

## City Council Work Session Transcripts - 6/4/2013

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>> Cole: I'd like to call to order this meeting of the austin city council work session. Mayor leffingwell is out on city related business today. So we will proceed with the agenda. First we have the preselected items. Item number 49 was pulled by councilmember morrison. As well as item number 50. I want to mention that they are related so I think we will discuss them both at the same time. >> Morrison: Great, thanks. That's exactly what I was hoping to do. Thanks, mayor pro tem. So both of these items deal with properties that might not necessarily be maintained, and ideas of how to deal -- how to improve that situation. And there has been a lot of discussion over the past at least four years and I think probably before about the possibility of a rental registration program requiring all landlords to register their property, and I know that we did a resolution four years ago to kick off a stakeholder process about that. As I understand it, that process never came to fruition. There was never any good consensus or anything like that. So sort of just languished out there. And I guess first off I'd like to say to the sponsors and co-sponsors, i appreciate the effort to try and do something about it. My histation about a rental registration program from the very beginning has been while we have many properties that obviously need some impetus to appropriately maintain their property and manage it in a healthy and safe way, there's so many that don't. I've always been concerned about putting in regulations that would hit thousands and thousands of properties when in fact the focus of it really needed to be less than that, significantly less than that. So I guess I would say that

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that sort of kept me from supporting an overall rental registration program, but i really like the idea that comes out in councilmember tovo and martinez's resolution, and that is just focus a few areas where we really know there's a lot of problem. So to me that helps me get over the bump somewhat. And then I should mention that that's 49. And then 50, from councilmember spelman and -- >> have you it backwards. >> Spelman: I'm 49, she's 50. >> Morrison: It's cole and spelman did a resolution saying if you had a certain number of violations or citations or something like that then you would fall under a registration requirement. So that's another way to focus it down to just deal more specifically instead of a broad brush and gathering -- adding this layer of regulation atop many, many properties that aren't necessarily -- where it's not necessarily needed. So that being said I don't see these as in conflict. I see these potentially as complimentary resolutions. But I have a lot of questions about them because there's some ambiguities and things that would help me understand and potentially find some improvements to it. One of the -- I submitted a question yesterday and kudos to staff for managing to get at least an initial answer. And I can pass it out, part of it anyways. My question -- my question for many, but you can see

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it's naca, it's areas with stealth storms in northuniversity and there and in east riverside. So I guess my first question was -- that's on the first map. My first question to the sponsors is I wonder about the choice of naca versus the restore rundberg area and I wonder if you could talk

a little more about that. And you will see on the map you can see in the north it -- they overlap, but they definitely aren't the same. >> Councilmember Tovo? >> Tovo: Thanks. So yes, they do overlap, but are not identical. So I received this map yesterday too in answer to some questions. I had asked staff and also they have a secondary sheet that I hope they'll post online in addition to the map and a sheet that talks about the multi-family properties that code compliance is working with, and especially you'll see that several of them are down in the east riverside area. Both are part of ongoing initiatives to address these issues. Restore Rundberg is looking at ways to reduce crime and it is very much -- the rental registration program is very much in line with those goals. And NACA, as some of you know, has had a many year initiative where they are proactively talking with property owners, getting in touch, asking them to

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respond to some of the conditions that are unsafe. So the effort here is really to try to identify areas where they're already ongoing initiatives for existing -- significant existing conditions. So I think it makes sense to have -- if the co-sponsor is interested, have the boundaries encompass all of the Restore Rundberg as well. >> Incidents a conversation we should have. >> Great. So then another question I have is this one again, I remember 50. This is posted to be a one-year pilot program. And my question about that is do we have some plans for evaluating the program after a year and then how does that -- how does it help us as a one-year pilot program to figure out how to go forward in the future? And I wonder if there are some thoughts to that. And if that would be something to address here or leave it for later? >> One of the reasons that I felt a pilot program was critically important is because I wasn't sure that an entire citywide blanket uniform policy would address some of the issues that have been continually brought forward. So we tried to narrow the focus and we tried to make it to where it isn't something that's permanent, it's something that has to be evaluated after a year to determine whether or not rental registration and knowing who the property owners are and the agents who represent these properties is something that can help us curtail the issues that repeatedly come to us as it relates in the NACA area, to the high number of rental units in very deplorable conditions that folks are living in, the university areas as it relates to stealth dorms and then on riverside as it relates to multi-family aging infrastructure that we saw in the Wood Ridge case and now some other cases are coming forward. My plan is just to see if

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having that information readily available in staff's hands helps us on the enforcement side, not necessarily to enforce penalties, but to gain compliance. And to create a better living condition for the residents in those areas. As far as how we evaluate it, this is really just another resource for staff to use at their disposal when and if these complaints are brought forward to them. This is something that I think they believe could help, but they're not sure that it will. So again not an issue to all of the issues. It is -- in my mind it's a small step forward to see if gathering this database and holding it in a readily accessible manner is something that can help us on the compliance side of the many issues that keep being brought forward. >> Morrison: I appreciate that. One thing I would like to see discussed is maybe as part of this ask staff to maybe in the early stages of it try to put some -- put some ideas together about how -- what exactly are we going to measure. What are -- what reports? What things are we going to hope to see changed so

that at the end of the pilot program could actually take a look at it and be able to say to people, look, the number of complaints, etcetera, has dropped dramatically or the number of enforcement actions has gone up significantly. Some way to be able to say -- I know things aren't necessarily black and white in numbers, but ask them to put something together to help us at the end of the pilot program be able to answer some hard questions that people are going to be asking us. >> Martinez: One of the things that keeps being brought to us and has led me to support this initiative is that neighbors feel like

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it is, one, cumbersome and onerous to go and seek out who the property owners actually are, who are the actual residents in the structure. When you go to find it's p. O. Boxed, it's llc holdings, it's not a name, not an individual. And so it just makes it very -- that much more difficult, if you will, to contact an actual individual who bears some responsibility in addressing those concerns. That is specifically why i believe this is necessary so that we can delay that process and have that information available. There's also a component of renters actually providing their information. I'm somewhat skeptical of that. I think it could be structured to where it's non-related residence because if you're a family with children and you're renting, I don't believe that is necessarily an issue that raises concerns or th been brought to us, but as it relates specifically to stealth dorms when you have six or more non-related residents. First of all, that's a code violation. And secondly, it's hard to get in touch with your neighbors and talk about the issues that keep coming up repeatedly. So I'm open to some suggested language on that regard. I don't know that listing renters' names necessarily provides us the tools to improve the conditions, but in some cases -- so maybe it's a requirement of additional information if it is a single dwelling with each room individualized, compartmentized by a lease. Because we know in some cases with the stealth dorm each individual signing their own lease for that particular space that they're taking up in that building. So I think there are some creative ways to get to the information that we need to deal with some of the code issues.

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>> I want to go back to the pilot issue in a minute. You brought up the listing of tenant names because that's raised an eye withdraw for me and a pretty big concern about privacy issues for some people. They don't want to -- they might really -- it might be really important to their lives that it not be open information as to where they live. I also wanted to mention that the -- I like the idea of whoever signs the lease, but keep in mind there are people who live legally in abodies and residence whose names are not on the lease. So as a sure way of dealing with occupancy issues that's not necessarily going to help you at all. So the idea of maybe just in certain situations, but i really want to be very careful about that. The other thing is the minute we start talking about occupancy, we start talking about blood or marriage relationships, and I think that what we need to look at is put something into the occupancy definition, and I'd be glad to work with whoever is interested in doing so that recognizes domestic pips also because otherwise it puts people in domestic pips and same sex relationships on a different plain, which I don't think that's the value that we've put forward here in the city. >> Tovo: I just want to jump in here. We have asked city legal to help us with the issue of tenant names because code compliance has told us that that would be an important strategy for them to address occupancy limits in areas such as

the one that is being really impacted by stealth dorms. So without having tenant names it's very difficult for them to enforce occupancy limits. But in recognition of all of these issues we have asked city legal to help us see if there's a way to craft that so that it is not -- one, so

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it doesn't impact families especially -- especially in areas where it's not necessarily relevant to the questions that were -- we're trying to stake up. On the other hand we want to get the code compliance information we want to deal with the occupancy limits in the stealth storm area and based on our discussions they've said that is an important strategy for them, having a rental registration that requires tenant names is an important strategy for them. In looking across -- maybe they can also help us on thursday or when they come back with the program, they can talk to us a little bit about how other cities does it because some do require that information. How on they do it in a way that keeps that information confidential. >> Cole: I have a question about the occupancy limits while we're on that issue. Are you contemplating changing the occupancy limit or are you leaving it at six? >> Tovo: No. The short answer is no. >> Martinez: Not yet. >> Tovo: I will say in the areas that -- in the areas -- in the middle area here where stealth dorms have become such an issue, we have had multiple requests from neighbors in a that area who are seeing run after -- one after another the structures on their streets disappear and be replaced with stealth dorms. And they have said these are unsafe, they're not following -- they're renting out -- they're coming through permitting and saying this is a closet and renting it out as a bedroom. Help us. They've asked us multiple times now to lower the occupancy limits. I don't believe that that would be of help. So this is an attempt to recognize the issue. Recognize the issue and use what strategies code compliance has said might be helpful to try to address that situation. But no, there is nothing -- there is no proposal to lower occupancy limits and based on my conversations with staff I don't think it would be an effective means of addressing that situation. >> Cole: I also share the

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privacy concerns that you've already addressed and also some concerns about I think the occupancy -- breaking those occupancy limits is being funneled by a lack of affordable housing. So you have too many people living in a residence because they can't afford to get alternative housing. Has there been any work done in that regard? >> I guess I would say my instinct is the information that's coming forward, but that's not what's going on. There are certain areas of the city where you see families living together because of the scarcity of housing. They are not impacted i don't believe by our occupancy limits because we're talking about our occupancy limits are based on unrelated adults. Where you would see occupancy limits being violated are in the areas that are impacted by stealth dorms. We've got some information and I think we'll see some of it on thursday from some of the community members who have been compiling this for a long time. You're looking at stealth -- some of the stealth dorms they've torn down a small -- what was really like a two or three-bedroom cottage and replaced it with a place that now rents for \$11,000 a month. The go ahead@rooms are being rented by the room. It is not housing that i would qualify as affordable. >> Cole: Councilmember morrison. >> Morrison: I have more questions. So I guess for the legal staff that's working on -- on the tenant stuff that the

overarching issue of privacy be -- if you could help us with that, the issue of the fact that there are plenty of places where only one or two people are on the lease and other people live there

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and live there illegally, so just knowing who is on the lease is not going to help with that issue. I appreciate the sensitivity to that and I guess I would like to ask for help in looking at the definition of occupancy to bring forward something that would include the domestic partner -- the domestic partnership issue that I mentioned. So just go to the pilot program issue. I would like to see -- I'd be glad to craft some language to offer as an amendment on Thursday and that is to ask staff to actually put together an evaluation a plan of the pilot program after it's been in place for awhile so we can get good structure around a report. And I don't think that needs to be done before. I think that can be done afterwards. And then the second thing is, and I wonder if this might be helpful to get Mr. Smart's input on this. It's a one-year pilot program and I wondered if really it ought to be maybe a two-year pilot program or something like that because we really want to see complaints and problems trending down. And my question is are we going to see that -- can we really see that in a year? Do you think we can get some useful information in a year? >> Mayor pro tem, members of the council, I think your point is well taken. We had a full year to do the pilot program and then do the evaluation based on that one year of data, one year of activities, then I think you could probably have a good opportunity to evaluate what the success or evaluate how well the program did. So anything over a year, if it was 18 months, 18 months, we're back here with the

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evaluation to present to council for your consideration, I think we'd be okay. 18 months, two years, he would be good. >> Morrison: You're saying have a year's worth of data, make sure the program stays in place while we're evaluating it instead of undoing it all and then at the end of the evaluation period decide whether to continue it or not. >> That's correct. >> Morrison: Okay. I don't know how that sounds to you. >> Cole: Mar, any more comments? >> Morrison: I appreciate what councilmember Morrison is trying to do to create a process that gets to some results. I don't see an issue if we extend it to 18 months and do the evaluation after 12 and then let staff make recommendations whether we continue the program or not. Or cease it altogether because it's not achieving the results that council intended. >> Morrison: Or (indiscernible). But that way it will stay in place while we're doing the evaluation if we decide to start all over. >> Martinez: And Mr. Smart, is there an idea of what you think an evaluation time frame would look like after that one year period? Is it 60 days, 30 days? >> Probably 60. 60 days at most to be evaluated. We'll do, as is suggested here, come up with the evaluation plan and make sure that we follow that plan and evaluate it carefully, provide the data. >> Morrison: And I think another thing that would be useful would be it's clear that we have anecdotal evidence that suggests these areas be addressed initially. To get some thought put into how would we decide on expanding the pilot program and potentially for the whole city, or are there pockets of problems that we

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can actually look at the map and all? That's one of the things we looked at here, a map was provided with the spots all over the darn city where problems are so that we don't necessarily put it in place in areas that don't need it. That's one of the things. >> You can see the concentration of those complaints and we can make that part of the evaluation process. >> Morrison: Great. >> Martinez: That was one of the considerations is just from a staff resource side, if you create a citywide policy then it becomes a major issue in terms of having the appropriate amount of staff to implement the property. It could come out in a year that it is a moving policy, if you will, in terms of geographically covering parts of the city. So if we see a reduction in naca rundberg, we can use the same staff resources to now focus on south central or northeast austin where you see additional high numbers of complaints or if this council feels it's appropriate, if we allocate enough resources in the budget process to d a citywide program. Again, I think it's just unknown at this point. I'd like to see an initial start up that mr. Smart and his staff can use to help us. >> Morrison: Then the next question I have is that in item number 50 it's all referenced around property maintenance code violation. In item number 49 it's about health and safety code seetations. So I wonder if -- I'm trying to understand the difference between health and safety code versus property maintenance code and

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violation or conviction versus citation. Can you speak to that? I had some questions in about that and it might be that we're still waiting for some answers about that. >> Yeah. I'll be glad to do some initial response to that. There's no major difference between the health and safety violations that are in the national property maintenance code versus in the ordinance. They're both health and safety violations. That's basically what code compliance handles is health and safety type violations. When you add the term citation, citation refers to the document that is issued from the municipal court that requires the municipal court appearance. If it's a citation we normally issue a notice of violation when we confirm a violation of a property. That provides the property owner with notice that there is a violation and there's a certain period of time to correct that violation. If it's not corrected based on the notice of the violation, then a citation is issued. That citation requires a court appearance and the judge can decide what nine, what penalty is involved. Another tool is our building and standards commission. So instead of -- in addition to a citation or even instead of a citation, the case could also be referred to the building and standards commission and they would have the opportunity to here the case and determine if a penalty would be appropriate. If that happens where there's not a citation and it goes to building and standards, is it covered in either one of these? >> I think it's more focused -- I tt's covering both resolutions. There's talk about in the pilot program we would certainly use the building and standards commission along with municipal court citations, but also the -- the resolution questions to increased penalties and maybe talking with building and standards commission and getting them to consider

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previous citations that was issued on the property when they're setting penalties. >> Morrison: I'm sorry, I'm a little confused about -- so we have building and standards, we have notice of violation, which is not addressed here, right? In either of the resolutions? >> Notice of violation is part of the normal code process f we go out and inspect the property, we may issue a citation.

>> Morrison: That's not addressed in either of the -- >> right. It's standard operating procedure for code compliance. >> Morrison: So the map you gave us was notice of violations, not -- so there would be a subset of these that are covered under the resolutions. >> That's correct. >> Morrison: Okay. Did you -- yes. >> The difference in the two, in councilmember tovo's resolution it's based on enhancing the penalties at municipal court. And in order to enhance penalties there would have to be a conviction. Councilmember spelman's resolution addresses the rental registration as a punishment -- a result of having violations, so that's why it says violations for the registration to trigger that, but if you're looking at enhanced fines at municipal court, it would be based on convictions. >> Morrison: So go back to the violence, not a conviction. How is that? >> Initially when someone is given the notice of violation as mr. Smart said, it's putting them on notice that they're not in compliance with the code. If they don't comply with that notice, code compliance has a few avenues to address that. And one of those is municipal court. The other would be the building and standards commission. And they take separate paths. So if it goes to municipal court it's still a criminal case and if they're convicted of it and if there are subsequent citations and they go back to community

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municipal court and they're convicted again, if you use the enhanced fines, then the penalty will be higher for them. If at the building and standards commission they get the notice of violation if they don't comply, you can still go back, it would go to the building and standards commission for their evaluation. And then they have the authority to set what the penalty would be. They're a sovereign body and their authority derives from state law so they would look at it in their role as the building and standards commission to determine whether or not the penalties should be enhanced based on past census. >> Morrison: In that case when it goes to building and standards does it get a citation if it hasn't been corrected like it does at the municipal court? >> No. >> Morrison: So in that case it would not fall under the rental registration program under councilmember spelman's resolution. The way it's written it did not. >> Spelman: I did not write an ordinance, I wrote a resolution. Thank you for identifying that loophole, which we can easily fill. >> Morrison: Good. That's what I was just trying to understand all those things. So -- >> Cole: Councilmember morrison, why don't you clarify what you and councilmember spelman made clear among yourselves. >> Morrison: I believe what we made clear is that councilmember spelman's resolution basically works on triggers to actually be under rental registration program and that we identify a loophole that we will close that will actually trigger inclusion in the rental registration program, and that additional case is if there's a notice of violation that moves to the building and standards commission and the building and standards commission sets a penalty or somehow doesn't dismiss it, I would

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think. Something like that. >> Cole: Councilmember spelman. >> Spelman: Help me. If building and standards make a finding? >> They make findings, they make conclusions of law. They act kind of as a court and they make findings, they make conclusions of law and then they usually issue a repair order, demolition order or something of that nature. So part of that they could make findings that somebody has received a prior violation or had a prior violation. >> Spelman: So if the building and standards commission saw something that needed to be corrected, they would

find the violation and then issue an order for correction. >> Correct. >> Spelman: We could use either of those two words as a trigger for something actually happens, we can verify something happens or if something similar happens again on the same property you would be convictionlike. >> The program could be crafted -- >> Spelman: Crafted in that way. Thanks. >> Cole: Are you suggesting we need any additional language in the resolution to make that clear to what you put in the ordinance? >> I don't think so because the way the ordinance is -- the resolution is drafted, it just says repeatedly violate the ordinances, which is different from toto vow's, which is specific -- from tovo's, which is specific on the conviction piece. >> Cole: Councilmember morrison, you had the floor. >> Morrison: Another issue that had arisen in discussions with folks that are trying to deal with this on the ground is the idea of a dedicated court and municipal court for these kinds of violations. Is this something that we -- I not that we had actually put that into place or considered it. I wonder if you could talk about that. >> There is a specific docket that's dubbed the environmental docket and it is the one that handles the code compliance cases. Basically any of our city code violations that are not traffic. There's dedicated judge who handles those cases. The exception to that would

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be the jury trial situation and that's part of the bigger pool of jury trial cases. >> Morrison: So we have one judge does that. Do we have consistently among our prosecutors also in that court? >> I think I will let mr. Harris from the prosecutor's office speak to that. You. >> Hi, I'm robert harrison, assistant city attorney with criminal prosecution. I handle all of the code violations generally they're set every wednesday for appearance dockets or come up on trial cox and I handle those trials as well. I work with the different departments from code complaints, water, conservation, health and just follow through with them tracking cases, tracking violators and that type of thing. >> Morrison: Okay. That's good to hear. I know it's been discussed that we needed that, but i have to say that it was not too long ago when it was raised to me again by some community members so maybe we get to get this information out into the community so they know it's happening. Thanks, mayor pro tem. That's all. >> Cole: You are welcome. Councilmember martinez. >> Martinez: I just had one follow-up. Under your item, councilmember spelman, a multiple offender would be required to be a part of a rental registry list. How would they -- is there a mechanism for removal? Would that be left up to staff? >> Spelman: I did not suggest that. We would probably need a year or two to see what happens before we would have a sensible means of removal. But if you would like to propose one we could certainly talk about it. >> Martinez: I'm curious does that mean they sy on rental registration in perpetuity or come into complaints does it now remove them from that list. >> Spelman: I have thoughts about the issue,

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you didn't write them down. It seems to me if you have repeatedly violated our codes, we need to watch you carefully. We do not need to watch you carefully forever. People on probation come off of probation. People off of parole come off of parole. It seems if you look at violated effort for a couple of years for behavior requires removal from the registration. >> But it stays silent on that issue. >> Spelman: It makes sense to try it out for a couple of years and see where we are and then purge the list when it makes sense to do so. >> Morrison: I wanted to make one last

comment and that is to me these two resolutions play really well together because on the one hand where we know we've got a lot of issues we're putting into place a robot al prejudice administration program and then common's resolution is out there to -- and then councilmember spelman's resolution is to pick up in the rental registration program the other ones in other areas of town that are exhibiting poor behavior. So I see them playing together quite well. >> Cole: One of the questions that I had for staff on this very subject is reconciling the two resolutions and how y'all would go about doing that. Do you have any thoughts, just initial thoughts having looked at them, that they create any type of conflict? >> Mayor pro tem, my initial thoughts is that they are compatible. That we would set up this pilot program for a year and we would incorporate elements from both resolutions. Elements that would include increased penalties for repeat violators and for those repeat cases, but at the same time create that register and the inspection program to handle rental properties. So I see some compatibility with both resolutions. We could work it out in more

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detail with the plan. >> Since you're here it makes sense for me to ask a question I've been dying to ask. What has to happen for somebody -- let me back up. The value of rental registration program is not just the registration. The primary value is that we know that there is a rental property of a particular location and that allows us to do an inspection. The presumption then would be we're going to do inspections of some of these properties. Some of these cases we'll find violations, we'll be able to pursue those. Whether that's done on the basis of a relatively short list of known inviters or a longer list of all the rental properties in a particular neighborhood where we know there's a lot going on, either way the real value is not from the list itself, it's from the inspections that can emerge from the list. Is that accurate? >> That is accurate. It's not the only value, but a significant value that can you do proactive inspections instead of reactive waiting for the complaint to come in or waiting for a collapse to happen or something like that. So the proactive inspection is a big value. I think the -- when you register you get that information that you need in order to make the contacts with the owners and with the property managers and there's a lot of value there. A lot of having to educate on the front end and be able to share information with those -- with the interested parties up front at the registration process to let them know what they need to do in order to maintain the properties. And so there's a lot of value there also. >> Spelman: Sure. Do we engage the apartment associations is the famous case. I imagine there are some period associations of people who own and rent properties. Do we engage them this that kind of an issue? >> Absolutely. We've been talking with them and I think as we roll out

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this pilot program we'll engage them even more as partners in doing this and going through this process. >> Spelman: So the apartment association knows what we're looking for. They have the sense for what kind of violations we're expecting to find and they're finding a way of getting that information out to the property managers and the owners and these are what these guys are looking for and here's what you might want to be sure you're getting right. >> Absolutely. I think there are ways we can enhance that too, that distribution of information through the property owners association. Spell one of the issues I've heard about especially in the last few weeks is the

issue of complaints and the concern that some people may be unwilling to contact your office or city government in general to file a complaint because they're worried there may be some repercussions against them. I wonder what kind of things you and your people do to prevent that from happening? >> The ordinance does address the issue of retaliation. Sometimes it's difficult when people are fearful of calling in the complaints, fear of retaliation and even when they suffer some retaliation they're fearful of calling to let us know about that. We try to educate when we do get complaints and when we talk to residents through the apartment, through the neighborhood associations or going out and talking to individuals in the community, let them know that they can make complaints anonymously and you do not have to give your information when you call 311 to let us know about code violations. And so we just try to assure them that one you can make the complaint anonymously and second there are ordinances against retaliation that helps to protect them. >> I know we've done it in the past and I don't know whether we're doing it in

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the rundberg case. It's a classic example of everybody is on the same page, we're all moving in the same direction. If we're interested in crime and other civil disorder in rundberg, that dealing with code violations is extremely important and one way of moving it forward in addition to what councilmember tovo and mar are talking about is -- canned councilmember martinez are talking about is just to get as many people to understand that it can be anonymous or confidential. That ice isn't going to come after them. We want to know whkt's going on in their rental properties. And that suggests that in addition to the usual stuff, making sure that fliers are post and so on it makes sense to go to churches, community meetings, civic associations, to lots of other places to get the word out that we're looking forward to getting information in any way we can because we really need to know what the conditions are like particularly in a neighborhood like north rundberg where we're all trying to do the same thing? That's not addressed in either of the resolutions, but it occurred to some of my friends that we ought to be focusing more attention than we have been. I look forward to working with you further on it. One last set of questions. This is aimed at a number. Here's the number I'm looking for is the approximate cost of doing the kind of random inspection that is envisioned by both councilmember tovo's and my rental registration programs. If you have a number in mind I'd love to hear it. If you haven't we can start to craft it here in a number of minutes. >> I think we're going to need some time to craft that number. But there will be a fiscal note that will come along with this plan, but we haven't had opportunity to even start crafting that yet. >> Spelman: If we had more time, and I understand we don't have the time to do this, but at some point i think the way I would think about this is to ask what

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has to happen once an inspector is on site? What are they going to look at? What kind of vitals are they expect -- violations are they expecting to find? Do they have to go inside the unit to find what they're looking for? How long is it going to take? And how long is it going to take to write up a report on the basis of what it is that they find out. >> Cole: We can have

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57600 >>> >>> they're going to have knowledge of different properties, different property management companies and different owners or ownership groups and so we would talk about that beforehand, why are you issuing a citation to this property manager, what's the thought process behind that. And then work with that. >> Riley: Okay. Very interesting to learn about this and I'll look forward to learning more as the ordinance comes together. And again I appreciate the sponsors bringing these forward and look forward to continue discussion on this. >> Cole: Thank you. >> Tovo: I'd like to say a few words. I know this is a question for our staff. So in looking through what other cities do and I know the staff have compiled some good examples and I did quite a bit of research on my own looking at programs like Dallas and Fort Worth and Houston and various other places, Seattle, just to see some of the questions that they've encountered. I guess do you need more direction from us? It was a balance between asking you to go forward and craft an ordinance and bring it back to us and identifying some of the areas? I'll read off some of the questions. I think in either resolution you'll need to design a program to - and you'll have to figure out what components would be required, who will do the inspection. Some cities allow outside inspectors rather than city inspectors, which is one way to kind of stretch our resources, leverage our resources. What will they inspect, which I think is a question councilmember Spelman offered many municipalities make a commitment that it will not be cosmetic issues that the inspectors are looking for. They're looking for the highest level health and safety issues. [One moment, please, for change in captioners]

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>> ... Let council take a look at it and see what you think. >> There are also cities who have done a great job on adjusting fees on whether or not we are looking at a property owner that has a history of violations so the fees might be very, very low for the regular property owners who registering his or her property but if they have a series of violations, then they are looking at a higher registration fee. >> Absolutely. >> And, you know, very often the registration -- if we were to adopt a registration program going forward, the registration renewals aren't -- you don't have to have an inspection every year, every five years, every ten years, so the cost can be spread out over time. I hope these all will be considerations you take into account as -- >> we've already looked at a number of cities and we can do that looking at best practices and coming up with a -- there is a number of cases where we don't have to reinvent this wheel. We can look at how we can enhance it, improve it, and make it fit here for the city of Austin. I think will be opportunities to look at exceptions and also look at how -- how the program might be funded in different ways and they can have a program that won't cause hardship either for the property owner or for the renters. >> Absolutely. That's great point. I am glad you raised it. I would like to see the program be self-funded. On the other hand I would like the fees set low enough where they don't have a significant impact on tenant rental rates. Part of the intent here is to do what we can with affordable preservation and we have fees so high that renters -- that renters are forced to move out and in Seattle, they have a very good FAQ on their site and address this is head on. Because of the rates you are looking at property owners

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who are faced with an inception of five years or ten years, I forgot what the years is, the cost to the tenant, even if it is passed on to the tenant is very low because it is not a cost that the

property owner has to incur every year. >> Yes, ma'am. Cole: Council member tovo, we have spent an hour and almost ten minutes on this item, which is two items but we also have another item and we haven't done council items of interest and we haven't done our briefings. We can't spend more time on this because we have two resolutions but I want to ask you to wrap up. >> Tovo: I will be glad to. With all respect, I haven't been talking for an hour and a half. >> Cole: I didn't mean you. I meant us. >> Tovo: It is an important issue and I want to make sure that my colleagues understand what's before us as well as the public because I think it is -- the resolution that council member martinez and i sponsored I think does fit nicely with council member spelman and yours, but it is reallytical, I believe, that we have a proactive program and that is -- mr. Smart's -- and this resolution, think I we can look at this so there is not a significant health risk to health and safety and we've heard calls from the housing advocates, from legal professionals, from others and that is the kind of program that works and we've done a lot of cities and in a lot of areas, austin is a leader. There is researchers ahead of us. There are rental programs across texas and across the country and it is time that we have this strategy in our tool box so we keep the residents safe as possible. I also want to call attention to the community

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law clinic that the university of texas at austin has done this work for several years. Many of you may be familiar with the former publications and this is largely under the direction of heather ray but they did a presentation completely called problem properties and they are in the process of finalizing the report but I want to call the colleagues' attention to the powerpoint on the university of texas website because it has very good suggestions about, how, one, I would say that one of the recommendations that emerges is to create a rental registration program and they have very good recommendations about what a rental registration program for austin may look like and there are great recommendations I hope to take up in the future. Anyway, this is available online. I think it has good background if anybody is interested. >> Cole: Yes? >> Just a question, carl, remind me, were you involved in the development of the rental registration program in fort worth? >> Yes, sir. When I came in, the program was identifying 8 units and above and we actually expanded the program to include 3 units and above and a regular rental registration program but an additional family if there were repeat violations with the one and two family. And it also includes element for crime prevention in that program and that program seems to be working well. >> Cole: Thank you. Thank you, council member tovo and spelman and martinez for your work. We look forward to considering this on thursday. Item number 51 was pulled by council member spelman. >> Spelman: A couple of quick -- very, very quick questions to be sure I know what this is doing. I appreciate that you are willing to put forward some kind of resolution to fix

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this, this mess we are in with respect to what the h.U.D. Requirements are with respect to affordable housing. We have three proposals in front of us according to the current pud ordinance, I was referring them before as the guernsey, and others and the guernsey is the difference between baseline and requested. The spencer is 100% of requested and the drenner is 100% of the requested percent between baseline and requested. And this pick it is drenner as the winner. >> Picks the what? >> Cole: Council member spelman said picks the drenner proposal.

>> Spelman: I would be much more subtle about this if we had the time. We don't have the time so I will cut to the chase. >> Yes. >> Spelman: It does. I agree with that and I will shut up. Thank you. >> Cole: Council member morrison. >> Morrison: I had an opportunity to talk to lots of folks about this and one of the concerns I have about going forward in changing it without having some good discussion about how it should be changed is the fact that there was a two year process for coming up with this and the fact of the matter is, that there were some people that, throughout that process, thought that it was exactly as the spencer interpretation tells us, which is actually the way it's written. And so the problem that we have is that, you know, while it makes sense -- we can always reconsider things. That's our purview. The problem that I have is that there are folks that, as they engaged in that conversation, felt that because that -- it was their understanding that it was the spencer interpretation, that they were able to get in on some other issues, like their discomfort with

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baseline being so subjective and all of that. So it seems to me that we need to be able to, you know, sort of a good faith thing, to be able to go back and reconsider the other issues that went into people getting comfortable with where it ended up, which is where we are now changing it from. So I -- I am not comfortable saying this is what we need to do without opening up the conversation somewhat so that people can have an opportunity to change the other things if they feel it's needed or, you know, it's not clear that this is the way we need to end up, so I feel like it's -- we need to somehow reconvene some of those folks and let them have that conversation over again. I will leave it at that. I know we are in a hurry but I prefer to -- >> Cole: Council member martinez. >> Martinez: I appreciate those concerns. We discussed with the stakeholders about that process and I would be the only council member that was involved in that on the dais today. Just being bluntly honest, don't recall a single conversation about the position that some folks are taking and we have emails that clearly indicate the conversation about baseline, that clearly rose some concerns by some of the neighborhood stakeholders, because the original draft had baseline being determined by the director, and the concern was the director was going to make some arbitrary determination of what baseline was. So we removed that language and said baseline would be existing current zoning as it is. There are no other emails that anyone has been able to produce that there was some conversation to the contrary to that, and that's where baseline came from. Otherwise, why would we establish a baseline in the first place if we weren't looking for how to calculate

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the affordability component above that? The other conversation that took place during those two years about establishing the baseline is that imposing a requirement on what currently exists could constitute a takings, because they as an existing entitlement on the ground that exist with the current zoning, so we have researched and we did save a bunch of emails from that time. We do have those. We -- we just simply don't see the evidence to some of the conversations that are coming forward and would be happy to look at that if folks could produce those conversations. When I hear things like, "it was a hard negotiated item," maybe it was, but I would think that there would be some documentation to those negotiations and there simply is not. >> Morrison: And I just want to respond to a couple of things. One is the question of why

would we have a baseline if you are not going to be computing it based on what's above the baseline. And I spoke with former council member, former mayor pro tem brewster mccracken who was involved with a council member in all of that and he provided insight, at least from his perspective of what was going on. He believes that it -- that the language satisfies the intent and it's based on all of it, the spencer view of things and actually our legal department view of things, too, and his thought was the reason we needed to know whether or not -- the reason we needed to put a baseline in was we needed to know whether the affordability was triggered or not. So we needed to know whether or not it was a 0-1 thing. Are we above it or below it, not how much are we above it. So that was some of the comfort level that we weren't going to be basing it based on how much because there could be some subjectivity, and his -- he also said that part of what brought the discussion and the way it was laid out to

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the floor is we had just done vmu, and vmu is 10% of everything so it's cast the same way and in vmu we had done lots of -- not lots of. We had done some economic analysis, some financial pro formas and stuff like that that showed it was feasible so I really do believe we have -- maybe it wasn't discussed explicitly and everybody -- it is just one of these universes where people have things in their minds and it didn't get out there on the table, but there you have it. >> Cole: Well I would call that council member martinez led on the pud ordinance and I believe it was with mayor leffingwell, right, and was it brewster and -- wasn't there a third person or just you and brewster? And my recollection generally is what you recall. An other comments? And when I say you, I mean council member martinez. Council member tovo. >> Tovo: Somebody who stood on the process, I would say this is not an error or typo and this was a subject of discussion and I will certainly go back through my emails and ask my colleagues on that to do so as well but we did spend a lock time talking about baseline and the affordability component and I completely agree with council member morrison. If we are reopening a key component of this, I would like to ask that we have a fuller process. Let me describe to you, you know, the stakeholder meetings were held, number one, during the day. I probably wasn't the only one who had to take off two hours from my job to be part of that stakeholder meeting. We filled this room. We probably had four or five tables of stakeholders. They were intel attended, they were very representative of the development community. There were community members, too, taking time off from their day job to be here and to be part of that process. It was a careful balance of different interests and so i am quite concerned about the

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resolution and I think, you know, as we talk about the need -- the critical need for affordable housing and our commitment to doing everything we can to expand and level our resources, it gives me grave concern to be renegotiating a document and a provision that provides for affordable housing and does so in a way that really lowers the responsibility from developments that are going through the pud process. >> Cole: Any further comments? Council member spelman. >> Spelman: Real briefly. It seems to me we've got -- the critical issue, I think, is how much affordable housing are we going to get back as a result of doing it either of these three ways. If we have a very stringent policy, which I real to rather flippantly a few minutes ago as the full spencer and you are requiring affordable housing for 10(%, then we are going to get

fewer pud applications and smaller pud applications because they are going to be so expensive. If we do it too cheaply, what I referred to more flippantly as the guernsey, then we will get small percentage and probably get bigger pud applications and then we won't have more as otherwise and it seems like generally speaking, the middle road is where we will get more bang for the buck. We will get more pud applications because not too expensive and above a reasonable size because they won't be too expensive to go over the baseline.

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I don't know if we have conversation available in the record to verify how the development community is responding to the currently written ordinance and how they would respond to ordinances interpreted in different ways but it seems to me the common sense approach would be pick the one in the middle and that's where we will get more bang for our buck if we use affordable housing. If we ask for too little we will get too little in return. >> Cole: Do you want to say something. >> Morrison: I want to clarify in terms of the baseline being the current zoning and I am looking at the ordinance, section 1-3-3 in our code under division 5 and it says that unless the council establishes a different baseline or as part of a comment under section 132, the director's determination establishes the baseline for determining development bonuses under section 2.5. It is not the current zoning. In this connection, it doesn't talk about that. It is the director's determination. >> Martinez: That's right, but there were conversations that essentially have the director committing to starting at the existing zoning because the concern was raised that if it's a property that is zoned sf that is on oltorf that is surrounded by lo or gr, that they would make a determination to grant an entitlement that doesn't exist before the process starts. That was the consternation with that language and so i clearly remember those conversations that it was a very strong feeling that it would -- it would start with existing zoning and nothing more. >> Morrison: I appreciate that and I think that that's the kind of thing we should talk about. If we are going to open it up, do we need to go back -- we have one director now. It may well change and actually make it the current zoning, so ... >> Cole: Council member tovo. >> Tovo: I just want to make one last quick comment. I think probably everyone remembers the context, but this -- this came out of a series of very contentious, very large pud rezonings, where it was very clear that

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there were no substandards for what is superior development and we had individual neighborhood associations and communities trying to negotiate with developers about what that superior project would look like, and I think at some point, if a pud is eligible based on superiority, we have to set some standards for what that superiority is, and they either choose to go through the pud process or they use one that better suits them, so, you know, I think -- I guess i am a little uncomfortable with saying, you know -- with concerns based on speculation about what somebody really won't do based on where we set those provisions. I mean, we -- we have the ability and the responsibility, I think, to set out -- this is what superior development looks like and, you know, if you choose to build in this way, then you've triggered this level of affordability requirements. >> Cole: Council member morrison. >> Morrison: This may be my last comment. I think it is right now, and that is that I have given some thought to this resolution. Just wanted to let you know that I think that I will possibly be offering an amendment to replace

the be it resolved with the amendment that says something to the effect of "reconvening some of the stakeholders," ask the staff to do that and maybe interested council members to discuss potential amendments to the pud to address affordability and other related issues. So I thought I would give you a heads up on that. >> Martinez: And I will give you the heads up that i won't be accepting that as friendly but I certainly appreciate the sentiments that you are making. This is -- in my mind, this is a clarification of what i believe was the intended outcome of this ordinance. If enough council members agree that we should open the entire ordinance and revisit that with stakeholders, absolutely respect that. >> Morrison: Great.

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Thank you. >> Cole: Any other comments? Okay. Now we will go to the council items of interest. Council member riley. >> Riley: I want to make one comment about item 86, which is the item related to the public hearing to consider an ordinance to authorize parking utilization agreements for certain underused parkingots on city park land. I just wanted to make clear that at the appropriate time I expect to move for an indefinite postponement of that item. As y'all might have noticed, there is also a different item on the agenda, item 48, which is a resolution asking the city manager to consider installing parking meters in the parking lot that serves the butler shores softball fields and surrounding streets. It is an alternate way to go out and try to find a solution for a particular problem and that's just a different approach based on the community input that we have been hearing from the parks board and a number of other folks. I guess -- well, a number of folks in the community about the parking in park land issue and one suggestion that has come up from a number of people is that we consider something like a parking m metapfis district, and essentially installing metering and see how that goes and that's an alternate approach and item 48, i hopeful the council is supportive of item 48 and suggest that we indefinitely postpone item 86. >> Cole: Thank you council member riley. Any other items council member tovo. >> Tovo: No but since you raised it, I do have a question about your item - - about the other item. In looking at the email i received -- and it is my understanding and I don't know if we have staff here to talk about it -- that the parks board did not -- let's see. Choose to take no action on

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the item. >> Riley: That's right. >> Tovo: And that was in part because they had strong concerns about it. Do we have park staff who can help us out here. >> Cole: Council member riley. >> Riley: I was at the parks board meeting last week. One parks board member did voice concerns about it and I believe she made a motion but there was no second, and then there was no other motion. So there was simply no motion that got voted on and so they simply took no action. I don't think I would say that there were any -- there were -- the majority of the commission expressed strong concerns. They simply -- well, one board member did express strong concerns that it essentially just -- they essentially just passed this item over and that was based in part on my -- I expect -- I was there at the meeting to inform the board that i expected to ask for an indefinite postponement in light of the other item that would move forward with parking meters. I thought it was particularly important to bring that intent to the attention of the parks board since it is a matter of having parking meters on the park land there by the ball fields. I wanted to make sure they understand that's going on. Did not hear any concerns about that. >> Tovo: Okay. I will

circle around to my park board member and perhaps others. I thought there were other concerns expressed about the parking benefits program. It sounds like they maybe didn't have a substantial conversation. I know there were concerns about the original proposal. >> Riley: I didn't hear any concerns about the parking meters. One board member did express concerns about the original idea about parking -- about utilization -- allowing a business to utilize underutilized stations on

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the park land but I didn't hear any discussion about the installation of meters. I believe the board was supportive of the installation of meters at the hex can american cultural center, although i can't -- at the mexican american cultural center, i believe that but I don't believe there are any associated issues with that. >> Can that be used to satisfy the parking requirements. >> Riley: I believe there are circumstances now where a business can make use of nearby on street spaces. I don't think it's the case that item 48 alone would be enough to satisfy the parking requirements of the business we know we are all concerned about, casa de luz over there. I don't believe that is the case. I believe some additional code amendment would likely be necessary in order to enable a business in that position to -- to satisfy its code requirement by relying on on street spaces so that would be -- we will need to have further discussions about exactly what that code amendment would look like. >> Tovo: Okay. Thanks. I mean, I know we have had an interesting discussion about parking and the -- whether -- what the impact is when one charges for parking. I just want to express to you that I have some concern about the general policy of starting to charge people for parking at the public parks because we want to continue to encourage increased use. For some people, at this point with our transportation system being what it is, I don't think you will see a lot of, you know, it is not as easy for families for young kids to put them on the bike and get them there or put them on public bus. We want to encourage people to continue to use our parks. I am not sure we are there yet with our public transportation system to discourage people from getting in their cars to get there. I am interested in this resolution, but I just want

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you to keep some of those conversations in mind as we try to support getting cars off the road and keeping our parks safe and vital which is what happens when people are occupying them and using them. >> Riley: If I can respond. I have to say one word in defense of our transportation system. In the city with the highest transit ridership of any city in texas. We actually have very good transit system, especially in the central city, but i am not suggesting that we move ahead with metering all park land. This is a parking lot that -- where the only real use is ball fields, and at most times of the day those ball fields are not in use, but at most times of the day, all you have to do is go by there and you will see a number of cars that are parked there and often those cars are not park users. Those are construction workers. Those are downtown workers. Those are other folks who simply find that a cheap -- a free place to park and it is nonpark use being made of park land and the park not getting anything out of it. If we were really on our toes we would be citing the cars and having them towed away and having the lot open under current law. I don't think that is the best solution. I think the best to install meters and direct the proceeds from the meters to improvements of the park so the park is getting something out of the nonpark use out of the park land, just as we are over at the mexican american cultural center. The actual users of

the ball fields have indicated support for this approach, understanding that we will need to have further discussions about times during which the meters will be bagged. So, for instance, when there are softball games there and you have family coming with kids, you would bag the meters so the families don't have to pay the meters but there are many other times in the day when there is nothing going on with the field. You have nonpark use going

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on and you see a strong case for using our park land to allow for free parking for people who are not using the parks. >> Cole: Any other council items of interest? Okay. We will go to briefing. Briefing on legislative program. Mr. John, are you ready? I am ready. >> We prepared essentially three documents. There is a one page summary from the changes from last year. There is a powerpoint presentation that summarizes the program and of course the program itself. We started this by looking at what we did and what council approved last year. We started this by looking at what we did in what council approved last year. The council approved a legislative program a year ago for the second session of the 112th congress. In the meantime, we have had an election and we've started the 113th congress. Very little has happened in the inter a number of reasons, all of which are political, of course. But the document that we have before you is largely the same document as it was a year ago. We made some changes, for example, we achieved the direct slots between abia and reagan national. We of gotten slots for flights from austin, direct flights. That took us a number of years but we finally accomplished that last year, so it is not in our program this time. We updated programs like onion creek to say where we

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are currently, the number of houses purchased, data essentially was updated. And there are some changes and they are listed in the one page document. If there are no further questions, what I would like to do is go ahead and go through the slide presentation, which does what? >> [Indiscernible] >> okay. Got it. >> If you look at the current situation, 53 democrats, 45 republicans and two independents. This is when the slide was prepared. We since have had a death, senator frank laudenberg of new jersey, a democrat died last week. He will be replaced by an appointment made by governor christie, and presumably it will be a represent and they have balanced senate, especially since it takes 60 senators to move closure and to stop debate and move forward on the bill. That's one reasoning not much is happening. On the house, the republicans have a stronger advantage, 233-201 democrats and one vacancy and the white house of course is occupied by democrats so we have a split from the house and senate and also in the white house. The next slide shows the make-up of the texas delegation, two republican senators, senator cornyn who is more experienced and ted

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cruz who is the new senator, very junior. Cornyn is on senate finance and senate judiciary and part of the leadership as part of the republican caucus in the senate. Toad cru on a number of services, aging, armed services, commerce and transportation and the committee on judiciary and on rules and administration. In the house, we have 6 congressmen, five of them are republicans, one a democrat. Two of them are chairmen. Congressman mccaus, chairman of homeland

security and chairman flores is -- and congressman smith of space and flores, williamson, carter, and those are republicans and obviously lloyd dogget who has been active in austin politics for a long time is the senior democrat. Carter is the senior -- correction, lamar smith is a senior member of our legalation, and -- delegation and carter is the only one on appropriations which is particularly important to the number of things we are seeking. A summary of what the current situation is, is that the current budget is 984 billion, and that was done by continuing resolution, the next recent ones were done in march, which means that this year there were no appropriations bills that set up the spending for congress, which meant that our -- it was particularly important for onion creek because onion creek was in a senate

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appropriations bill. Senator hutchins got funding for that in the senate, energy water bill, but since none of the billings passed, including that one. Onion creek did not get funded for new start. The other really important feature of the current congress is that sequester that went into effect that cuts 85 billion from the current remaining budget of this fiscal year. I will talk briefly about the consultants. We have two consulting firms, capital edge, we both of them use for practically every year but they are concentrations, capital edge on appropriations, onion creek in scheduling. These are the main things they do. Holland and knight is a larger firm that works on aviation, surface transportation. They do things like during the u.S. Conference of mayors which is coming up later this month, we are trying to arrange a meeting with the mayor and the secretary -- rather, the house chairman of transportation and infrastructure, because that will be important for onion creek and for our transportation projects. That brief overview, there is a general -- general principals that are in the program and we do that in the state program as well -- principles -- that states what we oppose and what we support. I won't go over them in detail but if you have any questions, feel free to stop me, but stating in general terms what we support and what we appose, which is -- oppose, which is meanly that local government and local

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decisions ar locally. The general principles continue supporting an equitable basis of distribution of federal funds, how that; as all sorts -- how that affects all sorts of areas. I won't go through all of those as well but I will move on to our specific city of austin requests. I strongly recommend that we keep onion creek as our top, simply because of the intense pressure that the folks who live there are under. They are in the flood plain. They cannot make changes to their home, or if they make those changes, they are at risk for not seeing the benefit of them. That is, they can get loans for them. They are not -- unlikely to get reimbursed when the buyout occurs but if they have deeds safe for additional family members or expenditures like an additional roof or air conditioning, they are in a real serious bind. What we have done is we spent our money, our share of this match that was approved by the voters in 2006 plus we got money from fema for those houses that were flooded, and we are spending that in removing first of all the houses in the 25 year flood plain and then those that are most at risk for flooding and those who want to move. We have done no condemnation. We are trying to avoid it in this project. Because of the importance of this, this is the project that I recommend we really continue to emphasize.

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It's very difficult to get funding for these corps of engineers projects. There are about 4 -- between 3 and 400 of them that are in line trying to get funding that have been authorized but not funded. We are one of those. And so to improve our chances, we worked with the corps, talked to the corps and the Clinton White House so it was included in both the corps' recommended budget and in the Office of Management and Budgets, the President's budget, that he presented to Congress. This is the third year that it's been included and there are only a couple of other projects in the whole corps that are represented in the President's budget, so we've got that. That's why we made a big push last year Senator Hutchinson was successful in getting it in appropriations. We need to do that again this year to try to get it done for the 2014. The Congress is just beginning to work on the mark-ups, starting to work on those appropriations' bills so it is quite timely for us to, again, make the pitch on Onion Creek. Other projects that are specific for Austin are surface transportation. Briefly, the transportation we are in, the final two years of MAP 21, this is the authorization bill for surface transportation that was done several years ago. That ends in 2015, and so next year probably Congress will begin working on a replacement for the surface transportation act. And so our priorities here are listed, and here I am going to diverge a second from the document in front of you to explain what

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happened on a couple of items that were not included in the draft that you saw earlier. The Waller Creek Trail, the Violet Crown Trail were not included. The reasons why they weren't included were primarily because of my not paying close enough attention to it, not because of any general policy. Council had expressed support for these and resolutions earlier and normally we would have done that except for that oversight. It was really an oversight. Rich Bailey, I want to compliment him. He did almost all of the work on this. It is a fairly lengthy process to work with our consultants, to work with all of the departments, to put the document together. He worked intently on it and I supervised him. He did probably over 90% of the work on it but I didn't catch that he had left out those items and also the one on immigration and on the Mayor's -- the conflicts of Mayor's gun policy one. Those are all on this document. We do monitor all of your resolution that impacts us and we had them in the file. The only thing that was different -- the resolutions have not specifically said to include them in the program but we know they should do that and you don't need to make that specific. But anyway, the priority projects, which I want to mention, because probably next year they will be going through the process of doing a transportation bill, and there will be some mechanism. We don't know what that mechanism will be for funding local priority projects, and so that's why I have lifted them out here. Urban rail being the top. IH-35, improvements to it. The inner city passenger rail, the Lone Star rail

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system, the Violet Crown Trail system and the Waller Creek Multiuse Trail system. We don't know how this will work. We don't know whether Congress will allow enhancement programs such as trails as they have done in these recent years, or even if they will do local projects but I suspect they will find some way to show local priorities that Congress gets to pick and not just leave it to the transportation. Tax exempt bonds is a new -- relatively new item because of Congress and the administration trying to address the deficit. And so there are various schemes proposed to limit the degree that the municipal bonds are tax exempt. And that's very important to us for funding

infrastructure, keeping the costs of barring low, so we oppose changes that would reduce the current exemptions from municipal bonds. The program continues with public health. I won't go through all of these. They are in your document. I am willing to answer questions if you have specific ones through the various departments. If there is some of particular interest, I will stop and go into them, but i know you are all are tired and ready for lunch so i won't take a huge amount of time. Most of these are not new, either. On telecommunications, a new core of that is maintaining the control of our right-of-way and the ability to collect fees for the use

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of the right-of-way. We are concerned about policies that may be said about the use of the internet, maintaining internet privacy, those sorts of things. Water and wastewater infrastructure, water reclamation funding for our water reclamation projects is something that we definitely are interested in or watching for opportunities for, and i want to make our federal delegation aware of that. And with that, I will -- i will stop and answer any -- any further questions. >> Cole: Questions, colleagues? Council member martinez. >> Martinez: John, I just wanted to ask one tangentially related question. We asked a few questions regarding payday lending issues at the local level but we obviously know there is some authority at the federal level. Oes that also put that type of legislation on your radar screen without us explicitly directing it? >> Yes. This document is a guidance document but when council has expressed opinions on something through resolutions or ordinances, that tells us where you are, and so if there is an opportunity to engage on those, if there is a question in our minds about what the position is -- there may be a split on council, we will bring it forward. >> Great. >> But no, on payday lending, we know where you stand and we will support that same position in congress. >> Thank you. >> Cole: Follow-up question, john, on that same line. We also passed a marriage equality act. Is that also in your consideration? >> Yes. >> Cole: Council member morrison. >> Morrison: Thanks. One of the questions I have, I know in the report there are some things about tax exemptions. I think maybe some tax credit projects and -- programs but I didn't see anything about tax credits for low income housing.

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Is that something that shows up at the federal level that we should be keeping our eye on? >> Yes, that's what we do. And that section 8 is for the housing program. I didn't go into the housing and I probably should have done a bit more. These are very important programs to us. In fact, on page 15 in the program, you will see a chart that shows the decrease in funding nor cbdg and home and the total for those two projects. They have decreased significantly, over 40% in the last five years alone and have been going down over the last decades, actually. >> Morrison: What I was wondering. I didn't see anything in there that specifically said support funding of tax credit programs. You know, we've got the whole tax credit competition basically that goes on and there are limited funds for that. I didn't know if those were actual federal funds, and if they are, would it make sense? Because I saw you list out some other tax credit programs. >> We could certainly do that but we understand the position and that is -- we -- we can enumerate that if you would like. >> Morrison: I guess you are saying there is sort of a judgment call as to whether or not something makes it explicitly in the report or not? >> Exactly. The reason that I hit cbdg and homes because those are annual corporations that are done by the congress and i want to

emphasize by our delegation how important that is to it. On the tax credit things, those are the purview of weighs and means and congressman doggett as he

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sits on weighs and mns and he is very interested in these programs and so he -- this is not new to him. He understands how important that is. >> Morrison: Okay. Well, I think we saw how much we leverage we can get with our funds with tax credit programs so i want to make -- I don't think it will hurt to raise it again, especially knowing that is one possibility to help fill the gaps or all of the gaps that we are seeing. >> Cole: Council member riley. >> Riley: John, I would just add on that subject, i totally agree that we ought to be supporting additional tax credit funding for low income housing. I would just float that it would be -- I would just note that there is kind of erratic effort on whether there is housing for tax credits, whether those would be accessible fortran sit. Here in this city, our own smart housing program obviously had folks on transit, but the state tax support program -- the criteria on that fluctuate from year to year and sometimes it does emphasize transit and sometimes it doesn't and, in fact, we have moved forward with tax credit supportive housing that is not at all accessible fortran sit and i don't believe it ever will be. I believe that is a mistake and I believe it will be helpful to whatever extent we can build in requirements for tax credit supported housing to be accessible by transit so people don't have to own a car in order to live in low income housing. So to the extent that the criteria for that -- I see one of the criteria that we have relate to improving energy efficiency in public and private assistance housing and that's absolutely one value we ought to be superintended but a -- that we ought to be supporting but the related value is access to transit. >> Access to transit. I totally agree. That's absolutely correct.

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>> >> Cole: If there are no further questions, we will have the next briefing on the public information process. >> Good morning, council, manager. Doug mathews, the chief communications director for if city. We have a short presentation here to kind of give an update on where we are in terms of how we are managing public information requests with some specific discussion around how we are managing the public information requests that are coming into the council offices. What you see here in front of you is an illustrative example of the challenge that we are facing. Since 2008, the number of public information requests that we are handling has more than tripled, and those numbers don't seem to be abating. One of the things that we will talk about today is some of the things we are doing systematically in terms of staffing to help handle some of those things but we want to talk specifically about the process first. So if we look at the current process that we have in place, as the pirs come in, they can come through the web form, mail, email, fax. Ght now they can be given to any city employee, any city employee can be a legal recipient of public information request. Those are put into the tracking system by the pir spot within those departments. Through the system, the appropriate folks are notified at that point if they have some role to play in response to the public information request.

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We will talk more about the clarification process in one of the other slides but one of the first things we try to do is clarify if we need to with the requester what it is that they are looking for. At that point we will make a determination based on size and scope of the pir whether or not we need to do a formal estimate to recover costs that are associated with it. Many times we have general requests for existing documents, things that we can process fairly easy and those don't go into a cost estimate process. Now, specifically to council and council staff, those emails are searched by ctm. We have a representative from ctm here today to talk a little bit about that process as well. To find responsive information based on key words that may be in the requested emails. That responsive information is vetted by the pir box. Each of the council offices has a pir, single point of contact. They will vet through whatever it is that ctm delivers to determine, number one, what is responsive and what is not, but also to see if there is anything in there that they feel they need to forward to law for a legal opinion on whether or not it should get released. Then finally, the information is released to the requester. So we talk about responsive information to a public information request. When those requests are made of council and council staff, as I mentioned ctm assists with the searches. The first thing that we do in that process is make a good faith effort to work with the requester to determine what key words specifically they want us to look for. That helps ctm narrow down the search to find documents that are relevant. That's usually and it's an iterative process -- iterative process

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between our assistant who handles the public information request right now and whoever the requester is. The potentially responsive information, we put in an electronic file, which I mentioned, which is reviewed by the single point of contact. If we have requests for multiple or - for multiple council offices, ctm has a process by which they sample those and we will talk a little bit about that in, I believe, the next slide. That information is gathered by the pir spoc. The responsive information is delivered to our office which we then deliver to the requester. So first we will talk about cost estimates. If the requester requires programming -- if it requires manipulation of data, if it requires additional work, those are all things that we can actually go back and charge for. If the request is unusually large -- is it going to take a large amount of staff time to go through? Those are things we can charge for. When we make that determination to pursue costs, that's when we go about getting a sample from the council offices. That allows us to provide an estimate in a more timely manner. That way we don't have all council offices going through all of the email to provide an estimate because at that point you have done all of the work anyhow. They will do the email search of the selected council mailboxes. All of the potentially responsive information will be delivered and those selected offices will then go through and provide feedback on what is responsive and how much time was involved so that we can make an estimate across to all of the council offices. If that exceeds \$40, we give them a written estimate on exactly what that would be. When it is delivered to the

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requester at that point, they can then make the decision on whether or not they want to pursue the public information request. According to my folks, probably about 50% of the time they decide to move forward, 50% of the time they decide not to. So one of the core issues that we have, particularly when we are talking about the time that it takes to search, the time that it takes to get

information back to folks, the time that it takes to get a legal opinion on what's -- what's releasable and what's not, this is where the process becomes particularly important. The public information act gives us a timeline. That timeline is generally ten business days to provide a response to the requester with a good faith estimate of the amount of time it will take to provide a full response. Now, the other thing that is affected by that ten-day window, though, is we have ten days from the time of request to get a legal opinion or to deliver a legal opinion -- to deliver a request to the attorney general's office for legal opinion on things that we feel may not be discover rabble in the process. Looking ahead and we have talked about this previously -- we went through a comprehensive process a year ago of evaluating the process, working with our public information spocs, determines what it is that we could do to improve the process. The decide was made at that point number one we needed to upgrade the system that handles the public information requests and currently ctm was going through a process of acquiring and I believe now they are in the process of installing a system that's going to allow for a more iterative search of email boxes which hopefully will

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make things more efficient and also we are hiring a full-time higher level employee, specifically to manage and handle public information requests. That person is going to be located within the law department. We felt like because so much of what it is that we deal with when it comes to public information requests comes through the law department, to have them working side by side provides some operational benefit to the organization. We anticipate on j the request for council action on the new pir system will actually be coming forward and I understand the new city attorney has completed interviews for the position that I mentioned. So with that, that's where we are in the process, a little overview of what it is that we do. We have of course our law folks with us here as well as the folks from ctm to answer any specific questions that you all might have. >> Cole: Thank you, doug. I guess I would like to ask the law department right off the bat, I was shocked to see such an increase in the number of pir requests between 2011-2012. Can you give us any sense of what is going on? Is that particular items or -- >> we don't track that. Maybe pio can. But I will say that this number includes everybody. Of course the police department is the highest pir department, so about 50% of that number is the police department. But I am not sure if pio -- since they currently manage the function, has a breakdown of this 21,000, what's -- apd, which is probably 50% and what is the other departments and where it's coming from. I don't know if they have those numbers but we don't operate the system currently. We will take over that function and I think we will be tracking that but maybe doug can give you the numbers they had. >> Cole: Thank you. I had no idea it was police department with 50%. Do you -- what did you say

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council member tovo. >> Tovo: I didn't mean to speak out of turn. I was saying I didn't realize that, either. >> Martinez: I thought it was all us. [Laughter] >> Cole: I did, too. >> There are a lot of recurring requests, traffic reports, accident reports, things like that, so they have a -- they have a, i think, a very robust office right now with the gentleman who has done this for a long time. They aren't going to be coming into the system we are currently creating but we will have oversight and communication with them. We have one lawyer that specifically does all -- helps

with all of their requests, and then one lawyer who helps with all of the other departments because they have voluminous but it is routine things. >> Can you give us an idea of why -- the breakdown in departments like we notice with 50%, is there any other department for reasons? >> Within the departments, I would say parks have the frequent requesters, with regards to cemeteries or types of chemicals they might use. The hr department is levy for personnel files but among the departments that we deal with, kind of the -- frequently it's equally and distributed across all of them and if you were to take council to be one of those sole departments, look at all of them, they probably received slightly more than council offices do. >> Cole: Interesting. Any other questions, colleagues? Council member Morrison. >> Morrison: Thank you. I have a couple of questions. In terms of the new software, did we -- did we have like the users or the stakeholders, some departmental spocs that are working on this system in the evaluation team? I want to make sure the people who are actually going to be working with this system have been able to provide input in

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evaluating the system. >> I believe -- I don't know if we told Byron to come today but I do believe we had some spocs, maybe Elaine, you know who those were? Can you come up and talk about that? >> Hi, Elaine Nicholson, law department. Thank you. I believe we had four spocs. We had someone from the purchasing department, someone from Austin Water, myself, and then also the PIO -- current PIO coordinator were on the negotiations -- were on the evaluation team. >> Morrison: Good. I am sure those will be -- those observations and perspectives will be very important in getting a good system. One question I have about the -- the process. There are oftentimes when it feels like my office is only finding out on the due date that we have to replace a PIR. Am I wrong about that? And do we have a way to fix that? >> Your office should not be finding out on the due date because when we received the PIR, it goes into the system and it should automatically alert the office spoc that the PIR is due. Through the process, it is an automated process which will alert the PIR spoc that the PIR is due and review the PIR within the system. So there is no email that will come out that says in ten days you are going to need to produce such and such material. It is email, a PIR has been opened. You have been identified as one of the departments that may have responsive material and in the next ten days you will have to assist in producing something. >> Morrison: That's good. And then I know there is then some complications about sometimes we don't know if it's just a sampling and we are going to do a cost estimate as opposed to

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doing all of the work and sometimes that's not -- not laid out there in the process until there is actually a spoc meeting with council so maybe with the new software we can look at the new process, because it has been confusing, where, for instance, there is a whole lot of work that needs to be done and we don't know that we don't really need to do it because it is just a sampling that we are doing. >> If it all works well, that communication should be within the alert system -- within the alert system, within the system that you have to go in and read the notes for the actual PIR that says we are in the sample system and selected x number of council members to sample. >> Morrison: So that's the way it is supposed to work? >> Yes. >> Morrison: Great. Glad to notice a way it is supposed to work. Glad we are paying attention. And

let's see. Has there been any thought to posting some of the pir responses at least online as sort of open data, because i would imagine -- I don't know if that -- I think it would be interesting once we have made it available, other people might be asking for it again and we have to recreate it but if they paw through the pirs, maybe it would take away some of that. >> We -- we have discussed it internally on a couple of occasions. The existing system doesn't really allow us to do that efficiently, because the existing system -- long story short, the existing system was designed as a tracking system and not as a document management system so the existing system, it doesn't have a mechanism to take all of the responsive information and push it out so it is publically available. So I know when we had started looking at other pir tracking in management systems, that's one of the questions we asked, was is there an opportunity to turn

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this outward as we produce these responses to make a decision on whether or not we want to make them public. I have haven't been privy on what the systems were selected on the selected system so I have to defer to irene or karen on where that is. >> I think byron is probably most appropriate because i am removed from the process while they are undergoing the process. But we can have -- I think we are going to have some overview information. My understanding is it is a very robust situation system. I think -- robust system and I think elaine can talk -- is byron here? >> Cole: Elaine is here representing byron. Can you provide a response to council member morrison's question? >> Yes, would you mind restating the question? >> Yes. I was wondering about the possibility of making our responses to pirs available online generally or for the most part. >> The system does have the capability and we have other technologies in place we can use. We have a document management system that is accessible by the public today for different records we have. We can use that system. We also have capability inspect software we are recommending for council approval that will allow us to push that information out to the public as well. >> Morrison: Great. I don't know if there will be special considerations, on whether it will be all of it or some of it but I think that could add a new layer of transparency. >> Council member morrison, we are looking forward to taping over this function and getting the new software because of the brief overview I have gotten, i think it will allow us to do a lot of different and interesting and more transparent things and part of that is the review of the process with the new software to see if maybe there are some tweaks we can make to the current process and the new person coming on board looking forward to getting that person here and trained up on that new

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software. >> Weis: That's great. How many positions do we have in pio right now that are responsible for pirs? >> We have half a person. >> Morrison: Half a person? >> Uh-huh. >> Morrison: So after that, we are going to have a full-time person in the law department? >> Correct. >> Morrison: And are we going to -- what are we doing with that half person? >> We also have a support person. We got two newing positions. We got the elevated, kind of manager level position, and then we also have a support staff person for that american. For that person to work directly with that person and then they will be reporting to our chief administrative officer in the law department. Very high level. >> Morrison: I imagine the new system will add a lot of efficiencies to that. One more last question. That is with regard to the new email archiving that

ctm is looking at. Do you know if they have interacted with the clerk at all? Because I know the clerk is looking at some email archiving system, too. >> I don't have to turn around but I think somebody will be sitting here who can answer that question. >> Terry pennington with ctm. Yes, the clerk and the law department are part of the team who are evaluating how to implement email archiving. >> Morrison: Great. Thank you. >> Cole: Other questions, colleagues? >> Spelman: Mayor. >> Cole: Council member spelman. >> Spelman: Thank you. I have a lot of little questions and some of these we might be able to take off line but a couple are important enough that i think we ought to put on the taint the first one from my point of view is understand what it is that is pirred. What are people asking about, and I suz ewas surf -- I was surprised to hear that half of the people are using the public information for the legal procedure when it can be used for one for a

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different purpose from the police department. What are people asking the police department for? >> I think most of the things are police reports. We can get you a list of specifics. Like I said, we have one lawyer totally dedicated to that system and supporting the folks in the police department that do it. >> Spelman: Here is what starts me thinking about it this. If people are asking information from the police department, the way they get information to the police department is to commit a public information request. Is this using a mole to kill an ant. Should there be a simpler way of getting police repo from the police department rather than going through the pir process which is bulky and complicated. If we are asking for statistical information which it seems like some percentage of the pir requests are about, maybe there is an easier way to pull that stuff off of the pir line and finding a way to get the statistical information from the demographer or the individual departments or something like that. Is there a way we can hide some of these frequently asked questions off and finding a simpler way of getting to it? >> I think we can work with poi since they operate the function and -- maybe you can talk about how you track things but look at that and put the data maybe to the demographer to see if we can come up with something that tells us what those questions or issues are. I am not sure right now. >> Some are more complex requests that we get. And I will give an example of courts, where they are asking for a breakdown of specific types of violations and the disposition of those violations. In an ideal world those are things we could push out through perhaps the open data portal or some other mechanism. Technologically right now we don't have the capacity to do that. It requires staff time every time we get the request, to go in the system, run the report and provide it back to folks. I know that -- and I may be speaking a little out of turn here but I know there have been some discussions

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about, for instance, the amanda upgrade and some of the other upgrades we have on the horizon that are going to move us to web-based platforms where are we should be able to push more of that. Ideally, that would be the goal, to make more of that available in orde to mitigate requests that we otherwise don't necessarily need to put our hands on. >> I may add to that, council member, that I think the incorrect perception is that the majority of pirs actually come from reporters and from the media relations standpoint. If we are dealing with a reporter and a report is usually available. If they wanted a powerpoint available a few weeks ago and we have access

to that, we are just giving that to them, so this number does not encompass those actual requests. These requests are all emails regarding water treatment plan and x organization with the at and then the organization's name and then they will submit those or all organizations from organization x to council member y. So those are actual the requests we are facilitating this. If it fits the specific document you are speaking of, it waterfront go into the system. >> Spelman: Well, if they suggest that it would knock the number down to 20,000 or somethin smaller. I want more about the -- like what you mentioned, like give us everything that council member spelman wrote on the following subject and then you send it to staff -- I manage you would like to ask you a question about the class of emails if I could. One of the issues is you are taking three council members at random to conduct a sample and then figuring out from that sample to have the other four council members collect the same information and then getting a yes or a no from the requester has to whether or not to pursue it based on the costs. Is that accurate? >> Right. >> Spelman: How often does the requester say no?

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>> About half the time. >> Spelman: About half the time. If about half the time, is there a way we could either reduce the sample from 3 to 2 to some other number or else -- let me give you another possibility here. One of the -- one of the anomalies of air business is some of our numbers see the the same kinds of things over and over again and the rest of us don't have to look at very much. For example, the holly street power plant is something I amino council member martinez sees a lot and as a result of his seeing a lot of holly street stuff, I don't have to take a look at very much of it. If you search my email for holly street, you will find a small number of cases. If you searched his email for holly street, correct me if I am wrong council member martinez, but there will be a bunch of stuff I bet and i bet more bicycle stuff in council member riley's emails than the rest of us and we figure out how that goes. [Laughter] if you are picking a random sample, somebody asking for bicycle stuff and council member riley's name doesn't come up, I suspect that you might dramatically underestimate the total cost because council member riley will then get engaged after the requester said, sure, i can pay 30 bucks and we end up paying \$150 because of council memberriley bicycle emails. Do you see where I am getting at? Is there a way we can get a better sense to comb through all of this stuff and get that into the hands of the requester? >> I may be wrong and I am going to defer to rene on this but we do apply some judgment in the selection of who gets looked at in terms of what the issue is. If we having? Relative to bicycles, we are going to provide ctm with who we feel is probably been most involved in that particular issue.

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>> Spelman: Okay. >> So it is not completely random. The challenge of course is you may have a particular council member that is involved in more issues that have more public attention than maybe another does which means their name gets pulled more often. >> Spelman: Yeah. >> So what we try to do -- and elaine if you have anything to add on this because you have been instrumental in the sampling process but we take one person we think may be involved on kind of subsidiary and one person that we -- to our best knowledge, and again, it is just a sample that has not been involved in order to create a sample of the whole. >> Spelman: Okay, so the goldy lox principle, too much, too little, just right? >> Yes. >> Spelman: If that's your standard

operating procedure, that will probably get you a fairly rate estimate at the time and it is my staff's understanding that you weren't following that procedure and it was a random draw as to who you will get. And that sounds like sensible way of going about it and I encourage you to keep doing that. We have -- in my office, there has been turnover in my office, in particular one person who used to handle a particular class of business in my office and I am not sure whether his early emails are being searched or whether it's appropriate to even do that. But if you wanted to get electric utility stuff in my office a year ago you would look through barksdale english's email to find it. Are we searching through benchmark english's old emails to find it on the electric utility, for example? >> I hope you would be. We have had some turnover in the city manager's office as well and it is up to the pir spoc to get with ctm in order to have a disk copy or a storage copy of all of the individual emails the individual may have sent, according to the pir periods

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that being requested. >> Spelman: So they aren't all in the system anymore? >> If somebody leaves the city, we typically have an air khi of their email. >> Spelman: Sure. >> And keep -- we have an archive of their email and keep that for poi requests and we keep the staff of each council member and the dates of employment so if we get a request for a certain period of time, then we go back and we know, well, okay, this is the staff that we need to search for. >> Spelman: Okay. So -- so my concern is not founded. If you are looking for ae stuff, you know I have people working for me now. I had people working for me a couple of years ago who are no longer in my staff. There is a cutoff date and there is no sense in looking at email dates before the cutoff date and so on. All of the stuff you've got? >> Yes. >> Spelman: Good to know. Thank you for doing that. There has been some concern that things will be falling through the cracks because the local terms we used to describe projects may not be the same as the terms used by the requester or by the public in general. The example was what do we do about the north acres bridge over little walnut creek? Locally that is universally referred to as the little walnut creek bridge. I think that's a way all of us referred to it, at least the way we talked to each other about it, but I don't know if that's the way it is known as people close-by and I think that's how people know as their association name which we haven't done as a group here. It means emails will have different descriptors and subject lines and so on that the requester may be aware of. What do we do to bridge that gap and make sure the search is in the proper search terms. >> There is a part under this, under the requester

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under no obligation to do so. When we get the form, we send this back, saying assist us in helping with the terms to search for. More than half the time, we get no response back in their willingness. They want to say, well, let's see what the city will bring back. If they are willing to help us in the search terms in all of the words that may be referred to in what they are looking for, that's only going to help us in, our, again, good faith effort required by law to return what they are looking for. >> Let me ask you the last question on the good faith effort issue. It has happened, apparently, at least a couple of times where we have gotten back a list of documents from ctm that, here is the list of emails that we think are responsive to the question and when I -- I guess dean is the spoc in my office. >> Good to know. >> Spelman: You are getting appointed

at the moment. Shares the emails and there is a couple of emails she is aware of which are not on the list, is it her responsibility to dig those up? Is it her responsibility to comb through all of lists and verify that this is a comprehensive list? What are her responsibilities when she is not certain that the list is comprehensive? >> Oftentimes public information request will ask for all communication regarding, and so ctm is only producing what the search results in regard to the words that were provided, so there could be instances where a council member does know that they have written documentation, that they have notes from a meeting, that they have a handout from another occasion, all of those occasions, inion to the kind of example that you are giving, is that the

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responsibility of the office? >> So they know something and it is their job to find it. What if they knew something and they spent a bunch of time thinking about it but may send something? That's good faith effort. How do you find evidence of good faith effort in this case? >> I think -- it's law. >> It is the law department. >> I think if somebody knows there is something and they make an effort to do -- do a thorough review to find it and they don't, I think that's a good faith effort. If somebody knows something or thinks of something and they don't do anything, then that could be an issue. I think as long as you exercise some affirmative action to look for things if you think that they are there, that that's okay. So I am not going to say go spend a day, two days, or five hours but most people know where they keep things or where a particular item may be potentially located related to a pir and if you just do some, I think, general search to try to find it, I think that's good faith. >> Spelman: And council member spelman, if I may, you know -- >> council member spelman, if I may, our best efforts to apply science to this, there is still and it ative process and there is -- i will give -- iterative process and I will give an example where we had a request and the requester asked for emails to and from an individual and they misspelled the individual's name. We didn't know who the individual was and we didn't have any contextual knowledge that it was misspelled but this was somebody that worked with council offices and so when you talk about the relative roles and responsibilities, it is one of the areas that we need the council office's help to say, hey, they didn't spell this guy's name wrong, because we are handing verbatim information

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over to ctm who is then running a scientific search of all of those emails and it's not going to come up. So then we respond to the requester saying we don't have anything. They say no, it's not possible. So there is and it ative process -- iterative process that exists because of the nature that it is. >> We are open to the suggestion. Council member morrison, bobby was always great about saying I know they mean little something else and add those to the search so they would be included into what ctm is about to produce. So if any of the spocs see that happen and maybe know the word isn't exact as it should be, we are always willing to take those into consideration for the search. >> Spelman: Basically you are saying use your head, don't be stupid about it and it will be okay. >> Yes. >> Spelman: Okay. Sounds good. We are going to have -- you are going to have a full-time spoc in the law department who will be handling this stuff? >> Yes, this person is stepping into the shoes of the half time person that does it. So they will oversee the new software system, work with all of the department spocs, spocs in your office and, you know, the

first thing is trying to make the transition from the current system to the new software and figuring out a plan for that, looking at a communication plan about all of that. How do we communicate that change is coming and also looking at policies and procedures and protocols that maybe we need to implement, but, yes, that person is going to step into the shoes of the half time person and take over the role of overseeing the pir system. >> Spelman: I know my staff is looking forward to working with that person and look forward to seeing if we can make this easier for all of us. >> Okay, thank you. >> Spelman: Thanks. >> Cole: Any other questions, colleagues? Okay. The last item that we need to discuss and possible action on is regarding the data and agenda to the first

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meeting of the council committee on austin energy. Well, colleagues, I guess one of the first questions we need to ask ourselves is we normally take off the month of july and most of our committees do not meet. It will be my preference we do not have a meeting during that month. >> Can I just start by throwing out next thursday since we don't have a council meeting and generally it's open. My calendar is fairly open next thursday.

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>> Cole: I know I will not be here -- >> it works perfect for you. >> Yes, works perfect. [One moment, please, for change in captioners] >> my recommend agz is july -- it will be the first part of august, of course, that is when the budget and all th rolls together, too. The quarterly report has always been tough in that month. >> I'm thinking about the issues we might want to talk

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about before the budget issues. Speaking off my head. Connection, disconnection, fees, something we hear from the community. Something we want to talk about in time to impact our budget discussions. I'm wondering if august is soon enough on those. But I will go with the rule of the group. I can arrange my calendar to be available next week if we want to kick this process off and get started in at least laying out issues that we want to discuss more thoroughly. But if the will of the group is to wait until august, that is all right. >> Cole: Do you have councilmember riley. We have heard from myself, the mayor and I was going to ask you katie mattera -- councilman spelman, your thoughts? >> Spelman: Whatever happens first. [Laughter] >> cole: I was checking to see if you were awake. Council number riley. >> Riley: There are many issues that warrant our attention. My gut reaction is it is better to meet sooner rather than later. For that standpoint I prefer the june meeting. The problem is when you start looking at the calendar, it gets challenging, given that next week is really the only open week that we have, and i know -- I wasn't aware that the mayor pro tem would be out at the end of next week. There are other things going on next week, I'm sure we've all got items on our calendar. I wouldn't be -- I would

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still be interested in seeing if there is a date next week that would work for everyone. But I understand that that is very soon. We all have things going on. If there isn't a date that works for

the council, then it appears that august is the first time that a meeting would be practical skel skel larry, is there an euc meeting in july? >> We do. >> Spelman: One way to engage with all on the discussions like the disconnection policy, see if we can have it put on the agenda and talk about it. We might get the benefit of their discussion on the subject. That is true. Another thought would be that, I mean, in terms of melding what you want to discuss at your committee meeting, whatever that might be, we would have time to build that issue up to present it, which is typically how we do at the euv -- euc meeting, we know a month ahead of times what they want to be briefed on. Sometimes we have already briefed them on what we want to know. >> Rgues against having a meeting in a week or so because you wouldn't have a chance to come up with a presentation or determine where you were on the policy, for example. >> I would confirm with mark, but we would do our best to meet whatever you ask for. For example -- I will use the example, of like a presentation which some would be in closed session on the gas hedging program. Well I want to make sure i have seen that and that is put together and the city manager and I know what we do on the agenda so we present that in a way that makes sense.

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>> Spelman: Mayor pro tem, if I can make a suggestion? >> Cole: Yes. >> Spelman: We have a couple of work sessions later in june where we might be able to discuss what we want on the agenda of the first meeting of the subcommittee. Maybe we can put a line of the agenda item on the 18th of june, for example, for us to figure out what we want to talk to larry and his staff about or a meeting, say, on sometime in august. >> Cole: I think that is an excellent idea for the june 18 work session -- or -- >> spelman: That would be an excellent idea. I was about to suggest that. >> Cole: Now we will turn our attention -- >> if I could add one thing. I understand the utility commission will be meeting ON THE 17th. They have passed a number of items calling on the council to address various issues related to the utility. It might be helpful to get the euc's thoughts on a proper prioritization of those issues, given that we're not going to be able to tackle all of those things, all at once, if we can get their thoughts on what's at the top of the list. What's second, what would be -- what they consider the most pressing issues. In order of priority. That the utility is facing. Then that would be helpful to have at our discussion on the 18th if they're able to come up with something on THE 17th. >> Spelman: I suggest the 25th is a better date to give us more than a few hours to internalize that list. I will change it to the 25th. >> Cole: Make a motion. I will second. >> Spelman: I move that we move our agenda on the 25th of june to discuss what to

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be our highest priorities or the soonest priorities. >> Cole: Regarding the euc. Second. >> Morrison: I want to make a couple of points. I think we need to add into the mix is not only priority, but which ones have timing constraints, especially which ones relate to the budget. So if we can get that information. And secondly, I wonder if we could also get some staff to help us in making this decision. I believe that there are some pending discussion items from the rate case, including overarching discussions about the reserves we have. We were going to talk about does it make sense? Are they too overlapping. I know the euc's resolution has specifics about the reserves. I don't know if we need to resurrect the reserve discussion. And if you could help us by identifying whether there were any other pending items, discussion items and policy issues that

we sort of dealt with in a small way and wanted to look at in another way. >> Spelman: An example of that would be line extension policy for what new customers pay or don't pay when we hook them up. >> Morrison: If you could collect those, that would be great. >> Cole: Any other questions or comments. If not, a motion and a second. All those in favor. That passes by unanimous vote. Martinez is gone and mayor leffingwell is not here. Thank you. Council member spelman i don't know if you want to lead on this since you made the one motion. Did we set a date for our meeting in -- >> spelman: We could set

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june 25. >> Cole: For august? Is there any further business before the city council work session? Without objection, we're adjourned.