

## City Council Work Session Transcript – 04/05/2016

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[9:10:35 AM]

>> Tovo: Good morning. I'm mayor pro tem Kathie tovo filling in for the mayor today. As we have a quorum, we're going to go ahead and get started. It is 9:10 and we are meeting in the boards and commissions. We are going to start with our preselected agenda items, the first of which is item 17. It's my understanding just before we get started that we have three items pulled, 17, 23 and 24. I know councilmember pool has added 6 to that list as well. And I have a couple of comments to make about the Dabney horn case that we're dealing with on Thursday and then we'll switch to our briefing. So 17, councilmember troxclairs and Garza pulled this item. I'll turn it over to councilmember troxclair, if you've got questions, and then councilmember Garza.

>> Troxclair: Sure. Do we have transportation staff?

>> Garza: I'm sorry, what did you say right before we --

>> Tovo: I don't know. I went through a lot of things. I think I said we would go through the items that had been pulled and we were going to start with 17. And we did have transportation staff here. I'm not immediately seeing them. They may be back on they're way in. Why don't we move on to 23. Why don't we start with 23 and back up to 17. So welcome, Mr. Meszaros. We do have two councilmembers, councilmember troxclair and I both pulled this item. Councilmember troxclair, did you want to open it up since it's your item and you pulled it as well?

>> Troxclair: Sure. I just pulled it as a courtesy to give everybody a head head's up. This item is kind of a response to the overwhelming number of complaints we received about high water bills last fall. We had several meetings in the public utilities committee and then I continued to work with the Austin water staff to try to figure out if there was some kind of safeguard or safety net or customer protection that we could provide for those customers who really have some -- an unexplained -- unprecedented spike in their water bill.

[9:12:55 AM]

I think we crafted it really carefully because we were very aware that we didn't want to create a program that was going to encourage people to waste water or encourage people to take advantage of the program, but as we followed through the hundreds of cases of complaints that we got a few months ago, we found that, yes, some of them had leaks that were repaired, some of them did use -- had their sprinklers set to water above our city standards, but there was kind of a last bucket of people who got to the end of the process, still felt like they did not use the water, did not have a pool, did not have a sprinkler system and still saw a huge spike in their water bills. So the water utility kind of looked at what

other cities had in place for this kind of thing, and we talked about a variety of different options and we ultimately came up with this what sing a good solution, which kind of mirrors our leak adjustment policy. It's very similar. You can apply for an adjustment. How it will work is if a customer receives a water bill that includes water -- that shows water usage more than three times their average water usage, they can sign an affidavit talking about any extenuating circumstances they've had on their property recently and submit it to the water department and be eligible for a partial credit of the excess water that was used. A customer would only be eligible for this credit once every two years, and again you would have to have three times the water usage than you've had historically. So I'll let you answer any questions that you have. I've also posted on the message board a summary explanation from the water utility staff that kind of goes through the details because I wanted to give everybody as much head's up as possible before the meeting on Thursday.

[9:15:01 AM]

>> Councilmember Gallo.

>> Gallo: Councilmember troxclair, I appreciate you taking the ball and rolling with this. Our office also got the lots and lots of calls during the period last summer. As you mentioned, quite a few of them were resolved with leaks and sprinklers systems that weren't being monitored correctly. But I see there's an extra spot for a co-sponsor soiled love to be added as a co-sponsor on this because I think this is appropriate for the customers in Austin that saw issues that were -- I wouldn't say beyond their control, but extraordinary circumstances. So thank you.

>> Thanks, that would be great.

>> Tovo: I do have some questions about this. Some of which I've submitted through the Q and a and I won't repeat here today, but my first question would be for the sponsors. Is this something that went through the water and wastewater commission? I reached out to my commissioner, but haven't heard back yet. We have a group of citizens, some of whom have great expertise in this area, and I wasn't sure if it was a proposal that had been reviewed by this group.

>> I'm not sure --

>> Troxclair: I'm not sure if this proposal has been specifically reviewed by them, but we spent probably three public utilities meetings talking about the issue and I've been -- I've been working with the water utility probably for the past, I don't know, three, four, five months on this. And so we did -- clearly it was a very public issue that we discussed a lot. And I made it clear that I was going to continue to work to try to come up with a solution. And I depended on the experts in our water department to give me some options.

>> I can add to that. The resolution directs the city manager to come back and go through the water code amendment process to take the concepts that's in the resolution and codify them in the actual water code. And that would go to the commission.

[9:17:02 AM]

And then we would come back to the council for the code amendments to this resolution that would be in the code side. So we would expect ultimately this would go to the water commission and come back to the council to put it in the code.

>> So they have not reviewed the proposal at this point. If it passes they'll review the potential code changes?

>> That's correct.

>> I want to be sure, one of -- in fact, it was a concern that Mary gay maxwell raised to me before she passed that as we now have some council committees that overlap with the duties of our volunteer

boards and commissions, we have commissioners with real expertise in some of these areas, for example on the water and wastewater commission, for example, Mickey fish BAC, she's served on the joint water task force that looked at our financing. These are individuals who we've asked to put in a lot of time and service to our community and many of them bring real expert cease in the field. We want to be sure we're looping those bodies into our decision making really I think it's appropriate to do so early in the process as well. I'm glad at least they'll review the code changes. My other question has to do, I've asked a few questions about how this falls under state law and I would like to hear from our staff about, one, whether they recommend it and whether it's a practice other cities have used. But I'm particularly curious about how it fits in with our existing review processes. We have -- over the years my office has received lots and lots of calls about utility bills and water bills and we've worked with successfully with customers helping them solve them directly with staff, but also going through the administrative hearing process prose. So how does the process you're laying out here interact with our existing administrative hearing process where a customer who has a bill that's unusually high has an opportunity to go before that board, which is a third-party board, and discuss their bill?

[9:19:11 AM]

>> Councilmember, I can provide some feedback. One of our questions was do other cities do this? We did a canvassing of other cities as part of a high bill episode and some of the requests from the public utility committee. Almost every significant utility does have a leak adjustment policy, which if you have a hard leak such as piping, system breaks, they have more of an administrative system policy which would be for unexplained high bills, in particular while it's more uncommon for that type of adjustment, we modeled this after the city of Houston. They've had a similar practice in place for many years so we've used some of their experience and approaches with regards to this. In terms of administrative hearings, the way this would interact with the administrative hearing process is if a customer accepts relief through this process, that is if they file their affidavit, we review their case and we make an award for an unexplained high bill, as a condition of accepting that they would waive their right to an administrative hearing.

>> Tovo: On the same issue or on any other bill issue?

>> On the same issue. If a different issue came up they would preserve rights to have administrative hearings for this, but on this particular high bill issue, if they accept resolution through this process, they could not then go and like double dip through an admin hearing. They could take it through a hearing and not accept this, but they couldn't do both.

>> Tovo: I guess I need to ask the sponsors why I -- I know you've spent a lot of I'm time on it and talked about it, but why did you feel it was necessary? Why not have those individuals go to the administrative hearing process that we already have?

>> Troxclair: And you may want to pipe in on this as well. There were a lot of people who who the administrative hearing process did not provide an avenue for relief once they got to --

[9:21:14 AM]

>> Administrative hearings are extremely expensive to administer. You have an outside third-party attorney that you're paying to come in. It's like preparing a legal case in many ways. They take a long time to schedule. And it's, quite frankly, not set up to handle more than a handful. As you get many, many of these flowing through, -- David, jump in here. The system backed up, and it's probably still backed up, and it's very time intensive on the staff to prepare the cases -- one of the reason we look at this in part is because it would avoid large Numbers of administrative hearings when we had an episode like we had last summer. So that was one of the reasons why we like this approach.

>> Tovo: Thanks. I think that's my last question for today. I would lightning to hear more about Houston's program. And also if you've done calculations about how much revenue Austin water utility would forego say in the last year, how many individuals you're talking about with unexplained high bills. We heard from a lot of people and the media reports were large, and I've really got to wrestle with this issue a little bit between now and Thursday because these are -- we have a utility and we sell a product, which is water, and it is a scarce product, and these are -- if you've not been able to identify a leak or meter reading, I'm not sure why we're paying for half of those customers bills. So that's something I'm struggling with. I will read the material that councilmember troxclair, you put on the council message board and consider the issue further. But some additional information may be helpful, so I'll ask questions that elicit that. Councilmember Gallo.

>> Gallo: Yeah. Since the utility is here, could you help us also understand when someone has an extraordinarily out of the norm high bill, how the water department would treat the payment requirements for that bill?

[9:23:18 AM]

Because that was one of the concerns that we heard in our office also is that somebody all of a sudden has a high bill that also -- that results in a high payment and if they are unable to make that payment, how does the utility handle that without a process like this in place?

>> David Andrews with Austin water. Typically any type of high bill or arrearage that a customer might have is available to go on to a payment agreement through Austin energy and they just call that customer service phone number and they talk to those representatives and they would allow them to get on to a payment agreement I believe for 24 months, up to 24 months. And that would happen. A lot of times what happens, somebody has a really high bill and they call, while that investigation is going on, may be another reread, looking at the next month, then Austin energy will typically ask that customer to go ahead and set up a payment agreement while that investigation is going on to make certain that their services aren't cut or anything like that. So that process is available to anyone with a high bill that is unable to pay.

>> I think just to correlate that with some of the conversation that we had in our office with people that called in on the unusual high bills is even if they set up on a payment plan, they are still expected to make payments on the higher amount. It's just mediated over a longer length of time. But for people struggling to pay their utility bills to begin with, each a payment plan is really stressing their budget. So we do have and allow something that allows it to be a little bit better from the standpoint of being paid over multiple months, but it is an extra amount that they're ring from having to pay when quite often people are struggling to pay those bills to begin with.

[9:25:22 AM]

Thank you.

>> I know -- I appreciate mayor pro tem being willing to answer the questions offline, but since we have them here, I think it would be good to give our water utility staff a chance to address some of the issues raised before the council today. I know this is a change and I want to make sure that people's questions can get answered before Thursday. I had the same concerns. Frankly we've had a lot of conversations about the financial state of the water utility recently and that's something that I always have -- that was a concern of mine as well. But I want to make sure that we're balancing that with effective customer service. So can you talk a little bit about -- I know the backup on the message board has the worst case scenario estimates of how many people would qualify if every single person that we had in this last billing cycle had applied for this and received an adjustment, but the number that we heard from was

significantly below that. And then the number who would ultimately be able to -- did not have leaks, did not have pools, et cetera, and would be able to receive benefits from this program orthopedic even below that. I know you don't have the exact Numbers of what that would look like, but I do think that you had some of those questions answered. You talked to the city of Houston about what financial impacts the program they have there had on their water utility. Can you talk about that?

>> We did take a look at an analysis of the 2015 summer months from around June to September. And we did try to estimate or look at what the worst case scenario would be for people who qualified for this adjustment. We came up with just under 14,000 customers that would achieved that 300 percent more than their average. And we looked at the average as just the prior year's average in 2014 many of those almost 14,000, more than -- almost half of those were very small dollar amounts because you can imagine if you used 2,000 gallons in a month and then used 6,000 gallons the next month, that would qualify you under this method, but the amount of the adjustment for that particular amount would be very small.

[9:27:47 AM]

And so it's -- there's a whole bunch of very small adjustments that might not likely even apply for this method because it might only be -- there's some that were over 5,000 that were maybe less than \$20 adjustment. And so if you wanted to use your three-year thing to get that 20-dollar reduction for that particular month, you could do that, but it would be highly unlikely. So there are about eight thousand of those that were adjustments of over 11,000 gallons or greater. They averaged from anywhere from \$80 of an adjustment to almost 4,000 of those. And about 5,000 of those were several hundred, three to four hundred dollar average adjustment. So that was the worst case analysis if every one of those 14,000 customers were to come in and ask for this particular adjustment in one year, it would be only about \$2.3 million of adjustments.

>> \$2.3 million of adjustents?

>> If everybody in that 14,000 customers, if everyone went through and applied for this particular --

>> Tovo: I understand. That's a significant amount of money and if you track it to the thousands of gallons of water use that's also a significant number. Anyway, I appreciate that. It sounds like some of these Numbers are on the message board and somebody has got it here and really has to read the Numbers to make sense of them. Number and I think as -- well, anyway.

>> I would just add that this isn't automatic that you run a computer program and they all get their adjustment. That they have to fill out an affidavit and sign it and certify that they did not use that water. And each one of those affidavits and accounts are going tow reviewed.

[9:29:48 AM]

That it's not just going to be automatic. We're going to ascertain is it unreasonable that they didn't use that water? That there was some unexplained anomaly with regards to their meter reading. Our discussions with Houston -- they have a much larger system -- indicates that they average about 100 a month, a little less than 100 a month or 200 a month.

>> About 200 a month. About 2,000 a year. We would expect our base to be that or smaller given the size of the system. We're looking at maximum that would qualify, but they would have to go through the process and that would winnow down over time. But councilmember, I can't say exactly how many it would be. The other side is there are limits that once you apply if you're granted this, then you have a moratorium, you cannot apply again for --

>> Three years.

>> Was it three years? Two years?

>> Two years, excuse me.

>> So there is some other controls in place here.

>> When you said 100 per month, are you talking about customers, 100 customers per month.

>> Yes.

>> Okay.

>> And so you --

>> I was really hoping -- I guess the reason that I wanted to talk about this was because I wanted to underscore the point that the 2.3-million-dollar number in that backup material is not a realistic number. That is -- the total number of customers, that doesn't take into account a much smaller percentage of those customers take into a two or three year moratorium, but the customers may have leaks on their properties or may be disqualified for other reasons depending upon the features of their properties. So that's part of the reason that I wanted again to talk about this in public because I don't think that that -- I think the real number if you're talking about going from 14,000 customers a year to really what Houston ends up seeing, which is closer to 2,000, which if you -- their water utility is -- their population is three times the size of ours?

[9:31:56 AM]

We'll say a thousand customers. So the difference between 14,000 customers who in the universe could potentially qualify when in reality the number would probably be much smaller than that, I would think less than a small customers would even have the potential to actually receive this benefit. I wanted to put those Numbers in context. The financial impact is probably much less.

>> Tovo: Are there other questions? Councilmember troxclair. Then we'll get back to councilmember Gallo.

>> Councilmember Zimmerman, you haven't had an opportunity to ask a question yet.

>> Zimmerman: If I could go last. I wanted to note this had come about earlier and did you talk about the legal aspect of it?

>> Tovo: We have not, but councilmember troxclair asked me what questions I submitted and that was one of them. I know there are state laws governing the giving away of energy so one of the questions I asked through the Q and a process was along those lines, where state law falls on that.

>> Zimmerman: I proposed something like this before.

>> Tovo: Councilmember Zimmerman. And so that is a question I submitted and I expect that our legal -- our attorneys will get back to us either through the Q and a or through an attorney-client privilege memo. Councilmember Gallo.

>> Gallo: I know you've addressed the potential loss of the payment of water, but are you also comparing it and evaluating -- excuse me, if I could talk this morning. You mentioned the substantial legal cost to the city and doing the administrative hearing, so if we were to -- if you were to take Houston's number and adjust it with an educated guess on how many it would be per year and what the loss would be in billing to the department, could you also show us what the cost to the department would be if the customers actually went through the administrative hearing instead?

[9:34:05 AM]

You may already have that. I don't know. If not, that would be good information to have on Thursday also.

>> Okay. We don't currently have that information, although we have seen a spike from last summer through even now on our administrative hearings where in the past we might only do 10 per year or so, I believe, but we've had done well over hundreds, 120 or more, and they're still trying to be scheduled

from some of the last summer issues. So it is a significant cost. I mean, the cost to -- there is a contract that we have for -- I believe with an attorney that serves as that third-party administrator hearing process. And they get paid like any attorney and it is costly to do that. We could probably try to estimate per one and sort of extrapolate. It would be a significant cost if each one of these were to go to a hearing.

>> Gallo: I think that would be helpful too as we're evaluating the loss from the water billing, but also the savings and cost in encouraging people to embrace this new option going through an administrative hearing. Thank you.

>> Tovo: Are there other economies? Councilmember Zimmerman.

>> Zimmerman: I see similarities between this and what we proposed a few months ago for -- a similar idea that we would look at some of these very high bills that couldn't be explained and try to figure out a way to reduce those. The attorneys will come back and cite some Texas law that absent evidence of proof of some measurement error or data processing error we can't just arbitrarily adjust those bills. And it could lead to abuse. One of the jokes we were talking about is if somebody lives next to somebody with a swimming pool, hey, I'll stick my hose and fill up your swimming pool and take my credit for the one big spike of the year.

[9:36:12 AM]

There are ways that it would be abused. I've been on two different water administrative hearings, I did my second one not long ago. And we have a data custody problems. We have a problem measuring data between the contract meter readers, contract customer care and billing. There's a data custody problem, not a problem with the meters. So the problem -- the solution we're proposing here doesn't fix the data custody problem. So I'm going to keep focusing on the custody of the transfer of the meter reading data and that process I think it's a data measurement problem.

>> Tovo: Councilmember Zimmerman, you raise an interesting point. I think that gets to the big question in my mind. What is the municipal purpose for waiving part of someone's bill if it's unusually high. And if it's that we believe there was an error then we need to figure out what's causing that error and fix the error, otherwise I'm not -- I'm struggling to understand from -- again from a municipal purpose why we would waive part of someone's bill. We do so in the case of leak because there's an incentive. In providing the incentive to the customer we're also serving our purposes of water conservation by encouraging customers to get to the root of the problem that's causing the high water bills, which is good for the utility and good for the customer. I'm really struggling again with the rationale for why as a city we would take this action. I don't know if any of the sponsors want to address that. Councilmember Garza?

>> Garza: Just for purposes of discussion, I think for me -- I had very similar concerns to the ones you raise and we talked to councilmember troxclair about all of those.

[9:38:17 AM]

We heard stories about the 8,000-dollar bill. Another person their bill was directly debited from their account and they couldn't pay their rent. There were several stories of issues on this. We discussed this several times in the public utilities and you're right. You would assume that there was people coming and saying I don't have a pool, I don't have irrigation, I haven't done anything different and my bill has spiked. I guess in a perfect world we would go that route and be able to find that. But there are so many people still with unanswered questions. They have no idea why they didn't find a leak. And there were some that came back and said we did find a leak or -- but there was still a lot of people. And one of the questions we asked, I think one of the last was I don't know if it was from Austin energy. Somebody

talked about the billing and they said they were able to close so many tickets, like so many complaints and that that was measured as a success, but then I asked were they closed and were they given a resolution? Here's what we found out and that's why this happened, and they weren't. They said no. They just got to a point where they said we have no explanation for it. So I guess that's -- it's a concern when people who don't have a lot of money or money is being taken out of their bank to pay for a high water bill and there's no explanation for it.

>> Councilmember pool?

>> Pool: I wanted to be sure that the waste, wastewater commission had an opportunity to look at this. I understand that the resolution, if it's passed by us on Thursday, will go through that process, but I wanted to make sure that folks on the commission now that I think they have you had have the ability to make other recommendations.

[9:40:26 AM]

I don't want the commission to feel like they have to support this since it's coming from council. I think that the landscape, the entire landscape should be open for them to put their good professional expertise to work on this. So I guess what I would ask is this an issue that the water, wastewater commission has grappled with? Are they aware of the problem and have they weighed in? Have they looked at it?

>> They're aware that there were high bill episodes that were quite intense last summer and there were folks coming to the commission and pleading with the customer on high bill issues. We have not taken this item from council to them other than when we go through the code process to take what's in this resolution, that into the code, that would go through them before it comes back to the council to be codified.

>> Pool: Is bill Moriarty the chair now?

>> He is.

>> Pool: It was dale gray before?

>> That's correct.

>> Pool: And dale has been on the commission for a good 10 years.

>> He's no longer on the commission, but he was.

>> Pool: And is a professional engineer in this general area. It seems to me we have some pretty keen professional expertise among our commissioners and I would like to have them weigh in on this as if it were a completely open slate. I'm not quite sure why they didn't -- if neighbors came and brought the problem to them why the commission didn't pursue this as an action or request for council action. Why they didn't do a resolution themselves. Do you know?

>> They just didn't feel that was something that they millisecond up at the time.

>> That would be very appropriate for that to on have -- for this to have originated in a commission. I'm glad it's going to go it that route. And my chief person on it is -- chief concern on it is I don't want them to feel like that's the the only thing they can deal with it.

[9:42:28 AM]

If some other ideas that we haven't been able to come up with in the work group that was put together, because nobody asked them, then I think it would be a good piece of analysis to bring to the discussion because I'm really baffled too if we're having spiking water bills and nobody can figure out why. That's one of these insolubles.

>> Tovo: Councilmember Houston.

>> Houston: I think that the discussion is good however it seems to me that the water folks need



another way other than administrative hearings to deal with these anomalies and I think this is one of those ways so that something can be done. That's something I'll have to look into and I know you sent us something. Do you want to speak to that now.

>> It hasn't been done.

>> I was going to say I haven't read it yet. I think there needs to be something other than the administrative hearing process because of the expense and that's a draw down on your budget, I suspect. I don't know how much you have in your reserves to do these administrative hearings, but it sounds like it's dress increase. At some point we'll have another drought like we've had the last couple of years so it will be important that we have some other method for -- everybody can't go through that process. Everybody will have a way to have their water bills adjusted without having the expense of going through that.

>> Okay. If we're ready to move on, we will actually go backwards to -- we will go backwards to item 17, which is the transportation item that was pulled by councilmembers troxclair and Garza.

>> Troxclair: Before the water staff leaves, can you say thank you so much for all the time and energy you've spent on this?

[9:44:32 AM]

I know it's been very time assuming, the whole ordeal has been very time assuming and you spent a lot of time on following up with me and doing a lot of research on what would be the best way forward. I really appreciate your help.

>> Welcome, Mr. Durr. This is an item to --

>> Tovo: Welcome, Mr. Occur. This is an item to make few adjustments related to item 2, ground transportation services. I want to caution councilmembers that we need to follow our legal counsel's suggestion that they've provided to us outside of this meeting about steering clear of any issues related to upcoming ballot propositions.

>> Well, I guess that was my first question --

>> Troxclair: Well, I guess that was my first question was maybe a legal question. That we are -- this ordinance affects tncs and so I just wanted to understand from a legal perspective how we were able to consider this in light of the pending election?

>> You can certainly consider the ordinance that's in front of you, this draft ordinance that's being proposed. What you can't do is talk about the election, the ballots that will be on may 7th. So I would focus specifically on this particular ordinance if you have questions about it or concerns about it that you want to express to your colleagues.

>> Troxclair: So I guess there's nothing legally affecting us from legally affecting tncs before the election?

>> No, you carry on your business and consider ordinances that are in front of you. After the election we'll take a look at everything and sort it out.

>> Troxclair: Okay. So if the -- if the result of the election ultimately conflicts or impacts this in some way, that would be addressed at that time.

[9:46:33 AM]

>> We will certainly address it after the election.

>> Troxclair: Okay. I guess I wanted to understand this in context of -- kind of in context of the fair chance hiring discussion that we just had. Councilmember Casar, can you remind me, are taxi and tnc drivers part of the, I guess, group of employers who would be exempted from the fair chance hiring provisions that were recently passed?

>> Casar: My recollection of what we passed includes a section saying that jobs where there are local,

state or federal regulations like these do not fall under the fair chance hiring rules so that there is not sort of two legal -- you don't put anybody in a legal bind figuring out which law abides. So I think it's pretty clear that this would be in that category of jobs.

>> Troxclair: I guess I was particularly interested in the part that spoke to people just being charged or arrested for certain crimes. I think it specifically said tnc driver -- I'm looking for where -- charged or arrested at the end. If a tnc driver is charged or arrested for any of the offenses they are prohibited from driving. I guess my question is twofold. Number one, does this apply to taxi drivers as well. And number two, it just seems like a different standard when we've had lengthy council discussions about not only second chances, but not making judgments about people until they've been convicted.

[9:48:38 AM]

>> Tovo: Mr. Thomas, did you want to address to whom this passage applies and then I know councilmember kitchen, this came out of your committee and so perhaps you would like to speak to the mobility committee's recommendations.

>> Kitchen: Could I make one statement? Just so you all remember, this is a next step out of the ordinance we passed in December. The ordinance that we passed in December had a section that said that the staff would work on and bring back to us their recommendations related to driver eligibility, and that's why this is in front of us now. Because the December ordinance is silent and that's why it's asked to come back. Staff can speak to this, will you councilmember troxclair, the arrest language is the same in here for chauffeur's license as it is for tncs. If you will look on page 3 -- I'm not saying whether it should be included or not, but it's the same. So if you look at C and D on pages 2 and 3, those are parallel language between the tncs and the chauffeur's license related to arrest. Anyway, I'll let the staff answer your questions. Mr. .

>> Tovo: Mr. Thomas?

>> I that's what we were going to say. It's the same for drivers, the proposed languages.

>> Tovo: Councilmember Garza.

>> Garza: There was a second part to her question, which was my concern. That we are prohibiting people, if they were simply convicted or arrested, and that wasn't my goal ever to -- because section -- I'm sorry, charged. Charged or arrested. That last sentence on page 4 says is charged with or arrested for, then the driver shall be prohibited for driving for a tnc unless there is a judicial determination of no probable cause for the arrest.

[9:50:47 AM]

And I was confused about that statement. I didn't practice criminal law, but I feel like they're asking them to prove they violated someone's civil rights because I thought you had to have probable cause to arrest somebody. Aside from that, there was a lengthy discussion from -- because of concerns from the naacp that -- because minorities are disproportionately arrested and charged with crimes. Could you explain that last sentence? I guess that would be to law.

>> It's a process -- Carlton Thomas, Austin transportation department. It's a process that we undertake now with current chauffeurs. So if someone comes in and there's a charge or a new arrest, their application isn't completely processed. A decision is not made until the -- it has gone through the judicial process.

>> Garza: But that doesn't say that. That says unless there's a judicial determination of no probable cause for an arrest. That seems to be speaking to the arrest, not to the final determination if there were convicted or not.

>> So councilmember, I think it's a temporal ban. If somebody is arrested and you have to wait until the

end of the process to determine if the charges are dropped, then they would be able to get the license, but if they were then convicted it would go further. I think that's what they're trying to set out here, so it's a temporal ban, not a permanent.

>> Garza: I get that, if the driver is -- if I'm applying and in the process of me applying I get arrested, I get that, and that's what we want, but it doesn't seem to read that way. To me it reads that I'm already driving maybe for a tnc and then -- or not even if I'm already -- it seems to read that it can possibly prohibit somebody who has an arrest on their record.

[9:53:01 AM]

If that's not what it says, then I trust our law?

>> We can double-check on it, but as I read it it's really a temporal ban. If somebody is arrested and before it's adjudicated they wouldn't be able to drive. But once it's adjudicated, if the arrest is -- if the charges are dropped, they're not convicted, then there would be no prohibition.

>> Mr. Thomas, is that the process now?

>> Yes, and that is the intent of this language.

>> Tovo: Yes. I see councilmember Zimmerman has a question and then councilmember kitchen.

>> Zimmerman: A quick question is process. I know that we've beaten a dead horse here, but I was surprised to see this coming direct from staff and not have it go back through our transportation committee. Did we discuss this in our mobility committee?

>> Kitchen: No, we did not because this is -- once we pass the December ordinance the follow-up items from the December ordinance were left to staff. So there was no reason to bring it back through mobility committee.

>> Tovo: If I can intervene. As I understand it, the direction was provided to make them consistent.

>> You're right. The December ordinance directed the staff to come back with driver eligibility requirements that were the same between all drivers and to come back with what they proposed. So that's what this is.

>> Zimmerman: On Thursday I would like to make a motion to send this back to mobility committee and make sure we deliberate on this and get it right. To me as written one of the scenarios that can happen here is -- this happens routinely. I want to get some statistics, maybe even hear from A.P.D., but law enforcement may make arrests, they arrest somebody, book them in jail, post bond, they leave. Then in the investigation that follows it turns out, well, we don't really think there's a crime committed here.

[9:55:05 AM]

And nothing happens, no charges are brought, but the case is not disposed of either. And the case sits on your record for years waiting to see if a district attorney or somebody wants to bring criminal charges, but if they don't the arrest just sits out there in limbo potential Loy for years. And somebody is denied a job based solely on an arrest. I think it's nuts.

>> Tovo: So it sounds like you will submit some questions through the Q and a process. Councilmember kitchen.

>> Kitchen: I think we're on the same page. What I'm hearing everybody say, including the staff, is it's not the intent to prevent somebody from driving just based on arrest. So it may be that we need to clarify the language, you know. I think I'm hearing that from the staff that the current practice is -- well, actually, I think what I'm understanding from everybody if I'm hearing the same thing is that it's not the intent to prevent somebody from driving if they're arrested. The intent is to -- is only upon conviction. Did I get that right?

>> Did I get that right?

>> I'm going to take a stab at this. I think the effort here is not to prevent anyone from driving if they're arrested. We'll need help from the city attorney's office to provide clarification, but if they are formally charged with one of these convictions, is that the time that they should be prohibited until the process has taken its course.

>> Tovo: Okay. So it sounds like you all are going to do some more talking and reviewing. Are there questions about other facets of this? Councilmember troxclair.

>> Troxclair: Yeah. I just want to understand is this entirety of what is the next steps or are there other things that we're still waiting on staff to bring forward in order to -- ignored to be responsive to the resolution or the ordinance that the council passed?

[9:57:09 AM]

>> Govern durr, assistant director of Austin transportation. There are some other areas, but this is to wrap up the things related to the chauffeur's permit. I think there's some other requests within the December action to look at deregulation of some of the other vehicle for hire options we have in the city and we're processing that and will bring it forward to the mobility committee, but the intent is for this to take care of the chauffeur's permit piece of that leveling the playing field?

>> Troxclair: Is the seven years -- I see somebody has been convicted -- basically if they did something seven years ago, that's the time. Is that a nationally recognized time period or where does the seven years come from?

>> I'm not certain that it's a standard, but it's used in other jurisdictions across the station? Nation.

>> Troxclair: And then the piece -- I don't remember if this was from councilmember kitchen or -- or from staff, but there was something on our agenda like a month or so ago that had to do with a minimum fair for limo services. I think that was pulled down. Is that coming back?

>> That's part of the deregulation. We're looking at the whole chapter and see what is necessary for safety, and those other items we'll be bringing forward to the council for discussion on whether we want to differentiate between the different modes within the vehicle for hire. That's one of the differentiators between a limo service and other kinds of services. So we'll bring forward to the council with a recommendation about do we eliminate that or modify it?

>> Troxclair: And do you have a timeline for that? I thought that was one of -- I thought somebody said that that was one of the low-hanging fruit -- one of the easy -- one of the clear discrepancies was easiest to address.

[9:59:15 AM]

Is that am coulding back? Like to certainly a party in the community that feels it's a low-hanging fruit.

>> Troxclair: I'm trying to understand am I missing something? Is it coming back at some point?

>> Our intent is to come back. We're still working through because we need to work through the whole ordinance about what are important things that we need to keep and what are the things that we need to --

>> I'm Angela Rodriguez with the law department. I think I understand what you're asking and it appeared at first to be an easy one, a low-hanging fruit, but with more stakeholder input it and to be more complicated than we had anticipated. So it may come back, but at a later time. The stakeholders are still involved in that.

>> Troxclair: You don't have a timeline?

>> No.

>> Troxclair: Is there a reason why this piece of this was singled out? If we're still working through things, are things coming piecemeal when they're agreed to or who is deciding what things come

forward when?

>> I believe the transportation deterrents as we identify and can -- transportation department, as we identify and can put together packages will be bringing those forward and at some point giving you a multidimensional thing to talk about. But the drivers is somewhat separate from the operations of the vehicles for our companies. So, therefore, it seemed like logical to package this and bring it forward as it was available. The companies and their interrelationships and all that is going to be a lot more complicated and that's what we're really working on at the moment.

>> Troxclair: Okay. You can't give me any idea of when your internal deadline is that you're trying to have recommendations back to us by?

>> At this point, I don't know the clear time path because not only do we have looking at the ordinance but by the time we talk with stakeholders -- and there's a lot of interests out there within the community.

[10:01:19 AM]

>> Troxclair: It just seems like the things that are coming forward are -- I mean, there are different aspects to this whole ride sharing puzzle and chafferer puzzle that are important to some people, some people are going to disagree with. Different stakeholders think that different aspects of our code are the biggest priority things to address and it seems like the things that are coming forward are things that maybe are okay with one group of stakeholders and the things that aren't okay with that group of stakeholders are maybe just being lost and I don't understand -- I don't understand --

>> Kitchen: Mayor pro tem, I can speak to that.

>> Tovo: Just a sec. Councilmember, I think the staff said they're continuing to work on some of those issues. They're just not ready yet to bring them forward. I didn't hear from our staff that because there were questions those items weren't coming forward. They're just not coming forward on our agenda on Thursday.

>> Troxclair: It would just be helpful to have, like, a month, six months, a year, three years. I mean, there are a lot of people who are interested in this topic and there are a lot of things that aren't addressed in - - I do think that this is important, but there are a lot of other things that are important to a lot of other stakeholders in this discussion too. And I just don't think it's fair that we're addressing them piece by piece and that we're not -- piecemeal and we're not giving other stakeholders any kind of time frame of when they can expect their issue to be addressed. So I just -- can you think about it and get back to us with a time frame?

>> We can certainly do that. Durr, I'm going to interrupt you because the city manager has a question.

>> Councilmember, I understand your point and the point is well-taken. Clearly, we have more work to do. I think the staff brought this one because they thought it was ripe but certainly the kind of context that would come by packaging all of this and bringing it forward at a later date makes some sense. So I'm going to spend some additional time chatting with the staff about it and in the course of those conversations I suspect we'll be better able to define the time frame with which we'll be bringing this matter forward in a whole holistic fashion and as soon as we make that determination we will advise you accordingly but with respect to this specific matter and whether or not it remains on the agenda for Thursday, I'm going to take that question under advisement with my staff since this is an item that comes from staff.

[10:03:54 AM]

>> Troxclair: Thanks.

>> Tovo: Councilmember kitchen.

>> Kitchen: Let me speak to this. I think just by way of clarification, I think it's not the -- I think it's a little bit of a mischaracterization to say this is coming back because certain stakeholders wanted it back and other stakeholders are not being addressed. That's not true. This is coming back because the December ordinance cannot -- is ineffective without this piece. The language in the December ordinance says, drivers will be eligible for driving according to a set of standards that will be developed. So you can't -- so it's a -- this is a hole in the December ordinance that has to be fixed. In fact, it should have been brought back before now in order for the December ordinance to be completely effective. So that's very, very different from what these folks are doing in terms of looking at the entire, you know, ground transportation regulations. So there's no favoritism here. There's no effort to bring back something that one side wanted and the other side didn't because that is the implication of what you're saying, but that's not what's going on here. This is finishing the process of the December ordinance and there's a specific section in the December ordinance that I can certainly point you to where it says that. So. . .

>> Tovo: And I would add that I completely agree. I think this is very consistent with the direction that the council provided previously in December, and I would really urge the city manager to take that in mind. I don't -- I don't think we need to wait until every piece of every ordinance related to ground transportation is ready to move forward. I think we need to honor the commitment we made when we passed earlier things back in December and get this piece done if it's ready to be, which it seems to me that it is. S which, you look like you have a question.

>> Zimmerman: I'll go back to councilmember troxclair's frustration about process and again about management.

[10:05:57 AM]

So the frustration, I share the same frustration about we asked for something that's very, very important to our constituents, the limo drivers had particular requests and concerns and they look to us as elected officials to manage their concerns and to give them answers and to work on policy. We go to staff. Staff - and staff is noncommittal. Might be a week, might be a month, might be a year, might be five years, might be never. We don't know. And it makes the council look pretty weak and ineffective when we can't answer basic questions about when these policy fixes are going to come back because we have nothing to tell them. Staff will get to it when they get to to and it's really not acceptable.

>> Tovo: I don't think it's fair to characterize the staff's response as noncommittal.

>> Zimmerman: It's the truth.

>> Tovo: They don't have an answer and I think it's better they not provide with you an answer and not meet that expectation. I appreciate if you don't know how long it's going to take that you're be honest. You're not sure. So that we're not making commitments to our stakeholders that it's going to be back on our council agenda at a particular time. Councilmember Gallo and then troxclair.

>> Gallo: Could you just -- and I think you talked about this a little bit, but could you clarify once again in part 5d why tnc is pulled out? Why the addition of the tnc language? I mean, my assumption was this is to bring everything together on the same level, and I just want to make sure I understand completely why tnc is called out in this particular section.

>> Okay. Hello, Angela Rodriguez again from the law department. And, again, that is simply to apply the same rules to the chauffeurs that are found in the other sections of this ordinance to the tncs as well. Again, it doesn't address the method of the background check, just that once a background check is conducted that the tnc drivers are also subject to the disqualifiers and any other chauffeur.

[10:08:07 AM]

>> Gallo: Thank you. That kind of pops out.

>> I know it does.

>> Gallo: I just wanted to make sure perfect our standpoint and also the public's standpoint that this is not targeting tnccs separately. It's just bringing everyone under the same envelope.

>> Absolutely. Again, the rest of the

--ordinance is very specific in the code already. That's why we had to add that, just to say, oh, and this also applies to tnccs.

>> Gallo: Thank you for the clarification.

>> Tovo: I had recognized councilmember troxclair and next is councilmember Garza and then councilmember kitchen.

>> Troxclair: I just wanted to say thanks to the city manager for putting some thought into the time line and coming back to us with something. I wanted to mention that I'm -- I've gotten some questions particularly about the -- that \$55 minimum fee and 30-minute wait time that only applies to limo drivers. I think that's a clear discrepancy and was on a previous agenda, which is why people are asking about it. I also wanted to know -- I know this is not necessarily directly related but I do think it's a important piece of our transportation conversation, is we had passed approval of a taxi driver co-op and from what I understand there's still -- you know, it's like I think almost a year later now and they still don't have a signed agreement. So I would be curious to know when -- what the time line is for maybe a signed agreement with the taxi drivers and their co-op. Thanks so much.

>> Tovo: Councilmember kitchen.

>> Kitchen: Okay. We ready to move on? Thank you, all. So I believe we have an outside consultant for the south central water front plan overlay waiting to present so I'm going to suggest we move to our last pulled item submitted in advantage, item 24, which, let's see, was pulled by councilmember Zimmerman, who I'm not seeing at the moment.

[10:10:17 AM]

So he's been spotted. Councilmember Zimmerman, we are now addressing item 24, which you pulled.

>> Zimmerman: Okay.

>> Tovo: So our housing staff is here. Actually, let me recognize the sponsor of this item, councilmember Renteria, while councilmember Zimmerman is finding a seat, do you want to say a few words about your resolution.

>> Garza: It's actually mine.

>> Tovo: I apologize. I was thinking it came out of the housing -- came out of the housing committee.

>> Garza: Sure. I passed this two-sided sheet around. This was -- what we're trying to do with this resolution is there's a lot of -- our affordable housing bonds, if you see on the other side of the sheet I passed out, how they were allocated from the 2006 bond and from the 2013. And a majority of the bond money that we use goes towards rental and repair. And so mistake the regional affordability committee we've discussed gentrification, affordable housing issues, there's a -- what's referred to as the missing middle. It's folks who don't -- who have a hard time finding a house on the market. The other side of that sheet I passed out shows that the median price for single-family homes in Austin is \$334,000. So this is just trying to get some direction from city staff about what we can do for that middle, for the 80 to 120 mfi folks. We ran some numbers in my office and 100% mfi for a family of four would qualify, and this assumes zero debt and we all know very few people have zero debt, could qualify with the best credit score possible for a house for \$230,000. And so people at the 100 mfi don't qualify for any kind of subsidized housing.

[10:12:18 AM]

So this is just trying to find out some information. It's two pronged. It's seeing we have extra money still unallocated from the 2013 housing bonds, seeing if we can direct some of that money to more of the land trust model and to see the feasibility of future bond packages, how we can allocate more money towards the land trust model because, like I said, there's -- the majority of it has been to rental and to repair. And just to see what other tools we can use. This came up in the pilot knob discussion. We're still having that discussion but we used an existing tool, which was the smart housing, and seemed to get a response that -- well, maybe you shouldn't have used it that way. So this is just an attempt to see, maybe there's new tools out there, maybe there's something we haven't thought of. It's just asking for a report. If we get a report back that says, you know, it would just -- you wouldn't get enough bang for your buck if you allocated this amount of money to this mfi then we know that at that point. This is strictly for the funding source. Can we use existing bonds? What's the feasibility of using future bonds? What can we do in our codenext process to reach this missing middle of folks who are middle class families that don't -- that are right above that income level that don't qualify for subsidized housing but they're moving out to pilot knob and pflugerville and Kyle and I think that we use an important fabric of our community when we're losing our middle class families.

>> Tovo: Thank you, councilmember Garza. Thank you for bringing that forward. Councilmember Zimmerman, you pulled this. Would you like to ask some questions?

>> Zimmerman: I have a couple of objections to it, I guess. First I want to remind everybody I guess on the record here, I fought this back in 2012 and I note that 120,000 people voted against these unaffordable, unsustainable subsidized housing bonds and then in 2013 council brought it back in a very low turn-out election and fewer than 40,000 voted yes.

[10:14:29 AM]

This bond money we're still talking about has still lost by a margin of three to one so we should not be spending the money. Point number 1. I have a couple of points too to make. We have economic segregation in the city and this appears to be more constitutionallized -- institutionalized economic segregation to make more and more people debt on government for their housing. But I have some more practical questions to ask about the property tax implications and how those would work. If the land -- there's land owned by the government it would be off the tax rolls. That's my understanding. But you can go into some of those details. If it's off the tax rolls it means that the people in these homes are not paying property taxes on the dirt that their house sits on. But I have some detailed questions, and maybe you could just explain a few things about the practical aspects of how this works. Then I'll have some more questions.

>> Yes, Betsy Spencer, director of neighborhood housing. The only time where the land would be off the tax rolls is if we utilized the community land trust model, and the only part that would be off the tax rolls would in fact be the land. The improvement would still pay taxes, and if it's not in the land trust, then the homeowner would pay taxes on both the land and the improvements.

>> Zimmerman: But there's more to it than that because then there's community land trust mentioned right here in the whereas, community land trust models which allow for purchase of a home and lease of the land have been used as a tool to create permanently affordable housing. By that they mean permanently subsidized housing but that's in the whereas so is that going to be -- or it could be part of the proposal that's brought back, right? Because this resolution is -- it's just asking for the city manager to come back with something, right? It's a resolution that says we want staff to work on this with UT Austin, community and regional planning department, right?

>> Tovo: Councilmember Garza, do you want to address that question?

[10:16:32 AM]



>> Garza: Yeah, it's a report back to see what -- again, if there's any additional tools that can be used to address, you know, our affordable housing crisis.

>> Tovo: Councilmember kitchen.

>> Kitchen: I think this is a, you know, very good effort, and I agree with it. I have two thoughts -- or questions. That may or may not be helpful to add language. The first one is I know we're going through a strategic housing plan process right now, so -- and I see that you -- that the second item further resolved includes neighborhood housing and community development. I would want to make sure that any effort on this, you know, to come back with information on this would incorporate what you're considering as part of the strategic housing plan. But I think that goes back to what councilmember Garza was saying, is that from my perspective, I'd want you to come back and tell us what tools are in the context of the whole strategic housing plan. So that would be one thought. And I assume that's your intent. Okay. And then the other thing is, in terms of aligning this with the codenext process, there's a prescription paper that's coming forward on affordability that the consultants are bringing forward and I don't remember the time line for that but that prescription paper will give us the codenext consultants' view of affordability and housing, and so I would want to be sure that we aligned anything that came back or just considered what they were saying in the process of considering this. So. . .

>> Garza: Sure. And if -- from now until Thursday, I can find out when that report is coming out and maybe adjust the report back date to the feedback.

>> Kitchen: Okay.

[10:18:33 AM]

Yeah, I don't remember when it is coming.

>> Houston: Thank you. I sent a request to councilmember Garza yesterday about -- as we talk about the missing middle in housing we talk about the fact that if we -- if there was some way to preserve some of the existing housing, that that would be a way to attract that. And I was wondering if at -- tomorrow there would be any support to add a third point under this -- the second to last resolve to say develop recommendations to initiate a policy to use bond funding to preserve existing affordable housing rather -- and put that in the MIX as you look at what bond funding can be used for. It would be able to use the bond funding to preserve those houses that are affordable.

>> Garza: My only --

>> Tovo: Just one sec. Councilmember Garza, if you want to respond and I want to be sure we hear from his Spencer.

>> Garza: And that's a good point. My concern is that this was very specific to increasing our funding for the land trust model. That -- and other ways to encourage permanent affordability because that -- there's been studies that have been done that say that the best way to fight gentrification -- and I reference it in one of the whereas -- is to create more permanent affordability homeownership. And I was concerned that folks were going to want to start throwing in amendments to address everything that -- every way that we can address affordable housing and there is -- affordable housing and there's so many ways and policy initiatives we can take. I wanted to keep this specific to bond funding with regards to permanent affordability in that missing middle and a lot of the ways that we preserve affordable housing, those -- that's the rental part and that's historically what most of the geobond funds have gone to, is the rental.

[10:20:41 AM]

So I was trying to move the conversation a little more toward the homeownership part of it, not so

much the rental part of it. And my staff -- there was a previous resolution from the previous council that asked that exact question, how do we preserve existing affordable housing? And I'm happy to share the memo that they gave back that was reported back in 2014, which was staff's recommendations on what could be done to address -- so I guess I would say that that's already been -- that's already been hashed out, the using -- or how do we preserve existing affordable housing.

>> Houston: Mayor pro tem, it may have been hashed out, but I don't see any M toward doing that so maybe this is another way to jump start that conversation.

>> Tovo: I think there are some great recommendations in that memo that we should move forward and we should think about what that vehicle is. Ms. Spencer.

>> Yes, ma'am. One of our initiatives is to preserve existing affordable housing, we have funded and financed several projects that -- it's called a housing assistance program or project-based housing and so there's a priority within our funding, if it is preservation of an existing project that the hap project is a very important project being it's project-based section 8. There's about 17, if you read the report there, was about 17. It's a finite number in the city of Austin because the housing authority is no longer issuing project-based so we've actually invested in at least four or five different properties with the housing assistance program for the very intent of preserving. Those often serve very low-income residents.

>> Houston: But am I to understand this is only with the housing authority properties or are these with other private properties --

>> They're all privately owned.

[10:22:42 AM]

>> Houston: But do they have to be section 12348 because there's some affordable housing units still in the city that are not section 8 and are not part of the housing authority.

>> Agreed. No, it is not just the housing -- not just the housing assistance program. That's one example.

>> Houston: Can you give us, not now, but off-line, can you give us where those projects are located that you've been working on?

>> Yes, ma'am.

>> Houston: Thank you.

>> Gallo: I appreciate councilmember Garza for bringing this forward and also appreciate her -- we had an addition in one of the be it resolves to add the geographically dispersed comment into it and as we talk about affordable housing, particularly workforce and senior housing, there are certain areas of the community that do not have an abundance and don't even have a fair share of those properties, and so I want to make sure as we continue this conversation forward that we're very conscious that we are geographically dispersing the opportunities for the affordable housing throughout our community, particularly in the areas of high priority cost. Because it is very difficult for our teachers, the workers in our hospitals and our businesses to be able to live close to where they work. And as they're having to travel great distances to work in other areas of town, it adds to our traffic gridlock and we all know that we have substantial traffic issues in this community. So I do appreciate that, and I look forward to seeing us come up with a policy and a program that actually geographically dispersed the affordable housing, particularly for our workforce and particularly for our seniors that live on very limited budgets throughout the city. So thank you for the addition to that. Councilmember Garza.

>> Tovo: Councilmember Renteria.

>> Renteria: Yes. I'd like to add on also that, you know, through my years working with the -- being on the community development commission, overseeing some of these bond monies and also seeing the federal money, that we actually did go out and try to preserve affordable housing in my community, especially around the holly power plant.

[10:24:56 AM]

We invested millions of dollars in that area, preserving these homes. But what happened was if we don't have community land trusts in there, the taxes -- you know, once it becomes a very desirable area to live at, the taxes -- your land taxes start increasing. I mean, I've seen land in Montopolis right now going for \$400,000, you know, and that's what's driving the cost of making these people having to move out. It's not the house itself, but it's the land value. So we -- if we want to be really serious about keeping affordable housing in Austin, we really need to start looking at the community land trust model because that's the only thing that's gonna preserve affordable housing here in the inner city, especially in the inner city but also in Austin.

>> Tovo: Councilmember Casar.

>> Casar: And I'm a cosponsor on this and I think it's an important conversation for us to start bringing up and it's an unfortunate conversation for us to have to start thinking about subsidizing housing at such high levels of income but it seems to be a challenge that we are beginning to face. I mean, just at last council meeting there was some discussion about finding ways that when we have density bonuses we bring the mfi down below 80% because oftentimes it's really those units that are hardest to get where you need subsidy the most but then at the same time councilmember Garza bring up a very good point that with rising prices it may start being something we have to get used to, the potential of having to subsidize housing for middle-income people in this community. And so I -- and I recall that in previous conversations like the development of the original P.U.D. Ordinance and other ordinances there's the struggle of are we requiring 80% of mfi but the market can already provide that? So I think that this is a really -- gonna be a challenging conversation but not one that we shouldn't avoid, where we figure out what we can get the market to deliver through innovations in the land development code, through figuring out density bonuses and also additional housing supply, what can we do without subsidy but then taking a really hard look and deciding what it is that we do need to subsidize and that may change over time.

[10:27:24 AM]

And so I think it's unfortunate. Right? I would like for a family that's making the median income in the city to be able to purchase a house without subsidy but if we have to start putting that on the table, let's start the conversation, have our staff form the working group and wrestle with that difficult question. Thank you for kicking it off and I am supportive of us keeping it narrowly tailored to this one very important and particular challenge without prescribing to staff and I hope that's clear, without prescribing to staff that we want to start subsidizing this because we passed a resolution asking you what you think about it. I think that I share with councilmember Garza a genuine curiosity about how it is we can tackle this challenge and if it should be land development code changes or innovations in the industry or subsidy or what the appropriate MIX of all those tools may be.

>> Tovo: Councilmember Pool.

>> Pool: Yeah, that's kind of my thinking on it as well, the MIX of tools. But I'm curious. Is there a reason why we haven't done affordable housing projects, for example, west of Mopac?

>> I'll give 2002 quick answers. We have not gotten applications insofar and my guess is because of the land values.

>> Pool: So if we were to do affordable housing projects west of Mopac so that they are -- so that all of these are scattered around the city and dispersed more evenly, that's a deeper -- we would have to put more money out from the city in order to have that happen?

>> That is correct.

>> Pool: So then the question becomes, so then that becomes the question, is that the best way to

manage the limited funds? I'd be interested -- that will be interesting to engage the conversation. I absolutely agree. I had one other question. But I will hold it, and I think I'll put it in a q&a for you guys.

[10:29:24 AM]

Thank you.

>> Tovo: That actually causes a follow-up question for me. When you say that no bond money has been invested west of the interstate, are you talking about for homeownership? Because we certainly have bond money in the lakeline and foundation community projects at lakeline and other projects that are west.

>> Hi, David potter, program manager at neighborhood housing. We have -- I believe councilmember pool's question was west of mopac but we certainly have invested west of I-35.

>> Tovo: What about lakeline?

>> There's lakeline station I think, foundation communities is developing lakeline station apartments near the metrorail stop there.

>> Tovo: But that would be rental. I apologize.

>> Tovo: Okay. I just want to be really clear because we, as I recall, have city bond -- have invested city bond funding in that project. It is west of mopac.

>> Yes.

>> Tovo: The distinction you're making is homeownership some.

>> Correct.

>> Tovo: Thank you for that clarification. I think that's important.

>> Zimmerman: There are rentals too --

>> Tovo: I think it's important to absolutely try to get homeownership opportunities but I want to be really -- provide the public with really clear information when we're having --

>> Zimmerman: The cardinal --

>> Tovo: Hang on a second, councilmember Zimmerman. I will recognize you when you have your hand up. Councilmember Zimmerman, I think, did you have a question or a comment?

>> Zimmerman: Well, first maybe just this point of order. Was there going to be any presentation from staff or are they just here to answer oxygens I thought they were going to present something so us.

>> Tovo: Councilmember, this is an item from council and that's why I began by asking the lead sponsor to speak to it and so our staff serve as resources on those, but they don't do presentations.

>> Zimmerman: So they're here to answer questions.

>> Tovo: Did you have an additional question.

>> Zimmerman: Do I. Another question here quickly. I've got a couple of rent houses in Houston and over the lack decade the property tax portion of the market rent has been progressively climbing and as of this year the market for where I have a house -- it's about 1400 a month and taxes about 600 so it has now climbed to where about 37% of what I can charge a tenant is property taxes, 37%.

[10:31:43 AM]

You know, and it's been continually growing for decades. So I don't understand, in light of this, in the land trust we're talking about the nonprofits, what would stop city government from buying up an area and opening it for a mobile home park and avoiding that huge property tax cost for the dirt and undercutting all the other private mobile home parks by, say, 30% on the rent? In other words the housing corporation could profit the same way that a private mobile home park ask and charge 30, 35% less. And how is that sustainable in terms of property rights and people that have traditional renting properties is? I guess I'm confused. I keep hearing permanent affordability but what we're talking about

is permanent government dependency and permanent unaffordable subsidies because everybody that gets subsidized, their neighbors have to pay more in taxes. So what we're really talking about here is permanent unaffordable subsidies that are gonna increase costs for everyone who is not subsidized. So how -- what would stop -- if we push through this resolution, what would stop this -- the housing corporation from buying up a tract of land and then leasing for mobile home spots? Would there be anything to stop city government from doing that?

>> Tovo: Probably zoning but, anyway, Ms. Spencer --

>> [Off mic]

>> My response to that would be we respond to the Austin housing finance corporation board of directors so if the board of directors directed us to do that. Other than that, we have not received that direction.

>> Zimmerman: So it would be -- here under be it further resolved under the first step it says options should include but not be limited to future codenext regulations -- or I'm sorry limited to proposed zoning and land use changes. So that is anticipated in this resolution, that there would be power to change zoning and that could be to change zoning on a piece of city taxpayer-owned property and turn it into a mobile home park and then we can undercut all the other mobile home mobile home parks.

[10:33:55 AM]

>> We don't have the authority to zone outside of the Normal zoning process.

>> Tovo: Are there additional questions is? Councilmember Renteria.

>> Renteria: I like that idea about maybe doing the mobile home -- thank you for that idea.

[ Laughter ]

>> Tovo: It actually -- when we were talking about that zoning case, I think that someone and maybe it was you, councilmember, identified that that's a really need for those owners of mobile homes who are in positions where they need to relocate them.

>> Renteria: That's very true.

>> Tovo: Any other questions? All right. Well, as I mentioned we're going to move to our briefing now. That concludes the items that were pulled prior to this morning. We do have a request from councilmember pool to discuss item 6, which we will do after the briefing. And then as I mentioned I have a couple just quick updates on the Dabney horn and I neglected to say at the beginning of our session mayor Adler is off the dais because he's out of town on city business in Washington, D.C. With business related to the smart city grant so that's why I'm filling in. I said it across the hall so I think I forgot to say it here. Welcome to our presenters presenting on the south central water front.

>> Good morning, mayor pro tem, members of the Austin city council. My name is animal holt, I'm a print planner in the planning and zoning department, urban design division and I'm here today to give you an judgment on the south central waterfront initiative. The city council in August of 2013 directed staff to create a small area plan for the south central waterfront. Start working now with some consultant resources is on track to delivering a small area plan to the city council this June. So when we come back to the council in June, the action before you then will be to consider adopting the small area plan as an element in the city's comprehensive plan.

[10:36:03 AM]

So this morning I want to give you a whirlwind tour of the background of the south central waterfront initiative, talking about community engagement we've been doing now for three years, give you a sneak peak of where this plan is at this point. It's a work in progress and then talk about the next steps. First of all we should define our terms. We're talking about this every, technically everything from hooters to

Joe's crab shack so from the waterfront up to Bouldin creek, south first street, and you could -- obviously a very strategic part of our town. And made up of super blocks. In fact you could drop 33 downtown blocks in this area of 118 acres. It's also mainly almost three quarters impervious cover and it's pretty sprinkling in terms of its public realm. A little ribbon of parkland and trail space along the water, and it's a patch work made up of 32 private properties with one city property at one Texas center. Now, this won't come as much of a news flash, but big changes are already underway and more is coming. In fact we did a study through a H.U.D. Grant in -- in 2013 that indicated \$1.2 billion of redevelopment is heading this way in two years and that was in market conditions of 2013 and under current entitlements and zoning. Now, under current entitlements and zoning there are rules in place, zoning, waterfront ordinance, commercial design standards and so forth that would bust up those super blocks a little bit, add a little bit of green space but in terms of moving the dial it doesn't move the dial that much. It adds about 1% to the green space there today. In terms of what is there today, there is currently 3.2 million square feet of uses and under the theoretical buildout and existing regulations that could bump up to 5.1 million square feet, looking at the properties likely to redevelop over the next few years.

[10:38:17 AM]

But we're working with our economic consultants now, con northwest, so we've run pro formas on all of these and discovered in fact a number of these parcels when he runs an analysis called residual land cost actually don't redevelop, they actually cannot make a positive return on investment which actually reduces the properties that are likely redeveloped under current standards up to about a 4.6 million square feet. Now, of course what really is likely to happen is we're going to see what we've been seeing all along, which is more 1-off zoning change request, one-off planned unit development applications and if we continue this road, then the road ahead is likely no improvement in open space, no improvement in connectivity, no affordable housing and a continued piecemeal haphazard development pattern. And so we started looking with the community for a better way forward. And we started that process with a grant from the American institute of architects in 12 and they brought to town world class experts from around the country who worked with the community over the course of a week in that summer and they came up with a report that basically said we need a district approach to increase the quality of open space, connectivity across the district, value capture to create a great public realm and to support significant affordable housing, 10% to 20%. So that report from the American institute of architects begat a partnership with the university of Texas in 2013 and that begat getting on to the coattails of a federal grant through the sustainable places project in 2013, which led to city council to make the initiative in their resolution of August of that year to formally launch the south central waterfront planning area. Subsequently we went back and got more grants.

[10:40:18 AM]

We worked with more partners over the course of 2014. We had walk shops and workshops and vision workshops and over the course of 2014 we engaged over 600 people in a bunch of events and staff delivered the interim vision framework report to the city council in the fall of 2014. That in turn led us to get a federal grant from the environmental protection agency, which we executed in 2015, bringing more resources to the table. And that EPA workshop -- I see some of you who attended some of those sessions over the course of a week, engaging another 200 people. I want to back up and talk about the interim vision framework report, which lays out -- it's 66 pages, good reading but I'm going to give you the cliffnotes. It says three things are required if we want a positive outcome as this area redevelops. Number 1, we need a district approach to the physical framework that cuts across property boundaries to create an interconnected grid of streets, pedestrian connections and open spaces to make a great

public realm. Number 2, we need to head a district approach to value capture strategic investments and entitlement incentives northern California in order to fund a quality public realm and significant affordable housing goals. Number 3, we need a preproactive city framework to create the public private partnerships to make that happen. The city council and the budget passed in 2014 for fy2015 authorized for the first time some consultant money, \$200,000 to build upon all of this other work and we're now happily working with con northwest, the economist that did the work for the city of Portland. He's also been working in the city of Austin doing affordable housing studies and working with the codenext team, a really talented local landscape architecture partnered here in Austin.

[10:42:28 AM]

So I want to talk about the details of what that fiscal framework would be. So the existing open space and what we would get through entitlements currently in place, it's pretesting. Through this vision we pump up the public realm of open space and green streets to fort% in the -- 40%. When talking about those quality green space and streets, here's the images. Some of our consultants have been involved in these projects. Now once you have this connected grid of green spaces, also also within an existing transit home hub so now this is a transit hub that actually works more efficiently and is set up for new transit opportunities in transportation innovation. So let's inpack how this public realm goes one more time. Here we are today. We layer in, first of all, you might say the expanded green space and open space. We layer in those catalyst green spaces and green streets as private properties choose to develop, they put in their piece of the puzzle, which are designed-specific green streets. We upgrade the existing corridors and now we have a rational paperwork for very development to take place in. And so here is the illustrative plan. I want to talk very quickly about three realtime public public and public private opportunities to get started on this great new district. With the Texas school for the deaf, we've been working with the Texas school for the deaf over these three years. They've hosted many of our meetings. We're now working directly not only with the board of directors from the tsd but with the Texas facilities commission and their hired planners as they're making the master plan for the tsd. One of the ideas emerged out of this process which is now being integrated into the Texas facilities master plan is a trail connection that would go from south first street to south congress street on the banks of east Bouldin creek on the tsd site.

[10:44:35 AM]

Here is a photograph looking from the sidewalk back toward the tsd, you can see the dry creek bed of Bouldin creek, you can make out one Texas center through the trees. Here's an image of how that trail that would connect south first to south congress would come across and leap up over that ravine to make its way to congress avenue. I want to move down to another realtime public-private partnership opportunity. At the corner of congress avenue and Barton springs road. This of course is a photograph of what it looks like today. That building there at that corner, 220 south congress, is under construction. You've undoubtedly noticed that. That free right, which actually is not necessary for mobility and it's actually kind of dangerous. And here's the image that came out of the Charette of actually recapturing that public right-of-way for public space. This is the image that came out of the Charette. This is the image from the architects currently doing the work for the building owner at 220 so they've actually adopted that image plan and they've austinnized it. Here's another image looking at that free right inurned a public space, looking toward congress toward downtown and that building owner and city staff are working now to see how we can take steps toward actually implementing this. Of course the big domino in this is the statesman site and we only have to read the paper. As you know, the cox family is soliciting for development partners now and they're going to be collecting those development

partners until later this month. And, again, looking at not only the statesman but the adjacent Crockett properties that, 30 acres, pretty meager open space right now, 4 acres. The current entitlements and rules sun chapter E, waterfront, so forth, would bump that green space up to 6.7 acres.

[10:46:41 AM]

The vision plan is actually bumping the green space up to ten -- more than ten and a half acres. I want to talk about the vision plan for what that waterfront park could be along the statesman. Here of course is that photograph looking out over that parking lot to the downtown, fading in now is the image of how you could build a plenth plaza over that grade change to have tuck-under parking, advance the parking area and have an amphitheater that steps down. Moving further along here we are at the statesman, fenced in of course is that detention pond looking back toward congress avenue, using green infrastructure. Here is how that area could be transformed into the great lawn of a great crown jewel park on the waterfront. Finally moving down to the east end, there's a photograph currently what it looks like looking back to the parking lot, the trail space pinched in between that stormwater filter system. How that area could be transformed as part of this great park moving down. So I've gone very quickly through some of the elements of this physical framework. I want to spend a little bit of time talking about that financial framework and the proactive city framework that's going to be required for any of this vision to take place. And, first of all, we've done the look at what this public realm cost might be overall.

>> Tovo: So we are nearing the end of the presentation but did you have a quick question right now?

>> Gallo: I'm curious do you want us to ask questions as they go through the presentation?

>> Tovo: I would suggest at this point, I think we're closing in on the end so I would suggest we allow the rest of the presentation and just make notes of our questions.

>> Thank you.

[10:48:41 AM]

So this is a high quality public realm. Our consultants are telling us we've looked at the green space, parks, trails and so forth. Rough -- it's 100 million-dollar public realm so the question then becomes how do we make density work for us so that we can use value capture cost sharing and other kind of entitlement incentives so that we can get this public realm built because, after all, most of this public realm is on private properties. And so our consultant is now cunning models where -- running models, pro Forma models where we're testing different kind of projections, return of investments, how that might work for cost sharing and cost increments and here is the first scenario number 1 that we've run. So I'm going to unfold what that scenario might look like. So here is that view today. So we lay in that quality public realm and then using the projections of taking this up to over 8 million square feet, to create the value capture incentives to help work this, here is how you could extried that 8 million square feet in kind of dumb blocks. In other words if height is your only concern, we've got one buildings that extried to 220, all the other buildings are 175, 160, 140, 120. But we're also concerned about the urban design approach and so we've actually started to model this to create a landscape that allows for views, light, air, and then when you start to imagine what this might look like in its full realization, here's an artist rendering to show what that file 8.5 million square feet of buildout might be. In terms of what this might mean to our tax revenues, today the city of Austin collects about two and a half million dollars city taxes from this district.

[10:50:43 AM]



Working with the feasible baseline, so that's working with the existing entitlements, things that could move forward and so forth and so on, that doesn't quite double, but looking at this particular baseline, the \$2.5 million city's share goes up to \$11.7 million. Of course you can see off to the side that lifts the tax revenues for Travis county, aid, community college, and so forth. In terms of affordable housing, an important goal, in the model that we've run, we -- this scenario number 1 is looking at adding 2700 dwellings total, working with those aspirationals of 10% to 20%, that means 270 to 540 affordable housing units. And so right now con northwest is working with this particular model, will be back with us probably within two weeks on how this model works and using a whole range of kind of incentive -- innovative affordable housing tools. I want to talk about one particular idea that's emerging out of this process to use -- that the city could do to leverage the one single property that it does own down there. I should mention we've been working very closely with the strategic governance facilities team and the real estate office with the notion that the city could provide the parking lot at one Texas center, 1.5 acres, and make that available through a public-private partnership for family friendly, affordable housing, making a down payment on that three to 500 affordable housing units we want for this area and -- moving forward. So our consultant is now -- now has this active pro Forma model for all these properties in the district and is working that to look at a whole range of tools to see how various innovate approaches in value capture and entitlement incentives could not only fund this great public realm but affordable housing.

[10:52:58 AM]

This consultant team, we're working around the clock and we're working toward packaging up this area plan to bring back to you in June. We've got kind of a gauntlet of meetings we've been going to that we will be going to. We'lling going to the small area planning committee tomorrow, planning commission next week. We have some big public meetings we'll be having at the end of this month and at the end of April. And with that I'd be happy to take some questions from you.

>> Tovo: Thank you. And I know there are some, Mr. Holt, thank you very much for -- that really was a whirlwind tire. When you said that, I thought 58 pages, boy, I'm not sure what kind of whirlwind we're going to have. Thank you very much. Councilmember Gallo, you had a question.

>> Gallo: I did. Thank you for the presentation. So from your information I think you mentioned the only city owned property was one Texas center.

>> That's correct.

>> Gallo: So I'm curious how the current owners of these properties have been brought in to the discussion on what we're thinking about and if they have been participants in the conversation.

>> Okay.

>> Gallo: If you can address that, please.

>> Yes, indeed. We've been working with the current owners from the get-go and this report, which was delivered to the council in 2014, lists in here the stakeholder outreach committee that the waterfront planning advisory board created in 2014. That includes representatives from the cox group, from the Crockett family. We've expanded that group. We're working very closely with other key property owners. And so we've written letters to all 32 owners but we are working very actively with the biggest and the most active owners, as well as with the neighborhood groups, affordability housing advocates and others.

>> Gallo: You know, as we talk about -- and there are two very large owners.

[10:55:02 AM]

>> Yes.

>> Gallo: Which certainly in the development, their properties will have a whole force of consultants and people that will help them, but I'm particularly concerned that the smaller owners who are involved in this -- are involved in this process because a lot of times they may or may not have the resources to be able to represent themselves as well as some of the big owners do so I think it's really critical, as we carry this conversation forward, to make sure that all of those smaller ones are represented too. So I feel -- I'm sure that you will do that. But what we're talking about is we're not talking about a process that will -- I just want to make sure we're not removing any existing entitlements from the owners now, that we're looking at a process that will be -- that will incentivize them through additional entitlements to be able to participate in this plan. Is that --

>> Essentially, yes. That's correct. That's exactly the idea.

>> Gallo: Okay. All right. Thank you.

>> Tovo: Councilmember pool.

>> Pool: I had seen a reworking of the streets at one time for this area where Barton springs and Riverside make that X. I don't guess there's any way to tangle that.

>> Right. That actually came out of the aia report that we got in the grant in 2013. And -- 2012. And essentially we've lost opportunity already since that. And so untangling that X is now a lost cause and so obviously the urgency now is that we don't lose any more opportunity as piecemeal, you know, development may move forward.

>> Pool: Thanks.

>> Tovo: Councilmember Casar.

>> Casar: And, you know, I know we just had a conversation around affordable housing components around sort of the very narrowly tailored questions that councilmember Garza brought up, but what I appreciated about this presentation -- there are obviously lots of benefits to the city but around the affordable housing components I liked that we hit the, you know, subsidies and tifs and utilizing city-owned land but you had bucket for utilizing our density bonus program so there's not tax-backed affordable housing but privately developed affordable housing and that you highlighted also the number of market units we can bring online because I see that also as part of an affordable housing strategy laid out to preserve existing affordable housing because we can absorb some of that higher end urban demand that isn't filling up the cost of apartments in further flung out parts of the city and while also not sacrificing quality of life and parks and life and design.

[10:57:48 AM]

I really appreciate how you have collided in the whirlwind presentation but highlighted from y'all's work how we don't have to pick one particular tool for dealing with the housing issues but that you sort of included every single one. And I think that that is a good reminder for me and for us as a group that, you know, one thing isn't going to fix it all but that when y'all working on it with enough time that we can actually make sure we're using every single tool in the tool kit. So I appreciate that in particular about the presentation. Obviously there's a lot to learn and this has been a long on going project so we'll be in touch with the staff as we have questions, but I understand how exciting and unique of an opportunity it is to be able to be on this council as we think about where we go from here now that our downtown has been so thoroughly developed where we go next. So thank you all for thinking about it for a long time and do have a little bit of patience with us as we catch up with you on this. So thank you.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Thank you, mayor pro tem. Just this -- maybe this is a question for the lobbyist in town. I don't know. Does this officially put to bed the rumors about the Erwin center? The event center being moved to the statsman site? I know there was chatter about that before, one of the places to relocate the Erwin center in some different incarnation. I know you haired those rumors.

>> Tovo: I hope that's not the bat theater.

>> Zimmerman: How does that fit? We've heard people talk about having that as a site for the UT event center. For the UT events center.

>> All of the people that I've talked to -- not that I know everything, but none of the owners have indicated that there's anything to those rumors, and in fact, all of the owners and all of the folks that have been involved in this feel like the vision that's emerging as opposed to an arena is the proper vision for a mixed use urban neighborhood as opposed to the challenges of trying to do a center.

[11:00:00 AM]

So this planning process, which has been driven by the community and the stakeholders, has gone in a different direction and my sense is that everyone is on board with the direction that we're going.

>> Zimmerman: It is a very different direction.

>> It's a different direction, yes.

>> Zimmerman: Just one quick note. You know, policy and words matter and I'm a little bit resentful of the substitution of the idea of property rights. Property rights that are invested in people who pay for property and pay taxes. They have property rights, not property entitlements. We've had several bloody wars in the history of Texas and America to establish rights, not entitlements. Not entitlements, but rights. And I keep hearing entitlement, entitlement, earn. No. There is such a thing as property rights and I never hear that acknowledged. So I'm going to acknowledge it. We have property rights, not property entitlements.

>> I can appreciate that. And certainly what I'm hearing from property owners is they feel they have a right to have some say over what happens with their property and to make a return on investment. This is an approach where we're trying to leverage that interest, combined with community interests, so that in the end we can make something that works for everyone.

>> Tovo: Councilmember troxclair, you haven't had an opportunity to speak and then I'll recognize councilmember pool.

>> Troxclair: I just want to better understand the process and how -- I understand that there's a working group and a lot of the property owners are represented, but how does this -- like what is kind of the step-by-step process? Because is the idea that we come up with a plan and then we make zoning changes or only give certain property owners certain entitlements based on the plan or -- I mean, why can't -- what would be stopping a property owner from just doing whatever they want to on the property that they own?

[11:02:07 AM]

>> Right. Good question. And I would say that this report, chapter 7, lays out the model in Portland, Oregon, which is called the south Portland waterfront. As I mentioned, the person that was very much involved with the city of Portland in helping set up that deal is now our consultant. Very similar situation, 34 private property owners. We have 32. 120 acres. We have 118. Zero city land. We own least five acres. They didn't have the streets and so on and so on, waterfront property. In 2012 they passed a vision framework report adopted by the city council, which is analogous to the report that we will bring to you in June for your consideration as adopting. That then set up some broad frameworks and so obviously there's more work to be done. There would be zoning work to craft the foreman-based codes to make sure that the buildout would happen in a way that we're starting to envision. We're working with codenext so that that eventually could happen. This would set up the -- help prioritize strategic investments. Essentially the way it worked in Portland is there had been a series of -- and it's an open website you can go on. There are now 13 separate development agreements that have been

negotiated based on that vision framework plan. So the city has each and every time says we will do this if you do that according to the master plan. Today the city of Portland -- they adopted the framework plan in 1999. Today they have 400 units of affordable housing, which is 20% of the 2000 that had been built.

[11:04:08 AM]

It's a mixed use area. There are transit cbs and it's a beautiful waterfront. So adopting a small area plan is the first step, and there's more work that would be need to be done based on the small area plan, perhaps a full blown tif study we need to be made. Perhaps codenext would need to create zoning to allow this kind of implementation to take place. In the meantime the city is -- could perhaps see more zoning change request and pud applications come in. If there's adopted plan that says here is a master plan showing where the green space should be and how your property makes a contribution to that, and here's some analysis that we've done from our consultants that says, this would be a proper health -- you could get a healthy return on your investment if you would participate in doing this. And so anyway, there are lots of details to be worked out, but this framework would be the first step toward moving in that direction.

>> Troxclair: Go ahead.

>> Councilmember, we've had some other examples in the west university area where we had people that had entitlements certainly to build a property. We changed the regulations to create the university neighborhood overlay, the U.N.O. District and the west campus area. It brought students to campus, but we also achieved affordable housing and basically by increasing the entitlements, they were able to build and then build a little bit more to create those extra units. That's kind of of what is also being suggested here. This requires a few more different tools because of public infrastructure is very limited in this area and that's why we're looking at all these different things. This lays out the framework and provides some certainty those property owners of where the city is willing to go and what we're willing to do in the future. So when someone comes in and makes the investment they might be actually willing to invest more because necessity know what the city's anticipated vision is for this area and what others have already bought into.

[11:06:20 AM]

>> Troxclair: So you are hoping that in every relationship or with every landowner that has land within this development that it would be a mutually beneficial relationship. There's -- you are hoping not to get into a situation where a landowner wants to do something different and already has the ability to do something different with the property, doesn't want to participate and I guess is, for lack of a better word, bullied by the city or have existing rights taken away because they're not complying with the vision.

>> Right. The statesman is a good example. Currently they have entitlements to build up to 660,000 square feet. And if you project what they could build and other current pud and so forth and so on, it's pretty mean in terms of not providing any improvement in open space connectivity and so forth. This vision actually looks at taking 60% of their property for public space. And in exchange we have modeled 2.1 million square feet of are development on there that in our early look at the financial model creates enough of an incentive to -- that they would be incentivized to make that choice as opposed to the current zoning they do have. So we've been going through it that analysis on a property by property basis to figure out how you would actually create the incentives for property owners to literally buy into the master plan.

>> Tovo: Councilmember Garza.

>> Garza: I just wanted -- nothing takes away any property rights that they have, correct? And --

>> Right.

>> Garza: And we don't have to participate. They could say we're not doing what you're asking us to do.

[11:08:21 AM]

We're going to do what we want to do. They can still do whatever they want. Essentially what the city offers is additional rights, entitlements.

>> They could develop less and not make as much money.

>> They're free to do that.

>> Garza: Okay.

>> Tovo: Councilmember Gallo.

>> Gallo: So I want to visit a little bit about traffic in this area. We have a tendency in this city over decades and decades of ignoring that additional development produces additional vehicle traffic. As much as we want everyone to walk and bike and ride a bus, the reality is that just isn't happening yet. So I guess I want to make sure that the transportation department is involved with this process so that as we are adding additional residential, commercial, office, retail to this area that we are also adding capacity for vehicles because I see a plan to enhance transit and bus lines. I see a plan to enhance protected bike ways, but I don't see anything that talks about increasing the roadways ability to increase the capacity for vehicles. So has that been part of the conversation and will it be part of the conversation? Because I think that --

>> I have a 20 minute presentation about that alone and because we worked with our consultants and the transportation department over the course of two months, and we have a full -- all of these roadways, every single one of them is designed. And have been reviewed by the transportation department to make, first of all, mobility within the area for cars and other modes and walking, much more pore rouse and accessible. The projections that we have in this buildout does include parking, and it's a boat load of parking.

[11:10:31 AM]

And -- but looking forward knowing that once we've taken a concentrated area and we've created a mixed use area and we've connected it physically in a good way that works for cars, people, bikes, then we have an area where we can start to do other district benefits in terms of traffic demand management. That is a layer of thinking here. Using the latest market technology that this area could be catalyst for. And then setting it up for future transit. So it's a long-winded way of saying we've done a lot of work with the transportation department. I have a full presentation I could give you on that alone. And it's a big piece of this plan.

>> Gallo: So in your work with the transportation department are we actually talking about adding vehicle lanes to the existing roadways because we have a tendency to say we can manage all of the additional trips with managing and providing other options. And I think what we find in many, many other areas is that's just not the case when we add development and we add square footage, whether it's residential or commercial, we're already adding vehicle trips and we have a tendency in this community to ignore those cars with vehicle trips. I'm just really concerned with what I see there already, and we're talking about a plan that we want to work really well. I just want to make sure that the vehicle trips are also complicated into this and we are planning to be able to add additional lanes for additional vehicles as we layer on top of an increased metro transportation options and we're talking about protected bike lanes being layered on to the existing street. So if you're telling me you're doing that I applaud you because I think we've done a really poor job in the past of planning that way.

>> Sure. I would welcome an opportunity to bring the transportation folks that we've been working with and the consultants in and talk to you about that aspect.

[11:12:31 AM]

There are many exciting aspects I didn't even touch on today as well. Once you create a district, the kind of green infrastructure innovations you can do and like chilled water capture and we can do for irrigation and landscapes and such.

>> And this makes sure the streets are complete streets so everyone has accountability, but we're also bringing the housing units in there, 10,000 units maybe downtown and we're looking at basically enhancing that by about 2700 units. With this plan going forward. So you will have more people that will be in this area that won't have to travel as far. They won't be coming from other places into the downtown area for employment or this area for employment. So there will be some internal capture in this area because we have a mixture of uses. So if it was just going in and developing as Normal it might have very traffic in the area, but since we have the residences and putting the affordable housing in this, there might be some worker housing that might support the services that downtown needs in this area.

>> Gallo: But there will not be enough housing to house all the people working in this area as it develops either with or without this plan. As I said, we've done a very poor job of ignoring the additional cars that will layer into an area because we say we're going to do all these amazing, wonderful things to encourage people not to use their cars. The reality is they still will. And I just see a lot of pressure. I look at Riverside and see the pressure of the metro lines on it, the protected bike ways on it and traffic that is already there. And Riverside will still continue to be an east-west thoroughfare regardless of what we've done to this area. So I'm going to keep pushing because I think that in the past that we've really ignored the vehicle traffic and it's a disservice to our community and it's a disservice to the voices that we continue to hear over and over again about the issue of gridlocked traffic.

[11:14:37 AM]

So I trust that with all these wonderful innovative things we'll also deal with the relate of the extra vehicles that will be put in this area. Thank you.

>> Tovo: Councilmember Houston.

>> Houston: Thank you. And you did mention accessibility, Mr. Guernsey. I was going to ask you, I had heard no mention of sidewalks, but I did hear you talk about accessibility. So that gives me hope that there will be sidewalks for people who don't ride bicycles and don't have cars and use chairs to get around so that they will be able to get there. The other thing that I have a concern about is I'm not sure what your definition of affordability is. That's something that this council is going to have to have a conversation about at some point in the future. We've not had that yet. What is affordable housing? But whatever that definition is it appears that we'll locate it in a specific area on city property. I understand the economic reasons for doing that, but then the issue is that it's segregated housing. And I know you're hoping that it will become -- other units will become affordable, whatever that means, as the project grows, but the issue is that it's still being co-located away from where the market rate apartments. And we understand that those are probably going to be market rate for the high dollar luxury condos and living spaces. So we're going to be segregating people across the river and I just want us to think about what that says to the general public.

>> Tovo: Councilmember Zimmerman first and councilmember pool.

>> Pool: I just wanted to say I appreciate the comprehensive look. I think that's one of the roles that the city is to facility the ability when we're looking at large areas that will be redeveloped, it's clear to me that the city ought to have a hand in helping to plan forward. Because we're responsible for the

infrastructure.

[11:16:39 AM]

So I appreciate the work you're doing and look forward to additional updates as it all transpires. I guess this is a fairly long-term project, is that correct?

>> Well, certainly this buildout is 15 years or so. This particular planning process does have a milestone coming up in June and of course if the council adopts a plan as an element of the comprehensive plan, then that would set up planning begets planning. That would set up some other important work that we would get busy doing to refine the details about the finances, the affordable housing, the -- so forth and so on.

>> Pool: Right. And the city has to pass judgment on the height of the buildings and so forth. And I just mentioned on the stadium idea, which has been kicked around for a long time, and I agree, it's inappropriate to put it here on a river, but I think I have heard about the spurs coming out to the Decker Lake area. Oh. So that may be what you're picking up on. Yeah. I mean, I don't know if that's true or not, but I think that's part of the rumor that's out there in the ether.

>> Gallo: I think just to clarify because this will hit the news and explode, councilmember Pool. I don't think that there's been any discussion of the team actually moving to Austin. I think there are situations when the rodeo happens in San Antonio that that facility is not available for the spurs. So it would be a very temporary use. The spurs are not planning on leaving San Antonio.

[Laughter]. Just to clarify.

>> Pool: That's right. I don't even think it would be the main team. It would be some kind of a -- yeah, the farm team. But the point is that the sports stadium idea, whomever it is that might be behind it, I think the conversation has that happening out around Decker Lake and the expo center, not here on the Colorado.

[11:18:51 AM]

>> Zimmerman: I never heard that one before, councilmember Pool. Thank you for bringing that one up. Since we're in the mood, why not throw in the Oakland Raiders? Remember, there was talk about them. Who knows? First, I want to congratulate you on the 57 pages. I've been going through it. It's quite a bit of material and a lot of this is obviously very professionally done and it dates back to at least 2012. So the quick question, you know, who paid? How much did it cost and who paid for it? There's a lot of material in these 57 pages.

>> There's a lot of material in there and the city so far has put in \$200,000.

>> 200,000 for the city?

>> Yeah. So all of this work that I've talked about we've gotten grants, partnerships and so forth, I estimate probably half a million dollars' worth of services other places. So city staff has been coordinating piecing it together to make a unified plan. And we're getting tremendous value out of the consultants we do have now, which is the \$200,000 that the council authorized a couple of years ago.

>> Zimmerman: I could believe it. It looks like half a million dollars' worth of work.

>> And I would be happy to share the previous reports and the E.P.A. Report is going to be released later this month and it is -- I'm thrilled with it and I think you will be too.

>> Zimmerman: I just want to make a comment. As much work as has gone into it -- and I understand you're a planner so you like planning. The city of Austin is already one of the most unaffordable places to live in Texas. And we do lots of planning and we're extremely unaffordable and yes, I do think they're connected. I don't know what to do with this. There's not obviously \$500,000 of money to talk about why this would not be a good idea. There's not \$500,000 to talk about market alternatives. There's not

\$500,000 of research and study to go in and say, you know, these goals are not realistic, can't be met.

[11:20:54 AM]

They're going to cause unintended consequences of more economic segregation and unaffordability. There is no \$500,000 to present the other side of the story. That's a problem I don't have a solution for.

>> Well, you know, we spend a tremendous amount of resources through the hud grant and with our current consults looking at what happens if we do nothing and hope for the best. And I just had four or five slides there. There's a lot more work I could say about that. And so it seems to me that, you know, we have studied kind of the fork in the road. Do nothing, hope for the best and kind do it the way we've been doing it. And where that's likely to take us. Or do something very different and there are cities like Portland that work in very similar situations where it's a bunch of private properties and they've done fabulous things. I don't see why Austin couldn't either.

>> Zimmerman: Okay. Fair enough, but Portland is in the far northwest. You only need to go down to Houston that has less planning and you will find a more robust business climate, you'll find more affordability, you will find less economic segregation. You will find a lot of advantages. People ridicule Houston, but do you know what? It's ahead of Austin in many respects because they haven't had this slavish slavish obedience to centralized planning. In many ways they're ahead of Austin.

>> Tovo: I wanted to say a few words and really I wanted to thank the staff much this is an area in district 9, but it is really a defining place in our community. Lady bird lake is one of our city's assets and I believe it should be shared by community as a whole and I think we've got a vision coming forward that really is going to help austinites better enjoy that part of town. But one of the things that is also really unique, we've had different planning efforts along the waterfronts. We had a planning effort that gave rise to the waterfront overlay and so we've had some great results from previous planning efforts.

[11:23:01 AM]

One of the things that in my mind characterizes this planning effort is it really has reached out to people in the community and tried to engage them in different ways. I just want to commend the staff for doing that. I'm really impressed. As I get communications from your staff about different ways of getting involved, the walk-about are a great idea. I love as I look through this packet to see the ways in which you've engaged youth in this community who will be the ones who enjoy this area of town in the years to come. And it is so significant that you've been able to engage the property owners as successfully as you have. And I believe that will really Medina -- mean success for this vision. There are some really exciting elements in here from the path along Texas state school for the deaf to some of the other elements, including the affordable housing ideas and the financing suggestions. So thank you very much, really, both for the way in you've engaged the community and the kind of vision you're bringing forward for our consideration. And I can't end without saying I love the term that you used austinize. I think I've heard it before, but it's a great one to use.

>> Thanks.

>> Tovo: Any other questions or comments? Councilmember troxclair.

>> Troxclair: I just wanted to talk about the parking at one Texas center. If we take up the parking garage, where do they park?

>> Well, the real estate office and the strategic governor's facilities team can talk more about that. Currently the uses and activities that take place in one Texas center are extremely parking intensive because lots of people come and go.

>> Part of the redevelopment would certainly have parking. I think as you heard from Greg Canally, one Texas center is not really a great building for development service and planning activities because of the



number of customers that we have.

[11:25:12 AM]

So I'm sculpture canally will be coming back with facilities and looking at where else the planning and development services function would go so there would be other probably city users within that building in the future that would have generated less of a demand for parking. But parking is part of that. It's actually structured within that building and could go down. A long time ago there was a two Texas center that was actually proposed, a twin tower to the one Texas center building, it just never went forward. There's still development entitlements on that property to construct a larger building that they never went forward. So there is the ability to build something taller and there's planning that's proposed with that building. It's not without any parking. What that future design is, that's in the future because we didn't actually design the building. We just talked and tried to get up to a number where we thought what number of units would be available. I'm sure there would be probably some ground level detail, but there would be parking available with that building as well.

>> Tovo: I thought I saw another hand up.

>> Casar: Mayor pro tem, quickly. I did want to address two points. Made one on the roadway capacity issues. I think that obviously we have sort of competing interests around that. So as you present the issues that I think councilmember Gallo certainly has heard from lots of her constituents, just like I hear from lots of mine about increased roadway capacity, also what the trade-offs might be on what we -- what it is that we might lose because I just want to know as we make those sorts of decisions how it affects complete streets or the parks and the open space and the great infrastructure that you've brought up so that we can make a real conscious choice and accept the consequences of whatever choices we make, maybe it means that people are going to have to drive slower and be more frustrated there, but we get all this other good stuff.

[11:27:17 AM]

Or we're willing to give up some of that other good stuff because we want the roadway capacity. And it seems to me that this is all a challenge of limited space and so if you could just present to us as clearly as you can what we get if we pick A versus B versus C, then I think that will probably help us navigate those conversations with our own constituencies and within our own offices. And then to councilmember Zimmerman's point of planning, I think that I would just urge you it, considering the potential importance of this plan, that right now there is existing centralized planning around this area and then this is a proposed other plan. And that you might still want to choose which plan it is that you like better, even if your preference may be that they're not be one. It seems to me that there is -- if we're going to have -- have a plan, we might as well try to do our best to have the best one that we can, whether or not we agree on how much zonings there should or shouldn't be because the fact of the matter is right now there is existing zoning and regulations in place. And what we're talking about is shifting those. So I would urge you to still take a look.

>> Thank you so very much.

>> Tovo: So we have -- again as I mentioned, we're going to talk now about item 6. I believe our city clerk is going to join us for that. And I wanted to talk a little bit about the plan for Thursday. So before we conclude for today, we'll spend a few minutes, I hope, doing kind of what we did last week, which was just to review what we think will be items that we want to discuss on Thursday. And I should say we do not --

>> Mayor Adler: And I talked about having the congestion that is scheduled in our agenda on Thursday, so we will not be having congestion here today unless there's a particular request for it.

[11:29:19 AM]

So it's my expectation that we'll be able to wrap up by noon.

>> Pool: Mayor pro tem, the staff is bringing the forms for us, this is an updating of forms and reporting. So I have been working pretty closely with the city clerk and had you a presentation on these forms previously, and there were a couple of issues that were raised by councilmember kitchen and the mayor and we worked together on these changes. Staff knows what they are and so they will give us an update, but there were just a couple of things, changing the name of independent expenditure to direct campaign expenditures as a clear definition of what that is, require a listing of all of the direct campaign expenditure contributors. Return the current reporting time frames on the direct campaign expenditures because -- in other words, don't change the code on the reporting time frames there. Lower the time amount on the reporting from 25,000 down to 10,000. And then there's a terminology change on the uploading of the data that would occur after acceptance of the report rather than receipt of report. And I should apologize for my husky voice. I have allergies, they have attacked me. Thank you, spring in Austin. So I just wanted to run through the things that the mayor and councilmember kitchen had raised as items that they would like to see amended. Thank you both for all of the work that you've been doing on these forms.

>> I think the only item we need some more clarification on is the required -- requirement for a listing of all independent expenditures and the dce contributors because that will be a new filing requirement that's not currently on the atx 1.

[11:31:37 AM]

I just need some clarification on what your intent with that is and what you would like captured.

>> Pool: Sure. And I don't remember if that was an item that came from the mayor or from councilmember kitchen.

>> Kitchen: I think it came from the mayor.

>> Pool: The intent of that was to specifically list the contributors who were contributing the money for the independent expenditure?

>> Kitchen: It's a transparency issue.

>> Typically that would be the filer, him or herself that's disclosing that expenditure. They are the one making that -- they are making that independent expenditure.

>> So you think -- are you saying that the contributors are already -- we're capturing that information on another form.

>> Well, for the owe foe for a person, for an individual, it would be captured on the atx 1 because if I am making an expenditure it's coming out of my own funds. If you are referring to political action committees, then their contributors are captured on their coh form.

>> Pool: For an independent expenditure specifically?

>> Yes. Any other contributions would have to be reported on the coh form.

>> Kitchen: And that form is filed with the city?

>> Yes. And it's filed on the state deadlines, which is the January 15th, July 15th, 30th day, eighth day, and preelection.

>> One of the issues that I raised in our last discussion is that we not change the due dates, the filing due dates for those independent committees. I understand that the idea was to align them with the state, but that's not something that -- aligning them with the state, if I'm understanding correctly, would actually result in less disclosure.

[11:33:41 AM]

>> Correct.

>> Kitchen: We want to leave it the way it is.

>> We will not make that change. I wanted to clarify to make sure that I understand, one of the proposals that we had made was to clarify who had to file and disclose independent expenditures and I believe it was your direction that you did not want to remove committees from this requirement. You wanted to have them continue to do that.

>> Correct.

>> So the yes then is about contributors. Because typically that is the perp or the entity that is filing this report of independent expenditures. They are the one making the -- you wouldn't refer to it as a contribution because they can't by definition give it to the campaign. They're making an expenditure. So in a sense they're making that contribution.

>> Kitchen: And when they do that, the funding that came to them in the case of a committee, the funding that came to them in order to allow them to make that expenditure is captured at the same time?

>> It is not. It is captured on a separate form according to a different timetable.

>> Kitchen: So perhaps later. That's the disconnect.

>> Pool: Since the mayor isn't here to respond to it, midpiece is that he wanted them to line up so that the same timetable would apply in both cases.

>> My concern about how we do that from a data gathering perspective is -- for example, if we have a committee that is taking in contributions and they decide at some point during the campaign period to make an independent expenditure, that is without the knowledge of a candidate, they decide to put up a billboard or buy an ad, typically the contributions that they're receiving are not earmarked as being for a specific spend capture. They're just collecting money for a pool and putting it into an account and making expenditures from that account.

[11:35:44 AM]

I'm not sure from a data gathering perspective how do we direct a committee to say, if you're spending money as a direct campaign expenditure, you have to also show which specific contributions went into that. Does that make sense?

>> Kitchen: Yeah. We'll have to circle back with the mayor on his concern. I don't think he was asking for that. I think it was more a question of -- so, for example, if you were in the situation where the committee was reporting in January and July, you could have independent expenditures in the middle of that time with no idea of who contributed to the organization. So now the fact that that -- we're not changing it to January and July, may address some of the concerns, but I'd have to look -- I'd have to see exactly when that aligns with the reporting of the independent expenditures.

>> Okay.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: We don't have to take straw man or hypotheticals. I think I received about \$8,000 of negative advertising in 2014 on my campaign. One of them was Sierra club. So Sierra club is a huge organization so there were a lot of donors that were contributing to the Sierra club and they didn't even know that I was a target of a negative campaign ad. People don't even know. A lot of these large PACS have thousands of donors. They don't know where their money is being spent and they're not consulted as to hey, do you want to attack Zimmerman down in the city of Austin? They're not consulted on that. They don't know. They just support the principles of their group. So I don't think what you're trying to get to is attainable.

>> Kitchen: We're not trying to get to what was just posed. I'm not and I doubt that the mayor is either, trying to show a one for one between the -- but the -- but a pac committee, the question is at what point in time does the pac committee show those individuals that gave to it? That's really the question.

[11:37:44 AM]

>> Zimmerman: So we've had a long-standing practice -- yeah, under state rules -- as you know, of pac as reporting on particular schedule. When you see the mail piece it will say paid for by Sierra club pac so you do know who paid for it as soon as it hits your mailbox. And you can look at the last list of donors, but again it doesn't tell you necessarily who is contributing to that particular piece.

>> I think in this case the independent expenditures a specific issue, but what I would say is with the mayor not here maybe it would be helpful for him to have a conversation with y'all before Thursday. Otherwise the changing of the forms to make them fillable PDF's is really all this was about and to align most of the forms so they look like the state forms and they're reported generally on that time frame. And I appreciate the work that y'all did. It should simplify the number of different looking forms that we have to deal with as candidates in campaigns.

>> You're welcome. I do have one further question on one of the directives regarding lowering the loan amount that triggers the reporting requirements. So this is the -- what we're talking about here is the preelection report, when a candidate is required to file that preelection report, one of the triggers is if they accept a contribution that total more than \$10,000, each time they hit that 10,000-dollar threshold they have to submit a preelection report. Currently the code says if they loan themselves -- if they take a loan from personal funds of \$25,000, that triggers a reporting requirement. And the directive is to lower that to \$10,000. There was also a third reporting threshold whereby expenditures from personnel funds hit \$25,000, is your intention to leave that at 25 or did you also want to reduce that to 10?

>> Pool: I can't answer that question.

[11:39:46 AM]

That one came from the mayor as well. So we can ask him. I'm fine with leaving it as it is, but he may have a different opinion.

>> Okay.

>> Tovo: Councilmember Gallo.

>> Gallo: Could you clarify what we're looking at? You had a really great presentation on this document and it sounds like there may have been some changes to the document from that presentation. It seems like it would have been a little bit clear if we go back to the original document that was presented last to us. And the concerns came forward as teams. This is a little confusing because I think we had a really good presentation and now I'm trying to figure out what has changed in here and why it's changed. And it almost seems like those ought to be amendment changes to the staff's presentation. I think that would be a little bit clearer and then it would give the mayor the opportunity to bring those forward versus United States putting something in here that we may or may not have understood correctly. I'm confused because I not the document was pretty clear and now I'm more confused because there are things that have been changed for whatever reason.

>> Tovo: Can you address your presentation choice?

>> We could do -- I guess if you you wanted to, we could go through and quickly highlight some of the areas in the draft ordinance that was proposed that will be impacted by these changes or we could try to work with the law department to get a clean version of that and get it sent out to you in advance of Thursday's meeting, whichever you would prefer.

>> Gallo: I guess my concern is that we talk about being transparent with the document that we're going

to be addressing, and some of the conversation I've heard already sounds like it its changes that have been based on perhaps what the mayor was wanting to see, but the mayor's not here so we really can't have that discussion.

[11:41:48 AM]

And I just -- it seems like we would -- it would make more sense to get back to ground zero on this with what mirrored the presentation and then any additional conversations could come forward as amendments to it. And that would give those people interested in those changes the opportunity to address why and staff to respond to it. This has just gotten a little confusing, I think.

>> Tovo: I think I understand your suggestion. The complication -- well, I think I'll just ask our city attorney to weigh in.

>> Thank you. So I think the best way to do that is to have a motion sheet. If the resolution is something that came forward, the city clerk's office working with the law department drafted the ordinance and you would just do it through a motion sheet to make changes if you want to see changes come forward. You can also use the message board of course to talk about ideas that you have. And this is a good form to talk about ideas. So we'll be happy to work with anybody who wants to draft a motion sheet to make changes to the the draft that's in existence now.

>> Tovo: And I guess what I would say too is because the staff are bringing forward those changes, it would be a little awkward to ask them to make -- if I understood your suggestion, to have them make any changes they're recommending to us on Thursday that are different from last week to come forward as amendments rather than as their recommendation? So I wonder if there's a way to allow them to make their recommendations as they are now in one form and maybe you could help us figure out how those have changed from our early draft, and perhaps if there are additional changes beyond these that respond to whatever the discussion is with the mayor those come forward with amendments? Would that be a reasonable way to proceed at this point? I'm not sure that we should be asking our staff -- I understand the point you're making that these are different and it's kind of we're trying to track what those changes are, but it would be a little -- it seems to me it would be a little awkward to ask staff if you have any changes you're making to recommendations of last week those have to be done as amendments.

[11:43:57 AM]

The recommendations are their recommendations so I think those should come forward to us in a clean form, and then if there are additional changes that we do those as amendments.

>> Pool: And the timing is important here too. We did a delay of one week from last Thursday at the request of the mayor and councilmember kitchen so that the couple of questions that they had could be answered. And staff is hoping to have this all buttoned up on this Thursday so that these forms can be finalized for the next cycle, which -- for the general election in December. So they need to get them done. So that's what we were -- that's what we were doing.

>> So what has been posted for Thursday is our original draft ordinance. We haven't made any changes. I had requested that if any councilmember had any suggestions or were going to be proposing some recommendations to have the communication with us on those recommendations in advance of Thursday so that we had time to evaluate whether or not it was a change that we were going to be able to quickly incorporate because the forms have to actually be reviewed by the ethics review commission and their meeting is next week. And so I didn't want to be surprised on Thursday with some major changes that might delay the project without having a conversation that was going to delay the project.

>> Gallo: So I think what I heard was the answer to my question, which is what we're looking at, looking

at reviewing on Thursday was the draft ordinance that was presented to us last week.

>> That is what is uploaded to the agenda manifest.

>> Gallo: Thank you. That's where I was trying to figure out where we were.

>> Tovo: So then we will be handling any changes from last week as amendments.

>> Yes.

>> Tovo: Okay.

[11:45:58 AM]

And that seems to be your suggestion.

>> It would either have to be an amendment or we would have to bring it back as a revised ordinance, but in order to do that I need clarification because I can't make a recommendation on a couple of things that I'm not sure about.

>> Gallo: I think the amendment sounds good. Maybe won't confuse all of us.

>> Tovo: I agree with councilmember Gallo. Are there other thoughts on the presentation how you would like to see this handled? Pitched I think that the information --

>> Kitchen: I think that the information that you provided last time was helpful where it showed the differences between current requirements and what's in the backup. And that's what helped us identify, as you said, that there were a few places where it was actually a substantive change in terms of the change to the timelines. So that helps us highlight it. We appreciate having that document too. I think -- I'm not sure if that's in backup, but that would be helpful.

>> It is. As well as the current and proposed forms are also uploaded to the web.

>> Pool: I can probably help by putting up on the message board the items that the mayor, councilmember kitchen and I agreed on for the changes so everybody can see them. I did read them at the beginning, but my voice is kind of hard to hear. I'll put them up on the message board. Thanks.

>> Tovo: Okay. Thank you very much.

>> Zimmerman: I have one question, if I could.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Just a really quick question. I guess this is on page 8 of 16 under section G here, 2-2-26-g, we're talking about somebody running for reelection. And I guess one of the things that came out in the lawsuit that we had with the -- the federal lawsuit on campaign finance rules, we never understood why there would be a difference between somebody running for reelection and somebody running who has never been elected.

[11:48:00 AM]

And I just want to draw -- I'm going to look at this some more but I just wanted to draw attention and caution and say I don't know why we would ever treat a candidate who is running for the first time differently than we would treat somebody who is an office holder running for reelection.

>> And our attempt on this -- and if you have a better wording, we're open to it. But we were really trying to distinguish not between a difference between a candidate and office holder running for election, but more of an office older running for reelection versus an office holder not running for reelection.

>> Zimmerman: Okay.

>> The intent of this, maybe to put it a different way, is to ensure candidates and office holders running for reelection are treated exactly the same.

>> And both have the option.

>> They meet the same requirement.

>> And both can file the exemption form.

>> Zimmerman: If you're a candidate, you're a candidate. If you're an office holder not running for reelection, you're not a candidate. So it's still back to candidate. You're a candidate or not a candidate, irrespective of whether you hold office or not. Anyway, for what it's worth. As you know, this stuff gets messy, doesn't it?

>> Yes, it does.

>> Tovo: All right, thank you so much. Colleagues, I just wanted to spend one minute, if I may, talking a little bit about some of the amendments that I intend to suggest on Thursday for the Dabney horn restrictive covenant, and these are things that our staff has been in conference with. The existing owners on the Dabney horn site -- these are agenda items -- thank you. Agenda item 28. So again, I didn't pull this for discussion. I just wanted to do a quick update.

[11:50:01 AM]

Those will include provisions codifying some of the discussion that happened on the dais last week that the Dabney horn house would be rehabilitated to meet the secretary of interior standards. That the Littlefield house existing on the property would remain. The owner will make good faith efforts to relocate or to salvage the historical and architectural features and materials of the structure that is on the site to which the Dabney horn is being proposed to be relocated. And that the owner of the Dabney horn house would initiate an historic zoning case. So I am still really weighing and considering this case, but I do believe that it's important to codify the requirements that we talked about that seem to be the intent and understanding of the existing owners. And they are in agreement to them. I will be having a discussion tomorrow with the developer of -- the proposed developer of the site if the Dabney horn house is relocated just so that I can really better understand their commitment with regard to affordable housing on that site, if the council does agree to allow them to relocate the Dabney horn site. And I anticipate that that is a discussion we'll have in congestion on -- that there will be a related discussion in executive session on Thursday.

>> Casar: And just -- I know we had some of the conversation publicly and we'll have some conversation in executive session about potential projects being developed in the university neighborhood overlay. I just do want to -- I'm still trying to pull down some of the facts from prior planning and neighborhoods committee presentations, but it is -- I did recall that U.N.O. Had produced the most on-site affordable units and bedrooms of any of our density programs, something like 527.

[11:52:05 AM]

Much more obviously as you've laid out in the density bonus program currently having produced zero and the Rainey street density bonus program having produced zero. So I just want to make sure if we are making any changes associated with U.N.O., I would really want to understand why we would make those -- just knowing that we're going to make it better, but considering that it seems to be outperforming many, if not all of our other density bonus programs. It's sort of the one that I'm least comfortable tinkering with unless there's very good reason. Because why mess up the one that seems to be working the best unless there's a really good reason to not mess it up.

>> Tovo: Conversation.

>> Casar: Just laying it out.

>> Tovo: Councilmember pool.

>> Pool: Along those lines I was wondering does the city have -- maybe the city manager can help me with this. Does the city have any ability to go back and check to see if developments that were approved with various provisions like 10 percent affordable housing at a certain level, do we ever go back and

make sure that years later the developer has actually done what the agreement was?

>> So we have performance-based agreements with developers, and in those instances we do monitor to make sure that they're keeping their commitment to us, particularly where we've provided incentives. So I do know that we do that kind of monitoring. It depends on the specific project. We can certainly go back and look if you have anything in particular in mind.

>> Pool: I think I would like to review that tool that we have for the monitoring and make sure that it's sufficiently resourced. You know, that we have enough staff and can go back. And a lot of these instances and I think going forward in instances, we are entering into agreements with developers with the understanding that we are giving them additional entitlements if they will perform this service we're looking for which for me is more deeply discounted rates for rents, for example, and also home ownership, but I don't think I've seen a presentation yet other than audits -- audits where the auditor goes in and checks to see how we've been doing with different programs, but if we could maybe have our development services.

[11:54:28 AM]

I can bring a resolution on that if need be, but I would like to see what -- what is the formal look-back.

>> It would be interesting. That would be an interesting Q and a question I would think related to this, how does housing monitor the university neighborhood overlay commitments. For that 10%.

>> Maybe you could combine that and put it in the Q and a system. We're teaspoon answer that question.

>> Pool: I think that would be great. I think it would be informative for everybody.

>> Tovo: So if we have -- we have about six or seven minutes and I believe we've concluded all the items people have pulled for discussion, but I thought it would be helpful if we did what we did last week, which is to talk a little about Thursday, so the mayor might have an idea of how the day will unfold.

>> Mayor Adler: Will be back on Thursday. He and I talked briefly about the plan for the executive session and the intent is to break at 12:30 on Thursday for lunch, executive session and conclusion of the performance review. So that would be the general plan for Thursday. As I see it, it seems to me there will likely be discussion about the Dabney horn case including a short session in executive session, the graffiti removal contract is coming back, the measure that was pulled for discussion today, the councilmember troxclair's resolution related to Austin water utility likely will have some follow-up conversation, boys and girls club is slated for Thursday. And there may be speakers and further discussion on the campaign finance. In fact, I would anticipate there will be since.

>> Mayor Adler: Had some ideas. Are there other items? I think councilmember pool I saw your hand?

>> Pool: Yeah. I had looked through the lobby registration ordinance that we were going to have a presentation from law department today in executive session, but I guess that would be moved to Thursday. I just wanted to say that the ordinance as it is currently written has numerous problems and I wanted time to work with the law department to marry the resolution and the ordinance language because there's a lot of misalignment.

[11:56:42 AM]

And so I don't know how useful it will be to have an executive session on the ordinance when there are a number of items in there that I'm going -- I need to work with staff to understand what staff's intent is because I don't think it's marrying up properly with the intent of the resolution.

>> Tovo: So we are scheduled to discuss that in executive session. I apologize for -- I did speak with mayor Adler about moving that to Thursday and I apologize that message didn't get out to both the law department and to y'all. We'll get that coordination working better next time on the message board.



City attorney?

>> So we are obviously prepared to talk about the executive session and just like the discussion we just had, if there are changes to the resolution, the draft ordinance, I think we've provided it to all members of council. I'm happy to work on motion sheets to make changes from the draft that you have already.

>> Tovo: Councilmember kitchen.

>> Kitchen: Do we have any items set for a time certain?

>> Tovo: Councilmember Houston.

>> Houston: I'll be asking on Thursday for a time certain of 4:30 for boys and girls club.

>> Kitchen: I don't know if we can address it today or not, but is there any thinking about how we will handle public testimony?

>> Tovo: On which item?

>> Kitchen: On all these items. I don't think any of these items are coming through committee, right? I'm not sure which items we might expect public testimony on. Are we just going to wait and see?

>> Tovo: Councilmember Houston, do you have some thoughts?

>> Houston: There will be public testimony for boys and girls club, and so I think our usual practice is three minutes. I don't see a time limited. I don't think it will be that much.

>> Tovo: And it's a zoning -- since it's a zoning, they have a right under state law to speak. Everyone has a right to speak. So I guess that's a conversation we can -- you don't think?

[11:58:44 AM]

My guess is we might have some speakers on campaign finance. Other items you any.

>> Zimmerman: How about the ground transportation?

>> Tovo: Possibly.

>> Zimmerman: There could be testimony there.

>> Kitchen: I don't know what the status of that one will be. Our staff's not here. I know that they've been talking with stakeholders, but I don't have an idea of what that might be, but there could be testimony there.

>> Tovo: Right. Any other items anyone knows they will pull? And just as a message to the public, this doesn't mean that every other item will be on consent. This is just our kind of preplanning for Thursday, councilmembers always have a right to pull items from the consent agenda on the day of the meeting. And items are pulled from the consent agenda as well if more than two -- if two or more speakers show up and sign in on those. There will be changes on Thursday. Again, this is just our preplanning. Councilmember kitchen.

>> Kitchen: There's an item related that we had talked about some changes to. It's the one that was postponed related to graffiti removal. Public testimony. I think scar, was that -- mature, was that on this one?

>> Tovo: That is item 19.

>> Kitchen: We had talked about potential changes to that. I don't know if you've had a chance to look at it or not. I might have an amendment to that one.

>> Tovo: Great.

>> Tovo: anything else? Seeing no other business before us we stand adjourned.