

City Council Special Called Meeting Transcript – 09/22/2015

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>> Mayor Adler: Are we ready to go ahead and get started? Today is September 22nd, we are in the city council chambers, 301 west second street. We're going to convene this morning's meeting. There are three things on the agenda for this morning. The first is adoption of the property tax rate. We're going to now take up item number 1 to approve an ordinance adopting and levying a property or ad valorem tax rate for the city of Austin for fiscal year 2015-2016. There's going to be a short statement by law regarding the exhibits to the ordinance and then we will take a motion that uses language as required by state law. Does legal want to give us that brief statement? >> Gallo: Mayor, could we do something? My staff person just told me that Austin water is reporting that one of their employees was shot in an apparent robbery attempt this morning in the 1500 block of manor. I heard that on the radio, but I didn't realize the connection to us. And evidently the employee was conducting meter accuracy tests in the area and was approached by two men and reportedly shot in the face. He's responsive, he's been transported to Brackenridge hospital and I just think that we might want to take a moment of silence just to send all of our good wishes and prayers his direction. >> Mayor Adler: Sounds good. Let's go ahead and do that. Our thoughts and prayers conveyed to him. >> Good morning, mayor and council. Lela fireside for the law department and I just have a

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short statement to read. There are three exhibits that are attached to your tax rate ordinance. The first one is the list of exemptions for homestead, elderly persons with disabilities and things of that nature. The second two are relating to historic properties that receive a partial exemption from taxes if they request it. These exemptions are authorized by state law. Texas tax code 11.24. Some of the properties are historic sites that are designated as recorded Texas landmarks or sites that are state archaeological sites. The second list is properties that are historically or archaeologically significant and are in need of tax relief to encourage preservation. The city code sets out the requirements for the homeowners or the property owners to request these exemptions. And consistent with that council did approve a list with the resolution that requested the city manager consider these and include them in the budget for this year. Council, the final action that you take is to approve the list as part of the tax levee and that is part of what you are doing today. Thank you. >> Mayor Adler: Thank you. I will in just one moment. Thank you. The motion to adopt a property tax rate must be made using the words that are required by the Texas property tax code. The tax code requires the vote to be a record vote. In the language that's used it refers to increasing the tax rate. When we say we are voting to increase the tax rate, the statute

defines increase as being the percentage by which the proposed tax rate exceeds the effective rate.

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The effective rate is the tax that would give us the same amount of operating and maintenance funds as last year. We need a motion that the property tax rate be increased by the adoption of a tax rate of 45.89 cents per 100-dollar valuation, which is effectively a 6.8% increase in the tax rate. Will someone make the motion that the property tax rate be increased by the adoption of a tax rate of 45.89 cents per 100-dollar valuation, which is effectively 6.8% increase in the tax rate? Mr. Casar so moves. Mr. Renteria seconds. Is there any discussion? We have a motion and a second. Will the clerk please call the roll so each of us can state our vote? >> Mayor Adler? >> Yes. >> Councilmember Houston. >> Yes. >> Councilmember Zimmerman. >> Nay. >> Councilmember troxclair. >> No. >> Councilmember pool. >> Yes. >> Councilmember Garza. >> Yes. >> Councilmember Renteria. >> Yes. >> Councilmember Gallo. >> Yes. >> Councilmember Casar. >> Yes. >> Councilmember kitchen. >> Yes. >> Mayor pro tem tovo. >> Yes. >> Mayor Adler: The item is roadway proved on a 9-2 vote. That gets us to the second item, which authorizes the spending of council budgets and other department areas. Is there a motion to approve item number 2? I think Ms. Garza this was

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primarily from your office. Ms. Garza makes this motion. Seconded by Mr. Renteria. Any discussion? >> Zimmerman: Mr. Mayor, just a quick question if I could ask. I'm not sure who could tell us. But what's the effect of voting no or abstaining from the item? What is the effect of that? If I could ask. >> If this item were to fail, then the funds would not be -- this budget amendment would not happen and the parks department and the library department would not be able to ought lies the funds that the two council offices have indicated they would like them to be able to utilize. >> Mayor Adler: Ms. Troxclair, then Ms. Tovo. >> Troxclair: Maybe it would help to have a little bit more explanation. There are a couple of council offices, I know councilmember Garza indicated last week she was going to be using some of her own personal office budget to support something in the library department. And I went back and did a review of my budget and found that I had savings left over from -- because I never hired the fourth staff person that we allocated to our offices. So I talked with the parks department and asked about improvements that could be made to parks in my district and we identified a replacement of all of the exercise equipment at dick nickels park that are along the trails there that are really outdated and we haven't had the funds to replace them. So I'll be allocating \$30,000 from my personal office budget to those improvements in my district. >> Mayor Adler: Okay. Ms. Tovo. >> Tovo: I wanted to ask staff if they could provide some explanation of why this is necessary? I know this is a past practice, but councilmembers have -- especially at the end of the fiscal year looked at their office budgets to see if there was a surplus and then designated it to a city department. I've done it myself.

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So I'm just wondering why we need formal action here today. >> We have done that before. In reviewing the charter with the city attorney's office, the charter makes it clear that any transfer of funds between departments needs to be approved by the city council. And so expending funds for the purpose of library purposes or parks department purposes out of a different department's budget requires us to move the funds. And so that should have happened in the past and you're correct that we didn't, but -- >> Tovo: I appreciate that explanation, thank you, Mr. Van eenoo. >> Mayor Adler: Ms. Pool, then Ms. Garza. >> Pool: Thanks, mayor. I have a bit of an unexpended balance probably by the end of the month

as well and I would like to designate a portion of that to libraries for new materials since that was an item we were not able to get to during our budget conversation. But I'll work with our budget and finance folks to get the specific number. And does it need to be more specific today? >> It does. There's only a week left in the fiscal year and so these departments need to get these funds expended over the final week of the fiscal year. I do have from your office, councilmember pool, that your financial manager is projecting \$20,000 of unexpended funds at the end of the year. We would need to know a dollar amount and a department that you would want to transfer those funds to. >> Mayor Adler: Can we pass this more broadly and say that as a council we're adopting the statement that councilmembers have the ability to designate -- that this council authorizes an interdepartmental transfer of amounts remaining in councilmember budgets as might be directed by that councilmember?

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We're complying with the charter and we're just -- we're not being very specific about what authorizations are allowed or not allowed. >> You can do that designation because you can say it's going to be from your budget to a different department, library or parks. >> Mayor Adler: Is there an amendment to this motion that would say that the council authorizes interdepartmental transfers in this budget to an amount not to exceed unexpended balances in council budgets to be sent to other departments as directed by the council member? >> Zimmerman: I'll move that. >> Mayor Adler: Ms. Pool seconds that. Are you okay with this? >> I think that the budget office can work with that. Usually the reason that we have the specific dollar amount specified is so that we know what the funds are that are going to the particular departments, but I understand from Mr. Van eenoo that he knows the remaining balances so it sounds like he'll be able to work with that. >> Mayor Adler: Sounds good. It's been moved and seconded. Any further conversation? Those in favor of this amendment please raise your hand? Those opposed? The motion is now amended. We have the motion as amended on the table. Is there any further discussion on the motion as amended? Houston. >> Houston:, what would be the process after we review our budgets to be able to identify where to transfer, how much to transfer? >> Mayor Adler: Probably just send an email to Mr. Van eenoo. >> Yes. And I would copy your financial manager Lauren Brumley on that and we'll get it done. >> Mayor Adler: Okay. Any further conversation? Seeing none, those in favor of the amended motion please raise your hand? Those opposed? It's unanimous on the dais. That now gets us to the third item on the agenda, which is the str discussion. We've had several councilmembers, by the way,

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that have approached me and said that extending this meeting this morning was a matter of varying degrees of inconvenience because people had planned out their morning. I'll remind everybody that last week we had agreed we would postpone to the next meeting. This is the next meeting, but I said that I would gavel us down at -- no later than -- there was some requests for 11, there was some requests for 11:30. So it's my intent to gavel us down at 11:15 if this conversation is still going on at this point so that people in that gives us about an hour and 45 minutes to address this str issue. The items we're going to pick up with respect to the continuing str issue were the items in Ms. Tovo's list as well as the remaining item on occupancy that was on Ms. Gallo's list. >> Zimmerman: Mr. Mayor, point of information. We have an 11:00 meeting, my office with some transportation staff with the city of Austin. I'll have to leave. I'll have to leave just before 11. >> Mayor Adler: Let's see if we can wrap this up by 11. Ms. Gallo? >> Gallo: Trying to tighten up the occupancy provisions was something that was still remaining undiscussed at our last meeting and I think, mayor, you had some suggestions that you've passed out to everyone. So I would defer to you to start the conversation. >> Mayor Adler: Okay. I know there have

been a lot of conversations about str. Obviously we have a community that is significantly divided on this issue. And I really appreciate the

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work that the leadership or from both Ms. Gallo's office and the mayor pro tem's office to try and figure out what's the best policy to come out of this area. Looking at it and listening to the debate I was left with a couple of observations that I would like to address real fast. The first one is that we have an existing ordinance right now with respect to zoning that doesn't talk about occupancy at all, it talks about residency. What is a resident? There's a lot of case law and a lot of law that speaks to residency as opposed to occupancy. And the more that I heard on the conversation and the more that I heard people saying what we're doing in str either expands or limits the zoning ordinance with respect to residency, the more uncomfortable I was getting because I think that those concepts are two very different concepts. A residency requirement speaks to someone who is living in a piece of property. If someone owns a home, a one bedroom home, and a couple live in that, they are the residents. If they have three funds that are in town that sleep on their sofa or on an air mattress in your house, you now have five people in the house, you still only have two residents. These other three people don't reside in the house even though they're sleeping in the house. And I'm uncomfortable with us adopting an interpretation and an str concept that begins to try to contort what is a definition of a resident because I think it runs in the face of a lot of established case law as well

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as makes that topic murky. So I was getting more and more uncomfortable listening to that conversation because I don't think that what we're doing in str speaks to or relates to what we're doing in zoning and I don't want those two to get muddled. So from where I sit I would say what our residency requirements are in the zoning ordinance and I would say if we want to change those, if we want to talk about who is a resident or who is not a resident in the context of that zoning ordinance we could do that, but I would like that to be a separate conversation for a separate day. So I would urge us not to talk about -- for me what is the residency requirement under zoning doesn't give me guidance here. We have pretty significant challenges in the str area and I think we can just hit those head on with respect to the challenges that we have. As I was listening to the discussion and the debate with respect to str I'll come away with two real over arching beliefs. The first is there is activity going on in these str's that no one in a residential neighborhood should be forced to live next to. And we need to be able to adopt something that is going to stop that kind of activity from occurring and happening in the middle of our neighborhoods. It's inappropriate and it's not right and we have to deal with that. In terms of dealing with that, I am again impressed with -- despite best intentions, if we come up with ways to control that that are not easily measured and applied by code department, they're going to ultimately be ineffectual and will be back here again in six months or a year or two years or three years doing this same dance over again. So to a large degree I think

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we should be striving to try and find rules that can be applied by a code department that goes out and takes a photograph. And in that photograph there ought to be the evidence sufficient to be able to identify a violation. It's either in the picture it's a violation or it's not in picture and it's not a violation. To the degree that we can I think we want to try to get to that place so that enforcement becomes something that is easy to be able to do and to apply. My third observation is that there's no way we're

going to be able to do the job that we have in a perfect way. No way. There is -- we have people that have spent weeks, if not years, trying to figure out what the rule needs to be that can be applied that catches 100% of the challenged conduct that we want to capture and at the same time saves 100% of the good actors. Everybody agrees that we should do away with all the bad actors and the bad conduct. Everybody agrees that we shouldn't stop good actors from being able to do good actor conduct. Everybody agrees to both of those two things. The problem is I'm now convinced that there are no way to do both of two things. There's no way to do it. So I started trying to look at and listen to what people are saying, applying in essence an 85% rule, which is to say I think ultimately we're going to adopt the policy. I would like to see us adopt the policy that tries to save as many good actors as we can, recognizing that we're not going to be able to save them all. And some good actors are going to have their conduct stopped and determined to be inappropriate and in violation of our ordinances,

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which means that the family that's gathered that has the quiet barbecue in the backyard that doesn't bother anybody, but there are 14 people in the backyard that no one's ever made a phone call about is something that's not going to happen in the city of Austin. That the family of 10 people or eight people that is sitting around the pool in a very quiet way in the backyard and not bothering anybody may very well be conduct that we just don't allow have happen with str in our community. Not because we're trying to stop the conduct of the good actors, but because I can't figure out and thus far I don't think our community has been able to figure out a way to cast a net that is broad enough to capture the complaint of conduct and still allow those good actors to be able to proceed. Similarly if we pass a law that's designed to capture 100% of the inconveniences and the disruptive conduct that's caused by the uses of str we're going to lose too many of the good actors. And I don't think that we can measure to protect and allow for continued use by some percentage of good actors and still capture 100% of the things that are bothering us. So I started trying to struggle to come up with a set of rules that would capture -- allow 85% of the good actors to continue working, even though we're going to outlaw 15% of the good actors. And a rule that would capture 85% of the complained of conduct, even if it didn't capture all 100% of the complained of conflict that. On both sides I started trying to think of what the rules might be that might be the 85% rule both ways. We put a moratorium on new units, even though we've allowed the old units to

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continue, we've put a year moratorium that will come in once the ordinance is passed on new units and I think we spend that year looking at the 15% in each of those ends that we're not catching and seeing if we can come up with things that are literally property specific for those bad actors that are causing the most trouble with us, and craft ordinances that are general in their design, but specific in their applications so that they would capture those specific people. But we have a year to be able to do that. What you have posted on the bulletin board for community to see contains four elements that inch is a fair place or maybe a starting place or tries to effect those three observations that I made. The first one is -- and I think the most significant one is it takes the gathering provision that Ms. Tovo had said where she said no gatherings of greater than 10 people, and I made that a gathering outside of a structure. And I dropped the limit from 10 people down to six people. And there should be no gatherings more than six people. Those six people whether they be related or unrelated. That means str in the city of Austin are not places for people to gather around the pool or to have a party or to have a wedding or to have a concert or to sit on the front stoop drinking beer or to come home at 2:00 in the morning after the parties close and then everybody sits around out back and continues to talk while people are trying to

sleep. No gatherings of six people or more, period. And then no gatherings at all after 10:00 P.M. Which means that if you're

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renting an str in this community you're renting it so that people can sleep. It's a -- it's primarily a residential use. We're treating them as residential uses. We're going to have them operate as really residential type uses. So no more than six people can gather outside and there is no gatherings outside after 10:00 P.M. I think that that that would take like the vast majority of the complaints that people have. And then I go further than that. Then we talk about the number of people that are allowed to be in a unit and I put it down as two people per bedroom plus two. Two people per bedroom plus two. It's two people per bedroom plus two which means that people in a one bedroom house can have two people sleeping in the a sofa bed in the living living room. Or two couple in two rooms and then another in the living and they could get to six people. And that's the total number of people whether they are related or unrelated because code can't take a picture of what's related or unrelated. They can take a picture of people. So that then sets the maximum number of people that can be in the house with respect to bedrooms. And then I think we over lay on top of that an additional requirement that limits the total number of people that can be in a house. We have different size houses in the city and the rule for a one bedroom house I don't think is appropriate for a house that has more than those bedrooms. At the same time I think that somebody who has eight bedrooms in a house has gone too far. And I recognize there can be good actors in an eight bedroom house and I chalk them up to the 15% of good actor people that we're just

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not going to be able to help in this situation. So I think we should put an absolute limit on the number of people that can be in a house, whether they are related or unrelated. I don't care. I just want a picture taken. And I think that number should be 10 or 12. That's the total number of people. Recognizing that those 10 or 12 people can't go out to the pool together and sit around the pool no matter how quiet they are, they can't sit around the pool 10 or 12 of them because we have a gathering limit. And after 10:00 P.M. They can't be out there at all. So I think we overlay that element. And then the last one that I have over the related is going back to the one that seems to be the one that most people are concerned about, which I think given those first three rules is the least important of all four of them. I think we could stop right now with just those three, but because there's been so much attention directed towards the six person rule, I would repeat the six person rule, no more than six unrelated people. And I would make it unrelated people. And I think that given the other three things we have, we no longer have to strike the word unrelated because we have found a different and better way to control what it is that's happening at the property. So I would propose that with go with those four components. I'll read them again and they're posted on the bulletin board and on the paper that just got handed out. The first one is that in str's in the city of Austin we have no outside gatherings of more than six people at any time. And no outside gatherings of str's after 10:00 P.M. That I think is the most significant. I think that is how we close the loophole that people were concerned about with unrelated and related people. And we have closed a loophole in a way that is enforceable and can be a picture taken and I think it is the best way to remove

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what people claim might be a loophole. So the first one is no gatherings of more than six people outside.

And no gathering of any number of people after 10:00 P.M. The next one is that the occupancy of the property is no more than two people per bedroom plus two. Mr. Casar suggested and I think it's a good one, that until we can get every one of these things inspected and handled that way that we create a presumption that a house has two bedrooms until such time as an inspection is done. So if someone has four bedrooms or five bedrooms they will have to have it inspected and demonstrated they have bedrooms that meet the fire code. And until they do that it's going to be presumed that they have no more than two bedrooms in the house. So those large units are limited to six until they actually go through the inspection -- get their inspection done, which shouldn't be a big problem for somebody who has a bigger house. They just have to go ahead and get that done and then they wouldn't be -- you know, susceptible to that presumption. The third one is no more than 10 or 12 people. I'm not sure what the right number should be, but an absolute limit on the number of people. And the last one, which I think is the least important of them, is the one that says no more than six unrelated people because I think we've effectively dealt with the problems with the first three, but I would be opposed to having that number one if the word unrelated came out because it's going to pick up too many of the good actors. And we're trying to design something here, again, which would let 85% of the good actors stay even though we're going to be throwing out babies with the bath water, 15% are good actors, and. >> Zimmerman:ly on the flip side of the coin it's not going to capture every challenge that we present, but it's going to capture the vast and overwhelming majority of them. That would be my suggestion

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and thought for the council. Mr. Casar? >> Casar: And mayor, I do want to clarify on that point number 3 on your message board post about no more than two people per bedroom and the presumption that a house has two bedrooms. That does close that potential loophole about related or unrelated because you don't say related or unrelated here. So it basically says if we pass, as this is written my understanding is that if six people are seen on a property that's the maximum, but once you have a seventh person that is on the property, whether they're inside or outside, that they are breaking the number of people that -- I think what you're trying to say here is you're breaking the number of people allowed on an str property so all you need is a photograph of seven people whether they're related, unrelated or what have you. It's seven adults breaks the rules. Six adults is the cap, related, unrelated sticks there unless -- because we are potentially passing this inspection requirement, the inspection is done and you show that you have four bedrooms in which case you can have a higher number of folks if they are indeed related, but the fact of the matter is we're sticking to those six related or unrelated baseline and then if you have more bedrooms, then you basically can bump that up post-inspection, but the code department would then have on the license the number of bedrooms you have so they would know in a very large house instead of the limit being six, the limit indeed in this case may be 10. But it's very clear. >> Mayor Adler: That would be related or unrelated. It would be limited -- if there was a seventh person on a property that had not been inspected, they are in violation. Without regard to relation or unrelation. Code could go out and take a picture. If it hasn't been inspected yet and it's been documented that there are more rooms than -- bedrooms than two, then there is a violation

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and it shows up in the picture. Each one of these were designed to be able to be one that code could go out and take a picture and the picture would be the proof of the violation. The only one that's not susceptible of that is number one, which is why I think it is actually the least important under this scheme if we were to adopt this scheme. Ms. Kitchen? Cochlear implant I hate to go into the weeds, but I think it might be helpful. I think the license should indicate the number of bedrooms and the maximum

number of people just for clarity purposes just for the code enforcement and for the owner. So I just would pass that suggestion along assuming we -- if we pass this, I would pass that suggestion along. >> Mayor Adler: I think that would be a good suggestion so that on the permit that people got based on the number of bedrooms that were inspected, both code enforcement would have as well as the owner would have a list that says those things. No gatherings of more than 10 of any kind at any time. Six people -- gathering of six people outside at any time. No gatherings of anybody, anybody, two people, three people, after 10:00 P.M. No gatherings of more than two people -- no people on the property in excess of two per bedroom plus two. I agree with you, Ms. Kitchen, I think that both for the licensee recipient as well as for code when they rolled up to the property they would know exactly what the Numbers were for that house. And if it was a house that hadn't been inspected yet and we didn't know how many rooms were there, it's presumed to have two, which means, as Mr. Casar said, in that situation if there was a seventh person there there would be a vital of the code. -- A violation of the code. >> Gallo: I think also from the standpoint of transparency that that would also be important information to make sure that the public has access to so if they look up an

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address to see if the property is licensed or not licensed, then that license information would indicate all of that on there also so the public and the neighbors are able to find that information easily, which I know it's not easy to find. >> Mayor Adler: Great. Ms. Pool. >> Pool: One of my big concerns have circled around the fact that these appear to be commercial uses in residential Zones. And I wanted to talk a little bit about the -- about that fact as far as -- as how we've allowed this to happen. And so I think what I am hearing from the four items that you've listed here is that you are attempting to shift what has been a commercial party activity in a neighborhood, in a residential area, back into what would be acceptable activity in a residential zone so I'm going to watch and monitor that to see that this in fact does have that effect, but there are two things that I would ask about it. And they talk about the both going out to look at commercial rentals and this we know there's a lot of enforcement around the city beyond what is happening with str. So -- and we also know that neighbors are possibly the most vigilant because they happen to live next door or down the street, so I would like to have a conversation here with y'all on allowing neighbors to submit photographs and videos to support the complaints that they -- because we haven't talked about them being able to make the complaint. And so far my understanding is that while the photographs and videos that they provide are helpful, they don't have any

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standing. So I'd like to talk about that and then I want to talk about the renewal of licenses for properties that have been confirmed multiple times as bad actors and yet we have still issued license renewals. We have to talk about that and find a way to regulate that. So those are three things that have come to top of mind based on the four things that you've listed here. I like the idea of putting the number of bedrooms and the limitations that councilmember kitchen has suggested. >> Mayor Adler: What were the three that you had, neighborhood being able to take photos as well. Bad actor renewals. What was the third one? >> Pool: And a discussion about the fact that these are residential neighborhoods and we have essentially commercial activity in there which isn't under Normal zoning regulation permitted. So we have shifted our rules on residential zoning without really understanding the very clear impact that has been visited on our neighborhoods. And not in a good way. >> Mayor Adler: I would agree with everything that you said, Ms. Pool. I think that we should come back and visit that question of neighborhood taking photos. I think it's a good idea. Bad actor renewal provision I think is already Teed up and something we'll get to in a second if we haven't already with the bad actor deal.

And I would add to that list of -- and it was my intent, as I think other people's were. This isn't isn't new work. I've just tried to extract out of the work that other people have done and get it into one place because I think layering it on might accomplish together things that independently they weren't. I think this network might get us where we need to go. But the other one I would also add is making sure the code has -- for us to discuss giving code the authority to be able to measure and enforce the

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noise ordinance. I would add that to additional things. And there were also some additional things on the miles per hour's list that we will also get to. Mr. Zimmerman. >> Zimmerman: I think you've moved the conversation in a rational direction here. I'd like to back up with a point of information. If we could put an overhead up, I wanted to make everyone aware that I did post something on the council message board on the idea of a task force that would cover the disturbances. We've heard a lot that people are legitimately complaining that we don't have resources directed to enforcing current ordinances. We're considering adding more ordinances, which effectively increase the administrative and kind of the policing burden. So I'm just thinking before we add ordinances that are -- that are put even more work on code and A.P.D. That we take a step back and look at the cost and feasibility of a task force where when people phone into 311 and they report one of these bad actors that we have a very quick response through A.P.D. And I've mentioned A.P.D. Because I think we've put code compliance in a dangerous situation. If they're expected to go out at 1:00 in the morning and investigate a disturbance. And we also have disturbances that aren't necessarily related to str activity. There's nothing to stop the homeowner from having a really big rowdy party during a south by southwest or one of our other big events. So in my view -- I know I've said this before, but in my view we have not spent nearly enough time talking about our ability to enforce current ordinances prior to putting on even more ordinances. So I would really like some debate or some discussion, some deliberation at some point. And if we don't do it now,

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if we approve new ordinances, we're definitely going to need to look at this question of how do we enforce what we're proposing? >> Mayor Adler: Let's come back on the list of things we'll talk about, the idea of creating a task force, which is kind of addressing in part this year moratorium where we're going to be studying and looking at it. We also have a -- a significant time that's going to be spent here while staff goes away and goes through the process of actually drafting the ordinance that will be coming back to us, but it was the intent of layering these things on, Mr. Zimmerman, that would actually minimize enforcement activity because we would be making things as objective as we could that I thought might actually help with that as well. Ms. Gallo? >> Gallo: I want to go back to the issue on noise. The number of occupants and the number of occupants producing the noise is one of the biggest negative factors on the bad actors in these neighborhoods. I think we had a meeting -- I don't necessarily think it was a short-term rental meeting, but I specifically asked the police chief why it -- why we could not have code actually go in response to noise. They're going out there already in response most generally to the occupancy issue and it just makes sense that they would also be able to cite for noise violations at the same time. So I think that having this provision which gives the authority to code to enforce the noise ordinance instead of neighbors having to make that complaint to the police department which often on the weekends, a noise complaint in the middle of the night on Saturday night is not going to be a priority call for the police, nor should it be when we have drunk drivers and murders and stabbings and robberies and everything else that's going on that really requires police response. So I think it would move us

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really in a good direction. My understanding I think at one of the times when we ask zoning -- there may be somebody from zoning that could answer this. But in a residential neighborhood I think a violation of the noise ordinance doesn't even have to be measured by decibels. If an inspection officer drives up to the property and hears noise from the house then I think that is a violation of the noise ordinance in a residential area. It's not a difficult thing to enforce or to cite for, but I think giving code the ability to do both at the same time will give code the ability to write those multiple violations when the violations are occurring. And I think the noise one is the one that the neighbors, all of us are getting the most frustrated about because it's noisy, it's a detriment to the neighborhoods, but the calls that go to 311 for noise don't often times get answered until after the weekend because it's not a priority call. I appreciate this moving forward to because I think it will help to issue and deal with the noise disturbances on a much faster responsive way. >> Mayor Adler: Let's see if we can break this up into pieces and get through some of the pieces. Let's deal with occupancy, then with noise, let's talk about neighborhoods taking photo. Let's move to bad actors renewal. Let's make sure we have the list of things that were that were on the mayor pro tem's list. But let's focus first on occupancy. Would someone move that occupancy limits at this point in terms of the staff drafting this ordinance track items -- include items 1 through 4 as laid out in this page? Will someone move that? Ms. Gallo moves that. Is there a second to that Ms. Kitchen seconds that. We're now looking at 1 through 4. Should we use 10 or 12

[10:10:24 AM]

people? Ms. Gallo, this is -- you made that motion. You need to specify whether it's 10 or 12 people in number 2? >> Gallo: The dilemma is in district 10 we seem to have a number of large houses and because I think at this point we've had difficulty in being able to stop the over occupancy on those I'd say at this point we'd strict it to 10. >> Mayor Adler: Ms. Gallo moves items 1 through 4. >> Gallo: I think having said that as we say over and over again we're not trying to come up with the complete solution right now. I think what we're trying to do is move in the direction of trying to figure out oh how to stop the bad actors and the behavior that depose along with those. And this period of the moratorium we'll implement some things in the moratorium. If we see unintended consequences, which often pop up with different things that we do, that we'll go back and address that, but my sense is that that's a reasonable amount. This would be an amount that would include most Normal family gathers, which as everyone knows I'm a proponent of adults being able to travel with their adult children. But I think it puts a limit on the mass number of people. >> Mayor Adler: Ms. Gallo moves these items 1 through 4, with number 2 being 10 people. >> [Inaudible] >> Mayor Adler: Do you have a copy of this we're talking about? >> From the message board, yes. My concern is last week the council initiated a code amendment to prohibit gatherings at all. So I would need some clarification about whether that initial -- that what was done initially, last week, needs to be changed. >> My sense on that is last

[10:12:24 AM]

week we were involved in a conversation about what a gathering was. Was it a party, was it a concert? Was it a wedding? And the difficulty that you would have had I think trying to draft this would be coming up with a definition of what we meant by gathering. We had a conversation about how you define what kind of parties or what kind of events they are so while I use the word gathering, you're right. We're using the same word both times. Gathering last week was used in terms of events. This word of gathering is used in the term of like congregation. There will be no congregation. So those are

two different concepts. Ms. Tovo's last week was -- >> Tovo: I was going to suggest, mayor, maybe assembly might be used here so it doesn't connote the same -- >> Mayor Adler: If it's okay with you, gatherings in number four is changed to assembling. Any objection to that? Good word. That's now done. Any further conversation on items 1 through 4? Ms. Tovo? >> Tovo: Mayor, I want to clarify the preface, that the preface is being attached to these four amendments, that str's must comply with each of these provisions. >> Mayor Adler: Yes. >> Tovo: Thank you. >> Mayor Adler: Those in favor of adopting these four please raise your hand? Those opposed? >> Zimmerman: Abstention. >> Mayor Adler: It is 9-0-2 with two abstentions. That's the occupancy component of the str discussion. There was a conversation about noise. If staff could come up is there any issue with code being able to enforce -- measure and enforce noise? >> Mayor, members of council, I'm Carl smart,

[10:14:25 AM]

director of the Austin code department. The Austin code department would be certainly able to handle the authority to enforce noise from the standpoint of being able to hear that noise in a residential neighborhood at the curb side and then write -- write a notice of violation or a citation to the property owner for that noise problem. The difference, of course, is police can knock on the door and most of the time they will turn the noise down right then at that point. So that will be the part that's missing. We will be able to document noise violation and be able to cite the noise violation and be able to use that in terms of looking at suspensions of licenses, for example. So it would be useful, but not necessarily replace the police action that A.P.D. Can take. >> Mayor Adler: Ms. Gallo and then Mr. Zimmerman. >> Gallo: Once again the ideal situation would be for the police to arrive when the complaint was called in and to knock on the door and do something about it, but as all the neighbors have seen it's not a priority a call for the police. So I think in an unideal situation that the code enforcement being able to drive up to the curb and hear the noise and cite the violation gets that violation cited, which up to this point the noise violations are not getting cited. So I think it's a huge movement in the right direction for code to be able to do that and it replies our police force to deal with the dangerous activities that are going on in our community, but allows us to be able to have the city cite those noise violations that are disturbing the neighbors. It's good to hear that code department will be able to do that. >> Mayor >> Zimmerman: Thank you, Mr. Mayor. I'm always trying to look

[10:16:26 AM]

ahead to unintended consequences. The fact that we are not addressing enforcement of the public disturbance ordinances in general, I'm a little bit concerned that what we've just done is we've created a revenue stream for the city through code compliance. So instead of actually dealing with the problems, code compliance could drive by, they could hear noise, they could write out a citation, which is -- would be maybe an administrative process now, and that might be a fine of, I don't know, 100 or \$200. And they go on their way. Or there could be a -- they could take a photograph and see, you know, 15 people out in the front yard of an str, take a photograph, write a citation, be on their way. What we're doing is creating a new revenue stream such that there's actual a perverse incentive. The city is not incentivized to fix the problem. They are incentivized to write citations. Kind of like the red light program that we have. It becomes left about safety and more of an automated system to collect money. I'm deeply concerned we're going in the wrong direction. The if fact that we haven't, you know, investigated and dedicated the assets to enforce with A.P.D. Or whatever is needed that we're going in the wrong direction on this. >> Mayor Adler: Um -- Ms. Gallo moved that one of the things that should be included in this str ordinance for staff is to give code the opportunity to issue a citation with -- relative to noise. With -- is there a second to that? Is there a second? Does -- does code already have the ability to do

that?

[10:18:35 AM]

In chapter 92 the tradition noise requirements in the city are actually enforced by the police department. The issue that Mr. Smart was bringing up was -- if there is a noise violation, they -- going to the door and stopping the noise is the concern and that's why I believe the police have been involved in enforcing those particular regulations. >> Mayor Adler: Okay. The question that was asked: Is there a noise rule or ordinance in residential areas? >> Yes, in chapter 92 of the city code. >> Mayor Adler: Says that a house shall not emanate noise that can be heard from the curb? Is that kind of what the language says? >> May not use sound equipment that produces sound audible beyond the property line from 10:00 P.M. To 10:00 A.M. And then may not make noise or play musical instrument adjacent, audible to an adjacent business or an adjacent residence after 10:30 P.M. >> Mayor Adler: Is there any problem, any reason why code could not at this point issue a citation for a home that was violating that existing requirement? >> Yes. Because of where it is in the city code. And -- and it would not be -- the chapter 92 is not subject to administrative hearings and is not part of our administrative hearing process. >> Mayor Adler: So Ms. Gallo moves, is there any problem with Ms. Gallo moving that provision that's otherwise enforceable by the police also be an administration violation that can be cited by code? >> This council previously did that in August when you required the strs to comply with noise requirements. >> Mayor Adler: That's already been done at this point. All right. Thank you. The next item I think that was -- sorry, Ms. Houston? >> Houston: Thank you, mayor. I just had a question for chief manly, since he's here. There have been some concerns expressed about the lack of attentiveness to

[10:20:37 AM]

calls and then councilmember Zimmerman recommended -- did you see -- was that posted? Did you post that up? There's another draft for -- for a short-term rental kind of task force to go out and respond to these quicker than we have been in the past. Using some of the personnel that we just approved in the budget. What is your view on that? >> Good morning, mayor, council, Brian manly, chief of staff for the Austin police department. If I understand the resolution or the proposal, as I read it, it was to use part of the 50 officers that were just put in our department in this past budget and as council will remember, we had very lengthy discussions on the purpose of those officers. We as a department made a commitment to you that these officers were for the purpose of improving our community policing and our responding and all and therefore I do not believe that that would be an appropriate use of these officers. Although noise disturbances, we understand are very problematic for neighborhoods, especially with the strs, for our department they are a priority 4 call. We have four priorities. And that is why we have the response time issues that we have at times. So to dedicate officers to a task force would basically be making this a top level priority if we're dedicating resources specifically to this. It would be at the expense of other more violent crimes or higher level property crimes that those resources were intended for. So again when we came to you as a council asking for these officers, we had a specific purpose for them. I see that this would be a diversion from that. >> Houston: Thank you, chief manly. Perhaps I misunderstood, I thought you all were coming back to us with community policing. I thought that you were coming back with a plan. Regarding community policing. These were to be patrol officers. >> Right. >> Houston: So I'm not sure why this would impact community policing because we've not had that

[10:22:38 AM]

conversation yet. >> These officers, if you recall, were going to create two of the training shifts that will allow shifts to train without impacting the availability of officers on the street. And then we're going to create the two additional evening shifts, which I think will have some impact on the response times to noise complaints because, obviously, we're talking about the midnight to 3:00 A.M. Hours. It is traditionally when these noise complaints are coming in. And the majority of these resources will be going towards working during those hours. But to create a task force specifically geared towards enforcement of what is for us a priority 4 level incident, I don't believe would be appropriate. >> Mr. Mayor? >> Mayor Adler: Yes, Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Manly, for the remarks. I want to go back to the concept of community policing. We have some of the community is here today and they have been bitterly complaining about the lack of enforcement of the noise ordinance as public disturbances, public drunkenness, they are exasperated. So I think their idea of community policing is that you would respond to them as a community, they have an habitual bad actors making noise and doing drunkenness. To them the community policing would be the police comes out add answer their concerns in communities where they have strs. I can't think of a better definition of community policing to answer the communities, they are paying the taxes, we should respond to them as a priority. >> With limited resources we have to prioritize our responses and I believe as councilmember Gallo mentioned earlier, the times during which these types of calls are coming in are oftentimes when we are being diverted to violent crimes, bars are letting out, sixth street is clearing, it's during nighttime with robberies and assaults. And so unfortunately when we have limited resources, we have to have a system of prioritization. And the public order crimes that these tend to be are superseded by the violent crimes where there is potential for bodily injury

[10:24:39 AM]

or death. >> Zimmerman: I got it. But remember the conversation we had into the night on this, but uncommitted time, uncommitted time, uncommitted time. So A.P.D. Was asking for more officers so that they could have more uncommitted time so that they could do community policing. So in other words we voted for that, we provided that -- extra officers, so we've provided extra manpower. We are not saying all of those 50 officers. There could be a task force of five people. And they could be devoted so that we could get some response for the people calling. I need to keep communicating. You said we have limited resources, you're right. The taxpayers have limited resources, too. We are paying taxes and we much taxes. So they are demanding some response to these public disturbance calls. I think we could do it. The management we could do it. >> Mayor Adler: Ms. Kitchen? >> Kitchen: Just to add some explanation. You all know that we worked on providing some resources to come back with the community policing man. So certainly as part of that discussion, when you come back, we can talk about how you work on the neighborhood and noise types of things. But at this point -- at this point in time, we did not authorize any additional officers for community policing, per Se. We authorized additional officers for your workload and for attrition, so I -- I would have to concur that -- that this is not the appropriate time to talk about a unit, to focus on this, for this reason as well as others. There's really not an additional level of resources that we authorize that could be pulled away for this. >> Mayor Adler: I think Ms. Kitchen's point is well taken. As you are doing the study, as you're going to be coming back to us over the course of the year to talk about community policing, include in that analysis how you address the noise or what resources would be required in order to be able to do that, in addition to the other work that you prioritize. >> Yes, Mr. Mayor, we'll do that. >> Mayor Adler: Okay.

[10:26:45 AM]

Ms. Tovo, then Ms. Gallo. >> Tovo: Just to back up to the last, there were some suggestions made about

the last items. >> Mayor Adler: Yes. >> Tovo: I just wanted to make sure that we were not losing sight of those. I believe councilmember kitchen suggested that the occupancy be included within the license and councilmember Gallo suggested that that information be available on the website and so if they would like to make those amendments, I will certainly support them. But I think we shouldn't lose sight of those, I think they are good suggestions. >> Mayor Adler: I do, too. I want to try to knock off some of the concepts here. I didn't want to pre-empt your list -- >> Tovo: I'm extremely anxious to get to my list, those two seem related to what we did -- I thought we could knock those out quickly as long as we didn't get into a lengthy discussion about community policing. >> Mayor Adler: It's been moved by councilmember kitchen that the license itself identify the Numbers consistent with what we just passed, that that information be available real-time to the code inspectors as they are about to arrive on a piece of property. And that it is available to the public, so if the public puts in an address, they can see what the approved Numbers are. It's been seconded by Ms. Gallo. Any -- those in favor raise your hand. Those opposed. Unanimous on the dais with Mr. Zimmerman off. It was also asked if the ordinance could contain a provision that would let the code consider photographs and evidence as taken by the neighborhood. Ms. Pool made that motion. Can legal and code speak to that real fast for us? And a second by the mayor pro tem. >> I'll start it off on, Mr. Mayor, members of council.

[10:28:46 AM]

Certainly with the administrative hearing process, we can certainly add picture, photos, videos taken by neighbors and allow neighbors to actually come and testify as to what they saw, what they heard and why they think it was a nuisance, disturbance in the neighborhood. We have heard from legal that we can't depend on that information alone, but it's certainly -- it certainly can supplement what the officer is able to document with photos and with their observation. I'll let -- >> Mayor Adler: Okay. >> Nothing else to add. >> Mayor Adler: Okay. Ms. Pool moves that the ordinance specifically say that the neighborhood, that evidence as supplied by the neighborhood, including eyewitness accounts and photographs or other images taken be allowed to be presented to those administrative hearings. Seconded by tovo. Any conversation, discussion on this issue? Ms. Garza? >> Garza: Yeah, I think this is a great idea. I guess my attorney background raises red flags for due process. Because there are very specific rules for entering evidence. So I guess maybe legal could speak to that? >> Sure. So I think that the issue is if -- we couldn't rely on that alone to have somebody's license removed. But as evidence we prove it up in the very same way that you would prove up any evidence in conjunction with any violations of the code and [indiscernible]. >> Mayor Adler: Okay. They would still have to meet the same evidentiary requirements. Mess troxclair. >> Troxclair: First of all, I appreciate your efforts, mayor, to try to get us to a good place on this very complicated issue. I agree with you there's no perfect solution, we're going to try to do the best that we can here to

[10:30:47 AM]

balance -- two opposing sides of our community. I had to abstain from the first vote just because I haven't had time to -- to process the potential implications of the things that you listed. I appreciate you posting them on the message board, but it was just this morning so I just haven't had time to think through all of the scenarios and I guess this would also be appropriate when we're talking about photographs, I do agree with you that's probably the easiest way for us to address that. But my concern just in looking at this, thinking through what could happen, I'm -- I think with what we've passed so far, we could have a four bedroom house with eight people in it and only six of them are ever able to go outside. So I'm worried that, you know, a photograph of the eight people who are staying in the house not having gatherings outside, being responsible and quiet, simply walking out to their car and a photo

snapped of that would mean that they are violating our codes and so I'm just -- I'm just uncomfortable with this for now, so I guess that I'm going to abstain from this vote. >> Mayor Adler: Okay. For the record, it's my intent to allow people, I think everyone's intent to still allow people to walk in and out of the property. [Laughter]. But the point is well taken. If there's a picture taken, the picture itself will not tell you whether those people are standing in the front yard because they were walking to their car or because they were in fact assembling and staying there. So probably a single photo of the eight people in front may not be enough to prove the case. But a time stamped photograph that had the eight people out front sitting on the stoop drinking beer, that lasted 15, 20 minutes, might be good evidence that they weren't just walking to their car. So I understand the concern. What we're doing here is we're giving direction to staff to go out and draft the ordinance and run it through the process that we have and my hope is that those kinds of things shake

[10:32:49 AM]

out over the course of that process. But you are right. A single photograph will not convey whether or not they were assembling or whether they were walking. But I think they can be taken into account. Mr. Zimmerman. >> Zimmerman: This would -- take pick up on that a little bit. It's -- it's not enough maybe to prove your guilty, but it's enough to drag you into an administrative hearing of some kind. You could have people from south-by-southwest that come in and somebody knows somebody, next thing, you know, there's 10 or 12 people that you didn't invite and they are on your property. I remember what it was like in college, you know, you had people would show up uninvited. I'm like phoning up A.P.D., 311 saying hey there's people here I didn't invite, they come over and take a photo, now I get a fine. >> Mayor Adler: If over and over and over again we say, you know, something we just can't stop gatherings of 20, 25 people happening because we didn't invite them and it's just going to be that -- these things inherently attract 20, 25 people, then I think that improves the arguments of people that would say then they just don't belong in neighborhoods. Rather than just going to that step, what we're trying to do here today, I think, is to try to provide a point that doesn't have us going to that step that still let's the good actors establish that good actors will be there without inadvertently having gatherings of 25 people in the front yard. We'll find out. Okay. So what is -- what is before us now is the direction to staff to -- to note that evidence can be in essence provided by the neighborhood, subject to all of the rules of evidence as appropriately handled. That motion has been made and seconded. Is there any further discussion on that? Those in favor of that please raise your hand. Those opposed? >> Opposed. >> It is 911, Zimmerman

[10:34:51 AM]

voting no and troxclair abstaining. I think that gets us to -- >> Gallo: Mayor, I'm sorry. Could we go back to the noise. I just want to read what we did in August to make sure that we don't need to do further direction to move the compliance to code. So -- so the fifth be it resolved from our August resolution, number 4 says require short-term rentals license holders to complain apply with noise requirements. So it's saying that it's reinstating that they need to comply, but I think what we're trying to do is move the enforcement of that over to code. So I just want to make sure that we don't need to do anything else at this meeting to address moving the enforcement of the noise over to the code department. Not moving it over to them, but adding them to be along with the A.P.D. To be able to enforce that? >> I believe you took a vote on doing that already this morning. >> Mayor Adler: Already -- not this morning. >> To have code have the ability to enforce. >> Mayor Adler: Okay. Lest there be any question of whether we have done it or not done, we're going to take a quick vote on giving -- in every instance that we can, as you are drafting this ordinance, to code the ability to be able to also enforce the ordinance administratively.

In any and all ways that we have proscribed conduct or activity. Ms. Gallo moves that, seconded by Mr. Rentaria. Any conversation on that? Those in favor of that please raise your hand? Those opposed. >> Zimmerman: Abstention. >> Mayor Adler: It is 10-0-1 with Mr. Zimmerman abstaining. Do you want to go through some of your things? >> Tovo: Thank you, mayor. The first thing that I would like to do is backtrack us just a little bit, because we are initiating quite a

[10:36:51 AM]

few code amendments and it's going to take the land use commission sometime to work through them. I want to be sure that we prioritize the suspension amendment that we passed last week. It was my intent to do so. I know that we didn't specify a timeline, but I did go back and forth quite a bit with staff last week to determine whether or not we could affect that suspension immediately. Many people believe we can. However, I would like at least for this council to -- to have a -- to clarify the direction to our staff that they bring forward that amendment, that ordinance amendment, as soon as feasible. So that that is the priority for our land use commission, the planning commission and that that returns to council as soon as possible. So that's the direction that I would provide to staff to clarify the action we took last week. Otherwise, if it gets bundled up with the other ones, we won't be looking at that for months and months and months, I fear. >> Mayor Adler: Okay. This is the bad actor suspension issue. >> Tovo: No, mayor. This is to suspend all new type 2 short-term rental licenses. >> Mayor Adler: I see. It's been moved that the direction given to staff is to have the staff move through with the suspending new licenses separate and apart from the rest of the package so it could return more quickly. Right now the suspension ordinance says that it's effective as of the adoption of the overall ordinance. I think that was the time frame that was in that. Wasn't that the -- >> Tovo: The time frame was attached to when we would review the effectiveness of the whole body of changes. >> Mayor Adler: Right. And are you asking for that part to be changed? >> I think it's appropriate to wait for that whole body

[10:38:52 AM]

of changes to be adopted before we time the public hearings. So no. >> Mayor Adler: I'm sorry, then I'm unclear. >> Tovo: Sure. Just the suspension. I'm intending just the suspension, the ordinance amendment that would affect the suspension of new type 2 short-term rental licenses return to council as very soon as is practical. Practicable. >> Mayor Adler: And that the suspension then could go into effect even before -- >> Immediately. >> Mayor Adler: Before the new ordinance is adopted. >> Tovo: That's right. >> Mayor Adler: I understand that then. Moved by Ms. Tovo, seconded by Ms. Pool. Is there a discussion on that issue? So -- so what is -- so how long would it take for that to come back to us? >> The first opportunity for the codes and ordinances of the subcommittee of the planning commission to consider this would be October 20th. After that time, they would be able to consider the full planning commission could consider the ordinance on October 27th, provided we've met all of the notice requirements and then from there council will have to set the public hearing and make sure that there's notice and then have the public hearing itself. >> Mayor Adler: So it sounds like we could pass this the first week in novemberish. Is that right? >> That may be optimistic. But we will do our best to -- >> Mayor Adler: In terms of the timing. So -- so early to mid November it would be back to the city council for the city council to adopt, if it wished. >> If the council takes

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action in October to set the public hearings and I think we can -- I think the logistics can work out on that, but you'll have to set your public hearing date before even the planning commission gets an

opportunity to consider. >> Mayor Adler: If you were to set the public hearing, how much notice too we have to give to set a public hearing on something like that? Is it the same 72 hours that's required of posting? So it just 72 hours, right? >> [Indiscernible]. >> Mayor Adler: So we could -- >> [Indiscernible] >> Greg Dutton, planning and zoning. For a code amendment what takes a long time, it takes about two months for staff to put the item on the agenda to set it and then to do the conduct. The notification for the public takes about three weeks ahead of time, it has to go out in the newspaper. So -- >> Margaret: So we're looking at late November -- >> Mayor Adler: So we're looking at late November to the first of December as a practical matter. >> I think that's realistic. >> Tovo: I guess I'm asking for not what our usual time frame is. I'm asking for you to -- for you to expedite it. So rather than wait the Normal amount of time and publish something on our agenda, to set the public hearing and then come back, what I'm asking is for you to move forward, put an item on our agenda, at our very next meeting to set the public hearing so we can get that moving, we assume that the planning commission is going to consider it at its first opportunity and then we have it set for the council agenda at that first opportunity. You know, if we're doing something like suspending, suspending licenses it's really critical that we move forward. If we have agreed to do that, which we did, it's really critical that we move forward as soon as possible or we will have created a rush on short-term rental licenses in the interim. So it really is important that the staff move -- understand that this is a

[10:42:53 AM]

priority and we want this piece to come back to us as soon as possible. >> Council can waive the codes and ordinances review, as the planning commission, to the full commission without it going to the subcommittee first. The subcommittee is actually the longest delay we have right now because it is approximately four weeks away. >> Mayor Adler: I'm torn on this, Ms. Tovo. Having I think the same goals that you do, and trying to figure out what's the best way to work the suspension, we're adopting today to have the staff consider and hopefully we'll change the ordinances in a way that significantly prescribes how these things function and turning them into a more much sleeping arrangement place than an activity place. If in fact we're going to do that, then I would hope that these things can actually work. In residential areas. Part of me then sees this period of time when people are going to sign up as a really significant period of time. Because maybe we'll now capture a lot of people that haven't signed up before that will now come within our licensing operation. Recognizing that anybody that signs up in the next month are going to have to comply with these rules. So it's not like if they sign up before the rules they get out of the rules. They're going to have to do the rules. But a lot of the big problem with these strs is getting people to actually enter into our system. So -- so I'm not sure that -- that -- that it is best for the city to move us through that process in an extraordinary, but that I

[10:44:53 AM]

mean extra-ordinary way. Because I think where we ends 7 up will be a really good place. They will have to fall under those rules. I want as many people to come out of the shadows as we can and start going through our list, start going through their inspections and being regulated by the process. That's -- since I wasn't anticipating that request, I'm kind of thinking out loud and I'm thinking that maybe that wouldbe the better way. I don't have a problem with separating it from the balance so that it doesn't get caught in something that slows it down, but I'm not sure that I would take an extraordinary step to speed it up. >> Tovo: Mayor, the reality is anyone who is currently breaking our laws and hasn't registered their short-term rental will have a good month and a half at the very least to get that paperwork in order. And frankly, they could have done it long ago if they're operating illegally. [Applause]. And in fact, I would probably waive the codes and ordinance process too if that's what's

requiring the biggest delay because we have -- I think there's a real value in moving forward. We have a community that has asked us -- a divided community, but we certainly have many members of our community who have asked us to take immediate action to stem the flow of the increase in commercial short-term rentals in our neighborhoods, and I believe again since we did vote to do that I would just ask my colleagues to consider let's do it in a timely way and not have it be something that happens months from now. Frankly, many people -- at least a few people believed that it was going to take immediate effect and so waiting a month and a half is a lot longer than some of us, and I'll include myself

[10:46:54 AM]

in that, would like to wait. [Applause]. >> Mayor Adler: So that I understand the motion that you're making, why don't you tell me what the motion is that you would like to make. >> Tovo: Sure. It is really to provide direction to staff that they separate this item and prioritize it from all of the other code amendments that are going to be working their way through the land use commission, and that we waive the requirement for codes and ordinance review. And that it can predirectly on -- proceed directly on to planning commission. >> Mayor Adler: It's been moved that way. Is there a second to that? Ms. Pool makes that. I would vote for the first part of that. I'm going to vote against the second part and if they're linked then I have to vote no. If the -- if it doesn't pass because of that, I'll entertain a motion to have just the first part of that considered. Mr. Casar? >> Casar: Mayor, it seems that a lot of the folks assembled talked to us throughout the committee process about the bad actor clause is really critical because that's what would get people's licenses removed for the sort of behavior that is affecting residents now, even if we were to suspend those licenses we know a lot of the worst actors are indeed licensed. So just as a point of discussion it seems to me that that -- I understand the reasoning for wanting to expedite the suspension because of the potential rush on licenses, but if we were to be expediting any part of the process, that's the one that would give the people affected the most immediate relief now. I wanted to put that out there for potential discussion and then second, just as clarification so I can decide how to vote on the motion on the table at hand, is the -- I think y'all briefly discussed this. Is the intention for us to evaluate for a year after we have the enforcement tools in place or after the

[10:48:55 AM]

suspension? Because if the additional enforcement takes four months then we only have six or seven months to evaluate them. So those are the two points that I would like to see discussed. And my second question is sort of important for my decision on this. >> Tovo: I think, councilmember Casar, I think it is likely going to take months and months for these -- the rest of the ordinance amendments to come back to council for final approval and consideration and approval. So I think it's appropriate that we evaluate the impact of those rules a year after they are actually in place. Was that a clear enough answer to your question? Yes, I think it should be a year -- I think the evaluation should be a year after the rules are in place. >> Mayor Adler: Okay. We have a motion to uncouple the moratorium from the balance and to waive ordinance and code review process for that moratorium. Ms. Gallo. >> Gallo: And perhaps legal could come back up just to give us an idea. This has been a very scattered process. We've had these discussions over multiple committee meetings and council council meetings and it's been a two or three month process as we've been going through the entire process. We've indicated on all of our corresponds in our newsletter to our constituents because we asked legal initially what the process was involved in this whole picture and was told it was a three to four month process because of having to go to the planning commission subcommittee and then going to planning commission, which has public hearing, which I think is important and then also coming back to the council with public hearing. And so

we've indicated from the very beginning that this was not instantaneous and it would be part of a whole process. My part of separating out issues as the mayor pro tem has an issue important to

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her, Greg has mentioned an issue important to him, I think it's been so confusing in the population and the public anyway during this kind of scattered process, to me I think it's really important to keep the entire conversation together in the one resolution that will go through this process. I think as we start pulling pieces out it complicates it again. I would not be in favor of doing something that circumvents our Normal process, which once again is what we've waited to the community the process is going to be. But my goal would be that I think we need to keep all of the components that we've put together over the last handful of years in the same resolution that goes through the same process at the same time frame. >> Mayor Adler: So let's break this up. I think this is the better way to do that. There are two components to this. The first one is to uncouple it and the second one is to abridge the Normal process in this respect. >> Tovo: Mayor, just to be clear, it's to waive the codes and ordinance review. It is going through the Normal process of having your land use commission review a code amendment. >> Mayor Adler: Say that again. >> Tovo: I said the only piece of the process that we're waiving is the codes and ordinance subcommittee review. It is going through the Normal process of having a land use commission review the proposed code amendment and it is not abridging -- certainly not abridging the public process that will ensue once it comes back to council for review. >> Mayor Adler: It does have it abridging part of -- we have a process that's set up to have a certain amount of public interaction and a certain amount of diplomatic active and thoughtful time. And this is taking some of that away. You were objecting to me suggesting it was all being taken away. >> Tovo: I want to be very clear we're skipping the subcommittee. We're continuing on with the rest of it. But I'm happy to [indiscernible] Decoupling amendment. And so I will make those as

[10:53:01 AM]

separate issues. >> Gallo: Mayor, I'm so sorry, I asked legal to come up and then I didn't give her the chance to do that. Could you let us know if we left everything together where the process would be and what the time frame would be? >> >> So the prior resolution stated 150 days, which puts it at January 17th. But looking at a calendar and assuming that there may be a need for a postponement or a continuance at some level of review, that would probably set us for December 10th would be I think the fastest, unless we do not have any postponements. But I don't know with this amount of code amendments whether the commission could get through it all at one time or not. >> Gallo: December 10th would be what? >> That would be the date that council would have the public hearing and consider the ordinance. >> And then it comes back to council. >> Correct. >> Thank you. >> Mayor Adler: The first motion is to waive the the ordinance and code subcommittee review aspect of the process. Do you want to do it the other way? The first one is to decouple this provision from the others. That doesn't mean that you have to delay the other beyond this. It would mean that you don't hold up this for the other parts. But certainly if they could all move through at the same pediatrician that the one part could move through by itself, how it would move through the same. >> Tovo: With the expectation that it will come back to council early November, this piece. >> So the only 28 truly speed up the rest amendments

[10:55:03 AM]

is to waive codes and ordinances review, the subcommittee's review of the other changes. Because they don't -- >> Mayor Adler: You're saying decoupling doesn't speed things up? >> It would for that one

particular amendment, assuming that you waive the codes and ordinances subcommittee review. >> Mayor Adler: So if the way that we speed it up is waiving the ordinance and code subcommittee review, then the first thing we should vote on is whether we want to have ordinance and subcommittee review for that aspect of this. >> Tovo: Mayor, that's one way to speed it up. I think the other, as I understand it, if we immediately go ahead and post for our public hearing then at our next council meeting we could vote to set the public hearing. That would speed things up, rather than wait for -- to see what the timing is going to be like at codes and ordinance and planning commission and then go ahead and set the public hearing and then come back. I mean, there are ways to -- there are ways to get this moving with the -- and to set the expectation as a council and at the planning commission that this item would return to us at its earliest opportunity and in looking -- I don't have the calendar in front of me at the planning commission, but it sounds like their earliest opportunity for a final decision is October 27th and then our first meeting after that is November first maybe. >> Mayor Adler: But there's a three-week public period and the three week -- we can't -- can we have a three-week public period posting what's being considered without having that actually come back? >> Tovo: I believe the three-week public period is after the period of advertising that we're setting the public hearing. So once we set the public -- once we set the public hearing as a council, the three-week period sets in. >> Mayor Adler: But when you say to the public this is what we're going to be considering, don't you want

[10:57:04 AM]

to know what's being considered? Don't you want to have what comes back from the citizens groups that are looking at this so that you post for the public to see? >> Tovo: The notification is typically pretty general. >> But anybody it was going to be would be able to see what it was that came through that process and is being recommended. Unless we -- >> We've got a fair amount of documentation at this point. I don't think that's fairly atypical. I think we have posted for public hearings at a time where things are still moving through the planning commission, but again we may all just have different feelings about that. >> Mayor Adler: Ms. Kitchen. >> Kitchen: I was going to say I think it's appropriate to speed this up. [Applause]. I think it's different -- I don't know what the best way to do that is and I'm wondering if we have to specify the best way. Can we not suggest or -- not suggest. Can we not just say to our staff that we want it to come back to us in November? And then they can -- I don't know. I'm asking a question. And then we wouldn't have to worry about the mechanism. We would just say to them that there's when we would like it back. It makes sense because it's different than the other requirements and it's a pretty straightforward requirement. It's not going to require a whole lot of language change or anything like that. So I don't know. Just a question whether we need to specify. >> Mayor Adler: Does that work with you? >> [Inaudible]. [Inaudible - no mic]. >> Mayor Adler: So I think that the motion is that

[10:59:04 AM]

is -- that it's the will of the council for you to get us back that aspect of it as quickly as possible. We really think that should be early to mid November and to try to do that. And if there's a way to do that without waiving any part of our deliberative process that would be my preference as you go through that. And we're not sure what that vehicle would be. And then Ms. Gallo or others, Mr. Casar, if at that point in time you wanted the council to wait taking that action because of what was happening with the rest of it that's certainly action that the council could take at that point if it -- if it wanted to. We're not predetermining that vote, but we're asking staff to give us that option if it's able to do that. There's been moved then by the mayor pro tem, seconded by Ms. Pool. Is there any discussion on that? Ms. Gallo? >> Gallo: I'm just confused on this point. Have we separated the two issues of waiving -- I want it to happen

as quickly as possible, but I want us to stay with the process that the public is entitled to. So are we operating it out? I'm reluctant to vote on something that includes waiving -- that includes circumventing the Normal process. >> Mayor Adler: I think the way this may be set up is this. We're asking staff to run this whole thing through the process as quickly as we can, the whole thing. But basically with respect to the moratorium if there is an opportunity to get it back to us more quickly by decoupling those and moving forward with it, so that it could get back to us with some sentiment that we not waive any part of our deliberative process, then I don't know how we can finesse that. Are we giving them the opportunity to waive the delivery process? I think we have to take a vote on it. >> Tovo: My motion -- I'm sorry, my -- I talk too much

[11:01:08 AM]

and I broke my microphone. My first motion is to direct staff to decouple the suspension from the other items and to bring it back to council at the earliest opportunity which we expect will be early November. Maybe the fifth. [Applause]. >> Tovo: If that's successful I will follow up with a second motion suggesting that we waive the codes and ordinance process requirement. The codes and ordinance requirement. >> Mayor Adler: So the first motion is to decouple -- is to get back the moratorium as quickly as possible. Hopefully it all comes back to us at the same time. But if by decoupling you can get the moratorium to come back to us more quickly than this vote is to allow staff to decouple those two, it does not give them the ability to wave any of the established, deliberative process. It just allows them to decouple if that could get it back more quickly than not decoupling. That as I understand it is the motion that's been seconded. >> Gallo: And we are not voting to waive the process. >> Mayor Adler: We're not voting to waive the process. Nor are we agreeing that having been decoupled if it comes back more quickly, that this council will act on it until it gets the rest of it. This council could at this point if it was decoupled say there were balances getting to us in another two weeks, let's wait for that to happen. Or it could say they're not going to get to us for another two months, let's act. We're not deciding that question. All this motion is allowing staff to decouple the moratorium if they think they can get it back to us more quickly, not waiving any of our process. That's been moved and seconded. All in favor of that please raise your hand?

[11:03:09 AM]

Those opposed? You. So it's 9-1-1, troxclair voting no, Zimmerman abstaining and Casar off the dais. So 8-1-1, one absent. The next motion is to authorize staff to waive the need for the moratorium issue to go to the ordinance -- code around ordinance subcommittee of the planning commission. Seconded by Ms. Pool. Is there any discussion on this? >> Zimmerman: Mr. Mayor, I'd like to speak against the motion because I agree with councilmember Gallo that these are very critical decisions and I don't want to cut out any of the deliberative process. I think it needs all the review that it can get. So I would be against omitting that deliberation with the commission. >> Mayor Adler: Okay. Any further discussion? Ms. Garza? >> Garza: So for example, when we change -- I'm trying to figure out this process. When we change the -- I don't know if this is a good example, but the taxicab, did that have to go through something and come back to us? Is this different because it's a code issue? >> Mayor Adler: Legal? >> Garza: Can you give an analogy of a code thing we've voted it and it went through the process and came back to us for another vote? >> I think I can answer your question this way. This is title 25 so it's the land development code and it has its own set of processes separate and apart from other parts of the code. If we were amending title 4 we would not necessarily have to go to the planning commission or to maybe even no other commission unless council was directing to go to one. But under title 25 the

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requirements are very specific and because these are zoning regulations they will need to go to the planning commission. And that planning commission review cannot be waived, but the subcommittee could be. >> Garza: There's no way we could do that with this vote. >> Correct. >> Tovo: Mayor, could I ask our council to describe the process by which council could actually waive -- can waive the requirement to have a waiting period between the ordinance? There are measures in our code that allow council to have something go into immediate effect for health and safety reasons, which has been I am limited in the past. Which is not what we're doing here. Just saying that there are ways to waive the process to speed it up when it's in the interest of the community and the city. >> If you have an emergency when you pass an ordinance you can waive the 10-day rule. That's on the back end of this. That would be different from the process that you're going through now. If I may to clarify the motion you have on the table I think you're asking that you all are waiving the requirement, staff can't waive the requirement to go through the process. And I think you're asking to waive that if we are not able to bring that back soon enough and you might want to have a particular date in there. So by your November something council meeting. I think your motion is to waive if necessary. Maybe you are trying to wave it all together right now with this vote. >> Mayor Adler: Ms. Tovo? >> Tovo: I'm happy to make that clarification in my motion. My expectation is it could come back to us on November 5th. >> Mayor Adler: November 5th is the meeting we were pulling down so that councilmembers could go to the national --

[11:07:11 AM]

>> Tovo: Then I think our first opportunity is October 12th. No, actually, I would need the planning commission schedule. If we waived the codes and ordinance process it's possible it could come back to us on October 15th. But I'd be happy to make my motion as early as October 15th and no later than November 12th. >> Mayor Adler: So the motion is to waive the subcommittee work if necessary to allow or to enable the moratorium issue to come back to council as early as October 15th, no later than November 15th. November 12th. It's been seconded by Ms. Pool. Is there any discussion on this waiver? Those in favor of the waiver please raise your hand? Kitchen, pool, Houston -- kitchen, Garza, pool, Houston, and the mayor pro tem. Those opposed? It's the remaining five on the dais, Casar is here. It does not pass. The next item that we'll consider there's a requirement you had, Ms. Tovo in your deal. It was F. It was to require these str advertisement listing services to collect and remit hotel-motel taxes to the city. I understand that some of them are set up to do that. Some are not because some

[11:09:15 AM]

are parties or merchants of record and others are not. I'm comfortable giving the direction of [indiscernible] To staff when it's working through the ordinance to come back with us with the full extent of what's reasonable or practical with respect to at remitting and collecting taxes. I don't know if you wanted something more specific than that. And I'm now with five minutes to do it, I'm trying to run through real fast some of the things that would be helpful -- >> Tovo: What is our final time here today? >> Mayor Adler: It's 10 after, 11:15. Greg was one of the people who wanted to have it earlier. He just left. I would say we have 20 more minutes. >> Tovo: I cording to the clock up there we have -- according to the clock up there we have an hour. It's been saying 10:08 for a very long time. I'm happy with this staff coming back to us with different options for requiring that. But I do we we all show and ask our staff to look at cities is that have made this requirement and see how they're doing it. And I feel that if we set something that listing services-- listing services may need to dot adapt their practices, if there's

the regulation we have, but I don't mind keeping it somewhat more general. >> Mayor Adler: I like that because that enables us to proceed with it. It gives time for staff to get it to the full extent possible and doesn't have us trying to figure out what's actually doable or not doable of what we said on the dais. So it's been moved by Ms. Tovo. Is there a second to -- yes. >> Kitchen: I have a question what we're moving. I think I would encourage that the staff would come back with options for enforcement of collection of taxes and that it include the option that councilmember tovo had brought forward, but not be limited to that option. >> Mayor Adler: Okay. Give us a range of options.

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Privates that point we could address both legality as well as practicality. Ms. Gallo? >> Gallo: Would they be addressing situations of advertisers? I'm thinking of the statesman, I'm thinking of Craig's list that have never and probably will never do anything like that? Are we looking at the potential that there could possibly be reasons that we can't do this? >> Mayor Adler: Yes. They're looking at the full extent of who could be part of that regulatory stream, both looking at legality as well as practicality. >> Kitchen: But I don't want to limit it to that. That idea is having collections of taxes working through the appropriate business entity where appropriate that advertises. There may be other options. So I'm just suggesting that -- I'm just asking staff to look beyond those options to other options too. And the reason I think this is important is because if we're talking about enforcement -- if we're talking about enforcement of str's that includes not only how they act within our communities, but also paying their taxes is also a part of being a good part of the community. >> Mayor Adler: So I understand -- it's my understanding, Ms. Tovo, your motion is everything that you said, but consistent with Ms. Kitchen, not just related to advertising and listing services, but also looking at other cities to see -- other practices if there are additional ways to also collect and remit hotel-motel taxes. >> Tovo: Yeah, I'm fine with that. The language might then become something like determine -- direct staff to determine options for the collection and remittance of hotel-motel taxes to the city of Austin including potentially requiring short-term rental advertising and listing services to manage that

[11:13:18 AM]

process. >> Mayor Adler: Sounds good. Including but not limited to. That's what I understood your motion to be. Ms. Pool, you seconded that. I think you understood that as well. Ms. Kitchen, thank you. Any further discussion on this? Those in favor please raise your hand? Those opposed? It's unanimous on the dais. With Mr. Zimmerman and Mr. Casar off, so 9-0, two members off. You also had the provision, Ms. Tovo, of requiring multi-family units to be -- multi-family to not be more than three percent within any particular unit structure. Would you be amenable saying no more than three percent but to allow a minimum of one in any unit? That way in a 10 unit could have one unit. >> Tovo: How would that work with the overall cap? >> It would still -- >> They still have to fall within the three percent of any -- >> Mayor Adler: Of any census here, yes. >> Tovo: Yes, assuming that it's within and our staff can add whatever language they need to. There are certainly multi-family complexes that don't allow short-term rentals and we don't want to get in the business of interfering with that relationship. But I'm fine with that. >> Mayor Adler: So Ms. Tovo then moves to repeal the provision that had allowed 25% of multi-family units on a commercially zoned property to be moved -- to be a type 3 str. And to take that to the same three percent that homes have to deal with, allowing for a minimum of at least one in any unit. But still having these

[11:15:19 AM]

properties respect and be constrained by the three percent in an area. That's been moved, is that correct? >> Tovo: By property and by area. >> Mayor Adler: By property and by area, yes. It's been moved. Is there a second to that? Ms. Houston seconds that. Is there discussion on it? You look confused. I don't want to move too fast here. What we're talking about was item B on Ms. Tovo's posted list. The only change is as I read item B is it allowed for one unit. If otherwise allowed it would allow for one unit in an apartment complex that has so few units that three percent would be an absolute ban. It would allow one unit if otherwise authorized in that complex. Councilmember kitchen. >> Kitchen: I wanted to clarify that that doesn't require -- I know you're not saying that, but for the public I would like to -- justly that that doesn't -- a unit -- an apartment complex can have none if they so choose. >> Are they going to adopt their own rules for their complex as is allowed on lots of different levels? Ms. Troxclair? >> Troxclair: First I want to clarify, I don't know of any apartment -- we're talking about condos. I don't know of any apartments that allow short-term rentals. I don't know if this is what mayor pro tem was referencing, but every condo development that I have ever seen has their own set of what they allow and don't allow through very strictly enforced hoa requirements. And there are very few multi-family -- well, there are very few condo complexes in the city that Anne even

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allow str to -- that even allow str to begin with. Past that the ones who do aren't the problems. The problem properties that we're talking about. So I'm just -- this is -- again, this is a really big change, I'm unsure of. If we're banning existing -- I mean, I just know one complex in particular that probably reaches the 25% cap, but I don't know if -- if we're banning existing or we're just banning going forward. I don't know. Again, this just seems like a big change in -- I don't know that this is getting into the heart of the problem that we're hearing about, which is in single family homes. [Applause] >> Mayor Adler: My understanding is -- my understanding is that with everything that we're doing, we're not -- with respect to the moratorium, with respect to licensing, we're not taking license away from people or people's ability to apply for renewals. We are limiting new people from being able to come in. Is that your understanding? >> Well, with regard to this particular provision, if there is a complex that's over 25%, there's going to need to be attrition to bring it down. But, yeah, we're not going -- I think that's something in the code amendment process that we're going to need staff to advise us, what are some options for that. I mean, there are some other amendments that are included here that are a little different. That might offer some direction for that. But if you are in those complexes, where they are beyond 25%, they certainly won't be able to apply for new licenses if they are over 25%. >> Mayor Adler: What about existing licenses. >> Tovo: I think there are various options how to handle that. Again, I think we should ask our staff to consider that. One option that's been suggested is that the city have some sort of lottery to get those as the renewals come up, to get those Numbers down to 3% where they should be if this passes. Another would be to allow

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the individual complexes to determine who in their building gets to do that, if they are over 25%. I don't know how many -- I don't know how many complexes that we have that are beyond 25%. I hear examples of one that is on 75%, I think that's going to be a challenge for that complex to get it down to - for that property to get it down to 3%, but again I think that at this point we're initiating a code process and we can ask staff to come up with some options for how we affect that. But let me -- let me just speak to the problems, the range of problems we're addressing. I would say councilmember troxclair, for me this is about housing availability. And we had an opportunity, you know, I talked a little bit about this last week. For me this is a measure that is not in sync with our goal of making sure that we have as

many housing opportunities as possible for Austin residents. [Applause] So -- so it's -- at the problem properties, that is a different component I think than what we have been doing here. >> Mayor Adler: I support that component. Is it in keeping with what I think that I just heard you say, so the -- so that I could vote for this, without knowing what the actual result is. That we're asking staff to come and give us options on how you might execute this. Either grandfathering ones that are existing or allowing for attrition or some other process that would reel back the number and let that not have to decide or vote on that question now, but -- but let staff come back with that -- >> Tovo: Absolutely. I think they should present us with several different options and also a sense of how many properties this is going to impact, how many properties are beyond the 25%. >> Mayor Adler: Ms. Troxclair. >> I'm still confused you are talking about 25% or 3%. There is an existing

[11:21:20 AM]

regulation that caps str's in type 3 str's at 25% per complex. But this is bringing it down to 3%. So it's a major change. We're not talking about the complexes who are over 25%. You're talking about any -- probably any complex who allows str's to bring that down to 3%, which is a significant change and I will say not in line with the census tract, the 3% comes from their requirement that we don't have more than 3% str's within a census tract, so this doesn't bring it in line with that. It actually -- I mean, it's very different because we are not saying 3% in regards to the census tract. You are saying 3% in regards to a building. So I -- I just -- and I guess to the housing stock availability, I know at least one person who used to live in a condo near downtown, she lived and worked downtown, she was -- her job was transferred but she still has to travel to Austin a lot, so she kept her condo. She moved. She kept it as a type 2 rental. She's here probably once a month because she's staying in it for work and she would be probably one of the people who would have to sell her property. And so I don't -- I just think that this really deserves some more thought than what we're giving it right now. I think that if -- so just really encourage us to take more time to think about this one. [Applause] >> Mayor Adler: Ms. Gallo. >> Gallo: Thank you for making those points. I think, as you know, everyone knows my goal through this whole multi-, multi-month process has to be increase the capabilities of our code enforcement department and properties that are negatively impacting our neighborhoods. The issue that I have with

[11:23:20 AM]

this is I think we're talking about properties that are in situations, in complexes, where you already have an enforcement tool, if it's a multi-family, if it's an apartment complex, you have a management company that's supervising those units or you have an owner that's supervising those units and they would take control of the situation if they saw an environment that was negatively affecting the rest of their residents. The same can be said about condo projects. All of the condo projects, you have a homeowners association and the homeowners have the ability to institute rules that ban this within their homeowner rules and regulations and I think that those homeowner association groups would take control of enforcement of people that are not complying to code and being bad neighbors. I think in multi-family and condos, you already have that enforcement level and layer on there that we don't have with the single family properties. And so I think that that's a different situation and, once again, the -- the housing issue, housing of residents, I think that there are many people, I know people that are remodeling their homes or had damage to their homes or selling their homes and not able to get into a new property yet that go into apartment complexes and condo units for a temporary short-term basis, that could be a couple of weeks or could be less than a month. So I do think these give the opportunity to Austin residents that need temporary housing to be able to have that temporary housing and I don't - I think it would be a really bad situation for that part of our Austin public to have that eliminated from

their options. Once again, I think the enforcement layer is already there with the management companies and the homeowner associations that already exist in these particular properties. [Applause]
>> Mayor Adler: Any further discussion on this item?

[11:25:22 AM]

Ms. Garza. >> Garza: Yeah. I keep going back to the reason why we revisited this whole thing. I don't use that as the only thing to decide what I'm going to vote on each one of these, but it is a strong part of what I use to decide. This one I don't -- I thought the issue was the party houses, that's -- those are the picture that's we've been sent, those are the videos we've been sent of party houses and parties there. So I'm leaning towards, you know, not voting for this one because I don't see it as -- as the goal was to address the party houses, but I would also agree that, you know, with -- with deliberation on my own, I could be swayed either way. So I would suggest maybe we move this to the next time we discuss this and think about it a little more. >> Mayor Adler: Any further discussion on this, Ms. Tovo? >> Tovo: Yeah, mayor. I'm certainly happy if there are certainly if it doesn't seem like it's got support, I'm happy to give people more time. But I just wants to -- I was trying to keep my comments short because I know we need to conclude. I want to refer you back again to the list of headlines and notes that I had handed out last time about what the situation is in Austin in terms of housing supply and the number -- the Numbers of families with children moving out of town. You know, just in a very quick search, looking nationally, this is a national question and I'll just read to you some of the headlines. Short term -- this is from Berkeley. The short-term rentals are squeezing out Berkeley renters, from Santa Barbara, short-term rental vacation rentals, exacerbate Santa Barbara's tight local housing market. New York as many of you know, all of you know, I'm sure, is looking carefully at this issue. The attorney general did a report looking at how it has affected among other things housing supply. Sonoma, sonoma county's community development

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commission also looked at the impact of housing supply. Housing supply shifts to vacation rentals is one of their subtopics. This is an important issue. If we're concerned about housing supply, allowing properties to convert a quarter of their properties to rental units is a significant number. If we have particular properties that are higher than -- or at 25% or higher, perhaps it's time for them to consider seeking a zoning change to a hotel if that's -- if that's -- [applause] -- If that's the majority of -- of their interest or that's a significant interest to have that, to have -- they have that at their means as well. Again, I would urge your consideration. For me this is the exploration we've been doing is, yes, about -- about the problem properties and the party houses, but there is a very significant question, I think, before us of whether -- whether one, allowing these commercial enterprises within our neighborhoods is appropriate, and, also, the impact it's having on our housing supply. Even with a 3% cap. [Applause]. This would bring it more into line with -- with the kind of limits we've imposed on single family. [Applause] >> Mayor Adler: Okay. Ms. Kitchen? >> Kitchen: My suggestion would be, I think -- I think that this is an item that really needs to be considered. I'm getting the feeling that we need more time. And I think we have some other points along the way of this journey because we still have to vote on the ordinance when it comes back to us. But there were also some suggestions made to us, someone just handed us some suggestions about another way to get at some limitations in the concerns about housing stock with str 3s that might put a limitation by Zones, for example, rather than by property. Anyway, so there's more to think about. If it's not really time sensitive, I would suggest if it's okay with mayor pro tem, that we have a little more time to think about

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this item. >> Tovo: That's fine with me. I would be happy to post some of these links. I think they offer some interesting information. So, mayor, I know that you are trying to conclude so we likely won't get to any of the others as well. >> Mayor Adler: I think that's true. >> Tovo: Can we talk about when we might revisit this issue? >> Mayor Adler: Well, I -- >> Tovo: I don't want to say at our next meeting and then have special called meetings. >> Mayor Adler: We've spent a lot of time on now str. May suggestion would be if it come back to us again, it come back to us through the planning committee so there can be some discussion on how much more time we want to invest at this point on this topic. I think that we've just between what happened in August and what happened last week, with what happened today, we have really substantially moved forward this conversation. And -- and in many -- many multiple areas. So I've probably -- I would not pick a time or pick a path for this particular topic to come back to us any more than any other topic to come back to us. >> Tovo: Well, mayor, with all due respect I have amendments pending before the council and I would request that we have those come back to us at our next opportunity for a vote. >> Mayor Adler: I think that any four people can put it on to the agenda. Maybe that's the way to handle it. We have the ability for that to happen. And -- and would -- with -- would that provide a way for you to put any and all of these str items back on the agenda? >> Tovo: Yes, it would. However, I just want to remind the council these were forwarded to the council by the planning commission, by the neighborhood and planning's committee for council consideration. With that recommendation. So they have already gone through the committee process. They've been forwarded to the council. I would say it's not appropriate to go back to

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the committee -- [applause] -- I'm happy to bring them forward as a resolution, I would just say that is a level of process that hasn't currently existed and I'm not sure that it's required by our -- by the process we adopted. But I would like a hearing on them. However we get there. [Applause]. >> Mayor Adler: And I didn't mean that to be the only way. What I am saying is that we've now spent three council meetings on str and there are other items for us to consider as well. And I think it is appropriate when an item has been considered by the council on three separate occasions with votes on items on three separate occasions to say we've kind of handled this run. There are multiple ways to put this and any item back on the agenda. One way would be to go back through the committee. Adopt have to do that, it's gone through the committee. Any four people can put it on the agenda. I think that's a good compromise for us not spending a fourth or fifth city council meeting on str. Certainly if four of 11 people -- less than 40% said hey, I want to have this back on the agenda. We have rules to let that happen. That would be my preference as opposed to setting it to a time certain to come back to the council, only because we've already done so much work on this and it's taken up time. But I do that because I don't think that it's a particular high bar for someone to post something back on the agenda. But that could be the will of the council if the council wanted to handle it different they. Ms. Houston? >> Houston: Mayor -- and I appreciate what you're saying, but it appears that if the prior council has been thoughtful and deliberate as we're trying to be, we wouldn't be in this situation, so I'd like to keep us moving forward.

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[Applause]. So it would be helpful to go ahead and deal with it and get it over with as best as we can. [Applause]. >> Mayor Adler: Ms. Pool. >> Pool: There were two issues that I wanted to make sure that we address and one is on the commercial rentals, which are the type 2 that Americans with disabilitiesability compliance issues are respected. We haven't talked about that. And then I also --

[applause]. I also wanted to talk about the possibility of lowering the registration fee on type 1 strs, the owner-occupied, along with the registration cost for the type 2 commercial short-term rentals, which I wanted to look at that number and make sure that it was appropriately high. >> Mayor Adler: So I would say you are at four people to put it on the agenda so I would say pick the agenda that you want to put it on by just asking for it to be posted. Does that work? >> Tovo: I hope this is not the process going forward. I'll just say that owe O'. >> Mayor Adler: I'm not in a position to really be able -- we could say the next meeting, but that was not something that we wanted to have. If you wanted to propose a particular date for them to come back, I'd entertain a motion to postpone to a date certain if that's something that you wanted to move. I don't want to stop anything from moving in front of the council. Mr. Renteria? >> Renteria: Yes. This was really created as the single-family house -- >> Mayor Adler: Hang on a second. >> Renteria: I support

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banning, but not because condos and apartments are a real nuisance to the neighbors because I have never heard of a complaint, but this is another issue that really concerns me is that the part of that is that, you know, we are taking housing away that we really desperately need for families here, but I can see that it's two different issues that we're now venturing into. And I don't have any problem discussing any item because, you know, even though I'm having the committee here this afternoon, I still think we have time, but I think we're really discussing two different issues now about allowing these strs in multi-family units if more of a it's more of them taking housing that we really desperately need for our families. That's the way I see it. >> Kitchen: Mr. Mayor? >> Mayor Adler: If it's okay with Ms. Tovo I would like to have a vote on the item that we just discussed on 25% because we were sending it to the staff to take a look at those issues. Do you want to hold off on that? >> Tovo: I was happy with -- I think at this point -- we need to wrap up and we don't have time to fully consider it. I'm happy to withdraw that motion and postpone that and the other items. >> Mayor Adler: Do you have a date certain you would like to go to? >> Tovo: I wanted to hear what councilmember kitchen wanted to say? >> Kitchen: To follow up on what councilmember Renteria is saying, I'm on the housing committee also and the kinds of questions being raised right now relate to housing stock. And if the chair, councilmember Renteria, feels that there's time to deal with this then I would suggest that we talk about it in that committee. That would be very quick. And then could be brought back through that committee process since that committee is more appropriately focused on the kind of issues that we're raising here. Is that what you were suggesting, councilmember Renteria?

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>> Yes, because -- >> Kitchen: We have a meeting tomorrow. >> Mayor Adler: I don't think you could post it in time, though, for that conversation. >> Kitchen: We could do a special meeting. >> Renteria: We could do a briefing on it. >> Mayor Adler: Ms. Garza? >> Garza: I guess I'm concerned about the precedent we might be setting here when we've brought an issue forward to look at all over again and now we say we're going to divide it up. We're going to stop talking about this, not talk about amendments that were previously made. And I'll be honest, I don't agree with every single one of mayor pro tem's amendments, but I do believe that we should listen to them and vet them before we send this as a package to law to do whatever process that's in place. So I'm concerned about the process of now we're going to send this back to a committee and maybe it will come back to council. Just because we're concerned about time running out, we go until midnight, late night, through meetings all the time vetting issues, just out of respect for each of our councilmembers. I would say the same thing for anybody else who had brought forward amendments and want them to be heard and I know these

amendments were heard at the committee level and then brought here and then mayor pro tem was criticized for not having them be vetted so now we're saying we don't want to listen to them again. We'll push this to the committee. So I'm just concerned about the precedent we're setting and having respect for the amendments that our councilmembers [indiscernible]. [Applause]. >> Mayor Adler: I think we have three choices. One is we could vote to just extend this meeting and continue to working through the items that are on the agenda and take votes on them. The second thing would be to postpone these items to a time certain for a future council meeting. And the third one would be for the housing committee to also consider the str.

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And number two and number three are not mutually exclusive if the time that it's set is sufficiently out front to allow the housing committee to consider in an intervening meeting. And I am fine with any of those choices and to the will of the council. Ms. Tovo. >> Tovo: Thank you, mayor and thank you, colleagues, for the comments, especially I appreciate councilmember Garza's point. I am going to move that we postpone the rest of my amendments to October 8th, which is our zoning meeting. And I -- and if the housing committee has an opportunity to meet and discuss them, that would be helpful input. >> Mayor Adler: It's been moved to postpone the balance of the str conversation until October 8th. Is there a second to that motion? Ms. Houston. Any discussion on this? Those in favor of pope ponying it to October -- postponing it to October 8th please raise your hand. I think it's everyone on the dais. So we'll postpone to October 8th. That does not obviate Mr. Renteria, councilmember kitchen, consideration at the committee between then. And frankly I think that would be helpful for the council if you had the opportunity to be able to do that. As you will recall today was a special meeting set specifically just to discuss str in addition to the budget matters. We've postponed that. Then we have handled all of the business that was set for us. We stand adjourned