

City Council Work Session Transcript – 10/18/2016

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>> Mayor Adler: We about ready to gear this up? I'm going to call to order the Austin city council work session. It is Tuesday, October 18th, 2016. It is 9:15. We are in the boards and commissions room here at city hall. Councilmembers, we do not have any executive session items today. So we just have the pulled items and the briefings. Scary deal to look at pulled items and see that I've pulled them all. [Laughter]. There are two items, items number 22 and 23. 22 was pulled. These concern the biosolid issue and the composting. The staff has requested that we postpone both those items not only today, but on Thursday, and that we reserve our discussion until staff has more chance to look at these and comes back to us. So that would be items number 22 and 23. We have some briefings, a codenext briefing, legislative agenda briefing and a small cell wireless briefing. And if it's okay, I would begin on those with staff. We want to start with the codenext briefing? >> Garza: Mayor, is staff not here on 22 or 23 even for a brief question? >> Mayor Adler: They are.

[9:22:31 AM]

Why don't you ask council that question first. I don't know what your asking. So the question -- what came to me was can we postpone these and not have a public discussion on these items. >> Garza: Okay. >> Mayor Adler: So why don't you check with the manager and then if we want to do whatever questioning in public, we will do that. Okay. Mr. Guernsey? >> Good morning, mayor and council. I'm Greg Guernsey with the planning and zoning department. I'm joined today by Paul diguiseppe to my far left as part of our codenext team. Corrie walls is with our code advisory group that you appointed. And Ashley Greenstein who is also working on codenext. We're going to go over the fiscal health, which is the fourth prescription paper that has been presented to you. These are educational tools for the council, for the public. It raises policy issues. Not necessarily reflecting a staff recommendation or cag's recommendations. These are written by staff and they're to assist everyone with some of the issues that will be coming on the horizon as you receive the public draft of the code this coming January. So I think I'll turn it over to Paul. Ashley? She'll start and we'll go on. >> Thank you for having us here today, councilmembers. As Greg introduced myself, I'm Ashley Greenstein, I mainly work on codenext. Today myself, Paul and Colby will be presenting the final prescription paper on fiscal health. It really puts the bow on our prescription paper

[9:24:33 AM]

series as it skillfully ties today the natural and built environment paper U the household report and the mobility report T does differ as it speaks to the policy that needs to be present to support the code. This

paper examines how the land development code affects the city of Austin's fiscal health through its obligations to build and maintain infrastructure and provide effective and efficient services to its residents. This paper was authored by multiple departments as well as the cag. And today we'll be covering existing conditions, Austin's vision for fiscal health. Code prescriptions and next steps. So today Austin consists of about 300,000 square miles. So it has a lot of pavement to maintain, along with everything above and below it. The city spends approximately \$650 million each year on its capital improvement program to cover new construction, renovation and replacement of infrastructure and facilities. This is in addition to the operating funds that are spent on regular and preventive maintenance and community services. Yet the current rates for replacement are not keeping up with the rapid deterioration of the system and delays in some such will only increase Evan wall cost. The 2014 comprehensive infrastructure assessment assesses city infrastructure at a general grade of B while the state of Texas received a C and the U.S. Received a D plus. However, this assessment also identified that pockets of Austin's infrastructure, such as park infrastructure of a higher percentage of assets, in poor condition. And this issue only continues to escalate as infrastructure ages. Watershed protection estimates that 1.8 to \$2.2 billion in capital funds are required to construct new and integrated watershed facilities over the next 40 years. And to make issues worse, the large amounts

[9:26:34 AM]

of new development occurring on the outskirts of city limits will only continue to increase infrastructure obligations in the future. And the city's approach to growth needs to become more comprehensive instead of department by department and property by property. When coupled with the strong, long range capital improvement program, the land development code can set the tone for what Austin can expect when forecasting long range capital investment obligations, but currently our land development code provides outdated transportation design standards, sidewalks that lead to nowhere, oversized parking lots that sit vacant and unusable open space. Conflicting city standards between utilities, development regulations and street design standards that result in poor implementation and missed opportunities and many of these challenges stem from infill development as former land development code did not require sidewalks, flood mitigation and other necessary assets, so now we have to retrofit. The city of Austin's charge is to implement policies and expectations outlined in the imagine Austin comprehensive plan and do so in an efficient and responsible manner regardless of unforeseen economic and demographic changes. Codenext is just one of the tools in the city's toolbox to realizing the comprehensive plan imagine Austin. It needs to align with other city standards regulating plans, initiatives and programs. The capital improvement program or capital planning office was formed during imagine Austin and over the past couple of years it has guided collective investments in multiple services and programs. So moving forward, we need to tie the land development code to the

[9:28:35 AM]

long-term vision for how an area should develop and coordinate city infrastructure and investment efforts down the figuratively and literal road. The new land development code will permit fiscal health by mitigating impact on networks. Coordinating lines on a district level and investing in far flung communities that reduce the long-term cost of spraying infrastructure. A stronger fiscal health can also be achieved if we focus development toward imagine Austin centers and corridors. It provides more predictability for development, it allows city departments to coordinate, plan long-term and be proactive rather than focusing on reactive measures to accommodate current demand. And by developing along current corridors along the map, the city can save billions of dollars in city infrastructure by encouraging compact and connected development, and these others rather than the

area of low density sprawling development. So now I'm going to hand it off to Colby Wallace and he will introduce some of the prescriptions. >> Morning. >> Mayor Adler: Morning. >> So where are we today from a build perspective? Currently we've got a comp plan that doesn't align with the imagine Austin. This creates case by case negotiations when city staffers are doing site plans and subdivisions. So interpretations that causes -- creates delays in design development and implementation into development as well as unpredictable paths to move forward with design. So we need to improve coordination from complex subdivisions that create disconnected roadways and disconnected utility infrastructure. What we need to do is basically connect our

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roads and that infrastructure to get a wider array of consumer payers and taxpayers so that we can pay from a long-term maintenance standpoint. Development fees are incorporated into developments so that they can pay for off site capital improvement costs. Currently those development fees aren't paying for that long-term improvement. We've seen wastewater, water and development service fees increase. Most recently I think in the last couple of weeks to some of the highest legally allowed by tax or by Texas law. And so with that tying into existing infrastructure an infill projects that also has high costs, so identifying and creating an ability for development to pay for itself with density and creating higher quantity of taxpayers for that development can only make us stronger. So what are our prescriptions? Private infrastructure needs to align with city standards. I had a friend that moved into a subdivision in south Austin recently that has private roadways that have no sidewalks. And narrow streets that have the potential to prevent emergency service vehicles to getting to those homes in that neighborhood. And so it's an easy example of kind of aligning those city standards to make sure that development aligns with what we want as a city. We want to connect networks as I mentioned earlier so that we can maintain those roads and infrastructure, utility infrastructure, from a long-term standpoint. And we want to reduce regional impacts for on-site watershed mitigation. There's a project I'm currently working on.

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MLK today, that requires 75% on-site water mitigation with potential to pay 25% for a fee-in-lieu. I think we're using 100% on-site watershed through rain gardens and underground structures to make sure that that development doesn't have downstream impacts on that community. The assessment of street impact fees for long-term roadway projects as well. Sue from a maintenance standpoint what we know is that low density has higher costs on maintenance. Public works estimates that 132 payers is required to pay for roadwork infrastructure maintenance. Currently suburban and urban single-family residences have 43 payers and 85 payers respectively, significantly less than what public works is estimating is required. Other items that are extending costs to taxpayers is cul-de-sacs and private drives or dead ends on streets that essentially create private drives, but are ultimately funded by the public from a maintenance standpoint. Our street sections are outdated. They don't necessarily represent sidewalks, bike lanes and other forms of mobility that will connect our city in the future. And privately maintained infrastructure also has long-term effects from taxpayer standpoint. Conflicting standards, again, create some disconnects with city staff review and creating standards that align with the values that we have can help

[9:34:38 AM]

expedite that process as well as just make it easier for development to kind of move forward and understand and be predictable with how we're building things in the future and maintain them as well. So again, creating a compact and connect environment, reducing lengths of utility lines to consumers and then again aligning city standards is needed throughout development. Again, privately maintained parklands is an option for publicly accessible uses. I think there's a goal of every -- access to parkland every quarter mile within the urban core and half mile outside the urban core. I think that introducing privately maintained but publicly accessible parklands creates an ability to achieve that goal and making sure that we're aligning the Austin strategic mobility plan along with codenext is a major goal as we continue forward. Thank you. Paul? >> Great. Good morning. I'm going to take us through the last prescriptions. The first is our ability to serve with infrastructure and services as well. So we'll start with our current conditions. And to talk about -- liked to talk about the need to improve service delivery and increase service costs. And if you think about an area, a neighborhood that might have cul-de-sacs or dead end streets, there's an implication there for our service providers. If you think about an emergency vehicle having to go through a neighborhood like that there is always the chance they have to travel farther to get to an emergency because the

[9:36:38 AM]

roads aren't connected. Sometimes I imagine it could even cause problems, they turn down a wrong street and the lack of problems can be really problematic. The same is true for non-emergency vehicles. If you think about a solid waste vehicle going down that same neighborhood, they have to travel longer distances to do their jobs. Where the cost becomes a bit of an issue, not only are they traveling longer, often times some of these neighborhoods are lower density so they're traveling farther distances and serving few people. So also with the costly review process, you think about what we've read in the Zucker report primarily, we have as you know some complex development regulations in our processes and they can be very timely. Often times when we work with developers, we partner with them to provide public infrastructure, but sometimes our delays in our process can be such that a developer may walk away from a project and the challenge for us in the context of infrastructure is they don't provide that necessary infrastructure and then either the city has to pay for it on its own other the improvement doesn't get made. And regarding the Zucker report, there were many comments about our customer service. Our code, as it stands now with its complexities and challenges, help -- assist us in -- does not assist us in providing good customer service. There were items identified in the Zucker report that directly said this is causing problems with you providing summer service. So as we look -- customer service. So as we look forward in making the changes needed and what we can do with our land development code to address these issues about service, one of which is we're looking at -- we are looking at

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revising our subdivision regulations. One of the main points of dealing with the issue of having more customers within a service area is looking at our missing middle housing provisions. We've presented that to you before in the household affordability code prescription so we're carrying it forward, that recommendation forward here. In addition to adding more missing middle in appropriate areas, but we're also looking at providing more connectivity requirements. And in doing so while we would still allow for roads to not connect, such as cul-de-sacs, we want to look at increasing the threshold for that. So for example, if you had floodplain that you wanted to protect, then putting a cul-de-sac there makes a lot of sense. The next thing that we want to look at is if we're looking at our long-term -- sorry. If we're looking at the long-term growth strategy, you've heard us say in a number of other code prescriptions

that we're trying to direct a lot of our growth to our centers and corridors. And in this case one of the purposes of doing that is you have an existing service area and you could be adding more people, more customers to an area that already has that service. So that would be a benefit of increasing the density of that -- of a service area. Last, regarding the process and procedures the in goods is earlier this year city council passed a resolution that established faster timelines and processes. Those new rules will be carried over into the new code as it comes out. So that's an excellent start to this.

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And the last general area of code areas is on being strategic and this is focusing more long-term but currently Austin as you know is a rapidly growing city. We're still one of the most rapidly growing cities in the country. We still also see the majority of our growth occurring on vacant land and mostly on areas that are farther away from the city center. And what happens there of course is the infrastructure, we have to put infrastructure into pay for it. We have to provide that with services and of course that's very expensive to do. In addition, sometimes when we see redevelopment occurring that can trigger the need to make capacity increases in certain infrastructure, say storm water systems to ensure the safety of that service. It gets even more problematic when we tie into an old system that may not be up to current standards so there's a technological challenge as well as a cost of retrofitting the infrastructure. The good news is on this that imagine Austin was created, one of the purposes was to help us addresses these challenges. So it gives us the ability to look at different plans, different community plans, different infrastructure plans, and come up with strategies to address things such as capacity or connectivity passages and offer tools such as partnerships to make those happen. So we also then have the ability to start overlaying the -- those plans, the community plans, and the infrastructure plans to identify certain geography, certain neighborhoods and

[9:42:39 AM]

identify what are the various needs in these areas, whether its mobility improvements, storm water improvements. We have that ability. In fact, you all review annually the long range cip strategic plan, which was developed out of the need to help make imagine Austin work better. So here are the prescriptions, one of which is expanding on our public-private partnerships. We have used them in the city. The benefit of them is that it helps combine our resources, public and private resources, to address needed gaps throughout the city and our systems. Second, as I just mentioned, we have the long range cip strategic plan, which looks at all of the community plans and the infrastructure plans and creates investment areas which is again an overlay of all of these different capital needs that gives us a good sense of where the challenges are and what the identified needs are. It's also a good tool to use to help leverage private investment. Third, as we've mentioned before, trying to redirect more development to centers and corridors is important because that can help with investments like mobility investments, parking structures. We can help support existing businesses, it can help promote existing businesses, particularly in neighborhoods that are lacking them. So our investments can help lead to private investment. Next as we've talked about in other prescriptions, we're looking at expanding the density bonuses to our centers and corridors and making modifications to the program itself to become more consistent. The benefit of the density bonuses is not only the fact are we getting a great asset

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like additional affordable housing, but out of that too we can also get other infrastructure like sidewalks and green infrastructure. Parkland dedication is another important tool and in fact earlier this year the

city council made changes to the parkland dedication ordinance that increased the ability to get private parkland and funding. The benefit of that is now that's money the city did not have to use and could be reinvested elsewhere in that area. And then finally, we are aligning with the strategic mobility plan. We have members of their time working with codenext to help us get the standards right and we're working with them so there is quite a bit of alignment with those owe between the two initiatives. They overlap significantly. And finally, that's all we have for the prescriptions. We do want to again announce that the draft code will be released in January of 2017. We will have roughly a six-month public review process where we'll be meeting with a lot of community members, providing education, having feedback and having a lot of dialogue to see where people are with that draft code. And with that, that concludes our presentation. >> Mayor Adler: Discussion? Ms. Gallo and then Ms. Garza. >> Gallo: I have a question on page 9, please. So, you know, we have the discussion of development paying for itself. So we have the discussion frequently

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about development paying for itself. And you made the comment that previously the fees were not paying the cost and that we have now increased the fees and I just want to make sure that we do have limitations on what we can increase those fees to based on, what did you say? Is it state law? >> So we can only charge fees that are based on our cost of service. And so starting in 2012 and I think since then we've looked at our development fees, looked at our labor cost, the cost of fuel. We'll get the inspector trucks out in the field. Those have been built into our fees now. >> So what we are charging now is based on cost of service. And we are legally required to base the fees on cost of service. >> Yes. You're not supposed to charge more than what that cost of service fee is. I know the development service department is looking at all their different fees and they are updating their fee studies. I think they have one underway right now to keep them current for the period from about 93 to about 2012. We didn't raise about 90% of our development fees. So they stagnated. We were bargain basement. And then with public utilities looking at their fee structure, we started looking at our development fees and have brought them more up to date with the actual costs of our service. >> Gallo: Thank you. >> Mayor Adler: Ms. Garza first. >> Garza: So is the cost of service different from the cost of installing the infrastructure? Because I think there's two different categories of work here. >> Yes. There are differences certainly in the cost of

[9:48:45 AM]

infrastructure. We partner with our development community, usually the developer pays the costs of installing infrastructure, curbs, gutters, streets. Those costs are borne by the developer. >> Gallo: Don't - >> Pool: Don't we often waive those. >> In most instances those costs aren't waived. They are paid by the developer. We do partner with the development community to oversize the lines because it's cheaper and more efficient for the city to pay for the exorcizing of those lines to extend maybe beyond that subdivision. So those are things we work on together. But the actual construction of public infrastructure for the most part is borne by the developer in entirety in the suburban areas. In the urban areas it's more piecemeal, I think as you heard from the presentation, they may be installing sidewalks that may not connect to other infrastructure. They might be updating storm sewer in their immediate vicinity, but they might also be paying into a regional systems, either drainage systems for flood control that may not be on the property. And then those funds are held to enlarge or improve drainage improvements that might be off site. >> Pool: And one last question. Would you agree that in past years that council has not in fact held developers to the the line on paying for all the infrastructure and that's in part why we missed sidewalks in a large part of the city? >> Our sidewalk ordinance, we didn't really

require sidewalks until 2008 for redevelopment projects within our city, so you would go through many of the older subdivisions and urban core and sidewalks were not required. If you added more than 50% on to your house, then in 2008 council passed an ordinance saying you had to either pay a fee-in-lieu of or you had to construct

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sidewalks on your property. >> Pool: Do you know why it took until 2008 for that to change? >> I don't know all of the particulars. >> Pool: Because the city has been booming for a good 30, almost 40 years. >> I know it -- there was a lot of interest in sidewalks at that time in 2008. I don't know why that was the year that we modified our rules to take that. >> Pool: Thank you. >> Mayor Adler: Ms. Garza? >> Garza: There's a reference to the mobility plan and then there's a reference to the transportation plan. Are those the same thing? Okay. I guess we can really use the same -- we have lots of plans. [Laughter]. And my assumption is, and I'm sure whoever is working on the mobility plan is -- is cap metro at the table too with that? >> Okay. >> Councilmember, Robert spillar, transportation department. Cap metro is at the table and they're kicking off a project and we had a kickoff meeting yesterday for that project and the strategic plan was embedded in that discussion. So yes. >> Garza: Thank you. >> Mayor Adler: Ms. Kitchen. >> Kitchen: I had a question. One -- I have a few questions, one related to where this prescription paper is in the process and one related to some of the substance. So on the substance first, I think I heard you mention that you're looking at changes to subdivisions, if I heard that correctly. So my question has to do with the joint code review that occurs right now when -- there's a separate code section on division subdivisions that relate to areas where there's city and county oversight.

[9:52:46 AM]

>> That's only in Travis county. It's own as title three and we do a joint subdivision review. >> Kitchen: Is that part of codenext to review and make changes? And the reason I'm asking that is because it would be the kinds of changes that we're making to our land development code, because there's so much growth happening -- I'm most familiar with the south, but there's so much growth happening right up to the city that if we don't carry over some of the changes that we're interested in, into that title 30, then we're just going to miss a lot of what the -- you know, a lot of what the improvements we're trying to make. Given the county has to agree to that. But I guess my question is are changes to title -- it's title 30, right? >> That's correct. >> Are changes to title 30 part of the land development code review? >> It's certainly something that the city is looking at when we come up with that public draft and we'll probably enter into more discussions with the county because you are correct, the county has to agree to any changes that we propose and we actually have to enter into negotiation. So we would look at those standards as it would apply within the city, within the full purpose jurisdiction, those areas that are in the etj or that are in the limited purpose jurisdiction of the city of Austin within Travis county. We would have to then go to the county and work with them and see if they would agree to certain changes. They have -- they do have agreements that are established right now and there's a process to do that, but we have to basically finalize our code before we can approach it. >> Kitchen: Okay. So we had discussions -- we can talk more about this offline. I would suggest that we may not have to finalize, that it may be parallel tracks in terms of starting those discussions with the county. The reason I mentioned this yesterday in our

[9:54:46 AM]

regional mobility committee, we had some discussions related to development and we have at least one county commissioner on that committee and so -- and they were -- their staff was there. So we just raised the question of looking at that title 30. So -- and the only reason I suggest that is if we wait to start that process until we finish a year and a half or whatever, finish this code, we'll lose some time. We can talk about it offline, but I think there might be some avenues for some beginning discussion, I guess is what I'm suggesting. I have other questions but I can set other people go first if you want. >> Mayor Adler: Mr. Casar. >> Casar: So I highlighted this when I looked over the fiscal health prescription paper and heard you say it, but the -- we have a study that shows that we can save -- the number is how many billions of dollars that we might potentially have to spend or could save. >> It was between 4.8 and \$28.15 billion. >> I recall seeing that presentation I think a few years ago. Which y'all find sending that around to us again? Because I think it's really important, especially having just gone through the budget and put through a bond package we're scrapping for \$100,000 in one time funds for the toilet or \$60,000 for the neighborhood partnering program, potentially making changes that could save us tens of billions of dollars outside of the fees that we charge, but just based on maintenance of infrastructure and having more efficiently placed police and fire stations, I think that's a message that would be really important to get out to the community because it's not just -- not a small difference. So any and all information you could get on that could be helpful to us because I did notice in the prescription paper it's

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kind of buried in there, but to me it really stood out as a really big bullet point if we're talking about tens of billions of dollars that we could invest in other things, that's really important. If y'all could send that, that would be great. >> We definitely can K >> Mayor Adler: Yes, Ms. Pool? >> Pool: On page 13 on the maintain the prescription. Could you dig into the privately maintained and publicly accessible? I think that was relating to parkland. Can you tell me what you mean by that and how far does that go? As far as shifting actual responsibility for parks into private hands when they're public parks. >> I think we've got an example of that. Seaholm development has private parkland in the center that's public -- that's privately maintained, but publicly accessible. I don't know if it's been dedicated, but I guess that's an example. >> Pool: Are there wayfinding signs so the public on the street would know there's a park inside? Because I don't know if it's visible from the street. And that is an element that our parks department people kind of focus on when we're talking about parkland, public parks need to be visible and they need to be clearly identified and signed so that people know that they're permitted and encouraged and welcome to be on that property, otherwise people think that they can't go in there because it's private and they would be trespassing. So are there signs over at Seaholm to indicate that that's been dedicated as public parkland and that it's accessible to anyone? Almost any time? >> Councilmember, I'm not sure, but we can follow up and get that back to council. >> Pool: I have a concern -- and while I'm looking for other creative ways to fund acquisition of land

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because it's so expensive and also creatively to look at ways to support our parkland and private-public partnerships are clearly an element of that conversation, I don't want to lose in this discussion the fact that the lands are public. And everything that that means. And so if we do have agreements with private entities to do the maintenance I'd like to understand what that -- how far those go and is it more than mowing? Is it also closing it down at certain times so that only certain people can be in there? That kind of thing. My real conversation on these conversations is that we lose -- we lose the sense that our public lands are [inaudible]. >> Mayor Adler: Ms. Houston. >> Houston: Thank you, mayor. I have a question. I

guess it goes back to -- maybe it's not on page 12. That's what I wrote on. I would like somebody to talk to me briefly about whether there's been conversation about our policy on annexation and compact and connected and the infrastructure because to me there seems to be a conflict and to me we keep talking about how we will save all this money if we have a compacted, connected community, but we keep annexing land and keep placing people further and further out that demands that we put infrastructure to those areas. So there was there a conversation in codenext about how those things work together or work against one another? >> Councilmember, the majority of the land that we actually annex are lands that are either already planned for subdivisions or they're already developed. And so we want to make sure that our infrastructure as it connects and as we take

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over the streets and water lines, sewer lines, the ponds, that they are compatible with our system. We talked about title 30, Williamson and hays county with our subdivision process, our subdivision rules actually would extend into those areas and as a joint review in Travis county we try to make sure the street connections are good. I know council has had some difficulty zoning cases that have arisen where you have older infrastructure that was built at a different standard in the past where the streets might not have been built to a standard that the city would recognize today. And that's where it gets a little bit more difficult. But annexation and codenext, annexation and codenext are both looked at in imagine Austin, but the growth that would occur that would be just beyond our city limits would occur whether we annex it or not. So we try to make sure that those citizens that come into the city to use our services use the streets, jobs to play, whatever, that they can get into the city safely. We get emergency services out to them safely and all our utility structure is in place that we have a reliable water, sewer, whatever infrastructure. >> Houston: Thank you. But I think I'm talking more about the realities of sprawl and the fact that we have regional centers and town centers and we want things placed on those corridors and that where we're building, where we're sprawling, don't have any of that infrastructure there to support the people that we're putting there. And that's the disconnect that I'm not -- you've explained this to me before so I understand what you just said. But that's the disconnect that I'm

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seeing is we're creating the sprawl and yet not putting the infrastructure there, not only the water, wastewater, streets, but the other things that a town center or neighborhood center would help to create a compacted, connected community in that particular location. >> So I'd answer two ways. One, imagine Austin actually looked at the city limits, the limited purpose and the etj. So we have centers that are not actually within the full purpose jurisdiction of the city. So we have given as a city the attention to our areas of what we would like to have developed in the future, whether they're centers or corridors, that actually go into into the etj. But you're right, property rights within the state of Texas is very strong and the city of Austin could not preclude a property owner from developing their land in the etj regardless of what the city's desire might be. So if that property owner wishes to develop they have the right to utility service and they have a right to move forward with that development. We can only encourage them to go in the places that we would like them to go and then they have the knowledge that we will probably be building infrastructure and focusing more of our services and attention to those areas that are within corridors and nodes in the future etj. >> Houston: So this is just our intention. It's not something that we've striving or being intentional about. We're just saying we would like this to happen because this is what we have in the plan. But I want to ask the young lady a question because she did a great job. And I could tell you were very nervous, but you did a great job. [Laughter]. >> Thank you, councilmember Houston. Hanted you did a great job. So what does that do to the money there, you

gave us a lot of money there, that we could save if we did things differently, based upon this fiscal health prescription paper? As we continue to move out further and further, what does that do to the

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money that you said we could possibly save? >> Well, I think that's best demonstrated with the slide that Colby presented showing that as there's more -- there's more linear miles to cover with infrastructure, it costs more. Or there's not quite the density -- the density is not there to support the cost. So as more people live closer together, it can easily enough cover the cost of infrastructure. But as people live further apart, the linear mileage requires more infrastructure, which costs more. >>

Houston: Thank you so much. That's all. >> Mayor Adler: Ms. Kitchen and then Ms. Garza. >> Kitchen: I wanted to talk about the emphasis on connected, which I don't disagree with, but I'd like to delve down a little bit because I think talking about connected in newer areas is different than talking about in existing areas. And I hope that would be reflected in the code. You gave an example in some cases it might be appropriate -- I think the example you gave was a flooding area, water area, might be appropriate not to be connected. Sue I want to caution with the emphasis of us talking more and more before not connected is, what I'm hearing is -- I'd like to hear more of is the acknowledgment that that doesn't work in every area, particularly in areas that already exist because there may be features of the land that don't lend themselves to connect. Also I don't want to send the message to the public that we're going to go around town and get rid of all the cul-de-sacs. Not that you were doing that. I'm not suggestin tg you were doing that. I just think that it's

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important that we acknowledge that there's also, in addition to features of the land, there's also community character to consider in existing neighborhoods. And I also would like to hear a conversation about connected in a multimodal way. So connected to me doesn't mean just putting the roads together so we can drive all over town. To me we may be the -- the appropriate connection might be a pedestrian foot path or it might be a bicycle track or it might be something else in a particular area. And I think it's - - I think when we get down to the language of the code, because I'm familiar with that section of the code, or at least one section. I may not be the only one. I'm familiar with one section of the code that speaks to connecting. And I would want to see language that acknowledges that some N some places connection may mean a bicycle or a pedestrian or whatever. And that counts as connected and that we're not just doing going to say that every street needs to be connected by a road. Because we could go on and on about examples where it just doesn't work. So I wanted to make that point and I wanted to acknowledge that because I think that sometimes a public is -- may have some concerns that we don't understand or mean that there are cases where we wouldn't connect the roads physically. >> And councilmember, I don't think there should be a fear of people losing their cul-de-sacs. >> Kitchen: I mean, I'm not saying it's a rational fear. I know that. >> But certainly because the development on the western side of the city, because of the basically the steep slopes, and situation that we have, you probably will not see an end to cul-de-sacs in Austin because you can't simply put a grid pattern over mount

[10:08:49 AM]

Bonnell and expect it to work. So you're going to have the ability within the code to adapt to the geographic features that may exist in our community. >> Kitchen: I would also like to point out there's community character to take into account in our existing older neighborhoods. So I think that that's also

a component in addition to geography. I would say as you said, land features, multimodal considerations, community character has to be part of what we think about when we think about where it's appropriate to connect a road. >> Mayor Adler: Ms. Garza? >> Garza: I think those are good points, but they're also integrated into community values. And you're right about the trails versus road. I think it's a psw and a cul-de-sac in my neighborhood and they created a trail that I can walk through with my stroller and that I wasn't able to connect to before. So it's not just roads, it's trails as well or sidewalks. I guess I just wanted to make sure there's an understanding on sprawl and it's not the city creating the sprawl, it's the city mitigating sprawl because we can't control what a private developer does and in fact that's why they -- that's why my district is booming because the land out there is cheap and they don't have to have as many regulations and it's becoming expensive. It's wear and tear on fire trucks, wear and tear on all our -- so it's not the city creating that. It's the city mitigating what's happening. And us trying to find a balance in keeping families close because it's really -- that

[10:10:53 AM]

trend that all our lower and middle class families live on the outskirts is -- I don't want to see that. It's happening and it's not just the city. It's our culture of people wanting the brand new white picket fence house and I wanted that too, but I realized what I could afford and I made a great investment where I live now. But it's such -- it's like we're in this conundrum because we have this great idea for planning but it's also moving the culture away from the single-family house and how do we do that? How do we get families to say hey, it's okay to live in a condo and I wish I did too because I don't like to mow the grass. [Laughter]. Anyway, these are really great conversations and important ones, and we're at a really big tipping point as a city and -- anyway, thanks for having this conversation. >> Mayor Adler: Mr. Casar and then back on this side. >> Casar: I think councilmember Garza covered my point, which is that I want to at least in my view and understanding I'm not sure how us annexing an area is causing the sprawl if we're trying to primarily annex areas that have already sprawled and we're trying to capture some of that tax base to pay for some of the services the folks use. I understand then how providing some services to the folks that we annex might encourage some people to live there and I see how it could maybe cause some folks going out there. But if people are living somewhere, I do want to provide services to them and then capture some of the tax revenue. So while I want us to encourage policies that don't push people out to the edges, I'm -- I would like to continue the conversation as we continue the annexation areas whether or not we're continuing sprawl with the annexation cases. Right now I continue to vote for them because I think we're annexing to pay for the sprawl that

[10:12:53 AM]

has already occurred instead of actually building out themselves. And I think councilmember Garza already largely made that point? >> And mayor, can I respond to that? Thank you. And I agree in theory that's what we're king, sprawl. As more people come and move to town, there are people being pushed to the edges and they're not the ones that we would like to see pushed to the edges. We would like families with children to be able to stay in areas where we have public schools that they could attend and not go to manor or del valle or pflugerville aid. But I think until we acknowledge that some of the Bolles that we've put in place has created a community that now is so far sprawled, however you talk about it or define it, then we're ignoring that we had some part in those decisions that were made and that that will continue to happen and we will continue to grow into our extra territorial jurisdiction. And so it's not a good thing or a bad thing. It's just a real thing. Of course we have no control other private developers, but those who have land still is we see that's what's happening is the people who I say that I care about, families with workers, the workers with this city, they are not able to live close in in a

connected way, they're being pushed further and further out and that's the sprawl I'm talking about. I'm not talking about a theoretical whether it's right or wrong or whether we have the ability through our land development codes to be able to influence what they build there, I'm talking about the influence of poor people further and further to the edges. That's the sprawl that I'm talking about. >> Casar: And I agree entirely that it's real and much is encouraged by policies that we have at the local, state and national level, but we have to own some part of

[10:14:54 AM]

it here as a city that we've done. I just don't understand how us annexing those areas is pushing people out. And there are lots of things that we are doing to push people out. I just don't see how annexing folks that have been pushed out to the edges is pushing them further >>> Because that's the only place housing that they can afford is being build. >> I don't under how annexing the area is going to cause -- >> Because the most recent example is the public improvement district at, you know, the houses that are going to be built there, are going to have tax levied by the public improvement district. They're in a very independent school district. And will also have tacks levied on them. When you look at what the level of housing price per unit will be, I'm not sure it will be affordable. They're going to have to jump over that and go to the next development. We probably are not going to agree on these things ever, maybe. But the fact is that it's real, is is that sometimes we, with our annexation policy, we create more housing that has to be at a higher level than the ones we thought we were creating when we agreed to it. >> I think we may agree on some of this. I think we understand your point better, by levying city taxes it can be more expensive housing and we should be thoughtful about that balance, because I frankly -- there might be some places where we can agree, because there are certainly some more high-dollar areas where we certainly want to capture some of that revenue, but there may be some places where we want to keep the city levy off for some of the reasons you've outlined. Of course, then we have to figure out you to Howe to make sure those people have adequate

[10:16:54 AM]

services. I think I understand your point. I asked the question, we may not agree as much on this point I may not just understand. >> It's not the city taxes, but the city district. Whatever school district the people are purchasing houses in will have an affect on how much the house will cost. I rather people live closer in, but when you have four different taxing jurisdictions, then that is going to have an impact on the cost of housing. Miss pool? >> I wanted to circle back to what council member kitchen was talking about, talking about cull desack, building the code to adapt to geographical features and retaining community character. I think that's especially evident in Austin, because many developments were done with cull desax and there's a segment of a population that looks for a cull desack, they want a yard and they want cul de sac because it reduces cut-through traffic and it's safer for kids which is why they are built. I have a concern, if you put the slide back up, it was page 12 where you're describing cul de sacs as publicly funded private drivers and that sounds like somebody's interpretation or opinion, and I don't think that's really the message that we want to have on a public presentation to council, because it assumes that we all see them that way, and we have not had that conversation. And I think we need to be really careful, and aware of how presentations are received by the community, so that something like that sends a message to Austin, and we have

[10:18:55 AM]

not had that conversation here on the. It's possible we may agree with that but it's possible we may not but we have not engaged in that conversation. I think that's an opinion piece and I ask that you really be aware of the words that you choose when you make these presentations. Don't want to unnecessarily put obstacles in the way for the public to review prescription papers in ways that they will read them and think about them deeply, and give us the benefit of their good thoughts, because that's what we are going to have to have for code next to be a success in Austin and when we put in language that by some maybe seen as kind of divisive, then we're already separating into camps, and I really, really ask you all to be very cognizant of that and try not to have that happen. >> Miss kitchen? >> Kitchen: I have a question about part of the conversation we talked about, the need to be more coordinated, and I think - I think you said long term. I'm not sure if you used the word "Long term" but to my mind, that is when we're reviewing, or -- reviewing development, and/or the requirements for development, that they be coordinated across, you know, transportation, and watershed, and, you know, across the different subject areas, as well as looked at from a cumulative impact. So, if we're looking at infield development, for example, that we're looking at cumulative impact of the development in the the area, and not one piece at a time. So, I think what I heard you all say, if those were person values that we needed to -- so, my question is, is that -- are those values something that we can actually write into the

[10:20:55 AM]

land development code language? I would think that we could, and I would hope that we could. I think that's my question. Is the thinking it will actually be written into the code? >> There are things that are actually written into the code as far as doing reviews. From just a processing standpoint, that's more coordinated. As we go into code next and the drafting of the code, we're trying to consolidate sections of the code so it's easier for the staff to apply, but from the standards and the cells, I think right now we've got basic will I a code core team looking at a lot of these issues, so when we talk about building housing or business or missing middle, you have transportation looking at this. Our watershed staff is look at this at the same time, along with our development staff, so those folks of being brought together. Utility infrastructure is extremely important, and we're working with the capital planning office for the water utility, electrician utility, about how the code would apply to development, redevelopment, new development, Greenfield development in the future and it's very important for all of these different departments, trying to figure out how we're going to get all of the utilities in and still get those desired elements that the community wants to maintain character in some parts of our community, so yes, we are taking a look at that. &Okay. I would suggest the language in the code that sets out the actual quite tieria that are being reviewed that that language acknowledge the criteria that's reviewed be coordinated and be cumulative. That's not going to be appropriate in all places and I can't think of a good example, but, you know, it might be something to the effect that, you know, the impact on

[10:22:57 AM]

flooding can't be "X," and the criteria has to be applied to the surrounding area to determine if the development meets the requirements. So, I'm talking about actually building into the requirements that criteria that looks at the impact more than just one off, particularly in regard to flooding. So, anyway, that's something I know that you all are talking about and that's just a suggestion I would -- or, suggestion/question I would have for the folks that are actually writing the criteria that -- so that we're not -- and the reason I'm suggesting that is because the processes are important, but the processes are built off what the criteria is, and at the end of the day, we can only enforce what our criteria is. So that's why I'm thinking our criteria actually has to write into it and at this point I'm almost focused on the

flooding impacts but there may be other areas where that's appropriate. >> And the development of any site lends itself to a lot of those issues, there's big concern about flooding, water quality and imperv use cover. There's concerns having sufficient parking making sure the buildings can be sited on the property correctly and the appropriate trees and utilities with that. All of these play with each other, left to their own means, would be very difficult to develop, so we have to coordinate all of those different code regulations with all of the different departments to make sure that we can go forward and still have an Austin we care about and all enjoy. >> Kitchen: That's one of the things I'll be looking for is something that builds into the criteria that looks at cumulative impact. >> If I could add, a lot of that stuff is happening currently as well. There's a development that allows 100% impervious cover

[10:24:57 AM]

that through the site development review, we had to show watershed prior to the development and amount of impervious cover that specific plot was taking over and post development. Not only for the surrounding region but for the small community. >> Kitchen: What about the plot that's next door that's planned to come in the next five year. That's why I'm thinking of not just this, what's happening there. I won't belabor the point except that, there were a number of years back that there was a particular ordinance past for the south neighborhood abia and that ordinance was bracketed to the area and it had specific changes related to the code -- not code necessarily but specific areas that related to the code. >> Guys, should we move on? >> My last point, while we may all have disagreements about particular issues in code next, and I wish that customer was here when I said this, but I do appreciate and want to hear the staff's opinion, and so if you feel strongly that we shouldn't have cul de sacs in new subdivisions through code next, I want to under why and I want to hear that opinion and I would just ask that we certainly disagree about whether we want cul de sacs or not in new subdivisions but I don't want to discourage hearing from you all, and from the consultants and other folks that have been working on this for so long. If you feel passionately about a particular point and want to argue for that, because we've tasked you in some sense to do that, I would like for you to do it whether I happen to feel the same amount of strong feeling in that direction or another. >> And we'll bring you back our staff recommendation and the reasons why we're making our recommendation. >> Thank you. >> And I think the comment

[10:26:57 AM]

earlier, I agree with Mr. Kacar, we want to know what you think and what you feel but also, in the way you can also identify it as an issue, it gives you a better understanding what the issues are and what might be put at issue but to say this is an issue. And identify it that way. I think that would go a long way to some of the concerns that you've heard. >> I have two quick questions. One is a process one. With the other prescription papers there was a process that there was public input on them. I think it happened before it came to us. Has this gone through that process? >> Yes. >> I think with one other prescription paper, the comments that people made were made available to us? So, can we get those comments? And I don't -- the raw comments were fine. I don't expect you all to have to compile, but if you can get those -- >> We can get those to you. >> Kitchen: All right. And the last question is about the cip. Because you had mentioned stra strategic investment areas and those kinds of things. My question is, I think I'm correct in saying that the criteria that's used for our cip processes is not written into the code. That would be one of those parallel kinds of -- you know, if we wanted to change our criteria for how we looked at the cip. We might do that on a parallel track but we don't actually write that into the code, right? >> Well, right now, I imagine Austin helps guide our cip program, the capital planning office kind of organizes the different departments, so, we -- the idea is to try to align everything. So, there

might not be a specific language in the code that might make a point about this rode should be built here or this water line should be built there. That is alignment of basically our city's goals and alignment of departments and resources to make sure we are building --

[10:29:00 AM]

>> What I mean, the set of criteria for how we choose what projects go into our cip, is -- you know, I don't know the answer to this, I'm assuming there's some document that sets fourth our strategic approach to deciding. >> There is. >> But that's not written into the code. That's a separate document. >> Basically, capital improvements program that our planning office works on and we all work together with. >> Kitchen: Okay. I wanted to clarify. Because I wouldn't want to write our cip policy into the code but it doesn't sound like that's what you're doing, it's more like saying that's a parallel tract. >> Elaine hart interim city manager. It is, as Greg said, in developing our long-range strategic capital plan, made sure there was alignment with the values that are stated in the imagine Austin plan, which is also a long-term plan so there's interaction there. And once they get into the long-range plan, and then they have a rolling needs assessment, then those projects, as they move forward and get closer to implementation, they go into a five-year capital improvement plan which is where we match the expenditure and funding sources. And the beyond that plan, which is reviewed by the planning commission, and they make a recommendation to the city manager, then we put together a single year capital budget that the council approves in September. So, there's a long process that's already kicked off this year for the next year's capital budget. >> Yeah. I guess what I'm getting at, council has the ability to set the priorities for the cip and we would do that in a different format than writing it into the land development code. >> That's correct. >> Okay. Okay?

[10:31:00 AM]

>> Miss pool, did you have something else? >> Thank you very much for your presentation. >> Thank you. >> We have two more presentations and a couple pulled items. Let's hear from the legislaor general. >> Yes? >> We're going to pull items after this? >> We're going to hear the last two presentations. >> Because councilman Gallo's question reminded me I wanted to ask questions about 26. Can we add that to the pulled items? >> We can. 26, pulled. >> I just want to ask questions about 26 when the time is appropriate. Okay? >> Good morning, council. Here we go. Good morning, council, I'm the intergovernment relations officer. I have sitting up here with me Ida Musgrove, who is my deputy and we're here to present to you today the 2017 state legislative agenda and recommendations for the lobby team. If I could just find the clicker. One second. So, again, just to briefly introduce our selves, both Ida and I come to you with 15 years of experience in federal, state, and municipal intergovernmental relations. We both have served for state senators. I have also served in this capacity for the city of el Paso. Also worked on federal

[10:33:01 AM]

relations for the credit union started by the city of Austin employees and the fire didn't. Our fire didn't includes government relations coordinator and research analyst. We also heavily rely on all of our departments to be our point of contacts. They are also our subject matter experts and it includes legislative liaisons and Austin energy and Austin water. This team also relies on the resources of both our state and federal lobby team and I will go into further on the recommendations for each of those later in this presentation. So, why do we have such a broad and large team? What this slide shows you is the growth and the number of municipally filed legislation over the last ten years. If you look at the top

line, in 1995, out of the total number of bills introduced which was about 5,000, 800 of those were city-related bills. Just last session, there was about 6500 bills filed and of those, almost 2,000 were city-related bills. So, during this process, during this time, which we know to be a five-month span from January to may, our office, in coordination with all of the departments, in coordination with our lobby team, will be reviewing all of those 2,000 bills. And to talk about that five-month process, too. So you guys are aware. That process is started now. We actually started receiving bills from members' offices at the legislature asking for our input. Bill filing will start on November 14th. And then, as you know, session will officially start in January. It will start out at a slow pace. Everyone is very happy to be back and happy to see each other and then it quickly turns into a serious pace in two months where things are flying, hearings are going on.

[10:35:02 AM]

Multiple places, multiple times and I will definitely need to rely on council and departments of the city to assist with that process. The legislative agenda, just to give you some background on how we developed this agenda, first we looked at last session's agenda that was adopted by council. Also, this was a collaborative process. It was done, like I said, in coordination with city departments. I tried to meet with almost every single city didn't to discuss their legislative input with them and also included means with our state delegation. It included meetings I had with you all. It included conversations with community members such as David keen with the Austin neighborhood council. So, we have taken in all of that information. Also tracking everything that we're seeing out there to provide you our recommendations. When you look at the agenda being presented to you, it's a draft. My request from you on Thursday is to approve this draft and I can take it to the printer and get in pictures everybody likes and approves of. That's why we just put place holders. But it's divided into three major categories and those category start with priority, oppose, and support. We'll go into -- I'll gee go into the next slide what those categories mean. Basically, priority is issues identified by the legislature as critical, opposed, or items that city council has recommended, has asked we take a stance in opposition to or support or items that we are supporting. It's a bill filed by someone else and we will support that bill to be passed. We don't have to articulate every statement but we want to articulate the areas that are of most person. I will also point out this is a living, breathing document that you all can change at any time. I plan to continuously update you during session and as things change, as new information comes available,

[10:37:06 AM]

that is when council can pass a resolution that changes the direction of this agenda or add something else to the agenda. >> Also on the agenda, that I sought to do in coordination with the departments is focus on municipal issues. What is it that we do as a city and how can we do that better for the residents and taxpayers of Austin. The priority issue looking on that page, and that would be page 6 of your agenda, I want to make sure the word "Priority" here is defined by the Texas legislature. I know for you all, for the issues you talk about every week at council, these may not reflect the priorities the city of Austin is interested in, such as affordable housing, such as transportation, but rather these are issues that the Texas legislature, Ming the leadership and members have discussed in their interim charges, are discussing in their committees right now and have highlighted in public comments. So based on those priority issues, Wu look at, these are the main ones that have come to the forefront. Starting with revenue caps there's a senate select committee traveling the state all during the interim and what this would do, the proposal is to take what is currently the 8% cap that then triggers the possibility for a petition. Did to trigger a vote to take that 8% down to 4 with an automatic election if you go above 4

after that, we have issues related to Austin energy. This council did a phenomenal job in working with the interveners and community on reaching a resolution for as many of those affected as possible yet none of the 180 members of the legislature signed on to that agreement, so we'll still want to be vigilant in preserving that agreement

[10:39:06 AM]

that was obtained. >> And also as discussed today, annexation, again my role is to not interfere with your discussions here at the dais, but to allow you guys to have the ability to continue to have those discussions so the bill on annexation would propose that in areas being annexed, the people being annexed would have to vote to approve the annexation, which would be a fundamental change to how annexation has been done in the State of Texas since home rule cities were created by the constitution. In addition, we'll be looking at a number of bills that preempt ordinances and issues that this council has passed ordinances on, fair chance hiring, t&cs, short-term rental as even the plastic bag ban. As you are aware. There's even some lawsuits involved with these issues. We anticipate legislation that would preempt the city from passing ordinances on all of these issues. Are there any questions at this point? Please feel free to interrupt me at any time on this slide or would you like me to continue? >> Yes, mayor pro tem? >> I know you addressed this in your introduction to this page but I still need to understand, you have prioritized based on how you believe the legislature has prioritized these issues, relative to their work load. >> So, on revenue caps, the lieutenant governor has said he's going to make that bill sb-1. Senate bill 1. So the message is this is more important than the budget and it may even impact discussions about the budget. >> Okay. So that's -- that clearly is at

[10:41:07 AM]

the top. And then Austin energy and annexation, have had the same level of attention, relative to the issues on the bottom? >> I believe that would be determined by you all. Whether you think they should have the same level of attention, looking at what the city does on day-to-day operations. I believe Austin energy rises to the top on that. Did you determine that the other issue have more importance, then I will follow that directive. >> I guess what I was trying to -- I was trying to understand how these were -- I know we just talked about these yesterday but I know we didn't have this chart. So, these are really -- these are prioritized according to the city's -- these are not -- your ranking of these on this chart is not what has gotten the most attention at the legislature, it's about the scope of the issue? >> Right. That's absolutely correct. Yes. >> Tovo: Thank you. Any other questions? Okay? The rest of the agenda is broken down into statements of support and opposition, these are just some of the categories in that section. I am willing to speak on any of those at this point. Like I said, this is just a place holder. To provide an opportunity for you all to provide me your input on those statements. These statements were developed in coordination with the departments on how best to provide authority by you all for us to analyze and response to bills filed, and they cover anything from transportation, tax reform, debt issuance, public health, animal services, water, waste water, everything

[10:43:08 AM]

that the city does, public infrastructure, transparent and efficient government, by putting in affordability, education, economic and workforce development and so on. Are there any questions? >> Yes. Thank you, thank you. This is good. Could you -- you mentioned sb-1 is not going to be the budget this go-around like it traditionally is but rather a bill to lower the revenue caps. Can you also talk a little bit about the time line and the speed with which some of these bills may be moving to give us a sense of

theed additional levels of importance or urbancy that may be happening at the capitol sf. >> I have to go back. You know, it's going to be really interesting to see how this breaks down this session. I do think that also there's other issues this legislature will be discussing that's not on here that I can't predict how that will affect the timing, but I will get to that, such as school of vouchers is an issue that the lieutenant governor articulated is very important to him and also what we are calling the bathroom bill which has to do with what happened in North Carolina where related to the use of public restrooms. There's a lot of issue that can also affect all of this. With the speed of how things will happen out of the senate, before the senate used to have a two-thirds rule which created more what we have seen last session is the senate quickly and rapidly passed a number of legislation and it quickly sent that all over to the house. The house has continued its process of working through a number of committee chairs and so forth. But on some of these issues that have a lot of momentum, for instance, on revenue

[10:45:08 AM]

caps, I think you will see that move quickly through the senate. I think we'll have to have a lot of conversations in the house on that one. Annexation, last session that T they had a little trouble getting it out of the senate, but eventually did and that bill was killed on a point of order on the house floor. That's how close it got. So we can anticipate that that can move. On fair chance hiring we're already hearing of members in our own delegation that are interested on filing on bill on that one to preempt us. Plastic bag ban, there are lawsuits going on. There was the lawsuit down in Laredo and also the attorney general I believe has filed a suit on that one as well. No, he's filed one on short-term rentals. I'm getting confused with all of them. Tncs, it has a lot of momentum. A lot of momentum to preempt us. We are going to be in a coalition with four other cities on that one, Houston, galveston and corpus are the only cities in the state to have fingerprinting in their ordinance. >> Thank you. >> Mayor Adler: Okay. Further discussion? Thank you very much. >> The lobby team. So since I came on board it provided this office an opportunity to do an asset review of our lobby team. To look at whether this lobby team still -- looking at such issues as on the slide that looked this the their capital of knowledge including municipal issues and city of Austin issues. I reviewed their clients to examine conflicts. That's always an issue. These lobbyists don't just represent us, they have a number of private clients that at some point can present a conflict on the team, meaning that when they have that client they'll have to not work with us

[10:47:09 AM]

on that issue against that client. I also looked at their clients to determine the breadth and depth of experience and relationship with the capitol. We also looked to make sure that their relationships match with the current political climate. This is not the same legislature that when I started working there in 2001. This is not the same legislature as before 2001. This is a legislature that has a lot of T party members and -- tea party members and not as many Republican members as there were when Ida and I were working there in 2001. It is a changed legislature and we have to make STAAR the lobby team we teams have the right relationships with the right members that are involved in the decisions for that process I reviewed their history with the city of Austin to examine the reason why they were initially hired and whether that reason still exists. And it included discussions and evaluations on city departments including their experience with the lobbyists. This relationship isn't just about our office's relationship with the lobbyists or your relationship with the lobbyists, but also the departments that they work with day and day out including Austin energy, Austin water, planning, public works has a lot of legislative input. So I spoke with that department, took all of that input on the team to put forth this evaluation. What I saw is that we could use more expertise on our lobby team. Those who had municipal

experience and new municipal issues. There are times when you're talking to a lobbyist where I can go through explaining the issue and I'm kind of done after an hour explaining it going why am I spending all this time. I might as well have gone down to the halls and started talking about this myself. Also looking at them for

[10:49:09 AM]

their specific recommendations and advice. Instead of them saying to me in response, what do you want us to do, my response is I pay you a lot so can give me a recommendation on what whoa should do. And when I say I, I mean the city and the taxpayers of Austin. So I would like a team that provides recommendation on their knowledge of how these municipal issues can best be presented at the capitol and provide a recommendation on who we should talk to and when we should talk to them. Also I wanted to make sure our team had the strongest relationships with the leadership in delegation in both the house and the senate, the governor's office, key committee leadership and also with key agencies that we often have to interact with, tceq, public utilities who we would like to not interact with that often, the comp it troller, general land office and the Texas department of community affairs. So based on that analysis this is my recommendation for the state lobby team and it includes all of these lobbyists. Some you have seen before and are familiar with. I am making a recommendation to add focused advocacy to the team. Focused advocacy is a municipally focused lobby team. They primarily represent cities and that will help us primarily this session when a lot of the attention seems to be very much focuses on Austin and how that helps us is that when they go to offices they can say representatives, senator, this doesn't just affect the city of Austin, it effects the city of Fort Worth, this affects the city of San Antonio, corpus. And they can articulate that for a number of cities so that we are not seen as a standalone on these issues. Also they are the only team that will provide to me in their contract they put in stated language that says if there is a conflict between their representation of us and

[10:51:09 AM]

with a private client they resolve the conflict in our favor, meaning they choose us. They are the only ones who say we are not leaving the table. When this issue comes up we're going to go and work with you on that issue. So to look at this team I have to look at all those conflicts and make sure with the various issues who will be there and who will not be there. Then we have the federal key recommendations. We're in a key capital edge, many of you know as Ralph [indiscernible], I'm going to slaughter his name. And Jeffrey booth, a transportation lobbyist specialist. We want to keep the emphasis on our transportation efforts. We want to keep the emphasis on all the great work that was done under smart cities at the federal level. We want to encourage the next administration to continue to go forward with that same kind of intent of creating the same grant opportunities again. So the combination of Jeffrey booth and capital edge will provide us with that expertise. So on Thursday there are three items for thundershower approval. It is approval of the draft agenda, it is approval of the federal lobby team and approval of the state lobby team. >> Mayor Adler: Okay. Any comments or questions about the legislative agenda? All right. Thank you very much. We're going to lose Ms. Gallo at noon I think is when we'll take a break so it is important to talk about the grove before that happens. It's okay, but we can't do that without Ms. Pool here. So let's go ahead and -- >> Tovo: Mayor, is it possible to knock out a

[10:53:10 AM]

few of the council items before another briefing? If we're losing some of our colleagues, then it might be good to go ahead. >> Mayor Adler: Let's go ahead and do that because I want to hit the groove and maybe -- grove and maybe Ms. Pool will walk back in while we're discussing these items. I'm looking at what's pulled -- >> Tovo: It's three items -- two other than the grove. >> Mayor Adler: We have the grove and we have the traffic mitigation issue that Ms. Pool needs to be here for both those. We have our city manager and the wireless issue, which is the briefing -- Ms. Pool is here. Let's talk about the grove. Around I pulled the item related to the grove, which is item number 33. @we could also talk about number 26 obviously because that relates to it. And I pulled this in part because, one, I thought it was important for us to discuss it today to be able to manage community expectations, to set community expectations for what could happen on Thursday. My sense from the conversations we've had earlier and from the conversation that was requested, is that we're not in a place right now to really engage in a -- a real meaningful conversation on where we would end up on this. My sense is that there's still moving pieces just with a couple of days ago, and I still have questions and I think several people on the council have asked for information that's not here. I would include on that the issues such as the questions I asked earlier about the conventional zoning alternatives. There seems to be some lack of clarity with respect to that. The park neighborhood associations and the parkland agreement seems to still be outstanding.

[10:55:12 AM]

The figures and commitments on affordable housing and how that relates also seems to be -- I don't have an update on potentially enforcement mechanisms for the transportation management plan that was proposed. Issues related to the traffic mitigation issue that is the item number 26. So for that reason I'm not sure it's constructive for us to put the neighborhoods through yet another drill where they have to come down and spend a day here. And my assessment from talking to all the parties involved is rather come down like they did last time than to find out there wasn't going to be the conversation and backing off, if that was going to happen I'd like to know that ahead of time and the consensus generally seems to be that people want to know as these issues get resolved or morphinely tuned that when they show up they're engaged in meaningful conversation. To that end and also believing that there's a general consensus that if we can get to a pud it is better than not getting to a pud. And I feel that on all sides of the issue as well. So my representation to the dais and to my colleagues would be that we approve this on first reading so that we actually start moving forward with a pud because I think that's ultimately where everyone wants to end up. But then the question is what do we approve on the pud? My recommendation would be that we approve something that would be a placeholder opportunity for us that we approve something, that would just be a placeholder that we would not engage at this point in the conversation on the amendments brought by anybody. That said, what do we then approve? In the past in this situation we have approved what is the

[10:57:13 AM]

recommendation that came from staff or from pnc. And that is -- we've done that on several occasions that pushed things forward. My concern with doing that in this case is I'm concerned that we might be sending a message by doing that that we don't want to send. So if we approve all of the amendments that came from councilmembers Gallo and pool, I think we're also inadvertently sending a message. So I've been struggling with the concept of how do we get a first reading approval with a placeholder without inadvertently sending a message to the community? And what I would propose for the council's consideration is that we pass on first reading with respect to the grove. The pnc proposal, regulation, but also include on that the bcrc limitation on office zoning, which would remove it down from 200,000

to 100,000, whatever those numbers were, with respect to office. And that we do the same thing on the retail, that we pass something that moves from 150,000 square feet to 110,000 square feet. But other than that we don't address the parkland. Other than that we don't address the caps on trips. We pass regulation with those two things, recognizing that there are still lots of places that are in play and with the admission that in recommending that I am not recommending those particular caps or any caps. I'm just trying to find a placeholder that would mitigate against advertently sending a message. And I think my sense is that might be the closest we could get to

[10:59:16 AM]

that. Ms. Kitchen? >> Kitchen: I would just say that I also agree that I am not ready to make any kind of final decision because the affordable housing component is something that I have asked specifically of the developer to see if he can -- to see how the developer can accommodate the concerns we had when we discussed it on the dais about workforce continuousing and housing in an mfi level that will be at least attainable for some of the lower wage workers, for example, those that work at Westminster or Seton, that are perhaps personal say assistance or other kinds of lower wage workers. We had some conversation on the dais about 30% mfi at one end, maybe 120% mfi at the other. Anyway, we talked about -- we also talked about the potential for relationships with some of the employers in the area over and above what we're talking about so far in terms of affordable housing. So I will want to see what comes back to us with possibilities with regard to that before I'll be ready to make any kind of final vote. So what you're proposing makes sense to me. I'm open as to how we move it forward. I'm open to voting on moving it forward on first reading with the understanding that I'm not going to be able to make any kind of final decisions until I see the whole package, particularly with regard to the affordable housing. >> Mayor Adler: I think. I think I said pnz. The recommendation I was talking about before I think was zoning and platting that set out the recommendation. Mr. Casar? >> Casar: I do think that to get do some of those balances and negotiations often times we have to get through a reading or two to resident make sure folks know that the boat could be leaving if we don't get to some agreement. So I do see some real benefit to going on

[11:01:17 AM]

first reading. Mayor, I would take into consideration the idea of having some amendments as a placeholder, but frankly, it's a little concerning to me because on lots of other puds where we said we weren't ready yet we just went on first reading on the land use commission's recommendation as the placeholder. And I think I would feel confident telling the community that's how we've done it in other place cases and we don't mean to apply that we won't include that don't have amendments. And my recommendation would be that we stick with our existing practice. I know you mentioned in your explanation of existing practice and that's why I would prefer it. In the end if everybody could agree what whatever we pass is just the placeholder, then I will -- I won't complain too much about that. But in the end my preference is just to be doing it the way we've been doing it and to let people know what we've meant in the pass is what we continue to mean with when we pass on first reading with staff's recommendation or land use that that's just getting the ordinance drafted and getting things going. >> Mayor Adler: Yes, Ms. Garza? >> Garza: I would agree this is not something we've done different from other puds, where we continue to have process for the sake of first. I think this is in line of what we've done on our puds. I want to talk to councilmember kitchen -- I don't think I can -- I can't here. With the 30%, I think it's important to -- it's possible -- I don't know if this has already been done -- to do a survey of those employers to see because maybe they're at 40 or 50? >> Kitchen: I will post it. I may be

speaking what the appropriate level is, but that survey was done by professor Mueller at UT and I'm sure that that's public and can be posted. >> Great, things.

[11:03:21 AM]

>> Ms. Houston? >> Houston: Thank you. And thank you for your suggestion. I thought are we not going to talk about environmental concerns today? We are? Okay. >> >> Mayor Adler: Yes. We were going to lose some people and I wanted to be sure we had this scheduled conversation. >> Tovo: Mayor, what does that mean for the public in terms of whether they can speak on Thursday? What is that interface with the rules about public hearings and everybody being afforded a right to speak? >> Mayor Adler: We have to give people the ability to be able to speak. We can limit not the number of people that speak, but we could limit the duration of people speaking. Andly what I would support is a pretty severe limitation on the duration people can speak or since we could close the public hearing at the end of it on discussion on Thursday, which I think is not the right thing to do because we won't actually have the matter in front of people. We could say you could have a choice. You could either speak tonight or you can speak at the next public hearing. But we're trying to encourage people not to speak on Thursday is what I would like to see us do. In part because I think if we have a robust conversation then everyone is going to feel like they need to be there in order to be able to not be at a perceived disadvantage. And one of the reasons we're doing this is so that we don't have to make these people come down yet again when we know they're going to have to come down yet again. >> Tovo: So the commitment will be that we will leave the public hearing open and people will an opportunity to come speak later in the process. >> Mayor Adler: Absolutely. Further discussion? Yes, Ms. Gallo? >> Gallo: So I appreciate the suggestion. I appreciate continuing to move this forward

[11:05:24 AM]

because the voices in the community all seem to say that we do get substantial community benefits from a pud, but trying to find the balance of where the pud, all the internal features of the pud needs to be is critical. And we have all heard lots of voices from the community and there are voices that differ in their opinions about what should be done and what should be allowed and what should be offered and what we should get. And we have seen processes, the Austin oaks is an example of that where the neighborhood and the applicant work together to have a charrette process that involve the whole community in coming up with a preferred plan. And that was a process that seemed to work well and seemed to get both the applicant and the neighborhoods closer together. My concern and listening to the conversation from all the members of the community and all the neighbors is that this has become kind of a war zone, battle zone in the neighborhoods that we have neighborhoods saying really ugly things about each other. We have conversations and statements made in social media that are just -- it really tugs at your heart strings because what we see is this project has produced that type of passion and that type of disagreement and it's just not a good place to be. I just don't think we can allow the neighborhood to -- and the neighbors within the neighborhood to be faced with that type of conversation between each other. I think it's really been disconcerting to listen and read the comments that people have been making about each other. So we're absolutely not at a place where we need to be. I think we as a council, if we can work together to try to get us closer together to get the solution closer together where we can get neighbors who have very differing members of what this needs to be closer together, this is a balance. Not everyone can get everything exactly like they can they want it, but I think we can get closer together on this, but I think the idea of

[11:07:25 AM]

moving it forward we're all asking for lots of information, we're all asking for people to come together and really look at this with the best interest of the neighborhood and also the city in mind. So I agree with you we're far from being there at this point, but it sounds like that there's a consensus on this council to keep moving it forward. I just want to make a except about amendments. There's been a statement made that the amendments that we've brought forth from our office are low-hanging fruit and I kind of take offense to that because I think the amendments we've brought forward are on the list of each of the concerns that the neighborhood associations that we've talked to about this project are a concern. Whether it's a small concern or big concern, it is still a concern. For those to be tagged as just low-hanging fruit is -- I think it's a disservice and disrespectful to the neighborhoods that have brought forward a list to say these are the things we want to do and we've really tried to take those and work with the applicant on those and be able to make forward movement on those particular items because to those people in those neighborhoods, even if they are small, they are important. So I'm a little concerned that we're talking about taking one or two mohammeds and not all the amendments and I want to make sure that what I'm saying to the neighborhoods ridgely and oakmont that we have worked in bcrb and we have really worked with them to try to address all of their concerns. We've not gotten to a place that we've addressed every one of them, but we've addressed a good portion of them. I want to say to them that if we agree not to take those up on Thursday it's not to say that those concerns and those amendments are not important. I would still rather us address those, but I understand that expands the conversation and if that is not something that the council as a whole wants to do, but I want to be very clear that I think the amendments that we're bringing forward from our office are important. They're not low-hanging fruit. All of them are based on

[11:09:25 AM]

requests from neighborhood associations. And so whether we take those up at this meeting or take those up at the other meeting, they are important to me and I think they are important to those neighborhoods. >> Any further discussion? Yes. Ms. Pool? >> Pool: Mayor, so bring it back to what you're saying, I think that's a fair suggestion and I think it acknowledges that there are differences in the array of amendments and we are going to have to make some decisions between the two packages that have been offered. And there's some distinct differences, but -- I appreciate the signal that we will be sending to the community that this council is -- has its ears open to what the neighbors who will be most affected by this development are saying and the impacts that they will feel greater or lesser, especially over a significant time frame. Puds are really complex mechanisms and we have all been saying for a long time that this particular pud deserves the light of day to look into all the details, to ask the questions and even frankly to have time to know what questions to ask. So I appreciate the ability that the dais will have to engage in that back and forth and to dig into the various elements of the puds. We completely understand what it is that we're being offered, what it is that the neighborhoods support or don't support so that when we cast our vote in the final reading that it's a really well thought out plan and that we don't leave anyone in the public behind as far as their understanding for what they're doing and what the long-term affects will be. So I appreciate your efforts to try to find a way to move on this if only somewhat on

[11:11:26 AM]

Thursday and also keeping the public hearing open. I think that's a really good idea. Thank you for your efforts. I appreciate that. >> Yes, Ms. Gallo? >> Gallo: I think it would be helpful to my office to know if there are particular concerns that any of the councilmembers have about any of the amendments. Is

that -- is that something? The amendments that our office has proposed that we've talked about before? So if not now, between now and Thursday, I think that would be helpful. >> Gallo: And of course I would like to say my -- >> Pool: I would say I've had my package of amendments up for a considerable time so it would be great to have some feedback from the dais. >> Mayor Adler: I'm going to try hard not to comment about amendments between now and Thursday, just because. Ms. Garza? >> Garza: I guess I want to point out that it's so hard to know how -- there's so many amendments and I don't know how when you pull one level this way that it does other things because my experience with puds in my district is if you move something a little bit it affects something over here. So this is going to be a really difficult conversation to have and that's why I don't think we can have it now because I'm having a hard time seeing the big picture and how these come you and how they affect each other. And this has been a very difficult conversation to have and I want to thank you for bringing up the -- how -- the created. When we have such inequities in our community and horrible sad things happening and this has created discourse, it's eye opening. And anyway -- but --

[11:13:27 AM]

it's hard to comment on a single amendment back to that without knowing how it affects the entire package. I don't know how we get there. I don't know how we do the if not this, then that analysis. I don't know if staff with help us get through that, but anyway, that's the difficulty in commenting on single amendments. >> Mayor Adler: Mayor pro tem? >> Tovo: I see this pulled later. Mayor, what is your plan for taking up item 26 that councilmember Garza pulled? Is this an appropriate time? >> Mayor Adler: It is. I think we should go to that next and have a quick discussion about the environment and other issue since it's all grove. >> Mayor Adler: Number 26 is the traffic mitigation. >> How does this affect -- is this like a active or -- and -- I guess can you explain what it is. And I know that we had made an amendment to -- what is it, the affordable housing allocations and how we were going to use the money from this -- the money generated or taxes generated for our housing. So how those all affect each other. >> Gallo: Mayor, do you want me to address those? So this started as one of the vcrc requests, which was to dedicate three million to off site traffic mitigation and multimodal improvements funded by contribution and tax increment financing. So that's the place this started from. You know, as - in the other place it started from is my realization that as our population continues to grow, one of the most difficult challenges we have when we add density and we had growth is maintaining the character of the neighborhoods. And one of the impacts

[11:15:27 AM]

for additional growth and facial density in neighborhoods is the impact of traffic. Not only what the developer and applicant has mitigated from their additional traffic, but the traffic that's just occurring because of natural growth within a community. So in zoning cases we have the opportunity to require the applicant to provide for traffic mitigation fund, both in regular zoning, traditional zoning and puds. In this case the amount the applicant is providing is more for traffic Mitt division than would be -- traffic mitigation than would be required for traditional zoning. So it's not to take the place of what the developer is providing because I think we as a community view that as a community benefit for a pud that we want to see when we approve a pud zoning that they are actually paying for more of the traffic mitigation and a lot of times faster and completed before the development is done, which is not normally the case or is not typically or cannot be required always in traditional zoning. So in this we are seeing as of the traffic mitigation and pud zoning we are seeing the developer put in a little over three million dollars for the fiscal for the tia improvements and then we've talked about the pedestrian bicycle bridge going across shoal creek, which is another 750,000. Then we have dedication of right-of-way

easements and a handful of other things. So that's already being done. What we felt like is based on the vcrc amendment that we really wanted to look to the city to see if there were opportunities that the city could find funds within whether it's property taxes, whether it's sales taxes, whether it's some other source, co, cip,

[11:17:28 AM]

something that could get us there. As we all know when we've been working on neighborhood traffic mitigations, it's very difficult to find the nuns for those. They're just not there. So this is a base place to start and this whole conversation has evolved in a variety of ways. It started with property tax and as you just mentioned, the council already voted that all of the future property taxes on this particular property would go to the housing trust fund. So that's actually been taken away. So if we were to use property taxes we would have to dip into that fund to be able to pull into those back or improvements or safety improvements within the neighborhood. We could not get the support of enough members of the council to go that route so then our next -- our next movement was to look at sales tax and see if because of the additional sales taxes for the retail and commercial that's on the tract that we would be able to fund a funding for a fund with that. And we were still not able to get enough support from the other councilmembers to do that. So at this point with the help of po and Ann's office and don's office, we were able to do this resolution, which basically is to ask the city manager to go and look at potential funding sources and come back to us with a recommendation of possible places at this could come from. >> I think -- I'm interested in supporting this because it does a couple of things. First off, it -- as councilmember Gallo said it explores the creation of this kind of fund so it asks our staff to look at what this kind of fund could look like. And where the funding sources might could come from. I think that that's relevant not only for this situation, but for future situations. And I think it's an exercise that I would ask our staff to engage in. To my mind I agree that I would not want to take

[11:19:28 AM]

property taxes because I agree that that should stay where we designated it. So this names other kinds of funding. My personal preference would be cip or capital improvement types. Cip or co. But I would like to understand what the staff would come back to us to recommend. So I think it is a potentially good tool for us moving forward with development because it's over and above what the developer would be required to-- will be required to do. It's over and above. It recognizes that we're still going to have traffic impacts over and above what we can get from the developer. It also recognizes that this might be a tool that can be used in the future and other places and to my mind it might be appropriate as we continue to look at how we -- what we do with our cip and where we focus our cip. We heard discussion earlier as part of the land development code that we perhaps should be looking at our cip for strategic investments. This might be the kind of place that's a strategic investment. If we pass this we're not deciding today where the funds could come from or even if this fund is the top priority for cip. But it would be something that we should consider. So in my mind it makes sense to me as a way to look at this kind of tool as we continue to look at how we use the cip in the future. So that's why I would support this. >> In looking at the funds -- >> Tovo: In looking at the funds I appreciate the alterations you've made, councilmember Gallo. I see that it is -- it continues to increase the possibility of -- raise the possibility of increased tax revenue as one of them. Are you saying that that's coming out? That that language is coming out? Is that sales tax

[11:21:29 AM]

revenue or what is the meaning of the increased tax revenue portion in the first be it resolved? >> I think what this evolved into was being less directive and asking staff to come back and analyze all the different options. And that certainly could be an option. What we found very clearly was that there was not a lot of interest on the council with pulling money back out of the trust fund. However as we talked about when we implemented that with the property taxes from government owned properties that that would be a budget discussion this year. So it's not laid in stone 100%. I certainly think from what we've heard from the other councilmembers that there was a relax dance to do that. But it may be in a particular year, in a particular situation it may be appropriate discussion. So we didn't want to leave it out because I think the way that the council addressed the longevity of the allocation of those property taxes from the government properties was that this was the intention, but that it could be changed in each budget year, but I think it should be part of the conversation and that's not to say that that would be the place, but I think it should be at least part of the conversation. >> Tovo: Okay. So the tax revenue -- the increased tax revenue in this reference it could be sales tax or property taxes when you're directing the staff to consider these various options, that is still on the table as an option. >> Gallo: That is correct. >> Tovo: I guess I -- I am glad that the staff would be looking at other options as well. I appreciate that this wouldn't create the fund, it was just direct the city manager to go ahead and do some research and come back. But all of these named sources could be used for other kinds of things as well, existing

[11:23:29 AM]

voter approved bonds. I assume there's probably been projects earmarked for those existing bonds that would then be delayed or the money to be shifted for this use. And for me the conversation and my deliberation on this particular issue is always going to have to consider that we're having this conversation not absent a particular project. We're having it in relationship to a particular project and the impact it may have on the surrounding area. To me it still feels like if this is a project that's creating these traffic impacts, then the traffic must absorb those costs, not the existing bond dollars that were absorbed for something else or the property taxes that are earmarked for something else or certificates of obligation, which is really new debt. I appreciate your work on it which could get it to a place that it might be consensus. I continue to have the same concerns because it is a mitigation strategy for this project. >> Mr. Casar? >> And I was really willing to try to think this through and entertain the idea and I haven't been able to come across the line to be able to support this and the reasons being that with sales tax revenue in particular coming in we use that sometimes for traffic mitigation and we all have lots of neighborhoods and communities that have been waiting for years and years and years and there has been lots of increased traffic for those folks and the ranking is based often times on safety issues and people doing lots of grassroots work and the idea that they would get bumped down toward and these would be bumped upward, which is essentially what we would do. I understand this is exploring a fund, but if the fund was utilized, it wouldn't be prioritizing based on the highest need. What I would be interested in of course is that this is a major project and that there is development going on in the area and for us to see if there are

[11:25:30 AM]

situations occurring to the neighborhoods adjacent to this project that there hasn't been an evaluation in some time and really they are the highest need and do deserve those funds immediately more than others. But I guess I just am concerned that this is the sort of revenue you would get to address the highest need situations in this city whether they're near this project or not. And regardless of if they're in my district or someone else's district, I'm come bag back to if there are traffic safety issues and traffic

mitigation needs all over the city and I want the highest priority ones funded first. And my second concern is to your other point, councilmember kitchen, which is that this may be a model for other projects, but I'm a little concerned about that because I want to know if this is going to start being something we do for various kinds of zoning cases or what the strip criteria would be so that all of a sudden we aren't leaving people who may be in some part of the city that's not rapidly developing, never getting funding because all the funding is going to the parts of the city or developing which is where we get the funding. I guess those concerns weigh heavily enough on me that while I appreciate the work that's been done or the idea that this may be able to make it a little easier for folks living nearby a big empty piece of land like this to deal with some of those impacts, it just doesn't quite -- I understand some of the pros, but they don't quite get me over the line to yet feel comfortable with it. >> Ms. Garza? >> Garza: Yeah, I think mayor pro tem and councilmember Casar hit on hospital of my points. We just had the briefing that we're doing to have revenue caps and we're going to explore ways for our funding to fund the impacts of a private development? I don't know if that's

[11:27:31 AM]

the road, pun intended, we should be going down. And if it is in fact a mechanism for a general issue, a general traffic issue, then the be it further resolved, that fund shall be specifically used for this piece of property, should be stricken out. If -- I cannot support something that says we're going to look for this much -- for X revenue and we're going to use that for this one piece of property. If it's a general starting of a process that says -- frankly, I guess I can't even support that because of what I said in the beginning. I don't think I'll be able to support this. >> Kitchen: Could I say something first, please? >> Mayor Adler: Ms. Pool and then we'll come back. >> Pool: Just to add to what my colleagues have said about this, we were talking during our fiscal prescription paper about development paying for itself and here we're already offering up a way to start to move away from that again. So I think we need to be mindful when we say we want development to pay for itself, we really need to mean that. And this tends to dilute that. >> Mayor Adler: Ms. Kitchen? >> Kitchen: I can certainly understand the concerns that people have. It's a tough decision about how to handle the traffic issues in our city. I strongly disagree that this dilutes the developer requirement. The fact of the matter is developers cannot pay for the entire cost of traffic. And there are limitations under state law that have to do with rough proportionality on what developers can pay. And those are designed to have the developer pay what the impact is. So I think we're fooling ourselves if we think that developers are going to be able to pay the entire cost of all traffic impact of development all over the city. It's just not going to happen. I do think that it is --

[11:29:33 AM]

I think it's up to us to hold developers to the cost that's attributable to them and I think -- I'm one of the strongest proponents of that and I will be doing that in this case, but I think we do need to recognize as a community that development is not going to solve our traffic issues. So this may not be the right tool. And I certainly respect if people say for all the reasons that they've said that this isn't the right tool. That's okay. We can continue to talk about other tools. I am interested personally in the kip on where we choose to put our dollars with regard to the cip and how that can impact traffic. So again, that's where I'm coming from here. This is not an attempt to dilute what the developer is required to do, nor do I see it doing that. But I do see the concerns that everybody is raising so, you know, if this is not the tool that the council wants to move forward with, that's fine. But I think we have to be realistic with our neighborhoods and say that we need to work harder as a community on how we're going to address traffic and it's just not as simple as saying that development can pay for every single traffic impact. So I think we need to be prepared to tell the community that we're doing the best we can and we're going to

have the developers pay the impact attributable to their property, but when you move further out from their property that's impact all the way out. So I think we just need to be realistic with the neighbors. And I appreciate this being an attempt to respond to what the neighbors' concerns are. But I appreciate it may not be the right tool. >> >> Mayor Adler: This is a hard one for me. I'm usually the first voice to stand up and raise the points that were raised by councilmembers Garza and

[11:31:34 AM]

the mayor pro tem. I have problem sending money where there's not the greatest need and the city has a way to prioritize these needs. So when we get money for sidewalks I want it to be spent where the greatest need is with the city. When we get money, I think that's why that needs to go. And I believe that pretty strongly. At the same time there is some elements of uniqueness associated with this development in that we're trying to drive a benefit for the entire community for things like affordable housing that we have in this case. And in order to be able to make the economics work so that we get the affordable housing that we want in this neighborhood, which is a community goal, that the council is wanting, the way that we make the economics of that work is we have some measure of increased density or trips associated with this project. Which is happening in response to the requests that we have in order to be able to get more affordable housing. So I'm uncertain as I sit here now whether or not there is a very limited situation where it is the council that's driving a benefit for the community. That puts a burden on a particular neighborhood in response to a specific extra thing that we're asking for. And then the question is in that situation depending on how the criteria was developed, is there a situation in which I would say yes, I would throw this in in order to make the overall deal work in order to be able to work that extra thing. And I can't rule that out as I sit here right now as something that could not possibly exist. So part of me says then let's have the staff take a look at it. If you ask me right now how I will vote on it when it comes back from the staff, my

[11:33:35 AM]

inclination is to vote no because of the primary concerns I have are real high. But I don't know that I'm in a place where I would before the analysis was done and before we had the recommendation from staff vote to preclude that possibility. Further discussion? Yes, Ms. Gallo? >> Gallo: I want to say thank you for those comments. This has been a conversation that we've moved forward because of the request from the bull creek road coalition and also the neighbors. The reality is we as a council, as we discussed this development, is we are going to be impacting the specific neighborhoods and the surrounding neighbors. And as we talk about our decisions that prioritize what we do with our sales tax dollars and our property tax dollars, this council has said, you know, our priority for the property tax dollars on this incredible growth that will be occurring on this tract is we're going to prioritize that to affordable housing. So we've taken away the ability of having some of that money go through the actual process and go back to the ability of this neighborhood to deal with the traffic and deal with some of the mitigation. I mean, we are asking them the existing neighbors and the existing homes and the existing neighborhoods to be able and asking them to deal with the additional density that we're looking at. So I do think we have to be sensitive to that and I think we have to be sensitive because we realize it's very hard to find funding to do those things and we can help neighborhoods with speed mitigation and safety issues. We passed out the blue sheet, is just some information that just shows the unmet needs. This analysis was done as part of the quarter cent funding, but this is kind of the surrounding area and just the unmet needs for pedestrian and biking and safety is just under four million dollars and those are needs that are not going to be met because we don't have any funding stream for that. So it's just an example that shows that there is

[11:35:37 AM]

a large dollar amount of unmet needs. As we looked at different plans we know that sidewalks are prioritized. I look at this development and look at some point in the school district it will determine whether the kids go to brykerwood or highland park and both of those schools have unmet needs for sidewalks and safety to get those kids there. So this could also be something that addresses those, that are not the responsibility of the developer on this property, but are the responsibility of the city and making sure that kids to the schools get safe routes. I appreciate the conversation and I know the concern and we just -- we've heard very clearly from the neighbors, we've heard clearly from vcrc that trying to find a fund for future traffic mitigation was important and this was one of the ideas that we have and we developed to try to address that and answer some of the really substantial concerns from the neighbors. >> Mayor Adler: We ready to move to discussion about parks and the environment on this tract? That's what the next area was, mayor pro tem, on grove? >> Houston: Flooding mitigation, open environment. Thank you. >> Morning, mayor and council. Chuck Lesniak, environmental officer. I've got Kevin chunk, the watershed manager for the engineering division. We have some of our other staff here. We have the parks department as well. And we don't have anything prepared. I think we're here to answer questions for you, if -- just whatever you would like to cover related to environment, drainage and parks

[11:37:41 AM]

today. >> Mayor Adler: Does anyone have any specific questions? With respect to parks there was a proposal that was made to the applicant. The applicant is reviewing that at this point, is that right? There was a proposal that was made? >> Morning. Randy Scott with the parks and recreation department. Sorry? >> Mayor Adler: There was a proposal of some kind that was made to the applicant relative to parks and you're waiting to hear back on that? >> Yes. We have provided the applicant a park improvement agreement and the applicant has that and we're waiting on comments. There was an email send to law department earlier this morning that said I believe they had received it and they would be getting comments shortly. >> Mayor Adler: Ms. Pool? >> Pool: Are we talking about flooding first or parks? >> Mayor Adler: Either one. >> And excuse me, if I may, our department director Joe pantalion was planning to be here. He was called away urgently. He may make it back before we get done, but I don't know. >> >> Pool: So there's been some conversation about whether parks have been - the proposal has been rated as superior. And so I'd like to have staff respond. Is this project, as it currently stands, superior? And what elements are you still waiting for in order to make it superior? The last time we spoke there were some significant omissions that would have rated -- raised the proposal up to be superior and so I don't think we're quite there yet.

[11:39:42 AM]

If you can talk about a little bit and what the parks department is looking for and to be able to say. Because I don't think the parks department has said that this proposal is superior. Is that correct? >> That's correct. The parks department is waiting on our law department has prepared a park improvement agreement which outlines the maintenance requirements and the reservation requirements of the park and we're waiting on that review of that and significant on that park improvement agreement. And at that time the park would be superior. >> Pool: So if the applicant agrees to the contract that has been drawn up by the law department then that would tip it over into having the status of superiority, is that correct? >> That's correct. >> Pool: Okay. That's great. And have

you provided copies of that contract, is that something that's public that people could view? >> Yes, that is a public document now that we have sent out to I believe mayor and council as well. >> Pool: And I think the elements -- let me just run down them and if I'm missing any you can include them and you may want to expand a little bit on them. The park improvement agreement that's pending currently is that the city approves the annual plan for special vents that would be on the public park site at the grove at shoal creek, is that correct? >> That's correct. >> Pool: The city would approve the annual plan for maintenance? >> That's correct. >> Pool: And the park master plan would be created by the developer with neighborhood and parks and rec department input. >> That's correct. >> Pool: And the park to be constructed and deeded to the city before 500 units. And I guess that's residential units would be constructed, is that right? >> 500 residential units, that's correct. >> Pool: So there's a timing element. >> Yes, always. >> Pool: And when did

[11:41:43 AM]

you give the agreement to the developer, to the applicant? Do you remember? Was it earlier this month? Early in October. >> Ricardo Solis with the parks department. It was October 6 of this year that the agreement was sent to the -- >> Pool: Okay. So that agreement needs to be signed in order for them to achieve the superiority ranking? >> Yes. >> Pool: Okay. So I just would like to dig in a little bit about why parks and rec department believes it's important to keep control of our public parks. Could you talk to us a little bit about that? And help the public understand why that's important? >> Certainly. This is a code requirement to have parkland, public parkland dedicated through our land development code. So we do see this as a public space that would be open to the public, that would -- any special events, any concessions would have to comply with our existing policies in order for that to happen. So we just want to make sure that it goes through our office and it's going through a process that's similar to any other public park that we have. >> Pool: So this is no different than, say, events like at zilker park? This would be similar? >> That's correct. >> Pool: So we wouldn't be asking for anything more or different. >> That's correct. >> Pool: And does that allow public events to -- or maybe -- we say private events don't dominate the use of that public space, is that right? Okay. And let's see, I think there was some conversation about a per-unit contribution that the developer would make for a park?

[11:43:44 AM]

And do you -- I think it was said that \$750 per unit is the amount that is being offered? So I just have a question about that contribution. Do we have a sense about how much it takes to develop a park. For example, let's say one or two acres of parkland. >> >> One recent development that we had, a neighborhood parcel park was in south Austin, the tomorrow Lassiter, south Lamar neighborhood park, for instance, and that was about anywhere from 900 to a little over a million dollars to develop. So -- >> Pool: How big was that. >> That was a little over 2 acres. >> Pool: Okay. And the \$750 per unit park development contribution comes to about a million dollars. Is that correct? >>> That's correct. >> And, generally, how big is the park that's being proposed at the grove? Is it more than 2 acres? >> We have -- we have a pocket park and a neighborhood park, the signature park. So really we're talking about a total of about 14 acres that will be parkland. >> Pool: Okay. So the amount that is being offered is about equal to the amount necessary to improve Lassiter park, which was about 2 acres, and the parkland here is in excess of 14 or 16 acres. >> That's correct. >> Pool: All right. Then do we have information on what other recent P.U.D.S have worked out in terms of park development contributions? For instance, the Austin oaks P.U.D., has there been some conversation about parkland monetary contribution? >> Yes, I think Randy can address that one. >> Yes. They're doing, I believe it was, 15 times the amount of

parkland dedication per unit improvements. What the grove has proposed. >> Pool: 15 times the -- >> 15 times, yes.

[11:45:45 AM]

>> Pool: Ongoing. So that's -- >> 15,000, I believe. >> Pool: Okay. So it's about 1.5 million for a 2-acre park is there, is that right? >> I believe that's close. I don't have the exact numbers with me, but that's close. It was well over a million dollars. >> Pool: Okay. And then just a quick question on credited park space, how much of the credited parkland in this project is actually active recreation space? Because we have the environmental features that are significant on this site. So as far as what can be considered active recreation space, what kind of numbers are we looking at there? >> The total active recreation space that we have is 8.3 acres. The signature park size is 11.25 acres. And the total credited park acres is 14.13 acres. And the total park acres, including the floodplain and the creek, is 19.38 acres. >> Pool: If you were to subtract out the acreage that cannot be used for active parkland, what would the number be again? >> 8.3 acres. >> Pool: Okay. And they're offering a million dollars to help with the maintenance? Okay. Which is about what we get for 2 acres? >> Park improvements just to be clear. >> Pool: Park improvements. Okay. >> Councilmember, I just wanted to confirm that it was \$1.5 million at Austin oaks park. >> Pool: All right. So I just wanted to demonstrate from my questioning that the 750 per unit sounds like a lot of money, but in point in fact it will not go as far as would be needed for a park of the size that we're looking at having here. So I would like to work with the applicant on having a better financial -- better financial support for the park. Thank you. Appreciate it. >> Thank you.

[11:47:49 AM]

>> Mayor Adler: Parks? Okay. Then let's move then to -- >> Gallo: Mayor, incorporation want to make sure. Joust it's really clear, the superiority of the park and I think councilmember pool brought this up, is to put it on the park improvement agreement being signed, but the commitment from staff is that when that is signed, that it will be -- it will be the last component of the parkland superiority. And I've been really clear in my support of this project that it needs to reach parkland superiority to get my support. So we have one last step, and I know everyone has worked really hard on that and I appreciate all the work, both the staff, applicant and all the neighborhoods. So we're waiting anxiously for that last piece to be completed. So thank you. >> That's correct. >> Mayor Adler: Thank you. Sir? Questions? Ms. Houston? >> Houston: Thank you, mayor. My question is about flood, flooding, flood mitigation. I'm not as intimately involved in the details of the planned unit development, but I do have some concerns about downstream flooding. So could you talk to me just a little bit about what's gonna happen on that parcel of land to not increase the flooding that we already see downstream. >> Sure, Kevin Shaun from the watershed engineering division. The code requirements are that development shall not cause additional flooding on other properties. And that can be adjacent properties or properties downstream or upstream of the proposed development. That mission can happen -- mitigation can happen with on-site detention and sometimes on-site detention isn't the route to go so when we consider regional stormwater management. That decision, whether it's on-site detention or the regional stormwater management program for this particular P.U.D. Is currently being proposed.

[11:49:49 AM]

That decision will be made by the watershed protection department at the time of the site plan process is underway. And so through that process, staff will ensure that whether it be all on-site, all regional, or some combination of the two, to make sure that this development will not cause additional flooding

further downstream, downtown on shoal creek, or certainly adjacent properties as well. >> Houston: So could you describe just briefly what the regional stormwater management system does? >> So the regional stormwater management program is administered and run by the watershed protection department and it essentially is a way for the department to -- for development to not do on-site detention because maybe the on-site detention in some cases might cause flooding on other properties. So you don't do on-site detention, but you basically have a fee in lieu of detention, and those fees then come to the watershed protection department, gives us the ability to do flood mitigation projects within that particular watershed where the development is. So if you think of watersheds and you break them up into thirds, downstream third, middle third and upstream third, typically detention, the downstream third is really not the answer because you're basically holding backwater for the rest of the water from the upstream to flow down. In the middle third of the watershed maybe detention would be the answer. In the upstream part of the watershed, that's a great place for detention, and so we usually typically see on-site for that upper third. >> Joe pan tallian, director of the watershed protection department. This is an illustration of the point Kevin was making. When you look at the location of the grove P.U.D., about 80% of the watershed is above the

[11:51:52 AM]

site. 79%. When you look at it strictly from an impervious cover basis there is 70% of the impervious acres above the grove. So that's where when we look at this, it is in the lower third of the watershed. But certainly, you know, as those site plans come in the subdivision plans come in, that's where we will be looking at more detailed engineering to see is regional participation the preferred option or on-site detention? And that's gonna be on a site plan and subdivision basis. >> Mayor Adler: Yes? >> Pool: So I'm -- I went back and looked at what the conversation was at the environmental commission, and I have some concerns that the chair of the environmental condition said that the choice between meeting either of the two code standards should not be perceived as an environmentally superior outcome, and that's the difference between on-site detention and sending the surface water, channellizing it down the creek. Also the shoal creek conservancy adopted a goal for new development in the watershed that says -- I think it's a quote, no net new increases in stormwater discharges into the creek. This is important because this waterway floods regularly. We saw it at house park a couple of times last year, and back in, I think it was 1981, a number of people lost their lives down in the Ridgley area at the 35th street bridge. There were homes there that aren't there anywhere. So we know that this is a flood alley and carries significant waters from north and west. So I want to make sure we have capacity to require both significant detention and also have some contribution from the regional stormwater management plan. You talked about both of them.

[11:53:52 AM]

Separately, as an either/or, can we possibly have a combination, both detention on-site and also contribution hrsmp? >> Yes, we can. >> Pool: Would that be kind of a boot and suspenders kind of approach? Maybe that's the wrong term. Maybe that's used for some other -- >> Before we get to that, I think it is also important to note that in the requirements that we're talking about here, there's an existing 9.4 acres of existing impervious cover on the site, which the developer has agreed to also provide detention for that existing impervious cover. One of the recommendations I came -- that came out of the flood mitigation task force was to do exactly what the codenext process is recommending, which is when you look at the development site take the runoff from that site back to developed conditions after development. Right now it's -- we have a no adverse impact requirement, which means if you're 90% impervious cover and want to redevelop the site if you don't go above 90% impervious

cover you don't have to do anything about your existing runoff which may or may not be creating an adverse impact downstream. >> Pool: Right. >> In this situation there's 9.4 acres of existing impervious cover which they've committed to also providing detention for. So the flood mitigation task force called out a loophole but that's been basic criteria in for 30 years. >> Pool: At site plan staff would be able to choose either or both of the two methods offered? Okay. And if the developer is allowed to contribute to the regional stormwater management plan instead of fully containing the stormwater, what methods would be used to get that water down shoal creek and can you talk about the potential impact and erosion in the creek? >> Sure. When you look at the actual -- some of the preliminary modeling that's been done, the no detention option actually

[11:55:55 AM]

provides for a lower in-channel flow than the peak flow than the scenario with detention. Simply because with detention what you're doing is you're holding that watered in the lower part of the watershed and releasing it over time and that incrementally adds to the amount that's coming from upstream when that did water comes down. So there's actually more flow in some cases with that detention on-site. So if the no detention scenario provides for less flow in the creek, certainly that's a scenario that would hopefully either maintain the existing threat from erosion or mitigate that somewhat. It doesn't add any repairs, per se, but we don't think that that would provide for a significantly worsening erosion. >> Councilmember, if I could add to that that current code requires that they have to demonstrate non-erosive conveyance, so that's just compliance with current regulations. >> Pool: And I really think that's important twice now, I think, shoal creek conservancy has had to go back and city has had to go back and do repairs at the mouth of shoal creek because of the flooding events we've had just in the last two years. So that's a situation on that creek, and this has the potential of adding additional volume to that flow. And I recognize that when you do your modeling you're making some assumptions about where the rain will fall and if it all fell north of this site every time, but we also know that it doesn't. Sometimes it only, you know, falls below and sometimes it falls right on top of it. So I think that those elements really need to be taken into consideration. And then I just wanted to give a shout out, the residents on idle wild are really, really concerned about the impact to their property and the city stormwater, wastewater.

[11:57:56 AM]

>> -- 2006 bonds, 95 million dedicated for drainage systems citywide and Ridgley was one of the selected neighborhoods prioritized by the watershed protection department as having some of the worst localized flooding in the city. That project has been completed and has provided a substantial reduction in flooding in that area. >> Pool: So there's a downhill slope from the grove site, and that means the water will run, which it is now, running down into their land, some of it surface, some of it is ground water and currently there is a berm and swale structure that txdot installed. So we've talked about Ridgley's desire for drainage easement that would keep that berm and swale structure installed it. I have reached out to our legal department for guidance on methods to make sure that the applicant and its successor will be accountable for flooding from the grove onto the idlewild properties, and the work is on going. I'll probably have an amendment, talking about that point but I take the idlewild residents' concerns really seriously. The work the city has done with the bond money has helped some but it has not completely eliminated the flooding and I want to make sure that whatever development happens on the site doesn't end up taking the commissions back to where they were -- back to where they were before the berm and swale was installed. That's another area that I said we don't have enough information to really know how to dig into that but we're working on it in my office. >> Mayor

Adler: Would you go ahead and address that? >> Certainly that will be looked at very carefully during the subdivision process. One of the things when you look at the development plan,

[11:59:56 AM]

right now, the majority of the site that you see starting kind of where the bend in bull creek road is flows to the east towards the idlewild drive neighborhood and they're protected by that berm. That's maybe 25 to 30 acres flowing in that direction. As they build localized storm systems internal a lot of that will be captured and taken to the north to the creek. The amount of runoff left actually flowing that neighborhood is much reduced. Instead of 25 or 30, we haven't got the final grading plans in place but it could be as low as maybe 5 to 10 acres in that direction about as I understand the grading for the line of I believe townhomes or residential structures that run north-south behind the idlewild drive neighborhood are their lawns and lodge will be graded away from the neighborhood and flowing towards the street. >> Pool: It sounds kind of like a berm and swale, actually. >> Yeah. >> Pool: So are you saying that you think the developer will actually be trying to that area? >> Councilmember, what they've committed to is that the berm -- the top of the berm is essentially the high point or will be the high point for the new drainage. And they've agreed to design their grading so that the hundred year storm flows away from the berm, away from the idlewild property. And there's a street that runs right in front of the single family townhomes along there. That storm sewer system will be designed to convey the hundred year storm. And so once the drainage is in place, the grading is in place, that those houses, the Newtown homes would actually flood before the idlewild properties flooded. That that berm will be behind

[12:01:56 PM]

those houses and where it grades -- before where did it drains this way, today, towards idlewild, and the berm is here, that what's gonna happen post-development is it will be like that and so that the berm is now the high point and conveys back to that street along the front and conveys the water away. >> Pool: And will we have any assurances of that? >> Yes. It will be written into the P.U.D., be part of the development regulations and when they do the site plan or subdivision for the -- and design the grading and drainage, that will be required at that time. >> Pool: Okay. Thank you. Thank you all. >> Mayor Adler: Okay. Ms. Gallo. >> Gallo: Thank you. Thank you for the explanations we've -- they're complicated and sometimes they don't make sense from a non-engineer standpoint. And, council, I just might mention to you that amendment 5 and 6 that we proposed address a lot of what you've talked about with the storm sewer system and the street system designed to capture the hundred year flood and then also the 35-foot no build setback and the runoff. Also, could you talk a little bit about the French drain? Because that is one of our amendments, that the property owner is required to install, maintain a French drain system within the ten feet of the property line to reduce ground water, the French drain system will be maintained by the applicant, future grove property associations. >> Yes. Currently the houses on idlewild experience a fair amount of ground water that is flowing across the grove property. We don't know how far away it's coming from, but it flows across the grove property and pops out into their yards and backyards and front yards. A French drain is essentially an interceptor trench that's below grade. You put rock and a pipe in it, and it's in place perpendicular to the direction

[12:03:56 PM]

of flow and the ground water runs into that French drain and then is carried away to whenever you'd want to put it. There's been under discussion the possibility of doing a French drain either along the

back of those townhomes or in front in the street and then the ground water would be captured and conveyed to the storm sewer system there, and that that would reduce the flow of ground water towards the idelwild properties. Now, we do think that, you know, currently most of that property is undeveloped, and the open fields allow a lot of rainwater to soak into the soil. That becomes ground water and it flows towards the idelwild properties. Just the development itself is likely to reduce that infiltration and reduce the amount of ground water traveling towards idelwild. And so just the development itself should improve the condition. We don't know by how much because we don't know how far that ground water is traveling from, how big the drainage area is. And this is something that would exceed current code requirements because the city does not currently regulate ground water like this, and so this would be -- if they chose -- if they agreed to do it, this would be a superiority element. >> Gallo: And I think that's an important improvement and important addition. Because as we've talked to the idelwild residents, there are two issues that they have with water. One is surface and one is ground. And we're -- seem to be addressing both, which I think puts them in an improved situation over where they are now. There's -- so thank you for that explanation. There's been some additional discussion about an easement and whether an easement would work or an easement wouldn't work and if there's a benefit to the easement. Do you mind addressing that a bit too? >> There's been discussion about an easement along the back of the townhomes and along the idelwild lots.

[12:06:00 PM]

And for this -- so that if there were future drainage problems in the future, that the city would have the ability to go in and do anything that was necessary. The issue with that -- and staff doesn't object to having a drainage easement across there. We don't think it's necessary, but the issue is that those will be backyards of those townhomes, and with a drainage easement we don't allow those to be cross-fenced because we have to have access to that drainage easement and we do get existing drainage easements, sometimes they get cross-fenced illegally and it creates a conflict between the city and property owner that if we do have to access it, we've got to go in, tear down their fences and it creates this point of conflict. We don't object to an easement being there, but arg has expressed concern about not being able to cross-fence that easement and so that's been an issue in my understanding. >> Gallo: So it would not allow those homeowners to have back fences and the idelwild neighbors have back fences -- >> That's correct. If we did need to get access to it if there were problems it puts the city in the position, if they were cross-fenced, of going in and saying we're gonna take your fence down and you have to put it back at your expense. And so that just creates potential conflicts. >> Gallo: So they could be cross-fenced, but the property owners would have to understand that they would have to replace it at their expense. >> And we deal with that a lot. Occasionally. And it's -- you know, it's an issue when you want to -- what people feel like is their yard, their property,. >> Gallo: And rightfully so. >> And the city is coming in, needing to take a tree out or take fences down, whether they were there legally or not because an issue. >> Gallo: So is -- in your mind is there an overriding benefit to having an easement

[12:08:00 PM]

that justifies the lack of potential privacy with the lack of not being able to cross-fence in the backyards? >> It's hard for me to offer an opinion on that other than to say I think staff is comfortable with the drainage plan as proposed and that it is -- I think we would describe it as a fairly low risk because they're going above and beyond with containing 100 -- or redirecting the hundred year storm weigh from those properties, that the -- that -- like I was saying before, that those townhomes would likely flood first, before there were problems for the idelwild properties. >> Gallo: All right. Thank you. >> Pool: Mayor. >> Mayor Adler: Yes, Ms. Pool. >> Pool: I have some follow-up questions. Could you talk a little bit about

maintenance on French drains and how if they were installed here and the fence issue and how that -- what we'd have? >> Well, I think when you look at a French drain and the location of it parallel to that back fence line, I think, again, the same issue with an easement would arise, given the fact if you had to maintain it you'd have to dig it up and of course you'd have the same issue. Although if it's the homeowners association I think that's a bit more conducive to them being able to work better with their homeowners of the association as opposed to the city coming in. Of course when you have playscapes, outdoor storage buildings and things within people's backyards, any infrastructure in the back that has to be maintained is gonna have some challenges in terms of access and digging it up. Now, certainly, though, having a French drain in that location is better than not having one. >> Pool: So what's contemplated is the berm -- okay. So at the furthest end is

[12:10:02 PM]

idlewild and the backyards for people on that street in Ridgley and then a berm and then a fence, which is what the applicant wants to build, and then a French drain would be inside the fence, in either -- either in an easement or the backyard of the people who would be in those townhomes? Is that right? >> Or possibly in the street. It could also be placed in the street. It would just be farther away from the idlewild properties. >> Pool: And is a French drain a typical approach for a flood mitigation, for flood mitigation? >> We're talking about ground water interception so this is not -- I wouldn't put it in the same category of strategies as our flood mitigation toolbox. This is really a matter of intercepting ground water, which as chuck said, we have a very large tract of green field right now that's infiltrating water as natural land, and of course with additional impervious cover on-site, a lot of what would have infiltrated and become ground water is now being redirected to the stormwater management facilities on-site. >> Pool: Which is why our flooding controls are gonna be so important coming off of this site? Even though you are talking about ways to keep them away from the homes, no matter where they're placed, it will all be going down into the creek so we really need to pay close attention to what that looks like and make sure that we mitigate properly. So the -- let me see. That's -- on the French drain, how far down would you have -- how far down do you have to dig? Like I've seen French drains around before and they tend to be real deep, but do we know how deep we would have to dig in order to interrupt the ground water in order to have the effect that you're talking about? >> There's a rock layer out there on this property that -- what I understand from our geologist is that it's 6 to 8 feet deep and if you wanted to get all of the ground water and eliminate all the ground water, which might be

[12:12:03 PM]

unnecessary, you would go all the way down to that rock layer and actually what they call key it in, is intercept that ground water and so that you've got a tight seal across there. You know, I think that the French drain and our geologist I think would agree with this is probably a belt and suspenders approach, that the ground water conditions are likely to change quite a bit when the development comes in. And grading too to that berm -- grade to go that berm where the drainage goes this way towards the berm and you got the berm here going like this, from the berm and back, what happens now is water flows across and piles up against that berm and that's another point where you get concentrated I will filtration right behind those houses. Now you're reversing, that you won't have that condition anymore, it should further reduce the infiltration. There's gonna be a lot of things we know will happen that will reduce ground water infiltration, but without a detailed ground water study, which is probably not warranted either, you know, I think based on our experience, we expect that the ground water volume will be reduced quite a bit. >> Pool: I think the berm is a good idea. I'm skeptical about how effective a French drain would be, especially considering that it -- you may not be able to get into and maintain it

and depending on where you place it, you know, it may have greater or lesser efficacy, but the piece that really matters to Ridgley is the city's ability to continue to be involved in any flooding events that may happen to come off of this site and also the developer's willingness to mitigate as best science provides to protect the value of their homes because they're downhill from this site and they will be seeing some significant changes. Sounds like everybody is hoping that they will be positive changes, that there

[12:14:04 PM]

won't be as much water, but we won't know for sure, as you've said. And so I think it's real important to talk about this and take the neighborhood's concerns really to heart, both from the applicant's side and also the city, staying involved and overseeing this and making sure that if people are harmed financially because of flood water coming off the site that we're able to come in and help. Thank you. >> Mayor Adler: Okay. Anything else? Thank you very much. We have some consultants that are here to speak on the wireless, requested that we call up their briefing. So let's go ahead and do that. There's also an item set on our agenda this week that relates to this. >> Thank you, mayor, council, mark Washington, assistant city manager. And we are here today to follow up on a conversation that we had with the council back in August about the desire for several providers to begin expanding their ability to provide wireless communication services in the downtown area. We did recognize when we presented that this was an important service to be enhanced not only in the downtown area but throughout the city. But as we briefed back in August that this would be phase one of a multiple face approach. I do want to acknowledge those other presenters that are here with me today. Of course Ms. Rondella Hawkins, telecommunications and regulatory affairs manager -- director, sorry.

[12:16:08 PM]

And Jason red D fern, right-of-way manager for transportation and we have the presence today of our consultant we've engaged Mr. Keith [indiscernible] And several of his other colleagues are with him today. This project certainly took a lot of interdepartmental collaboration and we have some departments represented today but I also want to thank and acknowledge ctm development services, public works, as well as Austin energy, law department and planning and development review for their efforts today. They have worked very hard to ensure that we're able to commit to the time line that we shared earlier in our other briefing to make sure this important service can be enhanced for not only the providers but their customers but, more importantly, those residents of Austin. So with that, I will turn it over to Ms. Hawkins. >> Thank you, mark. Good afternoon, mayor, council. So today mark alluded to -- gave you background on why we're here. We have been working tirelessly for coming up with policies and procedures to address these wireless antenna installations on city infrastructure and in our right-of-way. And so we'll just talk about background and then our arrow solutions, we'll talk about their recommendations, which they have provided to city staff, and some of which will be implemented by staff via administrative rules, and also on Thursday's council agenda there is a proposed ordinance for some fees and right-of-way rental for the small cells themselves, and Jason will talk about that as well as next is steps. And just summarizing kind of where -- you know, where we've been up to this point, we -- you know, the city doesn't have a policy or procedures to address these small cell installations which are fairly new technologies and in response to those requests the

[12:18:09 PM]

city manager established an interdepartmental team and composed of many departments, as mark alluded to, for coming up with a policy. We presented to the public utilities committee back in January, the interdepartmental working group convened in March and we came up with some recommendations for the city manager for the -- starting out in phase one, the downtown area, and we just gave a variety of updates and, lastly, we -- aer5 solutions -- aero solutions was contracted on September 9 and there's been quite a lot of work both on their part as well staff. I'm gonna turn it over to Keith. >> Great. >> Got it. So, first of all, thanks a lot for hanging in there with us. I really appreciate it. Great opportunity to speak to the council and to the mayor. You know, it's been quite a process. Aero solutions, background, 15 plus years in the wireless industry, has focused a lot on bringing cell sites both macro and small cells to market, over 4,000 sites have been deployed. With me is Jim Lockwood, the CEO of the company, also one of the principals of the company, the three of us work together and all bring different skills, more technology, more deployment, more structural. So it was really important to be able to bring all those skills together to really think this through to help support the city's efforts. Again, really enjoyed this process and it was great working with the interdepartmental team to bring this together. As we said the process, I'll go through this quickly. I realize we're standing between you and lunch. The stakeholder meetings were held with staff members, with the wireless companies that are involved in this process. Also with, you know, the infrastructure equipment manufacturers, just to really understand what the requirements are in terms of what was required to be deployed when we talk about small cells. Generally small cells refers to -- I'll show you a picture in a few minutes -- a very

[12:20:09 PM]

small rf structure that gets deployed on street furniture within the city. The goal was really to maximize the use of the elements associated with a small cell deployment, the virtual infrastructure that needed to be applied, power, fiber or other type of backhaul to be able to support what was needed there. This shows a picture as to what is really there. You can see a little radio waves emitting from the top of the light structures. There's a little piece of equipment, which -- I shouldn't call it little, piece of electronics that gets put at the site itself. Then there's some kind of cabling or rf to bring that back to the wireless network operators network, generally refer to as wireless carriers. They're also involved here in the city, and other cities throughout the United States and beyond, this idea of neutral host providers from castle, [indiscernible] Mobility, also work on behalf of the wireless operators to deploy the networks. We worked with all them as part of this process. So let's talk about the recommendations that we came through with. We really do believe that it's important to prioritize. And the initial process that we went through, the interdepartmental working group went through, there was 170 plus sites identified by the wireless operators they wanted to deploy throughout the city. When you looked at that it was scattered throughout the entire downtown area and beyond. What we thought was the appropriate approach, as we started to prioritize these sites with the wireless operators, with the wireless carriers, that identify 25 wireless sites within an area that kind of defines the great streets area. So, you know, from martin Luther king to Cesar Chavez and then from Lamar to I-35 and then really develop a transition program. It's clear that a hundred sites today for the wireless carriers is a small step into what they'll need eventually. As we all know, wireless is such an important aspect of what we all do. Everybody in this room has a wireless device or two with

[12:22:10 PM]

them. 75% of our 911 calls, over 75%, come from wireless devices. Wireless is really critical from the standpoint of obviously meeting your community's needs, public safety needs and beyond, in terms of what's needed. So the way to get there is to deploy more and more sites throughout the city. What this

looks like from the standpoint of the location of those sites within the city, again, this great streets area, hundred plus -- hundred sites that were identified there. It really came down to some overlap, obviously where the carriers had sort of a need in terms of additional coverage. There were 11 sites -- 11 intersections where there were two requests for a site to be put at those intersections. There was one location where there were three carrier requests within that intersection. This gives you a little bit more detail. Pushing down one more layer. Just showing you the level of deployment that's gonna be needed and the level of potential congestion in terms of the process for deploying. It really helped drive some of the process recommendations that we'll talk about here in just a second. It's also very, you know, clear that, you know, the right way to do this is to make sure that the right appearance is part of this process. And aero solutions has great expertise in terms of structural, understanding how to put the right kind of antennas together to make this happen, create a real slender structure where these panels can be located to make sure that at least it minimize the aesthetic impact in terms of what's being deployed and apply a consistent attachment detail for all the carriers. Everywhere you'll see you won't think it's carrier a, B, C. They're all the same. It will all have the same look and feel as it gets deployed throughout the Austin area. We also looked at the ability to put multiple carries on a site. And the focus of course was on traffic signals. And those traffic structures for the deployment. We believe you can put two on

[12:24:13 PM]

any given site based on the requirements where antennas need to be mounted, how the shrouds have to be defined in terms of being able to support that and how the structure would look at the end of the day. So that it has the right look to it. This was a rendering put together by a local architecture firm, black [indiscernible] That they've been working with us and we'll show you some other pictures that they've worked on. They were of course very instrumental in terms of the great street program many years ago so in that little oval there is an example of what it would look like or potentially look like as it gets deployed with those two carriers at least in this example, maybe some other way to mask that with even some type of, you know, flag kind of structure that would be mounted also on the pole problem able to provide the right aesthetic look and take your eyes away from necessarily the top of that pole. One thing that's very important at least in terms of deployment like this is that you put the radio equipment very close to the antenna. It reduces the signal loss. What we're recommending is that it be deployed at the base of the structure. And the lower right-hand side, there's actually a design drawing that was done by the architect and shows here's what it could look like, aesthetically pleasing, still more work needs to be done in terms of taking that to the next level but something that fits comfortably underneath that traffic structure. And then really to require that these are concealed base mounted systems. A number of cities have actually mounted them up on the poles. They become fairly, I don't know, very noticeable to the population. So make sure it's in this concealed base location, make sure it's very easy from the standpoint of access to that from a, you know, maintenance point of view and other things that are gonna be needed and also just the consistency in terms of what's rudder there. Then we - required there. We believe there's a need to establish methodology. As we went through these first hundred sites we'll easily be

[12:26:13 PM]

able to support all the carrier needs within, you know, the idea that, you know, there's intersections will support them. There's still more work needed and we'll talk about it later in terms of what's required from a power point of view, making sure that at least it's a fair and equitable process of the wireless operators, wireless carriers provide their direction in terms of where they want to put these locations. This -- also this concept of a streamline site application process we think is really important from the

standpoint that it's preapproved pricing model and tenet configurations well defined, this Q placement option, aesthetics, everything is well defined. As long as they fit within that structure, the wireless carriers, it will make it easier to run it through a process that should allow for that streamlining as we've kind of referred to it there, in terms of this, this recommendation. And it's also important, recommendation seven was focused on the idea that most of the deployment will actually be done using fiberoptics. Obviously there's a lot of fiberoptics already in the city, leveraging as much as possible that fiber optic and you'll see in terms of the recommendations or proposal that's coming together in terms of the fee structure, incenting them to use existing fiber where possible, incidenting them to the extent they can use other forms of back hall or front hall as it's sometimes referred to, using microwave or inband wireless, allowing that to be something that's supported. At the same time if they are putting in fiber, make sure there's space, conduit space that allows for the city or for additional users to get access to that. It's kind of this idea of dig once, build once, so that it really minimizes the level of disruption that's gonna be required. We and the team, the interdepartmental working group, looked at a number of cities. In Texas, outside of Texas, there's a couple that even aren't listed here, New York City last week, city of San Francisco last week, to really understand what range of fees there are for the

[12:28:14 PM]

different aspects of deploying this. Everything from the application and all the way through to what's required from a fiber linear footage point of view to be able to support it. We prepared this benchmark fee structure. The city is what has a proposed structure here, and that's where I'll hand it over to Jason for his input. >> Thank you. Good afternoon. Good afternoon. I'm Jason, Austin transportation department. We have three fee proposals that we'll be coming to you on October 20. The first fee proposal that we have is a site application fee. We're proposing it to be \$1,250. That that \$1,250 covers four separate activities. It's application intake, it's an initial field assessment by field crews, there's an inspection during the actual connection to the infrastructure, and then there will be a post-operations inspection. This fee is about cost recovery. It's about our cost to actually administrate the application and do these items that I've listed. The second fee that we're proposing is an annual rental fee. It's a right-of-way rental fee for \$2,500 per antenna. It's based on rents charged by comparable Texas cities. On that previous slide, other cities -- I'll just go back to that real quick. You can see that Houston, spring, Texas, throughout this comparison, there are equal fees proposed for the rental of the right-of-way. So we just want to be inline with what the other cities in Texas are doing. And we -- part of this fee is we're proposing a \$500 fee reduction for this antenna location and that's for

[12:30:15 PM]

wireless providers who are backhauling, not using wired fiber in the roadway. And the third fee that we're proposing is an incentivized fee structure to encourage the use of existing in-ground infrastructure and that's either joint trenching or directional drilling. We're proposing a \$5 per linear foot charge for the new installation. That's for trench or horizontal drilling. So under existing city ordinance 1411 there's a method for figuring out how much right-of-way is worth -- or what the rental fee would be. We use that. We selected 20 different locations downtown and did an assessment. We came watch cost of before a hundred dollars per square foot for the unimproved land value by ordinance, underground improvements are 5% of the adjacent land value, so that's where we came up with the \$5 per linear foot fee. This is an enticement to share trenching, to share the installation costs. We are proposing in the fee proposal on Thursday to prorate this fee. So if there were four providers that were in the same trench, then each provider would be -- they would be on the hook for \$1.25 per linear foot instead of each one paying the \$5 every linear foot. So administrative rules, we're currently drafting those, hoping to finalize

those by the end of the week. We will be posting those rules. We will be using the recommendations of the consulting firm. And looking at our own infrastructure standards. Some of the highlights of those administrative rules will be that -- there will be city and service provider responsibilities named in the

[12:32:18 PM]

master license agreement. We will only be allowing the use of existing infrastructure, which would be the traffic signal poles at this time. It's -- we'll prescribe aesthetics and specific Q -- equipment dimensions to be installed it encourages supplemental conduit installation. So if they open the street, they're installing new fiber, we're requiring that they install an additional conduit that transfers to the city for future use, for future growth, just so that we don't have to reopen the street again. And we're encouraging joint trenching. Next steps, on October 20 will be the fee consideration for council. We will be posting rules October 21 for a 31-day review cycle time. We'll be taking comments from the providers. And then we will hopefully be finalizing those by early December and taking applications in early December. And as of April 2017 we'll be updating the public utilities committee. Some next steps. So Austin energy is studying the physical characteristics of certain street intersections and they want to determine the location of existing streetlight circuits and they want to develop plans to prepare for installation of new power circuits where the capacity isn't adequate. And then they're gonna do an analysis of their ac power requirements. So next steps, they need to develop some appropriate energy usage fees and that would be in a posting cycle in early 2017. And then look at the additional fees associated with the investigation, design, and construction services for the small cell antennas. >> Thank you, Jason. I do want to also add, when

[12:34:21 PM]

we -- >> Talk this first or -- >> Mayor Adler: I think that would be fine if you want to hit that. >> Tovo: I have some questions about the fees. >> Sure. >> Tovo: So I think I understood that the application fee is the actual cost recovery. >> Yes, ma'am. >> Tovo: Under the annual rent -- so you talked about how you came up with the \$5 linear foot. >> Yes, ma'am. >> Tovo: Would you talk through that a little bit more slowly? >> Sure. >> Tovo: I heard you surveyed different properties. Were they all downtown. >> They were all downtown, yes, ma'am. >> Tovo: All unimproved land? >> So you can -- in the county appraisal district, they have the valuation of the actual improved property and they have the unimproved amount -- what the land value is. And that's what we based the right-of-way costs on, the unproved land value. So if a property downtown is, you know -- the, you know, the land itself is 5 million but the improvements, the building and everything else, are 20 million, we would go with the \$5 million valuation to figure out what the right-of-way value is. >> Tovo: That's an interesting method. I'll have to think about. And I think it would be useful and maybe I'll remember to do a q&a about it, if you understand provide with us this information through the q&a process so that we can kind of look at the calculation. >> Sure, yeah. >> Tovo: As I understood it, you surveyed different properties, took the average of those, and that's how you came up with a hundred. If you could provide us again with those properties and how those -- how many you averaged and how it came out. >> Sure. >> Tovo: Then you said by ordinance the city charges 5% -- >> Under 1411 for the license agreement process, when someone licenses the use of right-of-way, there is a prescribed percentage of the adjacent land value, and sojourning ground improvements are 5% and aboveground encroachment is ten, and aerial encroachment above the right-of-way would have 7.5% of the land value. >> Tovo: Do you know when those percentages were last

[12:36:22 PM]

evaluated? >> I don't know. I've been here for 15 years so I think it's been that will. >> Tovo: I think it's worth reevaluating how we calculate those right-of-way values. I think that's one -- probably one reason why when some of those things come to council they seem wildly low in terms of the license agreement fees. >> Yes, ma'am. >> Tovo: And then my other question -- well, I have a couple other questions. So I notice that a few cities, Dallas is one and San Antonio is another, where they talk about the value of adjacent property. How come that wasn't a measure that was considered in coming up with Austin's fee. >> Say that again. >> Tovo: Under the linear foot fee or right-of-way fee, it was Dallas and San Antonio, according to your chart, use adjacent land values as a guide. How come that wasn't employed in Austin? >> That was. That's the \$5 per linear foot we're charging. We use that method to figure out the -- >> Tovo: Of the adjacent -- so the adjacent land value is really just another way of saying the average of other land values in the area? Okay. It sounded like a different measure to me. >> Yes, ma'am. >> Tovo: How is it, then, that -- so they came up with a 6.32 in Dallas. Are their land values that much lower than Austin's in their downtown Austin. >> They would be higher. Their land values according to this would be higher than -- >> Tovo: Is that accurate or is it -- does it have to do with the 5% that we were looking at. >> It would be based on their adjacent land value. I don't know what the percentile was that they figured out the \$6.32 but we can find out I think I guess I would be interested in knowing why Dallas' is higher than Austin's? Is it that their land values downtown are high center or is it the way they're calculating that fee. >> All right. >> Tovo: And then my last question is, I see that Boston has a 5% of gross revenue and I wondered why that wasn't --

[12:38:23 PM]

why wasn't that considered as a fee calculation here in Austin? >> I'm sorry. So -- >> Tovo: Boston does more than 2500 or 5% of gross revenue. >> I can't answer that. >> Tovo: Sorry, Jason. >> That's fine. >> Tovo: I didn't mean to grill but the fee calculations. >> That's great. This is what it's for. We just -- you started getting into the business of the telecomm war and figuring out what -- you know, it becomes more investigative to figure out what the fees are, and we think that -- we want a clean methodology, we wanted it to be pretty simple in calculating the fees. We can, you know, go back. Once we see the level of interest, we can definitely come back to council with the fee additions. The other thing is, if our application fees or other fees we're proposing are too high, then we can also come back and request a decrease in the fees, like the application fee, if we're streamlining our process, we can definitely come back and -- >> Tovo: Yeah, I know. So we can alter any of those. >> Sure. >> Tovo: At appropriate times. It just strikes me that this is certainly an enhancement for all of the companies who are gonna using it. >> Sure. >> Tovo: So my guess is that their business will prosper and so I assume that's part of the reason why Boston has a revenue percentage. Or they're fee base on the a revenue percentage. Sorry, one last question. I notice there is no annual escalation contemplated for our fees. Is that because we evaluate them on an annual basis? >> Correct. >> Tovo: There's no expectation from the companies who have been engaged in this process that the fees would remain static for a certain period of time? It's just that we will evaluate them on an annual basis? >> Yes, ma'am. >> Tovo: Super. Thanks for all the work from stakeholders and staff and it looks like -- >> If I could just add onto

[12:40:24 PM]

the response, the percentage of gross revenues. I think it's more of a city practice that it's on a per site basis and not the percentage of gross revenues because percentage of gross revenues for auditing purposes and tracking and revenue, I think that this per site is much more straightforward and easier for auditing and accountability. And so that's just a follow-up on the response. >> Tovo: I'd be interested to

know, not before Thursday, but just in the future, if you have an opportunity to have a conversation with Boston, I'd be interested to know how that works out for them, what their fees look like per carrier. >> Yes, ma'am. >> Pool: Mayor? >> Mayor Adler: Yes, Ms. Pool. >> Pool: I'm interested in the annual escalation too. Mostly because what we find when we set fees, if we don't put a trigger in for ourselves to actually go back and recalculate them, then we tend to simply continue them and in the past we have ended up with our fees being really behind the curve, as far as valuation and then it's -- there's some sticker shock attended to increasing them back up to where they should be. So I would be interested in seeing some language that you might offer that would tie this annual review and the fee schedule to a relook, a second look, at each year on what the valuations are. We know that the land values have been going up significantly year over year. Based on how the Travis central appraisal district does their calculations. So I don't want us to get tied to a number, a static number. We've got tremendous problems with the state legislature with the school finance because they're tied to static numbers they don't index and I don't want us to fall into that same problem here. So we need to be able to -- it's a benefit too when prices go down, right? When land values drop. It ought to be able to flex as well. If you could offer that, that would be great. Thanks. >> Mayor Adler: Okay.

[12:42:27 PM]

Washington? >> Thank you, mayor. I was just gonna add earlier on the time line that the April 2017 presentation will not only be a review of phase one, but we will also talk about what we might look at in terms of expanding permitting and licensing to other areas of the city for phase two. >> Mayor Adler: Are we still on the schedule we had set to have some of this set up by south by southwest downtown? >> I think we're pretty close to our schedule. In our August briefing we said we wanted to be able to take applications by the end of November, and I think his has us doing it early December. >> Mayor Adler: And I'm sure we'll all be contacted by the carrier and your offices. [Laughter] Can you -- have you taken this back to them? Is this something that works for them? Do you anticipate questions coming to us? If you do, can you identify for us where you anticipate the questions might be? >> Well, we certainly had received questions last time, I believe over 50 of them, that we did not anticipate all of them. But I think the consultant, the staff, has been working with them, and I'm sure that much of this will not be a surprise. I don't know what the questions will be. Maybe they can opine. >> No. I don't think it will be a surprise, but we did have a comment from crown about the linear footage costs that we're proposing. Was one comment. >> Mayor Adler: The consultants' report, is that being made available for people to see so that they have a context for that? >> It was completed this morning. [Laughter] >> Mayor Adler: Will it be then distributed out to folks? >> Yes. >> Mayor Adler: Great. Thank you. Anything else, council, on this item?.

[12:44:28 PM]

>> Mayor Adler: We have two more items that are pulled. We want to touch base on them real briefly. One was the wireless issue that we just talked about, and the last one was the manager issue. I guess the question is whether or not we feel the need to vote on something. Again, I'm -- ultimately I want to see what the search organization recommends to us by way of process. So I'm comfortable with continuing where we are in the rfp process. I want to get the community involved very significantly early in the process in terms of what we're looking for and the like, but the first thing we'll do is to get this group, and I'd like to ask them what they've seen that works well so they make a recommendation to us. That said, if people want to actually vote on something I'm amenable to that as well, otherwise I wouldn't call it up for a vote and discussion in light of those recommendations. Yes, Ms. Kitchen? >> Kitchen: I'm comfortable with -- remind me of the time frame for getting the search firm. I concur that

we need to involve the public as soon as possible, but I think that we need to be thoughtful and clear on how we involve the public so they understand how they can help and what we need to hear from them. So I'm comfortable waiting until we have the opportunity to hear from the search firm. >> Mayor Adler: Do you want to talk to us real fast? What is the timing with respect to the search firm? >> It's actually an rfq that's out and the deadline date for submissions is November 1st. We will probably have a review of the solicitation candidates probably the week of the 8th of November. Soiled suspect that we would come to council with some preliminary information that we received the beginning of December.

[12:46:33 PM]

>> Mayor Adler: Ms. Pool. >> Pool: When I've talked about this in the community, I've said my hopes are that the community can also weigh in on what values we want to have included in the search firm's search. Is that possible in the timeline that we're talking about here? >> Yes, it is. Joya hays, senior resources department. Yes, it is. In the preliminary goals and objectives that you see in the statement of work we've included that opportunity to ensure the opportunity for the council and the search firm to work together for development of the profile, including the expectations of what you want to see in the ideal candidate. >> Pool: So we should maybe target making our appointments to this stakeholder group? I don't know what we're going to call it. >> Mayor Adler: I would hold off on that right now because how we do that group may follow from the recommendations that we get and we may want to as a group -- I think we should try at least collectively to come up with a panel rather than -- because that way we would have the skills that we like. >> Pool: I don't agree with that at all. I'm trying to get a sense of timing because I don't have an idea of who I want to appoint, but I need to know if I should accelerate my looking or if -- anyway, timeline would be helpful. >> Mayor Adler: So I would suggest that we wait until we get the -- >> Pool: Not before November 1st. >> Mayor Adler: And let's get will people back and have a recommendation. And certainly we'll reserve for everyone to appoint everyone, but maybe we can fashion together a panel that has all the skills that we want on it to -- mayor pro tem? >> Tovo: I'm fine with waiting. As I mentioned last week, though, to me the most -- one of the most valuable purposes of this group would be to have community meetings and hear from the public about what that -- what are the most criteria for the city manager. So I want to be sure that we don't wait so long that their process has to be so short as to be meaningless or not as

[12:48:34 PM]

useful as possible. So if that's -- if there are concerns about what else the scope might be, then I guess I might be inclined to just move forward with a community outreach group or something in the near future. And figure out whether we want them to have a role in the process or no role later in the process, but I remain -- councilmember kitchen, did you want to jump in? >> Kitchen: No, finish your thought. >> Tovo: I remain interested in having the community help us with facilitating those conversations. So again, I'm welcome with waiting, but I don't want to wait so long that the process becomes very short. And I guess the other thing that would be good, I've been holding off on another couple of appointments because I'm considering one person for one role or another and it sounds like we're probably not going to move forward in any deliberate haste in this one. So that's helpful to know in terms of the couple other commissions. >> Mayor Adler: Councilmember Casar. >> Casar: I agree in that the criteria for the manager doesn't fall into bucket of concerns that I would bring up with the search firm anyway and I think it's something we could do regardless. So I think what I would want to hear more from the search term is the balance of what we be asking the community outreach people to also be sort of evaluation personnel professionals, those seem to be different roles, and finally, how much that person's input could affect the pool of potential -- how much the group's involvement and

how the public process can preclude certain people from -- for applying. And I think that's all separate from the community outreach component. And so if you're talking just mostly about the community input on criteria, I think that we all kind of have the understanding that that part has not been -- I haven't heard any concerns about that from

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anyone. And then as far as timeline issues go, I think you mentioned November first, councilmember pool, but I wanted to confirm from Ms. Hays, you mean November 1st submissions would be in, but we likely wouldn't actually have somebody contracted until the beginning of December. >> We would not be bringing recommendations until closer to the beginning of December to you, providing us an opportunity to go through the process of evaluation. I would also if I could just strongly encourage the council to consider allowing the search firm to be here before you initiate any process. As it's written they are very integrally involved in the community meetings and I think you would certainly want your search firm here to hear the concerns of the community, the pulse of the community, and that that involves before your search firm gets here you could see a delay this them understanding the full scope of what the community is requesting as they develop the profile. From an hr perspective I strongly encourage you to consider evolving the stakeholder group at or around the same time that you're identifying the potential firm or firms that you would like to do the work. >> Casar: So it sounds like potentially we should move hastily and with lots of deliberation and attention starting in early December and holding off until then, but really dedicating our time and efforts to it at that point. >> Yes. And please know we'll do our best to efficiently go through the process as quickly as possible once we receive the solicitations. >> Mayor Adler: Ms. Kitchen? >> Kitchen: This made me think of a different issue if I might take a moment, to be a pest again on appointing to the bond oversight task force. You know, that task force needs to get started and we're going to lose the fall if we don't get it done soon. And I know everybody has been working very diligently on it, but just a reminder that this Thursday is the last meeting in October. And the hope is that we

[12:52:36 PM]

can start that committee meeting in November, so I'm hoping that -- if there's anything I can do to help, let me know. >> Mayor Adler: Okay. Ms. Houston. >> Houston: One last question. I'm sorry, I didn't know that you had gone already. I'm sure that you've sent us a process that you all have usually used in the past. I can't locate mine. Could you send me that again so I know what the -- what the template looks like for how you've done this in the past? >> Yes, ma'am. >> Houston: Thank you. >> Mayor Adler: Okay. Anything else? If that's it I'm going to adjourn the meeting -- hold on. >> Tovo: So sorry, mayor. We didn't do our usual wrap-up of whether there are time certain or things that people want to feel that at this point we know are going to take a lot of discussion time. >> Mayor Adler: Let's do that. I think today we've taken the grove off as something that's going to take up a considerable amount of time. Yes, Ms. Pool? >> Pool: Okay. So let's talk about that just a wee bit. Are you saying that you don't expect the public to come in and speak on Thursday? >> Mayor Adler: I hope they don't because I would much rather hear what they say at a time when the issues are more in relief. >> Pool: Okay. >> Mayor Adler: And I'd hope that the council would encourage people to come at another time. And I say that in part because I don't want people to feel like they have to come defensively for fear that somebody else would be coming and they would be put at a perceived disadvantage. So my hope is that we won't have people coming to talk, but certainly we will abide by the law in the event that we do. >> Pool: And if we find out Thursday morning that people will be coming, would it be possible to set a time certain then for

the afternoon or how do you want to plan that? >> Mayor Adler: I would be hesitant to do that in part because I don't want to encourage

[12:54:37 PM]

that. And I think the degree to which we do that we are. If we have people coming I'd probably be asking people to limit the duration of testimony. And when somebody steps up to take I'd urge them to consider talking at some other time. >> Pool: And we've already agreed if they speak this Thursday they would not have another opportunity. >> Mayor Adler: We didn't vote on that as a council, but I raised that as one way to point people toward the time, but there was no action or discussion on that by council. >> Pool: Okay. So to sum up, we're going to urge the public not to come down. We will not close the public hearing so that if people do come they can speak. We will likely limit the three minutes to something else, but we would not limit how many people could speak, and we would encourage them to come at another time, which would be a second reading on -- because it looks like we may take a first reading vote. >> Mayor Adler: That's my sense. >> Pool: So no time certain. We'll just allow it to come up organically. >> Mayor Adler: Mayor pro tem. >> Tovo: I would say on an issue like this I don't think I would support, were it to come to a vote, a requirement -- a suggestion that they -- if they speak on Thursday they don't get to speak later. And someone could make some statements now that they hope will influence our deliberation and weigh this later about how well these were achieved. >> Pool: I agree. >> Tovo: I understand the intent is to north Korea R. Encourage people to let more conversations happen before providing their testimony, but I also am -- since you said there was no discussion, I thought I would provide some that I wouldn't support that measure at this point. >> Mayor Adler: My hope is that we don't have to confront that, but I would like to do something like that so we could do a better job of council of managing our time and the

[12:56:37 PM]

community's time. I think we put people in an unfortunate position the degree to which we leave it ambiguous. Anything else? All right, then we stand adjourned.