

# City Council Work Session Transcript – 06/13/2017

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 6/13/2017 6:00:00 AM

Original Air Date: 6/13/2017

Transcript Generated by SnapStream

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[9:08:43 AM]

>> Mayor Adler: All right. I think we're about ready to go. So, today is Tuesday, June 13th, 2017. It is 9:08. We're in our city council work session here in the boards and commission room. We're going to go from -- until 10:30 on codenext, and then we have some pulled items. We also have a briefing today. We also have some executive session items. So, let's pull up the consultants and the staff on codenext, and that's where we'll start. Today's conversation is about our commercial Zones. So I wanted to ask questions relative to the transect for main street, t4ms, and transect 4 open, t40, including discussion of the uses that are permitted, what's conditional, what's by right, how that works, how that's showing up on mapping. There have been some council members that have posted onto the bulletin board questions that were late to this conversation. Tomorrow, we're focusing on the t3 transects and the like. Have you had a chance to see the questions that were submitted? Okay. So without trying to pick an order for you about the questions that are raised and how you might be grouping those, you want to talk to us about these commercial Zones?

[9:10:44 AM]

>> Sure. Thank you, mayor. Good morning, council members. So today we'll talk a little about the neighborhood open sub Zones and the t4 main street, so when I'm talking about the neighborhood opens, it will be about the t3 neighborhood open and the t4 neighborhood open, and in particular we're talking about t4 main street, but some will also apply to t5 main street. So, again, in terms of one of the things I wanted to recap was in terms of the main descriptors that we have as part of the transect Zones, we have neighborhood edge, neighborhood main street, and Irvin core. These are intended to convey the

-- kind of the primary forum we should expect in the zone, so the neighborhood, which we'll be talking about, really talking about house building forms. So as we walk down the street, would expect to experience walking past the building and then space between buildings, which would allow light and air. Versus main street where we would expect a more continuous environment of buildings, much like south congress or sixth street that you have today. So, again, neighborhood and main street. And then, again, breaking the naming convention down. One of the things that has been talked a lot about is the last part of this naming convention here where we have this dash open. And it's a sub zone. That means that that zone has the same physical form characteristics. So the standards for how wide a building can be, how tall a building can be, how much building cover or cover is the same as the zone, just allows additional uses. It is similar in concept, so the way that you all use the dash, and that it allows additional uses within a zone district. So a little bit about the criteria in which we have mapped t4 main street.

[9:12:46 AM]

We mapped it where the existing zoning map you have today allowed commercial uses. We also mapped it, generally speaking, where article 10 compatibility lowered the height to three stories or 40 feet, because many of the Zones that existed on the corridors, for instance, cs, allows 60 feet in height. Compatibility standards often drop that height down further. What that means in terms of the way that we're mapped for article 10 compatibility was that they were, generally speaking, lots that are less than 125 feet in depth are limited to 40 feet in height as to what you can do based on compatibility. But there were also other places where neighborhood plans called for the height to be 40 feet. So, again, those are kind of the three main criteria for mapping t4 main street. So an example of that, east Cesar Chavez, again, the cs, the np, and compatibility, we're all saying that this wants to be a three-story, 40 feet in height area, so we mapped the t4 main street. In this zone district, also the cos are asking for non-automated uses. So t4 main street does not automated uses. These are Zones that allow additional uses. They were mapped where the existing zoning map allowed commercial uses. If we have mapped neighborhood open on a property where commercial uses were not allowed in the past, that was an error. And if we haven't caught it yet, if you know one of those locations and you mark it up in the map tool, we'll address that, and we'll either remove the open or find another zone that works better.

[9:14:53 AM]

>> Mayor Adler: Would you say that again?

>> So the intent of the neighborhood open was not to add additional commercial uses where they aren't currently allowed, so if there are any places where we have mapped a neighborhood open, which allows

some additional commercial uses, let us know, because that was done in error, and that was not the intent.

>> I have a question about that. Just to clarify.

>> Kitchen: So is that the same uses, in other words, so if there were uses allowed in an area -- if there were commercial uses allowed in the area, that's what allowed for the O, but is it the same uses? In other words, does the O allow for more uses than might have been there originally, or is it a one-to-one comparison?

>> I would say that they're, generally speaking, similar. I know that in comments that we've heard, some of the open Zones in error forgot to keep office as a use as an allowed use in the open zone, and it was intended to allow office, for official office to occur. But it was intended to be similar in terms of what was allowed.

>> Kitchen: Okay. What I've heard is there's instances where additional types of commercial are allowed than may have been allowed before. So, I'm sorry, I cannot give you an example of that. That was my question.

>> And we can note that and take a look at that and see --

>> Kitchen: Okay.

>> Give you a comparison. It was a difference between cs or grs as the base, so we can see what happened there.

>> I just wanted to jump in there, that in district 10, we're also hearing about concerns about additional uses beyond what's already there, so it was -- it's in a neighborhood, it was zoned open because it had some commercial use, but there's concerns about the scope of the uses that could now be there, particularly bars that could be replacing an office area or something that has a different kind of impact on the neighborhood.

[9:17:06 AM]

>> Sure. And I think that's -- so we'll talk in a second about the different levels of whether something's allowed or permitted, whether or not it needs a minor use permit or a conditional use permit. So I think one of the things we can work with, is understanding how we calibrate what level of review is required for certain uses, so whether it's a bar or a restaurant that serves alcohol, to understand each of those levers and adjust the Zones. Oh, I'm sorry.

>> Alter: I just want to underscore this point. I think this is one of those where we need to be very clear with the community. I wasn't able to pull my map to get to the place that you were talking about. You

talked about the co prohibiting -- in that one example, the co prohibiting automotive sales, so the new zoning will do so as well. But there may be other uses within that conditional overlay that don't carry over into the new zoning. So, again, I just think we need to be very clear with the community that similar doesn't mean identical, that there may be uses permitted westbound those categories that were not permitted before, and so we need for people to pay attention to those changes. Is that accurate?

>> That is, yes.

>> Okay, thanks.

>> So one of the --

>> Mayor Adler: I think also, just to move it up one level, the process that you have now -- you might rezone, the process is to rezone, and then conditional out the things that people don't want, or the property owner doesn't want. So in terms of giving you a different kind of tool set, this is -- that's why the uses don't always look exactly the same. In other words, in the new code, it's proposing these other processes built within Zones for that additional review to occur, but it doesn't need to be a legislative -- doesn't need to be a rezoning in order to get to the decision.

[9:19:16 AM]

And so that's where the comparison of the use list today and the use list as proposed, it

-- you know, it still requires some discussion. There are differences. But it's also I think important to point out that the different kind of tool set that's being proposed for you to get to the decision about what the uses could be on a particular site.

>> Mayor Adler: Okay.

>> Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: So, if you would clarify for me. So the decision would be part in coordination with the neighborhood, or would that be an administrative review to make those decisions?

>> Mayor Adler: I think John's going to get to that. There are two possibilities, that they may be administratively made.

>> And that's the mup. Or they go to the land use commission, and that's the cup. So, again, these are -- this is a different -- it's a method of making decisions, making determinations on land use, that, again, the opportunity is you have a new code, and the way that you approve these kind of uses in particular areas, right now, you have a system that oftentimes requires a rezoning, which is a pretty significant

way to go, because your Zones don't really allow the range of things that you actually end up approving. So this is, again, a different set of tools, a different set of processes that allows you to make those decisions, and then distribute the decision authority according to the -- you might say the degree of difficulty or the range of issues that need to be considered in that decision.

[9:21:20 AM]

And I think -- and John will cover those in more detail.

>> That's my concern, is the range of the conversation and who's included, so I'll wait until he explains that better.

>> Tovo: And I look forward to that part of the conversation, too, but the -- but, again, just to get -- since council member Houston asked a question related to this, I just want to say some of those decisions, though, will already have been made within the zoning category. So, you know, where a neighborhood may have or a community may have negotiated a zoning case and have put those provisions into a conditional overlay, adopting the zoning as it is now proposed would make that -- would make a different decision. If those were uses that were excluded. Council member Houston, I just wanted to be sure that that, you know, last -- I mean, we just had a conditional overlay we were discussing last week, which if it had been successful, would have prohibited outdoor entertainment within close proximity to neighbors. Those are the kind of conversations we've had in some of these zoning cases, and frankly, those overlays sometimes -- sometimes, very often, actually, allowed for cases to be supported by the adjacent neighbors because those overlays were in place. So, again, I just want to -- I know we've just touched on this, but I want to emphasize it, because it is important to me that people look at those, at that zoning really carefully and be sure that they understand the changes as we're moving forward and be sure that the uses that will now be contained within those classifications are ones they can live with the it's different than what's currently on the ground.

>> Thanks. I think that, if indeed the changes you're talking about in new uses and we're finding new uses popping up in the middle of neighborhoods that haven't been there and haven't been litigated previously under our past and current procedures, if nothing changes about those, then I may be going to be okay with pushing all of the review decisions down away from council.

[9:23:45 AM]

But if that isn't the case, if, in fact, we continue with what I'm seeing, which is new commercial uses in the middle of neighborhoods, and the array is pretty broad, and I know that the neighborhoods would

have emphatically opposed them, and if council is beginning to get involved in that, I'm not going to be good with pushing down to the administrative level or land use. That's why the council has been ruling in those cases in the past, because we are the most accountable and most direct reflection of the voters, to be political about it, and nobody else is.

>> I just want to make another comment.

>> Mayor Adler: Hang on a second. Pio was next.

>> Oh, sorry.

>> Renteria: Thank you, mayor. With our contract teams that we have established out there, we have conditional ways already within our document. How are y'all going to handle those? Are y'all going to implement those also?

>> The commission will -- there's close to 3,800 of them, on 12,000 parcels, more or less. Those that can be translated into one of the existing districts most closely align, we would go forward and do that. There are other conditional overlays that may be extremely complicated because they prohibit access, they create unique buffers. It's not as simple as it may be just varying height or limiting a set of uses. Those we may carry forward as existing conditional overlays and actually keep them in place.

[9:25:49 AM]

But as mayor pro tem talked about, there are some that just talk about auto-related uses, and we actually have a category that would eliminate the auto-related uses from one of the districts. If it has to do with trips where a lot of times council will see a conditional overlay that might limit to 2,000 trips per day, working with our transportation staff and the consultants. We have totals that will better address that in the future, that will actually roll down to require improvements, traffic transportation improvements, and less trip levels.

>> Renteria: In my area that I'm really concerned about is the late night alcohol sale, especially like next to their backyard.

>> And for the most part, that I don't think changes. I think when you talk a little bit more about the conditional use permits, the CPS, and the minor use permits that council member Houston was asking about. But we can go to John's issue and talk about that in a minute.

>> Renteria: What really concerns me is that the way these contacts are set up. There are certain groups that don't want contact teams, so they didn't have conditional -- with late night drinking. Across the street, right across the street, down on the same street, they don't allow that late night, because of contact teams. This area all of a sudden -- for the neighborhood, which is causing a lot of problems or

concerns. So that's what really concerns me about addressing those issues where there isn't one neighborhood section. Don't have any because they never did get together and plan it out there.

[9:27:51 AM]

Thought about what happened to that, so they now pay the price for having these late night establishments. So we really need to look at that.

>> I have questions about mup, but I see you're going to get to that later. So just the one question then, because we're talking about neighborhood plans. I just want to confirm with Mr. Guernse again that the south Austin neighborhood plan is still on track to be mapped before the draft 2 comes out, because that one hasn't been mapped yet.

>> Yes.

>> Okay. All right. Thank you.

>> Mayor Adler: Let's continue with the presentation.

>> So the last bullet point on the neighborhood open is that, in particular, these Zones were used when the neighborhood plan called for house or neighborhood scale language, so oftentimes, we've acknowledged that they recognized it was no longer residential. That they were non-residential uses in these houses. But, for instance, specifically calling out house four or house scale buildings. And so, you know, just as examples here, we have two different areas. Houses that are going to be used as restaurants or as office buildings. And so here where we mapped -- so this is further east on Cesar Chavez and we get into the holly neighborhood. We mapped for neighborhood open, because this was an area of town where the neighborhood specifically called out that they wanted it to be in house form, and then, again, another place, west sixth in old west Austin, the historic houses we have today that are professional office, nail salons, hair salons. So, again, we mapped t4 neighborhood open here.

[9:29:55 AM]

In terms of the use table, so this was one of the questions that was asked. Again, to just let everyone know, we're showing here the use table for t4 neighborhood. It's listing the -- it's the setback zone. So we have two columns. One is the base zone. And one is for the open subzone. So that's the -- O. So that O is allowing the additional uses in the same physical form. And so this is that table for all of the uses that are allowed in t4 neighborhood. Channel setback. So if one scans down this, you can see in the differing neighborhood, a bed and breakfast requires land use commission finding that that was an

appropriate use. But in the open zone, it's a permitted use. And I think one of the things to note on this table is was our last attempt at seeing what the co is saying, what are the neighborhood plans saying, what are kind of some of the best practices that we're seeing around the country. But any of these items are listed as permitted, minor use permit, or conditional use permit. These are things that we can work with council, with the land use commission, and the residents on tweaking, recalibrating. Maybe we're not okay with bars that close being in the cup in this open zone, listed currently as a C.U.P. Those are things that we can talk with you all as a group. What are these in terms of the calibration. So, again, on these charts, where it says P, this is permitted. This is an item where an applicant has the ability to have that use. There are some specific standards, so if one goes down these halls, again, dwelling in it, has some additional standards that one has to follow.

[9:32:04 AM]

So a concern was brought up by mayor pro tem tovo about outdoor entertainment. That is one of those items where we could add specific use standards that deal directly with outdoor entertainment. So if there are things that are consistently coming up, things that you all -- the land commission and city council are consistently asking applicants to review and/or do, those are things that can be codified and put into specific use standards. Again, because lessons are learned over time as you all make decisions, as land use makes decisions, where perhaps not every time does it come back to city council when a future applicant asks for it. It's something that can be put into the code that says you can't be within a certain distance of a school. You can only run so many times a night. Those kinds of things can be codified and put in. And, again, the idea here, as council member pool was saying, those things that we can codify and make it so that they don't always have to rise up to city council. These are decisions that can be made and we can put into the code. So here we have the kind of the next level up in terms of review as a minor use for it. These are director level decisions. These would want to be, again, based on previous findings, so we want to set these up so there are specific findings that the director has to make or find in order to approve the use. But these would be administrative. There is a process for appealing a decision.

>> So I have a question about that, if I could. What would the criteria be for approving a minor use permit. The one that shows up on this slide is for senior retirement housing, fewer than 12 residents. How would the director then -- the staff director make a decision on whether to allow more than 12 residents?

[9:34:10 AM]

>> Sorry, so the reading there is for a senior retirement housing with less than or equal to 12 residents requires a land use permit.

>> Right. So what's the criteria that would be used in order for the decision to approve it to be made?

>> Some of the criteria would be in the specific use standards. Oftentimes, just other things that have to be reviewed. I'm going to be honest with you. That one in particular, I don't know the specific findings that would be needed. But again, that's one of the things, understanding what those findings would be.

>> Pool: Okay, good. So we can highlight that as an area to dig into a little deeper.

>> Correct.

>> Pool: And you all will be doing that as well.

>> Correct.

>> Pool: And the same question would be for the conditional use permit. What would the criteria be and how black and white are they going to be.

>> Correct.

>> Pool: Thanks.

>> Mr. Mayor?

>> Mayor Adler: Go ahead.

>> Kitchen: I'm also interested in the senior retirement center M.U.P. I actually think it's important to encourage retirement housing in neighborhoods, because that's a way to help support intergenerational living. So I'm happy with it being a -- so I would go with a "P" or an M.U.P. And I'll be interested in looking at the criteria. But I'm also looking at that in relationship to the group homes. For group homes less than seven, we have P because that's permitted right now. So with regard to senior retirement housing, is that not permitted right now? Why does it say M.U.P. -- Is that the current situation for senior housing that there has to be some kind of permit for it? I'm talking about the less than 12-resident senior housing.

>> Council member, I'd actually have to look.

[9:36:11 AM]

We have so few of these facilities in Austin, and the requirements are such that we've had more interest in providing a regular apartment building and having those folks actually move into an apartment and looking for particular services than we've had for this category of use being introduced. It's been our

code for quite a while. I think we'll probably only have a handful of facilities throughout Austin. And I think right now, some are permitted and some are by conditional use, and I'd have to go back and look and we can follow up and get you that information.

>> Kitchen: Okay. All right. Well, that -- you know, obviously, we should have further discussion, but I actually am thinking there may be more concerns about group homes than senior retirement housing, and we've got group homes at a "P" as opposed to senior housing. So we could have more discussion about it, but just stating my concern that whatever we end up doing in terms of approval process, M, M.U.P., C.U.P., whatever, for senior housing, this is an area that we need to be very careful about because it's something we really want to encourage. You know, as long as we're looking at impact on neighborhoods. But it's very, very important to have that intergenerational housing in the neighborhoods.

>> Pool: Let me just speak to that, because the only reason I mentioned the 12 or more in the senior housing is because it was on the slide, and it wasn't that piece that I was actually focusing on. I was mainly just talking about if we are going to allow administrative approvals for whatever it is under the minorities permit, I would want to know in advance what are the criterion that our staff will be using to make that decision. Had nothing to do with that particular category, except for it's a minor use permit allowed. I do know, though, to speak to the permitted on the group homes, we are constrained by significant federal laws on what we can and can't do with them, and including allowing them.

[9:38:23 AM]

I think the only things we can do are like health and safety once they've been established and you can show that there's violations. These are halfway houses, for example, and that sort of thing, which may be -- and I don't know, but that may be why the most permissive is on there, because that's what we have to do by federal law.

>> Kitchen: Can I have a follow-up? So this M.U.P. For senior retirement housing is for less than 12, so what is the -- what's the situation if it's, like, 12 to 15? If it's more than 12?

>> So in this case, more than 12 would not be allowed in the zone.

>> Kitchen: Okay.

>> If one -- the t4 main street zone use table. It actually lists -- it says permitted for less -- sorry. It allows both -- it allows senior retirement households that are greater than 12 or less than 12. So I think by zone, we are regulating how big of a senior retirement building.

>> Kitchen: Yeah, it has to be less than 12.

>> In the neighborhood zone. In some of the main street Zones, we allow greater than 12.

>> Kitchen: Gotcha. Okay. Well, I've just flagged this as something for further discussions.

>> Mayor Adler: Okay. Let's keep going with the report. Thank you.

>> Houston: Mayor, I'm sorry, I had a question. In our codes and regulation, we now talk about boarding homes less than seven and more than seven, and so if there are more than seven people living in a home, then we do register and inspect those. So could someone speak to me just briefly about compatibility standards do not apply to multi-family living units, and so a group home would be one of those, except it's in a single family zone. But cooperative housing would probably not be -- would that be a single family zone?

[9:40:29 AM]

And what about senior retirement, would that be zoned single family? I'm trying to get at how some of the compatibility standards don't relate to the kinds of homes that we're talking about, like the home I mentioned on 12th street, because it's eight units and it doesn't trigger compatibility standards. So will these contribute compatibility standards, and will they not --

>> So on one of the items we had a chance to talk last week about was we are -- we expect to show in the next draft that the t4 enabled Zones would be a trigger for compatibility, so the compatibilities that are in the Zones that we have today, so in this case, in this use table, any of these uses -- or this zone, not necessarily the use, but this zone would trigger compatibility. To directly answer your question, then, in this case, cooperative housing would trigger compatibility and would have some of the benefits of compatibility if a commercial use was built next to it, so t4 main street Zones next to it. This zone would trigger compatibility on that, on the building adjacent to it.

>> Houston: So that's very confusing. Maybe you'll tell me after this is over.

>> Sorry. So one of the things we mentioned last week is that currently, the way that the code is written is that the -- sorry, the Zones, and t3 neighborhood Zones would trigger compatibility. So the built-in compatibility. One of the things we expect in the next draft, the t4 neighborhood Zones would also trigger compatibility. As such, the zoning district that we're showing on the screen right now is a t4 neighborhood zone, so this zone would trigger compatibility on adjacent properties. So if a cooperative housing project was built to the standards of this zone and adjacent to it was a t5 main street or an sc zone, any of the other Zones that have compatibility built into them, this property would trigger compatibility on the neighborhood, so there would be additional setbacks, the heights would be reduced on the adjacent parcel.

[9:42:53 AM]

So it would offer to any uses in this zone some of those benefits of compatibility.

>> Mayor?

>> Mayor Adler: Yes.

>> I have a quick question about that and then about something else. So compatibility will be extended to t4 in the next draft.

>> T4 neighborhood.

>> But will there still be -- will there still be two different sets of compatibility standards according to whether or not you're in a transect or a non-transect zone, or is that something that you're revising as well?

>> So I think we're working towards bringing those closer in alignment. So, for instance, currently in the non-transect Zones, a parcel across an alley triggers. That is one of the items that we have heard pretty clearly. Also, we would like to have things across an alley trigger compatibility as well. As we talked last week, one of the items that we're looking to is across streets of a certain width, whether or not they would trigger as well. So those are all things we're going to consider and we'd like to bring both the transect and the non-transect Zones closer in line in terms of when things trigger.

>> Mayor pro tem, I know that we're also discussing those areas within an nccd, and developing a tract right next door to nccd, and the draft code would be amended to reflect that there would be protection offered for those properties that are in an nccd or in an old conditional overlay area that's not changing, if the development is occurring in a new zone that's next to our T zone, for instance, there is still protection offered to those other properties that are under the older -- the old 25 designation.

>> Right. And I think I asked that question, and I'm thinking I may have already had an answer to that about what happens if you've got mixed, if you've got an lmdr, and a t3, which compatibility applies, but if you bring them closer together, that's also a value.

[9:44:55 AM]

So I'm wondering if my list of permitted and conditional uses currently. Has there been any chart done showing the evolution? Like, which are -- what would be the best page in codenext for me to look at if I wanted to line up and see what is currently a conditional use that might be becoming imbedded within a zone, or what is currently a prohibited use that is becoming conditional? Like, is there any document that tracks -- I can't stand the word crosswalks, but is there any document that compares those two uses, so I can get a clear list and my constituents can do of how are the uses proposed to change?

>> So, on the codenext website, or at least as of last week, I know there's been a couple of tweaks to the codenext website in past weeks, so I will work with -- I know exactly where the link is, but there was a link to a master land use table that showed each zone district and the uses allowed in that zone district. So whether it was permitted or used as a permit. That would at least allow you to understand what's allowed across the zone districts that are being proposed. I don't believe that that included the use table for existing title 25. That's one thing we can look into.

>> Tovo: And is that the one that folds out?

>> There are several that fold out.

>> Tovo: Okay. I'll take a look and see if I can find that. So the couple changes that I've heard people comment on, I mean, I've heard comments on this area generally, but the couple things I wanted to ask about first are alcohol sales within a certain distance from schools, religious facilities. Is it accurate that that is not a provision that has carried over, and if that's not a provision that's carried over, do you intend to address that in the revision?

[9:47:00 AM]

And then I would have the same question about adult-oriented businesses and discounts actually extended, the prohibition on adult-oriented businesses within a certain distance, a library or a museum that has youth programs.

>> So the regulations generally speak to the proximity of establishment cells, alcohol for on premise or off premises consumption. I think even a daycare class. Those are actually in a separate section of the city code, not found in the land development code. And so those would remain.

>> Tovo: So the distance provisions would remain?

>> The distance provisions would remain. Then you go through a separate approval process that sometimes council actually considers. When there's a request for an alcoholic beverage permit, they say in close to proximity to a school. They'll usually send a letter saying they're in favor or objection. The adult oriented business sections would be found in codenext, and those in the past did call out separations of a thousand feet from I think public school or parks where you had a neighborhood where 50% of the zoning was residential. It was very restrictive, and I don't believe that our codenext team actually changed those setback conditions. Those will probably carry forward. There is no reason to change those anymore.

>> Tovo: Okay. So it's -- so those provisions should be identical to what are currently in the code?

>> That's what I understand, yes.

>> Tovo: And so how about short-term rentals? Just glancing at the example that you have in front of us, I'm seeing short-term rentals as a permitted use within t4 neighborhood short setback.

[9:49:14 AM]

So is this one of those examples where the short-term rental -- I know there were corrections you were making to short-term rentals throughout codenext. Is this an example, since you have mapped t4 neighborhood in residential areas, which I hope at least some of them will be adjusted in the revision. But were they to remain, the short-term rental, this would be in conflict with our short-term rental. Can you help us understand, what is the intention, I guess, and the revised draft with regard to short-term rentals, where they're permitted. Will it follow along with the council's changes in that area, that they are -- that commercial short-term rentals are being phased out and that short-term rental use as it is defined under short-term rental one will be allowed to continue?

>> There is not the intent by codenext to change the recent ordinance council approved regarding short-term rentals. I know that there was the date for termination of those certain types of commercial short-term rentals was not reflected in the code and it's being updated with a draft to remedy that. So whatever was approved in the last version of the short-term rental ordinance should be carried forward, and if it's not matching, would be presented that way in codenext.

>> Tovo: So just on the example that we have here, t4nss, I see short-term rental is a permitted use. So what does that mean? Does that mean that t4ns is a commercial category, regarded as a commercial category, or is that an error? Help me understand the situation that would allow short-term rentals within ss, or is the short-term rental in this context defined as short-term rental ones?

>> I'd have to go back and look at the actual text under 6310 to determine.

[9:51:21 AM]

I think that's speaking generally about short-term rentals and you have to look at a more specific section about the details of what type would be allowed.

>> Tovo: Where would I find that in my code book?

>> Looks like it's 234e, 6310. It looks like John's turning to it right now.

>> Tovo: I'm sorry, 234e, what?

>> 6310. I believe that section will reference the type ones, type twos, and type threes. And I think John's turning to it right now.

>> I mean, there are a couple of items that we could do in the use table. We could go ahead and list short-term rentals type one, type two, type three, and be explicit about which types are allowed in each zone. So we could in this instance -- just quickly reading short-term rental one, I do believe that our intent both in the non-transect Zones and the transect Zones with short-term rentals are indicative of type one.

>> Tovo: Okay. And one last question I have for the moment is we've heard a lot of concerns about the extension of alcohol, of bars into areas. Can you help us understand what are the changes that codenext is proposing with regard to uses, related to -- related to alcohol sales?

>> So in terms of the alcohol sales, I know we have heard some concerns about -- for instance, the t4 main street. Let me just turn to the page real quick here. The bars and nightclubs were land use permit, but restaurants were conditional use permit, and so we think there's likely a -- we can make it more consistent with either both our minor use perms or both our conditional use permits.

[9:53:35 AM]

Just because oftentimes, the difference between them, they're more similar in different cases.

>> Tovo: And so -- sorry. I have sunglasses on. I'll take them off. If they are minor use permits, as currently proposed, they would be a land use decision. Would they also be appealable to council in the codenext provisions? Okay. So that distinction between whether it's a conditional use or a minor use makes a difference in terms of people's ability to participate in those hearings?

>> So a minor use permit is also available.

>> Yes, I think -- right now, I think there's actually annotation because we have not settled that that was going to go before the board of adjustment, or if it was going to go to the planning commission. I think there's a paragraph that's still a discussion that's going on regarding a specific appeal to -- just to answer that question --

>> Tovo: So there might be an appeal. Would it be appealable -- I mean, if it goes to the board of adjustment, those are not appealable to council. But if it goes to the planning commission, it would be appealable to council.

>> Actually, I think it would actually stop at commission, like some environmental variances I don't believe get to council either. They stop with the commission.

>> Tovo: Okay. So that would be -- so it would be appealable, but not with an appeal up to the elected officials.

>> I will note that under the t4 main street, we've noted that there is an error on here. There's references to restaurants with alcohol sales being conditional use permit, but if you were a bar, level 1, that they were allowed with an M.U.P., and so we've noted that that is something that needs to be changed in the upcoming draft.

[9:55:38 AM]

It would be more difficult to get a restaurant that served alcohol than to have a bar, and so obviously there is an error there, and so we acknowledge that and we'll be working on that change. Where some of the concern has been coming, because people are saying in here, look, I can make a bar and I can make a restaurant.

>> Tovo: I think as currently proposed, they could make a bar more easily than they currently could. And I think that's really the substance of the concern that I'm hearing. Not the inconsistency with the restaurant so much, but the concern about bars and the way they've changed different neighborhood -- you know, what had been more neighborhood oriented businesses, now those are becoming -- you know, if you're looking at some of the areas in council member Renteria's district, the proliferation of bars has really changed those characters. So I think people want to continue to have a voice in establishments, where they're located, what their hours would be. So I would encourage you as you consider that, that's really creating a lot of angst. That may be unnecessary. And that it would be better to have a process that involves the public in a public hearing with an appeal to -- I would strongly suggest that it be an appeal to council.

>> Mayor Adler: Okay. Council member alter and then council member pool.

>> Alter: Thank you. I have some questions, but before I do that, could you just repeat the error so that people hear what the error was that you mentioned?

>> The t4 main street, and it spoke to having an M.U.P., a minor use permit as basically being required for a bar, but if I was opening a restaurant that served alcohol, it triggered a conditional use permit, which requires a hearing before the land use commission, whether it's zoning and planning or planning commission, and the M.U.P. For a bar should be an M.U.P., it probably shouldn't end up being a C.U.P. For that.

[9:57:53 AM]

>> Alter: Thank you. So I wanted to take a moment to step back to the larger view and just comparing what we talked about last week to today. Again, we're hearing that part of what's going to happen as we move into version 2 is an opportunity to calibrate things, so we have a first draft, and now we're going to decide on different things, like we want to have more control over here. We like this use, we don't like that use. But the way the consultants are viewing this is that there are still decisions that can be made in changing things, but that you're trying to point out the particular levers that we can move and that we can change to do that; is that correct?

>> Correct.

>> Alter: Okay. I think that the larger process is sometimes challenging for people who are not planners to understand, so I just wanted to kind of keep laying it out, at least, that that is the understanding of how we're approaching it. It doesn't mean that what we have right now is set in stone. But the way that we can approach it and to think about it is how do we move some of these levers and which of the levers that we want to -- that doesn't preclude us from doing something more drastic, but that's the way that the consultants are approaching it.

>> And staff will be bringing forward a recommendation to the land use commissions of the council. So there will be changes. Obviously, staff will move, even after staff makes a recommendation, the land use commissions will make recommendations as well to the city council, because they may not necessarily agree with everything that staff is proposing, and then council may not agree with what's necessary with the commission is recommending either, even when we get to city council at first reading and second reading, council may give direction to change or tweak certain aspects of the code. So there are points of change, and council has the final word. So all through this process, you can be following what the staff recommendation is you can be following what the commission's recommendations are.

[10:00:00 AM]

Until you actually get on your plate. And you'll be making that decision. So right now staff is talking input and we will -- all the way through the council process, but we are looking at the 3,000 some odd comments that have come in from different stakeholders and individuals and starting that process, looking at the position papers that have been submitted already and that's going to help formulate what the staff recommendation is.

>> Alter: Thank you. I want to reiterate the suggestion I made a couple weeks ago, that we add an additional draft into the process so that when it goes to commission they review it, they submit their comments, then when it comes back it doesn't go directly to council, it goes to commission one more time so they can make sure that their comments have been accurately captured in the draft and that we understand very clearly why something has or hasn't been adopted by the staff from what those commissions have suggested.

>> Mayor Adler: In fact today, when we're done having this conversation, we're going to come back to two things to touch base on. One is the concept of additional drafts at the end, because I think there have been some further discussions on that, and let's talk about that briefly, as well as when we come back I want to touch briefly on the issue of mapping or addressing corridor centers and nodes that are not in the central area, which doesn't seem to be appearing on the maps and how we're going to deal with those. But let's hold those conversations until we're done doing this, and I think for me, Marc you made just a really strong point and I think it's the point that we surfaced again last week, when we were talking about the impervious cover or cover or massing associated with buildings, structures, under the code. I think you've said it very -- exactly right.

[10:02:04 AM]

We have dials that we can turn. We can go up, we can go down it I think we have a structure within which to work and we're now trying to determine and will be over the next eight months, is there a place where we can turn those knobs and those dials to calibrate the system so that it works. I'm real appreciative and I'm now getting more and more people in the community that I think are understanding that so I'm getting more and more comments now that speak to how the knobs should be turned, which is, quite frankly, the most constructive input I think any of us could be getting at this point, the consultants in addition, because there are lots of different ways to turn those knobs and that is going to be really helpful because it is a question of calibrating a lot of these. When someone comes into my office and says they're putting a bar next to my house, there's a conversation that says, well, are they really? What is -- does the O mean? Does it mean someone gets to put a bar next to your house? Is there discussion? What kind of review? Because it reviews a conditional use permit. Who reviews that? Who participates in those discussions? All of those things are calibrations and knobs we can turn and I'll be real interested to seeing the conversation that occurs now, the conversation that's going to occur in the community, the conversation on those calibrations that will happen at each stage of the process. Deciding that calibration issue. I just wanted to say to what you're saying, the comment I'm getting now that speak to how best to calibrate with the ones that are most helpful to me right now.

>> Alter: And I want to point out, though, on that calibration, when we talk about these administrative procedures, just because my understanding is just because there's not a review under some current procedure doesn't mean we can't make up a procedure that has some kind of review by council under certain conditions.

[10:04:05 AM]

And we now have a 10-1 council. There may be, you know, different opportunities to do that, and we want to explore how to do that but we can have appeals to council under certain cases where you don't have to do a full rezoning but it's just the permitted use that's getting discussed at the council level because there are things that go on with full rezoning maybe we don't want but maybe we want to be able to discuss that use. I wanted to focus attention on something that has been a big concern in my district which has a lot of office and medical and a lot of areas that of that neighborhood office district, which as I understand it excludes medical office in some instances and that there are these distinctions between medical office and professional offices that are there for good reason with respect to the different impacts that those uses have on a community. One of the things that's being raised is that that distinction that is in the current code between the medical and the professional offices no longer seems to be very clear, and this is causing much consternation among folks, particularly when that is combined with certain suggestions on how we should handle parking. Because these uses have very different impacts in the community. So can you speak to how the proposed code is handling that distinction and - or it seems it's collapsing that, and I'm trying to understand that.

>> Councilmember, I'm going to have get back to you on that one, in particular in terms of medical office versus -- it lists in the code -- it usually says office general, non-medical.

[10:06:08 AM]

I just want to make sure I get the answer right.

>> Alter: That's fine.

>> I'll check in with wise's office and then with staff.

>> There's two parts of it, how are you handling that in zoning and where did this distinction that we have disappear to and what are we doing with respect to parking for some of these office spaces. There seem to be certain categories where you can have a commercial enterprise and have no place to park, not even for the doctor, and that is very worrisome for the neighborhoods that are right along some of these corridors because they're already getting a lot of parking in their neighborhoods. And then, you know, there's certain uses, like medical, where you don't often take the bus. You have a lot of old people who are going, they're not taking the bus to get there, and there's a lot of concern over some of the unintended consequences of some of these decisions that I would like to see play out. I want to reiterate also some of the mentions about the bars and the concerns that that is causing. And the need for administrative appeal. I want to give you another example. If I'm understanding correctly, I have an entire block east of Ramsey park, which is in central Austin, that has a cross -- has a medical use right now that was zoned t4ms-o. That means that entire block that fronts the park could be converted with a minor use permit to bars and restaurants with outdoor seating right in the middle of a neighborhood. And I think that that is rather worrisome to the community because there's an entire block there that -

- right off to the park where there are lots of kids, and that is designated in some sense as a corridor but it has traditionally been a medical corridor.

[10:08:10 AM]

That's why it's called medical parkway. But some of that -- those additional uses beyond what we already have, the draft house, would be of great concern to the neighborhoods. So I want to just point out there are a lot of examples like this that are coming up where people -- you know, these kind of changes shot a neighborhood that lacks for access to bars and restaurants but it doesn't want them everywhere, and understand that. There may be other neighborhoods that don't have access to that kind of use that want that, but making it happen everywhere in an area that already has it, we do not need medical parkway to become sixth street, which it could very easily do or Rainey street or whatnot right smack in the dab there in the middle of those neighborhoods.

>> And, councilmember, I think you said it was a t4 main street open, and that is -- that's what I just had the discussion with mayor pro tem about. That specifically the section we know is an error and that's what I clarified so that does need a change.

>> Alter: Thank you.

>> And it did speak to having a bar and nightclub in error, as far as mum versus cup but that specified no outdoor seating and no late hours. Regardless, we'll be taking a look at this section.

>> Okay.

>> Mayor Adler: Okay.

>> Alter: Thank you.

>> Mayor Adler: We can on to another councilmember. Let's go to Ms. Pool and then Ms. Kitchen and then Ms. Houston.

>> Pool: One last question, at least for me, as far as the bars and the restaurants serving alcohol. We currently have distance restrictions that constrain where the alcohol sales can occur, and I'm going to assume that those haven't changed.

>> That's correct, councilmember. The restrictions that require distance, like, 300 feet from a church, public school, public hospital, those remain.

[10:10:12 AM]

They're not part of codenext. Actually they're a separate part of the code.

>> Pool: Even though -- I'm glad we're going to adjust the uses on the mup and cup relating to bars especially not being in the middle of neighborhoods. I think that's really important message to get out to the community but I also think in that conversation we should talk about existing constraints that tend to limit them anyway and that those would be carried over as well.

>> Right. Yeah, there's not a change as proposed to those cling bench regulations that exist in the city code, the municipal code outside of the land development code.

>> Pool: Will therefore be some kind of crosswalk so where this piece is in the new code it will connect up to the constraints that are in place in other parts of the code?

>> We can actually probably talking with our law department about that. It's not changing those sections obviously. You're just asking for a reference. We'll take a look at that.

>> Pool: Ongoing.

>> It's kind of like -- I've had a lot of discussion and people keep asking me up to this Saturday about the restricted parking program. And the restricted parking program is not in the land development code. It's handled separately by the Austin transportation department. And we're not changing that. But that's -- because we talk about parking in the land development code, I keep getting asked questions about the restricted parking program going away or beingalitered and that's not part of codenext so there might need to be additional reference to that.

>> Pool: That may be good just for the well-being of the community understanding it. Thanks.

>> Tovo: S in the q&a so once you answer it maybe that will help. But, yeah, thanks. I'm trying to get -- I continue to get questions about it.

>> Mayor Adler: Okay, yes, empties kitchen.

>> Kitchen: This is a bit of a follow-up to the discussion we had, and I just want to make sure I'm understanding. I'm trying to think about home-based business uses that are allowed.

[10:12:13 AM]

So it looks like there's two categories that may come under the business and financial professional services and personal services. I'm just trying to understand where I can see a list of the types of home-based business uses that are allowed. In t3, as well as t4. So and then just to understand if these are by right or if there's approval process. I guess for the business and financial professional services, the cup

would go through the conditional use permit process. Personal services are allowed as a P. But are these the two categories I should be looking at for home-based services? Or is there something else?

>> So, councilmember, we do have a category that exists today and that would be carried forward called home occupations.

>> Kitchen: Okay.

>> It's found in section 23-4e-6180. These won't be allowed as an accessory to a dwelling. So if you had someone who is working from their homes that allowed with similar restrictions that we have today. There are certain limitations, certainly, on what you can do as a home-based business. For instance, it actually prohibits the sale directly to a customer on the premises, but it's more for probably service, an accountant that might be working from home, a software engineer that might be working from home. It does allow for a limited number of trips. It might be a delivery, but that's found actually in the home occupation ordinance. That's not to preclude someone who happens to be in a district that allows for an office use as well, and then they could actually use that office. Each designation is permitting that district rather than the home occupation.

>> Kitchen: How does that carry through in the transect Zones?

[10:14:15 AM]

Does it carry over exactly as it is, or is it translated that home occupation section -- oops.

>> Minor --

>> Kitchen: You okay? Oops. Oh, no.

>> Houston: It's going to be all right.

>> Oh, very good.

>> Codenext maybe delayed a little bit.

[ Laughter ]

>> I was eager to answer that question.

>> Mayor Adler: That is my first thought. Is there a backup?

[ Laughter ]

>> [Off mic]

[ Laughter ]

>> Kitchen: Want me to repeat that?

>> No, no. So home occupations in the transect Zones are carried forward similar to the non-transect Zones.

>> Kitchen: Okay.

>> Of all the things in the home occupation rules, one of the major things is in a home occupation can only have one outside employee, so one employee who doesn't actually live in the house, versus in the transect Zones if one wanted to have more employees, they would have to be in one of the Zones -- they would have to apply for a use permit for an office use, which is only allowed in the open zone. And so we still allow home occupation in the way you have to today but if your business grows and you want to run it still out of your house you would have to be in the open zone to be able to do that.

>> Is there any difference then you said it's carried through in a similar way. Is there any difference in terms of what's allowed or is it just a wholesale taking what's current, inputting it in the transect Zones.

>> The transect Zones reference the specific specific to use standards and those specific to use standards are the same for transect Zones and non-transect Zones. I wasn't clear in my answer in terms of when I meant similar I meant more in terms of of what are the other uses in the zone. If one was switching from home occupation to an office use, that is different than an Im-dr, because in Im-dr you can not currently do that, sf-3 or Im-dr you would have to change districts.

[10:16:27 AM]

Many houses that are professional office they've actually changed from sf-3 to cs zoning and some neighborhood plans said we actually still want them to look like a house. We are simply offering in the code now the option of saying, yes, it will remain to look like a house but there are additional uses that can --

>> Kitchen: That's reflected in what you've given us here and that would be reflected in like the businesses professional services category or personal services category or one of these other categories?

>> Correct.

>> Kitchen: Okay.

>> Mayor Adler: Ms. Houston?

>> Houston: Thank you. In the past I think I heard us talking about the ability to create character districts, and so how do you do that across all these transect Zones? How do you have some kind of community character for a particular district?

>> Sure. So the way that we were incorporating the community characterization both the community character efforts that we did with -- as part of the early stages of the project and in the neighborhood plan process, the more recent neighborhood plan processes have been working to define character areas as well. We're using that in terms of, again, the t3 Zones and t4 Zones, where, again, we want these to be house-scale buildings, each of the Zones define whether those houses are closer to the sidewalk or further back. Again, that's more closely references what exists on the ground today and then also to allow you to do domes like Miller where a lot of those buildings are actually closer than 25 feet, closer than what you have today with sf-3, to match existing conditions and also for future growth to have different character.

>> Houston: Okay. Then one last he question. We've gotten a lot of information from the league of women voters, Susan Moffett, who represents the joint task force for aid, the county, and the city. How do y'all incorporate those kinds of -- I mean, because folks have spent a lot of time and very precise about what the issues are.

[10:18:36 AM]

They're very -- especially the schools, about what the issues are around parking, you know, Campbell elementary is in my district it's upzoning from sf-4 to all these other T expertise one of those is hotel/motel uses. So how do you incorporate those so that the impact is not what it looks to be on the ground if -- when this code passes?

>> Sure. So these -- both the -- about 30 questions that Susan Moffett, comments and questions that she submitted, aid. Those position papers. All of those -- the questions and comments that can be pulled from those are being put into the larger matrix of comments that we received so that we can evaluate all of those.

>> Houston: And the same thing for the legal of women voters?

>> Correct.

>> Houston: Then there was some individual people that have done some exceptional work on a very difficult process, and so I just want to make sure that all of that is captured somewhere, that we're not just hearing from planners and urban designers and architects.

>> That's correct, councilmember. We're looking at -- there's well over 3,000 comments that have been provided and we're taking a look at all of the information that's been submitted, either by email or

through the civic comment tool. There have probably been actually some that have been submitted to the manager's office, to the mayor as I office, to your individual offices that you've passed on us to so we're looking at all that.

>> Houston: Okay. Thank you.

>> Troxclair: Did you get through all of the comments that you wanted to make on this last slide?

>> Those were all the slides for today.

>> Mayor Adler: Okay. Mr. Flannigan.

>> Flannigan: I want to understand better when I hear the phrase "In the middle of neighborhoods." When I see some of these areas that we're pointing at, they seem to be on the edge of the neighborhood, existing commercial uses.

[10:20:43 AM]

So how should I understand when we're saying we want to protect the middle of neighborhoods or we don't want stuff to go into the middle of neighborhoods, do we mean anywhere in the neighborhood? Because the area by Ramsey park, for example, is already commercial. And I understand the concern about bars, but that's not the middle of the neighborhood. That's the edge of the neighborhood. So if a layperson like most of must district, which do not have a lot of zoning experience, were to look at the area of this map I don't think they would consider this the middle of the neighborhood. Can you help me understand what you mean by that?

>> Well, first of all, as you pointed out that's already commercial and we're living with commercial and the question is where does that -- what can it change to? I think that, you know, for those of us who live in those neighborhoods, we have clearly defined boundaries and that, you know, for manufacture us medical parkway is in the middle of our neighborhood. It happens to be commercial, but, you know, Lamar and 45th are the edges of the neighborhood. When you talk about having the bars, you know, there are places where it's, you know, right next to the on a corridor. It's not on the edges. It's near the single family houses. I mean, I think if you were to introduce the bars along Ramsey park with the way that the noise travels and all of that, I mean, the neighborhood is right there. There's not a buffer. There's not a transition that happens in the way that it happens in perhaps other parts of town or the way that we envision the corridors evolving over time. I think part of this is that there's a translation issue that's happening and people are trying to understand how it is, when it's in -- in their neighborhood as opposed to on the edges.

[10:22:46 AM]

But there will be places even on the edges where it's not going to be as appropriate. I mean, if you move down 45th from burnet, further, those are all houses over there. There's no commercial uses and, you know, trying to put in a whole lot of other uses along there, given the width of the street would feel like it was right in the middle of the neighborhood. So, yes, you know, implied in your question is there's a certain subjectivity to that, but, you know, people define their neighborhoods as they define them, and they don't always match how the city defines them.

>> Flannigan: I think that's the most perfect way to end that statement you could have possibly put together. I just -- I don't want the community to think that we're literally trying to zone a house that's surround by houses in a thousand feet in all directions or 2,000 feet in all directions which I think is what you would traditionally call middle of the neighborhood. These are legitimate uses and we're having a conversation about their future. This is a great debate to have. Maybe it's not a debate. Maybe we're all on the same page about the sound traveling and outdoor seating and those kind of things. I don't want the community to think that every conversation we have about a T zone or open designation is literally going to be their neighbor and my hesitation and fear is that's what people are going to think. So how we do edges of neighborhoods is the substantive debate of codenext, I think, and how we treat those areas and where there's already commercial, what are the future of those commercial areas. I think that's the right debate. I just don't want people to think this is a blanket rezoning and the middle of neighborhoods means Rainey street and as you tonians on 43rd, that's not what we're talking about.

>> Alter: I think some context is helpful in this process. When the map was first released there was a lot more that was possible in terms of these uses.

[10:24:48 AM]

It was quickly changed in the map but not everyone has got adjusted to those changes and to it -- you know, the process smears how we roll this out matters for how people are concerned. You still do have a lot of places that are open in terms of that category, which does allow for these uses to be add and people are concerned. They may be perfectly comfortable with a commercial use that is there. You know, I've got a half a block from me an autism center. I'm perfectly fine with the autism center but it has enough parking it could be made into a bar and it is literally in the middle of all the single-family homes and we're perfectly fine with the commercial use that's there or something similar, but if you change that in certain directions, the impacts on the neighborhoods are much larger and people are concerned about how that plays out. When you have that in the transects and you look at the map as a layperson and you look at the map and you go to the meetings it looks like it's all, you know, one thing. But then if you actually go into the little map, every little parcel is a different thing and people are trying to understand what it means. And people are also trying to understand what these administrative procedures mean and main that's, you know, the things that we need to be calibrating. There may be

circumstances when it makes sense and it's welcomed by a neighborhood and we want to do it and we may want to maintain that flexibility. But for other circumstances, we may need to calibrate it in different ways.

>> Mayor Adler: Okay. We're nearing 10:30. Ms. Houston?

>> Houston: I've got a segue because I think we have to look at them neighborhoods by neighborhoods because I just mentioned Campbell elementary school on Rogers avenue.

[10:26:50 AM]

The southern edge that have is martin Luther king boulevard, northern edge is manor road. But all of the areas -- and in the middle of a neighborhood bounded by commercial -- whatever we're calling those now, commercial zoned property. But across the street it's only single-family homes, and so the impact on that neighborhood elementary school where people walk to school, if we reduce the parking requirements and we have it at a t4-ms, which permits a hotel-motel use is inappropriate for that area. But now the neighbors are having to sort that out, and it's very complicated to them because it's complicated for us. But that's what the middle of a neighborhood looks like. It's not the opportunity to have -- we've got a motel on manor road. It's been there forever. You know, we know that motel. But to have an opportunity for a motel to be across the street from an elementary school is inconsistent with a lot of things in the middle of a neighborhood.

>> Flannigan: And I'm clearly not advocating for that. I'm just saying that there's a lot of confusion in the community. I think it's important that we work with the community and we're not inciting extra fear that's unnecessary. We're all concerned about these issues and we're going to work them out, but we're also not in any way saying that we want to have Rainey street in the middle of the neighborhoods. When I say middle of the neighborhoods, I mean not where you can see Lamar. So we're all on the same page, but I just -- I know that the community hears the things that we say differently than sometimes we mean them. And middle of neighborhood is different than medical parkway. It may feel like the middle of a neighborhood, but it is a commercial corridor and it has been for a long time.

>> Alter: I'm going to have a different opinion on that but --

[10:28:52 AM]

>> Mayor Adler: Okay.

[ Laughter ] Let's do our concluding comments here. Mr. Casar and then mayor pro tem.

>> Casar: And I'm no expert on this but I think from what I've heard there's some important historical context here where middle of neighborhood -- having some commercial uses closer to neighborhoods and single family houses was more of a -- part of the plan in the early build out of the city when people had not such easy access to an automobile and when you think about the older neighborhoods it was much more often you had places you had to be able to walk to to pick stuff up because you couldn't just drive six or eight or 10 miles to the nearest thing or even a couple of miles. And so -- and, obviously, as we developed in the more automobile era it was easier to build very large subdivisions that you could drive a couple corridors away to whatever it was you needed or all the way downtown. Now we are getting -- I think the thing that's obvious is we are getting to a point of that's no longer so easy to be able to drive so far all the time, given the growth of the city and how many people all want to be able to do that, so I look forward to working on this issue to figure out how it is that we get to -- you know, now that it's not so easy to drive as it was then, but you still have access to a car, unlike a lot of people did at the very beginning of the planning of the city, how it is that we deal with our new situation where people may not be as used to having some of these commercial uses nearby them. We have to figure out which ones are appropriate and how we can get to having use that's people want -- that they want to be able to walk to because I -- you know, talking to folks, folks would really like the option of not having to drive so far to get to everything, but having your cake and eating it too on that front is really challenging because that means there has to be some of those uses niche -- nearby if you want to walk to them given we have planned out our city as a driveable one and it's becoming less and less of a driveable one.

[10:31:04 AM]

I think that's the struggle that we're obviously confronting and I just sort of want to frame it in some of that historical context where we're trying to undo or reengineer some of those decisions as our city continues to evolve.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I think councilmember Houston may have mentioned the word "Context" and I just think context is really critical as we move forward in codenext because the street that borders Ramsey park is a very different kind of street since Ramsey park I think is surrounded on three different side by residences than a corridor somewhere else. It is not a corridor. It's a neighborhood street that somehow got rezoned for commercial use. So I think that this is a very -- this is going to be a very interesting conversation but the right solution for that street may be different than a street in a different area. Not every park is the same size. It is really -- I just think context matters a great deal and that we need to be very sensitive to it as we move forward with codenext. Then on a completely different subject, so I'm still trying to kind of compare my two list of uses, and what I think I'm seeing is that the uses in our zoning use summary table in our current land use development code is not an exact match with the uses in codenext. So there are some uses. It alongs to me -- it looks to me that are no longer defined in

codenext or they're defined differently. I was looking, for example, for home occupation -- no, I was looking for personal services. As of this point I'm not seeing something called personal services but I may be looking in the wrong spot.

>> Sure. Councilmember --

>> Tovo: Is that correct that the use names have changed or there's not a one to one match.

>> The excel table that we will find the link to and send out to everyone lists the land uses in title 25 and then lists the land uses in title 23. So sometimes land uses from title 25, 2 or 3, may have been combined to one land use so you will not see a direct one to one.

[10:33:08 AM]

But that table will help you understand what happened to --

>> Tovo: Great. That's exactly the table I need. Thank you so much.

>> Mayor Adler: Yes, Ms. Pool.

>> Pool: And I of course I have similar situations in district 7 that councilmember alter has in ten and I have a particular area that I want to take up offline with our staff where the current zoning was changed and then it was changed again to an open zoning that allows on a short street near a creek and in a flood zone entirely commercial uses where most of that street is in fact residential. So I think the correction that was made to the mistake that was on there calibrated it a little bit too much this way and it needs to be dialed back additionally. So I will work with you all directly on that one. But I do -- I do have to say, I hate that we have to go parcel by parcel by parcel. I still wish -- and I voiced this a couple/3 times in our past work sessions -- I wish there were a way we could get beyond that. Some of it is the one to one translations within the single family areas with a dialing down of uses. We need to go and look at the uses and we've explored that a lot here today. And then I will again say I strongly recommend that we focus on the corridors and figuring out the corridors. We've got tons of works to -- work to do on those and those lead into the transition areas where a lot of concern has been raised and we have to get that right.

>> Mayor Adler: Let's talk about that for just a second. I want to spend real short time here so we're daylighting this issue so the community can hear two things. First is let's pick back up on what the -- was raised in the conversation last week by councilmember alter and the mayor pro tem about possibly having another report.

[10:35:14 AM]

Can you talk to us about what your thinking is on that right now?

>> So, mayor, council, I have had the opportunity to sit down and talk with the consultants my staff last week about the possibility of introducing another draft. Right now as you're aware we have three drafts and the suggestion might be is having a discussion draft for the commission to look at that would come out, and we were talking about the end of August. And then let the commission actually look at that, public look at that, and then they could comment, commission could comment on that. And then come back and actually get a hearing draft for the commission. So it would be something that probably had more direction from -- and, John, you can correct me, but that would be coming back to them for action. That would take a little longer. They would have more time and probably go into November for the commission to act. These are the did he Laney's commission, we would not be able to come back to you in December for first reading but we could come back in January and I think the council would probably have more time to review what the commission did and actually you'd get an annotation that would probably be smaller because the commission has already given input, the zap and planning commission into that revised draft, that the hearing draft that the commission would act on. I still think we could come back to council in April but it gives more time for council to look at it before you consider first reading. It would give --

>> Mayor Adler: You say come back to the council. You mean still finalize the action in April?

>> Right, finalize the action in April but it would give council more time between the commission action and council action to look at the document.

[10:37:15 AM]

But it would also give the commission more time.

>> Mayor Adler: Okay. Ms. Kitchen.

>> Kitchen: Just for clarification, and councilmember alter may have more questions, but so do you mean that the hearing draft would have written into it the comments from the commissions? In other words, the commissions would review the discussion draft, make their comments? Those would be written into the hearing draft? Is that what you mean?

>> Yes. Basically that they would be providing input into that hearing draft, and it would be more reflective of what their intentions are. They would still -- could tweak it certainly when it gets to them for final vote, but by the time you get to council you would have a document that would I guess be more reflective of what commissions are asking council to approve with some minor changes perhaps.

>> So could the -- just a little more clarification. So if I'm, you know -- so planning commission or zap, if they voted to recommend a change to a particular section after reviewing the discussion draft, would that change -- would their recommendation -- would all of their recommendations be written into the hearing draft?

>> And I might talk to the consultants, but that's the idea.

>> Kitchen: Okay.

>> That we would do. There's a compressed amount of time and we are going to do our best to get that try to, therefore.

>> Mayor Adler: Highlighted at this point, we've identified the issue, you've indicated an ability to do that. I know you have not had a chance to talk to each other about what the details of that would be. If you could do that and report back to the council hopefully before we take off the end of June so one of our next three meetings, what you're thinking about that, I think that would be really helpful.

[10:39:16 AM]

>> Mayor, we may actually have to come back a little sooner than before you go on break just so we're clear if we get on this road --

>> Mayor Adler: No, no. I'm saying to come back before break. I'm saying come back in June so that we can all agree on how we are going to be proceeding at that point in time so you can set out the schedules. Yes, Ms. Kitchen.

>> Kitchen: When you do, when you come back to let us know what you're thinking, because the two specific aspects of my question would be if the PC and zap would be able to expect that their recommendations would be incorporated. And the reason I'm asking that is because that means that the draft that then comes to us is not a draft with a list of their recommendations. It's a draft that has their recommendation misit. So that's my question that y'all can think through. And the second part of my question is, would they have an opportunity to see that again? In other words, so they review a draft, they make recommendations, you guys incorporate it, then they can see it again to seat language.

>> Mayor Adler: So those would be the questions to address. We're not asking you for the answer now because we'll give you a chance to think about that.

>> Kitchen: Right. I'm articulating the questions.

>> Mayor Adler: That's good. We want to make sure we get staff recommendation as well as the commission recommendation as we do on all zoning cases. I don't know how you do both of those but think about that so we would have both a draft that would have staff recommendations to the agree

they may or may not differ from board recommendations. I don't know how you do that but think about that and work that out and then come back to us before the end of June here, let's figure out how to move forward. The second thing I wanted to talk about before we get to pulled items and then to our briefing and then to executive session is the -- how are we going to deal with corridors that are outside of the urban core area and activity centers and nodes?

[10:41:19 AM]

I think there are a lot of questions in the community about that right now, and I'm feeling some community need for us to have some -- something on the map, either you go out and rezone those or you identify those as areas where somebody wants to do something in the area, bells and whistles go off and we do a swat -- small area planning, but somehow or another we need to do that because it's not your intent, as I understand it, that the only thing we're focusing on here is the urban core, the area in the rest of the city is not involved. But we're not seeing that and we're not having a feel for that process. So if there's a way to do that, as well, that would be helpful. And I think you had some thoughts on that too?

>> Kitchen: Yeah, if I may. I just wanted to -- I posted this on the message board just as a -- you know, you guys need to tell us if this is an approach you can do but just as an idea to think about it. And I think it reflects what everybody else was already talking about. So it's certainly not just me coming up with it. I was trying to reflect some of the conversations that others had had. So I thought about it as three aspects of it. First was to establish geographic areas along the corridors throughout the city, the emphasis being throughout the city. And that those geographic areas would be contract appropriate and perhaps as priorities as small area plans. And they would actually be mapped. So that people could see them. Understanding that -- that this is for future use of small area plans. And the corridors that we would be thinking of are those that are already defined in our mobility bond as either ready for construction or planning, and those that might be defined in the future by our strategic mobility plan and also that may be defined in the future by project connect, cap metro.

[10:43:23 AM]

So that's the universe I'm thinking of. There may be others but I think that gets the whole universe of corridors. And then of course for inclusion in the code, we'd need to develop and define criteria for when the small area planning process would be triggered in those Zones, and the idea there is to understand that August of those -- all of those Zones are -- if you took -- if you mapped a zone all the way down -- across slaughter, for example, or across William cannon or other areas that are corridors, manchaca, south first, those areas, a lot of those areas are not yet ready because of where development

is in the process, but we want to make sure that we are -- that we trigger a small area planning process when they are ready. So my thought was to develop and define what that criteria is so that we know that it's triggered and that criteria may conclude alignment with our transportation and affordable housing assessment, so, for example, the mobility bond. It may be triggered by applications for significant development in that zone, and I don't know what would be but some kind of point in the development process that might trigger, okay, there's an area along this corridor that's being proposed for a major development, so we know we want to onto this area for smaller area plan. That kind of thing. So there's probably other aspects of this that I'm not mentioning, but I think we need some -- I think we need to be definitive about what we're doing in terms of small area planning, and I think we need to be definitive in showing folks that we are talking about all these corridors and -- I think we need to be definitive that there is a process that will be pursued. So that's my thoughts. You know, others may have other thoughts about what that looks like, but my question is, is can we do this?

[10:45:27 AM]

There's actually two aspects of this. There's mapping along those corridors, just mapping as this is the zone for further development, some kind of indication about where those are. There's that and there's development of the criteria and the process for triggering the small area plans. So my question is when can we do that? When might we be able to see one or both of those in the code and/or in the mapping? So. . .

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: Thank you. So I appreciate you bringing up the importance of mapping with the growth centers. I think that was why I had asked to have imagine Austin and the growth center maps on our discussion of codenext, is because we fail at this process if we're not creating maps that are going to support that vision of having the multiple job centers. So I look forward to that part. I wanted to go back a second to the versions -- and, first of all, thank you for considering this change to the plan. I do firmly believe that we will get a better code out of it at the end if we have that extra look. In terms of nomenclature, I'm a -- nomenclature, I'm a little weary of calling it a discussion and hearing draft, but I'm open to other ideas. Implied on that is some things about public comment that I don't think we have resolved so I want to throw out there it sounds like people wouldn't be able to comment on the discussion draft and only on the hearing draft or there might only be a hearing on that third draft. Just in terms of the nomenclature clarity that we're using or how we're going to present that to folks as we move to add version three in there so we have version two and three going to the planning commissions that we're also mindful that we are clear about how the public will be able to comment while at the same time understanding that the planning commission cannot spend days and days and days hearing the oral public testimony, that we may need to be creative in how we are taking in that testimony to be mindful of the fact that these are all volunteers and they need to hear that testimony and absorb it, but there may be some limits that we have to operate that I would almost like to let them decide for themselves.

[10:47:52 AM]

But I'm -- but that the -- the term "Discussion draft" and "Hearing draft" makes me a little nervous about what people may take away from it, for what it means. When you do come back if you can have some thought as to the public comment even if it's like we're going to let the planning commissions decide how they do it and we're going to provide support in this way so that people are comfortable that they will have an opportunity to public comment and share their concerns hopefully the second version will be so great that, you know, when we move to the version -- the third version there won't be huge amounts of changes that need to happen. But if there do need to be that, now we have that opportunity as part of the process with our experts on the planning commission, able to put their input into it before it comes to us.

>> We'll try to figure out something. You know, b2 and b2.5 and we'll figure out something.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Thanks. Yeah, I would just number them like two, three, four, but I think that would be the easiest. I wanted to also just say, we talked last time about commissions and other -- we have such amazing volunteers who give up their time to serve on different boards and bring their expertise to those processes and so I know that councilmember pool mentioned the environmental commission. The other one that I think is really critical to involve in this process of review and comment and feedback is the landmark commission. And so if -- I know you talked, Mr. Guernsey, last time about the ability to work those into the schedule as a challenge, and while I appreciate the challenge, I also know that nothing -- I mean, we are spending lots of time and we of course want the very best code possible and so we definitely need to have a process that incorporates the expertise of our boards and commissions. And so when you're coming back with a schedule if you could make sure that there's a review I would say before -- I mean, if I were designing the process it would be before the version goes to the planning commission so that the planning commission and the zoning and platting commission can avail themselves of the comments from the environmental commission and the landmark commission.

[10:50:09 AM]

Frankly, I think they should review the [indiscernible] Version as well and provide feedback like we do with any other land use -- most other land use cases that are going through one of those two places. They go first to that commission and then on to the land use commission so I'd suggest in a as an option.

>> We have had the opportunity already to go to the landmark commission. I think that was last week. And I think we're actually in the process of now going downtown and having -- design commission, having a joint meeting that's coming up.

>> Mayor Adler: Ms. Pool.

>> Pool: I'd also like to recommend that in setting up the process with our land use commissions that the leadership on the land use commissions be involved in that conversation so that they can have input into what they see that they need so that there's pretty good alignment from what staff is doing and what then will be expected and come to the commissions. Because I know they are also kind of scoping their time lines and their work plans to receive this, so I want to make sure there aren't any gaps. Could you please -- could you work with --

>> Usually we do contact the chairs because sometimes they want salesperson called meetings -- special called meetings in a particular location so we've been trying to work with them and trying to schedule those. And we have been in constant contact with the chair of zap and the chair of planning commission, about how they want to arrange their meetings. Some meetings they want not to have joint meetings and sometimes they want joint meetings. And so we're trying to accommodate their schedules and their desires to have certain staff available, commissioners or consultants and staff when they ask.

>> Pool: Thanks. That's great.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I meant in my comments to say thank you. These are extremely valuable and I know it's a lot of extra time and work for you to do them but I just -- I know it's really enhancing my understanding of the complexity of the code and all of these different elements and so thank you very much for doing these.

[10:52:18 AM]

And thank you, mayor, for doing it in the beginning of the work session so that we can have consistency to that and the staff know when to come so I think it's all working out really well.

>> Mayor Adler: I think it is too. I think it's highlighting the complexity as well the opportunity we have to dial this in so that it works. So thank you very much for your time. Those two things, if we could get some kind of greater resolution on that before we break in June I think that would be helpful. All right, council. We're now to the pulled items that we have on our agenda. Let's see how quickly we can go through these. We have a briefing on the bond commission things that probably it's good to daylight before we disappear in June. So let's see if we can move through this stuff quickly, see what we can maybe highlight questions and get answers. Yes.

>> Pool: Mayor, just as far as how we're using our time, for the rest of the work session, I'm trying to get a sense of whether I should give my regrets to the city of Austin employee retirement system 37 we're having a big meeting that I need to be at 2:00 but I've asked my staff to check to have quorum to do their work. Because I think my priority is to stay here but if I could kind of have a sense maybe of whether I'm going to be able to get away at about 1:45. It feels like no.

>> Mayor Adler: I don't know. Let's see how much we can get done in the next hour.

>> Pool: Okay, thanks. And we have an executive session --

>> Mayor Adler: We have an executive session, couple things we need to address.

>> Pool: Thanks.

>> Garza: We're going to eat lunch and do executive session. I have questions about 71 that I wanted to daylight.

>> Mayor Adler: Question about?

>> Garza: 71.

>> Mayor Adler: Item 71.

>> Garza: Green infrastructure.

>> Mayor Adler: Let's go through this and see what we can do. Ms. Alter, you pulled the esd number 4.

[10:54:23 AM]

>> Alter: Yes. Thank you. I want to first of all thank Austin fire department, esd4, the commissioners and the community who have been very involved in this process. To make this contract work. This is a historic contract. It's a new way of doing things, providing regional fire services. So I appreciate all of that. I think we are in the home stretch. I mostly just wanted to share with you the section that we are going to be substituting from what's in the backup, which is part 13. That defines the membership of the coordinating committee. This is a coordinating committee that will be operating by consensus. The request is that myself and other councilmembers who have esd4 either adjacent to or in our district made was to have a council -- two council-appointed esd4 community representatives. We have worked out an arrangement that is acceptable both to esd4, AFD, and to the councilmembers in question. And so what you'll see is additions to the membership of the coordinating committee, which also include the esd4 board appointed community representative that they had done outside. All of these members will be full voting members. It is meant to be a consensus decision-making body. So what you see before you is the membership, and then information about how they get appointed for the two council appointees, the idea is that the first two would be from districted ten and 1. Their terms would ultimately for -- the

first group would be there for three and a half years and so in January I think of 2021 that would be switched out, at which time the four or any other councilmembers who happen to have esd4 adjacent to or in their district would make a decision about who the next two would be.

[10:56:25 AM]

There also are alternates appointed, which could come from other council districts or could be the same, but they all have to have that connection to esd4 in terms of the representatives. We also allowed for alternates for all of the coordinating committee members to be appointed by their appointing entities. So if the chief of operations for AFD, the assistant chief is not able to be there, AFD can designate somebody else to be there in his or her stead. The motion that I will be making on Thursday will be to approve the contract with this section 13 substituted as handed out here. We will get this up on the message board. As well.

>> Mayor Adler: Okay. Anything else on this? Ms. Pool.

>> Pool: Just real quick. I appreciated the work that councilmember alter did on this and my staff as a cosponsor we worked closely and support the additional changes that she's offered. And I've been contacted by residents in district 7 who are in the esd4 area and they -- we are working with them to make a recommendation for one of the alternate lots. And I support -- alternate slots. I support the two original people coming from district 1 and district 10 and then I'm happy to put an alternate out there to help with the process.

>> Alter: I think the idea was that if you -- if the other two districts wanted to do the alternates and then they could be attending and learning over time as appropriate. That was kind of the idea, but we didn't want to require you -- them to be one district or the other in case there were not people that stepped forward.

>> Pool: And I like the chance for them to learn the ropes as alternates and maybe if they're able then to give time later they could move into the actual position. I think it's a good plan.

>> Mayor Adler: Okay. Onto the next item. Thank you very much. Item number 16. This is the special event item.

[10:58:26 AM]

Mr. Casar, you pulled that.

>> Casar: Yes. Mayor, I saw that you did as well. I just wanted to get a sense from the council if there was -- and from the staff if there was need to move on this on Thursday for any particular reason or I just know that this was a bit -- topic of some really significant conversation in the past, was passed on first reading maybe a couple years ago or more and just wanted to see if I could take some time to digest it rather than move forward on it on Thursday.

>> Mayor Adler: My sense on this is I'm not really ready to do this yet. It's a really big issue. The draft didn't come out until Friday. It's a big issue. It's been pending for a couple years and quite frankly I think this should be postponed, put off until August so we all have a time to take a look at this. There's a lot of moving possessions. Councilmember alter.

>> Alter: I'm comfortable with postponement but I would welcome staff if they could help me understand why it took so many years for it to come back for first or second reading. I think there's context that would be important as we think about understanding it and to better understand what questions need to be asked.

>> Good morning, corporate special events. We began this process with a resolution in 2012, went through several -- sinner different boards and commissions in 2013 if there was public discussion on things they'd like added or changed so we did more outreach for that. When it was approved at the first reading that council discussed having a council committee formed but later pulled that and decided not to do that.

[11:00:26 AM]

And then with the change in the 10-1 -- to the 10-1 system and the short-term rentals took a lot of staff time. During all that time we continued to reach out to the stakeholders and tried to ascertain what their concerns are. We feel like we've addressed those. They don't necessarily agree with the answers but we feel like we've addressed those. Our intent is just to get it back in front of this council and seek direction from y'all, where y'all would like to go.

>> Alter: May I ask who they is referring to exactly?

>> The stakeholders?

>> Alter: Yes.

>> Primarily south by southwest management.

>> Mayor Adler: Any reason why this needs to be considered now, can't be put off until August?

>> No, sir. Like I said we're just trying to get this before y'all to get your input on the direction you'd like to go.

>> Mayor Adler: If we're not going to hear this until August I'd kind of like to give the community a feel so we don't have a lot of people showing up to come testify on this issue. Mr. Casar.

>> Casar: I just wanted to daylight while it'sing there and I just learned from Mr. Mano that folks like south by southwest have concerns, my one reason that I wanted some extra time was just to fully understand the first amendment issues involved with large expedients make sure that our special events ordinances sort of help promote that. Just to daylight a second issue that was primarily what I wanted more time to read into but it sounds like there are other issues that may have been V to be considered as well. I just wanted to daylight that just to make sure that people don't come away from this thinking that the only issue might be that but there are multiple issues considering this is a pretty significant ordinance.

[11:02:33 AM]

>> Mayor Adler: Right. I can't tell from that answer there weather there is an issue there or whether they had resolved their issues. In any event, at this point with the draft coming out Friday, I'm not even sure all the issues that are -- that are subsumed in this general topic. I mean, I'm that far away from really being able to look at this. So mine is -- it's 150,000-foot level. I'm not ready to do this one yet.

>> Kitchen: What are the impacts from delaying it.

>> I don't believe there are any.

>> Kitchen: Okay.

>> We can certainly, you know, look at it closer. I mean, y'all --

>> Kitchen: I mean if there's no impact, that's fine. I just want to make sure that we're not -- you know, that we're not delaying something and then, you know, incurring some difficulties.

>> Mayor Adler: Manager.

>> Council, would you like a briefing on this before we bring it back for action? Cents it depends on when --

>> Kitchen: It depends on when. This is something I'd like to get done. If that puts us into late September or no, I don't want to wait.

>> I don't think it would. I think one of the concerns that a councilmember has brought up is the impact of the current ordinance on small events, and we were introducing some tearing to give relief to those small events in this ordinance and so that would be the only thing that we would -- that caused us to want to move it forward but we're certainly ready to meet with the stakeholders again and do some

legwork and then present to council all of the issues and remedies. I don't think we can do that now but we certainly could do that I think by August.

>> Kitchen: Okay. Because the other concern I have is this came out of recommendations from the task force that we put together.

[11:04:40 AM]

I thought it did, didn't it?

>> Tovo: I think that's a different issue. This has been in progress longer than the task force.

>> Kitchen: All right, thank you.

>> Mayor Adler: Yes, councilmember troxclair?

>> Troxclair: Yeah. I just wanted to -- the manager kind of touched on it but I just wanted to highlight that this is an issue that my office has been working with -- working on for a little bit because we have some smaller events in my district that are subject to really high fees and requirements and restrictions, for example, the Travis country neighborhood hosts a 5k run within their neighborhood for a charity every year. It's the type of event the city wants to encourage because we're not coming -- they're not coming downtown and closing congress, et cetera, they're doing something in their neighborhood, and the fees, you know, are \$5,000 -- the city fees for them to host that event are \$5,000. And they basically break even and they don't end up with very much that they can give to charity. So that's one event that would I think be helped by making these changes. So, I mean, so although I understand the council's interest in having more time to look at it and it doesn't sound like now versus August would have that significant of an impact. I think that there are issues that were raised that led to these recommendations being made in the first place, and it does seem like something that we need to continue to move forward on. And I know my Travis country constituents would certainly appreciate it.

>> Mayor Adler: Councilmember alter.

>> Alter: I think a briefing would be great, city manager. I'm just wondering if we do have specific areas that we want to hear about, so like I'm interested in how this interfaces with the item that we're going to pass with respect to parkland events or, you know, how does this really relate to, like, a block party that's a true kind of block party in the middle of a neighborhood.

[11:06:43 AM]

Who do we address that too if we want to get answers on that once it's off the agenda? What would be the best way to do that just through.

>> We're happy to meet with your office at any time.

>> Alter: Thank you.

>> Renteria: Mayor.

>> Mayor Adler: Yes.

>> Renteria: I just want to -- I also want to know, over the past 28 years we've had a Halloween block party on our street and we used to be able to block the block off, we attract over 2,000, it's a safe block party for the kids. It's gotten to the point we couldn't barricade the streets anymore because of the costs. It's just ridiculous so we don't barricade but we still have 2,000 kids on the street. They still come. They're not going to stop. We just have people that, you know, kind of navigate the cars through really slowly but because we can't do it because we couldn't afford this is a free neighborhood party we do for only three hours during -- once a year and that's what we do, and it's becoming very difficult because -- and all the neighbors agree that they, you know, would like to have a barricade on both ends, but it used to be that our guys used to give us the barricade and we manned it and put it out there and right at 9:00 we took it out. But that's become very difficult, but the party -- the Halloween party is not going away. They still show up. It's three generations of kids now that have come through there.

>> Mayor Adler: Okay.

>> Houston: Mayor.

>> Mayor Adler: Ms. Houston.

>> Houston: We have the Bl Joyce parade. Mr. Joyce was the band director where we won a lot of state championships before we didn't come under the veil until much later but this goes from HT over to carver.

[11:08:45 AM]

Something like \$27,000 to do a neighborhood parade. So maybe I made that up. It's a lot of money. It's a lot of money. 27,000 comes somewhere in my head and I'm looking for Mark Washington because he knows the exact amount but I'm going to check. I'm pretty sure it was -- maybe it wasn't, but it was more money than they have and they've been doing this for a while now. So. . .

>> Mayor Adler: Okay. Mayor pro tem, is your light on?

>> Tovo: It is on. So I think when you were here last I said, gosh, I hope we're going to see that special events ordinance soon because it's been in process for so long but I would support a delay for the reasons you identified. I do think it's going to take us a little time to work through it but I urge we do it in August for the reasons people said. The tearing I think is going to be really important for those smaller events and I think if we wait to have consensus on some of these issues it may be another four years. I think at this point the staff really do need policy direction from us on this ordinance and it really has been four years. I mean, the council passed the first reading of this four years ago and so it really is time to move forward on it. But hopefully we can have a briefing and then consider it in August.

>> Mayor Adler: Let's do this T this way --

>> Tovo: I feel the same way, I think it was councilmember kitchen who said if the briefing delays it I'll make sure we spend significant time in my office reading through on my own absent a briefing but I do want to see us handle this in August.

>> Mayor Adler: Early August like first week or two and let's see if we can have it come back to the council at the end of August.

>> We'll do that, absolutely.

>> Mayor Adler: Councilmember troxclair.

>> Troxclair: Councilmember Renteria highlighted I guess an issue that I just want to make sure we talk about in the briefing, which is the costs for closing streets, barricades, things like that for neighborhood events.

>> Okay. We'll look into that as well.

>> Mayor Adler: Okay. All right. Let's go on to the next item then. So the public I think needs to be put on notice that this isn't really going to be discussed on Thursday so bringing in public comment.

[11:10:52 AM]

Thank you. That gets to us the next item. This is the park use item number 23. Mr. Flannigan, you pulled that.

>> Flannigan: Thank you. I wanted to talk about this last week but thank you to everyone for moving it to this week so we could do this with councilmember kitchen because I know this is important to her district. But my substantive issue, again, is with the arbitrary days limitation that doesn't sufficiently delineate the fairly wide difference between some of the events that are grandfathered in, the 14 days for trail of lights, six days for acl, then you've got the kite festival. These are substantially different kinds of events. I handed out early this morning a matrix that the parkland task force -- parkland events task

force developed that they ended up not using in the context of days limitation, but this is an example of the work that they did that shows one way you might evaluate events and their impact and I think not necessarily every single thing on this needs to be included, but I think there's something more nuanced that could be used to measure the events that we permit into these parks. Again, I think they're -- the limits -- some measure of limit makes sense, but I'm also concerned that we're not considering in the proposed ordinance we don't consider the days the park is unavailable because of setup and tear down. That was somehow exempted. So if the impact of this ordinance is about access to the park, then those days should be included. But if really we're just talking about parking, then you would exclude setup and tear down. There are other ways to solve a parking contributor that's elsewhere in the ordinance and I have no issue with much of the debate that's happening around the parking question but there are other elements about this too that I think warrant more conversation.

[11:12:52 AM]

I don't think this is something that in terms of the days number, we don't have to decide it this week. I'd like to have a longer conversation. If it's -- if enough of us are willing to do it. But my other concerns are that when we set a number of days that is less than the current number of days, we lock in the events that are currently happening. There's no ability and there would be no rational reason for an event to explore using a different venue. If you've got the day, if you've got your days at zilker or auditorium shores or festival beach you are never going to leave even if it would make sense to leave because the value on that day is so high there would be no reason to leave. As an example, I used to run the pride parade for many years, pride festival for one year, but that event has migrated to a variety of different parks over the last 15 years. Festival beach, I think it was at Waterloo once, auditorium shores, it was at republic square park, then at the long center, now back at festival beach. And every one of those moves was related to how the organizers were trying to innovate around the event. Sometimes the ticket price went up, went down, sometimes it was about proximity to the parade route. There were all different reasons why the event was moving to try to find a good space and I think if we lock down the number of days in the way this ordinance is written, we will eliminate that type of innovation for the events that we already have and we would certainly eliminate the ability for the community to create new innovative events that might benefit from using these parks. I don't know that the answer is very clear. But I'm uncomfortable with just setting the arbitrary number for those reasons. If y'all are fine with it, we can drop it, but I would prefer to have a longer conversation about the difference on these that the impact of these events actually have and how we might make the parks available for more opportunity.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: Just in response to the point about the number of days being less than currently used.

[11:14:59 AM]

I'll defer to our parks folks and our task force members what their thinking was on that, but I do know that one of the concerns is that the parks are -- or that there is perhaps too much time already that's being used for these parks. And you point out -- and you make an important point, because there's the tear down -- between the tear down -- the setup and the tear down and then these dates, I mean, it really seriously limits the use of these parks by the public in general. So to my mind, that almost means that you've got to set it for a lower number of days. Because how else are you going to get to the park -- how are -- else are you going to get to more use unless you just kick out some of those groups? So to my mind it appears to me to be a compromise between the groups that existing have -- currently have the ability to have their events there and the desire over time to reduce the number of days. Department and our task force to see if there was some other thinking behind that that I'm not aware of.

>> Good morning, councilmember and welcome back. I will say that I agree that what is in front of you from the task force and the years' worth of meetings, and as a reminder, we did also gather over 3,000 individual pieces of input through a number of mechanisms, speak up Austin, next door, to bring forward a package which is a multiple toolbox of options. And so part of that is striking a balance with what we already have. That is one of the tools in the toolbox, and there was consensus in lowering that number, because what we have, and while I agree it doesn't count setup and takedown days, that was a primary focus for the task force on minimizing impact.

[11:17:02 AM]

It also created a second tool which is a recommendation that will be coming forward in short order as well, which is the alternative park spaces recommended to create the spaces for new and other events and other areas of the city, as well as what's packaged here to kind of help make some of the impacts lesson this area. Because it isn't just about the event itself, it is the setup, the takedown, sometimes there are repairs that go on between there. And the task force spent a number of meetings discussing how would we best take a look at what we've got. And they certainly identified -- there was a lot of cultural and historic value in every single event at those parks. And the unique thing is all the events are unique, no two are alike. So there's difficulty when finding one single metrics by event A that compares to event B. They're all different.

[Lapse in audio] -- That speaks to we have a lot of value in our existing roster of E events. I'm going to let David and James speak up more about the specific deliberations, but they did put a lot of time between reaching a compromise between our existing events and the public and the neighbors that want to bring some new events to the city.

>> Yes. Compromise is a great word. We had several folks on our task force that wanted more events in parks. We had several friends on the task force that wanted fewer. And we got to the number we got to, and I don't disagree that there is -- it is a little arbitrary, quite frankly. We looked at where we currently are, we looked at where we wanted to go on one side, where we wanted to go on the other side, and part of not including the setup and takedown days also went into the number that we reached as the compromise.

[11:19:18 AM]

And the reason that is is because we didn't want to -- well, there's many reasons. With the setup and takedown, each event being unique, each event has different needs with setup and takedown. For instance, ACL, when they load in, they have to close the whole park down because of the heavy machinery and the stages and things like that. With the trail wide, we do it in phases, because a lot of the things that we do, we can leave the park wide open and we don't close a portion of it until we absolutely have to. And we also didn't want to incentivize events for rushing to get out of the park, to load out. We didn't want folks, you know, feeling like they had to drive these machines across the great lawn in a way to expedite use of the park. And we wanted to, you know, incentivize safe working environments when you have all these machines and, you know, hundreds of staff, folks out in the park. We played around with working overnight a couple years ago, and then that just got a little -- it got a little too insurance for my taste.

[Laughter]

>> -- For lack of a better word, I'll just make one up.

[Laughter]

>> So that's kind of how we came to the numbers that we have. And I don't know if you -- if my work wife here has anything to add.

[Laughter]

>> So we have a little running joke here. This is Emby and I'm Nemby.

[Laughter]

>> So -- but it's a little joke, but really it does -- the task force was a broad representation of a variety of perspectives, just like we have here in front of us today, a broad variety of perspectives. And right now, there are already mechanisms in place that we could say, hey, this event, we don't think is any -- you know, no longer meets all the values that we have, or for other reason, we encourage you or we ask that you move.

[11:21:27 AM]

The parks department, city council could already do that. This -- these recommendations do not change that at all. They're just trying to inform, based on all this outreach and all the input we received through the process, and we have a matrix here, too, that will allow us to incorporate new values that the council may see -- think is important that we don't currently have or include, and to maybe even recommend different ways that you might want to give to those community values so that you can have an impact on, you know, which events are asked to leave, if they don't meet the values, or which events we want to encourage to come in and take up any open spaces that might become available. I think there's a lot of opportunity right now for us to make changes to events now based on different community values.

>> But the matrix is not part of the ordinance.

>> No, it's a tool that administratively the parks department can use. But nothing precludes the council from saying we're going to give you policy direction or some kind of direction that says this is what we'd like to see in the matrix. I think you could do that.

>> And that may be mostly what I'm talking about today. I think -- and I appreciate the hard work of the task force, truly, but I think if -- if one of our task force's work comes back with a compromise that eliminates a lot of important detail, then it might be appropriate for us to take a hand at compromise, and figure out if a high-level arbitrary number doesn't accomplish -- or it -- [lapse in audio] Audio] -- -- Is I have participated and helped organize events that benefited from being able to move as those events changed and evolved over time. And the restriction that this ordinance sets out codifies practically in amber the events that are already in those parks.

[11:23:39 AM]

And I think there's a gigantic difference between trail of lights, a/c, the impacts to the facilities, the impact to the great lawn, the restriction of the community's' access to the parks. I'm not comfortable with the arbitrary days limit and I can appreciate a difficult compromise being reached by the task force, but if the rest of council is not wanting to open up this conversation, then I don't have to keep pushing this stone up the hill.

>> So I --

>> Casar: Councilmember flan nigan, I brought up some questions or concerns about similar or linked to how is it we give extra consideration. So I don't think it's pushing the rock up a hill. I would be interested

in what ideas you or others may have to respect and recognize the really hard work done by the task force, but ultimately, this is our vote and our decision, and whatever additions we can make to help get it across the finish line here would be interesting to me, so I look forward to hearing you or other's suggestion at that point.

>> Flannigan: And really there's no time before Thursday to come up with that answer. I'm pi with what -- happy with what the ordinance is laid out. But I would certainly benefit from a more detailed conversation amongst ourselves about how we manage and support special events and the use of parks facilities, if you-all are opening to delaying at least that piece until we come back in August. And then I can have proposals ready and I can run events through a matrix and show examples. I mean, I'll have the time to do that by then.

>> Mayor Adler: Mr. Rentmr. Renteria , mayor pro tem and then --

[11:25:46 AM]

>> Renteria: My question, events, it's closed 365 days a year, it's only rental. I know there's some events that they have down on the banks at fiesta garden, like the Chinese new year party event there, but how did y'all look at that, because they also have weddings down at the bottom, at the other shelter, so how did you come out to determine the amounts and events that y'all have there?

>> So I'll try to fill in my blanks. We were looking at special events and not necessarily the rentals for weddings and, you know, the other events that are the smaller vents that rent those facilities out. We were looking at anything, I think, of over 1,000 people or more. So that was not part of our consideration at all, and I don't believe is in our numbers at all either.

>> That's correct. Those weddings are smaller, private event rentals at the building are not included in this figure.

>> Renteria: A special larger event y'all determine, because we don't use that -- the takedown doesn't even effect it, because it's fenced.

>> So if I might add, Kim ber any Mcneilly -- Kimberly Mcneilly, acting director, if I might add -- in a completely separate issue the master plan recommends opening up that space, which it means it would not reduce the number of events but that space would remain open when it's not being used for events which would change the dynamics of that area in that what has historically closed off to the public will now be open as we work through that master plan. But the events, the number of events, wouldn't -- would continual long the recommendation that we're making, and then would become closed off for the events, not including those private rentals.

[11:27:49 AM]

>> Renteria: That would be great. We've been asking for that since aqua fest has been going on. It's kept from the neighbors and it's such a beautiful area there, we even have a handicap-accessible kayak launcher there that's closed to the public. They cannot use it. You know, it's very disappointing, you know. And we do have a little exposition cool that opened, but -- school that opened, but, you know, this is an event that -- [lapse in audio] -- Or kids or families to learn how to safely Kie ak. We've been trying to get this thing to be opened year-round so that we could use that facility, and, I mean, I don't know where the resistance or -- is at, but we're investing so much money in this area and we're keeping it closed, off-limit from our people there in our neighborhood, so I hope that, you know, next time y'all do these kind of studies, y'all look at all -- the whole area there, because there's a lot of potential use and, historically, we always felt like we were not allowed to be in that area. You know, growing up in that neighborhood, so, you know, I would really like to see that place open up sooner than later.

>> So, councilmember, I'd like to be able to provide you an update of when we expect that through the master plan process when we expect that to become open, so that you can have some comfort in knowing that it becomes available as public space. And we'll get that to you in an e-mail or a memo.

>> Renteria: Thank you.

>> Thank you. So I wanted to just -- as I understand the parklands event issue, I think it's important to separate out and figure out which is the part that's the most of interest to you, councilmember Flannigan and it would help me to understand that.

[11:30:03 AM]

So as I see it, we have a question we have existing events, and in each of these park areas we have more existing events than this limit. So there is no question about any new events, the way this is framed, until we get attrition down to a certain level, so in the case of zilker, I think we have 29 existing event days and the limit is becoming 24. So there's no need to have any discussion about -- if you assume that premise is okay, then there's no discussion about any new events until we get to that attrition point, that existing events have gone down from 29 to 24 days. So it becomes -- you can have a discussion about what you want to come in there in terms of new events, once you've had attrition, if you agree with the premise that is what the task force came to, is that the events that are there, we want to allow to be there, and over time, we're going to allow this attrition to reduce the number of events to achieve the goal of having the park open more. So is it that you are objecting to, like, the existing events, or is it the new events? Because if you want to be able to manipulate the new event decision, then that is something we could direct easily in an amendment that said at the point in time that we can consider new events, we want a matrix to come to council and it's not just a first-come first-serve, but we want to

be able to shape what those new events are when that time arrives; or is it that you want to open up the Pandora's box of saying we're going to reallocate all of the events that happen in zilker park according to some other matrix?

>> Can I answer?

>> Mayor Adler: Yes.

>> It is both, and not because I want to see a lot -- a bunch of new events, but if -- if we take the parking issue aside, because there are other parts of that ordinance that are addressing parking, if we're talking about access to the park by the community that aren't going to an event, I don't think the way the days are calculated is good enough and to only assign six days to acl, I don't think accurately represents the limitation to accessing the park.

[11:32:18 AM]

And by the time you get down to attrition, and councilmember troxclair pointed this out last week. I don't like the way it's calculated now. I'm not saying that I want to have 400 events in zilker, and I'm not saying that I want to have more events than are here, but the way this lays out in my opinion overly simplistic, which I think is their approach of compromise, to the tasks force. I think it limits the experience that we have. As my own experience in changing organizers, you wouldn't see acl and trail of lights move obviously, but other events might. And when you lock it in the way that it's done here, there's just no possibility for that to happen. So I am opening -- to use your phrase, I am opening the Pandora's box of that, not to see a ton of new events, because I think there's a smarter way to implement this policy.

>> And let me just point out. If trail of lights and acl are not going to move, at least if you stay within the paradigm of the 24 -- [lapse in audio] -- So unless you're saying you want acl to move, I'm not sure where you're going to get the room to maneuver to do the direction that you seem to be going.

>> Flannigan: And that's why I want to have more time, because I don't have the answers to that. I want to have an opportunity to think through what a matrix might look like, how you might consider setup days. If we really are concerned about the community's access to the park, are we saying that the only special events we really want to see are trail of lights and acl in zilker? And that doesn't even talk about festival beach and auditorium shores which have their own set of concerns.

[11:34:19 AM]

I think that, like I'm saying, there's a more new answered way that we -- nuanced way that we might be able to implement this policy that doesn't turn over zilker park to two events for a substantive part of all events that are ever going to be allowed.

>> Kitchen: Thank you. My question was the same as councilmember alters. So I would just say, I don't -- to answer your question, because you're asking where we're all -- what we all are interested in, I'm not interested in going down the road of reallocating at this point, of saying that these existing events have to move or may need to move. I am interested in setting a limit on the number of days, and I think that the task force did a good job, and they're going to do the -- and I don't want to rehash what they did, you know, in terms of coming up with the number of days. I definitely do not want to allow more days than they came up with, because I think the issues that we have in these parks already, you know, I would have to argue for less days. So I do think it's important to allow opportunities in other parts of the city, and I think different councilmembers have suggested that that would be helpful, and I think we need to move down that road, and I think there's other mechanisms in the recommendations to do that. But with regard to this particular issue that we're talking about right now in terms of the number of days for these parks, as it's set forth, I'm happy with the way the task force recommended it, and I really don't want to go down the road to changing it. I'm open to -- to looking at how the matrix might be adjusted for future use with regard to attrition, but I'm not wanting to reallocate. So -- just to let you know where I'm at.

[11:36:22 AM]

>> Flannigan: Yeah.

>> Mayor Adler: We have two lights over there. You were next. We can go with Garza and then Mrs. Houston. You're up.

>> Garza: I just wanted to say I generally agree with councilmember kitchen on this one, because if we just did activities that are kind of embedded in our austiny culture, if it's trail of lights and acl, that's 20. And then I would want something that people don't -- I would say blues on the green, because, you know, that puts us a free -- a free event in that park, where the other two are paid events. So -- and it just would get -- I feel like a matrix -- I haven't really had a chance to look at this, but it just seems like it's fraught with I'm going to want my event there, you're going to want your event there. I mean, it's a very -- sometimes these matrixes are very subjective on how the point values are given, because I feel like that's what happens with our chapter 380, but that's a whole nother story. That's all I wanted to comment on that. I had a question about why we -- I'm sorry if I missed this. For auditoryium shores, there's a little exception there that allows the city manager to give additional days beyond that. Why was that?

>> Sure, councilmember. Jason, parks and recreation department. One of the things we heard, on occasion, and I can think back to do, presidential visit, I think, four years ago, and before that was during the salt take olympics, the torch run stopped there. That would allow the city the authority to have a municipal-based event at the park.

>> Garza: I like that answer. I just wanted to make sure we weren't saving it for some kind of for-profit mission or something.

>> No, ma'am. >> Mayor Adler: Mrs. Houston

[11:38:24 AM]

>> Houston: Thank you for all you've done. Mr. Russell, I'm not sure you introduced yourself for the TV when you sat down.

>> James Russell.

>> Houston: First of all, thank you for helping with some other issues in the district.

>> Sure.

>> Houston: -- [Lapse in audio] -- About not only the number of events that were held, but the need for the park to rest. And sometimes we forget that it's really important that the park have an opportunity to rest between -- especially these very large events. So I appreciate all the work that you've done over the past three years, two and a half, 2.5 years on this. And so I will be supporting the task force's recommendation.

>> Mayor Adler: Mayor pro tem?

Mayor pro>> Mayor pro tem: Yeah, I concur. I wanted to take off my glasses for the comment. I know from being really familiar with this issue and having been a residence of Bolding creek and then just as a councilmember but also as a community member who served on the street closure tasks, these have been concerns for extremely long time, and I understand really well the complicated -- the different and diverse interests that you were knowledgeable about when you made these recommendations, and I understand that there's no -- there's no perfect solution. My first reaction was a little bit of surprise that there were not more drastic recommendations, but, you know, again, I understand that you were really trying to accommodate a diverse range of interest and I respect the year-long process, at least a year-long process that you went through to balance and come up with an ordinance that reflects that. And so I'm going to support it as it is, and I would support moving forward on Thursday.

>> Mayor Adler: [Inaudible].

>> Yeah, I just want to add my thanks to our staff and to our citizens and the folks who worked really hard on this task force.

[11:40:30 AM]

It was a labor of love, and it wasn't an easy -- it wasn't easy to split the baby, to use another cliché. And I think that your conclusions and the recommendations you made make a lot of sense. I think they are justified, I think they are rationale, and I think they're backed by what makes Austin, Austin. And so I agree with my colleagues ranged around the table here that I'll support your recommendations and I also support moving forward with it on Thursday. So thanks again for all your work.

>> Mayor Adler: Okay. Casar.

>> Casar: So if we decide to move forward on Thursday, then what I'm going to see if I can think up between here and then would be some option for there to be -- and, of course, this would require, you know, majority support, some option for there to be more events beyond the 24 days for open and free events that meet some really high standards, or potentially as councilmember Garza sort of inspired there, anything beyond a trail of lights being days for specifically open and free events that would be available to the public. Not ranging into forever of infinite number of events, of course, but just for there to be special consideration for open and free events instead of gated and ticketed ones. So I just want to put out there that's sort of what I'll be thinking about between here and Thursday if we choose to move forward this week, and would be interested in y'all's ideas or thoughts on something like that.

>> Can I just add something to that? I just -- keep in mind when we go -- through that, and that's totally fine, but some events that are free are still ticketed and fenced. Because of special consideration that need to be taken, like, for instance, the south by southwest free concert with Garth Brooks was free, ticketed but fenced.

[11:42:37 AM]

>> Casar: Okay. So we'll work on the adjectives that are appropriate.

[Laughter]

>> Mayor Adler: Okay. Yes, councilmember Alter?

>> Alter: So I wanted to just point out that with the matrix that exists, one of the things that can happen, which is what I'm hearing is also one of the underlying concerns, if you have an existing event, by now having this matrix, which is part of the administrative rules, if we find that an existing event, even which

we value now, is doing something negative according to the matrix, which includes the number of setup days and includes other kinds of things, it does give the department an opportunity to say you either have to change something or fix something or we're not going to give you your permit. So it is allowing -- just because they have this right, doesn't mean that there's no mechanism by which the parks department can kick an organization out of the park if for some reason it's not living up to its end of the bargain. And then I wanted to ask, I know that it's probably farfetched that we're even going to get to the limit and be able to open it up to new events, but what is the envisioned procedure for that? And I'm wondering, you know, if we do to give some direction -- [lapse in audio] -- The eventuality, which I don't actually think we're going to get to for a very long time, that we're able to put in more events, what is that process?

>> Good question, councilmember. The process would entail three steps. One is the proposal through a request for applications. So that would be a step opening to organizers. Then it would require parks' board approval first, and then it would come to council.

>> Okay. So in the event that there were there would be an opportunity for council to weigh in on the decision of which event would get there and given this discussion, it would probably be wise for the parks department to be talking to some council offices to clarify what ought to go into that matrix for the rfp but it does not sound like we need to sort of be that specific at this point.

[11:45:02 AM]

>> I think and I hope we have a little bit of time before we have a vacancy, but, yes, we'd be glad to speak with council offices on that. And it was by design of the task force members that new events would have to go to parks board and receive approval first and then to council.

>> Alter: Is that in the ordinance that it says that?

>> Yes, ma'am.

>> Alter: Okay. Thank you.

>> Mayor Adler: Okay. We ready to move on to the next thing?

>> Flannigan: One quick we. Mr. Meyer, can you specifically say where the matrix is used in this process?

>> Yes, councilmember. So the matrix that keeps getting referred to is a tool that the task force members created for staff. And so it is based on the 17-member task force, different views of the impacts, mitigating factors. If you take too long to get out of the park, if you incur a certain amount of damage or cause it.

>> Flannigan: But where many the process is it used?

>> So it is an administrative process. It's a self-evaluation. So an event is scored against itself as it starts and where you ended up. And the value in that tool is we can have a focused conversation as a department on where an event meets up to the contract standards and our parks standards, in terms of these values. So what I'm hearing is there may be interest in having further dialogues and requests for applications where we can include some of these into it in the future if there was a request for applications for a new event.

>> Flannigan: So this matrix is used for an event in any park or just the parks outlined in the ordinance?

>> It is used for all special events. So it is --

>> Flannigan: In any park?

>> Correct.

>> Flannigan: Okay. But if we were going to add events, say the attrition happens and we're adding events to these parks, the matrix is not involved because it's a political decision?

>> What I'm hearing is that there may be interest in discussing qualities or features in a request for application, should we be entertaining a new event proposal. And so that is not in this action item.

[11:47:04 AM]

Certainly we would be interested in working with council to develop that request for application if that's what the council wishes, and we can bring that back or have those discussions with you over the summer.

>> Flannigan: All right.

>> Mayor Adler: Okay. We ready? Yes, councilmember troxclair.

>> Troxclair: This is actually on vending so if you had a follow-up to the --

>> Garza: I just had a -- I asked the question about the exception given for the auditorium shores, and can we make -- can we put that in the ordinance that something to the effect any additional days shall only be allocated to events that are free and open to the public? Because that's not in there. But you -- I mean, you said it was the intent.

>> I'm going to ask our city attorney to respond to that specific line item, councilmember, but I don't think we could have a problem with that. Debra?

>> Garza: Okay. And then the next question was, the initial limit was set by -- was -- what we're changing -- who set the initial limit of 25 that was there? Was that staff?

>> We have three different policy directions on all three parks so that was one of the goals of the task force was put them in one place. The shores was in a 1998 parks board special events policy, fiesta gardens was adopted as part of the holy master plan and zilker park was even an older working group resolution on limits at zilker park so this is bringing them into one spot.

>> Garza: Those were all eventually approved by council?

>> Not all of them.

>> Garza: Okay. And I just wanted to bring up the part a where it says -- or F says that the -- nothing in the section limits the city manager's authority to establish a maximum number of special events, and so I don't know if that's something we want to -- it seems like if we are essentially voting on the number of days, council should also have the power to vote on -- for other -- okay. But it says the city, nothing limits the city manager's authority.

[11:49:07 AM]

>> [Off mic]

>> Mayor Adler: We can waive it.

>> Tovo: I believe that through a council resolution you can waive the requirement and approve an additional event. I know there was a -- I mean, unless something has changed, but there was a resolution that I think didn't move forward eventually but a councilmember on the previous, previous council did bring forward a resolution to approve a formula one event, the first year of formula one, in excess of the limit. So I believe by council resolution that can happen. Am I right in that?

>> Garza: The one I'm talking about is saying for other parks, I believe. At other public recreation areas so it allows the city manager to limit dove springs rec center is the way I'm reading that and I'm wondering if we want to -- bringing it up we're giving the authority to the city manager to do that limit for other parks.

>> Tovo: Sorry. I misunderstood.

>> If I may the intent behind that line item was as other parks may come online in the future that it codifies to a degree what the task force was increased, was that after we had a meaningful conversation in these neighborhoods through a master planning process that minimally we could set some administrative limits if it's the wish of the council that all of those at other new parks -- again, we're talking about special events only so we're talking about about a thousand plus size that we would at least have that tool in our toolbox to establish some minimum requirements for those new parks.

>> Garza: I guess that. I just wanted to bring up that as a matter of policy we're -- if we're addressing numbers limited on these parks and we want to address it later this gives the city manager that power for other parks so I'm kind of agnostic about that but I wanted to bring that up.

>> Mayor Adler: I think one of the reasons to do that was we always have the right by ordinance to change any ordinance we've ever done but if we set an ordinance that says this is what it is, then the city manager, unlike us, does not have the discretion to be able to step in and change.

[11:51:09 AM]

So it would make sense to me that if we wanted the city manager to have discretion we would have to actually put that in. We don't have to say the city council can because we can change by ordinance any earlier ordinance we've ever passed.

>> Garza: So choosing to say we want -- [off mic]

>> Mayor Adler: It would be to give her that discretion. Did you have something?

>> Councilmember Garza had a question about the ordinance, potentially city manager for the municipal purpose events you would want those to be described as free and open to the public.

>> Garza: Yes.

>> We can work on an amendment for that.

>> Mayor Adler: And I assume open to the public would also include free tickets that are issued by way of crowd control and that kind of stuff if the tickets are available to the public.

>> We can write it that way.

>> We have those kind of events too. Okay. Yes, councilmember troxclair?

>> Tovo: Just to follow up on that, what she just described was the intention of the task force? That's not -- that's not a substantive change? The amendment that she just described.

>> Say it again. Sorry. Welcome back.

>> So the draft language right now says for a municipal purpose, and so what councilmember Garza has described I would define municipal purpose to be limited to an event that is free, open to the public. It can be ticketed if necessary for safety measures and things like that.

>> And this is referring to the presidential visit type thing? Is that right? Yeah, yes. That is --

>> Okay.

>> Mayor Adler: I think there was a big screen soccer screening as well.

>> Yeah.

>> Mayor Adler: A couple years banning.

>> At the long center, yeah.

>> My other question was about vending. Somebody pointed out to me it looks like the penalties are criminal as opposed to civil, and that in section -- what is this?

[11:53:18 AM]

Part 4j and K both say a culpable mentality state is not required and need not be proved so I just wanted to ask about those two. What the rationale was for criminal versus civil. And then why a culpable mentality state isn't required?

>> Patricia Lang, assistant city attorney. The majority of our code is enforced civilly. There's very few places where we enforce civilly and where we enforce civilly is our parking. What we've done is we have made it clear that parking violations at the parks, they go into the chapter that is about parking in the city that is a civil infraction. Everything else when you violate in the code you would face a class C misdemeanor, and you would have a ticket. You would go to municipal court and you could challenge your ticket. So that's how we enforce a majority of the city code. And so when we have a criminal citation or a criminal violation under the law we have to describe whether or not we need to prove a culpable mentality state. Mental state.

>> Troxclair: Does the majority of our city code say you don't have to have a culpable mental state to be found libel?

>> Many times, yes. I couldn't -- there's probably a handful of places where it doesn't. There's actually state law provision, too, that any finding in excess of \$500 would have to be based on a culpable mental state.

>> Troxclair: Would have to be based on? So this goes up to \$500 be.

>> We can only go up to \$500 for this type of violation.

>> Troxclair: Okay. So anything over \$500 you would have to be -- you couldn't have that exception?

>> Right. You cannot.

>> Troxclair: Okay.

>> But that would not be -- because this is not a type of violation that we can get a higher fine than \$500, we're limited at the 500.

>> Troxclair: Okay. And you feel -- are -- were the penalties -- I know we had a conversation last week that there are already penalties in place but they're not very easily enforceable.

[11:55:25 AM]

Are -- I guess is the way that you currently enforce existing regulations through civil penalties? I mean I'm not an attorney so I don't know that I know the difference between -- this isn't -- I'm not an expert in this area, but I just -- I am always hesitant to create new criminal penalties.

>> Sure. Current enforcement is based in park rules so that means it's administrative so our park rangers or park police would in essence ask someone to leave. They don't have clear citation authority at all, and so that is a point where the task force identified we were unlike selling merchandise in the right-of-way, which also has the same class C and higher fine than what we're proposing here today. So as part of the tools in the toolbox the task force recommended that we bring forward clear code language for enforcement in the parkland if there's been anything illegal.

>> Troxclair: Just out of curiosity if we wanted to make it a civil penalty instead of a criminal penalty, what would that look like?

>> This portion of the code is enforced criminally. There's very few exceptions to the criminal enforcement, and those are found in state law. So, for example, the code department has some civil penalties, and that's for the building and standards commission and that's set out in state law. They also have their administrative hearing process, which is also a state law process that can do civil penalties. So here our enforcement would be criminal.

>> Troxclair: So we -- the answer to the question is there is no other option?

>> Not for a non-parking. That's why the parking is -- made sure that I put it in the parking section so that it's very clear that that is the civil parking.

>> Troxclair: Okay. Thanks.

>> Mayor Adler: Before we break for lunch -- thank you very much.

>> Houston: Mayor, I had my light on.

>> Mayor Adler: Go ahead, sorry.

[11:57:27 AM]

>> Houston: So we've just made some suggestions about free events that are open to the public without -- can that then cause more use of the park because they are now free events open to the public and we have no numbers for how many of those we will be host.

>> So, councilmember Houston, the intent of that -- the asterisks that is part of that is to allow for the things that had been described by Jason --

>> Houston: Municipal purpose.

>> Municipal purpose, 1-time kind of things that come up that we couldn't predict, a presidential visit, some sort of a special celebration because where the city is being honored. So the answer to the question is yes, it could increase the number, but it would not be expected to increase it annually. It would be a one-time special situation that would have to be free and open to the public for municipal purpose.

>> Houston: And you would be monitoring that to make sure that we don't have more and more of those?

>> Yeah. And it would also be -- it would be rare, I would say it would happen rarely. It's not something that we would -- we wouldn't be planning something annually to place in that space. It would just be a rare occasion that a special opportunity came available to us.

>> And the ordinance does actually include an overall cap of 25 calendar days so they would not be able to exceed that number without coming to council.

>> Houston: Thank you.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: So I guess then I just want to circle back to councilmember Casar. Does the amendment that councilmember Garza asked for -- I'm sensing that may still not address what you were planning on doing. I am -- I'm supportive of adding this language to make it clear that the city manager has the ability to do that for a municipal purpose. I'm not probably -- I'm not on board yet with your amendment if it's increasing it will be on that. So could you just help us understand --

>> Casar: I think that gets us significantly closer to what I'm interested in. I just want to maybe understand it a little bit better.

[11:59:30 AM]

For example, I thought I understood it but then Ms. Link brought up that if we have hit 25 days and, you know, some world leader shows up we still can't break it --

>> Tovo: Well, we could with a council resolution.

>> Casar: I'm just saying if it was the day before we could not. I just want to know if we'll be able to use it again if we can.

>> Tovo: Okay. Did you say you want -- what did you say?

>> Casar: I just -- if there was two days' notice -- anyways, I just wanted to better understand how it is that we can be more flexible in situations in which it is a municipal purpose or a free and open event, to provide more flexible? Those cases so that if -- if a corporate event chooses to relocate that's ticketed and costs money and is closed and there has been some great new idea for a new, free, open event, be it something with a municipal purpose or, you know, the trail of lights was a new event at some point, long, long ago the kite festival was a new event at some point, that could have some level of consideration. And I understand there's division between a one-time thing and a free event that would be regular and ongoing, and that's why I said that I think what councilmember Garza brings up addresses about half of my concern. I just have to think about the second half.

>> Tovo: Okay. I guess I would be interested then between now and Thursday and hearing from the task force -- I'm sure that's one of the things you considered, and so, again, I'm going to just be somewhat reluctant to start opening up these questions again about how many events, and can we add more uncertain categories so hopefully we can hear from the task force about the extent to which they clad.

-- considered that.

>> Mayor Adler: Councilmember pool.

>> Pool: It's possible maybe the road we should take is to allow this to be approved and go on to -- into effect and monitor it and maybe six or eight months from now come back and look, has the attrition begun and do we have openings for the free but ticketed type additional events?

[12:01:42 PM]

Maybe just let this happen, knowing that we always can come back and tweak things and adjust them over time. And that's usually a pretty -- a pretty justifiable course of action anyway. So maybe that's what we do, maybe mayor, is let it happen and then commit to coming back maybe after -- in January or something like that and see how things have proceeded.

>> Mayor Adler: If you start having ideas of what you might be proposing if you could post those that would be really helpful.

>> Renteria: Mayor, I want to make one correction. Yes, the kite contest was new at one time but that was in 1929 when the church was created.

[ Laughter ]

>> Mayor Adler: It's always good to have institutional memory from our long-standing members of the community.

[ Laughter ]

>> Kitchen: Yeah how was that kite festival?

[ Laughter ]

>> Mayor Adler: All right. Thank you very much. Council, are there any items before we break for lunch that are real fast that we might be able to let staff go? For example, I pulled item number 24, just because, Greg, I wasn't sure if you had -- had had a chance to meet with the folks, to work something out. If not are you going to need more time --

>> Casar: I meet with them tomorrow morning.

>> Mayor Adler: Will you let us know how that goes?

>> Casar: I think the mayor pro tem is asking --

>> Tovo: [Off mic]

>> Mayor Adler: Number 24.

>> Casar: I was the one that brought up concerns with republic square park being closed for private events.

>> Mayor Adler: If you can post something after that and give us a heads-up I'd appreciate that. That takes care of 24. 62 are the last two. 71. Are any of those real quick.

>> Pool: 62, I wanted to -- that's the one on the charter will have questions. I wanted to surface questions so if there are questions we can get answers but I also have copies of the previous two resolutions that set up charter review commissions back in '11 and '07, the previous two. And then I also have two of my cosponsors, councilmember Garza and councilmember kitchen both served on the previous charter review commission and that was by design so they could speak to what can be expected and how this tracks with their experience.

[12:03:51 PM]

So any questions you may want to surface now then I can answer them.

>> Mayor Adler: We'll pick that one up after lunch.

>> Pool: Right. I just wanted to get the questions out so we can answer them.

>> Mayor Adler: It's not going to be short so we'll hold on to that. Is 66 and 99 short? This is criminal justice.

>> Alter: I think so. So I pulled those in part because the two of them together made me think that some of my colleagues may be going into slightly different direction and I wanted an opportunity to understand that because they seem to be linked so I wanted to first of all confirm that we wouldn't be voting on the 69 before we voted on 99 and then I wanted to just ask if we could add ptas, if you'd be amenable to adding organizations like the Austin council of ptas to the list so it was about the order and the ptas for 69 and then I'm just wondering if there's a new direction, I wanted clarification on that.

>> Mayor Adler: It's my intent to call 69 and 99 at the same time. Mr. Casar.

>> Casar: Yeah. My intention is to advocate for the council to deny item number 99, therefore, not extend the curfew ordinance and then pass item 69, and I think it's a good suggestion to include the Austin council of ptas in that group of people to work on how to address these issues through noncriminal means.

>> Mayor Adler: Okay.

>> Come to wanted to add something.

>> Tovo: I do on this item.

>> Mayor Adler: Go ahead.

>> Tovo: I'm a cosponsor. I think I had given suggestions about additional organizations to appreciate and had also wanted the pta, also community and schools and we had some others. I do want to make sure that -- if and you want me to -- I think our staff were communicating with your staff about this.

[12:05:56 PM]

I do think the resolution should reflect the work that's gone on with regard to truancy from the joint subcommittee. I'm not sure if I have the most recent version in my book. It may that be there's a newer version but the joint subcommittee of the city, county, and aid has done some significant work in the past on truancy so I want to be sure that this group doesn't --

>> Casar: I should check to see which version is uploaded but my recollection is the joint subcommittee is mentioned and community and schools and --

>> Tovo: Super. Then the pta might be in there and I'm probably looking at the wrong draft.

>> Casar: Or we may have uploaded the wrong draft. We'll check to make sure.

>> Tovo: Super, thanks. I will too.

>> Mayor Adler: Ms. Houston.

>> Houston: We reached out to both the joint subcommittee. I gave them a copy of the ordinance and they had not seen it so the trustees -- three trustees do have in a that did now. Then did we include the juvenile justice folks out of Gardner? Because we sent the information out to them as well and they hadn't heard anything about it so. . . I didn't see any --

>> Casar: I'm happy to add more folks into the group of folks to be consulted here, and so we could just include the county with the focus on the juvenile justice system, that they help operate out there, or if you have specific suggestions to people be posted on the message board or bring them up at council I'd be happy to include those, of course.

>> Houston: I'll be posting the judge and the chief juvenile court probation officer.

>> Alter: I'm looking forward to the hearing on none 99, and I'm comfortable with the direction of decriminalizing these issues. I'm a little bit concerned, though, as a parent of a teen, I think I'm the only one on the council who is the parent of a teen, about the idea of getting rid of the evening curfew.

[12:07:58 PM]

I know there are a lot of parents who rely on the fact that the city has a curfew of 11:00 to make sure that their kids are home and safe. Now that doesn't require it to be a criminal act, but I am uncomfortable with that portion of it, and I don't know if you have given thought to that and I'm looking forward to hearing different perspectives on that. So I'm uncomfortable with that, and also -- and still very much desirous of information from the chief on sort of where else they relaxed this and what the consequences are, because, you know, again, if there's a way to do this where we don't -- we can decriminalize it but still have it as a stick of sorts, that's still useful for the vast majority of young people, I would favor that over strictly getting rid of it and so I don't know if the chief has thoughts on that or other councilmembers, but that's just sort of looking at this as a parent of a teen, that does make me quite nervous.

>> Mayor Adler: Okay. Mr. Casar.

>> Casar: So I've tried to outline in some of the whereas clauses in the resolution some of the reasons that I think it makes sense to not have either. My understanding from our city legal department and the police department is that the police, if they see someone out on the street, see an 11-year-old, 12-year-old, 13-year-old out on the street, they can still ask them, are you okay? Do you need a ride home? Can we call your parents? What have you. They just cannot perform a detention and give them a citation. And for me I have some level of discomfort around having to utilize police to perform that function, and as we just heard earlier from the law department essentially for you to actually be detained and cited requires that that criminal -- that criminal offense.

[12:10:09 PM]

What I hope is that we can work on ways to help kids be safe, remain safe, without having to rely on that. I also have concerns about perceived age being sufficient probable cause to stopping a person and also the dis-- ratio disproportionality in our existing arrest data pretty stark and troubling, personally. I would say there's -- if you look at the map of where people are being stopped it pretty clearly maps to the eastern crescent and then if you look at the ratio and ethnic data around who gets stopped it's very disproportionate to the youth population between white, hispanic and black. So I just that I this tool is not the appropriate one and part of the reason for having the resolution is recognizing that there still are parents that want to try to get their kids home and there are still students that we would like to have in school but that we should use alternate means and that this isn't the only mean and this isn't the only means and utilizing this one in particular puts youth into the interactions with the criminal justice system which have lots of other consequences, and so even though it's well-intentioned and may help -- could help in some cases on the whole I think that it has not had the function that it was intended for, which was it was put in place in the '90s to -- in response to sort of the fear about teenage crime. And I think that we're kind of beyond that, that time period.

>> Houston: Mayor.

>> Mayor Adler: Chief, did you want to say something? I wanted to give you a chance to say something if there was something you wanted to say.

>> I will take just a moment. I know y'all have been here a while. I think just to reiterate, we've given you the report with what our concerns and evaluation of the data is.

[12:12:11 PM]

We have gone back. We met yesterday again with appleseed along with measure Austin trying to find common ground, try to put forth a suggestion that on the first stop we would actually issue a warning to these juveniles and that would address the concerns that the first -- the 85% of these young men and women, this is their first offense. And so we put forth some recommendations we thought that would address, you know, the main concerns that we've got 85% of these young men and women that it's their first time offense and we thought if we could make that to where it would just be a warning and we really are only issuing the citations and bringing the juveniles into the system for those that do actually repeat. Unfortunately, they do not want to -- they did not agree with that approach as well. So we're looking to find common ground at the end of the day obviously we will abide by whatever mayor and council passes. It is still our recommendation, though, that we believe that the ordinance is important to address the issues for which it was first put in place and that is keeping our youth safe and especially off the streets at night.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: Thank you, mayor. And, chief, tell me, again, because I don't have it in this book, how many -- how many eventually get the class c3 misdemeanor.

>> So there was 2,123, I believe, in the three-year period. Let me make sure I gave you correct numbers here. 2,123 during the three-year period, and what we've gotten from municipal court is that there were 88 that ended up with a guilty finding through municipal court. And then most of those ended up with still some type of community service or some -- or some outcome other than paying the actual fine.

>> Houston: So -- I appreciate the councilmember's concern, especially about how we mitigate some of the prison -- I mean, pipeline to the prison system.

[12:14:14 PM]

But I, too, have had a young man, and it's helpful to have -- you need to be home by 11:00. It's helpful. And I also have pockets of -- in the community where we need some intervention and I talked about this last week. And sometimes the intervention doesn't come from the family. It comes from maybe that warning which I think would have been a reasonable first step. You get a warning and then you and your mom and dad go in and you have a conversation and then maybe you get the interventions that you need to understand what the dangers are on the street. So that's where my uneasiness is, is that this is not a disparity -- a lot of disparities because we're talking about 88 young people. And do we know whether or not any of those ended up in the adult criminal justice system, or do we know anything about what happens to them after they -- those 88 got a guilty and went through community services? That might have been a scared straight for those kids.

>> And, again, I guess it would just reference some of the discussions we had last week and I don't want to rehash all of last week's discussion, you can look at the data two different ways. I think the fact that

85% of these juveniles it's their first offense, I think that's a positive sign because it shows they're not reoffending, going back out and getting that second or that third, so they are in fact staying where it is we'd like them to be, whether that be in school or home or with a responsible adult during these predefined hours.

>> Houston: As I said we've talked with the juvenile justice department and -- juvenile court and so the police are having a problem with youthful offenders at night doing auto thefts and things and they're 13, 14 years old, and so to me it's something to say the nighttime. I'm still with you on that one.

>> Thank you, councilmember.

>> Mayor Adler: Okay. Yes.

[12:16:15 PM]

>> Alter: Do we have any data about what other cities have done with respect to eliminating the evening curfew and any impacts and if it's combined with the daytime, that's fine, but what -- I'm concerned about unintended consequences of this change. I understand the impetus for it and the desire to not introduce people into the -- to the prison system, but I'm concerned about these unintended consequences for safety, and I'm wondering if we know anything from other instances.

>> We did look up, councilmember, your question from last week, trying to find an agency that did away or a city that did away with an ordinance and what the outcomes were. We didn't find one. What I can tell you what we have now, though, is we know that Dallas, Houston, and San Antonio have both day and nighttime curfews and Fort Worth and El Paso have nighttime only curfews. Those are the other major cities in Texas and that's how they approached the issue. We were unable to locate one community that did away with a curfew to then go back and look at what those outcomes were.

>> Alter: With respect to the daytime curfew, assuming they're in school in the first place, there are also consequences, you know, for skipping school that happen within school setting totally apart from the criminal setting, whatever.

>> Yes, I believe that aid would have their own level of accountability.

>> Alter: As would round Rock or any of the other school districts. But for nighttime that additional layer is not there, correct?

>> Correct.

>> Alter: But nighttime is when we've seen the biggest -- we see the biggest drop in terms of safety issues for the young people as well?

>> As far as safety concerns I think nighttime, juveniles, these 13, 14, 15-year-olds, whatever age we want to describe that are out at 1:00 A.M., 2:00 A.M., 3:00 A.M., we've got great concerns over what either could happen to them or what they could be drawn into during those hours.

[12:18:22 PM]

>> Alter: Right. But it seems like it's work. I mean, there's one way to read the data that says that the evening curfew is working because of the drop that you see.

>> I understand your point now. Yes, I think that that's a valid point and, again, coupled with the fact that 85% of these citations were first-time offenses shows that when these -- when these young men and women are brought into the system that the diversion programs that they're then given the opportunities to, through the courts, are having some type of an effect.

>> Alter: And if we wanted to proceed either in part or in whole with the curfew and we wanted to also implement what you were proposing as your compromise, what would need to be modified from a legal perspective.

>> So there's two different ways. It could either be defined in the department's plan for implementing the ordinance or it could be language within the ordinance that says a first-time offense will be handled as a warning and, again, what we would do is create an internal process for tracking that warning so that the officer that stops a young man or young woman on the street would be able to check the system to see if they have in fact been warned once before or if this is a first offense and then we would still follow the same procedure that we talked you too about last week as we do with all juveniles, and that is that we would return them to a responsible adult either back to their family or if their family was not accessible at that time to a responsible adult that has passed all of the background checks that we would do to ensure it's a safe placement.

>> Alter: So if you did the warning, what are you doing now? Are you -- you're citing them the first time?

>> Yeah, it would be the exact same process. We'd still get them back to a safe placement, back with family. The difference would be we wouldn't give them the citation that would then have them appear in municipal court. Instead what we would envision is giving them a resource familiar pamphlet with all of the opportunities that are available to them, as well as to their parents, but then it would become voluntary for them to participate in any of those types of services.

[12:20:24 PM]

And then a second -- then it could be mandated since the warning didn't work on that first offense.

>> Alter: Okay. Thank you.

>> Mayor Adler: Okay. Ms. Kitchen.

>> Kitchen: Just a quick question, and I apologize. You may have discussed it before when I wasn't here. But I assume that the interventions include recognition of concerns like abuse so that kids are out on the streets at night are there because they don't have a safe place to go home to?

>> Yes.

>> Kitchen: Or because their home is more dangerous than being out on the street?

>> Yes, I mean that's going to be one of the first questions, the interaction of the officer with the child, why are you out here? What's going on. So they would definitely be afforded the opportunity to bring forward any issues with abuse or whether it's just domestic violence between the adults in their household. There would be opportunities for that to come up.

>> Kitchen: Do we have statistics that would give us information about the extent to which that is identified?

>> No. There's not -- there's not a way we would document the reasons for which we've come across these kids.

>> Kitchen: Okay.

>> So that's not information we would have.

>> Kitchen: Okay. I assume that in those circumstances those kids are then connected to a resource to assist them from a social service perspective or an intervention perspective?

>> Depending upon what information was brought up, it could be that child protective service was even brought into the mix at that point if the child disclosed information to the officer that made it apparent that that was needed at that time. So, again, it's an opportunity to connect them with services if the information that's provided by the child shows that that's necessary.

>> Kitchen: Yeah. I imagine that's a very difficult thing for a child to share so okay. Thank you.

>> Mayor Adler: Okay. Anything else on this? Mr. Casar.

>> Casar: Thank you. And one quick question before some comments, more comments from -- just for deliberation here. We don't have -- or do we have data on how many young people are stopped because they are out past curfew but are instead cited or arrested for something else?

[12:22:40 PM]

>> We will have data that we could pull on the arrests of juveniles. To actually determine the reason for the stop is not something that we would be able to discern from just all the data on the arrests of juveniles because that's not a field that would say why was this person initially stopped.

>> Casar: So there is also the chance that there are people beyond those 88 who are stopped because they are out at night but then are ultimately arrested for, say, possessing a small amount of marijuana?

>> Correct.

>> Casar: I think that just raises some more of my concerns about someone being stopped purely based on the time of day and their perceived ability and potentially being funneled into the criminal justice system beyond those 88 people sort of as a starter and then also I just think that beyond the 2,000 people who are -- have been cited, in the 2,100, between 2014 and 2016, we know, having been parents or not being parents, that there are thousands and thousands of young people that are out at night and never get stopped, and the challenge here is why are we stopping some group of them and if the answer is because we want to prevent criminal activity, there are already, in my view, laws if we suspect that somebody has committed a criminal act for stopping them, regardless of their age. And if the answer is to keep them safe, I don't think this is an effective tool to keep them safe because we are citing just 2,000 of the thousands of kids that we know leave home to see their friends, to go do whatever things they're going to go do, whether their home is unsafe or not. And unfortunately of the 2,000 that we're stopping, it really -- the geographically and racially, it's very disproportionate who it is that's being stopped so I think we have to come up with a better way of dealing with that issue and that's just my view.

[12:24:43 PM]

>> Mayor Adler: Anything else?

>> Tovo: Not on this issue.

>> Mayor Adler: I want to go through the resolution if there's another alternative that's better I would really like to see what it is. And correct me if I'm wrong, if we don't vote to extend it now and then this study comes back it looks like that's the right thing to do we could always reimpose it. Is there a -- is there a harm in having it expire and then come back? In other words is the expiration itself create a problem other than it just doesn't exist during this period of time when we're seeing if there's a better alternative?

>> Two types of harm, mayor. I think we're talking about from the law enforcement perspective, the harm would be we would lose a tool to potentially interact with the youth that are out at late hours

during the night so that would be the harm I would speak to. And then, Chris, I don't know that there's a little harm in bringing the ordinance back if it were to expire.

>> Chris from the law department. It's just an on the one hand ordinance. You would have a gap where there would be no juvenile curfew until the council decided to bring it back.

>> Mayor Adler: I understand. Okay. Thank you. Anything else on this? Chief, thank you very much.

>> Thank you.

>> Mayor Adler: About to break for lunch. Was there a quick question on item 71, which was the green infrastructure question?

>> Tovo: I have one.

>> Mayor Adler: One? A lot?

>> Tovo: I have a couple quick questions about that one. I was just going to air my questions if I could quickly and one was on that one. On 64, the item about the firefighter overtime audit, I'll have some questions that if I have a chance I might submit through q&a otherwise I'll have to ask them on Thursday about what this would do to the existing audit plan, whether this can be handled as a special project and just to get -- rather than have it displace the -- and will there be another audit that's displaced and, if so, which? 71, about the green infrastructure, I do have a question about the time line on this and whether the staff feel that's feasible and I want to be sure since our water utility and others and possibly watershed is involved, I assume they probably are as well, I'm concerned about whether this could interrupt any of the work that's going on with regard to the Austin water forward plan and I want to be sure that they -- again, that our staff feel that they can complete this work in a -- in the time that's been specified given the other projects going on, including codenext, which I want them to be involved in.

[12:27:14 PM]

>> Kitchen: Let me speak to that quickly. This language was approved by the staff and so is the time line. They're not here right now because they didn't know it was going to be pulled.

>> Tovo: Sure.

>> Kitchen: But we ran all this language by them, including the time lines. I will double-check but my understanding is that these time lines were set with what they wanted to see. But I'll double-check.

>> Tovo: Thank you. That's great. And then my last question is about 34 -- oh, I just wanted to raise this to my colleagues' attention. This is the issue that we've talked about before and have not come up with sort of our own policy recommendations and analysis about. This is the janitorial contract for Austin energy and to it brings us back to that question again about bringing services in-house at a higher cost

but for greater community benefit. So it looks as if -- I've got to look at this again more closely but it looks like we would be poised to approve this contract for five years or by the time you add in the extensions, and I likely -- if that's the case, I likely will make an amendment that we approve it for a shorter period of time to allow ourselves to really consider the -- that issue more fully. This is actually the contract, I believe that, gave rise to kind of the big discussion about contract services and subcontracting out these kinds of services and that large analysis -- financial analysis that was done. So before we just approve it again for another five years I want to take some time.

>> Mayor Adler: Which number was that, again?

>> Tovo: 34. Those are the ones that kind of caught my eye for Thursday.

>> Houston: Mayor, for 1930 I'll be asking a question regarding were there any minority contractors.

>> Mayor Adler: We're going to come back and we'll come back after lunch. We have some things to do and just by waive notice I've also asked us to -- item 68, which is the extension in executive session, probably bring that back on Thursday in executive session. I'm going to highlight some issues I wanted to discuss with legal and bring them back on Thursday.

>> Tovo: I had one more quick one on my last --

[12:29:17 PM]

>> Mayor Adler: Okay.

>> Are you not 56? Are you not coming back mayor pro tem?

>> Tovo: I didn't pull any of these so I was going to run through them quickly. In any case I'll leave it for now, try to do it through the q&a.

>> Mayor Adler: Or when we come back you can raise them. Anything else before I bring us to executive session? Ms. Pool? Yes?

>> Garza: Somebody.

>> Mayor Adler: Yes.

>> Pool: I just wanted to add a suggestion on item 64, which is the full audit of the overtime for fire.

>> Mayor Adler: Right.

>> Pool: Since we in audit and finance approved the list and we moved a couple items off in order to put some affordability audits on there to make room for them, I wanted to ask if maybe councilmember Flannigan had talked with the auditor or's office about doing the 200 hour special project because you

don't have to have approval on that and they can run off and do that work but I wouldn't be -- I -- the audit list is big and bold and we made room for things that we really wanted to get to, and so I would be not really inclined to take an audit off.

>> Mayor Adler: Let's hold the discussion about that. We'll do that when we come back from lunch.

>> Pool: I think there's another way to get to what he wants with the special project.

>> Mayor Adler: I understand. We'll call that here when we come back from lunch.

>> Renteria: Yes, mayor. I have some questions from the neighborhood that are concerned about item 103. They wanted to have it -- a certain -- not taken up before 4:00. Thursday.

>> Mayor Adler: Not earlier than 4:00.

>> Renteria: Yes. And I'm going to have to be leaving here in a couple minutes. I have --

>> Mayor Adler: Jury duty.

>> Renteria: So. . .

>> Mayor Adler: Thank you for that service. Before we break for lunch -- councilmember alter and then Ms. Kitchen.

>> Alter: I just very quickly on the curfew, mayor, you asked a question of the consequences of letting it lapse.

[12:31:18 PM]

And for better or worse, the police would have to be trained not to enforce it and then if we put it back in they'd have to be trained to enforce it. And I'll be asking to understand what those implications might be if we were to go in that direction.

>> Mayor Adler: Okay. Ms. Kitchen.

>> Kitchen: Just a quick question. When we come back are we going to have a presentation on this.

>> Mayor Adler: Yes, we are going to have the presentation on the bond committee.

>> Kitchen: I'll hold my questions.

>> Mayor Adler: Needs assessment. Yes? Anybody else? All right. City council is now going into closed session to take up five items, e2 on -- pursuant to 551-086 where we discuss competitive matters, Austin energy generation resource planning, pursuant to few 51.074, e3, personnel matter related to the

interim city manager, pursuant to sections 551.071 and .074, legal and personnel matters related to central health, and 551.071 legal matters related to item 68, which is the cultural facilities public use funded bond. E1 has been withdrawn. Without objection we will go now into executive session.

[2:56:17 PM]

So we're out of closed session. We discussed competitive matters and personnel matter related to E 5. It is 2:56. We're going to pick back up now the council work session with our briefing on the critical needs. Your floor.

>> Good afternoon, mayor and council. I'm joined by Carlos Stefan, the deputy director of the convention center. Let me explain that. She's been helping us out with projects we have going on. Carla has a long experience in the financial services group. She was a deputy controller for a while. She headed our internal audit function year back as well. She has a corporate view. We appreciate her allocating her time and mark for allowing us to use her for this endeavor. We'll give a brief update of where we were in the bond process. As you know, the city council passed a resolution back in the fall as it was working -- at this point, it looked like it would be in 2018. We're going to walk you through where we are today. We're at a good stopping point to share some information with you before we head into the hard work with the bond committee. So we've had this up in front of you before. It's kind of taking the comprehensive bond election program into its different stages. Really now at the end of the initiation phase. We'll give you the over all context of timeline. So, today, we're here today. It's a new effort to be here today.

[2:58:19 PM]

We are actually -- this Friday we're scheduled to meet with the bond election advisory task force that's been appointed and active since December. They will be receiving the initial bond we've worked on over the last several months. We thought it was very critical before going to the committee to kind of stop here with the council to give you the big picture about where we are and what the work they will have in front of them. You're going to hear the word starting point today a lot as we talk. We are -- you would be potentially 15 months out from setting a bond election. So we truly are at a starting point in this discussion. We thought it was important to have that discussion. Make sure I have my pages in the right order. So we're going to be talking about that and highlight our processes, how we got to this point. We're going to summarize what we're characterizing as a bond recommendation, taking all the information we have from our departments, all the work we have been putting together. The bond committee itself is going to go into a much more detailed look, both Friday and the upcoming months, and talk to you about where we are and coming steps. What I will tell you is that we are -- this initial

bond program is, in fact, a starting point. It's a starting point for the bond committee. It's a starting point for the community, and it's a starting point for the city council. We're looking at if there will

-- if council moves forward on setting a bond election for potential November 18th bond, that heavy lifting will occur really a year from now in the actual setting of -- and the actual setting of a bond program will not occur until August of 2018. So, again, we just wanted to stop here today and show you the work we've done before we launch into the heavy work with the bond committee.

>> Can I ask a quick question?

[3:00:21 PM]

>> Yes.

>> What time is that meeting?

>> 1:00 on Friday.

>> Is that always the recurring

>> Typically at 2:00 P.M. On the third Friday of every month, is what they've settled on for right now. We're scheduled to do periodic check-ins to make sure that that is still working, especially as we get task force members appointed and removed.

>> And is that Normal for these kind of bond advisory task forces to meet during the day and not after 5:00?

>> We've been meeting in the early afternoon evening. We anticipate once they develop their subcommittee structure and determine their community outreach that there will be evening and weekend meetings scheduled between now and the end of their work.

>> Okay. Thanks.

>> In terms of getting to the development process, it takes several elements for us to arrive where we are today and for the bond committee. First and foremost, we look at prior investments and that's a theme you'll see throughout this presentation, kind of showing you for each of our different areas the prior investments we've made and where we stand on those prior investments. The strategic priority process that council has been through, that's certainly been beginning to infuse a lot of the dialogue that we are having. The capital renewal process that our departments are looking at every day as they're out and about, both formally and informally. Something new we did this process, we collected a group of willing, sometimes not willing, but willing staff members, and we called a staff bond review team. This actually comprised of Brian Dorf in the equity office, Lucia from sustainability. We had folks from the planning department. We actually had someone from aviation. Folks that weren't actually in the

business of getting any of these bond dollars, but just so we could use as a vetting board folks with different perspective.

[3:02:27 PM]

I think it's something that is going to last throughout this process, because now folks, for example, like Brian, it gives them a chance to have a different prism into what we're doing, not only he's plugged into our operating budget, but now he gets plugged in on a very large aspect to the city's spend. We really envision him being back in front of the task force as well to talk about the equity tool that he's working on. We think that's a critical twist. And then we're going to talk about our program capacity as well as our financial capacity. So those elements helped us get to where we are in our recommendation. So how do we develop it? We had this chart out before, and we were back before you in March. Looking at the overall policy and objectives, imagine Austin as an overall arching plan. Master plans that occur, both existing and neighborhood plans. Specific infrastructure plans that are done. Department or site specific. And the strategic planning effort that is in its infancy as well. Public input. A lot of work that you'll see here. A lot of boards and commissions weigh in on specific projects or programs that have been developed or assessed or attended to. That rolls into our rolling needs assessment, and where they would be with the needs assessment for the program. Touching on some of those elements. I talked to you on the five elements that infuse. We're not going to go through all of them. This is the bond history that we've had. This is updated through our 2016 mobile bond, over 2.2 billion of approved propositions dating back to 1998. Certainly I would say for a growing city like Austin, Texas, where population doubles every 20 years, this is certainly an adequate -- not an unrealized amount of expenditures for a growing city for its infrastructure.

[3:04:29 PM]

Just a quick little one-on-one on funding flow. You've heard this from us on the capital budget, but on the capital side, which is slightly different, we do annual appropriations. Those annual appropriations are usually tied to a bond proposition. Sometimes we have cash that we can appropriate. And then from there, we come back week in, week out, and we approve contracts. You have some on your agenda this week. You have some on your agenda the following weeks for those programs. And then we enter into obligations and spending on those contracts. We then each year sell bonds around our bond programs. We do not sell bonds every month. We sell them once a year. We use reimbursement resolutions, which is a way for us to begin projects, but fund the projects later. This is a financial policy that allows us to avoid having too much cash on hand. So this is our procedure, and I wanted to show this to you because you're going to see some slides sprinkled throughout this presentation that talks about how much

appropriation we have, how much has been spent, and what is remaining. Starting with this first slide. So we've gone back and looked at our active bond programs, so this is a shorter period of all the bonds back to '98, but we still have some active specific projects from '06, and obviously through 2013. We have not included the mobility bonds in this since we have just initiated those, it would kind of skew the chart. So this shows you from each of them, about a billion dollars. We're doing fairly well on spending down those dollars. There are some instances in projects, especially in public safety where there's some specific name projects that are just getting going. One of those in that is the onion creek fire station, just appropriated contract -- awarded a contract for that and that is moving forward. So, again, this is for us to have some context as we look forward at potentially new bonds coming in. We want to understand where we are in our assisting programs.

[3:06:35 PM]

>> Kitchen: Could I have a quick question?

>> Sure.

>> Kitchen: I just want to make sure I'm understanding. What does that mean, we obligated 87%?

>> We have appropriated, all of our housing bonds, so you have 55 million from the 2006 bonds and 65 million. We've appropriated 25% of that. So when we pass a bond election, we don't turn around and appropriate -- for example, the mobility bonds, we spread them out.

>> Kitchen: So housing is the only one that we haven't appropriated all of that?

>> We have looked at the cash flow and their spending needs. They still have about -- overall, about \$19 million of spend left on the housing bonds.

>> Kitchen: And this may be part of a different conversation, but do we know why they haven't appropriated all of those at this point?

>> I think, again, we have some

-- I think we can get some analysis to you to show you the programs that they've gone through. This is something actually that the bond committee has already done, has a walk-through on the existing bond programs in terms of how they're doing. Certainly, we can provide -- there's some dense slides we're putting in front of you today, and there's certainly a lot of backup, that we can get to you. But certainly, we're going to be getting that to the bond committee because we think that's important as they take this and begin to assess and craft a recommendation back to you that they have that full information where we are.

>> Kitchen: Yeah, if you just want to point to me where I can get it. I'd just like to understand what has happened and why we haven't appropriated the entire 19 items.

>> Well, the 19 million is both existing appropriations that are

-- as you can see there, what has been appropriated, not all of it has been spent. In addition, there was more appropriation to come.

>> Kitchen: Yeah, I'm just talking about the appropriate amount. You were saying there's about 19 million that hasn't been appropriated?

[3:08:36 PM]

>> Overall, 130 million, there's 19 million that can still be spent of which about nine million is still left to be appropriated.

>> Kitchen: Okay, gotcha.

>> I'm sorry. I don't understand these bars. I'm going to use the 100% ones. 100% of what? 88% of what? And 87% of what?

>> Sure. So of the library and cultural facilities, there's \$134 million of approved bond propositions related to cultural facilities. So there's appropriations on the books. Appropriated means council authorizes that in the annual capital budget when you approve the capital budget each year.

>> Mayor Adler: So if we passed \$134 million in bonds, but hadn't said now we want to spend it, that would be 0%?

>> Correct.

>> Mayor Adler: But we've had resolutions saying how we're going to spend all 139,000, and that's appropriated?

>> No. Appropriated is the appropriation process when you start it. You have the capital budget. The capital budget -- sometimes there are budget amendments. For example, on the mobility bonds, you have come forward and already appropriated approximately \$60 million of the \$720 million of mobility bonds.

>> Mayor Adler: Okay. So it's obligated.

>> Obligated is funds that are

-- have been obligated by contract. So we have approved contracts, contract to do a study, contract to do construction, and we obligate those. They all don't get spent the minute they get obligated. They get spent over the course of 12 months, 18 months.

>> Mayor Adler: And green is how much we've spent.

>> Green is how much you've actually spent.

>> So for that example, 1% hasn't been -- the difference here between 87 and 88 is 1%, that's already been contracted, hasn't been spent?

>> Yeah, most of all the contracts have been spent.

[3:10:41 PM]

>> Okay.

>> So when we appropriate, typically it's one time a year unless it's budget amendment. The appropriation is the authority to spend. When you see the rca for a construction contract, that's where we're asking for the obligation. When you approve the rca, those moneys are obligated, but in the fiscal note section, that's where it's telling you where the money is coming from, and that's where we're saying, here's where the appropriation lies. It's either in the capital budget or the O and M budget. So that ties your rcas on any given council meeting back to what you're looking at here. And then once you've approved the contract, then we go negotiate and execute it. And then we can start spending against it. So there's timing differences between all of these, and that's what makes it somewhat confusing. This entire schedule here is the body of work that your bond oversight committee looks at and monitors. Once the bonds are approved, they monitor how fast or how slow we're spending those bonds and completing those programs. That's a different group than the bond advisory task force.

>> Garza: When you look at this, because it's one of the lower ones that's been extended, can you make the assumption those are newer bonds, more recent?

>> For the public safety, yes, there are some projects in there. So we can get you a detailed list of each of those. There was a significant part of the bonds from 2012 that were for public safety. So we can have a breakdown behind all of these numbers.

>> Garza: I'm just wondering if there's a way -- like, for example, open space. That's almost all expended. Does that mean those are old bonds from 2016 and we have -- you know, I know it takes time to do all this.

[3:12:43 PM]

Does that mean -- is there a way to look at this where it's not a good interpretation, and say, I see we haven't had any bonds for drainage in such a long time.

>> I think we can do that. I think we can break this into its components. What was the 2006 bonds and the 2012 bonds and the 2013 bonds, we can cut it a different way, absolutely.

>> Garza: Thanks. Looking at our debt capacity as an early assumption.

>> So one of the things we have to remember is we have 851 million to be sold for existing bond programs. So going to market each August on our bond program. 720 million of that is related to mobility bonds. 131 million is tied to the 2016 as well as 2012 and 2013 bonds. And another assumption, as we went through the mobility bond setting discussion a year ago. The 720 million required, the two and a quarter cent tax rate increase to get to that 720 million. Those tax rates still need to be implemented over the course of the next three to four years to get those bonds in places we sell the bonds. That was our estimate at that time. Each year as we set our tax roll, and our tax rate, we sometimes see modifications of that, but that was the plan and we'll be updating that as we come forward in this year's budget. We also look at a six-year look at capacity, of actual bond capacity. We sell bonds over the course of a bond program. Not all at once, but we spread them out over five to six years. We use reimbursement resolutions, which is you appropriate funds or the authority to spend, as the city manager mentioned, and we sell bonds in subsequent years. This is a cash flow tool that helps us mitigate kind of cash risks.

[3:14:44 PM]

And our tax rate as well is also spread out. So this is a very preliminary look at what we have from a debt capacity perspective. So we'll walk you through this. We are estimating that we'll have about \$325 million with no additional increase, and that assumes as a baseline that we still move forward with a two and a quarter cent tax increase associated with the November '16 bond program. Adding on, layering on another penny would get us up to about a \$575 million bond, and two cents at 825 million. So I'm going to stop and just quickly address one issue. As you recall from a year ago, when we were talking about the mobility bonds, there was a desire in this room, to ensure that some of the existing capacity at the current tax rate at that time would be preserved for a future bond election, which is now this bond election that we have embarked on, and just to be clear, that preserve was not selling it and putting it in a drawer. It was really a model assumption from the financial modeling perspective. So we've done that. The good news is that that \$250 million now equates to 325 million. The assessed evaluation has gone up since what we got last year from the 2016 tax roll, and what we are at this point projecting, although we haven't finalized those projections as we work with the appraisal district. That on top of we are always looking for opportunities for savings from funding of existing bonds. This is looking back in time

and looking at different maturities of the bonds we've issued. If we issued a maturity bond that had a 4% interest rate and we can buy that down and it hits a certain net present value, we do refunding. And you had recently approved the refunding. A part of that is reflected here in these finances.

[3:16:46 PM]

That's something that we continually do and we'll continually do every year. What I'll say here sitting in June of 2016 -- sorry. Certainly 2016. But 2017.

>> Mayor Adler: My, how time flies.

>> We can just put up the tape from last year and see what I said. Actually, let's not do that. Sitting here in 2017, it is too early to dial in on these capacity numbers. These truly are I would call bands to look at. Just to put it in where the mechanics would work, any bond election of 2018, we wouldn't be selling bonds until 2019, so two and a half years away. We still have two more years of setting tax rates and setting assessed valuation. The interest rate environment is to say the least an interesting one, given both macroeconomic issues as well as where the market is and other I think general -- the sense of what is happening nationally in D.C. With the federal reserve, so we want to be cautious about that. We don't know what will unveil itself. What I can tell you is that it will be back, to update these body in January of 2018 when the bond committee finishes its work, and then we'll be back again additionally in the summer of '18 to make sure that this council has the ultimate nearest and newest information before you take the -- go down the route of setting an election. We want to make sure you have the most up to date. We also look at the parameters. Again, feeding back into how we got to initial bond program. We're looking at a five-year program, this is consistent with our financial policies. The ability to spend over five years in those bond sales are lagged over six years, because the spending lags.

[3:18:50 PM]

We think this time period is good. It limits the risk of cost estimation, trying to put in cost inflaters for projects in years seven or eight are sometimes a challenge. We believe this provides flexibility as the community priorities evolve. And then ultimately, again, as you'll see, Carlo will address it, and we've addressed it, is the remaining bond programs. We want to get the ability to get those done as well. We're not alone in the ability to -- in the need to take care of our assets. Nationally, we've seen 2.8 trillion in infrastructure funding gap. I know a lot of our finance folks around the city were up at our government finance officer's association conference, and this was obviously a strong topic. What I will say is that the municipal market, us, the ones that are funding the most of the infrastructure in the country, 75% of it. So for all the talk of national infrastructure, it all happens in the cities, in the counties

around the country. The global demand is really fantastic. We do see a growing need and desire in conversation about partnering with the private sector. We are down the road on that with one of our facilities and we do believe it's a model that can work for us. We want to make sure that as an entity, we continue to make sure that our municipal bonds remain tax exempt. So as we took all of these considerations, our capacity, what we have from our prior bonds, looking at a five-year program, the thing you're going to see here in the next several slides, again, as an initial bond program, as an initial starting point, is really a focus on our existing infrastructure. The demands and the needs are big. They're actually bigger than what you're going to see here today, but we try to filter that down. In fact, we had over \$3 billion in needs that were identified by our various departments for both taking care of our existing infrastructure and looking at some new opportunities, just to put it in context.

[3:21:02 PM]

We know we can't burn through \$3 billion in five years ago. We can't sell 3 billion in five years. So what you're going to see here is a subset of that, what we believe is a good bite-sized chunk to initiate a conversation that will happen in this community over the next 12 to 16 months. So, in my last slide and I'll turn it over to Carla -- I think I turn it over to Carla after this.

>> Yes.

>> Yes, I do. Is the categories. So we have taken an opportunity to look at the different categories here. What these are not are bond propositions. The setting of bond propositions is something that would occur, again, further down the road once the bond committee comes back to this council with its recommendation. At that point, staff would also provide any updates, not only from a financial capacity perspective, but also any estimates that we have from projects or anything that has changed on the ground from an infrastructure perspective in the next year. And council will deliberate that, and we will work on kind of a first take on propositions. But that is, again, something that is far down the road. It is not something we're asking the bond committee to do either. So the categories are looking at reinvestments in facilities and assets, transportation infrastructure, our stormwater infrastructure, parkland and open space, and affordable housing as well. So with that, I'll have Carla walk us through.

>> Thank you. So I'll start with facilities and assets. This is the largest category --

>> Mayor Adler: Hold on one second.

>> Oh, sure.

>> Just a quick question.

>> Kitchen: There's a category under facilities and assets for parks and recreation, but there's also a category for parkland and open space. So you're going to tell us what the difference is behind those two buckets. Or why there's two buckets.

[3:23:05 PM]

You must have separated them in some way.

>> Yes, we have. So I'll go over this area first. It is the largest in terms of dollar amount for the recommended starting point at \$240 million for this category, covered over these four areas. Parks and recreation, library, Austin public health, and public safety. So starting with parks and recreation, we are going to just show you initially on all of these areas the prior investments that we have made. So since 1998, we have invested nearly \$212 million into parks and recreation. Over half of it has been in their facility, renovations and improvements with another about 25% in park improvements. And then you see the other program areas with their investments there as well. We are recommending a starting point for this bond program at \$120 million for parks and recreation. The department took this number and has allocated it across these program areas to start with. Aquatics, 15 million. Facility improvements at 40 million. And their largest category for this part is 65 million for infrastructure across their various programs, trails, sports courts, playscapes, parking lots. Yes.

>> Kitchen: Okay. So is this -- when we have trails here, is this different than the types of trails we have in our mobility bond?

>> Yes.

>> Kitchen: Is it different types of trails, or we're just adding the same kind of trails?

>> I would say it's a different type.

>> Kitchen: Okay.

>> My recollection from the 12 bonds is it was significant funding for the extension of the violet crown trail, which is through the Barton creek. It wasn't for bicycles, for example.

[3:25:08 PM]

These were trails that are --

>> Kitchen: I guess I didn't ask my question very well. I'm trying to understand where

-- just did 720 million on the mobility bond. So, and some of that money is for trails. So I'm not saying we don't need more money for trails. I'm just wanting to understand if we're talking about the same categories or not.

>> Assistant city manager. The difference is, trails for mobility purposes, commuting and less recreational and more more mobility are in the mobility bond. So these are trails that are

--

>> Kitchen: Okay.

>> And these are also for the reinvestments of our existing trails that parks currently maintains. So the theme here is when there's expansions, we have historically parks has taken care of a lot of these trails. So this is about that as well.

>> Kitchen: Okay.

>> And just a quick interjection here as you're looking through all of these. It's going to be -- in terms of the presentation, you are looking at both programs and buckets of funds. The bond committee is going to be drilling down and looking at the specifics of what playscapes and what trails, so when they come back to you with a recommendation, both in terms of looking at geographical equity, historical equity, the size of everything. So that's an exercise that everyone will be -- we are primed to do at the bond community level to come back and that's what the subcommittees will do. We will throw maps up, they will do tours, they will get down and do this. So these are, at this point in this initial phase, we are identifying buckets of spend, buckets of funding. The details is something that gets crafted and discussed over the coming year, especially as the community weighs in on where investments need to occur.

[3:27:16 PM]

>> Moving on to library. Since 1998, we have invested 158 million into our library. 33 million of it has been out in the branches, either new branches or branch improvements. And the 125 million investment for the new central library. For this bond program, we are recommending a starting point of \$20 million for library, to include 18 million in branch library improvements across their system, and \$2 million for the art history center. This is related to modifications that would go on in the second and third floors of the Faulk library to get it ready for archival of great storage. Moving on to Austin public health. Since 2006, we've invested nearly \$31 million in its assets, 11 million for facility improvements, and almost 20 million for the animal shelter. That 20 million does include some certificates of obligation as well as G.O. Bonds. We are recommending a starting point for this bond program for Austin public health of \$10 million to be spent across their facilities, across the city for facility improvements. Yes.

>> Kitchen: My question is a broader question, too, and if you want to wait until the end to get to it, it's okay. I'm wanting to understand the thinking behind the recommended amounts and the proportion amongst them, because I know we have lots of needs, and in each one of these areas, there's more needs than we have dollars for. But we are talking about quite a bit more in some areas than in other areas. So I want to understand what the thinking was on how that was determined.

[3:29:20 PM]

In other words, we're talking about 10 million for public health. Is that because that's a certain proportion of what's identified as needs, or -- and are we looking at the same proportion across all of these categories or what? I understand that the bond committee has to -- they'll wait for all of this. But what we're giving them is an initial starting point, and the initial starting point doesn't have the same amount of dollars for each one of these categories. And when we -- you know, I have some concerns about the proportions amongst the different categories. I was thinking maybe there's some reasoning behind it.

>> Mayor Adler: Don't talk about specific categories yet. Just how did you go about doing that? But let's work our way through this.

>> Kitchen: You want to wait until the end?

>> At the end, there's a slide that gets to -- yes, we can do that at the end.

>> Mayor Adler: Okay, thanks.

>> Moving on to public safety. Since 1998, we've invested almost 132 million in this area. Another 35 million in facility improvements for the public safety area. We are recommending a starting point for this bond program of \$90 million for public safety. That represents \$82 million for fire and EMS improvements. That's replacements, renovations and facility improvements and \$8 million for police for their operations facility. That takes us through facilities and assets. Moving on to transportation infrastructure. This is the prior investment for transportation from 2006 through 2012. It doesn't include the 2016, again, because we don't have anything obligated or spent yet. But we have -- well, appropriated. It's early for that. From 2006 to 2012, we've invested just over 336 million across the categories that you see in the bar chart, and this mirrors the first slide where we show appropriated, obligated, and spent, expended for the various categories.

[3:31:44 PM]

Want to stop here a minute and put this in context as it relates to the 2016 mobility bond. I think there's going to be a lot of people who might have questions about how these relates, if at all. This starts with just the cycle of building assets and taking care of assets. So you see the line going across the page. The repair and maintenance and preventive maintenance at the bottom of the page below that line represent just the annual spending through the operations and maintenance budget that takes care of those assets. What's above the line again is the more intensive rehab or replacement of assets, and then the new assets, new capacity, and that's what you fund through your capital programs. The mobility bond is focused on adding new assets and capacity. That is the majority of what the 720 is to be spent for. So to put it in context, what we are recommending as a starting point for the 2018 bond for transportation infrastructure is actually, again, following the theme take care of what you have. It's rehab and replacement of the existing infrastructure. So that kind of helps you understand the relationship between the two and how they are different. So they are recommending a starting point of \$190 million for transportation infrastructure across the programs listed here. There's also an initial reinvestment plan description that goes along with the categories. The biggest category at 75 million is street reconstruction, and then followed by 54 million in the bridges, culverts, and structures. Moving on to the -- yes.

>> Kitchen: Okay. On the neighborhood partnering program, I have some concerns that it's only at one million. So I'm not understanding why we would only recommend 1 million for that. So I understand the bond committee has the ability to go up or down on these, but I just want to make sure that they understand. Because the neighborhood partnering program is -- well, anyway.

[3:33:46 PM]

I'm just expressing my concern. That 1 million -- what has it historically been at?

>> The submitted need at the beginning of this was 500,000, and we've taken it up.

>> It's increased.

>> Kitchen: Okay. Well, I'll want to dig into that and understand that.

>> Is there a question of staff capacity related to the mpp?

>> Well, I think in general, that is also another overall filter, the capacity of the combination of all of these, not even within one group, to execute.

>> Mayor Adler: Let's try and get through some of the other big categories here before we start telescoping down and we have to decide how much we want to telescope down versus doing a pool of items. We're probably not going to have time to do them both, so we may have to pick between them.

>> Kitchen: Well, I think it would help -- my larger question is about -- this is our opportunity to discuss this, if I'm understanding correctly, before it goes to the bond committee. If there are other opportunities, then fine. I mean, my larger -- my bigger question is what are our opportunities to provide some guidance to what goes to the bond committee, and does that mean that we just directly provide our guidance to the bond committee, or is this our opportunity to -- that's why I'm asking.

>> Mayor Adler: I don't know. I think it's important to do. It's not a question of not doing it. What I am trying to do is create a little bit of a continuous record, as people will go back to this meeting to see what it was laid out, and I think that's important that we make that kind of thing. But when we're done with this, we can spend time, we can set other meetings if we wanted to as well. The last Thursday meeting we have is still a small meeting, and if it stays that way, we might be able to have some additional briefings as well as discussions on that last Thursday meeting as well.

[3:35:47 PM]

So we'll back full to make that a full day.

>> Kitchen: Okay. I just think it's important for the council members to have the opportunity to let the bond committee know what our concerns are, particularly if we're -- I mean, y'all have done a great job with this, but there are some areas which I might not agree with.

>> That's exactly why we wanted to come and have a stopping point for both -- you're on the point discussions today, but for you to see this and get with your individual member as well as a group is exactly why we came here for this.

>> Mayor Adler: Okay. Let's go back to the presentation. Take us through that.

>> I believe we were ready to move on to stormwater. From 1998 to 2012, we have invested \$106 million in storm water infrastructure, 22 projects. Some of those are listed. It's important to note that in the past, the bond funds for stormwater projects have been leveraged with annual drainage cip funds. Those are transfers from the drainage utility fee. So I'm not sure if that's going to continue, but I wanted to make sure that that was known in the past, how that's been supplemented. We are recommending a starting point at 75 million, split between two major programs, flood mitigation at 20 million, and drainage improvements at 55 million. Moving on to parkland and open space. Again, we did separate out parkland. It kind of just fits, since it's more land acquisition, it just naturally fit with space acquisition. So we have carved that out of the parks and recreation facilities program and included it here. Since 1998, we've invested almost \$260 million in open space and parkland.

[3:37:53 PM]

This does include all funding sources, including donations and dedications of land. And that is estimated acquisition of almost 33,000 acres. We are recommending a starting point of 50 million for this bond program. Right now it's allocated 30 million for parkland open space acquisition and 20 million for water quality open space acquisition. The last major category that I will cover before I turn it back over to Greg is affordable housing. This slide is a little busy, but we just want to highlight there are many funding sources that flow into the investment in affordable housing. Since 2006 through 2013, we have invested just over \$250 million across those six funding sources, and you can see where that funding has fallen and been invested. We do want to just stop and make it a point, we realize that with the recent adoption of the us a tip strategic housing blueprint, we believe that this will be something that the task force and the community looks to to help frame whatever comes back as the ultimate recommendation for the affordable housing program. So we just wanted to highlight that we realize that that is a key piece that kind of just came to be in terms of formal approval, and we think it will impact the recommendation that comes back to you. We are recommending a starting point for this bond program of 85 million for affordable housing. Allocated across four areas, homeownership program of 18 million, rental housing development assistance of 39 million, home repair million of 18 million, and land acquisition of 10 million. Yes.

>> Kitchen: Waiting for the next slide.

>> Sorry. So this is summarizing where we are in terms of the starting point, again, across those main categories.

[3:40:00 PM]

And you see the amounts that I just went over. The total starting point that we are planning on taking to the task force is \$640 million.

>> Kitchen: Okay. So here's my first question. How did y'all do this? In other words, what was the thinking behind 640 in the first place, and then just the allocation across these different --

>> Mayor Adler: Which I think leads you right into slides 40 and 41.

>> Yeah, I think it will address

--

>> So one of the elements of the 3 billion. Again, we work very closely with the departments and really need to stop and thank them for all of the work that they've put in. These are the same folks that are not only working on getting projects done, but oftentimes planning the next ones, so there's a lot of rigorous work that went into this, and so we start with really a call for everyone getting all their work

together. We have a very good robust rolling needs assessment plan that we start with. Part that was over a billion dollars of the requests were for about 35 new facilities. After we went through our entire process, looking at all those different filters in terms of our bonds spent, our historical

-- sometimes our historical issues with getting bonds out the door, we looked at these new facilities as potentially a different way, and especially since we've been working on a new approach. So these facilities really ran the gamut from fire and EMS stations, to neighborhood health centers, which is what the Austin public health, actually one of their main asks was new versus renovation. It takes place on a campus that we built back, we bought from the state, the old school for the deaf in 2001, and we've reinvested and put the animal shelter there.

[3:42:00 PM]

It was a lot of new things, which we think there's a value and a merit to. We also had requests, for example, from our economic group looking at a new specialized creative hub, regional resource library. So lots of good new neat ideas that we know both the bond community and the committee will ask. But looking at the journey we've been on, in terms of how we approach getting them done, the good, the bad, and the ugly of getting them done and this new approach that we've turned the corner on. At a minimum, we believe that these needs need to go through a more rigorous look, in both their operational needs, their detailed space requirement assessments, and importantly their impact on future O and M budgets. We also believe our new model of looking at third party achieving transfer of risk and cost is very valuable. We fully expect that -- and the bond committee will see these. We fully expect that the community will come and talk about not only the taking of the care of what we have, but looking at new opportunities, and so we will concurrently be looking at some of these asks as well in a little more rigorous light. So, council member, of the three billion, a billion of that was for new asks. And just to wrap up here, when we went bang, the bond task force, we have had various meetings with them already and we think they're in a very good place to receive the bond recommendation. We spent a whole session with them on debt, how debt works. We spent a session with them on the intricacies of the capital project, so that conversation we had here over a few slides in terms of appropriations, contracting, and spend, we've had that with them. And then most importantly, the last piece was updating them on their previous bond programs, because we believe, as you can see in this presentation, that that should help them craft their recommendation back to you, where they are and what we have.

[3:44:07 PM]

So they are ready for that. And so let me address that and I'll come back to that question about how we landed here. We have a meeting Friday with them. We'll add some additional elements to it. Their next task over the summer and the fall will be to organize themselves. They've gone through the process of electing a chair and a vice chair, but if they have a desire to go through and set up subcommittees to work on each of these areas, that's something that we would certainly -- we believe there's been a value to that in the past. We will have various additional deeper down loads of information. The departments will come in and explain -- for example, the parks department will come and walk them through the detailed analysis of where their needs are from a place keeper perspective, from pools, the trails. We think there's a value in having the equity office come and present to the bond committee so they have a different filter that we would not have had in the past. We are certainly going to recommend and we have shown the bond committee, previous bond committee's outreach efforts, community outreach efforts. Ultimately, that is the bond committee's role to get out in the community. We believe that is highly critical to the success of their effort. And ultimately, at the committee level, they are coming back to you. That would bring us back to next winter, spring and summer. In some cases, something that looks different than what we're showing you today and you will go through that process. So in terms of that question, I would say that we took information from all the departments, and we did not have preassigned levels of buckets for anything. I think we went through a process of being down in the details of it, and having this new role, this new kind of -- it was just some resources that are good thinkers in the organization to help us start peeling this back and creating a starting point.

[3:46:16 PM]

So there were no preassigned buckets. Ultimately, we did land on from starting point the need to focus on this incredible backlog of infrastructure that we need to maintain as our kind of overriding starting point. From there, we went back and looked at these lists to see what fell into that. I looked at prior investments, we looked at where we are in our spend, and we looked at the overall demand, but there were no pre-allocations of 10 million here and 20 million there. We know the demand, again, taking out the new facilities, certainly exceeds our financial capacity in terms of what we would recommend for financial capacity. We fully expect that the bond committee will get that full needs ask from the departments. The additional billion and a half dollars, so we can see that

-- I've been involved with a handful of bond committees over my several years here, and I can tell you that they are really -- from a staff perspective and a community perspective, they're fantastic processes. I think they're great learning experiences. And we have no pride of ownership and authorship of these. We believe it's valuable to give a realistic initial starting point that is based on some professional information about where our needs are, but we fully expect it to be a very robust and vigorous conversation about not only the total amount of needs, but how those needs are allocated, and we -- Austin and a lot of the staff around the city stand ready to help. That's our role, to help the bond committee and get as much information to them as possible.

>> Kitchen: Okay. So I think I understand. So basically the full needs assessment will go to the bond committee, so they'll have the benefit of all that information. This allocation was based on y'all's best judgment.

[3:48:16 PM]

It's not formulaic in any sense. It's more your best judgment in looking at the particular needs. So I think I understand that now. I'm just going to say two things. On the storm water, I'm noting mitigation. And that causes concern for me. I will go back and look at the background information. Because I'm curious about the various flood mitigation plans that are out there. I'm only familiar with one of them, which is the onion creek one, and it's still not the only one. There are needs throughout the city. But that one alone, and I wouldn't expect all this bond money to go to one part of town. But 20 million is not enough to even think about the flood mitigation. And I'm concerned about the allocation across these. And I'm also very concerned about the very low amount for public health, and I'm not quite certain that I agree with the amount for affordable housing. I look forward to our bond committee going through their process of looking at these, but I just thought that I should go ahead and let everyone know that the relationship here, particularly since we just had 720 million in transportation, and I understand the difference between new transportation and, you know, updating repairs, and there's no question but that we need repairs for our transportation, but this just seems out of balance to me.

>> I'll make some similar comments. This is ultimately our decision, so really just for my colleagues and the bond committee to know that I know that we have all these huge needs on the affordable housing front. I don't think I would be able to vote to put anything on the ballot that was at this level.

[3:50:18 PM]

I recognize that this is more than we have done in the past, but they have just not been enough, and I think that we just have to do the work to get the community to understand what it's for and to get them there. And so I'm ready and committed to doing that work, but something at this level -- anything under 100 to me just is kind of a -- I just wouldn't be able to vote to put that on the ballot at this time.

>> Mayor Adler: To do what?

>> To put anything under 100 million to do a bond election that included affordable housing again. You know, I would be interested in discussing with folks what the right number should be, but I just couldn't do a number this low, and as far as parkland, I think it's important that our regular park score came up. Again, recently, we're known for being an environmental city that has great parks, we tend to rank

pretty low compared to other big cities where our ranking was 46th, and it wasn't because of our median park size where we actually came out pretty high. By far, part of our score that hurts us the most is park access. Are they able to have enough places for people to go that don't have access to park space, and so just whatever it is that we spend in this category, I hope that we can have some focus on that. I recognize that some of that has to do with our transportation system and some of it has to do with our land use patterns, and that's important for us to pay attention to. But that's also going to be an important consideration for me. So I look forward to the work that the committee does, but in particular, with regards to the housing, it will have to be something higher for me to support going to the ballot.

>> I had the same concerns about public health.

[3:52:20 PM]

But there's obviously more fire stations, there's libraries, so I can understand why that requires more. Could you give us -- is there a way you can give us that kind of information? Like, you know, there's this many fire stations, and that's why it requires an investment, because I know comparatively, there's not as many public health buildings, and maybe that's why or maybe that's not why, but that would help.

>> Absolutely, we'll get that. I think the list of underlying assets, the asset counts and the previous investments, we can get that to you.

>> And do you know if the fire recommendation includes the women's bathroom?

>> Thank you for bringing that up. We know that that project, the design and engineering of that, the study of that has already initiated, and we actually plan on -- we believe we will be able to put a funding plan in place in advance of the bonds.

>> So may be able to include it?

>> No, we actually believe that project is on a quicker timeline, so we want to accelerate the funding for that using our other funding opportunities. That's why it's not in bond, because we think we will be well under way. It's important to move forward.

>> Two more quick comments. I agree with council member kitchen. This is a really important beginning part of the process where we're molding what this task force is going to bring back to us. And I don't want to put them in a position where -- I guess I would first ask, instead of saying if this is a recommendation to them, can you reframe it to say it's a needs assessment? Because if it comes in as a recommendation, they're already working off this is what they want and we have appointed people who may not know how much they can work with that. And I know you're going to educate them on what there is, but I would hate for them to do so much work, going to what council member Casar said. I don't

want to give the indication that -- we make the final decisions, so they can do whatever they want, but I want their work to be meaningful.

[3:54:25 PM]

And so I just want us to do -- to get the process right, where they really feel like they are helping mold this process. When it comes as a recommendation to them, it already kind of gives the indication that, you know, here's the framework you need to work with. And I understand that's maybe what we're trying to do, but when we assign numbers to that, that could affect their recommendation to us. So anyway, just my two cents on that.

>> Mayor Adler: Let's see if we can put some time on Thursday, that last Thursday, where as a council we can come back and kind of talk among those issues to the degree that that would give direction to the committee. The needs assessment was \$3 billion. This is the staff's recommendation. So I'm comfortable with them calling it the status recommendation because that's what it is. I also like the idea of us as a council having a chance to look at this for a week or so and then having a conversation so that they can also hear from council members, too. Council member pool.

>> Pool: Yeah, and both what the mayor just said and what council member Garza is saying, I think a good approach -- we want the task force to feel like they can put more or less in their recommendation to us. Another element of this is what we think will also fly at the polls, because this will be a voted item.

>> It was a proposition in the 2012 bond. I think that bond was for --

>> It was closer -- it started over 100.

>> We certainly agree.

[3:56:28 PM]

Carla was mentioning the fact that -- one of the -- in terms of giving the framework for a starting point was that we didn't feel it was real from the community perspective to dump \$3 billion worth of needs onto the task force. That was a model that happened in 2012.

>> That's what happened to the 2012 bond.

>> I think that was a lot of heavy lifting.

>> It was.

>> And they were in a pure cut mode. In 2006, we did a similar exercise where we started with the discussion, and I can tell you that discussion went left field, right field, and again, all very valuable. So that at least there is a -- in the essence to use, you know, our strategic planning language, kind of a straw man to start with, that folks can evolve and move around both the council, and again, I think this is council member Garza and kitchen, that's why we wanted to come here today and initiate that, so that you're aware of what we're doing. We certainly didn't want to go straight to the bond committee on Friday. We needed to come and stop here. But in addition to that, that idea about what is the threshold for the council and ultimately the community for the size of the bond program, if you see where our number is, it is -- we think it's in a good starting point. It's below a two-cent increase, and certainly, we really hope, to be quite honest, that the bond committee, as they assess not only the need, but they assess where we are in our current ones. And so I think that will help shape their ultimate numbers back to you as they learn. And there's a different set of eyes than our eyes, and I think that's very valuable. But you have that other bookend, not just the need, but the amount. So a different strategy from last time around. Instead of saying, here's \$2 billion of need and you need to get it down to 300 million, which I believe was the task.

>> 325.

>> So you cut 1.75 billion.

[3:58:33 PM]

We wanted to start in essence the bread and butter or the nuts and bolts of our city, giving them the opportunity to work with the community, to will be to the community. Because we know the community is going to come up with some neat ideas, that we haven't seen, that our departments haven't seen. And that's what happened in previous bond programs, and I think some of our bond projects occur because of that valued conversation that occurs over the year. I still remember a guy coming in and talking about the black land prairie out in east Austin, and it resonated and it sticks. And some of the projects that we've done. So that was part of that as well. In terms of the starting point, a framework. It is our recommending starting point for that, because in the absence of that, starting with 3 billion and whittling it down, it's a lot. It becomes a more challenging conversation to get to a final place for them to come back to this council.

>> Pool: I had two real quick comments after that. One is the fire station is absolutely a priority. And it's been going on for decades. Even before 2000 when it actually started getting money put toward it. So any efforts that we can come up with to accelerate the progress on that, including certificates of obligation or something, so that we don't have to wait for a bond, if we can accomplish it more quickly, which sounds like that may be something that's already under consideration. I would support that. That is our attack plan. We hope to have a funding plan as part of our upcoming budgets for those stations

>> Pool: The last hinge is I would hope that the projects that end up on this list are as close to shovel ready as possible. That is the only one criticism that I have about how the city goes about its bond assessments and everything that's different from the county, because I've served on both, the county brings the projects that are lady to go or closer that are ready to go so by the time you pass it you are starting to turn the dirt. And this was a really important element of our discussions for the mobility bonds.

[4:00:33 PM]

We wanted to accelerate those pieces to start making a difference within the first year of the election because people who have voted are looking for the concrete evidence that that vote really has started to benefit them. So to the extent that we're able to, I know you can't change things right in the middle of the process that we already have in place, necessarily, that fast, but if we could focus on the things that are more likely to be ready -- shovel-ready within three years instead of six, for example, that I think would help us move the backlog because we do have a tremendous backlog in infrastructure we need to address.

>> That's another added filter to all of this and I think one of the things we will do is we are going -- I know you'll be speaking with each of your members as well but we will capture all of these comments and if we come back and do it in another week and that can really stand as an opportunity for the committee to hear from our elected officials about issues, both the broad issues and kind of these additional filters that we want to go through. And we agree, I think a lot of these -- as you see there's not a lot of named projects, these -- where we have hit snags in the past is on that, especially on our facilities, where the idea was there but oftentimes a lot of that dirty work hasn't been done so we get our model changed. In addition to that, assistant city manager good has been working on a process with the mobility bonds that I think he's mentioned it's gonna hopefully leverage throughout that, is the idea of really the project delivery side of this so that we can get into a place where -- like looking at parks, for example, when you have trails and taking care of parks that's a more nimble way to get existing funds out the signature -- door and continue that work. I think all of those are great filters we want the bond committee to hear about. We will download that to them as well but anything else you feel -- any more that you do we will -- not that you need us to be a conduit for that but if you need us to be we will be.

[4:02:37 PM]

>> Mayor Adler: Jimmy.

>> Flannigan: To be perfectly clear, the staff is recommending a bond package of \$640 million?

>> Pool: No.

>> Flannigan: I think there's been some confusion because I've heard both of those statements said.

>> This is a recommended starting point for the task force to take not only the complete population of \$3 billion, but tang this -- take this subset of what staff believes are the core needs and build on it from there. Either -- I mean, if it's decided that a 2 cents Mrs. In tax gives you 825 million and we have 640 million worth of identified programs and projects that gives you something for the -- room for the task force to add projects, but it is a starting point. That's all we're bringing forward.

>> Flannigan: Okay. I want to agree with councilmember kitchen, I have the same hesitation seeing that transportation number, given what we just standard for from the community. And my level of scrutiny will be much higher on that segment of this bond than -- of this proposal than on other areas. But when y'all present information to the task force, to what extent are you -- are you including possible operations and maintenance cost impacts to the general fund. There's a substantial difference whether you're rehanning a thing we're already doing o&m on versus buying a new thing that will have additional o&m impacts.

>> That will absolutely be a component of the download of information to them. I think there's two sides to that. Is there anything that will -- from an operations perspective, if we, for example, go in and rehab some park facilities that currently we're spending o&m dollars on kind of band aiding, would that hopefully at least limit those o&m dollars that are being spent on major repairs? What we believe won't be in here is the cost of new -- of new ftes, and that's something we've done in the past.

[4:04:42 PM]

For example, the 1998 bonds we added a lot of different facilities to the cost of about \$20 million of o&m costs. The 2006 bonds was lower. 2012 was lower as well because of the o&m costs. It is certainly a factor as we go through each program. There's an o&m factor, both positive and negative. What we see now in terms of the named and new projects, new facilities because we've taken them out of this initial starting point, we don't see any -- we're building a new big regional branch library at this point, which would have o&m impact from both the staffing and utilities and cleaning perspective. But that will be a discussion point for every one that we go through.@

>> Flannigan: I would toad that my also concerns on the stormwater numbers. I'm not sure why they're divided between flood mitigation and drainage improvements in the slide. It seems like they would be treated the same. But also the -- if there are ways to identify future flood buyout risk areas, that if we do improvements, we eliminate the risk of buyouts in the future. Online, the risk number would be very -- obviously the risk number would be very much of a guesstimate, but that -- that information is so

important. I'm -- as a general matter, I think it's more than twice as much than I'm willing to support in a bond package. It's -- after doing the largest we've ever done to come back and do something that is very substantial I think is going to be a challenge for the community to get behind. It's certainly going to be a challenge for me. And it won't be the last bond we do, looking forward into the future. So these are ultimately the very hard choices that the task force will be presented with and ultimately that we will have to make, but I -- I'm more inclined to support things that can show a positive cash flow, either in a cost reduction situation where your o&m costs and your impacts are reduced over time or that -- or a very clear -- if we don't do it now, a \$5 million cost becomes a \$10 million cost.

[4:06:49 PM]

Those are things that are most attractive to me in a bond package that I perspective to be more of a regular maintenance and rehab type bond than an adding facility type bond. That's just where I'm at right now.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: Two last questions for me. In the backup, if you guys know this, in the backup, the list of requests that relate to the -- to the stormwater area, do you know if the items from the onion creek flood mitigation -- results that have study? Do you happen to know if any of those were included in the backup? I could talk to watershed but I thought --

>> We can get that. Let us look at that and we can get that all out to you because it's all based on their look at what they -- in terms of separating them out into those two categories, we can get a little quick answer on that.

>> Kitchen: In that flood mitigation study there was a range of options for projects that could mitigate flooding in the onion creek watershed, which is one of the largest that we have, and covers a broad area of south Austin, southwest/southeast Austin. So I would have the same question about if there are flood mitigation studies that identify options for other parts of the city. I want just want to confirm that those range of options for all of those studies were included in the roll-up. So that may be a question for watershed, but that's what I'd want to know.

>> Okay. We'll get that.

>> Kitchen: Then the second question is, how -- have previous councils given direction to the bond task force as they get started? In other words -- and if they have, how have they done that? Have they passed a resolution? Have they set anything specific? Or have they just given kind of general guidance.

[4:08:52 PM]

>> I think we've had different ways for that to occur. We can download that to you. I think part of it is, this process started as a -- kind of a companion to the mobility bond, and so there's a resolution that you passed. In the past there was a separate resolution to initiative that bond program that had kind of overarching principles to it so kind of a little bit of both so we can get that to you. Again, I think anything formal and the informal today as well as anything formal/informal in the following week, not only next week but as it moves forward, that's all important. So we can get that to you. I don't know that there is a set practice and procedure in the city of Austin.

>> Kitchen: Okay.

>> The way we did it in '98, 2006, 2012, I think every council has had its own flavor on that, to be --

>> Kitchen: Okay. I just wondered if there was previous councils who have ever gone down that road of actually providing some kind of more formal direction at the beginning of the process. So you could just let me know if that's ever happened.

>> Absolutely. And I think the answer is yes, it has. I think sometimes it hasn't happened either.

>> Kitchen: Okay. Maybe you can just point me to the times that has happened and I can take a look at that.

>> Mayor Adler: I think this is a great presentation. Couple take-aways from me on it, I'm real pleased to see we have \$350 million in bonding capacity without raising any tax -- new taxes. And I think that's real encouraging. It's a third higher than what we thought it was gonna be last year when we were setting up that bond and I'm excited we have the capacity to be able to do something, as I think the community wants us to, on some of the areas that are most pressing. You know, what I still hear a lot is affordability issues, so I agree with the sentiment we ought to be doing everything we can on that angle.

[4:11:00 PM]

I think mobility is still a key issue. I agree we did the bond package last time, in terms of initiating new projects, and we're not there, but there's some things in this that speak to traffic signalization in areas that we otherwise weren't going to be able to afford that will be able to help. I think that's a priority. And then obviously there are the life safety issues and I would also like to look at it in a lens that to me points out how can we -- what things do we need to do in order to be able to save us money in the long-term I think would be a consideration as well. But it's -- you guys have done a really good job, manager and everyone with the financial system, that the high credit rating that we have as a result of us being able to refinance debt at a level that is making things cost less than we would, and bravo to you guys for that. Anything else? Thanks a lot. Ten after 4:00. I don't know, council, how much mover time you want

to spend here. We went through most of the pulled items, didn't finish with the -- what was it, the charter review? Committee. If we wanted to discuss that now. We got through most of the other things.

>> Garza: I just wanted to comment briefly on -- and I've made this comment before about our Tuesdays and how they -- I know that important things come up, but it's primarily for work session. This is our opportunity to talk amongst ourselves and I know we have the message board but we start to lose colleagues and now we still have pulled items and I just hope that we could make that a priority, the pulled items, on work session days, so we're not in this situation because I don't -- we always have the message board, but either way staff is waiting.

[4:13:15 PM]

We have staff waiting for one of the pulled items on the audit issue. So I know we always try to let staff go early, but anyway, just --

>> Mayor Adler: We could -- when we were here last week we talked about codenext and whether we should use the first hour and a half with that or start with pulled items. Consensus around the table was we should start with codenext and that generally takes us from 9:00 to 10:30 we want a little longer today on those other issues. But I know -- and that's why we pulled the meeting on Wednesday, to move off of the Tuesday, those issues.

>> Garza: So with these -- are we -- that was the question, though. Wednesdays we're going to have these Tuesday and Wednesday? So we have tomorrow, another codenext session, but we're going to continue to put it on Tuesdays for the first item?

>> Mayor Adler: We do. We set that calendar, and certainly the session on Wednesday is optional. You don't need to come to that but it was an opportunity to get questions that the community was asking to have the consultants actually in front of a video camera that was being recorded to be able to answer those questions. So those times on Wednesdays, 1:00 to 3:00 were set in order to be able to get the consultants in front of a TV camera, optional for councilmembers to show up or not. And certainly Tuesday morning is the same kind of thing from 9:00 to 10:30. Will be codenext.

>> Garza: And I guess I wasn't here for that conversation so I'm just, you know -- I'm learning about it now, but I guess I thought we were doing 9:00 to 10:30 because they needed to hop on a plane and leave but if they're going to be here the next day anyway why can't we make our council items the priority?

>> Mayor Adler: Because the last thing the mayor pro tem said is she was leaving was thank you for your having -- that we resolved that and actually went from 9:00 to 10:30. I recognize there's a difference but that's where the consensus was on that issue.

>> Garza: I just feel like it's going to make Thursday even longer but anyway let's move to the pulled items.

[4:15:15 PM]

>> Mayor Adler: And, you know, again, too, we need staff to be able to respond to -- and I think it's going to help us when we have the agendas posted earlier because we can get more things that are handled in the budget question and answer period so maybe we can get to a place where we actually are discussing more things amongst ourselves. Does anybody want to discuss anything on any of the pulled items before we stop? Jimmy.

>> Flannigan: I just wanted to -- on the charter revision, it seems like a very quick turn around to make appointments.

>> Pool: And that was in the original version of it, and we're going to be changing that. But it -- staff already had it in the backup so the end of June will probably move to August.

>> Flannigan: Okay.

>> Pool: We want this to be completed for the ballot on -- in '18 so we don't want to delay too much but you have probably a good two months plus.

>> Flannigan: Do you recall in the resolution that you handed out, it has appointments made in August but that was for may election, wasn't it? This was for a November election?

>> Pool: Are you looking at the --

>> Flannigan: Okay. So making appointments in August and convening them would be consistent with the previous? Okay, great. Thank you.

>> Pool: Yeah.

>> Mayor Adler: Yes?

>> Garza: I wanted to daylight some concerns I had with 71 and I wanted to do that in this setting because I wanted to see if anybody else had those concerns because if there aren't were.

>> Mayor Adler: This is the green infrastructure.

>> Garza: [Indiscernible] Or anything like that.

>> Mayor Adler: Okay.

>> Garza: The concern I have is we're adding -- possibly adding another layer to our code when we're in the process of trying to make it less complicated, and I think we all agree that that hasn't exactly happened. But -- the concern with adding costs to the missing middle that we refer to, I'll first say that I support green infrastructure, but I don't -- I'm concerned that this is putting us on a path that is adding another layer to an already complicated code.

[4:17:24 PM]

And so some of the questions I had -- and I've -- were the page 4 on the be it resolved, it says the city manager is directed to, it refers to an exhibit a, and my understanding is we don't have that yet so we will have that, councilmember?

>> Kitchen: My understanding from staff, and I guess they weren't available today to come, but my understanding is they're supposed to finish it today. That's my understanding, supposed to finish at the end of today.

>> Garza: Okay. That was just a concern that we're considering something on Thursday that we don't even have something that it's referring to and we won't have it until I guess Thursday -- or whatever councilmember kitchen just said.

>> Kitchen: Today, Tuesday.

>> Garza: Toy. In the next 40 minutes. The other one was develop a list of green infrastructure practices that can be used to utilize on-site beneficial use of stormwater, and I just -- is that everything? Is that commercial, residential, single family? Is that across the board on-site, beneficial use of stormwater?

>> Kitchen: I can tell you what I know. Obviously, the staff knows better than I do, but I'll tell you my understanding at the moment, if I can find it here. My understanding is that it includes -- it does include commercial and residential. On the residential side it, relates to subdivisions, that there's already a requirement for stormwater retention on subdivisions so gsi is a way to do that stormwater -- it's a tool for doing the stormwater retention that's already required on subdivisions. In other words it's a green strategy, not just the typical concrete pond solution. So basically it's another tool. On the residential that's not in subdivision, my understanding here is that there are incentive programs that support individual developments and that this is a -- there are existing incentive programs and that gsi is, again, another tool to be used in the incentive programs and if I'm understanding correctly it's not a requirement for individual homes.

[4:19:46 PM]

>> Garza: Okay. I guess I just wanted that clarification as well. Is this purely speaking about incentive programs that people are not required to do?

>> Kitchen: That's what I understand now. We need to go back to the staff to make sure I've got the understanding correctly, but we'll go back to them and of course you can ask them too. But my understanding is you've got commercial requirements, you've got subdivision requirements that are already in place, gsi are tools for those. And then for individuals, you have an incentive program and, again, gsi is a tool.

>> Garza: Okay. Then I'll just -- since we're going to have these questions to staff anyway I'll just ask my questions on Thursday.

>> Mayor Adler: Ms. Houston.

>> Houston: I will probably -- on Thursday, I'll be asking for a time certain for items 87.

>> Mayor Adler: 57?

>> Houston: 87.

>> Mayor Adler: 87?

>> Houston: And then I'll be pulling 72 because I really am having a problem with directing the city manager to find funding for a very worthwhile program but at this point in our budget cycle I think we need to have a conversation about that. It's item 72.

>> Mayor Adler: On 72, I agree with you. And I will be meeting with the mayor pro tem, consistent with the conversation we had last week, we're coming with an amendment that makes it less prescriptive that says this is important because we want the manager to consider all of the things we've identified as being important. Then we're not suggesting this has priority over other things we may have discussed or said was important as well.

>> Kitchen: That's for 72, you said?

>> Mayor Adler: Correct. On 72. And your time certain, Ms. Houston, you're trying to make sure that item 87 doesn't come up earlier than, like, 4:00 or something like that?

[4:21:52 PM]

>> Houston: No. Before 6:00.

>> Mayor Adler: Before 6:00? Okay.

>> Houston: It is at the far northern end -- in pflugerville pretty much.

>> Mayor Adler: That probably makes it 7:00 because we'll do music at 5:30 and proclamations and then dinner. There are a couple things that we've said we don't want to come up any earlier than 4:00 so we're kind of heavying up tomorrow night's meeting. We have three things now that we won't probably consider until at the end of the day. Mr. Casar.

>> Casar: We moved on the agreement for structure one, which I am interested in. But on the charter review committee, did we land on whether or not we're going to be deciding that on Thursday or not? Is that the conversation? I guess my concern is this seems like a pretty important thing for us to do and the and -- and seems like on at least some of these prior to resolutions there's a given charge. I guess just for something as important as our city charter, I just want to know whether or not I need to think through that stuff between now and Thursday or whether or not we have time.

>> Mayor Adler: I wouldn't mind putting this off a week to the week after that -- this is a pulled ifc.

>> Kitchen: I have a suggestion unless which wants to speak to it.

>> Pool: Well, I have -- yes. I mean, I don't know the -- I've got legal here and our city clerk -- the city clerk has things that need to be fixed in the charter, we noticed there was holes as it was implemented. Maybe Ms. Goodall would like to speak but this is going to look at campaign finance, city boards and commissions, including terms for planning commission, we found there was a concern with the expiration date of planning commission terms, requirements for citizen initiated petitions, including requirements for number of valid signatures, this goes back to the recall petition from last year, appointment of the city attorney and correction for clerical matters, routine harmonizing of provisions and so forth.

[4:24:16 PM]

So it's expansive but it's also targeted to recognize that if there is a charter review commission and they make some recommendations we would like those changes to be presented to the community for a vote on the November 2018 ballot so we don't want to open the door wide for lots of things to happen but there are clear things that need to be addressed in the next year plus.

>> Kitchen: My thought was -- can I go ahead?

>> Mayor Adler: Go ahead.

>> Kitchen: My thought was rather than say today we're going to postpone it that we try to take it up on Thursday, have a conversation. If we get stuck, then we'll postpone it. The problem is if we wait until next Thursday, and we take it up and get stuck, we don't have any options.

>> Pool: This is the first I had heard about a postponement.

>> Mayor Adler: And that also works with me, to bring it up, discuss it, if it's not ready, it's ready to go, if it's not ready, put it off. Mr. Casar.

>> Casar: To be clear, I understand and don't have particular objection to what's in the existing resolution or what's in Ms. -- In the city clerk, Ms. Goodall's clerical issues to be cleaned up. It just seems to me what is in this resolution is gonna be the first thing this citizen group works on to to review the city charter which is a really important thing to do so I want time to think about that and given our system, you know, not being able to have in somebody's quorum, this pops up, I had my first chance to look at it with staff on Monday, that's how we deal with lots of items, not making a particular complaint about that. It's just that we talk about bond elections and bond committees for a long time. This is a turn around of what's formed the committee to review the charter really quickly. So I just wanted -- I just want to know -- have some time to think apart from all the other things we're thinking about if there's anything else that should be in their initial charge. I may not come up with anything. I just wanted to have some gut on whether or not there's a rush for a November 2018 thing for us to get this essentially done before the break or done this week.

[4:26:27 PM]

I have no objection to it. It's just for that makes sense. Some of y'all may have been thinking about this for weeks at this point but I didn't think about it until I was reviewing the agenda with my staff yesterday afternoon.

>> Pool: I'm trying to ren if we put this up on the message board or not and I honestly don't remember with everything that's going on. So let's see what happens on Thursday. And as far as appointments, they don't have to happen, I don't think we have in there a June date because that was the original date we were talking about to try to get the group put together so they could start the conversation. But definitely that -- obviously that won't happen until after we come back in August sometime, probably the end of August. But I do want to urge us to move forward with this because the changes that put them on the '18 ballot, then they'll have to wait until '20 in order to make sure we have a really good turnout of people voting on it. If we have it in an off-year we run the risk of a really small turnout and that's never good for an election.

>> Mayor Adler: Again, as I am with all things that get posted for consideration the following week, if anybody wants to put that off, I'll vote to endorse that. Mr. Renteria.

>> Renteria: This has nothing to do with the item y'all are discussing.

>> Mayor Adler: Anybody else have anything -- anybody else on this one? Okay. Go ahead Joshua I just wanted to ask --

>> I just wanted to ask since I was gone for I remember duty and didn't get selected, thank goodness, 68, was there a discussion on that? On the bond -- the museum?

>> Mayor Adler: Yes. Let me talk to you. We discussed that in executive session so let me touch base with you.

>> Renteria: Yes, please.

>> Mayor Adler: Okay. Yes?

>> Garza: Mayor pro tem asked a question and because she's here, if she could answer it because otherwise we can do it Thursday.

[4:28:36 PM]

Corey, sorry. I couldn't think of your last name. Ms. Stokes. I think the question was in a resolution this way or could it just -- could he get a second person to help him do the 200 or less. I think the other part of the question was does this push any affordable housing or some kind of other audits back?

>> Sure. I can address that quickly. The first piece of it, so we do a special request projects in 200 hours or less with the council office and a cosponsor office. But I don't -- in those, we're really just providing information. We're answering a question, maybe looking at data, looking at techniques the department is using or looking at -- most commonly we're looking at what are other cities doing in this particular area. So we're just providing information. We're not really doing in-depth analysis and we're not drawing conclusions or making recommendations. So I think that the -- at least as worded in the resolution, I think that this is a larger one, probably larger than 200 hours. But then, second, I think it's asking us to draw some of those conclusions. So I think it doesn't quite fit the special request mold. We've had some examples in the past where we've done a plan amendment like this. In fact last year, I believe the affordability review project was a midyear what -- what I do typically with that is I'll either propose projects that take off the plan or in this case I would pause some of the projects that are currently underway. We have a couple that have barely started. That would be good candidates for that as well as some that are at a good stopping point to kind of hold off on until we complete this work. We wouldn't take anything off the LAN. Just might take longer to get those done.

[4:30:36 PM]

>> Garza: I guess -- I mean -- I can't remember what item it is, but the be it resolves, they seem to be just questions they seem to be the very questions that you two were asking that never got answers so I

guess my question is why can't we just answer the questions they had, which are whatever the cost drivers in the contract? I mean, most of the -- and the be it resolved that couldn't answered.

>> Mayor Adler: Don't you have to answer these before you can do the next budget?

>> Some of these are operational and they are changing we're asking for our chief to look at. We felt like the cost drivers to the labor contracts were provided in that may 17 presentation. There were lots of pieces of information there but we had the pay for each of the public safety departments in that. If there are specific questions beyond that we'll be glad to answer them. Some of these I don't have answers for right now. Certainly could ask the fire department to look at them. Some of the increases in the overtime rate per year are due to the fact that the base wages have increased each year for the last four, which would mean that the overtime rate would change, and then as the officers or firefighters, ems technicians, as they're step pays -- their step pays increase that would also affect the base on which the overtime is calculated. So there's some built-ins that drive the overtime rate increasing as a per-hour calculation. I mean, we can try and address these. I think that councilmember Flannigan wanted a little more of an independent of management answer and that was why he and I had talked about a special request.

[4:32:40 PM]

Because we have -- we felt like we had answered some of these already. Certainly we have not looked at processes though, not -- not here in this building. If our chief has.

>> Mayor Adler: Jimmy.

>> Flannigan: That's right. I mean, I've had conversations with city manager, we've had conversations with the auditor's office. We asked about special projects going in. I'm familiar with what that is. And this is -- this is where we ended up. I think the community's confusion, certainly mine and not to directly speak for councilmember alter, but some of the answers that we got during q&a came with these caveats about how difficult the information was to file and then as councilmember alter and I had further questions the response was well this is going to go take a long time to do and be very difficult to get back, it wasn't going to come back in a reasonable amount of time so at that point we decided that maybe a more formal independent audit process would be appropriate to really explore these questions in a way that wasn't going to substantially disrupt the work of staff and have it be an independent process. That's part of why we're going down this road.

>> Mayor Adler: Help me reconcile this only because I can't imagine that you're going to be able to finalize a contract or we're going to be able to approve a budget without knowing the answers to these questions. Which almost means like we need the answers to these -- because a lot of this stuff may be set for a multiyear period of time.

>> Flannigan: So we've --

>> Mayor Adler: If we don't know.

>> Flannigan: We've talked with the auditor's office about them coming back with some preliminary findings that are on the parts of those questions that would more directly impact negotiations. And the parts of the process that may just be annual budget debates can happen after the contracts are signed. So that conversation about trying to figure out what elements get codified over a long-term, that we get those answers back faster, as soon as we can, and then the parts of it that we can change in future years, whatever those might be, we can adjust those later.

[4:34:43 PM]

I mean, it's not an ideal time line, but I don't know that any of us knew in January that we were going to get asked for \$3.5 million in a budget allocation so you move when you have the action move.

>> Mayor Adler: So I think one of the questions, it's just making sure that we get whatever it is that we need in order to help with the negotiations and then -- in that budget period and if it's necessary for us to free up time in order to be able to do that let us know that so that we can do that. But what we don't want to be is making a three-year decision without being really comfortable that we know that we're on the right path.

>> Certainly.

>> Mayor Adler: So I don't know how to -- I mean, so I don't -- we need to either do something or not. So why don't you think about that and see if there's times that would be helpful to put the auditor against now on this issue that might be necessary to be able to have or not, and then tell us that. Give us your advice on that issue. Does that work? Let's see what that is. See if we have to LE prioritize in order to provide information that might be needed. Yes?

>> Garza: I guess going -- I just found the resolution. In going over them again, I -- I guess I don't understand why -- you said it couldn't be done under the 200 or it's not -- it doesn't answer the questions? Because, I mean, the first three I feel like have been answered and then the fourth one is basically asking them how they do their shift trades. So anyway, I don't --

>> So I would say I think it will take us more than 200 hours, having seen some of the -- having looked at the council -- the responses to the council budget questions that have already been answered and having had some experience with looking at payroll data in fire previously.

[4:36:51 PM]

I think it may be more than 200 hours but really I think more importantly for me is the kind of drawing conclusions about things like what are the practices that drive overtime, looking at the staffing model, shift trades, other things listed in those three questions. So some of the questions may be straightforward and certainly if we can do it in 200 hours I would. Just our approach has been I evaluate the request, say I think this fits the special request model or doesn't fit the special request model, and then if it doesn't, then it really needs to be a plan amendment, which is a vote of the council. It could also be a vote of the audit and finance committee to recommend to council the reason we didn't go that route is timing-wise we really would not have enough time --

>> Mayor Adler: Right. Is there a way to draft this in a way that focuses on what are the outstanding questions? This brings it in -- breaks it into two pieces perhaps but to be able to identify if there's information here for review that is more short-term in nature but needs to be obtained before we go into negotiations or before we decide on a contract? Does that make sense or no?

>> Flannigan: I mean if the manager has -- it wants to think about what elements we might want to more proactively prioritize for the auditor's office with a date upon which we need to get that back for it to be useful information in the process that's ongoing, is that what you're asking?

>> Mayor Adler: That's the question. Because we can do this over a longer period of time. I'm concerned about the contract we're about to enter into it. It may be that there's not. It may that be it's you would surfaced at this point. To the degree there's daylight stuff we may not orientation see or -- it would be helpful to have another eye looking at that as we enter into negotiations that would be timely.

>> Flannigan: I think it's important for the auditors' team to work on this.

[4:38:57 PM]

Not just that a clause is an issue but to the extent it has a fiscal impact. Those are not sufficiently answered questions for me. You can say whether or not vacation time is considered productive time has -- there are some numbers we've seen but it doesn't actually have a final number for me. And many of the answers we get from staff through that process have been, as I've said, they've either been truncated or they have been -- it's too difficult to really know. So that -- but I'm open to if the manager wants to talk to the negotiating team and figure out where things are in the process that we might prioritize certain elements. I'm open to that. Certainly.

>> Mayor Adler: And then I wonder if there's -- looking at this, not knowing what indicates to you it's going to be well in excess of 200 hours but whether there's not help you could give to help fashion questions that might more directly address the short-term need to see whether or not that -- if you came back and said here are two questions that seem relevant that I think I can answer that would be

helpful in this process that I can do over the next two months as part of this process, let me answer these two questions. That might be helpful.

>> Okay.

>> Mayor Adler: But without knowing how you look at it because you've done personnel, you've done payroll stuff before, you might better know how to fashion that question than we would.

>> I think the first question the question we would prioritize most quickly tied to the agreement but there are parts of the second and fourth that I think also would be useful information to have for that negotiation. But I can certainly break that out in a little more detail.

>> Mayor Adler: And see if that -- narrowing it down that way narrows the worker assignment or the scope such that if we just standard you to focus on that it wouldn't require the -- over the -- the over 200 hour work.

>> Mm-hmm.

>> Mayor Adler: Give that some thought.

[4:40:58 PM]

>> I've provided councilmember alter a draft of something that answers the first question yesterday.

>> Mayor Adler: Okay.

>> I allowed her to look through it and talk through it. She had some questions. We're going to back and answer those but I think that one is already answered.

>> Mayor Adler: Can you get that to Jimmy, too?

>> I will. We are planning to send it to the full council, but we want to address her questions first before we do that. But I'll show it to councilmember Flannigan and he may have additional comments we need to clarify before we push it out to the full council.

>> Mayor Adler: That sounds good.

>> I think that one is done. It identifies each pay and ties it to a particular clause in the contract by article and by paragraph. So I think that one is answered.

>> Mayor Adler: Okay.

>> And we did quantify those numbers as well. So you can see the size of dollars. For instance, bilingual pay would be a much lower total cost than base pay increases so you can get a sense of value there. So I

think we have recently finished that one. And I think we have covered the third question, maybe not exactly -- aisle I need to follow up with you to see exactly what you're looking for there because I think we have answered that one in some of the work that we've done. And certainly I've asked the chief and ray Arellano to look at operational changes that we can implement in this year's budget to reduce the overtime costs for next year. I have not gotten that work back yet. We start that work next week in detail.

>> Mayor Adler: Why don't you take a look at the memo and those answers and see if that gets us where we need to be on the threshold. Anything else for us to discuss? Then this meeting stands adjourned.

[4:42:58 PM]

It is 4:44.