

City Council Regular Meeting Transcript –09/25/2014

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[04:04:03]

>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. We begin today with the invocation from mark washington from the city of austin human resources department. Please rise.

>> Let us pray. God of mercy and justice, we thank you for the gift and the uniqueness of life and the opportunity to serve the people of austin. Help us to act with character and conviction and help us to listen with understanding and good will that we may be able to act with charity and restraint when needed. Give us a spirit of service and remind us we are stewards of your authority. Guide us to be the leaders that our community leads and help us to see humanity with dignity and those who disagree with us with respect and treat all persons no matter how weak, strong, poor, different with civility that your reverence and creation deserves. Finally, renew us with the strength of your presence and the joy of helping that we might be able to make our community inclusive and prosperous to all. We ask this in your name, amen.

>> Mayor Leffingwell: Amen. Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on thursday, SEPTEMBER 25th, 2014, AND The time is 10:05 a.M. We are meeting at the travis county administration building, 700 lavaca street, commissioners courtroom, austin, texas. We begin with the changes and corrections to today's agenda. Items 10, 11, 48, 54, and 93 are postponed until october 2, 2014. Item 79 and 87 are withdrawn. Item 51 is postponed to october 16, 2014. Item 52, add the phrase "approved by the parks and recreation board on a vote of 6-0 with board member hasgood off the dais." Item number 72 is postponed till october 23, 2014. Item 84, add as a second co-sponsor councilmember tovo. Item number 96, add the phrase "approved by the parks and recreation board on a vote of 6-0 with vice chair francess off the dais." At 10:00 a briefing on the colony park district master plan. At 12:00 noon we'll have our general citizens communication. At 2:00 p.M. We'll take up our zoning matters. At 3:00 we'll recess the council mobile home and call to order a meeting of the austin housing and finance corporation. At 4:00 we'll have our public hearings. And at 5:30 proclamations. The consent agenda to today is items 1 through 98 with several items pulled off consent which I'll go through in a minute. First I want to read into the record the appointments to our boards and commissions and waivers. That's number number 75. That item will remain on consent. To the robert mueller municipal airport implementation advisory commission, dennis nick is councilmember tovo's nominee. To the community development commission, brandon perry is mayor leffingwell's

nominee. And lejandro delegated some is also mayor leffingwell's nominee. Cyrus reed is mayor pro tem cole's nominee. Kelly wise is councilmember riley's nominee. Chris strand is councimember spelman's nominee. And lynettea cooper is councilmember martinez's nominee. We'll approve a waiver of the attendance requirement in section 2-1-26 of the code for the service of keith jackson on the residential design and compatibility commission and that waiver includes absences through today's date. We'll approve a waiver of the attendance requirement in section 2-1-26 of the code for the service of grace zee in the resource management commission, the waiver includes absences through today's date. And approve a waiver of the residency requirement in section 2-1-21 of the code for theservice of joseph stallone on the music commission. Those are our nominations for boards and commissions and waivers. Councilmember tovo.

[04:09:14]

>> Tovo: I'd like to add an additional nomination to the low-income consumer advisory task force. My nominee will be tim arndt, and that's a-r-n-d-t.

>> Mayor Leffingwell: So add to the low-income consumer advisory task force tim arndt as councilmember tovo's nominee. We'll go through the changes and corrections to today's agenda. Items 10, 11, 48, 54, and 93

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>> [inaudible]

>> Mayor Leffingwell: Thank you. Go ahead.

>> Tovo: I have an additional one. That is I would like to postpone 78, which is a resolution I sponsored. I would like to postpone that until next week. We are working with staff on a few additional changes so THAT WOULD BE OCTOBER 2nd.

>> Mayor Leffingwell: That is item 78?

>> Tovo: Correct. Mayor pro tem.

>> Cole: I would like to postpone item 93. We're working with stakeholders on that and bring it back next week, OCTOBER 2nd.

>> Mayor Leffingwell: That's already been read into the record.

>> Cole: Okay.

>> Mayor Leffingwell: The following items are pulled off the consent agenda: Item number 47 is pulled by councimember spelman. Item 49 is pulled by councilmember martinez. Item 77 councilmembers riley and martinez request this item be set for a 7:00 p.M. Time certain. Items 83 and 92 are pulled by councilmember morrison. Item 90 is pulled by councimember spelman and riley. Item 94 is pulled by councilmember morrison. Item 132, mayor pro tem cole and councilmember morrison request this item be set for a 6:30 time certain. The following items are pulled off consent due to

[04:11:25]

speakers: So that is our consent agenda. We have several speakers. First is gus pena. Gus pena. Next speaker is david king. And the only item you are signed up for that's not already pulled or postponed is item 18.

>> Testing. Thank you. Thank you. Thank you, mayor. My name is david king and I live in the zilker neighborhood, and thank you, mayor, mayor pro tem and councilmembers. I'm speaking on item 18, the convention and visitors bureau marketing budget. And I hope that

-- that the council takes into consideration how this marketing budget will affect the -- the affordability for housing in our city in terms of inflationary growth. We already know that that's a big campaign issue that we're pouring gasoline to fire, austin is already growing and will this pour more gasoline on the fire and cause housing prices to escalate even furtherment I hope that you will have the visitors bureau to look at their marketing plan and make sure that's being done in a way that it's not going to inadvertently exacerbate our affordability issues. Thank you very much.

>> Mayor Leffingwell: Items 80 and 84 are pulled off consent for speakers. The next speaker is eric goff. Eric goff. Jen houlihan.

[04:13:26]

>> Good morning, council, my name is jennifer houlihan with austin music people. And we recently circulated a petition in support of revising the ordinance number 80. Informal and impromptu performances of art in public places help build a valuable sense of urban community especially in a city growing as rapidly as austin. The street performing is not illegal in austin. Our artists continue to be moved on for panhandling, soliciting and loitering while performing in public spaces because of confusing and conflicting ordinances and overlapping existing regulations. Our city's regulations and ordinances regarding this need to be updated to accurately reflect the values of the live music capital of the world. For many artists street a science a political, social or artistic choice.

>> Mayor Leffingwell: Ma'am, accuse me. Excuse me. Are you speaking on item 80.

>> Yes, sir.

>> Mayor Leffingwell: That's been pulled off the agenda. Councilmember martinez.

>> Martinez: Ms. Houlihan signed up as the only speaker on item 84 and I think that's why she called up

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>> Mayor Leffingwell: Did you want to speak on item 84? That is also pulled off consent.

>> Martinez: Oh, it is? Okay. Ronnie reeferseed.

>> Good day. I'm back, yes, thank you, I'm ronnie reeferseed. And I'm here to speak to the issue that I'm having to sue the city because they

-- our honorable mayor

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>> Mayor Leffingwell: This is your time to speak on items on the consent agenda. If you want to speak on another item you should sign up for citizens communications.

[04:15:33]

>> Thank you, sir, but this is what my item is about, item number 37 and it's about the suit with thomas and knight. In the amount of money you all are planning to spend to fight me. And I'm objecting to you spending more money fighting the constitution. That was my basic point. If you can recall, you threw me out, banned me for a year because I choose to pronounce my name similar to how you choose to

pronounce my name, but the point was that I didn't think you had the authority and sure enough after a mere seven months, the lawyers for the city called me and said, well, that one-year ban is not real. You can come. As you people can remember, I've been coming as much as I can. And I've had a car wreck and was thrown in the hospital and had a couple back operations so I haven't been by here as much as I would like to be, but I made a point to be here today because my name is on the agenda and this is the item 37, and again, I'm speaking for the taxpayers of austin and you need not spend more money trying to defend the unconstitutional actions that were taken against me and in effect against all of you, against all of us, against our very form of government, our right to participate, to say what we think. I didn't hurt anybody, I didn't curse, I didn't ensigning. I was just speaking.

-- Even sing. I was just speaking, how I choose to pronounce my name. After I got that out, if you can recall, mr. Mayor, you chose to throw me out and ban me again, supposedly for a year, which was unenforceable and that's why I'm suing. I just wanted to remind everybody we do have the right to speak here. This is a participatory form of government, and in

-- even in the citizens communication segment where you are allowed 180 seconds to speak, that's important. I made it my point to say something in that segment very often. But just to remind people, you have to sign up two weeks ahead of time normally and

-- which is I think another afront to our ability to participate. But despite that, so I am here

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[04:18:08]

[buzzer sounding]

-- to speak on this very item. Thank you very much.

>> Mayor Leffingwell: John corious. John corious. Mr. King, I've got a note that said you wanted to speak on item 85. You are not signed up on it.

>> [Inaudible]

>> Mayor Leffingwell: Well, come on up and speak. Normally you are only allowed three minutes on all the items, but since I told you you were restricted to 18, you are restricted yourself to 18, you can speak on 85.

>> Thank you, mayor. I appreciate it. I'm speaking in support of 85. I think this resolution is important. It will help neighborhoods, especially those that are near locations where we have live music and special events outdoors. This is an important resolution and will also provide the city staff with stronger enforcement tools for our sound regulations. So thank you for bringing this resolution forward and thank you for your support.

>> Mayor Leffingwell: Those are all the speakers on the consent agenda. I'll entertain a motion. Mayor pro tem cole moves approval, seconded by councimember spelman. Councilmember tovo.

>> Tovo: I would like the record to reflect my recusal on a portion of item 21 and that is the cultural arts funding allocation for theater action project, aka creative action.

>> Mayor Leffingwell: The clerk will show councilmember tovo recused on portions of item number 21. All in favor of the motion say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. Councilmember riley.

[04:20:14]

>> Riley: Can we get a clarification on item 77? We discussed a time certain of 7:00 p.M. I wanted to clarify we were talking about a hard time certain.

>> Mayor Leffingwell: We were not.

>> Riley: Well, I would ask that we have a hard time certain at 7:00 for item 77.

>> Mayor Leffingwell: Motion

-- motion by councilmember riley for special orders for item 77. For a time certain of 7:00.

Councilmember morrison.

>> Morrison: Do I wait to see if there is a second?

>> Mayor Leffingwell: Yes. Is there a second for that? Councimember spelman seconds. Councilmember morrison.

>> Morrison: The concern I have we have two items in particular that I'm familiar with on the agenda, the south austin neighborhood plan

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>> Mayor Leffingwell: Excuse me. Could I ask you to hold it down as you exit the chamber? Go ahead.

>> Morrison: We have two items. One on our 2:00 agenda, the south austin neighborhood plan, and one on our 4:00 agenda, the urban trails master plan, that we heard last week on our careover meeting friday. So several of those people that are interested in that item spent until 10:00 at night and then they came back the next day and then we have folks that stayed until 10:00 last night that are going to come today, and I would really hate for them to end up hearing their item after a long item at 7:00 p.M. And so I guess I would respectfully request that we not do a hard time certain.

>> Mayor Leffingwell: Let me say I agree with councilmember morrison. We'll bring it up as soon as we can after 7:00, but it does kind of interrupt the flow of everything else and everything has to stop to take that up.

>> Riley: And I understand those concerns. I would just ask if we could take it up immediately after those items, that would be helpful.

[04:22:15]

>> Mayor Leffingwell: Okay, so the motion for special orders is withdrawn. Councilmember morrison.

>> Morrison: I would like to note that we left the public hearing open on those two items, but I think that we need to make clear that folks that have spoken already on the public hearing won't be able to speak again. It's the same public hearing.

>> Mayor Leffingwell: Thank you for that, councilmember morrison. We have a list of the people who spoke at the last meeting. Okay. So we'll go to item number 47, which is pulled by councimember spelman. One speaker. Gus pena. Is gus pena here? Councimember spelman.

>> Spelman: Thank you, mayor. If the staff responsible pore this item

-- hi, betsy. I have a couple questions for you. As I understand it, this is a revolving loan fund, this forgiveness. This loan came from originally. Is that correct?

>> Correct.

>> Spelman: So the terms of revolving loan fund, as I understand it, you have a certain amount of money in a pot. You loan it out and as the loan is amortized, as the money comes back, that replenishes the pot and allows you to make a loan to somebody else.

>> That is correct.

>> Spelman: If we forgive a loan from a revolving loan fund, that takes the money out permanently and reduces the number of loans we'll be able to give out in the future permanently. Is that right?

>> That is correct.

>> Spelman: How much, relatively speaking

-- how big is the fund that we're drawing from here?

>> I apologize, I didn't bring the balance with me. This particular

-- we have four revolving loan funds in our department. They are specific with the cdby and/or section 108. In those events the money must go back into the loan account and only back out for the same type of activity. None of our accounts have more than a couple hundred thousand dollars in them. It's not a large account. Of the four, the total amount might be a million dollars. I'm not sure on this particular one, but it's several hundred thousand maybe.

[04:24:48]

>> Spelman: I haven't through the opportunities, but seems to me if you have \$200,000, you could probably leverage a lot more in loans. Is that accurate or am I making this up?

>> It depends. I would not say that these

-- the ncmp program probably has ability to leverage m probably has ability to leverage more. Some of the funds are for home repair. Those don't tend to leverage very much money. The ncmp money would leverage more private investment. I don't have particular leverage ratios off the top of my head. Sorry.

>> Spelman: We're talking about a relatively small fund and the forgiveness of a loan in the order of several hundred thousand dollars is going to have a fairly big effect on that fund.

>> It would be over the course of 20 years. We didn't expect to receive a large sum at any given time. The amount of payback was about 16,000, I think.

>> Spelman: We're talking about \$16,000 of income into the fund that is going to accumulate over time.

>> That's correct.

>> Spelman: My pray marry concern is not for this particular forgiveness, but to see if we can put a -- a limit as to the number of future organizations we lend to that are going to come back and say I would like to be forgiven as well. What makes southwest keys different from our beneficiaries of this revolving loan fund?

>> The primary is they are nonprofit. None of the other loans went to nonprofit organizations. This is the only loan that went to a nonprofit organization. I would say that's the primary difference. Our evaluation of this request for forgiveness, because of the impact that they have on the community and the work that they do and the fact they are nonprofit, those were really the driving forces in our consideration for the forgiveness.

>> Spelman: This fund is primarily for the benefit of small businesses.

>> Correct.

[04:26:49]

>> Spelman: What do small businesses typically do with the money?

>> Usually it's for

-- this is not for large capital investments. It's usually for operations, operational. We actually do administer the ncmp program anymore. This is actually

-- these funds that come in, we've got the ability to reinvest, but we're not actually

-- we've not utilized the ncmp program for about two years. Actually the economic development department does a much better job at this and they have the section 108 loans. So actually we extinguished our program when they started the small business program.

>> Spelman: Did they take over?

>> No, they did not.

>> Spelman: What are we doing with the money left in the fund?

>> Actually we just reinvested some of the funds into the east room, a project

-- several months ago we had about \$200,000 and we reinvested that in the east room project with the ara.

>> Spelman: Two answer. One of them is this forgiveness for this loan is not going to have an effect on a fund which will limit our capacity to issue further loans in 2 further because we're not issuing any further loans off this fund.

>> That's correct.

>> Spelman: Second, if anybody else comes for forgiveness, we say you are different from southwest key. Southwest key is different from anybody else who got money off this fund.

>> Absolutely.

>> Spelman: Is it also a larger loan than been given. There was a waiver associated with the size of the loan. And there were other waivers given. This is just a different loan than is average for this program. Is that right?

>> Right. There were two

-- this organization received two different allocations.

>> Spelman: Okay. So waiver has been given in other cases?

>> Hmm. Not in my

-- not in my tenure.

>> Spelman: Okay.

>> I couldn't say before. I apologize, I don't know previous, but not in my tenure.

[04:28:51]

>> Spelman: Last question. Approximately how many organizations have been beneficiaries of this loan fund?

>> I think it's 20.

>> Spelman: Okay. So about 20 organizations, this is the only nonprofit, this is the only one that had waivers of size, of deferral of payments, a 25 years instead of 20 because we deferred payments for the first five years. Seems to me this is separate in enough ways somebody else comes up and says I would

like the same deal southwest key got and you could begin you didn't get the same deal.

>> Absolutely. Just to be clear, we have modified a few loans. If organizations come in and if they need a slight modification, we have done that, but we've not waived the payments. But we have modified. I just want folks to know we are workable with folks when they have legitimate hardships.

>> Spelman: Work with the people we lend money to make sure they are able to be successful. We want long-term customers.

>> Right.

>> Spelman: Thank you, ma'am. Move approval, mayor.

>> Mayor Leffingwell: Councimember spelman moves approval. Seconded by councilmember martinez. Discussion? Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. Now we'll go to our 10:30 briefing. Colony park. Clerk, show items 48 and 54 have been postponed. So you can take those off. All right.

>> Good morning, mayor and council, betsy spencer, director of neighborhood housing and community development. I am incredibly honored to be able to present the master plan for the colony park sustainable communities challenge grant. Several years ago we received \$3 million from h.U.D. For this planning activity. And it was a sustainable communities challenge grant and as I told many people interlined estimated what challenge meant. This has been an exceptionally challenging and powerful opportunity for all of us. I want to introduce the design team selected in june of 2013. Farr and associates, their mission is to design sustainable human environments and put human social and economic benefit on bar with aesthetic and environmental aims. Doug farr is an architect and urban designer and president of farr associates. He has served as the chair of the u.S. Green building council's lead for neighborhood development core committee. He is also the author of the sustainable urbanism and serve as board chair for the congress for new urbanism. The urban design group is a local civil engineering and planning firm which has been a part of design and construction of private and public projects within austin for over 33 years. They have been a part of the design teams for many notable public projects such as city hall, palmer events center and the new public library. Laura tubes is a civil engineer who has focused on collaborative project working with community stakeholders and designs to bring forth the best possible design and implementation solutions. She is managing partner of urban sign group and serve as the board of congress for new urbanism central texas chapter. I would like to turn it over now to doug farr.

[04:32:33]

>> Thank you. Good morning, mayor, mayor pro tem, councilmembers. I'm honored to be here. Last summer you may recall you voted to select our team, farr associates, urban design group and 15 other firms who could not be with us today to have the honor to master plan the colony park neighborhood. I can say it's a journey. It's been a great journey. Council has expressed interest continuously throughout the process. We've met with many of you along the way. Many of you were able to attend sessions so not all of this will be new but some of it will be. I look forward to just leading you through the project. We had exceptional community support and leadership. Pictured here is a typical cac, community advisory council, meeting that met monthly starting earlier this year. It was getting all the right people

at the table to develop this plan. And I can prove to you that that was so because if you've ever tried to write a community vision statement, which we did in this picture, we accomplished it in one hour. So if you ever need help with that, call this group. They are really terrific at it. And here it is. And as -- as the leader of the colony park neighborhood association says about this statement, it is nothing exceptional. It's what any human being would want and any community would want for themselves and their families. Let me read it. We vehicle to create a healthy, safe and healthy community where families and neighbors enjoy an ever improving quality of life sustainable sported and sustained through education, cultural enrichment, job growth and opportunities, shared prosperity, neighborhood amenities and recreation. One hour. Not too bad. That guiding vision led the process. We had a series of four community meetings, specifically october, december, february, and this one pictured in april where we actually produced a large scale print of the plan, taped it on the floor at turner roberts and allowed the community to walk the plan. What was cool about that was that a lot of the people that attended that night live in colony park or in lake side and could start by finding their own home and andfiguring out what the new path would be that the plan provided. Then two months later with the help of u.T. Austin and dr. Laura cortez and herb team we threw a family fun fest which was notable because it was actually fun. Here one of the exercises we did was from from turner-roberts center we floated helium balloons which marked the location of the future parks. So you see here on the left is one of those helium balloons and we said to the kids go find where the parks will be. You can see at the bottom there's three kids standing sort of playing with the balloon so they knew where was going to be. The adults were studying what the plan was going to show, what the new amenities and offerings on the right. The community I believe is well informed and has been with us every step of the way. The h.U.D. Grant asked that we work at two different scales. The larger of the two was this one, the five census tracts surrounding colony park. In that exercise we learned of a number of projects, economic development projects, initiatives and policies that were carry-on concurrent in this area. They are recorded for your benefit and the benefit of the plan. Our implementation plan captures these projects and highlights the opportunities for heightened coordination between city departments and amongst projects which synergy at no additional cost. The second scale which we worked was the master plan, the 208-acre master plan. I want to lead you through it. There's a lot of information on the page, but bear with me and we'll break it down. The large

-- just to orient you to the plan, the bottom of the plan running east-west is loyola lane. The east edge, right edge is decker. The left edge is johnny morris. And then the proposed green line is that sort of curving spaghetti piece there, sort of along the left edge. The large green area in the sort of center of the drawing is pard land, 93 acres. And our 208 acres of planning area wrapped around it. A delight in this project was that shortly after we got started, pard suggested that they add a planning

-- a master plan for their 93 acres to our scope of work. So we've done that. The plan has been completed and adopted by pard. 700,000 has been made available to implement the first phase of that plan. So it's great to have a plan with momentum. Action on the ground. So we have that. What I want to describe to you are the five different places that we designed that wrap around

-- around that pard land. Excuse me. This site has five hills and the working sort of name of this master plan is five hills. So each of these places roughly corresponds to one of them. First one that I've just animated is neighborhood one. I'm going to lead you through that one. Excuse me. I'm going to show you then the loyola town center and innovation center, and then finally neighborhood 4, which is both a

typical neighborhood and we hope a future transit oriented development node, a jobs node. Also I'd like to point out the saddle that are on the page before you

-- statistics on the page before you. We proposed 3,031 residential units which given austin's rate of growth I think will get filled up pretty quickly. The commercial, we're proposing 522,000 square feet of commercial which is robust given current demand. It is a factor of ten or more in excess of what our market study predicted based on current conditions, but we believe this plan will change the perception of the northeast side and give the development community a target and a further boost to pay attention and look for opportunities out that way. Then finally 438,000 square feet of institutional which was a real

-- a core request from the community that we have

-- we have a place to land core anchor institutions. The image before you is the top of neighborhood 1. As I said, there are hill tops on this site and it was a neighbor at the first community meeting who suggested that we make each of the hilltops a public park so that that amenity could be held in common and enjoyed by all citizens. We took that advice. So all four of the neighborhoods, the center of which is a hill top park. These one of them. It's illustrated, orients back towards the downtown and the state capitol and I think it's a real highlight of each of those plans. Around that neighborhood center park we invested a lot of thought in design and the mix of uses and the mix of housing types. There's a lot of detail, I won't go into it, but suffice it to say it will be a special place. If a sports team wins a championship, people will know without communicating where they want to meet to celebrate. 4th of july, that party is going to be right here in this park. It's that sense of place and community cohesion is built into this plan. Next one I want to talk about is the loyola town center and innovation district. This is the view. It's a mixed use main street with retail outlots. It's an exciting new vision for colony park. The plan before you shows the main street on the right in red and then the loyola innovation district on the left. The loyola innovation sits as I think of a big catcher's mitt to land a institutional anchor such as a health care procedure, stem. The next is neighborhood center 4 which is at the top of the plain adjacent to the proposed green line. This is one that really captured I think the neighbors' interest when we talked about the possibility of had being a future stop on the green line. The plan on capital metro call for the stop., But it's our recommendation because there's a lot of development potential at this location that doesn't exist as robustly as it does at the current proposed station stop at loyola. So we appropriate, you know, several hundred thousand square feet of jobs and uses up here that's at the center of the plan. Here's what it looks like in two dimensions, neighborhood 4, which is also a hill top neighborhood. We adopt as is consist with code next a form base code approach including a diversity of zones and housing types, if you can see the list on the right-hand side, it illustrates the many I would abouting types that our plan permits as of right. We are consistent with code next in promoting and in fact requiring what has come to be called the missing middle of housing. You know, somewhere between single-family and apartments, all those choices in the middle, our plan accommodates, in fact requires that diversity, so we are consistent with code next. We are consistent with an upcoming ordinance we believe will be adopted in austin requiring that new homes be built to be net zero capable. We go beyond that to also orient those houses to be facing south in the right way. And so the whole plan is based on this assumption, overwhelmingly more than 85% of the house sites here are oriented south assuring that future families will save money on their energy bills. I thank the councilmembers for their co-sponsorship of this resolution. I want to highlight three aspects of it that we have responded to,

neighborhood connectivity, public amenity maintenance and governance and financing option. First is neighborhood connectivity. We have lots of

-- we have a street grid in our own 208-acre master plan. In addition we are proposing off-site linkages between Decker and Johnny Morris east to west and from Loyola to Daffin south to north across land we don't control, but we have initiated the conversations with many of those landowners about the need to make those connections. Next, we believe there's a unique opportunity at Colony Park to establish a community benefits foundation. Again, this was a call to action that came from the community about the ability to maintain and finance and govern elements of this community's future. We proposed the creation of this new foundation which would derive residents from two sources. One is a potentially a transfer tax on homes sold, and then the second thing is an idea called eco cottages that we could build and rent little stand-alone little buildings as illustrated here in the fingers of nature in the master plan. And that would establish funds to finance and maintain public amenities. Then in terms of financing options and the implementation plan, we have these four broad recommendations and a lot more detail in the full implementation plan. Number 1 is commit dedicated staff to the project. Number 2, find funding for consultants to write a proper R.F.Q., R.F.P. Process. And 3, enable standard financing tools. This will come back to the next council, T.I.F. And so on. And finally as we were asked the project coordination with other city projects. PARD has done their share. We can almost put a check next to it for this part of the project. The expo center, the Austin Resource Recovery Center and the golf course development. We see synergies between all of these. I would like to turn this over to my partner lawyer Laura Tupes.

[04:45:40]

>> Yes. Laura Tupes with Urban Design Group. So I just wanted to talk a little about next steps. First off, I would like to say that we have had

-- I think the theme of cooperation and coordination has been a basis of this project from the start. And the city staff has risen to that occasion. Not only our client department but the other departments because we had incredibly aggressive schedule. Because of the funding we have to be complete by the end of this year. So Doug has gone through the public process and we arrived at this plan and celebrate it in June, at the end of June, so what happened after that, July 1 we submitted a Plan Unit Development, a P.U.D. To staff. And during August and September, we've been going through boards and commissions. We approved, New Hampshire approval

-- unanimous approval from zoning and platting. Later in 2 afternoons the P.U.D. is coming forward for first reading. September through November we will be going through boards and commissions with the master plan to get it as an approved revision to the comp plan. So the process of embracing it and bringing it into the comp plan, there were no neighborhood plans out here. That process has begun. We've met with the subcommittee of the planning commission. It will go to them, continue through and come back to you. In October we will be looking at second and third reading of the P.U.D. And in December and we show here December 11 as tentative, what would come before you would be the comp plan including the master plan and design guidelines, the existing conditions report, and the implementation plan. So those things as a whole respond to your resolution as well as respond to a lot of the

-- the issues that have come up through the process for surrounding stakeholders. The plan addresses the 208 acres, but it's the associated plan a documents of the existing conditions report that address all of the issues. November and december we will be seeking approval of preliminary plan for the whole project. A first phase final plat, which is the first set of main roadways that go through the project as well as the construction documents. So again, the

-- the work of staff to help us on this p.U.D. Process because we need that p.U.D. Approval before we can get the other approvals for the project. What's great about the phase 1 construction documents, those will enable the first main street as well as the extension of colony loop which now ends at the school, and that starts to have some immediate effect on the neighborhood in connecting lake side, which is on the east side, to colony park existing neighborhood and can have some positive effects on bus service and connectivity. And then december 31 our grant process is complete. So with that, I think we're available for questions and it's been a really exciting, wonderful project.

[04:49:16]

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Well, I do have a few questions and I think they are directed at you, ms. Tuples. First I want to say this is very exciting. I'm delighted to hear all of the many ideas. I think one of the really interesting proposals is the community benefits opportunity. And I wondered if

-- actually I guess this was our previous speaker. I wonder if there are any other communities we can look to who have implemented that kind of fund.

>> Sure. The community benefit ones under a different name was implemented at a development in florida called seaside. That project appreciated astronomically and benefited benefited by assessing a 1% sales tax on all home sales and building sales in the project. It has gone on to fund artist residences, summer fun days, sidewalk sales, lots of things. Scholarships. And it's been really effective. So if you are interested, we could get more information and provide a link to the council.

>> Tovo: I think that would be helpful. You said it was called sea side and it was 1% of retail?

>> Yes.

>> Tovo: That seems like a very mart way to set up a sustainable funding stream to make sure the community is going to have some of the programs they need to help the families and the other individuals in that area be successful. So that's great. I had a question about extending colony park loop. I heard you say something about potentially impacting bus service, so I assu about potentially impacting bus service, so I assume that means when you make that extension through lakeside there may be areas where the school district no longer has to provide bus service. Is that about the size of it?

>> I was referring to capital metro. Capital metro used to come from loyola up into the colony park neighborhood. But it has one entrance, just into it. And they deleted that service. So now they just meet -- I mean they stop at loyola at colony loop going in. They have told us because there's been coordination with capital metro as well with that connection the bus could come up into the existing colony park neighborhood, across colony loop and into lakeside. So it's the public bus service that would be affected immediately.

[04:51:51]

>> Tovo: I see.

>> The other

-- I think to your point about the school children, the construction of this road will now have sidewalks. They no longer have to go across birth paths to walk to school. So there will be a bicycle route as well as a safe pedestrian route for them to follow.

>> Tovo: It could impact students' ability to get to

--

>> yes.

>> Tovo: Thank you again for all the thoughtful work. I've had an opportunity to be out to overton and turner-roberts multiple times and this project is just terribly exciting and I think it's a great example of working with the community and using the community's ideas and embracing them and coming up with a plan that's just very exciting for our city.

>> Thank you very much.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I want to thank both of you too and everyone who has been involved in this effort. It is tremendously exciting. I just want to ask one general question about the relation between the work we've seen here and ongoing work of our overhaul of the land development code with aim of positioning it towards

-- towards alignment with the comprehensive plan. You know, many of the goals that we're addressing here are the same goals that we're trying to address as we revise our land development code. And one thing we've talked about is we want to make sure as we go about these efforts in particular areas, we want to make sure they all fit together into one holistic, integrated code. Could you speak generally as to how he see the regulations in place relating to the

-- the code in general and what can we learn from this process that would inf ongoing effort to revise our land development code?

>> In following that process, I know in looking at the existing code and the recommendations there most likely will be some that will be form based. It will be a mixture of approaches in the new code. So, of course, all we have right now is this tool of the p.U.D., But the great thing about a p.U.D. With a master plan, it goes to that next step of design guidelines and form and how it addresses the city and this project and how it will be required. So I believe we're in scnc where that is headed and I'll let doug add anything else.

[04:54:22]

>> Sure. We have coordinated informally with the code next team, mostly over dinner late at night. And so our design guidelines resemble a form-based code, they are a form-based code but couched under a p.U.D. Legally. The one innovation we've shared with that team that's worth reporting is the idea of the solar fence. When you lay out an entire neighborhood to be oriented optimally for solar, neighbors can get into spats if you don't have rules that governor how tall your house can be and either shade or not shade my rooftop investment in solar panels. That's a tool that we've implemented at colony park in the design guidelines. It might be something to look at in code next.

>> Riley: How about in regards to the missing middle housing. Some years down the road if someone wants to do missing middle housing this in area, they would be subject to the rules under this p.U.D.

>> Right.

>> Riley: How would those rules compare?

>> The diagram ashowed was one we took from your consultant on code next. The slide prior to it was our list of building types and they correspond one to one. So we think we've checked all those boxes.

>> Riley: Great. Thanks so much.

>> I would add one thing. All of the single-family detached are being in the regulating plan will be allowed an accessory dwelling unit. So I think that's

-- that's in line with that missing middle. And we're even taking the conversation to the place of recommending that there be work done with thanks in lending folks, getting folks to qualify for a home with the accessory building even because that accessory building might bring them income in the future. Still always looking ahead as how could we enable new home buyers to actually be able to do that accessory building at the beginning. Nothing keeps them from doing it down the road, but I think there's exciting things in the implementation for how you can assist that.

[04:56:47]

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

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. I do have a couple of questions. I appreciate the work. I think it's exciting and it's really wonderful the way the community was able to get engaged and really it looks like take ownership of a lot of this. Back to the comments you made about aligning with code next, you said you are aligning with code next and doing form-based code. Code next has not adopted form-based code. It's recommended that we'll do a hybrid including form-based codes. I wonder if you could speak to that.

>> That was what I was trying to answer with my comments, that I am fully aware that the direction of the work thus far for the code is going to look at a hybrid of different approaches. Right now with a p.U.D., it's very similar to mueller which was

-- is more in the vein of form based because we are regulating how

-- how the streetscape relates to the developed buildings. So I agree with you. That's not what I see either for the entire city.

>> Morrison: So we want to make sure that gets addressed. I think it's important not to jump to that and have that be the

--

>> no, I totally agree with you. It's one of the tools.

>> Morrison: And in fact when I look at the slide that you had regarding form-based guidelines, essentially one of the differences between form based and what we consider traditional code is separating uses from the form of the building and it's fully intended to control the uses and the different

--

>> correct. Yeah, we're real exact on where is the neighborhood commercial and where are the residential units. That's a good observation.

>> Morrison: And then I imagine we'll be talking about this at the p.U.D. Conversation this afternoon.

We did get a message from melvin run, who I'm sure you know very well by now.

[04:58:54]

>> Yes.

>> Morrison: And one of the things I brought up was the issue of the governance structure. Can you tell me, I imagine we're going to hear that might not be part of what goes into a p.U.D., But can you tell us what kind of conversations have been had about that?

>> Doug can add to this, but the conversations have been about when whatever the financing mechanism, the t.I.F. Or whatever it be, that

-- that the city look to the potential and our recommendations have been the same that that area be greater than just the 208 acres. So a way to affect positive change and also to be able to be heard is to involve that greater area and the stakeholders there on that

-- that

-- whatever that financing mechanism is. They are very concerned about being at the table for all of the things that happen in this greater area. The golf course.

>> Morrison: Sure.

>> The expo center and we're in alignment with that with them. Doug, if you want to add anything, but to me that's

-- that governance revolves around the issue of

--

>> Morrison: Money is control.

>> Yeah. [One moment, please, for change in captioners]

>> so can you help me understand the time

-- well, actually, first the question about

-- we had a question about the housing fails, one percent transactional. Is that legal in the state of texas yet? Okay. We might want to look into that because I'm not sure if we have the ability to do that or not. Betsy, do you know?

[05:01:21]

>> I believe transfer fees are legal. I do think a couple of years ago there was some modification to that legislation, but I believe they're still eligible.

>> Great. So that

--

>> Morrison: So that means you can add a requirement for the transfer fee within our boundaries.

>> I believe so, but I'm not a lawyer.

>> Morrison: I'm surprised we've never heard that before. We're always looking for mechanisms to generate community benefits. Would you be able to double-check on that for us?

>> Yes, ma'am.

>> If I could add something just to remind the council that the end of this year we will have in the implementation and recommendation and then in 2015 the details around master developer and

moving forward happens too. So there is

-- I wanted to remind you of that. And also add as far as governance, our recommendation has been to keep the stakeholders involved in that process, of course, that selection process for the master developer relationship.

>> So when does a funding plan fit into all that? Is the funding plan part of the implementation plan and then governance will be part of that?

>> There are recommendations in the implementation plan about funding. At this time there are no funds immediately identified. There are applications for grants to increase the funding for that first space. Betsy's department I believe soon there's another grant application that's going in. We make recommendations about capital improvement projects, so that's what will end this year, but in the meantime there are no immediate funds that are identified.

>> Morrison: So I guess the

--

>> lots of pots we could

--

>> Morrison: I guess the philosophical question is to make sure that in the p.U.D. Outside of all those other plans to make it a reality is that a wise timing? And that's one of the issues that melvin brought up. But you say we're under a time constraint for the pud, is that correct?

[05:03:33]

>> That is correct. And the complexities of accomplishing all the goals of the grant, the process requires that pud approval first. And what it does is basically enable exactly what's in the master plan. But it has to be approved before I can get the plat and the construction drawings approved.

>> Morrison: So that does make sense. And I guess in a world where it didn't make sense it would be that your implementation plan and everything would drive what needs to be in the pud, but you're saying really it goes in the other direction.

>> Correct, correct. And I do believe we have worked to get the certainty within the pud that enables this plan and all the elements. And at the same time doesn't restrict it too much, whatever that balance may be. But again, it's a zoning tool, the pud basically. It's about the land uses.

>> Morrison: Mr. [Indiscernible], do you have a comment?

>> I was going to shed light about how certainty and flexibility can happen in one plan. What the plan commits to, and until it's actually built I guess it's not fully committed, but commits it to the placement of streets and the size of blocks. What we leave up to a developer in the future to decide is what building type there is a market for at that time. So there's a great deal of flexibility. Each of the districts in the design guidelines permits two to four different building types. We didn't play god in terms of picking winners on what there's a market for. We did play planner in selecting and laying out a nice neighborhood.

>> Morrison: But the pud does identify uses. It identifies residential versus retail.

>> Right. And also just to say we offer some flexibility. We have some land use areas that are -- sha be retail or commercial. Others that can go either way and others that shall be residential. We have flexibility even on the land use too.

[05:05:49]

>> Morrison: Great. And I'm trying to

-- although the plan

-- somewhere I saw. Yes, the plan does envision a very explicit number of residential units, commercial square footage and institutional square footage.

>> It permits up to that maximum.

>> Morrison: So this is a maximum that we're looking at on this. So that's sort of an extraordinary number. What's surprising to me is when I look at this and I'm talking about this, there's all that open space around, but still there's lots and lots of square footage for residential and other.

>> That's good.

>> I assume that every single house builds an accessory dwelling unit. It's showing what is possible, the maximum. Is it probable? We don't know. But yes, it's showing maximum.

>> Morrison: Okay. That's great. I want to note that the 87 acres

-- this is 87 acres we've been talking about another plot of land recently that's 75 acres that's completely blank and that's the bull creek land. So it's interesting. Thank you very much.

>> Tovo: I have a couple more questions about the community benefit fund primarily. I wondered if the one in seaside has made any provisions or if the discussion to this point has created any discussion about using the community benefit fund for affordability efforts in the future, for example, for property tax assistance or other things, other ways to make sure that people who are a part of that community can continue to stay in that community once the property values increase? Was that part of the discussion at any point?

>> An earlier question reminded me I'm not an attorney, so I'm not going to speculate on what's permitted, but we set it up as a funding vehicle and seat people at the table to decide what that community needs. And if that was the pressing need, I'm not a lawyer, but I would answer yes, that seems like a likely possible use of those funds.

[05:08:08]

>> Tovo: Have there been any discussions about that issue, about how to make sure that people who become part of

-- particularly part of that new development will have the ability to stay there and make their

-- make their residence there for a long time? I ask this in part because I have spoken with mueller residents who

-- some of whom are living in the affordable units and are having some difficulty staying in there.

>> Yeah. We've talked about it a great deal. It's an issue in the community that's of intense interest. We have settled on a recommendation of a target of 20 percent income-restricted housing. That was arrived at after a lot of debate and assessment of the conditions in and around colony park and lakeside. There are a disproportionate number, more than average, of tax credit and section # units in and around that area, so the thought was the community has done its part and the 208 acres is less than mueller did and so on. But there's heightened interest and awareness certainly on the part of the design team on betsy's

department and so on that the likelihood if this is as well designed as we believe it is it will become valuable and will appreciate. So what we've done in the plan is we set a 20% target for income restriction. We've also included a tool box of other tools that might be adopted to further advance affordability long-term.

>> Tovo: Will we be discussing those later this afternoon during the pud discussion? For example, I wonder if community land trust has been

-- is one of the tools that you're discussing to preserve that long-term affordability for residents?

>> It's not part of the pud discussion, but it is a part of the implement plan discussion, which will continue over the next two months. So that's where it would live.

[05:10:11]

>> Tovo: So we'll learn more when you come back later this year.

>> That's right.

>> Tovo: So it occurs to me because

-- and councilmember morrison mentioned the bull creek tract. It occurs to me you've given us another idea to think about as the bull creek track and that is something like a community development fund as part of that planning. So thank you.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: Lori, you can answer this. I notice that you had 55 acres of open space and I was taken a little bit by surprise of how similar that was to what's out at mueller. And I'm curious about

-- what I didn't see was a swimming pool.

>> Yes. The parks master plan

-- so what you have before you talks about the open space within the 208 acres. We surround the district park, which is the 93 acres. This community really, really wants a swim facility. So the master plan, the parks master plan, you can see it on the overall master plan. We have put a pool facility. So coming off of overton elementary school and turner roberts there's a first phase of park improvements and as you go further south there's a major swim facility. There is no funding right now. There will be a recommendation that that be a cip project in the future, but we feel like we've set in place with the adoption of the master plan the tool to raise that level of importance of a pool facility out here because one of our stakeholders also speaks so well about this, the kids who climb the fences into the apartment complexes to swim because they don't have a swimming facility. So it is a very important part of the parks master plan. So if that answers

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[05:12:23]

>> Cole: Thank you, lawyer are. We have issues with swimming pools all over town, generally being a shortage of them, but in far east austin off like loyola or especially east of 183, we really have a shortage.

>> Yes, ma'am.

>> Cole: So I know we've put a lot of energy and effort into bartholomew, so I'm glad that you

contemplate this being a part of our cip plan.

>> And the director of pard, sarah, gave us the instruction to look at bartholomew, that facility, as when we placed it on here.

>> Thank you.

>> It will be great.

>> Mayor Leffingwell: Any other questions? Thank you very much. We'll go now to item 49, pulled by councilmember spelman, I believe. We do have two speakers. First is bradley kinsey. Martinez? That's correct.

>> Hello, I'm brad Mc17 KEN SI AND I'M With emmy ruby and I'm speaking against item 49. We are the current tenant at that location. We operate a quarry. And we would like to have the opportunity to purchase the land ourselves and we would be willing to pay substantially more than the \$4.1 million that is currently on the agenda. The the community gave this to the city of austin real estate division.

>> Mayor Leffingwell: Our next speaker is will mccleod.

>> Good morning, councilmember, mayor. My name is will mccleod and I am in favor of item 59. We should sell this for \$4.1 million because it's the city of cedar park and hopefully people that live in that community will be able to get plastic bags because cedar park doesn't ban them. You know, the city of austin has just grown too expensive. Y'all spend money on social programs that cost too much and they do too little. And the city of cedar park can better handle fiscal affairs. So to be brief on 49, I am in favor and those are pretty much the reasons why. And I hope that they make good use of the property. Thank you.

[05:15:13]

>> Mayor Leffingwell: Those are all the speakers. Question for you, mr. McCleod. Councilmember spelman.

>> Spelman: Mr. McCleod, one of the things I enjoy about the things you say is you're always standing for fiscal responsibility. The previous speaker told us that he would be willing to pay more than \$4.1 million for the land, but you're telling us to sell it at a discount to somebody else. That seems like it's taking money out of the pockets of austin taxpayers.

>> Well, there's a lot of other programs like this decker lane project that is really going to take a whole lot of money out of taxpayers. This one percent transfer tax that is proposed, I mean, that all adds up.

>> Spelman: That's the idea to get around it. That was just proposed half an hour ago.

>> I know, it was proposed after ha an hour ago.

-- Half an hour ago.

>>

>> Spelman: It seemed to me there was an anomaly here that it was not your use voice of fiscal responsibility. I was wondering if there was something else going on. Thank you, sir.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Thanks, mayor. I asked for this item to be pulled for this exact reason. We've been through this before whereas sets that the city owns is put on our agenda to be sold and there really isn't a process leading up to what I consider a policy decision. We saw this in the case of 64 rainey street where staff decided it needed to be put up for being sold and there was a bunch of push-back from the

community. And so here we are again with another piece of property that is owned by the city that's made it on to our agenda with very little, if no input at all, and no process at all. And here we have someone else willing to purchase it

-- he didn't say a price, but he said substantially more. I just believe we need to exercise all of our options and I wanted to ask why is this on our agenda and what benefit do we gain from selling this to the city of cedar park when we have another buyer willing to pay more? Can you help us?

[05:17:27]

>> Councilmembers, mayor, lorraine riser, officer of real estate. Councilmembers, there's a couple of things that have happened with this tract. We've been working towards selling this tract for the last few years. We have had many discussions with ranger and other interested parties out there. And up until yesterday the offers and the money spoken to with all the interested parties has been far below -- it's been a million dollars compared to the four million we have on the agenda. They never came forth other than day before yesterday with anything more than a million dollars. Also, as we've been working with council through the last few years in almost every meeting or discussion I have with council, they've requested that I work with other governmental entities as a priority. And so we had the property appraised. We did the environmental. We did land plan and survey. And city of cedar park had actually contacted us saying that they would like to purchase the property. It's 100% in their city limits. And so they were willing to offer the appraised value and so we thought that we needed to bring it forward based on the direction of the council in the past to offer to other governmental entities and to bring it to you to see if you would choose to sell it to the city of cedar park for appraised value or do you choose to do something different?

>> Martinez: So what previous council action are you referring to when you say you're bringing it forward based on council direction?

>> Different things like the audit and finance committee and the different input I've had about selling the city of austin assets. Also there is a

-- some committees that have been put together from staff from isc's from council that request we work with other governmental he entities. So that's what we're trying to just bring this forward to you today.

[05:19:40]

>> Has this gone through audit and finance or any other council subcommittee.

>> The sale of this property?

>> Martinez: Yes.

>> The sale of this particular property, no. The processes have, yes.

>> Martinez: I understand. So with that in mind, and mayor pro tem, this is your committee, but I would recommend that we at least send it through audit and finance and have a public discussion. If we have another buyer who is willing to entertain substantially more of an offer than what currently is on the table, I think it's just prudent to hear that out. And determine if we can gain

-- [inaudible]. I'm happy to ask you a question if you would come up.

>> Mayor Leffingwell: You can't speak from the gallery, but come up. You're being asked a question.

>> Mr. Mckenzie, you said that you were willing to pay a higher price, but we also heard ms. Riser say you've never offered that before

-- that you've never never offered that before until yesterday. So can you provide context to that aspect of the story? And if you're willing to pay more, can you tell us what it is you're willing to pay at this point.

>> Absolutely to all of that. We have met with lorraine several times and had very good meetings, but the message has always been to us from her that she could not sell the land to us directly without going through ad by process or something like that. And it never got to ad by process. So frankly, we were never asked to provide a number because she was always saying they couldn't sell it to us directly without going through ad by process. We have actually never given her a number. We would be willing to pay five million dollars for the property and write you a check this afternoon.

>> Martinez: I wish I could take that check this afternoon. [Laughter]

>> we have met with her several times, but it's

-- their position has been that they can't sell it to a non-governmental agency without going through ad by process so we've been trying to do some other way of buying it and we never got to that point. But now selling it to cedar park, our issue is we run a quarry out there and have 25 people out there and if cedar park buys it and kicks us out, there's a lot of work. We've had it for 20 plus years and do a really good job. But we would like to have the property or at least the opportunity to purchase it.

[05:22:01]

>> Martinez: Thank you. Ms. Riser, is that the intention of cedar park to purchase this from us with the intent to close down the quarry?

>> Absolutely not at all. In fact, their council is also voting on this today. I had some conversations with the city of cedar park yesterday and if the council

-- for the council

-- if the council chooses to do that, they would ask that they have a chance to match the bid. And the-million-dollar conversation came from mr. Mckenzie providing me with his own appraisal for that amount and saying this is what the property is worth. So that's where that came from.

>> Martinez: So if we were to postpone this items, what are the options we have of entertaining other offers even outside mr. Mckenzie?

>> We would have to go out for bid unless it's another governmental agency. So the options are that we can move forward with the city of cedar park or we could put it out for bid and let the city of cedar park know that they can compete with the bid process with anybody else and wean move forward that way.

>> And I'm not sure at this point what the best course of action would be. It may be to enter with cedar park into an agreement if they're willing to pay the higher price as well. What I'd like to do is see if I can get a second on a motion to postpone this item and have it go through audit and finance and get a recommendation from you all based on the public input and based on staff's input as to what we should be doing.

>> Cole: I'll second that motion and I just

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>> Mayor Leffingwell: Motion by councilmember martinez to postpone to what date? I don't see the

point of going to audit and finance. I don't think that's their purview. But I do see postponing it and possibly putting it through the rfp process.

>> What date do you want to postpone it mar when is your next audit and finance committee meeting?

[05:24:04]

>> That I don't know.

>> Martinez: If we postponed to october the 16th would that give time to possibly have a meeting or OCTOBER 23rd?

>> OCTOBER 23rd.

>> Mayor Leffingwell: Mayor pro tem, you second that motion for OCTOBER 23rd?

>> Cole: Yes, and I had a few comments.

>> Mayor Leffingwell: Go ahead.

>> Cole: The reason it would be good to go to audit and finance is the way that it has policies and procedures that we were looking at related to how the property should be sold is because it is being sold to a governmental entity and I think as a body we need to make recommendations to council through special rules that we're going to implement when it comes to governmental entities and actually look at that process. So I second that motion.

>> Morrison: This would give audit and finance a little bit to get into the topic that we looked at at comprehensive plan. We looked at the process you laid out, lorraine, for real estate, disposing of real estate surplus. And I think that there was

-- you are scheduled to brief the whole council on that at one point and it got postponed. And so it would be interesting in light of this case to be thinking about that and then how we actually sort of adopt that process or not. I know that there were still some elements of discussion of how public -- where and when a public conversation could be had. And I think this particular case brings that to light that we might be able to think about that.

>> Mayor Leffingwell: All in favor of the motion to postpone until OCTOBER 23rd, SAY AYE? Opposed say no. It passes on a vote of seven to zero. Councilmember tovo.

[05:26:14]

>> Tovo: I'm a little out of order, but I wonder if you might permit me to ask a question about an item that was withdrawn on our consent agenda. I had intended to ask the sponsors why they were withdrawing it and I suspect we'll have some constituents asking us why it was withdrawn.

>> Mayor Leffingwell: If there's no objection we will waive our rules and you can ask a question.

>> Tovo: Thank you. I want to ask the sponsors on the withdrawn coyote management -- coyote management policy, why it was you withdrawn and

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>> Mayor Leffingwell: We don't want to get into a discussion on a non-agenda item. That item is no longer on the agenda.

>> This is an item that has been the subject of ongoing discussion at the animal advisory commission and one of its working groups. Those discussions are continuing and they still have not reached

resolution and so we're simply waiting
-- are waiting resolution of that process. I have had a number of meetings with people involved in those discussions. There are a number of groups involved and it just needs a little more time to percolate.
>> Mayor Leffingwell: Okay. Let's go to item number 80. Item number 80 was pulled for speakers. First is dan page.
>> Good morning, mayor, councilmembers. My name is dan page, I am the current vice-president and program director of the society of american magicians, assemble 206 in austin, texas. I was directed by our membership and our board to come to you here today to present you with our resolution. Perhaps it's already in your inbox. Our membership voted unanimously to support your resolution before -- to give the city manager to process the amendments for street performers and buskers on the public right-of-way. The austin music commission presented a recommendation to city council and in particular commissioner joe stallone and mark ford advanced this cause and came up with really great language for your consideration. Bukking really contributes to the cultural area of austin. It contributes to austin whimsy and austin weird that people are looking for, especially tourists that come to austin. And I would also like to point out that the sam not only supports magicians, but it also has balloon twisters, puppeteers, ventriloquists and jugglers that not only perform for birthday parties and private events, but also in public spaces, like myself. Just recently I performed at an event called parking space where they take urban parking spaces and convert it into small little parks and performance answers. They do this annually. It was quite an experience to -- it's a good experience for me because it's almost like an improve performance where you have no idea who will approach you, be interested and it's a lot of fun and the particular people we were performing for were at annie's cafe. They really enjoyed the fact that at no cost to him, unless they wanted to tip, and they were conventioneers that were in town, some kind of citibank presentation. So it enhanced their lunch experience and it enhanced their feeling of good vibe in austin. And it just promoted a good face towards austin and street performances in general. So I want to thank you for your time and please consider approving this resolution to the city manager.

[05:30:43]

>> Mayor Leffingwell: This item is on the consent agenda. It would have already passed a few minutes ago had not five people signed up in favor of it. So
--
>> yes.
>> Mayor Leffingwell: Just
-- that's a little information for the other four speakers who are signed up in favor. Jennifer houlihan.
>> Thank you, mayor. I'll keep this short. Austin is a city where public spaces remain open to grassroots cultural and artistic expression and that means providing information about the legalities and [indiscernible] of buts to law enforcement and the public. Advocating for themselves and curating events and exhibitions that celebrates the diversity of austin's street performers and artists. For the record, austin buskers are not interested in performing on uninvited areas. They are asking to perform without interference in public spaces where crowds of visitors gather. We am in an austin where public performance is a vibrant and celebrated part of artistic life and we thank you for your consideration.

Thank you.

>> Jake dire.

>> Mayor, council, ask you for having us here today. I want to echo what everyone selling has said. I'm the secretary of the society of american magicians here in town. We're very much in support of the language on this resolution and we think it's a great step forward for the city and for our keeping it weird spirit. So with that thank you for your time. Thank you.

>> Sophia dire.

>> Sophia won't be here today. She's in class.

>> Mayor Leffingwell: Thank you. Lindsey lindberg.

[05:32:48]

>> Hey, council. It's good to be here. I'm lindsey, an international street performer and busker and I am an austin resident. I am the co-producer of the austin busker project which is in its second year coming up in 2015. So the two things I just wanted to bring up actually is that because I am a point person for the austin busker project, just this week I have gotten two emails from different groups that I think benefit from looking at the busker code and that is from the [indiscernible] to our cities and international buskers who it would be such a cultural vibrancy to have systems in place where people can come and work the streets in our cities and bring their art from all around and kind of benefit our city. So here was an email I got just this week from clifford and rene massey. They didn't say where they were coming from, but they just said hi, we're visiting austin the weekend of october fourth and fifth. Do you know if there will be any performers downtown this weekend? And unfortunately I had to write back and say here's your best hope, but unfortunately right now the way the policy is written it's not very welcome to street performers. So it's a hit or miss. So that's unfortunate. And then literally just at 10:30 while we were sitting here in this meeting I got an email from fill leap, who is a european citizen and he said he's interested in performing some busking comedy in austin and he wants to know if he needs a permit or if we've ever had any foreigners. Unfortunately I will have to write back to him as well and say same kind of thing. At this moment it's not super encouraged. It's very hit or miss. You can go out there, but unfortunately it's not very welcoming and it doesn't encourage people to come and join us in austin. I have a lot of connections to artists and amazing performers all over the world and I've had to say the same thing to resident united states performers who are coming in from florida and want to come and join us who perform all over the world. We have people so much living legends who live right here in austin in the busking world. You will never see them on the street because it's not very welcoming. I want to say hi and promote it and say it's such a cool part of our city that could be there. Thank you.

[05:35:11]

>> Mayor Leffingwell: Will. Will mccleod. There are no speakers signed up against, but that would not have pulled it off consent.

>> I have a couple of questions on this. How wide are the sidewalks? You're talking about -- you're talking about approving a resolution directing the city manager to process amendments to city

code to authorize street performers on public right-of-way. I'm assuming that includes sidewalks. Is some of our sidewalks in austin are narrow. We don't want to impede
-- I could see why they get this unwelcoming vibe and I've been in places where people actually block and impede the sidewalk. And it's like, I don't want to wheel my grandfather who is in a wheelchair and block that access for them
-- for them to block access, you know, unintentionally or intentionally. And I have actually concerns about that. I know places like in san antonio you have these little main plaza where the tourists can go there and busk or whatever and not take up a city sidewalk or city right-of-way like that. We want to make sure that they're not impeding the sidewalk. If they're not impeding the sidewalk, you know -- what's that word I'm trying to look for? Hindering the persons with disabilities' right to access public streets and right-of-ways. And then I would be moved more in favor. But I don't have enough information about item 80 so I'm on the against side if they're going to utilize the sidewalks because accessibility is not optional, it's the law. Thank you.

[05:37:11]

[Applause].

>> Mayor Leffingwell: Those are all the speakers. Councilmember riley.

>> Riley: Yeah. I just want to say a few brief words. I want to thank the speakers who have been here today and thank the music commission and its staff for all their work in bringing this item forward, especially I want to give a thanks to mr. Page who

-- I had the opportunity to participate in one of ms. Magic tricks the other day during parking day and I appreciate it. I did want to offer some edits to the resolution and they're on a yellow sheet in front of you. We have heard concerns about this. I think we all recognize that we really ought to have a good workable framework in place to support busker and we also want to make sure that we avoid pitfalls that could come with having a whole lot of busking downtown in particular. We have heard some concerns from the downtown austin neighborhood association to the effect that you can imagine situations of where busking to actually become a nuisance is in some cases if you were in the wrong place for an extended period of time, there are potential pitfalls. Other cities have addressed that in the framework and so the amendment before you would simply ask that we balance the needs of residents and businesses to ensure that busking doesn't undermine the quality of life of those nearby but compliments it.

>> It [inaudible].

>> Riley: I'll second councilmember martinez's motion

--

>> Mayor Leffingwell: Councilmember martinez moves approval

--

>> I would second that, but offer this amendment which I hope will be considered friendly. And the amendment would simply strive to balance the needs of

-- balance the ordinance with the needs of residents and businesses nearby. Ask that we look at other cities like los angeles, san francisco, chicago and nashville that have adopted model resolutions addressing this. And that we consider the input of stakeholders, including the downtown austin

neighborhood association. One of the issues we'll need to make sure we address is the availability of a complaint process. In the event that busking does become problematic at a particular location, nearby residents or businesses will have a mechanism for providing some

-- a complaint about that. And we need to have a way to address that. So with those changes I would support the motion to approve.

[05:39:35]

>> Mayor Leffingwell: Is that acceptable to councilmember martinez? Further discussion? Those in favor say aye? Opposed say no? It passes on a vote of seven to zero. Let's go to item number 83, which has no speakers. It was pulled by councilmember morrison.

>> Morrison: Thank you, mayor. This is an item to do a reevaluation of the rainey street density bonus program, which is sort an amall graham of what used to exist and the downtown density bonus program. We had a lot of conversation about it and had to sort of fit the two together when we did the downtown density bonus program and the downtown austin plan. So recently I was visited by and I believe other councilmembers were visited by a developer who said really the way it's crafted right now doesn't make any sense, incentivizes actual developments. So this is a resolution that attempts to address that to do some analysis and see if we should adjust it, which I appreciate. The reason I pulled it is because I believe we all received an email probably last night from heather way, who has worked on these issues for a long time and early this morning I did get a chance to read it and it raised some concerns for me about whether this was actually crafted appropriately. If anyone is looking at it

-- let's see if I can find it really fast. It came in last

-- it came in wednesday night at 9:47 and it was addressed to all councilmembers. And her point in there is that comparing it directly to the number

-- using numbers from downtown plan is not appropriate because the value of going from 40 feet, which is essentially their current engage. Right now, the value of going from 40 pharr needs to be evaluated differently. And the way the resolution is crafted right now is it only looks at it compared to

-- it only

-- I'm looking at 1-b here. It only looks at a calculation for the cost of a developer to comply with it, compare that to the calculations of the hrna report, which is really the value of the regular downtown density bonus program. So her recommendation is that we really need to do a new assessment because it's a different valuation that needs to be done. We need to compare it to what that real value is and we've never actually looked what the that real value is. Because going from 40 to eigh one we can't just rely on the numbers that we had earlier. So we need to look at that value and we don't have that in here, looking at that value. We have the cost.

[05:42:58]

>> Spelman: Would you like to recommend an amendment, councilmember?

>> Morrison: I would. I just got this crafted early this morning so I will have to read this out. If it would be helpful, I could then

-- we could table it while I go type it up and share it

-- and then share it with everybody.

>> Spelman: That probably would be

-- [overlapping speakers]

>> Mayor Leffingwell: Do you have a comment?

>> Spelman: That probably would be the best course of action. I think all of us have a chance to take a look at it. But I would appreciate, mayor, the opportunity to hear it orally first.

>> Mayor Leffingwell: Are you going to make a motion or are you going to

--

>> Morrison: Yes. So I'm going to make a motion that we replace 1-b with provide an independent economic analysis that assessed the value and the cost of the existing rainey street density bonus above the existing baseline height of 40 feet. To an 8 to 1 f.A.R. That might be a little clumsy. I was a little bit weary when I woke newspaper morning and wrote this, but

-- and then section 2 would need to reference that. Section 2 would be changed to read if the analysis required under paragraph 1, which is no different, above, shows that the costs to comply with the rainey street density bonus exceeds the value

-- that would be the change and I'll give you that too. And then we would also need to look at the timeline that is set out in section 3. So that would be my motion. And I would hope I could get a second and

--

>> Mayor Leffingwell: Motion by councilmember morrison to approve item 83 with revisions, potential revisions to sections 1-b and two. Is that correct?

[05:44:59]

>> Morrison: That's correct, although I would be happy to

-- yes.

>> Mayor Leffingwell: Is there a second? Spell I would like to table this to allow councilmember morrison to actually type it up and take a chance do look at the words because it seems to me there's a lot of words there. I don't know what's referring to what. Never mind. I'll have more to say when I actually see it.

>> Mayor Leffingwell: All right. So just procedurally I'll say you've seconded for substitute motion to table. Is there a second for that?

>> Morrison: I'll second that.

>> Mayor Leffingwell: Any objection to tabling this motion until

--

>> Morrison: Mayor, I would like to say that I am going to have my staff print this up and we'll distribute it on the dais in the interim before we bring there up.

>> Mayor Leffingwell: Sometime later this afternoon.

>> Morrison: But I'll distribute it before it comes up.

>> Mayor Leffingwell: Okay. Without objection this item is on the table pending a formal revision. Revision description. Moving right along, item 84 is pulled for speakers. And we have jennifer houlihan. >> Thank you, council. I'm here representing austin music people on this item. And we just wanted to

say that we're cautiously optimistic about this, so we're registered as neutral and looking for more details as the city manager has a chance to look at this. But we wanted to set the landscape here that there's a source and there's a receiver for sound issues. And in the imagine austin plan there's specifically suggestions that music venues and neighborhoods work together to find solutions. And I wanted to remind council that the music community has been working very hard on this front with the tool box they put in place which includes a low interest loan program for sound mitigation, the [indiscernible] program, bad neighbor program, education gnat efforts to make sure people running sound in the clubs know what curfews are and what the sound ordinance says. And we were grateful to see that a pilot program during south by southwest checking out these c level weightings require only very minor adjustments at the board and did not disrupt the experience of the patrons or the musicians. So we're very hopeful that this will work out for us and we're interested in seeing how the dbc weighting is used as an auxiliary tool for the sound ordinance.

[05:47:58]

>> Mayor Leffingwell: Thank you. David king.

>> Thank you, mayor. Councilmembers and mayor pro tem. I think this is very important. I live in zilker park and we have, as you know,

-- I live in the zilker neighborhood

-- [laughter]. Next to zilker park. I wouldn't mind living in zilker park, it's a beautiful park.

>> Mayor Leffingwell: Against the law, though.

>> But being there and having the events that are there, we are affected by the sound, and particular the bass sound. I tell you that yesterday when I distributed information on the listserv or actually a couple of days ago about the acl fest and the schedule and the parking and all the information, I immediately got 10 or 15 responses on the listserv about the sound noise from last year, especially the low bass sound and vibration. And I experienced it myself where the sound just

-- the low bass just travels a long distance. It vibrates the windows and the dishes in your cabinets and the windows and your doors and it's just uncomfortable to have that constant vibration going on. And I would be happy to forward those emails to you so you would know I'm not making this up. You are welcome to come and hang out at my house for a little while and see firsthand and see how that affects us. The c weighting is particular important because it will address that particular issue. I'm not saying that it's necessarily going to completely, you know, get rid of that issue, but if it significantly reduces it, that would be of benefit for our neighborhood. So I'm so happy that this is on your agenda and that you're taking action to help address that without impacting the experience of the event goers and those who have paid their money to be there. I myself go to that event and I enjoy that music, but not the vibration in my house nor for my neighbors who experience the same problem. So I hope that you will support this and I'm very glad that there are tools in there that will help with the enforcement side of this as well. And that there will be a partnership between these sponsors of these events andrew horansky city and neighborhoods to really get a handle on this problem. Thank you very much.

[05:50:20]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you, mayor. I want to make a quick comment and then I'll move approval. That is that we've done a lot of good work over the past years trying to find a balance and put tools in place so that we have a better

-- a better overall community so that we can enjoy music, but then folks can enjoy it when they want to enjoy it, not when they don't. And the large part of that success has to do with the brilliance of this council creating the music division. Because we have a terrific music division and they're so able to go out and work the issues one by one. And this is another very important tool to give to our folks that work in the music division. So my hat's off to them and I think this is a really smart way to go. This is going to allow the c weighting to be used when it needs to be used and when it's effective. And we had originally thought that there was a level that needed to be set citywide and it came back that, well, actually, it might really depend on the kind of music. So this would allow it to be customized and I have such great faith in our folks that work in that department, I think it really has a great chance of being successful. So move approval.

>> Mayor Leffingwell: Councilmember morrison moves approval. Seconded by councilmember spelman. Discussion? All in favor say aye? Opposed say no? It passes on a vote of seven to zero. And we don't have time, I don't believe, to do item 90, but we can try to get through item 92 if there's no objection. Pulled by councilmember morrison. There are no speakers on this item.

>>

>> Morrison: This is an item on the east riverside corridor plan and it is attempting to address and it was crafted originally by councilmember spelman. It's attempting to address the issue of how we really align neighborhood plans with the east riverside corridor plan and it's making the changes to what's essentially the

-- it's essentially the flum plus zoning and the east riverside corridor plan, it's making it a little bit more like a neighborhood plan amendment. And so

-- and concerns were raised by the neighborhood so I appreciate councilmember spelman bringing this forward. What the resolution does now is basically adds notice and

-- and through the neighborhood plan contact team and it calls for some special community meetings to talk about it. And I think one of the reasons there was a concern was that the neighbors went through their plan process, then they went through the east riverside corridor plan process and they were really hoping that it would all give them some predictability. So when they saw a which zoning change come up, they were somewhat dismayed that now that we put the plan in place now we're just going to change it. So what I wanted to do was add to the resolutions it stands an amendment to essentially require that the cycle and frequency of changes to this plan

-- so the zoning/flum of the plan would align with the frequency and cycle of neighborhood plan amendments because neighborhood plan amendments can

-- a property owner can only apply once a year for a neighborhood plan amendment. So I have a motion. I'd like to move that we approve this

-- this resolution with the following amendments which reads the city manager is directed to initiate an additional code amendment to limit the application for an amendment to the east riverside corridor plan figure 12, regarding

-- that's the flum and the zoning. Regarding an individual property by a property owner. In a similar

fashion that neighborhood plan amendment applications are limited in the code at 251804 regarding frequency and cycle for application submissions. So basically this says

-- capture that code in 804 which says you're only going to be able to do it once a year. The reason I didn't craft specific language is because there are also elements of 804 that say that if the proper disagrees

-- let me back up. 804 says if there's a hardship to some degree for the property owner, then they should be allowed to go ahead and submit an amendment for the neighborhood plan. And I want to make sure we include that. It also goes on to say that if there is

-- if the property owner disagrees and there is a hardship then there should be an appeal process. So I want to say that if we include this limitation that it be done in a fair and comprehensive way like is done in the neighborhood plan. So that's my motion.

[05:55:51]

>> Mayor Leffingwell: Motion by councilmember morrison with an amendment. Mayor pro tem cole? Do you want to second?

>> Cole: Yes, I will second. I understand this as trying to maintain the sanctity of the neighborhood plan. But how would the east riverside corridor plan treat the amendment absent this clause?

>> Morrison: Mayor, if I may. Absent this and absent

-- absent this

-- you were talking about if the resolution passes without it?

>> Cole: Yes.

>> Morrison: If the resolution passes without it and a property owner can submit an application any time to change this east riverside zoning. And this means that it only can be done once a year on the same cycle as the amendment. And frankly, I think it provides that predictability. It says it's more than just a zoning change. If you're going to be doing this and get some

-- some

-- some higher level of land use commitment on the part of the city. To a plan, than we have to a zoning case.

>> Cole: I understand we're trying to have consistently and predictability. I'm just wondering why the corridor plan didn't provide for that in the first place.

>> Morrison: Well, I guess they are mindful of it.

>> Spelman: Is there a second? I've got a couple of questions. Questions of city staff. If greg can answer them, that would be great. Help me understand the scope of the amendment that councilmember morrison is proposing. Under what

-- about half the city is governed by neighborhood plans now. The other half of the city is not as yet not neighborhood plans. Is that about right?

[05:58:07]

>> There's probably more of the city that's not neighborhood plans than there are neighborhood plans.

>> Spelman: Okay. But a substantial amount of the city has a neighborhood plan.

>> That's correct.

>> Spelman: Under what circumstances do

-- if I want to do something to my property, which is at variant in some way with existing ordinance, under what circumstance would I just submit a zoning case, under what circumstance would I have to go through the neighborhood plan amendment process?

>> So if you wanted to submit a zoning change, you could actually submit one without a neighborhood plan amendment. Typically it would be consistent with the neighborhood plan. So if it showed

-- let's say it was a retail and wanting to go from gr to cf. And that showed on commercial land use map, no flum would be required. If you had an incident where it did conflict and then by your own ordinance you should zone in concurrence with your comprehensive plan, which would be your neighborhood plan, you might have a change for the future land use map. Perhaps from residential to commercial and then you would of course have a zoning change from residential to commercial. Those would come in particular together. We would be limited to that one month unless you went to the contact team. The contact teams have been known to say they would allow one to go in out of cycle and you probably see one coming up I think around 38th and lamar, 34th and lamar, probably some time in the near future. But those would come forward. The east riverside corridor, the regulating plan is more of a zoning tool than maybe a neighborhood plan, but we do have instances and there are zoning regulations where you have neighborhood conservation combining districts which regulate land, like east 11th street, hyde park, and fairview park where those are really only allowed to be only done once a year. Not necessary loy a particular month, but they're limited to about once a year as well. So there's some similarities. But between neighborhood plans and zoning, not all zoning changes require a neighborhood plan amendment, but neighborhood plan amendments

-- they not only require zoning changes, but if you wanted

-- if there's a conflict usually they will come at the same time.

[06:00:38]

[One moment, please, for change in captioners]

>> Spelman: An amendment to zoning can be submitted at any time.

>> That's correct.

>> Spelman: And once the zoning case has been

-- for example if the zoning case is turned down there's still a delay but it's not a year and it doesn't have to be submitted for submission in july.

>> There's not a particular month you would have to wait for. If it is denied by the council, then they might have to wait 18 months.

>> Spelman:18 months, okay.

>> Depending if the commission doesn't act favorably but it's not scheduled for council, they might have to wait 12 months. They can submit the next day for something less.

>> Spelman: Okay. Why is it that we have a uniform submission date for changes in the neighborhood plans?

>> For the neighborhood plans, there's a lot of discussion that came about, but even when a neighborhood plan is adopted, there's a grace period where there's no changes accepted. We went to

the schedule, previous council decided it would be appropriate to consider them only but once a year for initial property owner that would come forward if they would not talk to the contact team. I believe at the time when we were creating the neighborhood planning process, there was a strong desire for a property owner to work with the contact team and if that was successful, they could come in at any time but with the blessing of that contact team. And so it was really I think a way to try to honor that neighborhood plan because of the years and time that were put in. I don't know if you remember, but neighborhood plans used to take a lot longer than what we've been doing them now so it might have been the property owners and neighbors have gone through a process that might have taken three years or more just to get to the point of approval. They didn't want to have that process not respected as it came through and that's why I think you have those time periods. We did split them into two times a year and possibly that would be helpful to staff because there's a lot of them that come in all at once.

[06:03:22]

>> Spelman: But this is only changes in the land use map, so if you were changing retail to retail, that would not figure this one time per year. Not trigger all the changes associated with neighborhood plan amendment much that's just a zoning change and we would consider that through a different process.

>> That's right, a zoning change the different. Someone could submit a zoning change contrary to the neighborhood plan. We don't have that happen often, but somebody could and argue saying yes, it really is in conformance with the future land use map, but that's probably being like struck by lightning, hardly ever happens.

>> Spelman: Sure. Would changes in the

-- this is all specific, this resolution is specific to the east riverside corridor because we have a lot of activity on the east riverside corridor, there's a lot of movement. Would the changes in the
-- in the east riverside corridor you've been seeing mostly of the land use map kind or more like zoning changes?

>> Well, I think we've had a couple that have changed at the edges. I think there was an affordable housing project I think that came in that was a change. That is one I can think of more recently where there were some boundary changes that occurred. But that was one I can think of the most. I can't think of one off the my head that was within the same boundary. I think those are the ones that probably get the most attention when you are actually changing those. There's notice that is sent to the contact teams when they are registered with the city. Like any other neighborhood organization, we send them out to property owners, but what you would not have typically with a zoning case that's suggested in the resolution is the pre-meeting. That would be different. Normally staff would encourage a property owner to go meet with neighborhood organization contact team. Before the case is filed we encourage them if they talk to us, but this actual resolution forces that meeting which would be similar to a neighborhood plan change.

[06:05:41]

>> Spelman: I'm -- because I wrote this, I am comfortable with the idea that if you are making a change in the regulating plan for the corridor, that it's a good idea to talk to the neighborhood contact team will

mandate that. I am less sanguine plan about when we're dealing with a corridor which has a lot of economic activity and a lot of movement. Particularly if the -- some of the changes we're talking good are more along the line of zoning changes within a single use as opposed to actual changes in use. If it's a real change in use it feels like it's a neighborhood plan amendment. If you are moving from retail to housing for example, that seems to be the sort of thing which we ought to be consistent with our neighborhood plan. But if all we're talking about is something like moving from lr to gr, that seems to me like it's just a zoning change. Is there a way of differentiating between zoning like changes and real changes this the color of the land use map?

>> We

-- I'm hesitating to get that precise. If you actually got to a change from the flum almost matched zone, twice the fun on any given thursday and we would really, you know, neighborhood plans are -- any of our plans are meant to be a general tool to guide land use and development. It's not meant to be a regulatory tool where we would actually get down to the point saying you must require a plan change before you can make every zoning change.

>> Spelman: If everybody who wants to change their setback from 30 feet to 25 feet has got to wait until july to be able to ask for that just because they are in a corridor plan, it seems to me we're shooting ourselves in the foot. The corridors are where we want to encourage development as opposed to more dramatic changes inside the neighborhoods off of the corridors. And if we make it harder to make changes in the corridors than it's to make inside the neighborhoods, we're going to get more development inside the neighborhoods and less on the corridors where we really want them. I won't ask you to agree or disagree but seems that's what's going on here to some extent. If there was a way of revising perhaps this entire resolution so that there is distinction made between changes this use that are flum-like and mere changes in regulatory regime which are setback height, they are alike but don't actually change the use, that seems to me to be the best way of accomplishing councilmember morrison's objective. I think she wants to comment.

[06:08:35]

>> Mayor Leffingwell: Councilmembers, could I suggest that we put this item on the table? Because we're overdue for citizens communication. That will give us time to work on that and bring it back

--

>> Spelman: A fine idea. Thank you, sir.

>> Mayor Leffingwell: Without objection, item 92 is on the table and we'll go to citizens communication. First speaker is paul avina. Topic is state of the city.

>> Thank you, sir. The latest wave of caucasian immigration in austin has brutally disrupted our social routine as we are hit with inflation and growth at the same time. Support for them is driving the locals into confusion and violence. It may cause corruption at the school district or police by any judge and any time a network is activated [indiscernible] a coverup. We pay for boardwalks of no use to us. For the water creek improvements [indiscernible] call progress. You saw johnston high getting closed when it was brimming with talent but didn't act. Gave money to southwest key, helped out mueller, suppressed immigrant integration and released hoards of [indiscernible] on us. Checkpoints and ticket raids. And it works for you. Mayor bruce todd came out of the jewish community center and straight to the county

commissioners court. He doesn't even know how to ride a bike. Jose -- [indiscernible] stan lee, sam biscoe have shown extent of influence. I urge the new councilmembers to reward housing and health departments not to serve property owners. Change your hiring practices. Not one principal at johnston high was ever found in the neighborhood for 50 years. And our school district hasn't found a superintendent graduated from austin schools. The [indiscernible] help you transfer wealth from immigrants to caucasians. Get rid of it.

[06:10:53]

[Indiscernible] and code compliance are useless and serve job raiders from new york. Ban police from advising judges. It's criminal. Rain in manufacturers, the creeks are full of their stuff. Ban [indiscernible] from government. Five years ago there were not so many blacks sleeping on the streets. Now they join the crowds at the intersections. Chicanos go to prison over anything and they are both a nuisance to immigrants. They rob them, they break into their cars, they pester them for money every day. But despite these facts, you continue to inflict on them political subrogation, physical humiliation and economic discrimination. A month ago a mother of two, a proud american woman, offered to perform a blow job so she could see her two children. It's true. Show the picture, please. That right there was number 18 killed at the seven towers complex. But they only got a free pass [indiscernible].

Commitment not being victims anymore. [Buzzer sounding] thank you.

>> Cole: Thank you, paul. [Applause] next we have gary brizendine. Gary, are you here?

>> Yes.

>> My name is gary brizendine. I'm a automotive specialist. I've been in and around the city of austin since 1962. In 1993, I came before the city council here in austin, texas, and I tried to explain to them that automobiles were not going to be the future primary mode of transportaton. In addition, I tried to explain to them what they needed to be doing was look at a mass transit system that could distribute people throughout the entire city. Unfortunately, they didn't understand what I was talking about at the time and they went straight over their heads and nothing has been really done to resolve these problems except to try to build more roads, which we cannot physically build in time to meet the increased demand in traffic flow. And that's primarily the reason why automobiles are not going to work in metropolitan areas. It hasn't worked in any of the other metropolitan areas throughout the world and it's not going to work in austin, texas. The proposed linear type transit systems that ae now being brought before the citizens are not going to work either. These systems work just like automobiles in the fact that once you build them, they become landlocked. You cannot expand them properly. You have to transfer from one system to the other in order to get anywhere within the city. What you really need is a mass transit system that will move one million plus citizens or commuters to anywhere within the city from anywhere within the city without making any type of stop and/or transfer. These systems are just now being developed, and if you continue down this path looking at a linear system that goes from point a to point b, you are going to make the most costly decision in the city of austin's history. I guarantee it. These systems currently do not work in paris, france, or any other cities around the nation. Okay? I know that what is involved here is large contracts and politics. So I'm not, you know, just naive about the situation. I've been studying studying it for the last 22 years and know and understand it very well, not from a point of view of public transportation but from the point of view of mass transportation. And

these are two totally different situations. If you continue to try to believe that capital metro is going to solve our transportation problems, you are in grave trouble.

[06:15:33]

[Buzzer sounding] because they haven't solved it in the last 40 years and they are certainly not going to solve it in the next 40.

>> Cole: Thank you. [Applause] next we have tom McDill. Tom? There you are.

>> Mayor Leffingwell: The topic is southwest parkway development.

>> Good afternoon, mayor and councilmembers. I'm here today to quickly try and point out why the biggest reason that the redevelopment ordinance has completely come to a standstill. The first line in the rule was supposed to read, according to all of us that helped write the rule, that this applied to commercial properties in s.O.S. Zone. But somehow some strange language got put in that said this reads now for existing commercial development. There is no definition of that in the land development code and it has completely stopped a project that, if you will put that on the board, a project I've been working on for the last, I think, six or seven years. And so over 20 people have recommended that we come to city council to get some clarification on what the intent is of that first line, and we're not asking that it be rewritten, we're just asking that we be given some guidance as to what it really means. The people that asked me to come before you are like the entire ohan group, jeff howard, who is an attorney that represented the real estate folks and helped write the rule, and in particular sue edwards, is assistant city manager also wrote me a later saying to get this clarified I need to go to city council. I took the project all the way through the development assistance center, through the completeness check and through about 90% of the review process before it hit this wall, and even the senior project manager on that review team said you need to go talk to city council about what this actually means. So that's what I'm here for today is to ask that this be put on an agenda. A couple sponsors, I guess, will be required, but all we're looking for is a resolution. We'll have some discussion as to, you know, what everybody's point of view. I have minutes and transcripts from the planning commission meeting and the city council to show what we think, you know, the rule means, but that's what I'm here today for is to ask that that be put on an agenda as soon as possible. I hate for this to pass on to the next generation of councils and

-- and that the confusion continue to snowball. So that's what I'm here for today. The picture that I show you, someplace, did it make it? Is a project on southwest parkway that met with everybody's approval, supported by every neighbor within howitzer distance, I would say, and some this is the poster child of a project that got stopped cold just because of that language.

[06:18:57]

[Buzzer sounding] thank you.

>> Mayor Leffingwell: Thank you. [Applause] will McLeod. Topic is repeal of the carryout bag ordinance. And affordability.

>> Austin affordability and to be determined. My name is will McLeod. I actually had to end up lost my rent, able

-- lost my apartment in austin, texas due to the high cost of living. Now when I started out leasing the same apartment, it was 635 a month. It is now jacked up to 861. I'm in a better place. It's called san antonio, texas. People with disabilities and people on fixed income are leaving austin at a rapid rate. A rapid rate. You all are talking abo a one percent slush fund for the loyola project. Kids were throwing rocks at the bus. You don't want to tell us that, do you? The fact is that 150 bucks was paid for my electric bill in bexar county. Here you give me approval letter for customer assistance program for austin energy. When my service is already disconnected. How heartless. That's not nice. And I talked to [inaudible] for two years but bexar county they helped me out. So I guess if you are low income, disabled, austin is not the place for us. I feel like I've been living in south africa in the '80s DURING APARTHEID. Because only in austin where I can't go buy pots and pans, where my civil liberties are being violated under texas human resources code, because you all don't have extra large plastic bags. I don't see all the councilmembers up here, I wish they were. This is the largest bag that you have. That can't hold pots and pans set. This can. Look how difference it is. If that's not a texas human resources code chapter 121, the rights and responsibilities, persons with disabilities violation, I don't know what is. And plastic bags are ergonomiccal. If I go to a gas station I want to be able to carry it with my cane and catch the bus that won't stop and occasionally walk up the hill. In san antonio I don't have to walk up the hill because via serves neighborhoods. I live within a block of transit center. Lake line, you can rent near lake line but those are luxury apartments. They are all luxury apartments because I know you don't want our people to live here. Thank you very much.

[06:21:59]

[Applause]

>> and no rail. No rail. No rail.

>> Mayor Leffingwell: The topic is southwest parkway trailer park redevelopment.

>> Good afternoon, mayor and councilmembers. My name is david richardson. I was active as a board member of ohan between 2001 and 2008 and I was present when a lot of the issues about this particular project were reviewed by city council, planning commission, environmental board. It's clear there's been a lot of approval from the community about this project. What has not been clear is this rule of the redevelopment ordinance. And mayor leffingwell, I know you know that I was on that review board and so I sat through a year and a half of meetings looking at this issue of redevelopment in oak hill. And I think as mr. McDill has pointed out, it's unfortunate that the language of that ordinance as it was passed by the council allowed the introduction of this confusing language of whether this is to apply to land with commercial development or land that is designated as commercial. I came across this resolution that is asking staff to review ways to enhance the applicability to redevelopment ordinance to a broader spectrum of properties. I think this is a good idea. I know during our meetings and deliberations, we were looking at whether to allow or encourage redevelopment of properties. These were about 199 properties. I know s.O.S. Was against this applying to this because their deal is redevelopment. Well, that hasn't proved to be true and I think that it's actually just stopped altogether. I think there's only been two projects, one in walsh tarlton and this one of mr. McDill's that has come before the city to be reviewed for approval. I really think it would behoove the council to address this issue not only to perhaps at some future time address this redevelopment ordinance to a broader

spectrum of properties, but certainly this project has received so much accolades for what it does to the community, removing these trailer homes. I know that I would certainly like to see this issue resolved and I encourage council to put this on the agenda for future review as soon as possible. Thank you.

[06:25:16]

>> Mayor Leffingwell: Thank you. [Applause] paul robbins, city and budget issues.
>> Council, I'm here to ask how the resolution that you approved in late august for 100% free carbon free power is going to affect austin. Let me state from the beginning that the resolution and the generation task force report, that the resolution was based on, are horribly flawed. It would take about 20 minutes to point out all the errors, omissions, conflicting goals, lack of documentation and false assumptions. Given the lack of time, I'll focus on one of them, the nuclear option. There is currently an effort to extend the life of the south texas nuclear project from 40 to 60 years. This effort is deadly serious. There's never been a nuclear plant that has operated that long. Anyone observing the ongoing quagmire in fukushima would have great cause for alarm. So it may come as a surprise to councilmembers that voted for this carbon free energy resolution that nuclear power is considered carbon free by many people. This includes the chair of the generation task force whose report your resolution was based on. He was quoted in july article in the austin chronicle saying this. Interestingly, neither the resolution nor the task force report ever commented on this, so it is fair for me to ask why you are committing austin to a nuclear future. Now, you can amend this resolution to deal with this flaw, but the problem is there are many more flaws where this came from. Building your resolution on a flawed report is like building a nuclear plant on quicksand. There's not a single footnote in the entire report. There are arbitrary or undocumented goals for energy efficiency and storage and solar power. These goals are not even sufficient to display load growth much less current energy use. There are inconsistent recommendations on natural gas use. In one place careful fuel forecasting for a new plant while in another place it calls for complete elimination. The obsession, that's the best word I can use, with west texas ignores solar power, wind st. Louis solution, would raise residential rates by 8%. Council, you need to revise your clean energy resolution on a more -- based on a more complete report. If your task force will not refine their report, you need to appoint a successor. Thank you.

[06:28:28]

[Applause]

>> Mayor Leffingwell: Mark crampton. Mark crampton here?
>> Yes, sir.
>> Mayor Leffingwell: All right. Bringing former psem office to pay and parity.
>> I'm an attorney here in town and I appear today on behalf of about 30 a.P.D. Officers who were formerly with psem. Most of you probably are familiar with this, but by way of background, prior to 2009 the city of austin decided it's policings functions into two entities, a.P.D. Or psem, public service emergency management. The officers in public service emergency management, the parks police and airport police and marshal service, were noncivil service and paid at a lower rate than a.P.D. At the time

of the consolidation in 2009, the youngest officers received larger pay raises. The older officers were plugged into the a.P.D. Pay scale at their previous pay with psem. Walt Taylor and I filed a lawsuit against the city alleging age discrimination and as I think you all are probably aware, that lawsuit was ultimately successful. The group of officers who were over 40 have now been by court order placed on the pay scale according to their years of service. I'm here to say that the same thing ought to happen with officers who are under 40. The reason for that is, number one, morale. Now there's a group of about 30 officers in there who are in effect second class citizens. But the main reason is because it's the right thing to do. These are guys, these are officers, men and women, who have served the city for a number of years. They put their life on the line just like the rest of the police officers. They deserve to be paid according to the years of service, not according to some kind of arbitrary stripping of the years service was a phrase used in the cost saving report that resulted in the original decision to move these guys over based on prior pay rather than ye service. And I urge you to take a look at this. We're not asking for back pay, so to speak, in legal parlance. All we're asking is they be plugged in with their current years of service on the a.P.D. Pay scale. There will be some costs but it won't be a large cost, and it's the right thing to do so. As I said, thank you very much.

[06:31:07]

[Applause]

>> Mayor Leffingwell: Edward Sledge. Distracted driving.

>> Mayor, councilmembers, my name is Edward Sledge. I'm an Austin citizen, a member of the study group which met to make recommendations for a new distracted driving ordinance for this city. Those recommendations included ban use of cell phones while stopped. [Applause] that was left out at the very last minute. This was a mistake, a bad mistake. Using a cell phone and other devices while stopped in traffic is unsafe for many reasons and is banned in state laws and municipal ordinances in Texas and other U.S. Cities. The use of cell phones and other devices while stopped in traffic cannot be construed as only an anotice, but in view of the evidence or any careful consideration. You have the handouts, I presume. Does everybody have the handouts in the right one? In Texas cities that include the ban by specific language are El Paso, Corpus Christi, Amarillo and at least, at least seven more. A letter from David Teeter of the National Safety Council explains while I did tracks while stopped in traffic is a threat. He lost his teenaged son to a distracted driver and is a long-time advocate for safe driving. There are cities in states of South Dakota, Wyoming, Montana, Ohio, and Pennsylvania also ban use while stopped by specific language. They are all there. The state laws of Connecticut, Vermont, Washington, West Virginia, Illinois, Maryland, Nevada, Oregon, California and New Mexico all include the ban. Again, with specific language. The Texas Department of Transportation has a zero tolerance policy for its employees banning any use while stopped in traffic, including that. Your draft or the draft for a new distracted driving policy for the City of Austin does not allow extended use while stopped in traffic. Extended use means for more than a few seconds. There is no legitimate argument for allowing drivers to be distracted while stopped in traffic. The only safe way to use a cell phone or other device while driving is to stop off the road, roadway in a safe and legal location. You must fix this. It must be fixed to do serve the people of this community. It is little or no value to have an ordinance that creates more traffic congestion, road rage, enforcement problems and dangerous behavior behind the wheel. And I don't

think it's any great political risks to support something like this.

[06:34:30]

[Buzzer sounding] because there's a lot of people for this. Thanks. [Applause]

>> Mayor Leffingwell: James ault. James ault. Okay. Carlos leon. Glory to god, ko chemtrails, truth pins lies.

>> Thank you, mayor leffingwell. Carlos leon in austin, texas on september 25, 2014, to speak what's right. First as foremost, thank you for allowing me to light up evil. Second, chemtrails observed again. Stop them now. According to the recent f.b.i. Report on screen, that should be up there now, zero persons were murder understand newtown, connecticut in 2012 directly convicting the sandy hook shooting mainstream media reported to us and the evil criminal jew biden-obama administration used to wrongly limited our second amendment rights to bear arms. If the report is false, then the evil administration is again lying, denying reality and dishonoring the dead and their families. If the report is true, then the massacre was made up. Massive is the coverup and the evil administration is again lying by again attempting to stage reality for their own ends. Next slide on screen. According to the info wars reporter salar, national scol sfety expert ol ang hllbigbelieves the lette accoing to goole cren shot, tee das efore te alged shootg, unied wa wasalread eteding condlences tand licitin onaons or sandy hokfamiliesan aff. When he tried to visit ited way poli locked s way rghtly askg why on he day ofthe alleged assae WERE PARAMEDICS ANDEMNTs Not allod insidsandy ho. Why ere lfe str hicopters otreuestd o trnsportserusly njured chilren ad sta ut pora-pottie wee questedand diveder within hrehors. Who eclared all18 children and six staff legally dead within the first eight minutes? Why has no parent of a dead or injured child filed a lawsuit when parents of every murdered or njured child did so at columbine? What happened to the 500 children and 60 school staff members? Where are they now? Next slide on screen. According to the new york post, to destroy all on site evidence, sandy hook began to be privately pulverized and melted in october 2013 with contractors forced to sign confidencely agreements for bidding public discussion of the site as well as photographs or disclosure of any building information. The new school being built on that site is expected to open

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[06:38:00]

[buzzer sounding]

-- by december 2016 just after the next presidential election. We must repent, fear god and seek his help to defeat evil.

>> Mayor Leffingwell: Your time has expired.

>> In jesus' name I pray. Thank you, mayor leffingwell. [Applause]

>> Mayor Leffingwell: We'll now go into closed section to take up two items. The council will consult with legal counsel regarding the following items: Item 101, legal issues related to louis rodriguez jr. Versus the city of austin, item 102, legal issues related to pauline smalls' personal injury claim against the city of austin. Note that items 103, 104 and 105 are withdrawn. Without objection, the council will now go into executive session. #.

[07:54:29]

>> Mayor Leffingwell: First is item 83. We had gone through the list of speakers. Are there speakers here that

-- let me just ask jamiel elam. Will McLoed. Speakers aren't here. Councilmember morrison.

>> Morrison: Well, I thought that I had suggested a motion and mayor pro tem seconded it and everyone has it in front of them now. The sponsor of the resolution isn't here right now. Maybe it would be good to wait for him. He's coming.

>> Mayor Leffingwell: We're on item 83.

>> Morrison: And I have made a motion.

>> Spelman:, THERE'S A Blank where it said november 6, now it says blank council meeting. Would you like to fill in that blank or suggest something?

>> I'd like to maybe ask staff if they could suggest what would be feasible if we go forward. I'm sorry, greg, did you get a copy of this? This is the one about rainey street to do an evaluation of the density bonus program there. And it has originally been written to come back november 6. There was a concern. The way I changed it might be more complicated the work that has to be done, but also there was concern raised by some of the stakeholders that this would be something they would certainly want to be able to discuss and be part of. I know that the density programs, rainey street and the others, the downtown plan, my previous downtown plan had a lot of discussion so we want to make sure there was time for that. So I would ask our staff when you thought it might be feasible to come back with a recommendation. And this is

-- this is an analysis and recommendation. It's not

-- which may well recommend a code change. But it's not processing a code change.

[07:57:05]

>> No. And the response, greg guernsey. You are look for amendments coming back, probably appreciate a memo before this would happen. When we start getting into the month of november and december to come back for an ordinance, it's somewhat difficult to do that, but if it's just a memo we could probably do something perhaps by the end of this year.

>> Morrison: Okay. How about

-- what if we SUGGEST DECEMBER 1st? And hopefully you would be able to do that and let us know if you can't, but that would at least hold open the option that this council could get the information back and potentially move forward with action on the 11th of december to initiate a code amendment.

>> Mayor Leffingwell: Councimember spelman.

>> Spelman: I don't know how long

-- two issues. One issue is I can imagine someone, greg, on your staff putting a pencil to this and saying we could send it out for economic analysis, but our own analysis of this shows there's nothing to worry about. This is not an issue. And if that's where it comes out, I don't see a need for hiring an economic analyst to review our staff's paperwork. If your staff suggests

-- in that case you might be able to get back with us within two, three, four weeks, however long it takes

to get a staff person aligned to do the more or less quick and dirty analysis. If on the other hand it turns out there may be something here, that this is an issue, then you would have to hire an independent economic analyst. And it seems to me, I want to be sure you have the flexibility to report back to us and say we don't really think this is necessary, we don't think it is an issue. If it is an issue, then how long it's going to come back is how long it takes to come back. Do you think you can come BACK DECEMBER 1st?

[07:59:17]

>> Probably have to get with benefits I spencer because a lot of this would probably be discussion with her and her staff. So maybe come back, like, in six weeks. That would be at the end of october. With some response back to kind of tell you where we are.

>> Spelman: Yeah. Feel a need to put that in, but if you have an understanding you will do a always and report back to us what you found out and go to the next step if necessary, I think that would be useful.

>> Morrison:, MAYOR, IF I May, that means we would fill back in october 31st here?

>> Spelman: This is based on the independent economic analysis. December 1st strikes me as being very reasonable.

>> Morrison: Put december 1st in and if this isn't needed, that's perfect.

>> Spelman: If you could get it done more quickly, that would be better.

>> Morrison: I'm going to change the last to say the city manager is directed to provide the analysis and recommendation required by this resolution by december 1, 2014.

>> Spelman: Mayor, do we have a motion? I realize we have a motion to take it on of the table.

>> Mayor Leffingwell: Motion is on the table. With the clarification of the amendment by councilmember morrison. And I believe, mayor pro tem, you were the second.

>> Cole: Yes.

>> Mayor Leffingwell: And you accept that.

>> Cole: Yes.

>> Mayor Leffingwell: Those changes. We have a motion on the table with friendly amendments. Councilmember riley.

>> Riley: We have heard from the neighbors that they would like to be engaged in this process. They felt they were caught off guard by previous amendments and they would like to be included in that's amendments. The current presents a financial analysis and if that's the case maybe the answer is that if -- if the financial analysis indicates that

-- that a code amendment is warranted, then we would proceed with the code amendment process and that would be the time we would seek input from the neighbors. Is that right?

[08:01:32]

>> Spelman: That was my understanding.

>> Riley: This is just a numbers thing and to the extent we move forward there would be opportunities for public input before any actual amendment is made.

>> Spelman: This is an extended reality check prior to initiating the code amendment process.

>> Riley: Yeah. Thanks.

>> Mayor Leffingwell: Those in favor of the motion say aye. Opposed say no. That passes on a vote of 7-0. So we can now go to item number 90. We'll go to speakers. Stewart hirsch. Not here. David king.

>> Thank you, mayor. Mayor pro tem, combs, david king, I live in the zilker neighborhood. And I think this is an important resolution, important amendment to the p.U.D. Ordinance and I hope that you will support this. I can't help but to reflect back on the taco p.U.D., which was passed 5-2 by this council. And allow the developer, in my opinion, to get by with a lot less in affordable housing than should have been required. And not only that, that housing was not required to be provided on site. And why not? Why not provide that housing to folks who come to downtown austin and work, low-income families. Why not? Do they not deserve the opportunity to live by a beautiful lady bird lake or is that only to be deserved by the folks that live in high end condos that are going to live there. Is that an emotional issue? It shouldn't be segregated by your ability to afford to live in a certain area and that is your obligation and your responsibility as our representatives to ensure that we have a fair distribution of affordable housing and it doesn't segregate our citizens where land values are low. Those who have come downtown and built this city, why can't they live near downtown in affordable housing? Why are they being pushed out to the edge where they have to then drive back and forth and encounter additional cost that they cannot afford? So this is really important. And their quality of life. They should be able to look out their window and see a beautiful lake just like the wealthy. And that is your obligation and your responsibility to provide that opportunity to them. In my opinion, the p.U.D. Ordinance is just let's make a deal. And that's a big issue on the campaign trail. If you don't know that, that is. The p.U.D. Ordinance is being criticized and the new 10-1 council, they are either going to repeal it or gut it which is what should be done to that ordinance. It's been abused and misapplied over and over again and I hope you will take this action to right some of the wrongs, to correct the inequity in the current p.U.D. Ordinance. Thank you.

[08:05:23]

>> Mayor Leffingwell: Will McLoed. Will McLeod. That's all the speakers who want to speak. And the sponsors, councilmembers riley or spelman?

>> Spelman: Councilmember riley is standing up. Let me start.

>> Mayor Leffingwell: Councilmember riley.

>> Spelman: As I mentioned in the work session, I think we should consider several options here. I understand the issue and I think it would be a good idea for at least some affordable housing to be provided on sites for residential p.U.D.S. Whether it needs to be all of it or some of it or all of it with an escape valve, these are questions which ought to be worked out by our staff at least on a provisional basis and give us some options. So I would like to consider amendments to this item. There they are. I will hand the floor to councilmember morrison so she can put her own motion on the table with the proviso that she realize she did not allow me the same graciousness.

>> Morrison: I would certainly have.

>> Spelman: I appreciate that. Thank you. Go ahead and put your own motion on the table.

>> Morrison: I wish I had. I would like to move we approve item 90.

>> Mayor Leffingwell: Motion by councilmember morrison to approve, seconded by councilmember tovo.

>> Spelman: Mayor, I move to amend by adding the following language. It would broaden the option slightly from removing the new lieu option. One is remove, it another require a portion of the affordable housing requirement, 90%, 20%, anywhere in between. This is something staff ought to give us ideas how to think about that. And a third would be to require on site affordable housing but with an escape valve and exceptions process if Texas human resources were exigent circumstances, there would be some sort of process to go through, some test to be met in order to justify that. I think all of those things strikes me are things we ought to be considering, but all three of these things would require some level of level of affordable housing onsite and I think it's a good amendment.

[08:08:02]

>> Mayor Leffingwell: Proposed amount by councilmember Spelman. Friendly to the maker and second?

>> Morrison: No, mayor, I would like to discuss it.

>> Mayor Leffingwell: You make that at a formal amendment. Councilmember Riley is second. This is amendment by councilmember Spelman.

>> Riley: Sure, I'll second it.

>> Mayor Leffingwell: All right. Any further discussion? Councilmember Morrison.

>> Morrison: Thank you. I appreciate the thought that you've given to this. I think that I would be comfortable if we removed

-- let me make sure I understand the third one. Consider a exceptions process for the on site affordable housing requirement. Which is to say remove it, except in the case of. I mean renew the in lieu.

>> Spelman: Exactly.

>> Morrison: I would be comfortable

-- could accept it as friendly if it didn't have the middle one. I wanted this to be a strong movement toward we are going to do our P.U.D. Housing on site and, you know, if we need to have an escape valve for extraordinary circumstances, I'm happy with that. So if you would like to change it, I would accept it as friendly without the middle one, otherwise we could just maybe take a vote.

>> Mayor Leffingwell: Councilmember Spelman.

>> Spelman: I would prefer to keep the million dollars middle one and I'll tell you why. This does not specify a percentage and I could imagine a conversation as we go through our code amendment process that leads to the conclusion that any percent or 70% or some relatively high percentage should be provided on site, but for a lot of P.U.D.S it doesn't make sense for 100%. A exceptions process would be complicated. I don't know where we're going to turn out. I hope it doesn't turn out that way because things are complicated when it gets to personals and arguing whether it's 75 or 80. I would like that to be something we could talk about and if we don't have that there, we can't even talk about it.

[08:10:08]

>> Mayor Leffingwell: Councilmember Morrison.

>> Morrison: So it sounds like when you are

-- I do believe this may be colloquy, but it sounds like if you are contemplating with the middle bullet when there's a portion that it's a significant portion.

>> Spelman: If you would like me to add significant portion, I'm happy to say that.

>> Morrison: I guess I'd like to hear from my co-sponsor on that.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Thanks. First I need to know whether you are suggesting putting significant before the portion to be on site or significant before the portion to be included as a [inaudible] fee. What exactly, which clause are you talking about?

>> Spelman: It would read require a significant portion of the affordable housing requirement to be provided on site and a portion in lieu.

>> Tovo: So many papers I can't find my microphone. My concern about including it is as follows. If we're trying to set an escape valve in extraordinary circumstances there may be situations where you are not providing that on site but providing it through an in lieu fee, those would go through a exceptions process and in the course of that it may be the case that somebody could provide a certain amount of that housing on site and a certain amount off site. That to me seems like a natural potential outcome from an exception process. Spelling it out and offering three alternatives, two of which are in lieu fees kind of gets us back almost where we are right now, which is 100% of the times in lieu fees. I would prefer removing the bullet in the middle and I would

-- I'll defer to the main sponsor on this, but I would like to at least provide exception to staff that that exception process needs to include language that's going to be in pretty unusual circumstances, unusual, extraordinary, but not the run of the mill kind of circumstance. Does that make sense what I was saying about in the course of the exceptions process, that may be

-- that may be what a particular developer offers that they can do most, but not all. But I don't think we should spell it out as a clear alternative.

[08:12:46]

>> Mayor Leffingwell: So there's a proposed amendment on the table with a second. And let me say that I agree with the language as you have it written here because it provides for the possible -- several different possibilities once you come back. You could decide at the time it was brought back it -- it really puts the discretion with the council where it should be. Gives the council the option to make those decisions whether there would be significant portion or insignificant portion. Or some -- or 50/50 or whatever. Going to support the amendment as offered.

>> Spelman: If we had had an opportunity to discuss this at great length, if we had a bunch of p.U.D. Applications in front of us and were able to fairly fine grain in granular way work through what concern do we have about this p.U.D., about that p.U.D., How much would we have required here and there, if we were able to do that kind of more or less staff work, I would feel a lot more comfortable about saying here's where we ought to go. We haven't had a chance to do that. We all have a rough-cut sense for p.U.D.S ought to be providing more on site house, maybe only on site housing but we haven't had a chance to get into those details. In the absence of the time to get into those details, I feel uncomfortable asking the planning commission to do something very specific and prefer to give them more leeway. I think it's more likely they are to come up with something simpler. Option 1 and 3 are the most likely places, but I would not want to restrict them to not come out and with some significant portion as a requirement. Without having opportunity to go through the work they are going to have to go through

looking at p.U.D. Applications, thinking through the possibilities and taking more time than we have up here. That's the reason I offered it the way I did.

[08:14:53]

>> Mayor Leffingwell: Councilmember riley.

>> Riley: A question for the maker of the amendment. The second paragraph provides an option that says require a portion of the affordable housing requirement to be provided on site and a portion to be provided through fee in lieu. With you consider changing that to, say, require a portion on site and allow a portion to be provided in lieu. I think that would be consistent with the practice under the university neighborhood overlay which I think is the closer parallel so what we're talking about.

>> Spelman: Actually I was thinking what you were going to do what my 12th grade english portion and strike that because that's obviously implied by the first part of it. I'm happy with the way you are suggesting it too. So I'll allow a portion, so just add the word "allow."

>> Riley: And in similar vein, I would also note that I passed out a yellow sheet on the dais that really was aimed at a similar intent at really the be it resolved paragraph I was suggesting we add the words "or revise" and really what I had in mind was something very similar to what you are discussing. And to be clear, I was adding a whereas paragraph referring to the university neighborhood overlay and specifically the paragraph would say whereas the university neighborhood overlay which has created almost 500 on site affordable unitsen \$2 million in payments includes a tiered affordable housing requirement in which some of the affordable housing is required to be on site and some is allowed to be satisfied via a fee in lieu. I think that's helpful context and that uno could provide a helpful model for this effort.

>> Mayor Leffingwell: Councimember spelman.

>> Spelman: I would happily regard adding that whereas as friendly to my amendment.

[08:16:54]

>> Mayor Leffingwell: Let's recap. We have councimember spelman's proposed amendment which is modified to put the word "allow" in the second bullet and also to change the word "or revise" to put "modify." Is that correct?

>> Spelman: Actually two pieces. In that second bullet, in addition of the word significant. And in the second line of the second bullet as you mentioned on site and allow a portion to be provided through fee in lieu. Secondly it would incorporate the last whereas that councilmember riley offered.

>> Mayor Leffingwell: Yeah, I just hadn't gotten to that yet. That's the other part of it. Now I think we have the combined amendments together into one amendment. And councilmember morrison.

>> Morrison: Because it has the word significant in there, I can accept it as friendly.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I'm fine.

>> Mayor Leffingwell: No need to vote. That's incorporated into the motion. All those in favor say aye. Opposed say no. That passes on a vote of 7-0. So we had another motion on the table. Are we ready to deal with that one? I believe that was 92. Motion

-- motion and a second. The motion was then tabled.

>> Spelman: Mayor, are you bringing up 92.

>> Mayor Leffingwell: 92 in the parties are ready.

>> Spelman: I'd like to ask actually mr. Robertson I see in the audience, I know he's worked on exactly he and his staff have worked on exactly this plan. I would like to ask him a couple questions if I could.

[08:19:08]

>> Jim robertson, planning and development review.

>> Spelman: Mr. Robertson, remind us, why do we have corridor plans? What are they for?

>> The corridor plans

--

>> Spelman: Because I want to be reminded of our own policy.

>> The corridor plans and actually similar types of plans that the city council has initiated over the last, let's say, seven years, to my knowledge, have generally been instigated out of a sense there were certain areas of the change that not only were areas of high rate of change but in fact areas where change was consistent with the city's value system. That in fact we want to change a occur. The east riverside corridor plan, for example, was initiated, and I'm probably going to get the year wrong, around 2008 by one of your predecessor councils in recognition of two facts. One, that the rate of change there was great. Second, that the existing development pattern there dominated by sort of strip development, heavy use of surface parking lots, lack of connectivity, et cetera, et cetera, was not a land use condition that we wanted to exist in perpetuity, that we wanted change to consider. I guess the answer to your question is corridor plans and the like seem to have been initiated out of an interest in council in not only addressing high rate of change but actually encouraging change.

>> Spelman: I made a statement rather off the cuff before we took a break suggesting that one of the reasons we have the corridor plans is to encourage development on the corridors which is where we wanted to see it, and by extension implicitly discourage developments inside the neighborhoods off the arterials draw it into the places we felt it would be most beneficial on the corridors. Is that roughly consistent with the policy of this council or was I just talking through my hat?

[08:21:23]

>> No, I think the east riverside corridor plan and the regulating plan that forms the regulatory arm of it are built around the notion of change. Granted, it's controlled change. I mean it was designed to set some basic standards as to form and use and so forth. But yes, it's built around a notion of change. And I suppose you can contrast that with areas of the city where really there are not expectations of change and in fact we may be working to be really careful about change.

>> Spelman: In east riverside there's a lot of activity. It's not necessarily 2008 or whatever the date was, it was not necessarily the kind of activity we thought was going to be socially beneficial this the long run, so now we're trying to regulate that. That's what the plan was for.

>> Yes, correct. And I realize I'm talking about policy and obviously policy is your purview, but I'm just reciting my recollection of the policies that

-- that underlined the effort we were directed to undertake.

>> Spelman: I'm not sure how my colleagues feel, but I feel comfortable saying I'm really happy you understand our policy as well as we do because I for one will not be here to make further policy and enforce it, you, however, will.

>> I won't be here to make policy.

>> Spelman: I did not say you'll will here to make policy.

>> I will be here to carry out your policy.

>> Spelman: I'm glad you understand what you will have to carry out. My concern about the amendment on the table

-- my concern, yes, with the amendment that's on the table, is that by requiring a uniform date for -- I got another question so don't walk too far away. That we require a one time a year changes in the regulating plans, that that may cause a long delay between when a developer decides to do something which we have decided in advance is socially beneficial which is develop on a corridor, and when they actually have the authority to do what they want to do. We're going to take a long time to make that decision. And regardless of whether we think it's a good idea or bad idea, we obviously have the opportunity to say any changes this the regulating plan are good or bad. That we should make those decisions relatively quickly. That's my statement. Let me ask you the question. Now I've made my own personal policy, now let me ask your technical judgment. How long would it take or could it take between when somebody had the idea that the

-- it would develop something, but they needed a change in the regulating plan and when they could expect to see that change come to fruition or a decision made about that change? If we do this in the current form, how long would it take?

[08:24:34]

>> Oh, well that's essentially a weather of currently if it's something that can be handled using zoning processes, that's a matter of several months. Obviously you file your application, it's initially evaluated, you go to planning commission, council and so forth. So that's a process that I think can be measured hopefully in months as it's currently set up.

>> Spelman: So basically like any zoning change, it's going to the a few months to work through the mill but you know what you can count on. If we went from our current system to one where you could only submit changes in regulating plans like zoning changes, but only do that in july or once a year, how long could that increase the time between conception and decision?

>> I suppose that's

-- that would vary somewhat depending on when you arrive with your

-- I mean when you in essence had a change that you were ready to request. If the applicable deadline for your parcel was july and you arrived in august, you would have 11 months to wait, as I understand the system, before

-- unless a determination was made of sort of

-- I can't remember, not emergency but circumstances requiring

--

>> Spelman: Hardship.

>> Hardship. If it doesn't fall into that category, my understanding you would have to wait until the following July to begin to process your change. That's how our -- neighborhood plan amendments are currently structured.

>> Spelman: So this could add no time if I came up with the idea on June 30, usual speed or 11 months if I came up with it on July 31.

>> That's my understanding, yes.

>> Spelman: And I was right in saying that the reason we are -- I'm going to slightly change it to make it closer to what you read back, but still consistent with what I started with. This is what we've decided socially beneficial, we want development to take place in the right way and we understand there's going to be a lot of activity and that's also a good thing. Mayor, it seems to me that the amendment offered is

-- or could be construed as being putting an additional barrier between a developer who has a good idea in the right part of town and being able to carry out that idea out. And if the wait could be as long as 11 months or 364 days if they were unlucky, I don't think we're going to get what we want out of the idea behind the corridor plan in the first place. I'm very happy with the requirement neighborhood planning and contact teams see changes in the corridor plans. That would probably add a month or so. And they should be allowed to weigh in. The decision has to be made ultimately by the city council and putting up to an 11-month duration between when the conception of the idea happens and when the mill starts and the council can eventually see it is not I think going to be socially beneficial particularly in this part of town where there is so much activity.

[08:28:05]

>> Mayor Leffingwell: Councilmember Morrison.

>> Morrison: I appreciate those questions and line of dialogue because the same words that Jim Robertson had said for me strike me a different way. Because as has been stated, the corridor plan is to acknowledge we know there's change and to set out how we want that change to occur. And we set that out and we put it in the regulating plan. And it turns out that our vision for how that change should occur is in that map. And so the idea

-- we did decide that that map was the socially beneficial vision for what that area should be. So that's why I feel the opposite, that we need to stick with that map rather than revising and looking at it any time a property owner has a

-- an idea for something different. Because if we do put some constraints on it, we're more likely to achieve that vision that we all

-- all adopted. So I think what I'd like to do right now is withdraw my motion and let the sponsor make the motion and I'll make the amendment and we can vote on it. I'll make a motion for an amendment and then vote on it.

>> Spelman: Thank you.

>> Mayor Leffingwell: Without objection, the motion is withdrawn.

>> Spelman: I move approval of item 92 as originally conceived.

>> Mayor Leffingwell: Motion by councilmember Spelman to approve.

>> Morrison: I'll second. I'm a sponsor.

>> Mayor Leffingwell: Seconded by councilmember morrison.

>> Morrison: Mayor, I'd like to make a motion that I previously made that we amend the resolution with this item with the motion that references the code 804, the clerk already has it. That would align the -- any changes to it.

>> Mayor Leffingwell: Is that friendly to you, councilmember? It's not friendly. So proposing it as amendment. Mayor pro tem. Do you second?

[08:30:11]

>> Cole: No, I don't.

>> Mayor Leffingwell: Let me get a second first. Councilmember tovo. Mayor pro tem.

>> Cole: Jim, I have a question for you. I want to make sure I'm clear on the corridor plan, the regulating plan and what this contemplates as a property owner. I'm assuming this a property owner within the corridor plan and that's not necessarily a developer. This could be any individual property owner including

-- you've been using that term. You've been

-- this could be any resident of the neighborhood.

>> When you say this could be, I'm not sure

--

>> Cole: Well, we have a motion in front of us and it says that the city manager is directed to initiate an additional code amendment to ... By a property owner in a similar fashion that neighborhood plan amendment applications are limited. In accordance with 25-104, when you explained to us. Regarding frequency and cycle for application submissions. Now, I'm a lot more understanding of wanting to protect the sanctity of the neighborhood plan

-- than I am individual neighbors within the neighborhood wanting a setback and having to wait potentially a year to get that. Is that

-- can you

-- is that a question for you or

-- okay. Councilmember morrison.

>> Morrison: So this motion was

-- I apologize if the language wasn't clear. It was only

-- it wasn't meant to be referencing all the neighbors and anybody that owns property coming in and trying to change it. It was just if the owner of the property wants to change his property. That's so when a developer comes in and wants to change that property. This was in no way meant to

-- I don't think those folks can't really apply for zoning change. It's not their property.

[08:32:34]

>> Cole: A lot more limited application than what I'm thinking of right now. Okay.

>> Mayor Leffingwell: All right. So the vote will be on the amendment by councilmember morrison.

Knows in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor Leffingwell: That fails on a vote of 3-4 with councilmember riley, martinez, myself and councimember spelman voting no. Now the vote is on the motion. Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. We'll go to our consent zoning.

>> Thank you, mayor and council. Our 2:00 p.M. Zoning ordinances and restrictive covenant items.

These are where the hearings have been closed. First often c14-2014-107, this is on the property to limed warehouse, conditional overlay or wlco combined district zoning with conditions. We can offer this for consent approval on second and third readings. Where the public hearings are open, item 107 and 108, those will be discussion p. There's agreement to postpone but not but not to the amount of time. 19, npa 2014-0020.01. This is to zone the property to

-- excuse me to, change the neighborhood plan for the south congress combined neighborhood planning area, to change the future land use map to mixed land use. The planning commission's recommendation won't be heard until the 23rd and the applicant is requesting postponement of this item to your october 2nd agenda. 2014-0034. Postponement to 10-2. 111, for the property at 209 east live oak street. This item has been withdrawn. No action is required. 112, c14-2014-0032 for the property at 209 live oak street, this has been withdrawn. No action is required. 113, this is for the property at 7200 cooper lane, to approve second and third readings of zoning to community commercial with conditions. We can offer this for consent approval on second and third readings. 114 for the property located at 619 and 621 congress avenue, I understand the applicant is requesting postponement for one week to your 10-2 agenda and the adjacent property owner is in agreement to that postponement. Item number 115, for the property located at 6313 south mopac expressway, staff is requesting postponement t october 23rd meeting. Item 116, the property located at 801 west wells branch park way, staff is requesting postponement to 11-20 agenda. 117, anderson mill road. Staff is requesting postponement to november 20th agenda. Number 118 for the property located at 2311 westmark drive, to zone to urban family residence, the planning commission's recommendation was to grant the sf-5, co combined. Ready for consent approval on all three readings. Item 119 for the property at 4631 airport boulevard to zone to commercial liquor sales, conditional overlay, neighborhood plan, for tract 1 and zone general commercial services, vertical mixed use, conditional overlay for tract 2. The planning commission recommendation was to grant the cs 1 vco for tract 1 and the zoning for tract 2. Staff can offer this for consent approval on all three readings. Item 120, c14-2014-0095. This will be a discussion item. Item 121, south pleasant valley road, I understand there's a postponement of this item to your october 23rd agenda. Item 122, for the property located at 12008 pollyanna avenue, postponement on this item to your october 2 agenda. Item number 123, c14-2014-0101 for the property located at 1301 harris branch parkway, the zoning and platting commission's recommendation was grant general commercial services. This is ready for consent approval on first reading only. Item number 124, for the property on 4204 manchaca road and 20008 fort view, we're requesting for postponement so we can put that together to your october 2nd agenda. Item 125, for the property located at 2428 and 2432 south first street, this will be a discussion item. Item number 126 for the property located at 1171 north lamar boulevard, staff is requesting postponement of this item to your october 16th agenda. Item number 127, c14-2014-0118 for the property located at ih-35 service road, the zoning and platting commission recommendation was

to grant multi-family residence, moderate high density, conditional overlay. This is ready for consent approval on first reading only. Item 128, c14-2014-0119 to zone to general commercial services, conditional overlay, the change in condition of zoning, the zoning and platting commission's recommendation was grant the cs-co combined district zoning, ready for consent approval on all three readings. Item 129 for the property locate at 7200 wynn lane. The recommendation was grant the sf 1 and this is ready for consent approval on all three readings. Item 130, c 814-2014-0110. Sh, for the colony park sustainable initiative p.U.D. Located in the north side of loyola lane, I would like to offer this for consent, but I know we have a presentation we want to give you additional information so discussion item. Item 1131, this is property located at 910 christopher street. This is to zone to family residence neighborhood plan. The recommendation was to grant the combined district zoning and staff offers this for consent approval on all three readings. Item 132, for the property located at 3805 red river street, a zoning change, the planning commission recommendation was recommend denial of this so this will be a discussion case. Item 133 to zone to combined district zoning. The planning commission recommendation was grant the combined district zoning and ready for consent approval on all three readings. Item 134 for the property located at 1119 east 11th street, this is a zoning change request to commercial liquor sales, historic landmark, neighborhood combined district neighborhood plan, the planning commission's recommendation was to grant the zoning and this is ready for consent approval on all three readings. Items 135, 136, 137 and 138 relate to the south austin combined neighborhood plan and related plan rezonings and the westgate neighborhood planning area, south manchaca plaining area and garrison park neighborhood planning area and these will be discussion.

[08:44:11]

>> Mayor Leffingwell: Item 106 on second and third reading, to postpone 109 and 110, noting 111 and 112 withdrawn. Approve item 113 on second and third readings. To postpone item 114 until october 2. To postpone item 115 until OCTOBER 23rd. To postpone items 116 and 117 UNTIL NOVEMBER 20th. To close the public hearing and approve on all three readings item 118, 119. To postpone item 121 until OCTOBER 23rd. To postpone item 122 null OCTOBER 2nd. To postpone item 124 until OCTOBER 2nd. Postpone item 126 until OCTOBER 16th. Close the public hearing and approve on first reading only item 127. Close the public hearing and approve on all three readings item 128. And 1289. And 129 and 131. And to close the public hearing and approve on all three readings items 133 and 134. I'll entertain a motion.

>> Did you mention 123?

>> Mayor Leffingwell:123, close the public hearing and approve on first reading only. Councimember spelman moves approval. Councilmember tovo.

>> Tovo: I'm going to let somebody else second it.

>> Mayor Leffingwell: Seconded by councilmember morrison.

>> Tovo: Mayor, I need to just understand the 130 a little better. 130 is being approved on consent three, 131 is not on the consent agenda?

>> Mayor Leffingwell: Correct. It is on the consent agenda.

>> Tovo: It is on the consent agenda. And then I just need to note recusal and I filed the appropriate forms with the city clerk.

[08:46:16]

>> Mayor Leffingwell: On which

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>> Tovo: I'm sorry, just on item 131. My husband and I own an llc that owns a property at 800 christopher street.

>> Mayor Leffingwell: On

--

>> Tovo:131.

>> Mayor Leffingwell:131. All those in favor say aye. Opposed say no. Councilmember martinez. Show councilmember martinez voting no on 131 and me ab takennen on 131.

-- Abstaining on 131. Excuse me. Show councilmember martinez voting know on 131 and councilmember tovo recruised on 131. That passes on a vote of 5-2.

>> Mayor, I understand 132

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>> Mayor Leffingwell: No. No.

>> I understand 132 was I think set under changes and corrections this morning to 6:30.

>> Mayor Leffingwell:132 I had discussion.

>> But for

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>> Mayor Leffingwell: For postponement?

>> No, discussion today at 6:30.

>> Mayor Leffingwell: Without objection, 132 set for 6:30 time certain. We'll go back to our morning consent agenda. Which is

-- mayor, I just wanted clarification. On 131, we had offered that for all three readings.

>> Mayor Leffingwell: Correct.

>> I think we

--

>> Mayor Leffingwell: We had 5-2. Councilmember martinez no and councilmember tovo recused.

>> Thank you very much for that clarification.

>> Mayor Leffingwell: Item number 94. And that's

-- did you pull that, councilmember?

[08:48:26]

>> Morrison: I did.

>> Mayor Leffingwell: We did have two speakers. If they are here. Will McLeod. Kurt mitchell.

>> Thank you. Good afternoon, I'm a member of wildfire unitarian church, a leader with austin interfaith and district captain for district 9. We're asking that the date of the public hearing be set later. When we were originally informed we were told it would not trigger the waiver requirement. It was only by chance we saw the item on the agenda for today. So there are a lot of conversations that need to occur

and setting the public hearing one week from today would not really give us sufficient time to have those conversations so we're asking at minimum the public hearing be set for OCTOBER 23rd. We really think even that's really short amount of time, but at minimum that's what we need.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. Kurt, could you give a little information about what kind of comforts, who will be engaged in the conversation?

>> So this

-- this application is for a property right across the street from fulmer middle school, less than 200 feet. It would allow the sale of alcohol. We understand that desire to sell hard liquor. Original when they met with the neighborhood association my understanding was it would only be beer and wine and now it will include hard liquor. To my understanding the pta was not notified. The city notifies the school district, but that doesn't get to the campus level so none of the parents I've spoken with are aware of it. None of the parents at travis heights which matriculates up to fulmer, none of them are aware. So our congregations, the neighbors we have members of our congregations and particularly the parents need time to talk about the effects this would have. You know, about ten years ago there was a request to have this waiver at the gas station across the street. Aisd was asleep at the wheel. They didn't notify you of their opposition. That passed. Alcohol sales are there and members of my congregation who teach at fulmer have communicated it causes tremendous problems for the children and the teachers who have to monitor that site. So right now we don't think that it's a good idea, but we at least need time to discuss it.

[08:51:00]

>> Morrison: Thank you. And I assume you will engage with the proprietor and applicant.

>> That's correct. We just got that information from staff in order to do that.

>> Morrison: Great. So I will make a motion that we approve 94 with the date change to, excuse me, october 23.

>> Mayor Leffingwell: Motion by councilmember morrison, seconded by councimember spelman to change the date to OCTOBER 23rd. Discussion? All in favor say aye. Opposed say no. That passes on a vote of 7-0. We have number 99. No, that's a nonconsent item.

>> Mayor pro tem and council, kevin chunk. Flood plain request.

>> Mayor Leffingwell: Second and third.

>> Yes, sir. I'm here to answer any questions. I can do a presentation if you want. Just to your direction.

>> Mayor Leffingwell: Any questions for staff? Councilmember martinez moves approval on second and third readings. Seconded by councilmember riley. All those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor Leffingwell: So I believe that passes on a vote of

-- councilmember tovo, did you vote aye? Passes on a vote of 5-2 with councilmember morrison and myself voting no. I believe that puts us back into zoning and we had a discussion postponement. We can take that up first.

>> Yes, it was 107 and 108. For the property located at 2,000

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[08:53:10]

>> Mayor Leffingwell: Excuse me. Clerk, you can remove item 100 from the list. That was a briefing.

Okay.

>> This is a neighborhood plan amendment and the related zoning case is item 108 c14-2014-0036 for those same properties. I understand the applicant is agreeable to do a postponement to NOVEMBER 20th, AND THERE Are folks in the neighborhood that would only like a two-week, I believe, postponement or I'm not sure. Maybe 10-16. Three-week postponement instead. I'll let the parties come up and they can address the postponement.

>> Mayor, mayor pro tem, councilmembers, ron throw representing the applicant. We are requesting additional time on this case so we can formulate some additional plans to soften things up and present that to the neighbors. So basically we're asking for two months, almost two months time to go back and have these discussions and we appreciate your support for that request. Thanks.

>> Mayor Leffingwell: THAT'S NOVEMBER 20th?

>> Yes, sir.

>> Mayor Leffingwell: Is there someone who would like to speak in opposition to that date?

>> Mayor, councilmembers, my name is chip harris. We are in opposition to the applicant's postponement request. The neighborhood has been meeting with the applicant since last october when he first presented rezoning and development plans to us. We've had lengthy meetings with the applicant in april, june and august. Our concerns about the applicant's zoning and development plans have been communicated to him on numerous occasions. It's been a month since the planning commission's meeting and we have not heard from the applicant during that time. In a written communication to the neighborhood dated AUGUST 13th, RON THROWER Stated we may from time to time respectfully and mutually disagree on some of the matters. We understand that you may not like the access or the traffic or the height. Those are things we can agree to disagree on as this moves forward.

[08:55:36]

>> Mayor Leffingwell: Mr. Harris, we're talking about the date of the postponement, I believe. Do you have a suggested date?

>> Basically if we are talking about substantial changes to the scope and the use of the property, then it may be beneficial to meet with the applicant and come back in two weeks to the council. Unless we're talking about substantial changes such as adhering to the neighborhood plan, following the zoning principles set forth in the city, then we don't think it would be beneficial to have a postponement in the case. And I was just trying to express the applicant's comments.

>> Mayor Leffingwell: So you prefer no postponement at all, but if there were, you would prefer -- you said two weeks. Actually it would be I think october 16th would be the next possibility.

>> If there are substantial items that the applicant will put on the table such as the use and the scale.

>> Mayor Leffingwell: Okay. I understand. Thank you.

>> If for some reason two WEEKS OR THE 16th, WE Haven't come to agreement, then, of course, council can consider another postponement.

>> Mayor Leffingwell: Okay. Thank you. Council? Is there a motion to postpone or

--

>> Spelman: I would like to ask a brief question. Mr. Thrower, two months is a long time to postpone a case and you've given

-- you've asked us to give you two months because there's some fairly substantial

-- very substantial changes in your plan that you would like to prepare and to talk with the neighborhood about. Give us a sense how substantial those are.

[08:57:51]

>> Trying to strike middle ground here. Is it going to go all the way in one direction, stay where we're at, no. We're trying to find middle ground. Substantial is subjective as we heard being put into an ordinance earlier, but again, substantial be subjective, it's hard for me to say. I anticipate that we're going to be presenting something, have some dialogue, presenting something back potentially. I don't see two weeks being a possibility.

>> Spelman: Will most of that two months be taken up in back and forth conversations with the neighborhood about a plan that you have in your back pocket right now.

>> Not a plan we have in the back pocket right now. There's been discussions ongoing with the architect and landowner in the last week about getting a new plan to take to the neighborhood.

>> Spelman: About how long will that portion of the process take?

>> Probably two weeks.

>> Spelman: In a couple weeks you'll have a substantially better plan, but you will not have had an opportunity to discuss that better plan with the neighborhood. Now you'll have it. Is that an accurate statement?

>> Yes.

>> Spelman: Mayor, move approval to postpone the case until the 20th of november. I think mr. Thrower is going to need time to get a decent plan together.

>> Mayor Leffingwell: A motion by councimember spelman to postpone until NOVEMBER 20th. Is there a second? I'll second that motion. Discussion? Councilmember tovo.

>> Tovo: I think a request for postponement for two weeks is more appropriate. If looking back through some of the correspondence, I had an opportunity to meet with some of the neighbors and it's been a lengthy one and today we were presented with information and I guess maybe I'll ask mr. Thrower about this if he doesn't mind coming back again. The correspondence that we received from mr. Harris talked about the fact that at the planning commission you opposed a postponement and said we feel like since we started this, this is AUGUST 12th, WE FEEL LIKE Since we started this process back in october there's been ample time for discussion about our case. They've already issued their position. We have our position to move forward and actually we're ready to go tonight, but since there's going to be a postponement, we would appreciate just a two week postponement. Our position is embedded in two weeks. I haven't had a chance to double-check, but would you say that was accurate more or less in

terms of your comments you made at the planning commission in opposing a postponement at that time.

[09:00:26]

>> At the time of planning commission, yes.

>> Tovo: I appreciate that. Thanks. I'm going to make a substitute motion we postpone for three weeks with the understanding that we'll get an update from mr. Thrower and from the neighbors at that time and if we need to extend the p we sure can do it at that time. This has been going on a long time and I'm glad to hear mr. Thrower is going back to the drawing board and try to incorporate some of the neighbors' concerns. I think that bodes well for the process and I'll look forward to getting that update in three weeks. That's my motion.

>> Mayor Leffingwell: Substitute motion for OCTOBER 16th. Is there a second?

>> Morrison: I'll second.

>> Mayor Leffingwell: Seconded by councilmember morrison.

>> Morrison: I would like to ask mr. Thrower, so you were at the planning commission at the end of august. Have you done anything in terms of coming up with new ideas? Like what changed -- what changed and when did it change?

>> Since the planning commission very little change, but there's been discussion recently about trying to get in and soften up some of the elements and it's been made clear that we didn't formally submit a list of conditions, even though we talked about conditions at planning commission. So we want to get the list of conditions in front of the neighborhood as well. More dialogue is what we're looking for.

>> Morrison: You are plan to go come with major changes? You could have been talking for the past month and now you are asking for two months.

>> Understood, and you are using the word major, councimember spelman is using substantial. We are coming up with changes and going to present that. Is that going to be a final product? Again, back and forth dialogue is important in all this.

>> Morrison: And I'm supportive of making a three-week postponement. I think two months is rather extraordinary and I think it's important that we have that middle point for the applicant to come back because you need to make is this you are this thing keeps moving along and having that mid point and if there's no progress three weeks from now, then we know one thing and if there's progress we have it completely within our discretion to ask them to continue that progress. I think this is the right way to go.

[09:02:53]

>> Mayor Leffingwell: So the vote is on the substitute motion for october 16. All in favor say aye. Opposed say no. That passes on a vote of 7-0. Mr. Guernsey.

>> Thank you, mayor and council. That brings us to item number 120. This is for the property at 11835 jollyville road. This is a zoning change request to community commercial, conditional overlay. The recommendation came back and approved goco for tract 1 and gr-co for tract 2 with a conditional overlay to automotive rentals, repair, services, sales, washing of any type, bail bonds services, pawn shop services and service stations. Both tract 1 and 2 would be limited to a height of 40 feet or three

stories of height in 2 development intensity for the entire site would be limited to less than 2,000 trips per day. The property is relatively small. It's just over .85 acres of land. About a quarter of that which would be composed of tract 1 that the commission recommended the

-- the goco and the half acre for tract 2 which is the gr-co portion. It is currently vacant and abuts an existing single-family neighborhood to the east. There's some I.O. Zoning to the west and gr further to the north. To the south there's an office park across jollyville road. The vacant restaurant use was subject to a red tag and there was a considerable amount of research that was done regarding the zoning along the edge of this property along its most eastern boundary. Further to the north, the residential homes that are there, there's a property dispute that occurred many years ago and that may be partly responsible for the reason why you see askewed zoning line not necessarily matching up with the rear property lines of the single-family homes that are zoned sf-2. In order to redevelop the property and to true up the lines with the existing structures, the applicant is coming forward today and asking for rezonings of portions of property to gr-co to reflect the restaurant area, the restaurant used for the restaurant. G.O. Zoning would be necessary to allow for accessory parking for the restaurant use on there and I think that is the reason why that he's bringing forth the request today. I think I'll let the applicant come forward and speak to the request you may have. I think a person in opposition also. There's also a clarification I think that the applicant would like to offer and I'll let him address you on that. If you have any questions, I'll be happy to answer them.

[09:06:32]

>> Mayor Leffingwell: Okay. Hear from the applicant, mr. Howard and is katy vandyke here? Okay, you are here. You have up to eight minutes if you need it.

>> Thank you, mayor. I don't think I'll need that. Good afternoon, councilmembers, jeff howard, I'm here on behalf of the applicant which is the owner of the property and also owner of the poor house pints and ties restaurant located at the site

-- pints and pies. The restaurant has been occupied for my client for over a year. We have a power point presentation. Just very brief. That just gives you some background. I think it's taking a moment to load. In any case, the property is two lots on jollyville road near pavilion drive located in the desired development zone. In 1975 the largers lot was first used as a restaurant and

-- and then subsequently annexed in 1976. This created a zoning situation. The owner of the old homestead restaurant back in 1977 asked for zoning and got a, you know, kind of what they did back then, which they zoned the building gr and the parking lot o. In 1979 the smaller lot was axed as part of the larger 183 land use study and got the I.O. Zoning and sf-3 that we see today. It was based on a 1978 u.S. 183 land use study. What's important to know back then there were no impervious cover limits. 1983 the properties were combined and they were first used together as a restaurant and parking and they have been ever since. For 31 years, 31 years the property has been used as a restaurant. So the current zoning right now is gr, I.O. And sf-3, kind of a patch work. We would like to fix that patch work and after 30 plus years of operation, staff has come forward and said, well, your nonconforming use status on the parking lot expired. Because little known provision of the code says that expires after 10 years. So we got red tagged. So we filed this zoning case and we would just like a simple, straightforward gr zoning on the whole piece of property. You can see from the map there's gr around the area and

further northwest on jollyville road. There's a sonic, there's definitely gr and inli. Of course, jollyville road

-- the basis of the staff recommendation is based on this 1978 land use study. It's a 36-year-old land use study that's, frankly, outdated. According to imagine austin, it's an activity corridor. Activity corridors should have restaurants and cafes. Staff has in their backup believed that with their recommendation the existing use will be brought into conformance. Well, the problem we have with I.O. Is that I.O. Will take the parking lot zoning down to 70%. Our current parking lot is 90% impervious cover. It has been for 31 years. And so that I.O. Zoning impervious cover does not fit with what's actually there. So we've asked for gr zoning which would allow us to keep the 90% impervious cover across the whole property and I would also point out that in 1979 the land use study that staff bases their recommendation on didn't have a impervious cover limit. So ironically they used the 1978 land use study for office, but we're getting stuck with current impervious cover limits. So the staff recommendation is based on outdated land use plan, ignores imagine austin and inconsistent with jollyville road as activity corridor. The loss of impervious cover will result in loss of parking, loss of off site parking and therefore burden the neighborhood next door. I would point out the neighborhood next door, the rain tree neighborhood association, is fully supportive of this project. Both the existing restaurant use and requested rezoning. We've had no opposition. In fact, we've had full support. We went to zoning and platting commission. Zoning and platting was unanimously suppose of the project and nobody wants to see this restaurant closed down or adversary affected. They reached a compromise of g.O., But g.O. Has 80% impervious cover limit. And it would also cause us to lose impervious cover and lose parking. So what we have proposed is to

-- is to kind of meet halfway between the zap recommendation, gr-co for the entire tract and we'll agree to the zap's recommended prohibited uses for the gr portion and those would be automotive rentals, automotive repair services, automotive sales washing, pawn shop services and service station. And we would also agree to the development regulations that would limit the height and would limit density to 2,000 trips per day. With that I'll be happy to answer any questions. Thank you.

[09:12:37]

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Appreciate all the information. One question since we're talking about now the vision of imagine austin and that vision does include mixed use. Would there be any interest in allowing -- in having m.U. On the property for allow for possibility of some mixed use in the future?

>> We would have no opposition to that. That would be fine. In fact, that would make sense. Because as this property redevelops, it will be subject to commercial design standards and I think mixed use will be appropriate.

>> Mayor Leffingwell: Further questions?

>> Thank you.

>> Mayor Leffingwell: No speakers in opposition. I believe this is first reading only. Ready for first reading only? Councilmember riley.

>> Riley: I'll move to close the public hearing and approve on first reading only the requested -- well, the gr-mu-co. With the conditions that were discussed by the applicant.

>> Mayor Leffingwell: Motion to close the public hearing and approve on first reading only. And is there second in mayor pro tem cole seconds. Mayor pro tem, did you

--

>> Cole: I simply want to say I'm glad that the recommendations of the applicant brings us in line with imagine activity and activity corridor.

>> Mayor Leffingwell: Further discussion? All in favor say aye. Opposed say no. That passes on a vote of 7-0.

>> Mayor and council, your next item is item 125. Skies c14-2014-0105 for the property at 2428 and 2832 south first street. This is a tract of land that's about .7 acres in size. It's currently zoned I.O. And the request

-- limited office zoning and the request for cs, commercial services zoning or cs zoning. The planning commission recommendation broke this tract up into three portions or three parcels to zone a portion of it cs, general commercial services. Which is tract 1 on the map in your backup. Which is about .145 acres in size. Travis county 2 would be lr or neighborhood commercial, which is .342 acres in size. And then I.O., Limited office, with some conditions, that's .215 and that's tract 3.

[09:15:23]

[One moment, please, for change in captioners]

>> the request for cs is not necessarily driven by desire to redevelop the parcels at this time in a uniform fashion, however the stated desire is abutting on south first street that property be used as a food trailer court and future plans, possibly would include a small restaurant on the western portion of the property. The property itself, as I mentioned, is in a kind of unusual tract that has the projects on those two

-- the projects on those two areas and that the planning commission's representation has been articulated and put into an ordinance form because the applicant can provide us field notes for all that. Although this might be a discussion case and the applicant disagrees with the commission's recommends, if you decide to move forward you could go all three readings today. I'll pause and let the applicant make their presentation.

>> Mayor Leffingwell: So there are no speakers signed up? No speakers signed up. I'm wondering why this was not on consent.

[09:17:27]

>> I know applicant is in disagreement with the commission's recommendation.

>> Mayor Leffingwell: That's a good enough reason right there. I guess we can hear from the applicant. Councilmember morrison?

>> Morrison: Greg, before we hear from the applicant could you help us understand the thinking behind the planning commission recommendation? I guess cs makes sense, but the lo and lr.

>> If you take a look at the map, the lo tract to the north, near some abutting lo and it's bordering cs to the side. The lr would act as a transition between these lo's and the cs zoning so you're going for more intensive zoning along the roadways as you get back into the interior of the property, all that transitions

back to low cloud deck. So

-- to lo. So the staff was looking at that and the commission as transition. Mayor and council, if applicant isn't here

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>> Mayor Leffingwell: Is applicant here?

>> I thought they were, but I don't see anybody here. I would suggest

--

>> Mayor Leffingwell: The applicant is james simon. Is not here.

>> I would suggest that we postpone this for a week and we'll try to find the applicant and agent and make sure they're here next week.

>>

>> Mayor Leffingwell: You didn't have any word that he was not going to be here?

>> I have not.

>> Mayor Leffingwell: He told you he objected, but is not here?

>> That's correct.

>> Mayor Leffingwell: Okay. Councilmember tovo?

>> Tovo: I move that we postpone it for one week.

>> Mayor Leffingwell: Motion by councilmember tovo to postpone this item until october second.

Seconded by councilmember riley. Discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero.

>> Thank you, mayor and council. We'll make sure we contact the applicant and their agent and make sure someone is here next week. The next case for discussion, item 130, case c 814-2014-00110. Sh. This is a colony park sustainable community initiative pud. Again, it's located on the northside of loyola lane between johnny morris road and decker lane. Comprised 208 acres of land and is currently zoned sf-2, sf-3 residential zoning as well as an mf-2 multi-family zoning. It was recommended to you by the staff and the commission and it was also recommended by the environmental board unanimously. The project itself would contain

-- could contain up to 1,622 units of multi-family, 166 units of single-family. Noting that your briefing this morning also included many of these could be used for accessory dwelling units. There's about a half million square feet of commercial and about 440,000 square feet of square feet of civic and institutional you houses. There is parkland and about 45.8 acres minimum of natural area. Since you had the briefing this morning I won't go into more detail. I think you've got at least one speaker in opposition and several that are in favor. I'll pause at this time. Staff has been working diligently on this for months and months and is here to if you have any questions.

[09:21:11]

>> Mayor Leffingwell: We have one speaker signed up for and two against, one of whom is signed up neutral. So the first speaker for, those in favor, margarita desareto. Margarita? Signed up against is melvin wren. Melvin wren? Signed up neutral is david king.

>> Thank you, mayor, mayor pro tem and councilmembers. You know how I feel about puds. So I won't go into all that, but I do have some questions about it this pud. And I heard reference in the earlier

discussion about this, about codenext and the missing middle and form based codes. And I haven't seen this body set a formal policy on codenext, on form-based code on the missing metal. So I wonder how you can sign off on a project that recommends using that. I think you've got this in the wrong order. I think we should have a policy by this council as to what codenext is going to produce and whether we're going use form-based code and where that will be used. So I think this is premature. And I hope that you will discuss that and you will set a policy so that the public knows how that is going to be used and where it's going to be used and why we're going to use that approach. That approach is still being formulated. Codenext is not done yet, yet we're eager to rush through and start implementing these things without a good public discussion about this. So I think that we should be very careful and I urge you not to move forward with implementing that strategy until codenext has gone through its process and you have, or the next council, has set a formal policy on how we're going to use the missing metal and form-based code. Then I think you should also find out and ask if approximate the developers of this project and the property owners of this project are also going to

-- they're going to get entitlements from this, that's the whole goal here, let's give you entitlements that increases the value in their profits. Are they going to then turn around and then ask for a reduction in their appraised property values on this property that they've

-- that you've granted increased entitlements on? I think you should ask them upfront and tell them that that's a value that's important. And that you're not going to allow them to do that and protest their appraised value on their properties after they've gotten these entitlements. Unless there's a mistake or some problem with the appraisal. And also I think it's important that we nail down the affordable housing. How much and where is it going to be. And are they going to be able to count private balconies as a public amenity? Like they did on the taco pud? I think that's another reason why the pud ordinance is bad and needs to be repealed. Thank you.

[09:24:33]

>> Mayor Leffingwell: All right. Those are all the speakers that we have. Technically you have three minutes to reput. Would you like to rebut anything? Staff is the applicant on this.

>> Lawyer are stoops with urban design group, representing the design team. I would point out the owner of this property is austin housing finance corporation. So not a developer. And our intent was to have the time this morning to really let you understand the breathth and all the detail as much as we could of the project. So I'm here to answer any questions if you have any others.

>> Thank you. Mr. Guernsey, my list says ready for first only, but I thought you

-- I heard you say it was ready for all three?

>> Mayor, this is ready for first reading only.

>> Mayor Leffingwell: First, okay.

>> We'll be bringing this back shortly to you, but only first at this time.

>> Mayor Leffingwell: All right. I'll entertain a motion. Councilmember riley.

>> Riley: Move to close the public hearing and approve on first reading.

>> Mayor Leffingwell: Councilmember riley he moves to close the public hearing. Seconded by the mayor pro tem. All in favor say aye? Opposed say no. It passes on a vote of seven to zero. It looks like that brings us to item 132.

>> That's a tim certain, mayor, for # 3030.

-- 630.

>> Mayor Leffingwell: No wonder nobody jumped up. 135? I thought that was set for 6:30, but it was 132 instead. Okay. 135.

>> Item number 135, one 36, one 37, one 38 are all related to the south austin combined neighborhood planning area. These are for the boundaries are generally comprised of ben white boulevard to the north, south first street to the east, william cannon drive on the south and sunset valley city limits on the west. The item was forwarded to you to the city council without a recommendation by the commission. They failed to have enough there to actually take a vote to bring you the recommendation, although staff is recommending the neighborhood plan. Item number 136 is westgate neighborhood plan area rezonings. And 137 is the south manchaca neighborhood area rezoning. 138 is the garrison park neighborhood plan rezonings. And those being case c-14-20140017 for 136. C-14--2014-0018 for 137 and c-14--2014-0019 is the garrison park. And where we left this, we started this on a thursday, got continued to a friday several weeks ago. And we left the public hearing open. We did hear from certain property owners and residents of the area and the idea was to continue the public hearings today so you can consider their input. So mayor, I think you could go through the list if you like and call up those that are here.

[09:28:35]

>> Mayor Leffingwell:. I lost my list of people who spoke last time, so we're going on the honor system. First speaker in favor is thomas webber. Oh, okay. Thomas webber? All right. Ken craig. Is ken craig here? Okay.

>> Good afternoon and thank you. I am ken craig. I live on serroco drive, which is in the southeastern section of the combined planning area now known as the garrison east subdistrict. I might as well start with infill options. The first thing I'll like to say about them is our subdistrict did not merely acquiesce so a suggestion, but we actively sought them as we feel they're the best available tools to achieve our neighborhood vision. We think staff did great work in recognizing that different neighborhoods even within the same planning area have different goals and needs creating subdistricts reflecting those different desires. And so I support the options as presented with consideration of the plan. Regarding the small lot amnesty and the adu's, we feel like they'll help people

-- residents remain in the neighborhood and the cottage lots and other urban homes. It will help us achieve housing option diversity and restrict it to the major thoroughfares surrounding the east garrison subdistrict and therefore would direct all future growth

-- future growth and densification to those corridors. That said, if you find that you cannot support those infill options, I'm going to ask that you would please at least note the desireability of future tools and options so that we could achieve the goals that they were intended to achieve. As a whole the basic plan I think expresses

-- I don't think, I really believe it expresses our desire to manage the inevitable growth and redevelopment of our area. It will help guide the residence of future developers as to how our neighborhood deals with that change, presenting a vision of a neighborhood that is geared towards safe, multimodal transit options with special attention to save bicycle pedestrian routes while maintaining,

enhancing green space, appropriately scaled retail and services with an emphasis on public spaces and amenities. It would be designed to encourage non-automobile mobility, which can also all work together to help lower a family's cost addressing some of the affordability issues that we face. Please help us continue to envision our neighborhood as this growth will happen to us and is coming and we want to be able to be proactive about it so that we can let people know when they look at our neighborhood this is the kind of thing that these people will agree to. And this is what we're going to have trouble with. So please help us with that. Thank you very much.

[09:31:45]

>> Thank you, ken.

>> Cole: Councilmember riley has a question.

>> Riley: I want to thank you for all the work you've done on the neighborhood plan. I know this has been a challenging time and especially in that area. And I know it's been a lot of work bearing through it. I want to ask you a question. We've heard from

-- we've heard some concerns from some parts of the it bay area about a lot of the infill options. We've also heard from the consultants on the land development code rewrite that they would like to come back, try to reengage in the conversation at the time, later on in the process supervising the land development code. I understand that your part of the area, the garrison park area

--

>> garrison east.

>> Riley: East garrison, and at least one other area, the south manchaca area. That they would like to see some infill options. In the meantime, like sooner rather than later. If we wanted to get -- allow for some smaller lot options while still holding out the possibility that there would be some further discussion later in the code rewrite process with respect to other possibilities, then just want to get a sense from you of like what would really be urgent to move forward with now as opposed to just tabling later. So for instance, secondary apartments might be one that we would want to go ahead and allow now even if we want to reengage in the conversation later about other possibilities.

>> I think that probably accurately reflects the sense of our neighborhood, the adu's and the small lot amnesty. We think they are important tools to be able to have now. The cottage lots and urban homes we understand that is probably one that will be a sticking point. And as I said, what we really would like to see if some for some reason those can't be supported now, we would like for there to be a recognition of the goals that those options and those tools would provide or help us achieve because of the things that are coming up as you mentioned.

[09:34:09]

>> Riley: Okay.

>> And honestly, I would prefer personally to not see the whole plan scrapped because we're going to hang up on urban homes.

>> Riley: Sure. The top priorities for the short-term would be secondary apartments and small lot amnesty.

>> That's my sense.

>> Riley: Thank you very much.

>> Morrison: Mr. Craig, I have a question for you also. One of the things -- you're lucky to be the first one up today so we get to ask all the questions of you. One of the things that's been brought up that has me concerned about small lot amnesty is that there is apparently there is an ordinance in the works for clarifying small lot amnesty. Is that correct, mr. Guernsey? Because there's a question on the table. As far as I'm concerned it's not a question because I've seen it happen in my neighborhood, and that is when you're adopting small lot amnesty it's not so you can go and cut all your lots in half, it's just that you have amnesty if you happen to have a small lot.

>> Right, for replacement of damaged, destroyed home.

>> Morrison: So one of the things I was contemplating, you say you're interested and that's one of your top priorities. One of the things I was contemplating was the idea of not adopting small lot amnesty where it's requested right now and directing staff to initiate a code amendment to actually -- not a code amendment, a neighborhood amendment to adopt small lot amnesty as soon as the clarification comes through.

>> And we're talking about clarifying that we're not allowing subdividing.

>> Morrison: It's not about subdivision.

>> Exactly. And I think that our neighborhood would be extremely unhappy to hear about any kind of subdivision. I should have said providing that

--

>> Morrison: Good. [Overlapping speakers].

>> I think I have over here providing that and I skipped over it. I apologize.

>> Morrison: That's terrific. That sounds like it could be a good outcome then. Thank you.

[09:36:11]

>> Cole: Any other questions of mr. Craig? Good by, ken. The next speaker is ken cohen. These are speakers now against. Ken cohen. Okay. Trudy cohen.

>> Thank you. My name is truedky cohen. I live in garrison part in the west part. Thank you, city, to for taking the time to hear us and council and mayor to listen to us today. South austin is a busy, growing community with several small streets that are now becoming major thoroughfares. Our infrastructure is inaustin-bergstrom international to accommodate more vehicular and pedestrian traffic and it's not only during rush hour, it's all through the day. And we worry that emergency vehicles cannot arrive prompt and maneuver easily. We have a question now as a big apartment complex is being built directly across the street from our fire station. Residents have difficulty crossing streets. We cannot make turns easily and safely out of our development. We are stopped behind buses. And yes, a new traffic light may help, with you removing incident fill options is

-- the infill options is a better solution. Besides the use of water flooding in our area, we're concerned that many of the other infrastructures are going to

-- are going to be hurt and filtered down into sanitation, maintenance, erode parks and pools and other city services. Carbon dioxide emission from vehicles and concrete will increase and we're going to have fumes as we walk down the street, bike down the street or wait at a bus stop. The mature canopies of

trees that our community boasts about may be destroyed and the beneficial effects of purification by the trees will be degraded and/or eliminated and let's not forget the simple pleasure and beauty of sitting under a tree in the shade whether in garrison park or in your own backyard. And as the poet said, once destroyed, only god can make a tree. Finally, let me speak a moment about legacy. Of when the trees are gone and the first responders are late, and when children dodge buses and cars to get to parks and to schools, the people in our community will look around and say how did this happen? When did this happen? Mr. Mayor, members of the city council, please want to let this be your legacy. Your actions will be remembered by every current and future austinite. Thank you for your time.

[09:39:26]

>> Cole: Thank you. Fred cantu. Mr. Fred cantu. Oh, I see you.

>> Good afternoon, mayor pro tem and city councilmembers. My name is fred cantu. I'm the president of the manchaca estates neighborhood association. And let me quickly say thank you, all of you, for your service to the city of austin. I know some of you

-- I probably won't get to address you again. Thank you very much. A very humble thank you. I live in garrison park right by the railroad tracks on william cannon. My neighborhood is actually the neighborhood with the least density of all the neighborhoods. I have a one acre lot. My neighbor has a one acre lot and so on all around me. What's going on because of traffic in manchaca is can known lee that runs parallel to manchaca has become a cut-through street. I work

-- I walk mr. Biscuit every morning. I can't walk on that street anymore because people run the stop signs and it's bumper to bumper. That's not what it was meant to be. On miles avenue, which is the street I live on, and manchaca is a fire station. There's no way the fire trucks can make a left-hand turn there and go south. They have to rumble through my neighborhood. I'm okay with that because sometimes it's a matter of life and death, but that should not be. And there is a big, big development going up right across the street from them. That's going to even get worse on that. So our major concern was okay, you're doing all these things for options to infill, but we have not addressed anything about traffic, water, wastewater, flooding, none of those. When we went and visited with the planning commission, the subcommittee at the planning commission voted to pull out the infill options. And had there been enough members at the planning commission meeting they probably would have have pulled it out too, but instead they punted. I think that we need to make sure that what we do, there is consequences and we've seen it on lamar. We don't want to see that in our neighborhood. I want to be able to walk biscuit around the block is without getting run over. Thank you so much.

[09:42:08]

>> Cole: Thank you, mr. Cantu. Next we have lupe salsa. There you are.

>> Good afternoon, councilmembers. My name is guadalupe sosa. I live in the area. Even though I'm an officer of the neighborhood association, I'm here to speak as an individual. I have been a homeowner in that area for 37 years. I moved there when it was the edge of the city and it was known as far south austin. And now I'm practically downtown. My neighborhood is a really nice neighborhood with houses that were built in the 50's and 60's. And I'm here to ask you to please not approve the infill options in

the design tools. I am opposed to the statement in item 137, the south austin combined neighborhood plan. For the south manchaca npcd. And I open to the four items listed under the
-- in statement under the proposed manchaca and pcd, the following are proposed to be applied area wide. I think it's not a good idea that, one, we've been taken our right to speak out against
-- to get to know what's going to be developed in our area. We will not be even notified about it. I think that's our right as a homeowner. And secondly, the infrastructure for

[09:44:09]

[indiscernible] is not present in our neighborhood. I have a relative who lives on lansing and manchaca, which is near the creek. His house got flooded and he had to replace everything inside, his flooring and his walls when the people in dove springs got the flood in
-- last year in the halloween flood. It was not noticed because, of course, dove springs got the worst of it, but flooding of personal neighborhoods because of infrastructure for density is not there and because we have gotten more buildings around it, including the
-- of our adjacent community. I have to remember the name of it right now. I'm sorry. But I want you to please
-- if you approve plant, the plan is good, but the infill options and the design tools are not. And I ask you to please strike them out of the plan. Thank you.

>> Thank you, ms. Sosa.

>> Cole: Next we have natalie shuro. Natalie?

>> My name is natalie shuro and I live in south manchaca. My perspective of my neighbors is different because of my knowledge of liability, which is the insurance that covers a company or individual in the course of making a mistake in professional services. If an attorney misses a deadline or an architect makes a design flaws the policies I will appoint and identify defense counsel. I'm a registered professional liability underwriter, so I'm familiar with the operations of architects, engineers, surveyors, builders and everyone else involved in the real estate development process. One of our main concerns as a neighborhood is the increased allowance in impervious cover and the corresponding drastic changes in landscape will cause our homes to flood. This is not an unreasonable apprehension. Water doesn't sink into the ground through concrete slabs and as a result water damage claims are some of the most prevalent claims in the industry and are also really expensive to resolve. A professional liability claim under six figures is considered relatively small and that's often attorney's fees. I don't even have five figures to put into a claim for a real estate developer and it wouldn't matter if I did because most professional liability policies start at about a million dollars in limits. And believe me when I say that insurance companies are really good at defending their insurance and their profit margins. Flood insurance doesn't cover these claims. My homeowners insurance won't cover the specific type of flame even though I have water damage coverage and no company will appoint counsel to go after the people responsible for damaging my home and no policy exists according to my insurance agent that would do that. So it's up to me to bring a demand against the people and companies responsible. Not only are attorney's fees going to run me tens of thousands of dollars at least, but there's no guarantee that my claim will hold water.

[09:47:17]

[Laughter] p.

>> Cole: I got it, I got it.

>> The common enemy rule works against me and I also don't know how to make a claim that building a gigantic condo complex is unreasonable when it's sanctioned by my own city. Yes, landscape architects have fancy ways of redirecting water and no, they don't always work. Even if my suit is successful the most I can get is reimbursement for my home repairs. If I have foundation damage, my home is devalued because repaired foundations continue to have problems. Diminished claims of real property are almost nonexistent. On top of all that an attorney at a major insurance defense firm in houston told me unless there is a substantial amount of debris involved we homeowners don't win these suits anyway. The recourse in the courtroom is not fiscally responsible for me and I'm asking for a proactive and preemptive protection for your citizens. I'm not some old hippie who insists austin should be the way it was in the 70's, but the exposure she is real and the problems with south austin many. So let's fix will flooding and infrastructure and then we can talk about infill tools.

>> Cole: Thank you, natalie. Next we have juan shipley. Wayne shipley. I understand you have people donating time to you. Four people. Have they already spoken before or not? Paula simpson, are you here? Steve simpson, are you here? Scott bells.

>> [Inaudible]. Carol o'hearne. You need to sign up with the clerk as donating. Okay, wayne, your time is...

>> Did that work out? I have 15 minutes?

>> Cole: Yes.

>> Okay. My name is wayne shipley. I live in the southern oaks area. Sorry. I'm going to start by touching on the suspect that virtually every person that's come before you has talked about. That's the south lamar area. This is a slide of the city staff gave of the august 4th for the mitigation plan that's going on over there. I'd like you to keep that in mind if you would as I go through my presentation about the serious implications that that mitigation plan has. So next, please. Our -- one of the basic problems that we've had with the plan from the very beginning is the infrastructure issues surrounding it. Let's go through part of this. This is the fire station at manchaca road and miles. Directly across the street from it is being built a mixed use multipurpose complex. This is a traffic in front of that fire station. That goes down

-- the william cannon and manchaca intersection is three blocks down the road from that. That's what the fire trucks are looking at if they were to take a left out of there. What they generally do is come back to the right there and go down miles avenue and cut back down to cannon league. And they're careful. I'm sure they don't speed through that it neighborhood, but there's families in that neighborhood. What if a kid is running between a car to chase a ball and doesn't see the fire truck coming? So this is again the fire station. Sometimes it stacks up both ways and they can't get out any way they want to go. This is looking north. This is that same traffic jam standing from the same place looking north headed back up past berkeley. Next, please. This is looking south from stassney and manchaca. I don't know if we can pull that in a little bit, but around the corner there the cars are stacked up all the way back to stassney. This is looking north from that same thing to give you an idea of that. They're still stacked up going back to southern oaks. Again this is a little further up at invertness, they're still stacked up. This is a shot we

left in. I don't know if you can notice to the left center there there's there's an e.M.S. Vehicle there. He's not on a call, but what if he had to is head south in a hurry. This is from further up the block looking north again on manchaca road. We're still stacked up. You can see jones road there at the very right center. This is the head waters. This is ben white, still stacked up. You can see if you look closely there, I don't know what those two guys are doing in the red and white vehicles there, but if you look past that it's still stacked up on the other side of ben white. One thing to note that red sign to the center left there is a little store called radio. That's going to come into play a little later. So as you can see, the full length of the south austin combined neighborhood plan, traffic is at a dead stand still. This is in the morning. This will be looking south on manchaca road from william cannon. This is the fire station would be off to the center left there. This is looking south from about berkeley. This is berkeley. This is the light at berkeley. It's stacked up. There's a school to the right there, cunningham elementary. This is looking to the left there on manchaca road just at the upper right of that would be garrison park. It's still stacked up. This is from stassney and manchaca looking back by crockett high school off to the left there. I left this in because it shows some of the traffic on stassney. Stassney tends to stack up too. And that's going to come into play in a little bit here. This is looking back south on manchaca from jocelyn elementary. This is again ben white and red street. It's still stacked up. Next? This is red street. The side street is also stacked up. We didn't have the time available and I don't have the time available to go over it, but many of the side streets, the cars line up to try to get out on to manchaca because manchaca is so stacked up. This is a traffic evaluation. It's the traffic impact study that the city staff has signed off on. You can see right there it's waived because this is a city initiated project. And all along I thought this was a neighborhood initiated project. Silly me. We're talking about the flooding now. We're over the traffic infrastructure. This is

-- these were taken in october well after the flood waters had started to recede. This is the jones road bridge looking north. This is again the jones road bridge looking north. If you see that little orange spot there up in the top of the trees that were knocked over. That's debris up at the top of those trees. That's how high the water was. This is looking south. It's still out of the banks. Note the row of trees to the right there that are knocked down. This is a bitter look at that row of trees. You can see debris up at the top of it. This is not a great picture and I originally put it in because I wanted to show that debris with the center there on top of the tree line, but if you look closer there's a log stuck in the guardrail. Water was completely over the top of that bridge in october. Here's the debris line where the water had washed out. It goes almost all the way to buffalo pass. This is a park across from cherry creek drive which stassney lane dead ends into. This is just on the other side of williamson creek. That barn was completely washed away. Next. The playground in that area, you can see the creek down there. It's about 150 feet below where that thing is. The water was up over that table. Strong enough that it took the bench right out of the roots out of the ground. Again, this is even farther away. It was over the top of that table. I don't know if that's the same bench it might be, but it blew right through that fence. And it was up over the top of that jungle gym. You can see the creek bed down in the distance there. This is from the september third floods

-- september 18th floods last week. This again is the jones road bridge. This would be standing looking east across the section to the north of it. You can see the debris. The water again was up over the bridge it and that was not that big of a rainfall last week. It was a good rain, but it wasn't a flood stage rain. Again the debris line goes the length of the bridge. Next. This is looking north again about where we had

the pictures earlier. Again, it was enough that it could take out that row of trees there. Next. In your supplemental packet that we gave you today there's a letter from the owners of this property. They were flooded out last october. It happened again last week. They have just barely gotten their property put back together again. It completely took out their fence and some of their area. They were woken up about 3:30 in the morning. Their neighbors came by and told them they better move their cars because their garage was about to flood, and it did. This is that same property. You can see the debris at the top of the fence line there. Again the same property. Next. Again, it's the same area. You get an idea for the devastation that came through there. I didn't think this was a great picture, but I left it in. I don't know if you can see that fence post lying down there? That's a pretty good chunk of concrete. That water came through fast enough to pull that out of the ground and throw it down to where it was supposed to be. I don't know if you noticed that kind of an arced pipe laying in the ground there, on the ground. That is the top of the fence that went along their property line on the other side. It was enough to take the top of that fence and bend it and knock it down there. Next? Again, there's debris on the top of the fence line. This is a deck down the road a little bit. Debris up at the top of it. And thin the debris on the top of that swing chair there. These were taken well after the water came down. It was dangerous to get there much sooner than that. One of the sticking

-- again, that's enough

-- that's our infrastructure. As you can see, if we weren't here talking to you about this combined neighborhood plan we would probably be here asking you for some relief for the infrastructure problem that we have. South austin combined neighborhood plan, some proponents of it say it would help that. We are here to suggest that it won't. This is page 45 of the plan. One of the sticking points of the south lamar area, which many people have spoken about. The south lamar combined neighborhood plan was the flum. The south austin combined neighborhood plan doesn't have a flum tick in this casely. They call it something else now. They call it a character district. That's it on page 45. This is a closeup look at it. If you would notice, the orange sections there are what's called neighborhood transition. The purple sections are called neighborhood nodes. The blue sections there are called mixed use activity hubs. Note dead square in the center of our two and a half mile square area is a mixed use activity hub. Next please. This is on page 56 of the plan, neighborhood transition. It suggests that that type of a building is appropriate for that. Next, please. This is a picture of a building on dell cuerto on south lamar. Next. That's the orange areas around there. I would note if I may, the lower left-hand quadrant of that, on berkeley, if you drew an x over that neighborhood that falls in almost the geographic center of the neighborhood to build neighborhood transition type buildings. Next. This is the second part there on page 60. It's called a neighborhood node. And that building is considered to be appropriate for a neighborhood node. Here's one on south lamar close to the broken spoke. That's not three-story, it's four-story, but if they took one layer off the top of that, 15 feet, that would be appropriate for the neighborhood nodes in the area. Next please. Again, the neighborhood nodes are the purple areas, run pretty much the length of the southern area of manchaca there and in many other areas along the planning district. This is a mixed use activity hub. On page 65 of the plan it describes

-- it shows this as being appropriate for that. This is the development cielo. It's on the corner of can manchaca and south lamar. Frankly, I didn't have a lens in my mammary big enough to take this picture as a whole, so I'll give it to you in a couple of shots. That's it. That's the other part of it. Next, please. This is broken spoke canyon we call it affectionately. That's the mixed use multipurpose development right

next to it. Next please. Those are appropriate in the blue section. That would be in the dead square center of the planning area. And also to the right there you see on south first street at stassney. And I'd like to remind you, if I may, that stassney dead ends. It's not even a through street. It dead ends into westgate. And we already have traffic problems down there. And yet the plan would suggest that it would be a great idea to put something like cielo in the middle of our planning area. This is the road off of del cuerto and the part of south lamar planning area that is under mitigation. I'm sure I don't have to explain that to you, all of you know about that. That's actually five single-family homes. Because of the way that's platted those are not called urban homes, but a colleague of mine who owns an architecture firm in town has confirmed to me that those would fit under urban homes and cottage lots both. That development is a four-acre development. It will have 35 properties. All of them will go in excess of \$600,000. That's for affordability. This is staff's recommendation for

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[10:04:19]

[buzzer sounds]

>> Cole: I believe that's your 15 minutes. Do you want towrope up with

--

>> that was 15 minutes?

>> Cole: Yes, sir.

>> I have a compromise that I would like to offer. Anyone want to hear about it?

>> Cole: Councilmember morrison has a question for you.

>> Morrison: Can you briefly just state

-- so are you suggesting some partial adoption of the infill?

>> Yes. We would suggest an amendment

-- we would suggest to the plan really two things. The first one is

-- don't know how to make this complicated. Infrastructure before development. We're already stressed developmentwise. Secondly, as to infills, someone who is much wiser than us, any of the members of our group in this area, councilmember martinez, has suggested we moving all of the infills from the area. And then at a later time if there's a need for them in a given specific area where it can be shown that it would help the area, then they could be brought back in. We would suggest through the neighborhood plan amendment process. And if there's a need by the community and it can be shown that the community is actually for this and not just the leadership of their ne associations, then we would be amenable even helping them get that done if that's what it took.

>> Morrison: [Inaudible].

>> Absolutely. And no overlays. There's five design tools in there.

>> Morrison: You mean like the front porches and things like that?

>> Yes.

>> Morrison: I guess I'd want to look at that because how are those impacting infrastructure?

>> The 15-foot set back is the big one, but the problem we have is bulk zoning by overlay. We would prefer that cases be looked at on an individual basis rather than giving our approval to something that might not be even on the drawing board for a couple of years yet.

[10:06:24]

>> Morrison: Okay. Thank you.

>> Cole: That was our last speaker, mayor.

>> Mayor Leffingwell: Okay. So we're

-- we're ready to go ahead

-- we can deal with 135 and then separately of course 136, 137 and 138, but that's all the speakers that we have for all the items. Okay. So you have not

-- none of these people have had a chance to speak either this time or the last time? And these are

-- let's see. The list I've got here includes the people who have already spoken. Come on up and state your name. Are you against?

>> No, I'm not.

>> Mayor Leffingwell: Okay. Did you speak last time on this?

>> I have not spoken on this matter.

>> Mayor Leffingwell: One more question. What's your name?

>> My name is tom webber.

>> Mayor Leffingwell: Okay.

>> Thank you, honorable mayor

--

>> Mayor Leffingwell: For some reason you're shown as being checked off and already having spoken.

>> Oh, okay. That was not the case. So anyways, I'm glad I'm here. My name is tom webber. I've lived in

the south austin combined neighborhood for over 20 years. I've been actively participating in the planning, the south austin combined planning neighborhood forums that have been held for over a year.

I dedicated a lot of personal time toward that, listening to the options. You know, we made it very loud and clear through that process that we were supportive of having an urban fringe on our more traveled streets with the residential core more or less left alone, and that was then reflected in the infill options

that were kind of set out carte blanche for all lots and we got quite a strong reaction to that. I'm supportive of item 135 and the other associated items because they do now reflect what the infill preferences are on the particular neighborhoods. I live right now in garrison park and the infill options

that are proposed there have been customized for that neighborhood and I'm supportive of them. I think something that's missing in the discussion that we've heard so far is that this five-story building,

we don't like that or this two-story building isn't appropriate here, but I think what the plan does is it shows very clearly where those buildings will not be. And I think that's something that we accomplish

through a planning process is we protect property owners who live in that residential core from that type of development and we put that development where it needs to be on these more busily traveled streets. This kind of change is coming. It's already here. Those photographs that we just saw, that's going on. Do we want that all going on without a plan? Or do we want that going on with a plan that sets

where those kinds of things are and where they are not? I would say that we do need them in the areas that are identified in that plan, and I support the plan as it's laid out with the infill options as they've been customized. The plan also includes a lot of ways to get people moving around so that we're not stuck in these automobiles. As was pointed out, we are very close to downtown. We are very close to

the center of things. It's very easy to bicycle. We need to make that bicycle infrastructure better. We need to have floodplain protection. We need to stay out of the floodplain with floodplain variances. That's identified in this plan. We need the mixed use activity hubs that's going to connect our residents to centers.

[10:10:51]

[Buzzer sounds] and there are a lot of other features in regard to this neighborhood plan that I think is going to help this neighborhood make it through the growth and transition that is coming and is already here. Thank you.

>> Mayor Leffingwell: Thank you. Is there anyone else who is signed up to speak on the south austin combined neighborhood plan whose name has not been called? Anyone else? Okay. Council, I guess y'all have a motion sheet. All right. So we'll start with agenda item 135, which would be motion would be motion number 1. I'll entertain a motion. Councilmember martinez.

>> Martinez: Mayor, I'll make motion number 1 to get the conversation started. I'm sure there will be amendments. I'll move approval. Move to close the public hearing and recommend approval of the south austin combined neighborhood plan as developed through the public planning process and as recommended by staff.

>> Second.

>> Mayor Leffingwell: Motion by councilmember martinez, seconded by councilmember spelman. And this is the first reading only. Correct? All right. So any discussion? Councilmember spelman.

>> Spelman: Somebody has got to

-- somebody has to ask the city staff some questions and there they are.

>> I'm a bit hard of hearing, so if you can speak up.

>> Spelman: I'm a little hard of speaking. It's not that it's not loud enough, but it doesn't make any sense. My apologies in advance.

>> Mayor Leffingwell: Your speaking is just right. You need to ramp it up, get a little closer.

>> Spelman: One of the previous speakers had the blanket statement infrastructure before infill. The two big issues at the raised were the effect of some of these infill options, any of these infill options on traffic and the effect on flooding. To what extent did we consider both of those potential impacts when we were talking about these infill options and development of the plan?

[10:13:03]

>> As far as the infill options go, we did during this discussion of the infill options have the floodplain map at the table when we were looking at where they applied or could apply potentially. We -- in the meetings with the community, we used that as a reference as well. I actually threw together a few slides on this if we could pull up the powerpoint. In advance through this? Anything in green on this map currently would allow per zoning and lot size secondary apartment. Those are lots sf 3, # thousand square feet or larger. It's the later or pale yellow lots on here that would be affected by adoption of this option. Within the south manchaca planning area on here, there are four orange lots that fall within that floodplain. So it doesn't affect very many lots. If you advance the slide a couple more. The next one. This

map shows the infill options for the urban home and cottage lot options. Again, the floodplain is shown on here. In the south manchaca planning area, where the urban home option is being proposed, there are four lots. Where urban lots could be allowed to fall within that floodplain. We also -- in your backup materials there is a watershed map that was provided that's been in the plan. That's something we've gone back to as well. Again, the infill options aren't being proposed in any sort of recharge zone, very few in the floodplain.

[10:15:39]

>> Spelman: I understand. I think we agree it would be a mistake to reduce to increase the amount of impervious cover directly in the floodplain. On the other hand, the floodplain is the floodplain because it's getting water from outside the floodplain. This is where it's collecting, this is where it's rising. We're actually getting flood levels. And if you increase the amount of impervious cover upstream of the floodplain, even if it's not in the floodplain, it could increase the size of the floodplain, increase the strength of the flood itself. Is that something which we considered when we were talking about it these infill options?

>> That's

-- I would say I think that is something that we've discussed. It's something that is hard to project. Because we don't know where

-- how many of these infill options would be built.

>> Spelman: I would imagine there's some parts of this area wherein fill options would have absolutely no effect on flooding because we have more than adequate flood control facilities already available. I would imagine there are some which are even though they're outside the 25 or 100 year floodplain that would not have adequate flood control available to prevent increases in the size of the strength of the floods.

>> It's also my understanding that the entire area is being evaluated for upgrade. For storm water as well. That is a cip project in the works. I'm not sure what stage.

[10:17:43]

>> Spelman: In light of mr. Shipley's pictures, that sounds like an excellent idea to me. By that's a separate issue from what we're talking about here. And what you're inviting us to do is take actions, some of which may have the effect of making a problem, which is already scary, considerably scarier.

>> I would say if you go back a couple of slides to the secondary apartments, that slide, one of the things that we have talked about in this process is what is currently allowed under your existing zoning and what these infill options would allow. That was in the backup that was provided for the august 28th/august 29th hearing. The urban home and cottage lot infill options could potentially increase density a bit, but for any of the areas shown in green on this map we are also -- these would allow a secondary apartment by right as well as a duplex. They are allowed duplexes as well.

>> Spelman: I understand it and correct me if I'm wrong, plant does not change the impervious cover limits for small lot amnesty and apartments. 45% stays, 45 percent even when we were granting you the

opportunity to build on a small lot, you still have to get it on 45% impervious cover.

>> That's right.

>> Spelman: So those two infill options would not have an effect on impervious cover, but cottage on lot, urban homes, those would.

>> Potentially, yes.

>> To what extent did we consider traffic impacts of infill?

>> We did not. We looked at the campo 2010 and I believe it's 2035 is their next projection. According to their 2010 maps, and I regret not having this in the slide, but according to the 2010 maps, the major roads that they measure, it's mostly free flowing traffic with the exception of I think there's some travel time delay up around ben white, as you imagine. The 2035 projections show a bit more of congestion problem. You go from green to yellow and red on some of these major roads. That traffic is not being generated within this neighborhood. So a lot of that is coming from growth south of this planning area. It's people driving into austin. Through this neighborhood. So in that sense increasing the destinations, amenities within this neighborhood I'd argue makes a lot of sense because it's reducing the distances that people need to travel to meet their daily needs.

[10:21:11]

>> I'm on with a general idea. If you don't have to travel as far as you need to go, vehicle miles traveled is a better predictor and more significant reason why traffic congestion is getting worse than the total number of cars on the road or the total number of people on the city. So I'm prepared to believe that concentrating more retail options, allowing people to drive shorter distances to get to work, things like that, can actually improve our traffic congestion, but it seems to me that in light of the concern about traffic congestion citywide, not just in this neighborhood, it would be a good idea for us to put a pencil to it. Is it something which you've been discussing in your department as to whether or not it would make sense to engage campo staff or the transportation department staff and working through the traffic implications of the neighborhood plan? Not necessarily just this neighborhood plan, but in general is there something we're talking about?

>> Yes. Short answer to that is yes. We are looking at ways that we can better coordinate?

>> This is not something we have done specifically on this plan other than the look at the 2010 map and the 2035 projections for the major streets?

>> We have worked with public transportation depa throughout this planning process, but certainly working with and we are collaborating more, I'd say.

>> Last question for me. You will probably get to us from some other people.

>> Spelman: Are there parts of this plan which call specifically for improvements in flood control? Are there parts of this plan which specifically call for improvements in flood control or for improvements in roads or public transportation or other means of dealing with the traffic congestion in the neighborhood?

[10:23:23]

>> On both of those issues, yes, there are. Particularly with regards to transportation, this is something

that I

-- there might have been a couple of meetings that transportation didn't come up at, but I mean, I think we had a meeting on creativity and I'm pretty sure we talked about transportation there too. So the plan does include a lot of actions for increasing options for transportation. Recognizing that south austin is now in central austin. I mean, this is central city. It's roughly equal distance from downtown as crestview is. And I think we've heard a lot about

-- and talked a lot through this process about how we managed change in this planning area and part of that is addressing transportation and really trying to provide the options that allow people a choice other than driving because congestion is something that will keep us busy talking for quite awhile, I'm sure.

>> Spelman: I agree with you a lot of the effect we'll have on congestion is by giving people alternatives to driving. For the short-term we can expect the vast majority of people are going to drive for the vast majority of their trips. Is there anything in this plan which addresses the needs of their needs?

>> I'm sorry, can you say that.

>> Spelman: Is there anything in this plan that addresses the needs of people driving where they need to go?

>> Improvements to intersections is a big place where that can be addressed, yes. And it's in the plan.

>> Spelman: In the plan.

>> In many cases if we're making intersections easier for bicyclists and pedestrians, we're also improving them for drivers. One of the other concerns that we heard a lot of in this process talking about transportation is traffic calming in neighborhoods. The number of cut-throughs throughout this neighborhood. So the plan also addresses those concerns.

[10:26:01]

>> Spelman: If we improve the intersections we'll improve the throughput for the entire section. I'll look for it. Thank you, sir.

>> Mayor Leffingwell: Other comments? Councilmember riley.

>> Riley: I do have a question. It's not so much on item 135. It's on the other items, 36, 37, 38, the subdistrict areas. The staff has requested the adoption of certain infill options in a couple of those areas, the south manchaca area and the garrison park area. Can you just help me understand the decision process that led to those recommendations? Can you tell us something about the decision-making process that led those recommendations and to what extent those recommendations are based on input from residents in those areas, in those specific areas?

>> So we addressed these at the infill options for the entire planning area. And this again is in the backup from august 28th/29th. Through workshops and then a large survey towards the end of the planning process as well we came back after some concerns about how the infill options were applied, perhaps staff had applied them too broadly through the area and we held a big meeting in early april and had over 200 people attend that meeting. We revised our recommendations based on the outcome of that meeting. Also taking into account all of the previous input we had heard. So throughout this process we didn't want to throw out the stuff early on, but statement we wanted to

-- but at the same time wanted to recognize that people's understandings of these options may have

changed throughout it as well. So those were our recommendations that were first presented to you. And presented to planning commission. We have since gone back and removed some of the infill options in some of the areas based on private deed restrictions that have been produced.

[10:28:49]

>> Riley: Okay. But in those areas and in particular on the south manchaca area and in garrison park, for instance, is it fair to say that based on the input you received from residents in those areas that there was a preference to adopt some of the

-- the indicated infill options?

>> That is based on the input that we have heard, yes, that's correct.

>> Riley: Okay. Thanks.

>> Mayor Leffingwell: Okay. So we have a motion on the table for item 135. Councilmember morrison.

>> Morrison: I'm sorry, could we look at the secondary apartment map again?

>> Do you want the one with the floodplain?

>> Morrison: Not even this time. I want to look at

-- it looks like

-- the numbers are pretty stunning for garrison park in terms of the number of properties that would be -- that would have an added entitlement. [One moment, please, for change in captioners]

[10:31:12]

>> ... But the infill option as it's in our infill option tool guide will allow it

-- you could adopt it for the smaller sf3 lots and the sf2 lots and so the infill option covers most.

>> Morrison: Okay. And I am curious

-- I know there is some storm water management infrastructure studies going on and is there anybody that can tell us the timeline for that? You said you aren't sure but I think that's a critical piece of information.

>> I am not sure I can

-- I can get back to you on that certainly.

>> Morrison: I would be interested to know if it's just a study that's funded or if they have a study and the infrastructure upgrades funded and ready to go because I have some of the same concerns that council member spelman was mentioning because we have been working on the south lamar neighborhood around del curto and all of that and we've got a lot of very expensive work to do in that neighborhood to mitigate the problems so finding the balance of making sure the infrastructure

-- I don't know that the infrastructure

-- the money to actually do the infrastructure upgrades is there yet. Are we talking about the next bond election or what the timeline is. So those are my concerns about that.

>> Mayor

--

>> Mayor Leffingwell: And this is for first reading only. Hopefully there will be time to get the information, the answers to those questions back. Mayor pro tem cole.

>> Cole: I just wondered if we have a cip plan for the area.

>> I am

-- I am not sure.

>> Cole: Okay, just check into that in terms of the planning for the infrastructure for the area, is there any?

[10:33:25]

>> Mayor Leffingwell: Other questions? Council member martinez.

>> Martinez: I just wanted to ask about the infill option tools and to what extent a conversation may have taken place regarding a potential opt in for infill options. So if a

-- if you draw a geographic boundary, and it could be arbitrary. It could be ten lots adjacent to one another and there is a high threshold of opting in of 80% of the property owners, is that something that was discussed for the infill options?

>> We've revised the boundaries based on input from the community. So I

--

>> Martinez: Based on those who have concerns, you have taken the western portion of garrison out, is my understanding?

>> Uh-huh. Uh-huh.

>> Martinez: But there are still folks in those other areas where infill options would apply that also have concerns. I wanted to see if there is any conversation about a potential opt in plan so we can move forward with the overall plan and still have that tool available should a high threshold of property owners in any geographic area want that in their neighborhood.

>> There have been some suggestions for

-- for instance, in the south manchaca planning area moving forward with some of the urban home locations and not others. This has been a relatively recent discussion. But, yes, there has been
-- has been some discussion of that.

>> Martinez: So I guess could I request that we at least have that specific conversation between first and second reading, with the stakeholders?

>> Uh-huh.

>> Martinez: Thank you.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: This is a map which causes a lot of people concern, the map right in front of us here, particularly from a traffic point of view, because we are not changing the limits of impervious cover. We may be changing in some cases the impervious cover actually used itself but most cases, secondary apartments, at least in my own neighborhood, in hyde park do not involve laying a new slash, taking more

-- putting down more impervious cover. Simply using the impervious cover that already has been existing in different ways, converting a garage to a garage apartment, for example. So that
-- the flooding aspects of the secondary apartments don't concern me as much as the potential for traffic impacts. If everybody with an orange lot built a garage apartment day after tomorrow, we are

going to have a whole lot more people living in this neighborhood and driving on the street. On the other hand, we know from previous experience that simply making this option available to people does not necessarily mean they will all take advantage of it ever or in the next year or two or five. Do we have any evidence as to what the take-up rate is when we make available an option for secondary apartments?

[10:36:34]

>> I am not sure. I would say that, you know, in

-- take the south manchaca planning area on this map where the vast majority of this map is green, where it would already be allowed today. You don't see widespread building of secondary apartments.

>> Spelman: Did we do a census or a survey to get a sense for what percentage of the currently eligible lots had secondary apartments in them? I think mr. Guernsey might have had something to say about that.

>> Guernsey: Council member, what we might be able to do is give you an idea of where we added two units, either duplex or secondary apartment

-- two family residential in the city maybe in the last year to give you an idea of where those concentrations are. Generally I am aware over the years, that as property values rise, and a homeowner wants to stay on the land, that pressure to build that second unit is increased and the homeowners may have an opportunity to fray some of the increase and cost of their taxes if they build the second unit and use rental income. They get to stay where they are and then they defer the tax increase based on that second unit. It also provides an opportunity, in some cases that we have had in central austin, where the homeowner doesn't want to take care of their larger house anymore. As they age, they can age in place, actually move into a smaller unit on their property and stay with friends and then rent out larger house in the front. We have seen that happen as well, but we can get that information for you kind of where the concentrations of two units that have popped up in the city in the last year.

>> Spelman: Do you have a sense, greg, on screen basis

-- I appreciate that information. We will need it for second and third reading, I think. But can you give me a sense of what kind of percentages we are talking about? Is it 5%? 25 percent.

>> I hate to hazard to guess. I know several units have been built in the last couple of years. If I can give you a map to show you where they are.

[10:38:42]

>> Spelman: I think you answered already. You talked about several units that have been built the last few years?

>> Guernsey: Yes, because especially as you come closer to the university area, you know, the area that is north to the capitol complex and maybe south of koenig lane you see a lot more of those type of units that go up, in east austin, you have seen those. As you move further south, where you have sf3 zoning and lots for 7,000 square feet, as you go across in the bouldin neighborhood, towards zilker, there is not sf3. Bouldin, travis heights where you might see sf3 zoning, you see more of those units go up. The nice thing about having that as an option sometimes we have had in the past is if you have an option to build

a second unit you are less likely to maybe tear down the other house that's there because you can put up that second unit. There is limits, also, on the size of the second unit but you can still put up the second unit without losing some of the character along the street.

>> Particularly if the option is to put in a duplex, then a main house with a secondary unit will be a lot less disturbing than the character of most neighborhoods in this area than destruction of the entire house and replacement with a duplex?

>> Yes, and we probably have seen that more towards hyde park or north loop area where people had an option where maybe they had not an option to build a secondary apartment but they built the duplex instead. They tore down a small bungalow and built a small duplex.

>> Spelman: Got it. Thank you.

>> Mayor Leffingwell: Okay. Motion on the table. All those in favor, say aye.? Aye. Opposed say no. Passes on a vote of 7-0. First reading only. Now we will go to 136. This is the west gate neighborhood plan combining district. Entertain a motion for the staff recommendation or a modification thereof, or the alternative, there is no planning commission recommendation.

[10:41:01]

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I move approval of staff recommendation of [indiscernible] no infill options.

>> Mayor Leffingwell: Council member morrison moves forward with the staff recommendation. Is there a second? Mayor pro tem cole seconds. Discussion?

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I wonder if I with ask you, francis, to clarify the design tools because there was a suggestion that they were going to be increasing impervious cover and actually I don't believe that's quite accurate. The parking placement and impervious cover restrictions, that's really just an impervious cover restriction in your front yard and saying that you have to park

-- you can't have too much parking in your front yard.

>> That's correct.

>> Morrison: That's correct. And the garage placement says the garage needs to be flush or behind the house so it's more of a residential area. The front porch setback, that allows you to have your front porch within 15 feet of your setback

--

>> correct. It allows it to extend slightly in to your setback.

>> Morrison: Right. A front porch counts for impervious cover if it's going to count for impervious cover one way or another?

>> That's correct.

>> Morrison: Great. Mobile food restrictions and parking front yard restrictions won't have any impervious cover impacts?

>> That's correct.

>> Mayor Leffingwell: Okay. Any other comments? Those in favor of themation say aye.

-- Those in favor of the motion say aye. Opposed say no? Passes on a vote of 7-0. Let's go to 137. Entertain a motion.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Does this

-- this motion is for the west gate neighborhood. Does that include garrison west?

>> Can you say that again?

>> Morrison: This motion is titled "west gate neighborhood." Does it also include the west side of the garrison neighborhood?

[10:43:08]

>> Sorry, we are on 137.

>> Mayor Leffingwell: 137. 137 I have as south manchaca.

>> Morrison: I apologize.

>> Okay.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Could you locate for us the south manchaca neighborhood that is before us now? Which one is that? I believe south manchaca, the neighborhood in the upper right. Is that correct?

>> That is correct.

>> Spelman: That's what we are talking about in number 137?

>> That's correct.

>> Spelman: Thank you, sir. Mayor, let me take a first cut at this.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Move approval of the staff recommendation on number 137 with the following amendment, that we adopt

-- we do not adopt college lots in the subdistrict east of the up railroad tracks but we adopt the small on amnesty fill option and the secondary option east of the district of the up railroad tracks and we don't all of the design tools.

>> Mayor Leffingwell: All right. Motion by council member spelman. Is there a second?

>> [Indiscernible]

>> Spelman: Probably makes more sense the second time.

>> Yes.

>> Spelman: Number 137, that's motion number 3 on our motion sheet. I adopt the staff recommendation, including corner store, all of the design tools, mobile food establishment restrictions, and small lot amnesty. I understand council member morrison, you are talking about small lot amnesty and we will have time to work out the clarification you have in mind since this is first reading and, in addition, don't of the infill options for the subdistrict east of the up railroad tracks only secondary apartments, not cottage lots of urban homes.

[10:45:13]

>> Mayor Leffingwell: And no urban homes.

>> Spelman: Right.

>> Mayor Leffingwell: Okay.

>> Spelman: For first reading only, of course.

>> Mayor Leffingwell: All right. There is a motion
-- did we have a second on that motion?

>> Morrison: I will second it.

>> Mayor Leffingwell: Seconded by council member morrison.

>> Morrison: Let me talk to you about that. I am seconding it for discussion purposes. Small lot is a code change that's in place
-- a code change that's being processed right now. Maybe greg could tell us about that.

>> Several years ago, we had nine conforming lots and a citizen came up where people were creating them because they had a house that was compliant and then they came back, tore down the house and built two houses on nonconforming lots. When we adopted small lot amnesty
-- amnesty we generally think of is something already existing and you are trying to allow someone to take advantage on building what we have. Incident came up in the north loop area that I know motion of you,
-- most of you, if not all of you were made aware of, a house on 25-foot lots, three of them and then tore them down and then built three houses on 25-foot lots. I am not saying whether that's good or bad. I am saying when we went through the neighborhood planning process, I don't think that was ever the intent that it was intended to be used in that manner. Because we had urban home and cottage lots for houses to be built as small as 2500 and 3500, so staff went back to the planning commission subcommittee and eventually to the full commission to initiate an amendment to put back small lot amnesty it was intended when it went through the urban and planning process. Still allowing small lots, like one that was proposed but not one suddenly placing homeowners in a position where their neighbor may be tearing down fully complying house so setback the minimal lot size and find out through the planning process through the small lot amnesty, there is a backdoor to build urban lot for cottage sized lots. Yes, there is amendments going through. I don't have the particular dates. I know it's coming before you fairly soon, certainly before the end of the year. We can come back before you have your next reading to give you a more precise date.

[10:47:43]

>> Morrison: Okay. Great. Greg, I want to note to you I remember in our neighborhood in the early 2000s, somebody tried to use small lot amnesty to basically divide a lot and the city said, no, you can't do that. So apparently the clarification is needed now because of some history. I would hate to adopt it right now, I would love it if we could get staff to process something after
-- after the clarification.

>> Spelman: I understand. I am just thinking in terms of what would be a faster process that might get us to the same result. Let me offer another suggestion. I am looking at
-- I don't remember which piece of the backup this is, but it's page
-- special use infill options and design tool recommendations, dated july 9th of this year. It's on page 3 of that has a map of all

-- what appear to be all of the lots in the south manchaca area which are eligible for small lot am necessity and there are four of them and there is a table in the bottom of that page which identifies that there are four parcels affected. And it seems to me this is providing more than sufficient legislative intent that it is not our intention here to provide an opportunity for somebody with a conforming lot now to subdivide it and then take advantage of amnesty after subdividing. This is only our intention to provide amnesty for these four lots which are clearly identified on this map. What do you think, debra, can I say that?

>> [Indiscernible]

>> Spelman: Thank you, ma'am.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: That does work for me. I think that your idea of secondary apartments just on the east side of the rail line is a good one. I would like to bring up two issues, though. One is, are there any of -- you had mentioned francis, that some of the properties that would be eligible for the secondary apartments, that four of them are in the floodplain. Are any of these in the floodplain? Because I would not like to add secondary apartment entitlements or something in the floodplain.

[10:50:08]

>> You are asking east of the tracks if that's where those are located.

>> Morrison: Excuse me.

>> You are asking me

-- are those for secondary apartments east of the railroad tracks? Yes, I believe so.

>> Morrison: So I guess I would like to say the amendment would

-- to suggest the secondary apartments east of the railroad tracks except for those that are in the floodplain.

>> Spelman: That's highly friendly, mayor.

>> Morrison: And then I have one other

--

>> Mayor Leffingwell: Accepted accepte d.

>> Morrison: One other question. We recently received

-- I know the staff has worked very carefully to make sure that if deed restrictions on property prohibit a secondary apartment, that they are not adding the secondary apartment to that property and we recently received another deed restriction that did that. I am not sure it overlays east of

-- east of

--

>> it doesn't. It affects those 6 or 7 lots just west of the railroad track fork.

>> Okay. And then the follow-on question is, let's say somebody brings you a deed restriction in the future that has existed for years that prohibited secondary apartments. Would you

-- I have heard some conversation about, yes, the staff is going to honor deed restrictions on secondary apartments. Does that mean it will still be open?

>> What we are doing now is looking at those and if certainly it's recognized before, I guess, third

reading, then we would remove them or you would remove them from that being an option. If someone just brings us a private deed restriction, frankly staff does not whether those deed restrictions are being enforced or not. Typically the city, unless we are a direct party to that deed restriction would not enforce a private deed restriction, whether it's speaking about what their fence is made out of or how many units on their lot or whatever restriction as far as setbacks. Those are private restrictions between the buyer and the seller. So the answer council member is, no, we would not honor a private deed restriction that might be brought to us in the future. Th not to say that the contact team can come forward with an amendment to make a proposal to make a secondary apartment as an option in the area and to go through the process, like the process we are going through today and then make that known and then everybody would have a chance to participate with that.

[10:52:48]

>> Morrison: I appreciate that and I would just like to suggest to folks in the audience here that it would be great if there are more deed restrictions that haven't been submitted, that we get them before our third reading, because I

-- I am very uncomfortable zoning something that is inconsistent with the deed restrictions.

>> Guernsey: We will be happy to accommodate that. As soon as they are brought in

-- it is easier for us to get the maps put in place.

>> Morrison: All right. Thanks.

>> Mayor Leffingwell: Okay. So we have a motion with one friendly amendment. All those in favor, say aye.

>> Morrison: And one question.

>> Mayor Leffingwell: Oh. Council member morrison.

>> Morrison: Sorry, I just want to get documented one question. This includes corner stores. I understand that there is only going to be room for about two corner stores because of the spacing requirement. Is that correct?

>> That is correct.

>> Morrison: Okay, thank you.

>> Riley: Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: I want to get clarification on the adoption on the secondary apartment option only east of the tracks. I want to get clarification on the rationale for that. Didn't the
-- and I guess that's a question for council member spelman.

>> Mayor Leffingwell: Council member spelman, I believe you can best explain it.

>> Spelman: I am sure I can, unfortunately I have to have the question asked again. My apologies, council member.

>> Riley: The question within the south manchaca area about allowing secondary apartment option only east of the railroad tracks, I just want to get the clarification on the rationale for not allowing them west of the railroad track.

>> Spelman: We are

-- the recommendation we got from staff for the next and final portion of the south lamar area

-- south austin area was to provide the opportunity for secondary apartments east only of the upa railroad tracks. This would maintain consistency.

>> Riley: I guess it's a question for staff. Could staff speak to that?

[10:54:52]

>> So we -- we divided the garrison park planning area so stassney, that area, into east and west garrison park based on the input from the community west of the railroad tracks. Folks were much more opposed to the secondary option. There are exceptions in that area certainly and certain her vocal exceptions.

>> Riley: In garrison park? Is that in garrison park or

--

>> in garrison park. In south manchaca, I am not aware of a split in opinions on either side of the railroad track.

>> Riley: Can I ask, is there a representative of the south manchaca area. If I can ask mr. Foster to step forward. David, you have heard the suggestion that we am allow the secondary apartments east of the railroad track, within the south manchaca area. Can you give us your reaction to that?

>> I appreciate the question, council member. My name is david foster, president of the southwest neighborhood. I, with all due respect, council member spelman, I don't understand why we want to not also allow the parcels west of the up tracks north of stassney to have secondary units because I think that reflects the consensus that we all merged in that planning area. I respect that it's council's decision but we all agree that we want secondary units on the smaller lots north of that.

>> Spelman: Council member riley I may have confused the consensus and which item we were when I specified east of the up tracks so allow me to remove that from the provision of my apartment and say secondary apartments not within if floodplain will be allowed.

[10:56:57]

>> Thank you.

>> Spelman: And thank you for the correction, mr. Foster. Clarifi clarifi cation or just call it an amendment to the potion. Council member morrison, you conquer?

>> Morrison: That's okay, but I need to add something back in. Now we do have a deed restriction that has arisen that would be in the south manchaca area.

>> Can you repeat that, please?

>> Sure. We did receive a deed restriction that's in the south manchaca area that limits the number of buildings.

>> That is correct. You are the ones referring to yesterday, maybe?

>> Morrison: Yes, the hilltop subdivision and also

-- can you point on the map where that is?

>> I don't know that I can. It's ... [Indiscernible].

>> Mayor Leffingwell: We can't really hear you. So you will have to

--

>> Morrison: That's good. It's sort of the northeastern area of that?

>> Yes.

>> Morrison: So I would

--

>> [indiscernible]

>> Morrison: So I would propose an amendment

-- suggest an amendment that we exclude those that are covered by deed restrictions.

>> Spelman: Particularly since this is only first reading, that's friendly.

>> Mayor Leffingwell: All right. Friendly amendment accepted to exclude properties that have deed restrictions. Those in favor of the motion as amended say aye. Aye. Opposed say no. Passes on a vote of 7-0 on first reading. Before we go to 138 clarifying that, on the first motion which was 135, council member martinez, you did close the public hearing, also. Okay. So public hearing is closed for all of these items. Now we go to 138.

[10:59:32]

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I move approval of staff recommendation with the following restrictions: That small lot amnesty be limited to the 58 parcels identified on the neighborhood plan map, that secondary apartment be allowed as an infill option only in a subdistrict of garrison park east of the up railroad tracks, and I don't believe there is any section of garrison park that's actually in the floodplain, but if there were a section that's in the floodplain, we would not allow secondary apartments in the floodplain. That's something we can

-- that's something we can probably clean up on second reading. That cottage lots an urban homes not be included on the list of infill options but we don't all of the design tools and adopt the mobile food establishment restrictions.

>> Mayor Leffingwell: Okay. Urban homes?

>> Spelman: No urban homes, no cotton lots but secondary apartments not in the floodplain.

>> Mayor Leffingwell: All right. Don't

-- council member spelman moves to adopt the staff recommendation with the exceptions that he just noted. Is there a second?

>> I will second.

>> Mayor Leffingwell: Seconds by mayor pro tem cole. Further comments? Council member riley.

>> Riley: Mayor, I would just

-- I support this motion, but I just want to note in regard to both this item and the previous items, that I hope we will fully expect that there will be continued conversation about infill

-- as we go through the code next process, the fact that we may only choose to approve secondary apartments at this time does not reflect a conclusion that we want any other infill taken off the table but there could be

-- but that we realize that work on infill is ongoing during the course of the code revision process and we fully expect there may well be further conversation as other opportunities become available to put

together other regulatory frameworks in place.

[11:01:39]

>> Spelman: Mayor, I agree completely.

>> Mayor Leffingwell: That's accepted by the maker. The second?

>> Cole: Yes.

>> Mayor Leffingwell: Second.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: So what is worrisome to me is adding what might be 1,000 new units in east garrison park with the secondary apartments, and so I think I am going to vote no on this to remind myself on second reading to take a careful look at the memo that traffic will be sending us that talks about traffic and storm water management and what the plans are for the watershed and whether we even have a cip plan in place.

>> Spelman: Mayor, if I might also

--

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I will expect to be able to use council member morrison's objections if she has one as an alarm clock. [Laughter]

>> Mayor Leffingwell: Okay. Ready to vote. All those in favor, say aye. Aye. Opposed say no.

>> Morrison: No.

>> Mayor Leffingwell: Passes on vote of 6-1 with council member morrison voting no. All right. Without objection, council, we will recess this meeting of the austin city council and call to order the meeting of the housing finance corporation.

>> Good afternoon board of directors, betsy spencer, director of the housing financing corporation. I offer 1 through 8 consent and 7, 8, 9, 10 be postponed and 1 through 6 consent.

>>>Reporter: Consent agenda is to approve items 1 through 6 and postpone item 7, 8, 9, 10. Entertain a motion.

>> So moved.

>> Mayor Leffingwell: Council member morrison so moves.

>> Second.

>> Mayor Leffingwell: Seconded by council member spelman. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. That completes our agenda for the austin housing finance corporation. Without objection, it is adjourned. And we will call back to order the meeting of the austin city council and I believe we are up to item number 140.

[11:04:08]

>> Mayor and council, guernsey guernsey planning and review department and I will introduce my staff person on 140 but I want to offer that item 142 has been withdrawn by the property owner. No action is required so you can strike that one off your agenda this evening.

>> Mayor Leffingwell: Item 142 is withdrawn.

>> Guernsey: Item 140 conduct a public hearing and consider an appeal made by david cancialosi regarding the denial of the waiver request by residential design and compatibility commission to increase the maximum floor to area ratio by the mcmansion ordinance, and mr. Daniel urd from our transportation department will be making a presentation for you this evening.

>> Mayor Leffingwell: Before that, I need to is if there is any requests of postponements or any issues of with standing on this appeals hearing? Hearing none, go ahead with your statement.

>> Thank you mayor and council. I am daniel ware with planning and development review. This item on the agenda is annal peel. The waiver request that was made to the residential design and compatibility commission.

>> Mayor Leffingwell: Excuse me, set the time for

-- you can have up to 10 minutes if you need it.

>> I will keep it brief. The waiver request was to

-- [multiple voices]

--

>> at a property on 903 ethyl street and on mcmansion and far and single residents as it's limited to .41 af rocks and it was sold with a detached carport and sold to owner. The carport was not originated in the original far calculation, of which carports are exempt of the calculation. Once the owner took ownership of the property, a garage door was installed, moving from a carport to a garage. The garage qualifies for far exemption but not the same level of exemption the carport does. As a result the property is now over on far. Once this case

-- once the code violation was created and the case kind of came under consideration, an application was made to increase the [indiscernible] area. Once that occurred, it came to be realized that the original carport itself never actually complied with the criteria necessary to receive the full 450 square foot exemption for a carport. The criteria requires that two sides of a carport be 80% open, and in this particular case, the two sides were open but not to the extent to meet an 80% criteria. In your backup, I have the actual calculations based on the plans. So at the hearing, the far increase was requested and denied by a vote of 6-0. After that decision, the applicant chose to exercise the right to appeal that decision to this body, and that's the case you will be hearing tonight. I do also want to read off the criteria from the mcmansion ordinance. Involving the approval character that rdcc would consider these waiver requests under. And so the code reads that the rdcc may after a public hearing approve a modification if it determines that the development is compatible with scale and bulk within the structure of the vicinity of the development. In making determination, the commission shall consider, one, the recommendation of the neighborhood plan team, if any, two, the developments compliance with neighborhood guidelines and in consistency with the street scapes many in the property in the vicinity, the vicinity of the scale on the either side and the impact of adjacenht rear lots and the topography and lot shape. So when you consider this case tonight, please refer tha co y l ng you decision. Thank you for your time, I will be available if you any questions.

[11:08:49]

>> Mayor Leffingwell: Okay. Thank you. We will hear from mr. Cancialosi, the applicant.

>> How much time, ten minutes?

>> Mayor Leffingwell: Maximum.

>> Good evening, mayor, thanks for hearing this case, it was earlier slated for aust a it was postponed today to schedule. She unfortunately could not make it but she wanted me to express her thank you to you to hearing this case. This has been quite an ordeal for her. So what I will do is sort of hit the high points as because we can and then back off for any questions or comments you might have. This is a case at 903 ethel. It is in the zilker neighborhood. I think a picture are worth a thousand words. I will start with a few pictures. You see a front door of the garage door installed. It is a retractable garage door. There is ribbon access points from the main right-of-way to the garage itself, where I guess -- or I guess I should refer to as a carport. Here is the side view from the street. You can see the garage door in its down position. You can see to the left, the north facing wall is an open wall area and that's part of the wall that the

-- that mr. Werg referred to that is not open 80% and it was actually permitted over 80% of the mass area and it was constructed like that. Here is a picture of that. Here is close-up. So you can see garage door in its down position. Normal garage items, trash, bikes, et cetera, and the opening itself, which if this is approved, the owner, ms. Catania would like to know how to enclose that, whether it's framed in or compromised by a sliding glass door or accordion type doors or pocket, we would put that on the table for council to consider. So the history the that the house was permitted and approved with a carport by the city in 2013-2014 era. The homeowner moved from hyde park after a tragedy in her family. She lost her husband while on vacation and decided she wanted a turnkey type project and she chose zilker because of the neighborhood and so she moved into this house because there are no issues and no items to deal with other than her american issues. She de

-- her personal issues and she decided after burglaries and other things that she would enclose that part of the carport to protect her goods. We actually have a afd report of a burglary that occurred while waiting for the rcdd hearing in early to mid july. That triggered code compliance case which was triggered by someone in the neighborhood we have discovered. We researched the permitting of the overhead door which triggered a far issue and discovered there were permitting issues associated with the original permit issuance and basically the rcdd waiver request that we applied for was to remedy a series of problems. It remedies

-- most problems are it's confusing applications supplied by the builder, not the current owner. It was a coa approved application, an error which applied wrong code section which I will talk about in a moment. The subchapter f code is confusing for homeowners, let alone consultants and professionals and obviously some of the staff members at that time. The owner urn knowingly installed door without permit utilizing professional garage door installation service. I think that's important to remember because you will hear from some other folks that oppose this case that they feel like she did it on purpose, to subvert the code, like some builders are doing throughout this neighborhood and other parts of the city. That's simply not the case. She simply wanted to put up a garage door. Who in this room really knew she needed a building permit to install a track system you can buy at home depot. It wasn't really known. The afd report was filed after the burglary occurred and the carport wasn't open on each side which we didn't know about and there was some indication from staff the friday before the hearing that this may be an issue and they are looking into it. Then the monday

-- the day of the hearing, I was handed a calculation worksheet that said, by the way you are less than

80% on either side and now you have a bigger issue than you thought. The original application described a carport and garage. The coa plan showed a carport, the city incorrectly granted a 450 square foot credit per section 332a of subchapter f, which allowed a 39.9% far, they should allowed 200 not section per credit of 333b1 because it is a part utilized also to accommodate the two off street parking spaces because you can't park on the driveway, a, it is not deep enough and you can't park on ribbons and because the builder maxed it out at 45% impervious cover, you can't familiar in the ribbons and still comply with code. In our opinion

-- it happens and we understand that the coa failed to catch the carport openings less than 80% and they still permitted it and the coa after multiple reviews and inspections. We feel the city has a duty to ensure that the development inspections are performed accurately and immediately prior to the hearings, the city determined that the carport openings are not large enough to meet the 80% standard. P. I want to talk a little bit about how the rdccerred and if you look at the standards, which we will, but there is a question at the hearing by the board on mr. This is a proposed item. I think we were a little surprised to hear that they were not willing to explore that conversation a little more in depth, so they said this is not proposed. I said, well, the pdrd has a history of reviewing nonpermitted items as nonexistent. Like they don't exist and you have to start from scratch with the building permit application, design plan and go through the intake review process. Also, the garage

-- the north facing wall is obviously open, so it would be

-- it is proposed that we intend to complete it and fill it in if this request is approved. So I think they erred on that particular point and then I think the noompliance wall issue is a boa issue and deferred it to board of adjustments, subsection fa3a32 cite this is rule and solely routed in subchapter f, these are items that are currently under the rddc purview. And we think that the rddc should not have deferred applicant to boa, let alone, denied the case, because the standards for rddc approval state that they may approve modification if they determine that the proposed development is compatible in scale and bulk of proximity that they should consider. The design guiled lines. There are no specific garage guidelines in zilker I am aware of. I may be mistaken but we couldn't find any. Consistency with street scape on properties within the vicinity. All ten homes on ethel street have structures or carports. Some have a side house, some are via garage, some are carports but most are garages. It is a small street. There is literally ten homes as far as we can tell. Consistency with massing and scale and proximity of structures located on either side or behind the development. Half the homes on ethel appear to have a .35 or greater. There are some smaller in far but they appear to be older homes that have not been redeveloped. We are seeing a trend not only in this street and this neighborhood but throughout the city is homes are being built larger to contemporary standards. There is no impact on adjacent properties to the rear or side. Finally topography and lot change, this is a small lot which is typical of the area. 6100 square feet and the impervious cover and the far are easily maxed upper the original permit. It is not hard to do that on this side of the lot and there is really no reasonable way to amend the building. Again, here are some pictures. On the left is the sideload or the north facing wall that's open. That would be proposed to be enclosed somehow. Again, the front side on the right. Here are homes to the left. The picture on the left is the home adjacent to them on the right and the picture on the right is continuing down the street. You can obviously see those are front load garages, fully enclosed. Further north down the street, more homes with full garage enclosures. I will be happy to go back to these at any point. But essentially in summary, we feel they errored in 23 permit and they should have counted

the covered parking areas 200 square foot and not the 450 square foot for carports that is usually given because there is a separate code section in subchapter f that says you get 450 for a garage. You get 450 for a carport, but if it's the area for covered parking to meet the off street parking requirement, you get 200. So that's why, when you do the math correctly, you are exactly 250 square feet shy on this house. Again, 6,076 square feet is not a large lot. The ribbon driveways are not long enough to allow two off street parking spaces. Filling the ribbons would exceed 45% and compliance requires demolition and reflects hardship. This gc in particular who my client is not affiliated with has a history of similar issue f issues on other sites which I personally have been investigated with other compliants for the city. The garage is in keeping with homes along the street. The garage door is needed for security.

[11:19:15]

[Buzzer alarming] it's a

-- if I can finish. It's a retractable garage door that hides items from plain sight.

>> Mayor Leffingwell: Thank you.

>> We have 28 letters of support with signature from surrounding zilker neighborhood owners.

>> Mayor Leffingwell: Thank you, your time has expired.

>> Thank you, mayor.

>> We have no other speakers signed up in favor. We will go to those who are against and

--

>> Tovo: Could i.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Could I ask him a question before he sits down, please?

>> Mayor Leffingwell: All right.

>> Yes, ma'am.

>> Tovo: You mentioned you had a letter of surrounding neighbors. I wonder if you have a map showing those.

>> I don't have a map but I have a hard copy if you'd like to see it.

>> Tovo: That would be helpful, thanks.

>> I can add that the owner did go on

--

>> Tovo: Can you put it up there so we can all see it?

>> Right here? I can add that the

-- ms. Catania did go on the zilker neighborhood thread and specifically reached out to all of the people on the thread and received an overwhelming amount of support.

>> Do you know if some of the neighbors on that list are the ones immediately adjacent?

>> I can check.

>> Tovo: Maybe if we have other speakers, we can hear from them and then you can come back up and fill us in.

>> Sure.

>> Mayor Leffingwell: You will have 3 minutes for rebuttal if we get to that before our recess. Now we will hear from david king. Is bruce wyland here? You have up to 6 minutes.

>> Thank you, mayor, council members and mayor pro tem. My name is david king. I am representing the zilker neighborhood association. The zna.

>> Mayor Leffingwell: Start if time, please.

>> The severalker neighborhood decision supports the rddc's decision, we think it's the right decision to support the codes that are on the book. And there are at least 6 other similar cases in the neighborhood that we are documenting and following up on right now with a very
-- almost the exact same issue. We are concerned if you approve this, that will preserve it for the ones that come right behind this one and we don't think it's a precedent to set. We are not opposed to the garage. We just want it to comply with the codes. We never said
-- made the statement that we thought that this the property knowingly violated the code. We never said that. We have no way of knowing that. The zna thinks this is really a variance request for nonconforming structure which is within the purview of the board of adjustment. We believe it should be going board of adjustment. We ask you consider these comments and not override the rddc's decision. Thank you very much.

[11:22:31]

>> Thank you.

>> Mayor Leffingwell: Now you have 3 minutes for rebuttal. Mr. Cancialosi, would you like to rebut anything you heard?

>> I think I would just comment that this

-- we reached out to the neighborhood on several

-- I reached out to the neighborhood on several occasions. I asked to meet in person. That never occurred. It never transition spired for some reason. We pleaded with them

-- with mr. King specifically and it didn't happen. We have always been open to that discussion. I would ask the council to

-- I think it's probably true that there are bad actors throughout the city. But this owner is not a contractor and a bad actor. She installed a garage door without a permit and who knows she was supposed to install a garage door without a permit. But she is also willing to stand her ground and say I really need this. It is a need because it is a function of where I live. I am getting broken into. I need my stuff safe. I have two small children. I am a widow and don't have anyone around to protect. During the day, we are asking the council inject reasonable sense here, although there are a series of issues that could have been handled better, we can't change that now. But what we can do if there is a code issue or staff education issue, you can direct it towards them to fix it so it doesn't have it in the future. Don't penalize the homeowner who you didn't really expect to understand minutia of support chapter 4 on the land development code when that's really the job of the professionals on both sides of the desk, so to speak, so I ask you consider that in your decision making and discussion so that we can have this done in a manner that is fair to her and also in compliance with the aesthetics and the houses around her. She is certainly not asking for special

-- special permission to build something up or out. There is no additional scope or scale or massing, and it really simply put, when the garage door is up, it's a carport. When it's down, it's a garage so I think we are buried in a semantic technical code interpretation. That being the case, we would ask that, as much

as possible consider this case a no harm, no foul, and do whatever you think is appropriate to prohibit this in the future from other bad actors that are knowingly doing it to subvert the code. So thank you.

[11:25:10]

>> Mayor Leffingwell: Thank you. So council, we have the option of denying the appeal, granting the appeal, or granting a modified appeal. Entertain a motion.

>> Morrison: I have a question.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I wonder if we could ask

-- if I could ask our attorneys a question. One of the issues that came up was that, in fact, the house as it sits right now doesn't comply with the code with the 80% openings and in the rdcc itself has very specific -- very specific authority on what they can grant waivers too. Can you talk about that in relationship to the 80%.

>> Yes, brent lloyd assistant city attorney, council member morrison, you are correct that the rdcc does not have authority over the 80% openness requirement that I believe you are referring to. However, in talking with staff, it's my understanding that despite a comment that I think the applicant's representative made there is not a request right now for council to waive that requirement, nor was that request made of the rdcc. So there may have been a miscommunication of some sort but that is not a requirement that the rdcc has authority over but it's also not a requirement that you are being asked to waive.

>> Morrison: Okay. So let's say this appeal does get approved. I guess I am going to look at both ways. How does the 80%, then, play into the future after this decision is being -- is made?

>> I would see if daniel were

-- I would ask daniel werg to answer that.

[11:27:14]

>> This is the same point brent has made. The waiver request was to increase the far which the rdcc has the authority to do up to 25% increase over the maximum allowed, so what

-- the waiver request itself is not directly addressing the fact that the carport is not 80% open. It's addressing the fact that as a result the structure exceeds the allow the .4 to 1 so you aren't being asked to waive or modify the 80% requirement. You are being asked to consider a waiver to the far.

>> Morrison: I understand that. So my question is we will or will not approve this appeal. What happens next, given that this building does not comply with the 80%?

>> So if you choose to approve the waiver request, you would be increasing far

--

>> Mayor Leffingwell: Appeal request.

>> Appeal request, yes, sir, you would have amount of increase to the far that would be equal to what the resulting far calculation would be viewing this structure as a garage rather than a carport so the 80% issue will no longer be relevant.

>> Morrison: If we don't approve the appeal, there is still a problem with the 80% and still a problem with the far.

>> If the appeal request were denied, then the structure would still be in violation of the far and the code violation won't disappear until some resolution is reached.

>> Morrison: Okay.

>> Mayor Leffingwell: So what happens? It just exists in state of violation or ...

>> Evacuating

-- the applicant requesting the waiver would still have her ability to make her request to the board of adjustment. If you were to choose to deny the waiver request, that option would still be available to them as a potential remedy, so I suspect they may pursue that but I don't know that.

[11:29:17]

>> Mayor Leffingwell: In the meantime, while all of this is going on, there is no accrual of penalties or anything like that?

>> Potentially

-- the code violation is an

-- isn't administered by my department. That's administered by the code department. So

--

>> Mayor Leffingwell: Mr. Gue mr. Gue rnsey may be able to answer that.

>> Guernsey: I talked very briefly to david and it sounds like they have stayed taking this before municipal court waiting for your decision. If you act favorably on this, then I think the issue is resolved because the far would allow for the garage enclosure as daniel said. If it is not upheld, the appeal not upheld and is denied, then they would be forced to go to board of adjustment. My guess is that code would allow them time to go before the board of adjustment to let that case be heard and I actually would ask carl smart in this circumstance to make that indulgence and let them have their case before the board of adjustment be considered.

>> Mayor Leffingwell: Okay.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: We are not guided by precedent in issues like this, I believe. Ms. Thomas feel free to contradict me if I get it wrong but it seems to me we are able to make basis and appeals at this time based on the individual of each case. She is nodding her head. It seems like the best thing for the applicant and the neighborhood and for the city of austin as a whole in this particular case is to grant the appeal. That's my motion.

>> Mayor Leffingwell: So council member spelman moves to grant the appeal. Is there a second? I second that motion. Further discussion?

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I won't be able to support this

-- I wrote some of that waiver code in the rdcc commissions. It was very carefully thought out. I can also tell you that the discussion about the 80% was very, very important because part of the problem that we

had going on at the time was people were building things and then just willy-nilly filling things in and it was adding a lot of mass and scale. We all got an email from the chair of the rdcc commission saying they are recommending that they be dissolved. They said, we don't have much work anymore. McMansion is working.

[11:31:41]

[One moment, please, for change in captioners]

>> Morrison: I think it's a bad step for the city to be going forward and saying this is okay. So I won't be supporting the motion.

>> Mayor Leffingwell: Further comments?

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I just have a quick question for mr. Guernsey about the

-- you spoke a little bit about the board of adjustment option that was open to the applicant. Is that immediately open if we deny this waiver?

>> I would imagine they would look to that as an option.

>> Cole: There's not a time period

--

>> I would assume that if the applicant did not take timely action to seek board of adjustment variance then board of compliance could pursue the code violation because they would have no other recourse.

>> Cole: Okay.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I see you gesturing wildly

-- not wildly. Did you have a comment on that?

>> As far as I understand the availability of the board of adjustments we wouldn't be able to attend a hearing or get on the agenda until December. Code compliance staff has been extremely patient while we work with this. The application to get to rdcc is approximately 70 pages long when you add in all the backup material and you have to apply for a new building permit for the work you're doing and whatnot. There is a ton of work that's gone into this thus far. I'm not sure the client has it in her to go before the board of adjustments. We believe that the issue is firmly rooted in the subchapter f and it is an far request. I didn't know about the 80% issue until minutes before the hearing in July, otherwise we would have thought our process through. So we stuck with that original request through this hearing tonight and, you know, we're looking for some sort of remedy that closes the loop on this without penalizing the layman who doesn't understand the code, but also accept responsibility for something that she might have done wrong. That being said, I know that code compliance is watching this case very closely and I don't know that

-- if I could say one more thing with respect to the opening of the grate percent. I think there was a question about what would happen. Very briefly what would happen is if we decided to permit that, we would have to hire an engineer, we would have to perform a study to see if the openings were opened more than they currently are, would it be structurally sufficient to support the weight above it. And to submit for a building permit I guess utilizing the same one we have to get part of the rdcc application

submitted and we would go through a typical intake review. Let's say they approved that building permit, then she would be forced to cut open larger amount of the opening which we don't even know at this point if it's structurally feasible. So that's why we haven't done that.

[11:35:38]

>> I trust mr. Guernsey is

-- I trust mr. Guernsey at his word that he would talk with director smart and make sure that he's aware if your applicant decided to go through another process. In the interest of fairness, mayor, may I call up mr. King for a very, very brief comment?

>> Mayor Leffingwell: Go ahead.

>> Tovo: Mr. King, did you want to respond to something?

>> I wanted to correct a statement that was made earlier. We have talked to him and the applicant came before the zilker neighborhood association committee and talked to us. There has been conversations and emails with him about this. And the other thing is we don't oppose the carport. And we're not asking for a major deal here. We just wanted them to comply with that. And we have seen where the builders max out what they can and they've done this in knees other cases that I've mentioned. The other thing is when I've heard before that there's an issue with compliance, I've heard from the city that staff here

-- other cases that as long as you're working to get on the agenda of a commission or a board they're going to give you time to get through that process. So I think they do have time to get through the process with the board of adjustments. Thank you.

>> Mayor Leffingwell: All right. Those in favor of the motion to grant the appeal say aye? Those oppose said no.

>> No.

>> Mayor Leffingwell: Councilmember riley? Aye? That fails on a vote of four-three with councilmember martinez, tovo, councilmember morrison, mayor pro tem cole voting no. The appeal is denied. So it's just about time to go into recess. I'd say after

-- just to give everybody a bit of a head's up. After we come back from break for proclamations the normal order would be item 141, item 142, 2132 and

-- item 132 and item 77 last. So if there's a wish to modify that order, it would require a motion and a two-thirds majority approval. So I wanted to give you that head's up. Without objection, we are in recess until approximately 6:45.

[11:45:43]

>> Mayor Leffingwell: If I could have your attention, it's time for proclamations and we have several people and groups that

-- could we get a little more volume on this? Test, test.

>> Mayor Leffingwell: Thank you all. Such a great pleasure for me and honor for me to be here with consul rivera. A lady I've known ever since I've been on the city council and that's been a long time. She's the consul general for mexico, stationed here in austin, texas. And for a very long time, in fact,

until about last month they were the only consulate to be located in austin. The rest of them are located in houston or dallas, but last month you were joined by another partner and we will have a consul from ireland base heared in austin, texas. We're coming up in the world. We're getting on the map, so to speak. But we are here to talk about binational health week. I also have to add, this is maybe the last time we will see the consul here in council chambers, temperature council chambers or term council chambers because she's about to retire, and I will tell you that

-- not retire me, but she's about to retire. And I will say that I'm also about to retire, so we're commiserating up here and having old home week. I have a proclamation to read and then senora ojeda will say a few words. Be it known that binational health week is on a coordinated effort between the united states and several countries to improve the quality of life of underserved latino populations by expanding their access to health care. And whereas our country is home to more than 44 and a half million people laugh teen know origin, many of whom are mobile populations requiring multiple approaches and service designed delivery funding priorities and strong binational commitment. And whereas in austin the [speaking in spanish] at the consulate of mexico coordinates binational health week and provides year-round outreach to uninsured and under insured latino populations to raise awareness about preventive health and available health services and whereas we recognize the efforts of the consulate and the many organizations and volunteers collaborating on health-related activities this week, now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim october fourth THROUGH THE 18th, 2014 As the 14th annual binational health week in austin, texas. So congratulations for this great work that you do. And madam ambassador if you would like to speak.

[11:50:09]

>> Thank you very much, mayor leffingwell, who has become a dear friend and very supportive of all of our [indiscernible]. Binational health week is a nationwide event which in austin consists of a week long series of free activities that promote education about health. It is one of the nation's largest modernization efforts to improve the health and well-being of the underserve ladd teen know communities living in the united states, federal, state, county and city agencies come together with community organizations to participate in this events. This year, our 14th, the [speaking in spanish] of the consulate general of mexico and austin and rest of the consulates have joined us in the united states and other countries allowing with community partners have coordinated a wide range of activities in cooperation with other agencies which are taking place throughout austin. I'd like to highlight our festival, the salute, next saturday, the fourth, at the mendez middle school. At the festival desalute, community members of all ages will be able to access free mammograms, dental screenings, hiv, std's, tests and flu shots while enjoying music, food and entertainment. You know, we always love a fiesta. The festival and other activities is to increase understanding and awareness of preventing -- preventive health. That is a very important thing for latino community. There by creating a healthier community for all. You may find more information about this in our web page of the consulate or in the

[11:52:10]

[speaking in spanish]. So I urge everybody to join us starting october the 4th. Thank you very much.

[Applause].

>> Mayor Leffingwell: So we next have a proclamation which recognizes and honors a very important group here in austin, the national alliance on mental illness. As we know, this has been a work in process, a transition that we've been going through for several years now. And that transition is working towards recognizing putting mental illness on the same level of concern, care and treatment available as physical illness. Because we all now realize that that's what it is. So nami provides services, education, and it also caters to individuals by sponsoring a refuge, a place that people can go and get the help they need and perhaps even talk to someone. So this weekend, and we'll have one of the members here come up and talk about it. I guess that would be karen. Rosemary. Rosemary is going to tell you a little bit more about a big fund-raising event that they have

-- also pub list si event they'll have this saturday. They're sponsoring a walk in downtown austin. So I'm going to read the proclamation first and then allow rosemary to come up here and tell us a little bit more about that. And actually, rosemary, whatever else you care to tell us about. But be it known that whereas the national alliance on mental illness is the largest mental health organization dedicated to improving the lives of families and individuals living with mental illness and whereas nami austin is the local affiliate of nami, strives to educate the community and understanding that serious mental illness is a highly treatable medical illness of the brain, posing the same concerns as cancer, diabetes and other physical illnesses. And whereas nami austin believes that every austinite can make a difference by improving the lives of individuals and families affected by mental illness and works to dispel the stigma associated with mental illness by hosting its annual austin nami walks, scheduled for september 27th. And whereas we urge all members of our community to learn more about what good mental health means and to promote treatment, recovery and wellness. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim april 6th through the 13th, 2014, as mental health awareness week in austin. So we appreciate what do you very much.

[11:56:53]

[Applause]. , Thank you, mayor leffingwell, for recognizing the importance of mental illness awareness week. While it is helpful to have a week devoted to shedding light on the biological brain disorders that affect one in four americans, we know that you join us in recognizing that mental illness affects the lives of many families and individuals each and everyday. Nami austin stands on the forefront of educating the community and providing no cost classes, support groups and presentations which help austinites gain a better understanding of mental illness and in return diminishes stigma and encourages individuals and their families to receive the support and care they need to actively and productively participate in and contribute to the community. Our no cost programming is made possible by our annual austin nami walks happening this saturday, september 27th, at the long center. This year's theme of changing minds one step at a time is reflective of the commitment we have to changing the way our community addresses mental health. Nami walks is a joyful, family-oriented, fun and public display of support for people affected by mental illness. As the largest and most successful mental health awareness event in central texas, nami walks is a wonderful opportunity for our community to gather together and end the stigma that keeps many people from accessing the care and treatment that they need. Thank you for your ongoing support to this important community event and for supporting our work in bringing hope

and help to the austin community. And mayor, I would like to present a nami walks t-shirt for you.

[11:59:06]

>> Mayor Leffingwell: Thank you. [Applause].

>> Riley: Good evening. I'm austin city councilmember chris riley and it's my great pleasure tonight to be able to recognize the members of the austin steam train association for some great service that they've been providing for many years here in austin. You know, right now there's a lot of talk in austin about getting a new rail option to

-- before the voters in the fall. But as many of you I'm sure know, in many respects rail is not new to austin at all. For many years rail was a very important part of austin's history and cultural. And in fact for -- since 1992 many austinites have been able to enjoy one of those older steam train locomotives that used to run on our rails on a regular basis. The locomotive 786 has been in the care of the austin steam train association since 1992 and served over half a million passengers sce that time on beautifully, renovated train cars here in texas. We voted to approve our renewal of the steam train association and it's my pleasure to present a proclamation in recognition of this event.

[12:01:37]

It reads as follows: Be it known that whereas the citizens of austin are the fortunate, though unknowing owners of southern pacific steam train 786. Area 90-year-old

-- over90-year-old steam train. And whereas the train has been carrying central texans since 1992 under the care of the austin steam train association under the beautiful historic route of the austin and northwestern, the first railroad to build into the hill country in 1881. And whereas the austin steam train association, which runs steam train 786, is uncommon among tourist railroads in that it is a community-based nonprofit, practically unparalleled in operating all of its trains with a dedicated core of volunteer railroaders. Each fully trained and qualified for his or her job. And whereas the city of austin is proud of this historic asset and grateful for the outstanding work of the austin steam train association and its care of this incredible asset and wants to spread the word so that all austinites can learn more about steam train 786 and central texas railroading. And now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim september 25th, 2014 as austin steam train day here in austin, texas.

[Applause]. Wire lucky to have a few representatives of the austin steam train association here tonight. I want so ask mr. Ben sergeant to say a word.

>> Thank you, councilman. Thank you, councilman and mayor. I want ben sargent and chair of the austin steam train association. More importantly I am also a volunteer, a railroad conductor out on our trains, which run out into the hill country every weekend as they have been for the last 23 years. And we hope that everyone will come ride with us some time. I'll mention our website. It's austin steam train.Org and you can buy tickets on there and come ride with us. I have mr. Bill bingham and larry mcginnis on our board and long time members of our board and are train volunteers. So we appreciate the city entrusting us with our steam locomotive, which is currently being renovated, but we're out there every weekend with our diesel locomotive and restored passenger equipment and hope that everyone will come enjoy the hill country with us on the train. So thank you very much.

[12:05:43]

>> Morrison: I'm being joined by veronica lara to celebrate our small and minority business resources department. They do such great work. And I thought I would give a little bit of back grouped because some people

-- background because some people may not know what you do. The small and minority business resources department was created by the austin city council in 1987. That's a long time ago. To administer the minority owned women-owned business enterprises and disadvantaged business programs, which are really a great set of programs that we have here at the city. And in a nutshell what they do is encourage our larger contractors to subcontract with women and minority-owned businesses, so it really helps to promote those businesses and to help folks take advantage of the opportunities that are there. So we have a proclamation to recognize the good work. It says, be it known that whereas small and minority business resources is committed to providing a level playing field for women and minority owned businesses, which seek to provide services to the city. And whereas smbr -- that's how I know you guys. I didn't even know that resources was in there, frankly. Smbr encourage minority and women owned businesses to participate in city contracts by establishing procurement goals for each group and by encouraging contractors to meet those goals. And whereas the city joins smbr in celebrating and honoring contractors and consultants who encourage, support and promote diversity in their business practices. Now therefore, i, on behalf of lee leffingwell, mayor of the city of austin, texas, do here by proclaim september 23 to 25, 2014, as minority and women-owned business enterprise and small business appreciation days in austin, texas. So congratulations.

[12:07:46]

[Applause].

>> Thank you. As councilmember morrison said, our department was created in 1987 and the purpose of the program and our department is to certify small minority and women-owned businesses and encourage participation on city contracts. This year we celebrated our ninth annual contractor and consultant appreciation event, an event which was the result of a recommendation from the african-american quality of life initiative. Our contractor and consultant appreciation event is an opportunity for us to recognize the accomplishments of our certified small businesses as well as thank the prime contractors and consultants who have demonstrated their commitment to our program. This year we honored texas sterling construction company as contractor of the year, urban design group as consultant of the year, business resource consultants, and the owner of that company is with us tonight, ms. Carol hadnot as our african-american business of the year. Ben quest is our asian american owned business of the year. Texas trucking company is our hispanic owned small business of the year and [indiscernible] incorporated is our woman owned small business of the year. Photography this event gives us an opportunity to thank our service providers and two are joined with us tonight as well. The austin black contractors association is represented by ms. Carol hadnot tonight. The asian contractors association and the u.S. Hispanic contractors association [indiscernible], and we have juan [indiscernible] representing them as well. This has helped us meet our goal on city projects and ticket-

to-work promote our program among the minority contracting community. Our program is often taught as a model for other agencies and entities. Although we have a dedicated team and staff and we have some here tonight as well and they are extremely passionate about the programs and their jobs for the city of austin. We also have the endless support of the m.B.E., westbound and small business advisory committee, but we would not be successful without our many contractors in the minority contracting community. So thank you.

[12:09:53]

[Applause].

>> Morrison: We are here to celebrate the house of torment which is returning for its 12th season of terror. I've been there. It is really scary. I can tell you. Get through as quickly as you can. From the terrifying creatures, dancers and entertainers that interact with you throughout the haunted grounds and the special effects, students, environments and monsters that await you inside, the house of torment is a place that attracts tens of thousands of fans every year. It's crazy how many people go through there. It's won several awards. The travel channel has said one of america's scariest haunted -- called it one of america's scariest haunted attractions. The wall street journal calls it 20,000 square feet of terror. And we have to warn you that it's a little too intense for young children and not recommended for people under the age of 12. Or people that are sort of wimps.

[12:12:31]

[Laughter]. So jon, tell me your last name? This is jon love and I'm here to read this proclamation. It says be it known that whereas house of torment is an austin institution at halloween. Since 2002 the haunt has been professionally scaring austinites whereas previously creator dan McLull la was making quantities in his own backyard that were so popular they had had to be shut down due to traffic congestion. I can imagine the permitting problem with that. And whereas house of torment recently teamed up with others to present don't be a monster, the haunted house's nonprofit designed to help prevent bully among middle and high schoolers. Now therefore I on behalf of lee leffingwell, mayor of the city of austin, texas, do here by PROCLAIM OCTOBER 10th, 2014 as house of torment day in austin, texas. Congratulations. [Applause].

>> I'm one of the producers of house of torment here in austin, texas. I'm a native austinite. Born here 32 years. Born here, raised here, went to school here. As a local and as a business owner this is the coolest thing ever to have house of torment recognized in this way. Austin is an amazing place if you're a creative entrepreneur. And I would just like to thank the city and the mayor and the city of austin really, all the people and my friends and neighbors for letting us scare you and terrify you during halloween over the past 12 years and hopefully for many more years to come. Thank you.

[12:16:19]

>> Morrison: All right. So we are here with the annual recognition of the great team of people who do work throughout the year on working to prevent domestic violence. And we're talking about the austin

travis county family violence taskforce, commemorating its 25th year this year. They've all worked together to prevent family violence. Government agencies, nonprofits and advocates. The taskforce helps to identify and implement improvements in the system response to domestic violence and sexual assault through education and policy development. And we just had a resolution about you guys earlier this year, didn't we, to help get things rejuvenated. I'm glad that that worked. It's only through the collaborative efforts of our police department who go out on calls to our counselors who deal with the aftermath, to our justice system to hold perpetrators accountable that we can truly make a difference in our community and make families safer and better, because we're committed to making a better austin for everyone that lives here. Thank you all so much for your work. And we have chief gay with us here today, a proclamation that says, be it known that whereas families are indispensable to a stable society and should be a place of support to instill responsibility and values in the next generation. Domestic violence is averse crime that affects people of all races, ages and gender. And whereas the mission of the austin travis county family violence taskforce is to reduce domestic violence, race awareness and promote community safety in austin and surrounding areas, and whereas this special month provides an opportunity for citizens to learn more about preventing domestic violence and to show support to the numerous organizations that provide advocacy, services and assistance to victims. Now therefore, I on behalf of lee leffingwell, mayor of the city of austin, texas, do here by proclaim september 25th -- this should just say september 2014, as domestic violence awareness month in austin. We're talking about a whole month, not a day. Congratulations.

[12:18:30]

[Applause].

>> First, how do you follow the house of torment, really? Again, I'm chief troy gay over the investigations bureau with the austin police department. And I am honored. One is I just want to thank the mayor and council for always supporting the efforts of the prevention of domestic violence. I mean, it is just a wonderful cause and it clearly takes a community. It also takes the wonderful efforts of the people behind me who make up the team. I actually am honored because I might be aging myself a little bit, but back in the 90's was actually the supervisor of the domestic violence unit and we're only in the 25th year so I'll let you guess the numbers where we're at. But we are in the 25th year of the austin travis county it family violence taskforce, which is a coordinated community response to prevent domestic violence. The resources, education, prevention efforts that have been made over the many years has insured that we have feature victims, safer families for an overall community here in austin. Domestic violence calls can be very complicated. We train our officers. They receive the best training, but not only to create a safe environment for the victim, but also to make sure that they get the needed resources that they need. The one thing, as you see the people behind me and the people in the crowd, is that we cannot do this alone. This is a community effort. I just want to thank the individuals, the agencies, the folks that have actually poured their life into the efforts of preventing domestic violence. And the last thing that I will say is that this team is always looking for new ways to do -- to prevent domestic violence. This last summer for three months -- I will say they're efforts more than likely will create a permanent, new, they call it the crash team here at the

-- at the austin police department, but a three-month pilot to enhance the enforcement efforts of protective orders, effective
-- going out and serving domestic violence arrest warrants and actually providing the necessary resources and immediately responding to those in immediate need. And the team has done an outstanding job. They were actually recognized by the texas council on family violence as acknowledged a.P.D. Pilot program has having the best practice for law enforcement in the state of texas. So thank you so much. I appreciate it.

[12:21:15]

[Applause].

>> Martinez: All right. Just a few more proclamations, everyone. It's my honor to present this next proclamation. This is to the hermandad de sigma iota alpha sorority. It is a national sorority and they are here in town this week celebrating their 24th anniversary. So I want to welcome christina luna and all of the other members that are here in austin this week. It's an honor to present this proclamation to hermandad de sigma iota alpha. This is the national sorority that works towards the expansion of latino culture and to empower young women. This month they celebrate their 24th anniversary. Their service initiatives have focused nationally on hiv aids awareness, nationally on childhood poverty and many other local initiatives. They'll be celebrating their anniversary here in austin tomorrow and we wanted to welcome all of the sisters who have traveled from out of town to austin and hope they have a wonderful time here in our great city so I have a proclamation that I will read and then I'll ask christina to say a few words. The proclamation reads: Be it known whereas hermandad de sigma iota alpha, inc., Is a latino based sorority devoted to serving the community while fostering a sense of pride and respect in their heritage and whereas the sorority was founded by 13 women from four schools in new york in 1990 with the goal of creating an organization that would help their communities, unite women and promote scholarship and whereas the chapters now exist in arkansas, california, florida, georgia, illinois, maryland, michigan, new jersey, and tejas. And whereas here pleased to welcome the current and former members of hermandad de sigma iota alpha who are carrying in our fine city to celebrate a weekend of sisterhood in honor of their 24th an remembers I have. Now therefore i, lee leffingwell, mayor of the city of austin, action, here by proclaim september 26th, 2014 as hermandad de sigma iota alpha inc., Day in austin, texas. Congratulations.

[12:25:17]

[Applause].

>> Hello, everyone. On behalf of the national executive board of hermandad de sigma iota alpha and all our members attending our 24th annual founders weekend, I'd like to say thank you to the city of austin and mayor leffingwell as well as mr. Martinez for this recognition. We expanded to texas in the fall of 2003 and has flourished over the last 10 years at five universities. Baylor university, university of texas at san antonio, university of texas at austin, texas state university and stephen f austin state university. We are very excited to celebrate 24 years of legacy through leadership in this beautiful state capitol, austin, texas. Over the weekend our members will engage in sister bonding activities, conduct business and

celebrate another year of growth and accomplishments. Founders weekend is an enriching educational experience for all members, young and tenured, and here today with me we have -- I have my national executive board, if they can step up. And we have sisters that have joined us from chicago, california, new york that are here today. Some just got right off the plane and came right on over. And so we're super excited to be here and not only make an impact in the communities here locally, but across the country. Thank you. [Applause]. Sperry.

[12:28:20]

>> Martinez: So the next proclamation I'm pleased to be here today to present the distinguished service award to ms. Jeri houchins of the round tree re-entry round table upon the occasion of her retirement from her illustrious public service career. Jeri has dedicated her career covering five decades to improving the quality of life and safety of vulnerable populations in the community as a well. She's worked on the successful integration of persons into the community from incarceration. Recently retired after serving both the city of austin and travis county as the administrative correcter of the austin travis county re-entry round table since 2007, but during her tenure she indicated for the ban the box initiative that stint implemented, which I was proud to fight for, jeri, with your leadership. She initiated a discussion with human resource regarding the new eeoc criminal background check best practices, worked with the city regarding incentive deals with austin employees that agree to hire persons with criminal histories, helped with the facilitation of collaborative grant applications within the community around employment and housing services for persons with criminal backgrounds, supported the city on their permanent supportive housing goals and insured that the city engage in strategic development that helped persons with criminal backgrounds into permanent supportive housing units. And supported strategies and the implementation of a housing first model in our community. So we have a lot of thanks to give jeri for implementing some essential services here in the city of austin and for her decades of public service. Please join me in congratulating jerry houchins for her outstanding contributions. I want to read a distinguished service award and present to jeri and ask her to say a few words t says for seven years of service as administrative director of the austin travis county re-entry round table, jeri is deserving of public acclaim and recognition. During her tenure she has worked tirelessly to ensure the safe and successful re-entry and reintegration of persons returning to travis county from incarceration. Both through her work with the re-entry round table and during her entire five decade long career she has consistently worked to improve conditions for vulnerable populations. We are pleased to recognize her commitment, dedication and good works that have benefited our entire community. This certificate is presented in recognition thereof and with our best wishes for success as she embarks on the next phase of her life. Presented the 25th day of september in the year 2014. Congratulations, jeri.

[12:31:13]

[Applause].

>> Y'all just don't know how lucky you are. He knows because he is giving me a couple of minutes to speak. And for those of you that know me it always takes me more than a couple of minutes. I will say that he told you so nicely that I put five decades into the criminal justice and mental health profession.

30 of those were before I was born. And so a lot was done in the planning stage. I really appreciate the city and special thanks to pete valdez who is over the community court and has been not only a peer working with me on the planning council, but a true friend. And as all of you know that are sitting here, there's nothing better than those true friends. Thank you and thank the city so much, mike. [Applause].

>> Martinez: Now I'll turn it over to councilmember tovo for the final two proclamations of the evening.

>> Tovo: It's really a pleasure to recognize these next individuals. I would like to introduce you to celia hughes, who is the executive director of vsa texas. And also we have here a representative from rockin tomato. And they'll both have an opportunity to say a few words here in a few minutes. We received -- I would also like to, if he would like to, recognize my commissioner on the mayor's committee on disabilities, chip howe. And he is the one who sent to me a press release from the governor's office a few months ago and it was recognizing businesses in the state and it was the above's committee on people with

-- it was the governor's committee on people with disabilities it was announcing the 2014 lex freeman employment awards. I was pleased to see that two of our local businesses, two individuals here in our austin community were recognized among the governor's awards. So it's a a pleasure today to recognize them on behalf of the city. So the first certificate of congratulations is presented to celia hughes. Celia hughes, for having been selected for statewide recognition as the 2014 lex friedman award winner in the governor's trophy category. Celia hughes is deserving of public acclaim and recognition. This award recognizes long-term commitment and outstanding efforts to enhance the empowerment and employment of texans with disabilities. As the executive director of vsa texas, ms. Hughes has helped to bring forth a more creative and barrier free austin. She helped build accessibility into the billion bullock state history museum. She provides audio descriptions for blind patrons at arts venues through an organization she founded, access arts austin. And she's raised funds for a writing workshop and performance venue for disabled participants that's been going on for 12 years. Ms. Hughes has made it her mission to provide cultural opportunities for all. We join the governor's committee in honoring her decades' long dedication and success with this certificate, presented the 25th day of september in the year 2014 and it's signed by the mayor and has the names of all of the council. So thank you very much and I would like to recognize ms. Hughes.

[12:35:19]

[Applause].

>> Good evening. I want to thank you all so much for bestowing this honor on me for the work that vsa texas does not only in the austin community, but across texas. Vsa was founded 40 years ago by ambassador gene kennedy smith to bring the formative power of the arts to people who through no fault of their own have been locked away in institutions or hidden behind closed doors. Thankfully today much of that has changed. But the work of vsa texas continues to recognize that throughout the ages artists, scientists, mathematicians, people with disabilities have led the way toward a better world. As president kennedy just reminded us, art calls for creative genius from every sector of society.

Disregarding race, religion, wealth or color. This is the mission of vsa to bring everyone into the universal experience of the arts. On behalf of the board and the staff of vsa texas, thank you, austin city council, for your celebration of the artist in everyone and for your continued support of the unique and vital life

force that is austin, texas. Thank you. [Applause].

>> Tovo: Thank you. And it's really an honor to recognize this next business, rockin tomato. This is a local business in the heart of south austin along south lamar, and it's not just a great pizza place, it also has some practices that really serve as great models for all the small businesses here in our community. This business works closely with the state division for blind services and the mary lee foundation and gives opportunities to differently abled austinites. It follows a philosophy of no boundaries, only opportunities. And it's worked very closely with the texas department of the assistive and rehabilitative services for advanced training for their employees. And there's some great examples of this. They make their supervisor accessible to all their employees. They work with their employees for flexible schedules, including making sure that their work schedules allow them to get access to public transportation, if that's their method of getting to work. So on behalf of the city of austin it's my real pleasure to present this next certificate of congratulations to chris walton, who is the manager of rockin tomato.

[12:38:13]

[Applause]. It's similar. For having been selected for statewide recognition, rockin tomato is deserving of public acclaim and recognition. The award comes from governor perry's committee on people with disabilities and recognizes the restaurant for its efforts to provide work opportunities for people with disabilities. The restaurant's philosophy is no boundaries, only opportunities. Two of its employees are legally blind. Restaurant management works with them to provide flexible work schedules, helps with transportation, provides specialized training and has even remodeled its space to provide accessibility for its employees and customers. It values its employees and has repeat customers. We join with the governor's committee in applauding this inclusive austin business presented this 25th day of september in the year 2014. And it's signed by the mayor and has the names of all the councilmembers. So let's congratulate rockin tomato. [Applause].

>> When we started this program it was not our intention to draw attention to ourselves, but to provide an opportunity to several young ladies that are a member of this community. And they've actually grown to be part of the family. We've been doing this for over five years, and it's -- it's nice to be recognized for doing something, but the reason that we're doing it is because we love these people and they're part of our family, not because we expect any reward from it. So thank you guys for y'all's recognition. [Applause].

[12:59:50]

[City council is in recess].

[13:11:23]

>> Mayor Leffingwell: We are out of recess. Before we begin tonight, we have several items that have a lot of folks signed up to speak, more than we have time to hear. I am going to propose to the council that we approve without objection, allowing 30 minutes per side on each of the items. It looks like it will only affect item 143 and item 77, so if there is no objection to proceeding in that way, if you are signed

up on item 77, which is the tnc item, you might want to get your sidelined up with which ten speakers you want to select to be heard, and in will be a little bit of time to do that. And this will require somebody going outside the court

-- there are a lot of folks outside that that needs to be coordinated with, also.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Thank you, mayor. Just for the sake of it, folks, who weren't here before we went into break, because we requested a time certain of 7:00 p.M. On item 77, it simply means we aren't bringing it up before 7:00 p.M. It is going to be the last agenda item of the night, so you at least have, you know, a couple of hours, if it takes an hour for these other two items that come before you so I suggest you take that time to coordinate your speakers as best you can, to get the most impact because item 77 will be the last item of the night.

>> Mayor Leffingwell: And that would be my estimate. It will probably be an hour, hour and a half before we get to our last item because we are going to limit speakers on other items as well. This is just a headsup. If we don't get a list from you, we will just go in order. So the first item we are going to take up is item number 141, which is to conduct a public hearing consider an ordinance amending code chapter 25-6 to allow metered parking spaces to be counted towards the minimum, et cetera. We have a staff member here to talk to us about that? And if I could ask someone to coordinate with the building staff. It's getting very hot in here with all of the people emitting this body heat, so if we could coordinate with somebody, try to get the temperature cranked back down, we'd appreciate that. So ...

[13:14:02]

>> Tovo: Did you want to have a vote on that?

>> Mayor Leffingwell: On the temperature, you mean? [Laughter] is this good for you?

>> Tovo: [Indiscernible].

>> Mayor Leffingwell: I like ...So on number 141

-- go ahead, mr. Guernsey.

>> Guernsey: Thank you, item number 141, conduct a public hearing and consider an ordinance amending 25-6 to allow metered parking spaces to be counted towards the minimum off-street parking required for nonsidential uses. I will turn it over to our development process coordinator, jane, and she is going to go through and present this item. I think you have two speakers that have signed up on this item, mayor.

>> Mayor Leffingwell: Okay.

>> Good evening, mayor and council members, I am from planning and review department and I have a small presentation to share with you for this item. City council adopted a resolution in october of 2013 directing staff to develop an ordinance to allow metered sparkling spaces within a certain distance of the businesses to comply with off-street parking requirements, and as

-- that counted towards the minimum off-street parking. And they brought to the subcommittee in february and march of this year. Subcommittee approved the full item to the planning commission for the approval with the following recommendation. They asked staff to review three different areas of central austin, to assess the impacts of the proposed change to the neighborhoods. One was at south

congress avenue near jahona street, east essentially and chico want and burnet area and they presented this to august 6, 2014, and it was not recommended by the planning commission.

[13:16:03]

>> Mayor Leffingwell: You say it was not?

>> It was not, sir. This is the first rare of the map, south congress and johanna street that staff looked at. We looked at the total parking that would be required and provided. Those are the areas shaded in red, which are all of the commercial properties in this neighborhood. The total provided parking here is 123 and the required would be 199, and just to say a word of caution here, this is all based on google maps because we do not have the actual site plans for these areas, so we have done a good estimate on what the required parking based on the land use and the zoning. We have also looked at the on-street parking, along the curbs, along the south congress, crockett street, johanna, eva and mary street. And here are some of the results that the parking service have shown that the maximum utilization of the parking on johanna street is 41% on saturday mornings. That was the highest. But the range is anywhere between 18% to 20%. That's the average that the park

-- on-street parking is being used. And johanna street has some residential parking permit. Otherwise it's mostly all open parking and none of them is metered parking. The second area we looked at was burnet road and clay avenue. Again, the 96% provided parking. And we looked at, also, all of the parking on street and all of the areas in red are all of the commercial properties. Again, we looked at the parking utilization based on the parking service that was done by austin transportation department, the parking enforcement people. 50 percent on a thursday midday, the parking utilization is about 50%. And otherwise, on thursday evening and saturday evening, it's really low for on-street parking. Lastly, the third area on east sixth and chicon, it is mostly all commercial properties. Again, the surface parking provided is about 372. The required is 380 based on the land uses and the zoning and even the kind of deductions they could take for the parking. The next slide here shows the parking utilization for all of the on-street parking spaces. Again, the maximum is about 64% parking utilization on a thursday evening. And this shows a summary of all of the parking. The first column is the parking

-- the three different areas of the city that we looked at. The second column is available street parking. Those are the curb spaces that I showed in the previous three maps in all different streets. Those have been added up together here for those

-- one block on each

-- for this intersection. And then again to look at the impact on the neighborhoods, we counted the residential curb side spaces out of a total, looking at residential houses

-- where the residential houses were on the curbs and they are 92, 60 and 0 for the three areas because east sixth as in the previous map is mostly all commercial in those areas. And the third column or the fourth column summarizes all of the parking spaces that have been currently utilized, only on south congress avenue johanna street, it is 70% or 52% is the average utilization. But mostly it's about 20-50%. That's what this staff looked at during the parking surveys, and they were done in april, june

-- april and june of this year. This map

-- it is kind of hard to read but it shows currently where the residential parking permit program is applicable in the city right now, and it's only the johanna street, just a very small portion of johanna

street we have the rpp program but other two areas we studied don't have the rpp program currently now. This shows currently where we have metered parking. In the downtown where we have all of the parking requirements. There is no

-- that's where the metered parking is and this map clearly doesn't show but recently adt installed meters by the ball field and over there there is some metered parking. And these are some of the conclusions that staff, after studying the impacts of this change, with the demand for on-street parking will increase due to the greater density in the overt court and the reduction in off street parking in certain areas of the city and parking service has shown us there is excess capacity in the on-street parking areas that we have studied, the three areas. On-street parking can serve as a shared resource for all users, both the residential customers, and the business users. Currently most of the metered parking areas except u.T., businesses have no off-street parking requirements. That's what I mentioned earlier in the cbd-dmu area we have no parking requirements off street but then that's where we have -- most of the meters are located in that error. Residents of the affected neighborhoods may be worried about reduction of on street availability but then they can get in the rppd program and then residents of affected neighborhoods may be concerned about resulting in reduction on street parking available, and then requirements would still be subject to cumulative reduction of no more than 40% and this is -- the on street parking won't make all of their off street parking requirements. And the proposed -- this is a proposed code amendment which we would add to the -- our existing city code 25-6-478 that one space for each on-street metered parking space located within 250 feet of the site, measured as shortest practical and legal walking distance to the nearest principal entrance of the site. Metered parking spaces may not be counted towards the minimum of off street parking required for residential users. That ends my presentation. I can answer questions.

[13:23:27]

>> Mayor Leffingwell: Any questions for staff before we go to speakers. Council member tovo.

>> Tovo: I have a few. Can we start by going back the list

-- there you go. The first conclusion is the demand for on-street parking will increase as we densify it. The third bullet

-- help me make sense of this. It sounds to me that your first conclusion is that we are going to have more need for it as the city grows, as we densify, as places are developed and there may be more residences, there is going to be an even greater need for on-street parking so it seems to me the excess capacity that exists now may not be in excess capacity in the future.

>> That is true. That can happen. Yes. Right now we have

-- we see underutilization in the previous slide from 17% to 50%. Mainly it's under 50% on the free parking.

>> Tovo: Can you explain to me about the point of residential permit parking. I think I heard you say that if it gets to be a problem, if reducing on street parking availability gets to be a problem, those in the affected neighborhoods could get residential permit parking. Where would the businesses park, then?

>> I was looking at this slide

-- the average street parking occupancy. If you look at the burnet clay area, the total curb parking area right now is 115. And if we look at residential, that's 60. Even if we have rpp, we have excess of 115

minus 60. So 40 plus 55 spaces could be used for the businesses.

>> Tovo: Can you tell me, it is my understanding the planning commission recommended against this but they did so pretty resoundingly, can you tell me what the vote was, please?

[13:25:28]

>> It was unanimously denied, not recommended.

>> Tovo: Can you give us some sense of what their concerns were? I have my notes here but I wonder if you can tell me what your

-- a little bit about the rationale.

>> I think they did like the idea but it's too premature right now. We don't know where if meters will go. The city will have parking within the district.

>> Tovo: They were

-- I didn't understand.

>> The city is going to look into creating parking benefits district. But that would be austin transportation department and I would defer that question to them. Some of the other concerns were it might help only certain businesses in the city, because currently wherever we have meters, we don't have too much of business users there. Or it doesn't overlap, only in cbd and dmu, we have meters and don't have parking requirements other than two areas in the city I am aware of, near metered and the wash landing and I think the city has recently installed meters near clay avenue near burnet road as well.

>> Tovo: Okay. All right. Thank you.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Thank you. I am a little confused about the numbers you provided. With this slide itself, are you saying that on average on a saturday night in the neighborhoods just off of south congress there is plenty of parking open?

>> That the survey showed, yes.

>> Morrison: They need to do another survey because you can't even drive up a street off of south congress to get into a neighborhood. I mean, there is dangerous streets there. So I am really confused about that saturday evening

--

[13:27:36]

>> yeah.

>> Morrison:

-- On south congress. I have never seen that before and ... Yeah. I wonder if you can back up a little bit because when you were showing those maps and the

-- okay. So let's look at this.

>> Sorry, okay.

>> Morrison: The parking utilization. Can you help me understand

-- actually maybe start with the slide before that. I am a little confused about what numbers we are talking about. So 372 off street parking

--
>> these are off-street parking requirements. These we have looked at the zoning and the land uses in the four quadrants around the chicon and 6th street area and staff calculated that that's required parking and that's provided right now based on the google images and the zoning categories.

>> Morrison: So 372 surface parking

-- parking spots

--

>> yes.

>> Morrison:

-- Are dedicated for those businesses.

>> Provided on their own, yes.

>> Morrison: And 380 are required.

>> Uh-huh.

>> Morrison: So the businesses are short

--

>> by about 8 spaces.

>> Morrison: 8 spaces.

>> This is just a guesstimate because this is not based on our site plan.

>> Morrison: Okay. What does the next slide tell us?

>> This one for on-street parking based on the service. So the previous slide showed totally off street parking and this is on street. The service was done on a thursday and a saturday

-- thursday midday, thursday evening and a saturday. Thursday on midday, 49.5% is the average utilization of parking.

>> Morrison: What does this tell us?

>> That 50% of the parking is available on street on thursday midday. If you go there, can find a space. 50 percent of the spaces are vacant.

>> Morrison: What does that tell us about whether or not we should support the change to the parking?

>> That if the residents are concerned about not having enough spaces, that they are capacity right now. That's what this slide shows, that 50% of the parking

-- even if they do get their own residential parking, they will

-- there is still some capacity available for on-street parking.

[13:29:48]

>> Morrison: Okay. Then also I asked a question about this and in the answer to this question we got another chart and on johanna, we got off-street parking required versus provided is 62%, and then the next column says maximum on-street parking utilization, 41% on saturday morning. So does that mean most it's ever parked up is 41% around south congress and that happens on a saturday morning?

>> Yes.

>> Morrison: Why did

-- why not

-- is saturday morning the most parked out time around

-- around johanna and south congress?

>> Let me go back to that slide.

>> This one is only for one street. This chart is for johanna only. Between congress and wilson.

>> Morrison: The most you are saying johanna is ever parked out is saturday morning and it's 41%?

>> Yes, based on the service.

>> Morrison: I just have to say that sort of flies in the face of reality, so for what it's forth. And then I also wanted to ask

-- and this might be for mr. Spiller because I looked back and looked at the video of when we were approving the resolution a year ago

-- it was in october a year ago, and approval of the resolution was 6-1 with the mayor voting no, but at that time, mr. Spiller, I was asking you, well, how do we know it's going to be all right to be able to prove these. Say it's okay for four but not five of the businesses and how would you figure that

-- figure that out and how would you make a decision. And you gave a lot of discussion about criteria that should be used and

[13:31:54]

considered, like: Are there programs to make sure that the workers can get there

-- to work without having to park, and there it's near a transit site and all of that. But what I see here that's being proposed, it is just by right. There is absolutely no consideration. So can you talk about why

-- did these, quote, surveys suggest that there is plenty of parking and we don't need to do that? That we don't need to use our discretion?

>> Council member, robert spiller, transportation department, I would think we still would need to use our discretion on a case by case basis.

>> Morrison: So that's not how the code is written? It's given by write.

>> That's correct. It is given by write. I would think we still have the ability to use our discretion, but you are right.

>> Morrison: Not the way it's written.

>> I understand.

>> Morrison: Okay. So does that mean you don't really

-- maybe I shouldn't put you on the spot.

>> Thank you.

>> Morrison: Sounds like you don't recommend this. I won't put you on the spot. The other thing that came up for me and I asked you specifically to have the law department look at this. And that is if you use your discretion and you give that reduction to the first

-- the first four businesses, how is it that it's not

-- how can we legally not give it to the fifth business? Maybe the answer is, yes, that would be a legal problem so we are just going to give it to everybody. So I would like to understand if there was sort of a

-- like is that legality what is driving, making it, by right, even though our transportation director thinks maybe it should be discretionary?

>> Sure, council member lauren ballamy, assistant city attorney. The instruction we were given is reflected in the draft ordinance. There is really no legal issue with providing justification for reductions

of minimum parking. It is purely a policy decision, so

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[13:33:56]

>> Morrison: My question was, what if we had it as a discretionary thing and we decided that as long as not too many people are taking advantage of it, then we would approve the next one
-- the next request for a reduction based on this?

>> I am not aware of any legal issues with that kind of approach but we can certainly look at that.

>> Morrison: That was my explicit request. We had that discussion a year ago when we sent this off. I personally have a few problems with this. Questions about the data and other questions -- it almost seems like this really isn't ready to be considered. That perhaps we ought to go back and take another look and get data that everybody can agree on is correct. And get recommendations from staff in a positive way. I certainly would be open to postponing this item and going back and addressing these issues and coming back, say, in a month. Would anyone like to make a motion to that effect?

>> Morrison: So moved.

>> Mayor Leffingwell: Council member Morrison moves to postpone. I guess that will be until October 23rd. Is there a second? Council member Riley.

>> Riley: I second it.

>> Mayor Leffingwell: Any discussion? All those in favor, say aye.

>> Tovo: I have one question.

>> Mayor Leffingwell: Council member Tovo.

>> Tovo: Can I ask our attorney just to clarify something? When you say you were instructed to draft it this way, was that based on the resolution, or was that direction from management or who was that?

>> From planning and development review staff.

>> Tovo: I see. Mr. Guernsey, may I ask you

-- sorry to put you on the spot. But were you the one who directed that it be drafted in this way? Was that in response to the resolution? Was that in response to other conversations? What led it to the drafting in this direction?

[13:36:06]

>> Guernsey: Council member, I cannot say and you can probably converse with my staff but we can have the answer back to you before this item comes back. I am aware the city has utilized what is called community parking lots and addressing, I think, part of the issue that have come up
-- back on east 11th street, in the east 11th street MCCD, I will talk with my staff and that might address some of the questions that council member Morrison had and I will get back with you on the item on the particular language in the ordinance.

>> Great, there were some questions that I see planning commission raised that I am not sure they got answers to as well that would be helpful to note by the time this comes back to us. One is whether meters that had been installed in public parks count toward a business' required parking as well.

>> Guernsey: Let me check on that, council member.

>> Tovo: Thanks.

>> Riley: Mayor.

>> Mayor Leffingwell: Council member council member riley.

>> Riley: I will say the subordinances subcommittee did recommend this in 2014 so there was some support from the planning commission for the concept and there was apparently a breakdown. I did hear something about staff

-- about a lack of answers from staff. So I hope we can

-- the month that we

-- that we are about too take, over the course of that month, we can come up with better answers to the questions that are being raised.

>> Mayor Leffingwell: Yes, I think a real close coordination between pdr and

-- p and r and transportation would be great before we come back. Those in favor to postpone say aye. Opposed say no. Passes on a vote of 6-0 with council member spelman off the dais.

>> Thank you.

>> Thank you, council.

>> Mayor Leffingwell: All right. Are we working on or do we have a list of speakers on item 143 that would be limited to 30 minutes per side? So we already had the staff presentation on this item, so.

[13:38:34]

>> On the opposed side we have our speakers lined up. We have 8 speakers

--

>> Mayor Leffingwell: If you can give that information to the clerk and she will give it to me and that will be most helpful and we can get started on that. The against side

-- in the meantime while we are hearing from the pro side, you can be working on a list or otherwise we will just go straight ... Council member martinez.

>> Martinez: Are we taking up item 143 now?

>> Mayor Leffingwell: Yes.

>> Martinez: Tom, can you come down for a second? Yes, you, tom.

>> Mayor Leffingwell: We are ready to go ahead with the

--

>> Martinez: I want to make sure they have their list of speakers and they may not? Are you ready to go?

>> I am organizing.

>> Martinez: Are you organizing?

>> [Indiscernible]

>> Martinez: Their main speaker, hill abel is outside.

>> Mayor Leffingwell: I will call these names

-- all I have is first names here. We will go with those who are against and I will try to figure it out and -- okay. The first speaker, I assume is paul. I assume that's paul lehmann. Paul lehmann. All right. If you want to get ready and I am going to read off the next couple of names. Doug.

[13:41:25]

>> Thank you, I would like to talk about the process and how this trail was implemented in my neighborhood, in west creek. [Indiscernible] I would like to talk about the flooding in west creek and the process of violet crown trail that has been implemented in my neighborhood in west creek and I have the second slides done after that one, please. Start by showing you something that council is aware, the flooding problems throughout austin. You see a united states geologic survey graph showing flooding. Showing you where the halloween flood of last year with the arrow. Right side of the graph we have a higher flood a few days ago this last week. This here shows council the 2010 master plan route for the violet crown. You see number 1 is the area roughly at the edge of the barton creek greenbelt and dick nicols park, the part approved in the master plan in 2010. I show you in the area with the lavender text box where the urban trails would like to plan to move the trail through the back of our neighborhood. Early on, in researching this process, I discovered that the partners of the city, the hill country conservancy did not actually think it was a good idea. They actually advised the city, urban trails department, that this was not a smart thing to do. They went after the halloween flood, looked at the damage, walked up and down, using commonsense, expert judgment, thinkings this something they could not support. Nevertheless, the urban trails department went ahe and issued a request and had technical memorandum prepared by the publish works department for them. You can see there in black on this figure here, the route that we are talking about today in particular, the one that affects my neighborhood. I have read this report in detail. It spells out clearly and accurately what the urban trails department would like to do. You see here the trail in blue that I am talking about. You see all of these various lines here. They represent the ecological buffer zones of great importance. Any number would require variances or approvals from other agencies. I show you a picture from the technical document from the engineering service division with approximate level of the flood water indicating here as reported in the report and as recognized by the hill country conservancy and as I have govern out and personally observed, slow you area where they propose to cross the creek with the approximate flood water again. They would like to put at grade crossing across the creek. How did all of this happen? I submit to you this happened because the urban trails department only paid attention to a few stakeholders. They did not listen to the rest of the community. They did not talk to their own partners. They didn't listen to their own partners and listen to other parts of the city of boards and commissions that the city is empowered to view environmental issues. This is williamson creek now, and as you saw before this is what

-- [buzzer alarming]

-- one of the key stakeholders would like to turn williamson creek into. This is shoal creek. In fact, thank you.

[13:44:30]

>> Mayor Leffingwell: Thank you, paul. Doug mcray, you have 3 minutes.

>> Council, mayor. I am here to talk about the urban trails master plan as it's being implemented in the williamson creek greenbelt by the vct group, city staff and a new private entities. Emails show the group promoting 12-foot white 44,000 square cement highway running down williamson creek, what they call

alt1, your group either taken for us or against us attitude and anybody who challenges the position because the plan uses administrative variances to bypass public input, bad decisions are going to be inevitable. To demonstrate the plan's problem the next few slides show, questions race raised about alt1, the group's answers and reality of the answers. Encroachment, one question about what about privacy. Answer we were given, well, property values will go up. They didn't address the public nuisance, nonstop dog barking, trespassers with no access for almost a mile along the route. And alt1 proposed as you can see a picture, I don't know where it's at. Safety, won't it have easy access? Because the back of our houses is

-- the trail is within 50 feet of our backdoors? Studies show that's not true. There never has been an instance of a burglar

-- well

-- hauling off white screen strapped to handlebars. The city staff provided a case study on crime and urban pathways that states community residents and trail users became concerned of using the trail after visitors were verbally harassed and physically attacked. There is the picture of my backyard and where the trail is going to be. There is a greenbelt

-- there was an attack on the greenbelt half a mile away. Safety, they are pushing these trail users to brush country which is a major intersection of the neighborhood, and the reason, it is better than mopac. Well, there is a lot of traffic on that. There is basically two gas stations, two aisd schools and a lot of people using it as a cut through to 290. Cost. If this trail goes to approve north south bicycle communities, why mic the bikers ride another 2-miles on the trip. It is pretty and we want to build another path down here, longer commuter times and an additional 700,000 cost to the city. Costs, by building in the floodplain, won't the trail be damaged by storms? Group answer was cement. The old road has flooded three times in the year. Impervious cover will cause downstream flooding. Who is going to fix the trail? This is a picture of how wide the trails will be mind the back of people's houses. The next picture is in the same direction of the previous slide. Shows the water impact from this month's flood. Noted it covered majority of alt1 highway and washed out the fence. All of the grass was watered out because of the high water. After open house, we met with the new programs editor and showed him how big of an impact the green

-- the trail will have on a greenbelt, proposed a safer, more efficient and cost effective route that will save the city \$700,000, according to apd which we got from the city, 60% wrecks occur crossing at this intersection than brush country road intersection. Make this a safer place. City emails show businesses impacted want to have a trail built on their property. Basically, you know, the call to action is we need to set up a system where public input is required. Don't set up a system where a few people can high-jack the good project for their own goals. Make this a better process by removing administrative variances from the utmp. That

-- if you have the administrative variances, you aren't getting public input. Listen to the people and let democracy work.

[13:48:33]

[Buzzer alarming] this picture is a picture from the city about the opposition to the trail. Thank you very much. [Buzzer alarming] [applause].

>> Mayor Leffingwell: Dorsey twwell and following dorsey will be bonn think twidwell.

>> Good evening mayor and council.

>> Mayor Leffingwell:3 minutes, please, set the timer.

>> I am dorsey twidwell and I live on big walnut creek with my wife and I am currently in the design phase of the trail phase two. We are at the 50% design face according to the engineers. I am here to ask you to make sure the urban frames master plan includes every safe plan possible to ensure environmental protection, effective connectivity and cost effectiveness. The proposed plan needs only two specific tweaks. My experience and ongoing experience with northern walnut creek trail can provide specific insights that relate to the suggested changes. Change number 1, already spoken about, remove the administrative variance to provide better protection of riparian zones, creeks and other places around the ordinance and the current plan at 50% is designed to build a 10-foot wide concrete road with two foot shoulders over riparian floodplains, it is designed to slice up steep vertical cliffs with concrete forcing the need for boardwalk of what appears at this point to be a steep and difficult incline and a tough ride. I am no expert but I am not sure how the fhwa curve radiance guidelines will work in that area. Also built for a 10-14 wide bridge over an undisturbed portion of walnut creek. An email said it includes armoring, bank shaving and dredging of the creek

-- talking about big walnut

-- to address possible erosion and flooding issues. What we are talking about is rock and concrete instead of a natural creek bank. Administrative variances will allow these things to happen and it's currently in the plan. Change number 2, rather than the administrative variance, require review by the environmental board and planning commission at the 30% design and approval at the 90% design for variances and site plans for all site surface trails located in the critical water zone and let go back to walnut creek for a moment. There have been two so far and 50% stage. One was stakeholder walk around where only two households were represented over 600 households from the neighborhood where the trail is going through. The one general meeting had a 30% design completion ended with many unanswered questions. Citizens have had only verbal and email assurances from staff of possible changes to design. We have had no publically recorded changes for us to look at. The most recent public works presentation to the environmental board at the 50% design phase occurred only in response to a citizen communication at a prior environmental board meeting. There is a district need for more transparency to gain opportunity for public comment through the trail process to save, time, money, and/or our green spaces. In conclusion, our current experiences with walnut creek prove the environmental concerns today are not spurious

-- [buzzer alarming] they are very real and we appreciate your opportunity to address that.

[13:52:23]

>> Mayor Leffingwell: Thank you. Bunny, and after bunny will be john sperry.

>> Good evening mayor and council, I am bonnie and I am asking you not to approve the urban trail plan until protections for wildlife riparian areas and trees are incorporated in the plan. The ones in the plan right now are severely insufficient. We pride ourselves of being green and environmentally aware city and austin should lead other cities in that area. I am asking you, please give those of you next to these roads that are being built

-- and they are roads
-- please put the ability for any design of this bike path to be approved by the environmental board and the planning commission. All of the water cheffed protection ordinances
-- all of the watershed ordinances must be enforced along the creeks with no exception. We should preserve a few wild places for our future children. Austin can and we do, must lead this nation with best environmental practices. I live in north austin in the walnut creek neighborhood. We are between lamar and ih-35 on the west and east of braker and yager lane on south and north. We are directly affected by the north walnut creek phase two which you heard from my husband which is currently in design. The trail is living example of what has gone wrong and what can go wrong. It is represented as a nature trail, which we expected that but not what we are getting 10-12 feet wide concrete plus signs on the roads, plus many clearer feet of mowing on either side. As is the design of it stands now, it will destroy untouched wildland. This land is the same as it was 10,000 years ago as it is today artis come to draw and paint it. Indians camped there thousands of years ago. Archaeological sites are all over the place. We see kinds of wildlife families all over the place. They need this land for food, shelter and to survive. Their existence is on a real thin edge and they have no other place to go. Design for this path is destructive and the wildlife will be severely compromised. We are very concerned about flooding and erosion. Big walnut creek's main job is to move water and it does it in a spectacular way I can tell you. We witnessed halloween 2013 water from our front porch and are convinced a bridge and boardwalk for that plan of phase two won't survive or will be severely compromised causing great deal of maintenance and expense of the city. I am also convinced current phase two plans will flood my home. It is the only home I have am the only one I will have and I don't want it sacrificed to a bike path if at all possible. To believe that road construction won't disturb wildlife areas is not realistic. It's a big disconnect. No such thing exists. Resulting bike path is definitely not the pretty photos you see shown at the utmv book. I encourage you to see this area and see what is done on phase one because the destruction was ruthless.

[13:55:33]

[Buzzer alarming] thank you very much for your time and service to our country and our city here.
>> Mayor Leffingwell: Thank you. [Applause]. John sperry, and you are signed up 6 minutes with your group.
>> Thank you. Good evening mayor leffingwell and members of the council. My name is john sperry. My wife and I have resided west creek neighborhood in southwest austin for over 30 years. We both enjoy walking and cycling. We support the urban trails concept but are opposed to the urban trail master plan as it is currently written. Our concerns are regarding the proposed options in the williamson creek greenbelt, potential for increased flooding and allowance of administrative variances for existing codes and ordinanceness and the need for sense stakeholder involvement in the process. I bought my home in 1982 after waiting for a year for a greenbelt lot to be released for construction. My home was not in a floodplain at that time. Through the years fema adjusted the floodplain several times. The home is now in the 100 year floodplain. In the october 2013 floods, williamson creek reached my home but there was no water penetration in to the house. Last week, water once again rolls outs of the creek bed and covered most of my backyard up to our deck. Although the home has never flooded, I am very

concerned about the prospect of future flooding especially with the current and future intersection at the 290-71 intersection in oak hill. July 2014, an open house was held concerning phase two of the view lot crown trail, a trail I support

-- violet

-- and I was familiar with the original trail on page c30 of this proposal. However, on open house, three new alternative alignments were unveiled, one of which adds urban trail impervious cover to the williamson creek greenbelt which runs directly blind the property lines of more than 30 west creek homes east of brush country road. Prior to the open house, the potential new trail alignments were not made available or posted on any of the germane websites. There was no transparency in this process and no attempt was made to engage with the west creek neighborhood in considered discussion. This whole process pushes west creek residents who live west of the bush country road on the greenbelt with considerable uncertainty. While we know 12-foot wide greenbelt to the west of brush country road is being supported by some, it was included in the urban trails master plan as a conceptional tier two trail. I noticed yesterday an appendix on c33 has been added recently titled ybc290 williamson creek extension which is described as along williamson creek from mopac to 290. In previous plans the ybc trail has been located on the other side of 290 west with proposed out from the y in oak hill to barton creek. For the second time since july, our homeowners are being surprised and confused with a significant change to proposed trail designations and alignments. It is my understanding that the 12-foot wide concrete urban trails cost approximately \$2 million per mile, and that the violet crown trail optional route in williamson creek is estimated to cost twice that as the original route adopted by the council in 2010. I understand the safety concerns of crossing major roadways but the reality of the 30-mile long violet crown trail is it must traverse both william cannon drive and slaughter lane at sol point. I believe additional funds would be providing innovative cyclist and pedestrian safe passageways over or under these major roadways. As written, the urban trails master plan allows for administrative variances. These variances may have been asserted in the plan as a matter of convenience but I do not consider such variances to be wise. Administrative variances will allow future design and destruction of urban trails throughout the city without review and approval of appropriate boards and commissions. I believe city codes and ordinances are in place for a reason and it would set a poor precedent for city staff not to follow the process as expected of others and especially when many of the proposed trails are located in sensitive creek in greenbelt areas. I do recognize around appreciate the inclusion of note bill options for an urban trail where appropriate. I urge you to amend the urban trails master plan, to remove the administrative variances, maintain the original violet crown trail phase two route and significantly improve stakeholder notification and engagement processes when neighborhoods may be significantly impacted. Thank you very much for your time and your kind attention.

[14:00:52]

[One moment, please, for change in captioners]

>> the watershed protection ordinance requires urban rail to be

-- urban trail to be built in the water quality zone. The administrative variance would allow construction of a trail in the right pairing area you see on the right there. We worked with the team to try to improve the plan and I think it's a good plan and we could certainly support it with a few changes. Number one,

require that the administrative variance be removed from the urban trails master plan. It defeats the purpose of the watershed protection ordinance and will affect riparian zones, lacks transparency and public input. Second to that, require review, not just a briefing by the environmental board and the pornographic at 30

-- owe at 30% design and site plans for the hard surface urban trails. That would allow the public a chance to weigh in on the trails as they are designed. And remember, the city code applies to all city and developers. If anyone gets an administrative variance, the purpose of the watershed protection ordinance is defeated. The administrative variance as it is now proposed does not have any findings of facts or conditions as is the case with the heritage tree ordinance or particular environmental features, hence making kind after blank check for that process. There's also another change that we ask for, an independent experienced wildlife biology, ecologists and a certified arborist for all the trails project. This is from the urban trails master plan, page 5. Prior to the beginning of the 30% design this project team will determine if these two persons shall be part of the team throughout the process. We feel they should be there throughout the process as that would be a part of the-- any kind of field change or anything like that to make sure the trail is designed appropriately. Finally, just to address the cost briefly, we can see an urban trails costs 1.5 to two million dollars per mile. Bike lanes 150,000 to 200,000 per mile. Sidewalks cost about \$87,000 per mile. According to our

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[14:04:09]

[buzzer sounds] thanks very much.

>> Cole: Thank you, michael. [Applause]. Next we have cunda weiss.

>> All right. Thank you, mayor and councilmembers and mayor pro tem for your time and your service. Gosh, pretty impressive. Hello, my name is cunda weiss and I'm a life member of the national sierra club and a former member of the austin group x come. I was biologist of the city's now defunct nature preserves program for a number of years and I have experience of managing visitor impacts to our green spaces. All right. Floodplains provide the great ecological services of moving, slowing and absorbing flood waters. This plan calls for wide clearings along our green ways and flood waters will flow more smoothly through the clearings and that water will be an erode sieve force. I know public works as blessed this plan and stands ready to write administrative variances, but I can't help but think of the city and county engineers and the elected officials who signed off on building in the floodplain of dove springs. Apparently it looked pretty good on paper. We should remember the names of the staff and the officials who signed off on that construction. Did they have options? Can we really think it's a good idea to put miles of concrete slabs precisely where they will be broken by tree roots, under cut by floods and carried downstream where they will block culverts? Wasting time here trying to get back to where I am. Hang on. It's kind of hard to see. Rushing through, there is a vast literature in wildlife management journals on how fragmenting habitat with trails and roads has not been compatible with wildlife. First year students in ecology know that floodplains, along with other habitats are see rich. They support plants an animals and more different kinds of plants and animals than other habitat types. Can we -- where on cyclists and pedestrians need stayed and beauty created for them, turn existing portions of on our streets into places human services want to be in. Create shade trees, create solar panels with art.

Don't take what you want from the other creatures gusto because you can. The urban trails plan gets this richest habitat. Yes, raccoons, possums and squirrels can live all over town, but I'm speaking for dozens of other lesser known species that rely on creek side habitats. No time to name them all. Please, send this plan to Texas Parks and Wildlife. They do reviews, free reviews of this sort of thing and they will give you some really good advice. And they by the way know how to build trails along creeks that don't erode. I think we have a lot we could learn. If wildlife could speak for themselves they would speak of you, beg, please do not remove their best habitat and send thousands of people and dogs into the precious spaces where they search for their food, find shelter for themselves and young ones and hide from us.

[14:07:29]

[Buzzer sounds] I know what we want now, but please send this plan to Texas Parks and Wildlife for review.

>> Cole: Thank you. Cynthia Wilcox.

>> Cynthia Wilcox from Oak Hill, thanks for listening. Only about four percent of Austin's population is bike commuters so the construction of urban trails is exponentially more expensive per user than the construction of roads and sidewalks, which is why from an affordability standpoint it's important to choose only the best, most feasible routes, preferably going mostly through commercial and retail areas, which already have parking and restrooms so taxpayers don't have to pay for installing and maintaining them as well as the trails. This will also prevent nuisance on street parking and neighborhoods and other nuisances. Great care is taken when constructing roads to keep them out of the water if roads are raised up, bridges built and routes chosen in order to avoid areas that flood like creeks. Where they cannot be avoided we find the most dangerous places to be in a flash flood, which is the low water crossing. We all know how deadly these are and we had a grim reminder of that just last week. The map included in the urban trails master plan is the network of concrete low water crossings drawn along the length of creeks all over Austin. It is a hazard not just for cyclists, but for homeowners along the creeks who will experience increased flooding as a result of clear-cutting and 18 to 20-foot wide corridor through miles in these flood-prone areas. First responders will suddenly have miles and miles of additional low water crossings if these routes are built as pictured on the map. Each one is crisscrossed with additional creek crossings as well. Staff has said many of the routes on the map are unlikely to be built, which is a great reason to remove the map from the plan. West Creek neighbors have already learned the hard way that no matter how flood-prone or proposed a route is, once it's included in the plan it becomes a foregone conclusion and it takes a herculean effort to remove it. People whose property and personal safety is being jeopardized aren't bike activists, engineers or map consultants. They are the real stakeholders and the likely trail users. They're the nearby residents and they're the ones who will be harmed when this causes flooding. They know where it floods and which routes are practical and appropriate. Their input should be genuinely listened to, taken seriously and used in the design of trail routes on the front end. The inclusion of administrative variances, a lack of tabs parent si and lack of public input process compromises the entire plan. Input on trail routes should be confined to nearby residents. Public meetings have been a farce with organized bike activists showing up with talking points and people who live outside the city limits able to outweigh the legitimate input of neighbors and

residents and taxpayers.

[14:10:45]

[Buzzer sounds] there appears to be in process to screen out a single

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>> Cole: Thank you. Thank you. Your time is up. Thank you. Daniel yanez.

>> Good evening, mayor and council. It and once again I'm so happy to have this intra governmental cooperation of having the city council here at the commissioners' court. Look, you all know me and I am very opposed to any administrative waivers and particularly this department, the urban trails and bicycle people. They represent four percent of the population and they're asking for two million dollars per mile. In my neighborhood in east austin

-- first I would like to say I totally agree with my west austin neighbors that we need to protect our trails and creeks and that slide that I saw up there of a 12-foot wide concrete thing that looks like clear-cutting to me. And I don't want clear-cutting on our creeks. They're too precious. But now over on my side of town, in east austin, my objection here, besides the administrative waivers, city staff should not have the ability to have administrative waivers. That's the way to get around the democratic process and that's wait to get around the people and so I am totally

-- I totally object to that. The other thing is in my neighborhood we have asked for sidewalks for years and years and years, but you know the bicycle people and the trail people? Man, they can get a sidewalk in a minute. We have sidewalks especially for bicyclists in my neighborhood and we have been ignored for bicycles for pedestrians for schools, for bus stops and all that. Two million dollars a mile? You know, that could buy 22 miles of sidewalks in my neighborhood. This is way too much money. For recreation. We have practical needs. There are people in my neighborhood who have to walk in the street because the city does not respond to us when we ask for sidewalks. So I'm totally in alignment with my west austin neighbors about this plan. It has to be reevaluated and please no waivers, no administrative waivers. That's a terrible way to conduct business. Thank you very much.

[14:13:19]

[Applause].

>> Cole: Next we'll have heel abel.

>> Good evening, councilmembers. I'm here to ask you to support the urban trails master plan this evening. This master plan is definitely encountering some opposition from community members. They have legitimate concerns. We recognize that as well. We believe that there is a clear and fair process for you our city leaders to deal with those concerns and address them in an appropriate manner. What we're talking about tonight is not any one trail. We're talking about a master plan, a vision for the city of austin. And I know that many of you on council share that vision because I saw you at the boardwalk ribbon cutting a few weeks ago. And if you remember the energy and the excitement that was felt within our community, that is being replicated in other parts of our community, specifically in east austin where the southern walnut creek trail was opened about five months ago. Now, I have been to the southern walnut creek trail now probably about 15 or 16 times. It's a regular ride for me and for my

friends and my wife. And one of the things that we have been astounded to see is the number of community members that live adjacent to that trail that are using it on a daily basis. And these are not just cyclists. These are families out with strollers. These are people that are walking on the trail, that are running on the trail, that are enjoying that magnificent facility that has been built. And it is not in a floodplain, it is not causing erosion, and it is actually not wide enough. Many times due to the number of people that are on it on a saturday and a sunday morning. And we haven't even hit prime riding weather. I believe that when october, november come around, we're going to see literally hundreds of people an hour on that facility. And I believe that's what the master plan has created to fulfill in all parts of our city. That is the opportunity that we have before us today to enact a vision for the city to get people out of their cars, out of their homes and off of their butts and active and healthy. And the urban trails master plan is one of the first steps to make that a reality. Thank you.

[14:15:53]

[Applause].

>> Cole: Thank you. Next we have jennifer. Jennifer?

>> I'm jennifer mcphail. I'm with adapt of texas and we want to express our support for the urban trails master plan. I'm not a bicycle user. I haven't been on a bicycle since I was small enough to be on a tricycle. And I am in favor of this plan because I recognize that it has qualities that will allow people to -- it will save lives. As a pedestrian who uses public transportation everyday and has to get out into the traffic because there aren't safe routes in some places. I like to use trails whenever possible because it's easier to dodge squirrels than it is to dodge traffic. And that is important to remember. I've been hit by a car on lamar, and I wish that there was a trail that I could have accessed to keep myself away from that traffic, but there wasn't. So I guess that's all I can say. And I hope that cooler heads will prevail. You hear a lot of people complaining about how these particular trails will be a threat to the environment, but how many of those people actually rode public transportation or their bike to get here? How many of them carpool? How many of them have been hit by a car? Because they had no redress? Thank you.

>> Thank you.

>> Mayor Leffingwell: Next is carol rise-schneider. Roy whaley. Roy whaley is next. Carol, you're after roy.

[14:18:06]

>> I'm roy whaley, the conservation chair for the austin regional group, the sierra club. And sierra club has been an enthusiastic supporter of this plan since the beginning. Let me stress what I just said. This plan. Because that's what it is. This is a plan. And smart transportation requires planning and that's what this is, it's transportation. We don't have many sunday drivers anymore, but back in the day people used to go out and take a sunday drive. Now gas is too expensive for us to just fritter around with it on a sunday drive, but people do use trails as transit and recreation. This plan does not take away from recreational trails. We will still have recreational trails. I would say that many of the trails that are on this plan will be converted to recreational trails because the bike transit plan will not be feasible environmentally. But that doesn't mean that we can't still have a trail in that area. So this is a transit

plan and we hope that we will have ways for everybody to get about town safely. I'm happy to say that I am within the last two weeks a cyclist again. And I'm thrilled to be back on the bike and I want not just safe riding corridors for me, but for all cyclists. And people who aren't cyclists yet, like children. Children that will benefit from this by being able to ride their bikes to neighborhood schools and be able to train so that they will be comfortable when they have to get out into traffic. You've heard a lot of scary stuff tonight. I thought halloween was over a month away, but the scary stories have already been about tonight. The sierra club has not had a problem with the idea of environmental review by wildlife experts, by tree experts, by having it go to the environmental board. We believe that that should happen. We have supported this from the beginning when this was just a framework and it is fleshed out and I want to thank chad and nadya for having such an open process. To say that the process has not been open is not correct. We've been doing it for over three years. Everyone has been invited. And nadya and chad have been listening, as have watershed. The watershed protection group has been doing that. Matt holland. And we've had our city experts that we rely on time and time again weigh in on this and say yes, it is a good plan.

[14:21:04]

[Buzzer sounds] so vote yes for a good plan tonight. Thank you.

>> Mayor Leffingwell: Thank you. Okay. Carol?

>> Thank you, mr. Mayor and city council. I'm carol rise-schneider, interim director of bike austin. Approving this plan is just the first step in many in designing and funding and locating and building these actual trails. Urban trails are now a key element of development of a modern city. We as austinites do not live in a bubble. Most other cities already have embraced similar trails and are way ahead of us in developing and designing these types of infrastructure. Cities across america have embraced these trails and these trails connect citizens to each other. They alleviate congestion and they serve and attract tourists. We are already behind and we need to step up to the plate so that we can remain an environmental strength and strong hold in the u.S. Our master plan calls out and protects trees, vegetation and wide life habitats. It utilizes a low maintenance surface area that minimizes the trails' impact on fragile areas. If we fail to approve this plan, austin will no longer be the leading edge of environmentalism. Exist asking trail systems show that these trails can be developed in a manner that respects the ecosystems that they reside in. For example, here are a few that are in fairly pristine environments. The cape cod rail trail abuts marsh lands and dune restoration zones. Colorado has trails all over it, and I think we can all agree that colorado territory is quite pristine. Chicago lakefront trail abut a migratory bird habitat. So I think you can get my point. If they can have these trails and build them in environmental ways, so can we. Trust the water protection agency that we already have, trust your own staff, and absolutely allow the environmentalists to come in at the beginning of the trail process. Just as our beloved precincts and our

-- our beloved barton springs and our new boardwalk and town lake trails have become prized amenities, so too will these trails become. The meandering parkways, they are truly special and they are worth while investments as they enrich our lives of the residents and the visitors and they bring us very close to our environment in a very personal way. For these reasons and many more, we strongly urge you to adopt the urban trails master plan. This trail plan is an environment

-- as infrastructure goes, green infrastructure.

[14:24:20]

[Buzzer sounds] if you want to imagine austin, this is how do you it.

>> Mayor Leffingwell: Thank you. [Applause].

>> Mayor Leffingwell: Patricia shabb. Following patricia will be lane wimberley.

>> Hi. Thank you for allowing me to speak. I live and work in central austin and I'm here to ask you to adopt the urban trails master plan. I ride a bike for many reasons. One reason is for transportation. I'm comfortable riding on the street and with cars around. You could probably count me in the strong and fearless category of cyclists. But if someone who was recently injured by a hit and run driver I learned the hard way that fearlessness is a quality mitigated by brute force. And it's mitigated by vulnerability to vehicles that outweigh me by several magnitudes. So in the interest of a safe and accessible system of bikeways I urge the council to adopt the urban trails ordinance, which will increase the number of completely off-street routes for cyclists awful ages and abilities.

-- Of all ages and abilities. Separated off street trails provide safe places to ride a bike and

-- but they also provide a faster and more direct route than regular roadways. Traffic congestion is a safety hazard, but it's also a barrier to mobility and cyclists must often endure the slowdowns and stoppages caused by too many vehicles on the road or cyclists must take a longer route in order to avoid scary streets. An integrated turns system can be like a system of arterial roadways for bikes. And increase the overall capacity of the transportation system. Giving more people a realistic option for using a bike to get around austin without a car. Finally, the urban trails master plan directly supports the imagine austin comprehensive plan and the vision after compact, connected city. I please urge you to vote in favor of this ordinance.

[14:26:26]

[Applause].

>> Mayor Leffingwell: Wayne wimberley.

>> Good evening, mayor and council. Thanks for hearing me speak about this. Austin has come a long way since the street smarts taskforce. It's a much more bikable city now than it was before then. The council since then and now I think clearly understand the importance of building out cycling infrastructure and encouraging cycling in the city as a mode of transportation. And so I think it's safe to assume that you guys probably very well understand the importance of doing that. Nevertheless, I hope that you guys are aware that there was a study just a few weeks ago, I believe, out of new york city that concluded that the construction of cycling infrastructure in that city had a positive impact on reducing the amount of traffic congestion there and the traffic problems. So I think it's very important that you understand that while we have come a long way, south austin a much more bikable place and that's wonderful, there are still gaps. There are still problems. There are areas of town that I won't work. I won't accept a job in certain parts of town because I can't ride my bike. By the way, I rode my bike down here today like I know a lot of other people did. I ride my bike to work everyday. I work with some folks over on the east side who up until recently wouldn't ride their bike to work because there was no route.

Now that there is a route because of the southern walnut creek trail, they ride everyday. I want to stress that I understand that it is extremely difficult to build out infrastructure in a built out city, a city that already has a transportation infrastructure. I think that the urban trails master plan does an excellent job of doing just that. It provides the kind of connectivity that -- that we need to fill in those gaps. Thank you very much. [Applause].

[14:28:30]

>> Mayor Leffingwell: Tom thayer. That's all the speakers, by the way, that I have signed up on this list. And that only adds up to 21 minutes. So your side could have three more speakers. Go ahead, tom.

>> Thank you very much, mayor and council, for the opportunity to speak. My name is tom thayer and I'm definitely in support of the urban trails plan. I'm an oak hill residents and I ride my bike. I try to ride it most days. I work over in southeast austin. And I ride to work almost everyday. So I definitely know how it is to ride a bike in an area that's not really connected. Oak hill is not very connected to the rest of austin via bike trails, bike lanes. It's pretty difficult. When I talk to a lot of people out there they say I would love to get on my bike, but I'm kind of afraid of going down 290 or going down william cannon. And so urban trails connectivity in this area, as with many other parts of the city, I think would get a lot of people on their bike. I actually got into bicycling in austin riding on an urban trail. The waller creek trail is a short trail that goes from about 15th street down to about sixth street, but I worked downtown at the time and once I found out that I could go under all the streets there, that was my route everyday to go downtown to work. The urban trails plan

-- I see it as a transportation plan. Recreational users it use it and get benefit out of it, but it's a way to connect different parts of the city that aren't connected very well right now. And I think it will get

-- it will get some people out of their cars, which is an environmental benefit in and among itself. I think it's important also to note that the urban trails plan is a plan, it's not specific trails right now. The violet crown trail in my area is under development and we're going through the process right now of trying to figure out what the best route for that is. And I look forward to participating in the meetings that they have on many of the urban trails. But right now the routes are not set. And so the public process I think that they're going through right now, I think is

-- is adequate in order to make sure that all the stakeholders involved have a chance to have input as to where the trail goes, you know, the surface that it is, other things like that. Another thing is I'm also a member of the bicycle advisory council. And all of the

-- and the urban trails will come through us as well for review. So it's another

-- another stakeholder group that will be reviewing everything as it goes forward. So thank you very much for the opportunity to speak tonight. Have a goodnight.

[14:31:29]

[Applause].

>> Mayor Leffingwell: [Inaudible]. Robin stallings.

>> Good evening, mayor, councilmembers. My name is robin stallings, executive director of bike texas. Thank you very much for giving me a chance to speak. Bike texas fully supports the urban trails master

plan and it's one of the things that austin has to catch up with the rest of texas. We're statewide, but houston has a more extensive trail network, san antonio has a more extensive trail network. Dallas has a more extensive trail network and this is part of their strategy for attracting the kinds of companies that austin has been really good at getting. And we want to still compete with them, but other cities around the country. I believe that a solid trail plan is vital to the economic well-being of our city. Not to mention I agree with the other speakers talking about the environmental benefits, the transportation benefits, the quality of life benefits that also it's pretty well established that homes near trails have an increase in property values. That local retailers that cater to cyclists actually do more in sales to cyclists every month than they do to motorists. Cyclists buy less each time, but they stop by more often and end up spending more per month. So for businesses that locate along trails I think it's a benefit for them and for our city as a whole. I just wanted to make it clear that we think it's a great plan and we would appreciate it if y'all are able to support it tonight. Thank you very much. [Applause]. Is.

>> Mayor Leffingwell: Thank you. Andre [indiscernible]. I'm sure that isn't exactly right.

>> I'm I've said this many times in my life. It's close enough.

[14:33:30]

>> Mayor Leffingwell: I have too, by the way.

>> First I just wanted to say I'm impressed with the show of support, people with fluorescent shirts. I wasn't expecting so many out for urban trails. [Laughter] and the main thing, the main point I just wanted to bring up is that you've heard from a lot of people who are really concerned about how the urban trails are going to impact our wildlife areas and our riparian areas around waterways. And I just wanted to say I understand their concerns. And I think they have a right to be concerned. And that's why I

-- I support the environmental board's recommendations to have a robust public input process associated with any particular project that's called for by the plan. I think that would be a really good opportunity for people to come and weigh in with their concerns and I really

-- I expect that staff will respond to those concerns. And so that we won't see kind of the doomsday scenarios that people are imagining with paving over putting roads into greenbelts. And I can personally vouch that I will be

-- I will be there with everyone else, you know, sounding the alarm if we're talking about, you know, paving over our most vulnerable areas. So I really have confidence in staff to select appropriate trails for -- for the areas in which they're proposed. And so I hope you will share that confidence with me. Thank you. [Applause].

>> Mayor Leffingwell: So that's all the speakers we have on the list.

>> [Inaudible].

>> Mayor Leffingwell: That's all right. We appreciate that offer. [Laughter] so council we have

-- on another item we have a postponement request. Without objection I'd like to lay this on the table. And I understand there's been a request for to postpone item 132 until october 16th. And the other -- both sides have agreed. Is that correct, jerry in.

[14:35:47]

>> That's correct, mayor.

>> Mayor Leffingwell: So I would entertain a motion to

-- councilmember morrison moves to postpone 132 until october 16th. Seconded by the mayor pro tem. All in favor say aye? Oppose said no. It passes on a vote of seven to zero. Thank you. Now we'll go back and take item 143 off the table for council discussion and a motion. Anyone? Councilmember morrison.

>> Morrison: So mayor, I guess I would like to

-- I have several amendments I want to propose so I would like to go ahead and put a motion on the table to approve the master plan and then work on it from there.

>> Mayor Leffingwell: Motion by councilmember morrison to approve the master plan. Seconded by councilmember spelman. Councilmember morrison.

>> Morrison: Thank you. I have to say that I've worked a lot on this master plan looking at it and trying to understand it over the past month, I guess. And I have to say in looking at nadya right here at this point because there was one moment about three weeks ago I looked at her and I was like, I just cannot support this thing because I was very, very concerned about many elements of it. And I really tried to understand and I know

-- the nice thing is that staff put out a new draft that accommodated a lot of the issues that had been raised. One of them, for instance, you know, we hear a lot about this being a transportation plan, but I have to say I'm very glad to hear people when they say that this is more than just a set of trails for transportation because if you look at the data, it's about people getting back to nature and it's about recreation. So it's not just about commuting. And there are some changes to the text that are really good that help to elevate the importance of the environment and the importance of recreation and all that. I appreciate that as well as, for instance, the no build option and all. What I came to understand is that this is a very high level plan. And there's a lot of work to do on every single trail that's still to come. And so there was concern about administrative variances. Certainly heard concern about wanting to get it in front of the environmental board. As I looked at it and as I looked at the example that we have going on now with the west creek neighborhood, it became clear to me that there are some very important trade-offs and decisions that are going to need to be made for each and every trail. And so -- and I don't think that those trade-offs should be made at the staff level, those final decisions. I think the trade-offs really need to be

--

-- be under the purview of the council. On the other hand, we don't want to get this too laden with too much process, so the idea that I came up with was to ask not only

-- so when you get to 30% design when it's not too late to change the eye line., Not only would we have the trail go through the process of the environmental board and other relevant boards, but also to have staff come and present the trail plan to a council committee. And my thought right now is it would be the comprehensive planning and transportation committee. I know that the committee structure might change, so my motion

-- my first motion is to amend the language on page

-- on page xi and 5-11 where it currently it says upon completion of 30% design, urban trails projects will brief the environmental board and any other appropriate boards and commissions. And what I'd like to add to that is brief the environmental board and any other appropriate boards and commissions for

their review and recommendations and present to council's comprehensive planning and transportation committee or its successor committee. And then a partner amendment goes on page 511 to say as part of the council committee presentation, staff will consider trail alignment with trail surface material, environmental aspects such as cef's, trees, slopes, etcetera, community concerns that have been raised and any other project specific issues. And the council committee will make recommendations to the council as needed. So that motion is meant to open it up. If everything is fine, the council committee can just say that's great. Go do the work. If it needs to be raised to the council level then this would be the purview for doing it. So that's my motion.

[14:40:57]

>> Mayor Leffingwell: Was that friendly. I think it's councilmember spelman.

>> Morrison: I consider it friendly and I would be happy to discuss it if anybody is interested.

>> Spelman: I have a question. Others may have questions as well. We're dealing with 300 miles of trails and if we have a single powerpoint presentation for each trail there are going to be lots and lots of presentations. It seems to me if I were on the staff what I would like to be able to do is bring a bunch of trails up to 30% design and then present four or five trails at once. Would that be consistent with your motion?

>> Morrison: I think it would be good to get staff input on that. The important thing is that it get in front of the council before it's too late to change it. Before there's too much money invested.

>> Correct.

>> Thank you, councilmembers. Councilmember spelman, to address your point, if we do several different trails up to five, let's say, up to 30%, the reality is not all those trails will have the construction dollars because of the enormous cost that goes into five of them. As we go through each public process, each project is specific and will have specific issues, but we will address those. Our concern or my concern is if we do five and only one goes forward then there could be changes in everything else in 10 years if those other four are shelved. So it makes more sense because these are so large and we may have only two a year because of the cost to bring one at a time if we were to go that route.

>> Spelman: If you're only talking about a through-put of three per year that sounds sensible.

>> Mayor Leffingwell: So that's accepted?

>> Tovo: May I ask a question? Councilmember, do you intend if it's the council committee that's going to make a recommendation, if they have an

-- if they have some recommendations that run counter to what has been designed, then they would make that recommendation to the full council for an approval? There would be some kind of firm approval at some point?

>> Morrison: That it would become a council decision whether we were really going to proceed down the staff recommendation or. No.

[14:43:04]

>> Tovo: Good. Thank you.

>> Morrison: It's a little loose si goosy, but meant to be flexible.

>> Tovo: But it does provide for some kind of policy decision if one needs to be.

>> Morrison: Correct. And the people who have concerns will be addressing those of us who are accountable to those people directly. Not that staff aren't accountable, but in a different way.

>> Tovo: Good. I think that seems to address some of the concerns we've heard.

>> Morrison: Then another issue that arose for me is on page 1-6 we have characteristics of an urban trail and then the next page says in order for a trail corridor in austin to be considered an urban trail it must have

-- and one of the bullet let's says, an all weather pavement surface. And that was really problematic to me because in some places maybe pavement is not going to be appropriate. In some places

-- and while I understand that asphalt is typically what's going to be used, we might have an

-- have an increase in ephedrine lewis in technologies. I worked with staff and their perspective was it's really just that the surface has to be all weather. It's not that it has to be pavement. So this just merely changes the bullet so it reads that it must be an all-weather surface, whether is pavement or not can be left to the design.

>> Do you want to take that one?

>> Morrison: Let me take one four also on page 5-5 where we are talking about the surface again. It had saids the preferred surface material is asphalt. And again because that can change I understand that might be what happens these days. Because that can change we changed that to be the typical surface is asphalt.

[14:45:09]

>> Mayor Leffingwell: Councilmember spelman?

>> Spelman: I consider them friendly. But perhaps I should wait until the questions have been cleared.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: That one just strikes me as peculiar to say it was a particular surface. Asphalt is certainly the preferred surface among cyclists at least. I would expect for in the disability community as well, but I wouldn't say it's typical. In fact, we have not been seeing

-- we have not been seeing asphalt trails in general. So it just seems peculiar to say that it is the typical surface. I don't know if

-- chad, can you shed any light on how many of our current urban trails are asphalt?

>> So a few of our current older urban trails are. The newer ones we've discussed are concrete. Our typical going forward in the urban trails master plan is asphalt. Understand depending on the soil and the context of that trail, there may be areas where it needs to be concrete to armor it for different reasons. But our hope is to move forward with asphalt as a typical and concrete if we need to because of issues that we've heard from other issues on the trails.

>> Riley: But it would really have the same effect, that you would aim to

-- you would typically aim to have

-- use asphalt.

>> Yes, sir.

>> Riley: Okay. Thanks.

>> Mayor Leffingwell: Okay. So that's adopted.

>> Morrison: Great. And then we heard some discussion about the fact that our existing trails are not a.D.A. Accessible at this point. And we talked with our staff and they said in fact we're doing a transition plan

-- an assessment and transition plan and so

-- I know that's come up in more than one

-- more than once. So I asked for some help in finding a way to document that we're actually doing that. And so on page 3-2 where we're talking about there are approximately 300 miles of trails, etcetera, it goes on to say many existing trails, for example, are less than 12 feet wide and I'd like to add an acknowledgment of that work on the a.D.A. Guidelines that says so there are less than 12 feet wide and do not meet current americans with disabilities accessibility guidelines. The parks and rec department will be assessing its current inventory of trails by conducting an a.D.A. Self-assessment. The result of the assessment will be the creation of a prioritized transition plan for the ongoing monitoring, maintenance and upgrade in facilities to comply with the requirements of the u.S. Access board chapter 10, recreation facilities standards. And then it goes on to say, while the 30 miles of existing trails do not necessarily meet current standards, they do serve as the backbone of the urban trails network. And it goes on. And I didn't just make that up. We worked with staff to figure out how to get it appropriately documented so that we will know that that is going on.

[14:48:13]

>> Mayor Leffingwell: Okay.

>> Morrison: Friendly.

>> Mayor Leffingwell: It's accepted.

>> Morrison: And really just one more. And that is again to expand and enhance the public understanding of the trails when they're coming through their neighborhoods and they're being developed. There's two places where I wanted to add a requirement that each project will have its own website. And so that's on page x, and then also on page 5-10 we'll be adding some language that says a project website will be established to facility transparency with the public. The project website will contain media information, maps, exhibits, contact information and the draft preliminary engineering report once it is available, once the per process is complete a secondary open house will be held to present the per. And then analogous on page 5-10.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: That's fine.

>> Mayor Leffingwell: Okay. So we have a motion on the table with it looks like a total of seven amendments, all friendly. Any other comments before we go to a vote? All right. Those in favor say aye? Opposed say no? It passes on a vote of seven to zero. [Applause]. That takes us to our last item. I do not -- I have not received lists. Of speakers. Clerk, do you have -- have you been given a list? Since I have a list of those against, we'll go to that first. Could we hold the conversations down until you get out of the chamber?

[14:51:08]

>> Folks, if you're not going to stick around for ride sharing, we have folks outside who are precluded from coming in because of capacity. If we could let those folks come in. I think we're missing some speakers that can't get in the chambers.

>> Mayor Leffingwell: I will make sure if I call your name and you don't show up right away, we'll check outside too before we pass you up. I'm still waiting on a list of those for. We'll go to those against. First is kimmy. Kimmy yime yeez. Is mr. A kimmy? Very good.

>> [Inaudible].

>> It is on. Good evening, mayor and councilmembers. Thank you for your time. I just want to briefly give my perspective on this issue. I'm sorry. My name is kimmy esee. I've lived in austin about four years. I'm privileged to say I've enjoyed a lot of different activities in and around austin and I'm now driving my own vehicle, but for the three years that I was in austin, I had to use public transportation as far as metro access and the yellow cabs. I'm here to speak briefly on the ordinance regarding the transportation network companies like uber and lyft. I support thetize agreement, but urge those who can make amendments that would put the tmc's under the current rules as current demand transportation companies to do so. Mainly in insuring that tmc's provide viable transportation options for people with disabilities. As ms. Wheelchair texas in 2010 I've had experience representing of the vast vibrant community of people with disabilities. And there's been a resounding issue that we face equality in transportation. The americans with disabilities act clearly states that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of specified public transportation services provided by a private entity. That is primarily engaged in the business of transporting people and whose operations affect commerce. The current services that provide accessible transportation are metro access and yellow cab. And although they are doing their best to serve the community of people with disabilities here in austin, there have been a vast majority of people who have been ineligible to use these services due to certain stigmas that

-- certain qualifications that they don't meet with metro access as far as living too close to a bus stop or not being, quote unquote, disabled enough to use these services. If someone in my position were unable to use metro lift, they would go and ask for a cab from yellow cab for services, but with a limited amount of joy cabs that have wheelchair accessible, I'm left to either ask friends for help or just not go to work or not attend the services that I'm used to doing. But if there's services like uber and lyft in there, they provide accessible vehicles, then I'm given the opportunity to still go about my day just like any able bodied person would. Just so I can close briefly, if we permit these large multinational tmc's to trait here without recurring

-- I wanted to urge you guys

-- urge the council to understand that people with disabilities also have a voice in this issue and we appreciate your time.

[14:55:25]

>> Mayor Leffingwell: Thank you. David king.

>> Thank you, mayor and councilmembers. You know, I'm here not to speak against uber and lyft. I think it's great we have innovative ideas and we bring competition in and that's important. That's part of our culture in this country. But I am saying that we need to do this in a fair and equitable manner and that

we need to make sure that they're playing by rules that provide safety for their customers and that we don't give them an unfair advantage to those traditional companies that have been here invested in our community. They've been here for years, decades providing the service that we can count on and trust and depend on. And they're required to follow a lot of rules regarding licensing, insurance training, accessibility, vehicle maintenance, security and customer service. That's all that I'm asking that you require of uber and lyft. Just play by those same kind of rules so we have a fair, competitive field and that we're not inadvertently shutting down these traditional companies that have been here and provided service and created jobs for people here that can live here in austin. And ancillary jobs from those. So I know that we're trying to do a good thing here and bring in new ideas and give these people an opportunity. We need to do that in a way that doesn't cause these unintended side effects. And you know that germany probably has banned uber. Now, that ban has been overturned, but it's going through the appeals process. But they do it for the same kinds of reasons I'm talking to you about tonight. It is a serious concern to germany and I think we should consider the actions they're taking there. So I'm just asking that you please ensure what when we allow these new ideas, these new companies to come in, that they're going to be required to provide the -- follow the same kinds of rules so when I go to call a cab that I can rely on that service. And if a problem occurs that there's insurance. And that there's security and that there's reliability and if I have a problem I know who to call to get the problem solved. Thank you very much.

[14:57:51]

[Applause].

>> Mayor Leffingwell: Billy carter?

>> Good evening, councilmembers, mayor. Appreciate the time. Billy carter. I'm the owner of super shuttle and exec cue car here this austin. I stand here to inform the people of austin and our esteemed council about risks associated with fast tracking this issue. Enforcement in this city is sorely lacking. And the tn c's are quite aware of that and taking advantage of it. Our ground transportation can barely handle the current load and the ratio between enforcement officers and licensees is severely behind any other modern city with the ground transportation authority. The acceptable ratio in any modern city is between 25 and 75 permits per officer. Currently our city has 400 licensees for every one officer. 400 licensees for every one officer. How can you possibly expect that current system can handle an unregulated, uncapped series of drivers suddenly added to the system. Obviously we can't because we've only written 90 citations in the last three months. We could write 90 every night if you wanted to. Are we saying as a city just because we can't enforce what we deem to be illegal that we should fast track it instead of dealing with the problem? Should we just shove this under the carpet until a better idea comes 99 city council has tasked a hard working group of citizens with the important job of creating a solid framework for this tnc idea. We've been given a timeline. I sit on that committee. And by fast tracking you've undermined the very group that you deemed to do this job. The committee had no idea that this ordinance was even coming up. We weren't consulted. We didn't -- no one came and asked us for our information. I can understand based on the lack of resources why you would want to do this, but how does the fast track help our community. It helps the enforcement issue by ignoring it altogether. Where is the funding initiative in this fast track? Other than 10-cent

contributions for an a.D.A. Fund? I don't see any charge for permitting. How do we plan for the additional officers that are going to enforce this? Family violence taskforce.

[15:00:30]

[One moment, please, for change in captioners]

>> ... You are also, over the last year, you have been working to try and regulate people who are doing hotel business in their private homes. You want to regulate that and you are working on that. Let me start by first saying, I am a licensed cab driver in the city of austin. This chauffeured license. [Applause] in order to get that every two years, I have to trot my butt to the dps and present my criminal and driving record to them and the city of austin and it costs me 50 bucks to do that. If I have to do that, why don't they? It costs me a dollar every time I pick up someone from the airport. If I have to do that, why don't they? Just this week, I passed by 7 city inspection on my hybrid car. Here is the proof of that. And I got a new permit for the car to operator the next year. Yesterday, at the cab company I was giving my new insurance card that says greater austin transportation is responsible for what happens in terms of accidents in my car. If we have to have this, why don't they? If I have to pay add valorem taxes to travis county for using my own personal vehicle as a commercial enterprise, why don't they? This entire concept of business they have

-- which is really a taxi business and being a taxi business without having any of the responsibility of that -- is based on dishonesty right from the get go. The people who are driving in their personal cars who are unlicensed and are not licensed through the city of austin, if they still owe on their cars, are lying to their auto finance companies, you cannot get auto financing to purchase a vehicle to be a vehicle for hire as an individual. I know this. They are lying to their insurance company, unless they -- unless they are purchasing commercial insurance, which they are not, they are lying to their insurance company. Some of these folks actually don't have nice cars so they are renting from the various rental car companies, and they are lying to the rental car companies. The rental car companies don't know that their vehicles are being used in a fashion that will not be covered by the insurance.

[15:04:11]

[Buzzer alarming] and so how far does this arrogance go? Are they going to be providing 1099s to these drivers? Because it is federal law that companies that process credit cards on behalf of third parties

--

>> Mayor Leffingwell: Can you

--

>> that the cab companies do for us

--

>> >>reporter: Your time is expired, please.

>> A 1099.

>> Mayor Leffingwell: Your time expired, please.

>> And so, please, make these at least be equal to me. At least.

>> Mayor Leffingwell: Thank you. [Applause] joan cabellie. There she is.

>> Mayor leffingwell and council members, we don't understand why the tnc companies in austin have been operating illegally for many weeks. Several cities have not condoned such illegality. Shouldn't the city of austin value and uphold its very own laws and regulations? What kind of precedent has austin set for other areas of city administration? We don't understand why this new mode of transportation -- transporting people, which in austin is defined as "ground transportation" will be given the opportunity to operate as it suits them, vetting their own drivers and their vehicles, with an unlimited number of tnc vehicles on the roads and with prices that at times undercut our drivers, and at other times, price gouge their passengers. What happens to the city council's interest in the welfare of the drivers? Just two or three years ago, everyone was crying, wondering if their welfare was being served, and what happened to the need for the city to protect the riding public? What percentage of people in austin own smart phones, computers and credit cards and can afford the monthly charges for these technologies? They will need to take ordinary taxicabs, as will people who simply don't want to agree to their tnc fairs doubling or tripling. Our drivers need to drive all classes and types of people to survive. They can't afford to be driven out of the market by thousands of part-time drivers who squeeze them out of picking up passengers during the only times of the year that they make big

[15:07:10]

bucks: Sxsw, acl, formula 1, and during some weekends on 6th street. Also, the cab drivers make-up for summertime losses during these special events. Shouldn't the regulation restrict the tncs from working the airport? Some cities do that. We are looking for equitable and fair treatment for the franchises and for the cab drivers under the franchises. We expect austin to highly value and support the taxicab franchise system which it built and developed over many decades. We have been praised for having a well regulated system. Some of us are small, local businesses that have overcome many, many hurdles and challenges in order to be successful. [Buzzer alarming] so I hope that you look at this very carefully and realize that what's happening is unfair. We are not in principle against the tncs but we would love you to limit their numbers because we can go out of business if you let them put thousands of tncs in austin, texas. Thank you. [Applause].

>> Can I get the wireless mic on? We have a brief video real quick? I can g to talng .

[15:09:24]

>> [Indiernible]
>> tt's fi, no worrie
>> justse yourmagninati ere. Nmesark christian son and I am thinganager f curb, ty are anapp t prove safend riable drives wit professional drives and only work with fully licensed with texas local taxi companies and we currently partner with over 90 taxi fleets in 60 u.S. Cities and we provide riders throughout the country of this. While we applaud the effort of austin city council to encourage innovation and serve consumers, this serves the same flaw that other bills that have been passed and being considered in cities and states across the country. By legalizing transportation network companies free from the same rules and restrictions faced by local taxi companies, ordinances like this create a double standard for regulating the ground transportation industry. Under this ordinance, the newly

dedicated tncs

-- designatedness tncs whatever charge they want and not be subject to the costly and registering license such as taxis. Curb welcomes legalization of tncs and wholeheartedly welcome competition that is good for consumers but this is not good enough to assure fair competition. We work with companies across the united states and we can say that we can transform an industry while still playing by the rules. However, despite the upgrades we provide to drivers, they still do not have the freedom to compete effectively. Their fares are constantly being undercut by tncs, which have no regulated pricing models and are allowed to serve prices at times of high demands. The costs of doing business continues to rise while taxi drivers still struggle to track fairs on an uneven playing field. We are concerned for our partner

-- [applause]

[15:11:34]

>> yeah! We are concerned for our partner, lone star cab, a company that legally served the citizens of austin since 2007 as they navigate a ground transportation environment in the wake of this ordinance that, in effect, legitimizes some of the legal loopholes exploited by ride sharing companies to give an unfair advantage over austin's taxi industry. Now, we will continue to grow our presence in austin by partnering with additional taxi companies and help modernize and offer technology that the austin citizens want. It will be up to the city council to grant austin taxis the freedom to truly compete with tncs and to better serve all of austin's citizens. [Buzzer alarming] thank you. [Applause].

>> Good evening, mayor and council members. My name is solomon casseb with lone star cab company. I am speaking on agenda item number 77. I have been in front of you several times representing lone star company's effort to stay up to date with innovation and technology. We prepared ourselves for competition for future challenges and only ask you to level the playing field. For the last two years, there was an app being used that is currently known as curb mark

-- they have done a great job in expressing

-- like uber and lyft, curb allows passengers to pay cash. Unlike uber and lyft, the drivers keep 100% of what they make. Curb prefers to play by the rule and work with licensed cab companies. A year ago I was asking for more permits to innovation and technology that we invested in be useful to the citizens of austin, I strongly argue that more permits will allow us to cover the city wide calls and disperse in a timely manner. Council member riley voted no even to the 50 permits to lone star but we are here to draft an unlimited number of vehicles to tnc. Mayor and council members, this draft ordinance must

[15:14:06]

address the following: Pub politic safety, drivers background check must be run by the city and all documents must be kept with the city. That will give the city staff easy access rather than [indiscernible] with tncs. Fine marks for the company they work for and they must pass an inspection like the third party like others have to do. Insurance must cover the vehicles that are with the tnc's entire time because it will be from

-- to track accidents where they happen whether the app is on or not and this will expose the city to

potential lawsuits. We have issues of accessibility. I strongly believe that every tnc must make available this service from day one. When lone star cab company starts service with 50 permits, the city required us to have five wheelchair which is 10% of the fleet. It was a huge financial burden for us but we made it available day one. Likewise the tnc can afford to make those and make the services available. Lyft has been opterring for years knowing the discriminating citizens and [indiscernible] in parts of austin. This needs to stop. I will ask by one of t tnc

-- if lone star cab company can work with them to provide them with wheelchair access service. And also they asked if they can fund doing that. The answer was no, for two reasons. [Buzzer alarming] thank you very much.

>> Thank you. [Applause] clay mcella. After clay will be ed cardbo.

[15:16:13]

>> Good evening, council members, a pleasure to be with you. Thank you for your time and my name is clay mccullough and I have been a native austinite for let's say 50 plus years. I have a strong concern for public safety. It's one of my pet peeves. It is a big concern of mine. I want to share with you just some facts

-- some real emotional stuff going on here. I want to stay kind of towards the business side of things, if I can. So some thoughts and concerns I have regarding commissioner riley's proposed ordinance, temporarily legalizing this ordinance. In august of this year, the lady spoke about it as well, talking about 12/1/34, okay, that does not allow operating a vehicle or a bicycle, some kind of electronic device. The sole purpose or the seem of uber my understanding is basically that is their sole means of communicating. So I don't think it's reasonable of

-- to is or to believe that they would pull over when the sole means of them getting a fare, pull over and read it and then travel on, so it's a public issue and you have stated in the ordinance chris riley and others that drinking and driving

-- you know, it's totally, you know, out of control, but there has been empirical evidence that texting and driving is worse. So I applaud you for passing the ordinance but I think we are delving into waters that I just throw out a word of caution there. I don't really think that

-- I passed around some insurance information to you. That insurance information comes from nationwide insurance, one of the largest commercial carriers in the country. I would like you to pay attention to the first line on the second page, and that's it. It basically states this. I think everybody would agree here and as well here.

[15:18:46]

It says: Drivers are the single most critical factor in the assessment of an automobile risk. Professional transporters of people are often held to a higher standard of care than the average driver. Enough said. Just

-- I think it justifies logic and commonsense to burden

-- alarming]

-- licensed commercial transportation drivers a more stringent set of safety and compliance rules than

joe and sally with the phone numbers. [Applause].

>> Ed cogbull. Set the timer for 6 minutes.

>> All right. We have got an item to put on the overhead, if you would, please, and I will start as soon as you post that. Mayor and council members, thank you for your time this evening. All right. So I am currently distributing a news story from the san francisco chronicle from tonight that says that san francisco and la threatened uber, lyft and side car with legal action. I will read a quote from the story. If you read the story, it can take the action that is proposed tonight

-- and do that, I think you would be doing so to the disadvantage of these citizens in this community. The district attorney told all three companies they misled customers claiming background driver checks screens of anyone with driving violations including duis and sexually assault and other offenses, the district attorney said that's patently untrue. This is the das in san francisco and los angeles in today's san francisco chronicle.

[15:20:59]

>> [Indiscernible]

>> on may 15th, 2014, this council made the wise, unanimous decision to create a workgroup that would study transportation network companies and come back with a recommendation for a pilot program within 180 days. Today you have a resolution before you that is seeking to allow transportation network companies to operate because transportation network companies made a choice to break the law. Not only would voting to support this action send a bad message to the many law abiding people in this community it will disregard the time and effort, the volunteer members of the workgroup have contributed to reach author really informed and much more detailed recommendation. This proposal potentially undermines the strength of your legal team and forces them into a time negotiation with operators that pride themselves on breaking the law to prove their point. The city's legal team has been successful in the past dealing with rogue transportation operators and I am sure we all have full confidence in their abilities. Why bind their hands and force them into a 30 day negotiation based on an ordinance that's drastically lacking in details when the other option is to wait 30 days to allow the workgroup unanimously created by this council to conclude their thorough process and present a complete and concrete set of recommendations. The proposal before you today is insufficient. Nowhere in this proposal does it mention anything about potential service to austin-bergstrom international airport. In this day of heightened alerts about national security I know the faa has rules regarding transportation service providers and their access to the airport. I know every other transportation service provider pays a fee that funds the great work done by the airport ground transportation service team among other things. This proposal doesn't even take into consideration that every major airport in california has complained about the illegal airport operations of tncs and that the body that attempts to regulate them in california asked them to stop and they have not discontinued service to the airports in california. Please be reminded the tncs agreed as part of their pilot program in california that they would not provide service at the airports. Companies that pride themselves on being outlaws are not the type of companies you want to negotiate with.

[15:23:08]

[Applause] our community is better served having the competent workgroup you assigned complete its task in the same amount of time this proposal requests the forced contract and get the job done right. Mayor and council members, you have been elected to lead. Under your leadership, you made the wise, unanimous recommendation to have the workgroup you created come back with recommendations for a potential pilot program that will create an option with equitable consideration for your legal, local and law abiding existing operators. I can brilliantly recall between the mayor and council member spelman to work out the details. You knew then these details mattered and the fact remains these details matter now. Those details matter because they impact the lives and livelihood of all of the citizens and voters that are here today. This proposal is incomplete because it does not completely consider the impact of search pricing on the consumer. It's a system that allows people with more money to skip to the front of the line when people need service the most. It's a system that under this proposal would allow tncs to undercut the prices of your full-time, legal and local cab drivers when demand is low. How could it possibly be equitable to allow one group of service providers price flexibility and completely restrict flexibility for another group of service providers? How is it equitable to allow one group of service providers unlimited supply and restrict or strictly manage supply for the other group of service providers? Council member cole, council member martinez, I know wages matter to both of you as you have spoken at length about these issues. This proposal doesn't inform you that tnc drivers are protesting from san francisco to new york about wages. This incomplete proposal doesn't inform you that in addition to tnc's drivers protesting in san francisco, cab drivers in san francisco have seen their business plummet by 65%. If customers are complaining about being price gouged and drivers are losing money, who is winning? I spoke to tnc group today and he said to embrace messiness. He should have completed the statement by adding, after done embracing the messiness. You will be stuck cleaning up the mess and he will be laughing all the way to the bank. Let me tell you a team of two cities.

[15:25:28]

[Applause] [indiscernible] didn't change a single law. The cab drivers are unaffected and the industry is growing by making half its fleet accessible by 2022, tnc drivers are protesting their wages. In san francisco, where they have been forced to change their rules to accommodate tncs, cab drivers lost 65% of their business, half of their wheelchair accessible fleet vehicles are sitting in parking lots and, you guessed it, tnc drivers are protesting. Based on that information, I think you have an easy choice to make today. This is not an issue of technology or innovation. All three of your legal, local companies have an app that allows them to take requests for service. All three are aware of the theory blind rising -- raising prices outrageously when demand for service is high. All three could get people a cab in a very short amount of time if given unlimited supply. The reason this industry is regulated and the reason we play by the rules is because it's the responsible thing to do. With technology, comes responsibility. It's irresponsible to make insurance claims but have terms of service that say you take no responsibility. Council members, you are making a choice today for these people
>> the citizens and voters of austin, the passengers and drivers of tncs and taxis, please don't choose the method that is proven unenforceable in california and make it harder for people with disabilities to find service. Your choice today changes the course of these people's future, both riders and passengers.

Please don't do the least for those with the most. [Buzzer alarming] do the most for those with the least. Your action today will impact people's lives. Will all cab drivers please stand up? [Applause]. Please vote no on this item.

>> Mayor Leffingwell: Thank you.

>> Please vote no on this item. [Applause].

>> Please vote no on this item with the understanding

--

>> Mayor Leffingwell: Your time expired

-- the workgroup you assign willed come back with a recommendation based on the complete analysis.

[15:27:34]

[Applause].

>> Mayor Leffingwell: All right. We are going to go to those who are in favor now. And the first speaker, I have a feeling a lot of these folks are outside, so we are going to give them the opportunity to get through the door. Sarah levine. And following sarah will be april mims and chris johnson. So if they are not in the chamber, somebody please get the word outside.

>> I have got a video as well. So we did a time lapse of 6th street. It was august. School wasn't in. There were no special events. This is what 6th street looks like on what is considered a slow night.

>> Is that a joke?

>> Just wait. [Laughter]. [No sound on video].

>> Again, that would be considered a slow night in downtown austin, atx safer streets endorses item 77 in current wording allowing for temporary regulations allowing tncs to operate legally in austin. As we have stated since our inception, we believe the best way to try uv truly curb our impaired driving problem is to increase late night transportation. It is a public safety issue to have nationally touted entertainment industry and internationally

-- or many internationally touted events and athyriaing music nightlife

-- a thriving music nightlife where there are here five bus lines and before most of bar staff is out from work as well. We believe there is no one company or type of transportation that can fill our need for safe, reliable, convenient and readily accessible way to get home at night. To that end, we ask the council to vote yes on item 77 and all future votes for increasing taxi permits, eliminating the current taxi permit formula, increasing cap metro budgeting and any other items which will continue to turn austin into the world class city and nightlife we all want it to be. We are all watching

>> you saw the crowd we had out there tonight. The people of austin want this. And they want better options and they want to be able to go out safely at night and know they and their loved ones are going to get home safe. So, please, let's make transportation easier in austin for everyone. Thank you.

[15:30:52]

[Applause]

>> Mayor Leffingwell: Thank you.

>> Mayor Leffingwell: Next speaker is april mims and following april will be chris johnson, john herzog,

and kaitlin clark.

>> Good evening, I am april mims and a representative from lyft and a native texan. I am here to express support for temporary operating agreement and also in support of the consumer. The hundreds of people who showed up tonight all are supporters, uber supporters and supporters of tncs, many are not in this room but they are outside and they came tonight because even though they have very busy schedules they have passionate about ride sharing and understand it is vital. They have waited hours to hear this issue so we have a really important decision to make. You all have a very important decision to make tonight. Since launching in may, lyft thriving in austin with 25,000 austinites downloading the lyft app to date. Another very important thing to consider is even though temporary operating agreement is the issue that you all are taking up tonight, you are not the first folks to take up this issue. To be clear, we believe the proposed temporary operating agreement actually goes far beyond what is needed to regulate tncs. In fact, this ordinance would authorize the most onerous temporary operating agreement that lyft has ever considered. We are required to analyze data. We are regulating dynamic pricing and we are providing \$1 million of commercial insurance. That's three times the requirement of the ground transportation industry. Lyft drivers are good people who just want to earn flexible, supplemental income. We are providing thousands of jobs through this platform. And this service is desperately needed in this community. We've all heard the stats, 6,000 gives in the past year

-- dwis in the past year alone. We support this ordinance because we want the opportunity to demonstrate to you what the people of austin have already figured out. The lyft is providing safest and consumer friendly platform in this industry. From our criminal background checks that are authorized by sterling back check which is the national provider of background checks used by many city governments to screen people. We also provide driver record checks and \$1 million in commercial insurance, gps tracking and user rating system and using a way to make transportation safer. Finally the last thing to say is this agreement is temporary, nothing in this is written in stone. But if you want to see how this is going to operate, you have to give it a try. You have to have a chance to get the data to make that informed decision. So I ask not only on behalf of lyft but on behalf of the thousands of people who have taken time out who have signed our petitions and who care about this issue, thank you.

[15:33:38]

>> Mayor Leffingwell: Thank you. [Applause].

>> Mayor Leffingwell: Okay. Before we go to the next speaker, who will be chris johnson, I want to ask you to please limit your expressions of approval to applause. Yelling is normally not appropriate in a chamber like this, and so I am asking you, with all due respect, restrain yourself to applause and no yelling. Chris, you have three members.

>> Thank you, mayor and members of the council. I am chris johnson and manager of public policy for uber technologies. We are here today in support of council member riley's ordinance as written. We are a

-- uber is a technology company that prides itself on connecting riders with drivers and then providing safe, reliable and affordable transportation options in every city that we operate. We understand that this council has been grappling with a major issues around dui and congestion in this city and we believe our services can provide a helpful solution to those issues, a complementary solution to the public

transportation that you are looking to build and existing transportation options through taxi and other options available in austin. Cities across the country

-- across our country are embracing uber and our technology and our services. Already the cities of chicago, houston, new orleans, baton rouge, tulsa, and many others are passing ordinances as we speak to create a new regulatory framework for this new type of business. That's what we are here for tonight, to create a new regulatory framework for this. Now, this is a temporary operating agreement. It provides us time to get some certainty as we develop a full, long-term solution as we work through this tnc workgroup. We know that duis are a major issue here and we believe we can help provide that solution and that service. In cities we have been operating in, we have seen a dramatic reduction -- 10 percent reduction soon after we started operating. That provides a level of comfort for those residents, an option to get them home when they don't have it, an option when waiting longer and overthinking that maybe I should just drive home because there are no other options available. We are there for them. We can make those connections. And we are able do that because we have a flexible system. We incentvise our drivers to get out on the roads when it is most needed, to meet demand. We are all about creating supply for the consumers that desperately need it. Additionally, we are reaching out to other areas of the city that traditionally have not received transportation options. We have seen in the city of chicago 40% of our operations actually occur in underserved neighborhoods. These are places that don't have any other options and nobody is serving them. We can serve those people because our drivers, our driver partners abour users

-- and our users live in those neighborhoods and can provide transportation options for them. We believe in safety. Our business

-- our core business is involved around safety. If we don't provide safety, then we aren't competitive, viable option for consumers so we are very stringent background checks and very stringent first class insurance. We stand behind that and we are committed to making sure we are number one when we come to that. We applaud your efforts today. We applaud your efforts earlier in the year to pass a resolution to study this and we applaud your to pass this ordinance that council member riley written and applaud you. Thank you.

[15:37:23]

>> Mayor Leffingwell: Thank you. [Buzzer alarming] shawn. Shawn herzog. Is shawn herzog here? Okay. After john will be kaitlin clark, elizabeth garcia, curtis scott.

>> Where is the microphone?

>> To the left.

>> Right there. Okay.

>> Good evening, mayor and city council members, I am john herzog and a customer of both lyft and uber who wanted to take his time today and emphasize the importance of those services. There has been a lot mentioned about lyft and uber helping those who have been drunk driving but I'd like to come out from a different perspective. Uber and lyft are very essential services to austinites who, for whatever reason, cannot obtain a driver's license. I am an employee of at&t labs which is located in the arboretum area in north austin and because of the lack of public transportation up there, it is not feasible for me to live anywhere near the city of austin, like the downtown area. I have tried to utilize

public transportation like the cap metro buses and stuff, but because the buses go north two stops from where I work and live and then wait a half an hour and then it takes another hour to get into the city, you are looking at long transit times if you don't drive. The other thing is, there has been some safety concerns on the buses. I have had more than one incident where, at the lamar transit center or at bus stops along the number 3, where there was one in particular where a person asked me about my blindness and I didn't feel like answering him, and he threatened to kick my service dog. There was another incident where somebody had the nerve to come up to me and tell me, you are blind for a reason. You have to get your heart right with god. This is all while I am trying to get from point a to point b in austin. By contrast, I know that yellow cab is available but as the speaker already said before me, there is a lot of yellow cabs

-- there is a lot of times you try to order a yellow cab and it is not readily available. And the other thing -- the other concern I have is the price. You know, yellow cab talked a lot about being fair to people and doing the right thing but to get one way transit downtown from north austin is around 37 to \$45. To get it both ways, you are looking at about \$90. Now, I understand that there are ride options with people be with disabilities like paratransit but you have to know where you want to go two or three days in advance. You have to be

-- reserve hour pickup window because they can pick you up half an hour early or later of where you want to go and even

-- and you have no guarantee of when you will be dropped off because they pick up and drop off other people along the route. Now, with uber and lyft, I have had nothing but positive comments made about my guide dog. I have had no instances where I was refused a ride, and on top of that, they are working to improve the accessibility of their phone apps for people who use screen readers, so I am able to see where my driver is, when they are going to arrive, when

-- what

-- when I am done, I am able to see what my fare is and how many miles the driver has traveled. Those are all things I cannot read on a yellow cab receipt.

[15:41:06]

[Buzzer alarming] so in short, I know my time is up, please consider passing the ordinance as is written. It will help people for whatever reason cannot obtain a driver's license in austin. Thank you so much.

>> Mayor Leffingwell: Thank you, john. [Applause].

>> Mayor Leffingwell: Kate lick clark and then following that will be elizabeth garcia and curtis scott. Are you sure it's legal for you to address council? [Laughter], she used to work for me.

>> Thank you, mayor and council. I am kaitlin clark and I am a seen year at the university of texas at austin and I am a native austinite and I have been serving as the student member on the tnc stakeholder working group and I found that working group to be very valuable in talking about these options and I have learned a lot about them and I have been able to take that information back to the students that I am there representing. I also have been working closely with u.T. Student government to gauge student opinion on this issue. We have had the opportunity to put out survey. The results of the survey show that student want these options, especially for nightlife. And I want all of my friends to get a safe ride home, but over half of the students surveyed have taken a drunk

-- have taken a ride with a drunk driver instead of finding another option but there could be choices. I know the lyft driver who begins driving at 2:00 a.M. And takes round trips from 6th street to the west campus neighborhood so the crowded street you saw earlier, it could be served by a lyft driver taking trips back and forth from the campus and 6th street. But I can't tell my friends to get into an uber and a lyft without knowing that they are going to be safe and that these options are going to be regulated so I fully support continuing the work of the tnc stakeholder working group for more permanent solution, but the time to take action is now. The need is immediate. Students want this and we want it to be regulated. Thank you.

>> Mayor Leffingwell: Thank you, kaitlin. [Applause]. Elizabeth garcia. Next will be curtis scott and david whitley.

[15:43:26]

>> Good evening. Before lyft came to town, I was disabled in two ways, the first, I have a genetic blood clotting disorder and having survived multiple blood clots in my lungs and leg, my left leg is permanently swollen which makes it difficult for me to walk distances and stand long periods of time and because I walk so slowly it is a genuine mobility impairment. My second disability is I live and work in the city of austin and no longer own a car but now that lyft is in austin, I don't feel disabled anymore. I feel enabled and empowered as a consumer to choose my personal method of transportation. I am no longer forced to plan my life around capital metro's bus schedule which often run way too early to be of use on the weekends. I can actually go to a concert downtown and stay to hear the headlining band whole set and now I will have a safe and affordable ride home that won't cost me more than I paid for the ticket to my concert. I get to see a picture of who is picking me up, what his or her car looks like and a map that shows me the driver's estimated time of arrival in realtime. If I think my lyft drivers might have trouble finding me, I can call them directly. Please, do not regulate such a valuable service that I have come to rely upon out of existence. Thank you for your time. [Applause].

>> Mayor Leffingwell: Thank you. Curtis scott.

>> Good evening, mayor, council members. Thank you for having us here today. I am curtis scott, senior insurance council for uber technologies and I was also born in texas so it is very great to be back home and talk to you all tonight. I wanted to talk a little bit about insurance but mostly the misconceptions that we have heard about here. There has been signs, show us the insurance, so I don't have a cool video, but to chant a little jerry mcguire, I am here to show you a little insurance. We have had our insurance policy posted on our website for months. There is over 2.8 billion people with access to the internet worldwide. They can all see our insurance. We are showing it to them on a regular basis. We also have the insurance in our driver app so the drivers can see the insurance right on their phone when they need to see it. Now, let's talk about this insurance because it's really great insurance. It's industry leading insurance. A million dollar commercial policy. When you book a new policy and get in that car, you are covered by a million dollars of commercial insurance. That's 3 times what is required by a taxi, okay, but it's more than that. It's also a million dollars of uninsured and underinsured motorist coverage, critical coverage that taxis are not required to carry. So you are better protected in an uber x than you are in a taxi, plain and simple, it is a matter of fact. I have, if you are not prone to using the internet and like paper

-- I am a lawyer, I love paper
-- certificate of insurance. Evidence of a million dollars in coverage. I also have an additional shared endorsement showing city of austin owned as additional insured on the policy. We definitely have insurance and we have great insurance issued by james river, and a minus a in best rated insurer. It is excellent. It is in the top 10% of insurers, in the top percentiles of them
-- and this means this has been vetted and verified for the fiscal strength is written on by an independent third party and the independent their party is am best which is the world leader in readiness. Do we have insurance? Yes, and we have this design for ride share and it is protecting passengers and the public alike. Thank you.

[15:47:28]

[Applause]. Council member spelman, curtis, a question for you.

>> Mayor Leffingwell: If I were an uber
-- you work for uber, right?
>> I am sorry, will you say that again?
>> Whose insurance are you speaking of? Who do you work for?
>> I work for uber technologies.
>> Spelman: That's what I thought. Suppose I were an uber driver. At what point does my personal insurance stop and the commercial insurance start? In time, what does that
-- when does that happen?
>> Let me start out by saying personal insured market there is no such thing as standardized personal insurance.
>> Spelman: Of course.
>> Let's talk about what you are covered by under our program. The second that you turn on the uber app as a driver and indicate you are available to accept transportation, there is coverage that protects you, okay. So if your personal insurer declines coverage or does not provide coverage for some reason, we have a policy that steps into its place immediately and provides \$100/25 coverage, \$5,000 per person and \$100,000 for all persons and \$25,000 for property damage and that meets or exceeds the financial responsibility limits in all 50 states. And from the moment a driver accepts a ride request, the million dollars is primary coverage.
>> Spelman: Okay. I have got the app on and I have now announced I am available to take riders, but nobody has asked for me yet, I haven't said I will pick anybody up yet. Am I covered under uber insurance or is that my personal insurance?
>> You are covered by both. More insurance is a good thing.
>> Spelman: That's a good thing, I agree with you. I have not accepted a ride yet. I am just available to accept a ride. I am still covered?
>> Correct.
>> Mayor Leffingwell: I pick somebody up. Now both me and the person who I picked up are covered. Is that right?
>> Correct.
>> Spelman: I drop them off and as soon as they get out of the car

-- they aren't covered anymore, that's not an issue, they are no longer my responsibility.

[15:49:35]

>> Once they get out of the car

-- the app is still on presumably in your fact pattern and you are now available to accept a new request and you are covered by the first piece I spoke about.

>> Okay. The difficult issue that I keep hearing from the cab companies is about hails. I. I am driving and available and I see somebody looking for a cab. I pull over and offer them a ride

-- I pull over and offer them a ride. My app is on and I am picking somebody up or presumably making a cash transaction but it is not an official uber sanctioned transaction and doesn't go through the app.

What happens there?

>> Let's talk about a couple of things. First, it is a strong argument that the cab industry puts forward in that there is no incentive for uber drivers to accept street hail. It is against the terms of their agreement with us. If we find out about it, they can be banned by the system and the way to get fares is through the app. It is more efficient than driving around looking for somebody who is frankly not looking for a nonyellow car with a yellow light on it. There is no economic incentive, but the coverage is designed for -- the first one I talked about, the app on and available to accept a ride, they are covered. Now, we can come up with examples, too, for taxis, if they don't turn the meter on and take cash fare, they are doing illegal activity just like that, but the point is coverage is designed to protect people that are associated with the app and we are against uber drivers taking street hails and we support regulations against that very thing.

>> Spelman: I would be

-- if I were you, I would be concerned a little bit about a moral hazard problem in the sense they don't have personal insurance for whatever reason, or I am particularly risk averse. I turn on the app. I just don't accept any passengers and I am still covered by my insurance because I am still under the app. If I replace my own

-- have I replaced my own bad insurance with your excellent commercial insurance?

[15:51:43]

>> It depends on how your personal insurance policy is written. I have probably read well over 100 forms in 30 or 40 states, most say they exclude carrying a passenger for compensation. That exclusion doesn't say anything about sitting in your car with a cell phone. About 90% of the population has a cell phone in the united states, so if that were the case, they would all have no coverage whenever you are in a car with a phone.

>> Spelman: Okay. [Laughter].

>> Spelman: Have you answered my question? I somehow lost track.

>> The point of it is, yes, you are covered when you have the app on in the car.

>> Spelman: Okay. Okay. So you are plain covered and you are not going to cut somebody off?

>> But your question is, does the personal insurance apply? The answer is

-- I hate to sound like a lawyer here

-- it depends on how the contract is written. There is not a standard form so I can't tell you the situation.

>> Spelman: Sure.

>> But the coverage on our end is to provide protection regardless of what the personal insurance policy decides. That gives you peace of mind.

>> Spelman: Okay. Ly take that as an answer, sir. Thank you.

>> You are welcome.

>> Mayor Leffingwell: Very good. Okay. Thank you.

>> Thank you. [Applause]

>> Mayor Leffingwell: David whitley. David witty and after david will be steven roberts and jennifer hulahan.

>> Good evening mayor and council, my name is david witty and I am with adapt texas, a grassroots disabilities organization based here in austin and since 1995, we have worked hard to improve the insect of our city's taxicab services for all people with disabilities. With the recent deduction of underground transportation service options and technologies in austin we are working harder than ever to ensure that people with disabilities do not continue to be marginalized or excluded from ground transportation service options. Adapt texas wants a transportation pilot program and service model that provides equivalent, nondiscriminatory service that meets or exceeds the requirements of federal, state and local disability laws including austin's own laws and that includes people with disabilities who use electric scooters, wheelchairs or other electric devices. And this is included in the general transportation working group goals of which adapt of texas is represented in. Now, this ordinance is temporary. We understand that. And it will be in effect until the working group recommendations go in effect. In neither case are the full ramifications of accessibility explored. There are efforts in the right direction. We have appreciate that. But we are concerned that there are not guarantees for equivalency. There are languages that mention similarities, having similar servic similar

-- having similar services available for people with wheelchairs and electric mobility devices as compared to the abled body population. So similar is not equivalent. But we appreciate the

-- the effort to move in the right direction. As I say, we always have strived

-- strived to get improved services for nearly 20 years. The outreach mentioned on page 5 of the ordinance is good. It says that outreach events will be made for community organizations with ada compliant vehicles. We would like to see that include outreach to individuals because, as we know, individuals are the drivers of the uber and lyft vehicles and there are individuals that could be incentivized to provide and be employed with their ada compliant vehicles. That would be a major improvement in the language. I provided a document that was prepared for the tnc working group of last month that does have notes of links to online documents that have

-- that show a consistent trend towards fuller integration and participation of people with disabilities

-- [buzzer alarming]

-- and I hope that you take the time to look at those links. Thank you.

[15:56:13]

>> Mayor Leffingwell: Thank you. [Applause]. Steven roberts.

>> Good evening, I am steve roberts, I am the chair of the safety committee of the downtown austin

alliance. I admire your stamina having watched you on video from this morning.

>> [Indiscernible] [laughter]

>> downtown austin alliance

-- the downtown austin alliance overwhelmingly supports this proposition. Every month our safety committee has an open forum where we invite the members of the community from downtown, whether it's property owners, businesses, residents, we speak with all of the different law enforcement personnel, the care providers, the downtown rangers, and the issue continues to come up: That we do not have the transportation we need downtown. Now, I am sympathetic to what I hear from taxi drivers but I had not heard from the opposition, what solution has been offered to solve the much more serious problem? Not only impaired drivers. We have visitors that can't get back to their hotels. We have people that could come downtown on public transportation but fear if they miss it, they can't get it. I am not an expert. I cannot tell you why the taxis are not downtown when we need them at night but I can tell you the current business model is not serving the needs and you are seeing an outcry by the public to see a change. The idea of moving forward with the change on a temporary basis continuing to study is a good one, and I would suggest studying also what you can do to change the model for the taxicab industry. We see the curb app. I love that app. It used to be called taxi magic. It's been on my phone years. Lots of companies won't sign up, I hope it works for them. The taxicabs have fixed fares on peak periods. Half of the cabs are cash. They pick up at the airport. We are expanding service. They see it as catalyzing service. We see it as expanding service and meeting pressing immediate safety needs for our city. Thank you.

[15:58:39]

>> Mayor Leffingwell: Thank you. [Applause]. Jennifer holahan. The final speaker.

>> Up to 20,000 letters that city hall received on this issue, more than 3900 were from members, austin music people to consider the data. Taxi complaints keep going up and the number of issues to gypsy cabs keep going down even though it is continued to be a problem. Waits for an hour or more are common. Late night buses are few or limited or few and no late night train service and 9 fatalities due to drunk driving in six week there is spring. We know we need to address this problem on multiple ways but it starts here. It is time austin uses innovation, technology and growing public will to create a variety of based options for viz

-- safe options for the visitors to enjoy this and in providing tens of thousands of jobs. That economy is at risk if visitors and residents cannot find safe, dependable transportation back to their homes or hotels, particularly if they choose to drive impaired because those options are not available. This resolution is far from a rush. Meetings like this both private and public have been happening for at least the last 18 months back to hayride and side car. There have been scores of hours of public debate and who knows how many nonpublic meetings of task forces and working groups with or without consumer representation. Meanwhile, these cars are on the road without any city regulation or oversight and they are here to stay. So let's start with public safety guidelines so there are confirmed specific measures in place and go from there. If uber and lyft don't deliver, consumers will put them out of business or maybe a better disruptive technology will come along force them to adapt and improve their service to the enough standard. If one becomes a monopoly and no longer serves the public, the city can address

that. Today we can sort out public safety. I urge you to vote yes to the resolution presented tonight as written by council members riley, martinez, and cole to get simple, basic protections in place for riders and passengers at tnc companies and to free our police to apprehend drunk drivers instead of ticketing sober ones. Thank you.

[16:01:14]

>> Thank you. [Applause]. [One moment, please, for change in captioners]

>> since that time, we have seen service begin in austin. They are popular and many people have been using them. Those are outside the city's regulatory framework, so currently we're not providing any assurances of safety or insurance or anything, any of the passengers using those services, and we're directing services to try to stop those drivers and impound their vehicles. We need to do better than that. We need to actually step up and recognize the reality of what's happening on the ground and take this as an opportunity to get information and put measures in place to offer a way to become legal and provide assurances to the traveling public. I believe the resolution before us is a good, practical solution, a good, practical way of doing that, fully expect that the stakeholder working group will need to continue its work. There are a lot of issues that we have not sorted out completely, related to things like ada compliance, trade drafts, there are any number of issues that we're going to have to give some more thought to. It will be very helpful, I think, to be able to see how the process is evolving in austin and get information about how it's serving, what parts of town, what are wait times for different parts of the community, what's going on in other cities as we see these services operating legally in austin. This will be a continuing conversation. I think it's important for us to provide an option to those who want to use these services and inform the ongoing pose. With that, mayor, I will go ahead and move that we close the public hearing and approve the ordinance on all three meetings.

[16:04:14]

>> I'll second.

>> Mayor Leffingwell: Motion by council member riley to approve the ordinance, second by mayor pro tem cole.

>> Cole: I have some questions, mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Can I have a representative from uber or lyft? Yeah. That's fine. One of the common criticisms throughout the country with these type of programs, and taxicabs also, is just not stopping for all types of people, especially people of color. What actions have your company taken to implement safeguards against that?

>> Thank you for your question. I actually wanted to address this issue, but I didn't have time. I think I have two responses. The first is me responding as a representative of lyft. What I will say is that the beauty of lyft is that it's a community-based platform. That means that anyone who's using the platform, when that request goes out by a rider, a signal is sent to the closest available driver. That means that if we are doing a great job of recruiting drivers in that community, which I believe is required in this temporary ordinance, we're going to have people, especially communities of color, especially

underserved communities, who before have not had this kind of access, to on-demand transportation, who are now for the first time going to be able to get that transportation in an expedient fashion because it's going to be a member of their community that's providing that service. We actually have preliminary data that shows in places like chicago, where you have a more mature market and where an ordinance was just passed to legalize lyft and uber, we've actually seen that 43% of rides start in underserved communities, places that are defined as underserved communities and 53% of rides are starting or ending in places considered as underserved communities. If you don't mind, I'd also like to say personally that as a woman of color I've used many types of transportation services throughout the country. I have never had an issue where a lyft driver has refused to pick me up. I've always had a positive experience and felt safe using these platforms.

[16:06:32]

>> Cole: When you say underserved communities you mean communities underserved by transportation options.

>> I mean both, communities that are underserved by transportation options, and with respect to chicago, communities that are economically underserved.

>> Cole: Okay. One of the compacts that we have with the taxis is that we get certain guarantees about safety, consumer protection, ada access, and the city provides public right of way, like taxi stands. Now, because of the way you operate, and you don't do street hailing, you're not asking for a similar dedication. Is that correct?

>> That's absolutely correct. There's been a lot of conversation about leveling the playing field, but the truth is that it's part of our policy, and we're perfectly willing to agree as part of this temporary operating agreement that all ride requests happen exclusively through the app. Our drivers are -- it's part of our policy that they cannot accept cash payments, and they cannot respond to street hails. They cannot sit at taxi stands, so they do not have full access to public right of way.

>> Cole: Okay. Thank you. [Applause]

>> Mayor Leffingwell: I'd like to delay [indiscernible] for the purpose of extending our meeting, waiving our rules about extending our meeting beyond 10:00 p.M. If there's no objection, we will go beyond 10:00 p.M. And go back to those items. All right. We will switch this. We put the item on the table. Without objection, we extended our meeting beyond 10:00 p.M. And waived the rules, and now we are back to the item. And with the motion on the table, I would like to offer what I hope will be a friendly amendment, and basically it affirms in the ordinance the insurance coverage that mr. Curtis said actually applies, and just adds to part 3, section 1, that

-- words that

[16:09:03]

make it read: Beginning -- talking about the insurance

-- beginning with the time the tnc driver turns on the tnc digital network and begins to look for a trip request, or during an accepted trip, and ending when the driver turns off the tnc's digital network. I hope that would be considered friendly.

>> Mayor, I'd like

-- if I may.

>> Mayor Leffingwell: Go ahead.

>> I'd like to ask the uber representative who's addressing the insurance issues, just wanted to ask about this. The language that we're looking at would add the words

-- it would say that insurance

-- the million-dollar coverage is required beginning with the time the tnc driver turns on the tnc's digital network and begins to look for a trip request, or during an accepted trip, and ending when the driver turns off the tnc's digital network. Can you

-- is that

-- would that be workable?

>> Now, council member, I think we view it a little bit differently, frankly. The million dollars of coverage is designed to provide protection when the driver is actually engaged in an economic activity, which is, they've accepted a ride request, they're either en route to pick up that person, or they're actually transporting that person until they exit the car. At that point in time there is some kind of economic activity happening. They're entitled to be paid something for that transportation. There are people getting in and out of the car, so there's different things going on, versus a person just using their personal car in a neighborhood that they're used to, with no passengers getting in or out. So the million dollars of coverage is designed, and the policy works to provide coverage during the time where they've accepted a ride request, are en route to pick up that person, or passengers in the car. Now, we provide coverage at 50,000, 100,000, 25,000 for the period of time when the app is turned on, and they're available to receive a ride request, but have not accepted. During that time, we have a person in their personal vehicle, with no passengers, no one is getting in or out of the car in their own neighborhood. It's just like personal use at that point in time, and we have coverage there that provides coverage that meets the personal use standard in texas. And I would urge the council to apply that standard of coverage. It provides protection from app on to app off, but it recognizes the difference in behavior between those two periods.

[16:11:49]

>> On this language would be problematic.

>> It would be problematic, and I think more so putting a million dollars of coverage by just turning on an app and not doing anything to council spelman's point, I think you start running into a moral hazard, where a person is definitely going to just maybe turn on an app to get something so greatly in excess of what a standard personal policy would provide.

>> So have we seen any particular best practice emerge in other cities that have addressed this? What typically is required?

>> Sure. In most cities, including houston, which is in texas, obviously, what's been required in this first phase of app on, so in houston they require 30,000, over 60, 30,000 per individual, 60 per accident, bodily injury, and 20,000 in property damage from the point the app is turned on, until the point a driver accepts a ride request. Again, when that commercial or economic activity begins, the ride is accepted, the million dollars applies. So that's been what we've seen in minneapolis, tulsa, houston, and many

other places.

>> Okay.

>> I would just

--

>> go ahead.

>> Mayor, I do have other language to suggest which I think addresses the issue that you were speaking to, and it would be a matter of adding what I said out of paragraph b.

>> Mayor Leffingwell: I just want to say that I understand, but I didn't hear you making that distinction when council member spelman was pursuing that line of questioning.

>> Mayor, I apologize if there's any misunderstanding there, but I want to make it crystal clear, we're talking about two different levels of coverage, one designed for when the person has accepted a ride request, and like I said, is en route, and one when they simply have the app on.

>> Mayor Leffingwell: I was just making the comment I think it would have been appropriate at that time to say, yes, you're covered, at that time when there's no passenger in the vehicle, but it's not the same coverage.

[16:13:52]

>> I apologize, I didn't mean it to be misleading. I thought I had covered it at the beginning of my talk, but it's noted.

>> Mayor Leffingwell: Okay.

>> Mayor?

>> Mayor Leffingwell: Council member riley.

>> Riley: If I may, this language I've passed out would address that. We have what's identified in this amendment as paragraph a in the proposed ordinance, and I would suggest

-- if we need to address this, I would suggest adding paragraphs b and c. And b would say that during the time period when a tnc driver has logged into a tnc's digital network and indicated that they're available to receive requests for transportation, and until such time when such tnc driver accepts request for transportation through the tnc digital network, a tnc driver or compensation of policies maintained by either will provide insurance of at least \$30,000 per person for bodily injury and at least 60 thousand dollars for personal injury, two or more, and 20,000 for property damages. A and b may be placed with eligible personal lines insurer. Would that be consistent with the practices that you're referring to that we've seen working in other cities?

>> Correct. That would be, and that would mirror houston.

>> Okay. So, mayor, I guess I would offer this as a friendly amendment to the motion.

>> Mayor Leffingwell: I'll withdraw mine and you can use yours.

>> I'll accept that. I do have a question for you, though. The only thing I've noticed about this language is that we never use the word "coverage." Is there a reason for that?

>> No. We would support any technical correction you need to make to make it consistence with the ordinance structure or tone, or characterization.

>> So when a tnc driver or a combination of policies maintained by either will provide insurance of at least 30,000, and on and on and on. I just

-- I'll just say to the maker of the motion that I think we should think about adding some language, combination of policies providing coverage maintained by either, just a little
-- listing those policies and not saying anything about coverage.

[16:16:12]

>> Mayor Leffingwell: Council member riley.
>> Riley: In the places where we have amounts, just
-- we would refer to it as
-- instead of saying provide insurance of at least \$30,000, provide insurance coverage?
>> Exactly.
>> Riley: Okay. I'd be happy to add the word coverage each place where we use a dollar amount.
>> Mayor?
>> Mayor Leffingwell: Council member tovo.
>> Tovo: I have a couple questions about this. I guess the first thing I need to ask the maker of the amendment is exactly how this fits into the existing ordinance. Because right now, a says tnc may operate in accordance of the process put forth in this correspondence, and insurance begins to be discussed in b, so I assume
-- I think what you mean to do is make this b one and two? And then renumber accordingly?
>> And three.
>> I'm sorry, can you repeat the question?
>> Tovo: I'm asking you how this fits into our existing ordinance. I think the numbering is off. Is this supposed to be b one and two, and then renumber from two down in the original ordinance?
>> I'll have to find the place in the ordinance.
>> Tovo: Okay. And let me know. One sort of striking difference is that the ordinance we have talks about commercial automobile liability insurance, and what you've substituted says insurance. And actually, I have an amendment to come regarding insurance as well. But what I think I'd like to do is ask our city staff if they can comment on the amendment that we have before us and what the impact is of shifting from the language in the draft ordinance to the language that's before us in the amendment, which hopefully you've seen.

[16:18:22]

>> I have the idea we're going to be here, so I'll sit down to address you. We saw this amendment and I'm not really sure I can comment on the insurance information. I'm sorry.
>> Tovo: Okay.
>> And angela rodriguez in the law department. I haven't seen this, either. I'm sorry.
>> Tovo: Okay. I would say that this is an important provision. We've seen a lot in the news around the country about insurance provisions and the need to make sure they're done right. I have 20 or 10 advisories from different states from their insurance commissioner, warning consumers about making sure that tnc's are properly insured. And I think it would be helpful if our legal team and our transportation staff could tell us what the impact is of this language. Again, it does drop the discussion

about commercial automobile liability insurance, and then it talks about a combination of policies rather than one study policy, and just not to get ahead of this, I know the mayor doesn't like when I talk about amendments when there's already one on the table, but one of the changes I was going to propose was to add the word "primary." As I understand it, in looking across

-- looking at what other states have been encountering, part of the issue is that when there is a policy that uber provides, it is not expected to be the primary one. And I think I heard you indicate something that sounded like that when you were talking. If the driver's policy doesn't cover

-- doesn't cover that kind of activity, then, then, the company's policy would kick in. I believe California has adopted a policy where they are requiring it be the primary commercial insurance, so that drivers and riders don't need to wait to get their insurance

-- wait to get a turn-down from their insurance company; they are covered in the case of an accident. So those are some of the concerns I have. And then we have range in front of us that seems

-- we have language in front of us that seems to complicate it further. So where do we go from here? It doesn't talk about commercial automobile liability, it talks about a combination of policies.

[16:20:47]

>> Council, as we said, we have not seen this. If you would give us a minute, we'll

--

>> Tovo: Okay. That will be helpful. Let me ask the mayor, with the indulgence of the mayor, can you explain why you're shifting from what's in the draft ordinance that was posted to what you've just distributed on the dais?

>> Let me apologize. What I passed out does include a paragraph a that was a prior paragraph a. I had no intention in distributing this to suggest that we change the language in what's identified here as paragraph a. What I was offering with this amendment is simply what you see in paragraphs b and c. So that we currently have a paragraph which is in

-- which is in the draft ordinance, identified under part 3, tnc operation, paragraph

-- identified as b-1. My proposal is that we keep b-1 intact, and then we add what is identified here as paragraphs b and c. And, obviously, the lettering and the numbering would adjust and we would leave it to the department

-- we could either just renumber those as paragraphs 2 and 3, or we could have one paragraph on insurance with subparagraphs a, b, and c. That's what specifically I would expect the law department to do

--

>> Tovo: Mayor, my I ask a question? On the sheet you just distributed that talks about a, you're saying a is not part of your amendment?

>> A tracks paragraph 1, except that it's the word commercial because

--

>> Tovo: So did you just

-- it omits the language commercial automobile liability insurance and replaces it with "insuranc

>> right. Let me be clear. My amendment is what I'm showing as paragraphs b and c on the white paper before you.

>> Tovo: And not a. A is off the table.

[16:22:48]

>> Riley: That's right. I'm adding paragraphs b and c.

>> Mayor Leffingwell: Council member tovo, are you finished?

--

>> Tovo: Yeah. I look forward to hearing staff's position about and c, which I guess are going to be merged into one.

>> Mayor Leffingwell: Okay. They're going to come back with that. Council member martinez.

>> Martinez: Thanks, mayor. I want to listen to everybody's conversation but I dare say staff is not going to have seen any one of our amendments before we try to make them tonight, so I want to get to a place where I'm comfortable and where I can feel confident with what we're doing, but if we add amendments, which I think we should, I dare say we should not be passing this on all three readings tonight. It is way too critical, way too important, and I'm going to suggest that whatever we do, it stays on first reading until we can have staff and law give us their advice and review any potential amendments that were added. [Applause]

>> Mayor Leffingwell: I guess we could start with that. Is that a proposed amendment, friendly amendment to council member riley's motion, that it be limited to first or first and second? Yes? I first asked if that is a proposed amendment.

>> Yes, mayor.

>> Mayor Leffingwell: Okay. Council member riley, do you accept that?

>> Riley: If

-- well, could we see if we can get through

-- the insurance thing is not

-- I believe that is not

-- if we get to the end of the night and find that there are a bunch of amendments that haven't been seen before, sure.

[16:24:50]

>> Mayor Leffingwell: You're going to have to hold it down out there.

>> Can we just work our way through the amendments and see where we are and

--

>> Mayor Leffingwell: That's fine with me if it's all right with council member martinez.

>> Martinez: I'd just like to go ahead and propose an amendment that whatever we do tonight, it's just on first reading.

>> Mayor Leffingwell: And that is not accepted, council member riley?

>> Riley: I'm fine

-- if staff feels they can come back soon, I assume they can bring it back next week, so I'm fine with passing on first reading only tonight.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I accept that.

>> Mayor Leffingwell: All right. And I would like to add in that we, even though it is first reading, that we close the public comment period. Is that acceptable? All right. So where are we? Council member martinez, did you have more amendments to offer, or

--

>> Martinez: Mayor, I believe we're still on the amendment by riley, which is b and c.

>> Mayor Leffingwell: Well, we are, but we're waiting

-- okay. Are you ready? Okay.

>> Thank you, mayor. Well, as you know, we've been going through tnc working group, so we did discuss some of these issues. The tnc working group, the preliminary recommendations that we were working towards was a tiered system that the recommendation was that commercial insurance went live as soon as the app went on, and we recognized that it should be a tiered system. We had different levels of tiered recommendations that we were working on. I believe I am correct that it needed to be commercial insurance that was being offered because there was a commercial activity in process, whether they were, in a sense

-- that the app being on, in a sense, available for service, it's an economic activity, is what we were thinking. And so we understood that before you accepted an activity, there was a lower risk because there were fewer people in the car, so forth. And so what we currently require of other transportation providers is that when that app goes on, and my staff will correct me if I get this wrong, is a hundred thousand per person for bodily injury and 300,000 for personal injury of two or more persons per accident. And so I think I've got those numbers correct. But what our risk manager had indicated during those meetings is that it was important that it be commercial insurance, and that that be provided by the transportation company. I think I got everything right. By its very nature, I'm sorry, by the very nature that there's a commercial activity going on, it is commercial, and right now my understanding is that private insurance in the state of texas would not cover that activity while it's

-- while that commercial activity is going on. And so I guess by definition then it becomes the primary, if that's how the insurance truly works. I hope I' complicated that answer.

[16:28:23]

>> Riley: I understand why we require commercial insurance, while a tnc driver is actually providing transportation services. At other times we're talking about personal vehicles, and so if a driver is driving, just making some random trip on their own, it seems like if they just have

-- they could just turn the app on and leave the app on all the time, even if they have no intention of ever actually taking a ride, and just because they've got it on, you're saying that we would require them to have commercial insurance that would apply, even when they're not providing any transportation service then, and that seems peculiar to me.

>> So again, I can report that's what our risk management at the city has recommended to us, to incorporate in our recommendations that are forthcoming to council. I guess I would put it that

-- I think that makes it cleaner, in terms of distinguishing when the insurance is on or off, because if somebody is trying to reposition themselves, albeit

-- you know, how do you tell that differently from a random trip, as you've had. So if somebody is trying

to position themselves into a likely high volume area, let's say 6th street, and they've got their app on actively signaling that they're available for those trips, is that commercial activity or not? I think that would be hard to tell the difference.

>> We've been told that the risk profile changes for insurance when the app is on. So that's what we would say with that. That's why there would be a difference, in that they require these additional -- additional security.

>> Simply because the app is turned on.

>> Apparently, yes, that the risk profile changes, as far as insurance is concerned. And, again, that's from our risk management office.

[16:30:26]

>> Okay. Well, mayor, what we've heard is that the proposal before you would mirror what's been done in other cities, including houston, and it seems like a reasonable response to the issues to me, and so I would

-- I would move approval of the amendment as set before you, as I've outlined, which would require a lower level of insurance and would not require commercial insurance when the require isn't actually providing transportation services.

>> Mayor Leffingwell: Well, I have a question. You're using the term "commercial insurance." I assumed it was all commercial insurance from the time you turn on your app and you start looking for a fare. It's just a lower amount. That's what I assumed. Is that incorrect? Maybe you can answer that question.

>> The coverage that uber provides, just to be clear, both of these insurance covers

-- they are commercial coverage. And I think to address your questions, where commercial is there, during this level of the app's on and not actually transporting someone or accepting a ride, it looks a lot more like personal activity there. You know, we've been working with the personal alliance industry to actually make more affirmative tnc coverage products and we want to leave the door open for these personal lines to craft those policies in a standard that says it can only be commercial, shut the door to that. I think making the limits available, which both commercial and insurance policy provides, and our policy that we provide, the access policy, that should a personal patrols not provide coverage, drops down and provides is commercial; and the same thing with a million-dollar policy. Both of those policies that uber holds is commercial coverage, written on a standard

-- more or less standard iso type commercial form. So ...

[16:32:27]

>> Mayor Leffingwell: Okay. So it's commercial insurance from the time a driver turns his app on looking for a fare.

>> Yes. Uber

--

>> Mayor Leffingwell: Hold on. It's a certain amount then. Then when he picks up the fare, it's the same insurance, but the amount of coverage changes.

>> Correct. Those are both commercial policies.

>> Mayor Leffingwell: Right. And then when he drops

-- again, when he drops the fare off and is still with the app on and looking for another fare, the insurance coverage drops. So, basically, the higher coverage applies when he has a passenger in the car.

>> Or they're en route to pick up a passenger who's requested the service.

>> Mayor Leffingwell: Okay.

>> Yeah. Mayor, if I could, that is consistent with what our risk manager recommended. The only thing I was trying to convey, and I apologize if I confused it, was that staff was preparing preliminary recommendations that would have asked for higher coverages at the tiered levels.

>> Yeah.

>> Mayor Leffingwell: The initial part.

>> Yes, sir.

>> Mayor Leffingwell: And I thought I heard a different amount from the two of you. Yours was 100/ 00?

>> Yes, sir.

>> Mayor Leffingwell: And yours

--

>> we proposed the same as houston, which is 30/60/25.

>> Mayor Leffingwell:30/60/25.

>> Right.

>> Mayor Leffingwell: Okay. So what is your proposal?

>> Well, let me just

-- I appreciate

--

>> this is april, representative from lyft. I'm not an insurance expert, I'm just a regular person, and I'm able to understand lyft and uber's insurance policies very clearly. I think this argument is getting framed as a conversation between personal insurance in the period before the driver has accepted a passenger, and then commercial insurance afterward. That's not what's happening with lyft or ubers, both of those posts. They both have commercial insurance in place from the time that driver opens up the app and goes into driver mode. The distinction that we're trying to draw here is that in period one, which we call it, the period before the diver has accepted a passenger, we are saying that that insurance should be contingent. And the reason is, there's nothing inherently more risky about having an app on. Right now, I've got google maps open, facebook open. So what policy are we stating if we say anytime a person who's a tnc driver gets into an accident, they're entitled to \$300,000 of insurance, even though they may have no intention of picking up a passenger. Also, because our drivers are not accepting hails, it's a less risky activity. The entire contractual relationship is the one that's provided through the app. They're not looking, they're not soliciting hails. They're not I canning up anyning

-- not picking up any passengers. There's commercial insurance in place when the app is turned on until that driver

-- until that passenger leaves the vehicle. And all we're saying is that the commercial insurance should be in place, but it needs to be contingent before that driver has accepted a passenger.

[16:35:41]

>> Mayor Leffingwell: All right. So council member riley's is the same as the houston
-- houston plan, 30/60. All right. So you're proposing that as an amendment to your motion.

>> Riley: Yes.

>> Mayor Leffingwell: And not friendly, but proposing it as an amendment. Mayor pro tem, do you accept that as friendly?

>> Cole: Yes, I do.

>> Mayor Leffingwell: All right. So that's incorporated in council member riley's motion.

>> Tovo: Mayor, I have couple more questions about that.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I met to be sure I understand what you were saying. So do you
-- is this commercial, this second piece that's labeled as b?

>> Yes, by definition it would be

--

>> Tovo: It will be commercial insurance.

>> Yes.

>> Tovo: So as I understood the point you were making, staff are working with the stakeholder committee to draft some insurance standards, and the insurance standards you came up with were higher than the ones that we have here.

>> Yeah.

>> Yes.

>> Tovo: And what did you base

-- what did you base your standards on?

>> I want to clarify. You know, we have not concluded those discussions as they are still in process. Risk management here at the city was telling us that

-- the values that they would prefer to see were the 100 and 300. But we have not made a formal recommendation yet, of course, because we're still in that process.

>> Tovo: And when were you planning on coming forward?

>> We, I believe, have just published our interim report, and we are

--

>> Tovo: Yesterday.

>> Yes. Yes. We've been editing it all week, yes, and we're planning to finish that up with the 180-day process that was identified by council.

>> Tovo: Thanks. Can you tell us how these insurance policies compare to what we currently require of other vehicles for hire?

[16:37:42]

>> Yes. They are the same as we require for other vehicles of hire. The 100 and 00.

>> Tovo: I'm sorry, the what?

>> The 100 and 300.

>> Tovo: No, sir what's been incorporated into the motion, but what you were coming forward with as a staff recommendation.

>> Yes, ma'am.

>> Tovo: Okay. Thank you.

>> Yes. And it's not a staff recommendation, again, yet, it is the preliminary discussions that have occurred.

>> Tovo: Thank you.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Can you give me any logic behind why there would be a different level of insurance required for vehicles for hire that are under a regulation, a higher level, versus if the ordinance were to go forward and we'll have this new kind of driver?

>> I cannot. That would be up to council to determine what type of difference there would be or why. No, I don't.

>> Morrison: There's no logical reason, from your point of view?

>> I don't have a reason to give you.

>> Morrison: Okay. So I guess I might ask my colleague if there's a reason these numbers should be different than what we require of our drivers already. [Applause]

>> the difference is, we're talking

-- while tnc is actually providing service, absolutely, it should be at least as much as taxi services, and I believe that is. But the question is, given that these are personal vehicles, what do we do when it's not being usedo actually transport people. And then in that case, I don't think it makes sense to treat them as commercial vehicles. They are personal vehicles, and I think the limits that were set in houston are appropriate.

>> Mayor.

[16:39:45]

>> Mayor Leffingwell: Council member morrison.

>> Morrison: If I could just make sure I'm understanding, maybe I'm missing something here. So the 100 and 300 that we require is akin to what, exactly, in this amendment? 30 and 60?

>> Right.

>> Morrison: Is that correct?

>> If I understand correctly, yes, I believe the answer is, yes, it's similar to the 30 and 60.

>> Morrison: Okay of the and the

-- okay. And the reason is that they're not in a commercial car? They're in a personal car?

>> No, it's commercial, it's a different amount.

>> Morrison: I was asking my colleague why it would be a different amount, if we feel the need to have 100 and 300 for our vehicles for hire within our regulations now, why does it make sense that uber drivers or lyft drivers would have a different amount. And I guess I heard you say because they're in their personal cars, but they're not

--

>> well, actually, they've got a higher amount when they're actually carries passengers. The question is when they're not carrying passengers, given that these are personal vehicles. If an uber driver is going to the store, I mean, a lot of school teachers are urban drivers. When they're just riding home from school

or any other

-- personal errand, it doesn't make sense to require higher limits in those circumstances.

>> If I may, mayor, it's my understanding that this is only when they've logged into a tnc network and indicated they're available, so it's not like they're just driving their kids to school. [Applause]

>> if we could get clarification on that. Is this a matter of just having the app on, or is it a matter of taking an additional step to log in and say, yes, I am available.

[16:41:52]

>> So with respect to the lyft app, and I believe it's similar with the uber app, drivers had download the lyft app, they're able to indicate whether they're in driver mode. However, as I've said before and I haven't had a chance to say in this testimony, 70% of lyft drivers are part-time drivers. They're driving less than 15 hours a week. One way to incentivize ride sharing is to be in driver mode. They might not be am their vehicle. They might be sitting at home. So what are the implications of requiring \$3,000 worth of commercial coverage when that driver might not even be in the vehicle. That I think terms of equity, it's also important to remember that we're also offering, as a part of our individual policies, one million dollars in commercial coverage when that commercial activity begins, and that's three times the amount of coverage that's required by the ground transportation industry in the existing for hires.

>> Thank you. I appreciate that, and I want to comment, you used the term ride share. We have that defined in our code, and this is not it, just to be clear. [Applause]

>> I apologize. I wasn't trying to be disrespectful as to what the terms were. That's with a we call it, but transportation network company.

>> So the way I see it, a driver may have three different types of coverage. First of all, when he's in his own vehicle driving around, doing personal errands or whatever. But then once

-- and then he can have

-- he's under his own insurance. Correct? He's not under

--

>> correct.

>> Mayor Leffingwell:

-- Uber or lyft's insurance policy at all. But then when he shifts under driver mode, and even though there's no passenger in the car, he comes under your commercial insurance at the levels 30/60.

>> Our levels are 50/100/25.

[16:43:59]

>> Mayor Leffingwell: Okay. So let's try not to introduce any complexity into it.

>> You are correct that there's

--

>> Mayor Leffingwell: The numbers keep changing, and that's why I'm trying to simplify it. You're on your own personal patrols. You go into driver mode, you're under the commercial insurance at a limited amount, until you actually engage a passenger. Then when you engage a passenger, you're still under that same uber and lyft policy, at a higher amount. Is that correct?

>> That is correct.

>> Mayor Leffingwell: All right. Council member martinez.

>> Martinez: So under your policies, let's just say I'm picking up my child if school and I'm a driver, and I see a request for a ride around the corner and I turn my app on. Am I still using my personal vehicle, or do now I convert to a commercial vehicle with my children in my car?

>> Well, the distinction there is that you wouldn't receive a ride request if you didn't have the app on. The only way that you can accept rides is if you have the app on and you're in driver mode.

>> Martinez: So I could have the app on while I'm still going to the grocery store, in a personal trip, or taking my children to school or

--

>> right. And that's why we're concerned, because we have a lot of drivers, many of them are part-time drivers. As I said, 70% of them are working 15 hours or less a week. These are not commercial drivers.

>> Martinez: Sure.

>> So we don't think there's anything more risky about someone having an app on.

>> So Mr. Thomas, I wanted to ask you, what

-- I know that many of our cab drivers actually take their own personal vehicles and have them painted and striped and numbered to be used as cabs, but they're their personal vehicles. How do they switch back and forth from their personal policy to a commercial policy?

>> They don't. There is no switch.

>> Martinez: So the requirements that we have for cabs are commercial policy 24/7.

[16:46:00]

>> Correct.

>> Martinez: Okay. [Applause]

>> Mayor Leffingwell: Council member riley.

>> Riley: You wanted to respond to that?

>> Yes. The only other thing I wanted to say, a lot of this is about

-- you know, insurance is really in place to reflect the risk that's needed there. And I think one of our concerns is that there are big distinctions between being a taxi service, where you are soliciting fare and you're looking for fare, and you actually have a vehicle that is striped, and that's actually advertising that you are available for fare; and being a private vehicle, where you may or may not have the app on, and still having the same amount of insurance required there. So that's our concern. I think also as the representative from Uber pointed out, the insurance industry is on their way to innovating. There's a lot of confusion about insurance because it's a very complex issue. But if we put in place commercial coverage, you know, before the driver has even accepted a passenger, I think our only concern that, you know, MetLife and some of our partners are on their way to creating a personal insurance policy with a ride-sharing endorsement. That will not be available with respect to this temporary operating agreement if the drivers are required to have primary commercial coverage before they've even decided they want to accept a passenger.

>> Mayor Leffingwell: Okay. Anything else? Are we ready to vote?

>> I just wanted to check on where current status is.

>> We have a motion on the table, second, and we have one amendment that's friendly for
-- the riley amendment for insurance.

[16:48:01]

>> It's been accep so now --

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I've distributed two amendments but let me get to the second one before I get to the first one because this deals with insurance. So the amendment I've distributed just adds one word, and this would be the word "primary" modifying commercial automobile liability insurance. So in the original text, that is the one, and the staff have seen my amendments. In fact, they helped draft them. And so I wonder if I could ask mr. Thomas to talk about the

-- as I understand it, that is what california has adopted as their requirement, in part, because then it prevents

-- somebody doesn't have to

-- if you're a driver, you don't have to wait for

-- well, let me just read from

-- from the california bill that just got signed into, was just approved by the governor last week. One of their provisions is that coverage under a transportation network company insurance policy shall not be dependent on a personal automobile insurance policy, first denying a claim, nor shall a personal automobile insurance policy be required to first deny a claim. And as I understand it, the addition of the word "primary" in there makes it clear that the tnc, commercial insurance policy, will address that claim, and that it's not incumbent upon the driver to put it through their personal policy and have it denied before it kicks over to the commercial policy. Is my understanding of that correct?

>> Yes. My understanding of the term "primary" used in that sense would mean that the insurance would be provided. The commercial insurance would be provided by the tnc and not the driver.

[16:50:01]

>> Tovo: In looking at some of the articles and some of the discussions that have been in the media, I think that has been a concern, there have been some well publicized cases where drivers and passengers were in an accident, and then they were wrangling about how to get that coverage, and in terms of providing a safe system for driver

-- for passengers and drivers and making sure that they're well covered, I believe that we should require that be our primary, require that addition of primary, require the tnc's policy be the primary policy. The backup. I've forgotten the term that we heard earlier. So I propose that as friendly.

>> Mayor Leffingwell: Council member riley.

>> Riley: And to be clear, this is in what's identified as paragraph a or in the draft as paragraph 1. That's essentially after the driver has accepted a ride. Is that correct?

>> Tovo: Well, I drafted my amendment based on the version we had on our dais today, so I would add primary there, absolutely, to the 1. I guess I'll ask our transportation staff if it should be also inserted

-- if the principle is that we want the tnc's policy to be the first line, I assume it should probably be

inserted into the new additional language that's identified here as tnc, on the amendment that was incorporated a few minutes ago. So under what is ded the

--

>> our attorney says yes.

>> Tovo: Okay. So then my amendment is a little bit more than is on this page. I would insert "primary" before the word "insurance" in b as well.

>> Mayor?

[16:52:03]

>> Mayor Leffingwell: Okay. Council member spelman.

>> Spelman: I understand the public purpose associated with putting "primary" in 3b1. If a passenger is hurt and they need access to the insurance payments, then having it be

-- the commercial insurance be secondary is going to involve a delay, from the passenger's point of view. For 3b2, the addition of primary just means the person who's driving with the app on, but not involved in this, as the tnc folks somebody saying, is commercial activity, in terms of picking up the passenger, transporting the passenger. If there's an accident during that period, then they would have to go to their own insurance first and go to the tnc insurance second. That strikes me as probably

-- I would prefer it if I had primary insurance from the tnc that I were working with, but that seems to me it would be a cost of doing business, and perhaps it would have an effect on which tnc, or whether I would work with any tnc, which one I would work with. But I'm not sure what the public purpose would be in requiring that be primary insurance.

>> Tovo: Well, you know, this is an interesting

-- that's an interesting question, but as we were asking

-- when we were asking the staff to define whether or not we would need to insert the word "commercial" into b, they said that that activity was necessarily commercial, so it would have to be a commercial policy. So that would seem to me to mean that we need to be sure that our drivers are protected, and that that policy is going to kick in, because if they are

-- if their insurance company can turn around and say, as our staff did, that what's described in b is a commercial activity, then they may not be covered under their personal insurance policy. You see what I'm getting at, when I ask the question of do we need to put in b, the word "commercial" to be sure that that's going to be a commercial policy, to cover those activities of when the

-- when the app is on and they've logged in. They told me that this was a commercial activity, so it would -- it's understood to be a commercial policy.

[16:54:21]

>> Well, all I'm getting that is that would be a risk I would accept, or I may be willing to accept if I wanted to try for tnc, consenting adults. If I'm not willing to accept that risk, I wouldn't drive for a tnc. Having decided I want to drive for a tnc, a tnc would offer either primary or secondary insurance while the app is on, and that would be entirely up to me to accept it or reject it.

>> Tovo: Well, I suppose

-- I suppose that may be a position that
-- that some people want to defend. I think
-- I think the concern I would have is that drivers wouldn't understand that, what they would see is that their

-- they believe they're covered. And I guess I would wonder why we're setting up a situation where those drivers are not covered in the same way.

>> Spelman: Well, I guess my point is that whether it's secondary or primary, they would be covered. The only difference between the primary and secondary is whether there might be a delay if they had to go through their personal insurance first and then have it be rejected, and then the commercial insurance associated with the tnc would kick in. Either way, they're going to be covered.

>> Tovo: I don't know that that's true. If you look at the consumer advisories that are coming forward from the insurance commissioners in various states, I mean, they have warnings about whether

-- that would suggest to me that it's not a sure thing, that your primary insurance

-- excuse me

-- that your regular car insurance would kick in and cover that activity, if it was determined to be commercial.

>> Spelman: Let me rephrase this because I think we agree with each other and I'm just not phrasing it properly. If my primary insurance is my personal insurance and the commercial insurance offered by the tnc during the period when the app is on but I'm not actually going to pick up a rider or driving the rider around, if that's secondary, and I get into an accident, then I think what the tnc would say is go to your personal insurance first. If the personal insurance doesn't pay, then we'll pay, because water secondary and that's primary. That seems to me that would be a risky might be willing to accept if I wanted to drive for a tnc, a delay of submitting it first to the personal to see whether or not they'll pay it off. It's a completely different story. I completely understand why 3b1 needs to be primary because if I'm a passenger, I should not be in a position of having to accept a risk associated with that additional delay.

[16:56:48]

>> Tovo: I guess a question I might ask of staff is what

-- is there an equivalent situation for other vehicles of hire? Not really; right? Because they are on commercial policies the entire time, so there wouldn't be

-- with or without a passenger, their primary insurance is their commercial insurance, so there's 23409

-- there's not going to be a situation.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: We've been talking about this in terms of the driver, but it's my understanding that this is liability insurance, liability meaning for third-party insurance, not first-party insurance. So this whole discussion is getting very confusing because I think we do need primary commercial

-- primary in this context, but still, the individual driver's personal automobile insurance would be first to cover a claim, which would be unlike the situation with taxis that have a commercial policy.

>> Council member, my understanding is that most private drivers e insurance, vehicle insurance that would normally cover a driver, if the person is involved in a commercial activity, doesn't cover that. And so the issue becomes, if the driver is conducting a commercial activity, and their personal insurance,

driving insurance does not cover that, then they're essentially uncovered. My understanding is, there's not a product for the driver short of this umbrella type insurance.

>> Cole: And is the commercial activity triggered the moment the app is activated?

[16:58:48]

>> Council member, I believe that it is, because you're, in a sense, saying you're available for business out there, just as a

-- any other activity that puts out an advertisement that they're available for business. But I think that that would be an issue that the courts would need to decide, their individual, you know, contest, unless this council decides to weigh in and make it one way or another.

>> Cole: So the primary language is necessary in both paragraphs, is what you believe.

>> If a commercial activity is active, yes, I would say, yes, I think it does.

>> Cole: Okay.

>> So, you know. I don't know the answer, other than what I believe there. [One moment please for change in captioners]

[17:01:54]

>> Tovo: ... Their educated device.

>> Tovo: If not successful tonight, I will be happy to make it again.

>> Mayor Leffingwell: You want the make your amendment?

>> Tovo: Yes.

>> Mayor Leffingwell: Is there a second of the amendment? Seconded by council member morrison.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I vote no on the amendment and reserve my right to change my mind after we get to second and third reading.

>> Mayor Leffingwell: I will make the same statement.

>> Tovo: I will set alarm clock.

>> Mayor Leffingwell: All right. Those in favor of the amendment say aye. Opposed say no. No. Motion fails

-- the amendment fails on a vote of 2-5, council members riley, martinez, myself and council member spelman, mayor pro tem cole voting no. Anything else? Council member tovo.

>> Tovo: I have distributed a sheet

-- and just to let you know, I do have a series of amendments. I am going to have to borrow the first one I handed back to my colleague to my left. Because it has been so long, it's under a pile of insurance information. This next amendment

-- which I hope will be friendly

-- will prohibit surge pricing; otherwise known as dynamic pricing. And this is in section

-- part 3, section 15, and so it changes the language

-- it retains some language that the riders understand what the pricing will be charged and then be a

fare estimator but we

-- I think this is one of the real concerns about

-- about this service, is that, you know, most of us, I imagine, read this story about the young

-- the young men who took a trip from u.T. To Abel's, I believe, over on the lake, and it ended up costing about \$150 and I really believe that the are

-- this is an innovative service and it is exciting. We do need additional transportation items. I do think it's worth considering this one but it needs to be fair and allowing a company to charge as much as 6 times as much for a ride is simply not fair and it not just and we, as a city, should not be in the business of condoning that. So this would prohibit that kind of surge pricing and make sure that students, others

-- people with kids, seniors have a consistent price and it's not

-- it's not subject to go up two times, three times the regular price. So that's my

-- that's my proposed amendment and I propose it as friendly.

[17:05:24]

>> Mayor Leffingwell: Council member Riley.

>> Riley: Mayor, I don't accept that as friendly. One of the issues that we have had for a long time with respect to ground transportation services in Austin is the problem of service during peak periods. We have a lot of fluctuation in the demand for transportation services and we haven't had a very good way of responding to that demand in a way that actually helps us maintain workable during nonpeak periods. So the surge pricing is one market base response to that. It is a way of trying to draw out more drivers in order to address the issue of service during peak demand. We haven't really given a fair test to exactly how that market based solution would work, because even under the current system we have had over the last few months, we haven't

-- many drivers have been deterred from even participating in the services because it has been illegal and drivers are subject to getting cited and having their vehicles impounded while they are currently providing this service. One benefit of moving forward with this resolution now is we could see how it would actually work if the services were legal. I hope it would be

-- that surge pricing would not be nearly

-- would not be as necessary and you wouldn't need to have it in place for very long because as you get

-- if there is some fluctuation, then you get more drivers out of the on the roads

-- more passengers

-- what happens in other cities is passengers realize they can wait for a short time and then not

-- and prices will drop down very quickly, and

-- but what we are hearing anecdotally is these surges are actually very

-- these surges are actually very brief and one way to move forward with the resolution as drafted, is we will get solid information as to exactly how long those surge periods are lasting, what prices are being charged and then we can make adjustments as necessary when we put longer term regulations in place but I think we need to

-- in place but I think we need to give this a fair test to see how it works rather than not having it from the outset so I would not consider the amendment friendly.

[17:07:31]

[Applause]

>> Mayor Leffingwell: Not considered friendly.

>> Tovo: I am going to make that as a formal amendment. It seems to me we have heard some other advantages of this service. It is not a cash transaction. You get a photo of the driver. You get a photo of the car. It seems to me there are a lot of reasons why someone might want to take uber and lyft and avail themselves of that service and I don't

-- I am not at all supportive of allowing a company

-- setting up a situation, even on a temporary basis, where we are allowing a billion dollar corporation to gouge customers. It's just not right. [Applause].

>> Mayor Leffingwell: Is there a second for that proposed amendment? Is there a second for that?

Council member morrison seconds.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I have a question of the representatives of lyft and uber. The original ordinance was written in

-- a very

-- almost gingerly to not require that a tnc state to give a fare quote. Instead of saying this price will cost you \$150, it is only requiring you to say dynamic or surge pricing is in effect and it will be more expensive than it would otherwise be. And then provide an estimate, which so far, as I can tell from the plain language reading of the ordinance, would not be binding on y'all. You might charge a higher price. You might charge a lower price. Why can't you just quote a fare?

>> Well, the first thing I will say is that with respect to lyft's platform in texas, we are on a donation-based model. So any time that that passenger refused the suggested fare, they can choose to pay it, pay more, pay less.

[17:09:33]

>> Spelman: We are talking about getting you off of that.

>> Of course. Assuming we are not in that platform, I think it is important for the consumer to be able to make an informed decision. With respect to lyft, we call it prime time feature, it's to ensure that supply meets demand and the consumer is always informed. When they open up the app, the first thing they see in big bold letters is prime time and then they next see pop-up screen saying we are operating in prime time. This fare is this much greater than it usually is. Are you going to confirm a ride. At that time they confirm whether they will come out. To answer your question, why we can't just quote them a rate, it's because we use a schedule that's based on time and distance, and so depending on whether there is a lot of traffic, especially if it's a high demand time, it's not going to be the exact amount, so that's how we calculate the amount. But

--

>> Spelman: Let me

-- let me be sure I understand. If I were taking a lyft car right now, I wanted to go home, you could quote

me a rate but you couldn't tell me it's going to cost me \$12.

>> Right.

>> Spelman: Because you don't know what the traffic conditions will be like and you don't know if there is an accident on 38th and guadalupe and so on. So because of those conditions, it may be up or down. It will probably be around whatever it was the last time I took you guys, which is, let's say \$12 but you don't want to quote me that exact number because you want to be

-- it is all contingent on the conditions.

>> Correct.

>> Spelman: But whatever it costs me, you were willing to say

-- you do say in your

-- in the app, it's going to cost twice as much as it usually does?

>> Right

>> it's a percentage, so 25% more, for example.

>> Spelman: Right.

>> Can I point out one other thing with respect to the prime time feature? The passenger always receives a copy of the route taken by the driver so they can cross check whether it's based on the time and distance sent and there is also a link provided in the email receipt that allows that passenger to contact lyft if they have any question about what the suggested fare that they were charged.

[17:11:49]

>> Spelman: In -- let me follow up just a little bit. That 100%, 125%, whatever it is, the premium assiated with what you are calling "prime time," that is a binding quote. That is not an estimate. That is we are going to apply exactly this amount more to your fare?

>> Correct.

>> Spelman: And the basis for the fare on time and distance

-- which sounds like it works exactly the same way taxicab fares work, it is published, in your app, I can look it up?

>> Yes, and when you get to the screen where you pay the suggested fare, there is a button you can push to tell you what the fee schedule is for lyft in austin.

>> Spelman: Okay. So you are providing

-- okay. I got

-- I think I understand what is going on. Thank you, ma'am. I will ask the same questions to the fellow from uber.

>> Yes, thank you, so the uber app is very similar in terms of lyft as far as the needs for multiple -- to opt in to basically the surge pricing is what we call it. You have to identify that you accept it and then you have to go through and type in the amount, whether it's 1.5 times or 2.0 times before you can begin to request a ride. We do have built in

-- a fare estimator, so, again, based on time and distance, you can estimate the fare based on destination and enter that destination and the app will give that destination. And additionally before you type in at the first level, it says, do you want to go

-- surge is happening, do you want to proceed. There is a second option that says, please notify me

when surge is ended. So instead of taking that ride under surge pricing, you can wait and have the phone

-- we will notify you when that's ended so you can utilize the original ride.

>> Spelman: And as in lyft, the time and distance

-- meter measures are available in the app?

>> Yes.

>> Spelman: And they work more or less the same way a taxicab meter would measure? And when you say it will cost 2.0 times as much as it normally would. That's a hard quote? It's binding?

[17:13:59]

>> Yes. That's correct.

>> Spelman: Thank you.

>> Mayor Leffingwell: So basically every passenger has a pretty good idea what the fare is going to be before they sign on? It's actually not the driver's transaction. It's between the company

-- that surge pricing and standard rates are set by the company?

>> That's correct.

>> Mayor Leffingwell: I would just add, you know, this

-- I

-- I am

-- I am not concerned at all about dynamic pricing. I think we see that in all walks of life. Everybody who buys an airline ticket knows that it's very dynamic. [Applause] because ... And that is a decision

-- that is a decision that both the customer and the vendor make every day. Sometimes it seems every ten seconds if you are buying an airline ticket.

>> Riley: Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: To add to that, it's exactly what we are about to put in place on mopac, the mopac improvement plan.

>> Mayor Leffingwell: Exactly. [Applause]. Council member tovo.

>> Tovo: If I may, we adopted a peak surcharge for our cab drivers, for our cab fares, as I recall. Recall. [Applause]

>> Tovo: And I can't recall exactly what it was.

>> [Indiscernible]

>> Tovo: Thank you. We did that to incentivize more drivers out at time of peak demand. To me we should look for ways to incentivize that. There is a huge difference in offering slightly higher fare than to incentivize drivers to get on the street and to allow to charge 6 times as much. That's not price surging. That's price gouging. [Applause]

>> Tovo: And if we want

-- if we want to encourage more transportation options and we want to figure out ways to incentivize more drivers at the times we need them more, we ought to be creative and think about that, but, I mean, if protecting consumers interferes what we are trying to achieve, I have very serious concerns with the path we are setting down, and I will be interested to know maybe at our next reading what the

stakeholders

-- how the stakeholders grappled with this issue.

[17:16:27]

>> Mayor Leffingwell: Yes, and I would say all the things that we are looking at here for pilot project potentially are the same thing

-- these same options ought to be able to

-- to be available to conventional cab companies, too, and I think that's something that the cab -- that the stakeholder group, as we go through this pilot period, should be looking at ways to make the same requirements and the same privileges available for cab companies as for uber and lyft and companies like that. [Applause]. Council member morrison.

>> Morrison: I want to first thank the folks that have been working on the task force because I got the sense that they were sort of wondering why the heck they were doing their work when this showed up, and I think that we should have continued with that process. I think that there are serious lacks in this -- in what this is doing. Clearly the industry is changing. Clearly we need to respond to the change in the industry, but the fact that, for me, the biggest issue in this ordinance are that it does not address equity and service to people with disabilities. It does not address geographic equity and it completely wipes out anybody that isn't connected technically

-- technically with a smart phone, and I don't think we can call this a fair test. It has to be a fair test. It would be actually opening up the whole industry, and I agree. If we are

-- you know, this

-- this city needs to deal with it, no doubt, because what we can't have is the taxi industry basically go out of business and have it only these options

-- these kinds of ride options only be driven by the new industry that's in town, because we have a public interest in what the taxi industry provides. We do have that public interest that we have talked about in terms of making sure that options are available to everybody, so we can't just go forward and let the taxi industry go out of business and end up in that

-- that way. And I think it's

-- it's somewhat reckless to say, let's just start a pilot, letting this new industry go forward without integrating the taxi industry at this point, and I just

-- I can't imagine the frustration that the taxi industry and the drivers feel at this point for all of these years, having been under absolute, incredible regulation, and all of the

-- you know, just for a dollar increase here or there, all the blood, sweat, and tears that had to go through it, so I think that the right way to do it would be to figure out how to merge the industries and how we should be loosening up the taxi industry and, you know

-- maybe one of the things we need to do is just suggest that this ordinances will include just including any limit of taxi drivers that could be or whatever.

[17:19:57]

[Applause] I just don't know why we are doing it one sided at this point. I feel that we need to do it

equitably and if we are going to try a pilot, that's the kind of pilot we should be trying. [Applause]

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Quickly, I appreciate your comments and council member morrison's comments. The taxicab companies for years have asked for peak demand permits and come up with issues solving some of these issues that this proposal is addressing. So I completely agree with you, that if this is the direction we are headed down, why are we handcuffing one industry and unhandcuffing another industry to do whatever they want. [Applause] so likewise I support expansion of our cab permits. The majority of this council did not. And one of the sponsors of this motion did not. Because I felt like we needed to address it. I am sponsoring this motion because I believe we have some issues we need to address but I also believe, as you have stated, council member morrison, that if this is the road we are going to head down, then it should apply to everyone that's trying to earn a living in the transportation industry and not just the

-- [applause]

>> Mayor Leffingwell: Let me say I have absolutely no disagreement with that. I think the cab companies should be able to have as many cabs on the road as they think they can handle. [Applause]. But right now we have an amendment on the table to be voted upon with regard to surge pricing. All of those in favor of council member tovo's amendment, say aye. Opposed say no. And that amendment fails on a vote of 2-5, with council members riley, martinez, myself, council member spelman, mayor pro tem cole voting no.

[17:22:06]

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: I didn't support the motion because I do believe that there is -- there is certainly something to be said for supply and demand and there are valid reasons for surge pricing, just like we have added, not nearly enough, but we added to peak demand pricing for cabs. But I do also think that it does get to a point to where it can be an anticonsumer policy and so I am going to propose that we cap the surge pricing at 2 times the rate so that it can still surge. They can still create that incentive for more drivers but that it's not an unlimited dynamic pricing.

>> Mayor Leffingwell: All right. So that

-- is that a proposed friendly amendment by council member martinez so cap the surge at double price? Council member riley?

>> Riley: No, mayor, it is not for the same reasons.

>> Mayor Leffingwell: So that's not accepted?

>> Martinez: How about three? [Laughter]. I am just trying, mayor, sorry.

>> Mayor Leffingwell: Yeah.

>> Riley: No. No.

>> Martinez: Then I will make a formal amendment, mayor, that we cap dynamic or surge pricing at 2 times the posted rates.

>> Mayor Leffingwell: Motion by council member martinez. Is there a second? Second by council member tovo. All those in favor of that amendment, say aye. Opposed say no. So that amendment fails

on a vote of 3-4. Getting closer here. [Laughter]. Council member riley, myself, council member spelman, mayor pro tem cole voting no. Council member tovo.

>> Tovo: Mayo I have handed out

-- let me just say I have some more amendments to go. One of the things I have tried to do is incorporate some of the work that the stakeholders have diligently been

-- you know, I think it was council member riley who said earlier that there were some issues that are complex and need to be sorted out and the stakeholders are well on their way of sorting some of those out. Yet, we are moving forward here tonight. So what I am trying to do is incorporate some of those things. What you see before you is just adds to part 3 section b3, right now the ordinance has the tncs themselves running the background check. This will put them on par with the other vehicles for hire companies and have the city be in the position of verifying those checks. So we have used the language, as I understand it, this would follow the same process that we use for the other vehicles for hire. And I think that would also provide a sense of surety to those who are taking these companies, that they can rely

-- they can rely on the information that

-- that the drivers have been vetted and they have been vetted in the same way we vet our taxicab drivers and, again, because there have been some well publicized cases where, despite the third party criminal check, there were some issues with drivers. I think in this will address this. I will be happy to ask mr. Thomas to is if this language would, in effect, create the same process we do of our

-- for our vehicles for hire

-- other vehicles for hire?

[17:26:07]

>> Mayor Leffingwell: Sounds like a yes or no question to me.

>> This is the same process.

>> Mayor Leffingwell: Yes.

>> Tovo: Okay. Thank you.

>> Mayor Leffingwell: Council member riley, do you accept that as friendly?

>> Riley: In fact, I ask representatives of either uber or lyft to address that. This has been a subject of discussion and I understand there are concerns about it and I would like to ask ms. Mims or an uber representative to address it.

>> The question is

-- would you like me to tell you a little bit about lyft background check process?

>> Riley: Sure, please.

>> In order for any drivers to be accepted by the lyft platform, they have to go through author row screening process, the first is a criminal background check and we partner with sterling back check which is used by a number of city governments to screen people with respect to background checks. During the background check, the driver is screened, if they have a violent offense, sexual offense, any kind of drug offense they are automatically screened out of the platform. We also do driver record check to make sure the person is a good driver. There is a 7-year ban on anyone who has a dui. There is a 3 year ban on anyone who has a major violation, meaning they have been caught speeding over more

than 20 miles per hour or they have been caught driving without a valid driver's license. In addition, anyone with more than 3 points with respect to minor offenses is screened out of the platform, in fact, through this process, 90% of applicants are actually screened out because they cannot meet stringent requirements. We understand we are under a microscope and we have to ensure these drivers are safe or else we will hear about it. I know there was a lot of discussion about uber and lyft drivers who might be in the media. We have not had that experience. I have read other similar stories about the for hire industry who also have had offenses. I think the great thing about this temporary agreement process is there is an audit process in place to handle this. And.

[17:28:23]

[Indiscernible] the city of baton rouge, the city of tulsa, many cities are using this type of format, letting the tnc go through the driver process because they understand that it's a huge drain on public resources to take tens of thousands, even millions of part-time drivers and try and put them through the same screening process. We believe our drivers are the safest on the road because of this.

>> Riley: So the question is if we require taxi drivers to go through a process with the city, where the city is actually checking out the background, why wouldn't we require the same thing of lyft drivers? In other words, why wouldn't we require the city to conduct the background checks as opposed to allowing lyft to conduct them?

>> Well, from lyft's perspective and I believe there might be a similar reason with respect to other tncs, because our drivers are casual drivers, because they have full-time jobs, many are teachers, firemen, nurses, we are worried about barriers to entry with respect to forcing part-time drivers, some of which drive a couple of hours a month to go through the same screening process with respect to the city. We also believe our process is safer and we want to make sure we have the same standards in place in every single city so anybody coming to austin from california or colorado know the drivers have been screened through our process.

>> Riley: Okay. I would like to see a uber representative saying this. Is there anything uber does differently in this regard or anything else that uber would like to advance?

>> I would reiterate. We use a separate third party company called hire rows and they do private screens for private companies around the country, it is multistate multicounty federal background check and social security security check and background check and they are looking where these individuals have lived or had incidents with police and other criminal activity across other places than texas. My understanding is the city only focuses on texas. We take it much further than what is available for the texas checks. So I think we do it better. I think another way to look at it in terms of why would the city of austin be our hr department for us to determine who our drivers are. I know this ordinance has written in to it a requirement for third party auditor to take a look at the background checks to make sure they are accurate and truthful and we say we are doing and the drivers are safe and available -- drivers are available are safe and have thorough background check done.

[17:30:55]

>> Riley: And as we look around at other jurisdictions, ms. Mims mentioned a few other places that are

relying on uber and lyft to do the background checks. Is it fair to say that's emerging as the standard practice? Is it more common or are there other jurisdictions that are undertaking the background checks themselves?

>> I would say there is a mixed

-- it's a mix, so not every jurisdiction is relying our background checks fully and I think the city of houston decided to conduct that but, again, we think taking this out of the hands of the city, I don't understand why the city of austin would want to be the hr department for vehicles for hire when we can provide that for audit

-- make our records available for audit for those purposes.

>> Riley: Uber would rather do it themselves subject to third party audit?

>> Correct.

>> Riley: And you feel that would be a more reliable system than counting on the city to do the checks?

>> That's correct.

>> Cole: Mayor I have a

--

>> Mayor Leffingwell: I

-- before you leave, I have a follow up. I hope I heard this wrong and I think I probably did. But you have the same standards with your background checks for my driver whether they drive 15 hours a week or 60 hours a week?

>> That's correct.

>> Mayor Leffingwell: I thought I heard something different from lyft.

>> No, it's the

-- the same background check is done for all drivers of anybody who has

--

>> Mayor Leffingwell: Yours is the same?

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Can you give us an estimate of what that service costs uber or lyft

--

>> for

-- to conduct the background checks.

>> Cole: To conduct the background checks?

>> I don't know off the top of my head what that costs us. I couldn't give you an estimate. I would be pulling a number out of the air. I can find that information out and try to get it back to you.

>> Cole: I would like to have that information for second or third reading as we contemplate. I am not going to support this amendment because I do not know the financial implications of it and your business model is so different from the people that we do background checks for, that I have no idea on the financial implications and I need to know.

[17:33:17]

>> Okay.

>> Mayor Leffingwell: First I am assuming you are asking it to be friendly.

>> Tovo: I am.

>> Mayor Leffingwell: Council member riley.

>> Riley: No.

>> Tovo: I want to make a formal motion but I want our transportation staff to weigh in why we require the other vehicles for hire to go through a process with the city versus doing it independently.

>> One of our primary responsibilities being to public safety, taking this route, the city, the driver is known to the city.

>> Tovo: So the city's interest in protecting the safety of those who get in the car in a vehicle for hire is paramount and that's why the city has typically taken the path of running the background checks?

>> Yes.

>> Tovo: And as I heard one of the representatives say, it's a mix in terms of different municipalities that have allowed uber and lyft and other services like them

-- some allow them to do their own background checks. Some perform them themselves?

>> Correct.

>> Tovo: I guess I would say

-- I think it's interesting as we go through this process of thinking about what we would like this pilot program to look like, I think it's interesting to think about what other cities did but I also think it's important that we make sure we are doing everything we can to protect the austinites who we serve and the visitors. So I would

-- I will make this as a formal amendment and I will say, mayor pro tem, in answer to your question, I am not suggesting that the city take on this cost. What we do with the vehicles for hire now, we charge them for that. They pay for the service of running the background check, so that's why d on my sheet says that tnc will pay that cost. As I understand it, right now the drivers themselves pay those costs to the city to have a background check. Is it \$10?

[17:35:36]

>> It is whatever dps charges for the criminal history, whatever they charge for the certified driving record and the ...

>> Mayor Leffingwell: Okay.

>> Tovo: Sorry, I am encouraging speaking from the floor which I shouldn't the doing.

>> Mayor Leffingwell: Yes, you are.

>> Tovo: Any case, it wouldn't be a financial burden that the city is taking on? We pass it on to where it belongs rightfully, which is the tnc. I want to note I left the original language so the criminal background check will be as the sponsors laid out. It will be national in scope and include all of the same provisions that are in the original. It's just the city is going to perform it as we do our other vehicles for hire. We aren't allowing a company and their third party provider to provide that service because we have an interest in protecting those within our city. I will just also note, without going into details, because we don't have

-- it's getting late, but on the memo dated may 31st, our staff did provide us with a list of violations they found in the different ride shares and there were people

-- again, I want to be very clear, it wasn't uber and lyft, I don't believe. This was a memo they did a good year and a half ago.

>> Cole: Mayor.

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

>> Tovo: It tells me that we can have sureties that there are safe drivers on that.

>> Mayor Leffingwell: Do we have a second? Council member morrison seconds it for purposes of discussion. Go ahead.

>> Morrison: Thank you. I guess I would like to know if the requirements for the background check if they are lifted in the proposed ordinance right now align with the same kinds of things that we check for. Is it essentially the same background check?

[17:37:37]

>> From my understanding, the specific

--

>> Morrison: Right, the difference, it says it's national in scope, prevents any person who has been convicted within the past 7 years of driving under the influence or who has been convicted at any time for fraud, sexual offenses

--

>> yes, that calls out more specific violations than our current code does, so there are more lyfted disqualifiers in this particular recommendation.

>> Morrison: Okay. I heard discussion about third party audits. Is that in this ordinance? It is? Can you point to it for me?

>> Morrison: Is it actually

-- I think I hear council member spelman whispering behind my, section 16 of part 3.

>> Paragraph 15 on the bottom of page 5.

>> Riley: Part 3, paragraph b15.

>> Mayor Leffingwell: Page 5, correct?

>> Spelman: The page numbers have changed several times since the beginning

--

>> Spelman: Is that the paragraph that starts "tnc must maintain accurate records ..."?

[17:39:44]

>> Riley: Yes.

>> Morrison: I am looking at this version

-- sorry, it's getting late. Paragraph

-- it's part 3, paragraph b

--

>> Riley: Actually I am told the latest version is paragraph 16.

>> Morrison: Okay. Thank you.

>> Riley: At the bottom of page 5.

>> Riley: I will be happy to read the paragraph I am looking at.

>> Morrison:17?

>> Riley: The language reads

-- that tnc must maintain accurate records while drivers providing service and discontinued through the service and must be available for audit by third party agreed upon party by no more than four times per year.

>> Morrison: So that means all of the background information is going to be available and they will be able to audit that? And is that going to be an audit they pay for, or is the city going to be responsible for paying for it? It says "available for audit." I think if they agree to pay for a third party audit four times a year, then it wouldn't be necessary to have the city , basically outsourcing it if they have an independent

--

>> Riley: The expectation is they would pay.

>> Morrison: It doesn't exactly say that here.

>> Riley: I will be happy to clarify the language.

>> Morrison: Then I will withdraw my second.

>> Mayor Leffingwell: Second is withdrawn.

>> Morrison: With the understanding that you will get that in there.

>> Riley: Right.

>> Mayor Leffingwell: Proposed amendment dies for lack of a second.

>> Tovo: I am passing out one now about accessible vehicles. And this is in addition

-- and I appreciate the in additions that the sponsors have made in the yellow draft that's on our dais.

There are some, there is at least one additional provision and that's that I do agree on. My addition would be to add a 17

-- to part 3 section b, to add the following and then renumber as appropriate: That tnc

-- tncs may not allow its drivers to refuse to accept a passenger who is disabled or to charge a higher fare or additional fee to a person who is disabled based on the person's disability, use of a support animal, wheelchair, crutches or other mobility assistance device, and that is

-- I would ask the staff to make sure that that provision was similar to what we currently require for vehicles for hire and I am told it's not just

-- it is the company as a whole. Cannot refuse a driver, not an individual car if it's not appropriate

-- if it's not appropriately able to accommodate. A passenger with disabilities. And then 18 would require that there be at least a 6%

-- at least 6% of all vehicles within the tnc's fleet be accessible. And that's equivalent to what we require of the vehicles for hire. One of the concerns that I have is that we really make sure that within

-- within the tncs, we have access for individuals with disabilities, just as we require it of our vehicles for hire, we need to look out for the interest of those with disabilities, with this new service as well. I would propose those as friendly, both of the points and, again, they go into section b with renumbering as appropriate.

[17:43:52]

>> Mayor Leffingwell: Council member riley.

>> Riley: Would the sponsor of the amendment be open to splitting these into two separate items? Because the first paragraph is certainly acceptable, saying tnc may not allow drivers to refuse passengers who is disabled or to charge a higher fare or additional fee. That is certainly acceptable. And the other paragraph, I think, is problematic. We -- and I just have to note that I would be reluctant to look to the way we have addressed ada issues with regard to the taxi industry as a model to replicate in regard to tncs. We -- what we have -- we have tried a number of things to address ada service in a taxicab industry and a number of them have not worked very well. One of them was requiring a certain percentage of vehicles to be ada accessible and the other was to allow ada vehicles not to count against the permit limit, but we found is that the companies would get the vehicles and then they would never use them to actually transport people with disabilities. The real test is what service is being provided. And that is a measure we put in place on taxicabs and that's exactly the measure we expect to be getting from tncs. When someone requests service, and that they should be -- they should expect an equivalent level of service, whether they are -- whether they have a disability or not. Beyond that, the number of -- the percentage of vehicles within the fleet doesn't really make sense and especially in the context of -- of tncs because you don't really have a fleet with a tnc in t same way that you do with taxicabs. One thing that I -- and to be honest, we don't have an ultimate solution figured out. We don't have all of the details figured out. What we do have is a funding mechanism to support the resolution and I think there is great potential to provide far better service to people with disabilities than we ever provided before. Partly because there are actually many vehicles in the community that are capable of carrying people with disabilities. There are many drivers who are qualified to do that and willing to do that. Many of those people who needed the services but we haven't had an efficient service of connecting them. I think tncs has a way to offer that, better than we have before and very hopeful we are doing it but I don't think it is simply matter of replicating the taxicab model because we have done it and we don't see it providing good service with the taxicabs so all of that to say, I don't think providing 6 percent of vehicles with any fleets, I don't thinks that a workable solution with respect to tncs.

[17:46:41]

>> Mayor Leffingwell: Council member riley accepts number 17 as friendly. Mayor pro tem. Do you also? >> Cole: I have a question for the sponsors. I agree with this premise of making the vehicles available for a person with a disability. I am, however, concerned -- because I have members in my family who have asthma -- and so I wouldn't want a person to be precluded from being a tnc driver and not wanting to accept a person with a disability who had a support animal. So I would like to propose that we put language in here, unless an undue hardship exists. >> Mayor Leffingwell: Okay. So we are talking about item number 17. Council member tovo, do you object to that language on 17 only, to add, unless an undue hardship exists? >> Cole: Just after the use of a support animal.

>> Tovo: I would be fine with that. That may also be covered in number 9 that talks about the service animal

-- a service cannot be reasonably accommodate beside I a driver, the tnc must identify an alternative transportation arrangement. That's already in the original resolution but I am happy to add that in.

>> Mayor Leffingwell: Council member riley. Is that acceptable?

>> Riley: Sure.

>> Mayor Leffingwell: So that is now acceptable to you, mayor pro tem? So number 17 is incorporated. Number 18, I think I heard is not considered friendly.

>> Tovo: Let me say that I think this is a real issue that needs some more thought. You know, I am looking at what is in the ordinance

-- the tncs shall pay a 10-cent surcharge for all ride originating in the city of austin and the surcharge will be used to support the tnc riders that provide ada accommodations. I guess I ask the sponsor if the solution proposed isn't acceptable, can you explain how your

-- what is going to be done with the 10-cent surcharge? How will that add up to ride in the short term for people with

-- for individuals with disabilities who require them?

[17:49:03]

>> Riley: What we have discussed is that the tncs would actually contract

-- hire

-- or contract with drivers specifically for the purpose of providing ada service. And they would have access

-- they would be competent to carry passengers with disabilities and would have access to vehicles that could do that.

>> Mayor Leffingwell: Okay.

>> Riley: But it would be

-- we would rely on the tncs to actually figure out exactly how that would work.

>> Mayor Leffingwell: Okay. So are you going to propose that as an amendment?

>> Tovo: You know, I think I won't right now, there is great support

--

>> Mayor Leffingwell: We do have a second.

>> Tovo:

-- From my colleagues on the dais but I do want to say that I think we should work this out before a third reading of this ordinance. I think it's entirely inappropriate to approve an ordinance and put it into place even if it is for a pilot program if we can't provide adequate service for individuals with disabilities in our community. So I will withdraw it for now and think about what other options might be available to us, and I guess I would look to the stakeholders

-- I know they have been wrestling with this, too, and part of the issue with jumping ahead of the careful, vetted

-- the careful vetting process that these issues are getting in e stakeholder group, is that we are

-- you know, we are trying to craft policy here. More or less on the dais.

>> Mayor Leffingwell: Go ahead.

>> Thank you, sir, angela rodriguez, again from the legal department. I just want to make sure that I have council's permission to

-- number 17, for instance, we pulled that out of existing code, as we mentioned, in order to comply with the ada requirements. I am asking for permission to not only say, unless an urn due hardship exists but also to add something to the effect of, without

-- without providing another tnc driver or something to that effect, so you can't just leave it

-- so it doesn't read to be left on the street. Do you understand if

-- if you have asthma and you are unable to take a person with a service animal, if you would be able to just call another tnc or make other accommodations. I am just wanting to make sure we comply with the ada as appropriate. So I have permission?

[17:51:33]

>> Tovo: I mean, if you are asking ...

>> Do I ask you or council member riley?

>> Tovo: And I guess that's why my inclination is not to add that language because of what is on the ordinance on number 9, because it gives a driver permission to find an alternative for someone with a service animal if they can't reasonably accommodate them so that may be the better option, but, again, if the coseconder

--

>> we can use that.

>> Tovo:

-- Wants to keep it, then I am fine with that and add that.

>> I recommend adding that because by itself, it is worrisome.

>> I think that will be sufficient.

>> Tovo: You feel comfortable in that?

>> Mayor Leffingwell: And council member riley. So yes, the answer is yes.

>> Thank you for that.

>> Mayor Leffingwell: All right. Council member martinez.

>> Martinez: Thanks. Angela, since you are here, I want to make sure if we quantify the surge charge and project a dollar amount based on ridership and then have a little bit more definitive language as to what we will do with the 10-cent surcharge. If that means we will contract with the cab companies, let's say it. If we will expand access at capital metro, let's say it but we need something more definitive than 10-cent surcharge to address accessibility issues. I feel like it's too open ended and I would like to see a more definitive plan with how we will deal with accessibility issues with tncs.

>> Yes, sir, we will work with the sponsors and come up with appropriate details to present for consideration.

>> Mayor Leffingwell: Okay. And I am going to ask additional direction

-- and this is asking you to come up with language to the effect that

-- as we go through this process and the group will continue to work throughout this trial period, that we strive to seek equity between the cab companies and the tncs with regard to fares, with regard to

number of vehicles, and anything else you can think of.

[17:53:44]

>> I will do that, absolutely. I would just ask that if council member riley as the sponsor of the initial ordinance, if that's something that we can work on together, then that would be perfect.

>> Mayor Leffingwell: Okay.

>> Riley: Sure. I would note that there is a taxi stakeholder working group that's working as well. I assume that would be the principal place that would be discussed.

>> Yes, sir, I am saying in order to amend your ordinance, I would like to, with your permission.

>> Riley: Sure, sure.

>> Mayor Leffingwell: This is all in an effort to create, to the extent that we can, a level playing field.

>> Riley: Absolutely.

>> So what we will present on second and third reading will include what we discussed tonight. Correct?

>> Mayor Leffingwell: All right.

>> And the direction you just gave me?

>> Mayor Leffingwell: So council member tovo, I believe, has another suggestion.

>> Tovo: Section right now, taxicabs within the three franchises are required to have annual inspections. I understand the inspections they are required to have more extensive than what is described here. I propose this as friendly again in the interest of making sure that the vehicles that are being operated within a pilot program sanctioned by the city are safe.

>> Mayor Leffingwell: So is this different from a standard passenger vehicle inspection?

>> Tovo: It is a bit different but not as expensive as we currently require but I will just ask the staff to confirm.

[17:55:56]

>> The 19 point inspection is a bit different than your texas state inspection. It probably -- there are probably around four items that are included in this that aren't looked at in your state inspection and it's the taxi inspections are a bit more comprehensive.

>> Mayor Leffingwell: Okay.

>> Tovo: Can I just ask the staff

-- I had asked you to craft some language about the inspection. I am not sure who on the staff did this, but I wonder if they could offer their rationale for including these items.

>> So in the stakeholder process that we are currently undertaking, the group, the tnc stakeholders have discussed the 19 point inspection. So as part of drawing up the recommendations for that, it's considering adding these as a requirement for the pilot. Again, those recommendations haven't been formalized.

>> Tovo: Great. So these are consistent with the work that the stakeholders are doing and the kinds of discussions they have been having?

>> That is correct.

>> Tovo: Thank you. I propose that as friendly.

>> Mayor Leffingwell: Council member riley.

>> Riley: Currently the ordinance before us says that tnc drivers must use a vehicle that is in compliance with texas' vehicle quality requirements for private vehicles. That is what we expect would be used by most of the drivers and I

-- I frankly don't see a reason why we would set up a whole different standard for these vehicles, setting out 19 points. I guess I am not really clear on how these items covered in

-- listed in this standard texas inspections, I guess would be the question for me.

[17:58:04]

>> Mayor Leffingwell: Sounds like that's not accepted.

>> Tovo: Sure. I will answer the question, if I may.

>> Mayor Leffingwell: Okay.

>> Tovo: I guess the question that I would pose

-- well, I will answer the question first. I trust the staff's recommendation and the stakeholders when they say that we need a process of inspection that's a little bit different than your ordinary car owner, and I assume that's because you are caring and taking on the responsibility of the safety of the other passengers. To me, I guess the question also could be asked why we would require less for drivers driving for a tnc than we would require of drivers who are carrying passengers in our taxicabs? I don't think why we would want to diminish the inspection provision. Again, this is in between. This is a step between what is currently in the ordinance and what we require of taxicabs. It is acknowledging that the drivers who drive with tncs are not driving around the clock as professional drivers. They may just do it 70%, I think was the statistic cited earlier, but it does acknowledge that there should be some kind of slightly more rigorous check.

>> Riley: I am just unclear on what that would mean. The paragraph I see in the amendment refers to

-- it says a vehicle must successfully pass a 20 point inspection by a mechanic certified by the state of texas. And then I see 19 items listed. If I were subject to this requirement, I am not sure how I would provide certification that I met the standard. Whereas if we simply required on the state's standard, it -- I mean, this standard lists things like headlights, taillights, stoplights, and so on, which I know are covered in standard inspections. So I

-- I

-- and so I guess the question is what

-- it seems like we are adding some uncertainty and complexity and I am not sure why and I am not sure somehow this would work.

[18:00:25]

[One moment, please, for change in captioners]

>> I assume that if you could explain the rationale for

-- or the stakeholders' rationale for requiring or discussing what's before us today.

>> Well, again, there was the effort to ensure that the vehicles had some level of inspection, but at the same time not requiring the exact

-- exact same inspection that was required of taxicabs.

>> Tovo: Why weren't they satisfied with just the regular Texas state inspection? Why did they feel it required a slightly more rigorous than regular car inspection?

>> Again, through the discussions, we looked at the Texas state inspection, we looked at the 19-point inspection, we looked at the differences in those inspections, and then we lined out what was required in the taxicab inspections. I have to continue to say that no formal recommendation has been made yet.

[18:02:34]

>> Could we ask you to make a formal recommendation?

>> I don't think I'd be willing to do that.

>> Mayor Leffingwell: Council member Morrison.

>> Morrison: Mr. Thomas, can you tell us, of these 19 points, which ones of them are not part of the standard vehicle inspection, so we could understand what it adds?

>> Off the top of my head, I do not know which of the four were different than the state inspection.

>> It seems to me like this would be a good thing to investigate a little bit and really get a clear difference in detail between a regular vehicle inspection and the taxi inspection.

>> Tovo: I'd be happy to hold it back until then.

>> Mayor Leffingwell: Okay.

>> Tovo: And also the taxicab, I think we should line it up, too, to our other vehicles for hire.

>> Mayor Leffingwell: Okay. So we're going to address this item at our next consideration.

>> Tovo: We'll address it at our next.

>> Mayor Leffingwell: Yep.

>> Tovo: I'll try to move through these a little faster. This next one changes quarterly reports to monthly in accordance with our current reporting requirements, and adds in language that we currently have in code for our other vehicles for hire. I think this offers

-- especially since it's a pilot and we're keenly interested in its impact on transportation, on wait times, on ridership, on other things, I think that it would be helpful if we had them comply with the same reporting requirements that we

-- that we currently hold our other vehicle for hire companies to. I've also passed out, in the interest of time, I've passed out a provision for a six-month review so that there would be

-- since it's a minimum of one year, at a six-month point, we would have a report on, again, what the overall perspective is, what's been the impact generally on the transportation ecosystem here in Austin. So I will propose those bills as friendly to the maker and the second.

[18:05:20]

>> Mayor Leffingwell: Okay. Council member Riley, I think I only have one of them, but

--

>> which one do you need?

>> Mayor Leffingwell: I have that one. Okay. All it says is provide a mid-term report, six months. You can

have mine. Okay. So this is kind of up to council members riley and cole.

>> Riley: Mayor, I certainly have no problem with a six-month review.

>> Mayor Leffingwell: Okay.

>> Riley: So that's certainly friendly.

>> Mayor Leffingwell: Mayor pro tem, you accept the six-month

-- okay. So that's part of it.

>> Riley: On the data reporting, that was a subject that was discussed. I actually raised that question myself, and if I could just ask a representative

-- representatives from uber, why can't we get monthly reporting, as opposed to quarterly reporting?

And in the course

-- and could you

-- and could you address whether this issue has come up in other cities?

>> Yeah. I just

-- we would prefer quarterly reporting just because of the nature of the time, so a lot of the data that we collect would be providing, you know, is sensitive in nature, and because of the competitive nature of our business, it has proprietary information in there. So we want to work very closely with the city as far as maintaining what data we're providing, how it's being utilized to analyze the transportation services being provided, and making sure that it's not

-- it's protected when it's provided to the city from other eyes, basically, because it has a value to us as a business. Whether or not monthly is preferable, you know, that's something I would have to talk to, you know, some of my staff, but our preference is quarterly, just because of the nature of the time frame and the ease with collecting it rather than on a monthly basis.

[18:07:42]

>> Mayor Leffingwell: Okay. Thank you. Go ahead. Ms. Simms.

>> I would just reiterate what chris, the representative from uber said, we're concerned about the proprietary nature of a lot of this data, and I think we also believe that if there's information that we are providing, that it would be utilized efftively, and we're not sure how much information, given that this is a very dynamic system that's constantly changing, how effective it would be to provide this information after one month. We think that a quarterly basis is an appropriate amount of time where you're actually going to be able to

-- we're going to be collect more information, analyze it, and be able to provide more accurate feedback on a lot of the issues that are important to the council.

>> Mayor Leffingwell: Thank you.

>> Tovo: May I ask a question?

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I appreciate the concern about the proprietary nature of the information. Could you help me understand, though, how that question disappears if you're providing that information on a quarterly basis rather than a monthly basis?

>> Well, I think the concern that because we competitive environment, if we're providing realtime feedback about driver patterns, who they are, it's going to give some competitors the ammunition they

need to go directly to the places where we're reporting about and to speak to -- basically use this information in realtime against us, which will have a big impact on your ability to measure the results of this platform because there's going to be a lot of competitive factors. I think we feel like if this information was happening less often, we would be able to look at that information, to figure out what makes the most sense, and to analyze it more effectively before providing it.

>> Okay.

>> One other thing that I can say is, this is a new issue. I want to be very candid with all of you. Many other cities who are trying to figure out what is the appropriate amount of data that a tnc should provide, and so we have a lot of jurisdictions where there's nothing that's provided at all, and so we actually don't have a lot to go by. I think we're concerned that if we start handing over a lot of this information in realtime, and very quickly, that it's going to actually set a really bad precedent and it's not going to be effectively utilized. So we just want to make sure that the information that we're providing is effectively utilized to make the entire transportation industry more effective.

[18:10:25]

>> Mayor Leffingwell: Council member

--

>> Riley: Mayor, this has been a sensitive issue. I think quarterly reports presents a reasonable compromise. I'm open to visiting that for long-term, but I think in getting something in place for an interim agreement, I think quarterly is fair.

>> Mayor Leffingwell: That's not accepted.

>> Tovo: Let me ask the staff, if I could, why they require monthly reports from our other vehicles for hire companies, who I'm sure may also have concerns about sharing that information.

>> Gordon derr, transportation department. A year and a half ago, we started asking for very specific data, four hour blocks of the day, and really starting to see the patterns that occur, what times of day trips are needed, when vehicles are on the road. My concern about a quarterly report is, if we see a problem, we've got to wait for the next quarter to really see if that's a pattern, or is it a one-off. It's going to be taking us six months after a problem develops before we can make any changes, and this is going to be a pretty dynamic situation with all of the different entities involved with this. And so a month of data, I mean, march is pretty significantly different from other months, with south-by here in town, and we really have months that are patterns that we look at. So quarterly

-- a quarterly report is going to lose some of that detail. And I think what we really need to be doing here is fine-tuning our system and really getting the resources where we need them by time of day and day of week, and a quarterly

-- I'm an engineer. The more data, you know, the better, so ...

>> Mayor Leffingwell: Okay.

>> Tovo: So it would be your recommendation, mr. Derr, to have monthly reports rather than quarterly?

[18:12:28]

>> I think we can get a clearer picture with monthly reports.

>> Tovo: So I'll propose that as an amendment, as a formal amendment then.

>> Mayor Leffingwell: Made by council member tovo. Is there a second?

>> I'd like to say I realize there's stuff to sort out in terms of data and what's proprietary, but whether it's monthly or quarterly, that's a completely separate question and it seems to me if we can handle it quarterly, it could be handled monthly, especially considering this is supposedly going to be a program that will allow for evaluation and see how it goes, it clearly needs to be monthly.

>> Mayor Leffingwell: Okay. Subject to more information on second reading, I'm not ruling out supporting it in the future, but I'm not going to support it tonight. All those in favor, say aye.

>> Aye.

>> Mayor Leffingwell: Opposed, no. That passes

-- what? Okay. So that passes on a vote of five to two, council member riley and I voting no. Four to three then. Okay. So it's now 15 minutes after midnight. The air conditioner has been cut off for 15 minutes. I'm sure you're all beginning to notice that.

>> Last one.

>> Mayor Leffingwell: All right.

>> Tovo: Mayor, this is my last amendment. I assume, though it wasn't clear in the actual ordinance, I assume that there will be some SORT OF FEES ASSESSED OF TNCs To facilitate the city's dimension and enforcement of agreements made under this ordinance, but I thought that should be made explicit in our

-- in our adoption of this ordinance. And so that's what I've proposed in this last amendment, and I hope that will be friendly.

[18:14:48]

>> Riley: Mayor, we did leave some questions of legal staff about setting fees, and absolutely we should be covering fees to cover the costs, appropriate costs, but I understand there were some limits on our ability to do that, so I'd just like to get clearance from legal staff on this.

>> Okay. What's the question?

>> Riley: The proposal would say that a tea would be imposed on ALL APPROVED TNCs ON Administration and enforcement of agreements made under this ordinance. The fee will be set by separate ordinance.

>> Yes.

>> Riley: No issue with that?

>> No. I believe what we were discussing is the amount of the fee. That's the thing that's going to be influx, that staff is going to have to examine.

>> Riley: Okay. Okay. Well, then certainly then that is friendly. Yeah.

>> Mayor Leffingwell: Okay. It's accepted. Council memember morrison.

>> Morrison: So will that fee

-- will we be able to charge what we expect will be needed to monitor and enforce this ordinance?

>> Yes, ma'am.

>> Morrison: Okay. So there will be

-- because, you know, there's

-- when I look at, for instance, you know, the requirement on all the drivers and all that kind of stuff, so will we set up sort of a plan for monitoring and enforcement?

>> Well, that has actually come up, council member, and the way it would work is similar to how it works now for taxis. We have agreements with taxis. We just call them franchises, and our enforcement officers go out and enforce and inspect accordingly, and that is the same process that we

-- that we

-- staff, ground transportation staff, envisions happening here. The fee will be to cover the enforcement administration, those officers that their time is needed, and any paper processing as we do now with the other ground transportation services.

>> Okay. But it doesn't

-- how do you monitor the drivers to make sure they have safe cars? Doesn't that require having people on the street? I'm just trying to get a grip on how that all works.

[18:16:54]

>> Carlton? Carlton to address enforcement a little better than I can.

>> Could you repeat the question?

>> Morrison: Yeah. What do you envision for how to enforce some of the specific things here like ensuring that somebody on the street driving with uber or lyft has a safe car?

>> So during the stakeholder discussions, we're looking at things such as trade dress requirements or a decal requirement, so that if the inspectors are on the street or at the airport, they could easily identify the vehicle by the required markings, and they would be temporary markings.

>> Morrison: Okay. And so we will be charging a fee that's large enough to hire somebody to be on the street checking those things.

>> We would hope so.

>> Morrison: Okay. What is a franchise fee for a taxi? 450 per vehicle.

>> Morrison: Per vehicle. Okay. Thank you.

>> Mayor Leffingwell: I think it's real easy to do. I know in san francisco they just call up for a ride, and when the guy comes, they've got him. [Laughter].

>> They just call up like a fare.

>> Mayor Leffingwell: Okay. Yes. Do you accept that mayor pro tem? Okay. Council memember martinez.

>> Martinez: I don't have an amendment, I just have a question and I might add one word. I guess angela is the best person to ask. In the ordinance that's in backup, in parts 7, 8, 9, and 10, it talks about penalties and it talks about a class c misdemeanor in each section, not to exceed \$500.

[18:18:55]

>> Yes.

>> Martinez: Does it have to explicitly say per occurrence in order for that to be per occurrence, or is that implicit in the language and in the ordinance?

>> I think it would be a good idea to state it outright.

>> Martinez: All right. I would recommend at the end of where each paragraph ends, not to exceed \$500, I would offer a friendly amendment that it say per occurrence.

>> Mayor Leffingwell: That's accepted by the maker and the second.

>> And, sir, to clarify, it is implicit, but I think to get your point across, what you're suggesting is more appropriate.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Thank you. I'm not sure who this question is for, but one of the folks that was testifying mentioned that if you're a taxi driver and you own your own car, you have to pay taxes to travis county for owning that car. And so how is that going to work

-- this takes us into a different realm, probably beyond city law, but how does that

-- how would we envision that working, if somebody uses their personal car for commercial purposes a certain amount of in paying those taxes?

>> I think that's a more appropriate question for lyft and uber representatives.

>> Morrison: Well, I'm wondering what the law is in that. I'm not interested in their perspective, I'm interested

-- and maybe you'll need to get back to me.

>> I'll need to get back to you because that is a higher level of the state law question. I was just hoping they could illustrate what they actually do in practice, but I'll get that for you.

>> Morrison: Well, since it's late and uniter quite sure, you don't have the information, let's just have that conversation next time.

>> We will.

[18:20:59]

>> Morrison: Thank you.

>> Mayor Leffingwell: That's it?

>> [Indiscernible]

>> Mayor Leffingwell: Well, we're just about to do that. I was just making sure there's nothing else. This is on first reading only, noting that the public comment period is closed. All those in favor, say yay. Council member tovo.

>> Tovo: I just want to make a comment and ask that we provide ourselves the option of reopening the public hearing.

>> Mayor Leffingwell: There is no public hearing. There's a public comment period that's closed.

>> Tovo: Thank you for that adjustment. I think it's going to be very important. Obviously this is still an ordinance that is hugely influx, and we need the ability to call on the folks who have been here today, providing information about their own companies, as well as some of the other individuals who are here providing us with their experience. I'm going to support this on third reading. I appreciate

-- excuse me

-- on first reading, I'm going to support this on first reading today. I appreciate the maker of the motion and the seconder for accepting, if you're counting, five of the amendments I brought forward, I noticed they are on twitter. I want to say some of the most critical issues for me are not solved. Pricing, I think we need to visit on our next hearing on this. I think it's of critical concern that we provide some

protection for consumers. Accessibility, as I mentioned, I think we really need to come up with some solutions for, and then, thirdly, the criminal background is something I hope we -- we can get some more information about, potentially revisit it. I just want to say we have a stakeholder group that's been working through this. They're scheduled to come back to us in a few weeks. I really have to question why we're rushing forward on this tonight when, as you see, we've spent hours talking about it because there are so many thorny issues to resolve, to me, to rush forward like this was unnecessary. But I'm glad that we got some work done, and we'll keep working on it.

[18:23:11]

[Applause]

>> Mayor Leffingwell: Okay. Just to clarify, when I say the public comment period is closed that doesn't preclude you from asking a question of anyone in attendance. All in favor, say y. Opposed, no? Did you vote in passes on vote of 6-1, council member morrison voting no. That completes our agenda for tonight. Council, thank you for your perseverance and your endurance. With that objection, we stand adjourned at 12:25.