

City Council Work Session Transcript – 11/29/2016

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[9:10:03 AM]

>> Tovo: Good morning. I'm mayor pro tem Kathie tovo and I am pleased to kick off this work session of the city council at 10:10 in the boards and commissions room. I'll note that mayor Adler will be out of town today as well as on Thursday. He and councilmember Renteria are on a work trip, a city trip to Mexico. It my understanding that councilmember troxclair will also not be here today or Thursday. She is at a conference. So I think this is our group. So this morning we have some executive session items, but we also have two items it looks like they were pulled for discussion, council discussion. And councilmember pool, those are your items that you pulled, items 34 and 35. Why don't we begin with those?

>> That would be great. And I see our atd staffers coming in. That's Dr.. We're -- that's great. We're looking at item 34 and it's approving an ordinance amending city code section 12464-d that would modify existing speed limits on Lamar boulevard between Parmer lane and Morrow street. And I submitted a couple of questions and if you guys want to -- I can read them or you can take a stab at it. Mainly what I wanted to determine and understand, we've had a couple of opportunities to change speed limits in the last I guess two years since we've been on this council, and there are some regulations set forth in the transportation code and Vernon's, and I guess we have some requirements on how we have to follow those. And what I was looking for is an understanding of what's our -- what prerogative do we have. What ability do we have in responding to requests? Because this request is coming from txdot to change the city limits for various reasons. And knowing we've got vision zero out there and we're concerned about traffic fatalities and you all know

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I have advocated for lowering speed limits across the city, and particularly in interiors of neighborhoods, already a couple, three times. So this is another opportunity for me to raise that question and for us to talk about it on the dais. So I wanted to start off with understanding what -- how far can we go in when we approve or turn back this request from the state?

>> Thank you, councilmember. Robert spillar, Austin transportation department. I have Eric bole lock, my chief traffic engineer that can respond to this question. So within our city we have roadways that are technically owned by txdot. And so that's why when you see a request come from txdot it typically is on a txdot owned roadway, even though it looks and functions much like a city arterial. The underlying asset belongs to txdot. But we set the ordinance in terms of speed. I'm going to let Eric answer your question directly.

>> Thank you.

>> Good morning, Eric bollock, atd. We do follow txdot's guidelines. They do have a manual called procedures for establishing speed Zones. And that primarily lists many criteria that municipalities and the state itself should consider when looking to modify speed limits. It

ranges everything from what we call the 85th percentile speed, which is the speed that 85% of drivers are going at or below. It looks at roadway curvature, presence of driveways, crash history. Those are all factors that are considered in looking at speed limits. So like Mr. Spillar said, these two requests came from txdot. It's our practice, it's in the procedures themselves to say that the state should cooperate in concurrence with the municipality if changing speeds within a

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city. And so they submitted their own engineering studies, they collected the data, we reviewed it. And so primarily the 85th percentile speeds that were collected are within five miles per hour of what's being proposed for the changes. So looking at those criteria we agreed that the recommendations to change these two speeds were met. Now, there are -- as engineers we do have the ability to go beyond the five miles per hour. That's kind of what we look at, five miles per hour within what's collected. So again look at those criteria, if there's a crash history, if there's many horizontal, vertical curves, other things to consider, but we have found that it's also in the guidelines of saying if it's more than 10 miles per hour beyond what's measured, primarily it leads to less compliance by drivers, less respect for the speed limit. So there's that balance that we have as engineers to set the speed limit where simply changing the sign itself won't necessarily lead to driver behavior. Sometimes it might come with an enforcement tool along with it.

>> And if -- I'm sorry.

>>

>> Pool: So they're guidelines, not requirements in the manual, the txdot manual? They're recommendations?

>> Yeah, it's called procedures. It's a manual, yes.

>> So they are requirements, councilmember, in the sense that we're required to follow the policies of Texas mutcd or else we risk -- we put the city at risk. I guess getting to maybe what I think is the underlying question is how do we get people to slow down for a safer environment? The challenge is we as a community and as an industry are recovering from decades of building and designing and building higher speed

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roadways, primarily focused on the automobile. So as we make changes, I think often the idea of simply dropping speed limits on particular roadways beyond the 85th percentile is often looked at hey, we can slow cars down. The challenge is, as Eric says, we often don't see drivers respond to that. They drive what they feel the roadway allows them a safe environment. And the 85th percent style is simply an indicator of what most people in the roadway think is a safe driving speed. I'm not saying it is safe, but it is what they think is safe. So when we think about how we change the behavior of drivers it really comes back to redesigning the streets, so we have a complete streets program now that starts to squeeze lane widths and provide safe places for people to walk and bike, which is important. We have the traffic calming program for neighborhood streets, but we're actually rethinking that and trying to make it more fluid so that street design -- so there's some cities, for instance, that have traffic circles in just about every neighborhood intersection, and it becomes a way to make people drive slowly through. You can imagine there's a number of interests involved, everything from emergency response vehicles to large moving vehicles to residents on the street have a variety of opinions. In the legislature this year, it's my understanding that Houston is leading a charge to change what's called the prima fascia speed on neighborhood streets to something more reasonable, at 20 miles per hour. Right now they're at 30 miles per hour. I believe that also --

>> 20.

>> 20 miles did you say?

>> I believe it's 20 miles, is that correct?

>> Right.

>> That's what I understand. Arterials, they would like to drop to 25 miles as a prima fascia speed, which is the typical law. I believe that actually might be easier in terms of

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changing driver behavior as opposed to posting individual arterials at lower speeds because we can then start to educate -- it will take some time, but we can educate through driver, high school driver, schools and so forth, to get people starting to focus on okay, it really is 20 miles per hour. And that allows two things. One, right now where it's 30 and you're going one or two miles over the speed limit you're often given the benefit of the doubt because your speedometer might be off or whatever. But if that speed is reduced to 25 or 20, then clearly it's easier to assume you've willfully chosen to speed and take the ticket. Those are the things under discussion. We take this very seriously. We try to follow the best engineering practices and right now as designed by the state, the Texas udc, which designs the policies and procedures.

>> Pool: Let's talk about Lamar, because it's not an interior neighborhood street. What I was trying to establish and was hoping y'all would help with this is how much maneuverability do we have? In one section they want to lower it to 40 miles per hour. And I think all of the speeds are being lowered by five miles per hour? Could we lower it to 35 miles per hour? That's in my mind, instead of lowering the different segments by five miles per hour, could we lower them by 10? And there are segments, which is different from interior to neighborhood, so we can put that conversation aside because we have more control over those. I want to be sure if I make that offer or amendment on Thursday at our council meeting, which I'm thinking about doing, I want to have a full understanding of is that okay, is that something that we're authorized to do? And it's within the five miles per hour window that you had mentioned.

>> So what I would suggest, councilmember, is that instead of changing the ordinances, it's your prerogative, of course, but to not pass this, basically

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say hey, we want to postpone this and give direction to us to pursue a lower speed, 30 miles per hour.

>> A conversation with txdot.

>> It would give us an opportunity to go back and have a conversation since we have a stamped study and recommendation from txdot, it would keep us from being in conflict one engineer against another, which would keep us out of trouble, I think. I guess what I would ask is that you just postpone it until January. There's not really a critical time period. And direct staff to go have that conversation so that we could bring you back the best information.

>> Pool: And I guess the other thing that I would like to get some more information about -- I would be willing to postpone it if that's your suggestion and ask, and assuming that my colleagues are interested in that, but having worked at txdot myself, I know about the engineering study and I know it's particular speeds that are on a particular stretch of the road during the time that they're measuring. And I have always had a question -- it just seemed like that's from another era. It's simple and it's easy and it endorses what most people are already doing, and I don't know that's really the best public policy either for txdot or for the engineers or frankly for a city, a municipality, when we have other issues that have been brought to the fore that we're also attempting to address. So I would challenge the piece about that's the average of the speeds that were tested during the testing period and ask the good minds of the engineers to go back and rethink that and have that kind of foundational conversation so that the policymakers can have a little bit more to work with rather than just saying, well, that was the average of the speeds during that month that we measured.

>> Yes, I understand. And I would encourage you to give formal direction in council so that then we have a concern to take to txdot and we can act that way. I would tell you

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specifically Lamar is a corridor in transition. It's one of the subject corridors of our bond program. And so my point in saying that is as it starts to be modified it's going to have an effect on speeds. It's going to reduce speeds at the same time, which is not always intuitive, but you get a more effective flow through that corridor. And there's nothing wrong with also taking the approach as we're going to continue to watch and ratchet down the speeds as the drivers' expectations of the corridor change and you follow that with good policy regulation as well. I don't know if that helps.

>> Pool: It does.

>> Tovo: Councilmember Houston?

>> Houston: Thank you. This has happened on 969 as you're aware, and I don't know that txdot was the one that requested the lowering of the speed. I remember how that got started, but we did have that conversation with txdot and were able to negotiate a reasonable speed on a major highway right down the middle of town. Was there any community engagements that you do or does txdot do any community engagement to people who are actually driving those streets?

>> Councilmember, because this is based on strictly engineering regulation of judgment, it's not typically that they do a large public outreach to those. To those surrounding neighborhoods. It's more of a notification of a change and the change is made. I would point out that mlk was somewhat different --

>> Houston: Hold on. I'm just talking about community engagement. I know that mlk was a little bit different. Do we do any kind of community engagement? Because that speed limit was changed from 50 to 35, and nobody seemed to know about

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it except the police. So do we as the authorizing jurisdiction once an ordinance is passed, do we notify the people that there's going to be a change in the speed limit?

>> So often what we do, councilmember, is we add distinction to the sign, whether they be red flags or whatever, simply to notify. And then we have a grace period typically, and that that's our innovation process. We do not go out and notify the community with a letter or a public meeting typically. I think going back to mlk I think we learned a valuable lesson in terms of making a dramatic change that that would be more effective if we had done more public involvement with that. The difference there being that was an engineering judgment that there were incidents occurring that could be solved by a dramatically lower speed. I don't think that proved out. So we were able to readjust that up.

>> Houston: But sir, if you would have that community engagement before you make those dramatic changes you could have kind of had that kind of information prior to making the change rather than two years after.

>> Right, it would -- that's what I was saying.

>> That's what I'm trying to drive at is that if you engage the public early enough then you may get some information that you don't have already with just an engineering study that doesn't drive those streets everyday. And so 35 from 50 to 35, now we've reached the happy kind of medium. I think it's 40. I don't know what it is now. That's my piece is we do things in transportation, we don't let anybody know, and so my encouragement is that we do more of the proactive innovation, even if it's coming from txdot. Let people know what they're thinking about and give them an opportunity to weigh in.

>> Okay, thank you.

>> Actually, mayor pro tem, I will.

>> Tovo: Councilmember Casar?

[9:26:08 AM]

>> Casar: I told her a minute ago I didn't need to talk and then I thought about it. The majority of the road split between councilmember pool and my districts, and I think we have a really shared interest in making traffic safer in this area. And I guess I would just say that I concur that I ultimately want to see the behavior change. I hear your point that just lowering the speed limit to 20 miles per hour doesn't mean that anybody is going to drive 20 miles per hour unless they have a car on every single side of their car. So I guess I will just emphasize and reemphasize that I think that we will need your engineering expertise and enough attention to what I think is a really important stretch of roadway for us to know best how to get to that behavior. And so I understand some of that will be infrastructure change. I don't know how much the speed limit change can do, but if y'all push us diplomacy what the limits are, that would be -- I would like to know from an engineering perspective what the limits are on how much behavior we can change just by swapping out those signs because at the same time I am not interested in just a bunch of folks getting tickets and us not actually reducing speeds. So I understand there's got to be some balance there. And if y'all take some extra time on this one to help us understand what the balance point is, that would be helpful, but ultimately I will -- I'm not an engineer and will rely on some of your -- on a lot of your judgments in help making that judgment call.

>> Thank you, councilmember. I assure you that our desire is the same as the council to make our mobility systems safer, and part of that answer certainly is reducing speeds. But I don't know that it's the panacea that solves all our safety issues. So we will continue to work in that direction.

>> Tovo: I have a couple of questions. I just want to understand. Within our neighborhood streets we currently have

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the ability to reduce that speed down to 25, is that right?

>> Right, under the house bill that was passed at least 10 years ago, as long as the streets meet certain criteria with the parking restrictions on the street.

>> Tovo: But no lower than 25.

>> Correct.

>> So does Austin plan to support the bill that's working its way through the legislature that you're talking about having been introduced by Houston or do you need council direction?

>> My understanding is we already have council direction.

>> Tovo: Thank you. Councilmember kitchen?

>>

>> Kitchen: Maybe you're right. I'd have to look. We have to have it specifically in our legislative agenda to pursue it. Maybe it is. I just mention it because you said generally supporting other cities. We don't have the authority to generally support other cities in our legislative agenda, but that item may be in there. We'll go back and look.

>> My understanding, councilmembers, is that that's where we're at in supporting Houston and so forth.

>> Kitchen: Okay. It may already be in our legislative agenda if not we can certainly work to adopt it. It's in vision zero and we have adopted vision zero. And so I think that's probably in our legislative agenda.

>> Yeah. It was also my understanding that we had general language. And if not, we certainly should adopt it into this year's legislative agenda. It's almost always in there in the past to support cities and their efforts.

>> Kitchen: But actually, we can have a longer conversation about that. We may not want to support what every other city is supporting, so therefore as I'm recalling what we adopted in the legislative agenda is more specific than that, but we can revisit that.

>> Tovo: But as you mentioned we do have specific things that we

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adopted that would be supportive of that effort. I have some constituents who are keenly interested in the movement that Houston has been bringing forward and so if there's some -- if you need some council direction I would appreciate it if you would let my office know so we can move forward with that.

>> And we'll do that, councilmember.

>> Tovo: Councilmember pool?

>> Pool: And please let me know too. I think on Thursday I will probably propose a post postponement and have more language with more specific direction that you've asked for so we can craft that maybe with your input so we can get it right. I would just say that to the behavior change, which I agree that is what we are ultimately looking for, but the behaviors have been in place for 50, 60, many, many decades, so simply moving a speed limit down by five miles per hour, please don't think that I think that it that is a panacea or a complete solution because it just isn't, but it is one thing that we can do and it needs to be wrapped into, as councilmember Houston is talking about, some real honest to goodness public outreach and education about it and what we're trying to do. And I think we have stakeholders out there who will help, like our vision zero atx folks. I think they would be very willing to get the word out about that. And our bike community and walk community and our school. It's just a host. This is something that I think the entirety of the city could get behind. It's an unaustin-y kind of thing. Let's slow down and take more time and we'll have all these benefits that will accrue to that if you think about it. So yeah, to what my colleague, councilmember Casar was saying about changing behavior, absolutely. That is absolutely one -- what we want is if it's not posted we want to still be driving more slowly because 10 miles per hour makes a big difference. But we have to start somewhere. So I'm just choosing that this would be a place for me to kind of dig in and start.

[9:32:10 AM]

>> Sure.

>> Tovo: Councilmember Gallo.

>> Gallo: I certainly do appreciate and support us supporting the cities that are trying to do the legislation to reduce the speed limits in neighborhoods. As we see our major roadways have such gridlock of traffic, people look for the alternate routes. And even our social media mapping opportunities take people through neighborhoods instead of leaving them on major roadways when the drive time slows down. So I think that's really important, but in response to the ability to get the speed limit down to 25 miles per hour in neighborhoods, we've been working with a lot of neighborhoods on speed mitigation in the neighborhoods to slow traffic down, and that is also -- it's not that you can just say we want the speed limit reduced. It is based on the traffic that is currently going through the neighborhood and the traffic studies. So even though it sounds like we have the opportunity in neighborhoods, what we have found in working with this is it's very difficult to do because, as someone mentioned, it then becomes an analysis of what the existing traffic is doing. And if the existing traffic is going higher -- and we tell people that. If the speed limit is 30 and the traffic studies show that people are going 40, you're at risk for the speed limit going up in the neighborhood. So if there's anything that we can do to help move that needle also because we've not had good success in being able to get the speed limit reduced in neighborhoods even though we have the ability to do it for the 25 miles per hour because the traffic patterns and driving is at a higher speed rate.

>> Tovo: Councilmember Houston, did you have a comment?

>> Houston: [Inaudible].

>> Tovo: Councilmember Kitchen.

>> Kitchen: I wanted to give everyone an update that our next mobility committee meeting on December 7th that we have on the agenda is a discussion of the policy related to speed limits. So

everyone is welcome to come and attend that. It's been something we've

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talked about on the mobility committee for awhile, and thought it was timely to start talking about our general policy, which I think goes to what councilmember Gallo was mentioning just a moment ago in terms of how we measure.

>> Tovo: All right. So that concludes our discussion of 34 unless anyone has any additional comments. 35? It is a similar issue, but councilmember Houston, I know you said you had -- councilmember pool, did you have any additional comments about that one? Okay. Councilmember Houston.

>> Houston: First of all, there are no districts listed on 34 and 35. And when you say on 35, between Lamar boulevard and east of dessau road, it doesn't tell me how far east because that's in district 1 now. And so there's no way to determine how far east of dessau road you're talking about. So if you could put districts on here that would help and I assume 36 is 9 because it's downtown. So can you tell me how far east of dessau road this request is?

>> It's less than a mile. It's about 3,000 feet, but we can clarify exactly which district these requests are in.

>> Houston: Okay. So councilmember pool, is your suggestion going to be that 34 and 35 be postponed on Thursday or just 34?

>> Pool: That's a good question. I think staff is probably going to suggest that it be all of the items that are related to that, which would be three of them, 36 as well.

>> Councilmember, 36, I believe relates to the downtown transit station, not speeds.

>> Pool: Okay. And I'd be Haney if we find that more of item 35 is in

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district 1 --

>> Houston: I don't need to say more of it needs to be there, but if we're talking east of a major roadway then we need to include that individual in that conversation. And I've not heard of this before it came on the agenda.

>> Right. We'll add that, at least the engineering studies, at least what's it's based on, the same logic behind the same, Lamar and Parmer.

>> Houston: And there was a huge accident last year on Parmer and some signage and left turn lanes. So we've done some major things at that intersection, but I wasn't sure how far east this was going.

>> Tovo: Okay. So that concludes the last item pulled for discussion here today. If we don't have any other items of interest that councilmembers want to discuss I think we should spend a few minutes just talking about how we see Thursday flowing and what items we think will require some discussion. Councilmember Houston.

>> Houston: I hate to bring this up again, but we're not in an at-large system anymore and on large possible actions, 52 through 56, there are no districts. So unless you just pay attention to where things are, you don't know whose district it is in or where it is. So I just want to remind people that that's helpful for the people that are watching this to make sure we have districts on things.

>> Councilmember Houston, I saw the message board posting yesterday and I've asked the staff to in the future include the districts where we can on these postings. So you should see next -- in upcoming council agendas we'll make a note of that. If you would like the districts on these we can get the information put in Q and a related to these public hearings.

>> Houston: That would help because it helps me to figure out where they are

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located geographically. And we had been doing it. I just noted this time it wasn't there, so I don't know what happened. Thank you for doing that.

>> The holidays kind of caught up with us maybe. I can tell you that whisper valley and Indian hills are in district 1 and estancia is in the south area, it's in councilmember kitchen's district, I believe. It's just west of 35. I don't know -- downtown is in mayor pro tem's. The east sixth street is in downtown area. And then the south congress I'm not clear what district that one is in, but we'll get the Q and a information out.

>> Tovo: Thank you, good suggestion. So on Thursday I see a couple of items that I just wanted to call attention to. 18 is the response to the resolution that I had brought last spring amending the city's personnel policies to reflect definitions regarding discrimination, harassment, sexual harassment, retaliation and employee conduct. This was as you remember some suggestions actually this originated with the human rights commission. I do have -- I'm working through those now through the amendments. They look very solid. I appreciate all the staff's work. I have received some feedback from the public suggesting some additional changes. So we're taking a look at those and I suspect that will be a discussion item for Thursday.

>> Kitchen: Do you expect to bring amendments?

>> Tovo: I may.

>> Kitchen: Okay. Could we get the amendments the day before? It would be really helpful.

>> Tovo: I'll do my best, thank you. Also we have citizens communications. Please note that the addendum lists the names for citizens communications. They weren't included in the agenda that posted on Friday. Anything else on Thursday? Councilmember pool?

>> Pool: And we had a change in the invocation speaker, is that correct?

>> Tovo: Yes. And that's also posted in the addendum and I've forgotten the person's name.

>> Houston: I have one on

[9:40:29 AM]

17. I have one on town hall meetings and fees, preparation. One day food booth permits. People don't need to start talking to talking heads and I found out I have to pay a fee for two hours of food service so I may need to dig deeper into that one, and it never happened before. I know once a quarter we do a town hall meeting and we provide food and the last time we tried to do it we had -- I think it was \$250. And I thought wow, I'm renting the place, I'm buying the food and it was one of our facilities. And we've done it in our facilities before, but anyway, it was just interesting. So I really need to have -- we're looking at that now to see if that's going to increase or decrease my ability to offer food for people who come to the town halls?

>> Tovo: Thank you for looking into that, councilmember Houston. Councilmember pool?

>> Pool: I wanted to note that it looks like that change may be because it looks like some of those fees were inactivated for one of the fiscal years and now they're coming back. And then there was a typo or an error on a vending machine application, but I don't know if that's part of what you're looking at as well. It may be you're looking at something different than what they're talking about here.

>> Houston: Thanks.

>> Tovo: Are there other things that people envision talking about on Thursday at this point? That at this point you envision spending time on Thursday talking about? I should have clarified. Obviously there will be other things that will come up on Thursday.

>> Casar: I will note that in my interactions I personally respect chief Manley, but it is an important vote for the city and I don't know if we'll

[9:42:30 AM]

have people come and talk and ask questions, but I might anticipate that there may be public conversation on that point. It's where the person is appointed by the city manager, but confirmed by vote and it's important on the city council agenda.

>> Tovo: And that's item 20 to approve the resolution approving the interim citymanager's appointment as chief of police, Brian Manley, as interim police chief. Any time certain people are requesting? All right. Well then I think we're ready to go into executive session. We probably for those of you watching probably won't come out into open session except to conclude unless anybody has anything else they want to discuss here today? Okay. The city council will go into closed session to take up four items. Pursuant to section 551.571 of the government code we'll discuss legal issue related to open government matters. Item E 3 discuss legal issues related to Breanon King versus officer Brian Richter in the U.S. District court for the western division of Texas. In addition, in addition to section 551.074, we will discuss item E 4, discuss legal issues related to the acquisition of real property, and there are 10 different properties. The first is 110 east ninth street. Second is the northwest corner of Doris drive and Hathaway drive. Three, 1111 west sixth street. Four, 3908 avenue B. Five, the northeast corner of Jackie Robinson street and Tannehill lane. Six, the southeast portion of 411 east alpine road. Seven, the east portion of 5101 east 51st street.

[9:44:30 AM]

8, 4806 trail west drive, nine, 4900 Gonzalez street. And Tennessee, the southwest corner of U.S. Highway 183 and Loyola lane. And pursuant to section 551.071 we will discuss the same property as listed in E 4 and item E 1 has been withdrawn. Is there any objection to going into executive session for the items announced? Hearing none the council will now go into executive session.