

Mobility Committee Meeting Transcript –4/29/2015

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 4/29/2015 6:00:00 AM

Original Air Date: 4/29/2015

Transcript Generated by SnapStream

[6:29:12 PM]

>> Kitchen : Okay, we're going to call to order the meeting of the mobility committee, and thank you to everyone for your patience, as we had to move rooms. So we're going to start with approval of minutes. So do I have a motion from someone? Councilmember Gallo moved, councilmember Zimmerman second. All in favor? Okay. So now we'll move on to citizen communication and we have bill Oakey for citizen communication.

>> Thank you very much. As some of you know, I write the blog called Austin affordability.com, best place to go to find out what can be done to help make Austin become affordable because it's certainly not affordable right now. I have a rather out of the box proposal that I want the council to give some serious consideration to regarding traffic congestion on mopac. Ctrma is ready to implement a lexis lane or managed toll lane project later this year and I have a strong suspicion that most of the people in Austin don't know the details of how those variable tolls would work on those lanes. And if you go ctrma's website you won't find much transparency either. They make a vague reference to a \$4 toll that could go significantly higher if there's heavy traffic. Well, my proposal would bring some fairness to the process because please keep in mind that the reason why mopac is so crowd these days is because a lot of people have been forced out of their homes, into the neighborhoods, into the suburbs because of the high cost of living in Austin. So under my proposal, a large number of the allocated traffic vehicle space would be given to the commuters who would register online for drawings and every three to four months there would be a new drawing and the molecules selected would have their toll tags entered into the system and pay an affordable fixed-rate toll.

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They'd have to measure everything against the immediate for the emergency vehicles and the van pools and the buses and all of that. And the last group of people would be the people who want to use mopac and are willing to pay to do that. So the variable toll allocation would be set up to accommodate those people. This would be a system that would hopefully work better for everybody, and I know that both the city council and the commissioners court, Travis county commissioners court works with ctrma and I know it may seem late in the game but ius want you to think about it because affordability is always going to be tough. It's always going to require out of the box, creative, innovative solutions. I've done a lot of research on this, and I'm interested in meeting with some of you to see if you're interested.

>> Kitchen: Staff briefing on the mobility quarter plan.

>> Yes, good evening, madam chair and committee. Robert spillar, director of transportation and I'd like to present an overview of our quarter improvement plans. We have detailed information, basically the executive summaries from each of the quarter plans we completed that we've provided to you in a bound booklet for your review or your staff's review, but I wanted to give you an overview of the quarter studies where they stand now. What is a quarter improvement program? You'll notice we're calling them improvement programs rather than plans because they really are the first step in developing design plans for these corridors.

[6:33:34 PM]

They look at the corridors that need redesigns or serve growing community needs in those corridors. Yes, ma'am.

>> Kitchen: I just would like to make a suggestion for folks in the audience. Again, our apologies with being in this room. But as you can see we have a lot of people that would like to participate. So an option for folks is to wait out in -- and you can watch the proceedings out in the -- oh, is it not broadcast? Okay. Well, then, if it's -- to provide for more capacity in the room, if it's acceptable to you you might consider waiting until until we get to the item you're interested in. Just a suggestion because we're over capacity at the moment. Yes, we would let you though when the item came in. Anyway, go ahead.

>> Absolutely, thank you. So these corridor improvement programs are really the first look at some exiting corridors and developing an idea from a design or redesign perspective what is needed in these communities. The improvement programs are developed with extensive community input and so we talk to the folks moving through these corridors as well as living on either side of these corridors. And of course the businesses. The improvements identified include preliminary cost estimates to help secure funding through future needs assessments. A major dependent departing -- departure from earlier processes. We would typically, prior to our development of programs such as this, develop concepts for projects and then not pursue them until we had the full funding. One of the things we wanted to absolutely do with these programs is to define a vision and a direction, engineering direction, with a lot of multiple projects within those vision plans. So that as funding became available or grant funding became available, we could take pieces of those programs and fund them incrementally as we move forward. We've had some success doing that, as we look at the individual programs.

[6:35:36 PM]

There are a range of corridors that are shown there in sort of the blue. Not the lake, but the other blue lines. Where we have done existing corridor studies, north Lamar, burnet, airport boulevard, mlk, fm96, east I'd, Riverside on the east side, south Lamar, as well as Guadalupe right now in the center part of the city. Sometimes we call that west campus. Again, looking at the travel needs in that area. The corridors that we've picked thus far and have been working on are identified as critical arterials with high-traffic volumes. These are the arterials that typically jump out as major city streets as opposed to streets that might be owned by one of our partner agencies. They're regional in character and so they're used also by many different modes of transportation. Many of these corridors have similar needs, both transit, auto, pedestrian, bicycle, freight, and goods movement as compared to other arterials that have not to be studied. All of these arterials seem to be experiencing rapid development pressure, just a characteristic that these have -- are typically corridors we've chosen that reasonable thinking of the community was these were major corridors that needed to be analyzed. And these were common characteristics.

>> Kitchen: Let me ask a question. So the bulleted items there, those are the ones -- that's your criteria?

>> Right. Those are characteristics of all the corridors thus far that we've picked.

>> Kitchen: Okay.

>> We tried to pick corridors that were obviously in need of redevelopment many of these corridors, which is interesting, are former state roads or county roads that may still reflect a more rural cross-section or rural design, so, for instance, on north Lamar and parts of north burnet, we really don't have drainage. We have drainage ditches beyond their serviceable life given the growth of urban development around them and so that was sort of our guiding path in choosing some of these corridors.

[6:37:46 PM]

As you can see.

>> Kitchen: In terms of the last criteria about rapid development pressure, so is that the criteria when you think about what's coming in the future for that particular area?

>> Well, actually, we're behind the eight ball here.

>> Kitchen: Okay.

>> Most of these corridors are already experiencing rapid growth. You've described these as cite. They're really more characteristics of the corridors that we've picked as opposed to criteria.

>> Kitchen: Okay.

>> The corridors were really picked on geographic dispersion as well as engineering judgment as, hey, these are the corridors that we're getting lots of complaints on.

>> Kitchen: Okay.

>> In terms of funding for the programs, we've used cip program funding, both bond funding as well as other cip capital improvement program funding mainly from our parking enterprise, reinvesting in the transportation system. You can see the costs of the different corridor studies here. They usually run between three -- 250 to \$450,000, some more, depending on the extent of the project. I want to emphasize that one of the things that comes out of this is preliminary engineering ideas about how to address problems. The first thing we do in a corridor is we work with the community. We often go out with a simply aerial of the corridor and get the transcript the community as to what the -- input from the community as to what the needs in the corridor are. We measure different corridor modes, how many walking, using transit, what are the future plans. We build that into a long range vision for the corridor. This is really the first stage in reconstruction process of these corridors. And from this, one of the things we get is a cost by type of improvement that we might be proposing, along with a scope and a prioritization schedule of those improvements within those corridors. So they're very useful as we move forward. Mind you, before we started this, we really did not have long-term visions for these corridors.

[6:39:47 PM]

And so when regional funding became available, we often didn't have projects to go after that funding for. So one of the goals is to have a library of potential projects here we can go after. Yes, ma'am.

>> Gallo: I have a question.

>> Sure.

>> Gallo: I'm looking at the characteristics and I'm noticing that 2222 is not in this plan. Is that because -- why is that?

>> Well, interestingly, on that, 2222 was in a proposal in 2014 for funding for the next series of corridors, 2222, 620, there were some other corridors, and so these were just the first six or eight that we've gotten to, as we started to better understand thousand do domestic these I think we were starting to roll out additional corridors. So we don't have funding insofar. It's certainly one that needs to

be done.

>> Gallo: But it's already in a plan is what I'm hearing?

>> No. We were pursuing funding in 2014 to do that.

>> Gallo: Okay.

>> Voters did not approve that funding so we'd be moving head, looking for funding to do that.

Speaker2: Else was in that group?

>> There was 620 and there was I think palmer -- Parmer lane, excuse me, also, and 360, yes.

>> Gallo: Okay. So that was a voter -- a bond proposal --

>> That was a bond into did not pass, that's right.

>> Zimmerman: Which one?

>> Last one, 2014.

>> Gallo: So it was part of the rail? Which bond was it?

>> Yes, it was part of the proposal from council that if voters voted on the rail project, there was \$400 million in roadway projects that were to be approved as well. And so that was part of that program of 400.

>> Gallo: So how soon would that component come back separately as just a road bond?

>> Yeah. I think that would be the decision of council.

>> Zimmerman: Up to us.

>> Gallo: Okay, thank you.

>> So, again, these were just the first six that we had received pressure to do from public comment.

[6:41:48 PM]

>> Kitchen: I have a related question, I think.

>> Mm-hmm.

>> Kitchen: And that is is -- and I think I'm hearing what you're saying, but is there a list of additional areas for a corridor improvement studies, understanding that they're not funded yet?

>> Right. I don't think we have an illustrious list right now. I think we have a range of corridors we're interested in look willing at.

>> Kitchen: Okay.

>> Brodie lane is certainly on that list, William connon-for the whole east-west length is certainly on that list, 2222 as mentioned. There's certainly other corridors throughout town that would raise to that list. Mind you, this is about only the -- really the first generation of efforts to do this.

>> Kitchen: Sure.

>> So the original ideas -- here are the first arterials we should do this orientation but I think we are moving towards developing a long list of these corridor programs.

>> Kitchen: I think from my perspective, I don't know about my colleagues, from my perspective, I would -- it would be helpful for me to see a list, and that list including the ones that are cued up in the future because I think it would be helpful for us to understand.

>> Absolutely.

>> Kitchen: And I would like to work towards a list that is -- that's our list, basically, and it's one that we realize that it's in various stages of the process. It may not be funded yet, and that we have to think in terms of priorities. But I think that would be very helpful to have, and so is that something we could get from you guys in the not too distant future?

>> Yes. Actually, my assistant reminded me in my list here, I have the list.

>> Kitchen: Okay.

>> -- Of projects or corridors but they're not prioritized yet.

>> Kitchen: Okay.

>> We'd like them prioritized and they are projects like state roads, partnering with our partners at txdot and ctrma to look at other corridors like state loop 360, 2222, fm734, Lamar, the middle piece of Lamar, ranch to market, 1826.

[6:44:02 PM]

Then pleasant valley, Todd lane, William cannon so it's a long list but it's sort of a list of projects or corridors that we have heard concern by citizens and certainly policymakers as sort of putting them in the loop. We have not gone to the level of prioritizing those yet.

>> Kitchen: That's fine. I understand that.

>> I'd be happy to provide that to you.

>> Kitchen: Yes, if you could provide that to all of us that would be helpful for us. Okay.

>> Yes, ma'am. In terms of the process, just to let you know, the first thing -- and this is common regardless of the corridor that we're looking at. We first defined the existing conditions, and one of the things that we do and found very successful, we developed this concept on I-35 actually to go to the public with an aerial that has just the existing facility and literally using post-its helped them articulate what their concerns are. So, for instance, in the west campus or Guadalupe streets one of the things we're hearing is the pedestrian crossing, that the pedestrians are actually the highest volume in that corridor. After we understand the existing conditions and partner with the public, we define what the purpose and need of the study is, is that a safety need, mobility need, is it a combination of mobility and safety, or other prioritization ideas? We define the problems that we're trying to solve and then the range of solutions. You'll see two projects that are in the process of defining the range of solutions now, the Guadalupe street and south Lamar boulevard corridors. We evaluate those, using engineering techniques and make recommendations that we then make back to the public. He'll you'll see the mlk or the fm969 project is at the recommendation stage. We then start to look for funding. You know, we've got our plan set, we've got our list of plans. We start looking for funding. And so, for instance, on north Lamar burnet we were actually able to go to the voters in 2012 and receive about \$15 million that's being split between those two corridors.

[6:46:13 PM]

Those two corridors are in the design process, and looking for a portion of those corridors to fund that \$15 million for those two corridors is nowhere near the full value of what's needed in those corridors, but that will allow us to get started on some processes. Airport bawled, the last counsel saw fit to dedicate some of the quarter sent funds towards that because it's a high transit corridor that's leading mostly to pedestrian improvements to get people safely to those transfer corridors on airport drive. Then design, Riverside drive is in the design process moving forward. We have not started constructing any of those corridor projects yet but obviously since we have funding for some of the elements within those corridors that's where it's likely headed. To give you some sense of how long this takes, to do a robust public involvement process, the -- really the planning and preliminary design process to get to recommendations takes anywhere from 18 to 24 months, depending on the vocal level of the community. We find that our citizens are very educated about transportation and have lots of opinions, and so sometimes that takes a little longer. Trying to balance with the summer months and not try to meet during the summer also extends us sometimes a little bit. Funding varies. Obviously, the plan here was to have the long-range plans in a sense on the shelf so that when funding opportunities became available we could pursue them. As you know since the economic downturn one of the characteristics we've found is money becomes available but it has to be deployed on shovel-ready projects, usually you have two to three months to actually obligate the funds, and so having problems ready to go puts us in a

position to pursue those funds when available. Certainly we draw from these categories of projects when we are recommending ideas about bond funding for future bonds programs.

>> Kitchen: Question.

[6:48:13 PM]

>> Yes, ma'am.

>> Gallo: How long a project sit on a shelf waiting for funding before it becomes outdated and has to have a good portion of it started over again?

>> One of the things you hear about projects getting stale is typically when they require an environmental process, specifically a federal environmental process. Those processes grow stale in about three years and that piece of the environmental analysis needs to be redone. We've not obviously experienced any of the recommendations on these corridors getting stale yet. They don't -- many of them don't require a federal environmental process. If, therefore, they're within the right-of-way and depending on the characteristic, sidewalks, for instance, are many items exempt from most environmental requirements because they're seen as an environmental benefit to the overall corridor or rather their impacts are usually relatively minor so they can usually be ready to go immediately. I think as these corridor plans age, three, four, five years out, before we would recommend moving forward with construction of a piece of it, we would do a quick check to make sure that the project is still viable. But I would think that these would have a long shelf life themselves, but, you know, it makes good sense every three to five years before we'd go construction, just verify is the sidewalk still a viable issue here, which I would think they would be. The biggest issues that we're finding and I'll hit that in a future slide is the drainage issues, again, pick up on many of these corridors are previously county or rural cross-sections. They relied on Swales or ditches for the drainage, which we just don't have room in the right-of-way to maintain that, we need to put in sidewalks and over that drainage often. Design typically takes 24 months, and then construction on most of these -- this is really a guesstimate, we estimate 36 months for the whole corridor.

[6:50:15 PM]

But obviously if small sidewalks are in there it takes -- or 13458er projects can be built faster. I know sometimes it's a shock about how long it takes to get through the process. A lot of that shock comes because more and more of the delivery process is visible to the public. I would tell you this is always taken this sort of three to five-year process to get major projects done. It's just a lot more of it is now visible because we're out in the public at the very beginning, having a conversation about what's needed, as opposed to doing all that before we ever go to the public with we've got a construction project. So it seems like projects take longer, but I will tell you in my 27-plus years of working the projects have always taken three to five years to get delivered. It just is what it is. Public input on corridors, again, the improvement programs, a lot of stakeholder input. That includes residents, businesses, frequent users, drivers, transit riders, pedestrian, same list cyclists. We try to reach out. You see pictures from active public engagement processes. One of the benefits of that public engagement is the surrounding community gets buy-in into the improvement. They're going to be the ones that have to live through the remodel, if you will, so if they're engaged and have ownership over it, that is really beneficial. We do some pretty interesting things like walk audits, meaning we actually go out there with somebody who potentially has disabilities or needs to push a baby carriage along there and understand from their perspective what the issues are. The solutions are very different amongst corridors and are really based on what the corridor strengths are. Many of these corridors have limited right-of-way because of buildings or structures being close to the right-of-ways. The rapid growth in itself presents a

constraint in some cases. We have to delay some thought on some projects because we know that utility cuts are going to be so frequent along that future door we need to plan for that -- door we need to plan for that.

[6:52:22 PM]

>> Kitchen: Let me ask you a question.

>> Yes.

>> Kitchen: I understand that health impact assessments are -- that the first one, perhaps, was the Lamar one?

>> Yes.

>> Kitchen: Can you speak to that for a moment?

>> So we have a number of neighborhoods in close proximity to Lamar with a lot of local neighborhood business type establishments, whether they be restaurants or small stores along Lamar. And one of the benefits that we know of hook those communities up to those facilities along Lamar via sidewalks and other things or even improved crossings of Lamar can lead more walking, which then benefits the health of the community. We know that there are grants sometimes that look towards what are your health benefits in a transportation project. One of the drives of the federal department of transportation is to link health outcomes, community goals with transportation policies as well.

>> Kitchen: So that's why we're -- the health impact assessment gives us additional information.

>> Right.

>> Kitchen: That perhaps we can use for grant opportunities and --

>> That is one way to do it.

>> Kitchen: Okay.

>> But also help distinguish between alternatives.

>> Kitchen: Okay.

>> Yeah.

>> Kitchen: Okay.

>> So the recommendations, although they're unique for each corridor, they do have some themes that we've been seeing repeatedly from corridor to corridor, things like wanting -- desire for improved intersections, desire for sidewalk completions or in some cases just the provision of sidewalks. Aggregated parking facilities, one of the things we've learned is some of our corridors are ripe for redevelopment, but that there's not enough parking space on individual parking -- or individual parcels to get the type of developments that beneficial in those corridors. So one novel idea is if the community could partner with the city to build aggregated parking facilities, neighborhood parking facilities, some of those lots might develop to higher and better use that would achieve some of our other mobility goals of transit and even auto movement efficiencies.

[6:54:34 PM]

Development coordination is important. One of the things we thin continue to learn is coordinating land use with transportation is important in this corridor. Simply the number of driveway cuts along a corridor affects the speed and reliability of the traffic, and so if we can coordinate that we end up in better situations. Speed management is often a concern. Slowing down the traffic, but getting to an optimum speed so that the travel times actually drop. Good example is the brazos street corridor downtown, we went from a one-way street two-way street, a lot of concerns in that it was going to affect speeds we now from a number of property owners that although the individual speeds on blocks is lowered, the travel times have also lowered because people are more accessible to their land uses.

Drainage I've already mentioned is a big issue, as well as transit improvements have repeatedly come up as major concerns along the corridors, safe access to transit. So funding options for delivering the corridor, certainly bond funding is an opportunity. When asked by council or when staff comes to council to ask for consideration of bonding, this will be one we go to find projects to bring forward since they've been vetted by the community and, therefore, we would think have support within the community to contemplate. Certainly grants, operating budgets, so we can partner in terms of sign changes and marking changes. There's certainly incremental changes we can make to achieve the goals of the community. Public-private partnerships even on these corridors is a possibility. We have pedestrian hybrid beacons to deliver pieces of the infrastructure, and the development facility, the improvements, we're going to have a discussion about development fees, but just simply development curb cuts in sidewalks, we can partner with developers so when they do build something it's building towards that vision that's desired.

[6:56:36 PM]

>> Kitchen: So can you tell us what are you -- of all of these options really what tends to be the ones that are really most available or the most reliable? Does it really depend on what part of the project you're trying to fund?

>> Yes.

>> Kitchen: Okay.

[Laughter] Well, tell us more about that.

>> I would tell you that each corridor is a little bit different. What we've experienced is where we've gotten the most funding for these corridors is out of the bond funding thus far but that's because it's a really new -- we've only recently had corridor projects that have gone all the way through recommendations and have plans so that's a new -- this is new for us, the area where we're still learning our way. Bond funding has delivered the majority of the funding, partnering with other agencies such as capital metro, use of airport boulevard corridor. As we move towards consideration of rethinking our development fees, these corridors could be very important in terms of developing the transportation programs within travel said that then could be funded by private development as we move forward. With the businesses having participated in these corridors, many of these programs are well-supported by both the development community, business community, as well as the residential community. Because it really starts to unlock the potential of some of these corridors.

>> Kitchen: Okay. Okay.

>> So completed corridor improvement programs. This just sort of gives an overview of where we've gotten funding airport boulevard was the capital metro quarter cent funding. We're implementing short-term improvements with those funds and pursuing grant funding. We'll be talking with council about getting authority to pursue grant funding that may be available there. Remember what we're able to do there is take committed funding and not mountain view funding and -- not move it from the project but use it for local match tract attracting more money into that corridor.

[6:58:40 PM]

So you'll hear a presentation from us in the next month about pursuing that. Martin Luther king boulevard we do not have funding identified yet. East Riverside we have a million dollars from the 2012 bond that is moving towards the design of that corridor. There's also a lake shore drive reconstruction that is occurring in that area at the intersection where we partnered with txdot to make sure those developments or that improvement was consistent with where we're headed as well as the development community. North lamar-bush et together those two corridors have \$15 million from the

2012 bond we're establishing the scope project being identified right now for moving into design and then construction.

>> Kitchen: I know we've talked about the quarter cent funding before but just as a reminder to all of us and the folks in the public could you describe that for us again?

>> At a very high level that was funding that was guaranteed to the city through an agreement with capital metro after their first rail bond failed nap was money that they -- that was money they were turning back to the city through an intergolf governmental agreement could go through -- they will I think be looking for improvements that assist transit in their efficiency gnaw funding has been used on a pretty wide range of projects geared towards mobility. So the last council getting \$2 million and Mr. Lazarus can certainly talk more about it T and I think we have a future discussion about that coming up but that's pretty much an overview of where that is.

>> Kitchen: Okay.

>> Gallo: So continuing on that same subject, have we -- so there was an agreement that the city would get a quarter cent of the sales tax to be used towards transportation?

>> For a certain amount of time.

>> Gallo: For a certain amount of time. So have we received that entire obligation and has that entire obligation been committed?

[7:00:46 PM]

>> Howard Lazarus, public works. The funds are provided to us on a reimbursement basis. We had a program where the majority of those funds were committed. We've got -- after -- towards the end of last year we identified funds that -- and projects that could be basically freed up for other uses. And that's about \$22 million that's currently not committed to other projects.

>> Gallo: You lost me in there somewhere. So we've -- we have a certain commitment but it's a reimbursement commitment so does the project actually have to be completed or in process to be reimbursed.

>> It does. The projects have to be approved by capital metro. The city advances the funds. The total was around 130 plus million dollars and there are -- there's about \$28 million left, \$7 million is tied up in obligations, and then the remaining 21 plus is available for other projects.

>> Gallo: So how -- so we have a --

[laughter] I'm hearing we have 22 million.

>> 21.6 I think is the number.

>> Gallo: What do we need to do to get a move on that?

>> We've spoken to acm Gooden I think it's his intention to bring that back to council to have a discussion over what types of projects you'd like to commit the money to. Any new projects get added will go back to capital metro's board for approval.

>> Kitchen: Let me speak to that for a second. Y'all may remember that I guess it was December where the 2 million -- there was a discussion where the 2 million was committed to airport boulevard.

[7:02:51 PM]

At that time there was a council agenda item to put 20 million to airport boulevard and the discussion was -- it was dropped back down to 2 with the discussion that the next council being us, needed to look at the additional dollars that were available. So I think that that's an item that I think this committee, at least from my perspective, that I think this committee would like to make recommendations on, if I'm hearing the nods.

[Laughter] So, yes, so we may have some recommendations -- we will have some recommendations as a

committee on what to do with those funds.

>> Right. So this just tells -- shows you the variety of corridors, the one on the left is Lamar boulevard, that's under study right now, lady bird lake to glen write, improvements in the Guadalupe street, often called the drag, were temporary to get to us a point where we could have a communication about what the best needs are. Both are different. The Lamar boulevard is probably more focused on auto movement and transit, whereas gaap has a lot of pedestrians, probably the most in the region as well as bicycles. So trying to balance the needs on these corridors is really what these vision studies are about. We only have the right-of-way, only have the real estate between the curbs, and maybe between the buildings if those sidewalks are on city right-of-way. So we're pretty limited in some of these corridors balancing all the needs. That's it. Yes, ma'am.

>> You talked about business cooperation with getting some of these projects funded.

>> Mm-hmm.

>> Gallo: How that is the university of Texas stepped up to the Guadalupe projects and projects in that area.

>> They're a good partner. We've been talking to them through the process, no recommendations yet, haven't gotten to the funding piece yet.

[7:04:54 PM]

They certainly have a responsibility over a portion of that right-of-way. In fact part of that sidewalk on their side of Guadalupe really is not our public right-of-way. It really backs up right to the university property. So we've been very upfront talking to them about that whole envelope there and how best to coordinate folks. They're very concerned about the pedestrian east-west connectivity across there because they're a lot of pedestrians that go through there. There are grades separating pedestrian over dean Keaton right now that will redirect traffic naturally going east west and north south so I think that will have benefit as well. We're coordinating closely, not at a point we're talking solutions yet but they've indicated they're willing to have that conversation about participating.

>> Zimmerman: I wonder why no one is -- because people have traveled to Europe, I heard they went to Amsterdam, looked at the bicycles, but I spent a little time in Po land, lived in Ukraine for a while, there are quite a few underground sidewalks for pedestrians, going through the busiest streets and they populate those with small kiosk type stores that can be rented out and there are tens of thousands of people, sometimes, going through here. So in that university of Texas area, it seems like some of those going underneath Guadalupe would be an ideal thing to look at. I've never heard it mentions. I don't know why we don't even seem to think of that, using the ground underneath the streets for pedestrian -

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>> Actually, councilmember, we've been looking at are there ways to grade separate that. You know, university of Colorado Boulder has a very nice big, wide, open underpass. There I will tell you their geography works to their advantage.

[7:06:56 PM]

Here I'm not sure the geography works as well as as it does there. We're certainly looking at grade separation, whether it be over and under, we know there's community design concern about overpasses for pedestrians, but we're looking at all those alternatives and, again, those ideas are working their selves through the process. So we're looking at the whole is

-- shabang. >> Kitchen: Okay. Next item -- I don't know if you want to take these all together, four, five, six. They all relate to the Barton creek bridge. Or do you want to take them separately?

>> Items -- item 4 relates to the --

>> Kitchen: Barton creek at mopac, yeah.

>> Yeah. That Mr. Chad Crager, who is division manager in public works is prepared to speak on the mopac, which includes Barton creek bridge and I'll follow that and talk about the Barton springs and red bud trail.

>> Kitchen: We have a number of speakers. Actually, we have one speaker on item 5 and 6. Why don't we go ahead and take that speaker first and that's Carolyn, right?

>> Good afternoon. As I noted I'm neutral speaker.

>> Kitchen: Okay.

>> For these. I am -- I'm here as co-chair of preservation Austin's preservation chi. And we wanted to take the opportunity to speak about the importance of the Barton springs bridge and processes related to historic preservation as this project goes forward.

[7:09:00 PM]

The bridge was constructed in 1946 and is a contributing resource within the district. It's the same construction as Lamar boulevard bridge designated as a city landmark. The bridges within the core of our city are important historic resources that help tell the story of Austin and are experienced by thousands of visitors every day. The original rfp for this project overlooked the historic status of the bridge and called for replacement of the bridge. Preservation Austin has been happy to work with the public works department to correct this inaccuracy and provide comment on the second rfp which does acknowledge the designation of the bridge. The historic designation triggers multiple review processes at the local, state, federal levels intended to allow the public, owners of the bridge, to provide input and help shape the ultimate design of the provide opinion we have been concerned that some city departments are still only look at the idea of replacing the bridge wholesale and not considering other alternatives, which would mean that we will have lost a significant public historic resource. Some of the processes triggered by the bridge's historic designation will require the city and its consultants analyze a number of possibilities beyond replacement. The same process of investigating alternatives is actually what led to the design and construction of the frugger pedestrian New Jersey, which the Lamar bridge proposed for replacement in the 1990s due to its similar width and lack of sidewalks and bike paths. As we know the Pfluger bridge is now loved. Preservation Austin wants to ensure similar creative possibilities are explored for the Barton springs road bridge and allow it to be preserved. We look forward to continuing communications with the department of public works and city on this project.

>> Kitchen: Thank you. Any questions? Thank you.

>> Hi, my name is Chad Crager, division manager with public works department.

[7:11:01 PM]

Councilmembers, I'm here today to talk about the mopac mobility project which is currently under construction. This is truly a multimodal project that addresses mobility, connectivity and safety for vehicles, pedestrians and bicycles. This here is a rendering of what a major piece of it is going to look like. So the outline we're going to talk about, why is this project important, why are we doing it, the overview of the project and why are we here today. Why is this project important? Basically, I mentioned it before, but it addresses mobility and connectivity for the corridor. One of the main things it does is actually restripes mopac southbound to allow three lanes south, south of loop 360. I'll show an exhibit that Travis. So the froth does reduce vehicle delay. Also provides pedestrian and bicycle access to all types of recreation, commercial centers, basically provides southwest Austin to get to north of Barton creek in a very environmentally sensitive way. This was a priority project in the Austin strategic mobility plan, urban trails plan, sidewalk master plan and the campo transportation improvement program and

although it started before, it's consistent with imagine Austin several of the tenets of that. This shows on the left what we have today is existing. Anyone that's traveled southbound mopac in the P.M. Can attest to the congestion out there. When this project is complete and the bicycles are basically taken off of mopac because right now that's the only way to get over Barton creek south, the project -- as part of this project, the roadway will be restriped to allow three lanes south, which will improve congestion especially in the. Peak considerably and reduce delay.

[7:13:01 PM]

This next picture shows you we have several projects going on, anyone that's been out there, the purple is the main piece, what the first rendering was, goes over Barton creek. That connects over there on the left is laquinta and Best Buy south of Barton creek. To the north. The next project also under construction is the loop 360 seg. And that will bring two bridges -- segments, bringing two additional bridges. One is the canyon through there, and the second is over the main lanes for loop 360. What's exciting those beams will be set within four to six weeks over loop 360. So what we're talking about mainly is Barton creek. I wanted to tell you there are several projects out there. The reason there's two projects for different funding sources. On the bottom is the status, where we're at with phase one of the Barton creek segment, we'll be done approximately March. Phase two for loop 360 will be done December of this year. Financial summary, when we started the project, the city of Austin spent approximately \$2.2 million on environmental design. We had years of work with stakeholders, with the environmental community doing a lot of review and design to get to this point in this project. This is a very sensitive area. The city of Austin signed an advanced funding agreement for construction costs and the way those work is that the city signs an agreement and in this case the phase one was proposition 12 roadway congestion funding from txdot, state funding because not only did it provide safety for the bicycles and pedestrians with connectivity it also got those off the road so that txdot could restripe mopac to have three lanes southbound. On the right for phase two, campo we were able to get two and a half million dollars because they recognized the need for the safety for pedestrians and bicycles to go over 360.

[7:15:05 PM]

When the advanced funding agreement is signed, it basically says that the city will pay for anything over the amounts that you see there. That's before bids are open on a construction project. When the actual construction bids are open, this is important, approximately \$7.7 million for the Barton creek piece and \$2.9 million or almost \$3 million for loop 360, which meant the city had to pay the overage so 7.7 - 4.4 is where you get the \$3.3 million. What's important to note is those two asterisks right there for 3.3 million. When we took this to council last year, the request for council action was that although we signed the afa, advanced funding agreement, basically we were capped at \$4 million in authority. Now, we didn't realize that when bids were opened that it would take immediately \$3.3 million from the project. So the total project cost was almost 13 million when this -- all of this started. And the total city of Austin funding is 6.5 or approximately 50% of the project. So why are we here today? During construction of this project, we found some un-- there was unforeseen conditions and I'll go into detail of that, but we need to increase the authority for this project. Funding is available in 2012 bond funding allocate Ford urban trails. We need to increase the authority. Secondly, we are seeking a positive recommendation from the mobility committee --

>> Zimmerman: Sorry, what does that mean, increase authority?

>> So city council has to authorize any project over, I believe it's \$55,000.

>> Councilmember, we had set aside money from the bond program so we've always had the funding,

but we haven't had the authority to spend up to the amount we set aside. So what we're doing is coming back and asking for the authority to spend the remainder of the funds we set aside.

>> That's correct.

>> Zimmerman: So it needs more money.

[7:17:06 PM]

You don't need increase authority? You need increased money? You need to tell somebody to do -- what to do -- now you need more money, the authority to spend more?

>> We had budgeted sufficient money to do the project. We didn't get the authority. So you're right in that we need the authority to spend more money.

>> So this kind of goes through what we looked at, called exploratory borings. This is going to get a little geeky on you guys but it's important to note there's a reason for this change order. So the first is what you see there is there's three exploratory borings done in 1984 by txdot. Next is when they actually built the mopac bridge for vehicles that's out there today in '86 and we used that data as well nap was consistent with the ones from two years before. Then we took these three borings to really validate what do we have out there? And what we've found was that the ground rock was approximately one and a half to two and a half feet bloat dirt. When we went out there to construct and they were scraping off that dirt, they realized it's not one and a half to two and a half feet. In some case it's was over 18 feet in depth. What we had to do, you'll see the next one, we had to stop construction and do additional exploratory borings, shown here in the red. And what we've found -- that's where we found that in some cases we have an exploratory boring 13 feet away instead 2 feet, it was 18 feet in depth, which is - one of those things that happens. This is geology and this is Barton creek. This shows on the left the original design. We're using what they call micropiles for this instead of a giant drilled shaft that goes 70 feet down, these micropiles are designed so that they can go only 30 feet down originally because the bedrock was 2 feet below. That would keep us from going into the aquifer, very important part of this project. On the left on the bottom you can see how many micropiles we had.

[7:19:07 PM]

On the right you see the blue on the bottom. That reflects the actual rock, bedrock, where it was. We had to go into redesign. We had to come up with a new plan for the foundations. What that did was increased the depth of the micropiles. Now they have to go deeper because you need bedrock to attach to. Then you also have to increase. So if you see on the bottom right there's more micropiles we needed because not only was the rock deeper it was also less quality than what we originally anticipated with all of the exploratory borings. So with this, our change in design resulted in an increased cost from our -- the original project that was bid for the contractor. So financial summary where we're today. As we talked about the original authority for the project was \$4 million. Our contribution to the original construction when bids were opened was \$3.3 million, which left us remaining authority of \$667,000. The change order for what you just saw that we've agreed upon with the contractor is an accurate price is \$983,000, which means we still don't have -- we're in the hole, if you will, \$315,000 in authority. Is now one thing very important to note is that because the city is paying for any overage for this, we have to approve a change order whether it's \$983,000 or \$1. It doesn't matter. So we have to -- by us not having the authority right now, it keeps us from txdot telling the contractor that they can approve the project to move forward and construct it, which could potentially delay and increase costs for the project. Last line, we'd like to increase authority by a million dollars. And the question of the day, if \$315,000 is needed, why are we asking for a million dollars? As I just talked about we have a contractual obligation the city entered into with txdot with advanced funding agreement to pay anything over the

original \$4.4 million.

[7:21:10 PM]

If we have to approve all change orders and if we have to approve it, whether it's a \$50,000 change order or \$100,000 change order and we have to go through a process of four to six weeks in order to get the additional authority, that puts us in a position to where we could dilate project because if it's a critical path item, meaning it's something that has to get done to keep the project done in a timely manner, all of a sudden basically the city is in a position to where we're delaying the project, which increases costs. That's why in we're asking for the additional million dollars. If the funding isn't used that money will be reallocated for future urban trail projects.

>> Gallo: Question. If you go back to the previous slide, so the citizens voted on a bond issue that was for \$4 million for this project?

>> This was a named project in 2012 bond, correct.

>> Gallo: Why are we not going back to the citizens for the increase of about a half million dollars, is sounds like, with the million dollar ask?

>> Councilmember, in the bond, there was money set aside for different programs, and within that program there's money set aside for urban trails. The bond did not allocate specific dollars to the project. It allocated money to the program. And then within that program we have flexibility on how to use that funding. If we're to take the money allocated for one thing and use it for something else, that would raise the question as to whether you had to go back to the voters or if you could legally do that. But here the funds are in the proper bucket, if you will, and can be used for that.

>> Gallo: So what would have been funded, had we not gone over budget, who have been what? What's losing in this process?

>> We originally received \$12 million for urban trails, in there were certain named projects, one with \$4 million, violet crown trail was one with \$2 million. We had money to set aside to use for future grant matches, think that come up we can get more money from.

[7:23:16 PM]

In this case we need to reallocate that money to be used for this project. We don't want to spend the million dollars. We'd like to use it for other prongs but need authority there in case other change orders come up so we can approve those quickly. So there were future projects that we hadn't identified at the time because we we don't know what grant calls had come up but that's where the original million dollars was going to go.

>> But there are other projects that are in the pipeline, including the [indiscernible] Creek trail and whatever we're calling eastline trail, where there are components we wanted to have ready to go to construction so that we could leverage the money for future grant opportunities. So because of this change we may not have that funding available and some of those efforts will wait for the next funding opportunity.

>> Kitchen: So are you -- do you want to -- let me make sure I understand. So the named projects that were in the bond, are we saying that some of those may not happen because of this? Or will all of those happen?

>> No, ma'am. The named projects will continue.

>> Kitchen: There's enough funding for all of them?

>> Yes, ma'am, that's correct.

>> Kitchen: Okay. So the \$12 million in the bond package, there's enough funding within that to cover all of the projects that were named in the bond?

>> Yes, ma'am. That's correct.

>> Kitchen: Okay. We're simply saying that, if I heard you correctly, we may not have enough left over to add some other projects.

>> That's correct.

>> Kitchen: Okay.

>> Next steps, the public works department will request city council to increase authority by a million dollars, due to unforeseen conditions. Because these conditions have already taken place we're trying to get this to city council as soon as possible, which the next council meeting is may 7, so that city staff can approve the change order.

[7:25:17 PM]

City staff has reviewed it, agreed that the price is correct. We just don't have the authority to actually authorize txdot for the change.

>> I would also just state that Chad has done an excellent job of working with txdot to reduce the original contractor ask, which was in the million and a half range, down to the \$900,000. So we've negotiated well and in good faith.

>> Kitchen: Okay. Okay. So, colleagues, this will be on the may 7 agenda. As a committee, we can choose to comment on it or not. It's up to the -- up to this group. We can choose to recommend it or not. It will go forward. It needs to, you know, for the full council to consider. So, you know, does anyone want to make any comments at this point? Do you have questions.

>> Zimmerman: Well -- I I was going to make a motion we recommend this to council, but at half a million instead of 1 million, that we would recommend that to the full council.

>> Kitchen: Okay.

>> Garza: I was going to make the motion to recommend it as staff has recommended. So I guess we can vote on his and then vote on the different one.

>> Kitchen: Okay.

>> Zimmerman: There has to be a second. If there's no second.

>> Kitchen: Is there a second for councilmember Zimmerman's.

>> Zimmerman: Half million.

>> Kitchen: For half a million.

>> Gallo: I just have a question about that. So you expressed some concerns if we didn't have the buffer in there it could complicate the process if you had to come back. Realistically, if you had to come back, how much would it lengthen the process?

>> The process takes approximately six weeks to come back to council. Once we agreed upon with txdot to get the actual price for the change orders. In an active construction project, if it's a critical path, it could delay the project six weeks and potentially add costs as well.

>> Kitchen: So do you project to go over budget -- that much more?

[7:27:19 PM]

This is taped. We can go back and listen to it.

>> At this point, we don't want to. But the reason that we have contingencies in there for these complex projects, such as what you saw, 1100-foot long bridge, 700 feet in the area is to take care of issues like this. There's a lot of reasons I don't want to increase the cost on this, but we need to get the project complete. It's a fantastic project that addresses all types of mobility. We would love to use the funding to be allocated for other urban trails, I don't want to delay or increase the cost by not having enough authority.

>> Councilmember you will hear me say this many, many times, the greatest risk in any project is that when he can't see. As Mr. Gregor showed you what we couldn't see that was significant in this part. Most of the work below the surface is done. I would anticipate that we would not use the balance of that authority, but you never know. And I think it's worth the ounce of prevention to prevent the pound of pain later, which would occur with the delay cost. When you have a delay cost, you don't get a whole lot for your dollar.

>> Go ahead.

>> You mentioned onion creek, was that a named project.

>> I mentioned boggy creek.

>> I thought you said onion creek. Nothing slated for that?

>> No.

>> Kitchen: Okay. So we have a motion from councilmember Zimmerman to approve this at 500 -- half a million. Do we have a second? Okay, fails for a second. A motion from councilmember Garza to approve this as recommended by the staff. Do we have a second?

>> I will second that.

>> Kitchen: Okay. All in favor? All right. We will move forward with that. The next item is 5.

[7:29:26 PM]

>> We're going to -- with the committee's agreement, we'll address 5 and 6 at the same time.

>> Kitchen: Yes, 5 and 6 together, yes.

>> It's actually comfortable up here. Thank you, again, we're going to spend a couple of minutes talking about potential bridge rehabilitation or replacement needs for both the red bud trail bridge and also known as the Emmitt Shelton bridge and the Barton springs road bridge. Before I get into that, I'm going to kind of give you a short overview on the public works bridge program. The city has 447 rated bridges, which are basically vehicular bridges over a certain length. Our goal is always to maintain all of our bridges in good or better condition much however, just because the bridge may be rated fair or poor doesn't mean it's in danger of imminent collapse. We check all of our bridges to make sure that they are serviceable and do repairs both out of the capital budget and our operating budget. Bridges may fail into -- fall into the -- poor categories because of other operational aspects of it and safety aspects. And there's a rather complicated matrix that's used to rate the bridges. But I want to assure everyone that nowhere in the city of Austin is anyone in danger of a bridge falling into the abyss. Again, we have 447 rated bridges, the vast majority of them rated as good or better, we do address those. You'll see it in both our capital program and our operating budget request to do inspections and maintenance and repair on our bridges. So why are we here today? The bridges on red pud trail and Barton springs road were determined to be long term risk due to condition and use. And to -- another thing that I like I say, if you never get started you'll never get finished.

[7:31:30 PM]

These bridges will have a long lead time to replace them and it's prudent to go down this path now and we'll talk to the previous council about putting money in the bond program, I think they agreed that was a prudent course and the design costs were included in the 2012 bond program. We sent requests for qualifications out, how you procure professional services, with the brief them to probably the forerunner of the mobility committee. Comprehensive planning and transportation committee. At the same time, there was some community feedback which you had heard about and we wasn't back, we reworked the rfq's to ensure rehabilitation options were considered along with replacement and the rfq and requirements now do require multiple options to be looked at. We wanted to insure that the rfqs have

been all of the stakeholders, preservation Austin, all of the other interested stakeholders to make sure that we address their concerns, particularly the historic aspects of the bridges. We want to make sure that in the contract there is a requirement for community outreach, even though we normally do that, the previous council wanted to make sure that it was in the contract. Then we wanted to report back to the committee when we went through that process then also ensure that the contract included a return to council at the preliminary engineering report stage. Even before that, looking at the concerns, we incorporated the requirement to engage firms to provide peer reviews to provide shareholder interest and also provide value engineering of all of the different options that will come up to make sure that we were before you department as we went -- prudent as we went forward into construction. I'm going to talk about each bridge separately. The red bud trail bridge crosses lady bird lake near the Tom Miller dam. Built in 1948. Interim strengthening done in 1998. When the bridge was inspected in 2012 it resulted in a fair rating. The -- the issues on the bridge, the bridge is really at the end of it's useful life.

[7:33:36 PM]

On the west side, it has pretty steep slopes and curve, particularly in wet weather you will see some accidents there. We need to initiate rehabilitation and replacement process because if we don't do that down the road, you could see things like load restrictions, which -- which that bridge is the primary way, among other things at the Ulrich water treatment plant serviced if the bridge has load restrictions the trucks would have to go through someone's neighborhood to get there. Just some photos inside the red oval, you can see where it's located on the right-hand side is -- is lake Austin boulevard and it's actually two spans that cross -- cross over red bud island. Pavement condition is starting to deteriorate as you can see from this photo. Many of our bridges do have utility lines that go across them as well. In any transportation project, you will see multiple funding sources. And this aspect will most likely be paid for by the owner of that utility. You can also see there really aren't any sidewalks and the guardrails are low here. Given the amount of recreation use at red bud aisle, isle, there is a need to promote bicycle and pedestrian safety. This is the second span. You can see pavement distress and then go through, as it goes up the hill, there's a sharp curve. The pavement is scored over there to help increase the friction, but you still get a lot of slipping and skidding during wet weather. Barton springs road bridge crosses Barton creek at zilker park, built in 1925, it was widened in 1945. It's also fair that it's going to require some substantial rehabilitation in the near future. The bridge is really functionally obsolete and creates a traffic bottleneck. The sidewalks have some non-compliant elements. Bike lanes tended to disappear. That's an area where you do have bicycle traffic ... Looking at the intersection of Robert E Lee to make it align better, more functional.

[7:35:36 PM]

The parks department asked us to look at retaining wall on the Umlauf Pratt because that needs to -- property because that needs to be addressed as well. Photos again located on Barton springs road. It's a very elegant looking bridge. This is far from being an ugly bridge. The bikes disappear into shared use lane, again the pavement shows sign of distress. Go through these. Underneath you can see here that's some spawling of the concrete. If you don't take care of that, the capacity of the bridge to handle the load continues to deteriorate. At the very least there's substantial rehabilitation has to occur. We also talked about aligning the intersection with Robert E Lee. We don't know what that will look like. There's no intent, at one point you said we wanted to turn this into a super highway. That's not the intent. But we do want to address traffic flow on Barton springs road. Whether there's a -- wherever there's a severe weather event, we often have mass movement of soil, winds up in the middle of the road which also causes traffic problems. You can see the retaining wall here which is timber, needs to be replaced.

Funding sources for these two are from the 2012 bond. That program had \$3 million in it for Barton springs bridge and for the Shelton bridge and then had a million seven for minor bridges and culverts. Both bridges are on the list of priorities that we provided to the bond election advisory task force. You can see that on the table to the right. Neither bridge right now is funded for construction. So our next steps is we would like to bring the rcas for award of design and peer review contracts to the full council with committee endorsement. At that point we would initiate the outreach, community process -- the community outreach process and start to develop the working estimates so that the rehabilitation or replacement options can be fully vetted and then can be included in upcoming bond election.

[7:37:50 PM]

Again, I want to give everybody some assurance that the bridges are not in immediate danger of collapse. But we do anticipate they're going to take a long time because of the environmental concerns and historic concerns and we want to do it right, we want to do it right the first time. As I said if you don't get started you never get finished. So -- so appreciate the opportunity to present this.

>> Okay. I have a question. Can you just talk to us a little bit more about the -- if I'm understanding correctly, so this next step is to -- to award the -- the design contracts, basically the engineering contracts. And then there's a community outreach process. So does that mean that the scope of the engineering project is -- is that the community has -- has a -- has an opportunity to have input on the scope of the engineering design?

>> That's correct.

>> Okay. Can you tell us a little bit more about how the outreach process works? As we start it we will have outreach sessions with stakeholders who have identified themselves as well as a member of the impacted community we'll talk about the general intent of the design, get feedback from the interested stakeholders. The engineer will -- will preliminary rendering of some options. These contracts require several options to be brought back, including everything from separating the bicycle and pedestrian to a separate span to widening the span. And we will look at those, we will get feedback from the community as to what -- to what their preferences are, we will balance that against cost and what works and then the -- the design consultants will prepare -- preliminary engineering reports, which we've committed to bring back to this committee as well. There's not a lot of reason to go down a road that's not going to be fruitful. The reason we put peer review contracts together, to make sure that we have another set of eyes, making sure that we are addressing those concerns that have been raised, particularly historic preservation aspects and then also to look at the designs from a cost standpoint to make sure that we have gotten the best value out of the engineering as possible.

[7:40:05 PM]

Once we get past the preliminary engineering, the concept lock down, we will go through detailed design and come back for more in house reviews of the 30%, 60% and preconstruction documents, but throughout that process, we will engage with the interested stakeholders in the community so they know where we are. We always on projects like this, we place drawings and notices on the website, we also along with the transportation department have explored the wonders of social media for outreach as well. We will be guided by how much the community wants to be engaged as we go through every step.

>> In a related question, the -- the shoring up of that intersection right there at Robert E Lee and Barton springs road, they, yes, that, so is that proceeding along -- is this -- are these packages -- are these projects proceeding together or is that one on a faster track, I guess that I should ask.

>> Well, the intent is to have them --

>> Full disclosure I live right there, so anyway.

>> The intent was in talking to director Hensley, we would do all of these together because from a holding contractors liable it's always good to have one contractor responsible for the work zone.

>> So I'm trying to put all of this together, all of these pieces of paper. So remind me again in the 2012 bond what -- what was allocated and was it for each specific project or was it for both projects because I'm looking at your initial cost on the red bud is about 1.1 million and your cost on the [indiscernible] is about a half million. I see also in the description there's a possibility that you may come back for additional engineering in peer review expenses.

>> No. I -- what I meant to say was that -- that these contracts will get us through the design.

[7:42:09 PM]

What we will do from a concept standpoint is to come back to the mobility committee to present the preliminary -- preliminary engineering. Because what we don't want to do is get to the point where we are asking council for construction and -- and you don't like the design. So -- so it's not a request for additional funds at that point, it's for -- for coming for essentially a nod that yes you're going down the right path.

>> So could you remind me again what was in the bond, what was approved by the voters in the 2012 bond, amounts as compared to what we are looking at right here.

>> \$3 million for Barton springs and Emmitt Shelton bridges. And then we have 1.7 million for minor bridges and culverts. The need that we brought forward, which was on the table in the right, was about the \$41 million that wasn't in the bond, about you that was for the priority bridge replacements that we had identified for discussion with the bond election advisory task force. So out of that list, we wound up with -- with -- \$4.7 million from bridges and culverts.

>> Not allocated to construction.

>> It's not ready for construction. This will be a large amount of money particularly for the Shelton bridge replacement. So it's prudent to design it now. But it's not prudent to tie up a large amount of money when we don't even know what the cost is going to be.

>> Okay. Could you clarify for us, I'm -- I may have -- I may have stated this wrong, but are we looking at items 5, 6, 7, 8 and/or this is 5 and 6?

>> We are looking at 5, 6, 7 and 8. Peer review and design contracts.

>> Kitchen: Okay. Can you describe them for us, then the reason that I'm asking that, we do have a couple of speakers, we'll get to them in just a moment.

>> So I don't -- I didn't -- item 5 is the professional service agreement with urs corporation to provide engineering service for Barton springs road bridge.

[7:44:17 PM]

That is the design contract for Barton springs road. I'm -- item 6 is a similar -- is a similar contract with a different firm, and that is to provide peer review for the Barton springs bridge. Item 7 is also with urs to do the design for the Shelton bridge and then item 8 is with Chang, Patel for the peer review. So there's four contracts, three consulting firms.

>> Kitchen: Okay. Thank you. Other questions, colleagues? Just because we confuse very easily, as you probably have noticed already. It would be real helpful if at some point we either call it the red bud trail bridge or the Shelton bridge because I think I'm seeing it called both.

>> I'm perfectly

>> Kitchen: Okay.

>> Okay.

[Laughter]

>> Kitchen: Okay. We have two citizens who would like to comment. First we have Mary Arnold, and then Leslie Valentine after that.

>> Thank you very much. My name is Mary Arnold. I have been looking at my files on my computer, and I'm happy to say that I have memos and letters that I wrote back in 1989 and '90, et cetera, about straightening red bud trail and about the water utility thugs trucks that have to go on red bud trail and across the bridge. So I'm not unfamiliar with all of this. I think the thing that disturbs me then and what disturbed me now is that the presentation given about the red bud bridge project in 2012 to the west Austin neighborhood group showed that the bridge would be something that would be 25 feet higher than the existing bridge, and it would go through the limestone cliffs on the opposite side, and that would be part of their way of not using the beautiful natural curving path that now leads you in to the area west of the lake and into Westlake hills.

[7:47:06 PM]

I think it's significant that the bridge was at one time named for Emmett shell ton who was the original developer of Westlake hills and if the bridge is not going to be called the Emmett shellton bridge in the future I think members of the family might be interested in that. I think that's curious. One of the things not mentioned in any of the backup material about this bridge is the Brackenridge development agreement, and I did participate in the development of that agreement as part of the effort to get a longer contract for the golf course, which we still want a longer contract for the golf course. In the Brackenridge development agreement part of the negotiating team for the city included a representative from the strats Stratford drive area. Jonathan who served as chair of the water front advisory committee at one time. And he felt that the cliffs on that far side had some sort of state or federal protection anyway, but very clearly, in the development agreement, there was a five -- [buzzer sounding]

>> -- 50-foot no build, no disturb zone on that side. And the conservation area that was set forward at that time is also important for whoever works on this project next to be aware of and to take into consideration. I have a picture of the Ulrich land that has now -- and there's a small area, 12.32 acres, that the city acquired from the university of Texas back in 1998.

[7:49:20 PM]

And I have no idea why or how much the city paid, but the deed to that land did reference the Brackenridge development agreement and indicate that the land would be held to those restrictions. There is a part of the conservation area on the other side of red bud trail. This is the part that the utility acquired, but there's still this part and this part next to the lake. So I'm disappointed that not much attention has been paid to that. Also, I think there should be adequate current information about the number, size, and contents of the trucks from Ulrich that go across that bridge. I found something on my computer that I think that I got --

>> Don't mean to interrupt but -- we're past the three minutes. Are you close to -- I mean, we're certainly interested in this, but is this information you can wrap up soon or do you need a few more minutes?

>> I can wrap up, but --

>> Kitchen: Okay.

>> But I'm not happy. The scope did not include rehabilitation for the red bud trail bridge.

>> Kitchen: Okay.

>> It did not include rehabilitation. It included replacement only.

>> Kitchen: Okay.

>> And so I think that should be made known.

>> Kitchen: Okay.

>> Yes, for Barton creek they did say rehab but for the red bud trail bridge that was non-an option and I think his rendition was a little misleading on that.

>> Kitchen: Okay.

>> I'm concerned about the humanity input, et cetera, et cetera. This is very important. So thank you very much.

[7:51:20 PM]

>> Kitchen: Okay. Let me just ask Mr. Lazarus, can you speak to -- the types of concerns that Ms. Arnold is bringing up, those are the kinds of things that can be addressed in the community input part or can you speak to the concerns that she's raise.

>> I can. These issues and concerns were brought up when we first went to council committee last year - both having heard what the council said and Ms. Arnold and other members said that's why bewent back and added peer review. Each of the contracts applies for multiple options to be presented so those things that would restrict certain options will certainly come up during that process in the review.

>> Kitchen: So if I'm understanding correctly the kinds of concerns that are being raised there's been no decision on those things, this is part of the engineering process and different options will be brought back, correct?

>> That's correct. There was an old concept Ms. Arnold described from way back when, we did present it. The reason we're doing what we're doing is come one multiple options and come back and discuss them.

>> Kitchen: Next speaker is Leslie Valentine.

>> Thank you. I'm glad to hear other options are going to be considered because I was alarmed too, as Mary said, about the initial proposal to build a 25-foot high bridge and straighten the curbs. I'm a native austinite who grew up here in the '50s, '60s, '70s. I lived away many years, most of my family still lives here so I've come back over the years and watched as the city has quadrupled in side and there's been quite bit of development as everybody knows.

[7:53:22 PM]

I've watched with increasing alarm as as much of Austin's natural beauty has a lot -- some of it has been preserved, but I've also seen a lot of it paved over for development and roads straightened and the curves straightened and I think that's part of what makes Austin beautiful. To me, my family, friends, the low water bridge, as we called the red bud trail bridge or the Emmett Shelton bridge, was -- and the slopes and the curves on the west are as iconic to ice as Mt. Bunell is and his vistas. I realize the bridge needs repair or replacement but I implore not to consider any design that would March the area's natural beauty and ruin another Austin treasure forever. To anyway would be like blasting through mount bunell and building a bridge across. So thank you. That's.

>> I would like to respond also.

>> Kitchen: Yes.

>> The contract for the design of red bud trail does reference replacement, doesn't specifically call out rehabilitation, but that doesn't mean we can't replace the bridge where it currently is.

>> Kitchen: Okay.

>> So it's maybe a technical cutting of hairs but I would consider that to be a rehab as opposed to replacements. What I said still holds. We're going to go through the detailed process with the

community to come one the best design.

>> Kitchen: Okay. This was items five, six, seven, eight. Do I hear a motion to make a recommendation on these? We're in the same situation we were with item 4.

[7:55:22 PM]

We can choose to make a recommendation or not, depending on what our colleagues would like to do. Yes, councilmember Zimmerman?

>> I move that we pass these items to the full council with a recommendation for them to be approved.

>> Kitchen: Okay. Do we have a second? Okay. All in favor? Okay. Those pass.

>> Thank you.

>> Kitchen: Okay. Everyone, our next items relate to the taxicabs. We have learned that we're going to move to the council chambers because we have a large number of folks outside that would like to participate. So we're going to move right away and we're going to reconvene within five or ten

>> Kitchen: Hello, everyone. We're going to get started. So thank you all with your patience. I think it's a little more comfortable in here for everyone. So we are now moving to items -- where's my agenda? I think it's nine, ten, 11. And we are going to start with our citizen input. So for everyone we have 11 speakers, and a number of people who have donated time, and so when I call out your name to speak, I will mention how many minutes you have and that will, you know, reflect folks that have donated time. So we're going to start with Joseph iley for three minutes and Michael elder after that for three minutes.

>> Councilmember --

>> Kitchen: That's fine. He can talk from there.

[7:57:39 PM]

>> [Off mic]

>> I understand the difficulties in the taxicab process and I understand the problems. Number one, I oppose any taxicab franchise renewal. Number two, if you're going to allocate any permits, none of those permits should go to the cab franchises for the mere fact that they don't provide the service that drivers pay for. I'm also a victim of --

[applause]

>> -- Driver retaliation. Supposedly I was terminated from driving for Austin cab because of -- because of accidents. Though none of those accidents were at-fault accidents. I do believe that I was terminated specifically for my political affiliation with the taxi drivers association. And last of all, the taxicab drivers have for too long been oppressed by the way that the franchises operate and that needs to change. We also need drivers anti-retaliation bill established so that drivers are treated fairly and are not fired for the stupid little reasons like not paying their lease on time because they've had a bad week. There are drivers who have been retirement for really dumb reasons, and that's got to stop.

[Applause]

>> Kitchen: Thank you. Michael elder. Three minutes, and after Michael been Dave Passmore for six minutes.

[7:59:59 PM]

>> Kitchen: Thank you.

>> I'll start with the resolution please. So city council is four months old now. Congratulations. By now you've discovered that the problem with cab service in Austin is pretty complicated. That's because the problem has been neglected for a long time by city council -- by the previous city councils. And it's going

to take more and more time for the city council until it's addressed. It's a new city council but the cab companies are up to the same old tricks. They say renew our franchise agreement and we'll address the issues after that. They say they hijacked the stakeholder process, dragged their feet when it comes to drivers' issues, and every solution they propose boils down to the same idea. We need more permits. What a coincidence their solution happens to benefit them. I don't blame the cab companies. I blame the city for not holding the cab companies accountable. The city has continued to renew the franchise agreements and give them more permits.

Here's my question: Were going to let them get away with it again? One more time I wish to draw your attention to the council resolution 2014 0515-025 and the change in the cab ordinance I proposed in the January 29 council meeting. Please note the area I have highlighted.

[8:02:00 PM]

Open up the second page, you'll see it, two documents. If we can't hold that -- that basically is stating they need to get their calls answered within 15 minutes in the council resolution. I'm asking that those be put into law. I've worded it. I've checked it out. I think it would work. If we can't hold them accountable on that, how with we hold them accountable on anything? We have a room full of disenfranchised companies. They don't have a choice they have to do business with the cab companies because you guys set it up that way.

[Applause]

>> This is a new city council so let's set a new precedent. Hold the cab companies accountable. If you don't, the cab companies will keep getting richer, cab drivers will keep getting poorer and the cab service in Austin won't get any better.

[Applause]

>> Also, be aware that if you don't hold the cab companies accountable, the voters may not be willing to extend the same courtesy to you come election time. Thank you.

[Applause]

>> Kitchen: After Mr. Passmore is Antonio -- I'm going apologize in advance for my -- I can't read some of the names so I apologize for that. I hope y'all forgive me. After Mr. Passmore is Antonio.

[8:04:06 PM]

You have six minutes.

>> Thank you very much, councilmember kitchen. Dave Passmore, president of the taxi drivers association. Thank you for allowing me this opportunity to speak before you once again today. I first would like to start out by saying that seeing this document here today for the first time, I would just want to be clear that we oppose the 50 permits at this time.

>> Kitchen: Okay.

>> If there are to be 50 permits to be allocated to the franchises, we don't see that as a step going forward in the right direction right now.

[Applause]

>> Kitchen: Okay.

>> However, we would prefer if these 50 council would be allocated to the consideration of a driver owned co-op. We have already, you know, shown you in some way that we are ready to try to address the drivers income issue here before we can even start to consider to level the playing field. Now, one of the reasons why we want to address this issue is because of drivers income. The allocation of the permits to the franchises generates more revenue for the franchises without any consideration towards drivers' earnings. That should be taken into consideration today and from here on wards. If you issue

anymore permits to the franchise this will allow drivers' income to continue to fall and keep the drivers in a more poverty-stricken situation. We are currently --

[applause]

>> -- Facing that situation. What we would also like to say is that what needs to be done is that the existing number of permits, which is 756 currently, there should be a lease gap consideration for these permits that are in place right now.

[8:06:15 PM]

[Applause]

>> That will help to improve the drivers' income. The drivers are the ones that provide the service to the citizens and visitors of Austin. So please take that into consideration. And if you could allow us a little more time just to be able to go over this proposed taxi franchise agreement at your second reading, we'll be shall appreciative of that also. Now, there are several other issues that needs to be addressed. One of the reasons that we think that these issues need to be addressed in allocation of permits to the franchises is that we as independent contractors make our living from picking up customers. The franchise are in business to do business and we're not asking for you to get rid of the franchises. I would like to be clear on that. What we are asking is that there needs to be a performance measure.

>> Kitchen: Okay.

>> -- In place that will allow you, the council, to be able to determine what these performance measures are before we can allocate any more permits to the franchises. As Mr. Elder has just said, this has been going on for quite some time, needed to be addressed, at the stakeholder process and the taxi task force we thought you would have gotten some of these issues addressed but we saw where they were probably caught in the tny stakeholder process and may have beenover burdened with work while some of these things were not even probably considered. So today we just want to say to the council and mobility committee that these 50 permits we are definitely opposed, in opposition to right now, because we didn't even have time to discuss this going forward, and that time needs to be set aside so we can deal with this in a more humane, you know, condition and take into consideration that the drivers are suffering even with the new --

[8:08:35 PM]

[applause]

>> -- Tncs brought forth into the market, it has reduced their income even more, and with these allocation of permits to the franchise we know the process has to go on. I want to be clear on that also, and we can't stall at this stage right now, but we need to take some time to consider drivers' income. Drivers are paying very high lease rates right now. If there is a cap on the lease,&the franchises are to be allocated these permits, there has to be a lease cap in place. So that the drivers can earn an honest living without having to continue to pay these high fees going forward. When we are paying anywhere from three, four, six, \$800 a week to the franchises and you can't even take home half of that to pay your bills, there needs to be some consideration around that. The drivers are citizens of Austin, have been citizens of Austin for a long time. We hear that affordability is one of the concerns of the council. So with that affordability in mind, please also consider the drivers' affordability. If we're not able to make a living income, we will have to move away from Austin because we won't be able to, you know, continue to live in the city because of all these high prices that we pay to the franchises. You know, weekly.

[Applause]

[Buzzer sounding]

>> Is that my six minutes.

>> Kitchen: Yes, but go ahead and finish your thought.

>> Okay. Thank you. Now, if the prices are to be given these permits, just consider what it is actually doing to the drivers. It's just driving down their ability to make a living wage in Austin, Texas. And I have several other topics to deal with, but I'll just respect your time.

[8:10:35 PM]

>> Kitchen: Let me ask you a question.

>> Yes, ma'am.

>> Kitchen: So in terms of -- I want to make sure I'm hearing what you're saying with regard to the permits.

>> Yes, ma'am.

>> Kitchen: So I understand the concern about, you know, what we've just -- let me just explain, we're just throwing out things for discussion, you know, in terms of the 50. But --

>> Okay.

>> Kitchen: I hear what you're saying with regard to that. Did I hear you say that the performance measure approach to permitting was something that you felt like was appropriate or --

>> It has to be taken into consideration.

>> Kitchen: Okay.

>> Like I said last week, if there are no improvements to the customers or the drivers, what's the purpose of the allocation? They're not proving to you that they're providing better service or quality service, to whether the customer or the drivers. So there has to be a performance measure put in place to be able to determine if a franchise is fit to be given additional permits.

>> Kitchen: Okay.

>> Based on dispatching system and all of that. I don't want to bring up something not on the agenda but that is something that also needs to be taken into consideration, the system is broken, has been broken, and needs to be fixed before you can ask drivers to accept all this.

[Applause]

>> Thank you all very much.

>> Kitchen: Our next speaker is Antonio and for three -- with three minutes. And after -- let's see. I don't have my glasses. And after that Hasan for six minutes. Go ahead with your question.

>> Garza: For Mr. Passmore we've gotten so much literature I may have gotten this and I don't know where it is, but in your documents you say see pages 2, 3, see pages -- is that something you've given us already?

>> We have two separate set of documents.

>> Garza: Okay.

>> Some of this may have also been mentioned in our six-page report that we had probably given out to your policy aide.

[8:12:37 PM]

>> Okay.

>> So you're probably seeing some of the -- our issues being put on that also.

>> Garza: So that's referring to something you've given us already?

>> Yes. In a separate meeting that I had with your staff.

>> Garza: Okay. Thank you.

>> Thanks very much.

>> Kitchen: Okay. Thank you. Go ahead.

>> Hello. My name is Antonio Rojas and I was here to speak on the fact of the 50 formats each company, what we -- 50 permits to each company, what we just read. We believe permits to the franchises right now at these rates destroy business.

>> Kitchen: Okay.

>> Window not support that.

[Applause]

>> Kitchen: Okay.

>> We ask --

>> Kitchen: Keep going. I have a question.

>> We ask that there be no reward for no reason. If you're going to give that, please consider giving it to the drivers at a lower rate because we cannot afford what's going on right now. So we would ask that you keep that in mind. We've offered a constructive option, being the co-op, at lower rates, to keep this industry viable, to keep prices low for the public, as I said a week ago, also for the drivers to continue in this industry, which we want to be part of. We're professional career drivers. We know the city well. We live here. It's our pleasure to serve the public here.

[Applause]

>> The co-op will offer what no other franchise has offered. Taking into consideration drivers to continue some of us can drive here for decades longer. We just want to share the knowledge that we have of this city. I moved here in '91. I know this city very well.

[8:14:38 PM]

I talk to people that get in my car. I tell them about it. They love the city more. That helps us all.

[Applause]

>> Thank you.

>> I have a question. Does anyone else have a question first? No? Let me just ask you this. With regard to -- you know, one of the things that we're looking at is the license, I guess it's called the chauffeur license, and looking at -- I'm not sure if I'm using the right term but that being held by the driver as opposed to to having to have a cosponsor. I'd love four feedback on that.

>> We most definitely welcome that step.

>> Kitchen: Okay.

>> That is something that we have supported. It gives us freedom like so many others have in other industries, to not have to have an overseer. We would love to be able to go to the city, which is part of the process anyway, get our permit there, and go to the company or the co-op that provides the best options, including service to the public.

[Applause]

>> Kitchen: Okay. Any other questions or -- yes, go ahead.

>> Garza: This one might be more for staff, but help us understand the permitting process. Is that something -- the example I used environmental it's like when you're a realtor your broker holds your license and that's relating by the state. So is the holding of the permit regulated by the city? And I'll stop talking now. Just kidding.

[Buzzer sounding]

[Laughter]

>> Garza: I was joking because of the buzzer. The buzzer went off on me.

>> Okay. Austin transportation department. How the chauffeur permit process works is in order for a driver to secure chauffeur permit to have to complete an application and affiliate themselves with the company.

[8:16:40 PM]

They then submit their criminal background to the company and the company has to validate that driver's ability to drive for them. Once they do that, the city -- they come to the city and then the city then tests them, the city further evaluates their criminal background, and they -- we issue the permit to the driver.

>> Garza: So that's regulated through the franchise agreement or, like, city charter or city code?

>> City code.

>> Garza: Okay. Thanks.

>> Kitchen: Go ahead.

>> Casar: Councilmember kitchen, can you clarify for us the difference between the sponsorship for the chauffeur's license versus legacy permits which I've also heard brought up? Are those separate?

>> Kitchen: Good question. I'm not familiar with that. Perhaps you can tell us the difference.

>> Casar: I know in the resolution that -- the resolution we were all handed from 2014, that one of the things the stakeholders was going to -- were going to discuss was, quote-unquote, legacy permits. Is that similar to or different from elimination of the cosponsorship of the chauffeur permits?

>> Okay. Just a second.

>> Casar: Sure thing.

>> Okay. The legacy permit, as we understand it to be, would be a permit that would be used for a vehicle that is allocated directly to the driver without being allocated to the franchise. In the binder that we provided y'all, we included a memo, and it's behind your fifth tab. The taxi franchise report. And in that report, staff presented council with options on how it could implement a legacy permit program.

[8:18:45 PM]

>> Kitchen: So would a legacy permit program, that would mean that the license attaches to the driver? Is that right?

>> So the license --

>> Kitchen: Or the car?

>> And permits are two different things. The license is for the operation of the vehicle.

>> Kitchen: Right.

>> The permit makes the vehicle or -- indicates that the vehicle is actually a ground transportation approved vehicle.

>> Kitchen: What you were explaining to us a moment ago about sponsorship, that's in regulation to the license.

>> That is correct.

>> Kitchen: So what that means if I'm understanding correctly, if a driver were to leave a company, they would have to go through that process again?

>> That is correct. They would have to.

>> Kitchen: Okay.

>> -- Seek an employer, essentially.

>> Kitchen: Okay.

>> Did that answer your and we.

>> Casar: I guess then my question is understanding sponsorship brochure versus license is the process in which I think our staff described that you go through background check and apply for a license and sponsorship means that your franchise you're going to work for sponsors and agrees that you have indeed passed the criminal background?

>> That is absolutely correct.

>> Casar: So that's very different from the legacy permits.

>> And the driving record as well. And that's across the board. Not just with franchises but with all ground transportation companies.

>> Casar: So I guess I have a question for either Mr. Ramos or Passmore because we have this document that Mr. Passmore passed tout us about elimination of sponsorship for chauffeurs' license and from your description of it, that connected with me as the legacy permit issue that has been brought up in the past but it seems like this is different. I guess what I'm saying is I don't understand what elimination of sponsorship for chauffeur licenses is and I'm not embarrassed to say it.

>> It's my pleasure. When we go to the city, they give us something that it's an identification, has our picture on it. That is the chauffeur permit.

>> Kitchen: Okay.

>> To have obtained that we had to go to the franchise.

[8:20:47 PM]

They tell us to go to the dps to get a packet of driving record and criminal history. With that one goes back to the franchise. They sign. Then one goes to 12th and riogrande, ground transportation of the and is that the first time you take a test. If it's not, nothing has gone wrong, they give you a new permit for two years, \$20. Plus what we've had to pay for both the driving history packet and the criminal background check. Every two years.

>> Casar: So what y'all have brought up here on this document is that you would just go and do this process on your own and verify your driving record and your criminal background without the -- without the interaction with the franchise in between? Is that --

>> Yes, sir.

>> Casar: Okay, thank you.

>> Kitchen: That means you would do that once and if you changed companies, for example, you wouldn't have to do it again is.

>> Exactly.

>> Kitchen: And wouldn't have to pay for it again.

>> Icality.

>> Kitchen: Go ahead.

>> Gallo: I have a window city staff. It sounds like part of the current process is that the drivers initially get their own criminal background to their company, but then it does sound like the city evaluates that. So could the city -- if we were to say the driver -- the chauffeur's license would belong to the drivers and the city would pull the criminal history -- do you remember that component of it -- or do that component of T without going through the company, could that work? You evaluate the criminal history already. Could he take the criminal history going to the companies out of that process of getting the chauffeur's license?

>> So currently the responsibility is on the company to assure that a driver meets certain requirements. The city could certainly be able to do that. They would probably be a staffing concern because we would then be taking all drivers as opposed to the ones who do not meet from the company's perspective and don't make it to the point of then going to the city and taking the

[8:23:03 PM]

-- test.

>> Gallo: That might be addressed in an additional charge to the drivers, who would then own the rights,

so it could be transferred? Would that be a way to address the additional staffing needs to do that?

>> That would certainly be a way to do it.

>> Okay.

[Applause]

>> Thank you.

>> Thank you.

>> Our next speaker is hassan, six minutes, and then James after that.

>> My name is hassan, I am a board member of tbaa. I know you have a lot of things on your agenda to talk about. I heard my friends talk to you about them. I'm here to talk to you about one specific subject. All these drivers sitting behind me, that I have to talk about.

[Applause]

>> Okay. It is sick and sad to live in Austin, okay, a liberal city, freedom, but yet, the city gives the power and authority to the cab company to slave us.

[Applause]

>> We are so slaved to them. It is unbelievable.

[Cheering]

>> I'm sorry, guys. I can't hear what he's saying, so.

>> I'm going to explain myself.

>> Kitchen: Okay. Mmhmm.

>> We can be terminated for any reason. We are threatened day and night. Do you want to know how sick this is? Outside in your lobby right here, an hour ago, a lone star cab company owner was threatening his drivers for coming here, okay?

[Applause]

>> That's how sick it is. It is sick. And when we challenge them to the three franchisers, say, you can't do this to me, they laugh in our faces and say, "Go read the city ordinance.

[8:25:08 PM]

We got the permit the city gave us. You are terminatable. Nothing to us." There's a long list of people waiting for your job. We've been talking about this for many years. We're sick and tired. We will not allow this to happen again. The city has to pass an emergency, immediate ordinance, due process immediately right now.

[Applause]

>> To stop these companies from threatening us. We pay them. You give them the lease for 400 bucks a year. I pay, okay. I pay 16,000 for it. \$16,000. You would think they'd kiss my butt to be with them, but they kick my butt every day. Is this the performance measure you guys keep talking to them about? This is horrible.

[Applause]

>> This is sick, okay. And to our shock and surprise, we walk in here and the city says, we're just going to give them an extra 50 permits. I know this is a discussion only.

>> Kitchen: Please understand that I take responsibility for that document. And it's just for discussion purposes. And it's not the city staff, and it's not anyone else up here. And it's not set in stone. And I put it out there. So please understand that that's not --

[applause]

>> Can I --

[cheering]

>> Just bring all these drivers behind me, ma'am. They want to tell you something. Any time you want to talk to the franchises, don't mention the word we're going to give you permits, because that gets them

all excited and that makes the drivers very depressed. We don't know what goes on in your mind. We know what we read. They think that the city is going to reward them, give them 50 more permits.

[8:27:10 PM]

That's 50 more drivers. That's 50 more families are at risk under these conditions by these cab companies, really. That's all it is to it. This is it. We want the due process. I don't know why the city is so scared to put the due process, anyways. This is part of the performance measure, okay. Come up with it. An emergency ordinance, immediately has to be implemented.

>> Kitchen: Let me ask you a question. When you say this is part of the performance measures, what you're talking about is you're referencing, for permits, that there be performance measures and that should include due process?

>> Absolutely, 100%. Then you contract renewal, the new franchise are renewal should never go the same way the last 30 used to go. Just give the cab companies -- give this headache of the tax industry to them. Leave them outside, okay. Look at them. 95% of them are foreigners. We escaped hardship back home. We came here thinking we ran away. We are under it, I tell you. I don't know when, when I get in my cab in the morning, turn my system on, it will not say you are inhabited. Get your butt up to breaker lane so you can talk to the boss. Why? Because anybody at the company that I work for has the right to put me on something called code five. That means I shut down your business.

[Applause]

>> Okay. One person was suspended for five days for absolutely no reason, has anything to do with violating any of the rules. It's just because they have the power. Other cab drivers, they came up to me and said, the cab company owner called me and said, if you keep going to these meetings with these thugs, okay, that's who we are to them, I will hurt you. Not me. I have people outside that will come and hurt you.

[8:29:11 PM]

They are targeting the older senior citizen drivers, because they know that these people are weak. And they just need their job. They've been driving for 30 years. They don't know anything else to do, and that's what they're doing. They're putting the fear of god in their hearts, okay. We're sick and tired of this. We're not going to let it happen. It's over. I'm telling the cab companies and the city it's over! It is it, we're done.

[Applause]

>> Kitchen: Okay, thank you very much.

[Cheering]

>> Kitchen: So, next is James, and then after him, Angelo. And James, you have six minutes. And Angelo has three, so.

[Clapping]

>> What's the projection?

>> We're on number 6.

>> Thank you very much, again, city councilmembers to give us this opportunity. I'm representing the cab drivers. As I said last week, and the thing is still coming to you no now. We didn't say that you were going to approve it. But, we just want to bring it to your attention that the problem that each one of the colleagues here talking cannot be solved. The only solution to solve this problem is to bring a court to the city. And that is the only --

[applause]

>> Solution for the problem. When the court is established that create a balance. And that balance is the

one that actually will stop every problem that is going on within the companies.

[8:31:15 PM]

And the proposal with 50 permits go to the companies -- and I invite each one of these guys who brought this proposal to you, the city councilmembers, let one of them come to my cab and stay in my cab. Let him see before he can come and give you this proposal.

[Applause]

>> We want the evidence. And let this evidence show the actuality of what exactly taking place. The cab companies, as well as the contractors. And I invite each one of the mobility committee, let them get to the cab, especially on -- let them go to the airport. They can stay there for four hours before they can get a trip.

[Applause]

>> What I'm telling you, it is what I see. This is not fact. I will invite each one of you, also, the city councilmembers. We have a camera on this cab. You are safe. And then see the business that is taking place in the taxi business. We've been hurt. The company losing zero. The company's losing zero. If your cab is broken down, you still have to pay that amount of money. The councilmember Zimmerman last time, when my brother, they shot \$450. Just imagine, \$450.

[8:33:18 PM]

And we're paying between 400 to \$600 a week. 450 to \$600 a week. Just multiply. Logic. Just logic. Consider this. And put the maintenance and everything that you put into place. How are you going to survive? That's why we cannot sit with our kids at home. We have to be on the street.

[Applause]

>> Is this really fair? The solution is a court. Let us balance it and give us a time. We can prove it to you. We have the technology in place where we can apply this card. We have this experience, knowledge of the city, customer orientation. All we have it. Why I have to go to the companies? Instead, you give it to the drivers direct.

[Applause]

>> And we'll abide with the laws. We'll follow it. If I get mistake, get me involved and I'll go. Thank you very much.

[Applause]

>> Kitchen: Our next speaker? And then after him is Joan cabala for six minutes. Just so everyone knows, we have 11 speakers. Angelo is number 7. So, thank you.

>> Good evening, councilmembers. My name Angelo, I'm a taxi driver. I'm going to talk on the item number 2 on this one here, which is the last one. It is the shuffle license and the delivery of it. I'm glad that actually, you hear me last time when I spoke here, that is actually you trying to bring it back to the city and the drivers.

[8:35:25 PM]

But it's a good idea. But one thing here as the councilmember asked earlier, the difference between shuffle license and the permit. Yes, I can have a chauffeur license, but, without a permit on the vehicles, it's useless. It's not going to do anything. So, the best way to make the drivers as hassan was saying, not to be afraid from the franchise is to link this one with the permit, directly to the driver. From there, they can go to any franchise. But the chauffeur alone is not a solution. Also, last time I talked to you here about the driver losing the business. And the reason they are losing the business we have the

competitor, which is the tnc. They are taking 30 to 40% of our business. So, for the drivers -- now some of them in a week they are not able to pay 250 to 400. Sometimes they pay some of it, and then the next day they will complete whatever is left over. So, we have this device to make money to our pocket. Why can't you add this one in a system that the drivers, as an independent contractor, should use the paid parking to make more money and pick up the people on the street? That would keep the money in our pocket.

[Applause]

>> If I'm sitting there on a zone two hours waiting for the company to dispatch me the trip, and there is no trip, while the Uber is here with the app, and they have a customer needs to be picked up, why can't I be allowed to pick that person up?

[8:37:39 PM]

My vehicle has the permit on it already. I have the chauffeur license regulated by the city. I'm qualified to pick up anyone. Why can't I be allowed to use this app?

>> Kitchen: I don't know that we're -- forgive me, I have to ask these questions. I'm just not understanding.

>> Yes, go ahead.

>> Kitchen: Can you not drive for Uber and Lyft now?

>> No. The franchise will not allow it, and you will be terminated immediately.

>> Kitchen: Oh, I see what you're saying.

[Applause]

>> Kitchen: So let me ask you this question. So, that is because -- not because of the license alone, but because of the license and the permit, is that what you're saying? You could not take -- if you had a license that was your license --

>> Yes.

>> Kitchen: Could you not take that license and drive for Uber and Lyft if you chose to, or not?

>> Uber and Lyft doesn't require the chauffeur license. You can use your taxi driver license. But to have a taxi, the taxi car, you have to have a permit number on it.

>> Kitchen: So you're in a position of choosing between, in other words, you can't do both. If you choose to work with a taxicab company, the taxicab company is telling you that you cannot also drive for Uber and Lyft, is that what you're saying?

>> Yes.

>> Kitchen: All right.

[Applause]

>> Kitchen: And so -- okay. Go ahead.

>> Thank you, I think this is the second time you've talked to us. I've made a point several times that what's really going on here is we have very, very different business models. What we call a business model between traditional taxicab franchises, and the relatively new business model like the Uber and Lyft based on smartphone applications. And it really, to me, centers around how do you dispatch?

[8:39:42 PM]

How do you connect you as a driver -- how do you get connected to somebody that needs a ride, and how does money change hands, right. And what are the requirements for insurance, criminal background checks, and what have you. And here's the deal. I'm hearing all -- I love the passion and the rage, it's good stuff, keeps the blood moving. All that's good. But you know what, the last thing I want to do as somebody elected to represent district 6 is get between you and the franchise owner. I don't want

to go anywhere near that. Why would I want to do that? On your proposal it says TD adds language proposes lease caps. I'm hearing some rationale, but I have no idea what that should be. And you could give us some data and Numbers, the franchise owner will disagree, you'll have an idea what it should be, they don't like it. It's back and forth. I'm saying, look. You understand why we don't want to get in the middle of that. We don't have the background. We're not taxi drivers. We don't have the history. The Uber and Lyft people I guess we're going to talk about those later. But I don't think -- I don't know. Let's find out if hundreds of them would come in here. Are they angry at Uber for the way they've been treated? I'm not sure. Where I'm trying to go is to look for the business model that best serves everybody. It's a balancing act. You guys need to get paid, the people who want rides with an't rides want to pay as little as possible. Uber and Lyft wants to make money, everybody needs to get paid.

>> Exactly.

>> Zimmerman: Without a market, I don't know how to balance that out between everybody.

>> That is the problem, if I may, the dilemma we are. Because what happen is the drivers are not making the money.

[8:41:45 PM]

But the franchise, whether we are losing the business out there, they still making their money because we have to pay them.

>> Zimmerman: I got that part. What's the solution?

[Applause]

>> Zimmerman: I'm struggling with what the solution is.

>> So here is that giving the permit more, and the business has been taken away already, then where we going to get the money to pay them?

>> Kitchen: I guess the question is, what would help -- we're hearing the concern about -- you know, you're losing business. So what would help you? I understand the co-op concept, too.

>> Okay.

>> Kitchen: I guess what I'm trying to understand is, would the co-op concept put you back in a position where you could avoid losing the business? In other words, what is it that's going to help you avoid losing the business? That's what we're trying to get at. Do you understand what I'm asking there?

>> Okay, those are the two things. Number one, the cabs the councilmember was talking about is, what it mean, it mean that the franchise is the lowest one you can pay is \$250. So, the highest one is \$400. So, if you go up to \$400 you don't have a business, probably you're not going to make it. So it look like if you reduce -- because before the Uber and the franchise increases that it was around 200 to 300, but the franchise without any consulting to the council, they increase it. So the driver is the one to reduce, what happened in December of last year, the price increased the leases with our performance being done. So, I think that what the board is asking to reduce that. That what it mean, that's what they're talking about.

[8:43:47 PM]

As a driver, trying to pay the franchises, I don't have money. So to make more money, that why I'm asking can you allow me to use this one, to drive? Because my vehicles is licensed. It has a number on it. So I can pick anyone up. I know the city. I have a chauffeur. So, to make more money for my pocket, this will help me immediately.

>> Kitchen: Okay. Okay. Thank you. Thank you.

[Applause]

>> Kitchen: Okay. Joan? And after Ms. Cabella, we have altév hussein for three minutes. Where's -- oh, I'm sorry. I think she's next and then you, okay?

>> All right.

>> Is she three minutes or six minutes?

>> She is six minutes.

>> Okay. Can you hear me? The very first time I spoke before the committee I warned you that this is a very complex subject. Unfortunately, I said don't rush to judgment. I really think you should.

[Chuckling] I think you, as councilmembers, or as representatives of councilmembers, should not let this get more complicated than it is. It is complex, but the drivers have their issues and their desires, and the franchises have been doing some excellent work, in my opinion.

[8:46:00 PM]

And you can laugh.

>> Kitchen: Please let her speak.

>> We do have performance measures, by the way. One of the big problems is that many drivers do not hook up to the dispatch systems. We have many drivers queuing up at the airport. And now that the Uber drivers are out there, what used to be maybe a one hour or two-hour wait could be a four-hour wait, which somebody just mentioned. So, there are just still so many things that are coming up. And I think we should go back to what this is about. This is about the franchise renewal process getting started. And the franchises are companies. They are businesses. And I was just reading the other day where the city legal office does not encourage the city to get involved in the minute of our running our businesses. And each of our franchises have different business styles. By the way, I wanted to mention that we all have apps. We all have up-to-date technology. Our company is getting -- the last company that helped us has failed us, and has also failed another company. And we're getting involved with a company that has the same, in -- if not better -- technology than Uber where you can see the cab coming to get you, and that sort of thing. Where there is much better reporting, because we were disappointed with our own reporting. So, there are many good points about the franchises.

[8:48:05 PM]

I think you need to be reminded that the drivers are independent contractors. So when they start asking for benefits and things like that, that's against the law. We'll end up in trouble with the IRS. When you have hired an independent contractor, there are two sides there. The independent contractor has freedom to go and work when he pleases and that sort of thing. And he has his skills that he has accomplished himself. And so, this makes it very difficult for us to treat them as employees. But on the other hand, this does not allow us to treat them -- to give them extra benefits. And this is by federal law. And so when they come in and ask for this, and this, and that, we can't do those things. Some of the other issues are the taxicab tax force. We've had taxicab tax forces over the years, and at some points there are lots of drivers attending, and other points there are not very many. Three years ago, or four years ago, we were talking about the poverty of the drivers, and they came up with a study that said that they were profiting \$2 an hour working many, many hours. And I just couldn't figure it. Why would you work at a job where you'd do better off -- be better off on welfare? So what the city has done is started collecting data off of the very meters that the cab drivers run. And so, that's how you got those figures the other day, 55,000, 50,000.

[8:50:10 PM]

The third company, ours, was very low because of the problem we were having with our -- the company that we had hired, and that we have -- we are trying to get rid of right now, and have a more up-to-date

techy-type company. And so, we're not afraid of technology. And we are -- we supervise to some extent our drivers, but because their independent contractors, we cannot make them do. And so if they want to undermine any kind of -- what would you call it, evaluation of our work, they can do that. You know, and say we have failed. So, of course there's -- nothing's perfect. They make mistake. We make mistakes. But this is a good model. And this is probably the best model you'll find. Dr. Raymond mundi, the expert on taxicab franchises, has praised Austin for its franchises. And it's so much better to have franchises than to have various and sundry --

[beeping]

>> Drivers going to the city with all their various issues and problems, and taking care of individuals.

>> Kitchen: Okay, thank you very much.

>> So, there's so much more to be said. And unfortunately, we never get a chance to say everything we need to say.

>> Kitchen: Well, there's be --

>> From our perspective.

>> Kitchen: There'll be additional opportunities.

>> I hope so.

>> Casar: I do have one question.

>> Go ahead.

>> Casar: I do understand that with the current independent contractor model, the difficulty as councilmember Zimmerman mentioned on the benefits end. And I think part of the tension that a lot of folks in this room, and many members of the council are trying to deal with is a feeling there is quite a bit of consumer demand out there for not sitting in traffic in your own car.

[8:52:18 PM]

>> I'm sorry?

>> Casar: There is quite a bit of consumer demand. Sometimes there seems to be a little, but, oftentimes there's quite a lot of consumer demand to get into a cab or any car other than your own and get driven around. So I can see why permits and getting more drivers on the street is important to meet that demand, to get consumers picked up. But at the same time, when we have a system where the drivers' income can be undermined further, if there is further competition from more independent contractors, we have that tension. And so I think --

>> You know, I find this very interesting, sir. There are up to 10,000 Uber cars in Austin, Texas. Young people come down from Dallas. They are university student that come on weekends. Uber has been kicked out of San Antonio, except for a small enclave. So the San Antonio Uber people come down here, over here. So, where is the big competition coming from? Do you think 150 would make any difference to our drivers? I don't think so. It's the tens of thousands, because the other three companies haven't quite come up yet. So, you know, the thing is, the drivers want to have their co-op. I think that is a different subject. Instead this is like filibustering and all sorts of little political games that are being played now. We all know the city needs franchises. It needs franchises because we are, as I said before, running interference for the city. Who is going to be responsible for million-dollar accidents? The city cannot be blamed, okay?

>> Kitchen: Shh! Excuse me. Joan, excuse me.

>> I'm just trying to answer the question.

>> I understand that. I would like to ask everyone, we understand.

[8:54:20 PM]

Really, we do understand that there are passionate feelings here for a very good reason. And you're all very, very concerned about your life. And we get that. But we need to respect each other and let's, you know, we're trying to listen.

>> Yes.

[Applause]

>> Casar: And certainly -- perhaps the word undermine was too strong a word. But, rather, there is an inherent tension within the labor market as it's structured with independent contractors between income and the number of people driving, whether they be tncs or permitted cabs. The reason we're having the discussion is trying to wrestle with that tension and seeing if we can increase the pie for everyone. I think -- and what I'm going to be asking once we're done with public testimony, ways we can find to increase the pie for everyone, and how much of that has to do with the franchise agreements, and how much has to do with the governing ordinance over cabs and tncs in general. And once again, I think that we are just trying to grapple with that inherent tension.

>> Well, I think you took on a huge assignment to make it more equitable across the board. Pedi cabs, limos and all those are never going to be having -- they will never be on an equal playing field with taxis. They have different functions. They have -- you know, a limo can make more money than a taxi. So I think one of the questions in the paper that I just read from the website seems to be taking us way off into the -- you know, up into the moon or something. We need to just focus on the taxicab franchises, and since there is an opening for co-op -- or, I mean, for another franchise, perhaps that could be looked at separately.

[8:56:21 PM]

But, you know, for us to be loaded with all sorts of criticisms, which we can counter, each and every one with drivers' misbehavior, or drivers' lack of corporation -- and by the way, we're not rich. We have to pay for their accidents. And it's many, many hundreds of thousands of dollars.

[Groaning]

>> Let's move on.

>> And everyone there should know that is true.

>> Kitchen: Let's move on. Okay.

>> This is not -- has not been very -- you know.

>> Kitchen: Thank you.

>> I think we need to focus on whether or not the franchises will be --

>> Kitchen: Okay. We're hearing your perspective, thank you very much. So, our next speaker -- and everyone, we have -- let's be respectful of our remaining speakers. We have three more speakers. Altav -- I hope you will accept my -- please, come up.

>> Good afternoon to everybody. My name is altav, I'm driving one of the Austin cab driver. I'm a father of four children, 15 years living in Austin. And -- this country like everybody else, I'm a citizen. You just heard from one of the lady. I am her company's driver. The most important thing, when we get in their doorstep in their office, they treat us like animal, not even a human being.

[Applause]

>> And I really appreciate you guys listening to us. There is 200, maybe 150 people sitting here. Maybe some out there. But the question is, thousand people driving a cab day or night shift.

[8:58:25 PM]

The law require us drive 12 hour, but we don't make money. Sometimes we drive 18, 15, never know.

[Applause]

>> But we cannot pay our bill on time. We have a family, we have children. If you make one decision, it take us from paying our bill on time to homeless. We pay tax, too, like she said.

[Applause]

>> We both breathe same air like you guys do. We are talking to you because you are listening to us. There is a problem. If this is not a blue, yellow, white. This is about human. We have to provide food to the table, for our families. So if you give them 50 more permit, or hundred more permit, that's not going to solve the problem. When we drive during the weekend in downtown, there is a high count by myself, 150 or maybe more vehicles. They have nothing to do with Uber, they are just illegally driving. Has to be regulated. This could give chance little bit to everybody. And there is a three to four-hour wait at the airport. Sometimes we make three trips, sometimes we make four trips. And with that money we have to pay them. We have to pay franchise fees. And after that, what we have left to take to our home? That also, they're asking we are making \$50,000. Of course if we make \$50,000 or how much we giving to them every week, and every month? So this is a very honest way you can calculate by yourself.

[Applause]

>> We are not asking anything. We are asking to just equalize the system. That's where everybody can get some benefit of it.

[9:00:25 PM]

Thank you very much.

[Applause]

>> Kitchen: Thank you.

[Applause]

>> Kitchen: I think we have -- okay, we have two more speakers. Ollie, if I said that correctly, and also our last speaker is beju.

>> The members of the council, thank you. This is the first time I ever speak in front of the city council in Austin, Texas. And there's a reason I came here to speak out today, because of those drivers. I met Ann kitchen at Austin international airport. Her and her husband. I pick her up. And she asked me a question. And this question related to Mr. Zimmerman, because he's been speaking for Uber every meeting we come here. The reason we don't want to drive Uber, she said, I didn't know who she was. She said, have Uber affect you? I'm like, no, ma'am. The reason I say no, ma'am is because I know every time in Austin there is a new business. Businesses can come. As drivers, we do not oppose any new businesses. The reason we do not oppose is we believe in free competition, to compete on open market on a free trade. The drivers, all they're asking is, it's not like we're here to hate yellow company. I've been driving for yellow for eight years. I've been working for Austin airport for seven years. I worked for IBM. I'm a businessman. All these drivers consider themselves as a businessman. The reason we come in here is, we are not begging anything. We want to compete on a free, open trade business. I feed two girls.

[9:02:26 PM]

I have a family to feed. I do not like to be oppressed for a company. I'm not here to complain a company, but I want to be on my own business. And the reason we create this is, we want to be part of that business. I want to work for Uber, no. Do I have a choice to work for -- to get out for franchise, absolutely. I'm going to get that. I'm not going to be here to be a taxi driver for the rest of my life. I go to school. I want to be part of the productive society. All these guys are businesspeople. Some of them have spent 25,000 to \$30,000 on one permit. And to be honest with you, some of the franchises will threaten some of the drivers. They cannot even vote on the machines over there. So, let's understand, this is a complex issue. You guys have to judge. And hereafter, you will be accountable the decision you

make. So go into your hearts, be in their shoes, understand what they're really complaining about. If I don't become a taxi driver today, I am going to survive. Regardless, when you accept it or whether they don't accept me, I'm going to survive. So we need to sit down. Do not give any more permits to these companies because of their bad customer service. You need to think about, not the drivers, but the austinites, how they've been treated.

[Beeping]

>> Uber is another company come from somewhere else. We are austinites. Why don't you give us the opportunity to be part of Austin, and serve the austinites? Thank you very much.

[Applause]

>> Kitchen: Thank you.

[Applause]

>> I would like to ask if there are any questions.

[9:04:27 PM]

I'm sorry.

>> Kitchen: That's all right. It's okay. Why don't you come --

>> Members of the mobility committee, my name is beju, the secretary of the national taxi workers alliance, the taxi drivers association from across the United States. We have five affiliates, including the taxi drivers association of Austin, Texas. I'm here because of the warm welcome that the drivers in Austin have given me.

[Applause]

>> They have embraced me, and several of them, when they saw me today, they donated their time to me. And I hope I do them justice. I'm sitting here just to provide an outline of what I'm seeing in Austin, to respond to all of the different issues that you put out in your, kind of, proposal to start a discussion. And I'm sitting here hoping that my presence here, and my exposure to the taxi industry in several American cities is of some use to you, and of some value to you. I want to start by saying that -- today outlawed Uber X. They joined seven other countries and 31 municipalities in the United States to do that. And this is not all of Uber.

[9:06:27 PM]

This is just one particular part of Uber that is Uber X, the private plate services. Taxi drivers in Austin, as well as across the United States, are up there in front demanding and wanting technology for their taxis. They are forward-looking people, because of one single reason. If there is a technology that can get them one more fare, they will use it. Nobody comes out onto the street to drive with an intention not to serve the next customer. Every customer you get is additional money, is a new relationship, because taxi drivers in a city like Austin, for instance, depend on specials. If they give excellent service, there's a very high chance that that customer will call them back specifically. Every taxi driver's deepest desire is to give excellent service to the next possible customer. And if technology is part of the solution, then that is, indeed, going to be something that drivers embrace. So the criticism that drivers have of something like private plates operating as taxis should not ever be mistaken for them being antitechnology or anything or that sort. That's just me kind of putting the frame out. I want to start with the proposal that you've laid out on the table. 50 extra permits for each of the franchises. Every single driver who has testified here has said that --

[beeping]

>> I thought I had 15.

>> Kitchen: I'm sorry, that was my mistake. He does have 15.

>> Every single driver who's testified has said that the lease rates that they pay are exorbitant and out of control. The minimum that they pay is in the range of 200 to \$275, and some drivers pay as high as close to \$600.

[9:08:34 PM]

What do we get by giving them 50 more permits? Driver incomes have been collapsing for the last 1 1/2 years. Put 150 more permits at those exorbitant lease rates and you force driver incomes to collapse absolutely down through the floor. We have offered you a solution, and the solution is a cooperative. If you give those 400 permits to a taxi cooperative, if you give those 400 permits to a taxi cooperative, my experience with the alliance taxi cooperative of Philadelphia, with the Denver cooperative and the San Jose cooperatives, all the ones we are connected to who are dedicated to helping Austin build their cooperative, they know that they can come in at rates one-fourth the rates that the franchises in Austin charge currently. That is how you make a taxi industry under conditions of Uber. But, using the cost to the driver so dramatically that drivers have a chance of survival.

[Applause]

>> That is the way to move forward, because when we are experimenting with, what Philadelphia has proven, what Denver has proven, and what San Jose proved first, the San Jose cooperative is now 40 years old, is that you can create a driver-run cooperative and create a new and absolutely viable model in the taxi industry. What we are offering you is a new, viable model under conditions of change in the taxi industry. Which brings me to the technology. There's a lot of talk about -- there was a lot of talk about dispatch. And on the consent agenda last time of. City council, there were two items about dispatch.

[9:10:36 PM]

Saying that a driver must take a fare, must accept a fare if he or she is deemed to be the closest driver. Quite simply put, what we have in Austin -- let me tell you a story. I was in a taxi this morning with one of my -- one of the drivers from tda. In the front seat, and he took a snapshot of the terminal. This was zone 302, right here, down on the other side of the bridge. In the last one hour at the point he took the snapshot, there had been two dispatches in the last one hour, and there were nine drivers registered into that zone. How do you expect drivers to survive? We act as if the dispatch system is working well. How does it work well when there are only two dispatches supposedly in a place where there's a lot of business downtown at 9:30 in the morning? And nine drivers are sitting there for the last one hour waiting to get dispatched. The dispatch system in Austin it just broken.

[Applause]

>> If you depend on data, I urge you from the bottom of my heart, I urge you, please do not depend on the franchise's data.

[Applause]

>> In the data sheet that we've given you, in the data sheet that we've given you, we've taken the department of labor, the bureau of labor statistics when they look at the Austin region and say the average income of a taxi driver is in the range of \$30,000 for the whole year. And as you can start, one of the franchise owners, I believe, in the last meeting said that drivers are making \$14 an hour? Could we believe him and his statistics, or should we believe the bureau of labor statistics?

[9:12:40 PM]

I think we need to be very clear there is a lot of erroneous data that the city has been spewed with, and

we need to really understand that driver incomes have been collapsing for the last 1 1/2, two years, ever since Uber came in. And the only effective solution is a co-op. We are not sitting here --

[applause]

>> We are not coming here without solutions to offer. For on every issue we are bringing solutions to the table. A co-op will be the first in Austin. It will prove to you in less than three years that we can -- we have a viable model, as we do in Denver, philly, and San Jose right now. But that does not cover every driver. We are not saying the franchises should not continue to run. Absolutely, they should continue to run. But we need to protect some of the drivers in the franchises. That is why we are suggesting the lease gap. Councilmember Zimmerman was a little worried about getting into the middle of this issue of lease gap. I understand the worry. But let me put it this way. A driver's input, the money he receives, is through a regulated taxi meter that is regulated by the city. The amount of money that the franchise pays to retain the permit is regulated by the city. The amount of money that the driver pays out is the only thing that is not regulated. How can you create a situation wherein the money I'm allowed to put into my pocket is regulated, but the money I have to pay out is not regulated?

[Applause]

>> What you are effectively doing is allowing me to be held ran some by the people I have to pay out to.

[9:14:52 PM]

That is effectively what's being done. In the most modern, evolved taxi practices across the country, when you take New York, whether you take Chicago, San Francisco, whether you take Boston, every one of those cities in the last 10 to 15 years have brought in a lease gap, because they have figured out that this is the basis of an enormous amount of driver abuse. And the driver abuse hits the driver straight in the stomach. Let's say there's a driver paying \$350 a week right now and driving a taxi, and he's scraping together, somehow, up to about \$400, \$500 a week of income. And he's putting bread on the table because he, at the end of the month, has about 1800, \$1,900 of income. If, suddenly, that figure goes up, the amount he has to pay up goes up by \$50, there it is. His income has just collapsed by \$200 for the month. How will he pay for his kids' books next month? That is the instability that this kind of a system, where there is no way of controlling how much money you pay out. That is -- it's an absolutely unstable situation. You constantly create crisis in the driver's life by allowing for that kind of a practice where an input is regulated, but output is un-regulated. I will now turn to the second issue, on which we absolutely -- so, I'm saying that whatever be it, a six-month renewal, one-year renewal, whatever be the period of renewal that you are seeking to move forward with, that we do not put into place any additional permits to the franchises. Instead, we approve the co-op and move forward with that. And we institute a lease gap as part of this ordinance change right now. And the last part of it is protection for the drivers from the kind of harassment several drivers have spoken about.

[9:16:59 PM]

[Applause]

>> My brother hassan came up here and told you a story. I was with him outside. And it's only because I was there, I said, let's go and speak to them. We went to one of the taxi bosses outside, threatening drivers. And the boss told me, who are you? Get out of here. That's exactly what he told me on my face. I said, please don't threaten drivers for going in. Brother hassan also mentioned briefly that a driver got suspended for absolutely no reason. He has a story. The driver was at a taxi stand in downtown. He was the third driver in the line. A passenger came out of a side street and got into his cab, was attempting to get in. He said, there's a cab in front. The passenger came back and sat down and said, take me to so and so place, a \$4 fare. He had no choice. If he said no, the passenger may complain for refusal of

service. He took the driver. The driver in front complained to the franchise. Next thing, 9:30 in the morning, his permit was pulled off and they kept it for five days, returned it to him next Tuesday. What about his income for five days? What did he do wrong?

[Applause]

>> Why should drivers have to face this kind of harassment? And so, the second proposal absolutely required is to put into place a due process structure so that drivers are not harassed. The second part is also in every taxi rulebook in all of the five cities that I mentioned. For instance, a driver cannot be taken off the road unless the DMV record indicates that he needs to be taken off the road. In New York City, you have to get six points, or nine points.

[9:19:03 PM]

Various conditions apply before your license can be withdrawn. The franchises of the fleets in New York have nothing to do with whether a driver retains his right to drive or not. And that should be the case. As the one of the drivers mentioned, he was in an accident. It was no-fault, but he got yanked. In New York, that wouldn't happen. So we have to put into place some process by which drivers have a right to put their case forward, be heard, understood as to what's going wrong or right in that case. I'm not saying that every driver is perfect. I've been in the taxi industry for 17 years. I know many things that have gone wrong that drivers have done wrong. As an association for drivers, we educate drivers on that. But they deserve due process. You cannot take a working man or a woman and yank their capacity to feed their children overnight for no reason at all. So, in summary, I'm urging you to move forward with the franchise renewal process, whether it be a six-month, one-year, 1 1/2 year renewal. But no to the 50 permits to each franchise. Yes to a 300 or 400 permit co-op.

[Applause]

>> A due process legislation that immediately needs to come into the renewal ordinance. And a lease gap ordinance that needs to come in along with the free chauffeur's license being freed up that is already part of your proposal. Thank you.

[Applause]

>> Kitchen: Thank you.

>> I have a question.

>> Kitchen: Yes, question.

>> The due process -- and you mentioned the six to nine points in New York. If the franchise doesn't regulate that, like, whether you can yank a permit or not in New York, who decides that?

[9:21:11 PM]

Who's the arbiter?

>> It's completely automated.

>> Garza: Okay.

>> You get a ticket for anything from an accident or anything else, you skip a red light, get a ticket, lose in court, two points on your license. That's in the computer systems. When it gets to a certain point, your license evaporates.

>> Garza: The points are allotted because of traffic violations?

>> I just took that as one example, because the harassment happens on many counts here in Austin.

One of them is, for instance, if a driver supposedly ran a red light and there's a summons, he could be harassed for it. Let's take that and use it as an example. That whole thing can be moved away. Second is things like what happened today outside. You know. We need something to protect drivers from that.

>> Garza: What do other cities do?

>> For instance, in New York, there is a \$10,000 fine on a franchise if they fire a driver without due cause. And the due cause involves everything including joining an association.

[Applause]

>> And they can be proved -- so it's like, a lot of this is like anti-discrimination laws. Are they perfect? Do they work each time discrimination happens? No, but, are they a good deterrent, yes.

>> Garza: In New York, in cities that have this due process part of the franchise agreement, who makes the final decision between the taxicab and the drivers union, the city inserts itself?

>> There is a city court, the department of motor vehicle and the courts related to that that exists here already. The point system is one way of adjudicating. In things beyond that, there is something called the taxi and limousine court system, it's the officer administrator trials and tribunals.

[9:23:17 PM]

In that court is where some other cases are heard.

>> Garza: Okay, thanks.

>> Kitchen: Okay. Do you have a question?

>> Casar: Those other cases would involve things like disciplinary action beyond just running a red light, is that right? The due process is not just for legal violations and points on your license, I imagine there's due process for termination?

>> Yeah, no, absolutely. There has to be due process for everything. For instance, there's a customer complaint process. If a customer is treated badly, they have a right to complain. We need to create an adjudication process for that, rather than leave it to the franchises. In every city there is some kind of adjudication process.

[Applause]

>> For instance, I don't know the entire system in Houston because we don't have an association in Houston. But in Houston they opened up their portal wherein customers complain through the web portal and submit a statement. It goes through a certain process, after which some adjudication happens. There are models out there that can be worked through. It shouldn't be left to the boss, that's all.

>> Kitchen: Okay.

>> And one other thing. I just want to say one more thing about the whole dispatch issue. I can tell you, create a system where drivers are allowed -- I think one of the drivers presented and said they couldn't use any app they wanted to right now. Allow free market to run. Create an open market for driver-side apps. Let drivers choose any third-party app, download it, and I promise you the dispatch situation in the city of Austin will dramatically improve in a matter of weeks.

[Applause]

>> Why? Why do we give the franchises a monopoly over even that technology? The technology is supposed to free you up.

>> Kitchen: Okay, thank you, sir. Did you have a question, councilmember?

[9:25:19 PM]

>> Zimmerman: Yes, thank you. I do have a quick question here, a couple comments. On the TD add languageaa proposals, I'm looking at the third line, it says tdaa proposes no private car-based tnc operations.

>> Mmhmm.

>> Zimmerman: 30 seconds, do you agree with that?

>> Absolutely.

>> Zimmerman: And why?

>> We are not opposed to tncs. Tncs are as councilmember Zimmerman said, a technology innovator. For instance, tncs can come in as registered. In New York City, let me give you two examples. That will do it all. In New York City, we have a regulation that says that tncs are allowed to operate. Every app is free to enter the market. But they have to be attached to a commercially registered. So, you can operate as a yellow taxi, you can operate as a livery taxi, as a black car, as a limousine. There are four or five categories in New York. You can come under any one of those, free to use the technology in any way you want. In the last one year as of the release on March 31st, taxi drivers' incomes in New York City have fallen only by 3% because no private plates are allowed. Everybody has to be a commercially for-hire vehicle. Compare that to Austin, or compare that to San Francisco about which I have that data. In San Francisco, private plates are allowed to come in and operate. Taxi drivers have stopped driving on a Saturday night because ten to 12,000 part-time drivers come out on a Saturday night. Saturday night is a night when most drivers used to make 200, \$300 to take home. That is at least one-fourth of their income for the week in one night.

[9:27:19 PM]

They've stopped doing it because 4,000 San Francisco drivers and now there are 12,000 part-time private pay drivers without insurance running around. And everybody's going back home with \$40.

>> Kitchen: Okay.

>> Zimmerman: I have a couple more things to say on that. Some people argue that those Saturday night drivers are responsible for stopping a lot of DW is. A lot of drunk people are out here.

>> I have no problems with saying that we need to figure out a solution for wis.

>> Zimmerman: All of a sudden, here come thousands of people to give rides for thousands of drunks on a Saturday night.

>> How -- the question, how do we balance ensuring that drunk people don't sit behind the wheel, and the income of a hard working driver? What's what we have to balance. The way to do it is to, as you said, leverage the technology. Drivers will drive if they know there's business. That was my starting premise. Every driver wants to pick up the next fare, that means a better life for his kids.

>> Zimmerman: One more thing to say about technology.

>> Kitchen: Then let's move on.

>> Zimmerman: What happens when the driver of a car technology really picks up ten, 15, 20 years? What happens to Uber drivers, to taxi drivers, when cars start getting dispatched with no drivers? You know?

>> I would love to go down that path of trying to figure that out, but I'll be honest. I've actually written a book on the taxi industry in New York. The next book I'm writing is precisely on this. All my research indicates that the only routes on which driverless cars would be viable, even ten years from now or 15 years from now -- by the way, my profession is, I'm a computer scientist.

[9:29:19 PM]

And I have a day job as a professor of computer science.

[Chuckling] Why I'm doing the taxi work, it started as research. But all my research indicates that driverless cars will be viable only between fixed points. They will not be able to go into the side streets, etc., or navigate heavy-moving traffic that easily. For instance, if there is an airport, and there is a rail station and there's 20 miles between it, if there's a way to control two lanes you can put driverless traffic that can handle variable speed. But beyond that, it may not happen that easily.

>> Kitchen: Okay, thank you very much. I appreciate your time.

>> Thank you.

[Applause]

>> Kitchen: Did you have a question? Yeah. Okay. So, councilmember Casar, you had some questions for staff?

>> Casar: I had promised to email you all, but it's been a hectic week, I think. Thursday feels like it was a month ago. What I'm trying to understand is how many things need to be dealt with within franchise agreements, and what needs to be dealt with --

>> Kitchen: In an ordinance.

>> Casar: In the ordinance, that governs ground transportation. You don't have to tell me now, but, we could post it unless you could do -- give me one hand for franchise agreements, and another one for governing ordinance. Because there have been so many ideas pitched just during this public testimony from legacy permits to the chauffeurs being in the name of the driver, or the name of the sponsor, due processes, lease caps. The permits for cooperatives versus permits for the existing franchises. And then how the permits are released by formula versus in the franchise agreements. The performance measures that we want to decide for allocation of permits or modify.

[9:31:19 PM]

I know there are performance measures existing. And then probably a few that I missed. So I guess what I'm trying to get an understanding of is what needs to get done. What would need to get done in a franchise agreement process.

>> Kitchen: Yeah.

>> Casar: And what things need to get done in the government ordinance. The reason for that being is that if we want to consider some of these seriously, some of those may have to get considered seriously very quickly if we want them in the franchise agreement. But if they have to do with the governing ordinance, maybe --

>> Kitchen: There's more time.

>> Casar: So I think knowing which ones go into which bucket would be helpful for council so we don't stay here --

>> Kitchen: Let me ask a couple of specific questions if that's all right.

>> Casar: Absolutely.

>> Kitchen: So, due process. My thinking is that that's probably something that would have to go into an ordinance, right? I mean, there's various aspects of due process that we've discussed here today, but I would think that that would be a change that would be a code change. Right?

[Off mic]

>> Address that --

>> Kitchen: I'm sorry, I don't mean to be putting you all on the spot. Let me just say this. The components that I'm hearing due process, lease cap, those two I would think might have to be an ordinance. That's something we'll check on. The co-op, the concept behind the co-op, that's the franchise agreement, I would think that we could set aside permits for that process without having to go through a code. The chauffeur's license that we talked about, the change on the chauffeur's license so it attached to the driver, I want to know whether that's a code or franchise.

>> That's code.

>> Kitchen: That's definitely code, okay. And then of course we know that for the franchise renewals going forward with those, we have to speak in terms of the term of the agreement, at least that much.

[9:33:24 PM]

>> The short answer, the city has historically used frank franchise ordinances to set out expectations for the company being awarded the opportunity and responsibility of providing taxi service in the city. If you look at things that govern how the city expects that company to deliver on being franchised, those particular items would be a part of the franchise agreement.

>> Kitchen: Okay, okay.

[Off mic]

>> Which would be what?

>> Kitchen: Yes. So, let me also clarify. With regard to the franchise agreement -- I think we may have talked about this some in our first meeting, but I just want to clarify. Say, for example, we move forward with the new franchise agreement. Could we not say that we could then come in later with code changes and that those code changes would apply in this franchise agreement? Can we not put in the franchise agreement that if we make code changes, that those could then apply? Would having to go through a whole reapplication process?

>> So the code requirements are outside of the franchise. So any time the code changes, the franchises have to comply with the code.

>> Kitchen: Right.

>> If your question is if the council had a desire to change any component of the franchise agreement --

>> Kitchen: No, I think you answered my question. So the franchise agreement has to -- the franchise agreement says that they have to comply with code. So if we enter into a franchise agreement, you know, month number one, and month number 2 we make a change to the code, that doesn't negate the franchise agreement, it just means that the -- it's part of what has to be complied with.

>> Absolutely.

>> Kitchen: All right. So you don't have to redo the franchise agreement every time you change the code.

>> Correct.

>> Casar: My question, I managed a way to make it more concise so you don't have to answer each one.

[9:35:28 PM]

Of those initiatives described, whether or not we choose to enact them has to do with the majority of the council's will. Of those described, are there any we would be precluded from considering six months from now if the franchise agreements were all active?

>> Okay. So, again, if the council adopted a franchise ordinance, say, for example, the council chose to extend it for one year.

>> Kitchen: Right.

>> Council has the authority to go in and modify a franchise ordinance, as well. The only difference for modifying a franchise ordinance as opposed to something that's in the city code is the charter requires that it be done in three separate meetings.

>> Kitchen: Yeah.

>> So those requirements would kick in.

>> Kitchen: But if you change the code, the franchise agreement, which is franchise ordinance is what you're saying, okay. So we extend those. If we later make a change to the code, you don't have to redo the franchise?

>> That is correct. And one thing that . . . If you'd allow me to clarify one thing. There was some question about the length of the franchise, and a reluctance of council to enter to a franchise longer than a year because they might want to change the franchise. One of the things we want to point out, regardless of how long we make the franchise agreements for, one year, three years, or five year, if during that period council sees fit to make a change to the franchise requirements, they don't have to wait until the end of

that franchise period, say the three years. They could change it. We did that two -- three years ago when we added additional permits to some of the franchises before their franchises were up. And the other thing is, you'll notice that the current franchises, one for five years, one for three years.

[9:37:34 PM]

The reason was to sync all the franchises up in case council wanted to make a more dramatic change to the franchises.

>> Casar: If the franchise agreements can be changed at any time, then what is the reasoning for their expiration and re renewal? I'm sorry, I'm just still trying to get my head around what these things are.

>> It sets out what the city expects a franchise to do. I think the charter kind of makes it a little difficult to change it. But it can be modified. I just think it was a device that's designed to set out the city's expectations.

>> Casar: Okay.

>> With regards to the time, I think that you would find that the franchises make investments. And so, if we are contemplating asking, for instance, for all accessible vehicles, that gives them assurance ofn operating time, even knowing the city can change it in between, aassurance that they're going to be operation for another year, three years, five years, whatever the original time contemplation was.

>> Casar: Okay, understood. Thanks.

>> Can I ask?

>> Kitchen: Yes, go ahead.

>> So, thank you, I think, for clarifying that. So I have some questions based on just looking at the staff recommendation, because I think that gives us a place to figure out, you know, why they're put into a franchise agreement the if maybe they're really code issues, and help clarify a little bit of this. So the first one was the size of the fleet. And the second one was compliance with the code, but I assume it's that code that you're saying that we can change, and then the franchise is subject to whatever changes are made. Then we have something about maintenance of records, and then we have something about inspection of records. And then we get into -- didn't then we get into the area of the places that we have lots of questions on how we want to handle those.

[9:39:44 PM]

We talk about the annual permit fees, and there's been some discussion with whether those permits should be held. And maybe you could help us understand the reason for the permits, but if the permits are for the purpose of making sure that the cars are safe, and we're protecting the safety of our citizens, then if we even have the dialogue of saying, perhaps it is the owner of the car that needs to hold that permit instead of the franchise, and we're putting this into the franchise agreement already, is that something that could be changed in the code discussion, the ordinance discussion?

>> Before that would happen, the city would have to consider the requirement that's placed on operating those permits. And if the city were to issue a permit to a driver, the question would be, could that driver serve the city 24 hours a day, seven days a week. So, what's traditionally been expected would have to be considered.

>> I think the other question is a process question. And that is, so, there's language in the franchise agreements, okay, that -- over and above what's in the code. So, you -- it would seem to me that you could do a franchise agreement that simply ties back to the code, and then use the code to make all -- put all your requirements in.

>> If that were the will of the council, I believe you could do that.

>> Kitchen: But what we have going on right now is we have sort of a hybrid system. And I think of the

franchise agreement, it's essentially a contract. You know, it's essentially a contract with the cab companies. So, you could have a contract that simply says you must comply with the code. What we have is a contract that says, you must comply with the code and you must do X, Y, Z. So we have sort of a hybrid thing going on right now. Okay. I don't know if that helps, Sheri.

[9:41:47 PM]

>> Gallo: Is there any reason not to simplify the franchise agreement and to make the ordinance in code the place where we negotiate out all of the regulations?

>> Gordon with the transportation department. This really needs to be a discussion with the attorneys.

>> Gallo: Okay.

>> There's a lot in relation to state law and other laws that needs to be dealt with. What things get put in what areas.

>> Gallo: Okay.

>> Okay. Any more questions?

>> Do we have city attorneys here?

>> You have two attorneys on the committee right here, but we wouldn't claim to know this area.

[Laughing]

[Applause]

>> Kitchen: Anyway. We don't mean to put you all on the spot. We will consult with legal on that question. I don't see any reason why --

>> If I understand the question correctly from councilmember Gallo is to -- we can answer that question. We'll go get the information for you as to what can be put into the franchise agreement versus the ordinance. I think you phrased it very well, the franchise agreement sets out expectations and contractual language. This is what the city expects in return for, you know, franchising the offer. And so I think that's a good question. We'll research it and get it back to you.

>> Part of the reason for the question, at least from my perspective, the consideration of timing moving forward with the franchise agreements and allowing time to think through everything we've heard in terms of what we need to put into code requirements. So it's partially that. And then the other aspect is just, you know, if -- and I may be oversimplifying by not knowing all the, you know, the legal requirements.

[9:43:51 PM]

But if we're thinking it simply as a contract, there's nothing to prevent a contract from saying you must comply with the law, essentially. So, okay.

>> Let us research that for you.

>> Kitchen: Okay.

>> We'll bring it back immediately.

>> Gallo: Another question, just tailing off of yours. Is the purpose of the franchise agreement so that you have policing powers over the entities to make sure they comply with the code and the ordinance, is that really the purpose of the franchise agreement?

>> Well, it definitely works out that way.

>> Okay.

>> Kitchen: Okay. All right. I have a different question relate -- first off, let me just get the sense of the committee. We -- it is almost 8:00, and I know that people may have other commitments in their neighborhood. And we've heard a lot tonight. Is there a sense of the committee that we would like to spend some more time thinking about this as opposed to voting on something tonight?

>> I think hearing from legal the difference between franchise and the ordinance, because we would be taking up the ordinance before too much longer, anyway. But hearing that legal determination so that we know what should be put in what, and what we can put in the other and change for frequently than the franchise agreement, I think that's really an important part of the discussion.

>> Kitchen: Important piece of information. Okay. Councilmember Garza?

>> Garza: Yeah, I think that's a very important part of the conversation, is knowing our parameters legally and how far the city can inject itself in employee/employer relations. And so, I mean, I would say this is probably one of the most complicated issues we've seen before us, even beyond the Garza trials. [Chuckling]

>> Garza: And I'm -- I like the idea of moving forward with some kind of recommendations, but what concerns me is everybody gets confused about recommendations and they think that we're going down a certain path.

[9:46:01 PM]

And I'm not ready to go down that path yet. I mean, if anything, I'm ready to make sure we have some sort of compromise here. Because I hear the concerns of the drivers, but at the same time, the franchises have provided a service to the city. And so we have to -- I hope we can come to some kind of middle ground where we are able to -- at the end I hope that we can have an agreement where -- because I, personally, am liking the idea of the co-op. But as a couple of gentleman have said, you know -- but we're not saying get rid of the franchises. We're saying, help us with the co-op and also keep the franchises, as well. So I mean, I hope we can work -- at the end I hope we're at a place where, you know, we've come to some middle ground here, and where we respect the franchises for what they bring to the city, as well as listening to the drivers' concerns. And so, I don't know what recommendation -- but then we also have to be mindful of the deadline we're on. We need the second reading. We have to have second reading by may 21st.

>> Kitchen: Let me clarify, third reading by June --

>> 4th. June 4th.

>> Kitchen: I thought it was 30 days after may 21st?

>> No, there has to be 30 days between the first and third reading.

>> Oh.

>> The third reading cannot occur within 30 days of the first reading.

>> Kitchen: Okay. All right. Well, just real quick.

>> I think that in the free market kind of sense, if we get -- if we're able to get a co-op going -- and I'm not taking sides here. But if a franchise wants to be -- and retain good drivers, they're going to be better about the way they treat their drivers knowing that the drivers can go off and join a co-op now.

[9:48:12 PM]

So I'm hoping that it kind of --

[applause]

>> Garza: And that's not to say that I believe that the franchises are horrible. I'm just saying that, you know, maybe it'll work itself out that way when we provide for the opportunity of coops. Situations will change for drivers that still drive for franchises.

>> Kitchen: Okay, wait. Councilmember Gallo.

>> Gallo: I appreciate what you're saying. And I'm not quite sure in the committee structure I'd like to make a recommendation, either through to the council, or if we can do that independently, but make a motion for the city manager to study the co-op models in other cities, and bring that information back to

us. Because what we've heard is that a seems to be a viable option, but we've not done it here. It would be something new, I assume.

>> Yes, we have.

>> Gallo: We have. What would we need to do to move that idea forward, since we've studied it before?

>> The last co-op was approved in 2007. Lone star cab was franchised as a co-op.

>> Gallo: Okay. I guess the question might be --

>> It was a driver-owned company.

>> Okay. You want me to ask the question? So, here's my question. And I appreciate the motion you're making. Perhaps we should move whatever it is. So if we're interested in proceeding with a next step on the option for a co-op, my understanding would be that that would be an option that we could take a next step on that would proceed on a parallel track with renewing the franchise agreements that we have. And so my question would be, what would be the next step? Would we need to do an action that's similar to what councilmember Gallo is talking about in terms of asking you all to bring back to us the specific parameters that would go into a -- rfp is probably not the right word, but into a solicitation for a co-op?

[9:50:35 PM]

Would that be a next step? Do you understand what I'm asking? In other words, if we wanted to start the ball rolling in terms of a co-op option, as an option for a fourth franchise, what would be our next step to do that?

>> So if I understand correctly, and this would be similar to staff proposal --

>> Kitchen: That's right.

>> Kick me if I say anything wrong here. We proposed pursuing a fourth franchise.

>> Kitchen: Correct.

>> With 100 permits. We talked about that. And, you know, had contemplated that certainly a co-op could be one of those viable models that could come forward and compete for that. The process would be for us to put a -- you know, with prior authorization from council to put a request or if qualifications or interest and go through a selection process to get there. Essentially, we'd be adding another franchise. So, you know, you're out of sync for a fourth one, since you've already had first reading. But that doesn't matter, we could start the process again. It would be out of sync with the first three, but you would go through the same process. You know, you'd have to have three readings. The first and third could not be less than 30 days apart. And then that could go into the selection process 60 days after that.

>> Kitchen: But our action could be directing, I guess, or whatever the right term is, the city to move forward with the process of soliciting for a fourth franchise.

>> Yes. So I would suggest that council would direct the city manager to come back with a proposal for a fourth franchise. You could indicate that you'd want to do it in a co-op concept. But to come back and start that you would need to identify how many new permits would be allotted to that.

[9:52:40 PM]

And we'd be happy to prepare the necessary legislation.

[Applause]

>> Kitchen: Councilmember Zimmerman, you have a question.

>> Zimmerman: Just in a minute or two, could you summarize to me what you just said? I wrote down you said in 2007 there was a co-op franchise started, and then it turned into lone star cab, which is not a co-op. Can you explain to me how that happened?

[Applause]

>> Zimmerman: The reason I'm asking is because if we went and did another, you know, co-op proposal, six, seven, eight years, all of a sudden it turns into another franchise and we don't have a co-op. Can you tell me what happened?

>> Okay, in 2007 the city bid out for a new franchise opportunity. There were two finalists. The second-place finisher was Lone Star Cab. However, because Lone Star was willing to implement an electronic dispatch system as well as operate as a co-op, the city chose to give the franchise opportunity to Lone Star. They were franchised. So, five years later, at their franchise renewal, the request was made of council to remove the driver ownership requirement from their franchise, which council did.

>> Kitchen: Okay, thank you.

>> Did they ever operate as a co-op?

>> For five years.

>> For five years, okay.

>> I would just caution you that that co-op model might be different from another co-op model that another company might offer. And so the question was, have we ever done a co-op. Yes, we've done a co-op. That doesn't mean every co-op has the same business model and functioning, so.

>> Your suggestion of moving forward with a resolution for adding the fourth, are you saying that that would suffice for second reading for everybody else, or just the first reading for the co-op?

[9:54:44 PM]

>> It would be on a separate track. What I recommend that you do, or suggest council do is direct us to come to you with a proposal for a fourth franchise. Give us the parameters. If you want us to write that it requires a co-op, and also the number of permits that you think should be in that. We've suggested a hundred, and the recommendation that we brought forward. But that was also in light of the additional taxi permits we were giving to the other companies. It's your will to tell us how many to put in that. And then we formulate the new franchise legislation and bring it forward.

>> Kitchen: And the re-franchise renewals could -- would be independent in terms of the track that was on, the timeline? We would proceed with second reading and third reading with the franchise renewals, and then the -- an additional franchise could -- would take longer. Because of the process. And we would want to allow enough time to make it a viable option for a co-op to come forward. We wouldn't want to make it so compressed in time that that wouldn't be possible, if that's what.

>> Yes, ma'am. Remember even though we're taking the franchise renewals altogether they're each individually a separate action so this is just a fourth action and remember you can set each one for whatever time limit so, again, I think there's value in having all of them come do at the same time so that you're negotiating or discussing potential changes all at once.

>> Kitchen: Councilmember Gallo, you had -- did you want to put forward a motion?

>> Gallo: I think would be a recommendation to take to council a motion or resolution to instruct the city manager, to ask the city manager to come back to us with a proposal for a fourth franchise that would be a Coonce.

[9:56:55 PM]

>> Kitchen: Do we have a secretary? Any further discussion on that motion?

>> Zimmerman: Just to -- a quick comment. There were some remarks made about I guess co-ops in other states that maybe have survived as co-ops.

>> Kitchen: Mm-hmm.

>> Zimmerman: I would support the motion, but I guess we'd have to have a way to avoid what

happened the last time.

>> Kitchen: Yeah.

>> Zimmerman: We got a co-op that turned into another franchise. I don't know how to do that.

>> Kitchen: We may want to ask staff to also come back with some information about co-op -- different co-op models.

>> Zimmerman: That have survived for a decade or two. I don't know what's out there but I think that needs to be part of it so we don't wind up where we were 2007.

>> Kitchen: Okay. So are you all ready to vote on the motion? All in favor of that motion?

[Applause]

[Laughter]

>> Garza: Trying to figure out when it's second reading.

>> Kitchen: Now, I lo like to -- were you going to say something.

>> Garza: We still have to figure out when we're doing second reading.

>> Kitchen: That's right. Did you have something to propose?

>> Madam chair. Could you please repeat what the motion was so we can make sure we've gotten it verbatim? Sorry.

>> Kitchen: Let me see if we got it.

>> Make sure we understand what your intent was.

>> Kitchen: The motion was to direct the city manager to come back to us with an option for a fourth franchise and we did not put a number of permits on it. We can do that, but we need to think a little bit more about what that is. By the time that comes in front of council, we can do that. So let me back up.

>> Okay.

>> Kitchen: So the motion is to direct the city manager to come back to us with an option for fourth franchise and that fourth franchise would be a co-op model and that we're requesting an option to come back to us as a range of different co-op models that we could consider.

[9:58:59 PM]

[Applause]

>> So I'm sorry, just to pester this point --

>> Kitchen: That's all right.

>> So my understanding is that recommendation is to council --

>> Kitchen: That's right. It's a recommendation to counsel.

>> Thank you.

>> Kitchen: This committee cannot take an action. All we can do is recommend to council.

>> Right.

>> Kitchen: So the full council will make the decision.

>> Yes, ma'am. And the one point that I would put out is we're happy to gather data on other co-op programs, but that in a sense is part of the business proposal that --

>> Kitchen: Oh, good point, that's right.

>> Business proposals with a unique co-op model. So we can certainly give you information from other cities that we're able to collect, but, obviously, I wouldn't want to dictate how an individual proposer --

>> Kitchen: No. In fact we're allowing -- we would want to allow the market -- you know, we would want to allow the folks coming forward with a co-op model to have the flexibility to propose the model that they felt like was most appropriate. So okay.

>> Yes, ma'am.

>> Kitchen: All right. So now --

>> Zimmerman: I'd like to be recognized for a motion.

>> Kitchen: Yes, okay.

>> Zimmerman: Referring to the sheet you'd hand out, proposed franchise agreement second reading I'd like to suggest an amendment to that.

>> Kitchen: Okay.

>> Zimmerman: Basically pretty close to what you have, but the amendment would be to strike under section 2, agreement provisions, under ordinance revised, if necessary, to simply strike the sentence that says "Increase the number of permits issued" and move we would approve it without amendment.

>> Kitchen: Okay. So the motion is to take number one and number two on the proposed second reading, striking the section that talks about increasing the number by 50. So do we have a second?

-- I mean -- yeah, do we have a second on that motion?

>> Garza: I'll second to discuss it.

[10:00:59 PM]

>> Kitchen: Okay. All right. So what that includes, let me just let people know it includes a one-year -- this is for second reading. Remember there's a second and third reading and things can change between second and third, but for second reading there would be a one-year franchise agreement and let me just say that for purposes of discussion, the reason that I think that is important is because I believe that it's important for us to look at a level playing field for ground transportation. And so -- and with regard to the taxicab companies, I think that there's some additional changes we may want to make vis-a-vis the tncs.

[Applause]

>> Kitchen: So I think that a one-year extension would allow us to do that, and that's one reason I think that's important. Extension is not the right word. A one-year franchise agreement at this point. So it would include a one-year franchise agreement. It would allow us to amend the agreement without having to go through a reapplication process within that time period, and then the second winning we did is that we would continue the existing provisions in the franchise agreement with the following changes, and those changes are to revise the franchise permit formula such that it's based on performance measures reviewed and approved by the city council, extend the useable life of the vehicle to be used as a taxicab so long as it meets existing inspection requirements and that the chauffeur license would be held in the name of the driver. So that's what we have --

[applause]

>> Kitchen: And I want to personally -- I want to personally emphasize that I will also want to be bringing forward some other types of changes where we can look at an equal playing field for the cab companies and for the drivers vis-a-vis tnc.

[10:03:02 PM]

So this is what's on the table as a motion. Do we have some discussion or questions about it?

>> Gallo: So I want to make sure as part of what we're going to do, quickly, is to allow this committee another -- and other councilmembers to determine the parts that we want to have city staff give us -- whether we can or cannot do, whether it needs to be part of the franchise or whether it needs to be part of the code.

>> Kitchen: Okay.

>> Gallo: So I would suggest we do that on the message board.

>> Kitchen: Okay.

>> Gallo: Maybe our chair will start the process.

>> Kitchen: Okay.

>> Gallo: And make sure that we have all the points that we're considering, whether it's the chauffeur's license or the permits or the number -- you know, all of the details that we've been talking about legally.

>> Kitchen: Okay.

>> Gallo: Whether it needs to go into the franchise or the code and the ordinance as part of this process. Because there may be some things that we're saying on the second reading that then will be changed because of what we hear from the city attorney, and so as a result of that I think that process needs to happen quickly also.

>> Kitchen: So maybe what we're saying here with these points or these things that we would like to see happen and we need clarification on whether we can put them into the agreement or whether we will have to make a code change. Okay.

>> Casar: Councilmember kitchen, did I have -- last question for the night. I think it would be helpful for - I recall during the council meeting on this that, when we passed on first reading, there was some questions about financing that the taxi franchises have to do and the length and term of the franchise agreements might be able to -- might help or behind they are process, and then I got -- hinder that process or I got reminded by and I think it was Mr. Krrgbo mentioned it and it would be helpful if he or another franchise owner could help us understand the term of the agreement. Being a year, I think it provides great benefits to us because we can spend a year working on a lot of these other issues but I do want to understand that the financing piece.

[10:05:09 PM]

So before y'all vote even though I'm not on the committee and can't vote I think that would be helpful for my understanding before I have to get out of here.

>> Kitchen: I agree. I'm operating under the assumption that that would be something that would not be harmful for the cab companies because it gives us the opportunity to look at how we can create an equal playing field. But if you would like, Mr. Krrgbo --

>> Casar: You mentioned briefly during your testimony that the franchise agreements help you all get financing for investments y'all make and I would love -- it's late but even if you could give us a two-minute summary.

>> Kitchen: In other words what we're wanting to understand -- I'm sorry. What we're wanting to understand or what I would understand is a one year, would that work for y'all?

>> So we would certainly love to see the opportunity to have an agreement that is ten years long. At the end of this year we've got 90 vehicles we have to replace, if I'm not mistaken, lone star cab has 35 vehicles they have to replace. We've made investments in infrastructure, call center, the app, the safety equipment that's in the car, all of the operating equipment that we use to provide the service to the city of Austin that we have obligations to meet. It makes it difficult to not only meet those obligations, but to then again get more financing to continue to provide the service to the city as required, which is part of the reason that lone star started as a co-op and then ultimately had to transition to the franchise model, was to be able to finance that business. I would say I had a baby on Sunday so please forgive me. I did not get a chance to sign up to speak. I did want to speak and I'd like to make two quick points.

>> Kitchen: Could we first clarify this point?

>> Yes, ma'am.

>> Kitchen: Okay. So one of the points that we are -- that's in the motion before us is to extend the useable life of the vehicle. So I assume that that would be something helpful in materials of having to replace your -- you just mentioned that you would have to replace your fleet, but we're putting in here to extend the useable life of the vehicle. Would that not --

>> No.

[10:07:09 PM]

I certainly think that's one consideration but you've got investments many I remember call center product, investments in other wheelchair accessible vehicles that would you bring online, you have other investments in the -- in the product that's in the fleet that we've finance sod a one-year agreement would be negative in terms of getting our financing. You also have a situation where if tncs exist and presumably they're here for the long-term and potentially this co-op opportunity presents itself and they're here for the long-term, I think it behooves the city make the commitment to the franchises for the long-term because we would now still have to compete in that new environment. So I think to some extent if there's an opportunity to satisfy the drivers, the technology seem to be satisfied. I don't understand why the city wouldn't then just turn around and say let's continue our long-term agreement with the franchises who have been the bedrock of all demand transportation in the city many years. One of the things confusing to me I hear these opportunities speak, you talk about an opportunity that essentially is going to use technology to connect drivers to the consumer. I think the city has a process which is the tnc process where these 100 drivers could create a company that essentially went out and got the technology that they keep talking about to provide the service. The tnc model is a fundamentally bad model for the driver and that's why you hear drivers wanting to take tnc trips in the cabs because there's a significant benefit to the product that we supply. When you take a tnc trip in a cab if you get in an accident whose insurance kicks in cab company's insurance kicks in. When you have -- when you paint a car yellow and turn it into a cab you're paying 17.50, you're putting a camera, meter, emergency switch in there and all of the back-end operation that's support the driver. This is significantly more complicated than the presentation today, and I would love the opportunity for a round table with this mobility committee to answer questions, especially the accusations that are on the record that have no founding.

[10:09:21 PM]

So that's --

>> Kitchen: Okay. Please, everyone, we have a motion on the table, and we're running out of time. So I think that -- I think that we should go ahead and call the question on the motion, and there's going to be additional time to talk. This is not the final motion. We are not the final body. The full council is the final body. So let me just call -- can I call the question on the motion? Yes.

>> Garza: Is there a way to -- is there a way for this motion to be considered a second reading and us not address the addition of permits? Just take that part out? Not say we're not going to give them -- I guess, is that essentially your motion.

>> Kitchen: We already took out the 50. Is that what you're talking about?

>> Garza: You take the whole thing out? Okay, for now, just for second --

[applause]

>> Kitchen: Well, wait a minute. I'm not understanding. Are we also take out the point about making the franchise permit formula based on performance measures? We were keeping that.

>> Zimmerman: That bun is still in in.

>> Kitchen: We were take out the 50 extra.

>> Garza: Okay. I heard a why, and I'm just -- the hundred that was allotted by staff's recommendation I felt was an arbitrary 100 for each.

>> Kitchen: Yeah.

>> Garza: I kind of feel the same way about the 50. I'm not opposed to increasing -- I want to be clear. I want the franchises to get more permits. I just don't know what that number is right now, and I don't

want to go down a certain path because -- so.

>> Kitchen: Okay.

>> Garza: That's why I'm --

>> Councilmember Garza, in that same vein the tremendous create a co-op is a recommendation on the fly that hasn't been vetted and so as councilmember kitchen has spoken to this really well. There are a lot of different balls in the air, and so we're piecing this together as we go.

[10:11:22 PM]

And all of the parties are not getting an opportunity to even answer questions. I was fortunate enough to get this opportunity tonight. Is there a forum where people can sit down and flesh out the ideas completely before recommendations are made?

>> Kitchen: Mr. Kargbo we have talked, and we have talked to the taxicab companies and had opportunities to speak. So I don't want to leave the impression we haven't talked to the taxicab companies. What's laid out in front of you is what I understood would be helpful for the cab companies. I think I'm hearing something different now and that's okay because we're working our way through the process. I had understood, I thought, that the one-year term was acceptable and it worked for you because it would allow us time to put an equal playing field in place for tncs --

>> No, that has never been communicated. We've always asked for the ten five year term. We originally actually asked for 25 years.

>> Kitchen: Do you all want to vote or not at this.

>> Garza: I'm ready to vote. I just want it to be clear that this is just second reading.

>> Kitchen: Yes, okay.

>> Garza: This is just a recommendation to second reading. When we go to council, they might not even approve this at all. There's nothing final about what we're about to do. I just want to make that clear.

>> Kitchen: Okay.

>> Gallo: Just one other thing too as far as the co-op what we're asking for is the staff to investigate and come back to us with a proposal, and that is certainly not to say that once it's presented to this committee or the council, that it will be something that we would move forward on. But it's obviously something that there's some interesting therefore in doing, and we feel like -- interest in doing and we feel like that needs to come to the table for discussion.

>> I agree.

>> Kitchen: I'd also like to state as councilmember Garza did, in terms of additional permits, it doesn't mean we won't add them. We just want to give more thought to that. Okay. So all in favor of the motion on the table?

[10:13:23 PM]

Okay. Thank you.

[Applause]

>> Kitchen: With that I'd like to go ahead and adjourn now. I'd like to go ahead and -- okay. Motion to adjourn? Okay. All right, therapeutics.

>> Kitchen: All right, thanks.

[Applause]