

City Council Work Session Transcript –12/08/2015

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 12/8/2015 6:00:00 AM

Original Air Date: 12/8/2015

Transcript Generated by SnapStream

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>> Tovo: Thank you all for being here. I'm mayor pro tem Kathie tovo. I am sitting in for mayor Adler today. He is out for city business and we now have a quorum. I apologize for the late start. It is 9:20 on December the eighth and we are meeting in the works room. We will start with our presentations if staff could come up. Maybe we're not starting with that. All right, thank you, welcome. My hope is that we'll take about 20 minutes to 30 minutes on this item. We've got to keep kind of careful track of time here today because we've got a slew of issues. But thank you. >> Good morning. I'm commander fortune with the Austin police. I'm over the highway enforcement. And I'm going to start off the powerpoint presentation and then we'll have Francis Riley with the planning go over the second and Jim will wrap up the powerpoint. Today's presentation we'll go over statistics, the zero issue action plan, current safety efforts and the next steps. 64 people have died in crashes is the average in Austin each year. This year we're at 92. So zero is what we average going back quite a few years. And obviously this year we've been an exceptionally high number. We've had over 700 traffic fatalities since 2004 and Austin ranks currently right now seventh for pedestrian fatality rate per the 100,000 population. This bar graph basically shows you Austin traffic deaths since 2004 and where we are currently. And that last bar graph it should be a little higher, but we ended

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this presentation when we did it October 31st, so currently it shows 84, but it actually is 92. So that color would be going up a little higher on that bar graph at the very end. Obviously we've had the spike. If you look at 2004 we had a spike. Then it went down and then it peaked up again in 12 and 13, dipped down again in 14 and then spiked up in 15. And when we're comparing ourselves to other cities you can see Austin falls right in the middle. New York being one of the highest at the very beginning, and then at the end is the Nashville, I guess Davidson area, and Boston being the end there when it comes to comparison to other cities. Austin -- when you look at our pedestrian rate it's not as bad as some of the

other cities. Our motor vehicle and transportation fatalities are a little higher as compared to other cities. We're right in the middle. And the fatality rate per 100,000 compared to other cities is the same thing. We're smack dab pretty much right in the middle with Boston being the lowest and Detroit being the highest. So again through October 31st when we look at the deaths by transportation modes, we're looking at 31% have been pedestrian, 14% have been on a motorcycle. One% has been a bicyclist and the large majority have been motor vehicles, which is 54%. And some of the findings we did this year looking at what were the causes, what are the major factors, and they probably have gone back the same factors for years, but just looking at this year. Impairment is a major factor. 59% of the motor vehicle fatalities included alcohol, drugs. Pedestrians 44% and motorcyclists 54%. As far as the spike in pedestrians we went back and looked at that. We're talking about fatalities, not just crashes. 92% of the pedestrians killed have been in a prohibited area, meaning they're crossing an area

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where they're not expecting to see a person, whether it's across a high speed roadway, not using a crosswalk. So that's pretty alarming right there. And 42% of those folks that have been killed that are pedestrians we deem them to be transients, meaning they did not have a home. There's no place for them to be at. When we went in it deeper we started putting together a profile of -- we didn't want to look at victims, per se, people doing the right thing and became a traffic fatality. People doing the right thing there's nothing to correct what you were doing right. We wanted to look at what people were doing wrong. A lot of the pedestrians, we went with a very low number with transient population, saying 42, but what we find is even higher is we had a lot of people mentally ill, a lot of people public housing. I think that's a big at risk population when it comes to our pedestrians. And the nighttime hours I think six P.M. To six A.M., 84% of the pedestrians have been killed and obviously visibility becomes a big factor. People can't see you, you're more likely to get hit. And that goes the same thing for our nighttime hours kind of across the board for all our traffic fatalities, whether it be a motor vehicle or motorcyclists, that's the time for impairment. Most people are usually drinking at the later hours, getting out of bars. Drivers license issues is another factor. We noticed this year when we went back and looked and it's kind of been an article factor they've looked at is 30% of people that are involved in fatality collisions this year, crashes, have had no valid driver's license, meaning they do not have a driver's license or they had a driver's license and it was suspended. A previous suspension again up there is 30%. And prior A.P.D. Involvement meaning 70%, meaning there's some

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sort of historical record we have just in the city of Austin with our folks who have been killed in traffic fatalities that they have some sort of negligible history with us, meaning they were arrested, there's a prior suspension. They have some sort of negative thing in their history. So that's pretty alarming too. We are finding people who are making bad choices, have made bad choices in the past as well. And when it comes to the motorcyclists, no valid driver's license, 42% of them. Previous suspensions, 25%. And prior A.P.D. Involvement as well as on them is 58%. Yet again it's pretty alarming. We're finding a lot of people getting in these types of incidents which lead to fatal consequences have had a prior history. And those are some of the things we've looked at and found and we're going to continue to see what we can find our at-risk populations. And I'm going to turn it over to Francis next. >> Good morning. My name is Francis Riley. I'm a planner with the planning and zoning department and staff to the vision zero task force. Vision zero is a holistic approach to transportation safety. It has proven success in other cities. It looks at traffic deaths and injuries as a public health problem and similar to smoking or not wearing a seat belt, the answer to solving it lies in raising awareness, educating people,

making changes to our regulations and building safety into our design. We also start by changing how we look at traffic deaths. They're a preventable problem and therefore none are acceptable. This is an effort that's going to require all

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austinians and it really involves making safety our primary consideration in decision making. And in looking at safety solutions holistically through education, enforcement, engineering and design, these principles are incorporated into the amendment y'all adopted back in October into imagine. That amendment also included an action to create an ongoing vision zero task force. And so that task force that was originally created by the previous council last November and started meeting this past January has been working to better understand traffic deaths and serious injuries and come up with recommendations in the form of an action plan. So I want to go through those briefly. The first high level recommendation is that we collect and share data between departments, agencies, and make it available to the public as well? And use that data to really inform our decisions. This map that's on screen is an initial look at crash data from 2010 to 2014. We see in the heat on this map is all incapacitating injuries and deaths, and then the points, the red points on there are coded by mode for deaths. And what we see pretty generally speaking is that our injuries do follow some pretty clear patterns. They tend to be on the roadways with the

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highest traffic on them. Which is not unexpected, but particularly when we're looking at pedestrian and bicyclists deaths they tend to be on our higher speed roadways. And this is really a case for making our fatalities -- safer as well as providing alternatives for people walking and biking. Looking at who is affected, we see disproportionately that people walking, biking and riding motorcycles are affected. They make up less than seven percent of our mode split in Austin, but they're over half of our traffic deaths. Looking also at what contributes to our fatal or incapacitating crashes we see almost 80% of those crashes come from one of six behaviors. So improper movements like lane changing or turning, driver distraction, failure to yield right-of-way, speed but not necessarily speeding, alcohol or drugs and failure to stop. So that leads us to our second big recommendation is that we use that initial mapping and looking at those contributing factors to target education, enforcement and engineering efforts. An example of that is it's taking that heat map that I showed on screen just a minute ago and translating that into the corridors where we see the most incapacitating injuries or deaths. And we find that a high number of deaths and injuries are occurring

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on a low number of road miles. So this is really where we can start looking into details about how and why crashes are occurring and started looking at specific solutions. The third big recommendation is to develop a media campaign to help raise awareness about the magnitude of the problem. We're having a record deadly year on Austin's roads, as well as what are those key dangerous behaviors? And then the final high level recommendation is that the vision zero task force should continue. We're already seeing greater collaboration between departments and agencies as well as with community groups. Then the conversations and insights that have come out of the task force are changing how we look at transportation safety. With that I'm going to hand this over to Jim Dale and he's going to talk about some things that Austin transportation is already doing. >> Tovo: Mr. Riley, I think there are a couple of questions for you. Before you move on. Pitched, did you have a question -- >> Kitchen: did you have a

question? >> Kitchen: I apologize if I'm not remembering, but I know the task force has been working towards recommendations and I see you putting out a report. I would think we want that to come to us at the mobility committee. We've already had one briefing which is really helpful. Where are they in their timeline for producing the report? >> Could you repeat that? >> Kitchen: Where is the task force in the timeline for actually producing a report that we can take action on? >> We have a draft report written and we're going through a final review with the task force agencies and departments and then we're looking to get that to you pretty quickly. >> Kitchen: Okay. So then the next step from my perspective would be if we could put that on a meeting committee agenda and we could bring it forward to the full council for

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action. Okay, thanks. >> Tovo: While we're paused, Mr. Riley -- actually, it looks like councilmember Houston. >> Houston: Thank you, mayor pro tem. Could you speak a little more about your media campaign? What exactly does that entail? >> That's something we would work out the details on, but I think really raising awareness of -- I think if you were to, for instance T poll people on the street, how many people are aware of the number of people who have died this year alone? I think a lot of the -- when we look at the dangerous behaviors, you know, that are contributing to our fatal, incapacitating crashes, most of them are things that most people don't really think much of. Everyone speeds a little, for instance, you know. And, you know, as you go up above about 30 miles per hour every miles per hour speed dramatically changes outcomes for people. And I think that's a message that you really need to get out to austinites. >> Houston: I think one of the other things that we don't do a very good job of repeating what some of the current initiatives are. Like we did don't block the intersections, but adults - - so much information coming into people's brains everyday. They're texting, they're -- it's a violation of the law to text while you're driving, but new people come in everyday, we don't repeat those things regularly so people are reminded. This is still the rule of Austin is that you're breaking the law if you're texting while %-@driving. You're breaking the law if you're blocking an

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intersection. You're breaking the law if you're speeding. We don't make those things happen over and over again so all of a sudden it becomes part of our driving behavior. So hopefully this will be not one kind of glitzy kind of thing, but something that is repeated over and over and over. So many people are moving into Austin that they don't know what the rules are and we're not telling them on a regular basis. So I'm not -- we can talk later about how to help get that information out in a broader community, but I think it's -- that's important. I see people driving with -- in the fog with no lights on. Well, those of us that took driver's ed know you're supposed to turn our dimmers on when you drive in the fog, but evidently some states don't require that. So as we have people moving in from other states we have to help them understand what our rules are. >> Thank you. >> Tovo: Councilmember Zimmerman. >> Zimmerman: Thank you, mayor pro tem. This is not the first time this has come up. And I've got a lot to do. I don't want to have to deal with this, but I'm going to have to deal with this. We have a couple of false premises here that I think plant false ideas in people's minds about what is reality. What the is utopia and what is reality? And utopia nobody dies in traffic accident, that is utopia. That is not reality. In utopia, everybody that goes to a hospital they all get cured and nobody dies. That's utopia. Reality is that even in our medical profession we're trying to heal people, we're trying to make them better. Sometimes they die. So I'm going to have to keep drawing the distinction between utopia, which is impossible, and reality. So page 14 there's a statement here that safety is the primary consideration in transportation decision making. That's a statement of utopia, not reality. The reality is

that transportation is moving people and things from point a to point B. That's reality. Utopia says I'm going to move people and have

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transportation with no fatalities. It's false. When you start out with a false premise of something you're trying to do, which is impossible to accomplish, that's going to lead you down a path to a bunch of terrible unintended consequences. So I'm objecting to your policy objective because it's based on utopia instead of reality. And we're going to go down -- I'm just telling you what's going to happen for the rest of my councilmembers, we're going to get a bunch of crazy recommendations out of this because you've started with an idea of utopia instead of reality. Okay? So I'm just going to caution my colleagues. There's a bunch of crazy ideas that's going to come out of this because of the false premise. >> Tovo: Okay. Thank you, councilmember Zimmerman. Mr. Riley, I had a question about -- about the causal factors and how if you have information about how those break down. So for example, what percentage, if you know, is attributed to drugs and alcohol? >> So -- >> Tovo: For example. >> So our initial figure was around seven percent. And we're working on revising that because in looking at 2015 data that figure is closer to half of all fatal collisions. And so what we found in the 2010 to 2014 data is that we're getting a very low number and that's likely due to the way we queried the crash report forms. It doesn't take into account what may have been filled out in charges, for instance. And likely if we were to pull in charges in addition to contributing factors from the crash form our number would go way up. It also doesn't account

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for -- we're looking at the cr 3 forms that the police fill out at the scene. They then send that into txdot and we're pulling our data from txdot then. And when the -- when A.P.D. Initially fills out that crash report they may then go back once they have the tox screenings back and update that, but that's not necessarily reflected in txdot's data then. That is part of our first recommendation of using that data and really working to improve it and share it better is getting at how do we get that number much more accurate. So we're already working on refining that -- >> Tovo: Thank you for explaining that. That's very interesting and useful information. You know, when you were talking about the media campaign with councilmember Houston, I often think -- I think one of the things that's quite effective is to have the texting messages at places where people are driving so that you see that message while you're driving and might be compelled to pull out your phone and use it. And I wonder -- I just throw out there as you're thinking about the media campaign it seems to me it would be something to consider at least having signs up where people typically jaywalk. You talked about people not being aware of how many deaths there had been, how many pedestrian deaths. If you saw that information right there on pole as you're about to cross the street against the light, that might change behavior. I'm not sure that it would get to the fatalities because they seem to be happening on different streets, not necessarily on second where I see people constantly jay walking. Just a thought. Are there any other questions about this point of the presentation? Okay. So we'll continue with the next section. Thanks very much. Thank you. My name is Jim dale,

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assistant director for the transportation department. The section I'm going to talk on is more about some of the initiatives that we have ongoing today here in the city and also in the region. This first slide here summarizes that. The city is involved in over 40 initiatives of some form. We have some of those

listed here. We'll talk more about the near term actions in the following slides. But when we talk and you kind of see the group here when we talk about transportation safety, we're not just focused on engineering or enforcement or education, we're looking across that spectrum for opportunities to improve safety in the region. There's one that I believe commander fortune had mentioned further on and there's a fourth E. Everyone needs to be involved in this. There's some responsibility on the individuals too on the behaviors we're seeing. The folks up here, and we're supported by a really strong team, we're looking at a number of different things to improve transportation safety. We do look across all modes, talk about that. Here in a little bit. And also wanted to mention just briefly on long-term planning, looking down the road we'll start this initiative this year, but as a comprehensive transportation safety plan for Austin that looks at how the city is organized. We have these 40 plus initiatives. Let's see how we can bring those maybe closer together. What resources do we need, what performance metrics should we be reporting back. And also what Francis mentioned too is analysis tools is a big one. That's where we can really find patterns and patterns help 3D solutions. So one of the initiatives is what -- secretary fox is the secretary of transportation for the United States. And he issued a mayor's challenge earlier this year in June of 2015 for safer people, safer streets. The mayor accepted that challenge in all seven areas. We were one of 200

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cities. Apd is coordinating with the mayor's office on each of those areas here. And June of 2016 is when this challenge will wrap up and we'll be reporting back on that initiative. What we're talking here is the engineering process. What we've gone through to look at problems with transportation safety in Austin and what we can do from an engineering standpoint to address those. So as we step through those, some of those initial analysis is like Francis has shown earlier where we're looking across the city, where do a lot of the crashes occur at. And also looking at the severity of those crashes. Location has 40 injury accidents is -- it rises in priority as compared to an intersection that has 40 crashes that just result in property damage only. We do that prioritization. Next we do the engineering studies, develop our plans and then we do the implementation. And very important is we come back and check. How effective was the solution that we implemented. Can we refine that and do that better? So this process did lead to the top five crash locations that council funded for fy16 in our operating budget and we're working through that right now and we'll talk more about those locations here in a second. So just getting burned the hood a little bit when we say engineering studies what does that really mean? This is a tool that we use, it's a collision diagram that when we do find that high crash location we start to look at patterns. And patterns are what get us excited. When we find a pattern usually there's something we can do to address that. And so in here we just want to talk briefly about that. You can see the southbound throughs, there's a pattern with crashing with the northbound left turns. So when we see something like that we also look at time of day and so forth, but there's -- in this case say there was a green balls to where

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you can make a permissive left turn during all times of the day. And if we were seeing a crash pattern like this, we would look at maybe putting in a protected left turn arrow to provide some separation or some added safety for the left turners to make without colliding with the southbound left turns. We also have some right angle accidents, which you can see by -- let me make sure -- the eastbound throughs with the northbound throughs down there in the lower left-hand corner. When we see that we may look at increasing the red type to provide more separation in time and more safety for them. Other things we look at is increased enforcement too. There could be a lot of red light running so we'd

be working closely with A.P.D. On that. I also want to stress that when we are talking about mobility or talking about safety that when we're increasing the safety, we're typically -- in some cases we may be reducing mobility. So there is somewhat of a balance between them. So like for this left turns, if we were seeing that left turn crash pattern say happen four to five P.M. -- The only time the left turns are -- crashes are occurring. When we put in that protected left turn for that pmp and still leave that ball so the left turns don't have to wait so long. Just wanted to touch on that. All right. Here are some things that we've already done this year with the funding that we received. This is one of the top five crash locations. It's down at slaughter and manchaca. There's an H.E.B. Back here. This driveway that's coming out, there's an H.E.B. Back over here. One of the things or traffic engineering division and our signs and marketing division, they got out there and they put in these -- you can barely see them in this picture here, but put in flexible posts to restrict turns into and out of the H.E.B. You can see the markings there that people are channelized to make a right turn to direct

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them. This is something that we did from the very beginning. We still have additional improvements to do down at slaughter and manchaca. One thing real quick is that as we're doing this, these are some of the short-term improvements that we can implement. If we wanted to come back with maybe a concrete median, something more permanent, we are looking at that. And our director has been very clear is any opportunities in the short-term to get improvements out there do that. And if you need to come back later with the long-term ones, follow that process, but get the improvements out there sooner than later. And interesting for this, usually businesses don't like their access restricted. And we received some very positive feedback from H.E.B. Saying thank you for doing that. And they had seen the problem there before and they want the safety for their customers. And this is just some of the press, social media and so forth. Pedestrian safety action plan, again our safety improvements, they span all modes of transportation. This is one -- the fhwa selected Austin as a pedestrian focus city back a couple of years ago, conducted a workshop to develop a pedestrian safety action plan. We're just -- that was a multidepartmental effort. We're just wrapping that up and we hope to come to the council in mid 2016 and with that pedestrian safety action plan. Last two slides here are just some immediate actions that we're taking, recommendations. These do cover all three areas. I'm just going to go through them quickly and we'll answer any questions you may have. But continue our current initiatives that we've discussed here. Education enforcement, engineering, expand on a D.W.I. No refusal efforts that are ongoing with Austin police department. Again, review the policies and ordinances related to driver's license, pedestrians and insurance violations. Design and implement the safety improvements. We mentioned the top five crash locations. On the analysis and planning side is present

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the draft vision zero action plan to the pedestrian advisory council and other groups, and we will come to the mobility committee to present that. And then expanding the analysis of the high crash locations. We want to continue the efforts that we have ongoing now with the top five and expand that. Complete the pedestrian safety action plan and then launch that comprehensive transportation safety plan. And that's it for our presentation. If there's any questions we'd be glad to answer them. >> Thank you very much -- >> Tovo: Thank you very much. This was a very good briefing. Councilmember Gallo. >> Gallo: I just have a process question. And councilmember kitchen asked this, but to present the draft version of the zero vision action plan and present to groups. I presume that will be presented to the mobility committee first before it goes out to other groups? I just wanted to confirm that was the understanding. >> Kitchen: And I think we have it tentatively on our next mobility committee meeting.

So assuming the draft is ready, that's February 3rd or something like that. I think we have it down on that agenda. >> We have been asked to present to the pac. I believe it's their January 4th meeting. >> Gallo: So maybe we need to have the discussion of whether it goes to mobility first before it goes to other committees? >> Kitchen: I think it will work okay. You can just let them know that it -- when it will be on our agenda. And if they have any comments they'd like to make, they can let us know. >> Gallo: Okay. Thank you. >> Tovo: And I want to convey that we also -- we have at least one of our public safety committee members here who requested a briefing of this sort before their commission as well if that's something you can accommodate. I think they would be very interested.

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Not our council committee, our citizens public safety commission. >> Kitchen: There's a whole list of ones, urban transportation committee might be a good one too. We'll just -- we can connect and talk about -- we certainly want the input of all the -- our continues that are participating on the committees. And this spans a range of options. So let's just talk about those committees and other committees. >> Tovo: And I think if we have multiple boards that are interested, probably to be most efficient with staff time it would be great. If they're interested maybe they can coordinate with the other committee and meet together for that kind of a briefing. Councilmember Houston. >> Houston: Thank you, mayor pro tem, because health and human services would be interesting as well because this is a health and human services issue. So I appreciate the briefing this morning. We could somehow coordinate with mobility and sit in on that as well because -- >> Kitchen: We can do -- there's some precedent for joint council committee meetings. I know we've done that at least once. We can do that and then each committee can also take their vote about bringing it forward. >> Houston: The other thing I wanted to say I appreciate in your safety improvement plan on slide 27 that you have evaluate and check because too often in the community people feel like things have happened to their streets or their roadways and it causes more problems, more congestion and nobody comes back to see if what we did as a city helped or made it worse. So I'm glad to see that we're acknowledging that we will come back and evaluate. >> Tovo: Councilmember Renteria. >> Renteria: I just wanted to ask, in some of the areas in east Austin people asking for four way stop signs. Especially on Ledesma

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where a young lady got killed on her way to school. And I was wondering how do you address that when people are making those kind of requests because they're concerned about the safety? There was a bus stop at that corner also. >> So at the transportation department we receive about 50,000 customer -- citizen service requests each year. And for those that are traffic engineering related they go to our traffic engineering division and they investigate each one of those. A lot of them are safety. We rely heavily on citizens to bring those to our attention. When we receive those complaints we'll go out and investigate and make recommendations are from there and implement the recommendations. When fatalities do occur we do a fatality study there to see if there's anything from the engineering side that we can do that could have been done to address either that fatality that occurred or if there's other issues that we see there that we could address. Maybe there's a crash pattern like we mentioned earlier that we can address, we'll look at that and implement those recommendations too. >> Renteria: Okay. And since y'all make those studies that we could just request to see what kind of response that was given when something like that happens. >> Yes, in terms of the facility reports? Those are the things that we can share with you. In terms of the customer service request, the challenge there with that volume is we need to know the specific number that was called in to 311 that was assigned to that request and we can look that up and get that to the right person to respond. Yes, sir. >> Renteria: Thank

you. >> You're welcome. >> Tovo: Councilmember Zimmerman -- I mean, gal and then councilmember Zimmerman and then councilmember Houston. >> Gallo: I want to thank you for all the statistics that you've done. It's really been interesting. If we had additional questions, I'm just looking at, for example, the slide number -- it appears to be 19 that

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talks about the percentage of travel in Austin. And we have people walking, biking and motorcycles all combined. Do you happen to have the statistical information that breaks those separate so what percentage is biking, what percentage is walking? This is slide number 19. It's the one up on the screen now. We have that same problem all the time too. >> I do. I don't have the breakdown in front of me. >> Gallo: If you could get that for me. If you look at slide 26 it's the challenge for safer people, safer streets. Number 5, which would build bike-pedestrian networks with resurfacing. What we're finding out as we're getting repaving of our streets is quite often the streets come back looking very different from what they looked like initially. So we really are trying to gather the information, the safety information so that we can make the appropriate decision. So I think a lot of your statistical information with help us with that. We'll reach out to you to get that. Thank you. >> Zimmerman: Thank you, mayor pro tem and thank you, councilmember Gallo. I would also like to go back to slide number 19, if we could. I want to make an important point here on slide 19 if you can bring that up. I want to call attention to the circle here that says in big red letters over half. It says but over half of all traffic deaths, bicycles, pedestrians, motorcycles. But if you look at the circle a little more carefully it's showing that about, what, 49%, if I read that correctly, are going to be motor vehicle related. Now, 49% is really close to 51%. So it's basically a coin toss as to whether you'll get killed in a vehicular versus bicycle, pedestrian.

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But look at the other circle on the left side there. 93.5% of the transportation is not bicycle, pedestrian or motorcycle. Think about what that means. I mean, under -- you could say do you know what? I've got 93.5% of the people that are traveling not in a bicycle or by pedestrian. Isn't that where I should spend my money? Or should I spend my money on the 6.5%? And I already know the attendance that because we looked at the spending from the transportation bond back in 2012. My district got less than one percent of the funding, but even with that there were sidewalks, pedestrian crossings. There's basically nothing for congestion relief. And pretty much nothing for the 93.5%. Most of the money and the political emphasis and the policy is focused on the 6.5%. So I want to ask my colleagues to please think about the importance of the 93.5%. >> Tovo: Councilmember Houston and then councilmember kitchen. >> Houston: Thank you mayor pro tem, I just wanted to say to councilmember Renteria that I will be right beside him as we try to stop any further deaths on Ledesma. A four-way stop, we have a two way stop there now and it's a stip hill. Children riding their bicycles sometimes don't stop, we need to stop that east-west thoroughfare that's Ladesma, so I got your back. >> Kitchen: I wanted to ask for a little more information. On slide I think it's 18. I would like to see the statistics further south. This -- this map doesn't go as far south as the city.

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And so -- so just for future reference, if you could provide that information that would be helpful. >> I can send that to you. >> Okay, thanks. >> Tovo: I have a question about really slide 9, I guess. I thought one of the striking things about your presentation or your -- were your comments about the number of

pedestrians who have been killed, involved in a fatal accident, who have evidence of some mental health issues. I wonder if you have any mental health professionals working with you in trying to figure out how best to effect change among those population of austinians? >> That's one of the things that we've asked for help with vision zero, trying to do the three E's of education, enforce. The first year looking, this is the first year that I know that we've actually gone in and tried to figure out who are the folks that are most at risk that are getting in these fatal crashes and so we've asked vision zero, specifically Francis, to find some of the groups that have joined, multiple other groups because the three of those involved. I think there's 70 plus groups to try to outreach and get some help to those that are at need. Same thing with the media campaign that we brought up. Homeless and some other folks may not have the internet and Twitter accounts to get some of the stuff, so we do we get that information to them. Those are the things that we are working on to trying to outreach the appropriate way to those groups that are most at risk. For right now I know that we have spoken to Francis and he's outreached to several homeless advocacy groups and in different years we tried to get that information out, but still a work in progress. >> Tovo: Great, that's great. All right. Well, thank you very much for all of your work on this really critical issue. Okay. We have -- oh, about an hour, I think, to get through our items that have been pulled for work session. So we'll go right to those.

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Councilmember Gallo your item is -- we'll take that one up first. Item 3 is for -- for our aviation staff. And while our staff are coming forward, councilmember Gallo, you also pulled 7, 8 and 9. Can those be taken together? Those are the public improvement districts? >> Gallo: Yes, they can. >> Tovo: Okay. Great. Thank you. Welcome. We'll take up those financial services items next. >> Gallo: So we actually had put this on q&a and I don't know that we got an answer back yet, but we just wanted to make sure that we had the information before Thursday. On number 3, the backup mentions it was the best of two bids, but it didn't look like we had any information on the bidding. So will we be provided that as backup before Thursday? >> Good morning, Suzanna [indiscernible] With the department of aviation. We did provide the matrix that evaluated the two bidders that submitted their proposals. >> Gallo: So that has been provided. >> That has been provided, yes, ma'am. >> Gallo: Okay. Great. I think that was the only question. We just didn't have the backup on that. >> Okay, thank you. >> Gallo: Do you know when that was provided? >> It was provided this morning. >> Gallo: This morning, okay. Thank you. >> Tovo: Councilmember Houston? >> Houston: I have just a quick question about the advertising services. This is all visual advertising in the airport? >> Yes, ma'am. >> Houston: Do we have any audio advertising? So I happen to fly from Nashville the other day and ended up in San Antonio. And councilmember troxclair mentioned that in an airport she had been to there was a greeting from the mayor, council and so do we do any

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of that at the airport? >> Currently, we do not. We provide mostly music in terms of audio and any sort of announcements. >> Houston: So we might want to think about welcoming people to the city of Austin and having a real voice welcome them. So -- I don't know whether Clear Channel, if that's in their contract because I didn't get the information this morning. So ... >> Tovo: All right. Thank you very much, I guess that's it. So -- so next are 7, 8 and 9, the financial services items that were pulled by councilmember Gallo. >> So euc just wanted to -- >> Gallo: So I just wanted to make sure that we understood the structure of two of these, I understand there's two types of pids, an appraisal and a development pid. And it looks like all three of these are development pid's is that correct. >> That's correct, Elaine hart, chief financial officer. >> I just wanted to make sure in our backup, it's my

understanding that those can be different from the standpoint of -- of the total amounts, the length of time, just wanted to understand a little bit better because this is one of the first times that I think I -- I may be wrong, but that the development pids have come forward to us, just for the knowledge of the council, to understand the process and how it works. >> Okay. This is the second time this fall has these three pids have come forward. There is an annual process on November 17th and I have asked that that be attached as backup to each of these three items. It talks about the purpose of pids, there is a chart in there that outlines the particulars about each of these existing capital

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pids, how much debt was issued for them, in each of the cases they are all limited purpose annexations and the term on the debt is 15 years. With respect to whisper valley and Indian hills, the debt was issued in November of 2011. And with respect to estancia hill country, the debt was issued in June of -- of 2012. '13, I'm sorry, that will provide additional information. The budget, which is the item that 7, 8 and 9, the budget consists primarily of the debt service payment for each of the respective debt issues on these pids as well as a minor amount of administrative costs for publishing the notices and some staff time and mailing. >> Gallo: Thank you. Just one question, can the debt service change? The purpose is to reduce the debt service with these payments. Can anything be done to increase the debt service over what was originally agreed to? >> In each of these pids, there is the opportunity to issue future phase improvement bonds. So each of these pids at the city's discretion can issue, if the city council approves, they could issue phase bonds, which would increase the debt service. So these -- these only have one bond issue related to each of these pids. And so -- so there could be future phases of development for water line internals for the lots that they would come back to the city and ask for additional debt to be issued. That in essence would be a separate bond issuance and would increase the debt service requirements. >> But would have to come

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back to the city council for approval, is that correct? >> Yes. >> Gallo: Okay, thank you very much, in the backup, the additional backup information, when was that? >> I asked last night when I saw the items pulled that it be posted as backup to each of the items. It's a powerpoint that was delivered to the council work session on November 17th, I believe. >> Gallo: That came back to us in an email this morning? >> No. It didn't. But I can send it to your office and all of the council offices if you would like. >> Gallo: Thank you, that would be great. Thank you. >> Tovo: Is it also posted under the November 17th meeting in the meantime? >> It should be. But I can certainly get it out this morning. >> Tovo: I've got a copy if anybody wants to look at it right now. Councilmember troxclair? >> I guess that I just had a procedural question because we had these three items on the agenda on consent before we had the public hearings because the public hearings for the pids are later in the agenda. So I just -- >> Tovo: Councilmember troxclair, I believe we usually pull them off -- >> The public hearing before we vote. >> That's fine with us. In this particular case that's adopting the budget. The public hearing is for the assessments and the assessment role which were items that you approved on the November 19th agenda, but it's fine with us if you pull these off consent and attach them. They are related to the public hearings and we don't mind. >> Troxclair: Because when we had the conversation about the last note vote that we -- last vote one of the concerns we hadn't heard from the public yet. The explanation was that we were going to have a public hearing before we voted -- I don't know seems all backwards to me to adopt the tax rate -- >> They are noted that they are related to the public hearing. We have no problem with them being pulled and taken up after the public hearing. >> Troxclair: Thanks. >> Tovo: Anything else on these items?

[10:11:10 AM]

All right. So the next item is item 11, which I pulled. I did submit some questions through the q&a process and actually after we discussed this the first time at our council meeting. But I think they didn't get hooked up with this month's or this meeting's agenda. I do have the answers, though, that staff are about to distribute and I have copies to hand out. And so colleagues, this is the tract that we talked about at our -- talked about before, where it had gone through a process, it was on the council -- the previous council's agenda for approval to purchase for use as a dog park in an area of town that had been identified as needing one. And then it was sent to the parks board for their consideration, they approved it, they recommended approving it and then as we heard, it ended up being offered for sale, which involved getting an appraisal, which then came back at a rate that none -- that our city department couldn't afford. I understand, though, through our subsequent -- let me just say that I'm -- as I may have expressed, probably did at our last hearing, that signals to me that we really need to look at the process, the real estate process and consider how we as policy makers want to set some -- set some things in place for how we consider real estate transactions and particularly the sales of -- that was not a -- that was not a stellar example, in my opinion. However, we are where we are. And I understand, I just want to confirm this with our parks staff, in the interim you have purchased a different tract of land to be used for a dog park. >> Sara Hensley, director of parks and recreation, that's correct. The church property which is directly across 71, a large piece of property that we've been looking for and actually it will be coming

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before council soon. We've not signed the -- the books or whatever, but we are purchasing that piece of property pending council approval. >> Tovo: So we have not secured it yet? >> We're in the final stages of securing it per real estate. >> Tovo: Okay. One of the other considerations, you know, I'll pass out the maps right now, but I know that our -- we have a standing council resolution to offer tracts of land to the housing, to neighborhood housing to see it develop as housing and I don't know that we have any real estate, any housing folks here to talk about it. But it -- this fact is immediately -- this tract is immediately adjacent to some housing in the south and I understand there's some additional residential tracts being developed nearby. I guess that I would like someone to speak whether or not this is an area in transition that could be suitable for housing, since again it is immediately adjacent to tracts. I've been down there, it's not a heavily industrial area at this point. At least in that immediate vicinity. >> Lorraine riser, office of real estate. Councilmembers, we did route this property to housing to take a look at. This property is zoned for industrial use. It is surrounded on industrial in an industrial area in an industrial park and housing looked at it and found that this really didn't serve -- meet their purpose for -- for doing -- for developing housing on this tract. I -- I just would also like to say that we do have a process to sell or reutilize assets and this property did

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go to every single department to look at for -- for all -- all future purposes of the -- that the city might need a tract of land for. >> If I may ... Ms. Riser, the process that you speak to, seems -- surplus city property is a discussion that we've had before with the previous council efforts as you may remember as well. Seems to me you all came together and provided a response that resulted in policy and criteria relative to disposition of surplus property; is that correct? >> Yes, sir, that is correct. >> I don't really want to belabor the point. But I do want to say that it's my understanding part of why the parks

department returned -- well, I'm just based on the information that I heard from our last hearing, part of why the parks department did not express an interest is because there had been an appraisal done that showed it was, I don't know, many times more than it had been offered to pay for in the past. So, you know, again I think we had an opportunity to discuss this at our last hearing and I don't want to belabor it. But I do think we need to take a look at the process. If we have a situation in place where something is at the point where it's on a council agenda for approval for a purchase price of \$200,000 and then in the course of things there's an appraisal done that comes in at a much, much higher rate and then we have departments not expressing an interest because they can no longer afford it. Which is at least based on the information that I received, what it sounds like happened. >> Mayor pro tem, just to clarify, and review back, you know, the parks department was interested when we thought that -- that we could work with that partner and have them help us with the -- with the infrastructure improvements and other things. We spent some money doing land planning on this property. >> I'm sorry, your partner was who? >> I'm sorry, Austin pets alive. And so -- so the -- when

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they did eventually tell us that they were no longer interested in this property, then we began to look at what else we could do. That's when we started this piece of property, the church property came up, and at the same time they did do an appraisal because at that time I believe Austin resource recovery needed to do something with this land. Since that time, we really are not interested in the property that they own because we have an -- we have a -- we have purchased or are in the process of purchasing a larger tract and have other opportunities. That's sort of how it happened. >> Let me just clarify the point that the city lands are the city lands and even though departments may move land from one place to the other, fair market value is not the prevailing point here. If we're -- if we're selling it outside of the city, then we would have to do fair market value. If it's going between departments, we don't have to do that. I just want to clarify that for this conversation. >> I don't know whether you're in a position to say what the asking price is, price on the tract we're selling, but in the tract we're in the process of purchasing. I won't ask you to talk about that here. It is substantially more than the \$200,000 tract we were purchasing, the parks department was purchasing from the Austin resource recovery. The end result is that you are now in a position of buying a much more expensive tract of land to serve the same purpose when we had a piece of publicly owned land. I'm going to have to really -- I appreciate if you think that the tract of land that we're in the process of purchasing is better suited to our needs. But if the main sticking point is that parks department can no longer afford the piece of Austin resource recovery land, then I think we need to really stop and take a careful look at this because -- because we don't, as our city attorney just said, city departments are not in a

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position to be -- they are not required to pay fair market value to another city department. So I'll leave it there for now. But -- but I know that we have on our upcoming audit and finance, we have a discussion about real estate and generally the disposition of public lands. I think we own, we own land that is -- that is -- some of a few tracts of which are appearing on that surplus list that are in areas where we will -- it would be much more costly to go in and purchase a tract of land there in the future. I think we should be extremely careful before we sell public land and make sure that there's not a city purpose for it before we put it out on the private market. Perhaps that's public purpose isn't immediate. Maybe it's five years down the road. Again if we had to buy those tracts of land in those particular areas five years down the road, it would be more costly, as this example shows, it would be more costly. Councilmember Zimmerman? >> Zimmerman: Thank you, mayor pro tem. Maybe the flip side of the

conversation is that the property taxes for our local entities that are not being realized because the city owns so much property. Do we have an estimate of how much potential tax revenue is not being realized because the city is sitting on property that's off the tax rolls? I think it's a pretty staggering number. Has anybody calculated the potential tax revenue from this piece of property after it sold? >> Councilmember, we have not. But we will get -- >> Zimmerman: Seems like an important part of the conversation because if you convert the land into parkland, not only does it remain off the tax rolls, but now it becomes a financial liability for a parks department that already struggles to keep up with the parks we already have. We hear that every year, every budget cycle. We need millions and millions of dollars more that we don't have. So if we were to add even more parkland to that budget, that budget is strained further and we lose the potential tax revenue. So I would like to see that on Thursday.

[10:21:14 AM]

What the estimate of taxes would be. It's -- is it in the Austin school district as well or is it del valle school district? >> It's Austin -- >> It's AISD, yeah. AISD is always after us for more money, too. So maybe that would help alleviate that demand for more money. >> Councilmember Houston? >> Houston: Thank you, Mayor Pro Tem. My question was -- my question was about -- about where does the money come from to purchase additional property? Was it already in the budget? Because there have been times where -- where, say, for the boardwalk, for example, that was supposed to be done by private funds and then all of a sudden they didn't have enough money to complete the boardwalk, so magically money appears. So -- so constituents in my district want to know where did these dollars appear to purchase something that -- that was not anticipated. And what does that cut out of a budget that perhaps has some money already allocated to it. >> We have several funding sources from that. Obviously. From the 2012 bond we received approximately 4 million for acquisition of property, which we have pretty much used up. We also used parkland dedication money that we pulled -- pooled together to purchase land. So that's the two primary sources and some cases we partner with other departments if we're going to do a joint use, if we are purchasing land. But in this case, as in the boardwalk, it was private funds, it was a grant through Texas Parks and Wildlife, it was bond money, transportation dollars, so we pooled all of that money together to do that and in some cases that's what we do with the purchase of property. Very rarely have we come back and asked from a parks and recreation standpoint the general fund to fund the purchase of property other than recently previously

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where we purchased the Gray Rock golf course where the council voted to purchase that property. >> Houston: So Mayor Pro Tem, my concern is similar -- similar to Councilmember Zimmerman is that we don't have enough money to upkeep and maintain the current parks, but somehow we find money to purchase new parks without going through a process of vetting by the council. So I'm concerned about making us even more -- even more unable to do the parks that we have. I've got Johnny Trevino park that's never been opened in district 1, it's ours. But we've never been able to do any improvements on it. So that people can use it. So is it just to say that we have parks or is it to say that we have parks that people can actually use. >> Tovo: I think you both raise a very good point and I think those need to be in the conversations about what we do with our public land. In this case, I guess I would just again point out that our parks staff has identified a need. They are moving forward in satisfying that need for an amenity of this sort in a park deficient area. They had an opportunity to purchase a publicly owned tract, our tract, for \$200,000. They are now spending substantially more and it's going to be on an upcoming agenda to purchase a different tract. So, you know, if we're looking at -- if the two tracts are equally useful, we're spending more on the one than we would have -- than we were planning to on the

other. Again, I just want to make that really clear. It sounds like our parks staff are going to ask us to approve the acquisition of a park in this area and I guess that I would say if there are -- if there are concerns about whether we might make that -- whether we might affirm that acquisition, then I'm going to ask that we hold off on this sale until we know that for sure.

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>> I just might add, mayor pro tem, I think that you've already approved it. I think it's a matter of closing the deal. But I do need to point out also. We partner with other departments and this particular wasn't from a financial, but there's a critical environment feature here on this property, the church property. So we look at a lot of things as we in this particular piece we needed to buy this because of an area of growth as well, but also in close proximity to the site where arr owns the winnebago property, but also critical environmental features here that we want to make sure that we are preserving as well. There are other factors involved with that purchase, we would certainly have purchased this property as well, we are working with arr now for critical, the possibility of critical acquisition for ped and bike access for this property where there's a large multi-family complex and growth going on. So I -- I wanted to just make sure that I clarified that. >> I appreciate that. You have found a tract that was better suited and serves everybody well. When you say bike and ped access, are you talking about on the winnebago tract or the one that you are closing. >> Two sites, one site is independently owned, we are working with the developer for an easement for bike and ped access that's critical to this property. Another one is up higher in a residential area where it's critical for acquisition for bike and ped. Arr has agreed to help us with that so that we have -- we have easy access from all different areas and there's a future vehicular access that's coming in as well. So -- so there were a lot of factors that we looked at in this piece of property that -- that really -- really drew our attention to that property. Bob geddert, in respect to sayer rah's recent -- Sarah's recent statement here, part of the proceeds would be dedicated to purchasing that site that

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Sarah is speaking to. There's a partnership -- there's a number of months ago part of the site with winebago, part of my conversations with pard through Sarah would be the financial benefit of both departments in the sale of the winnegab on-site. >> That's a piece of very good news. The sale will actually go back into pard? >> Yes. >> That's good. Thank you. Okay. Councilmember Gallo? >> Gallo: I have a couple of questions. One on the church property and then a couple of questions about the appraisal on the other property I'm looking at the appraisal district's on the church property. What amount are we purchasing that for? >> We're not in a position to be able to discuss that publicly right now. >> Okay. I'm looking at tcad, it shows on August 6th there was a special warranty deed city of Austin to city of Austin. It sounds like the city of Austin already owns the property. I'm a little confused at this point. >> Councilmember Gallo, I will have to get back with you on that, I understand that we did purchase the property. But -- so we have already purchased the property? >> It's already gone through council approval to acquire the property, so I'll get you that information. I do not have that right here. >> Okay. I'm very confused at this point because I thought what you are saying is we were getting close to purchasing it. It looks like in August we did it and I just -- I would be curious if we have already purchased it how we get information on the value that we paid for it. Because I'm looking at the T

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cad value and if we paid what the T cad value was, then that was a good -- good chunk -- good, reasonable -- no, it shows tcad value at \$165,000 for 12 acres. >> What -- what we clarified was closing, not purchasing, but closing on the land and that's what I get more information for you. Then to clarify what bob was saying, he's not helping me buy that piece of property. He's helping me buy a critical acquisition piece. >> In red, that's what's in red on that. >> For 250,000 that would give access to this property. >> So the critical, the -- the critical part that you are talking about bob helping with is the northern tract in red? >> Yes, ma'am, right up at that area there. >> Okay. So on the tcad it shows the value on that at 45,000. So -- so in looking out for taxpayers money, this property -- of -- of how we purchase and how we get properties appraised and we know going through the -- going through the appraisal challenge that quite often we have properties assessed by the -- by the entities, the taxing entities at less than what their actual market value is. But when I look at this or a citizen in Austin looks at this, and the tcad value on a piece of property is 45,000 that you are looking at, I would -- I would really like to know what we're paying for it and then the same with the church property. When I am looking at a tcad values that show [indiscernible] And shows that the city is also already the owner of it. For those of us that are real estate people, when you say closing the means the conveyance of the ownership of the property. So purchasing means that you are going to purchase and you are generally under contract. But closing means that you've actually -- the title has been transferred, the funds have been paid, when I see that's happened in August, I just have lots of questions that I think we

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need to answer on that. If you could -- >> I can tell that you we worked with Juneie. As you know. The -- it was owned by a church that's why -- that's my understanding. I don't want to stand up here and say that I'm 100% sure, but it was owned by a church. So, you know -- >> It sound like some of this is information that would have to be conveyed in an executive session. So we probably should -- should schedule some time to do that. >> If we've already purchased the property, I would assume that information is public record at this point. We're not in the process. So I think that would be the first thing to clarify if we've actually -- the city has actually closed and owns the property, then I would think this information would be public information. So thank you. So then the question back to the other property that we've been talking on as far as selling that, I just wanted to understand a little bit better the appraisal process that we evaluate properties, it looks like we only received one propose for the property, so I just kind of wanted to get a sense the cost of one appraisal and would it be more fiscally responsible for the city to get two appraisals on a property and if we did that what the additional costs would be. When we are looking at a piece of property that the first appraisal has indicated as around 1.5 million, to me that -- the cost of an additional appraisal, if it might indicate that a value might be just a bit higher, you know, several hundred thousand dollars higher still would offset the cost of that second appraisal. So help me understand the process that we go with. I think in a rapidly appreciating market that we have in Austin, it may be an advantage to the city and to the taxpayers so that we are able to capture the maximum dollar for the properties that we are considering selling and selling that we do more than one appraisal to really determine the best value. >> Yes, councilmember. The first process of step 1 is we do a detail land plan on the property so we can see the maximum amount of

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build that that property can have so that the praiser has a -- appraiser has a better idea, more detailed idea of what can be done with that property and that drives the value versus more speculative value that you would have if somebody didn't have that information. So we take that extra step. In this case, we went through -- this is a property that we actually appraised it several times -- so we had the

appraisal firms that look at a couple of different things. At one point in time we talked about having a restrictive covenant where part of the property would be carved out for a dog park and be sold for an industrial use, so we had it appraised that way. We had it appraised when pets alive was going to take a portion of it and a portion of it was going to be the dog park and then we had it -- we've had it appraised a couple of different times under its highest and best use. And in this particular case, it's a bid process and it's put out and we market it. And so -- so the buyers know that it goes to the highest bidder. So that is also another kind of -- kind of fail-safe that it goes through. This time we've -- we've had this property out for bid a couple of different times and this is the most money that we've ever had offered on the property. And so what was our -- what was the date on our most recent appraisal at the - - not with all of the restrictions but with -- but with the use as it would be on this. >> I would have to look it up. It was completed shortly before we put it on the market. >> Gallo: Okay. The cost of doing that type of appraisal? >> The appraisals run from 2 to \$4,000 and -- and the same with the land plan. >> Okay. Thank you. >> Zimmerman: Very quick question to follow-up on what councilmember Gallo was getting at.

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You mentioned the several different appraisals. With different scenarios. But her question was appraisal companies. Do we have one, two, three companies or was it the same company that made all of those appraisals that you just mentioned? >> I don't know that off the top of my head. But many times we have several different appraisers look at a piece of property. >> Zimmerman: I think that's what she's referring to. Obviously if you have a piece of property that might be worth around \$10,000, we don't want two or three companies, about you if it's expected to be around a million dollars, then certainly you would want to have several different companies look at it. I think that was the point and I completely agree. >> Okay. That's -- >> Tovo: All right. Thank you all very much. Let's see. Item 12 is the police item that was pulled by councilmember troxclair, we're scheduled to have an executive session about this on Thursday, I think it was on today's agenda, but I'm told we're going to talk about Thursday, but councilmember troxclair? >> Thanks for being here. I know this has been an issue that was a concern to me and a lot of my constituents and a lot of other councilmembers at -- I guess stretching of our police capabilities during our busy time such as south-by-southwest, so I appreciate you all working to make sure that -- that public safety is a top priority and that everybody is covered. I just I guess I just -- because it is a change of what we did from the past, I mean, first of all, I just kind of wanted to understand do you all feel like this change is going to allow us

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to effectively cover existing city public safety concerns as well as public safety for visitors in Austin during that time? >> Good morning, Brian manly, chief of staff, Austin police department. Yes, councilmember. What we've got outlined in this agreement that will come before you on Thursday we believe is going to allow the police department to provide a better level of service, as you all know right now, we're forced to reassign personnel frequently it's the detective staff. Also includes officers from other divisions into duties in south-by-southwest, therefore pulling them away from -- from what they would do on a Normal work week. The proposal that you have in front of us is going to allow us to do -- to do a much greater amount of this work on overtime. Therefore allowing these officers to fulfill their 40 hour regular assignment that we have them attend to and then do additional work on overtime. This contract amendment, if ratified, will also allow us the opportunity that we've never had before to bring in officers from outside police agencies, as long as they meet the criteria that we've set forth serving a population base of 50,000. Again, what that would do, it would allow us to maintain the safety of the

special event by having the adequate number of personnel, but to not only rely on resources within the police department, but to rely on resources from some of our surrounding departments that could come in and successfully and effectively police this with us. So the -- so the long answer that I just gave you to sum it up, to say yes, we believe this is going to absolutely meet what we were hoping. >> Troxclair: Okay, with other officers from other jurisdictions being able to come in, the priority would be given to Austin police -- police officers? >> The way it's outlined right now. We would create a volunteer list first and we would look for personnel within the Austin police department who wanted to volunteer to work multi-day event over spring break. So the first line of

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staffing would be from within A.P.D. Once we have filled all of the possible shifts with those who have volunteered, at that point at the chief's discretion, we will either go to outside agencies once we have agreements in place with them or we will go back to our old methods of reassigning personnel. But again this just affords us many more opportunities to staff this. >> Troxclair: Uh-huh. So I saw in the memo it spoke to about 15,000 hours I guess of overtime were required in previous years. But I don't necessarily see -- is there any kind of limit or time of expectancy outlined in the resolution? >> I don't know if I understand your question as far as -- >> I guess in the past, last year we had about 15,000 hours of overtime that were worked, right, during those times. So I'm wondering, I don't see any estimation or cap or anything in the actual amendment that speaks to -- that speaks to the number of hours that we would be expecting to fill going forward. >> Mayor pro tem, council, [indiscernible] With the labor relations office. I think the memo that you are referring to councilmember Travis county Claire talks about 15,000 hours needed for south-by-southwest, not just overtime hour. Assuming south-by-southwest the size stays the same, we are anticipating another 15,000 staff hours needed to properly and adequately police the event. >> Troxclair: Like the amount of overtime isn't necessarily capped or there's no expectation in the ordinance of how much overtime will be required. >> We will retain as a department, the chief of the department, the ability to set the appropriate security plan year by year as we've experienced the tragedy during this event and changed how we approached it, we have seen this event grow over the years and that

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changes our footprint. So that's something that we will make year after year as far as what the appropriate level of staffing is to ensure security. >> Troxclair: Okay. But the expectation is that with the -- with the 15,000 hour estimate that that would cost about \$1.5 million and then over five years the fiscal estimate was \$7.5 million. So it sounds like y'all really aren't expecting, that would be equal -- >> Tovo: I just need to -- to caution us all that tomorrow -- this has been the process of a negotiation and the manager and I have just been discussing the police association membership is voting tomorrow and so if there are very particular questions, we should go into -- we should probably discuss this on Thursday and then there are certain questions that we should discuss in executive session. As a reminder. >> Kitchen: So we're saying that we have to wait until Thursday. >> Tovo: We can discuss it here. I would just caution you that the agreement is still being reviewed by the membership and that there are certain questions that we should ask our staff in executive session. >> Kitchen: That makes sense, but -- I understand that. I'm just concerned a little bit about the timing. You know, one of the reasons talking about things on Tuesday and instead of Thursday, the day we vote, is just so people can get their information ahead of time. But -- but I respect the need to have the -- the voting occur. So ... I'm not sure what the solution is. >> I think what the mayor pro tem is trying to note, I agree there's just a level of sensitivity and variability associated with where we're at and in regards to what's been

negotiated and what's before the union membership. And so -- so a lot of our work has been done to get to where we're at. We're certainly happy to

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answer your questions. I think perhaps, though, we are better served doing that in executive session. And allowing the union to have the kind of conversations and that they -- that they need to have to get through their voting first. That's just my suggestion to you. >> Tovo: It is our only item on our executive session for Thursday, so we'll have an executive session over the lunch hour where we have an opportunity to talk as a group. >> Zimmerman: I have a quick question on that. Could I hear from our legal counsel what part of that discussion has to be in executive session -- I don't understand why any of that has to be in executive session, could you clarify that for me? >> So the issues in executive session will be the legal questions involved with the chapter, if -- we'll talk about state law and how the negotiation changed state law. Questions that are not related to the legal matter you can certainly talk about in public, since I don't know what the questions are then -- then it might be easier to figure that out on Thursday. >> Zimmerman: In other words, I don't hear anything that we can't discuss. There's a lot of money here. There are millions of dollars involved. So there's a public decision, the city council needs to make a decision regarding millions of dollars we need to ask where the money is going, what the difference -- I think right now everyone agrees when we have these big surge in demands like south-by-southwest, we don't want people pulled off the investigating property crimes, for instance, we don't want that. If we leave the people in place and we don't interrupt their schedule, the regular police work, then we're going to have to bring in extra people. Either A.P.D. Overtime or maybe people outside of Austin or some combination thereof. To me that's the question before us, what's the best way to provide for that surge of our security demand, right and get the public safety that we need for the least amount of money, you know, to our taxpayers, that's when the conversation is about. I thought her -- councilmember. Troxclair's question is trying to get to the root of that. >> I would agree, I don't

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believe those are questions that have to happen in executive session. As the manager, I mentioned tomorrow the membership is voting. On Thursday once hopefully we hear that it has been approved, that would probably be a -- be a good time to hash out some of these issues. >> Zimmerman: What I was trying to get at, what are they investigate on? Maybe -- voting on? Maybe just a question, is that contract, is that vote that the union takes, is that public as well? Could you inform me how that works? Are all of those terms publicized or some secret aspects of the contract? >> No, councilmember. The amended agreement is actually part of the backup for Thursday's agenda. The association members have the very same amended agreement. Obviously the association leadership has commentary out to the members we don't have access telling them why they should or shouldn't vote up or down for the contract. As far as the contract amendment I think it's there in the backup -- >> [Indiscernible]. >> Zimmerman: Is this the agreement that they would be voting on. >> That would be the changes. Obviously the entire document that we agreed to in 2013 is a much larger document, but these just represent the changes to it. >> Zimmerman: Terrific, thank you. >> Troxclair: I really was just trying to understand the -- the underlying facts and figures that led to the agreement. I think it's an issue that needs to be addressed. We need to make sure that we have enough police to cover our public safety concerns during those times, so I mean I don't know -- I don't know if my line of questioning led to certain assumptions or I don't know. I was just asking just general. >> Tovo: Was just a caution, councilmember troxclair. [Multiple voices], if that's information that you feel that you need today -- go

ahead -- go ahead and ask it. >> Troxclair: Okay. Well, I mean, I guess that I will wait until Thursday. The other questions that I kind of -- well, I guess I have one more question. Do I understand that the voting is happening right now. But does the decision he --

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does the council's decision need to happen this week? And the only reason that I ask is that we haven't had the discussion yet about the funding mechanism or the level of potential incentives that the city is going to give to south-by-southwest and it seems to me like it would make more sense to have those conversations all at the same time, so we understand what costs we're committing to and, I mean, so is it necessary that this is what happens this week? Or is it possible to take all three of those items up in January? >> Councilmember, what I can tell you is that the contract as amended institutes for the department certain timelines that they have to comply with prior to the south by volunteer overtime, sign uplifts and second tier and third tier. So there's a lot of timeline requirements imposed by the department that they have to fulfill weeks before the event. So when we were discussing it at the table, I -- I will let chief manly tell me if I have said anything incorrectly. But I think we were saying December 10th would be about as late as we could get a council action in order for the department to still meet their timelines. If we were to -- if council, of course, were to agree to the contract amendments. >> Troxclair: Timelines that are outlined where? >> In the amended agreement. >> Require required to give officers a 28-day notice when we're going to have a schedule -- amend their schedules to work these special events. Now what you will see in the agreement before you is that the Apa leadership has agreed to reduce that to 21 days for the 2016 cycle because we are working on such a compressed timeline. Everyone understands that we are under really tight timelines this year. The Apa agreed to reduce that to 21 days instead of the 28. When we work backwards from all of the notification requirements and many, many weeks that it takes to get this schedule in place, we really are at a tipping

[10:49:25 AM]

point now that this is a decision that needs to be made. >> Troxclair: Okay. >> Tovo: All right, thank you very much. >> Zimmerman: I have a final note on this, if I could. One more note. On page 5 of the backup material, we have section 14, the officer residency incentive pay. I wasn't aware that these two items were being lumped into the same agreement. But that appears to be the case here. I thought these were separate issues. Does the council, was that the expectation of the entire council that the -- that the residency incentive plan was going to be lumped in with the south-by-southwest special event overtime? Was that your expectation? >> Mayor pro tem? >> Why don't we talk about the reasoning behind why that was on the table when you were negotiating. >> Sure. When we sat down with the association, the -- a form of residency incentive pay is something that we had discussed with previous union leadership as well. We felt at this time this is something that was needed in order to balance the contract for the -- for the concessions that they were giving. This would be something that could be added to help balance the agreement to get an equal give and take on both sides. The other thing that it does, councilmember, is there is no obviously -- we can discuss this on Thursday, but this really -- residency incentive pay, there's no requirement that council actually institute one. This just allows for but does not mandate council to do it during the life of this agreement, amended agreement, should it be approved by council, which expires September 30th of 2017. We can talk about some of the legal issues related to that on Thursday. >> Tovo: I just want to underscore really what you said. It provides an option for the council to consider it. It is by no means something

[10:51:26 AM]

we would be required to follow up on. Okay. Councilmember Houston? >> Houston: What I heard it just puts language in the agreement if it's adopted or approved by both sides so that can be continuing discussions about incentive pay. So we don't have to go back into this particular forum to be able to get some additional language in. So I appreciate you all folding it in at this point. >> Tovo: Councilmember >> Gallo: I appreciate you talking about schedules because I know that's the really critical point of all of this. As we move into that March month and we've added now the PGA match tournament to it. I just wants to be clear that I understand at what point the entities need to have determined their needs for public safety participation prior to the event. >> Are you talking about what point are we contractually required to notify our officers of schedule changes or are you just talking about organizationally -- >> Gallo: Organizationally. We've been doing southwest as well as and the rodeo and -- south-by-southwest and the rodeo and spring break but now added the P.G.A. Match tournament to it. I just wants to make sure that the conversation is happening in a timely manner so when you are notified of the needs for that event, then you'll be able to staff for it. I'm not sure that I have a really clear understanding of -- I don't want to push it to the last minute. At what point do you need to be notified of that? >> I guess specific to the south by item that we're talking about today, that's why time is of such the essence so we can hurry up and begin the scheduling for the south-by-southwest so we know what type of an impact it's going to have on our operations. Then when we begin the scheduling for the P.G.A. Event, it's, you know, that -- the confluence of the two events at that time is why we really need to have a decision, you know, hopefully this week. >> Gallo: On decision on this to alter how it's done.

[10:53:28 AM]

But then you still have the scheduling component of it, that's really my question. At what point do the requirements need to be addressed so that you know the scheduling that needs to be done? >> We will actually begin the scheduling process next week, assuming that we get a decision this week from council. >> Gallo: Okay, great, thank you. >> Tovo: Okay. Yes, thank you. >> Troxclair: I know that we're not deciding the funding mechanism this week and this would be more for legal and financial staff. Because the -- the item mentions that there are three potential funds, business retention and enhancement, budget stabilization reserve fund at the assessment of event fees and reimbursements. I would also be curious to understand if we can use hotel occupancy tax revenue for -- for this purpose? Either for -- to cover police costs directly or to -- or to -- to help cover the cost of the -- of the fee waivers that we have previously given south-by-southwest because it seems like if the purpose of hotel occupancy taxes is to put heads in beds, there really is no better example than south-by-southwest. I know that it's a -- maybe more of a complicated legal question, we don't need to have the conversation now because I know mayor pro tem tovo is wanting to move so. If we could have that conversation maybe sometime before Thursday, I am hoping if we're going to make this decision, we can make it in a way that's fiscally responsible so we are not using one-time funds. The money that we have right now in the business retention and enhancement fund is really a as a result of a specific lawsuit and isn't going to be there in perpetuity. >> Tovo: Thank you, we have a few resolutions that we have asked staff to do that. I think that's a very appropriate discussion to

[10:55:28 AM]

have. We are a little bit off where I wanted to be. I'm still hoping for a hard stop at 12:00. Before we get to item 14, items 15 and items 22 look like they are quick items. Councilmembers who pulled those. Is that accurate? If so, I would suggest that we go ahead and hit those so that those staff can -- can move

on to their work. Item 15. That was pulled by councilmembers Houston and Gallo to modify the speed limits on portions of 2222. Councilmember Houston? >> Houston: Thank you, mayor pro tem. This is not in my lane, but I'm curious what the process is to have speed limits changed in the public engagement -- and the public engagement that supports that. It happened on 969 in my district and nobody knew anything about any speed limit changes. So I'm curious about what the process is and how do you let relevant constituents know. >> Thank you, councilmember. Robert Spiller, director of transportation for the city of Austin. So that portion of 969 as well as this portion of 2222 are unique. In that they are owned by the state. And so in this case, the state for -- for -- for reasons that I would assume came from a concerned citizen or they were systematically going through their system did a speed study and found on 2222 that they needed to adjust the speed limits to meet state law. And similarly on MLK or 969, they did a study there and found that the crash totals were high enough that they needed to do it. The state law is very specific about -- about how to set speeds and in this case, it relates speed to the natural conditions of the roadway. And so it talks about taking into consideration things like incidents, number of crashes, the design of the

[10:57:29 AM]

roadway, the number of driveways intersecting the roadway, et cetera. As engineers, we're required to set the speed at the 85th percentile unless we have an overwhelming reason to change that. When I say 85th percentile, that implies that 85% of the traffic feels comfortable going at that speed. On 2222 it's about a five mile an hour reduction and that was based on a speed study that found that 85% of the traffic was actually going five miles below the current posted speed limit. And so in that case, and I'm getting to the specific question that you had, I'm sorry, in that case, the more we can compress the range of speeds to where they are closer to 85 percentile, the lower the severity of the incident that typically occur. Because what happens is we know when there's a great variability in the speeds, that causes a problem. On MLK, the argument from the state was that they believed they could reduce the number of incidents. So the state law really does not rely on public input in terms of setting that speed limit, certainly the public has input on requesting the analysis but it's -- it really goes back to engineering related items. In terms of public notice, and specifically on state roads, we do not go out and make a public announcement that we're changing the speed. We change the speed, we will sometimes put -- put for lack of a better definition, red flags adjacent to the new speeds. Sometimes we will put up speed limit or traffic revision ahead signs. But that is really the notice. We rely on the requirement of the driver to follow the state law and be aware of their driving situation. You know, so when changes occur, it's incumbent on the driver to not assume that -- that it's the same way they saw it yesterday.

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You know, we try to encourage drivers to be aware as they are driving of change conditions. The speed limit change on MLK happened a year and a half ago. And actually -- we received a similar letter that you see in the backup for 2222 from the Texas department of transportation indicating that they had completed a study on their road jurisdiction within their right-of-way and requesting us to post a different speed limit. The reason they request us to take the action is because it's within the city of Austin to follow. We have never pushed back, if you will, against >> We have never pushed back against, if you will, against the state on a change of speed. The challenge for us is once we've been noticed by a licensed engineering study frankly it creates a liability for us if we don't respond. >> Houston: Thank you. Because this was just dove tailed so perfectly into what's happening in your area. So mayor pro tem, what has happened is the speed limit went from 50 miles per hour to 35. If it

happened a year ago I didn't notice it and I travel that road all the time until three months ago. Constables in the didn't know it was changed and other law enforcement said they got complaints from citizens, other bicyclists and so they did the traffic study. So it is imperative that if txdot sends notice to our city staff now that we're in a different form of governance that they do let the district representative know so they can then begin to do some outreach. I have talked with txdot so again, totally different kind of story

[11:01:31 AM]

than I'm getting today and we've got a 35 miles per hour speed zone that everybody still goes 50, still goes 50. We don't even see those signs. So maybe the signs got put up late. I don't know, but I didn't see them. But now people are beginning to think that this is an additional revenue generator for the city because people are not paying attention to 35 on a state highway. They do pay attention to it when you go east of airport because they know there's a lot of traffic there, but from the end of 969 into airport it's just a mess. I can't do anything about it, but try to alert people to the fact that it's there, but there needs to be a process when something is now impacting something in the city whether it's to txdot or the city of Austin. They need to let us know. >> Understood, councilmember. >> Councilmember Gallo, you also pulled this item. Would you like to address your questions and then councilmember Zimmerman? >> Gallo: I do, thank you. Probably the only reason the speed is so low is the traffic is so bad people can't go fast. I think if you had a vacant street probably the traffic speed limits would -- the speeds to be even worse. So a couple of questions. I see the letter that was provided by txdot and it addresses the change in the -- the recommendation for the change in the speed limit for just a section of the three. So it is from Mcneil to 360. So what I'm wondering is it looks like txdot has recommended that, but it doesn't in the letter address the sections from Mcneil to city road to 620. I'm curious is it appropriate for us to be changing the speed limits on the other sections that haven't been addressed with a recommendation from txdot?

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And part of my really careful look at this is we have lots of traffic issues and lots of accidents that happen on this road and I want you guys to do whatever we need to do to make it as safe as possible, but I understand that we have kind of accuse big brother watching us as we do this and I want so act appropriately so we can have that communication ahead of time from txdot when something like this is happening. >> So councilmember, if I could address your specific question, we ask that same question back to txdot and we needed to clean up some of our own codes. The speed limits in some of these areas were supposed to already be in those speeds so we're in the process of making it more clear in the code and the register to it's altogether. So my understanding is yes, they asked us to change the speed in the specific area, but working with them we cleaned up the social media in the whole -- -- cleaned up the speed in the whole. >> Could we get it addressed in other areas too. >> We do have an email that addresses that response to that question. And I will make that available. >> Gallo: I would just feel more comfortable understanding that they are a part of this. And is there a roning behind the different speed limits? So me it's the difference with 360 and 620 being the same speed. Is there any reason for making them different speeds? >> The speed gets set based on the characteristics of the roadway. As the number of drivers increase, drivers naturally start to slow down so really in this case it would truly be reflective of the traveling public. What we do know, and miss Houston has pointed that out, where drivers don't feel a natural constraint to drive the slower speeds they don't do it. Speed limits in and of themselves don't affect necessarily the behavior we want.

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So 2222, I would offer is different in 969 in that we do have an 85th percentile traveling the different speeds. Where the speed may be 55, the traveling public feels comfortable traveling 55. We're not trying purposely to make people law breakers basically. Councilmember Houston, on 969 I've asked our lawmakers to relook at that and better understand why txdot that would the speed reductions in those areas where result in the reduction in accidents. As you spoke at earlier is has it resulted in the lower accidents? If not is there something different need to do there. Thank you for bringing that to our attention. >> Houston: Now that I know that there's backup I would like too see all the backup from txdot that made us make this change last year. >> Yes, we will. >> Houston: Because I don't want -- I-35 is what you do in residential zoned areas and this is a state highway. So we've got a golf course on one side and a limited community on the other, but there are other ways to slow traffic down. I'm just wondering why we chose 35 miles per hour to try to do it. It hasn't done it yet. They're not paying any attention to it. >> Yes, ma'am. >> Gallo: I'm going to go back to the concern I have that we have one speed limit from 620 to Mcneil and another speed limit that will be from Mcneil to 360. Now, understanding that the big hill is there, but I would be curious if we looked at fatalities and accidents. My guess is the majority of those are probably between 360 and Mcneil where the higher speed is. >> I'm happy to look at that, but again on 2222 it's based on the speed, the 85th percentile. So again they were justifying the change in speed based on a

[11:07:50 AM]

different issue from the incidents. >> Gallo: Do you have to do sections? Can you just average from 360 to 620 and take the average there and make everything the same based on that? >> We tend to like to try on get it as close to the speeds that we actually observe out there. There is not a legal definition of how long a zone you have to look at. So -- >> Okay. I just think multiple speeds along the same street when it looks the same will be confusing for the general population. I understand it's that way already, but this would be our opportunity to make it consistent. >> Yes, ma'am. My suggestion would be to move ahead with this. And if you would like we'll certainly go back -- we have the authority to look ourselves at speed related things and so similarly we notify txdot that we believe a change needs to happen and that we plan to do it. And I'm happy to follow that section up that's not included. >> Gallo: Thank you. One other question was why this didn't go to mobility first. >> Typically with speed changes in the past what we've been told is since they're fairly routine and when they typically come they come with multiple revisions to the speed table. In the past we've been encouraged to go straight to council. >> Are you okay with that? >> Kitchen: That's probably my fault because I assumed we wanted to continue with that. But we can talk about it as a committee if you all would rather those come. >> We're happy to do a briefing about how we set speeds and so forth. And -- >> Kitchen: That might be helpful. >> The one piece of wisdom is speed limit itself doesn't change behavior. We have to change the roadway to get a change in behavior. >> Gallo: If it only good could. >> Tovo: Councilmember Zimmerman, I know you've been waiting for awhile to ask your question. >> Councilmember Gallo touched on most of it. And Kitch, I would like to see that and get us updated. Transportation code

[11:09:51 AM]

chapter 545 procedures for establishing speed Zones. We should go over that. As councilmember Gallo said, I'd like to know what the city of Austin did on the other areas. We just need to get educated on that and take a look at it. >> So as you can imagine we follow state law by the Numbers because when we're out of compliance with state law that creates a liability issue. >> Tovo: Thank you. 22, is that going

to be a super quick issue, councilmember Gallo? >> Gallo: I just wanted to be shown as an additional sponsor on this. I don't know whether I can do that and it can be reflected. >> Tovo: I think you need to do it on Thursday. Unless there are -- well, maybe -- >> You can do that right here, the agenda office will know that you're an additional sponsor. >> Gallo: Terrific. Thank you. >> Tovo: All right, thank you. And that brings us -- we have four somewhat issues that probably will take some -- a fair amount of discussion. Items 14, the contract with republic services, the expansion of the parking benefit district, which I hope can be handled relatively quickly. One zoning case pulled by two zoning members and the short-term rental use. So colleagues, unless there's a real interest in going beyond 12 I'm still going to suggest that we try to keep that end time at 12:00. So we need to break for executive session about 11:40 to keep on that schedule. So that's sort of my intended plan if everybody is generally okay with that. Then I would just suggest we try to get through these issues pretty quickly. Is there a real interest in going beyond noon today? >> I think my interest is more in covering what needs to be covered. I'd like to end at noon if we can.

[11:11:53 AM]

I'm not the person who pulled any of these others so I would defer to what people want to do. I am interested in hearing about item 81. >> Tovo: Okay. We'll hold open the possibility of going -- I would say we have several of our colleagues out of our meeting today and they likely will participate in those conversations on Thursday. We'll of course have public testimony as well. Okay. Item 14, councilmember Zimmerman and Houston pulled this item. >> Zimmerman: Thank you, mayor pro tem, I'll start if you could. It says authorize a 12 month extension of the contract with republic services. I guess the first question and first request I have is I would like to see that contract. This is a very, very important item with a tremendous amount of history. I asked my staff to double-check the backup materials and for this extremely important agenda item I've got one page of information. There is decades of history, council votes, environmental studies. There's a tremendous amount of background behind this decision. And I need to start by pointing out that there's one little tiny paragraph here. So that's objection number one. Now, we proposed adding a bunch of relevant backup material and city staff refused to put our backup material on this agenda item and I'm pretty upset about that. So city provides no backup material. Our backup material was actually rejected.

[11:14:03 AM]

I don't know the nature of the materials that you requested -- >> Zimmerman: Pretty much what you said. Past council decisions. There were some articles in the chronicle talking about council decisions, talking about environmental studies of the disposal sites, et cetera. A lot of interesting background information. All of it just culled from public sources. Nothing private, nothing secret. Everything in the public domain, points that are important to this. But again, it's a very -- it turns out to be a very important decision and there's nothing here. This could easily just kind of slip through the council with all the other stuff we have to deal with. So let me ask if councilmember Houston would like to have a few questions and I'll have one or two more. I don't have a lot on this. >> Houston: Talking about the landfills that need to be closed on 290 next to Giles road and the Harris branch community have been going on for years. So there is a lot of information in the background. Edic my question to staff is how did we get to here when the contract was set to expire in may. How did we get here in December? >> Mayor pro tem, councilmember Houston, James Scarborough, purchasing. This particular item, this particular contract, was to expire last may. And when staff were coming close to that particular expiration we recalled and knew that this item was to be resolicited with a consolidated requirements across multiple departments. The development of those specifications was not yet completed. So as the

contract was ending, we did not have a set of requirements to go out with, we executed -- staff executed an extension of the contract which we referred to as a holdover. This is a unilateral class that's included as

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a matter of procedure in all of our contracts so that if we are in a circumstance where we need to maintain coverage until a new contract is awarded or it's being negotiated or for some reason we don't want to hurt the department or the citizens, it's a maintenance procedure to allow for coverage while something is being completed. This was 120 day period. That holdover was issued back in may. And it went through September. And forgive me, I don't have the exact dates. That was conducted so that we could have time to complete the requirements or so that our colleagues at arr complete the requirements. While we were receiving information from Austin resource recovery and their need to complete the requirements, they communicated to us that needed additional time so that they could poll the customers and consolidate the requirements which hasn't been done previously. And this led us to determine that we needed to go back to council and seek authorization for an additional period of time as requested in the original authorization. It was associated with the timing of the item and getting on to council agenda. There was a couple of attempts made previously. So we had to do a couple of additional short-term holdovers. Those are bilateral actions as agreed to by the contractor, just so that we could have the services continue through your authorization for this week. >> Houston: Thank you, Mr. Scarborough. I know you weren't there and you're new too. I understand that. But Austin resource recovery and Austin energy know what the community's feel is about these landfills. And so of all the things that are in backup or that you can find out there in the open market, there's nothing there about these consolidated contracts. Where is that mandated?

[11:18:08 AM]

Was there a council action? And if so could you send us a copy of that? I just need to have a copy of it. I wasn't able to find it, where those were consolidated. Are we close to that now? >> I'll speak to that. This is bob gedert, Austin resource recovery. We are close to a consolidated agreement. The suggestion from several councilmembers in the past was that the city would encounter some soft savings. Instead of having a separate contract for waste hauling, we would gather like materials from other departments into a consolidated agreement. We have an executed agreement on hazardous materials of multiple city departments. That's in place. We have an executed agreement that's in place for commercial office waste of many different departments. Those contracts are in place. What's missing is the class 2 industrial waste. It's a specified, very difficult to identify type material from other departments. We have a scope of services that my understanding staff has been working the last few days to -- final touches of it. The scope is pretty well identified. It's not ready to be a formal solicitation because there's the scoring criteria that we need to work on and in consultation with you last week, we're going to add to the scoring criteria community values, but we need to work out those details and then it will be hitting the street as a solicitation. So we're anticipating within the next month or two to release the solicitation. >> -- >> Houston: So what happens if there's a vote on Thursday not to extend the contract? >> Currently the contract is set to expire December the 11th, which is this Friday. If the contract is no longer available to us, then we'll have to consult with Austin energy with regard to

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their ongoing needs through that interim period of time while we complete the solicitation. If we can cover those needs with an -- excuse me, an informal contract, a small dollar contract to cover a handful of months, then we will -- we'll do so, but we have to look at our average spend per month over the last contract to get a sense of what we'll need to cover us for a short period of time. In looking at the spend under the current contract it looks like we probably could cover the department with an interim small dollar contract over a period of a few months, three to five months, depending on their utilization. >> Houston: So at that time on Thursday you will be able to tell us which landfill under the one in northeast Austin you guys would be taking this hazardous waste to? Because the current one, the one that is suggested, has -- I'm sorry, non-hazardous waste. The one that has been suggested has hazardous waste that's been there for years and that have not been mitigated. So the community's position is that none go there. >> Speaking to that particular issue, I am aware that the republic representative will be available on Thursday to speak to that item and will speak to moving the waste to their San Antonio landfill as opposed to the current arrangement. And I believe he will be available to speak to that on Thursday. >> Houston: Thank you. >> Tovo: Councilmember Zimmerman. >> Zimmerman: Thank you. Could you tell me a little bit about the commission vote? It's very unusual when an advisory commission votes 9-0 to reject staff's request. It's kind of extraordinary. So let me get your version of how and why something like that could happen? >> The zero waste advisory commission voted against the

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extension request. The primary justification was the end disposal facility, the facility up on Giles road. And the discussion centered around the agreement between republic and waste management on the use of that landfill. Since that discussion -- that was the justification for the 9-0 vote. Since that discussion we have had communications with republic waste to move the waste not to that landfill, but to an alternate landfill. And that's a recent discussion. >> Zimmerman: Could you elaborate on that recent discussion? It should be a public discussion, right? >> Yeah. I can speak to our discussions on republic, I can't speak Forry public. They will be here on Thursday to speak for themselves. We've heard they're willing to haul the material to San Antonio landfill at no additional cost to the city. >> Zimmerman: Fair enough. And what additional voices are you going to bring in to support the 9-0 vote against your recommendation? >> I'm not sure what you're asking, but I can ask the chair of the commission. >> I'm asking for the other side of the story. The people that voted 9-0, I'm asking who will help their position? >> I can ask the chair of the commission to attend. >> Zimmerman: That would be a good step. >> Tovo: I think they show their recommendation by recommending it to us. >> As a process question, what kind of public input do we have on this item? It hasn't gone through a committee K right? So it's an open public hearing -- >> I don't remember this going through open space. I think it should have. >> Kitchen: So public input would be whoever signs up. I think we should clarify if that's the intention. >> Tovo: We had it on

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our agenda once before. I can't remember whether we closed the public hearing D we just postpone it? Very good. So if there were -- so we're on the rca that came forward is to approve a 12-month extension given that Mr. -- Mr. Gedert, given that you are in the process, whether a month or -- within a month or two of coming up with a different arrangement. I also assume we have the option of doing a shorter contract as well, say three months or six months or something less than 12. >> Yeah. Speaking to our replacement contract as I prefer to call it, the replacement contract will likely be ready to go to solicitation in a month or two. Won't complete the process. It's hard to see when it will complete the process, but it is my understanding in consultation with purchasing office that we can council the 12

month extension at the time that we have a replacement contract in place so that we can -- if there is an agreement of council to sign a 12 month extension and we only need six months we can cancel that contract at six months? >> Could we do it the other way as well? Authorize a three month or six-month and have you come back if you need additional time? >> Mayor pro tem tovo, that's certainly something we can address with the contractor. Any time we're talking about contract extensions that are subject to bilateral concurrence of the parties, we do need to post the requested period of time to them. I hate to say we can't do it because I'm presuming they will agree to it, but their history with us thus far has been very cooperative. I would assume that would be a safe assumption. >> Houston: Thank you, thank you, mayor pro tem tovo. If we don't extend it we could contract with them short-term or find somebody else to contract with. >> Yes, per our previous

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discussion, we would be seeking something on an informal basis so it would be subject to competition so we wouldn't necessarily know who we were contracting with, but we would be seeking the services of somebody else. >> Houston: Do we know who would then be taking on the hazardous waste? >> We would be making that subject to the terms of the contract, yes. >> Zimmerman: Just a final. If the council were to vote on Thursday to move this into the open space committee for a more complete hearing on it, what options do you have available if the council on Thursday said, we want to look at this a little more and dig into it and have it go to the open space committee, what would be your options at that point? >> Mayor pro tem tovo, councilmember Zimmerman, because we're bringing it before the full council for extension, it was staff's intention not to seek further holdovers. So we would ask if that was your intention that perhaps you would authorize a shorter period of time, maybe two or three months, so that we would be able to take the item before the committee of your preference without us having to seek a series of interim contracts to cover the department's needs. So the same circumstance, but maybe a shorter period of time so that you could have this item reviewed at the committee of your direction. >> Zimmerman: Let me try one more time. If we authorize no extension. If we say we want this to go to committee before we authorize one single day of extension. Don't want any extension. We want to have it reviewed in our open space committee. So extension, extension, extension, extension. No extension. If we authorize no extension what is the consequence? >> The contract expires on Friday. >> Zimmerman: And the consequence of that is? >> We will not be able to treat or handle the type 2 non-hazardous material. We'll have to find some other way to do so.

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And I'll have to consult with the customer department to determine what their needs are to determine the best contractual method to do so. >> Zimmerman: So you don't have a plan B. It sounds like your expectation is you will get an extension of three months, six months, 12 months -- >> Tovo: Context he just described his plan B multiple times. >> Zimmerman: I didn't hear T you said you would investigate or do something. >> No. The contract would be if the contract expires and then we would seek an interim short-term contract to cover the needs of the department. But because I need to clarify what those needs are, I can't really get into detail until I have a chance to talk to Austin energy. >> Tovo: All right, thank you. Thank you very much. Parking benefit district, item 31, councilmember Casar. >> Morning, Mr. Spillar. I'll keep it quick so we can get into executive session. My understanding is that there are multiple differences between -- councilmember Houston I don't even know what the acronyms stand for, but several differences between ptmb's and ptb's being parking meter districts, two different kinds, and there are significant differences in a variety of areas, but one of the areas is that code requires a council vote to expand parking meters in pbd's, which is what we have here before us,

and the west campus neighborhood, but not in ptmbs, is that right? >> I'm going to ask my parking manager to explain the specifics between the two. >> Casar: I know there are several differences, but for the sake of time, particularly as it relates to council having to authorize the extension. >> But I wanted to specifically make sure you're aware what council is being asked to approve is the creation of the parking benefit district, not

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the expansion of the meters. Under administrative we believe we have the authority when parking needs to be regulated that that belongs within the administrative side. So really what you're approving is the business side of this transaction. Phrasers. >> And I've got a little background on your question. Previously a parking benefit district, the neighborhood comes to the city and the parking and transportation management district, that can be done by the city, by the merchants, by developers, those type of individuals. So that's the difference between the two. What I had heard you say is that you would like to possibly put these two together to make one. Is that correct? >> Casar: I think more of my question just relates to when we were talking about the new parking meters near lake park and Mueller, there was concern about whether or not the parking meters that were set, while reserving some free spaces, could then administratively even after council approved them at some point not be free spaces. And what I'm trying to make sure we have is just an understanding on the community side of what the process is for setting up districts and the expansion of parking meters. And when the public can or does get involved so that we -- just so that everybody has some basic understanding of step 1 is the district gets set up. Step 2 is the meters get put up. Step 3 is when there will be more meters. Either it's administratively just decided or council has to vote. I think that would make it much easier on us when these items come up on our agenda for us to be able to explain to folks how that works. And when we have these two separate acronyms and two separate districts, while there may be benefits to and I'm not implying that I necessarily want them to be the same, I just think that some

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level of clarity about how we set up the parking meter districts and what sort of input community has in assurances that parking meters will be in specific areas or certain areas will be free. >> So let us work on that communication and provide you with that. >> Kitchen: And also, councilmember Casar, this went through mobility committee so we -- I think your question is different, but with this particular item just to let you know, we had a discussion about the neighborhood process and understood that there was agreement and for this particular -- this particular district there were requirements to have the neighborhood agreement. Or actually, it was neighborhood request. >> Yes, it was a neighborhood request. >> Kitchen: It was a neighborhood request for this particular item. >> Casar: Exactly. I think the difference that I'm noting is that in the previous ones that we authorized in the pt -- whatever it is at lake park. >> Houston: See? [Laughter] >> Casar: That it's a different process. And that it may be helpful for that to be laid out and clear so that folks don't have differing expectations depending on which acronym is overlaid on their streets. >> Certainly, yes. >> Tovo: So I have a quick question. I've gotten some emails, probably we all have, but this is in 9 so I may be getting more than others, about concerns about how the parking benefits district could interact with future bike lane and pedestrian improvements. So my staff has had some back and forth with transportation staff, but it would seem to me one way to handle that would be -- well, why don't you talk about that issue since many members of the public do have concerns. And then I have a suggestion to propose. >> Let me talk about that. We are currently in the process of a west campus Guadalupe corridor study. And people tend to think of that as just the north-south movement, but it really is the

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east-west movement and looking at all modes, pedestrian as well as bicycle. And so those are issues we are actively looking at. The east-west streets do not -- if we were to implement a facility that required us to reduce parking, I think the impact would be minimal to the parking because most of the parking that is in this district is much east-west type stuff -- not east-west, north-south. So I'm not concerned about the ability to go in and put bicycle facilities after the fact. I think one question that has been raised is to set up one of these districts it requires a minimum of 96 spaces. Well, in fact we're adding more spaces to an existing district that already has 96. So there should never be a constraint there. We've never had that question asked as caps if you want to do something that reduces below 96 and this is not that case. So when we get there we'll figure out an answer. I don't know how else to say that. But I'm not concerned about that. The other side to that is remember that revenue generated off these parking districts, part of that money is we work with the sponsoring agency to find appropriate investments in that area and infrastructure, so I would suggest that bicycle facilities and improved pedestrian facilities may well benefit from this parking benefit district. We know that pedestrian and bicycle needs east-west here are greatly needed as we continue to densify west campus based on the overlay ordinance that's been very successful. So I would tell you that those infrastructure could benefit from the funding out of this. >> Tovo: Sure. And I think one of the ideas I had, and I don't know whether it's necessary to include it within the ordinance or just to make the point when we talk about it on Thursday, is that the parking benefits district is something we're setting up, but

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it's not -- those meters are not necessarily permanently in the places where you're going to establish them. If we have pedestrian improvements or bicycle improvements, that mean that those meters move, then people should anticipate that you're going to make changes to them. >> Yeah. I don't think there's any question about that. We retain the right to manage that parking space regardless of the relationship. And that's what I was saying to councilmember Casar, what you're really approving is the business relationship, the placement of the meters, the decision to put no parking or valet Zones or whatever remains with the department. >> Tovo: And I suppose with -- if those changes got to be substantial enough that it alters the business relationship then we might need to look at the 96 and whatnot, but we're not at that stage, but I think maybe it's enough just on Thursday to say there may get to be a point where we can't maintain 96 because we have so many bike lanes running through and among west campus or maybe an urban rail route. >> Yes, ma'am. And really on a weekly, monthly basis we make adjustments to the parking management system. You know, we add a meter, we subtract a meter. Those small changes are so are you teen you do not hear about them -- routine you do not hear about them. Obviously when we move into an area like the Mueller area or expand in the university area, the benefit district concept is something we sort of invented here or built on somebody else's idea of it. It's very successful in most of these cases we've been asked to come in to help manage their parking. What we find is when we go into these areas the business response, business activity goes up, impacts the surrounding neighborhoods typically go down. >> Tovo: Thank you very much. Any further questions for our staff? Okay. That brings us to item 68. Councilmembers Houston and Casar you pulled this item. Councilmember Houston, would you like to

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address your questions? >> Houston: Thank you, mayor pro tem. This is in councilmember Garza district and she is traveling today. There are some social injustice and equity issues as we looking at this for a zoning case. I'll leave most of my comments until Thursday because I see that we're running up against the time. But Mr. Guernsey, there are very few current codes in our land development code about manufactured homes and there are even less protections for the people who live there. Like we have protections for tenants and landlords in multi-family developments, but we have very little kind of protections for people who rent or lease homes in a mobile home or manufactured home community. So I guess my question is quickly, would a public restrictive covenant be an appropriate option to add some kind of protections, community benefits for the people who live in these manufactured home communities? >> Councilmember, Greg Guernsey with the planning and zoning department. I can get with the law department and discuss maybe those aspects. Whether it's single-family home or multi-family or mobile homes, our zoning regulations do not speak to landlord-tenant issues. But if you had some things in particular we can certainly discuss those with the law department. >> Houston: I'm talking more like open space. The things that we have in imagine that we as a city covet. Open spaces, parks, playgrounds, swimming pools, parking, utilities, who is responsible. >> Those are things that we could actually cover in a zoning case if you wanted to reduce the amount of impervious cover so there would be more open space. That's something that could be looked at.

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Parking, if there's something with parking we can discuss that. There are ways through a conditional overlay that you can modify zoning regulations to address some of those things. >> Houston: Okay. Councilmember Casar? >> Casar: So for those of you who don't have as much background on the zoning case, we did have some residents of a mobile home community from the same landlord that live in district 1 come and speak on some of the issues they were facing in their community. And I, after consulting with both law and some other folks, I do think that it is -- it's relevant and linked for tenants or homeowners leasing land from this landlord to come and speak to us about their concerns when that landlord is seeking a zoning change in order to expand their business model. And so I understand that the landlord and developer are negotiating a private restrictive covenant to provide some protections for the future residents of this piece of property as well as a potential agreement with the folks living just nine or 10 miles away, but from the same landlord who came and brought their concerns to us. And given our discretionary power over zoning I would feel much more comfortable giving this landlord the right to expand their business model and have a zoning change if I understood very well and very clearly of their existing tenants who are organized in a representative group, feel that they are -- have a seat at the table and are having some of those concerns -- some of those concerns are being met. So my understanding is they're flying in today or tonight and discussing some of the issues before Thursday. My gut is that -- my hope is that all gets worked out by Thursday, but my gut is that it may take some more time. I've seen some red lined copies and versions of what they're working on

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and it looks like they still have a ways to go. I've offered to help broker some of those meetings and help get everybody to some reasonable place, but I would really like to see -- I would really like to feel confident that the expansion of this business model, which I think can be a very good one providing affordable ihop options in Austin, I would really like to know when granting the zoning change that all the tenants for this landlord feel that they've been respected as he has expanded and grown here in Austin. I myself in my own district have worked really hard to keep our mobile home communities vibrant and to keep them in Austin. So I'm certainly in favor of having more manufactured home and

mobile home zoning in the city. I don't want to exclude that, while at the same time I want to feel confident in giving this landlord the ability to expand. >> Houston: Mayor pro tem, one quick final comment. I think it's about these specific properties, the one in councilmember Casar's district, the one in my district and the one in councilmember Garza's district, but there are manufactured home communities around Austin. And so we'd need to look at this more holistically so we're not coming to council one on one, but we have some kind of code that supports how we allow these communities to thrive yet keep them -- because they're now in the city. They used to be on the edges of the city and now the city has grown around all of our communities. And many of us have multiple. Councilmember Renteria has one in his district. So we -- two. He says two now. So we need to look at it broader. And I think this is the start of having that broader conversation because I too want them to stay in our community. >> Tovo: Thank you,

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thank you, both. Other questions? Okay. That brings us to our last item that was pulled, and that is item 81. Councilmember troxclair, you pulled this item. Item. This is the ordinance related to 25, short-term rental use. >> Troxclair: So I just thought that we should have a conversation. I know this is a pressing issue that the council has shown an interest in getting addressed as soon as possible, but I think the mayor is still going to be out of town and I know I for one -- he's been instrumental in this conversation and helping us come up with the best way to move forward on the str issues. I thought I would see because I think we're taking public on Thursday, whether or not the council would be maybe open to taking this up next week when the mayor would be back and would be able to participate in this conversation. I know we can't vote, but I just -- >> Tovo: Councilmember Houston? >> Houston: I have no problem with delaying this for a week. I mean, I don't know what that agenda item is going to look like. >> Tovo: I believe it's huge. >> Houston: It's huger -- huger than 81? >> May I speak to that. I understand wanting to move it off a week. I would suggest on behalf of our lawyer who is working so diligently on this that that's a really difficult time for her. December 17th she has an oral argument the day before and really wouldn't be able to do much on the motion sheets. If you could put it off until January if you were going to put it off, that would really help us. >> Tovo: Councilmember kitchen. >> Kitchen: I might also add that the 17th is already -- what's the word? Beyond booked. [Laughter]. >> Tovo: Yeah, I

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understand -- as I understand it, I believe these are being discussed by the planning commission tonight, at least some of them. So, you know, I -- one of the things I'll think about between now and Thursday is whether some of them could wait, but I think it is -- for example, deleting the testing of waters, I think I've heard about that recommendation for a year and I think it's a year past time to -- I don't think we ever should have included the provision, but I think we've known for almost a year that that was a real problem and posed giant challenges for our staff for enforcement. So I think some of these really do need to move forward and the ones that require more discussion perhaps that's better left. And so maybe we can be thinking about how to parse those out. >> Yeah. It would be helpful if we know before Thursday. If we can. You guys are the experts on these and so I'll defer to y'all's judgment. But it would be helpful for the public and for us if it's possible to understand ahead of time. >> Gallo: I think some of my concern is that the planning commission is hearing it this evening so if anything changes based on their recommendations, then you have a very short window for staff to make adjust minutes and you have a very short window for us to be able to review those changes prior to the already really full agenda that we have on Thursday. So I just -- as we try to -- I understand that there's been a desire to

push this forward as soon as possible, but I am to make sure the council has adequate time to review any changes and for staff to have the opportunity and the time. Plus I think the mayor to just -- to restate what councilmember troxclair, the mayor was part of many of the amendments that came forward and I think it would be appropriate for him to be part of any discussion that would happen on short-term

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rentals. >> Tovo: Again, I would suggest we take a look at that. We did lean on staff to move the process forward as soon as possible and it sounds like we might be looking at tabling some of these until the end of January, which is a very long time for those communities who have sought relief for some of these issues. A couple that jump out to me that would be priorities for Thursday, the one I mentioned stating that a it violation, I think we likely will need more time to talk about some of these like occupancy limits, perhaps moving existing type 2 short-term rentals from residential uses. Those it seems like might require more council discussion and are appropriate for either the -- not the 17th because we want to be sure that the legal staff can be here. Let's do some thinking about it. Councilmember kitchen? >> Kitchen: Then my other question would be what is the plan for public testimony? >> Tovo: These are public hearings under state law. The public has to be allowed to participate. Councilmember kitchen what does that mean? The reason I'm asking that is so we can understand and the public knows what to expect going into the meeting. >> It's a full public hearing. State law requires a public hearing. >> Kitchen: Does that mean -- I thought our processes allowed us to set the scope of the public hearing. >> So in the past you had two minutes rather than three minutes as long as everyone who wanted to speak is able to speak. >> Kitchen: We can't limit it to three, four hours? In that kind of hearing is it completely open? What are our parameters is what I'm trying to

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understand? >> Houston: Did we hear this in another committee? >> I thought so. >> Tovo: We did, but state law takes precedence over -- I should let our city attorney answer this, but state law trumps ours. So is it true that anybody who comes needs to be afforded an opportunity to speak? >> You can do a limitation or reduce the number of the time for them. Like you normally have three minutes. You can reduce it to two but if people want to be able to speak, they can. We've restricted in the past, asked people to get together and decide. >> Kitchen: That's what I'm talking about. I want to understand. We can do that. I want to understand the whole scope of -- I'm not suggesting a particular approach because I would leave that up to the folks that have been moving this forward. S I think we're better off if go into the meeting having an understanding about what the preference is? >> I think it would be better if you move forward with part of the items and not all the items, that would change the dynamic as well. >> Kitchen: Okay. Debra, are you going to speak to the scope of what our -- >> This does have to have a full public hearing. In the past the council's have talked to the people on each side and said can we agree that they were going to do this and handle it this way. So we have some leeway in that regard. But it's not one of those cases where we can say this has been to the committee so we'll have eight people, limit it to eight people. We can't do that. But we do have some leeway, but we do have to allow people to speak if they're there to speak. >> So did we have a public hearing when these first came in front of us? I don't remember. >> When these first came

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to the council it was a resolution. So there was a lot of public testimony at the committee level and there has been testimony at the various council meetings, like the four and four per side. But this -- at this point, the ordinance is now coming to council so it is basically starting over in that sense from a testimony standpoint because it's a zoning ordinance. >> Kitchen: Because it's the actual language that's coming back to us. >> Correct. >> Kitchen: Okay. >> Tovo: I would think it's appropriate, and I look to our attorneys to see whether this is legal. If we're taking up just a very limited scope, I think it's fair to ask the speakers to confine their comments to just those points, not short-term rentals in general. Is that -- >> That would be appropriate. >> Tovo: Okay. >> Might I suggest if you're going to try do that that you use the message board tomorrow to indicate which ones you think you could get through on Thursday if you're going to piecemeal it. >> Tovo: Councilmember troxclair and then councilmember Gallo. >> Troxclair: I didn't know whether maybe the staff could help us identify out of the things that are on the list which things really have pretty comprehensive agreement and which things -- because I agree with mayor pro tem tovo, I think there are a couple of things that probably we could go ahead and pass. But I'm worried about a couple of other things that she mentioned that might take a lot more. Is that something that y'all could provide us as a starting point? >> I can make a better assessment after I go to the planning commission tonight. If there is some disagreement at the commission or if they change some things from what's in there right now, then I can make sure that council is notified of those.

[11:54:26 AM]

>> Troxclair: I guess the only other thing I'm thinking about is although there are some things that we could probably pass on Thursday if the state law requires us to have full public hearings then we're -- if we hear it on Thursday and plan to have other parts, then we're doubling the amount of public hearing. So I -- I don't know. So that's just something else to think about. Maybe if the things could wait until January it might be better for us from a time management perspective. And I guess the one policy related question that I have if we are going to take this part up on Thursday is the limiting the use to commercial Zones. I think this is the issue that councilmember kitchen in particular and councilmember Garza had stated that when they voted for it they were just voting to see a range of options because some of the members weren't comfortable committing that that -- with how they wanted to move forward with that piece of it. So are there other options of how we could address that issue other than what is listed in the ordinance? >> The options would be the amount of time that the council would allow it -- the use to continue, but conceptually phasing out a use, this is the option that's really available to the city. The other two items that would potentially play into this is the bad actor clause so if someone is a bad actor they would lose their license and have to stop operating. Second would be if someone just let's their license lapse. So you have essentially the time frame for them to continue to do it or that they lose it before that time frame. >> Kitchen: Thank you for bringing that up. This is an area that is of concern to me and I

[11:56:27 AM]

think councilmember Garza mentioned that also. So I will probably have alternatives to suggest, which means that this may be an item that takes longer to discuss. >> Tovo: Yeah. Having brought forward that amendment I would like us to take it up at our first available opportunity, but I would concur that Thursday is going to be a challenge and the planning commission is just addressing it for the first time tonight, although of course they talked about it in codes and ordinances. I'm comfortable with delaying that piece of it. The ones that -- there may be others I add to that list, but I've named the ones that I think are really critical to move forward with right away. I mean, for one thing, we have a moratorium

on type 2's so we have a little time to sort out the other. Councilmember Gallo? >> Gallo: You touched on this, but I want to make sure we've got the legal interpretation of it. So if we subdivide this between two different meetings then we would have to have a public hearing at both of these meetings. And although we can suggest that people speak to the items, I think my experience has shown that people will get up and speak to whatever they want to speak to, so I think given that we've got some substantial time constraints both in the December 17th meeting -- this meeting and also I'm sure in January when that would be the first meeting that we've had all month it's going to be a busy agenda too. I want us to be sensitive of the amount of time that the public hearing will take times two if we split this over two meetings. >> Tovo: And I think we can convey that to the public. I think those who are interested in hearing these move forward, were they asked to make a choice, would probably -- can probably shorten their comments on Thursday or would be more willing to do so if they know that the question is really we could take some of this up on Thursday or we take it all up later when we have time for a full public hearing. Hopefully we can all convey that to the people who are communicating with our office.

[11:58:28 AM]

Other questions? Councilmember kitchen? >> Kitchen: Could we just recap what we have decided? I'm a little confused. >> Tovo: It sounds like -- it sounds like we're moving in a direction on Thursday of taking up some, but not all of the amendments, and that we're going to ponder it, look at the planning commission, each of us, look at the list and determine what we see as priorities for moving forward right away and then make that -- take that path on Thursday. But in the meantime we'll be communicating to our -- to the folks who are talking with us about this issue that likely we won't take up all of it and that likely we will ask them to be extremely focused in their comments on Thursday so that we can take this up in an orderly fashion without hours and hours of testimony. >> Kitchen: From my perspective, simply because we've had a lot of discussion and a lot of testimony, I would support a request to the constituents along the lines of what we've done in the past. If we're in a situation where we end up with a lot of folks that have signed up, I would support a request to them to get together and decide who is speaking for them because we've had hours and hours and hours and hours of testimony, which is good. That's a good thing. I always want to hear from people, but I don't think this is new, I guess is where I'm coming from. >> Tovo: Councilmember troxclair. >> Troxclair: I guess maybe to that end I'll just say now if we do have an overwhelming number of people sign up to speak, I will make a motion to then just postpone everything until January 28th where we can have a full hearing and pass everything. >> Tovo: Councilmember Houston? >> Houston: Well, if that happens, then -- then I'm not going to be able to support that, because people

[12:00:29 PM]

are already there. So to say come down, have public testimony, and even though it may be limited, and then say, but never mind, we're going to do it in January, I would -- I would not be able to support that. >> Tovo: We don't, as of yet -- thank you for those comments. We don't as of yet have a time certain. Do we want to talk about what we might work toward? >> Casar: I believe I and councilmember Garcia and councilmember Houston are going to submit a time certain item for item no. 68, the Lexington park rezoning, I'm going to put that out there as we continue a time certain. >> Tovo: Time certain for 68 for 6:00 P.M. And then -- then I believe this -- this is scheduled for 4:00 P.M., hopefully we can take up short-term rentals, is there a general thought at this point that we will work towards taking up short-term rentals at about 4:00? Or does anybody intend to submit a time certain? Okay. All right. Thanks. So -- so at this point, we have one last item and that's to go into executive session. The city council will go

into -- into closed session to take up one item pursuant to sections 551.071 of the government code the city council will discuss the following items, item E 2 legal issues related to sovereign immunity, city liability and how liability is determined under the tort claims act. Items E 1 and E 3 have been withdrawn. Any objection to going into executive session on the item announced? Hearing none, council will now go into executive session and when we return, we have concluded our other items on the agenda. >>> >>

Tovo: We are out of closed session. In closed session we took up and discussed legal matters related to item E2. We have no other business before us. We stand adjourned at 12:37 p.m.