcript – 11/19/2013

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>> Mayor Leffingwell: Good morning. I'm going to call this work session of the Austin City Council to order on Tuesday, November 19, 2013. Meeting in the Board of Commissions room in Austin, Texas. Councilmember Martinez will not be here. Councilmember Riley is ill. He'll be here for a short time. And I have to leave at 11:30. So we may not get through our entire agenda today. So with that, we'll start off with items that are pulled by councilmembers for discussion. Can we address 46, 47, and 48 together? All right. Councilmember Tovo? >> Tovo: Thank you. I wanted to just alert you to a few -- let me back up. So as you all probably remember, we have these items on our agenda back in September. They were included in one ordinance. There were a few things, there were concerns about individual elements of them. And also there were -- it appears that there would be -- it would be make more sense to split them to three ordinances. It would allow our colleagues to weigh in on them because there's a recusal on one area. But also, we did hear some important concerns that felt like we could address if we had individual ordinances. So I wanted to just highlight those and really get some feedback from my colleagues who had concerns about the rental registration pilot program initially. So, as an overview, one of the things that is consistent through the -- I hope you all had received this chart from our city water department yesterday indicating the changes that

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occurred from the first ordinance to the split up three? If not, maybe we can get copies of them. I have one that I haven't written on. I can share that with councilmember riley. So the first major change is that the -- in the previous ordinance, it had been exempt -- the ordinance had eted multifamily units with properties that had been built in the last five years. This ordinance extends 50 years. After doing research and looking at ordinances across the country and talking with staff about the quality of building construction, when properties really seem to start deteriorating if they're not being properly maintained. 15 years looked like a good number. That will cut down costs. Some of the concerns we heard were about costs, the scope was too broad, even though it was targeted geographically. So I think that will help on several of those fronts. One it will make a much more limited pool of properties and, two, it will have the -- the impact of also coming down on costs. The second change as long as -- as far as that goes, is to increase the periodic inspection which had initially been envisioned as once every two years in multifamily properties and each year for single family property. It increases to once every five years for multifamily and every two years for single family. And, again, looking at some of the ordinances across the country, they really do vary. Some are as our staff proposed, every two years. But houston and I believe ft. Worth and some other big cities do have a longer interval between those periodic inspections and particularly since one of the concerns we were hearing was about cost, that seemed to be a reasonable approach for the pilot program. So those are -- those are two very big changes.

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As you all know, the co-compliant staff has been deeply involved in working with the onion creek families and helping them recover. So we asked them for some information. Not sure if they're prepared to provide that today. But one of the really -- thank you for the tremendous work that you and all of our other staff are doing with those families. But one of the really critical pieces of information that I hope that we'll get is how that reduces the costs. I know we -- in our q&a back in september, there were some estimates of moving from 2 to 4 years and how that would reduce the costs. I believe that reduced the costs by half. This pushes it even further between moving it to five years and also also very, very considerably lower than what was estimated back in september. As a reminder, it was not contemplated

that the city needed to make any expenditures. The co-compliant staff said they could do that pilot program with existing resources. So, again, we really, really narrowed the focus. It's a much smaller pool of properties now so that we can -- I hope we can very easily handle that with our existing resources. So the last major change. There are other small ones. But, excuse me, there were concerns about the tenant list that has been eliminated for two of the three planning -- for all three planning areas, that's been eliminated. And the rationale is this -- there were concerns about it. Occupancy has not arisen as a high-level concern in two of the three pilot areas, though that may be because there were other issues more pressing, I'm not sure. What we have done, though, is to include instead some special provisions for the can pack area

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that I'm going to address here in a minute. One of the comments councilmember riley that you made during the the rental registration and I'm quoting from the transcript in the rooms and you were not satisfied that we were doing an effective job in addressing that problem. One of the things we learned again and with the help of our community members who have been working on this issue and really looking at what best practices are around the country is work in some different provisions within the can pac pilot -- proposed pilot program area that would specifically go after the issue of this. Those are outlined on the sheet that -- unfortunately -- now everybody has it now, thank you. It extends the issues that trigger registration beyond just health and safety issues that were addressed in the repeat offender program. So occupancy, if you've had several documented complaints about occupancy, about land development code violation, disorderly conduct, that would trigger -- those tend to be markers of college dorms. So those will now signal what a property needs to participate in rental registration program. And I think I'll pause there -- excuse me. And then there's also -- instead of a attendant list, an affidavit of occupancy. This is outlined in the posted ordinance. And this is something that one of our community members and her research discovered, I believe, san marcos, our staff, probably,

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can provide more information about it. But several other cities do this. If there are concerns and complaints about occupancy, and there's a reasonable reason to suspect that the property is in violation of occupancy, the city can require an affidavit of occupancy from the property owner and that the hope is that -- and the -- and the evidence suggests is there's a significant deterrent to property owners and exceeding the occupancy rules. As you all know, there's another item on today's -- on thursday's agenda that deals with occupancy. And initiating a code change to lower the occupancy numbers. It's my understanding, I hope staff will weigh in on this, that we really lack in the city an effective tool for enforcing our current occupancy provisions. And so, that is, that still is a missing link here. The rental registration from my discussions with staff provides that tool for enforcing occupancy. And this is -- this is the primary way that that would be achieved. So I think I'll turn it over to staff and see if they want to comment or maybe people have questions and we can kind of go from there. But I hope, colleagues, that you feel this is responsive to the concerns you heard that I heard raised by like councilmember riley that was not effectively dealing with the issue from others that the scope was very, very broad. And that cost was an issue. And then the tenant list was the problem and potentially not very effective. So we tried to along with councilmember martinez, unfortunately is not here, we tried to address those concerns and be targeted and focused. It will be relatively very small pilot program. But I think it will give us along with the repeat offender program that was initiated and passed, will give us some models for being proactive and then we can at 18 months address whether

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the proactive models have had -- what the results are. We talked a long time on the last discussion. I don't want to go into it. >> Good morning. Just wanted to confirm that, yes, the changes are made such that we're inspecting the property every five years versus two years. Obviously, there's going to be a savings in staff. We'll probably cut our safety inspectors in half, from six inspectors to three inspectors doing the areas, one per area that would actually do the inspections. To exempt properties in the last 15 years, that reduces the number some. It doesn't have a substantial impact of the south or the north areas, but the central austin area, that's

where we find most of the property that was built recently. We're looking at approximately 70 properties. With about 60 of those located in the central Austin area. That would be exempted from -- from the inspections. So yes, it would have an effect on us. But we could still -- still want to reiterate that we can do the -- if we do the pilot programs, either one or all three, we can -- we can give the pilot program done with the existing resources.

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The only additions we need to make to our staff is a temporary employee admin support staff to do the paperwork, that kind of thing, we can absorb that do our existing budget. >> Mayor Leffingwell: The ordinance addresses the issue of inspections. So what do you think these three ordinances add to what we already have? >> I think they complement the other ordinance. The other ordinances are repeat offender ordinances, of course, that you're speaking of. And it will identify the repeat offenders all over the city. I think that's going to be a good program, I think, you know. And we're going to certainly give it our best, test it out, we'll be back in a year or so to let you know how it's going. I think this will complement that. What this does is it provides more of a focus and an area where you have all of the properties of multifamily and the ones that are single family and duplex that are repeat. They would be required to get it. We should have the ownership preparation on those properties, to make it easier to respond. We'll have contact information in case of an incident or issue. We know who to contact here locally because of their registration. We should check those areas to get those properties proactively. We should comply with the code. And whether it will help provide an incentive that with a good responsible property owners, good responsible property owners, but others might need that little push to make sure that you've got a good maintenance program and they're taking care of their properties. And so I think it will be -- it will raise the bar, so to speak,

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with maintenance of -- >> everybody is going to be subject to the single family homes. >> Mayor Leffingwell: This program, this pilot. >> Yes, the can-pac area. It's a

little different -- >> the eroc and ordinances do not address the single family properties. Only the can-pac ordinance does. It just triggers the repeat offenders in the campaign area. >> Mayor Leffingwell: I would not like to have a city inspector knock on my door and say I'm going to come in and inspect your house without any reason whatsoever. Just because it was the kind thing. >> We would not want to be required on all register on single family or duplexes. Multifamily would. Of course, we were required by ordinance -- we would be required by ordinance to send a notice that the inspection would be occurring. So basically setting up an appointment to come and so they would -- they would know that we were coming out. We would expect us -- and hopefully they would have checked their properties and make sure their properties are in compliance before we get there. >> Mayor Leffingwell: I'm just reading the chart here. It says updated program ordinance -- periodic inspections. Works every five years, multifamily every two years. Multifamily, same thing. >> Only if it's repeat violators. On a single family. >> Mayor Leffingwell: Do you have an updated fiscal note on this? >> No, sir. And the reason why is we're saying that we can do the pilot program. The 18-month pilot program with the existing resources. We would come back to council for a proposing fiscal note

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continuing past that 18 month ms. >> Mayor Leffingwell: Okay, I'm sure these items will be discussed further on thursday. Councilmember morrison? >> Morrison: Can you help me remember the repeat offender we have now citywide, is that actually in effect yet, or you all are still working on the ordinance? >> It is still in effect. Effective early october. So now we're setting up our system to identify those persons who you see two or more citations, two or more notices of violation and fled to correct them timely, they would be placed into a repeat offender program. >> Does that apply only to multifamily, not single family? Citywide? >> It applies to both, multifamily and single family, it's regardless of the type of property. Whether you qualify as a repeat offender. It sounds to me like doing a single family repeat offender for can-pac may be redundant. Do we have a single family repeat offender program in place for the whole city? >> We do. What the ordinance does is it increases the way you can become a repeat offender. So if you have occupancy and occupancy violation,

which is a cover in the -- in the ordinance that was adopted in september, under can-pac, you would become a repeat offender. >> Morrison: Great, so we have here on the chart the repeat offender for single family. Disorderly conduct. Parking, are those all new -- those are all beyond the repeat offender program. >> Correct. >> Morrison: What kind of violations trigger the repeat offender? Health, safety?

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>> Those issues are related to having the ability of a home. And using the primarily property maintenance code >> Morrison: And will it be, other than that, will it be structured the same way, same number of violations, we went through all of the charts and the diagrams and all of that will be the same, except we're adding triggers? Additional triggers? >> Yes, that's correct. >> Morrison: Great. Thank you. >> Mayor Leffingwell: You mentioned that three inspectors could cover all three of these programs. Should it be the fourth person? Will it be a full time or part time person to coordinate the administrative backup work. >> Probably fulltime. >> Spelman: In the absence of the program, what would that personnel be doing? >> The personnel I would only add if we start this program. >> Spelman: You'll be taking money out of something to be able to pay for that administrative personnel, would you not? >> We'll shift an officer -- an admin person over to handle this. >> Spelman: Okay. >> Handle this program. The officers -- you approve the budget given four additional officers in the multifamily program. We have a total of eight to handle multifamily throughout the city. We would shift three of the officers to the target areas if this program was to go through. >> Spelman: So instead of having eight inspectors to cover the entire city, we would have five inspectors covering the entire city, and three inspectors focusing on the three areas. >> That's correct. >> Spelman: Okay. That's the basic question I guess I was asking. Thank you. >> Mayor Leffingwell:

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Councilmember riley? >> Riley: We talked about the single family properties in this property -- are these single family properties or all single family property s? >> That would be rental properties too, yes. >> Riley: I don't see that indicated here. This is

an administration program. Do you know within the can-pac area with the lower threshold with the multiple triggers, do we know how many properties with the expect to be covered by the program? >> We don't. We do know the number of properties that are multifamily, but it's very difficult to ascertain the number of single family properties that are being rented. Because it's -- it's just not eager to identify them. Except through the -- primarily through complaints. You can also -- you can check t-cad records, the county records to see if the owner's address is at different locations but that's not a real confirmation. I can tell you, though, the number of properties that multi-families are in the can-pac area. >> Riley: When was in a -- that? >> Let me take a look here. 502 multifamily properties and complexes. And 13,229 units. >> Riley: And you mention that 60 would be as a result of having them in the last 15 years. Would that be -- would that include the 60? >> That would be the reduction of the 60, right. They include the 60 now. But we would reduce it by 60 if we were. >> Riley: We're talking about

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400 -- >> yes, sir. >> Riley: Okay. We estimate to what the registration fee would be? >> At this time, we're not proposing any fee for the registration program. We'll do the pilot program and then come back to council with the recommendation on the fee. If -- if we recommend that the program go forward. If the council decides to move it forward after the pilot program is completed. But no fee during the pilot program. >> Riley: Okay. I want to thank you for working this. I have a serious issue. And I appreciate everything that's been done in this proposal. Do you have a red line version to show reflections on this proposal? >> Tovo: I can make them? >> Riley: Thanks. >> Tovo: Mayor? >> Mayor Leffingwell: Councilmember tovo? >> Tovo: I think at this point, I want to underscore -- you had asked a question about single family properties and I wanted to be sure everyone understands, single family properties that are repeat offenders already are participating in a rental registration program as per our previous -- >> Mayor Leffingwell: Right, I understand. >> Tovo: The only difference here is that ms. Link explained, in can-pac, we expanded the kinds of things that would trigger the kinds of sf properties and did that in response to some of the particular things that are



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happening with regard to the conversion of single family properties and rentals into the program. >> Mayor Leffingwell: Councilmember morrison? >> Morrison: Do we have any numbers that tell us how many single family properties in can-pac currently failing past five years have had two violations that would trigger this? That might be interesting to get. Is it 10, is it 100? >> We can certainly pull that data. I think we can pull that data and determine how many single family properties in the area can qualify as a repeat offender, yes. >> Morrison: Everything requires two violations. They require two or more? >> That's correct, two or more citations. >> Morrison: One thing to remember is there's a lot more complaints than citations. A lot of times it just is a complaint and there's no citation. So I think it would be interesting to get those numbers. >> Yes, we'll pull those for you. >> Mayor Leffingwell: I understand the registration idea. But it still says that single-family@periodic inspections will be once every two years. That's for every single family rental? Is that correct? >> No, sir. >> It would only apply to the single family properties that are part of the program, that had become a repeat offender. If you have the repeat offender, you would have the inspection cycle. >> Mayor Leffingwell: That's very confusing to me on this sheet. That's not what it says on this sheet. So -- and then there was a reference of rental properties versus homesteads. So, for example, if you live at home, it's your homestead, and

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you rent out parts of it to other people, is that subject or not? >> I could take a look at that. If you rent your house out and do not live in it, it's clearly a rental property. But if you're living in it and part of it is being rented, I would have to check the ordinance and check the law to make sure and confirm whether or not it's included in the program or not. >> To answer your question, mayor, if it's an owner-occupied dwelling unit, then, no, it wouldn't be subject to either the repeat offenders' ordinance that's in place or the pilot program. >> Mayor Leffingwell: Not subject to periodic inspections. >> If it's owner occupied, correct. >> Riley: An unoccupied dwelling unit. The mayor was talking about a home that may have different dwelling units where you live in one dwelling unit and there are apartments in the home that

you rent out? >> I did misspeak. It's owner-occupied rental units. If there's an owner occupying the property, they would not be subject to the ordinance. >> Tovo: Mayor? >> Mayor Leffingwell: Councilmember tovo. >> Tovo: I wanted to get back to the question about inspections. Mr. Smart, could you clarify, please, what kind of inspections. It's primarily exterior inspections unless there is a reason to a warrant and unless a tenant invites an inspector in or has the city to go and get warrant. Is that correct? >> That's correct. There's inspection going around eachno carrierringconnect 57600

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>> Mayor Leffingwell: You said primarily an exterior. If it's further than exterior, if it's interior, for example, do you have the ability to go in there without a warrant? >> Only if we're allowed to by the owner or manager of a property or invited in. And the reason I said primarily is because there are -- there may be common areas. >> Mayor Leffingwell: What if someone says no, you can't come in, you won't go there? >> That's correct, yeah. >> Mayor Leffingwell: Councilmember morrison? >> Have you contemplated at all, a single family property tental gets kicked in, it's started in, it gets reinspected every two years. Is that forever or is there any contemplation of it ends at some point. If everything is flying for ten years or something like that? >> If the property is maintained in compliance with the code I think it's two years, it goes off of the program. Property comes on the program as a repeat violator. If they stay in compliance with the code, they can go off of the program for a couple of years. >> Morrison: But it would have to be reinspected in two years. To get that second -- that second inspection, it goes on the program, two years later -- >> right. >> Morrison: If everything is fine, then it's off. >> That's correct. We haven't received any complaints in the meantime, between times. >> Morrison: All this does with single family rentals is that it means that you have to get reinspected in two years and prove that you're keeping your property in compliance? >> Yes. I think that's correct. Yes. >> Morrison: Okay. >> Tovo: If I could jump in? >> Mayor Leffingwell: Councilmember tovo? >> Tovo: Thank you. As I look at other ordinances across the country, many do the same for multifamily as well. If there's not a history of violations, it kicks into, sometimes, I think maybe as many as every ten years or, you know, so they're definitely in the

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very good program built in in the very good program built in that kind of incentive that if you're -- if your property is fine and nicely maintained, safely maintained, the interval of that periodic inspection increases. And if there are -- if it's a fee-based program, the fees are substantially well and in some case, there are no fees for those who don't have a history of problems. >> That's correct. I heard a few requests for information. If I could, that was the question. It would be helpful, I think, to get a sense of whether among those of you who had concerns, whether these ordinances feel like we've addressed them. Do you still have concerns? Are there bits of information that would be useful? I heard a suggestion from councilmember morrison that we get some numbers for single family properties that would be triggered under the can-pac triggers. I don't know if staff could provide that by thursday, but that sounds like helpful information. I asked the question of the q&a process trying to tie down exactly what the revised estimate it would be. That's an important consideration. But really, I heard this for a work session, not only to explain the changes, but to get some sense of disposition on it. And additional concerns that might be able to be addressed or ideas, suggestions for it, strengthening. >> Mayor Leffingwell: I want to know more about the costs. Especially following up on councilmember spelman's question that you're going to have to divert inspectors from the work they're doing now to do another job. And I just don't see how that doesn't have a cost. Either you're penalizing one program at the expense to benefit another, or there's a

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cost. >> Absolutely, mr. Mayor, we would be glad to compute that. The good thing here is it's about the multifamily program. To spread it across the city, we'll take those three and concentrate them in a particular target area or a one per target area, depending on, you know, the ordinances that pass. But the good thing is that they're not going from the different part of this. They're continuing to do multifamily inspection and doing it in a target area. >> . >> Mayor Leffingwell: They can do both jobs, you don't need so many inspectors in the original program. >> I agree, there's a

cost. I will figure that cost. But the good thing is it's all multifamily. >> Mayor Leffingwell: Ready to move on the the next item? >> Tovo: Yes, they're not being diverted, they're focusing more specifically on the code compliance officer's job is to look for their kind of issues. And these are three areas where your inspectors are called to respond. And work right now. >> Absolutely. We checked the number of complaints that come in from these areas. They do represent 20% of the entire city, the entire complaint we get over the city. By focusing the and targeting the inspectors in these areas, they'll still be doing an excellent job of handling -- handling multifamily properties and complaints on multifamily properties in these areas. I think we're going to be okay. There is, as we may have suggested a cost, an opportunity cost. You see here, you're not out here in the rest of the city. So we'll compute that. >> Tovo: Great. I know the question -- the

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response to the agenda item 58 and 60 talked about some of the tweaks that could bring the costs down to three inspectors and a program specialist. That was reducing the time period -- modifying the time period from 2 to 4 years. So I hope we can realize some additional savings, again, we modified it to five years and exempted some of the properties. So we're at the same estimate we were at before with some different conditions. So I'm hopeful we can go -- that there might be some different answers coming back given the tweaks. But, of course, you need to -- it may not work that way. We may not be shaving off enough time or property for that to go much below that. But I'm still intrigued that houston and dallas do their entire city -- houston has four inspectors for the citywide program, not a targeted one for the whole city, and two supervisors, and dallas has six inspectors for its citywide program. So I'm still having trouble balancing that against the very targeted -- the very targeted program that seems to be requiring a higher level of resources. >> If I may respond just briefly. In talking with houston, our staff have been talking with their staff. And dallas, to a different type of inspection. If it's a more closer to more of a windshield type exterior inspection versus -- versus a good quality inspection that we're thinking of doing, it -- and also keeping in mind that we might have these kinds of inspections here in the city of austin and a lot of our apartment complexes and our buildings have aged and we do have to look closely. And we found that with

other -- with the other apartment complex situation there recently, we had to look closely to see that the balconies and walkways, there were deterioration at critical points that would allow for a collapse. So, you know, we need to do some good checks -- good quality

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checks here. That's a little different from what houston did and a little different than the way dallas handled their program. >> Tovo: Thank you for that response. That's helpful information. Our whole intent is to prevent exactly the kind of situation you described so we want to make sure that the inspectors are going to be doing the kind of analysis that will help prevent those unsafe conditions. Thank you. >> Riley: On-line registration process that will be available to the properties that have not been cited compared to the ones that were -- >> I think so. It will help a lot. We look at on-line registration and actually on-line payments also with the short-term rental program -- the rental registration program. So certainly looking at doing that with this program too if a program passes, we'll look at it on-line. On-line registration, on-line payments. >> Riley: Thanks. >> Mayor Leffingwell: Item 49 was pulled for discussion by councilmember morrison. >> Morrison: Thank you. This is an item that is going to -- would create a special committee on the special events ordinance. Sponsored by martinez, riley, and the mayor. I wanted to first thank you all for suggesting that and within the resolution, those are the same folks that are named to the committee. Clearly there are more things to work out -- certainly I looked at a lot of issues and prepared some modifications. The reason -- I appreciate my colleagues being able to work on it further. The reason I pulled it is because I wanted to ask councilmember tovo if she would be willing to serve on this committee also with the other three because councilmember tovo served on the task force that

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eventually led to the current ordinance. And one of the concerns that was raised in what has been drafted and all of the discussions was the possibility that we were going to lose some of the protections that came out of the carefully crafted compromises from the task force. And, you know, I think clearly there are ways to

change it to improve what was done by the task force, but I think that's very important that we carry that intent through and I think that having you, councilmember tovo, on the -- on the committee would be really helpful and get us to a perhaps tempered place to ensure if some of those intents are really carried through. I pulled it. I asked councilmember tovo if she would be willing. And to let my colleagues know if I was interested in doing and also having her on the committee and changing the resolution. >> Tovo: Well, thank you. >> Mayor Leffingwell: Councilmember tovo? >> Tovo: Yeah, I appreciate that. I think some of what the special events committee as it's designed is going to do is beyond what we talked about on the street close eurocommittee. It is looking at, you know, multiyear events and doing it a little differently. And that. But not an area we touched on. But some of those -- I agree. Some of those really important provisions were the result of very carefully brokered compromises between the downtown faith community, the downtown businesses, the events promoters of the neighborhoods. I would very much like to see them make their way to the final ordinance -- revised ordinance that we adopt. So thank you for that confidence, I guess. And I would certainly be willing to serve on it. It's a limited focus time, I believe, right? Till january. I've contemplated it. So I would be happy to serve on

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it. >> Mayor Leffingwell: Any other comments? Ready to go to the next item? City manager? >> Is this intended to be a standing committee or a committee with a specific task or one that has a committee with resolve? >> Morrison: The way I read it, it's going to be dissolve by january 31. >> I think it says it there. >> Tovo: It does. >> Morrison: It does. >> Tovo: Mayor? >> Mayor Leffingwell: Next item. >> Tovo: I have a question for the sponsors if that would be all right with you, councilmember riley? >> Riley: It would be -- >> Mayor Leffingwell: I don't know if we go to four members, I'm definitely going to consider dropping off myself. So -- probably would not support -- nothing personal, but just adding a fourth member. So, go to item 51 pulled by councilmember spelman. >> A couple of questions. The councilmembers who put forth the item. Councilmember morrison is here, councilmember martinez is not. Councilmember morrison, answer some questions on this? >> Morrison: Not at all. >> Spelman: Good, the item directs it city manager to do a bunch of things --

work with partners together, to prepare data. Report data to a bunch of different planning commissions, zoning planning commission, poll sip, school board, a bunch of other agencies. So this is the recommendation. Bring staff recommendations to the public health and human services council committee and report to the council next month. Seems to me there's a lot of stuff to do in a month.

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>> Morrison: If I may? >> Mayor Leffingwell: Councilmember morrison? >> Morrison: There is a lot of stuff to report on in a month is a timeline of how long it's going to take to do all of that stuff. We're contemplating we have staff here to chime in. It could take quite a while. And, in fact, the chip recommendation settles a -- understands, I believe, it's going to take a lot of discussion to figure out what, if anything, is right for the city of austin. And and they set a june 2016 goal to be done with it. So we wanted staff to be done with all of the work. We wanted staff to just take this time between now and the end of the year to sort of plan out for the city of austin what they would do and come back to us and let us know I what that is. >> Riley: So this is to lay out the scope of activities and give us due dates? Sounds like something you could do in a month? >> Director of health and human services. Councilmember morrison is right. It's beginning to put together a framework for us to do some review of what the community needs. But I wanted to ask shannon jones, deputy director, to respond to it. He's been responsible for the project itself. >> Yes. >> Yes, thank you very much. Most of the work in terms of timeline has been sort of identified. But we still need to be able to go back and confirm that those timelines are doable within the framework and we can accomplish that within the timelines, the resolution has asked for, yes, sir. >> Spelman: So you would be able to do all of those things. Just -- >> provide the timeline. Yes, sir. >> Spelman: June 16 sounds like a reasonable amount of time to get it done. There's enormous amount of work to be done, but you've got 1/2 years to do it. >> Not just us. Partners, and various other organizations working with us and accomplishing this. >> Spelman: Okay. I do have another concern. I think this is just a worrying

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issue, that one can read that last paragraph and the resolution as presupposing that we will have a healthy food zone ordinance that is similar to what's been laid out to in the whereass. -- Whereas's. I wonder if you could pull off of that to pull off of that presupposition. >> Morrison: Yeah, I'll work on that. The chip is actually a county-wide plan. And it actually talks about having all municipalities start looking at this possibility. So we'll be doing it along with other municipalities that might be interested. >> Other municipaies in travis county to implement this as well. >> Spelman: If I might add one more comment. The way I was phrasing what you just said is how a lot of people look at this problem. Because this is one possible solution to the problem, but the problem may have other solutions that you may find there's another solution for our particular vocation. I be already agree with that, but it's important to me to say there might be alternative solutions. >> Morrison: I assume that would come out of the discussions. The -- this does presuppose there will be an explicit discussion about the possibility of implementing healthy food zones. >> Spelman: Sure. >> Morrison: And I would -- I assume the discussion will be open to a broad range of ideas. >> Spelman: That's what we're going to do in 2 1/2 years. >> Morrison: Right. >> Mayor Leffingwell: What is a healthy food zone? What is that? Are we going to put ham burgers in the same category as hard liquor here? >> No, the intent first of all is to identify for the community what they would like to see in those communities in terms of limitations.

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One of the big issues we see around schools, day cares, and the like, are children who leave school go and eat unhealthy food. There are no other options. So the idea is to look at places like seattle and other places where they have developed these zones in terms of mobile vending type of activities to allow restrictions on what can be and to encourage healthy foods, not to restrict, but to encourage the healthy components of it. >> Mayor Leffingwell: So you're not contemplating having, for example, a conditional use permit required for ham burger stand? >> We have not decided what those are looked at -- that would be part of the dialogue we're looking at in terms oi recommendations. >> Mayor Leffingwell: So the answer is you don't know? >> We haven't come up with recommendations yet, yes, sir. >> Tovo: Mayor, I have a quick question. >> Mayor Leffingwell: Mayor pro tem. >> Cole: When this is



contemplated as a legal analysis network, have they come out with recommending healthy food zones? Are we -- are we on that road? >> They've come out with strategies to be able to look at based upon each community what would be appropriate and what's necessary. And some of the strategies they recommended are what we're looking at in terms of what may work in austin may not work in pflugerville. So we're looking at those strategies in terms of recommendations. . >> I would add, we're looking to strike a balance. Not in zones where children have no options, unhealthy foods. So we want to battle selection and encourage our grocers, our vendors, to include healthy food options for the young people who are the ones that are most aff-- obesity. >> Cole: I found it interesting because we hear a lot of concerns and complaints about not having any services at all in certain areas of our city,

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particularly grocery stores of any type. And then we -- seems like we're embarking on a road of saying where we have some convenience stores or some fast food restaurants, well, those don't need to be located near our schools only if they aren't serving healthy food or we're going to take an inventory of those, we're going to get on a path of deciding where those are and regulating that better. It seems like I don't want the fact that there are some places that aren't being served at all to not be a part of that analysis. >> No -- the analysis will include both. Those who are currently there and what they're providing and to encourage them to provide those. To identify where there are large areas where there are those whether they're convenience stores or others to be able to identify opportunities there. >> It's not an either/or thing. These healthy selections can co-exist with existing businesses. And there are a lot of national best practices, a lot of national models already implemented that we can learn from. So we intend to bring you a pretty good variety of ordinances or model ordinances to consider. >> Cole: Thank you, appreciate it. >> Mayor Leffingwell: So you're not going to -- you don't contemplate prohibiting the sale of any kind of food. You would just encourage the sale of so-called whatever you decide, I guess, for the rest of the community is healthy food, is that right? >> That's been the course -- that's what's been occurring nationally? >> Mayor Leffingwell: How would you do that? What form would this encouragement make? >> Part of the

recommendations, this is a process where we're going to look at what currently exists, what recommendations are unique for each community we're in. For us to give recommendations on what that would look like is premature. We hope to come back with some of those recommendations to present to you. >> Mayor Leffingwell: You don't

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have any idea what form encouragement would take other than just putting apples alongside candy bars or something like that? >> For example, in underdeveloped areas, perhaps we would -- you or the city council would choose to restrict creation of additional fast food entities and more healthy options. Or full service supermarkets. >> Mayor Leffingwell: You are talking about prohibition. >> We're going over a variety of options for your review. We don't want to limit what's available to you. We want to bring you the whole spectrum. >> Mayor Leffingwell: I thought you were talking about a minute ago you would talk about encouraging the availability of healthy food. Now you're talking about prohibiting other kinds of food which in your estimation are not healthy. Possibly. >> We're not policy makers. What we do is bring you the information that supports the -- your decision making process. >> Mayor Leffingwell: If I may, and -- >> Spelman: It sounds like the menu that you're talking about is a comprehensive one, it would be a menu to have the opportunities to encourage the healthy choices but also if council chose to as a matter of policy would make decisions that would be prohibited with respect to certain kinds of things if they saw fit to do that? Is that correct? It's a comprehensive menu that includes the full range of things, incentives, encouragements, and prohibitions if the council were to make that kind of decision. >> Absolutely. >> Okay. >> Mayor Leffingwell: Any other comments? I guess that takes us to item 54. Councilmember Tovo? >> Tovo: I think there's item 52. Councilmember Morrison pulled. >> Mayor Leffingwell: It's not on my sheet. >> Tovo: Actually, I would

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go -- councilmember Morrison, you pulled 52? >> Morrison: I did. >> Tovo: I need to make copies of 54. >> Mayor Leffingwell: It's not on my sheet. If you want to discuss

52 -- >> Morrison: Not on the sheet I have here. I don't know if there's an updated copy. So -- >> Mayor Leffingwell:52. >> Morrison: This is an item for councilmember riley and mayor pro tem. And, again, I -- this looks like a great effort that's going to be undertaken under this resolution and has to do with the intake facility and getting some help with the urban land institute, is that right? And getting their ideas on what would go into an rsp. Yes, and rfp. And what caught my eye -- why this caught my eye is I -- I wanted some information, I'm not sure where we are in terms of, for instance, as a council, setting a vision or a policy goal for the use of -- of the intake facility. And so it -- if we haven't actually ever talked about that or set forth what our vision is, I wasn't sure if staff would know what to put in the rfp. I was interested in -- I was interested in finding out where we are in that process, if council had weighed in. I wanted to make sure that after this process, there would be a mechanism for the council to weigh in if we haven't weighed in yet. And maybe you can help us with that. >> We do. The answer is yes. Our intention is to come back to council, obviously. Now with the assistant which we'll spend most of the day working with them through a

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process that we have an rfp that's developed in working with purchasing in the law department. Working with the uli to tweak anything that might be tweaked with the expertise and their ideas. Then we can come back to council with those recommended tweaks and ideas to share with you sort of the bigger picture of where we want to go. Len is here. He spent eight months to a year with a very hefty process. But yet we did notify council about it, worked with and through the parks board during the first and foremost, the feasibility study of the facility. What can it actually sustain? The visibility that has a limiinfrastructure related to use for a public facility. And then we begin stake holder meetings in the winter of 2012 and on to 2013. We launched a project website. We worked with speak up, austin with the website. The three open houses were well attended in comparison of some of the events and the activities that we've had. We completed the competition that brought in some well-known groups and consultants and the cost of coming in with further ideas. The uli, tweaking, giving this input. Perhaps on financing and the idea is to allow individuals and consultants and groups to come back with creative ideas and

what if for this facility that really does encompass three facilities in one. It's limited by parking, it's limited in the area as the water. But correct me if I'm wrong,

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that's pretty much where we are. >> Thank you, sara. Appreciate that. And I think that one of the points that you just made sort of brings to light why I think we need to make sure council is onboard. That is financing. There's a whole spectrum of the way to deal with financing. Is the city going to partner. And if so, to what degree? Because if we're moving forward with an rfp that means \$10 million for the city, we need to get onboard with that first. So will there be a mechanism in a you plan to just report back to us. Will there be a mechanism to discuss a work session or something? >> We can certainly do that. In the request for proposals, we're looking at now there's going to be a pre-resourcing process not just purchasing, not just the land institute but any other individuals who want to look at it and give comments can do ha. Including members in the presolicitation process. Once we fine tune that in the presolicitation process, then we would make sure we bring the information forward for council to vote but the other part of it as it's written is that those entities that are interested in the proposals would bring forward ideas of financing and how they would structure the ability to build out or renovate this. So the burden would not be falling on the city of austin or the parks and recreation. It would be -- the entities that would bid would have to have a financing plan in place to be able to pursue this. There would be options that they could put forth >> Morrison: So we're not going to put any particular -- that's one of the things that I heard from one interested party. It would be nice to know what the financial parameters are. You're suggesting that they need to suggest something. >> They would suggest that. But also the feasibility study. If they haven't looked at the

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feasibility study, jump in here. But the feasibility study is clear about what kind of use this facility, these facilities could encourage. And also those kinds of facilities that would really not be very appropriate or very feasible. And it's in the feasibility study. And there's a chart that literally says what kinds of things would be good for this

purpose and this facility and others that would not be sustainable, that would not be feasible, nor would it make sense. So there are some things there. But then the idea is -- the whole idea here is to really quite frankly look at the most creative ways of creating something here that meshes with the project across the street and kind of creates a synergy that creates sustainability, meaning sustainable efforts and sustainable design that's not something that's going to cost us long-term issues related to maintenance and upkeep and long-term issues related to infrastructure issues. And then something created for the public. >> It's a very exciting opportunity. No doubt about that. I want to check your timeline too. You do have an interest in assuming that you're not home sick -- like everybody else. An interest in getting this out, released in January or something like that. Is that correct? >> I've always -- yes, we could move as quickly as we possibly can. Working with ULI, we will -- the presolicitation process will take place for anyone to look at it. Including the Urban Land Institute, working with them. And then after that, the information would be brought back so we know exactly what kinds of suggestions are being made and then putting those in the form of a recommendation to move forward for a request for proposals. >> I'm just wondering where -- I'm looking at the last be it resolved that the city manager would consider the conclusion that the ULI recommendations prior to releasing it, it's

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great. I'm just wondering how we can manage ensuring that if council is interested that we can just discuss it as a council. >> So on 12/13/2013, we had a notice to firms with the presolicitation meeting which involved anyone interested would come on January 9, 2013 and come back with a request to council ACTION ON JANUARY THE 21st. >> 23rd, NOT THE 21st. >> Morrison: What about the action -- >> the request to proceed, with the request for proposals. >> Morrison: Is that always required? >> Not always required. >> Morrison: So that would work fine. So maybe we could put that in here that the request to proceed will come to council for action. Great. Is that all right? >> Riley: I think that's all right. >> Morrison: That's -- >> I do have a question about that. Why in this case are we recommending taking that step? >> Mayor Leffingwell: You want to answer? >> Well, in this particular situation, we were prepared to move forward with the request for proposal I believe in this month. But

with the resolution for us to be involved with the uli, it -- there may be some changes to what we proposed that we may want -- >> I guess I understand that from the language in the resolution, I know we would take those recommendations into serious consideration. And incorporate them where we thought appropriate. That's one step. That's consistent with the resolution. I guess I'm not understanding why we would come back -- which

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isn't typical, with a draft rfp to the council. This takes consideration of the rfp, and we're going to do that assuming this council passes this resolution. I don't understand the next step at all. It's not typically part of what we do in preparing an rfp for solicitation. >> Then -- >> this project has been on a lot of people's radar. And because of the high publicity, we felt strongly that we wanted the opportunity for all of council to be able to give the input and bless it and say they agree with the wording and everything that's in it. We wanted to give them an opportunity to go ahead and do that. >> I think that -- pardon me for interrupting you. But I think this resolution recognizes the point that you're making. And it's the reason why the council is asking us to take other points of view into account as we develop the rfp. And it seems to me that, you know, given the solicitation, going to be opportunities for council to have additional input, obviously, you know, an rfp leads to, you know, negotiating the purposes of the final outcome and council has always taken advantage of that opportunity to add any additional input in terms of what the final outcome is. So I guess I'm simply not understanding what makes this exceptional. We deal with significant projects through an rfp process all the time. So this is an unusual step to take in terms of bringing back the rfp. And I'm concerned about trying to, you know, trying to give in to the complicated language ASSOCIATED WITH THE RFPs A Complicated sort of circumstances in terms of the redevelopment of this facility from the dais, notwithstanding the fact that's an exceptional step, council. >> Mayor Leffingwell: I would say also that I think you -- you run a possibility, if not the

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probability, of ruling out a lot of potential designs or companies that might want to --

might want to submit a proposal. If you too narrowly frame what you're looking for, I think you may lose out on some opportunities for something that may be -- that we haven't thought of or you haven't thought of. I think there's a lot to be gained to figure out what the rfp is going to look like. And take into consideration uli is in a lot of other resources too in framing that. But as far as coming back and trying to short the rca before you -- take advantage of that, I see a lot of disadvantage. >> So that aspect of it, I would not support. >> I have a question -- >> mayor pro tem? >> Cole: You're concerned about trying to shape the rfp before it goes out. Is that because we were sitting on the dais there to vote. And almost like a motion as opposed to the -- I'm trying to figure -- I'm trying to nail the specifics down. >> Not specifically part of the process. With input, it's our job to CRAFT RFPs, WE DO IT ALL THE TIME. We appreciate and respect what prospectively will be council's request to take some specific input into consideration as staff is preparing the rfp. I think that's sufficient. >> Cole: Mayor? Councilmember morrison, let me understand what input you want. What do you want to see put into the process before we get into a situation that we don't normally do in the absence of that? >> Morrison: The reason it jumped out to me is because it

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wasn't clear to me -- it's not that we have any specifics in the construct of the rfp. It wasn't clear to me that council have had any former action on any sort of vision and framework and that -- what the intake should be. And especially as we get to potential framework or financing and things like that, it does get into specifics of the things that are -- you know, just at the policy level. So I was just interested -- it doesn't even need to be the rfp by any means, I was interested that we as a council sort of make sure that we're doing our job directing the high-level policy and maybe there's a way to do that, besides asking the rfp to come back. So I appreciate you raising that. >> I agree with the councilmember. I think there should be an opportunity for the council to, you know, bring visionary perspective to what this facility might become. I just don't think it's at the point of the rfp. So if we can provide an opportunity prior to that along with the other kinds of inputs that's being suggested that we pursue in the resolution, it makes a whole lot more sense to me. It would be helpful to staff in crafting the rfp. >> That sounds terrific. If we could work

something out? >> Cole: I would like to suggest that maybe we could hear the presentation and do some visioning exercises in our comprehensive planning in the committee and not have to change the way we do things. Is that okay with you? Chris? >> Mayor Leffingwell: I would say I would like for everyone on the council to have an opportunity to do that. >> Cole: Just saying -- >> Mayor Leffingwell: Councilmember morrison. >> Morrison: So I would ask for a timeline on how we would do

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that? Would that be a work session item then? >> Councilmember morrison, we'll go back to the schedule and figure out an opportunity exactly what the city manager said. It would be a great place to do that. You're right, if we could capture the envisioning and the policy level, it addresses your issue and we can look forward to the rfp, and get the rfp on track as quickly as we can. >> Morrison: So I think the uli would have some input to impact the vision. If we can do it after that, that would be terrific too. >> We'll do that in advance. >> Cole: We can do that. >> Mayor Leffingwell: Mayor pro tem? >> Cole: We can do that in a regular council work session? >> Mayor Leffingwell: I'm going to be strongly in opposition to that and say that we do it as a briefing at a council meeting. We've been trying very hard to allow some time for what work sessions were created for -- and that is discuss items on the agenda. And we more and more -- I mean, today we -- we had three items that are two briefings and another big discussion item. I think our goal is to be not to have any briefings on the work sessions and especially briefings that are critical. Because we've got briefings today that we likely will not get to because of the time constraints. We're not going to have those time constraints or well known for extending our meetings, our regular council meetings. So I would say do it in the council meeting. Councilmember tovo. >> Tovo: I like the idea of not having briefings on tuesdays. We need that opportunity to just talk among ourselves. Mayor pro tem, you may have suggested talking about it at the comprehensive -- the subcommittee that deals with land use issues? >> Mayor Leffingwell: Whatever that is. >> Tovo: I know you had a concern.

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I wonder if we can have that extended option, if any of us could serve on that committee, I'm one of them, I'm one of them. Just throwing that out for reconsideration. >> Mayor Leffingwell: If you want to do that in addition, that's fine. We should have it in the regular council meeting so we all have busy schedules, we can't always carve out time to attend a committee council meeting. We ready for the next item? Which is 54, by councilmember tovo? >> Tovo: This is an austin energy item. At our last council meeting, we adopted the resolution that originally accompanied it. I will just say what some of the rationale is, we've all been hearing from austin energy customers that are the result of various combinations. Each one is different. There are commonalities, austin energy are having difficulty paying their bills. In the billing period, in the transitioning to the billing system, may not have gotten a bill for a few months and they got behind that way. Some are add justing to the new rates. Some have other kinds of financial circumstances that have been difficult. One of the things that struck me about the queries that we're getting is there's very -- for people struggling to pay their bill, if they get to the point of being disconnected, the payment arrangement, they can enter into requires them to pay 50% of their balance up front. For many people, that's simply insurmountable. And I know I we're all getting them. Because I look at them. You did, mayor pro tem capped another.

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But increasingly, well, won't say increasingly, there are several I wanted to highlight - this is from a family who was disconnected, they were writing to us, one, because they feel they weren't notified. But they've been displaced since october 4 because they can't afford -- they can't agree to an affordable payment arrangement and they are now living with their three children and they're moving from home to home. Kxan sent us a packet. They was a family in there who also could not reconnect their services because it would have required them to pay almost \$2,000 immediately and then pay the remainder within the next two weeks after that. You know, and unfortunately, there are others. But in several of these, people are talking about needing to -- once they have their service disconnected, either being in jeopardy of long their apartment when their landlords find out they are without utility service, or

they have been forced to move in with other families because they can't -- and it's that 50% remaining balance that seems to be an insurmountable challenge for some of our customers. I appreciate the memo and all of the correspondence back. I understand and are committed to our fiscal responsibility to make sure that austin energy can collect its debt. And that customers who receive service are paying for that service where I would assume we are all completely committed to that. But, again, that 50% -- when people get to the point where they are disconnected and the payment arrangement that's open to other customers is not available to them and they have to come up with 50% of their balance, we might be better off

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in terms of collecting on that debt to consider some other kinds of payment arrangements. And some of the consumer advocates, we all heard some, have proposed some ideas. Councilmember morrison and I sponsored the resolution to bring together some stake holders and look at the rules and the procedures and propose some look at -- look at the best practices around the country. I know that austin energy as we have been told has some very flexible policies. But there are programs out there that we might consider and some ideas that we might consider and have that group come together and really look carefully at it. And make some recommendations. But in the meantime, I think we need to do something about this issue. Posed on our agenda is an amend and replace ordinance that covered a lot of different issues in light of some of the concerns that I heard expressed from austin energy and perhaps some concerns that -- that you colleagues had. We have identified a few critical areas and will address just those in what is proposed now instead of a -- of repeal and replace ordinance, just some very targeted amendments to our existing ordinance. So I can highlight what those are. D on the back, you can see this is our existing ordinance. The highlight -- the amended text is in red. We could have some kind of provision that says, you know, this will -- that the -- that we will reconsider all of these provisions after the group has proposed some recommendations. That's no ordinary process anyway. But I'm saying if any of these gets a long term adoption of these kinds of provisions, know that we will -- once that group has finished their work, have an opportunity to revisit all of these in a careful manner. So d talks about just the issue I talked about now. It's my understanding and

staff can jump in that if you are in

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need of a payment arrangement, that your first installment counts as your downpayment. Again, once you're disconnected, it's a 50%. Is that correct? If you know enough to enter into that payment agreement before you get disconnected, the first installment is your downpayment. If you're disconnected, you're at a much, much higher level of downpayment required to restore that service. So this would address that. Then, d is a new provision. Again, it talks about -- I believe the payment rules and procedures we talked about 15 months. It extends through 24 months. It makes it clear for our customers disconnected or not, the first installment is their downpayment and it includes some additional provisions for the cap customers. So that -- I think I'll stop there and address questions. >> Cole: I wonder why you used it to make equal and reasonable monthly payments. I didn't know if I wanted to pay \$100 this month and \$175 next month why I couldn't do that. >> That's a good point. We're trying to prevent that the first payment should be 50% of your bill. By all means, people should be able to pay more than their equal installment and encouraged to do so if that's within their mean, absolutely. Be what I don't want to do is, again, to have that first installment be -- >> Cole: The language? >> Tovo: Sure.

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>> Cole: Okay. >> Spelman: Mayor? What is 3% of a monthly income for a single house hold defined by the poverty guidelines. >> Tovo: I have that here somewhere. It equates to -- that may have been intended to be 5%. The amount of -- the amount is about \$50. >> Spelman: People have bills higher than \$50 a month. They will never be able to catch up. >> Tovo: This is for customers -- that provision is strictly for customers in the customer assistance program. This is a suggestion from one of our consumer advocates who I believe adapted this provision from one in new york, the new york utilities use for one new york utility uses for deferred payment plans for their customers. >> Spelman: Okay, people in the customer assistance program or not in the customer assistance program but would qualify for it if we had the space for them. >> Tovo: Just strictly those. We would not require of them more than 3%

to 5%. I need to check on that amount. >> Spelman: The average monthly bill of people in our customer assistance program? Do you know offhand, about? >>. [ Off mic ] >> Spelman: Push the little button. >> The customer care, the -- the average bill in general is about \$1100 for a cap customer since they receive considerable discount. Did I say \$1100? I'm sorry, \$100. With the discount to drop the bill to an average of \$50. So you might be able to make some headway with the \$50 installment. However, that might just cover their actual usage and not necessarily reduce the amount

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that's delinquent. >> Spelman: Give people an opportunity to make some headway and to catch up. So we would need to jimmy that figure. 3% and 5% or some other number so people have a reasonable opportunity to catch up in a reasonable amount of time, something like 24 month ms. Do -- months. Do we have a sense of how far in arrears the average customer who's been cut off, how much money they owe? >> I don't have the numbers to provide today that provides an average amount owed. But I can get that information. We know 17,000 customers have deferred payment arrangements with us right now. And those amounts vary. So it's something we have to arrange. >> Spelman: If you can come up with the numbers, it would help to get that percentage right. Of the people on deferred payment arrangement, it's customary to require half of the bill to be paid up front. That's not universal, is it? >> Councilmember spelman, kerry overton, austin energy. The 50% only comes in to play after disconnection occurs. >>. >> Spelman: Right. >> The payment arrangement can be entered into in the notification process and all the way up to the 24-hour disconnect with the balance less than 50%. >> Spelman: Le right. But if someone is disconnected. >> Yes. >> Spelman: They come back and say I need a deferred payment arrangement. >> Yes. >> Spelman: Is it required on your part that they pay 50% of the arrears in advance of being reconnected? >> That's correct. >> Spelman: It is. Okay. Does the person that the customer is dealing with have any discretion to be able to move from that 50% to a lower

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number if she or he believes that it's going to be the best way to get the bill paid? >> Generally, they don't. However, we have some circumstances that are very dire that we have a specialized group that works with them on a one-on-one basis. So there have been provisions where individual customers have been able to arrange a payment plan even after this connection on a very special case. >> Spelman: That's just a very special case. That's not something that they have the authority to do. >> On a regular basis, no. >> Spelman: Okay, thanks. >> Mayor Leffingwell: Back to the question that councilman spelman raised about the 3%. That would repay the balance within 24 months. That's the way I read it? >> There are a couple of ways to look at it. If you read them all collectively, you may not actually achieve that objective. So in terms of the intent, if it's 3%, there's an assumption, and j.J. And I will bring back the data base on the average amount owed and how much are billed back to repayment plans. But the assumption -- if the assumption is correct that 3% in 24 months would actually pay that off, that would be reasonable. However, in some cases, if you look at d, there is also a provision here that's very specific to make a reasonable and equal monthly amount that then begins to change the parameters as to what appears to be specific to now being much, much broader. >> Mayor Leffingwell: It just kind of depends on what the past due balance is. >> It's the question -- it depends on what the balance is. >> Mayor Leffingwell: So there is no -- there couldn't be expectation that they would using a fixed percentage in d-3 they would be able to pay it back in the 24-months.

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>> That's correct. >> Mayor Leffingwell: But yet it says, yet, it says -- a repayment period of 24 months shall be presumed to be reasonable. What does that mean? Is that some kind of target? I don't know what the legal definition of that language is. >> We just received this this morning. That's not our recommendation. But I would image than you are correct. That you cannot make a determination of what "reasonable" is, and if you look at e in conjunction with e, the utility shall renegotiate the deferred payment agreement if the customer can demonstrate a bona fide need for it. Putting it together, I don't know if it's as specific as what the discussion is asking us to do. >> Mayor Leffingwell: How do we do it now? >> The way we do it now, we don't have to do it on a call cool lags of income. We do it all based on the

amount of debt that's owed. So our provisions are that the customers will pay. They'll make an agreement to pay the current balance first. That begins the process of reducing the ongoing buildup of debt. Then we ask them to pay a portion of it prior to disconnect, it's about 1/3. So 1/3 of the outstanding balance would be due. However, if they find themselves in the situation that that agreement -- and usually we give them anywhere from 12 or less months to pay that back, whatever the outstanding balance is. If they find the reason throughout the 12 months that they were not able to keep up with that plan, we give them yet a second -- in a scenario where it repeats itself again, then we give them a third -- so collectively, you could have a maximum of three years but we don't go out front and connect those 12 months consecutively. So you could go 11, 11, 11, and

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then renegotiate that debt. So we try to work with the most minimum number possible with the goal to reduce the overall debt that's outstanding. >> Mayor Leffingwell: I wouldn't have a way to even ask the question of how do you estimate the cost of this to the utility? The cost of this change -- >> we have a lot of -- we have a lot of staff involved and when we'll be making the special provisionings, you're working outside of the way we -- the billing system works. And for the most part, customers in our cap program, we have a unit that's dedicated to helping customers. So there's some cost associated and we could just tell you when in the budget it tell we prepare on the annual basis for their salary to do it. But on a unit cost, obviously some cases are going to cost more at the unit level. >> Mayor Leffingwell: The change would rejigger that number, by how much? >> I couldn't answer that at this moment. >> Mayor Leffingwell: At this point, we're going to do it and see how much it costs? >> If council approves the recommendation, you're correct. We would not know the true cost of administering the program. >> Mayor Leffingwell: Councilmember tovo? >> Tovo: Thank you for the questions. A couple of the issues. The provisions in front of you with exception of d-3 are all contained in the ordinance posted on the last agenda. None of these are brand new and they have gone through legal and again they were posed. These are a much smaller universe of what is posted in our agenda. So just so staff is aware -- I know you said you just saw it this morning. But these are, for the most part, with the exception of d-3 all contain

in the ordinance, the repeal and replace ordinance that was posted on 11/7. I guess I'm real curious about the issue of what are we talking about in regard to cost.

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We have administrative staff working now with customers who are interested in payment plans, the customer service staff, the customer assistance staff are responding to them. Frankly our staff are responding -- every single one of us I believe has a cap up there in recent weeks on behalf of an austin energy customer who has kanged us. I know ms. Gutierrez is involved in responding. When we are contacted by customers, there are many people already working with them to determine whether they are eligible -- how they can get their service reconnected if that's an option for them. So I'm not sure what -- I'm not sure why this change would increase our costs in that area. We already have staff, we have sole responsibility. It is to work with our customers -- our rate-paying customers. So I would like to get to that in a minute. But I want to, just again, I read a few. And if you look at the responses that came from austin energy mayor leffingwell. Your staff did a caf on one of the examples I read. The answers to many of those have been, you are not eligible for another payment arrangement. There are two issuings, one indidn't highlight earlier. The first is if you get to the disconnection point, councilmember spelman, you asked the question about this. If you get to the disconnection point, it's no longer an option to have your bill broken out in monthly chunks. You now have to come up with 50%. If you had done it before, you might be under a different payment agreement that might have been something they could have managed. For many of the customers, when they get to the disconnection POINT, THEY CAI'T COME UP WITH Half of the balance. That's not going to help collect their debt. And then they end up homeless, bunking with families, moving their housing, this is not the situation that's cost free to our city or to our community generally. The second problem is the three payment plan maximum.

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And the example I just cited, I think that was the situation, mayor leffingwell, that the customer, your staff caf'd. They were told -- the answer to that caf was they

were not eligible. They exceeded the maximum number of payment plans and they were not eligible to have another. So as we look at the changes here, that is what e is focusing in on. The utility shall renegotiate a deferred payment agreement if the customer can demonstrate a bona fide need for payment relief. A bona fide need may include loss of employment, major illness, some other kind of circumstance that has required that person to not be able to fulfill the terms of the three payment agreements. So those are just a few points. I will certainly in response to councilmember spelman's point, look at cap at provision d-3. But you asked about how those work together -- and again, the cap customers are being treated a little differently here under d-3 from the rest. The intent of the exchange is really again to make sure that all customers, disconnected or not, have an opportunity to pay their bill out in monthly chunks rather than in that big 50% from the start -- from the start and then within 15 days it remainder of the balance, is that right? >> That's correct. >> Tovo: If you've been disconnected within a month, you have to pay off your balance. >> Let me do one point of clarification with regards to the current process. So if the customer has had three payment arrangements and then is disconnected, the payment plan, which is what you're describing 50% down, and the rest due in 15 days, is the only option that we offer at that point. If the customer has had one -- one payment arrangement and then they're disconnected, it's still 50% down, but they can get a

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payment arrangement for the remaining amount, for the term that they would have gotten had they not been disconnected. So there's a little bit more flexibility there. If they did not use up the three options. And I just want to stress that the three options -- we've been doing this a long time. And the three options historically data has shown that that's where the breaking point is. If the customer is not successful in three payment arrangements, more than likely, they won't be successful at all. So we kind of take a hard line at that point and say, we really need you to take care of this issue. We really need you to pay attention to this. And that is why you see a more strong policy at the end. The three options, we believe, is very flexible. Today we don't know if anyone else, anyone else, that allows three separate payment arrangement options back-to-back. Others will allow multiple options. But those



options are only after you have successfully completed the current option. And that's how others handle it. YOU CAN HAVE AS MANY PAs AS YOU Like, but you have to complete one successfully. And that means you've worked down the debt to a reasonable level. So those are just some clarifications that I'd like to make. >> Mayor Leffingwell: So we have an amount budgeted for this kind of thing? And we -- and we -- we changed the criteria but not change the amount required to fulfill a program and that means that you're going to have to -- as soon as you figure that out, what that number is, you're going to have to come back with the budget amendment request. Or --

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>> that is correct. >> Mayor Leffingwell: Or are you just going to have to cut it off at some point, because you can't exceed the budget amount, right? >> At this point, we estimated that the cost increase we don't have the -- you know, that ability in front of us. And councilmember tovo, you did kind of question a little bit what would be those costs. I think number e at the bottom is really where I'm seeing the cost increase, the staff. The ability to renegotiate ongoing, these payment plans at this point, there's an end to the renegotiation process with each customer. But if we opt for e, there's never an end. There's -- there's renegotiation ongoing and that could create all 17,000 customers never really coming out of that process. And so where we would have limited these customers to kind of complete successfully their PAs AND THEN THEY'RE JUST A Paying customer like everyone else, then staff is not really working with them, this option e offers a process where they're continually coming back. >> Mayor Leffingwell: You're saying that there's not a way you can budget for this? >> That would be correct. And also let me also add to the specific language -- councilmember tovo had mentioned that we had seen this language in the previous - - in the ordinance -- that is correct. The difference is it was our recommendation that council not adopt this ordinance, rather provide the resolution that directs it city manager to ask the staff to go back and negotiation with the community advocacy groups to take care of the factors associated with percentages and how many opportunities you get. It is our belief if you adopt this ordinance, in this language, even with the

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additional add-on of 3 or any other piece to it, this prohibits or in our opinion hinder the success of the negotiations of the details that we're trying to have at this discussion now. This ordinance will obligate us to use very specific formulated pieces, 24 months, 3% of the -- or if it's 5% of the standard. And then also there's broad language that says if they're able to prove it in a bona fide way, or also whatever they believe is reasonable. Our preference is still the same -- we would recommend that the resolution direct us to go meet with the advocacy groups to continue to redefine the details of how that should be carried out as opposed to being limited by the specifics in the ordinance should this pass. >> Mayor Leffingwell: And I would say -- I would certainly support a resolution to that effect. Directing the city manager to go forward and meet with folks and try to develop a program that meets needs that aren't being met right now, something that can be budgeted. I could not support the ordinance that's proposed right now with -- with an open-ended fiscal note to it. Something that you can't budget. So I think the best proposition would be to do as you suggested, have the resolution that starts the process towards correcting what's wrong now. >> Spelman: Mayor? >> Mayor Leffingwell: Councilmember spelman? >> Spelman: If we were to do it your way, how long would it take before we could have a better idea for what changes in your current procedures would be helpful in solving this problem? >> Those negotiations at times have been very -- have been very difficult. It's a sense of bringing a lot

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of different and various interests together. I would say 60 days would be reasonable to force everybody to make a decision based on some guideline ms. If we can establish some very common ground, if we agree, for example, we all don't want the customer to owe more than what they're starting, we can then begin to put formula to it that allows us to be successful then later agree on the very special cases for customers in our customer assistance program, we can also then create programs that allows more opportunities. I think if we can create a road map very early on to put parameters around the negotiation, I think 30 to 60 days would be reasonable. >> Spelman: How long have you been talking to the advocates? >> The visit with the

advocacy groups on all of the programs are ongoing. We haven't gone back on this resolution. We haven't acted on it. We've put together internal policies and what we think will actually accomplish these goals. But the resolution, I believe we were scheduled to be the community on austin energy and provide information. It was cancelled and november and we're prepared for a presentation in december. >> Spelman: Okay. >> So we have not gone out to the advocacy groups. >> Spelman: So you've been working on the advocacy groups often. >> From the beginning. >> Spelman: You've got some changes that you believe you would like to be able to make in your current program. >> Yes. >> Spelman: This is different from those changes. >> Yes. >> Spelman: And you ask for an opportunity to take the changes that you would like to make to the advocacy groups, negotiate further over the next 60 days and come back to us and have them enacted or have something enacted? >> That would be the case. And our hope would be that we would have a joint recommendation or declare to

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council there might be a minor difference and bring a proposal of options and change the policy based on those differences as well. >> Spelman: You're in a position to brief us about this a couple of weeks ago. It was cancelled because of the problems. >> That's correct. >> Spelman: You have it written down here. >> Mm-hmm. >> Spelman: Could you send it around? I don't believe I had a chance to take a look at it yet. It might be helpful. If we can get it done in the next day or so, it might be helpful to improve the discussion on thursday. >> Tovo: Mayor? >> Mayor Leffingwell: Councilmember tovo? >> Tovo: Thanks for the discussion. I want to just point out we did pass the resolution. I'm glad -- it was unanimously supported, so -- but that process will begin -- I think it is complicated. They will have a lot of issues to discuss/. By no means is this intended to limit their discussion, nor do I think they will feel limited by it knowing some of those who want to participate. I think they will have a lot to say about all elements of this. If it helps, we can offer direction from the council on thursday that we are specifically going to revisit these provisions once that group has finished. But, in my mind -- I look forward to that austin energy subcommittee discussion. It's so pressing. We discussed back in june the need to get that scheduled soon because we hear so many complaints. My challenge with

waiting until that group is finished is that it is going to be a process. It will take a long time. I've got three families who are either displaced from their homes or in the process of potentially being displaced because they can't pay that 50%. They waited until they were disconnected to contact about that deferred payment agreement and now they can't get over that first -- that first big amount. And I don't -- I don't -- I

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don't know if that's going to -- that that is something that we benefit from reading. If we can add that on Thursday, with the understanding that we'll revisit it once that group has stopped meeting, I don't know if the city legal have considered that, but we could talk about a provision or something like that. But it seems to me that if we allow customers who haven't yet been disconnected to have monthly installments, we ought to consider making that provision available, at least that provision -- not necessarily some of the other ones if we can't come to consensus on them, at least that provision, we ought to consider making available to all of the rate payers who are struggling to pay their bills? >> Cole: Mayor? >> Mayor Leffingwell: Councilmember Cole? >> Cole: I'm trying to understand -- I know you've prepared to give us a briefing. Now you're going to send that around. What would it -- you need to meet with the stakeholders. But in terms of this -- if there would be a way to take that piece out of the discussion for Thursday and so that we could possibly consider moving forward with a part of the resolution not causing the unease about cost. I wanted to throw that out there about cost. I wanted to throw it out there for Councilmember Tovo. >> Tovo: I think we could have the ability to address each of these. We could prepare a motion that splits them out if we want to discuss it separately. That could be taking it out, I can understand that maybe -- just maybe for doing so, that wouldn't address the folks who have had three failed payment arrangements, who we're hearing from too. If that's the ruling of the council, I think that's something that we could consider. If we could do something about

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the 50%, I think that would -- that would help, you know, the handful of people I'm

talking to who are, again, but for allowing it to go on too long, can't get there, are not in a position now to really have a realistic opportunity to get their services reconnected. >> Cole: I think -- >> Tovo: The suggestion. >> Cole: I think about the language. >> Tovo: I think we can move in response to the complaints we heard, there wasn't an infinite number of payment arrangements. That was not the intent. It was for particular, you know, medical emergencies, loss of jobs, those real bona fide circumstances. And I can imagine your customer service folks are hearing from those people anyway. I know we are. And you're responding to them. So it's not like those individuals aren't now calling up and using staff time to hear a response to their particular situation. It's just that the answer at the end is, no, off -- you're not eligible. This might open the door for some of those to be eligible for a payment arrangement. >> Cole: Maybe we can define bona fide. >> Tovo: That's a good suggestion. >> Cole: We can talk about it. >> Tovo: Sure, yes. Thanks. >> Mayor Leffingwell: Next item? 56? Councilmember morrison? >> Morrison: Thank you. I think this will be quick. I appreciate my colleagues bringing this to the idea of putting together a task force of commission members to consider the transition. Been sort of wondering from staff when they would be able to do that? When they took the initiative to do it. I heard one comment -- it will be a little challenging because the suggestion is to try to keep it to 15. And -- and the only thing that jumped out at me is there is something -- and the clerk will be setting up this task force, there's something that allows

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two members from one board. And I was curious about why -- why we would envision that would make sense instead of trying to get many boardsesf peshlly if there's recommendations that you envision potentially discussing the possibility of merging boards and things like that, to have a broad representation of boards would be very important. >> Spelman: I agree completely that broad representation of boards would be important. >> Morrison: I would like to suggest we change that to no more than one per board. >> Spelman: Generally speaking, I think one per board makes a lot of sense. But there may be two people on a particular commission -- I don't know which commission, I don't have two people in mind, but there might very well be two people on a particular commission who for some reason or the other

need to be on that board. So I wanted to allow for the possibility that we could have as many as two people from the same commission. I don't think that would be the norm. I think the norm would be one per commission and we might very well not need to take advantage of the escape valve. >> Morrison: Maybe we could clarify that, no more than two but the special circumstances or something. >> Spelman: If you would like to add that language, we could do that, sure. >> Morrison: And I think perhaps to identify as broad a possible representation across the boards but under certain -- special circumstances or extraordinary circumstances, two per board would be allowed. >> Spelman: It's perfectly in keeping with the original intent. >> Morrison: Would you like to prepare some language to that effect or would you like me to pull it from consent and make a motion to that effect? >> Spelman: Why don't I prepare some language. I think I understand what you need. >> Morrison: Thank you. >> Tovo: Mayor? >> Mayor Leffingwell: Councilmember tovo? >> Tovo: Thank you for bringing it forward. It's something that we need. Thank you for taking the initiative do that.

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One of the questions I heard asked a few times is what the composition of those boards would be like? Will the expectation potentially the requirement be that each councilmember appoint somebody from their district to serve on that board? And so that's something that I've heard some of the current commissioners asking about. And you might just -- that might be part of what this body considers or provides recommendations about. >> It is likely to be part of what you discuss/. If you think it's a point of discussion we would like to direct them to, that would be fine. >> Mayor Leffingwell: And the next item is 60. Again, by councilmember morrison. >> Morrison: Thank you. This is a resolution brought forward by councilmembers martinez, spelman, and riley. It looks like you're the only one left here, councilmember spelman. >> Spelman: I guess so. >> Morrison: I wanted to flag that and ask staff that they might be able to join in the conversation with that. I think you're here in talking with him about it. And -- the sustainability officer. This is an item that asks to look at climate change impacts that we can be expecting and then what those impacts would have in terms of has hards and all on our infrastructure on our community and all of that. One of the reasons -- this is on our minds. And I think

it's very interesting because all across the country, across the globe, actually, there's still a conversation about climate change and how it will decrease it. But the -- there's also a realization that we need to deal with the impacts that we are seeing. However, they are caused, we are seeing extreme events. The reason that -- so this is all in our minds -- the reason I

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pulled this is because I know that we have done and are doing a lot of the work that it appears that is in -- as for in this resolution. We have the hesitation plan, we have the sustainability and climate change plan. So we wanted to ask staff if they could comment a little bit on, you know, how this work that's being requested by the resolution really pulls into the ongoing work that we have, for instance, our hard medication plan has to be updated every five years. So I appreciate staff to be here to talk about the overlap just to make sure that we are doing -- we aren't doing redundant work. >> Thank you. Office of sustainability. I appreciate the question. There definitely are activities under way that would relate to climate adaption and resiliency. The top of the list would be the recent completion of our wild fire mitigation plan and also a grant which we received with the federal highway department to look at the resiliency of our transportation infrastructure to climate change. That work is under way now. We have a consultant under contract. And it is -- that project is looking at the five-county area. And it's really looking at what is the vulnerability of our transportation infrastructure to climate change and extreme weather events, that includes roads, bridges, rail, and also airports. So those are a couple of, I think, pretty major efforts that relate to this. And I think that there is more that could be done. One gap that we have is just actually having reliable detailed data about what we can anticipate the impacts of climate change to be here

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locally. There's quite a bit of data coming out internationally and nationally and regionally, but we don't have a whole lot specific to austin. So the office of sustainability has been engaging in client researches at the university of texas to talk

about that. So I guess in answer to your question, overall, there are some things under way, but there are some gaps and I do think it would take staff some time to assess exactly what the gaps are, exactly how we could fill the gaps and what the -- what the costs of the impact of that would be. >> Morrison: Great, just to follow up on one point that we made, I referenced the mitigation plan which is required by the feds to have a sort of certified as response. In fact, the hazard mitigation plan called for a complete -- a study that would in fact show the climate change impact at the more local level. So part of that might be that we have a lot of this request to do these things in our plan the hazard mitigation plan that we had in 2010. We just haven't passed it on to them yet. So maybe you can explain the framework of the plan in terms of how you go about it and how it would play into that.

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>> Morrison: And I guess I would like to note that there is a -- in the be it resolved, there is the same kind of -- sort of the same structure as in the healthy food zone ordinance in that it asks for all of this analysis but it also asks to report to council on what time analysis it can be done on, the resource were needed and to give us a good stop within that and what the assessments would be and how it will integrate into everything else. >> Spelman: Thank you, council member morrison for your description of our original intent. >> Mayor Leffingwell: And so, chief, I would ask you, since you are already in this process of reviewing and amending disaster response plans, what do you amendment you would do differently because of this resolution, or do you have any idea? >> I really don't have any idea because if you just have that component, again, as you look at this, there are several other components. Hazard mitigation would be one component of several areas we have to look at, mayor. >> Mayor Leffingwell: I am just having a hard time understanding, you know -- obviously we are talking about effects like floods and tornadoes, things like that, but I can't imagine much beyond that. Do you have any idea? >> A couple of other thoughts on that would be, for example, if we were experiencing more longer duration, extreme temperatures and we started to experience more overload of our electric utility systems than had, you know, brown outs and blackouts and outages of that sort, that might -- >> Mayor Leffingwell: That's -- that's a state grid issue, though, really. >> Yes, but what I was going



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to say is if that occurred, then for us, in terms of mitigating the risks to our local population, we might look at cooling centers for those kinds of emergencies and make sure we have enough of those to elderly populations who might be impacted by severe heat if their air conditioning was to fail, for example. I know we already have that in the plan so -- >> Mayor Leffingwell: I was going to say, aren't we doing that now? >> I think we are so we would include it in -- one of the things it is already in place. >> That's why I said at the front end what we will first have to start with because we have different experts in the city on all of these different areas. They would have to come to -- them and speak to that area and see if it coincides with what is being proposed. >> This is pervasive and I know the council recognizes that. And so it has to be looked at it in the broadest context, the emergency plan, and a range of things. You read this and, you know, in terms of impact, it potentially touches just about every city department we have almost, so it is pervasive in that sense and it's going to have to be looked at in a variety of contexts which I think the deputy is trying to point out there. I want to get some clarification, if I could, about what is expected by may 1st. I think council member morrison was alluding to that in regard to another ifc that we talked about earlier. Is just an update report by may 1st on where we are at, or an outline, or what might y'all be expecting at this point? >> Spelman: One can think of this is a broad brushes that the audit department does, the environmental scan to see where is it we need to spend more time. What seems to be missing from our current array of programs and policies, and then a timeline for identifying what -- employ -- for example, if there is an area we need to

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work harder on. What should the schedule of work be going forward to deal with our drainage issues, that sort of thing. >> Okay. That helps. >> Spelman: If I might. Is is that consistent with what your understanding of what we are asking for? >> Yes, that sounds right. >> Morrison: Mayor. >> Mayor Leffingwell: Council member morrison. >> Morrison: One last comment. I was thinking it might be helpful -- we have plans and then we have plans that we implement and it might be helpful as part of this

analysis to get a better feel for our health and mitigation plan that we adopted in 2010. What's the status of the priority one or item, et cetera, because I think the actions are all prioritized, and there are a lot of good ones and I don't know that we actually have been able to implement all of them. I am sure it is matter of resources, and I think we have s especially right now in this city, we have a better sensitivity to the importance of thosehings and I wanted to mention for example, extreme heat, there are brownouts, that that -- that fits perfectly into this discussion because that's -- that's one of the things that was addreed in hazard mitigation plan in 2010, when we do our hazard mitigation plan in 2015, it will be time to look at the expected frequency of that situation. And the impacts -- well, the frequency might be going up, so the actions in response to that in our 2015 plan might have a higher priority than they did in 2010, so I think it all folds well together and if it's really -- maybe we should consider starting work earlier on the hazard mitigation plan if that's what the druthers are of this council. >> Mayor Leffingwell: Okay. So those are all of the items that we have pulled prior to the meeting, so we will go on to item c1, which

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I believe council member spelman asked to be put on the agenda. And just -- just as a heads-up, I have to leave in 20 minutes. Council member tovo has to leave in 30 minutes, so we will not have a forum at that point. >> Morrison: I want to ask a quick question, we had a resolution last time to ask our staff to come back and give us a briefing today on lone star rail and I guess I am just concerned how we are going to handle that because there is a lot of decision making that needs to go on before the end of the year. >> Mayor Leffingwell: I would suggest that the best way at this point, since it's time sensitive, would be a memo. Because, I mean, there is just no other way to do it. We are going to lose a quorum at 11:40. Go ahead, council member. >> Spelman: Mayor, I am given the understanding that this is a very short presentation, and if it is not a short presentation, it will have to be a short presentation. [Laughter] I am also understanding that tom mcgill and mcghee are going to give it and tom pastor and here they are. >> We will get right to the point. Mayor leffingwell, members of the city council, thank you for the opportunity to speak with you today. I am tom, a principal of 4t real estate company that developed small scale retail throughout central texas. I am joined today by blake mcghee and

andy pastor and we are here on behalf of the real estate council to tell you about some of austin's most beloved places and how they came to be. You will hear in our presentation that great places take time to plan, take time to entitle, time

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to build, time to market, and time to with stand unforeseen economic cycles and shifting consumer preferences, and that is why we believe in consideration for any vested rights ordinance, a minimum of 20 years of certainty is essential to create the kinds of great places that austinites legitimately have come to expect. We believe many austinites with the ability to impose new rules on all developments allows the city to keep pace with the latest trends and thoughts about best practices in a built environment. What the advocates cite, however, is that great places require master planning and time to occur. In that the best laid plans always get shelved and often change when economic downturns occur. Economic cycles are a fact of investment and business life, whether it is the great depression began in 1929 or the recent downturn like on the ones on the slide before you, they come with unpredictable frequency but they do come, as we saw most recently in 2008. So we have places in austin, like avery ranch, southpark meadows, the triangle project, seaholm, travis heights t domain and hyde park neighborhoods, they are all very, very different but they share one very important thing in common. Each one of those projects and/or neighborhoods took between 12 and 40 years to complete and they all had at least one, if not several economic downturns to navigate. My colleagues are going to give you now some specific examples and case studies about our real estate projects and explain why it takes so long to create great places. Blake. >> My name is blake mcghee. I have been involved in community development residential land development austin area for the past 31 years. My company has developed over 25 communities, which

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encompasses over 12,000 lots over the last 20 years. We currently have 10 active projects in central texas, and we pride ourselves and our passionate about developing high quality, affordable communities with a high level amenities, parks,

natural open spaces, trails, landscaping and diversified housing product for families and individuals. In order to develop these projects, they span over several decades. They take thoughtful planning, design. Execution is critical, obviously. I am going to speak about a few representative projects. I was personally involved in one of these projects, scofield farms for 20 years and most of these should be recognizable by the mayor and the staff. I would like to briefly mention each project by name, size, development timeline, all of these projects have been underway for many years, and all still have remaining undeveloped property. The first project is scofield farms. As I mentioned, I personally spent the first 20 years of my career on this project through a couple of different cycles and a few different owners. It is located in north austin, north of parmer lane, up to howard lane and over to mopac boulevard. It encompasses 2,000 residential units, all of those are completed, 200-acres of commercial, and 28 years later, there is still 50-acres of vacant commercial to be developed with vertical improvements. The next project is crest view station -- I am not involved in this project. It is 74-acre transit oriented development located on north lamar at airport boulevard. Its master plan contains over 1100 residential units, 305 of those are single family, 850 are multifamily

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and 75,000 square feet of commercial and retail uses. The project started with permitting and remediation about 9 years ago and at this point in time, the multifamily 66% complete, the retail commercial is 25% complete, and the single family portion of it is at 20%. That's somewhat unusual on a mixed use master plan project but due to the constraints caused by the national housing recession from 2008 until 2011, it held back the beginning of that development. The last project I want to mention is miller, which is -- is mueller, which is knowledgeable by the city, of course, since the city is a partner with cattellis, the 70-acre reuse site, the master plan contains 5700 units, 140-acres of commercial, medical and retail space and 140-acres of open spaces. The -- I know there was planning that started before '97 but the roma group was hired in 1997 and 17 years later, approximately 36% of the single family or 800 units are built out. 35 percent of the multifamilies either built or currently under construction and 71% of the commercial is completed. 32-acres of 140-acres of that was the dell medical center. Andy, I will pass the presentation on to

you. >> I am dramatically shortening my presentation. Thanks for the opportunity of allowing us to visit with you. Sorry. I am andy pastor, cofounder of endeavor real estate group based in austin. We have been an active developer of office industrial and multifamily in central texas since we started the company in 1999.

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I'd like to discuss a couple of projects we have been involved with the past ten plus years. Southpark meadows and the domain. In addition, we have a simple development duration chart that we will go through explaining how much time it taking once you find a parcel of land through entitlements right up to the point where we are ready to start construction, just to give you an idea of how much time that takes. The majority of our projects are multiple buildings which require master plans. Our master plan properties, like most, share water quality detention ponds and share parking at a minimum, were focused on creating community gathering spaces so that planning of our common exterior and interior space is a core focus. Regards to southpark meadows, we started that project in 2001, located in south austin off of i-35, slaughter lane and south first. It encompasses 425-acres, 670 multifamily units. Eventually we will have 335 single family homes and there is 1.6 million square feet and we are 86 percent complete and expect to build out the remaining 14-acres in the next 8 to ten years. 72.5000 square feet -- and I want to say we started out as a single project, 35-acres and 280,000 square feet. Once we started building it, we realized we had tapped into a passive demand in austin since at that point in time we figured out in 2005 that austin is really underretail idea, great demand, so we put another 390-acres under contract, and pursued a much larger

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project. We -- we were -- we endured the tech bust and during the second and third phases, have gone through this big recession in 2008, so it's been an interesting journey. In 2010, the city enforced project duration. As such, we had to negotiate a managed growth agreement which required us to redesign some to be built anchor buildings and change our planning. Austin has changed dramatically in the past ten

years. Rent prices per square foot of land to buildable -- or per buildable square foot and austin is densifying and integrated mixed use properties are here today and there is much complexity time cost and risk to development. I want to touch on domain in short order. The next project -- the domain did not start out as the densified virtually mixed use project when we bought it from ibc in 1999 -- from ibm in 1995, 23469, it was to do mid raise companies and shortly after we bought it, the tech bust hit and we had to scrap the master plans and hold on, score a 333-acre to pay down the debt and button the hatches. In an effort to shift gears we thought a large jail retail project could work there. We brought in simon property group as joint venture partner and were able to execute with the heart of the project today the nieman marcus anchored center with macies' multicentered on top and then we hit the 2008 recession we delayed office

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development virtually until last year. We currently we have plans to build a third phase with a large anchor which if goes to plan, 450,000 square feet of retail with hundreds of units of apartments above, as well as hotel, as well as 100,000 -- a few hundred thousand of office above the retail. We have owned the domain for 13 years and have 80-acres to develop out of the original 272-acres. The remaining 80-acres will have greater density than we -- than what we have developed to date and we plan it will take an additional 20-30 years, if all goes well. In the process of developing the domain, we generated in excess of 120 master plans. The reasons for all of these changes have been the changes in the market demand, recesses, global issues, elections, changes in debt and equity markets, interest rate risks, cost increases and the list goes on. Each project that we are going to be building in the future, each individual building, I should say, requires a separate permit. We will build when there is demand and the risk will work for each project makes sense. Certain product types might not be built for years. Our master plan will continue to change over the next several years. I think at this point, for the sake of time, I want to talk about just the duration of typical project. What I attempted to do is take a step by step process, and this is a little bit challenging because you've got to group all of the different product types -- different product types have different durations, multifamily, retail, office, industrial, and this is to give you an understanding of how

long it takes from a development perspective to identify a project and to go

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through this steps to where your architectural plans are complete and you can start construction. In short form it take threes emonths to identify a land parcel, put it under contract, two months for schematics requires zoning changes. We will go through neighborhood meetings to discuss the zoning request which takes a couple of months. Zoning process will take 6 months. Concurrent activities will be site development permits and subdivision process. You then get to a point where you can buy the land. In austin what ended up happening, from risk of entitlement, typically you track to purchase land after you have your entitlements, your permits in place. The architectural plans will take 6 months, so to distell that, it takes two years and 2 months to go from a project idea to when you are ready to start construction. And in that period of time, we have seen an awful lot of things change, from a market demand perspective, as well as all of the other complexities I have cited, so it takes a lot of time just to get to a place where you are ready to start construction. Thech. In thinking about southpark meadows and the domain, one thing that is a conclusion of, as unsequential result of this as how this affects other developers. As the large plan goes into play, it is taking market demand from other potential projects. You know, we've -- we have created that with large projects and also been at the other end of that several times. We had an office project -- or an office site we bought

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in 1999, entitled, went through the tech bus, went through market demand that our adjacent neighbors got to market first built, started leasing. We waited. Hit the next recession. Now, here we are, 14 years later, trying to figure out if we can get that project built. The -- based on the cost and risk of development, we need development rules to stay static for a minim of 20 years to be sure the project is built at a appropriate time based on history of sickles and changing market conditions. It takes time and patience to create great spaces. Thank you. >> So we discussed the projects today, such as the domain and others, like steiner ranch and scofield farms

around our project that are shaping our city, just like hyde park did a long time ago. Hyde park was -- when it was developed by monroe martin shipe in 191, it was only 138-acres in size but later it perked in the late '30s and '40s to be completed. It had to go through the great depression of 1929. It started out as large lot, large home, luxury enclave but it morphed into a working class affordable neighborhood in dealing with the economic changes that they encountered. Frankly, the processes they went through back then are just like we encountered today and then when you look at the history of travis heights, you see the same processes, site selection land acquisition, entitlement planning infrastructure that andy laid out in detail. This is what we are going through. General stacy opened travis heights in 1913 but when he died in 1928, his two sons took over the business but

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it took them decades to complete. It is the same story -- a different address but the same story, so perhaps today's steiner ranches, mueller, domains will become hyde parks -- tomorrow's hyde parks and travis heights but our point is fairly simple, whether in 1913 or 2013, quality real estate takes a long time to plan, to entitle, to build and then to with stand the various changes that occur in the economic cycles in shifting consumer preferences and this is why we believe we need at least 20 years of certainty under any vested right ordinance. So we thank you today for your time and your consideration. And we are certainly happy to take any questions. We have our president, jeff howard, a former past point and several of our board members here who are available to answer any questions you might have. >> Mayor Leffingwell: Council member spelman. >> Spelman: I want to thank all you for being here. As you know we will consider the vested rights ordinance that has been prepared by our staff in a couple of weeks and I wondered if the rest of the -- I wanted the rest of the council to listen to you and hear you out before we consider that vested rights ordinance. A couple of big questions. One of them is -- well, first, a screening question -- under the vested rights ordinance that you guys -- that we will be considering, remind me, what is the maximum length of time that a developer would have a right to develop? >> Under the ordinance? >> Spelman: Under the ordinance we will be looking at, yes. >> I will ask jeff to answer that question. >> Good morning, mayor, and council members. Thank you, my name is jeff howard. >>



Spelman: Don't look at me and say good morning mayor. >> Good morning mayor and council members and thank you very much for the opportunity to be here this morning. My name is jeff howard and I think brent lloyd can give you the details on this but basically there is a three year and a five year. It works a little differently whether it is a site plan or subdivision,

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the three years in the drinking water protection zone and the five years in the desired development zone. >> Spelman: But basically those -- my apologies for making you to go through so much trouble but we are talking three five years the ordinance before us and you are talking about 20 year horizons and to lock in developer regulations in 20 year period, not everyone 3, 5, if we stretch that? >> The 3 and 5 years under the proposal can be extended so you can have a site plan that can extend, I think, up to nine years or so before you go to -- before you go to a planning commission situation, I think, and certain residential plats you could extend that as well. >> Spelman: Would that extension be -- could y know in advance you are going to get that extension or that is, you get five years or at the end of the five years you get another 2 or 5 -- >> well, the site plan is good for three years and then you can ask for administrative extension of one year and then after that you have to go to planning commission to get any additional extensions. On the -- on the subdivision side -- on the renaissance subdivision side there is no -- on the residential subdivision side there is no ability to change the plan -- but you could file a final plat and get additional time. >> Spelman: Okay. The first question I had when you talked to me is what is wrong with an mga? Why can't you put together a managed growth agreement with 20-year time frame and we work off of that? What is the problem from your point of view with that? >> Managed growth agreements can work well in certain circumstances but the problem is making them the rule rather than the exception is that we then time. We add cost and complexity of the process and we drive away from becoming the affordable community we all want. The own land consultant peter parks advocated strongly by development by

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right to simplify by the process and take the one off negotiations out of the process as much as possible. We think that's an important element of planning in consideration as we move forward. >> Spelman: Help me understand the complexity of making a change to an mga. How much time is involved in that? How big of a deal is that? >> You have daughter-in-law done them discuss you have done them -- >> it depends on the information that has been requested by staff on what ordinances -- >> he is not referring to a change. I think he is talking about a new project coming in and going forward. >> Spelman: Let me talk about two things. Let me define it. What you guys have been saying is scofield farms took 25 years to develop and have you had to put together an mga with city staff locking your development rights beginning of that, éou would have requested changes on your own hook over the course of the 25-year period because demand changed. The project had to change. Similarly the city staff would have changed with it because our city development regulations have changed so that is requiring on both sides some review of a contract which it seems to me -- and I think your point -- is that review of the contract, itself going to be costly and the fact we have that contract review will inhibit your ability to respond to market demand. Did I understand you properly. >> When over you move outside of a standardized set of rules, engineers, architects and land planners and the consultants we refer to can go to an individualized set of negotiations, you add complexity, and you add flexibility to be sure -- and that's a good thing, I suppose, but you lengthenthe process. You add to the consultant's involvement in the planning and that adds cost and if we

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want to create affordability, we have to begin to eliminate those extraordinary exceptions and go to a standardized set of rules that applies on a rekiring basis. >> Spelman: You have to hire a bunch of consultants to rework your programs if you are doing on a contract basis with the city. To respond and demand is a much faster, cleaner process? >> Well, they have to sit down with a team of city reviewers. So it adds not only to the private sector cost but the public sector is involved much greater and much more elaborate. So the -- the staff requirements grow and we have meetings of 12 and 14 people numerous times to try to work through the provisions and that's time consuming and, therefore, very costly involved. >>

Spelman: Is there any way you can put a pencil to the cost in terms of percentage, the increase is 2%, 5%, 10%, something like that? Perhaps in the context of a very specific project? It might be a difficult thing to do because I am not sure any of your projects were governed by mgas but if there had been, is there a way you can projectively give us a sense for what kind of number we are talking about? >> Let me give you some thought and try to get back to you with our best response. >> Even a 2 or 5% creates -- in our cross -- ultimately you will have very little choice but to send the costs down to the buyers or leasers, so it will be an increase in the cost for the end users in the buildings you are producing and reduction from affordability from our point of view and it is something we need to take into account and I see as your primary point from our point of view. It is more trouble to you, too bad for you, which will translate more costs for us and that's very much our job, to make sure that buildings, housing, in

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particular, is as affordable as possible for austinites. >> We will -- we will try to put together something for you and bring it back. >> Spelman: I have the -- the backup question, I have one more. I want to give other people an opportunity but one more thing I want to get on the table. If an mga, from your point of view were too costly and more time consuming and more trouble than it is worth and you decided to take a 20' year project and try to get it down to 5, 7, 9 years to stay under the city's deadline, what kind of problems would that cause for you and what kind of problems might that do for us as end users of the buildings you are making? >> Well, the fundamental problem is that if you have a five or a seven year (indiscernible) and then a project loses the vested right but it hasn't started construction on subsequent phases, then they have to go back in and re-submit other plans for all of the subsequent phases and add a cost for that and even if the rules haven't changed -- but if the rules have changed and they frequently do, because austin has an active history of legislating on a consistent basis new rules around new ideas, so the compliance factor and if changes required in the plan can often result in a lower yield of density on the remaining land, so you have less homes or less apartments or less office space or retail, whatever the kind of project it might be. That can be, in some circumstances, devastating to the economic performance of the project. In the long-

term debilitating impact of that is capital sources start to shy away from doing business in austin. It hasn't been a problem up until now because only until very recently has the project duration actually been enforced but if this becomes a long-term print and then people are looking at projects that they believe will have a 10, 15,

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20-year horizon and they think in the middle of it we find in this case not built gets totally turned up side down and maybe cut in half, then we are going to have to consider whether we really want to invest in that project and that can be very detrimental to creating the kinds of places we've talked about today and you want us to do in the future. >> Spelman: Somehow scofield farms, all being together, you have to piecemeal it out doing small pieces along the way and you wouldn't have the same sense of place? >> Well, one comment I might make is the project duration right now starts upon submittal and typically to say get through a preliminary plan -- and let's use an example of a 500 lot subdivision, it's going to take you at least a year to get through the process so you've got anywhere from 2 to 4 more years to final plat, design all 500 lots, and create that vested right, that entitlement, chances are it's not going to happen. So you get halfway through it. Typically on these projects are you putting your main infrastructure, water, wastewater, jeor roads in with the first phase. So you constructed your infrastructure. You've gotten through half of your project. Your preliminary plan expires because you haven't been able to find a plat to put construction plans together and you start over and some rules changed. And let's say, setback lines changed, for example. I have seen that a lot in communities around central texas, impervious cover, et cetera, well that affects the yield of the balance of the project that you have invested on that front end. >> Spelman: Right, you foot if money up front, you only get it back after we've had a chance -- >> right. The rule of thumb is your last 20% of your project is where your profit comes down. >> Spelman: Mayor pro tem, I will back off. >> Cole: Council member tovo, I understand you are on a short time leash, is there a question you might want to ask. >> Tovo: I have a couple of

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questions and it looks like the police committee meeting with the police retirement board is running late so I have a couple of questions. Two quick questions for mr. Pastor. You noted in the discussion about the domain, a certain number of master plan iterations but I missed what the number was. >> In excess of 120. >> Tovo: And are those -- I assume some of those were larger than others? >> Well, the master plan -- as market conditions change, you have a different product mix. For example, we first started out thinking we would do a mid rise office tech center, so we had a master plan for that, multiple master plans that we ended up scraping when the tech bust came in. We brought in the retail master plan and then had different uses around and above the retail project. As those started to develop, we had different users come in, different tenant demand that caused us to move office buildings around so the whole -- it's -- it's a large sheet of paper that has different uses on what is going on in the market cycle and the demand and the availability of debt and equity. >> Tovo: Thank you and my second and last question is also for you. I didn't completely follow your point about the impact on other projects. You used the example of southpark meadows and I understood the example but I didn't completely understand it -- the broader point you were making. >> Sure. It's a -- it's a duration issue that impacts other projects if you have one large project that is taking the demand. Retail is -- retail is specific to that. Where if you create a large retail center and you have the density of retailers, that synergy is driving more sales, so the more retailers want to be there. Well, that's keeping properties across i-35 from being able to attract that

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same tenant demand so you are taking the majority of the demand until you are leased up, and then adjacent properties have an opportunity to build their projects and lease or they have to change what their thought of the their development plan was going to be. >> Tovo: But isn't that the kind of dynamic that would happen in any case? I mean what mar -- how does it particularly represent to this question of -- >> well, it happens -- >> Tovo: With the project time? >> It happens in -- having all of the major acres in a particular market that want to go into southpark meadows, for example, means they won't go into adjacent sites. Typically you will see different

acres on different corners of intersections. In this case, they are virtually haul in southpark meadows so impacting other intersections from potentially developing out into other larger retail centers. >> Tovo: Okay. Thanks. >> What does that does is adds a length of time to the holding period for those other projects who have to sit and wait for more the demand to be created in other populations and other factors so they might be developing in 5, 7, or 10 years instead of 3, 4, or 5, or even longer than that. >> Tovo: It is helpful. >> Cole: Council member morrison. >> Morrison: Thanks, I want to make a comment and an observation and a couple of questions for staff. I appreciate y'all coming because I think it sort of captures for me in a good way the balance we need to achieve because I think what I hear -- when I hear from you is that, to be feasible market wise, you want to be sure that the rules aren't changing. You want to be sure that the -- that it's broad enough it's not an exception. That the rules are broad enough so you can work within the rules and don't have to jump outside as an exception.

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On the other hand, what we do when we impose new rules, even though you might not believe this -- it's not like -- we are trying to move forward in the evolving values not community and we are trying to find what we need to do is find that balance of where do I find that balance. Because if you set the rules so broadly that basically people won't fly into new rules and people won't be able to achieve the goals we have so finding the challenge is the goal here and with regard to the mga, that is the question for staff, and that is I wonder if staff would have to prepare for us. I realize we haven't been doing mgas -- we haven't been doing in mgas because we only have been recently -- recently, relatively recently implementing the law of project duration but it didn't really kick in for quite some time because it didn't really start until you had projects that were initiated -- it's all the complicated years and all of that so my question to staff is if you can help us by getting a list of the mgas we have done -- it's only a handful -- and maybe you have done that for us, and for each one of them, if you can sort of give us the character of the mga, what had -- what was updated? I remember we did one for southpark meadows. What was updated, how many years did we add on to it, and, also, if you could let us know -- if there is any way you can let us know the time between when it was requested to when it was --

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and I think we worked out all of the mgas that have come to us and I think we will get a feel for what this process is because to me, it is where the new ordinance -- it is what the new ordinance about is where do we draw the line between market feasibility and being able to evolve our values. >> Guernsey, planning and development review. We can get you the list of mgas but they were how long to be out and if they were revised. I am about to prepare a response back to the real estate council of austin to take their suggestions -- you haven't seen it yet. I want to have a further discussion with them before we provide that to the public and to you, but it is one of the elements that staff does recognize. There needs to be some tool that needs to address long-term development in austin, to keep it simple -- there is the code next we are working on -- the customers, all of our customers -- and that is one of scale and I agree that all of the projects that were named certainly are deserving of a longer period of time, a smaller retail store may not need the 20 years that is become discussed and so I think there is more discussion that needs to take place before the item comes up in december and I am quite prepared to have those discussions and all of the players that are really involved need to be heard and listened to and I think we can probably find that middle ground before you take action. >> Morrison: I appreciate that and I appreciate that point, because, in fact, if you look at the mgas that we have done, the scale, with

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relative to the number of projects that have gone through the city in the same time period -- I think it is less than 10 mgas we have gone. Thanks. >> Cole: I have a couple of questions and a couple of points. I certainly appreciate you guys coming here and working with staff and the stakeholder input that you have done on all five sides. I know that you understand and I agree with council member morrison that we are trying to reach a balance between healthy development and at the same time, not run into problems where we need to implement some new regulations for the good of the whole city and not running afoul of the development and that only affects you and trying to reach that balance but it seems to me from the presentation that you

made, these projects should have some type of special tool and I don't know if that's the managed growth agreement or it's just another type of tool that should be in the tool box, but something like mueller and crestview and the domain shouldn't be in the same category is -- what did you say, a retail store? A corner store with healthy food right at the onset. It's like we know these two things are very, very different. So, greg, what kind of guidance can you give us to think about there? >> Guernsey: And that will be coming forward there staff after I have had further discussions. The context of having a convenience store in a larger development, like the domain, might be much different than just a freestanding store by itself, so the design elements -- those things that you might incorporate might be locked in for a longer period of time, if you had a corner store in one of the developments we are talking about but if the only development is the corner store and it is not really affiliated with a larger master plan, it is a

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much different development and needs to be taken into context. >> So mueller is the master development agreement? >> Guernsey: Mueller is entirely different because it was a contractual agreement between the city and the master developer. >> Cole: Sorry I asked that question. >> Guernsey: Like avery ranch or scofield, southpark meadows, the domain -- they are more in context of something that you might see elsewhere in the city rather than mueller. >> Cole: Okay, taking mueller off the project, we probably do have circumstances that -- like the project we have talked about here, that we can look at for long-term development with another tool, similar to a managed growth agreement that we could analyze that might be coming forth? >> Guernsey: Yes and having the longer tool which is not in the tool box as you were talking about or the current ordinance is something that staff is seriously looking at. >> Cole: And I have a question. You mentioned something affecting the capital markets. I did not get the context to where you said that would be potentially coming up in connection with this ordinance. >> So if a developer identifies an 80-acre piece of land they want to buy and go out and raise money and they secure typically two forms of investment, one from equity investors who own a part of the project or one from banks or lenders who lend on -- who provide a loan to them for part of the project. But say they have a four-phase project and they get through two



of the phases before the time limit, whatever you decide on, expires. Time limit expires. Rules have changed and now we have, let's say, heritage tree ordinances. And there are heritage trees where some of the buildings were planned to be, but under the old rules, it was a plan to remove the

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heritage tree but replace them with new trees which was under the old ordinance but not the new one. Can't do that anymore. The heritage trees have to stay or the buildings have to go or be downsized so instead of getting hypothetically, 100 feet of square building, on subsequent phases, they can only get 50 square feet. The land is now cut in half on its value. The capital sources look at that and say this is a very risky environment, in which for which we should be placing our dollars >> we have to reconsider under the new paradigm that austin has adopted whether this makes sense going forward or not. I am not suggesting we will flip our switch and things are going to stop. I am just saying there are people that are going to look at this with concern about the safety and the certainty of future investments. >> Cole: I see. Anything else? We have like five more minutes left? Okay. Thank you, gentlemen. >> Thank you. >> Cole: Council member morrison, you wanted to ask questions about the proposed interlocal agreement. You have 2 minutes to do that. >> Morrison: Maybe what I could do is just pose these questions and ask staff to include answers to them in a memo if that's all right. >> Cole: I was going to request that you openly - >> Morrison: I guess the main question I want to ask is to get a -- a really laid out description from staff's perspective of what would be the financial difference to the city, if we implemented the city this year versus last year. Because I went back to look at the chart that lone star provided and I am not sure if it makes sense to me but perhaps if they can lay that out for us, that will be helpful the other big

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question I am not sure we discussed -- there are lots of other parties that are in control of this program -- to achieve lone star and one of the players, of course, is cap metro and I think part of the plan is to pay off the debt and I guess my question is could you all provide a status of where cap metro is in that discussion with lone star

and whether that viable -- viable from cap metro's point of view, since that's sort of a linchpin of a lot of what we are talking about. >> Cole: I will add to that. We had a considerable amount of discussion in audit and finance last time about to the extent which lone star rail was going to work with the project connect effort so I would like any staff input on that and discussion with the project connect effort, the extent that staff has had, has any input on that or how this should work in connection with project connect, if they have given any thought to that. All in memo form. I appreciate the people from lone star who showed up today. Council member spelman and I were doing our very best to get a discussion on this again but I think we've got a lot of direction going so I think we will be okay. The next item is the presentation by the etc institute on the results of the 2013 city of austin survey and we will also get that by memo as the mayor decided. >> Tovo: Mayor pro tem. >> Cole: Council member tovo. >> Tovo: I was just going to throw this out as a question for perhaps the mayor and others contemplate. I wonder if there are -- we have two presentations scheduled for thursday. I wonder if there might be an opportunity to move one of those, providing an opportunity for either lone star rail updates last discussion or this one. >> Cole: We are not posted. >> Tovo: Okay. That's right. Never mind. Thanks. >> Spelman: How about this.

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If we have an item of business on a tuesday, could we postpone this for -- to a thursday meeting? Or is that something we cannot do, except we need 72 hours of advance? >> You can state an agenda be placed on a f agenda. >> Spelman: But it is required that it be posted within 72 hours of agenda? >> Yes. >> Spelman: Thanks. >> Cole: If there are no further questions, without objection, council's meeting is adjourned.

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