

City Council Work Session Transcript – 1/26/2016

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>> Mayor adler: Do we have that ability to be able to do the seat choices at this meeting? I don't know if the clerks looked at that. I'll check back with my office and we'll come back to that. >> Zimmerman: Can't hear you. >> Mayor Adler: We are -- we're heading into yet another six-month period of time, an opportunity for us to get to know new people on the dais as neighbors. And I was asking shall I don't know if the clerk has prepared for us to be able to do that here or -- >> You should call the meeting to order. >> I'm not but if you give me five minutes. >> Mayor Adler: We'll do that. That would be good. I'm going to go ahead and call the meeting to order. Today is Tuesday, January 26. We are in the city hall annex, the board and commission room. The time is 9:20. And we'll work through this agenda. We have some things that we need to discuss. We also have some executive item -- things that people wanted to touch on or discuss in executive session. Those things include at this point the tnc issue, the mercer issue, there's also been a request that while in executive session we discuss the -- item number 80, which is the pud super majority issue. Some of the people that we need to talk to in that executive session, legal counsel, will be able to be here at 11:00. So we'll see how far we can get before then and then break for executive session. To be able to talk to them. Yes, sir.

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>> Casar: Mayor, I had pulled 71 but I can unpull that because it was heard it the public safety committee meeting yesterday although I wasn't able to be present. I just wanted to let folks know my understanding is this is something we had postponed from December and that the folks at ems on the city staff side and union side have come up with a pretty thoughtful sure, in my view, and if people are interested in what that is, I would urge you to go and touch base with ems. But I think that this -- Hopefully is something we can just move forward on on Thursday. >> Mayor Adler: That sounds good. Yes? >> Tovo: Mayor, likewise, I've had an opportunity to meet with staff who are here today, and I appreciate them being here, but I can put item 8 back on, I can unpull item 8 for discussion here today, unless anybody else has any questions. >> Mayor Adler: Okay. >> Tovo: Thanks, Mr. Jennings and others. Sorry to make you come here early on Tuesday. >> Mayor Adler: Okay. We had asked the transition committee to come back and give us an update and a report on that. My request at this point, if it's okay with the transition committee, Ms. Kitchen, is that we not do that today, maybe pick that up next week, given the volume of stuff that we have. Is that okay? So that people have a chance to really look at it and then we can talk about it next week when we can actually spend time talking about it. Yes? >> Casar: Mayor, I would -- I defer to the will of the group if we have too much going on, I think that councilmember kitchen has put out the report that is lengthier but I will post to the message board a proposed resolution and ordinance amendments. Many of which are in councilmember kitchen's report

because the transition committee agreed on all of them. Some of them we couldn't come to full consensus on so I don't think they would be in

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the report but I want to make sure they're out there. So I'm going to hand out a piece of paper that sort of has those on it now for Y'all's consumption between now and the next work session and then I will post to the -- post it to the message board so the public can see it. >> Mayor Adler: That would be great. >> Kitchen: I'll go ahead and get posted today. I sent out to the committee last night. I'll go ahead and get posted today the draft committee report, and then we'll talk about it next week. Is that what we're - >> Mayor Adler: I think so. There are people really haven't had a chance to review and take a look at. I think this is going to be a significant conversation so I'd urge everybody to make sure you pull those things down so we can have that discussion about what we do. Okay? All right. So let's work our way through the work session agenda. Let's see if we can go -- let's see how much we can get done by 11:00 and go into executive session and see if that would stop us some. Going to go through this and I want to make sure that we maximize the time that we have to talk to each other. So I'm going to go through and do a first pass of this. Focusing on those things require conversation and discussion between us and then we'll go back and ask we're able to do those things where it's more questioning of staff with respect to informs or data on those kinds of questions. Let's work our way through this to see what are the things we need to talk about. The first one, the contract issue is that something we can come back to? >> Zimmerman: That's probably more staff, but if anybody has any comments or questions, I'd love to hear them, but it's

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more about just getting value for our dollars. >> Mayor Adler: Okay. >> Zimmerman: Great that. >> Mayor Adler: So let's come back to that one. And is that the same thing through with 31 or is that -- >> Zimmerman: I think on item 31, it might be useful to get a sense of our council as to whether we want to keep funding the lone star D district. The other fascinating thing I think we need to talk about as a council if you notice the value, \$49,500 and I thought city management was able to go ahead and approve that expense because it's under 50,000. So why is this being put in front of the council if staff could already just approve this? It seems like there's -- it seems like there's a political endorsement being requested from city council more than the need for the money, but can I get a legal opinion? Is this -- could the 49,500 have been approved without council action? >> [Off mic] >> Councilmember, Greg Guernsey, planning and zoning department. Previous council asked these memberships come before the city council to be aware of them and if the policy direction has changed then that direction could be the city manager. It is within his authority. But it was more of a policy decision of the past council just to have this reviewed. >> Zimmerman: And I do appreciate that policy, yeah. I agree with the policy. Thanks. >> Mayor Adler: Okay. Does anybody want to say anything? Did you want to say anything about -- >> Speaker2: Not now. >> Mayor Adler: I'll go to item 42. That the same kind of thing for the tcv international? >> Zimmerman: I think the conversation here for C council -- do I have particular questions for staff but, again, for council, have we as a council failed to communicate to staff the urgency, the importance of traffic congestion relief?

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I ask that question because we received quite a few of these type of projects, you know, 500,000, million or two and we've gotten quite a few over the last year. Have we as a council failed to emphasize

the importance of vehicle, traffic on ingestion relief, you know, as a planning objective, as a priority for transportation engineers? >> Mayor Adler: Mayor pro tem. >> Tovo: Councilmember Zimmerman, if I am getting the thrust of your comments, are you suggesting that this doesn't seem aimed at reducing traffic congestion? Because I believe -- I mean, I will allow the transportation staff to speak to this, but part of the issue is that we do have traffic congestion in areas downtown when you've got people circling around constantly looking for parking spots so the dynamic parking system is an attempt to address some of those challenges. Was I correctly interpreting your concern? >> Zimmerman: Well, you know, there's -- if you talk to a traffic engineer, you're R ight, you can optimize your existing streets and your existing right-of-ways. You can do that. And that seems ton the exinclusive focus. My focus is we need expanded roadway capacity because we have a lot of timing issues where the lights have been timed but when it turns green no one can move because the roads are undersized. So I don't -- I'm not aware of anything that's been brought to us really addressing the capacity issue. >> Mayor Adler: What I'm L looking forward to -- and beyond that, in addition to that, I'm really anxious to take part in what the mobility committee is doing. Councilmember kitchen and the committee have invited all of the council to participate in their meeting on February 3, which is where I understand that conversation about mobility, that was really going to be launched in a grand way. It's my intent to attend that mobility committee meeting, and I urge everybody on council to attend it. I think it will be something where, as I understand from

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the committee, we're going to be having laid out kind of an approach to how we might be dealing with mobility from the committee's perspective this year. Ms. Kitchen. >> Kitchen: Just to add to that, as we've shared with all the councilmembers, the February 3 meeting is the beginning of a public discussion about the range of transportation, list and range of types of transportation projects we want to prioritize and need to fund as well as a discussion about how we might fund those. The anticipation is that we'll spend the entire spring working on public discussion and going through that P process. >> Mayor Adler: Okay. So I'm looking forward to T hat. We'll move on to the next I tem, item 50, quarter cent fund. Was there something about T his, Ms. Gallo, you wanted to talk about. >> Gallo: Just a procedural more than anything else. So council offices turned in their list, and the list came back to us. Ours came back to us with some additions and some deletions. And my concern is that there really isn't a lot of time at this point to be able to talk to both public works and transportation to discuss whether the deletions are actually -- they are handled somewhere else. I went out and talked to a lot of the schools, all the schools in district 10 and there were substantial safety issues and some of those were the ones that were deleted and I just want to make sure that I had the time to have the conversation to make sure that those are actually being handled through some other program. I'm just concerned that we don't have time between now and Thursday, when we're to vote on this, to be able to have those conversations. So I just was curious if the other council offices were having the same concerns. I just want to make sure that this has been a lengthy process that, we've tried to spend a lot of time making sure that we had projects T hat -- >> Mayor Adler: Ms. Kitchen. >> Kitchen: Well, I think that's a good question to ask.

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The list went out, I think, it was yesterday or -- and I'd be interested to hear from other councilmembers if they have similar kinds of concerns. I can tell you for district 5, the list we submitted is the list that was accepted. So -- and I kind of expected that to be the case for all the other councilmembers also so I'm concerned that you're experiencing difficulties with that. >> Mayor Adler: Anybody else have any

difficulties? Ms. Houston. >> Houston: Mayor, except the three items that were disallowed, the list was as I submitted. The concern for some of those issues was that there didn't appear to be -- we can continue to work on this. It was just, you know, engineering said this, but when we're talking about public safety issues and people walking in streets, I think we have to do more than just say we don't have the right-of-way capacity. We have to look at ways we can get people out of the bicycle lanes when they have to get to a transit stop or to their homes. So I kind of pushed back on that. But on those three that he denied I would like to have more time to talk with staff. >> Mayor Adler: Okay. Can you get transportation staff to visit both with M S. Gallo's office and M S. Houston's office about their lists? And then if the answers are insufficient, then let's raise that then on Thursday. >> Certainly. >> Mayor Adler: Okay. Yes, Ms. Troxclair. >> Troxclair: [Off mic] Okay. I had the same issue so I have an item that they didn't approve. So I -- so I would be interested in whatever the answer, response or time, whatever we can do to make sure that money is being spent. >> Mayor Adler: Has anybody not had a chance to look at their list yet or evaluate them and want staff to come talk to them other than these three?

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Councilmembers, please let Robert know and then let's S EE. >> Gallo: I just wonder, we already have such a file agenda on Thursday that this might be an item. >> Mayor Adler: To put off for a week. >> Gallo: Might be appropriate to postpone for a week. >> Kitchen: If we have to I could. I continue to be concerned about getting started on these projects. >> Gallo: I agree. >> Kitchen: That's my concern. I would want to know if there's a way to get started and still address your concerns. So but maybe -- but we can certainly consider that. Maybe you could have that conversation and perhaps if they had that conversation with you today or tomorrow it could be figured out. If not, then we can postpone, if that's all right. >> Mayor Adler: Ms. Pool. >> Pool: I know we've been working on the quarter cent projects, six months, eight months, it's been a long time. >> Kitchen: Getting close to a year, actually. >> Pool: And I respect the fact there may be some questions in councilmember Gallo's office and a couple others but I'd prefer we gift green light where we can and understanding that staff won't be able to start every single project at the same time anyway and maybe to address the concerns that haven't been completely addressed is fine. I would like to move forward on the projects that will benefit district 7 that have been fully vetted. >> Kitchen: Okay. Why don't we see what we can work out and then if we need to partition it on Thursday or do something else, we can do that. >> Mayor Adler: Okay. >> Kitchen: I do want to say, though, that I think it's really important -- I think it's really important staff to work with councilmembers and be in a position where there's agreement on what we're moving forward with. >> Mayor Adler: Okay. Before we move on to the next one I just wanted to state parenthetically that I sure am happy this is a one-off and not anything that sets precedent and we don't anticipate ever seeing this kind of process happen again. And for that reason I'm not going to address it yet again. I'm just going to say I'm

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happy to hear -- I'm happy began this is a 1-off and -- a one-off. We'll go to the next item, which is item number 56. This is the -- is this the tnc issues generally? >> Kitchen: Yes, one of the tncs so we'll take that up. >> Mayor Adler: There's a bunch of tnc items that are on the calendar. Ms. Kitchen, do you want to address this or want me to start? >> Kitchen: Why don't you start and then because this is item 56 and then the other items are 92 through 95 -- or 96. So why don't you begin and then I can just add or say anything, you know, about item 56, but why don't you start with your items. >> Mayor Adler: Okay. There are -- with respect to the tnc issue, which is something that we'll talk about in executive session and in working with -- and discussing this with M S. Kitchen and some of the others that might -- that

have been involved in this, it's our intent to propose to the council that we consider a dopting an incentive program that would authorize and specifically allow the city to incentivize voluntary B ehavior. It would be a global ordinance that would say that this is an opportunity in the broad sharing and peer to peer economy to try to incentivize the behavior that we ultimately want to see. One section of that will relate to ground transportation. In fact at this point it will be the only section of it

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relating to ground transportation. And it would provide basically that that -- that authority to try and drive that. It would talk about specific incentives. It would be similar to, I guess, a combination of part of what we're -- was in some of the work that Ann had done and posted, part of what was on the second amendment that I posted Saturday morning and the fourth amendment that I had posted Saturday morning. And then the thought was is that we consider moving back the effective date on what we did in December for a few weeks so that we have the next couple weeks to be able to take up and consider the base rideshare or transportation network company ordinance. >> Kitchen: Item 56 is the item that I put forward that relates to the incentive program. And so -- and that's the focus of item 56. There's also a few cleanup items in it related to the fact, for example, that we had said before that we were going to make the other ground transportations background checks national in purpose, in scope as opposed to just S Tate. So there's a few like that. So what I -- what I've done is divided 56 into two different ordinances, and I think that the mayor and I are still working on some language related to the incentive program. I want to commit to everyone that we have that posted today so everyone can see what we're talking about and perhaps shortly so that we're not -- so that other councilmembers are not dealing with a concept without language. So I think that -- I think

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that that's the expectation, that the incentive language or badge program, if you want to call it a badge program or incentive language is actually posted today. So that's what I've been Focusing on. The concept behind it is -- it is a -- you know, it's a free-standing ordinance. The concept behind it is the same concept as the mayor just laid out. There's a specific section on ground transportation and what that section does is it simply says that if -- for drivers that are fingerprinted there's various incentives that relate to the locations in which they can pick up passengers and, if feasible, drop off passengers. So that is the gist of it. I can go into it in more detail if people would like, or we can talk about the concept of incentives. I would also like to say that the language that we've put forward or that I'm putting forward and the mayor and I are working on the same -- you know, making that language consistent with regard to the incentive program is a free-standing item. It doesn't impact the question that will come before us later with regard to the petition. It stands alone. It is a provision that can stand alone regardless of what the counsel decides to do with regard to the -- council decides to do with regard to the petition. So I think -- >> Mayor Adler: Let's see if people want to -- >> Kitchen: If you want to discuss it more, I have a preliminary draft I can pass out. This is our time to discuss I T, and I'm reluctant to be so vague that people cannot even, you know, ask questions. So if -- you know, I can certainly pass out the latest that we're at, understanding there may be some tweaks to the language. >> Mayor Adler: And I wouldn't have a problem with that, and I can explain the kind of tweaks that I think should be made. There are two versions, and we

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can talk to those. >> Tovo: I think I need to understand before we go any further in this conversation.

Councilmember kitchen, you're talking about working with the mayor on developing some language related to incentives. It's not clear to me whether that's going into your proposed ordinance or are you developing additional amendments for the mayor's? >> Mayor Adler: I think the intent is to have a free standing ordinance that deals with incentives, opportunity that would be addressed to peer to peer platforms and they would be free-standing. >> Tovo: Which is your item I S? So you are working on language to add to the item that's on the addendum related to incentive. >> Kitchen: Yeah, basically, the item -- item -- let me be clearer for you. >> Tovo: Thanks. We've got, I don't know, maybe seven items related to -- and I'm befuddled. >> Kitchen: That's all right. Thank you for asking that question. Item 56 relates to the incentive program, and then two of the items that the mayor put out relate to the incentive program and I don't know which Numbers those are. Basically what we're talking about is those three items collapse into one item R elating to the incentive program. It probably more fits the P O sting language under the mayor's item than it does M ine. >> Tovo: Okay. >> Kitchen: But that's what we're doing. And then the others that the mayor have -- has posted, I'll let him speak to that. Those are different. >> Tovo: Thanks for that clarification. I appreciate it. >> Mayor Adler: I think the three we're talking about is the 56 that Ms. Kitchen P osted, relates to that, and then items 93 and 95 on the addendum. 95 was a posting that said let's talk about -- and just by way of background so that you know the evolution and how this conversation happened, it began with the work we did in December, where as part of our tnc ordinance we said that we

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would do incentives, and we said we would come back and discuss that further, and that's where we are now. The question that -- then we started working on that in mid-december, and, you know, as we were looking at the safety question, I think -- what I heard was is that we were being told by our public safety people that F ingerprinting was a safer option than not F ingerprinting. In part because it provided them greater tools on a P ost-incident investigation. But we were also hearing from our public safety people that having tncs operating at scale improved the safety in the city. And I think we were all struggling to a certain degree on not wanting to have to choose between competing safety options and trying to find the way that we could deliver safety on all a accounts. In the peer to peer economy that we have, we have people that don't know each other dealing with other people they don't know. In reality it's just not drivers. It's passengers who get behind a driver, that the driver doesn't know. There may be some people who would like to avail themselves of the peer to peer economy as a driver in that economic opportunity, but don't know the people back behind them. But it's not just those. You know, you could look at karma, which is a true ride share program in our city. It's one of the things that we have -- have made us branded as an innovative city. It's pure ride share. A stranger gets in a S tranger's car and they debt and credit each other's account for the price of gas. That's not covered by our ordinance because it's not for profit but I still have a stranger getting into a stranger car. And it goes beyond that, air B

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&B, you can rent a room in someone's house or a sofa in a living room. This was an attempt, G enerally, item 95 to say since we can't -- so I don't believe we can mandate that everybody participating in any aspects of these can be fingerprinted. Is there a better way to find the intersection of what government does and what T he -- the ends we're trying to reach. So 95 was the global thing that said, hey, let's figure out how to do this broadly. And then it has the first section, which combines -- will ultimately combine language from Ms. Kitchen's deal as well as item N umber 93. The language that Ms. Kitchen has handed out, I think, is something that -- obviously I think we can work off of. Probably the changes or alterations to that that I want to be discussing are us not being the place -- >> Kitchen: Mr. Mayor. >>

Mayor Adler: Yes. >> Kitchen: Would it be helpful if I walk through it first and you talk about the changes? >> Mayor Adler: That would be fine. >> Kitchen: I think it might be clearer for people. >> Troxclair: Mayor, I'm S sorry, before we do that I want to understand. So what you have passed out in front of us is intended to replace item 56, 93, 95. >> Kitchen: Correct. >> Troxclair: Okay. >> Kitchen: With additional changes that the prayer is proposing. >> Troxclair: And did I misunderstand you? I thought I heard I say something about you were gonna not take this -- you were gonna -- you wanted another couple of weeks before we made a final decision. Are we planning -- to vote on this Thursday? >> Mayor Adler: Two different things. This -- the concept of having an incentive program for a third-party vary fire or badge is something set and could come up on Thursday. The intent is to have it considered on Thursday. We also have to consider tncs more generally, in part because I think what we passed

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in December was incorporate when we passed it and in part because we have an initiative election that if certified we're going to need to respond to. I don't see us discussing that issue on Thursday at all. But I do see us extending the effective date of what we did in December so that it doesn't become effective on February 1 so that we push that back several weeks so that we have the additional time to be able to work through that second conversation. >> Troxclair: Okay. >> Mayor Adler: That's what I meant about pushing back several weeks. >> Troxclair: And I assume that in our executive session we will talk about the legal implications and the legal risks of moving forward with something that may be called a free-standing item but inevitably affects the implementation of any language that might be on ballot? >> Mayor Adler: Very definitely. >> Troxclair: Okay. >> Mayor Adler: Okay? >> Kitchen: Okay, let me just clarify also because there's a couple different things going on. This one that's in front of you does not impact the effective date. That's a separate item and I forget which item it is. >> Mayor Adler: That's item number 96. >> Kitchen: Okay. This one in front of you are the three Numbers that we mentioned before, they -- they're -- this program stands alone in the sense that the way this language is written, it can be effective, you know, if the council so chooses, regardless of what the council does later with regard to the December ordinance we passed or with regard to the petition or with regard to anything else. So I just want to be clear so people understand what this I S. There's other items, as the mayor mentioned, but this is something that would stand alone. So I'm going to walk you through the sections, and T hen -- okay, go ahead. >> Troxclair: Well, I feel like we need to have this discussion in executive

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discussion before we make statements about this being something that can stand alone because that is not my understanding of -- >> Mayor Adler: I think at this point what she's saying is it stands alone in a separate document at this point. >> Kitchen: Yeah. >> Mayor Adler: But the legal implications of that, whether it's in a separate document or same document or whether it makes any difference or what impact it has is something we will discuss in executive session. >> Troxclair: Doesn't it make sense to have this discussion after we have our executive session discussion. >> Mayor Adler: Without regard to the answer that you get to that question, the proposal is still going to be made on Thursday. But I think the executive session conversation will be real important for people to decide how they vote or changes they want to make to it or those kind of things. >> Kitchen: I'm sorry, I should have clearer in my speaking. What I meant was that the language stands alone, separate from other ordinances and it's intended to stand alone in a way, regardless of what we might do with other ordinances. The point you're making we'll discuss in executive session. So okay. The first section, as the mayor mentioned, this is -- creates a new article, and it's an article -- or new chapter, I'm sorry, C chapter 14-7, on the first

page, related to peer to peer enterprises. So article 1 is general language related to peer to peer enterprises with some definitions and a statement of purpose over on the second page, which relates back to what the mayor explained, setting out a -- setting out the construct within our ordinances that this could be addressed in the future with new -- with new articles in different industries. So article 2 is the ground transportation article, and that one relates to -- as this language is badge program, and I think that the mayor may

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want to clarify that language and speak in terms of an incentive percentage but in any case, the first section is applicability, applies to all ground transportation services. Section 4-17-11 is the actual program. And it goes through and explains that a driver of a ground transportation service may participate in this program by -- if they complete a fingerprint-based national criminal background check they can -- or they have a current chauffeur's license because a chauffeur's license includes a fingerprint, they can participate in this program. Then if you drop down to item C, that's where the incentives are. C-1 and 2 that specify the incentives for someone who is participating in this program, what they're entitled to. Then you go over to D, and this is implementation language. Item D just allows the director to take the steps necessary to implement the program. And item E allows the -- our staff, the director, to consider additional incentives that may be in addition to what we've laid out in item C above. And then F allows the staff or authorizes the staff to contract with or otherwise work with an independent third-party third party, in other words our staff would not have to be the implementing body. So that's authorized. And part 2 defines chauffeur just to make it clear. I want to be clear about that. Applies -- our code uses the term "Chauffeur" right now to define drivers and so this just makes it clear that this applies to all drivers of any kind of ground transportation. I want to avoid any misunderstanding. It does not require a chauffeur's license of tnc

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drivers. It simply makes it clear that that term "Chauffeur" applies to all drivers so that all drivers can participate in this program. So, mayor, if I'd like to say anything about the changes that you are proposing to T his. >> Mayor Adler: I would. Only because it's been handed out, and I want to impress that this is still a work in progress between us and others that want to participate. I see us starting with the kind of general language that you had seen in item number 95 that talks about a peer to peer which I, that talks about trying to -- just as we thought about government regulation differently in the industrial age, starting to think differently about how government operates in today's world. This -- the next section T hen -- and multiple sections could be added to this over time that deal with different aspects of that peer to peer economy. Obviously what we're starting here is ground transportation. Starting again with the general statement like you had seen in item number 93 that related to transportation kind of items. And then language that actually lays out -- we had an a through R. So I don't know what that number is, 15 to 20 different kinds of incentives that could be employed because I think people should understand the kinds of things that we're talking about. So I'll probably be urging that as an -- as in item 5 as it exists right now for people to take a look at, we pull in those kinds of things. But I agree with what M S. Kitchen was saying, that it's optional. But hopefully something that will help get to the end, we want -- which for me is to have fingerprinted drivers a

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T -- ride-share drivers at scale in this city so that people that feel safer actually have that option in a

meaningful way. Yes? Ms. Garza. >> Garza: Does anything in this repeal what we did in December or take out mandatory fingerprint. >> Kitchen: No. This stands alone and doesn't change the December 17 ordinance. >> Mayor Adler: The only thing we're proposing to do with December 17 is extend the effective date so that we have more time to work on those kinds of questions. >> Kitchen: But to be precise, that's a different item. It's not in this language. >> Mayor Adler: That's C correct. Two things. This incentive authority and a separate changing the effective date to move it back three weeks on what we did in December. But I agree, there's nothing about this that changes what we did in December. Yes? Ms. Troxclair? >> Troxclair: Well, her question was is there anything in this that changes the mandatory fingerprinting that was adopted in December. And -- >> Mayor Adler: The things that are on our agenda that would do that is item Number 92, which is something that we had filed to do that because it's my intent to -- to ask the council to do that. But I'm not going to be asking the council to do that at Thursday's meeting. That is something that we will have another two weeks or so to discuss. >> Troxclair: Okay. Well, I'm just -- I don't just -- it's a matter of the words that we're using, because I have heard in a lot of -- or I have seen many people say that what we adopted in December is not mandatory fingerprinting, and there seems to be consensus

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here that what we adopted in December is mandatory fingerprinting. I don't know if it matters today. >> Kitchen: It's important to be precise. There's a lot of language in the public. To be precise, what we did in December is we adopted wench adopted benchmarks. There's language in December 17th that set benchmarks, the if -- first in may, the others later. It related to working towards drivers being fingerprinting according to those benchmarks. That's what December 17th did. This language alone doesn't change that. >> Mayor Adler: Okay. Yes. Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. I guess I'd like to back up for just a couple of seconds and talk about the -- you know, the political philosophy of doing this, or providing, you know, something like a thumbs-up program, a repository where people can voluntarily get background checked and approved. If we look at the realtors association, I believe you have the option to go -- and take a test and get licensed as a realtor. They take your fingerprints, do background checks on you. It's an elective process. And these ideas of doing background checks on people to prequalify them for employment is not a new concept. It's already being done in various industries. And my concern on this is, I think we're going into territory where the government shouldn't be going. This is the way we get into over-government regulation and government creep of what you intended to be voluntary, it ends up being mandatory. Let me see if you can wrap your head around this idea to start with. If you remember the way we got the taxi franchises, they started with some private

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businesses and companies entering voluntarily into a taxi franchise agreement. We said, if you want to be a city taxi franchise, you have to have a fire extinguisher, whatever it is. They voluntarily go into the agreement. Where we are now, we say, because we have taxi franchises, which started out voluntarily, now, anyone who gives a ride to hire has to be regulated by the government. That's an example of creep. So what started as an agreement between taxi franchises, they negotiated the agreement, it didn't affect anybody else, just taxis. Well, now, the council ride a bicycle for hire without being required to fall under fingerprinting. It's an example of government creep. My fear is, if we open up this so-called voluntary fingerprint process, where does it stop? Do we pull in dating services and say, that's peer to peer, people looking to find each other, you have to be fingerprinted before you can get on a dating website. Where and why would it end? Already, the government does a decent job. We investigate and

prosecute crimes. We have a jury trial system. We do our best to reach justice and come with an outcome. We have a database of that. That is what the government is supposed to do. Now, it's up to businesses if you want to use the database for criminal background information, if you want to use it, and how you want to use it, is up to businesses and individuals, you know, not up to the government. So, I just don't like us going down this whole road, from a government overreach,

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philosophical point of view. >> Mayor Adler: Ms. Gallo. >> Gallo: But just to clarify -- and I appreciate the comments that you made -- but just to clarify, I've been fingerprinted twice. Once was for my real estate license, the other was for my mortgage broker's license. As an engineer, you might have been fingerprinted with an engineer licensing process. It's not voluntary. It is mandatory if you choose to go in that business, then you have to do that. The fingerprinting was easy, fast, and inexpensive. And so part of all of this conversation has been, I'm just really not understanding where the resistance has been to fingerprinting. But I'm going to set that aside. I think we as the policy entity for this city have an obligation to listen to our community. As we move to a sharing type of business model that we're seeing, the other piece of that is many of those companies have very extensive social media abilities, you know. Every time you ride on a tnc, they are collecting your data. They are collecting your email so that if they want -- that business entity wants to push out a message, they can do that very easily. We saw that happen with all of the emails that came into our offices, but it is important for us to listen to our constituents. We heard very clearly there was a message from the community saying, we don't want to take fingerprints. But I also heard from the community members that said, you know, I really want to have the ability to know the identity of someone when I get in a car with a stranger I do not know, and I am paying that stranger to take me from one place to another. As a female, I want to know the identity of that driver. Fingerprinting, that is all that it does, is it makes sure that if you have put that application in to that tnc company, that you are really the person that you say you are on that application. Uber doesn't even meet the

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drivers, there's no way for them to verify that's actually the person. I would like to have the option of the choice of being able to choose a driver whose identity has been fingerprinted and confirmed. I'm not saying that we mandate. I'm saying I think what we heard from our community is they want a choice. There are people in our community that don't care. They don't choose to feel like they need that for their safety. There are other people in our community, myself included, that I would like that choice. I would like to be able to choose. And I think what this incentive program does -- which I am so excited about -- is it gives us the ability to continue to provide that option of choice for our community. It's not to say that, councilmember Zimmerman, you have to choose a fingerprinted driver. But it says that your wife may have the option, if she's by herself, and taking a ride, she may have the option to choose somebody that has gone one step further, and that person is the person they said they were. So to me, it's a choice. It is a conversation of choice, having listened to the community, and the community saying, we have -- we want with two choices. We want to not have it be mandated, or we want to be able to choose the fingerprinting as an option in. So I think that's what this incentive does, is that it provides that choice to our community. And we've heard that our community members want that choice. >> Zimmerman: If it is a choice, then, are the consumers going to fund it? So the funding for the thumbs-up program, is it paid for by consumers that choose that program, or are the taxpayers going to have to pay for it? >> Mayor Adler: I think it's possible that the concept of having a cross-platform third party verifier as people are beginning to riff on this idea, there could be hundreds of them or thousands of them

around the world done in the private market. And I'm not sure what their

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monetization strategy would be. So, I don't think we're looking at that now. >> Zimmerman: It's an important question. That goes back to the voluntary question. If taxpayers are forced to pay for it, it's not voluntary. >> Mayor Adler: You're looking at it as a government program. I don't see it that way. This is a new concept, I hope that you'll think about this. I hear the argument that you made before. I think this is actually one of the most meaningful things you'll ever be able to do as a member of the city council of Austin, to actually reverse a trend that troubles you. Because this is an attempt to look at how a government might intersect with interests that it has without mandatory re regulation. And I hear you when you say this could then revert back to what it is we're trying to move away from. And I'll join you in the effort to stop it from ever reverting back, but this is actually a movement away from that. And if there are different entities that come up that are creating, in essence what is a good seller seal, the power seller badge on Ebay, the check mark on Twitter -- there was a day when all the banks when you would go in would do their independent credit checks. And that doesn't happen now, because the market has stepped in and said, we're going to do credit checks. And now they basically all use one of three ways to really be able to do that. And that's an independent, out of government function now that's providing that service. And I think there's an opportunity to see that happen here. I think this is something that moves in the direction we want.

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Ms. Troxclair. >> Troxclair: To your point about allowing consumers the choice to choose between someone getting in a car with someone who has been fingerprinted, I just wanted to point out, we have the choice, you have the choice to hire a taxi. If what you say is true, that people in Austin do want -- at least some people in Austin do want to take a ride with a fingerprinted driver, that, in fact, would be a competitive advantage for the taxi companies. This would be something that they could market and advertise, and say, you know, we have fingerprinted drivers, you know, hire us. Don't hire a tnc. But, in fact, that is not what's happening. And what we have found is that consumers are choosing to take tncs - some are still choosing to take taxis, but many are choosing to take tncs because they do feel safer. And,, of course, we're still overlooking the most critical crux of this entire argument, and that is that getting in -- you are safer in a tnc than you are in a taxi in Austin, because you are more likely to get assaulted in a taxi. So, I really think that if fingerprinting prevented assaults, and if someone felt safer in a taxi, they have the ability right now to choose a fingerprinted driver. And, mayor, to your point about this being similar to Ebay or to Twitter, I think a really important difference that we're going to have to talk about, either today or on Thursday, is that Twitter doesn't say, "Well, you have to have a badge in order to have more than 50 followers." And Ebay doesn't say, "You have to have this badge in order to sell over a hundred dollars worth of merchandise." That is truly -- the badges on

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those two platforms are truly seen as, kind of, a voluntary value-add to the end consumer who can choose whether or not they want to buy from a certified seller, or follow a certified account. But the difference between that and this ordinance is that it significantly limits what the drivers are able to do. And that is where it goes from being, you know, an incentive to actually just being a severe penalty, and to, in essence, being a mandatory fingerprint, because you're saying that drivers won't be able to pick up within entertainment districts, downtown, that they wouldn't be able to pick up at south by southwest. I

mean, these are things that every driver will want to do. And, in fact, this is the basis of why tncs are so important to Austin, so that we have as many safe drivers as possible giving people rides home from downtown, or getting people to the airport, or providing a convenient way to get around our city during south by southwest. So I think that we have to be really careful when we're comparing -- I appreciate the idea. I appreciate trying to think outside the box. I think that this is worth talking -- the general idea of what is the role of government in a changing economy, and a changing industry, is worthy of discussion. But I think that the comparison to Twitter and Ebay are not comparable. >> Mayor Adler: I would say that first, I don't think that a choice to choose a taxi right now in our city is an apples to

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apples -- comparison with a tnc. I think there are people that would choose a tnc even if they wanted to have a fingerprinted driver, because they'd like to have a driver in two or three minutes. And what we're trying to see is if, in this city, we can actually give people a choice to have a fingerprinted driver in two or three minutes. But to suggest that they have a choice to get a fingerprinted driver but a much longer wait, I don't think is an apt comparison. I would like my girls to potentially, you know, have the option to choose a fingerprinted driver, but I know enough to know that if they're choosing between a driver that's there in two minutes versus one that will take 15, my girls, as smart as they are, are going to take the two-minute choice. I'd like to see them have the choice that Ms. Gallo was talking about. I hear you say that you think it's safer for people to be riding in a tnc, and I certainly respect your opinion on that. I also respect the opinion of our law enforcement and public safety people who have told us the opposite is true at the state level and at the city level. But I also don't think I have to decide that question, because I know that there are people in our city that feel safer, and I would like us to be a city that provides people those choices, if that's something that they want. And finally, with respect to the incentives, I would push back at the characterization that what we're talking about severely restricts drivers. What we're talking about doing, mostly, is to provide them opportunities that don't exist for them today. So we're providing them benefits that increase -- that go beyond what they have now. And I think we do this as a government a lot, in terms of incentivizing what we want. As a government, we incentivize people to go get nicotine

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patches so they stop smoking. And we give incentives for that. And I see that as the same way. This is not restricting the operation of tnc drivers. This is providing a -- new benefits for them. >> Troxclair: Mayor. >> Mayor Adler: Yes. >> Troxclair: To the two to three minute, I do think that is a competitive advantage that tncs have over taxis, that they can get to you within two to three minutes of when you request it. But the reason that they can do that, and that taxis can't, has absolutely nothing to do with fingerprinting. The reason that it takes 10 to 15 minutes for a taxi to get to you has nothing to do with whether or not the driver has been fingerprinted. It has to do with not only the business model of a taxi, but also the regulations that the city has put on taxis. So, if that is truly the issue, that we want to provide people with a true choice by allowing the taxi to get to them as quickly as a tnc, then we should remove the cap on taxi permits and allow the taxis to hire as many drivers as they want, have more drivers on the road, and get to people more quickly. Again, I think we need to focus on what is the problem we're trying to solve here. That hasn't been made clear to me. >> Mr. Mayor. >> Mayor Adler: I would join in the conversation about ending the regulations, I don't think it's an either/or. Ms. Kitchen. >> Kitchen: Just to clarify -- thank you, yes, we do need to think about what we're doing with regard to taxis. We removed the cap, we all voted to remove the cap on taxis earlier in the year. What we voted on was language that said that a taxi cab company that met certain requirements, performance

requirements, which our staff is tasked to determine and bring back to us, may request

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additional permits. We had the discussion at that time about the importance of removing the cap on the number of permits. So that is something that is in the works right now. The other thing I would just say is -- well, I would just say I would agree that the speed at which tncs are able to respond versus when taxis respond doesn't have anything to do with fingerprints, which is another reason that I support fingerprints for tnc drivers, because from my perspective, this is about public safety. And it's about real public safety, not how we feel about public safety. And I just continue to believe that fingerprinting does not create a burden for drivers of tncs. >> Mayor Adler: Ms. Garza. >> Garza: I don't even know where to begin, but I think everybody would agree this has been an incredibly frustrating process. And there's been so much time spent on this issue when there are so many pressing issues in our community, and so much time has been spent on this. I don't understand why this has become so convoluted, why we have six items before us that I'm still not clear exactly what each one does. And it seems like two of them repeal what we did in December. And that is going down such a -- we're going down the wrong road when we repeal what we passed on a 9-2 vote simply because of the pressure, essentially, pressure, from a billion-dollar corporation. With regards to fingerprints, there's no -- if we make them voluntary, what's the point? The whole purpose of fingerprinting is to eliminate -- it's not only in case something bad happens the police can go find them afterwards, it's a deterrent. Somebody who has incredibly bad

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things on their record is not going to voluntarily submit to fingerprinting, if they've been able to pass another background check. If they've passed the comprehensive background check the companies give, the letter from Houston was very clear that after they required fingerprintings, they found people will murders and sexual assaults after they required mandatory fingerprinting. It's worthless if we make it voluntary, it really is, because the people we are trying to eliminate are not going to get fingerprinted, and we put people at risk. All that matters is, they don't get to pick up somebody at 6th and congress, they have to go ten blocks down. How are we going to enforce that, are we going to have a police officer at every entrance into downtown to make sure that's not -- that only fingerprinted driverses are allowed in? I don't understand the enforceability of these options. We're having this conversation, I have to speak to the tactics of attacking councilmembers, namely councilmember kitchen, who was simply putting forward an item that the previous council had asked her to put forward, and attacking her. Now there's a recall effort, which is just absolutely ridiculous. And the misleading information that has been put out there about this -- I've had several people tell me, I would not have signed that petition had I known what this was really about. With regards to badge incentives, I think it's great if -- any kind of incentive that we can put in place to get folks fingerprinted, but I hope we don't back down from mandatory. I hope we don't back down. You know, I understand councilmembers may be fearful of being reelected. And I have to say, you know, I didn't run for office and decide that I'm going to make decisions based on, I might not be reelected. I ran for office because I thought I could make sound decisions, and we're going to agree on what those are, but, I

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ran for office to be a voice for people who don't have the backing of millions of dollars, that don't have the backing of corporations. And so I really hope we stand strong on this. And I don't know why we're convoluting the process when if the election's going to happen, lets let it happen. Let's let the voters

decide. Let them decide. I'd have to disagree that 65,000 people knew exactly what they were signing. And there's plenty of other registered voters in the city. Let them have a voice. If 60,000 people will have a voice, I hope we do not put this on the ballot, I hope we let the voters decide. Let it go to election in may, then it's done. We should just be discussing continue what we did from December, incentives. Let's talk about how we get them in place. Nothing is mandatory until may 1st. And, you know, not knowing the Numbers, my assumption would be that 25% of them probably are fingerprinted. We heard from so many drivers who already are. They might be able to pass this benchmark already right now. So, nothing requires -- nothing prohibits these tncs from operating. It's working in Houston, and it can work here, too. >> Mayor Adler: Okay. Thank you. We'll now go to the next item on the agenda. In that regard, by the way, items number 92 and 94 will not be brought before the council on Thursday. The only thing that's going to be moved forward is, with are respect to tncs, is this concept of the incentive program. >> Mayor. 93 also takes away significantly some stuff done in December. Is that -- >> Mayor Adler: It does what? >> Garza: It significantly redacts, including the fingerprinting part, and the benchmarks, 93. >> Mayor Adler: 93 and 94 were not intended to do that. They were intended to be free-standing issues. And in the draft that we'll post, that will be made clear.

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There will be nothing that comes before -- that Ms. Kitchen and I will be proposing separately or together on Thursday which would which us deciding the question of mandatory or not mandatory, or revisiting that issue. >> Garza: So -- >> Mayor Adler: Owner in the other than, bringing forward the incentive program. >> Garza: Okay. >> Mayor Adler: Yes, Ms. Tovo. >> Tovo: Can you repeat that? 92 is not going forward on Thursday? >> Mayor Adler: Correct. >> Tovo: 94 is not going forward on Thursday. >> Mayor Adler: Correct. My understanding, 92, it was a red line document which shows what we passed in December as compared to the initiative ordinance. >> Tovo: Right. >> Mayor Adler: It's a red line so that people can see what were the changes that were in the ordinance that was passed. 94 specifically talks about a couple items that were in the December ordinance, but that the initiative ordinance was silent on, I think three or four sections. Neither of those two are going to come up, 92 or 94. 93 and 95 will come up in conjunction with Ms. Kitchen's deal on incentives, and 96 will come up with a request that we move the effective date back several weeks of what we did in December, pending the larger conversation that Ms. Garza was speaking to. >> Tovo: Great. And I was just going to ask if you thought we would be moving toward having our briefing before executive session at 11:00. >> Mayor Adler: Briefing on? >> Tovo: We have a briefing today from our city demographer. >> Mayor Adler: Okay. >> Tovo: If that's true, we probably have to wrap up our items for discussion here in ten minutes. >> Mayor Adler: That would be good if we could do that. Thank you for the reminder on that. Let's see if there's something

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else here -- >> Tovo: Before we move on -- >> I just want to understand when we will see the final language. >> Mayor Adler: Hopefully there will be a version out today, as soon as we can today. >> Troxclair: Okay. But by the end of the day today? >> Mayor Adler: Yes. >> Troxclair: We need some time to all understand it. >> Mayor Adler: The language that you'll see it all currently contained in what Ann posted, and items number 93 and 95. So, it's a question of just pulling them all into one place. But all of the language and all of the subparts are basically already out for public review, and have been for several days now. Okay? The next item that I have here, we have -- is he in the room? Ask him how long his presentation is. Hmm? About 30 minutes? >> Mayor Adler: About 30? I'm sorry. About how long do you think? >> I can do it fast, 15 minutes, 20 minutes. >> Mayor Adler: Okay. >> Or I can come back. >>

Mayor Adler: I think we'll try to hear it. We're not going to start it quite yet. I just wanted to have that time check. To, back to where we were on this. The health and human services that was pulled by -- I would also point out councilmember Renteria this morning pulled a muscle. And he's dealing with that right now. And so he wishes he was with us, and maybe is watching us on TV. Yeah. Ms. Gallo, did you want to raise

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item 68? >> Gallo: I'm glad he went to the doctor. He was suffering yesterday morning during our Austin energy meeting. I did. You know, there are so many incredible needs that we have in this community that we as a council want to always continue to address. I'm just concerned about the precedent this would set. You know, next week mobility is going to be discussing all the transportation needs that we have. I think if we looked at all the departments, we would probably find that transportation's funding has decreased as a percentage of the budget. I know we talk about parks and park funding, and I'm just concerned that if we start directing the city manager to look at a percentage increase each year in a department's budget, that there's not going to be an end to that, that we will see some of us propose something that is similar to this for the transportation department, or the parks department. It just seems like it is part of our budgeting process, but I think to direct the city manager to come forward with a budget that shows a certain percentage increase in the budget in a particular department is just, perhaps, a bad precedent for us when we have so many areas of our city departments that we all know are underfunded, and it's really a balancing act that we do each year to the budget process. >> Mayor Adler: Okay. Thank you. Ms. Garza. >> Garza: Yeah. This was my item that we put through the health and human services, and I understand the concerns, I just want to speak to the history. This is simply -- there was a previous council directive that basically did the exact same thing that's already in effect. It's already in effect now. This simply changes the Numbers because while we did make significant gains in how we fund our health and human services, it wasn't at the amount that was previously suggested with the policy that was put forward by the previous council. So this just readjusts those Numbers. Additionally -- so, even if -- I

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guess, technically, if this didn't pass, there's still another ordinance in place that does the exact same thing. This just kind of changes the Numbers to reflect what we did in the last budget process. I also want to point out, this is a policy goal. This is not saying -- this is saying that we support the policy goal of continuing to fund our health and human services in a different way. And I just passed out a sheet -- this presentation was made in health and human services, and it shows in the past ten years how other budgets have increased, and then it shows the budget of health and human services, and those that don't have this sheet, for example, from 2005 to 2015, the police budget increased 230%. Fire increased 245%. Parks increased 273%. And health and human services increased 20%. So there's a significant difference. You know, we can't keep -- you know, it's kind of relevant to the presentation we're going to get. We can't keep using the fact that -- the talking point of we're the most economically segregated city and not understand that there's things that we can do to help that a little bit. This provides stability for our social service contracts, and it's really, again, it's just updating the Numbers that was previously done. It's a policy goal that we're putting forward on Thursday, and we can have the discussion at the budget, if the city manager doesn't put it in the proposed budget, we can have the discussion then. It's exactly what happened last budget session. It wasn't in the proposed, and we got it in there. We can also discuss whether that's the amount, the next increase is the amount that we want to go down, because of course we'll have a better idea of what the budget looks like as we get closer to the budget.

So, that's all that this is. Like I said, it's nothing different from what has already been passed by the previous council that had a lot of stakeholder input by all the

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organizations that one voice represents. >> Mayor Adler: Okay. >> Mayor. >> Mayor Adler: Ms. Houston. >> Houston: It's on the board. And I know we need to have the language that -- can you pause it just a minute so everybody can see? >> Troxclair: Sometimes they can move -- >> Houston: There you go. I just wanted people to see the difference in what we've been funding and what health and human services has received over the years. >> Mayor Adler: Okay. We'll move on to the next item, then. Item number 69 is public safety. It's the digital sign. I pulled this. I'm not going to ask to speak about it so we can move on. Does anybody else want to talk about this item? Yes, she did. >> Pool: So my chief concern on this item is that it has not gone through any process in the community, and I think we would benefit by having folks come and talk to us about what they think should be done with the digital billboards. And so I did have a question, maybe for staff? I'll just go ahead and put the question out there. Hopefully we can get it answered. We can a backup document that describes regulation changes for billboards, not just looking at digital signage, and it's significant changes. What significance does the document have in terms of code changes? This is being offered without any context. So, it looks like the resolution recognizing digital signage is a

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land use issue, and public input was insufficient on this code change, it appears. And I have some changes to make, and I can submit them to our staff and post new language up on the message board for everybody to look at. And basically, the changes that I'm recommending call for a robust stakeholder input process before a recommendation from staff is presented to council. This was heard in public safety, but there are more departments in this city that should have a look at this. >> Christopher Johnson, development services. That document you are reviewing did not come from staff. I have not seen that proposed resolution, and I don't know the source of it. >> Mayor Adler: Okay. Ms. Garza. >> Garza: This is -- I don't know if this has been discussed in the transition committee, but I think this is an example of, possibly, if I'm understanding how this came before us, maybe a loophole in how things come before committees. Because essentially, it's my understanding that, with all due respect to my colleagues, two councilmembers brought this before a committee and now it's before us with two councilmembers. So I think that's a concern if we're going to have -- you know, it used to be, you were required to have four sponsors to bring something before the council, because there needs to be some kind of support for it. And I think we might have found a loophole in that I don't think we want to be going down the road of having an item before us where it's only supported -- or sponsored by, essentially, two councilmembers. >> Pool: And specifically in this case, staff has not even had a chance to review it. >> That is correct. >> Mayor Adler: Okay. Mr. Zimmerman. Then the mayor pro tem. >> Zimmerman: So this item came before -- you're right, it involves a lot of issues. But there is an emergency message policy objective behind these digital signs. The digital signage technology has the unique advantage of being able to be updated in real time, something you can't do

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with older technology. So there's a technology aspect, there's a public safety aspect, but there's a bunch of other issues, too. Scenic -- we have scenic groups that don't like any kind of signs, whether they're digital or not. So we brought this to public safety, from the safety viewpoint. I requested, from the

people who were proposing the digital signage and how that technology would work, and I said, could you give me some draft ordinance changes that you think would allow the digital signage to happen. So that's the origin of these original edits. And so we asked for those probably in November or December, many months ago. And we did not -- I did not get copies of those draft ordinance changes from the billboard people. I did not get those prior to the public safety committee meeting where we discussed it. So then we had, I believe, assistant city manager rey, and his testimony is, well -- we talked about ordinances. I said, what would it take, what kind of effort is necessary to draft some ordinance changes to allow the digital signage for emergency message purposes. He said, there appears to be a lot of work. We'd like to have the full council give us direction on whether we should draft, you know, these ordinances, because they're complex, according to him. So what we have is a chicken and egg problem. We have objections to digital signage because we don't know what the ordinance changes might look like. And we can't get the ordinance changes drafted because we don't have direction from city council. But we can't get direction from city council because we don't have any draft ordinances. And we can't get draft ordinances. We're in a miserable, circular, bureaucratic cycle and we want to get out of that. The point of bringing this forward -- by the way, one person on a committee can bring an item to the committee. One person. >> Absolutely. >> Zimmerman: That's not a loophole, those are the rules.

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One person can bring an item to the committee, and if three people vote for it, then the committee can bring it forward to the full city council. >> Mayor. >> Zimmerman: For deliberation. And that's what we're doing. >> Mayor Adler: Mayor pro tem -- >> Our law department, Brent Lloyd is here to answer the questions that I proposed. Would you -- would it be good to do that now, or are there comments that would like to be made? >> Tovo: Can I comment first? >> Mayor Adler: Yes. >> Tovo: I agree. I would like to hear from our city attorney on this issue. If we're thinking about moving forward in any kind of concrete direction on Thursday. But, I -- let me just start by saying the history of billboards in this community is long and complex. And most of it happened before I was on the council. So if we're moving forward with initiating ordinance changes on Thursday, I would suggest that we really have our attorney walk us through all of the various pieces of legislation that have happened prior to our arrival on the scene, because it is something that, perhaps, some of those of us on the dais may not agree with. But there are a lot of really strong community sentiments about billboards, and there's been a multi-decade effort in this community to try to eliminate billboards, and I concur with councilmember pool that if we're undertaking billboard changes, we should begin with a stakeholder process, not ordinance changes. I might be prepared to support initiating a stakeholder process on Thursday, but I'm not going to support initiating ordinance changes. And if there's a serious effort to contemplate them, then I'm going to ask our city attorney and our land use folks and whatnot to walk us through all the previous ordinance changes and stakeholder processes and community feedback so that we're really making an informed decision on Thursday, beginning with Mr. Lloyd here today, I suppose. But, you know, we've got a lot on our plate to start jumping into what is really going to be

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a complex and controversial issue, would not be my preference. >> Pool: Mayor, I appreciate what the mayor pro tem is saying. I would like Mr. Lloyd to give us a little background on where the document originated and the changes, just to briefly, sort of, set the frame for us to understand. And I agree, it is a highly volatile issue for our community. And I am concerned that a number of such highly volatile issues are coming before our council in ways that we're not really prepared to deal with them. And I would like to have -- to be very deliberate and intentional about issues that we raise. >> Mayor Adler: I think it

would be good to hear from him. I just want to echo that my sense is that we're not going to deal with this on a substantive level on Thursday, so I agree, we don't need a substantive conversation on this. I also agree that the chicken and egg problem has come up several times, where someone wants to initiate a process. And it's hard to initiate a process without being asked to already know the answer ahead of time, except it's the process that leads us to the answer. So the transition committee, I hope, would take a look at how somebody introduces a subject matter that they want to have professional staff give us advice on what the proper policy should be without having to begin with, this is what I think the proper policy should be. But just to identify the challenge in the community, or the question. But are there questions that you want Mr. Lloyd to answer here now? >> Just the one. If Mr. Lloyd could give us some background on the origin of the document. >> Sure, Brent Lloyd, assistant city attorney. And essentially, the history -- there are two resolutions before council related to digital billboards. And they both originate from November 30th meeting of the

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public safety committee. And essentially, after hearing a presentation on digital billboards, the committee voted to do two separate things. And one of them was to bring to the council a resolution that would simply ask the codenext consultant to consider digital billboards as part of developing codenext. Didn't give any sort of direction as to whether they should or shouldn't be allowed, or on what terms, but just directed that the manager communicate to the consultant the desire for that to be part of the purview of codenext. And then the second item would be a resolution to formally initiate code amendments related to digital billboards, again, not preordaining what those amendments would look like, or what regulations specifically would be included in the ordinance, but basically to get the ordinance-drafting process going. Definitely, sort of, in response to, I think, a couple councilmembers' concerns, it definitely would be an option, sort of, prior to actually initiating amendments, if council wanted to, there could be a direction to convene some stakeholder meetings to vet the issues. But the two items before council right now are one, simply directing the manager to ensure that the consultant for codenext looks at digital billboards, and the second item would be to initiate amendments as part of today's land development code to allow -- to provide for digital billboards. >> Mayor Adler: Okay. Any further conversation on this? >> Yes. >> Mayor Adler: Ms. Houston. >> Houston: Never mind. >> Mayor Adler: No, you're next, Ms. Tovo has had a chance to speak. >> Houston: To, mayor. I was one of the ones that voted

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to send this forward. I did that because I understand this is a very controversial issue. This is going to sound strange for me, who has no smartphone, so I can't call a transportation network company. But we are in a different age now than we were when this original billboard ordinance was initiated, and we need to relook at that. And we need to look at it in terms of technology that we have today. And so I voted to move this forward so that as a community, we could have conversations about using digital signage rather than the vinyl standing signs. And so I think that's appropriate for us to look at. There should be no sacred cows when we're having these conversations. And just because it was that way in 1984 -- I think that's when the original ordinance was passed, in 1984 -- I think we need to relook at all of these legacy ordinances to make sure that we're keeping up with the times. >> Mayor Adler: Okay. My sense is -- and I don't know, but my sense is, this is probably an item that is asking for a vehicle to have it studied, either to get staff to give us policy recommendations on, to take a look at it, to start the stakeholder process. And I hope that motion comes forward with respect to these two items. Thank you. I'm sorry, mayor pro tem. >> Tovo: With regard to the codenext, I would just say that there are a lot of

issues that are being considered within codenext. And I would say the stakeholder process -- if there's an interest in looking at billboard ordinances, then I think that should begin with the stakeholder process, even before we direct the codenext consultant who already has a range of other issues to study, to consider it. I think we need to start with the community and get a better sense. There's not agreement on the safety. I mean, there needs to be a much

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fuller conversation before I would be ready to ask our consultant to spend city resources, to have our consultant in the midst of codenext undertake this consideration as well. >> Mayor Adler: Okay. >> Tovo: It doesn't mean we won't get there eventually, but I'm not probably going to support making it a focus of codenext, either. >> Mayor Adler: Okay. Mr. Zimmerman. >> Zimmerman: A final note. The process of city staff drafting ordinance -- I mean, to me, it's common sense that on an issue like this -- and I think city staff would make it a constituent and stakeholder process, when that drafting takes place. There has to be input to the creation of the draft ordinances if we move in that direction. We talked about this at some length. Councilmember Houston brought this up, and I completely agree. Sometimes if staff goes out into a room and draws up some draft ordinance changes without public input during that draft, then we have a potential conflict, because now we have a bunch of complex changes that are -- that have only been drafted up, and the constituents say, well, wait a minute, we weren't included in the drafting of these ordinance. So, of course, there is to be public input if that draft ordinance process goes forward so that we don't draft those ordinances in a dark room. We have a public meeting and say, what are the concerns as we consider drafting to change the ordinance for digital signage. The issue of technology, being able to post instant emergency messages, is a pretty fascinating piece of new technology that we couldn't even conceive of that back in the 1980s. So that's why this is warranted, and I think that's why the committee voted for it. And I don't believe councilmember pool was present for that November meeting of the public safety committee. >> Mayor Adler: Thank you. The next items that we have on this agenda deal with the P.U.D. Supermajority issue we'll talk about in executive session, small substandard lot, parking

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dedication, and str. Does anyone want to talk about one of those before we have our demographic presentation? Ms. Kitchen. >> Kitchen: I think at some point -- I'm not sure what order you want to do this in -- just for clarity purposes, I would like to understand what's coming up with str, so I think we need at least a brief discussion. I don't have anything to present, I'm just asking as a councilmember who hasn't been directly involved in that, if we could have some explanation of what we're doing on str. >> Mayor Adler: Okay. >> Mayor. >> Mayor Adler: Yes. >> Pool: I would agree. I had a meeting yesterday with some concerned folks, and they were telling me some things that they thought were not in the ordinance, or were in the ordinance, and I couldn't -- it's been so long since we had that discussion, coming back for approval after having hashed it through last fall. We all in the community would benefit from having a briefing on the changes and what recommendations staff is making. >> Mayor Adler: Okay. Is staff here to talk to us about str? Yes. >> So, it seems like us being intimately involved with this whole process for at least a decade at this point, I think. So the council passed a resolution. Part of the resolution was, I think, some concerns from both councilmember kitchen and councilmember Garza about staff coming back with some options for dealing with the type 2 two short-term rentals. Maybe staff can address thing, this, I'm seeing they're not options. And then I think there are some other provisions that the mayor was very instrumental in building a compromise on, on various issues. And those are still in this, but I know the one that came from the planning commission is

different. So we've got that change.

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And then there is one that has -- seems like, that has never made it through. I'll pass that out. We talked at length about the inability of code enforcement to actually enforce different provisions. And one of the issues that they brought forward was a noise complaint, which often is one of the largest complaints that's tied to the party atmosphere that happens, which is not in compliance with any of our ordinances. That code actually can't enforce that, that the APD does. And so it's taking our police department resources to come in and enforce a noise ordinance that code ought to be able to enforce. And so we have a small addition to the language that I think should move it in that direction, but we certainly will want legal to address that. But I think there's a lot of moving parts here that is coming back in how you want to structure the discussion. But, those seem to me to be the things that have been added or changed since we last took this up, whenever that was. >> Mayor Adler: So, can you begin by giving us a list of the issues that you think are in controversy, or have changed? >> Assistant city attorney Patricia lake. When council initiated the several items that amend 25-2 and 25-12 of the city code, those amendments were brought to the respective commissions. And there is some difference between what council initiated and what the planning commission recommended. And I'll walk through those first, because those are the biggest differences, I think, from what the discussion was in the fall. The first issue being the occupancy limit. Council initiated a code amendment that would address occupancy. And it has several components. First is that no more than two

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adults per bedroom plus two additional adults. That a house is presumed to have two bedrooms unless there is an inspection indicating otherwise. No assemblies at night. No outside assemblies with more than six adults between 7:00 A.M. and 10:00 P.M. And then the assembly includes a wedding, bachelor or bachelor bachelorette party, and a maximum of ten adults at one time, unless a stricter limit applies, or six unrelated adults. That's what council initiated. The planning commission recommended a slightly different occupancy limit. And the first is no more than six unrelated adults may be present at a short-term rental, or not more than eight adults at one time may be present at a site being used as a short-term rental, addressing the main house and the accessory unit acting as a short-term rental, or if you are in the accessory unit, and other individuals are in the short-term rental. They also wanted a process to increase the number of folks that can be at a short-term rental if the site allows for it. And the concern of the commission was, if you have a large house and your house is farther away and you have plenty of parking and all those things, being able to have additional occupants. So, that's one of the biggest differences between the two. The next is the phase-out of type 2 short-term rentals. Council initiated a code amendment to phase type 2 short-term rentals out of single-family and into

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commercial. And the initiated item left some flexibility for staff to determine what the best avenue to make that happen. And the recommendation is to allow the type 2 use to continue in the single-family areas for a period of five years, unless you lost your short-term rental license in the interim, or if you decided not to -- no longer wanted to be a short-term rental, you let your license lapse. The way this is formatted in this draft is to go -- those particular provisions with the phaseout go into effect April 1st, 2017, the day after the November ordinance expires. So, on top of that, this ordinance would have those two parts come back to the council at the same time the council considers what to do with the

November ordinance so that we maintain continuity and we don't inadvertently create a conflict. So that would have the five-year period of 2022. The planning commission wanted short-term rentals to cease operations, type 2s, as soon as possible. And so theirs would actually go into -- their recommendation would basically put the phaseout into effect right now, and the end date would be April 1st, 2020. So they would have -- it's slightly shy of five years. They were following the April date that was in the council-initiated version. >> Mayor Adler: Hold on. Ms. Garza. >> Garza: You said that the council initiated the phaseout process. When did that happen? >> I think it was in the October meeting. And the action was to phase out of type -- phase type 2 out of single-family and into commercial areas, and to consider a conditional use

[10:54:06 AM]

permit or something of that nature to allow the use to continue. But to do a phaseout means that they would stop being used. And so the best avenue is to do ameterization. If we go into a conditional use permit, and it runs an extended period of time, our licensing requirements are a year at a time. We only license short-term rentals on an annual basis. >> Garza: I don't remember loading on that specifically. I remember it being -- I think it was an amendment that mayor pro tem tovo was going to bring forward, but I don't remember voting on that. But I'll look back at the October meeting. >> Mayor Adler: Okay. Please continue. >> So those are the primary differences between what council initiated and what the planning commission recommended. The amendments in this ordinance are one, that there would be a three-year renewal inspection. So if you are allowed to continue to renew your short-term rental license, after three years you would have an inspection. The second is to have -- this is the anti-clustering requirement. It would be a thousand feet between type 2 short-term rentals. And it would only apply to new ones. If you were existing, it wouldn't impact you. There is language about requiring a certification of properties not subject to outstanding city code or state law violations. We've addressed and further clarified the local contacts requirement. Council initiated a change related to the number of years that someone could rely on their certificate of occupancy when applying for a short-term rental license. And the recommended timeframe is ten years. >> Mayor Adler: Hold on one

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moment, please. >> Could you give us a little bit more information on the contact -- the changes there? >> Sure. So, the code is required that a local contact has been, essentially, information be provided to code staff that they then provide to the neighboring property owners. This actually further clarifies and says that the local contact needs to essentially be in the metro service area, within the area around the city of Austin, and can respond in a timely manner to emergency situations. So that's the -- more clarification that is added in this. >> Pool: So would it satisfy to have a phone number, like, with a 512 area code of the owner of a type 1? How would you know the person was local? >> Okay. Well -- >> Pool: Or is available locally if they're a type 1 -- you're talking about type 1, right? >> This requirement applies to all short-term rentals. >> Pool: So if I rent my house and I go to Wimberly, you wouldn't know that. All you would know is I'm renting my house for the weekend. Do we have the ability to -- >> If you would be within two hours of the city, then you would be fine. >> Pool: That would qualify. Okay. All right. That's helpful, thank you. >> Local contacts -- the other contacts in the code are repeat offenders, the rental registration program, for out-of-town owners is where it's a bigger issue. >> Pool: Gotcha, thank you. >> Houston: Mayor. >> Mayor Adler: Yes. >> Houston: I'd like to ask a question about that. So, many of these short-term rentals are investment properties, and the people live in other states. How would we handle that? >> So as part of the licensing requirement, they would have to designate a local contact who is within the Austin service --

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msa, the metro service area. As long as they're within about a two-hour timeframe from the city, they should be fine. >> Houston: And so if they don't know anybody else in Austin -- they live in Utah. And they bought this property. And it's a short-term rental, type 2. Would they be -- not be able to get their license renewed, or can they be contacted within two hours and they respond? >> If the out-of-town owner does not have someone here local that can assist when there's an emergency, then they would not be eligible for the license. >> Houston: Okay. >> Additionally, council initiated a code amendment to include the water utility's review for septic system compliance. So that's been incorporated, that the project is not subject to the outstanding city code violations. Owner will pay the fee they're required to pay. They don't meet the standards in repeat offenses section. And that is what council initiated for the bad actor clause. I described it as repeat offenses. And it is basically, if they have not complied with the requirements twice -- at least twice in a 12-month period, then the director can deny a new application for -- I'm sorry, renew an application for a period of 12 months. And if they have violated our short-term rental requirements at least twice in a 12-month period, then the director can deny for 12 months a new license. And then there's also an additional 24-month period which was initiated, I think, in about October as well. And it is where we're going to look back 24 months and ensure that we don't have, essentially, a problem property that we would

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be giving a short-term rental license to. And then additionally, this includes the noncompliance fee that council -- the requirement to pay a noncompliance fee if you are -- if you receive a notice of violation or a citation that you're operating without a license or an expired license, you would be required to pay a fee to apply. And that's supposed to recover our costs. That is not -- the actual fee is not in the ordinance. It has not been calculated yet. This also authorizes the director to deny an application to renew a license if the license is suspended. Okay. The general requirements for short-term rentals. This is basically, the registry requirement, the sound requirements. If the building permit prohibits occupancy of the structure while it's active, then they wouldn't be able to use the short-term rental in the same way. We also address the advertising or promoting of the short-term rental without the required information, which would be the occupancy limit and the license number. And then also prohibiting licensing, advertising, or promoting when you're not licensed. The occupancy limits, the local contacts, repeat offenses, noncompliance. Council also -- we talked about, basically, if staff sees a certain number of individuals at the property, then we have evidence to issue an administrative citation. So those presumptions are in the code. So I've added those. And the council-initiated version versus the planning commission version are slightly different because they're based on the actual occupancy limits in the respective ordinances. It will remove short-term rentals from our standard

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dwelling unit occupancy limit in 5.11. It amends the code -- the zoning table. It had the language about phasing out the type 2s. It also makes changes to the property maintenance code. One thing it does is it adds the definition of a short-term rental, which was lacking, this then adds short-term rentals to inspections, and then addresses in the license suspension section, if you have an issue of two or more sub-substantiated violations, then the director can consider suspending the license, and they would have the appeal to thing and standards commission that exists now that would apply in that context as well. I'm happy -- I can write a chart and do a little bullet list for everyone. I know it's a lot in here. But

I'm happy to do that. >> Mayor Adler: That would be helpful. Thank you very much. Any discussion on this before we go to the next item? >> Kitchen: I have a very quick question. I'm sensing the difference between the phaseout, between the planning commission and what's in the other ordinance. It looks like the only difference is the two-year time period, whereas the planning commission proposed 2020, and the proposed ordinance is 2022. Is that right, that's the only difference? >> Mayor Adler: As concerns amortization. There are other changes that were not related to amortization. >> Kitchen: You mean the part five that relates to phaseout? >> Mayor Adler: Yes. >> Pool: I think there was also a change in the occupancy. >> Kitchen: I'm sorry, I'm just talking about that one section related to -- >> Pool: Okay. >> Mayor Adler: Yes, Ms. Troxclair. >> Troxclair: Will we have the opportunity to ask legal questions about this item in executive session? >> Mayor Adler: We can. >> Troxclair: Okay. >> Mayor Adler: Yes. >> Troxclair: Thank you. >> Mayor Adler: Okay. Questions on this? >> Not today, but Thursday -- or do you want to do it today? >> Mayor Adler: We could do it today. We may not have the expertise in

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the room, but we'll try to get that expertise there. We can bring it up in executive session. >> Troxclair: Okay, okay. >> Mayor Adler: And they'll try to get us staff on that. >> Troxclair: I have broad questions about legal risk. >> Mayor Adler: Okay. >> Happy to do that, also happy to provide a memo at any time if you have questions you'd like us to answer. >> Mayor Adler: We may touch on that briefly in the executive session. Thank you very much. Thank you. Does anyone want to raise anything while we're together on substandard lots or parkland dedication before we go to our presentation? Ms. Pool. >> Pool: Just real quick, my staff posted to the message board a rundown on the staff report on parkland dedication and shows the changes that staff is recommending after a protracted and somewhat robust conversation with various stakeholders, primarily from the business community. I will say that parks advocates were on the short end. There were not as many of them in the room discussing this, although some were there. So, anyway, you can look at that on the message board. I think it was posted out yesterday. >> Mayor Adler: Okay. >> Zimmerman: Mr. Mayor. >> Mayor Adler: Mr. Zimmerman. >> Zimmerman: One very quick question on that. Do we have any estimates of the impact of the cost of the projected changes? >> Pool: There are small upward increases in the fees that a developer would pay per unit in order to modernize the formula. The last time it was updated -- it was created in '07, so it's almost ten years ago. And the cost of land in Austin has skyrocketed since then. The average cost of an acre of land in the urban core is \$236,000 right now. We are not putting that figure in the formula, but I do want

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you to know that that is the average cost of an acre of land until the urban core. I was going to ask, mayor, if we might be able to set a time certain for this -- for the afternoon so the discussion could happen before 5:00. Both times we have talked about parkland dedication it has been after midnight, and I'd like to repeat what you say about no good decisions happen after midnight. And in this case, I think parkland dedication fee has gone twice after midnight, and it really is doing a severe disservice to us on the dais, and also our staff who have to stand and defend something as hard as they have to defend it. >> Mayor Adler: I think that's reasonable. We can make that -- >> Mr. Mayor. I think before we finish today, we should talk about time certain. I agree with what councilmember pool is proposing. I think we also need time certain for both the tnc and the str, and we need to understand what the expectation is with regard to public testimony about all these items. >> Pool: And we can maybe even ballpark an amount of time. >> Yes. >> Mayor Adler: Let's do that. We've reached the end of this

agenda, the next thing we're going to do is call up Mr. Ryan. >> Zimmerman: I'd like to make a request that we get some kind of cost-benefit analysis when we consider this before council. If we get a benefit of more parks and open space, we need to know what that cost is so we can make a rational decision on whether the cost-benefit ratio is worth it. >> Mayor. >> Mayor Adler: Okay, yes. >> I want to point out that legal has been working with the parks department to update the ordinance, and there is the most updated version that's now been posted to backup. And that is the version that has been the consensus discussion between the stakeholders and the parks department, and legal, and thank you. I know this has been kind of a revolving door here, and it's been a long process for you guys. So that newest ordinance has

[11:08:13 AM]

been posted at this point, and I think if anyone had any questions -- y'all were a part of that process, too. So I just wanted to make everyone aware that they were looking at the latest version, which just got posted. >> Mayor Adler: Okay. >> Kitchen: So we need to talk about time certain and public testimony on at least those three items, the parkland dedication, str, and tnc. I don't know if there's anything else that needs to be time certain. >> Pool: I had asked the mayor to set a 2:00 for parkland dedication. >> I don't have a preference on the tnc or the str, except, of course, I don't want it to be midnight, either. But does anybody -- >> You know, I would think -- I'm sorry. I would think on the tncs, we were talking about around 2:00 also was a time certain, which, of course, as the community knows at this point, that means not before 2:00. But my guess is we're going to have a lot of the public coming for that discussion, also. So. >> When do we get back from lunch? >> Mayor Adler: I think it's important for people to know that respect to the tnc matter, what we're going to be discussing is an incentive program. We're not going to be discussing -- >> Right. >> Mayor Adler: Mandatory or not mandatory. We're not going to be talking initiative or not initiative. We're going to be talking solely about whether or not we should adopt the voluntary incentive program. >> Pool: Are we having the public hearing on tncs on Thursday, or is it primarily a discussion among ourselves? >> Mayor Adler: I think it's a new concept. >> Is it posted for public hearing? >> It's posted at 4:00. Parkland is already posted at 4:00. I don't think we have that before 4:00. >> Mayor Adler: Okay. So parkland we'll call up before. I'm fine calling up the tnc on this limited issue at 2:00 and see how close we can get to that. >> Now let's talk about what the public testimony is. Yes, it's a new item.

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The incentive program is a new subject matter. So that means that the public should have the opportunity to comment on that. I think that it will be important that the public understand that that is what we're talking about, and as the mayor said, we're not talking about the other issues. So that, then, brings up the question of how long is the public testimony on the incentive program? >> Mayor Adler: I would point out there are probably some other issues that could also -- so we have tnc, we have parkland, we have the P.U.D. Issue, which could have a lot of people here. We have the str issue, which could have a lot of people here. So I think we have all those. I don't know how many people will come with the substandard lot issue. But if parkland is set at 4:00 P.M., how do we want to limit debate on tnc, parkland, P.U.D., and str, I guess? >> Kitchen: I will just throw out for discussion purposes, it feels right to me about an hour on the tnc. But I'm open to discussion. I think it would be important to limit it, because I think it's going to be also important that we make sure that people understand, because it has been confusing about what we're talking about. So I think an hour should be sufficient to talk about the incentive. >> Mayor Adler: Is there a prohibition from us being able to limit the debate on any of those issues, tnc, parkland, P.U.D., or str? >> So the parkland dedication and the P.U.D. Are both public

hearings. >> Mayor Adler: You need to press your button, sorry. >> The parkland dedication and the P.U.D. Are both public hearings, so the public is allowed to come. And the str is also a public hearing. The tnc is not a public hearing.

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But they haven't -- it hasn't been to a committee, those issues. So your rules govern the tnc piece. >> Mayor Adler: Parkland, P.U.D., and str are hearings and we cannot put a limit on the total time -- well, we can't put a limit on the number of speakers who speak. But we could limit the amount of time each speaker has when they do speak. >> That's correct. >> Mayor Adler: And the tnc is one that is available to us to -- >> Under your rules, you say everybody will be able to come and speak, and you can design that how you like. But they are allowed to come and speak. >> Kitchen: But our rules also say that we can set a limit -- >> Mayor Adler: That's correct. >> Kitchen: On the total time for speaking. >> And typically, that's if it's gone through committee. >> Mayor Adler: Correct. >> Kitchen: No, but the ordinance language, I thought, allowed us to have the discretion to set that limit. >> Mayor Adler: And we can do whatever we want to. She's just talking about -- we can adopt by rule in any specific incidence, anything that we want to do. >> Those are your rules. >> Mayor Adler: Ms. Kitchen has proposed that we limited tnc time to an hour on the incentive program issue. That sounds appropriate to me. So we can't decide that here, but I think it's reasonable to do that. >> Kitchen: Okay, okay. >> Mayor Adler: On the others, we're not going to limit the number of people that could speak. Right now our rules would have us giving everyone three minutes who shows up on those issues. >> Pool: Would it be helpful to say two minutes, time-wise? >> Mayor Adler: I'd be fine moving to two minutes, and then if we want to reevaluate that based on the people that come into the room, if there's less people than we anticipate, we could always change that. But I'm fine with going with the assumption that on those issues, parkland, P.U.D., and str, that it'll be a two-minute limit.

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Okay? So we'll address those questions when we're able to vote on Thursday when we're together. >> We will hear parkland dedication fee one last time in open space committee on Wednesday. And we will have the opportunity for the community to speak there as well. >> Mayor Adler: Okay. That's helpful. All right. >> So what about the time certain for -- >> Mayor Adler: We have --2:00 time certain on the tnc. We have a 4:00 time certain -- it's set on the agenda, 4:00 on the parkland? >> Mmmhmm. >> Could we -- >> Mayor Adler: And str. And the P.U.D., too. So those are all -- >> Could we commit to do the parkland first and do that as close to 4:00 as possible, just going back to the fact that -- staff has to come into our meetings in pajamas at this point, I think. >> Mayor Adler: I'm fine calling parkland first. >> Pool: Should we do the P.U.D. item right after parkland? Because I think there's some -- >> Mayor Adler: We can do that. We'll do the parkland first, P.U.D., and then the str. And let's see how much of the other agenda we can clear out so that -- quickly in the morning so we work through as much of the other agenda as we can. Okay, Ms. Kitchen? >> Kitchen: One last question. Are there any items other than these four that we are expecting significant testimony on? >> Pool: We may have some on item 70, which is the ems staffing change. I have talked with the assistant city manager Arellano, and also the ems acting director about bringing a resolution that was agreed-upon with management, and the ems association in order to present the congruence between the two. And it basically goes to ftes.

[11:16:21 AM]

Management had suggested doing away with ftes and coming back during budget and adding them in.

And what the committee and I suggested was we leave it as, fill the positions through the process that we have currently, and then not have to go back through the process, which is significant as far as staff time and effort to reestablish ftes back in the position roster. And hopefully that won't be a protracted conversation. It's a fairly simple change that has a high level of importance to our ems staff. And I just want to commend management and the association for working together so amicably. >> Mayor Adler: Hopefully we will have worked through the quarter-cent issues, if we haven't, we'll consider severing that. We have the digital billboard issue, which I don't expect we'll address substantively, but, any action that tees it off in a way that the issue could be developed, if the council wills to do that. We have the hopper-finley issue. This is just on third reading. You've dealt with that before. >> Pool: That should go on consent. >> Mayor Adler: Okay. We have the P.U.D. Issue, we talked about. We have a small parkland, and the sos waiver, St. Katherine church. That is also a public hearing and an ordinance. We've gotten a lot of emails on that. The str and the thumbs-up. I think those are the main issues that we have. >> Zimmerman: Mayor, you think a time certain for that one? There have been a lot of emails on the church waiver, sos waiver. Would that be a 7:00-type time certain, maybe? >> Mayor Adler: We could reasonably tell those people they don't have to show up

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before dinner. I'm fine setting a time certain for the sos Catherine church so they can come after dinner. >> Pool: Two do we have transition committee items? >> Mayor Adler: That's just going to be work session. Yes. >> I just wanted to call my colleague's attention to the fact that I got information from our staff about flooding along convict hill road in the area where St. Catherine's is, and I've asked that that be posted in the backup. I think five significant flooding events they've had. >> Mayor Adler: Okay. Mr. Robinson, thank you for coming to talk to us. >> It's an absolute pleasure. >> Mayor Adler: I've been looking forward to this presentation for some time, so thank you for coming. >> Thank you very much for having me. It's an honor to be here with this historic council. The data that I want to share today is all about families with children in Austin. It's a demographic snapshot. My executive summary is something that you probably, potentially heard me say before. Austin is in the middle of the biggest population, job, construction boom of its history. And on the one hand, while that's a very positive thing, you know, we are the "It" city in the United States right now, families are enjoying one of the highest median family incomes in the country. Unemployment hovers around 3%, that's what the economists call full employment. So that's the big positive. And yet the downside to that is that, the very families that are enjoying these prosperous times are increasingly having a

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difficult time living in our city, especially within our central city. That's the simplistic executive summary. I'm going to pore through data and possibly make a few suggestions on how we could mitigate the situation we are in. So, with that said, let's look at structural descriptions and trends. You can take households in Austin -- the household is the same thing as an occupied housing unit. So you could have a one-person apartment on east Riverside, or you could have a big family of seven in a single-family house. All of those things are households. The first simple division, nonfamily households and family households. A family household is two or more people living together who are related by birth, marriage, adoption. And so, you know, that could be any form of family that you can imagine, a grandparent and a grandchild, a married couple and three children, a single mom and two daughters. When you take the right side of the pie chart and expand that, family households -- you have two simple types. Families without children, which are primarily married couples who don't have kids, or for those of us who have reached that status, and families with children. That could be households with children. I

want to take that piece, roughly 27% of all households. And you get three simple types -- married couples, single mothers, and single fathers. And the single mother and father component is important from an economic standpoint. I mean, not from an ethical standpoint, or a Murphy brown standpoint -- very few of us probably remember that show. But it's important because children in those single-parented households are at an economic disadvantage at a factor of about 3. So, where do we stand nationally in terms of how much -- how many

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of our households are households with children? We rank 22nd. You can see there at the top, Fort Worth, El Paso, San Antonio, San Jose, significantly higher. Look at the very bottom, you'll see Seattle and San Francisco, two cities we have a lot in common with. Seattle and San Francisco sort of, to sketch out our future, at least one potential future, that we could be headed towards. I want to point out the big difference between where we rank as a city, and where we rank at a metro area. Metropolitan, we're right in the middle. We're the 34th largest metro area, right in the middle. There's such a big difference there that from 2010, we were the fastest-growing -- the fifth-fastest-growing in the country in terms of families with children. So if the metro area were doing one thing, at the city level, we're doing something entirely different. This is what it looks like by council district. You can see, like so many things, there's an enormous amount of variation. District 2 is at the top with 43% of all households that are households with children. You can see district 9 has the smallest number. If I showed you one single piece of data, it would be this. And I'm trying to do something kind of fancy by showing two things at once. The share of all households in Austin that are families with children has dropped from 32% to about 27% over that period of time. But during that period of time, the absolute number of households with children has increased. And in the urban core, that's fallen to 21%. I should've mentioned this at the beginning. This is a pre-prize of a presentation I took to your planning commission. I got the question there, if you're going to say, what the urban core?

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That's a simple map. It's, if that list were complete, 183, 360, and I'm taking out west lake because it's not within our jurisdiction. But that's the urban core, at least by my definition. >> Mayor, I had a question. >> Mayor Adler: Ms. Pool. >> Pool: Mr. Robinson, go back, please, to the map that showed district 2 at 43.4%, that's the households by city council district. How different is this -- I mean, is this what you would expect to the extent that, for example, district 9 is essentially a central business district and it has a high level of commercial and business? I mean, is this where you would expect families with children to be in these districts? How different is this from before when we didn't have districts, and where families live? >> That's a good point. The snapshot makes sense. That's what I would expect it to look at. But an important element to this is the change that's occurring. >> Pool: Which we don't see yet. you have another slide. >> Yes. The districts were created to be equal to each other in terms of total population. But you're also seeing a very different household per person. So, you look at district 8, you have a much higher household size there. And so that's a balance. But, yes, this does look like I would expect it to look. >> Mayor Adler: Mayor pro tem. >> Tovo: Since we're looking at district 9, while it is a central business district, we have the city's oldest neighborhoods, Hyde park, there are quite a lot of neighborhoods within district 9. And I think the reason why this is such a critical presentation for all of our districts, I think, is because those -- I'm

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pretty sure I'm right with this, Mr. Robinson, you'll correct me if I'm not -- the those percentages are increasing dramatically. Is that more or less accurate, that this is a trend you noted back in 2007, earlier? >> Absolutely. I've got a couple of slides -- >> Pool: Hang on just a second. Which trend, that families are moving out? >> Tovo: And the housing coming online is not -- >> Pool: It's high-end. >> Tovo: There are all kinds of reasons for that. >> Pool: In district 7, we have lost about 20% of the children between 2010. I don't know if that figure came from this figure, or from the census, but, district 7 has seen a significant decrease, as has district 9. And these are the core neighborhoods that the city began with. >> Absolutely. And I've got a couple of slides that try and get at those dynamics. I would make the statement that this is a very important issue for every single council district, if for no other reason than even though seven independent school districts touch our city, we still are so involved with, dependent on, with aid. And so I would even step out and say that it's in our very best interest to see that aid says healthy and stays afloat, so to speak. And I think they're doing that, but we are at a point where -- and I'll talk about that a little bit. But for aid, it's an emergency situation. All right. The point here -- and this is what I failed to show at planning commission, and public works director Howard Lazarus pointed out to me, one of the most ofwhelming characteristics of city in the children is that they are children of color. If you look at the two lower bars, our youngest citizens are

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Latinos, and moving up to the ten to 17%, the percentages don't get much different. That's an important element that I failed to communicate to the planning commission. But I think it's part of the discussion. All right. Spatial descriptions. That's a simple map that shows married with children. No surprise, it's a suburban pattern. Zoom in a little bit, you see a few anomalies. The dark blue piece is the heights, oak hill, circle C, the northeastern part, very much a suburban-type place. Also notice the dark blue up along 183. What's fascinating is to see where you've got families with children hanging in where they can. You tend to have the combination of missing middle housing -- this is a housing issue. So you've got that missing middle housing in conjunction with high-performing schools, bam. You get an attraction, a gravitational pull to families with children, even in some parts of town that you might not expect to have it. I'll try and dig into that in a second. Again, a map of single-parenting households. There's our eastern crescent. You see it defined when you look at something like this. A map of single-parented households can be high rates of high school dropout, high rates of mobility in and out of the middle school, and that's a pattern that we see. So, the next couple maps are to try and show what happened between the population change from 2000 and 2010. The first map, total population, Orange and red is loss, green is gain. And this was the first map I made when I got my hands on census 2010 data, on Christmas morning times ten for me. It thrilled me.

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I didn't expect to see the areas of loss that we were seeing. Some of these are easy to explain. The dark red area just east of I-35 on east Riverside drive, just prior to the census, there were almost 2,000>> Those housing units are being rebuilt, but we're going to have a very different type of household there than what was there in the past. What's more difficult to explain are those shallow losses, so I'll go back to the mayor pro tem's point about our oldest neighborhoods, Travis heights, with a few exceptions, those neighborhoods experience loss. It was during a period where there were more housing units added and more households added but we had family flight. You had the sample of four or five that left in '04, that churn resulted in quite a bit of a loss. But let's isolate this and look at what happened for just children. You see right in the middle of the map, the collection of east Austin census tracts, they all lost children, so that's family flight. Look what happens when I show you the change for 18 plus, those same

census tracts in east Austin all go green. So that's clearly evidence of gentrification and an enormous amount of change. You can see parts of south Austin, parts of north central Austin all had change. Now I want to do a zip code, and I think that this will get at your Po Shen Thal question, councilmember pool. I know we're all familiar with zip codes, I'm going to talk certificately 77804, 77841, that contains east Riverside drive, and then I want to finish with 78757 which is allandale, crestview, brentwood. Let's look at '04. On the horizontal bar -- on the horizontal axis are

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individual age cohorts, little folks under the age of one and then all the way to 17. So in this case, every single cohort lost absolute children. Census 2000 is in red, then the next one is in blue. Look how this compares to the zip code just to the east of it where you have gained a cohort in every one except the last two. I'm not explaining the ones that left 04 moved into 41, this is a housing issue. 78741 is dominated by apartment and multifamily, so it's not as if families won't go in there. Of course, it's important to say that's older apartment stock, so in many cases it is bigger. And this is a point if I don't make, and mayor pro tem touched on it, even though we're experiencing an enormous amount of construction, it's not family-oriented construction. I think we made that point. We need to set our goals for more housing, but we have to think about what kind of housing we're getting, because that matters. Now, I'd love to come up with an info graphic that articulates this more clearly, sort of when is it a bedroom constraint and when it is an overall price constraint. And I want to close with 57, which is interesting, because you see sort of two things. You see loss in middle school and high school, but you see big gains in younger families with children. And so places like crestview, while you've seen some loss at some grades, you're seeing regeneration from these younger families with children. All right. This is a map from my colleague at aisd, Beth Wilson, and I really want to set up sort of two graphs. I'm going to show enrollment change for elementary schools on the west, zilker, brikerwoods, and then on the eastern collection of schools, and underneath these maps, those dots are short-term rental events. And while we have had a difficult time connecting it quantitatively, in other words, I know that

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short-term rental type 2s are part of -- they're in the MIX, but I don't know how to assign the explanatory power. In other words, what's more important, overall housing cost increase or the access. And so certainly the issue is dominated by affordable as a whole, but I just want to make the point that somewhere in there str's are part of the MIX. And then for me personally it's the clustering that can become more problematic. Councilmember? >> I'm sorry. Explain the colors to me again. >> The colors aren't necessarily significant. >> Okay. >> This is the western collection, you can see a slight enrollment increase and then a little bit of a drop, but compare that enrollment graph to the eastern collection of schools, and that's where you really have got some change. And so underneath that, the motivating forces -- I mean, don't let me overcomplicate things, is much, much more expensive than it used to be. And there's -- there's a market dynamic that's at work that's resulting in enrollment loss. I think a lot of - one of the questions that's come up is why is enrollment loss such a big deal for aid? Well, I would argue, it's the way that we fund public education in this state, it can disproportionately sort of punish districts like urbanized districts like aisd that are struggling with enrollment. >> Mr. Robinson, really quick, the loss of students on the eastern side in that -- I don't know what number that was, Brookshire, Campbell, et cetera, is that due to, for example, the demolition of those lower income apartments, for example, that were along Riverside drive. There were a lot of families there, is my understanding. >> Absolutely. >> And those children were -- [lapse in audio] >> It's direct displacement, it's indirect displacement, and then there are other things that I failed to mention, charter schools,

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which I think that -- professionally I have mixed feelings about charter schools. I think they can serve a real function but I think they're nibbling away at public school function. Those charter school, that siphoning off is very much happening on the eastern realm of aid at a greater rate than it's happening on the western realm. The western realm is losing students to private school, sort of that nibbling away. Seemed like you had a question, councilmember, but -- [simultaneous speaking]. >> Mayor Adler: Mrs. Houston? >> Houston: I have one. Talk to me about the short-term rentals in the schools in the eastern part of the city. >> So while that's not the clearest map, you can see that what I think is a contributing factor is when -- again, I go to sort of the clustering. When you have a -- it's sort of -- when is a lot too many? And that's a tough thing to quantitatively figure out, but I do think we could look to our California cities, places like Santa Monica and San Francisco where entire neighborhoods have been taken over by short-term rental. And so then it becomes really obvious. Those houses have been taken out of the MIX. So I would argue that this is beginning to happen here, and I think that we have a wonderful opportunity to revisit an ordinance. I mean, as a long-term employee, one of the things that tickles me the most about our revisiting it, is how much other ordinances I wish we could go back and tweak, but with that aside, does that answer the question councilmember? >> Houston: It does. >> I don't know where it is in the MIX, but it's in there. >> Mayor Adler: Mayor pro tem and then Mr. Zimmerman. >> Mayor Pro Tem: I was going to say at one of our discussions about short-term rentals, I distribute on the dais and I think I made it available on the message board, too, some of the work

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that Beth Wilson did in looking at the eastern section and with the help of our city demographic information that kind of mapped those areas, and so there's -- it's a little bit different from the information that's here, but it kind of overlays, as I recall, it sort of overlays those pieces of information. And I'll try to post on the message board so it pops up to the top again. I think she did point out one thing that you did, councilmember pool, which is in that eastern section, they did lose some pretty big multifamily complexes. I don't think it was the Riverside that contributed, as I recall, but that was a factor in that area. >> Pool: Lenders on this list, but you're talking about the Barbara Wilson data. >> Beth Wilson. >> Mayor Pro Tem: I don't know that she was talking. >> Pool: We can't seem to get her name right at all. Mr. Zimmerma N? >> Zimmerman: So you probably know better than anyone in this room how difficult it is to look at a trend like this and say it's because, fill in the blank. Very, very difficult to do. >> I hope I'm not saying that. >> Zimmerman: This is really difficult to do. Are people leaving east Austin because they don't like the low quality of the east Austin schools in you've mentioned charter schools, and I'd like to see this graph with the charter school -- with the total. You know, aid [lapse in audio] So this dramatic drop might be mitigated by the increase in enrollment in the charter schools that are in east Austin, right? I think that's an extremely important thing to show. >> That's a good point. What I would venture is that it would mitigate it, but it would not make it back up to level. >> Zimmerman: Yeah, but it's an important piece of information. And I also would take issue with not calling charter schools, you know, public schools because they're funded with tax dollars. >> Yeah. >> Zimmerman: To me the main feature of the charter schools is you have choice.

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And aid you're forced to go where your zip code says that you go, with the boundary of, you know -- but with the charter school, you have a choice. So those are really -- it's not private versus public, it's choice

versus nonchoice, so I would like to see this updated with the charter -- >> I'll give that a stab. And I don't want to venture out and say anything about charter schools, because I'm not qualified. I'm just observing that we're experiencing loss from this public school system into another public school system. >> Zimmerman: But the point of that. >> Yes, sir, I see. >> Zimmerman: Is where are the people going? So the charter school would help us understand that if you included those statistics. >> Mayor Adler: Mrs. Houston? >> Houston: Mayor, I just want to say it's so refreshing to hear councilmember Zimmerman talk about choice. [Laughter] Maip. >> Mayor Pro Tem: I think we've had this data before, but I'm not remembering. What percentage of our total housing stock is str2s. >> It's small. I don't know that -- [inaudible speaker] >> Mayor Pro Tem: I know that. >> Overall, it's small. So that's why I go to the issue of clustering. If it's all sitting in or all sitting at the end of east sz Cesar Chavez or the western end, that's when it becomes an issue. That's my professional opinion. >> Mayor Pro Tem: I think that would be good for us to understand. If -- if -- I know that your whole point is not a single one of these things is the silver bullet or is the cause, that you're just trying to educate us on all of the different reasons that could be contributing to these changes. But I -- that would be helpful for me to understand, if we're saying that this is a contributing reason, I want to understand what percentage of our total housing stock, because I remember that it was like

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less than 1% or something. >> At the city level, it's so small that you would go, well, gee, how could that be an issue? >> Right. And you're saying that it's the clustering. >> Exactly. >> Yeah. And then -- and when you saw my light on earlier, I -- you said that -- I was just going to correct you when you were talking about charter schools. You said charter schools would say they are funded school and funded with private money, but they're funded with tax dollars. They're both public schools that are both publicly funded. >> Mayor Adler: Got it. Let's proceed. Thank you. >> So that's a complicated map. It's complicated for a reason because -- and I show it just to simply drive home the point of how complicated our public school geography is. And as we -- as we -- as we potentially expel families from the urban core, we're sending into districts like del valle where 95% of her student are eligible for free and reduced lunch. So the way I think of it, we're reaching out and grabbing onto a knob that differentiates these school districts anyway and we're just accelerating that. Collapsing affordability, a couple things, we have the sixth highest median family income in the country. That map is, I think, telling, because it shows just how much spacial variation you have in the -- in the -- in affluence. This map is actually beginning to look a little different than it used to. We used to sort of have only one big macro neighborhood with that dark blue. What's interesting is the highest income category goes to 250. And that highest income tract is now in downtown, which I think is meaningful, because 15 years ago we were

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applying for community development block grant money in downtown and we could never do that now because of how much more affluent it is. All right. I think we also have to talk about the difference between racial -- race and ethnicity when we talk about median family income, nonhispanic white median income. So, again, variation across the city and variation structure structurally. Let's took at home value, we're the 11th largest city in the country and correspondingly we have the 11th most responsible home value, so maybe that's not out of whack. All right. This is -- I think this is where I -- apologize, I've jumped from the slides I'm showing you into hard copy, but this is to try and make the point that families are still somewhat dependent on single family, or two- and three bedroom. I ago back to the apartment stock on eagle side drive because it's older, it has two and three bedroom, but very

little being built today is two and three bedroom. This is kind of a complicated graph. I'm taking it from governing magazine. I just want to make the point. If you make our median family income, if you're a family of four and making about 76, 77,000, you're only able to afford about 40% of the housing stock that's out there. And so all of a sudden we're with the likes of Boston, Los Angeles, San Francisco, Seattle, and so, yes, we're beginning to be more like those cities, but I think it's premature that we're already as expensive as those cities. I can tell that this graph might not be as explanatory as I want it to be, but I think maybe when you spend more time with it [lapse in audio], it was made by a

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colleague of mine, [indiscernible] At Austin board of realtors. It says so much that we basically had stagnant wages and a relatively stable median family income but our housing has just gone up, up, up. Now, that period from '08 to '09 to '10, other major cities experience allowed pop of the housing bubble. We never experienced that. So you can consider that a correction. I think because we didn't have that dip is one reason why our housing today is -- is expensive as it is. Look at the slope at the very end of that, right? I don't think there's any end in sight. I think if I make this graph next year, you know, we'll be up at 300,000. And if anyone has been house shopping lately, the median house of 271, good luck finding a house for 271, right? The average is much higher than that. The average is, of course, pulled by the upper end. So median can be a little bit deceiving, I think. All right. The zip code map, I could make this two ways. >> Sorry. Can I ask a question about that last slide. >> Yes. >> The median home price of 271, why -- why -- that's not -- that's much higher than what we used in our kind of calculations when we were talking about property taxes and homestead exemptions, we have been using this last year. >> One's tied to median home value, which comes from the appraisal district. It doesn't involve necessarily houses that have sold, traded. And median home price looks at homes that the -- [indiscernible] Homes that have traded in the market. >> There's a differential different, and also because it's a year later, that's how much higher the median is. So kind of a difference there, but also I would say that, again, it's increasing at about 25 or 30,000 a year. >> Okay. So these are home prices, homes that are on the market? >> I think they're sourcing this from mls. >> Okay. That makes sense. Thank you. >> All right. Zip code map, you can make

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absolute gain in the western zip codes would come off the map, but I think it's more appropriate to measure pressure by measuring by percentage increase. And that really shows how significantly more expensive housing stock in 78702 is. That's a tripling in the median value. During the same period when other cities experienced a housing bubble. All right. The next couple maps were intended to get at, yes, we're building a lot of housing but it's not necessarily family-oriented housing. Great shot by a colleague Michael Knox, another one here on the river, and so I'm going to ask a somewhat provocative question and I hope it doesn't upset anybody, but I think it's a legitimate question to ask [lapse in audio] Are we becoming a playground for the rich and famous? You know, we're building a heck of a bubble of liveability, but that bubble of liveability is really expensive to live within. So what could help? Our comprehensive plan. I think implementing our comprehensive plan and creating complete communities is a key. If you have a food desert in your area, that's an incomplete community. If you don't have housing for all -- for all types of household types, that's an incomplete community. I think to my mind, these are rare creatures, but it's -- it's possibly where we're going to have to do something out of the box, if I could be so bold as to say that we might want to think about incentivizing family-oriented housing in the same way that we very successfully incentivized student-oriented housing near the university of Texas campus. That has been a very successful program, right? Couldn't we do something

like that -- because I think that it's going to take more than simply encouraging the development community to build more family-oriented housing. I think we have to make it worth their while, and we do that with an incentivized program, but that's me. And then I want to quickly

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mention codenext, it's on every one's agenda. As a statistician, I'm a little bit nervous that we're putting all of our implementation eggs in the codenext basket. Codenext, I have faith it will be a successful program, but I just don't want us to be completely dependent on codenext to solve all of these issues. A couple of maps, this is an aerial photograph of south Lamar. Many of you have seen this. This is the type of development that I'd like to change how we get. So my urban design colleague Alan Holt says this well. This is compact but it's not connected, right? And so then what do I -- what do I envision that would be better? This is a photograph from Boston, what they call the triple Deckers, right? This is good, what used to be really family-oriented housing. You can see the very different look and feel, it's dense, it's pedestrian oriented. It looks safe, I might not be scared to cross -- [lapse in audio]. We keep using the term missing middle. >> Mayor Adler: Hold on one moment, please. Mrs. Kitchen? >> Kitchen: The problem with these that you're giving south Lamar, and so I think that one of our challenges is. >> Mayor Adler: Absolutely. >> Kitchen: As we look at transportation planning and we look at funding for transportation projects, we do that with a mind -- you know, with paying attention to what our space is for housing are along these major corridors, so -- >> That's a great point. It is about the street and H-E-B has got -- atv has got a great plan to get in there and change that. Wouldn't it be amazing if we could do all of that sort of at once. >> Mayor Adler: Mayor pro tem? >> Mayor Pro Tem: I would just add to that, too, I'm not familiar with many of these projects but I doubt any of these have two or three bedrooms, just to get back to the other point that

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you're making. And the streetscape I think is really critical, too, is making sure it's an area with families with kids want to live in. But probably all of this is unfamiliarly-friendly type housing. >> I agree. If there are a few three bedrooms in there, they're really expensive. And so, again, I don't -- this is the tough one. And I don't think any city out there has really figured this one out. Yes, sir in. >> And I think that's the first point that came up that I had, what definition of family-friendly is, while I think that a bedroom count is important and critical, if it's three bedroom and it's so expensive and you just told us that the kids that are going to be growing up in this community are overwhelmingly Latino -- overwhelmingly Latino and we know Latinos have a median income well over half that of anglo families, then even if we get two and three bedrooms but they're not affordable, then we have potentially a three-bedroom unit for folks that have enough money that may not have children because we know the trend is the other way. And so it seems to me, at least the experience that I have in my district, is that we have lots of families that are filling up schools and there's new schools being built, many of whom live in one-bedroom apartments, many times there are two families living in a one-bedroom apartment. I'm not saying that that's ideal, nor am I saying that that's what we should strive for, but I think that in the hierarchy of what I'm getting from your presentation is we both need these family-friendly streets, we need communities that can be complete, we would prefer for families to have the space that they need, but if we can't figure out the affordability question both on the supply and demand side, both on the jobs and rent side, then we can have a bunch of three bedrooms on the Monaco instead of one bedrooms on the Monaco zero, so I think we've got to be sort

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of looking at both. And when you talk about lower income families, my understanding of some graphs that I saw and maybe you might have this later in your presentation, is that something like 70 to 80% of them rent. And so how we get to the affordability point seems to me to be the first threshold before we can even get over the others. >> Absolutely. >> Mayor Adler: Okay. >> Just a couple more and I think I'm done. >> Mayor Adler: Okay. >> And I'll close with, we have missing middle and a couple parts of the city. Of course, new missing middle is being created in Mueller. There's some economizing -- middle middle. If we can replicate that combo, we'd be making headway. I think that's all I have again. Thank y'all very much. I'm open for questions if you have any. >> I'd like you to identify some more of these and come back periodically to the work session. I think it's just real helpful. >> Mayor Adler: Questions before we move on, Mr. Zimmerman? >> Zimmerman: Just a quick one. I really appreciate this and I have a curiosity and fascination with your kind of work, I could sit and listen to this for hours just because it's so interesting. I think the larger question the council is confronted with is, you know, have the centralized planning attempts by the city, what have they contributed to the problem? And, you know, if we look for solutions to these problems, you know, we've kind of got a fork in the road. In my opinion, if we keep trying to plan -- centrally plan our way out of the problems, we're going to have unintended consequences of new problems, not fixing the old ones, but creating new ones. And to me, that's the complexity of this problem we're faced with, right? We either try to do more centralized planning to solve some of the issues you identify, or else we back

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off and say, you know -- [lapse in audio] Model, let's look to the wisdom of a market to decide, you know, what should be done instead of centralized planning. And a final point, on the issue of infill, we hear this a lot about missing middle and infill, and as you know, we have neighborhood councils in the city that are strongly opposed to the denseification and urbanization and tearing down smaller properties and building up more condos. There's a very strong political contest, right, between the new urbanist that want infill, and then you have neighborhood councils that dates back generation and so, don't change the zoning. We put the zoning in there to keep things stable and static. These are irreconcilable differences. I don't know how we're going to fix it. >> I guess I would say to that where ear where we are today is because we let the market go. If you let the market do what it wants to do, it's not necessarily going to give you the city you want, so I wish that I had -- could look back over my 26-year career and go, that was heck of some centralized planning. I would have to respectfully disagree with that. I think the market has put us in the situation where we are today. >> Zimmerman: Quick comment to that. I lived in Houston for about 13 years, everybody likes to make fun at Houston, but if you look at the charts, they don't have as strong a centralized planning as we do and they're a more affordable city and they have a better MIX of housing than we do. >> Mayor Adler: Mayor pro tem and then Mr. Casar. >> Mayor Pro Tem: I'm going to also disagree with your characterization of neighborhood associations and their interests, but I'm not going to talk about it now, because I want to really just thank you for this discussion. I think it's really critical. This is a discussion that's

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been going on at council for a while now, probably almost 10 years, and I think it's a very significant trend and it has everything to do with the success of the next generation in our city. Because when you have this kind of factor happening, this kind of trend happening and becoming exacerbated, it has all other kinds of impacts. I look at our school districts and we have schools that are at 95% of the children are on free or reduced lunch and in the same city across town, you've got a school where there are 3%

of the children who are on free or reduced lunch, and a whole lot of the data shows that kids do better academically when they're in a mixed income school, you know, that diversity of incomes affects their educational outcome, and so there are all kinds of reasons why I think we should be concerned at this trapped and at every possible opportunity think about how our policy directions could respond to it. And I think we all are aware of the news coming out of aid about the declining enrollments and the projection about the future. I really appreciate you being here to talk about these issues. >> Mayor Adler: Thank you. Mr. Casar? >> Casar: And is it true that we're seeing nationally, I'm -- I've heard this anecdotally, but naturally are we seeing a decline in families of households that are shared with children. >> Absolutely. Yes, sir. >> Casar: Are we seeing counter trends here in the younger folks of color that are canceling that share of baby-boomers that are sort of empty nest teres. >> What could be happening nationally could be sort of washed out. Again, back to my comparison between what's happening at the city level and the metro level, demooingra fers call us a magnet for married with children at the metro level and also because so much of our city is suburbanized,

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you can find parts of our city that are bristling with children, but it's the movement, the trend, is what I want to bring to this council and bring your attention to is where we're going. >> Casar: I think it would be really helpful for us to go from this level that I think is really important for you to have shown us to start tinkering with and looking at what some potential causes is so we can start filling in the blanks, even if tentatively. Because I think, as you've noted, there's a big MIX. Some of it is neighborhoods where there aren't children but their used to be lots of them, but folks have aged and aren't going to have kids again. And so how do we -- how do we hit on all those points? And then our last challenge is while that neighborhood in Boston looks really wonderful and great, the question is sort of where does it go? Because we don't have too many airports left too decommission, so something for us to think about. >> Mayor Adler: Okay. Mrs. Gallo? >> Gallo: I just wanted to say thank you again also, and before we get out of this -- this venue, I wanted to invite everyone, we have started -- [lapse in audio] -- If you have an opportunity or if you have any desire to stop by, it's really going to be a fascinating process of bringing the neighborhood voices into the design and it will be happening all this week. The public interaction is predominantly in the evening, beginning at about 7:00. It's at the jcc, which is the jewish community center that's off of hart lane. We -- the working group with the developers actually hired a consultant from Chicago, who does a lot of urban planning, and it's going to be pretty fascinating. But it's been interesting as we talk about housing stock, there has been a real resistance, it's a 31-acre tract. There's been a real resistance to add housing stock, family housing stock to that development plan because of the overcrowding of schools. Our trustee that represents that area has been really involved with this process,

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and has said to people, don't be afraid of adding housing stock because the schools are overcrowded because the school district will take care of that overcrowding. They will either find the funding to build or they will redraw boundaries. So as we talk about housing stock, particularly in urban infill areas, you've talked ability the areas that are losing but we also have areas of gaining students and there is a fear of adding more houses in those areas because of the overcrowding in the school. It's interesting dynamics to watch that conversation, but that's the opposite conversation that we also need to be very aware of, too. And I hope all of you will have a chance to stop by if you're interested. I think the city is watching this process is one way to encourage positive communication and conversation in the development process. >> Mayor Adler: Thank you very much. Mrs. Houston? >> Houston: I, too, want to

thank Mr. Robinson. It's always great to have you here and you give us so much to think about and you base it on the data. I just want to remind, of course, you know, but people who are watching us perhaps don't know, that the pressure, the intense pressure that parts of district 1 are experiencing is because the council many years ago decided, without input from the community, that 183 would be the outer boundary, the eastern boundary of the urban core, because they had land pressure. And so they saw that as a way to get more land available, made some zoning changes that would encourage businesses and encourage growth. And so there was no -- there was never any look at what was -- what were the unintended consequences going to be. And so that's what we're living with now is decisions that prior councils made, and we don't have a way to fix what -- what was done. And so thank you for always bringing that information to us. We are -- we're at a crisis point in

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parts of this city. >> Mayor Adler: Thank you, Mr. Robinson. Thank you very much. If the clerk would walk us through a selection dais' process, and while the clerk is coming up -- >> We took a vote on our side. >> Mayor Adler: While I accurately -- let me -- while I accurately discussed the nature of the tnc ordinances were coming up, I think I gave the wrong Numbers, so just for the record, 92, 95 are the two that are going to be combined with Mrs. Kitchen. 96 is the one that is the effective date, and 93 and 94 are the ones that will not be coming up. Okay? Yes? >> Mayor Pro Tem: Mayor and others, are we planning on moving on Thursday? Most of us, I think, have things in our seats and whatnot, and so -- and also we have a fierce competition going on on our side and it would be good to have one more -- one more council immediating to see who wins that grand prize. Is it all right to start it February -- >> Mayor Adler: We'll do the drawing now, we'll actually move the seats, not this week but next week. >> Mayor Pro Tem: That would be great. >> Mayor Adler: Everyone needs to finish their contest. >> Mayor Adler: You want to walk us through a process. >> Clerk: Do you want to have you MIX you up for a work session again or do you want to stay where you are for work sessions. >> [Inaudible speaker] >> Mayor Adler: We switched it last time. Let's just switch it again. It's the same thing. >> Clerk: I have the little balls that we used last time. >> Mayor Adler: Are those numbered one through? >> Clerk: Yes, they're numbered. >> Mayor Adler: So we were -- >> Clerk: So [indiscernible] >> Mayor Adler: On the dais

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or -- >> Clerk: Facing the dais. Your seat facing the dais, one was two the left. >> Mayor Adler: So Ann kitchen is in seat one right now. Mayor pro tem is in seat 10. Okay. [Lapse in audio] [Laughter] >> Clerk: Okay. You need to announce it, otherwise we can't move you. >> Mayor Adler: 10. >> Kitchen: Six. >> The timing. [Simultaneous speaking]. >> Two. >> One? Is that a one? >> Yes, that's a one. >> Or is that a four? >> That's a one. >> Is one over where -- >> Mayor Adler: One is Ann kitchen's. >> We just switched sides. >> Mayor Adler: Five. >> That's literally what we did. >> Mayor Adler: So what I have then -- >> So you're on the side with us. >> Mayor Adler: So what I have is Mrs. Houston is

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no. 10, kitchen six, casar seven, Zimmerman two, tovo three, pool one, garza eight, gallo nine, troxclair five and. >> Renteria: -- Renteria four. All right. We are now going to go into closed section take up four items pursuant to section 551.07 of the following code. Item e-2, legal issues related to mercer versus city of Austin. E3, potential election in may 2016 concerning tnc companies and other potential ballot measures. Item no. 80, legal issues related to the planned unit development. Item no. 91, which are related to the short-term rentals. Item e1 has been withdrawn. If there are no objections, we'll go into

executive session. Hearing none, the council will now go into executive session. [Council in executive session].

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We are out of closed session, and in closed session we took up and discussed legal matters related to E2, E3, 80, and 91. Back out of the meeting, I now adjourn the work session for today.