

City Council Work Session Transcript –11/18/2014

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♪♪ test. ♪♪ [music playing] >> tuesday, november 18, 2014, at 9:05 a.M., Meeting with the boards and a commissions room, austin city hall. So before we begin, I have to leave and I believe councilmember spelman who is not here yet has to leave at 11:30 today to go to a sort of a seminar, I guess, over at the four seasons with the real estate council of austin to discuss austin business so we might want to wrap up by them depending on whether or not if we can keep a quorum. And also, bring your attention, the consideration that we may need to extend our meeting on thursday to two days, that's a possibility. 185 items on the agenda. Some controversial and so we'll just keep that in mind as a possibility that we would recess

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before it gets too late on thursday night and reconvene on friday at some particular time. So we'll go to our preselected agenda items. The first is -- the first two are pulled by councilmember spelman who is not here. So I'll go to the next item, item 92, which I pulled to discuss the ordinance on the lease for the apa at the town lake site and I believe the austin animal shelter -- is abigail here? I want to discuss aspects of this. I think the recommendation of the city is we not extend it for the full time but have a modified lease agreement. >> Good morning, abigail smith. We have sarah here to talk as well. It is relative to the lamar beach master plan, the length of the extension. And I think there are a couple of other issues also attached to this and we want to make sure we do two things. >> One, look at the timing in terms of the presser street and the master plan and the development of the property and the other to look at the terms of the license agreement as it stands now and make sure we have the ability, we negotiate all of the cough nexts in addition to the time frame. >> Mayor Leffingwell: So your recommendation is what? >> Well, I mean, I think it's clear an extension is in order. That they can't move out by next may when it expires and I think sarah can address the time frame and in terms of the details of the covenant, work with apa to come to terms to make sure that the agreement better serves the austin animal shelter in terms of capacity needs. >> Mayor Leffingwell: So the contract is up next may, so if we did, as suggested, a

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six-month extension which would take them to august, it seems that would be the wisest course of action to consider this and also, I think it's properly -- for a long time, we're making a long term lease decision that we do have a new council coming in january and I think they should have some input on that matter. Sarah, do you have anything to add? >> Um, just I think abigail has talked from a parks and recreation standpoint, I agree it's an opportunity for them to have a place. The concern for me is the feasibility study will start up and end in january. We had to negotiate the payment so it's a little bit delayed and immediately after the feasibility study which talks about what can you build there, we'll follow up with a master plan which we believe will take anywhere from six to eight months. So looking at august of 2015, the end of 2015 to be back to council with a master plan to present. Part of my concern is I've made a commitment to the west austin youth association to make them whole, to not put them in a situation where they would be up against them from a safety standpoint and pushes them east and my concern is we would impact the operation at the current site and it may cause a movement there. So the whole -- it's sort of the a if this, then this, and that's my concern, not being able to honor the commitment we've made there. But I think -- I don't want -- in two years, would cause that kind of problem as well as we believe pressler's development would start in january, 2015 -- sorry, '16, as we'd planned it

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through the master plan. >> Mayor Leffingwell: Well, it seems to me, with all of these pieces of the puzzle as yet not in place, we need to take a little bit of time to make this decision. And make sure that our master plan for that particular area is sort of put in place, and also, it's my understanding the animal shelter is kind of bursting at the seams at the loop now, and there may be a need for the austin animal shelter to actually take that over and we need to carefully consider that. Do you agree with that? >> Yes. >> Mayor Leffingwell: Any other questions? So that's what I would be -- I would be supporting a six-month extension of that lease to give us time to make a good decision. Councilmember martinez. >> Martinez: Map, mayor, we worked with stap to come up with this item, it's clear that nothing is going to happen out there for quite some time. Construction won't start until january of 2016. We as a council have already -- you know, when we talk about commitments we've made are, the commitment is that we would maintain an adoption site at that site at lamar beach and austin petitions alive being our largest partner pulling animals from our animal center and getting them adopted out is a huge component of our no-kill policy which was adopted by council. So this item simply says as these time frames move forward and the master plan gets done, we're going to maintain our commitment that this council made to have an adoption shelter on-site. And austin petitions alive is currently operating there and I couldn't imagine another partner more suited to do that. They've also made a commitment to go through the master planning peace for lamar beach. If it's determined in the end

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there's a footprint available then the future council will have an opportunity to decide whether or not that's something the city wants to fund and build, which we haven't identified funding for when worry

talking about partnerships in the community for services that are sorely needed, you have a partner in austin petitions alive who willing to fund the construction and the ongoing adoption on the site and I can't imagine us not wanting to continue to support that relationship and a six months' time frame doesn't do anything. Nothing is going to happen in six months, we know it will take much, much longer and if it's shorter than two years, austin petitions alive understands that and is prepared to make necessary steps to move. Or turning it back over the city. This gives them the option to stay there if nothing happens for two years, which more than likely nothing is going to happen other than the pressler extension. >> Mayor Leffingwell: As the author of the original almighty amendment to the plan when we moved from town lake center to the loop, I offered the amendment we maintain a adoption center there, I certainly didn't envision it becoming an entire animal shelter on its own. I think that's the direction it's been heading right now. Into a full blown animal shelter and I think we should pay attention to that. It should be an off-site adoption center on. Councilmember morrison. >> Morrison: The comment you made about the commitment to -- it sounds like, correct me if I'm wrong, that the -- assuming we get a plan in place that allows for pressler extension, we're not expecting the construction of the pressler extension per se, to affect the

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area where our animal shelter is. It sounds like you're just suggesting that it could have an indirect effect because you made a commitment and they might need to take over the area where the shelter is to actually maintain that commitment you made? >> Not so much that, if you look at the design of the pressler extension, it abuts right up to the place -- one of the playing fields. One of the concerns of that organization and the parents and groups has been the safety factor which we share but it can be resolved through good design. The commitment when we were talking with the parks board and others, was to hook at how the design could be reconfigured so there wouldn't be as big of a safety factor and part of that meant not adding fields. I want to be clear, but existing fields and reconfiguring that in a way. As we've within all along expecting quite frankly which may not be the case, but the expectation was that eventually this facility would be torn down, because of its condition that then we would -- when we redesigned the area, we would take into effect, the shared use of parking, shared use of the amenities and economies of scale and shifting things further east, not adding but existing and reconfiguring it. When that happen, if they're in the situation, although councilmember martinez did clarify something which helps, if there's a need or a future development that needs to happen, they wouldn't be there, the whole issue was having made the commitment to say, we'll make you whole, not loose fields, it means shifting. That means it's going to cut into existing -- that building that's existing there that's

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recently been evaluated. >> Morrison: Is sounds like we have a conflict, we have a commitment about maint maintaining and you have made a commitment and it could mean for some time there's no adoption site there and I guess I have a problem with -- euro saying it would cut into the -- >> I'm talk can about the shelter itself, not the adoption site. The ruling we received from the law department was

that the adoption site itself could be moved anywhere on that property as long as you maintained a 5,000 square foot adoption site. So I'm not speaking about the adoption site. We would honor that commitment as part of the design. Where the problem woman much comes if you shift things, it's going impact the existing shelter site. >> Morrison: I see, it sounds like a decision would need to be made about if it -- if doing that displaced apa, that's critical to our commitment for no-kill, then we have two disparate commitments on the table and those would have to be aligned or a decision made that one commitment is going to override the other. So I guess we're in a pickle here. >> Mayor Leffingwell: I don't think there's a conflict with the original commitment which was to maintain an adoption center and sarah stated, that's going to be ongoing no matter what happens. It's just I don't think there's a commitment to maintaining an animal shelter on that site. Councilmember martinez. >> Martinez: I don't necessarily see them in conflict. It was right to -- we're asking a bunch of partners get to a means to an end. We've committed as an council to keep an adoption center on-site

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and sarah commits to maintain existing ball fields. I think they can coexist. If we have to remove portions of town lake animal center, then we'll have to figure out how to maintain a animal shelter somewhere on that site. Whether it's a temporary building or offsite facility in another area in a attempt to move them back. But bottom line, both commitments can be maintained. It's going to take folks coming together and compromising, maybe, but I think both commitments are in line with one another. I don't see them in conflict. Just like anything else, difficult things take a little bit of work and I think sarah is fully prepared and capable of doing that work. >> Mayor Leffingwell: And the final thing I'm going to say is, you know, all of these things are still kind of in flux and I don't think it's appropriate for us to make this decision right now. We might commit ourselves to a position that does create a conflict in the future. Any other comments? Ok. So we'll go back to item 3. Pulled by councilmember spelman. >> Spelman: Thank you, mayor, I have some questions if anyone could answer the good morning, carl. >> We received last week, a very nice document from you all in response to resolution 1024-03 addressing problem properties in obvious where you go through in detail, the difficulties associated with doing enforcement on properties that seem to be problems over and over again.

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And as I understand it, the core recommendation in the report are to create a interdepartmental team that includes legal staff, includes people from your department. That will identify the top four areas in austin that have multiple code violations, criminal activity and social service needs and things like that. Implement a pilot problem to address those areas and after six months, tell us how it works out. Do I understand you correctly? >> Yes, sir. >> Spelman: It would be too simple to say this creates the same thing we had years ago, but we're talking about a interdepartmental team focused on places with recurring problems. >> Yes, that's correct. The safe team will actually reactivate the safe team too. In addition to this interdepartmental team, this interdepartmental team goes beyond the scope of the safe team. The safe team will focus on structural conditions of problems, particularly vacant properties and properties that may pose a danger to the neighborhood and a fire hazard, a possible fire hazard --

potential fire hazard, so it will be a team composed of a number of departments and go into the neighborhood and actually look at the problems occurring in the neighborhood holistically and look at how we can work together in a coordinated fashion to address those issues and we have pulled the data on those four areas and we have a recommendation in that report for a particular area we can focus on and do like a six-month pilot to see how it goes in six months and then come back and progress made.

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>> Spelman: River side, st. Jones -- >> that's correct. >> Spelman: You don't specify in as detailed a way as eventually you're going to have to but since you're talking about places that have code violations and criminal violation and social service needs you'll have representatives from the police department and some people from social services. >> Yes, police department and fire department and health and human services and parks department and public works, a number of public works working together to addresses neighborhood. >> Spelman: And there would have to be a attorney assigned because there's a lot of legal work associated with the criminal activity and the code violations. >> Absolutely, the legal department has committed to having legal representation on that team and we're looking forward to working with them. >> Mayor Leffingwell: Before you go on, I want to recognizes city attorney who has questions about the posting language. >> I want to make sure that we're getting to -- related to what we're posted for. >> Spelman: I'm aware that this is not exactly the posting language. This is my point, we received this, which is a response to problem properties and it is not fully fleshed out. Obvious more work to do and we have to look at the budget and figure out where we're window going to get the money to do this and -- but this is going off in one direction. And now I'm looking at item 3 and looks like it's going in a very different direction and I wanted to point out the distinction between the resolution -- the address of the resolution you sent around last week and this ordinance. This is talking about a fairly sweeping change in the way we talk about doing -- responding to problem properties.

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3 is talking about relatively small change in our definition of problem properties and here's my concern with it. What three does is waters down our definition of a problem property to the point where a lot more properties are likely to qualify as being problems. And conceivably this would water down the response, our ability to respond to the problem that really -- the biggest problems we've got. Why is it we need to do the stuff in three? >> Actually our intent is that it does just the opposite. It actually make it stronger. The last time we were before council and we talked about the repeat offenders' program and the registration program set up for repeat offenders we reported we only had 12 properties in that program and council, you basically advised staff to go back and see if there's any changes that need to be made in the ordinance that would help to expand that program some and be more inclusive of problem properties. By looking at the language that we're recommending in changing, you would actually -- we would actually include more properties in that -- in the program. And we're advising that we take out the term habitability and dangerous, not because we're not going to focus on dangerous property, they're our priority and will continue to be, but whether or not they're in the repeat offender program that they will be a priority but taking that language out and expanding it from a 12 month

period to a 24 month property will include more property as allow us to monitor and do periodic inspections on those properties.

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If a landlord is given notice of the violation and maybe the violations are fairly minor now but they're not taking care of them, those things will -- likely to become major. So what we want do is encourage them to take care of the violations before they become hazardous and dangerous and if do you that, that's certainly affecting the quality of those tenants but the way it's written, it allows them to not take care of the things that are fairly minor and regular -- not take care of them and they still won't be in the program unless we get at least five notices that are like that within a 12-month period. So I think that -- we don't want to water it down. We want to expand it to be more inclusive of the properties that are problems. >> Spelman: Well, it sounds like there was a basically misunderstanding on my part. When you produce -- you did your -- how large was the area you scanned that produced only 12 properties? The whole city. >> That's the whole city, yes. >> Spelman: When you scanned the entire city and only came up with 12 properties that qualified under the repeat offender guidelines as originally set out, my assumption was, ok. It's a database issue. There's more properties than 12 that aqualify, it's just that we don't have databases lined up in such a way we can identify them. Which is telling me, it's not a database issue, there really were only 12 properties that qualified under those guidelines. The guidelines were much too narrow. >> That's correct. We did go back, though, we're still working with our database system because I think you made a valid point there, we still have to look at our system and see -- the key is how do you scrub it. How do scrub the data so you can identify the properties that have more than one notice of violation within the last 12 months. >> Spelman: Right.

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And that's been a challenge for our database and a lot of the scrubbing was not just been technology, it's been manual. Taking more time than anticipated. But we did go back after the last meeting and did another scrubbing and identified additional properties but it's still not a totally perfect system. So we got to work -- we still got to work with our database in order to be able to identify those properties while at the same time, I think, changing the language to be more inclusive and both of those things will help the program. >> Spelman: We started with 12 properties that qualified. And now you said you've expanded that. What's our current number? >> Our current number is 21. We went back and -- 31. We scrubbed like 137 -- 153 properties, and of those, 2929 are being -- are in the process of being registered. 19 have been rentalled so the 19 and 12 give us our 31. We've got 10 more that are pending. And another six that we're taking a look at also. So. >> Spelman: Ok -- 41, 47, maybe we're talking about 50 that would qualify after you get through with all of the scrubbing? >> That's correct. >> Spelman: Ok. That's closer to where I thought we would be than 12 and sounds like there's things we can do. Things we can do to the database so we don't have to scrub them on a case-by-case basis. >> Ian your question could you repeat. >> Spelman: Once we've identified a property we think -- we have to look more closely at the cases than that

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particular property. >> That's absolutely correct. We scrub the database and pull every case that might fit the scenario but manually go through each of the cases to confirm. >> Spelman: So this is a labor-intensive process and there's not a lot we can do about it given the database we've got. >> That's correct. >> Spelman: Ok. That helps me think about item three differently than I had before. Thank you. >> Thank you. >> Mayor Leffingwell: Do we have a sense how -- if we're talking about 50 now that qualify, once all of the scrubbing is done with the current restrictions do we have a sense for how much bigger that group would be if they increased the envelope? >> I'm going to allow todd wilcox, the vision manager -- the division manager to respond. >> It increased the pool by 77 properties across the city. >> Mayor Leffingwell: So instead of 50, we have something around 130 or so would qualify? >> If they all met the other criteria. (Indiscernible) and that doesn't show any of that, we would have to do that manually. >> Mayor Leffingwell: Remind me how many properties are included in the database total? >> I'm not sure if we have that total number. >> Mayor Leffingwell: To the nearest 100,000. Talking about 400,000, 600,000? >> There's 430,000 accounts in the city, so the -- have all of the addresses. Depending on who calls and who doesn't. >> Mayor Leffingwell: So the denominator would be somewhere around 400,000 and talking about 120 out of 400,000 would be the largest number we're talking about even after we expand -- >> that would be the largest. I think talking as account, residential and commercial, so it has to be residential only and from then from residential, you've got to separate rental from owner-occupied so only talking about rental properties.

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>> Mayor Leffingwell: Something like 200,000. Maybe a couple of hundred thousand. A small percentage. >> Very small percentage, yes, sir. >> Mayor Leffingwell: Thank you. >> Mayor Leffingwell: Did you have something, councilmember tovo? >> Tovo: Yes, I wonder if you can provide the numbers you provided with us through the q & a process so we have a written record that councilmember spelman asked about about how many properties, you identified the pending and I think it would be helpful to have all that in writing. >> Glad to share that with all of council. >> Tovo: The report that you provided was useful and I haven't had a chance to delve of into it in detail but I appreciate the direction this is moving, it's an important step for the city and I wanted to thank you for the responsiveness about the very few properties falling within that category and I think these changes look like the right action to take to make sure we're really capturing more of the problem properties. Thanks for your work. >> Thank you. >> Mayor Leffingwell: Other comments? Move to item 49, councilmember spelman. >> Spelman: Mayor, this is a flag for me to mention to the rest of the council, this is -- there's still pieces to be worked out. There's been sentence I have conversations between the city auditor and the ethics review commission. There's still conversations going on between the law department and oca and the city manager's office and there's a few things that will be added back in which were inadvertently left out. There will be another version in the next few days but I suspect

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we'll be able to work everything out in time for the thursday meeting. Councilmem councilmem ber martinez. >> Martinez: We also received some correspondence from the local employee union, as plea, and they have -- but if it's not done until wednesday or thursday morning, they request that we respectfully postpone to the december meeting so they can time for a review. If you're not opposed -- >> Mayor Leffingwell: I neglected to mention that they're part of the consideration well. We ought to just pull it for another couple weeks if we don't get it worked out by thursday. >> Thank you. >> Mayor Leffingwell: Other comments? Go to item 102 pulled by councilmember spelman. >> Spelman: , My apologies, mayor. The makers of the resolution. Given we have 186 items on this agenda, I had to go to my second book. This will take a second. My primary concern here and you can probably understand my concern, the timeline is extremely short for a lot of stuff. All you're asking the city manager put together an implementation schedule, but it's a implementation schedule for a large number of very specific actions. And two issues. One of the issues is that although each of these actions individually look sensible, I -- we have not as a council had an opportunity to discuss these issues and the bigger issue is that the city manager has a very

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limited amount of time to come come up with a implementation schedule and I world if that implementation schedule will be accurate given how little time is available to come up with it. I wonder if there's a give on the part of the makers of motion or whether the city manager would like to weigh in, no, december 5th is perfectly ok, we can get it done. >> Morrison: Mayor. Councilmem councilmem ber morrison. >> Morrison: I'm happy to make sure we work with staff and get the right data in there. Clearly this is an effort that's going to take a long time. There's a lot of long range issues here and it will - I have been making sure to keep in the loop and part of the discussion the councilmember elect from this district. So it's something that she also embraces and will be looking forward to moving forward. So I guess I was interested in one thing, you also pulled item number 106 and there is a interrelationship actually between those. 106 is to consider setting a public hearing for the 11th to actually look at adopting some interim regulations related to drainage and other things. And so I was interested in getting at least a first crack at a timeline on some of the work so we could make sure that we put in an interim date for the -- an an expiration date, for the interim regulations we might be considering that aligns with when some of that work will be done. And so I would -- I would be happy if by the 5th of december, we get just a first crack and know it's just a draft so we could at least put a first draft in anything we consider in the public hearing and the

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ordinances. And if it has to change, then could change it one way or the other, too long or too short. >> Spelman: I agree, the person representing the district will do an excellent job making sure the interests are served. >> Morrison: To city manager, my point to you would be it would be helpful to the other work that's interrelated to just get even just, you know, a draft assessment and we could certainly understand if it needs to have further work. >> We'll do our best, but to councilmember spelman's point, there's a lot involved in certainly the item that you responded as well as 106. 106 and 102. We'll

do the best we can, I respect s&p -- I mean, it's a multidepartmental kind of effort that has to be undertaken here, we'll do our best to maybe have at the very least an outline that sort of describes approach to accomplishing all of these things. We just need to be mindful and this is a larger more general comment about where we are in time. As I've said on many occasions, we have a good number of OUTSTANDING IFCs, I'VE SAID That many times here at this work session, that, you know, have -- have do you dates by the end of the year and in the midst of that, we're going through this transition, so there are lots of other things going on. I'm saying all of that just so that you have a head's up about the challenge we face in responding to this continuation OF IFCs THAT HAVE DUE DATES Prior to the end of the year. We'll do our best on this as we as do but it will be challen challenging. >> Morrison: I want to make sure that everyone is aware that these recommendations are

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recommendations that come straight from a staff memo we got in october that had timelines for all of the recommendations and so they aren't starting from ground zero. Many of these, said would take three to six month and followed by a year's study so a lot of the work to create the timeline, the foundation of it has already been done and they'll definitely have a leg up on that. >> Spelman: But we're talking about more work involved than just a rough kind of estimate. On 106 -- a public hearing to consider an ordinance to consider interim development regulation. Do you have a sense what those are going to look like? >> We're working with staff and if any of them, I see several of them here, we had a big meeting yesterday. We had a long discussion about really delving into the drainage things. The main issue, I think we've acknowledged there's serious flooding problems, particularly in this area, the report that came back from staff that we asked for pointed out there's a lot of development going on. Currently there are 500-plus dwelling units that are permitted or in progress or being built and we want to dell of down into the nitty-gritty -- this wouldn't affect anything already in progress. Not that development will stop, but that development is done carefully so that the flooding issues won't be part of the new

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don't and for example, some things that came up when we were talk being with staff, they were very helpful yesterday. There are some places where for certain zoning distrirts, there's an automatic right to not having to do significant on-site stormwater detention and things like that. So we're looking at where we can really make sure that it's going to be discretionary. We were sort of thinking, well, maybe what we need to do -- this is our naive thought before we talked to staff, maybe disallow for stormwater detention, thinking that the regional stuff is not going to be available for a while, but talking to staff, really that's going to be an issue only in the upper part of the watershed. So we're going to be careful at get at this with a scalpel to go after things and I need to talk with staff exactly how once we really get it together and figure out what it is we want to proser propose, how -- since this is an item from council to do the public hear, how we promulgate what it is we're proposing in the end. So it's a little -- it's a little out the box what we're doing, but the frustrating part for me, and I think for the neighbors, was the good work that the staff did, based on our resolution asking for a mitigation plan, one of the options, not that it was recommended but one of the options was interim development regulations. The

response that we got back is basically reflected in the resolution but if I may, and I don't mean to disparage this at

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all, but the sense of the recommendation that came back is let's do some studies to find some money to do studies to figure out what we need to do and then we find the way to put the infrastructure in. So we want to be able to stem the tide, as they say, of problems until we can figure out where we're really going to be. >> Mayor Leffingwell: The short version is we need no fix the infrastructure. >> Morrison: Unfortunately, that's the long expensive version and I really appreciate staff, you know, discussion yesterday. And, yes, this is sort of -- it's a -- it's particularly prevalent here because there's the historic pattern of developing with long single family lots and now, of course, there are a lot of infill developments there. As we foresee and all of that, and zoning has taken place and they've worked really hard burr the infrastructure has not kept up so we as a city need to figure out how are we going to be able to maintain the safety and kilowatt of life as we go through the transition period. >> Mayor Leffingwell: Any sense whether your operation is likely to be finished and the ordinance will be ready to take a look at. >> Morrison: I'd like for us to have it ready to have a look autoserum early -- ok. Realistically, right after thanksgiving. If we can get more time this week work depending on if we're meeting on friday or not. And I'd love it if we would be able to get it out before thanksgiving. >> Spelman: Ok. 186 items, there's a high likelihood we'll be meeting on friday. >> Cole: Let's not plan on it. >> Spelman: I'll do whatever I

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cannot have to do it. You're talking some time next week. >> Morrison: Ideally, sometime next week, which is thanksgiving week. >> Spelman: So that gives the public about a week to internalize the ordinance and respond and figure out what they they want to say at the public hearing and you're still working promulgating it. >> Cole: Have you ever discussed any potential cost estimates? >> Morrison: It's something we need to think about because as we were discussing yesterday, we had good representation from various departments and as we were talking about, what about this idea of requiring, say, a new kind of study or a broader scope study it was made clear that we're going to -- if we're requiring something else to be arrived, that's going to affect or staff ago review process and we need to take that into account. >> Cole: Ok. >> Mayor Leffingwell: Any other comments? I believe that takes us to item 105 by councilmember morrison. >> Morrison: Thank you, mayor. This is a item from councilmember riley and others, I'm not sure and I had questions. Basically, it asks that opticos work on aye amendments to the land development code. I should pass this over to councilmember riley to give it to us in a nutshell. In the process of rewriting our code. If I could ask him, please, to explain a little bit. >> Riley: The concept is simple. The code process is going to take a long time. May take longer if we go with option three as opposed to option two, and in the meantime, there may well be occasions for

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consideration amendments to the code. We have some urgent housing needs now. There are periodically suggestions how we could address some of those housing needs through code amendments and the idea behind this item is just that as we go about considering such code amendments we would be able to enlist the help of the experts who are working on that process. The codenext process to make sure that our consideration of those amendments takes into account everything involved in the overhaul of the whole code so that we can -- we can assure that the amendments are aligned with the goals of the whole process. And we don't just have a series of one-off happenings that may be out of -- amendment that's may be out of line with the direction we're going. So the hope is we could actually make incremental progress toward the long term vision of having a code that positions us to fulfill the goals of the imagine austin comprehensive plan instead of waiting for the whole thing to happen in one fell swoop. >> Morrison: If I may, the question I have is what is -- is really for staff. And it is what is -- I mean, ideally, I can see this would be great but have we taken this into account in terms of the scope of work of opticos and the schedule, how it will impact the schedule? I know on our agenda earlier in the meeting increasing the scope of work for opticos but it's for very specific things and if we're going to add other scopes of work, we need to know where the money is going to come from and all of that.

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>> George adams, planning and development review. Excuse me. So my understanding of the resolution is that if and when amendments are initiated opticos would provide some oversight and review of those to make sure they're consistent and integrated with the ultimate direction of the code. I think this something we can handle within our existing scope. And -- excuse me -- and we've been doing that somewhat informally with some of the amendments that have been initiated over the last few months but it's been not having this type of direction, it's been a little more focused in some cases than others. But I think this something that we can handle within our existing scope. I would say that we are continually optimistic as we get closer to a draft code, the number of the amendments will slow and so we hope this isn't a -- you know, a huge workload item but we can handle kind of some strategic individual amendments as they come forward. >> Morrison: And you say we can, opticos is willing to do the extra work? >> Yes. >> Morrison: Because we -- well, it's interesting, because when I discussed -- I had a long discussion with them before we did the -- before we started considering the approaches issue, and I did get comments from them on some of the items that are on our schedule before the end of the year. So -- and from my perspective, they're in conflict with where

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we would be heading in some ways -- >> I would hope as those -- as new amendments are initiated, if that's the -- you know, the -- their sense or their perspective on those, that that would be reflected in the review. >> Morrison: Ok. >> Mayor Leffingwell: So -- >> Morrison: I'm sorry, and we'll -- I'll just -- when we do get to those item, I'll relay what I heard from them. >> Mayor Leffingwell: So to directly address councilmember morrison's question about extra cost, you said opticos would be willing to do the work. Is this going to result in any cost increases? >> No, mayor, it's something that we can account for within our budget. It's -- you know, I'm not anticipating that this would be a huge undertaking. We

can -- you know, there's always a little bit of flexibility. >> Mayor Leffingwell: It won't result in the adjustment of their contract? >> That's correct. >> Mayor Leffingwell: Ok. Any other questions or comments? I understand we've already done item 106. So we'll go to our briefing on the state and federal legislative programs. >> Good morning, mayor and

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council. I'm john, government relations officer for the city of austin. And I'm delighted to be here this morning and to go over the draft federal program and state programs for the city of austin. I've got data here showing the makeup of the current congress, and the result on the right of the election. You can see the increase in numbers of republicans in the senate going from 45 to 53. Democrats going down from 53 to 44. There are two independents. They both caucus with the -- caucus with the democrats. Senator bernie sanders from vermont and senator king from maine, there's one senate race undecided because there will be a run-off in louisiana. In the house, there's an increase of the -- the house has gone from 233 to 244 republicans. The democrats are down to 186, and there are five races that are still undecided. Two of those are run-offs in louisiana. The other three are in states in the west where there are contests going on and recounts. >> Mayor Leffingwell: What happened in alaska, by the way? >> The republican senator senate candidate won. In the texas delegation -- this is statewide. There are now in -- in the new congress, that will be 25 republicans and 11 democrats. That's a change in one -- the

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23rd district between san antonio and el paso, was won by a republican that had been held by pete gallego, the -- pete gallego, the democrat. In the central texas delegation, it's the same, it has not changed. The current budget for the current fiscal year that began in october, the -- there has not been a appropriations bill passed, or either an omnibus other individual appropriation bills. So there's an ongoing continuing resolution that runs out in december so the congress that's in session right now is trying to address that. The sequester will have an impact that's in place over a billion dollars for the next fiscal years. Our consultants -- our consultant, capital edge and holland and knight. Capital edge, there's on a couple principals, but they're very familiar with the city of austin, they're representation representatives for 20 years and an excellent firm but with somewhat limited resource. Holland knight is a very large international law firm with over 50 public law consultants that work in that area alone. The head of the public law session is rich gold, who is the person we have a direct contract with for holland and knight and we use them for complex issues where we need a lot of

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interaction with the senior agency staff in the white house that, sort of thing. Capital edge has the capability for some of the departments based on their experience the for example, they were very helpful at onion creek, giving us cabinet-level officers but don't have the broad depth that holland and knight does. This holland and knight does. We use them for transportation and scheduling meetings as we do with capital edge, but holland and knight, virtually any federal agency all the way from middle

level on up to all the layers of congress with such a large firm and we used them in onion creek, for example, in interactions with key staff. And the senate committees. The next congress will be dealing with a new surface transportation bill of the current one has run out. It's been funded through resolutions that added more money from the general fund, the balance is essentially empty in the transportation fund. So the new congress will be under a lot of pressure to go ahead and do a new surface transportation bill that will cover multiple years. In the country, we're going to have a lot of issues on f acl to make sure that we have adequate funding.

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So, that's the reason, obviously, with the defeat of the rail bonds, the issue is, do we need to have a firm that has so much expertise in transportation. And I think the answer is yes, because we will still need transit. We don't know what that will be, but the new council will be going through the possibilities, looking at all the alternatives, revising our plans. But I don't think that the data that we develop through project connect is no longer valid. A lot of the things that we found with congestion in our approaches through regional meetings that develop the plan, I think, is still there, even though rail, at least for the moment, is completely out of the question. Who knows down the line, and we may want to do rapid bus transit or other means to address the congestion that we've identified. >> Let me ask a couple of questions on this. John, when you first started talking about the surface transportation, you were talking about a new bill that was reauthorized so that -- can you explain that again? >> Congress passes a service transportation bill about every five years that provides funding for projects, conditional, of course, on continued congressional approval of appropriations. And the money comes from a transportation fund. Fundamentally, it's the gas tanks, the federal gas tanks. They're at the point where the gas tax no longer meets existing obligation, so the federal government, by

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congressional action, is continuing to fund the program through transfers from the federal general fund into the transportation fund. >> Cole: And did you say that austin now had an increased need for that? I thought you said something about that. >> Right. Just the increasing activity on our roads, the increasing traffic. Traffic is identified as one of the primary issues in all the campaigns. It has been one that voters - - >> cole: I'm not asking the question I wanted to ask. As part of the contract with holland and knight, will you request appropriation for particular roads in austin that were, like, previously identified in the rail package? >> Yes. We will look for every opportunity that we can in this reauthorization for funding that could benefit the central texas area. >> Cole: Do we collaborate with the region in that effort? >> Yes. >> In fact, all those fund allocations would flow through camp o. >> Right, all of that goes through camp o. Typically, the funding is made THROUGH TxDOT TO CAMPO, THAT'S How it gets to the local area. >> I know there are times that we actually go to d.C. To lobby, like, the mayor has done that. I was trying to figure out that process, as opposed to the campo process, or is it all part and parcel of the same thing? >> It's all involved as part of the same thing. >> Mayor leffingwell: One of the big items that comes up every time at the u.S. Conference of mayors is trying to modify that

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process, where there could be fund allocations direct to cities. All cities have that concern, but, that is not the case right now. >> Cole: Okay, thank you, mayor. >> That's one of the things we will work on, is getting more direct funds to cities nationwide, not just austin. But we'll do that in the next opponents on the slide, and through the national league of cities and the u.S. Conference of majors. >> Mayor leffingwell: I didn't mean to omit the national league of cities, especially this week. [Laughing] >> right, the national league of cities is having their national meeting here in austin. I'm not going to go over in detail all the elements of the program, because this is very much almost the same as it was for the current congress that you approved a couple of years ago. In fact, the general principles have not changed at all. Very briefly, I'll mention onion creek. I'll take a little bit more time on it than some of the others, because we've had a major success this year. Congress authorized the president to pick four projects for funding. The president picked onion carecreekas one of those. So, in 2014 fiscal year, we were allocated funds, perhaps as much as 11 million. We've signed an agreement in september with the corps that spells out the responsibilities of the corps and the city of austin, and we have an application in for funding. We're really just waiting for the check. We hope it comes soon. We're in communication very much with the corps. We have applied for reimbursements. We're waiting for the final outcome. And I also want to mention that

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this success was remarkable given that congress does not allow earmarks, and that's the only way corps of engineer projects are funded. >> It's a pretty crafty way to avoid earmarks, if you ask me. [Laughing] >> but, in order to get there, we had to come up with an alternative. So, and mayor leffingwell has been involved in the onion creek project from the very beginning, from the time that he was on the environmental board when the original '98 floods occurred. So he's been with it all the way along, including when he was on the council. He testified at a hearing for the corps of engineers about the value of the project and the importance of it, to get it in the corps' recommendation for authorization. In 2007, it was authorized for funding, but that doesn't mean it received any funding. It had no appropriations attached with that, that's the first step. Normally funding is done through earmarks, and would've been initiated by congress man dogget, who attempted it. He's been working on this project almost the whole time he's been in congress. But, in order to get it funding without going through an earmark, we worked through the white house to get it included in the white house's budgets. And then we were able to get it into the senate, which continued to have earmarks and finally, in december of -- I mean, january of this year -- congress jointly allowed the president to pick four new corps of engineers projects among hundreds that were competing. But because of our work -- and I really want to praise the mayor, who made many trips to d.C., A number of staffers were involved in that, but the mayor has been

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consistent the whole time and really worked hard on it, and we achieved success. It was quite

remarkable, actually, to get it done. And it also includes reimbursable for money we spent before the agreement was signed. That almost never happens. It rarely happens even when there's language in the bill authorizing the funding for reimbursables. But, we do expect to get a lot of the money that we have already spent reimbursed, and a good bit of that in this initial allocation. The others are things that have been in the program, and I won't go over them all. Tax-exempt bonds is an issue because various advocates for meeting the demands of the sequester have suggested eliminated tax-free aspect of municipal bonds. And that would be horrendous for us, or any growing city. In fact, most of the infrastructure in the united states is being built through municipality expenditures, and the tax exemption on those bonds is critical to our ability to sell those and keep the cost to the taxpayers down. These are general areas of legislative focus. We're going through all the departments that have specific funding needs. Those are laid out in the document, the draft document that's before you. Incidentally, council member riley, under the housing, I did include your item that you have on this week's agenda. So, if for some reason the council doesn't want to do that, we need to take it out of this draft, but that for the housing trust fund, which it was created, I think in 2008, but has never been funded. And so, we have included that in the program.

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These others we have talked about. I won't go over all of this. We spent a good bit of time, when we went over the last time that we did this. All of these issues are still there. And many of them will appear in the current congress. And that's it for the federal program, but I'd be happy to answer any questions that haven't already been raised. >> So, back to the airport. There's been some talk about additional funding for airport infrastructure that would be funded, not by grants, but by a fee charged on each ticket. And I forget exactly what you call that, that fee. >> The passenger facility charge. >> Mayor leffingwell: Yeah. And so it would be a specific charge on each ticket? >> It's there now. >> Mayor leffingwell: But it's increased? >> We would seek an increase, and that's particularly important to growing airports like ours that have need for additional infrastructure. The aviation grants, the aip, and I cannot remember exactly what, airport improvement grant, that funding is essentially flat, and we don't expect to have any increases through that mechanism, which is why we're looking at the passenger facilities charge. >> Mayor leffingwell: I might add the airlines string gently oppose any increase, and they understand the need for improving facilities, obviously, that's to their benefit. They would just prefer another method, such as increasing landing or gate fees, as opposed to -- they don't want to see the price of their tickets go up, because that's what their customers see. So are we -- is that part of our

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program, specifically? >> It mentions that theme, but it is more general than that to look at funding options. >> Mayor leffingwell: Look at other funding mechanisms. >> As the faa funding goes forward, we will look at other airports, especially as we all seek those that are growing funding for those expenditures, for infrastructure. >> Mayor leffingwell: Yeah. And I can't resist the opportunity to make a quick comment at the fact that austin's airport is growing. Flights continue to increase, while overall, believe it or not, even in a fairly good economy right now, the number of flights nationwide right now is

actually going down, the number of individual flights operated is going down, but the airline load factors are going up. Load factors go up. Let's see. The number of flights being operated is going down. Nation wide, the number of flights operated by southwest, actually went down. And the reason for that is, they're filling up the seats more than they have in the past. >> Now, I'll move on to the state. Can you load the -- there we go.

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Whoops. I'll go ahead and skip that one and go to the . . . What my problem is. And the current texas legislature that will be convening in january, there's been only a few changes in the numbers. The republicans and the senate have gained one seat. It's gone from 19 to 20, and the democrats have lost one, going from 12 to 11. In the house -- the senate has 31 members. Presiding officer is the lieutenant governor in the house. There are 150 members, and there's been a change of 3. The republicans gained 3 to go to 98 from 95, and the democrats lost 3. If you'll notice, what's interesting about both of these, they're both just shy of two-thirds, which is important, at least under the current rules, for various sorts of rule suspensions that require a two-thirds vote, or for a constitutional amendment that requires a two-thirds vote that would require bipartisan support in order to get those through. And for local governments, generally do better regardless of which party is in power, if one of them does not have a two-thirds majority, it gives us more leverage to influence decisions on these major, major points. But, in addition to the numbers, the texas legislature has become much more conservative overall. But also, much more hostile to the idea of government services and government growth.

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In the senate, there'll be -- while there's only one increase in the number of republicans, there'll be at least eight new senators. The eighth one will be replacing senator hagar, who has just been elected to be controller. And there may be another one, senator vandderbucke resigning to be mayor. The replacements are almost all more conservative. At least half of those are republicans who lost in a primary against a more conservative opponent, which this large turnover does not happen frequently in the texas legislature. >> Mayor leffingwell: And it's not just the senate as a whole, for example, it's also how that affects the committee chairmanship. >> Right. >> Mayor leffingwell: Depending on committees that are very -- they're involved with city business a lot. That has changed in a way that could be adverse to the city. >> In the austin delegation, incidentally, in your paper handouts, charles swartner was left out inadvertently. I've corrected it here on the slide, and also, paul orkman was also left out. I apologize for that mistake. It was mine. It's corrected here on the slides, and I will replace all future iterations of this. The major issues for the state as a whole are, of course, as always, the appropriations as the state tries -- it must balance its budget. And there's also limitations on the growth of expenditures that are part of the legislative

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limitations. There will be an increase in total funding and revenues which will help. It may be as high as

\$7 billion in the current biennium, beyond their expenditures. And the next biennium may have an increase. I've seen numbers anywhere from 11 to \$15 billion for the increase over the biennium, although that assumes, I think, that the price of crude oil stays high. It's now -- for the last several days, it's been at \$75, so the higher projections may be coming down. Obviously, a lot of the state revenues are dependent on the receive advance tax on oil and gas. The big issues will be transportation funding, even though the voters have approved proposition 1 that just passed that will put about 1.7 billion INTO THE HANDS OF TxDOT, THERE Needs are more like 4 billion for the biennium. So, the need for -- to just meet the growth and the projects that are needed today. So, transportation is going to be a big issue this session as it was last session. There's also talk of tax cuts, including the emlimbation or reduction of the franchise tax. And that brings in about \$4.9 billion into the state. That has gone down as the legislature has reduced the businesses to which it applies. But this session we may see it eliminated, or at least reduced further. So some of that excess revenue that I mentioned is likely to go to that. Some of it will go to education.

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Probably, we hope, some of it will go to transportation. Property tax reform will also be on the agenda. And it means different things to different advocates. A lot of the -- especially those that identify with the tea party want to see caps, revenue caps on state government. In fact, the bills have already been filed that would do that. And caps on appraisals, reducing the current one to 10% down to some lower number like 5%. Bills have already been introduced on that. So, there'll be a continued effort on "transparency." That issue developed last session legislation that would've required us to put a lot more information on the ballot itself on bond propositions. We do have to put, currently, the amount of the tax increase that would be required to pay for it, but it would require a lot more data that we typically are required to give notice in the newspaper, and this part of the bond discussions, and provide to the public. But to put all of that data on a ballot would be, I think, would make the ballots extremely long, and I think the clear purpose of that is to reduce increased debt authorization at the local level. And we will see that discussion continuing this coming session. >> Mayor leffingwell: My understanding was the proposal last year would require the posting of all the city's debt on each individual proposition. >> That's correct. That was one of the proposals. It went through various iterations. >> Mayor leffingwell: And we

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opposed it, not because we're against transparency, but because that information is already available in another format. All of our debt information is laavailable online. >> Correct. >> Cole: I want to go back to prop 1 and what it could possibly mean for the central texas region. Do you know if that funding is going to have certain leveraging requirements from local jurisdictions? >> I don't know exactly how TxDOT WILL ALLOCATE THOSE Funds, or the criteria that will be established. There's a lot of discussions. Obviously, all of campo's counterparts around the states are seeking funding. There are a lot of projects that are in the pipelines that are being requested, but exactly how they'll be allocated and what the local requirements might be has not been established. >> Cole: Well, the items that we identified in the roads

and rail properties, 71, 360, 335, would all of those be eligible for a portion of these funds? Would those be the first ones you would recommend that we submit, or work with campo on? >> That really is up to campo, and I would recommend that you continue to work with them. We have already submitted requests through campo, and there may be opportunities for mmore requests, but I don't know. >> Mayor leffingwell: And if I could just say, maybe shouldn't, but I should say that had proposition 1 passed with \$400 million expenditures on

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roads, we would have been in a much better position to attract FUNDS THROUGH TxDOT AND CAMPO, Because they really like to see local jurisdictions have some money in the game. And so, that's going to hurt us in attracting state prop 1 funds, in my opinion. >> And then finally, the consultants that I'm recommending are the same that we had last session. And for the same amounts. Just as it is the same in the federal consultant team. That's all from the -- >> mayor leffingwell: Could I ask you one more question? >> Sure. >> Mayor leffingwell: Going back a little bit, you're talking about bills being introduced. Has there been -- I know in the past, a bill has been introduced to reduce the rollback rate from the current 8%, has that been filed yet? >> Right. That has been filed. There's been at least one bill filed. Filed by the senator elect bettencourt from houston that would roll it back from 8% to four. And to go over the 4%, you would have to do an election automatically in order to increase it above 4%. The exception would be if there has been a state of federal declared disaster area in any part of the municipality or local government entity that is subject to that. The rollback would stay at 8%. >> Mayor leffingwell: And I believe it's fair to say that this past budget that we passed would have exceeded a 4% cap, above and beyond. If that were the rollback rate, we would have had to have an

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election, even though we had a tax rate reduction. This applies to the overall tax bill, and we -- my r recollection is we would have exceeded that 4% cap had it been in place. So, just to illustration how onerous it could be. >> It could be onerous for cities. Obviously, cities and counties will oppose changes in the rollback rate. But it would not surprise me for this to at least pass the sena senate. The lieutenant governor elect has made this a priority throughout his political career. And he's in a position now to certainly advance it >> cole: Mayor, let me follow up on that. Given that the city might be facing limits on its property tax cap, is the way I look at it, can you tell us, when you talk about prop 1 passing with the 1.7 billion biennium, what are the -- tell me about the timeline of that allocation FROM TxDOT. Did they just get this lump sum of money and say, you can spend it over a two-year period however you see fit, or is it over a ten-year period however you see fit? >> I think it is over the two-year period, but exactly how fast they'll be able to spend it and how they'll allocate it is what they're working through right now. And there may be more data out there that I'm not aware of, but that's my understanding. >> Mayor leffingwell: It could be replenished after two years, couldn't it? I mean, you wouldn't have to go back and have another -- it's a

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standing amendment. >> That's correct. It changes the amount that goes into the rainy day fund. >> Mayor Ieffingwell: Right. >> So that less money goes into the rainy day fund, more goes into transportation. So, it could continue, is my understanding. But, that's still leaves a shortfall in surface transportation funding for the state. >> Spelman: Council member martinez. >> Martinez: Thank you, john. I guess I can tell you need two meetings really quickly, since you omitted a senator and a representative from the local delegation. When I look at this list, though, of the recommended consultants, one of the things that comes to mind is things like special sessions. When you're talking about a rollback rate reduction and capping that, I can easily see that being something that's so supported by one side of the aisle they would call special session to get that commitment done. Do these contracts run through as many special sessions as may occur? >> These are annual contracts, and we pay them monthly, and they run with the fiscal year. >> Martinez: I understand. And do we no -- so, obviously a bunch of new elected officials, at least in the senate and even at statewide positions, do we know if any of them are potential candidates for staff members of any of these elected officials, and if so, what is our fallback plan to fill in those gaps? >> There's been a rumor about luis, and I talked to him to ask him that question. It's rumored that he is being considered for a staff position for governor elect abbot. He has not been offered a job.

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He is volunteering in helping with the transition to the new governor, with the new governors and all the office changes that are occurring. So he's involved with it, but he has had no offers. And if it comes, we will look at it and decide how to proceed. He's with a fairly large law firm. Should that happen, it happens. There is a provision always in our consultant contracts that with 30 days' notice, either party, either they or we can terminate the contract. >> Martinez: Have we in the past ever added to our lobby team during session, based on legislations that moving or filed that we -- >> we have on occasion in the past. Usually for a smaller amount, for a more specific reason, but we have in the past occasionally added someone during a session. >> Martinez: Lastly, you and I discussed this when we met in my office, so I wanted to ask it publicly. Does the significant change in personnel change our strategies and tactics from a legislative standpoint, where we'll maybe be more defensive and need to look at other consultants who have relationships with these newly I elected folks, such as lieutenant governor patrik now coming in, whereas lieutenant governor duhurst we had a whole different set of relationships, if you will, does that make a difference? >> It does make a difference, but these are pros who -- in fact, they're mostly republicans who have spent most of their lifetime in government, either as a lobbyist, in some cases,

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you have former members and appointees of state commissions on the team. It is a very experienced team, even though we've got a couple of younger members as well. But last session, we made a couple of changes to replace one consultant who died after the previous session. We have looked at that very carefully. I've talked to various members about the relationships that they're establishing with the new

members, especially some of the new members who have never served before. That's an ongoing, developing process. And in my estimation, we have the best team that we could have. We also have the issue of avoiding conflicts. I mean, some of these will have conflicts, because at the point that we contracted with them, if they were working with, say, at&t, we have an exception that we recognize that conflict and work through it. They don't work for us. And that sort of conflicting, there are existing ones with this team that were in place at the point we hired them. And when you look at adding members to the team, or others, you have to look at their other client lists to minimize those conflicts of interest. And inevitably, with these clients, who represent all sorts of entities, many private as well as public entities, and some of them represent other cities, as well, it is a very diverse team. But looking at conflicts is always a major issue, and it's one reason why I recommended we go ahead and not wait, say, for committee assignments, which

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probably will be made in January or at the latest early February. At that point, you know where you need to concentrate on. But, I think it would be a mistake for us to wait until that happens. >> Martinez: Thank you. >> And I have not gone over the state legislative program in detail, and I don't have slides to go over with, because it's a fairly long list. But I'm happy to answer any questions you have about that. >> Spelman: Council member Tovo. >> Tovo: Thanks very much for your work on this, and I know you did talk with my office and ask us to look at the language and make sure it reflected the property tax resolution that had been done in the spring. I did want to make one suggestion. I see on page three of the state legislative program it talks about legislation to create a hybrid homestead exemption, which was the measure that Council member Morrison sponsored recently in June. We also, though, did have a provision in the property tax resolution that I did to advocate for allowing cities to provide homestead exemptions as a specific dollar amount. So I wonder if we could get the language to reflect both of those, both the hybrid as well as the specific dollar amount. >> If you look at number six -- >> Tovo: Oh, I'm sorry, I missed that. I didn't see that this morning, thank you. >> It's understandable. >> Tovo: So we're covered. All right, very good. Thank you. >> Mayor Leffingwell: So with regard to that, can that be done, legislative action, or does that require a constitutional amendment? >> I think it would require --

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I'm not sure. >> Mayor Leffingwell: I think I've heard that it does require a constitutional amendment. >> I think any changes in the exemptions would require a constitutional amendment. And partly, that's because of the way the constitution is written, that all property taxes must be based on value. And the current exceptions that are in place are in the constitution. So, I think that, in answer to your question, yes. It would take a constitutional amendment to do that. >> Mayor Leffingwell: Council member Martinez. >> Martinez: I think there is still some ambiguity, because you're right, to change from a value to a flat rate would require a constitutional amendment. But the hybrid version is keeping it at a value, just capping that percentage, you know, putting a cap somewhere in there. So, I don't know that that -- >> I don't know that that would, either. That's a constitutional question that I don't know the answer to. Right, right. >> Mayor Leffingwell: Well, legislation would be required to put it up to the voters, so it's

appropriate to have it in there. >> Tovo: I was pointing out the difference in the language that has been used, between six and 14, one specifically calls out the constitutional amendment, the other doesn't. >> We supported that last session, and a. Rodriguez filed legislation, and the hgr, house joint resolution, which is how -- is the document that's filed to change the constitution. So, those were filed last session, and the legislation that would've created the flat -- that would've allowed a flat exemption almost made it to the house floor. In fact, it was on the last

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agenda, the last calendar for the house. They simply did not get to it. >> Mayor leffingwell: How about the different jurisdictions have different kinds of exemptions already, right now, a school district is a good example. Theirs is totally different. And one of the things the school district has is a cap. >> Right. >> Mayor leffingwell: Has there been any discussion that you're aware of to provide that authority -- to enable cities and counties to do that? Establish a cap? I've heard some talk about it, but I don't -- >> I've heard talk. I don't believe anything has been filed yet, but obviously, this is very early in the filing process. >> Mayor leffingwell: Plenty more to come. >> And it may have been filed. I haven't seen everything that has been filed in the last day or two. >> Mayor leffingwell: Okay. >> Martinez: Just one final question. I know we have the legislative program outlined, and we have all of these issues in support of -- and a couple in opposition to. So if legislation is filed to this effect, we oppose it. But, is it same to assume when we put things like, we want to be in support of legislation that would repeal any and all provisions that were passed in house bill two of the 83rd session relating to women's healthcare abortion procedures and facilities, is it safe to assume this there is further legislation to expand house bill two that we would oppose that without having to state that? >> Yes, that's a core area of that statement. I think I understand the council's intent. >> Martinez: I just wanted to make sure. I only see two bullet points for opposing legislation. >> I don't list everything that could come up, obviously. Anything that would -- any legislation that would overturn any of the ordinances or

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resolutions that you have passed, we oppose. The general principle covers it. We support anything that increases your authority, or increases your revenue options, but we oppose anything that reduces your authority. That's fundamentally what we do. These things that we've listed specifically cover specific things to make clear to everybody at least what our priorities are. But if things come up that we can't anticipate, that's what we use. We use the council, look at council actions that have established things such as payda payday lending, although we've mentioned it specifically. But there's likely to be legislation that prohibits ccity's action on december crimination for renters based on income source. In fact, there'll be a fight on that, but the apartment association. It's not in here, but obviously, that would be counteraction to your ordinance, and so we would oppose it. >> Martinez: Last session we had a bill filed prohibiting cities who have economic development, or economic incentive programs, to preclude them from adding things to the policy such as a minimum wage. If that type of legislation is filed again, we would naturally oppose that because of our stated and adopted local policies. >> That's correct. >> Martinez: Okay, thank you. >> Mayor leffingwell: Council member tovo. >> Tovo: I just want to get back

to the property tax issues for a minute. We had talked in the resolution about make that a high priority for this legislative session, and I understand that you have other priorities, as well, but I wonder if you could give us any kind of update about whether you

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or some of the consultants that we're planning on hiring have been talking with other cities about what their plans are. It seems like in public, there's a ground swell of energy, and I'll try to make sure this is going to be reflected in our effort this year. >> In the council resolution that was passed on disclosure, real estate sales price disclosure, we've talked to other cities. Tml has it in their support just as we do. In fact if no one else files it, I've talked to senator watson's office. We'll go to him and ask him to file it, legislation that specifically requires disclosure of real estate sales prices. That will be opposed by the realtors and probably by the texas association of businesses. Those sorts of -- it will be a big fight, and it has been. Cities -- a couple of sessions ago, and counties made a run at this. And essentially, the realtors killed it. But, yes, other cities -- it's not -- this isn't an issue only in austin. It's a statewide issue. >> Tovo: Right, and I understand it has been in the past, and the efforts have largely been unsuccessful. But, my hope is that there's enough of a ground swell of energy around it that we'll really be able to launch a stronger effort at the legislature. I guess, one of the things that seems to me different from previous years, not that I've followed this, you know, through every legislative session by any means, but, it strikes me as somewhat unusual that there was a formal challenge petition launched in houston, although I understand it was withdrawn, and similar efforts here. So, I'm, again, I just want to be sure that this remains a high

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legislative priority, and we're doing more than just working through tml. >> It is. In fact if you look at primary issues on page one, the second bullet from the bottom addresses that. >> Tovo: Right. >> So, yes. >> Tovo: Great. >> And it won't be just as a support. We will seek to get it filed if no one else does. I think there are various advantages. I would rather even one of the larger cities than austin with a larger delegation would have a better shot at filing it, or one of the other counties, but, yes, we will work on that issue. >> Tovo: Super. >> It will be one of our priorities. >> Tovo: Thank you very much. >> Mayor leffingwell: And I guess I have to add in response to your comment about, you had looked to previous council action to determine what your position is going to be ongoing, depending on what happens, but none of this is etched in stone. And given the fact that we're going to have a complete overhaul of the council membership shortly, any or all of these could be changed as the session goes along. >> These are adopted by resolution, so future councils can change them by resolution. >> Mayor leffingwell: Yeah. Not that they would, but they could. >> And occasionally, staff will bring an item to council to add or modify something. So, it isn't done a lot, but it does happen that we change as the session progresses. >> Cole: Under the section intercity passenger rail, you have that the city of austin supports efforts to promote economic development, in particular efforts to make the south central high speed rail corridor. Exactly what are you referring to there? >> S

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>> that is the san antonio to georgetown. >> Cole: Oh, that's lone star. Lone star is spelled out in another paragraph, so I wasn't clear about that. >> Right. >> Cole: And so you also talk about private efforts to develop the texas t-bone? >> Right. That is essentially a rail plan that would connect all the major cities, san antonio, up to the metro metroplex and houston to the metroplex, with high speed rail. And there is an effort by private entity to do the leg between houston and dallas. >> Cole: So we're spo supporting that, I didn't remember any briefings or anything about that. Has that been presented to campo, or is it just in the preliminary stages? >> In the case of the private entity, that's not something -- that's not being done by the government at all. At least the current proposal, the houston to dallas leg will be done by a private entity using high-speed rail. >> Cole: Okay, thank you. >> And sand that is not a state of texas proposal, that's a private entity. >> Cole: Okay. Thank you, mayor. >> Mayor leffingwell: I think there has been some discussion at the campo level on increasing freight line use along -- specifically along the sh130

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corridor. Okay, any other questions? Is that it? John, thanks for a great job as always. >> Thank you. >> Mayor leffingwell: Now we have a briefing by the auditor concerning structure and practices of committees in cities. >> Kori stokes, deputy city auditor, and p patrick johnson. We're here as a resolution asking us to look into practices in peer cities. Here today, we're going to present preliminary results, get any feedback you might have in order to incorporate it into a final report. >> Thank you. It's a pleasure to be here to present a preliminary briefing on our work related to the council resolution that directed us to study how austin's cities structure their council committees, and how they provide council oversight for city departments, and to study practices in management. We were directed to provide a report for public consideration by december 5th and to post a public hearing to be held on december 11th. Our intent is to share the preliminary information we've gathered and receive your feedback related to areas of focus related to the report. It directed us to study peer cities. We identified the most populous of them and identified eight peers shown here, along with their number of council committees and council members. The peer cities have district representation and include three texas cities. The avnumberable of committees is eight, and of members 11, austin currently has seven of both. We gathered council committee information and sorted those by

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name, just to identify some common categories that other cities have. We noted 12 common categories listed here by the prevalence of the committee in the cities. For instance, six of the eight have a public safety committee. The bold categories indicate austin does not have a committee for that topic. Austin has three committees other cities don't have. The austin energy committee, emerging technology, and mwbe. The next two slides display four aspects of the council committee structure that we were directed to study. First, the information indicates the method for creating committees is split. In four, it's at the discretion of mayor and council, in three cities, it's city code or local rules or procedure. Next,

and not surprisingly, council committees are populated with council members. For all committees, except two audit committees in san antonio and phoenix, including council members and members of the public. Unlike san antonio and austin, the te phoenix auditor reports to management, and you can see that, as management is also on that committee. Next, we looked at the number of committee members, from three to ten, with an average of five members, out of an average of 11 council members. Austin ranges from three to seven, with an average of four. Finally, the number of council committee meetings held in fiscal year '14, as well as common action of committees. For peers, zero to 44 with an average of 12 per committee, austin, four to 15 with an average of ten per committee.

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In all the cities, council committee action was to recommend the full council. >>> This slide shows two measures of council coverage or oversight of city operations. We gathered information to approximate budget coverage. Preliminary information shows peer department coverage ranges from 30 to 61%, with the average being 47%. Peer budget coverage ranges from 25% to 83%, with an average of 53%. In austin, it's 58%, but, would've been 16% without the austin energy committee. >>> The next two slides present preliminary information on council meeting management. We're currently researching general meeting practices and identifying trends and practices from our selected peer cities. Looking at the meeting rules, again, there should be no surprise all the peer cities designate the mayor as the presiding officer. In six, they follow recognized rules, which is what is used in austin. Two cities noted they do not have formal rules, but, they cited local tradition to dictate their practices. >> Which ones? >> Charlotte and san jose. And finally, we gathered fiscal year '14 meeting information for the peer cities and austin. Listed here is a summary of the number of meetings, the length, and number of agenda items per meeting. Peer cities held on average 35 council meetings in '14 as compared with 24 in austin. There was a wide range in meeting length, but peers met on average about 3.5 hours, austin's council met on average about 9.5 average. Peers considered 52 agenda items, while austin considered

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87. It's not on the slide, but we did some math. For the year, austin met nearly two times as long as the peer councils and considered about 15% more items. So, that's essentially reflecting our peers met about 115.5 hours, we met about 228.8 hours. [Chuckling] >> there's that. [Laughing] >> we're number one, I think. >> Cole: Council member tovo. >> Tovo: We had a break, gaiety, I just want to say, probably some of them to don't have airports and convention centers and utilities. >> Don't even try. >> Tovo: I I would assume the complexity also accounts for some of it. >> I would agree. I think most of them did have airports that we saw, that were considered at their councils. >> Tovo: But the utility, all of those peer cities don't have their own utilities. >> San antonio has cps, they do it a little differently is what we're finding. >> Martinez: I couldn't agree more, because obviously, we've heard this on the campaign trail about how our budget is twice as big as dallas and san antonio's, but, their structure is completely different. Dfw airport is not under the city. San antonio's electric and water utilities are considered separate. Here, the airport, the electric, water, transportation, all enterprise departments are in our city budget. So, it's an important distinction, because I think people think at least what we've

been told is, why do we spend so much money compared to other cities, you know, in our general fund and in our overall city budget, and it's because it's structured different. >> Why are you meeting so long? [Laughing] >> martinez: Because you won't be quiet.

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[Laughing] >> it is not me. [Laughing] >> cole: Any further comments or jokes, council member spelman? >> Spelman: This is probably going to be a joke, but it's not intended as a joke. On page three, you have a list here of -- there you go. Council committees. I notice you've only got two cities that had aviation committees. I wondered, of the cities -- which cities those were, and have whether the remaining cities actually owned their airport. >> We're still kind of trying to nail down all the details on that. >> Spelman: Yeah. >> Interestingly on aviation, two of them had named committees. It looked to us that at least six of the eight committees dealt with aviation issues. I think most of them were in the transportation committee mentioned there, and I do have that information. >> Spelman: Well, just looking at the list, I don't know where the airports are in all of these places, but I do know fort worth is primarily relying on an airport which is outside the city limits, so I can see easily why fort worth would not have an aviation committee, or have a lot to say about aviation in their transportation committee. That may be true for some others. >> Phoenix has the downtown aviation and redevelopment subcommittee, and san jose had an airport competitiveness committee. >> Spelman: That makes sense. A similar question, relatively few cities, san antonio is the only other example I'm aware of on this list, owns city utilities like the water utility and the electric utility. I wondered, how many of those cities, then, own utilities had a utilities committee? >> Again, we're auditors, we're trying to pin down all the

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details. >> Spelman: We're trying to guide you to suggest that's something I'd like you to pin down. >> And I think what we have seen is -- and I don't have the number of cities, but, a number of cities had some utility types, a water utility or other utility, or in their transportation -- well, we'll go to this slide. Transportation or infrastructure committee, we saw some of those, which we will then go pin down and have in the report. >> As an example, like, dallas has the water utility. While they don't have the electric, they have the water. I believe they have a committees that covered by that. >> Spelman: Okay, just looking at both water and roads,ing and like that. >> They have a water utility, I think. We'll get that mapping for you, of the utilities and respective committees. >> Spelman: Okay. It's probably too soon in your investigation to answer this question, so let me just ask it and not expect an answer yet. It seems to many, it would be a good practice to answer to whether the best practice was if there was a committee to oversee activities in all of the very large departments, revenue-producing or cost-expending departments, or whether or not there was some other best practice. Especially of most cities, with the exception of the austin energy special committee only considers 16% of the total budget in the committee structure we have right now. It seems to me that's probably not best practice. If there's a general rule we could use to help identify the rest of the committee structure going forward, that general rule might be as helpful as a list of specific committees. One last point, I just needed -- you did some extra math on page

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a. I also did some extra math on page eight. It turns out, we meet approximately twice as many hours per year as our average peer city, and that would be a little less onerous if we met a little more often. If there's a way of characterizing the best practice for cities going forward, I think it might be helpful for the next council to have a sense for whether or not our interest as a city would be better served by meeting a little bit more often, perhaps for a few more hours less per meeting. And I also feel I need to mention that we look at about the same number of items, 1820 items per year for peer cities, 2,000 items per year for often, so, we look at about the same number of items. That's not an issue year. One of the things that's been talked about is increasing the cutoff point for things the city manager can do on his own without having it be considered by the city council, in purchasing issues. They almost never take very much time, we pass them on consent, it doesn't look like a reduction in the number of items is necessarily going to -- is not the primary reason we're meeting for so long. Anything you could do to help us figure out why we're taking twice as long per item as our peer cities would be a helpful thing, to.

>> Yes, you know, when we saw this, I guess we expected longer hours in Austin, certainly. >> Spelman: Yeah. Not three times as long, I bet. >> It's somewhat shocking. We're trying to dig into -- we're piloting an Austin city council meeting and trying to break out how much time is spent on this type of issue. I think we're going to try to do at least four for the last fiscal year and have that information in the report, so, that's something that I think came out of the data that we really needed to dig into a

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little more, and we'd really like to see that reflected. >> Spelman: I'd very much like to see that. >> To follow up on a couple of things, with regard to digging a little more deeply, it's not just what type of items, but we have a lot of public hearings and some of them are extensive. And so I think that we need to, in some way, capture that, so that we can acknowledge that a lot of our meeting is allocated to hearing from the public. So that's, you know, that's part of how we do things, so. And I'd also like to follow up on council member Spelman's comments about trying to figure out about the budget, because I think that especially with the new council, I think it would be interesting to be able to have a stronger alignment between departmental budgets and committees, because that way when a council that's not going to be completely new, but a lot of new people, when they're looking at, for instance, their first budget, to be able to have folks focusing in different areas could be helpful. We do that naturally, we've developed that over the years. We know who's going to be looking at what, so the alignment between departments and committees would be important. And on page three, I did want to comment that this is all interesting and very helpful. I did want to comment that some of the topics that we take up in different council committees is, you know, sort of vary all over the map. You had to do a bold or not bold here. You were drawing a line. But obviously, you know, we have some environmental and quality of life issues at CPT. I know at CPT we focused a lot

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on economic development with regard to local solar. And I did want to comment that we do have our joint subcommittee. You didn't count that, but it sort of -- it is a council committee, and there are three of them, soon to be four, that, that is an intergovernmental relation committee. I'm not sure how you wanted to deal with that. The last question, basically, you will have a report out and we will have a public hearing, which will add to the time of our meetings on the 11th and/or 12th, I imagine. So, it's just going to be a discussion that we'll be able to punt it over to the new council, it's not going to be posted for action or anything? >> That's my understanding, the report essentially looks at some of these things, brings back some data, doesn't recommend anything at all, but, lays it out there for the public and council to consider to discuss on the 11th, then it's there, both the report and discussion is there are for the new council next year. >> Morrison: Sounds perfect, thank you. >> Cole: How're the members appointed to the committees other than by the mayor? Here we do seniority. >> The appointments in the other -- in the peer cities, I don't think we have that -- was generally the mayor. It's up to the discretion of the mayor in the peer cities we saw. >> In all cities except for Austin we looked at in this list, many of them, the committee itself was formed by the mayor. The need for the committee was identified and the members appointed. >> Cole: Most of the new council will be new, and so here how we do it by seniority wouldn't work. But I guess that's the mayor's problem. [Chuckling]

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>> Mayor Leffingwell: You know, I think this is a great discussion to have. It would've been a great discussion to have a year or two, or three years ago. It's irrelevant to have it right now. And again on December 11th. I appreciate the good work you've done, I just think it should be something to reserve to the new council to deal with, since we're not going to deal with it anyway. >> So you think the briefing should be postponed? >> Mayor Leffingwell: I do, frankly. Council member Spelman. >> Spelman: Disagree. >> Mayor Leffingwell: Okay. >> Spelman: It seems to me the reason for it is not because we'll be able to deal with it, but, because we'll have had a chance for the public, first, to have the information become available to the new council before they take office, to the new mayor before he tries to appoint to the new committees, and gives a leg up on the first day of actual meeting, being able to set up a structure which makes sense, rather than having to go through the public hearing and wrangling necessary to figure out what that structure's going to look like. It will be more effective more quickly with the information being available before they get started. >> Mayor Leffingwell: I understand, and I take your points. It's just that I think you're going to have to repeat the whole thing over again in January or February. [Chuckling] Council member Riley. >> Riley: I agree with Council member Spelman that there's some value in going through this and seeing if we can develop anything that might provide a basis for some recommendations or judgments on the part of the new council members. I think it's helpful to move the discussion along to the extent that we can. Thi wanted to ask a couple questions on the issue of budget coverage. I keep coming back to that 16% figure. Until we set up the council committee in Austin Energy, the committees only covered 16% of

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the total city budget. One question I have about that, most of our peers have a public safety committee.

If we had a public safety committee, what would that number be? >> It would add about \$510 million of cost of coverage. >> That would move us up significantly, if we had a public safety committee. So, it seems like that's something worth considering. Also, I wanted to ask about the practices of the committees. In coming back to one of the points about public input, did you look at whether the committees in other cities are typically used as a form for public input? >> It's hard -- we're essentially looking at minutes and trying to find that. It seems like they operate substantially similar to the way we do here in Austin, so, we're having some difficulty in pinpointing the exact operation. And part of our verification is trying to reach out to the cities just to try to verify what we gathered online, and then try to dig into that a little bit, just with a few questions. >> Riley: A related question is about the function that the committees play with regard to items that may be brought before the whole council. I understand that in some cities, there is actually a requirement that items, at least items from council, be vetted through the committees and actually get a recommendation from the committee before they make it onto the council agenda. Have you looked at that? >> With the peer cities, it doesn't -- it appears -- I'll say, committees operate differently within a city that we're looking at. We didn't get density, an overall requirement that that happen. And again, those are some of the

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details we're still trying to pin down, to be able to report. >> Riley: The more general point I'm trying to get at is, is it the case that part of the load that's currently being carried by our council meetings could be shifted over to the committees, because just based on the numbers that we see here, it does appear that the committees are playing a relatively larger role in the whole process in other cities than they are playing here. And so it raises the question about to what extent might the new council choose to address the issue about long council meetings by taking the amount of work that we do and shifting it over towards the committees, and it's unclear to me whether that is a realistic solution. >> Mhmm. >> Mayor Leffingwell: I think that's an excellent point, council member. Council member Spelman. >> Spelman: If I may offer anecdotal evidence, I worked in Los Angeles, that is the role city committees played there. City council meetings themselves averaged an hour, because public input was not required, because a lot of input was taken by the committees themselves. >> Riley: Did you take a look at the history of our committees in Austin, how long each one has been around, whether there were other committees in the past? >> For all the committees, even in the peer cities, we looked at it. We looked to see when they were established as far as going back, I think, ones that existed, I don't know if there are any. I know we didn't look at that, but, we could. >> Riley: To whatever extent we could develop a historical record of our committees, both the ones that we have today, and others that went away in the past, it seems like that would be helpful context for the council to consider, because we're starting from scratch there.

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We have been through some history on committees, and it would be helpful for them to have some grasp of that as they figure out how to proceed. >> We can put that together. The first committee established for Austin was in 1985, so, we have an impressive history of having these committees. >>

Mayor leffingwell: Okay, thank you very much. >> Thank you. >> Mayor leffingwell: With nothing else on the agenda -- >> mayor. >> Morrison: I have a few quick items to mention. Item 15, an item from the clerk that's reworking records management and records retention. And I want to say that I'm sure that there's good reason to rework it. I personally haven't been able to read it. Given that all of us individually are subject to records retention, and records management, and there's a very strict structure in place right now that we all comply with, I'm going to recommend that this not go into effect until, I guess it would be January 6th, because I just want to make sure that none of us are subject to something new that we'd have to think about changing between now and the end of this term. So, I guess to make that suggestion, I'm going to have to pull it from consent, and I don't know if anyone has any thoughts about that. >> Mayor leffingwell: I'll be happy to support you on that. >> Tovo: Excellent, good. I also wanted to point out item number 74, which is a resolution to adopt a digital inclusion strategic plan that we kicked off as a council by resolution back in March, I think it was. And we had hoped to be able to have a presentation to it, one of our council committees, this week, actually, tomorrow.

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But, apparently, the city manager cancelled all the meetings in city hall, and we weren't able to reschedule. So we're not going to be able to have an ett briefing, but I wanted to let everyone know that personally I did read the full plan over the weekend, and I think it's fabulous. It absolutely achieves what we set out to do with our resolution. It sort of describes what the situation is now. We have some big needs. I mean, obviously, it's a technological city. But there are 55,000 adults that don't use the internet in this city. It lays out resources we have, and then how we can better work together as a community and specific actions to make sure that everybody has an opportunity to be included. So, I'm going to be very happy to leave that on consent, and vote to approve that plan and adopt it. >> Mayor. >> Mayor leffingwell: Council member Spelman. >> Spelman: How long did it take you to read this plan? All of us have to read it now so we can make an informed decision on this thing we have not gotten a briefing on. >> Morrison: I think -- I don't really know, maybe an hour. It's pretty thick. >> Mayor leffingwell: I think we've discussed most of the things that are in the plan over the course of the last, what is it, almost year and a half now since we've had that agreement. And I think the main points are digital inclusion, providing internet service at no charge, although not gigabyte service, but, some service to anyone who is in a fiberhood with internet service. Things like that. I don't -- you know, I was just trying to relieve you of the guilt feelings of not reading it. >> Spelman: I will feel a little

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hair, since we're going to take it up, and I want to know what it looks like. I'll be reading it, and I hope others do, too. >> Morrison: It is very nicely written, I want to say. It was a steering committee put together of community members from different sectors of the community, as well as knowledgeable folks. So, I'm really grateful to the folks that did that work. And then I have one last comment, and that is we have, under aviation, items 11 and 12 to negotiate and execute concession contract extensions with Delaware North and Las Vegas retail North, and we had a recommendation to approve that item from

our airport advisory commission. But it also came with some specifications, specifically they recommend -- >> cole: What number? >> Morrison: 11 and 12. Specifically, they recommended to authorize negotiation and execution including compliance with the city of Austin's living wage policies and the city's universal recycling ordinance, along with ABIA's waste diversion goals throughout the term of the agreement. And I've had a chance to speak to the representative for that, and I believe that that works for them. There had been one question about when living wage would be implemented, and it's my understanding it wouldn't be until 2017. It's very complicated to do it before then. So I just wanted to make sure, or understand, do we have to pull this from the consent agenda to approve it with the advisory commission's recommendation, or will that automatically be what's on

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consent? >> Mayor Leffingwell: It depends on what is in the backup material, I think. If you want to make an amendment, I would suggest that we be asked to pull it off the consent. >> Martinez: We've also been working on this item. I believe the backup has the airport advisory commission's recommendation, so I think the motion would be appropriate that we approve the item with recommendations of the airport advisory commission. >> Mayor Leffingwell: Yeah well but if it's on consent, it would be approved with the latest backup draft, isn't that correct? So it wouldn't be necessary to so state, it would just be automatic, reflected in the latest draft. >> Morrison: We will have to pull it? >> Mayor Leffingwell: No. >> I don't think the draft has the advisory language in it. >> Mayor Leffingwell: I thought council member Martinez said it did. >> Martinez: I said the backup. >> Tovo: My office was also interested in working on this, this is saving a lot of time. >> Mayor Leffingwell: You could amend the backup ordinance -- >> can we post an addendum by Thursday? >> Is there an agreement there? >> It's an ordinance, I think. >> It's just authorizing execution. >> Martinez: That's right, negotiation excuse of a lease agreement. >> And actually, so, I believe that we just have the RCA information, and then we have just the report of the advisory commission, so I guess we'll have to pull it just to say that. >> Or you can say when you did the consent, I think it would be okay to say, for item number whatever, like you do changes and corrections, direction for item number whatever, include whatever the recommendations are from the airport advisory, including what's negotiated -- >> Mayor Leffingwell: If we have to do that, we'll just pull it.

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I'll pull it. >> You would rather pull it than do that, than just have the language of the consent agenda be inclusive of that backup? >> Mayor Leffingwell: Right. >> Okay. >> Mayor. >> Martinez: And obviously, I respect, you know, your decision to pull the item. I think what we're trying to say is, everyone is in agreement, including -- >> Mayor Leffingwell: I think what we're trying to say is there's some doubt about what ordinance would go into place without a discussion of the item during the consent agenda. That being the case, I will pull it from consent. >> Martinez: Again, it's not an ordinance, it's a lease agreement we're authorizing the city manager to negotiate and execute with all sides in agreement. >> Mayor Leffingwell: Same comments apply. >> I'm concerned you're increasing the average of our meeting length, and that's going to have to be factored into the auditor's report. >> Perhaps we can stop

talking about it now and save some time. >> Cole: There has been a few comments about the length of our agenda and the possibility that we will go into friday. >> Mayor leffingwell: I mention that had this morning before your arrival, because you were ten minutes late. I said, certainly, I'm not going to sit here all night until 4:00 or 6:00 in the morning. So, I guess we need to consider that we may need to hold over -- recess and reconvene the meeting on friday. >> Cole: Well, I will be here, but I have a 12:00 stop. I wish to discuss that in terms of, if we could, the items, perhaps we're only going to do zoning friday morning from 9:00 to 12:00, but it would help the constituents to know that. >> Mayor leffingwell: I think the best we can do is kind of play it by ear and see how it's going. And then when we get a feel for

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that, as soon as we do we can give people who are here to hear a case a heads-up on it, but we're not posted for any action on that today. >> Cole: Thank you, mayor. >> Tovo: Mayor, that just reminded me that I wanted to confirm that we will still be having our morning briefing. It's apparently a very short briefing on the sobriety center, I believe the participants are hopeful it will happen in the morning. >> Mayor leffingwell: I had asked that, in light of the agenda, the briefing be removed. I don't know what the status is right now. City manager. >> We're prepared to do it. I need to chat with staff to see if there's any compelling reason why that would be a problem, i.e., To do it at another council meeting, but, I don't know the answer yet. Right now we're prepared to do it. >> You mean prepared to pull it or go forward with it? >> Prepared to present it. >> I hope we'll be able to go ahead and have it. It's my understanding it's a short briefing, but it is -- there's a group that's been working on this for a very long time, and I believe would like to present it to this council and see some -- >> it's on your agenda, as you know. >> Tovo: That would be my preference. >> Martinez: Item 56 is the item about concrete poured overnight. We've had a request to create a task force and see if they can come up with recommendations. It's my understanding that the current -- in its current form, it limits pours from 7:00 p.m. until 2:00 a.m., is that correct? >> It allows pours until 2:00, and cuts them off at 2:00 a.m. >> Martinez: So, obviously, there's concern from construction industry, there's

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concerns from neighbors, and downtown residents. So, is there any appetite to giving direction to continue mitigation as much as we can, but allow a group of stakeholders to sit down and discuss this, to see if they can come to an agreement? Because there's not necessarily an agreement on this at this point. >> Mayor. >> Mayor leffingwell: For me, I would be supportive of that. But, council member morrison. >> Morrison: I did see that request, and I went back and looked at when was put into effect. It was limited, you can only do concrete pours until 7:00 p.m. On april 4th of 2008, there was an item from council asking staff to bring back an ordinance that would allow it all night. That passed on consent, and then in june of 2008, it was extended to go all night and it passed with no discussion. And so, my concern is that it really is an imposition. And my thought was that moving it back till 2:00 would give a little bit of relief to the people that are really experiencing that, and that it would just be an interim thing. And from there, we would go do a task force or something like that and work it all out. So my

preference, and maybe it'll just be the will of the council, is to get a little bit of relief going now, because as I understand it, the mitigation, while nice, is not really providing that much relief, and then kick off a task force. >> Mayor Jeffingwell: I personally think there needs to be a more fullsome discussion of the untended consequences. For example, if we impose this, will it force people to do this during rush hour, making a bigger mess than austin traffic already is, and those kinds of things. Is this going to increase the cost to the contractors who, for

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example, nearby, at the green facility and sea home, who made their bids and their cost estimates based on being able to do this kind of thing, and not having a drawn-out, longer drawn-out construction period which might result from that? >> I just want to comment that when it was extended from 7:00 p.M. To 7:00 a.M., There was no discussion about any of the added impacts that people were going to be experiencing, none at the council level by any public person. And so there was a huge windfall at that point, and no other cities allow this at this time. I do want to comment -- council member martinez, it's it's owana. It's not old west austin neighborhood that asked for that. >> Martinez: Okay. Mayor, the comment that I would make is, and I'm still unclear, does this apply to projects prospectively, or retroactively to current projects, because I think that is a concern. It's not just about what they bid on, but, it's also about employee schedules and the number of employees they currently have on the job site based on how they bid the project at the timeline for construction. It could have a major negative impact on construction employees who would now lose employment because of the timeline of the existing projecting being stretched out because of the pours being pulled back. >> Morrison: You bring up a good point, and I know that there are projects that get like a whole string, you know, maybe a year, whatever, of permits that we wouldn't be yanking. Maybe we could ask staff to get for us, for the projects that are currently in the works, what is the status of their permits.

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>> Martinez: Yeah. That to me is more the angle that I'm approaching this from, from an employee standpoint. You know, I don't think anyone is miffed about the notion that allowing someone to build 24 hours makes it a lot cheaper to build. We get that. I'm worried about the negative impact it's going to have retroactively on construction employees who right now are enjoying some prosperity in terms of a large number of construction jobs going on, and I'd hate to see us create an unintended consequence of the employees no longer being employed because we're not allowing the late-night pours. >> Morrison: I appreciate that, and I i would be curious -- there's still the same amount of work to be done, just potentially over a longer period of time. If I could ask staff to get us an assessment of what are the projects on the ground that have permits and how long those permits are strung together. >> Cole: I just want to make a brief comment. I would be supportive of council member martinez's suggestioning for a task force if we were to get to that, because I know the stakeholders are far away from any type of agreement. And I hate to see this issue, with all the disparate pushes on it not be resolved in a productive manner to last over time. So I would be supportive of that, council member martinez, if you

brought it forward. Any further comments, questions? Without objections, this meeting of the austin city council work session is adjourned.