

City Council Work Session Transcript –04/21/2015

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>> Mayor Adler: Good morning. We are a quorum. We're going to go ahead and convene the Austin city council work session today, Tuesday, April 21st, 2015. We are in the board and commission room at city hall, 301 west second street, Austin, Texas. This is our work session. There's been a lot of interest with respect to the items that are set for executive session. The staff is here to brief us on those. So without objection, we're going to move from here to the executive session room so that we can get that briefing from staff. Then we'll come back and handle these items. Any objection? Then let's move across the hall. [Board is in executive session.] [Board is in executive session.]

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[Council is in executive session.] [Council is in executive session.] [Executive session.] [Executive session.]
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[executive session] Executive session

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>> Mayor Adler: Items a2 and a4, do you need me to repeat that now that we're on mic? We are out of closed session. In closed session we took up and discussed a competitive matter related to item a3 and legal issues related to items a2 and a4. We're now back into session. We only have a few items that have been pulled on the work session agenda. The first one of these was pulled by councilmembers Gallo and Garza. Ms. Gaza H Garza not here yet, let's go to item 23, which was pulled by councilmember troxclair. Just that fast. This concerns the contract with prosource technologies. Is there staff here on that issue? Do you want to come up and join us. >> Troxclair: Thank you for being here. On this you'll -- I pulled this because I had questions about this item but I also had questions about the process in general that I was

hoping that y'all could set a little bit of framework for us for evaluating these kinds of items going forward. So this is -- we're accepting a grant from stated administrative homeland security department to fund consulting services for 140

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thousand dollars is that the general gist? >> Yes, that is the general list of it, Otis laden, director of homeland security for city of Austin. It is a grant we received in corporation with economic development. We went in together on this particular grant, and we were awarded the grant for \$140,000. >> Troxclair: So the state administrative homeland security department, what -- is that equivalent to dps? Where is that department housed? >> I'll let him her explain a little more about that. >> It's the state administrative agency and they are the grants administration arm of the Texas department of public safety. >> Troxclair: Okay. So there were 184 solicitations listed but we only received, I think, seven responses. >> Purchasing. >> Yes, that's correct. >> Troxclair: So can you tell me if that's common or why that would happen? I mean, this seems like a pretty specialized grant. So the -- the person that we would award this grant to would have pretty specialized knowledge. So how -- so how do we -- how do I identify the 184 solicitations? It seems like that number -- there shouldn't be such a huge gap between the number of solicitations and number of responses if we're soliciting to the right people. >> I can't speak to the exact circumstances of what happened, I wasn't involved in the solicitation. Mr. Scarborough may be able to speak on that. >> Good morning, councilmembers, James Scarborough, purchasing. When we provide formal notice of the availability of

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solicitations, we determine who to send the notices to based on the commodity codes registered by the various companies who contact us and identify who they are and what they sell. So what they sell is associated with a commodity code. We get our code set from the international institute of governmental purchase so it's just a code set of descriptions, of products and services. >> Troxclair: Okay. >> When we have a solicitation we pick the most applicable code. In this case there happened to be 184 notices sent out that equated to 138 distinct, separate companies, and of them approximately 89, 90 were locked within Texas. >> Troxclair: Okay. So that makes sense. So it's more of an automated process. >> Yes, ma'am. >> Troxclair: But the companies have a specific code that identifies what kind of services that they -- that they provide and then when we have -- when we do the solicitation we just enter in that code and then the solicitation goes to all of the responsive businesses? >> That in addition to posting it on the website. >> Troxclair: Right, right. Okay. So in this case we got seven proposals and you said -- and you said of the 139 or however many that we -- that we solicited to -- how many were -- 89 were from Texas? >> Yes. >> Troxclair: And seven -- okay. Then we received seven proposals but then I -- it looks like the prosource technologies is not in Texas. >> Correct. Based on their -- based on the information that they provide us in their proposal, they indicate a location. Now, that location may be their corporate headquarters. It may be the location of a branch office. It may be the location of the office that happened to respond to the solicitation but that is a location that we then associate with the offer that we

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receive from them. >> Troxclair: So is the company that we selected -- it looks like it was -- that the consultant is from Minnesota. But they got a local -- do they have a branch here? Because I think that they did get in the may matrix that y'all used which I also have questions about, it looks like they got

some local benefit. >> Sure. >> Troxclair: But their address is in Minnesota. >> Right. When we are evaluating proposals, the proposal team could be composed of representatives from the prime contractor and also subcontractors are partners that are joining them in the provision of services. So we will look at all of the constituent elements of their proposal, including any subcontractors, and if any of them are -- have local presence, then we will award a proportion of the available ten points. So if they are established locally within the corporate city limits they'll get all ten points. If one of their subs or multiple subs are located within the corporate city limits they'll get a proportion of those points. >> Troxclair: The points you just mentioned that is part of a matrix the city uses to rank, to score -- >> It's a standard matrix we use every time there is a local preference provided based on criteria. So in an rfp, we use that same matrix. >> Troxclair: Okay. Who comes up with the criteria in that matrix? >> That -- we establish that by policy so we can apply the program consistently. >> Troxclair: But who is we? The city staff? >> Yes. >> Troxclair: So the city staff has complete discretion over what -- over the criteria that goes into the matrix, as well as the number of points that are awarded for each of the criteria? >> Yes. >> Troxclair: Okay. How often does that change or get revised? >> Well, the program hasn't been -- the statute hasn't been around for that long but it was revised a few years back. I'm still relatively new not to know the exact date but we can

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certainly find that out and provide that to you. >> Troxclair: Okay. >> I don't have the date. >> Troxclair: Yeah yeah. No. I'm just curious like I said about the process and how we award the points and all of that. >> Right. >> Troxclair: Okay. So this is -- so this particular grant -- I'm almost finished. This particular grant -- so this would help the contractor that we're hiring for the \$140,000 is supposed to help private businesses and I guess nonprofits in disaster recovery, so if there's something that happens and this is going to help to train them to recover their information? >> Margaret Shaw with the city of Austin's economic development department. Yes, councilmember. So working with our team with homeland security we've recognized there needs to be a whole community response. There's a lot of best practices around the nation right now with a lot of training and workshops going on to help business and nonprofits who are also affected in a natural, man made or technical disaster. We recognize that is a place where we can improve and work with our communities to help them react quickly. There's some statistics about a small business who is down for four or five days, cannot reopen when they miss that kind of a revenue cycle. We saw that even with the ebola crisis in Dallas, where numerous cafes around the hospital actually closed for good because of the scare tactics. We're trying to get out ahead of this and bring national expertise with some local presence. In fact the team that was selected has a very strong and experienced track record in working with a variety of different industry, from health, to technology, to security. So that's why we're excited about the award today, is that they'll be able to work with us to help get the message out, and there's a lot of free and no cost training and tools available to businesses. We also want to -- and chief Latin can speak to that. We want to pull in major

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employers on an ongoing basis to be part of our council or some ongoing group at homeland security so we're completely connected with these groups when it comes to disaster events. >> Troxclair: This is an issue that dps on the state level has also identified because they're making a grant available for the specific purpose? >> Yes. I mean, it's something needed from a whole community perspective in reference to businesses and education for our citizens in the community. >> Troxclair: Okay. Thank you so much. >> Mayor Adler: One last question. With respect to the grid, the table, and you may have answered this question while I was saying hello, the bottom criteria is interview. And the point

differential on interview took what was the number two bidder up to number one. How do you grade the interview? >> Mayor, members of -- councilmembers, interviews are -- going to differentiate from one solicitation process to the next, depending on the salient content of the exchanges between the committee members and the competitive offers. So oftentimes that's going to be a -- based on clarifications of the contents of their offer. What we try not to do is to engage in exchanges where we're talking about approaches or contents that are not established within their offer. So what we most often try to do is to better understand what they have already stated by having them elaborate on it so that we can confirm our appropriate interpretation of the contents of their proposals. So for the most part, interviews are clarifications. However, when we want to know more about an individual's background or key personnel or their approach, we can ask for a more detailed explanation and then the points are allocated based on the consensus of the committee as to the value of

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their responses. >> Mayor Adler: All right, thank you. >> Yes. >> Mayor Adler: Anything else on this item? Staff, thank you very much. Thank you. We'll now double back and get to item 16 which we had skipped over just a moment ago. This has been pulled by councilmembers Gallo and Garza hello, Ms. Reiser. >> Garza: Thank you for skipping over that while I was gone. My question might be more for city management. This just stuck out for me because we've had the onion creek buyouts and Williams creek buyouts. Is this the uniform relocation assistance referring to what the onion creek buyout people were offered? Is that the same thing? >> Yes, councilmember. >> Okay. And so I'm just curious why we're doing this for this one house. Is this house in floodplain? >> First of all, this house is in an area prone to localized flooding, inadequate systems in the storm and the storm drain system. The geophysical characteristics in this location it's a perched floodplain but very far from any creek or traditional floodplain. >> Garza: It's not in a -- >> Not a special flood hazard at all but there's a lot of folks that flood outside of special flood hazard areas. >> Garza: Understood. We have funding in place for the Williamson creek folks but we're still waiting for a proposal on the policy that's going to be applied. So why are we doing these kind of like piecemeal homes when we

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have more homes that are waiting to be bought out and we have the funding approved and -- so do you speak to that, I guess? >> Councilmember, if I may, this is a special circumstance that we're bringing to you today. An offer has not been made in this situation. This is a home of an 87-year-old woman who has been flood four times, and her family has come to us and -- that she's fallen in the home because they have not replaced the carpet because it continues to flood. And she's been having -- she's had to be hospitalized a couple of times. So the family has requested that we at least bring this forward for council to address. So this is kind of a unique circumstance just because of the situation of the homeowner. >> Garza: Okay. I'm in no way saying there's no validity to this particular one being brought before us, but, I mean, the Williamson creek folks have been flooded several times and in fact I believe someone died the last time that the Williamson creek flood so I want to know if there's a time line on when we will be bringing a policy forward for the Williamson creek folks that already have funding approved and allocated to them? Like I said that might not be a question for you two. >> Yeah, the policy discussions are being run through the city staff and through the city manager ears office and we will be getting that to council as soon as possible. >> Garza: So as soon as possible, okay. Thank you. >> Mayor Adler: Did you have further questions? Ms. Gallo. >> Gallo: Yes. Thank you for the questions that you had also. This to me is part of the discussion that started with the onion creek flooding, which I think is a policy area that the

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council needs to address, and my recommendation would be that this goes to the neighborhood and planning committee, it's referred back to that. You know, I too feel very uncomfortable with spot approving purchases for properties without knowing what our city policy is. In 25-year flood plane areas, 100 year, properties that have flooded, that are in flood-prone areas that are in localized flooding areas. I think there's so many different thieves -- levels that we need to be addressing on a city-wide policy area that I would like for this to go to committee and I would like us to understand, know, really discuss that policy and come up with a policy city-wide for this. There's lots of areas on this one that I would have questions about, but, once again, I think this needs to go to committee to have that discussion. One of the things is how many properties in the city of Austin are we talking about? You know, this just happens to be in my district, but I'm sure there are properties in all of the other districts that are prone to floods, in flood areas, have been flooded that I think we need to understand the fiscal impactive setting this policy and setting these priorities. I look at issues on this one. We went back and did some research on the tax values. Well, over the last five years, the Travis county appraisal values on this property were 196 to \$208,000 and all of a sudden we're looking at a fair market value of 295,000 and also paying relocation fees. It just -- once again, I think there's lots of policy issues in making these decisions. Ness not to be unsympathetic to this particular case, but I think we need to be fair in how we allocate the citizens' money to do these programs, and we

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need to understand where the funding is and where the properties are located as councilmember Garza said that are already being discussed. So that would -- that was my reason for pulling it to recommend to the mayor that this be referred to the council committee, planning and neighborhoods I think would be the appropriate place for that. >> Mayor Adler: Okay. And let's continue to discuss. We obviously can't take action today because it's the work session. Mr. Zimmerman and then Ms. Kitchen. >> Zimmerman: Thank you, Mr. Mayor. I wanted to concur with councilmember Gallo's remarks. I don't have anything to add to that other than this area is not far from the border of district 10 and district 6 so it is in that same northwest part of the city but I concur with her remarks. >> Mayor Adler: Ms. Kitchen. >> Kitchen: I would just like to follow up on councilmember Garza's question and I guess I'm -- and you may be familiar with this, but I'm not understanding why we're waiting on a policy and who the right person is that can answer that. You know, I'm not suggesting it's you guys but I'd like to make a statement that it's time, you know, for the policy on Williamson creek and I'm not understanding why we're waiting. Can you 74 us with that. >> I'll try. Sue Edwards, assistant city manager. If you will, we have had funding from different sources for different parts of the city in flooding, and those different funding sources have different requirements. Now that we're coming up with a policy that would be a city policy using city money, not federal money, not FEMA or any of the other types of money, we have had some discussions amongst all of the staff, the law department, and real estate and watershed protection to come up with something that really melds the appropriate policies because each one of them was different. We had a discussion with

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councilmember Garza last week because we were working through that. I think we have worked through those differences that we have, and we have a meeting this week to make sure that we are all in agreement with all of those differences and are going to be bringing forward as soon as possible a

policy, and it will come to the committee before it comes to council. >> Kitchen: Okay. Second thing I wanted to just -- to say, regardless of what the council does with this particular case, I'd like to talk with you afterwards and make sure that the city is helping this family with other resources that we may have to help an elderly person in their home. So because there are other resources -- you may have already been doing this, but there are other resources in the city that we should make sure this family is connected to. >> Yes, ma'am. >> Mayor Adler: Ms. Pool and then Ms. Troxclair. >> Pool: Thanks. I just wanted to ask if in the policy discussion are we also going to include the zoning approvals that we make that allow homes to be built in the floodplain to begin with? I don't think we can have the conversation about the buyouts without having the other conversation too because there's pressure in my district to build in 25 and 100 year floodplains and so far I've been not willing to do that and I'd like to engage that conversation. Because if we're looking at the real results of that when we do have flooding, then we will be putting ourselves in a liability situation, and I'd just like to have that include in the conversation at the front end. Thanks. >> Mayor Adler: All right. Ms. Troxclair. >> Troxclair: And I would be supportive of the -- of sending this issue to committee, and so I know we'll have a much longer discussion about this issue there, but just really quickly, in the meantime -- just really quickly in the meantime, I'm curious how this home got prioritized overall the other homes?

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I know in my district I have several different areas, neighborhoods, streets, groups of homes that are having major flooding issues and they've kind of been told, well, call 311 or, you know, we'll put you on the list but I just don't understand how this home got to the top of the list. >> Right. For the technical response on that question, we don't ever get to the buyout option without exhausting all the structural control options in the engineering evaluations. And so for onion creek, Williamson creek, and for this area, these are the only areas that buyout has been recommended. Because there is not a feasible structural solution to pursue in those areas. These cluster of homes here were pinpointed after the tropical storm hermene in September of 2010 but there had been a history of flooding that simply went unreported or was in Travis county and annexed into the city of Austin and there is that issue as well. But the prioritized currently, this is a very high priority, localized flood area. You're going to tend to find those in the hilly western, rocky areas of Austin. And so I assure you that from a technical standpoint, this is a high priority, flood area with no structural solutions and it was recommended for buyout by our consultant. >> Troxclair: Okay. Okay. Yeah, I guess I still don't understand -- so how do you get to the point where you have the structural evaluation completed to see if there are any options? >> Yeah, I'll -- you know, what we can do is upgrade storm drain systems, upgrade culverts, build regional detention ponds. This area is densely single family with no open space and

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homes built and around the storm drain system. From a cost standpoint, six to 9 million for a complete retrofit of storm drain systems that would meet criteria just didn't compare for the buyout option of these five homes., again, due to the hardship cases that Ms. Reiser brought up, we're recommending at this time that council consider this one initial buyout just because of those hardships. >> Troxclair: How do you get to the top of the list where you get to have the structural evaluation done? Like, I have -- there's five houses all in a row in Travis country that have been flooded multiple, multiple times, that have asked my office for help and I've been trying to help them, but we've kind of been told, well, there's not funding available because of the onion creek buyout so we're, you know -- we need -- higher 311 call volume. There's another entire neighborhood, I think oak park that is having serious flooding issues too and I kind of was under the impression that we weren't doing any -- spending anymore

money because we've spent all of our money on onion creek and that was the response that my office had given them, is we don't have the -- we don't have money right now so it's hard for me to then -- >> That is not case. The areas in oak hill and the Barton creek tributary are on our list for study as well, our cip project list. They're at different phase, preliminary engineering and some going to design. Yes, those are on our radar as well so I can assure you those will be looked at. We do have an elaborate scoring system based on flood depth by storm, two year, ten year, 25 year, 100 year, also velocity is a consideration, and so we do have an elaborate scoring system, but with limited resources we have to prioritize in that fashion. >> Troxclair: So are the -- the scoring system that you mentioned, is that -- do you do that to even figure out which

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homes or neighborhoods you do an structural evaluation in or do you only do the scoring after that? >> No. As the properties are identified through 311 calls or we do encourage citizens to report any flooding to 311 so that we're made aware of it, we do look at good clustering of homes, how many homes are affected, and prioritize in that fashion as well. But all structural solutions are looked at first and foremost before we even go to a buyout option. >> Troxclair: Okay. I guess I'll just say -- the oak park neighborhood has recently had some meetings with watershed and I really appreciate the city's attention to their issues. >> Correct. >> Troxclair: These other homes in Travis country have not been as successful. So if there is nag my office can do to -- anything my office can do to help the city get out there and do a structural evaluation and help the homeowners understand what their options are, what a time line could look like because it's been difficult to get clarification on what help is potentially -- >> Absolutely. >> Troxclair: -- Able to them. Thank you. >> Mayor Adler: Ms. Garza. >> Garza: When do you this evaluation, is the option of the homeowner elevating their home -- is that given as an option? >> Glad you asked that question. For this particular buyout, there were three options identified by the consultant. One was to buyout and demolish the homes, second option was to elevate, actually raise the homes and temporarily house the citizens in hotels. That option came literally about the same cost but there was the uncertainty with raising a slab on grade home and you're still going to have the flooding underneath the home whether it's used for storage or parking and so the flooding wouldn't really be eliminated in an elevation standpoint. But that is an option that has been taken into consideration.

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>> Garza: If it's not in a floodplain and it's flooding, cutting to the chase, who screwed up? How is this home getting flooded? Is it a drainage issue, a developer issue? Does the homeowner have no resource with the builder? >> Again, imagine these homes were built in the 19 -- mid 1970s. This particular house was built in 1974. Typically flooding problems don't show up until the far future. Imagine as accumulation of development happens in the upstream watershed and then, booth you get a big storm and the flooding problem is surfaced. The engineer that developed or designed the subdivision is ultimately responsible for that. There are statutes of limitations, however, areas that were developed prior to being in the city of Austin it adds another layer of complication but we try to assist our citizens in responding to flooding wherever it happens. >> Councilmember, I wanted to reiterate a lit bit of what he said. Oftentimes we an annex, and when we annex we annex something that is in the floodplain. Sometimes -- well, frequently -- not frequently, but periodically, the floodplain changes, and so it's not necessarily a fault of anyone person -- any one person because each one of these has been reviewed, particularly in the last 15, 20 years, 15 years things have been reviewed specifically with respect to the floodplain because we understand that it is a very severe thing. We have guidelines now that are very specific in terms of when you might be able to build in a floodplain. And those are extensive, but

basically say only if you have a clear ingress and egress can you build in a floodplain and you are out of the floodplain, you're building itself.

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So there are various specifics. Earlier on as he mentioned houses were built that were not then in the floodplain but now are in the floodplain or we have annexed some things that were then in the floodplain. So what you'll find is those that are older, more frequently that you you will find anything that is more recent. So things change, and that's one of the things that we need to continue to understand, is that the environment changes over a period of time. We wish that didn't happen, but, unfortunately, it does. >> Mayor Adler: Okay. Ms. Houston first, then Mr. Renteria. >> Houston: Thank you, mayor. I too have some concerns about spot zoning and spot buyouts. Because as the density increases in this city and the impervious cover increases, then there are many parts of the city that are going to have these same kind of issues, so I think that moving this to committee is the appropriate thing. >> Mayor Adler: Mr. Renteria. >> Renteria: I just want to -- is this standard policy now from a house that floods? Do y'all -- paying for relocation and closing costs and -- on each -- on all the houses that are being declared, are getting flooded? >> Councilmember, in the past, council has had us pay relocation benefit on every house that we bought and relocated to help families stay within Austin. >> Mayor Adler: Ms. Tovo. >> Tovo: If this is headed toward a committee, it would be good to get a sense of which committee and what kinds of questions might be addressed, if it's one of the finances and it's headed to audit and finance, for example, I guess I'd like to -- the questions that councilmember Renteria just

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asked would be relevant. If it's headed to open space and sustainability to talk about our policies regarding flooding and identifying properties, then that would be a different set of questions. So, you know, I know I've heard some questions from members of the community and I also have them myself. Sometimes we talk about sending things to committees but we don't talk about which committee it's going to and that makes it a little tough to know what the angle of questioning should be. >> Mayor Adler: On some of these things, it looked like multiple committees I'd send it to more than one place and take the questions and send the questions to the committee that are most appropriate. I'd be happy to take those kinds of comments on the bulletin board and then I could -- obviously it appears to be the will of the folks that I can bring that to the meeting on Thursday. Any other questions? Is that -- Ms. Gallo? >> Gallo: I think this probably is appropriate for a multitude of committees, probably, because as we talk about the broad city policy issue on this, I think there's lots of piece that's come into play, and I hope that we will end up with a broad policy that addresses all of this. I mean, some of the concerns that I had that I hope is part of the discussion is that these owners have reported flooding if it was built in the mid '70s, they first reported flooding in 1981 so it was probably the result -- and it was noted here -- that these homes were built below grade, you know, the developer builder had the option at that point perhaps to bring up the grade and put them properly in the neighborhood, but that obviously was not done. And this flooding doesn't seem like it was the result of future development over decades that, you know, it happened very quickly after the home was built. So just all of these issues that come into play as they come before us I think are issues, you know, is this really a city responsibility? We're talking about a voluntary buyout where somehow or another -- and I want to have the discussion of how appraisals

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are done because when I'm looking at an appraisal that's come back at \$295,000 and the Travis county appraisal district over the last five years has been in the range of 196 to \$208,000, that is 40% more, how the appraisals are done, the issue of relocation, if it's a voluntary and we are offering somebody the ability to move, you know, should we be paying moving costs for that? You know, I just think there's -- on a lot of different layers so my hope would be that it goes to a good number of committees to talk about all these different areas because I think we do -- I think we do need to come up with some type of plan. So we're equitable with all the areas of Austin. >> Mayor Adler: Let me go ahead and post because I've identified four different areas and I might be able to outline it on the bulletin board and then everyone could come in with suggestions two a referral. Remember a referral that goes to the committee like that doesn't limit the committees' analysis for what they're doing either. We have an open process here where the committees can look at whatever they want to and whatever issues they want to as well. Ms. Kitchen. >> Kitchen: I don't think we've talked about our policy related to aging in place and to elderly folks. I think that -- I'm not suggesting a buyout is the solution. I'm suggesting we may have identified an issue that we need to talk about and find out if this person is connected to the right resources because I do think that that's a policy that we need to be paying attention to is what's happening with this family and making sure that they're connected to resources where we can. So -- or if it's indicating something that there aren't any resources and so they're going to an extreme step that involves a complete buyout out of a house, then that's informative for us also. Thank you. >> Mayor Adler: Thank you. Ms. Agarza and then Ms. Pool.

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>> Garza: Last question for me. What's going to happen? If this is bought out it just becomes a city vacant lot? What happens to this once the city buys it out. >> Yes, councilmember, it will become open space for the city. >> Mayor Adler: Okay. Ms. Pool. >> Pool: I just wanted to speak to process a little bit. There's two different ways to look at sending to a large number of committees that would look at specific isolated strands of the issue versus sending it to fewer committees, but encouraging a more broad look at an array of issues that then might be discussed in context with each other. And we've talked about the city operating in silos, where departments don't talk to one another and then you have conflicting implementation on policies, and I think we might be aiding that if we send an issue to a large number of committees that then only look at one specific facet. So I'd like to suggest that in this issue, for example, where there are a lot of different facets that we maybe limit the number of committees but send it to something more broad, like housing and possibly the -- well, make just housing and neighborhood planning and then have all of the issues that relate to the flooding of homes and any potential buyouts be discussed in the broader policy context so it's not split up and later council has to weave all those strands together. >> Mayor Adler: Good point. Ms. Tovo. >> Tovo: I think this will be a question that we just have to think about as we move forward. I know Decker Lake, for example, is split among three committees and those discussions have broadened and, you know, touched on the issues that are going to be raised in another discussion, and I think we just have to

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balance our interest in analyzing it from multiple Ang angles which we want to do with all these issues but sending it to different places and have community members to participate they have to go to three time the number of meetings and our staff that then have to go to three time of number of meetings. So it is -- it's just a -- something we'll have to think about. You know, I think about for Decker Lake, I'm very interested in that discussion but there's no way I could have possibly documented as many committee

meetings as there are to discuss it. I'm sure that's true for staff and our community as well. Whether items should go to multiple committees or one, we ought to balance the time factor as well and the efficiency of having those discussions broadened and then in essence be what the other committee is discussing with a different set of people. >> Mayor Adler: Okay. Thank you very much. >> Tovo: Thank you. Item number 26. Ms. Gallo. >> Gallo: Good afternoon. Thank you for being here. I pulled this really for a quick question because it seems to be it related and I just wanted help understanding. It seems like we have it employees within the city that help us in different aspects of it and why we would not use existing employees to do this versus hiring someone outside. So it's just a matter of trying to understand when we use existing departments and when we don't. >> I'm Philip cantman, it manager for watershed protection, and I'm bringing this rca forward to you.

[12:31:09 PM]

We do coordinate with ctm on a lot of the things that we do. The ctm provides us with a lot of our base computer support, our networking, the major infrastructure type issues that we have to deal with, they resolve those and they do have a three to five-year roadmap which lays out the things they're planning do, and we do plug into those things. But watershed protection, like most departments, has very business-specific it needs as well, and those may be a bit higher level people in ctm that may not understand those issues. And so that's why we have within the departments people like me, who try to plug in with staff and understand what their needs are, and then try to translate those into it requirements and solve those problems. For this particular project, this is an it planning effort that will help us identify those business-specific problems that staff are having and try to find solutions for them that we can then address in the three to five-year planning horizon and this -- this is not something I think that I can do myself because I've worked at the city for most of my career and I know a lot about water, wastewater, stormwater utilities within the city, but my blind spot is what are other departments doing outside, other cities, other utilities and so I need a broader perspective from a consultant to help me look at best practices, what are current trends in the technology industry? And really be more innovative than I could possibly be since this is my department, I tend to be a lot more conservative and a lot more stodgy so I kind of need some help, basically.

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>> Mayor Adler: Mr. Zimmerman. >> Zimmerman: Thank you. I have a kind of question on this that is going to touch on the budgeting process. To me there's a big difference between saying funding is available in a fiscal year 2014-2015 capital budget and saying that this expense was budgeted for the 2014-2015 fiscal year. >> Yes. >> Zimmerman: In other words the prior council sat down and they looked at this, they debated it, deliberated, said you know what we think this is a justifiable expense of \$150,000, we'll put it in the budget, contrast that to the language that says funding is available, in other words let's say I put in a couple ftes, I never hired them. Funding is available because I didn't use the money the way I told them I was going to use the money for the fiscal year. I put the money in for ftes and I never hired them, then I come back to council say, oh, funding is available. Can you speak to that concern that I would have on this? >> I think I can. When we say funding is available, maybe it's not -- it is the term we all use when we have put something in the budget and the council has approved it. That means that the council has -- we have put it in the budget and the council has approved that budget for the year. We may not get to it until January, February, March or April. So maybe the wording is misleading because -- and maybe we can look at that and clarify that, but it does mean it has been approved. >> Zimmerman: I'm sorry. That -- curve ball right there at the very end. I thought I was with you and then, whew, here comes a curve ball. That was approved, the \$151,000 was approved. >> Yes.

>> Zimmerman: It just doesn't say here. >> That's right. >> Zimmerman: Thank you. >> Mayor Adler: Mayor? >> Mayor Adler: Yes, Ms. Houston. >> Houston: So I have a question regarding the language or one of the other qualified offers. What does that actually mean? So you have someone that you want to contract with.

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But then it sounds like you've got a secondary person. So explain that to me, please. >> Councilmember, this language is historically used any time the staff are requesting authorization to enter into negotiations with the most highly rated firm. When we enter into negotiations, we may get to a point where there's an impasse or we find out that the company is not intending to convey the approach or the resources that they indicated in their proposal. If we get locked in an impasse, this language would then allow us to move to the second and to the third until we can find the company who is the most highly rated we can enter into an agreement with. We consulted with the law department and we received the question and this was the background on that particular piece of language, to allow us to move to the second or other offers if we could not reach an agreement with the one that we were recommending. >> Houston: And then one other question. Is this a local vendor? >> Councilmember, according to the information that they provided in their offer form, the company that we're recommending is associated with -- located in Houston, Texas. >> Houston: Thank you. >> Mayor Adler: Any other further questions on this? Thank you very much. Ms. Kitchen pulling 29, 30, 31. You want to give the council an update? >> Kitchen: Yes, I just want to briefly. >> Mayor Adler: Could you turn on your microphone? >> Kitchen: I just want to briefly good y'all a process update. I can answer any questions but I wasn't -- I didn't pull it in time for staff because I wasn't thinking to get into all the details.

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Basically, this is the items on our agenda that relate to the taxicab franchise agreements and the renewal of those. The -- the council committee on mobility recommended bringing these forward just on first reading and just as the status quo. And the reason for that was simply because of the time lines that were held to by ordinance or -- actually, by charter that we have to comply with in order to renew a franchise agreement. And the term franchise agreement simply refers to the city's contract with the three different taxicab companies. So according to, I believe it's charter or ordinance, but, anyway, we're required to do -- to pass the agreements to continue any of those agreements on three different readings with 30 days in between. And because those agreements expire in, I believe it's August or so, our first reading has to be on April 23. Our second reading has to be on May 23, and our third reading has to be in June in order to meet our time lines it the committee -- and y'all feel free to jump in. The committee recommended to bring this back just on the status quo and just for first reading. Is that does not mean that we agree with the term of those franchise agreements which are status quo at five years. I want to emphasize that did not mean that we agreed with the term or with any of the provisions that are in those franchise agreements. We're simply kicking the ball down the road, I guess. We have another mobility committee meeting on April 29. My thinking, if it's the will of the committee members, that we will get into more detail on

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content at that meeting. One of the reasons that we're pushing this down the road know, besides the time line, is the fact that we are looking at three related issues all at one time. One of them is these

franchise agreements, getting those renewals, but the second two are the taxicab ordinance itself because the city staff is recommending some changes to those based on some task force recommendations but the third is ground transportation in general, which has to do with tncs and other kinds of ground transportation. We had a discussion at the last council meeting about charter buses, I believe, so that's another piece of ground transportation. So the committee felt it was important to look at any ordinance changes for taxicabs in the context of other ground transportation. So those are the reasons for the time line that we're on right now, and I just wanted to lay that out for folks. Also, I will work with the committee to put together a memo for you that outlines some of the issues that we've dealt with because there's a lot of complexity to the different aspects of regulating ground transportation and taxicabs and tncs and stuff. Anyway, we'll put together a short memo and we'll end up posting that on the message board. The bottom line is there will be a lot more opportunities to discuss this. I personally am expecting a change between the first reading and the second reading and possibly with the third reading. So I'll stop right there and see if anybody has any questions. I just wanted to lay that out so people could understand the road that we're going on. Do any of my -- any of the committee members -- did I get everything right there? So . . . >> Gallo: I would just say that I think you spoke and explained it very well, but just for the public -- >> Kitchen: Yes. >> Gallo: -- That may not understand completely, that an

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ordinance that is passed on the first reading can be changed -- >> Kitchen: Yes. >> Gallo: None at all, a little bit or substantially for the additional spreads we just wanted to make sure that the public that was concerned about the language in the ordinance as it is now with the first reading understands that that will be brought up for discussion and more than likely changed. >> Kitchen: Yes, I can just make my own commitment that I personally am not comfortable with the way it is right now and will be suggesting changes myself. >> Mayor Adler: Additional comments from committee members? Mr. Zimmerman. >> Zimmerman: Yeah, I'm on the committee too. Maybe point of order. I want to refer to the agenda here. It looks like these items have been put in the wrong place, 29 through 31. >> Kitchen: Yes, they have. >> Zimmerman: Is that correction going to be made? It's an item from council committee. >> Kitchen: It's in the wrong place. >> Zimmerman: Can't be in consent, right? >> Kitchen: Can't be consent, in the wrong place so I think my office has notified them and I don't know what the process is for getting it changed, but you're corrects in the wrong place. >> Zimmerman: Second thing I remember this discussion, I thought we passed -- the motion was made and passed to recommend to council an extension of one year on the current ordinances. >> Kitchen: I know we talked about that, and -- but when I went back and looked at the tape, I don't think we actually passed that. Now, we can certainly have that discussion on Thursday, if you'd like. >> Zimmerman: Okay. I thought we did but I could be wrong. >> Kitchen: Okay, mm-hmm. >> Mayor Adler: Ms. Tovo. >> Tovo: Yeah, I appreciate you raising that point, councilmember Zimmerman. That was the comment I wanted to make. I think there are -- I really appreciate the mobility committee's approach to this issue. It is really complicated and I think there are so many very complicated things in flux right now, particularly with regard to vehicles for hire. So I am -- in looking at -- I haven't had a chance to really follow along all of your discussion and I'll try to do that before Thursday, but I

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would be much more comfortable contemplating extend being the franchise agreements for a one year period versus a five-year period and had intended to consider bringing forward just such an amendment for first reading. I think there are lots more issues to consider among them some of the task force that's

were put into place last year were supposed to look at worker protections for taxicab drivers and some of the concerns and ideas that taxicab drivers have brought forward over the last few years, and I believe -- I believe the discussion -- the broad-based time-consuming discussion about transportation network companies really eclipsed those other issues. So it's my perception, it may not be an accurate one but it's my perception there hasn't been quite as much thought in the task force process put into thinking about how a cooperative taxicab franchise might work or whether there's a possibility for the city to develop just such a program and I'd really like to see us at least give those ideas some really serious consideration and entering into a franchise agreement for five years really precludes some of those opportunities so my interest is in a very short-term commitment on the franchises. >> Kitchen: I think the committee agrees with you. The recommendation was not for five years. It was simply to kick the ball down the road in order to have more time to discuss it. We started -- councilmember Zimmerman, your -- I mean, I think you're reflecting a lot of what we talked about. I mean, there was a lot of talk about a one-year extension but that's also -- that's a stay from the status quo. So I personally don't have any objection if that's what the group wants to do. It's just that -- I'm just trying to explain why we came -- brought it back the way that we did. It was not an endorsement of the five years. Okay? >> Mayor Adler: Misgarza and then Ms. Houston. >> Garza: I think I'm the one that made the motion for the as-is for now, and it was following councilmember Zimmerman's because they're

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susceptibly the same. It's one year and it's -- because it was just first reading. So it was just first reading so even if it's one year or as-is right now, it was the same thing. And I believe the recommendation was a ten-year extension. >> Kitchen: The city asked for ten, the status quo is five. >> Garza: It was ten. So I wasn't comfortable with ten and I wasn't comfortable with one and so we just said let's just put it forward on first reading as-is and, yeah, we can have the discussion on the term. >> Mayor Adler: Ms. Houston. >> Houston: Thank you. I want to thank the mobility committee for allowing me to participate in their last meeting, even making a motion. [Laughter] >> Houston: That I withdrew. But one of the things that I want us to continue to talk about is that as we craft these ground transportation policies, that we include the airport in them so that they're not crafting their own policies that are different from what we're -- we as the city of Austin is saying. So I want to make sure that those things all synced up. >> Mayor Adler: Anything else on this item? Ms. Tovo. >> Tovo: Yeah. I just want to say to the committee that I understood that that was the discussion. I'm just saying in terms of passing it as a status quo item, I think I'm just weighing in that I'm more comfortable with one shift to the status quo, and that is that it wouldn't renew for five years, that it would renew for one year and allow us that time to sort out some of the issues. That's why I started by saying I really appreciate the approach of understanding that we need some time to talk about these issues a little further. >> Mayor Adler: Ms. Kitchen. >> Kitchen: We can talk about it offline. That's okay. >> Mayor Adler: Huh? Okay. >> Kitchen: I was just going to say that part of the discussion about the one year was that maybe some of these issues we wouldn't -- we could work out, that we wouldn't need a year extension. That was part of our discussion in the committee. But, anyway, we can talk about that more so . . . >> Mayor Adler: Sounds good. I think we're all on that item. Thank you. I'm going to remove my pull on item number 40 but since I'm doing that I just wanted to

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announce that. That gets us then to item number 46. And on this one it's just my understanding that -- my recommendation would be that this item get postponed because we do have some other committees that are taking a look at it. And we ought to give them each a chance to hold their public

hearings before we pull it back. Mr. Zimmerman? >> Zimmerman: Thank you, Mr. Mayor. I was on that chi. We -- I think what we intended to do was discuss just the water, you know -- you know, mainly the water well technical part, right, of Decker Lake? I think that's what we did. So we tried to limit our discussion to the water question, and I think we did that. So I was surprised to see it on the agenda here because it says that this came from -- >> Mayor Adler: The problem is it just happens automatically. When you're done with it. >> Zimmerman: Is that what it is? >> Mayor Adler: Work through, as part of our transitioning is we're figuring out how we're doing committees we'll do a better job. >> Zimmerman: I don't think we took a vote -- did we take a vote to move it? I can't remember. What did we do? >> Garza: I thought this was back on the agenda because our previous conversation at council was to put it back by this date. >> Yes, that's right. >> Garza: That's why it's back on the agenda. >> Zimmerman: Okay. >> Mayor, council, Bert, in the previous city council discussion it was discussed to be brought and I don't -- don't hold me on the exact wording either at the end of April or before the end of April so that's why it's on the agenda. Generally when that happens you will see those items on the agenda but we recognize the fact that there's still a lot more work that needs to happen, but that's the reason it's on the agenda. >> Mayor Adler: Okay. Does anybody else have any other items on this agenda they want to discuss? Ms. Pool. >> Pool: I just want to look at for the content but what they are. This is the process of waivers

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that circuit through the all our offices and give us an opportunity to provide the funding for different activities that are going on in the community, and we can use some of the money in our budgets to support these events. And what I had asked of the law department was to see if there was a way that we could more broadly offer these items up for more councilmembers to participate so that so that the amount is spread out among 11 offices and not just four, which is how it's being handled now. So I think what Ann and I, my conversation was that we would maybe bring it up at work session and then more office that's wanted to contribute to these different community events could then be added and then the amount that would be charged back to each of our offices would be reduced by a proportion so that we then could participate in more of these community events, like lemonade day, I would love to be a sponsor for that but because the threshold of four was reached it never came to my office to ask me, and that may be the case also with the Centex karate, it may be we all want to show our support but we're limited in doing that without bringing it up at work session or from the dais. >> So the items are like any other item that come up. We post them and it's for an open meetings act issue that you have the sponsors, but you can certainly indicate here in the public that you would like to be a sponsor if you so choose. >> Mayor Adler: When we get to the agenda, I guess, everybody who wanted to could indicate into the record that they would like to pay a proportionate share of that item. >> Zimmerman: Why wasn't it on the message board is the question? That's the perfect place to put it, put be the council message board. Then people know -- this is the first I heard of it. We have a council message board. >> We can certainly do it either

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way. >> Pool: What I'd like to suggest on Thursdays, when these items come up, we just take a moment to say who -- what other councilmembers because it is an action we can't actually do it in the work session, and on the message board it may get lost in the shuffle. But if we specifically ask during a council committee it wouldn't take any time but we could all add our willingness to help defray the cost. >> Mayor Adler: That's good. As a practical matter I will from now on do that with respect to all of these. >> Pool: That would be great, thanks. >> Mayor Adler: Give everybody a chance to participate as well.

Ms. Tovo. >> Tovo: Thanks for asking for -- thanks for raising questions about this weapon one thing I think we each have a line item for \$6,000 worth of fee waivers. It's not actually money we commit to fee waivers. However, in conversations with staff this week, I determined that the -- that there is a way to commit real money to an event from our budget. I typically don't, for example, sponsor fee waivers that are associated with the Austin police department because, you know, it is personnel time from our Austin police department that has a real dollar cost. It's a little bit different from lowering the revenue that we might expect from somebody renting one of our facilities. To me it's a little different smear that's been thenist my office for the most part. We can, and I understand it might be useful for others to know, you can ask, if it's something like that you can ask for an invoice from the Austin police department and have it come out of your office budget, the actual dollars. >> Mayor Adler: Okay. Good to know. Ms. Troxclair. >> Troxclair: I don't know where the appropriate place is to request more information on fee waivers in general. I had posted something on the message board probably two months ago now asking for more information about how -- I guess, how this all works because, I mean, I understand that each of us have up to

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\$6,000 allocated to our individual offices, but the total -- but the council as a whole can only spend up to \$42,000 and I think that's a holeover from the last -- holdover from the last council. For me personally, I was waiting on answers to certain questions before my office committed to do any fee waivers so I have I do not think do any fee waivers because I had questions about how many fee waivers we were doing, how that -- how the possibility -- how the number of fee waivers potentially affects the cost for people who don't get fees waived, if we're doing so many fee waivers that it's pushing up the cost in general and so if we -- if we did less than the cost would be less and we would have less requests for fee waivers because it would be a cost that would be more easily manageable. Anyway, it seems like the current structure, because I have decided to hold off on doing that, it's -- it's kind of like first come first serve in that total \$42,000, and so, inaccuracy I still have questions about this. I don't know if it's something that would be appropriate to send to a committee or how you want to handle it, but I still feel like I have outstanding questions. >> I'm sure that -- I don't want to speak on behalf of the manager. I think we can certainly answer those questions. I do want to point out the message board is for conversations between the councilmembers so that's really -- so that y'all can speak to each other outside of a posted meeting. Any time you have a question that would be for city employees, just call us or send us an e-mail or all of the above. >> Mayor Adler: If it's okay, I'll refer that issue to audit and finance. Maybe you could have a quick briefing we could all watch later on but I'll go ahead and do that as well. >> Troxclair: Thank you. >> Mayor Adler: Anything else on this -- we stand adjourned -- oops. >> Tovo: Sorry, one quick thing. It's my understanding that the integrated water task force was not able to meet because it

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hasn't -- it can't reach quorum so I was just going plea, to councilmembers who haven't appointed a member, if you could do that that would be great. The purpose is so they can work with our water utility staff as the staff moves forward in issuing an rfp and hiring somebody to do an integrated water resource management plan if it was really a value of the community to have a community-based task force in place to work with the utility so we really want to honor that commitment. I really want to honor that commitment and make sure we have community members who are working with our utility in that way. And we did have some people who had been involved in the process before who put together a list of names of people they would recommend so just as a resource you might want to look

that the. That's on the message board and I brought some photocopies as well. >> Mayor Adler:
Anything further? Then we stand adjourned. [Meeting adjourned]