

City Council Work Session Transcript –10/21/2014

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>> Mayor leffingwell: Good morning upon I'm mayor leffingwell. I call this city council work session to order 9:07 a.M. Tuesday, october 21, 2014. The time, yeah, 9:07. We're meeting in the board of commissions room, austin city hall, 311 austin street. First item on the agenda is for executive session. That is discretionary personnel matters related to the appointment of the new city auditor. So is there any desire to go into executive session to discuss this item? Councilmember morrison. >> Morrison: I would like to table the item, we're going to have a discussio nonexecutive session item, e 1. >> Mayor leffingwell: We can do it later. However, for what it's worth, I have to leave here at 10:00. And so I won't be here for that. >> Morrison: Do you have a desire to speak about it? >> Mayor leffingwell: I think it can be discussed in open session. So the next item, preselected. Item 8. We can't discuss 55 and 56. They're posted too late. Item number 8, pulled by councilmember spelman. >> Spelman: We cannot discuss penalties, but cannot discuss -- >> mayor leffingwell:55 is minutes, I don't think there is a discussion on that. 56 is for certain city code violations. >> Spelman: Establishing

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penalties was the related issue. I believe we can talk about everything to do with the administrative hearing process except for the penalties themselves. Is that accurate, city attorney? >> Mayor leffingwell: Apparently. >> Spelman: This is a new procedure, which as I understand it, would augment our usual processes for the code. As I understand it, it does not necessarily apply to this court [indiscernible] [audio very low level] >> yes, sir, that is correct, it will augment the established method and municipal court and not eliminate the need for either one of the other two. The items more minor in nature, that can be easily corrected, those items can be taken to the administrative hearing officer, the officer can hear the case, hear both sides, render a discussion and hopefully we can get quick alliance with the administrative h process. >> Spelman: In which way would this be quicker than the

usual issue? >> I think we can get hearing to the admin officer quicker. The hearing officer can meet more often, if needed and get the cases there quicker. >> Spelman: How long does it take to take a court to [indiscernible]. >> Um, I guess it kind of depends, usually about somewhere, 20 to 30 days, somewhere about that. >> Spelman: Any building standards issues [indiscernible]? >> Very similar, more like 30

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to 45 days. >> Spelman: How long do you think it will take for us to get to [indiscernible]. >> My hope is we can get there in a couple of weeks. >> Spelman: So that will more or less cut in half the time it takes [indiscernible]. How is this going to change the current process in decision-making in what goes before and what goes into the process. >> I think the difference, the line between the two is the severity of the violation. If it is a fairly minor violation, that will go to the admin administrative hearing. If it is major, structural, dangerous buildings, particularly demolition candidates. They will continue to go to the building and standards commission. >> Spelman: So this will help us dispatch the minor cases quickly, and the major cases [indiscernible]. >> That's correct. >> Spelman: What kind of process is going to be provided in this? Tell me about what the owners of the properties are able to do [indiscernible]? >> The attorneys may want to jump in here. Trish link and division manager matthew christianson. We have due process and still have to provide notice. We have to provide reasonable time for the property owner to

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comply. If the property owner fails to comply after due notice, then we will provide a notice of administrative hearing. And they would appear before that administrative hearing officer. At the hearing, they would still have the opportunity to present whatever evidence, but the burden of proof will be on the violator. Versus the city. They'll have to show that it is not a violation or they have taken care of the violation. They will have to prove that with the preponderance of the evidence, which is meaning more to one side than the other side. So it is a less stricter burden of proof than you would have for example. In this side the hearing officer would be able to ask questions of the violator. And hopefully render a decision. >> Spelman: In your point of view, that would be a le rigged burden of proof to talk about the beyond a reasonable doubt? >> Yes. >> Spelman: [Indiscernible]. >> This is the city attorney. I think there is a difference. Under the administrative hearing process, there is a presumption that the administrative citation that the violation exists. At the building standards commission, staff has to prove the case to the commission. >> Spelman: Still preponderance of the evidence either way just the burden? >> Correct. >> Spelman: Are there other places that have adopted this [indiscernible] about the violations? >> There are. A couple that come to mind and matthew can chime in, san antonio uses an administrative hearing process.

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Fort worth has used an administrative hearing process for some time. Dallas also. Several major cities here in texas. >> Spelman: There is no difference, as I understood it in the categories and things that you

could take to the administrative hearings office [indiscernible] rather than major cases, there is nothing in that list to suggest the dangerous condition for example, design. >> All the same cases that the building standards commission is authorized to hear, the administrative hearing officer is authorized also. >> Spelman: If there were a dangerous condition [indiscernible] and get 14 days rather than 23 [indiscernible] would that be something to consider? >> We could take it to the administrative hearing, or if it escalated we could take it after. >> Spelman: How would that be an escalation? Tell me about that. >> If we were dealing with a single-family property with minor code violations, they went uncorrected and got worse. You might escalate it to the building centers and let them hear that case. >> Spelman: From the building and standards commission, what is the point. >> They can authorize the city to take care of the problem, sometimes that can be the solution, if it gets to the point of demolition or sometimes repair, we can

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police a lien on the property for the amount of funds that were expended to take care of that problem so it's a little bit -- building and standards commission is a lot more furthermore. >> Spelman: So we couldn't get a lien from an administrative hearing officer? I will let the attorney. >> The building and standards commission can authorize -- can order the proper property to be repaired or demolished, the other two organizations don't have that ability. There are some postenforcement options with the city with an administrative hearing process, which includes civil enforcement. >> Spelman: [Indiscernible] to talk about false dollar signs [indiscernible] I would want to make an order [indiscernible] so there is a distinction there. I wasn't clear about that. The rca says [indiscernible]. >> There is an existing process now with the hearing officer in place. We will partner with them so we can get started right away. The officers are ready and willing to hear these types of cases, qualify well qualified

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and ready to have these met. It will allow us a quicker start versus having to go out for rfp. >> Makes sense. How many officers are we going to need? How many hearings are we going to require? >> We're dealing now with around 40 officers and each of them would be authorized to handle administrative hearing cases. I think it will take a while to see what kind of a workload we will have at the administrative hearing process. And it will take time, too, with training and everything, getting officers acclimated to handling cases this way. But I think in a year or so we will see a regular stream of cases going through administrative hearing officer agenda that can have anywhere from 10 to 30 cases per month if not every other week. >> Spelman: Up to 30 a month? >> Yes, sir. We are estimating right now. >> Spelman: Maybe tell work and building standards will. >> That's correct. >> Spelman: How will we know this is successful? How will we know this is something we want to keep doing? >> Well, we're still looking at the performance measures. But I think it will be very similar if you will, to the buildings and standards commission. Looking at how many cases we're able to process through the administrative hearing process, and the results, the compliance rate we go as a result of taking cases through

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there. If we're getting compliance and in a timely fashion, too, look at how much time it takes to run and process the cases. If we get them through the administrative hearing process in a timely basis and get compliance, we're doing great. Go through the process, don't get compliance and we have to take other measures, then not as successful in that way. >> Spelman: We will track that along the way and have a sense about it. Will you be producing a ceremony of examination every quarter, every six months? How often will you be able to look at that and say ok, this is an opportunity for us to make decisions on whether to ratchet it up, ratchet it down, things like that. >> We'll add it to our quarterly report, we'll get data on a monthly basis and add it to our quarterly report. We'll be able to look at it quarterly and make an assessment on how well we're doing, whether we can make the progress we anticipate. >> Spelman: Sounds reasonable. Have you talked to the building and standards commission and other boards and commissions about this? >> Yes, sir we have. The building and standards commission, we have talked to them. I'm trying to recall if we had conversations with other commissions. Just buildings and standards commissions. >> Spelman: They're the logical place. Have they endorsed it? Have they said this is a good idea? Bad idea, here's things to consider while you put this together? Anything like that? >> I think generally the response was it's a good idea. It will help handle more cases, get them done, minor cases that don't have to come to the building standards commission, they're generally supported. We didn't ask for a resolution from them or anything like that, but generally, we've got the nod that it was something that was a good idea. >> Spelman: Good. I'm glad you took it them them, and glad they've had a chance to look at this.

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Certainly we should try how it works, it could work wonderfully well, in which case it will change our process, if it doesn't, we can pick and choose which cases go to this group to move on. >> Agree. >> Spelman: Thank you, sir. >> Mayor leffingwell: Council member tovo. >> Tovo: I want to ask a couple more questions, back to the first one councilmember spelman asked. Can you explain what is the strongest point in this. Is it the time, the ability to respond to the cases in a more timely fashion? >> I think that is definitely a factor. That along with the fact it can handle the more minor cases that really don't need to be escalated to the building and standards commission. That it will actually in your term complement or augment the buildings and standards commission, so that the serious cases will continue to go to building standards and then you have another avenue for those cases that are not as serious. So you have two processes going simultaneously. >> Tovo: I understand how they'll be divided up, but I understand less why that is a value. From your perspective, is it primarily the time it allows the minor ones to get resolved more quickly? And are we getting to a position where the building and standards commission's agendas are long? Are they using -- do they have too heavy a workload circumstance that part of it? >> Yes. >> Tovo: We're replacing -- instituting kind of a staff process for what has been handled by our volunteer board. So there is definitely a cost involved. I want to be sure there is a real need for it. >> Absolutely. I think we still haven't gotten to the point with the buildings and standards commission that we've got a lengthy agenda.

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We have a full agenda with building and standards commission, but not an overly lengthy agenda. They've still been considering and discussing the possibility of two panels, and they still feel that they can handle the workload that's coming to them. But I think there is certainly an advantage in being able to take the minor cases and run them quickly through a process that is not as formal, not as intimidating, if we can use that term, that we can get hopefully quick compliance with those minor violations without having to go through the building and standards process. What Matthew was reminding me of that, staff time that it takes for building the preparation for the buildings and standards cases, it looks like it would take more time to process the case through the building and standards commission cases, going through the notice requirements, packaging, all the things that it takes to actually make that hearing successful. >> Tovo: That's helpful to know that there is more significant time allocated for taking it to the buildings and standards than it would be for setting up this additional process. Ok. Can you give a sense of how it impacted in Fort Worth and Dallas which are cities that we've asked you to look at and implement best practices from, do you have a sense of how it -- how long they've had their administrative hearings, how it shifted? One of the things that I remember learning, I think it was with regard to Dallas, as they stepped up their enforcement and really started taking more people to court and being more assertive in their responses to safe building conditions, they actually saw a decrease in the number of cases because they had sent a strong message to the community. Can you give us a sense of how the administrative process has worked in one of those two

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cities? Are they seeing fewer violations over time because people are attending to them more quickly or are they seeing fewer cases become more serious ones that need to be handled by whatever the equivalent of their building and standards commission? What has been their overall experience, if you can summarize it? If you want to take time and get back to me, that is fine, too. >> I probably would like to get back to you, the result they're seeing is in the preventing, taking them out of violations and preventing more major violations and helping people understand the importance of property maintenance so it doesn't become major. But I think on the serious cases, the serious cases, the primary thing that is helping them out is taking more cases to court. We have certainly been looking at that, too. We have got the administrative hearing down here handling the minor cases, but also looking at district court on handling more of the serious cases and doing more court action with those kinds of cases. Particularly like large apartment complexes where you have multifamily properties where there is a number of properties in violation, affecting the quality of life for a number of families. Those cases are just not suitable. Really administrative hearing doesn't affect those cases at all. So we have to look at district court, those kind of actions in order to deal with those kind of cases, if that helps any. >> Tovo: I'm very glad to hear that you are still looking at how we can really improve our process and including the litigation piece as part of it. Because a lot of it is of outside of not lots -- but several outside observers who have worked in this area a long time said that has been some of the missing piece for us, for the ability -- the ability or resources, I'm not sure what the challenge has been

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exactly, that was one of the things that the resolution asked for feedback on, is it a resource challenge? Is it a paradigm shift that needs to happen, but why are we, in comparison to other cities, why are we not taking cases to court as frequently even though the violations, as you said in some cases are impacting the health and safety of lots of families in a particular apa complex. >> There is a number -- our legal department really has stepped up in providing more resources to help in that there are a number of cases now being looked at and considered for that kind of district court action. >> Tovo: I want to talk a little more about that. I had a question though about the administrative hearing process and its relationship to potential legal action. >> Mayor Ieffingwell: Just a reminder, we're not supposed to talk about the penalty part of that. It is late to the agenda. >> Tovo: I appreciate that. I missed that. I'm looking at what. >> Mayor Ieffingwell: You can talk about item 8 but not item 56. >> Tovo: This is from item 8. If an individual is -- they may file a petition in municipal court. This contemplates that there is a legal response that the violator can take. How well prepared are we to meet the legal needs that would be incurred if we have a lot of the administrative hearings? A lot of individuals who are -- the subject of the administrative hearings, making an appeal and taking it to court. Do we have the legal resources to make that possible in municipal court. >> We have the ability to do that. >> The number of people available?

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>> Tovo: Yes. Can you give us a sense of the staff we have allocated for that portion of the process? >> Well, currently, we have nine prosecutors in municipal court. And it would, you know, be like other cases. We don't set the dockets down there, they're set through the court system, but we handle them like the other cases that are docketed that come through the system. >> Tovo: One of the things we had an opportunity to talk about before but I'm still wondering about, but do you see -- envision a time when particular attorneys would be assigned to this area rather than be -- that they would be more specialized in this area versus. >> We do that. We do that. On the civil side, what we have done is we have done away with some of the responsibilities that we had for collection work, to focus some of our affirmative litigation folks on that. In the municipal court there are several prosecutors going through training to handle these cases. We have already designated folks that can do these types of cases. >> Tovo: Also who are designated, approximately how many do we have who are designated to handle these -- >> I have to give that back to you. But several of them have gone through meeting with the different departments to bring these types of cases getting up to speed on what that looks like. I will get back. >> Tovo: That would be great. I believe that was one of the things we asked for more information about in the resolution that was sponsored last fall, I think. I had brought forward a resolution with several of you to -- I'm sorry, I forgotten who, exactly. To analyze the process, you know, and ask for information -- >> we provided information in the bigger report that came out. It seems like it may have changed since then.

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>> Tovo: You all have been doing a lot of work in this area and have made some changes, I don't know if

some of that -- I don't know, for example, if the staff's training happened before you submitted that report. Anyway, it might be interesting to have an update on that. >> Ok. >> Tovo: My other question is: You were talking about taking cases to district court. I guess I have the same question: Is that also an area where ms. Kinnard, you feel like we have adequate resources to do that? >> Yes, like I said, we have reorganized some of the work for the lawyers in the affirmative litigation section, we're outsourcing collections, which was taking a lot of their time to focus on these types of cases. So we worked with code compliance and with the police department to identify those cases. We have had some come up, you know, we're still working with them, I believe there are regular meetings. I know we meet with the police department regularly and code as well to help them, you know, talk through which one of the cases they want to bring up. But we have cleared a lot of what we were doing to allow lawyers in affirmative litigation to take on these responsibilities. >> Tovo: Thank you. I'm glad to hear that. Thanks very much. >> Welcome. >> Tovo: I will say this sounds like a useful change, along with other changes that are happening to beef up our response to these cases. >> Mayor leffingwell: Item 16 pulled by councilmember morrison. >> Morrison: Thank you, mayor. This is the item concerning the land the city owns in peter -- cedar park, and considering the sale to cedar park. Welcome, lorraine. It was on our agenda before, there were questions about it because someone else had it come forward to say they would like to buy the actual warrior

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operator for more than we were contemplating. And since then, because this sale is \$4.1 million. >> Right. >> Morrison: And since then, the audit finance committee had a chance to discuss it, hear testimony, and we did pass the resolution 3-0-1, with one person abstaining to support selling it to going forward with the sale to cedar park. And I still -- I supported that resolution. I still believe that is the right thing to do. But we have had an opportunity to have further discussion with the potential other buyer, and a few questions came up. So I thought this would be a good time to discuss those questions. The first one is: Do we know if we approve this, what would the process be? Is cedar park formally on record as offering to buy, or is it still -- would they still need to approve that purchase. >> Mayor leffingwell: Let me say first, I believe the city manager of cedar park is here, available to answer questions, also. >> Morrison: Right. Sir -- ma'am, if you would like to join us. >> Mayor leffingwell: Introduce yourself if you would like. >> Morrison: Could you settle in and then introduce yourself. >> Thank you. Good morning, my name is brenda evans, I'm city manager for the city of cedar park. Thank you for having us here this morning. To the question that you have regarding cedar park's record, as you recall, through lorraine's presentation previously, she had mentioned we have been working with city staff for many months on the potential purchase of this property. Our city council has been prepared to take action in --

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on the contract that's before you. And we've been prepared to do that at our previous council meeting after we knew that austin was hearing this item. And so when austin pulled this item, our city council actually pulled it, just to wait on your action first. >> Morrison: Ok. Great. That's going to be the normal process to follow. >> Sure. >> Morrison: I guess a couple of specific questions raised. One is, is there a

current lease on the land that we'll have to run out before you all can take over it, if we sell it? >> If it is sold to the city of cedar park, there is a current lease on the land itself. It's one that austin -- it's been in place for a number of years. It's one that was extended in 2007 to run through 2017. It is our intent and I believe our mayor has indicated this as well, that we are interested in being able to see that through with ranger excaing who currently operating that quarry. >> Morrison: Is there a lease on it until 2021? >> There is in fact another lease on it as well, and we're working through what that may mean for us in the future in terms of opportunities for redevelopment and how to work with that company as well. >> Morrison: I assume the lease would stand; is that correct? >> We're looking at how the lease is structured right now and again, working with that organization as well. >> Morrison: Would you actually be able to develop it if that lease prior to 2031 if the lease stays until 2031? Is it a subset of the land. >> Again, what we're looking at right now is to be able to do our due diligence, that's what this contract allows us to do as well. Our intent, of course, is to

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have that property redeveloped long-term. What restrictions that may come with that I think at this point in time, you look at what portions of that land may be used and what you can do sort of gradually through time. We certainly understand that redeveloping a quarry is a long-term process. >> Morrison: A big hole. >> It requires resources as well. Our initial intent, of course, is to get definitive time lines in which we can begin planning that process. And along with the infrastructures, improvement along the outskirts of the quarry. >> Morrison: Ok. Great. I want to note that I asked a question. I was curious as to the -- this is right on the border between cedar park and the city. And I'm -- I wanted to understand if there are any significant differences in environmental regulations that the city would have in its jurisdiction right across the border and maybe we'll have -- maybe our staff will be contacting you to understand that. I know we had a situation -- a similar situation where we were -- I forget if it was bmxing or something, letting go of land by the border. We did see a little bit of a difference and ask if we maintain the stronger environmental regulations, does that sound familiar to you? >> It does, I think it had to do with the twin creeks, twinilages property, ynca and winston county are looking to develop on our southern border, your northern border, yes. >> Morrison: I wanted to let you know and my colleagues know that was an issue

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councilwoman tovo had mentioned at audit and sinance. I have submitted that question. Let's see. And then -- lorraine, this would be for you. Help us -- help me understand, on the one hand we say we get an appraisal for fair market value, but on the other hand someone comes in and says it is really worth more than that, so it feels like there is a little bit of a disconnect there. >> Typically, when we have the appraisal done, it is done on highest and best use. But oftentimes, there is a value in use. I think the value to the person that is currently on the site is more than the market value. >> Morrison: So the fact that it would get more on the open market isn't enough to claim that higher value as their market value? >> Right. The definition of a market value is a willing buyer, willing seller in an open market, not a tenant that is currently on the property that goes into lease fee and other things you need to look at. >>

Morrison: Ok. Well, real estate valuation will continue to confuse me. I don't know if I want to say "confuse," but sometimes it seems illogical. But such as it is. And then, can you remind me when the city actually purchased this land, and how much we bought it for? >> I wasn't -- I don't remember. Maybe david worth has that information. >> Morrison: Welcome. >> Dave waters, water utility. The land was purchased by the

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water utility. It was bought primarily for lime residuals. >> Morrison: Right. Ok. That was just piecing -- just a missing piece of information. I will end here. I continue to believe it would be appropriate to go forward with the sale to cedar park, especially if we can take into account environmental issues to make sure we can be comfortable there. But in terms of being able to serve the public interest of the region, I think it makes sense. I think -- I would also like to highlight that we have just gone through a multiweek, multimonth process ourself where we were the beneficiaries of a government to government public interest requirement that the other -- that we as the government agency were given the opportunity to purchase a piece of land before it went on the open market, which was bull creek, of course, which didn't happen. But that was exactly what was going on there. It seems very similar. And I just feel, for consistency's sake, it would make sense, since we're willing to take advantage of such an opportunity to support that opportunity when cedar park is looking to operate that way. And the other thing is, the bottom line is we have seen development come around the site. And there comes a time when the compatibility issue between industrial and residential just doesn't make sense anymore. We have an opportunity to be able to promote what I would consider improved development there. So I'll continue to support this item. >> Cole: Mayor, I have a couple of quick questions. >> Mayor leffingwell: Mayor pro tem. >> Cole: Thank you for coming. I just wanted to get a better understanding of what the city of cedar park was

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contemplating doing with this property? >> Well, I've been revisiting some of my own history. I've actually worked for the city of cedar park for almost 19 years and have been manager for nine of those years. So it has been a topic of discussion as long as I've actually been with the city of cedar park. So what we have looked at over a number of years is the opportunity at some point to have a definitive time line in which we were going to have a secession to the quarrying operation, what that may be. So our long-term plan is obviously to have development that is compatible with the growth that has happened in the region. In fact, I just talked to the city manager for the city of leander, who of course we share borders with, and the road that runs through the quarry has really become a major north-south travel corridor for us to help not only commuters coming from the jonestown logo vista area, but also all the residents coming from the leander area as well. So one of our first goals is to help with the mobility issues that exist. We're currently under design to help improve the roadway that runs past the quarry right now. We're working withilliamson county to help in the improvement of the area. Obviously, the concern is what the heavy truck traffic does in terms of impacting the roadway in that area. And as far as land, looking for a partner to help us in the redevelopment process, whether it is a

mixture of uses that help, like I said, more compatible with the development that surrounded the office, parkland, some

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residential components as well. >> Cole: Do you contemplate a potential park plan [indiscernible]. >> Yes. >> Cole: All right. Let me ask you. We had a potential buyer at the council meeting saying they would pay more than the market value. Have you had any contact with that potential buyer in the past or presently regarding this tract of land? >> Yes, council member. That potential buyer is the tenant of the property. And we've had various discussions over the years regarding both the lease and potential purchase of the property. >> Cole: But we haven't put it out for bid. I guess I'm trying to understand the fairness of the process. That potential buyer has let you know for several years they're interested in the property but never made a firm offer or ... >> Council member, they have talked to me. In prior discussions before the council meeting it has always been in the million-dollar range. So we went to put it out for bid at one point in time, but the financial market fell out, and we were afraid we wouldn't have a big enough pool of bidders. What this brought this to our attention again is the fact that cedar park approached us and said would you be willing to sell this property to us. So we're responding to their request to purchase the property. >> Cole: So this process has been open and transparent and fair to this point. >> Open and transparent? >> Cole: Cedar park approached you, you brought it to us, that is all the normal proceeding. >> Right. Normally another city council reaches out they call us or go through another city council member.

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>> Mayor Jefferingwell: So since you have been city manager for 19 years, you probably remember a few years ago when the city of Austin wanted to use that to deposit red sidduals, clean fill, which we thought would be advantage to both sides, fill up an ugly hole in the ground and cedar park refused to let our city do that and as a result, we had to truck the residuals across town to south Austin to do it. Do you remember that? >> I do, I have been city manager for nine years, I think our prior city -- would not appreciate -- I think we've been responding back to as far back as '99 and before. It probably won't until 1999 when we were part of what I would call a community mediation process with the dispute resolution center. Some of the staff members from city of Austin, our officials some of our staff folks as well as members of the quarry operating. We went through this community mediation. I believe that is when we were made aware of Austin plans to utilize that facility for the lime residual from the treatment plant. Our community at that point began expressing their concerns for that utilization as well. And you may recall we tried to work to this a master plan for that facility, for that property, I don't think we could get to agreement on that because cedar park was looking at not being able -- not having that utilization, the dumping used in that property. So at that point you are correct. We did in fact utilize legislation in which would prohibit the dumping of that and also the extension of the

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lease with ranger by the city of austin, after the leased expired. >> Mayor leffingwell: It is ancient history, I wanted to bring it up, you know, the being neighborly kind of stuff councilmember riley v -- riley. >> Riley: We're talking about the sale to cedar park of 4.1. A buyer saying on the record they would pay 5. So -- there is good reason to expect that proceeding with the sale to cedar park would cost the city of austin taxpayers \$900,000 and potentially more. The audit and finance committee is recommending that we proceed to subject the austin taxpayers to that cost. I want to make sure I understand what the basis for the recommendation is. I heard a few issues from councilmember morrison for the rationale. Other community members want the offer for the finance committee as to what austin taxpayers are getting for that \$900,000 or more? >> Cole: Mayor, that was not a unanimous vote. >> Riley: There was -- >> cole: I abstained because I wanted more information, I received more today. I wanted to know about the history of this -- I was concerned whether it was a firm offer or just one that was really -- that we needed to be concerned about the tax implications on our citizens. So I abstained from that vote. I thought it was a difficult balancing act considering the regional issues we wanted to promote, especially the environmental concerns that were there for the other alternatives. And the other council members on audit and finance in the rationale. That is why I did not vote.

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[Indiscernible]. >> Mayor leffingwell: Council member tovo. >> Tovo: Our staff and I think they indicated it here today said they talked multiple times with this potential buyer in the past and the offer was in the \$1 million range. So I think that we need to allow them to do their job and sell it for a reasonable price to a willing buyer. Who is also another municipal partner. I agree that we did have some discussion about the environmental concerns. And since we share a border, those concerns become concerns for the city of austin as well. >> Mayor leffingwell: Any other comments? I just want to confirm that all the proceeds from this sale, whoever it is sold to would go back to the water utility, not the general fund. >> That's correct. [Laughter] >> riley: In other words mayor, we're talking about a \$900,000 impact on water utility ratepayers, and potentially more? >> Council member, I guess our look at this is getting the 4.4 million that we don't currently have. I understand the difference, we have a willing buyer. So [indiscernible] you know, if the council decides to go on the open market, certainly we would like to see more than the 1.1 -- \$12.1 million. At this point, we need to be sure the sale occurs, we did program that amount into our forecast. We would need to make some decision on the sale of the property. >> Riley: Can you tell me what the process would look like if we put it on the open market, how long would that take? What cost would be involved? >> Council member, the cost is really minimal to advertising

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in the paper. We have most of the due diligence done. It would be probably about a four-month process to give people a chance to look at the property. >> Riley: Obviously, the city of cedar parks could buy it through that process? >> Yes, sir. >> Riley: Not a lot is lost by going through the process, especially in light that we have a decent offer on the record for \$5 million, it is hard to see the downside of taking a little bit of extra time. >> Mayor leffingwell: Council member, martinez. >> Martinez: I appreciate the comments and wanting to be good neighbors with cedar park and partner where we can, but if you look

at it simply from a water utility perspective, we are already facing a major budget shortfall in the water utility. Already raising rates on our customers. I don't know how I explain to our ratepayers that, you know, we have a process where we could lessen the impact to ratepayers by putting it out for an open bid process because we already know we have one buyer willing to pay more. And it would just mean a little more time and a minimal ad in the newspaper. So I just want -- I want to keep that in mind that, you know, we did everything we could to scrub our water utility budget because of the \$30 million shortfall that we're facing, here we are with an opportunity to have, you know, more positive effect on the bottom line with the water utility if we take more time, wanted to issue that [one moment please for change in captioners]

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of this property, and have whether you feel, if we do an open bid, we would realize more than \$4.1 million? >> Also know that, although we did have some discussion about it, if we did put it out for bid, I can't have any lengthy conversation with one party more than another. So, I did not know that they're willing to pay the \$5 million until the council meeting, that was the first time I've ever heard that number. I believe they did say they thought they could pay more because they were the tenant, and already had a strong interest in the site with the equipment and current operation out to the site, that it was worth more to them than it might be in the open market to anybody else. >> Mayor. If I could have one follow-up. So, it sounds like what I hear you saying is that out on the open market, it might realize \$5 million, or it would only realize \$5 million to this seller? >> Based on the appraisal we have, it's worth more to the tenant that has the current operation. The cost to move the operation, buy another site, set up, the dollar loss in -- during their trying to do that makes it more valuable to them. >> I see. So it's possible we might get a bid, then, for \$5 million on the open market. >> Yes, ma'am. >> Okay, thank you. That's useful. >> Cole: I had a quick question for the city attorney. We have, I believe, a represent, I think I see a representative from the company that's offering the alternative bid. I didn't know if we decided to

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go on the open market, if it was within our bidding rules and laws to call them up and talk to us. >> We are posted under this matter to consider the sale to cedar park. It's a specific posting. If they want to talk about the sale to cedar park, they can, but. [Laughing] >> but the posting is pretty specific, it's pretty narrow. >> Cole: I'm going to ask them up here. >> You can do -- >> cole: You'll have to guide me along in the process. Can I have the representative? Good morning. >> For the record, I'm an attorney in austin. >> At the last council meeting -- that's one of the reasons that we are here, ranger indicated a willingness to buy the property that we are currently considering selling to the city. >> Yes. >> Cole: Could you elaborate on that a little bit? >> I think they were pretty clear. More -- he said he was willing to pay \$5 million that afternoon. We've been -- rangers has been interesting in this property for a number of years, and the \$5 million offer came after the posting of the 4.1. I think lorraine knows, we've within in discussions for a number of years. The \$1 million was never an offer. The \$1 million range, I have a copy of the appraisal done more than three years ago, and rangers' independent appraiser said

the value was in the

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residual rock in the property. The city staff has a copy of that appraisal, I'm happy to share it with all the council members, but, we never formally made an offer. The only process was a bidding process. We couldn't make a private offer for the project. There was a lawsuit. It involved the other tenant. And I suggested that maybe we settle that lawsuit with a conveyance of property. There's some history that involves that that we probably shouldn't talk about in open session, but, I'm happy to provide the information privately. >> Cole: I think the appraisal information you have, you should email the current council members. >> I'm happy to bring copies. >> Cole: Council member sellman sellman -- spelman has a question. >> Spelman: I'll be talking -- I believe I have an appointment with you. >> We do. >> Spelman: I'll ask questions then. >> Thank you. >> Spelman: I have a question, however, otherwise. If the owners of ranger came in with a \$5 million check, lorraine, could we transact the sale right now? >> No, we have to go for bids under state law. >> Spelman: They've said, they'll spend \$5 million on the land. Are they required to put in a bid of \$5 million? >> No, sir. >> Spelman: If we put it out to bid, we get five bids, and one of them is \$5 more than all the rest of them. Do we have no choice but to sell this to the person who puts in \$5 more? >> We would structure the bid that way, but we put language council can reserve the right to reject all bids.

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>> Spelman: We can reject all, or take the highest. >> Yes, sir. >> Spelman: The fact that ranger says, I have \$5 million to spend on that land, is mostly a rhetorical statement, because we're not able to take that check. The best we can do it put it out for bid, whoever the highest bidder is will get the land, unless we throw it out and start over. If I were ranger, the right way to handle it is to wave around a check for whatever's going to get the council's attention, to put it out for bid, then bid \$4.1 million, just overbid the city of cedar park, and get it for a little bit more. We're not guaranteeing the city a million dollars or any more money. All we do is guarantee 1 dollar more than the next highest bidder. I think the waving around of that check may have been a rhetorical statement, more than a real promise to spend \$5 million on the land. >> I completely agree with you, that is a scenario that could play itself out. But, I'll commit to you that I'll vote to sell it so cedar park, they've said they're willing to pay. >> Spelman: We can't do that. >> Yes, you can. >> Spelman: We have to give it to the highest bidder or sell -- throw it out. >> That's what you do. I wanted to ask, though, the representative ranger, it's come up a couple times ranger has offered 1.4, was it? What was the numbers, lorraine? >> Right at a million dollars. >> So, a million dollars. And, logically, you wouldn't -- just explain to me, your compliant never offered more because there was never any other conversations, or never another willing buyer, until this deal came about?

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>> I've been in all discussions over many years, we've never made a formal offer because lorraine told us

there was not a vehicle to make a formal offer. We went and had an appraisal done, by a third party, provided that appraisal to the city, for a little over a million dollars. The city never got an appraisal in my understanding until the relationship transpired with cedar park. I've never seen the appraisal before for a million dollars, I don't know the date and the like. But, we responded to the offer to sell because this property is very important to ranger, it's critical to their business operations. They don't need a due diligence period, they're aware of the property. They'll take it as-is, subject to the other lease, which I think would be a big concern for the city of cedar park, but, I have not asked them that question. But, ranger is responsible citizen of this committee. If they were to not go forward with their proposal, the offer they've made, I think you would be within your rights to take the responsible action. But, ranger is a responsible citizen, and they made a responsible offer. Frankly, it could end up being more than \$5 million. I understand from lorraine there are other potential bidders out there. I have no idea who they are, but, that's why we're here. We want to slow down. We want to buy this property. We want the city to make the best economic deal, and our offer is genuine. >> Thank you. >> Cole: Lorraine, walk us through the process if we put this property out for bids and ranger bid on it, and I'm assuming the city of cedar park would also bid on it, or the

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city of cedar park does not have to bid on it because they've given an offer? >> It's really hard for a city to play out in the bid process. We have tried it ourselves many times, and it's really hard to have council approval for the maximum bid, and everybody in the world doesn't know what your bid is. [Laughing] so, it's really hard for a governmental entity to compete in the bidding process. >> Cole: So we would just put it out for bid, and see what offers we receive? >> Yes, sir. >> Cole: If we did not get an offer, for what we contemplated, \$5 million, we could reject all bids, and approach cedar park about the previous offer they made? >> Yes, ma'am. >> Riley: I want to make sure I heard correctly, we've had the property since 1987, 27 years. What is -- is there a particular urgency to getting it sold immediately, what is -- what's the time pressure in terms of proceeding forward now with the sale? >> We are facing some major issues related to revenues. We saw this as an opportunity to sell the property. >> Riley: It's a matter of, the water utility being in difficult straits financially, but, otherwise, there's nothing different about now than the past 27 years. And so, the question of whether we're going to take another four months to get potentially another \$900,000 or more to savor -- save our water utility rate payers. I'm having difficulty understanding the rationale for the committee wanting to subject ratepayers to the cost, giving the difficulties that they have been facing, especially with the water utility. I just can't see how but justify that to our ratepayers at this time. >> Cole: We did not have

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representatives from ranger at the committee meeting. I think everyone has to make their own decision. >> Morrison: Obviously, we're all concerned about our ratepayers, and the cost of the utility. From my point of view, it's not clear at all that there would be a difference of \$900,000. But, also, let's talk specifically about the public benefit of selling it to cedar park. It's very hard to put a dollar amount on a public benefit. Sometimes we're able to do it, looking at fees for affordable housing, but, I believe the

public benefit that we as a region, and as austinites would receive would be a much superior use of that land for the overall regrowth of the region, for the future of the region. So, I just want to make sure that that gets out there, that we have to make these decisions left and right all the time in terms of what is in the public interest. And -- I'll just leave it at that. I do think that it's a fair question. Who do we -- is this -- is the \$900,000-trade-off a worthwhile trade-off, and that's going to be in each person's judgment as to whether or not the public benefit outweighs the cost of a dollar a person. >> Cole: Any further comment? >> Morrison: For the people of austin. >> Tovo: Thank you. I want to say, again, the \$900,000 is purely speculation. All the information that we received up until and including at the audit and finance meeting is that the number that ranger had discussed was \$4 million less than what they came forward at the council meeting and said. 1 million compared to the 5 million. That is my understanding as to

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why our staff are recommending it. And I would like -- this question is directed toward the water utility. We've had it for 27 years, there was an assumption we would be able to use it, which changed drastically after the legislation prohibiting us from using it in the way we anticipated. >> That is correct. >> Tovo: I assume that's another motivating factor, we no longer have a use for it that makes any sense. >> Correct. >> Tovo: Is it the recommendation of the water utility to sell this property for this dollar amount, or has there -- or would you like the opportunity to put it out on the market with the hope, based on an unfounded assumption, that it could realize more money? >> The best way to answer that is to say that we would like to get as much as possible for the property. What that means, and which direction we go, again, it's speculative if we'd get additional more than the 4.1. So, I leave that up toll council to make that decision. We want to get as much as we can out of the property. >> Tovo: Has the water utility made a recommendation? >> No, we have not. >> Tovo: Okay, thanks. >> Cole: Thank you. I think that's the end of that item. The next time we have is item 18, council member morrison, planning and development review. >> Morrison: This is the dreaded concrete pour ordinance that greg that has brought three times. And I know what he's planning, or was intending, and I'll love to have that said publicly, but I have another idea. So, what is your intent today, on thursday? >> Council member, council, I was planning to ask for an indefinitely postponement. I have not heard back from the concrete interest, but, I would probably come back at a later

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date with a modified proposal. I've heard a lot from citizens, as you have. We would probably look at the hours, make some adjustments with that, and probably modify the notice. But, I think there's still a need to have that. As an available option. But, my intent for this thursday was to request an indefinite postponement. I relayed that message to some stakeholders that have been conversing with me. >> I appreciate that. And, from my perspective, I think this -- the fact that you brought this forward gives us an opportunity to deal with a very difficult issue. I'm sure lots -- all of us are hearing the same things that I'm hearing, and that is that we some residential places downtown that are unlivable now. So, what I wanted to propose -- I understand that it makes sense for you to be working and doing more to connect. I wanted to remind my colleagues that, essentially, the work -- the research that our staff did essentially

came up with the fact that overnight pours are not allowed in houston or san antonio, or fort worth. In dallas, they're allowed under -- if there's an urgent necessity. But, it will be revoked if there are complaints, or it will just not be renewed if there are complaints. And we have gone so far beyond that. So, what I'd like to propose is this. I understand the original had proposed extending to dmu within the density bonus area and p, public zoning. So, what I would like to propose -- I know the public zoning is specifically our central library that's running into issues, as I understand it. So, I'd like to propose that we

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pass something modified, and that is -- I'll have it prepared, and maybe I'll post it to the bulletin board. And that would be, number one, to limit the hours so that the pours can only go until 2:00 a.m., Because that way at least people are going to know that by 2:00 a.m., They'll be able to go to sleep, if not before. And just as an interim step, until more can be done. But, I think we really need to, you know, rein in what we've allowed. I thought we could back it off so you can only pour until 2:00 a.m., Allow it to be done in p zoning, as well as cbd. I know that there may be extraordinary circumstances where the structure itself requires a continuous pour like the central library, I guess, did. And maybe find some language that allowed for extraordinary circumstances. And then, also, mr. Guernsey had done some work with stakeholders about notification and working on queuing, and lighting, and all of that. So, I think that would make sense to include, but, I really think we have to rein it in, because it's become unlivable for many people downtown. That's what I'm contemplating proposing on thursday. And that, you know, mr. Guernsey can still continue the work, work with the industry. Maybe come back with additional changes later on. >> Cole: Any other questions? Council member riley. >> Riley: I understand there has been some conversation about mitigating the noise problems on sites that are able to go forward with overnight pours, in particular the construction

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going on over here at the greenwater treatment plant site. There has been talk about using sound-dampening blankets and other things to try to address those concerns. Can you assure us that that work is going on currently with respect to projects currently under construction? >> I can get with our public works department. That is a joint project, public-private partnership. I don't know if all the green property is zoned cbd, so, if they're operating during the hours that are allowed by the code currently, we could still make an inquiry to see if they would be willing to do the sound blankets, or to relocate some of the equipment in a manner so that the emissions of sound is lessened. We can do that. >> Riley: Is there any additional authority that you feel is needed in order to allow staff to work on -- to continue working on sound mitigation efforts on projects where they are currently allowed to go forward? >> I think there's some latitude under the ordinance that allows my staff to come in there. I was trying to get consensus on what that would be, so I'm not going out pell mel and saying, this looks good, and changing it the next. I was trying to get consensus from the concrete industry. I've heard a lot from the neighbors. Once I get to that point, I could do that administratively. It would be strengthened by an ordinance, but, I do have that ability. >> Riley: I appreciate your efforts to do that, and to the extent that you've -- you find additional circumstances that it would be helpful for staff to take stronger actions to

mitigate problems, then, I hope you'll let us know. >> Cole: Thank you, mr. Guernsey.

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Council member morrison. >> Morrison: I understand you are working on moving some of the equipment, and things. The developer has moved some of the equipment. I hope you're aware of one of the emails that we received that said it was now noisier, now that they've moved it. Have you heard that? >> No, I have not. >> Morrison: I'll forward that one. He sent a photograph of his weeder at 2:00 a.M. So. >> Thank you. >> Cole: Thank you, mr. Guernsey. Next, we have item number 19, regarding police, council member martinez. >> Martinez: This is a really important item for us, a local agreement with the county on operation of the jail and the contract that we have. It's been expired since october 1 of this year. I know we need to get this in our local agreement solidified. I'm working on some amendments for potential opportunities that could come up in the future, and so, as you may have heard, county commissioner ekhart made a proposal the county lease the space to us so we can run our own operations. One of the amendments I'd like to make in the agreement would be that if that were to come to fruition, that that be an option under the interlocal agreement that we could enter into. We're still dealing with the secure communities issues in the jail system. And so we just -- we're going to ask for a postponement. I believe -- let me pull out my notes. I believe to november the 6th. Yeah, we will ask for a postponement in november 6th, so we can work with the law department on amendments that would allow us to address some of the issues that have been raised in the community about

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scom and ice within the jails. >> Cole: Okay. Council member martinez, let me just ask you. Do you know if there has been any work on the county side of any financial analysis of the impact, or if our staff has done any work regarding that? I'm just real curious about the lease versus building our own. Over the long time, building our own saved us money. I'm hoping the lease arrangement would also do the same. >> Martinez: Yes, the police department has done some cursory, you know, study on what it could potentially save long term. I don't think we've done an in-depth analysis. We have looked at the current existing rate of the agreement. Council member riley and I sit on a working task force with commissioner todd, this has been a subject of those meetings. It has risen to a level of concern request the county. If we build our own facilities, it is a financial implication to them, as well. I don't know if they've done any in-depth studies. I know it is a concern. Quite honestly, I think that's why commissioner ekhart made the proposal that she did. It doesn't pro-collude us from doing satellite magistrations, that's a key component of getting the officers on the street. We need to make sure the language in the interlocal agreement will allow us that flexibility that we need so that if a lease option is put on the table, that we can have serious discussions about that, and maybe not have to go out and build our own jail. >> Cole: I'd like to work with you on that. I'm curious about the financial implications. Do you have questions for staff? >> Martinez: I wanted to ask the chief, do you guys have any major concerns about us asking for this postponement? I know the contract is already

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expired, we've been going without one for a month or so. Is this additional delay going to be an issue in that regard? >> No, it should not be an issue. However, as far as with the county commissioners, I haven't had any discussions with them. I don't know how a postponement will be viewed by that group. >> Martinez: I want to work with you and through you on any potential language amendments. I want for the agreement to reflect the public conversations out there that we haven't seen an official who professional from the county. If they make one, I want to -- entertain that. We're not ready to build a jail this year, we're not prepared to go out for satellite magistrations, so, we have to have this operation, but, we can add amendments that would help me get to a level of comfort to where if some other proposals came to fruition, we could talk about it. >> Correct. This interlocal agreement is only for one year. A departure from this model would probably take us, at minimum, 12 months. We would be looking at a new can contract anyway, if we agreed on this and went forward, we could discuss the new points for 2016. >> Tovo: Just as a reminder, as the conversation continues to develop with regard to other magistrations options, it's a keen interest of this -- certainly a keen interest of mine, and this council passed a resolution supporting ongoing conversations about the sobriety center. Any long-term change in terms of handling that will take into account that dialogue, I hope, with our partners in the community about the sobriety center. I'll use this as an opportunity

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to say, I believe that group is ready to do a presentation to the council. I hope we can find an opportunity for them to do that, because they're doing some very good thinking about what a sobriety center might look like. >> Cole: Thank you. If there's no further questions, we'll go to item 29. Item 29, pulled by council member spelman. >> Spelman: As I understand it, we passed a resolution on the 25th of november -- sorry, september -- asking staff to come up with an ordinance to have the music office regulate activities rather than the parks department. That resolution is going to come back in the form of an ordinance on the 6th of november. I don't understand, what's the resolution here doing in the middle? Why do we need this resolution? >> Morrison: So, actually, the resolution that we passed on the 25th of september was related to giving authority to staff to integrate waiting into sound impact plans. >> Spelman: Okay. >> Morrison: It's not correct to say we passed a resolution about large-scale events, it was just about sound impact. >> Spelman: I'm just trying to work off the resolution in front of me to figure out what's going on. I need to go back to the original resolution, thank you. >> Morrison: So, we just -- this is a different change to the ordinance, which would, in fact, do what you did mention, and that is to permit large-scale music events in our parks through a music office, which requires an ordinance change. And the reason we actually put this -- which was perhaps a red herring -- reference to the previous one, september 25th, was just to give an out for

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aligning the date. They're coming back to us on november 6th. And so, that's why this is november 6th, even though it seems really quick. So, that's the logic of all of that. >> Spelman: November 6th will be music day. >> Morrison: Rather than having to do multiple -- take multiple stabs at the ordinance, we'll

be able to consider both of them at the same time. >> Spelman: Let me ask you about this then, under what -- how are we currently regulating -- how would we regulate large-scale music events on city park land, no names please, differently if we pass this resolution and then the subsequent ordinances, than we're currently doing? >> Morrison: I'd like staff to speak to that. But, right now, the parks department is the one that decides on the permits. This way, for large-scale music events, it would work through our music office instead. So, there are more tools available under that sound impact plan, and things like that, and working directly with our folks. >> If I could -- >> martinez: Can you tell them out this came about, through acl, after we made some phone calls, and found out it wasn't our music department that handles this? >> Morrison: It was a big surprise, the department is quite sophisticated at working ahead of time, and during events, and that other ordinance that's coming forward, we're going to be able to, in certain cases, bring up the issue of sea wading, for some styles of music, that may be a good tool to use. Not necessarily for all styles of music. So, when acl fest sort of had a confluence of event, there were styles of music that had lots of

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bass, there was weather in place helping to propagate the sound. I'm sure you all heard, but we were keeping track of some of the issues, and they were arising, I'm sure you have some to add, but, I can say, 2222 and 360, 183 in mopac, crestview, high park, windsor park, the whole spectrum across north and far north. I didn't get so many specifics from south usa -- austin. When I was interacting with folks, during the weekends, is there anything we can do, the only thing, the only response I got back was, well, it's 85db at the property line. That was the only thing in our music office, you know, is able to work on a lot more levels in terms of managing. I do want to say that I talked to a representative from c3 yesterday, let him know we were talking about doing this. He said he totally got that. And he also -- I thought I would just mention this -- said he'd really love to sit down with a group of us, you know, from the city, to try and figure out how we can already start thinking about how to do a better job next year, understanding that there was a lot of propagation. You know, I understand that a lot of it might have had to do with the weather, but, we've got to deal with that. I mean, it's not okay for houses, you know, in mopec to be vibrating all weekend long. But, anyways, let me turn it over to staff, and maybe you could share your thoughts on how this would happen. >> Director of parks and recreation, so, the -- for us at the staff, we were out there, the staff was, this last weekend, and the weekend before. And this last weekend, there were calls that came in, and

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immediately staff went out and worked with the producers to address the issue. So, we did a lot of adjustments. But, we do understand that there was some issues that caused concern. I do want to say, some of the calls we received, though, were at midnight, 2:00, and 1:00 in the morning. We ended no later than 11:15, so, there were other activities going on, the american legion and some other things didn't help this. Once people become concerned, it really begins to snowball. I have had several conversations with don, and we as a staff have no problem whatsoever where what would happen is, the permitting would still happen with parks, but they couldn't happen until a sound impact plan was

developed so that they would have the approval of that plan, and work with those events. And we have a recommendation, and I'm assuming you'll allow us to come back with a recommendation on the size of those events that will help us be consistent in a manner of dealing with these larger-scale events that have the amplified sound. And so, it would be a change from, basically, in the ordinance, from the eight section, parks and recreation, which would probably have a bridge that shows that now it's in nine, and that would be something the law department would deal with. But we see no reason why there couldn't be more consistency in that, and we'll continue to work with don and the music office to make sure that we are addressing these issues. >> Spelman: Do we need to change an ordinance? Why don't we just do it? >> Administratively, we can push towards that, but, I'll let Brett answer that, but, we asked, and the answer is yes. >> Assistant city attorney. Our code, if our code were

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silent on these process issues, certainly this would be an operational issue within the manager's authority. But, our code is extremely detailed with regard to the process for music permits, whether they're occurring on private property or parks, or whether they're occurring within public streets. And it sets up different procedures. It also sets up different decibel limits, depending on where the sound permits are being issued. So, given how detailed our code is and the treatment of sound permits in relation to where they're being issued, this sort of a change would require amendments to chapter eight and chapter nine. >> Spelman: That'll teach you. [Laughing] >> Spelman: Are we going to continue to be as detailed in the future as we have been in the past? >> That's for this body to decide. >> Spelman: Okay. But, we do need to make a change to our ordinance to allow don to get his hands on this, and get the right thing done. >> And it also affects the fees applicants have to pay. They have to make fairly detailed submittals and pay fees. As I mentioned, the decibel limits are different, as well. This would allow for events of a certain scale occurring on park land to incorporate some of all of the chapter nine requirements that currently only apply to events on private property. >> Spelman: It seems to me the right time to have the discussion I want to have is going to be on the 6th of November, when you all come back with proposals. This just sets that up in the future. So, I look forward to having that conversation, thanks. >> Morrison: What are the -- are you saying there are different decibel limits in chapter eight than there are in -- >> there's different -- I can't quote chapter and verse what

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those requirements are, but, there are different decibel limits. Also -- I failed to mention this, different hours of operation. There are different events on park land have different limits in terms of how long they can go than events that are governed by chapter nine. >> Morrison: I do want to say that my intent when I was writing this was just that the permitting be done under chapter nine, not necessarily that we were going to get into changing all those parameters. And I also want to mention that -- frankly, I wasn't aware, I don't know that there's an issue with hours, or the db limits. Do you have any comment on that? Really, I was just thinking, we just need to work through, you know, sound impact plans. >> I think don, the program manager, looking at chapter eight, I mean, if we did an impact plan, we would probably do it with chapter nine criteria. We would keep the hours of operation as parks. Chapter eight

actually has some really specific decibel prescriptions as far as if there's a wind from the north, then the decibels are measured a certain level. >> Spelman: And I think we want to keep all of that. >> From an enforcement standpoint, for an event producer, part of the sound impact plan, we would have a proactive plan to mitigate it before it happens. But, from an enforcement standpoint, you can't change our enforcement policies if a wind happens to start blowing from the north. So, we'll address that. >> Morrison: Okay, good. Yeah, so, just to be clear, I wasn't meaning we were going to mess with park hours and all that stuff. And, I do -- while you mentioned fees that are now going to be

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required, we're just talking about large-scale events, so it's not like we're going to impose huge fees on small nonprofits or anything like that. And the the bottom line is, the fee pays for the work to come up with the sound impact plan, which is sort of a goal of all of this. And then, two other things. One, I think that, really, for efficiency's sake, for us to be able to really make the most of the expertise in the music world, across all departments, this makes a lot of sense. And so I appreciate your openness to this, sara. And, yes, I do hope that you all can take a look at what are the events we're looking at, and help us think about what large-scale means. I thought that should really depend on some of your perspective, and the events. I think we all know which ones they are, so, how to get that captured in ordinance will be up to you all. Thanks. >> Cole: Thank you. The last item we have is item 52, public hearing and possible action, pulled by council member morrison. Item 52 is you. >> Morrison: This should just be a very quick thing. This is -- the posting says, conduct a public hearing and consider action on the approach alternatives and annotated outlines, I was taken aback at the annotated outline, because, I know there's an annotated outline in the approach alternatives, but, I was real concerned about having to decide if that was really, exactly what we wanted or not. So, I wanted to just get that clarified, what we're really going to be talking about approval. >> George adams, planning and development review. I think the reason we posted it that way is because that's essentially the title of the report that was issued.

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But, the annotated outlines are really in that report primarily for information, just to help kind of flesh out what each of those different approaches -- essentially, what the table of contents, or the organization of the proposed code might look like under each of those approaches. So, what we're actually asking for action on is just the approach with the outline just being provided as I mentioned, additional information. >> Morrison: Okay, well, I appreciate that. That makes me a little more comfortable. I looked at it, and then you look at the actual outline that goes with the annotated outline, and there's obviously going to be questions about whether that's appropriate, and obviously, it's just a draft, anyway. >> Right. Sorry to interrupt you, but, we fully anticipate that those outlines will evolve and change, it's just kind of a first draft, as I mentioned, to try to provide a little additional detail on what that organization might look like. >> Morrison: So if we wanted to pick, number one, two, or three, so, what will our motion be? Maybe you could work with legal to -- >> sure. >> Morrison: Make sure, because I just want to make sure that, just for everyone's comfort level, that we are just picking an approach, and not settling in on anything in the outline. >> We'll work on that, thank you. >> Spelman:

Yes, I'll spelman. [Laughing] >> spelman: Laura and I are frequently mistaken for one another. All right. We're picking an approach, we're not actually picking content. >> That's correct. >> Spelman: If we wanted to adjust these approaches slightly -- here's what I have in mind. Some of this stuff might be contingent on other stuff. I can imagine saying, on some of these areas, it might make more

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sense to be more extensive than be others. Parts might be 2.3, others 1.7, do we have some authority to adjust left and right on this scale? >> The -- I think the short answer is yes. What we would, I think, hope and request is that we keep it as discreet and easily understandable as possible so that we don't have real fine gradations of some of these items. >> Spelman: Some of this is inherently ambitious, what is the meaning of extensive, limited, moderate, high, it's a matter of degree. I can imagine where the council might send fairly clear instructions to staff, we want you to do this, but, pay particular attention to the concerns with this aspect of this, and to go as far with this as it makes sense with it to go, but, if you want to go farther, come back and talk to us about it, that sort of thing. >> Right, that would be useful information to have. If you'd like this approach, you would like to be more aggressive in these areas, and perhaps more conservative in these, and then talk specifically about those, that would be good guidance for us as we move into the working on the details of the code. >> Spelman: That's what I needed to know. Thank you, George. >> Riley: George, I understand the advisory group considered this yesterday or last night, and made a recommendation. >> Right. >> Riley: I haven't seen a memo about that, will we be getting something? >> What they recommended -- and I probably -- actually, I think I do have a copy of this. Bear with me for just a second. >> Riley: And I guess the more important question is, whether we will be getting anything before Thursday summarizing this.

[04:45:22]

>> Yes. And I believe in your backup, you should have a summary of all the other board and commission action. >> Riley: But for the code advisory group last night -- >> we'll get that to you. So, we put together a four-page summary of the various approaches, and the code advisory group was kind of working off of this graphic, which I think you have probably all seen. It tries to lay out in a very -- in very general terms the differences between the approaches. And so what they acted on was, they recommended approach two with a greater emphasis on content rewriting, which is under code format and organization. So, right now, approach two shows that as a medium level of content rewriting. They recommended a higher level -- level of content rewriting. If you go down near the bottom of that same column, they recommended a higher amount of emphasis on form-based code. So, it was very similar to what council member spelman was talking about in terms of, kind of, sliding the -- you know, turning the knob a little bit on some of the elements. >> Riley: I wanted to make sure I got that. Down under development standards in the middle column, where it now says medium, they recommended high there? >> For form-based. >> Spelman: And what was the other thing? >> If you go up, the same column, approach to the third row, which is content rewriting, they recommended that be high rather than medium. >> Spelman: Okay. >> Riley: So, under content rewriting, the extend of content

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revision, they recommended high, and then, form consent instead of medium. And under development standards, they recommended a high use of form-based code rather than medium. >> Right. And this is not an exact description, but, you could call this 2.5 or something, 2.45, I'm sure you could slice it very thinly. >> Riley: Got it, thanks. >> Morrison: George, when we had this presentation from the consultant a month ago or something like that, I believe I had asked him if they could -- you know, there's still questions about form-based code, and I believe I asked for, maybe, some more examples of what we're talking about, because some of it is really just very nebulous at this point. I totally understand it in some situations, but then you hear, you know, form-based code makes more sense in the central city than in the suburban areas, which is okay, fine, except for we're not really talking about putting retail in the middle of neighborhoods. So, what are we really talking about? And I think that we need to expand on that conversation. >> Okay. >> Morrison: On thursday if possible, or before. >> Any further questions, comments? Okay, we'll go back to our regular agenda. I know we have a briefing. On the downtown austin plan implementation city council briefing.

[04:49:27]

>> Thank you. Council members, good morning. Jorge with planning and development review. I am joined this morning by mr. Jim robinson, and ms. Silvia, instrumental to the success of the plan. We're very excited to bring the subject to you. It's been a while coming, but, there's been a tremendous amount of work that has been accomplished. We want to give you some highlights. We want to give you a brief background on the plan to update you on the implementation items and plan elements that we've been working on. And talking about how we're going to coordinate with code next as we move forward. Specifically, we'll talk about the downtown plan itself as a vision document, and how it's a 20-30 year vision plan seeking to implement how we want to see the development of downtown austin evolve over the next 20-30 years. It contains over 100 ready to implement recommendations, so we'll get to some of those in the briefing. It is one of the key elements in trying to implement imagine austin as was adopted not too long ago. We're talking about downtown austin as identified in this slide with mlk to the north, lady bird lake to the south. Many items have informed the downtown austin plan, including a series of district plans, transportation framework plans, and so on. And they all have fed into what is the downtown austin plan. So, we're working on the three-tiered approach you see at the bottom. Implementation is not just about code amendments or zoning changes, it's a three-tiered approach where you want to start getting into the investment priorities you want to designate as a city, and a governance and management structure so you can accomplish things like city staffing and so on. So, back in 2011, when this was

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adopted in december, coming up on the third anniversary of the downtown austin plan, you gave us direction to commence the various code amendments and identify some capital improvements that we can start working on. And also, start working on a detailed plan for a central city economic development

corporation. And there were specific council directions to initiate a regulating plan for downtown, also creation of new zoning districts, downtown density bonus program, which we'll talk about briefly, and also some specific downtown compatibility standards and framework that we're ready to initiate and start working with code next. You had asked us to identify the projects that are ready to be considered as part of the comprehensive capital projects needs assessment, and keep working on the downtown central city economic development corporation. What we want to go is give you quick highlights, based on these general topics. Mobility, public realm, activities and uses, and utilities and infrastructures. 80% of the downtown austin plan recommendations are a complete, ongoing, partially complete, or planned. So, that's quite a substantial feat to do three years into this project. So, this is taking a collaborative approach by a number of city departments and entities for us to be able to achieve this milestone. We'll jump right into some of the mobility highlights. Urban rail is a bond referendum, to be considered by the voters next month. When we talk about mobility highlights, talking about metro rapid bus, that's already in service going through downtown austin. And according to some of the figures that cap metro has provided, it has reduced the amount of travel time in and around downtown.

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One of the key successes for mobility has been the bike program. Some of the figures we've received from the administrators of this program, for a specific snapshot in time from march through august, there's been quite a tremendous success in terms of having 43 stations already activated, 290 active bikes, averaging about 400 checkouts per day. That has increased with festivals like acl. They anticipate the program will continue to have success in the downtown area. Talking about pedestrian mobility highlight, the downtown way-finding program, you received an update on this two years ago on the master plan. That has been completed, so has the design book, we're moving into phase three, on the ground improvements time early next year, possibly through the spring as you start seeing some of these highlights take place. We'll shift into the public realm highlights. Talking about downtown parks and congress avenue, specifically, use of the bond money that was approved in 2012, the bond targeting the squares, and water loop and palm park, trying to convert these into some of our signature parks as the downtown plan has recommended. Furthermore, using as much as \$60 million in city expenditures related to the creek. Not necessarily all park-related, but, also infrastructure immaterial improvements. We continue the work with the d acl on the kong -- congress avenue project, jim is involved in moving that project along, that's going to come to fruition fairly soon. One of the most prevalent and most visible transformation elements in downtown austin has been the great streets program. You see a snapshot there of a portion of great streets that's just outside this building. Cesar chavez before and after,

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and the transformation has been dramatic, not only in this section, but other sections of downtown. We have five projects that have been completed, one under construction, and two that are planned. And these are city projects that are in the pipeline. It is being integrated into the complete streets policy, but, it's been a collaboration with the private sector, where you've had able 52 private projects that

have voluntarily participated in the great streets program, and have provided the infrastructure to improve many of our streets to what you see today. But, one of the key takeaways that we want to leave you with on this slide is, there are over 218 block faces that have been improved, and that equals to over 12 linear miles of great streets downtown that have been improved. You see that direct impact. Some of our visitors have pointed that out. We want to transition now to some activities and uses highlights, specifically related to the sea home power plant development, bringing 10,000 square feet of improvements to land, and a reuse of some public resources. Green water treatment plant also trying to look at the austin energy control center, and how that would be re-purposed for private development with our private partners. We are looking at about 600,000 square feet of total product output, with a mix of uses and residential. Combined with city, public, and private projects have been funding about 2,000, 280 residential units, over 92 affordable housing units and contributions to affordable housing efforts. So, there's quite a bit of movement and progress in that area.

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>> One of the other next steps that we want to is coordinate with pro next on code specific improvements related to zoning changes, downtown compatibility standard and the [inaudible]. This is the next evolution of those code amendments as we continue to coordinate with code next on specific code amendment that will address zoning entitlement downtown. This will obviously not impact the downtown [inaudible] program but create the [inaudible] and compatibility standard and some of the single-family residential neighborhoods. And the creation of these form based standards that specifically address how towers are placed next to restored properties. Something that has come up as of late. And so the downtown austin plan doesn't give you specific dimension as to what that separation should be, but it is our intent to work on those specifics with code next to be able to address and maintain the character of those historic properties. That's quite a bit, but as you can see there's still a tremendous amount of work that we need to continue to work on, but pending your questions, we have nothing further and we're here to answer any of your questions. >> Cole: Councilmember martinez. >> Martinez: First of all, you are anointed at the slide presenter for every department. To get through 26 slides that quick and efficiently, but yet still getting all of our high points across, very well done. First of all, thank you so much for all the work that you all have been doing to get the downtown plan implemented and all the work that you'll do moving forward. You know, I really see a lot of positives coming out of this and specifically if we go back to slide 23, you mentioned a project, apple studios. And I just -- I want to

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highlight, because you use the language they would like to come online by the end of the year, and they have to come online by the end of the year or they lose \$11 million in federal funds for this project and foundation communities obviously would be in a really bad spot. Just want to put that on our radar screen. City manager, you at every turn have helped on this project starting with day one when I called you and said, there's a downtown affordability project, there's about 90 parking spaces currently leased, can we creatively work out how to get those folks some downtown park and we've given them temporary hang tags because there's a current lease for those parking spaces and the only way they

could get those projects going was to honor the lease, get them the parking they needed. The housing bonds had just failed when this project started so I commend you for what you have done throughout this project over the last few days, there's been a lot of activity. They are really trying to get the certificate of occupancy by the end of the year so they don't lose that \$11 million. I just wanted to thank you for your efforts. >> I appreciate that. I certainly want to send that acknowledgement to mr. Hood and mr. Silver who obviously know that business and have everything to do with coming up with that solution. >> Cole: Councilmember tovo. >> Tovo: I want to thank you and it's very useful to have this update to see where we're making progress. Thanks again for all the great work. I wanted to back up to slide number 22 for just a minute. I think it's great news that the projects, now that we have closed the loophole, that projects are participating in the downtown density bonus program which was available all along and so it would be interesting to know the

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millions of dollars we lost by doing [inaudible] rezoning rather than having one pass through the density bonus program. But I wondered if you could tell us which projects they are that have gone for administrative approval. >> The first project is the [inaudible] project and they actually came in prior to the amendments that you made in february. So they were under the interim program. The second project is the fifth and west project that came to council to request additional bonus area beyond what is allowed. There's a third project in process right now, seventh and congress, and that's [inaudible] council in the next couple of weeks. There's one at fifth and brazos. [Inaudible] but that's another one. We have essentially two have been adopted, two more in progress. >> Tovo: And is the 1.3 based on the first three that you mentioned? >> The first two that have come in. >> Tovo: So eighth and nueces and fifth and west are the two projects that contributed to the 5.3. But it sounds like it's just the first two that yield that 1.3 million. >> I believe it's the first two. That's a mistake. >> Tovo: So it's -- so the other two are still in process. >> Correct. >> Tovo: Can you remind me about eighth and nueces, that came in under the interim downtown bonus density program? >> Correct. >> Jim robertson. Urban design division had the planning department. That is a multi-family project. I know councilmember riley knows exactly where it is

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because it's right behind where he used to live. It spans a parcel, l-shaped parcel that runs from nueces up san antonio street to nueces. It's a fairly steep parcel. Probably 40 feet of drop. I don't remember the particulars in terms of numbers of units. It is a multi-family project though. They came in and needed f.A.R., I think, yeah, there was -- f.A.R., Additional f.A.R. They've been fully processed through the program. Our director has issued his letter including all the restrictive covenants this are required under the downtown program. Covenants, for example, to provide great streets improvement and so forth. And to our knowledge that project is moving forward. Of course, the money, the way the ordinance was written, the code is written, the actually -- the money will be exchanged roughly at the time of certificate of occupancy. We don't issue the certificate of occupancy until all the obligation made in those restrictive covenants and otherwise have been fulfilled including the payment of that fee. >>

Tovo: And the point I wanted to zero in on that that was done, I think I heard the comment that was done under the interim density bonus rather than the one we have -- >> well, it was done in july of 2013. The council adopted what we call the interim program, and it was interim in the sense that it did not include the full array of community benefits that now is in place in that program via the -- the code amendments that were processed and approved by council in february. But it included the basic, the gate keeper requirements and the affordable housing requirements and then the balance of the community

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benefits were adopted in february. >> Tovo: Thanks for taking us through the chronology, especially since we had a program that was named interim. I thought I heard you saying it went through that one. >> No, this was -- I can't. >> Tovo: I'm completely understanding. >> [Inaudible] >> Tovo: Right. Thank you very much. That's -- I'm happy to see this in place. >> Cole: I wanted to -- oh, councilmember riley. Go ahead. I wanted to ask you about the economic development corporation. What steps have you made for the implementation of this? >> Not very many. >> Cole: Well, I remember when we discussed the downtown plan and a lot of things we were hoping, especially the pretty stuff was going to have to be done through an economic development corporation so it was key to actually making that vision come alive. And so I'm wondering what you've learned from other cities, how far along we are. >> Take a shot. We did a fair amount of work primarily our consultant team prior to adoption of the downtown plan. After the plan was adopted, we actually -- we -- we were able to secure some additional services from our consulting team to take the work that had been done prior to adoption even one step further. That was the work that I think referred to in hr&a, the firm out of new york city that has created the [inaudible] around the country. One of the reasons I think that we are perhaps not -- you know, we are not superficially farther along is that there's been quite a bit of evolution in our economic development department over the last several years, transferred from a group of people that

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focused on the redevelopment of city owned land, see seaholm, green, austin energy, to an economic development strategy that's much broader and not relied on development of city owned land. There's been a lot of ideas, okay, like can we -- do we still need to create an economic development corporation. What can we handle in-house, what do we need outside, what would we want outside participation from. Of course downtown austin alliance as a major player for downtown and the operator of the downtown p.I.D. Has weighed in on that as well. I think it's a very live issue in terms of the -- the potentially some need, still be best met through an economic development corporation. That's roughly an update where we were and where we -- >> Cole: You are still researching and because our economic development department has come so far along, we may be able to do more within the department than needing an actual private corporation? Is that the analysis? >> I think that's part of the idea. The portfolio of our economic development department has really broadened in the last few years. In some ways as a way of implementing imagine austin, looking at centers anchor doors, more geographically dispersed, but also with additional tools. But I don't know the answer right now in terms of how things

will shake out in terms of responsibilities hand in-house and responsibilities we may ultimately want to say let's pull the trigger and do this and let those responsibilities being handled by that corporation. >> Cole: Thank you. Councilmember riley. >> Riley: I was going to ask about that too because this has been a subject under discussion a long time. I remember when we had the downtown development advisory group or that was before the year 2000 that

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actually recommended the creation of a downtown development corporation. And then many years later the downtown plan comes along, does the same thing. Council almost three years ago now directed the city manager to develop a detailed plan for creating the economic development corporation and still we're not much further along. Whose court is the ball in now and what is the time frame for seeing further action on this? >> I think the ball is in the court of primarily of the economic development department. I mean, I think they and I believe even the assistant city manager to whom they report have been actively looking at the issues associated with this. >> Riley: So it's under economic development. Can you give us a sense of when we will see something on that? >> I don't know the answer to that sitting here today, but I'm happy to try to get back to you and to your colleagues with a response. >> In the very near term. And miss edwards is out today, but in the very near term I think that jim's characterization of what's been going on is correct as he talked about the economic development department and their range of abilities, tools, if you will, expertise having been brought and I think they are really trying to evaluate that expanded capacity within their office. And, you know, the unique purposes associated with an economic development corporation. It is, you know, obviously a tool in the toolbox and I think they want to be clear about the compelling reasons that may exist for actually creating one. And I think that they are still working their way through that kind of refinement and that's why there's not been a specific report with a specific

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recommendation, but I think in the near short term that we'll have a point of view that we can express to the council. >> Riley: It is a complicated issue and I -- I also know the system has been under study 15 years now and we've had some recommendations at a couple points along the line. The last direction was pretty clear about three years ago and it seems like at some point they really ought to be -- I mean surely the problem is not just so complicated that we're not up to it. I would like to think there is a solution out there and we will find it. I'm glad to hear there will be [inaudible] >> Spelman: Do you still have the floor on this? >> Riley: I have a couple questions. >> Spelman: If I could jump in. We've been talking about [inaudible] for at least 25 years. Probably was brought up in THE 60s AND 70s FOR ALL I know. One of the reasons I would suggest we haven't gotten around to develop it is because we've been too busy processing economic development activity downtown to try to create a corporation to stimulate more economic development downtown. What would be the primary purpose of a edc if we were to set one up? >> I'm falling back on what the downtown plan said would be the primary areas of focus. And of course there's the cities across the country have chosen to focus their EDCs ON A WHOLE ARRAY OF Topics t handful of topics that we recommended and I'm relying on my memory and I hope I

get this close to right will be, one, potentially the creation of workforce housing.

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And, of course, council would have the ultimate say because it would create the corporation, but these were our recommendations as to where the focus areas would be. Creation of workforce housing. Downtown. In other words, sort of the gap between the sort of lower levels of affordability and pure market rates. Two, what we characterize as I believe something along the lines of strategic infrastructure and other improvements to facilitate high value economic development projects. So let me -- let's say a project -- fundamentally perhaps a public or public-private project came along, but there were some gaps. In other words, they couldn't make the project tensile because of or but for, for example, some infrastructure improvements costs that the project would otherwise bear. If that project passed a certain litmus test in terms of it provided sufficient public benefits, maybe it was a cultural project or had a cultural element to it or other elements that we found to be of public value, the edc might step in and fill that gap to make that project easier. >> Spelman: Sounds like we have an example in mind. Could you give an example? >> I don't have any particular one in mind. >> Spelman: Something that's happened in other cities. >> Right. You lose projects that would provide public value because there's a -- there's one piece that they can't make work based purely on private financing and so forth. >> Spelman: Okay. >> Then the third piece was to basically serve as a -- you know, as the city's sort of quasi governmental entity to facilitate sort of private development projects. In other words, not bring city money to bear, but sort of c.I.P. Type improvements,

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but to serve as liaison or a facilitator for private projects downtown. And that -- and that's one area, for example, where our economic development department as it exists today has some experience in terms of, you know, for example, take seaholm. They have in one way served as a handy facilitator for what in some ways are private projects, but they have helped shepherd them through the process, they are a liaison so city departments and other agencies. Those were the three primary ones. The fourth area is public realm improvement. Whether it's parks and open space, streetscape improvement, so forth. We continue to have a strong funding need in the area of parks improvement downtown and that's a fourth area that has received some traction in terms of maybe edc and there's a track record in other places this THE COUNTRY WHERE EDCs A Stepped in and provided downtown help. Those were the areas. >> Spelman: The basic area is the edc could provide us with a tool which could be used to further workforce housing, gap infrastructure, facilitation and public improvements, but there's a the look of ways to do that. To some extent we've been able to fill those gaps with tools available and that may be one of the reason [inaudible] 25 years on or whatever is the last -- >> I mean one of the areas where a edc can jump in, I'll take an example of filling that gap. Our capital spending process is great I mean in the sense we develop our programs very carefully with public input, carefully identify when it goes to voter referendum the projects that will be built and so forth, but it's not

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nimble in the sense that it doesn't provide object tunistic funding, capital funding, money to put projects on or in the ground. That come out of the -- they kind of come out of nowhere. So this would be a way to dove-tail with our long-range planning associated with our capital planning, with our capital process to facilitate projects that sort of come out of, you know, that are unexpected but provide a great opportunity for the city. >> Spelman: Okay. Thank you. >> Cole: Councilmember morrison. >> Morrison: I just wanted to make a comment on this topic, if you don't mind. When you are talking about the four different ideas of what an edc might be, it sounds like with three of them it's sort of happening organically, but there's one idea that you mentioned that, as far as I can tell is not happening organic and that is workforce development. So we've got capital studios, that's great, one end of the spectrum. We're getting a ton of higher end housing and it's nice we've got 1.3 coming in affordable housing but that's not going to buy that much. So we're on a trajectory of not having any workforce housing downtown. I wonder if it might make sense and it wouldn't necessarily be with economic development, if it might make sense to really focus in on that because, you know, I'm really concerned that with all the buildout downtown we're going to the end and there will be no workforce housing. It might make sense to make that a real priority of a limited edc to try and get some traction and actually get some workforce housing because it's not happening organically at all. So I don't know, I guess I'm expressing an opinion. I don't know if a edc could be a limited purpose, you know, that could "-edc that

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could eventually be expanded to handle all those other things which are all big deals and all probably complicated. But to really focus in and try and make some progress here because we're not seeing any progress. >> You know, an edc could be limited in terms of its purpose and what's allowed under the law, obviously what it can do is probably broader than that. I think we should provide council with an understanding of what the prerogatives are that's allowable under the law and in regard to that corporation, but I suspect it's much broader than that so your ability to narrow it to a particular topic is probably appropriate. USUALLY EDCs ARE Established, you know, to deal with economic development issues in a particular area. Talking about in terms of a downtown area, but let us get you more information on that. >> Morrison: I'm just thinking that obviously there's a lot of forces at work that have slowed the progress of the development of it. And so create the all encompassing all perfect edc would probably take a lot more time than it would to take one that says as an initial phase this edc is going to be focused on workforce housing. And to craft it in a narrow way I would imagine would be simpler and expanding it beyond, but those other things are happening organically and this is not and we're losing our opportunities. So I would say there's some urgency to that and I don't know what -- what policy statement we could potentially make to move forward on that, but as councilmember riley has been mentioning, we haven't seen forward motion so if we wanted to promote this, I

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guess my question would be how would we, how would we do that. >> Well, I don't have a response beyond what he said earlier in terms of you can expect staff to offer perspective and recommendation in

the near time. >> Cole: Councilmember morrison, you see the need to limit the potential scope to actually make something happen, am I hearing you correctly? >> Morrison: I see the need to as we just get started, just scope it in such a way so that we can get started on the most urgent issue. And not take the time to scope it, you know, to figure out all the ins and outs for everything else, just how would we do it for this and if it's simple to check a box and go through everything, I don't know what goes into the legalities of creating anedc. >> Cole: Let me ask you, jim, I seem to remember that one of the complexities but nice things is they have the capacity to borrow. Is that correct? >> I believe -- I believe that's correct. I mean, yeah, my -- jorge points out in some ways their capacities are defined by the enabling legislation that the local government and cities provide to them. But I believe they do. Oftentimes though, they are also in addition to any borrowing power they may have, they -- they usually get at least for certain -- depending on what their focus areas are, they get some sort of initial infusion of money. And that may vary. Sometimes that's simply an appropriation sort of

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starter money that gives them a pot of money to work with, you know, that perhaps creates a circulating, a revolving fund. I've seen others, I remember others where they actually -- they don't receive a pot of money, but they receive a revenue source. For example, I think I remember one and I can't point you to where this was where basically the local government essentially turned over a parking facility or a set of parking facilities to the edc, which gave them a revenue source against which they could borrow money. It was sort of not the exact pot of money but it gave them the leverage to borrow money against that predictable income stream. So for a the look of functions they do need to have a funding source and it could come from borrowing capacity or borrowing capacity as leveraged against an asset that produces revenue. >> Cole: But I do remember that being one of the complexities of trying to determine what the funding source would be and what borrowing capacity that they would have. And so just easy to say go create an economic development corporation, but if it doesn't have any tools to actually operate, then you have difficulty. Councilmember tovo. >> Tovo: I think this is an interesting discussion and I would be in favor of moving forward with a limited scope to address the real issue of workforce housing. And I would guess that our 1.3 million could be some infusion of funds that edc could start with. [Inaudible]? >> I think the way the density bonus code is written, I don't have the code language in front of me. I think it's -- I think the council specifically gave direction that that money

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was to be used for low levels of affordability, low barrier entry that. Would require a code amendment I think to switch it over to workforce. >> Tovo: Nevertheless, I think it's still a very -- workforce housing is a critical priority and I like the direction you suggested. >> Cole: I've looked at this a little in the past but plan to do further work but not just work for housing although I recognize that as a very significant issue for downtown and trying to figure out the balance of where to start with trying to create [inaudible]. So I appreciate your comments. I really do. Any further comments? Councilmember riley. >> Riley: Other items within the presentation. About the public realm highlights. There's a summary of the work we've been doing with great streets and a list of the projects that are completed, under

construction or planned. I have to say that the one area that I've been hearing the most about lately, the need for additional street infrastructure is not mentioned here and that's rainy street. I realize that's not really in the category of great street C.I.P. Projects, but it is comparable in the sense that there is a real concern about -- about the need for -- the ongoing need for pedestrian improvement. We have heard at a few times from staff with economic development about the status of that and I guess we've had some reports from public works as well. Is that independent of the great streets projects that are considered part of the downtown plan or is that -- is there anything you can tell us about where that stands and when we can expect the report on progress?

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>> The great streets program and the development standards were actually adopted by council back in the early 2000. Actually have confined reese and the south boundary is Cesar Chavez Street. Technically rainy street is not within the area of the great streets program. My recollection, but I can't provide an exact update today, is that our public works department and our transportation department have developed -- I don't know if I would characterize it as sort of an interim level or long-term level of improvements for rainy street and I believe I saw recently that some of those improvements are on the cusp of actually happening this the next month or two. I'm afraid I don't know the details beyond that. Obviously one of the challenges down there is very constrained in terms of the width of the right-of-way. >> Riley: Right. And I know public works has been working on this. I saw a report recently from a representative of the public works department about effort to get things moving quickly. I think it would be helpful at some point to have an update on how that's going, how the projects that are currently in the works relate to the bigger picture for the rainy street area. >> We'll pass the word along and we'll get that to you, an update on the status of those improvements. >> Riley: We have a the look of residents down there now and they are increasingly anxious about the lack of pedestrian improvements and wondering where that stands. So it would be very helpful to have an update on that. The last question relates to the way finding program extension on 513. I'm glad to see we're moving into phase 3 and implementation. When can we expect to see some projects on the ground? >> It's our anticipation that [inaudible] actually start physical improvement

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on sidewalks in the initial phases of the signage and so we're coordinating with that team to get the project on the ground and get those improvements done as soon as possible. Late spring is kind of -- it's a moving target at this point obviously as we try to finalize to get those improvements on the ground. >> We have the funding to actually put improvements on the ground. I believe right now we have -- you know, we have a public works project manager who is terrific working on the project. We're this the final stages of finalizing the exact colors, materials that will go on the signage. It's in the final stages of getting ready for the production of the hardware that will be installed probably in the first, I'd say four to five months. >> Riley: Would that include the signage related to parking? At times discussing the way finding program we've seen images of signs directing people to parking and included things like realtime information about the amount of parking available? >> That's one of the areas that is addressed.

[Inaudible] I'm not 100% certain that's going to be in the initial phase of improvements you'll see. >> We can get you an update on that. We actually have two public works project managers, one is working with us on the ground for the pedestrian way finding. I'll follow you and provide council with an update so that you understand the timing of both those tracks now, the parking element of it and you do remember correctly there will be that as well as the sort of pedestrian oriented signage and maps and so forth. >> Riley: That would be helpful. Thanks. >> Cole: Councilmember morrison. We do have other items to discuss. >> Morrison: Right. Two really quick questions.

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One is the topic came up when we were talking about the seventh and congress zoning case and that is that for hotels the affordability -- fee in lieu is set at zero dollars. When do we expect to go a reassessment of the fee in lieu? That one we're basing our work on right now is -- >> I believe the -- the ordinance by which council adopted the program last -- I think this was part of the july of 2013 code called for a recalibration every three years. So we're, what, 16, 17 months into that period, so I would imagine unless directed otherwise. Or I suppose we would also -- I think we said minimum every three years. So, you know, at a minimum we would be gearing up for that a little over a year from now in terms of gathering the economic data and so forth. If there was -- you know, I suppose if there was events that have the economics underlying downtown development had dramatically changed, potentially, you know, you could initiate that earlier. >> Morrison: Because we are starting to hear some things like oh, we have plenty of hotels now and things like that. And then the last question is on slide 26 when you are talking about coordination with code next, so are you looking at actually -- are you in the - - what's the timing on actual code changes? Is it going to be win code next or before code next? >> Kind of parallel to code next. We are developing the approaches, move into the next phase of incorporating these, the zoning changes,

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the compatibility standard into that product line so we're able to move forward on these and so they are in line with code next. So we anticipate start of next year to begin. >> Morrison: So the actual zoning changes to rezone something from gmu, to 60, that won't happen for a while. >> That's correct. As you recall, the downtown plan recommended the creation of new zoning district. So we engaged [inaudible] on that we don't want to create new zoning categories and come back and remove those or alter them or change them to something else. That's something we'll closely coordinate as the rezoning process goes and engaged to come up with a solution that will address how these zoning changes are recommended and implemented. >> Morrison: So we don't -- so a council, I won't say we, won't be sejong change cases for a couple of years. >> I'm not sure a couple of years is completely accurate, but within the next year or beyond. >> Morrison: You are waiting for code next to mature quite a bit to make sure what is proposed -- >> correct. We are in line. >> Morrison: But not necessarily waiting all the way to the end. >> That's not -- >> just to make sure, I heard something that if for whoever is listening or here with us, of course property owners are free to bring forward zoning cases in the interim because when you said something like we won't see zoning changes, you won't see the city initiating a

widespread zoning change. But, of course, we will handle per the usual course of business zoning cases downtown using the downtown plan and policy guidance for

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that. >> Morrison: But gmu 60 won't exist as a zoning district. >> Not as of yet. >> Morrison: But obviously we can do d.M.U. With a limit of the conditional overlay. >> That's already happening, councilmember. >> Morrison: Thank you. >> Cole: Councilmember riley. >> Riley: One quick request. I appreciate your offering to provide an update in the rainy street area. If you could make sure lighting is addressed through that update. That's a particular concern. I have been hearing concerns about that. Get an update on that along with the other pedestrian improvements in that area. >> Cole: Councilmember tovo. >> Tovo: I know public works do a presentation to address some of these questions and if we could get a copy of that presentation, an opportunity to see it but there weren't copies available and I think that answers some of the -- certainly some of the questions that residents have raised about the status. It does seem that many of those project improvements are imminent. >> Cole: Thank you. The next item is issues related to the appointment of the new city auditor. Councilmember morrison. >> Morrison: I asked this be put on here because I just wanted to ask our legal staff to walk us through what the situation is, what our options are, how we all might proceed. >> Anne morgan with the law department. The question came up with transition from current council to next council you have an appointee who indicated he is leave in december. Essentially you have three options. The current code says that when the auditor leaves office, the code indicates that a deputy or the first assistant shall serve as the acting auditor during the vacancy. That would automatically go

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into play. The code does set out a mandatory process for selecting an auditor and I'll just walk you through that quickly. The council would appoint a nominating committee, three councilmembers are appointed by the audit and finance committee. The state auditor is on the committee and the city manager is on the committee. And then there's some really specific dates that are listed in the code for the committee to take action. Within 15 days of appointment the committee is supposed to hold its first meeting and consider applicants. >> Cole: Will you slow down a second. You said that the city council is actually supposed to nominate a committee. Was that right? >> Yes, but the nominating committee is already -- it's made up of various -- >> Cole: It already exists by the audited and finance committee. >> The audit and finance committee nominates three councilmembers and then the state auditor is on the committee and the city manager is on the committee. There are five people. >> Cole: Okay. >> And then in 15 days that committee is supposed to hold its first meeting and consider applicants. Within 90 days the committee is supposed to make a recommendation to council and within 15 days council is supposed to select the auditor. So I think it's obviously with that process and give ann time frame involved you could start that process but you couldn't complete it. And the hrd department would have a -- before that process starts to provide some people who are applicants. Third option seems like the council could waive the code requirements and either appoint an auditor outright or waive the time frames but try and keep the process in place to appoint a new auditor. So you could go through some or

all those possibilities. >> Cole: Agents the conclusion? >> That's it. >> Cole: Councilmember morrison. >> Morrison: I'm just interested in my colleagues' thoughts what your druthers

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are. >> Cole: Councilmember martinez. >> Martinez: I think we have an incredible amount of talent in the auditor's office. I'm not generally opposed to doing some kind of application process to see what if -- if there are other candidates out there. But at this point I don't feel like there's a need to help us find an auditor or do a nationwide search. I think we have incredible young talent that is within our own existing staff and I would be comfortable with this council moving forward with appointing an auditor. I understand there's a completely new council coming in and so I'm certainly respectful and mindful of the fact that that new council might want to have say in this process. So I'm open to either. >> Cole: Anne, let me ask you, the new council would still be under the same rules requiring what is it a two-thirds vote to actually dismiss the current -- if we were to make a decision about the auditor and make anything different than this process entails, the new council would have the option of hiring a different auditor. >> The code would still be in place for how the auditor is removed. Actually that's a charter provision. >> Cole: Other comments? >> Morrison: I'd like to comment because I agree with councilmember martinez. I feel like similar to a process that we've used like for our clerk that we saw the internal strength, I personally was on the previous process maybe when we appointed our auditor that's leaving now and -- and certainly saw how our internal -- who might be our internal candidate is our deputy, you know, fared among that only it was six years ago and the evolution

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and participation has increased significantly so I'm really comfortable with that. I think that the reality is that if a new council were to do this, if we were to wait, let's just say we appoint an interim and we were to wait, a new council coming into who was is going to have a certain amount of startup time before it can actually get to a point of creating a committee. So I think we would be talking about contemplating a significant amount of time with an interim auditor which makes me somewhat uncomfortable. And so what helps me in an argument for going ahead and waiving the ordinance and appointing internally is that I'm just uncomfortable asking someone to be an interim for two years. You know, and we know that there is a process for removal should the new council choose otherwise. So that's why I would be comfortable with that. And ann, can you tell us if we wanted to, what would be the specific tool that was used on the agenda? Would it be something councilmembers would bring forward if we wanted to waive or if we worked with staff? >> You would want to -- you must waive the code requirements and then take the action. >> Morrison: That would be an item from. Council. That would be an ordinance. >> You would need to waive the requirement. It would need to be made by ordinance. >> Cole: Let me say I was on the committee before when we hired this auditor and we had the state auditor and city manager and councilmember morrison and I served and it was a lengthy process that we went through and it took a considerable amount of time. I would be concerned if we left the auditor's office

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without an auditor during this transition period when there are so many potential large audits that take place and they are holding so many responsibilities and I think the new council having worked with the auditor's office [inaudible] redistricting process will know that value and hopefully would appreciate us going ahead and moving forward with the full realization that they could offer that [inaudible]. Any further comments? We have another discussion item. The next item we have to discuss is similar, issue related to the transition from a seven member council to 11 member council. I'm not sure who posted this item. Or maybe it was just posted in the context of --. >> We had sent a memo that concerned appointments to boards. >> John Stein oh, law department, and I think the clerk will probably carry some of those items too, so if you have any questions. >> Cole: I believe that was it. >> Then I'll -- what we have remaining on this agenda would be something to adjust the number of votes needed for passing an item for the

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new council to become effective January 6 when they were sworn in. Just to let you know, the current rule -- a lot of people this is a revision, it's not, it's an ordinance and there's nothing that requires having a three reading rule, but we do and if you want to continue the three reading rule, vote necessary to work with 11 people. The current rule as far back as I looked was the 1951 code which stated it as a two-thirds rule. Then at some point along the line it got changed to five votes, which is a plus one rule. Also two-thirds. Coincidentally with the number 7. In creating the backup for tomorrow, I thought if we wanted a plus one rule, it would be 7 votes, a two-thirds vote it would be 8 votes. But our general drafting criteria would suggest that we always try to create the maximum flexibility for the council so I went with the least restrictive alternative, which was seven votes which was plus one rather than two-thirds and that's what that says. There's also a change in the council term date from the previous December 15th now TO JANUARY 6th. That was because when we originally chose that December 15 date, we were under a different understanding as when the runoff would be held. Now we don't want to have a period when we don't know who is on the council and who is not. So we switched that to JANUARY 6th. About the only remaining thing, and we previously changed all the -- well, the -- the -- the item

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that's on tomorrow to change the super majority for three readings was -- there's one more thing that we'll need to do and we can bring that forward soon would be that was about the number of votes needed for a super majority. There's a couple of places we found in the code where it mentions four votes is a simple majority so we'll switch those. All we need to do is take the number 4 out because a majority is a majority and didn't really need to have that in in the first place so that's a tweak we'll bring forward. >> Cole: The majority will now be six instead of four. And super majority will be -- >> super majority of two-thirds will be eight votes and a super majority of three-fourths will be nine votes. >> Cole: Councilmember Morrison. >> Morrison: So it seems to me that we should -- we need to make sure we understand two things. That the number 7 is going with the plus one and, you know, versus two-

thirds, two-thirds being longer. And when we're talking about having something pass on three readings, I don't know, it might make sense to me if we had two-thirds. But anyway, I thought in terms of do we put in the number or do we put in the concept, I thought -- excuse me, I thought that what we were doing in this exercise throughout the past year and a half was trying to remove all the numbers so that -- and so I was surprised to see a number show up just for consistency sake, why don't we say what we really mean. And we're still apparently finding numbers in various places. >> I tried to remove the numbers in the charter because when -- the charter is very difficult to fix. And when we were doing all the charter amendments, it was unclear for a long time how many councilmembers we

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would end up with. And so I wanted the provisions to work with whatever number finally worked out, the drafting matter. In the code, I think if the number of councilmembers is going to be stable, it's actually helpful to the reader to just state the number. Because -- and, of course, the number seven was stable for decades so perhaps number 11 will have that stability as well. I think it helps the reader just to say what the number is. >> Morrison: We do have is number elsewhere in the code? >> There aren't very many super majorities in the code. There's general -- there's a general disfavor for super majorities but the idea is it's generally disfavored for one council to try to tie the hands of -- >> Morrison: I'm just talking about how is our code crafted. We reference super majority, we don't wrench numbers, do we? >> There -- reference. >> There are some references to percentages. And so it could be -- if you went, for example, with the -- with the -- if you wanted to go with the two-thirds rule, I could easily state that as a percentage rather than as a number. So that would -- it's entirely the council's choice as to how you like to do that. >> Morrison: Right. Like, for instance our boards and commissions code are we going to change that to say 11 or every councilmember gets to nominate one? >> It has already happened and it says 11. >> Morrison: It says 11. Okay. So we have those situations. >> Yes. >> Morrison: Okay. >> Cole: Any further comments or questions? Without objection, this meeting of the austin city council work session is adjourned.