

# City Council Work Session Meeting Transcript –6/2/2015

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>> Tovo: Good morning. Colleagues, we are going to begin this morning's meeting with a moment of silence. As all of you know, there was a terribly tragic accident yesterday that involved two city employees. Mr. Robert Egan did pass as a result of the accident and Ms. Janice Collins was critically injured in yesterday's accident. So with your permission, we will observe a moment of silence. [Moment of silence] >> Thank you, and our thoughts -- the family and friends and many colleagues are certainly in our thoughts. City manager could -- >> As you know, the city manager is out of town on business, but he asked that I convey his condolences to the families of course and the coworkers as we struggle with this tragedy. Our thoughts go out to Ann and the employees in department to Howard Lazarus, and public works. Please pull together as a family. This is the time we do show we're a family. Thank you. >> Thank you, Mr. Goode. >> It is now 9:15 and this council work session is now called to order. We're meeting in the boards and commissions room today. Mayor Steve Adler and our city manager are out of town on city business. We're going to begin today's session by going into closed session. We have outside counsel for one of our items. The plan for today is go into

[9:15:12 AM]

executive session to discuss one of those items. We'll come back and discuss at least those consent items that were pulled yesterday and have staff involved. We will likely go back into executive session to take up our other item, and we'll also have a briefing as well. My plan is to end by 12, and I believe if we move expeditiously through, we should have time to at least discuss among ourselves the additional items that were pulled. I believe councilmember kitchen and councilmember Houston pulled some additional items. I don't believe -- >> We have staff -- we have staff for my items. >> Tovo: Great. Again, we'll take those up after the items that are pulled. Our plan is to conclude by 12:00 today. >> Kitchen:

My apology for not pulling them in time. Those items are in important. I would hope -- I would not be in favor of ending at 12:00 if we can't get to the item. >> Tovo: Ok. I appreciate that. Thanks. I know several people have requested we try to end at 12. Again. I think we probably have time to do all of those things as long as we kind of keep track of time. So the city council upon now go into closed session to take up two items. Item a 1 has been withdrawn pursuant to the government code. The city council will consult with legal counsel regarding a 2, the collective bargaining negotiations, with the bargaining representative for representatives from the Austin fire department. Item 3 the challenge to the appraisal review board for the Travis central appraisal district related to property values. Any objection to going into executive session? Hearing none, the council will now go into executive session. [Executive session]

[9:42:49 AM]

>> One response, because of the large dollar amount, I was hoping you could give me some insight. >> James Scarborough, purchasing. >> We are, you know, given the questions in this area of the last several weeks, couple months, we are looking at the notices we're issuing within Austin finance online and eco-free applications and contrasting them with a number of responses, bids, and proposals that we received, trying to figure out if there is a correlation between our request and the response rates. So that is kind of an ongoing thing we're going to continue to look into. But in this case, the commodity code used for purposes of the notification was for quick line. So it was a direct commodity purchase. And when companies register, we don't -- we don't limit what they can register for. So a lot of times you will find that companies are registering because they're -- they're rfp, ifp brokers because they're notifying other companies within the federal government. What I found interesting is that companies that register that have the most amount of commodity codes are eprocurement companies because they want to know what notices are coming out in your system because they want to market to you. There is a lot of reasons why a company will register for a given code, it is not because they actually sell that commodity. Our history would suggest that a single offer for this commodity is appropriate. Since 2004, we have only received offers from this particular distributor of the quick line. We anticipated that would be the case here. We could have pursued a sole source authorization and waived the competition based on the history alone, but because of the substantial dollar value, we thought it's

[9:44:49 AM]

probably as much or less effort to just go ahead and seek competition and prove out if there are any other sources. And again, we only received a single offer from this provider. >> This is an austin-based company? >> I am -- >> Yeah -- I think if we only get one response, for \$14 million, I'm glad it is an

austin-based company. >> Correct. >> Yeah, I thought why we haven't received another bid since 2004. I thought maybe -- maybe we could do something different to get more responses but it sounds like you're working on that. The requirement or advertisement in the statesman, is that a requirement? >> The ad -- yeah -- notice in a print publication of general circulation is a statutory requirement for -- >> State law? >> Yes. >> How many -- do we know -- when we do get requests, do we know the source of how they found out about it? Do we know how many respond -- how many companies respond based on an ad in the statesman? >> We don't know precisely. What we hear is from the anecdotal from the business community is that they rely predominantly on our notices within the internet, within our website, and from our notices, our active notices that we send to them from our financial systems. I'm sure that some of them do benefit from notices in the newspaper, but we don't hear that predominantly. We hear predominantly that they learn of our opportunities through internet or through active notices being. >> Troxclair: Thank you so much. I would love an update on your discussions. I would love an update. >> Ok. >> Troxclair: Thank you. >> Tovo: Thank you very much.

[9:46:51 AM]

Councilmember Zimmerman you pulled item 38. And then we will shift to councilmember Houston's pulled item, item 19. >> Zimmerman: Thank you, mayor pro tem. Quick question on item 8. Generally, it is a good idea to get interest rates lowered. An agree with a lot of the speculation. I wouldn't bet the farm on it, but I think interest rates will be rising some time soon. Again, so all the monies we're talking about, there is no extension of the term of the loan. So if we had 20 years remaining to be paid, we simply refinance at a lower interest rate, but we're going to pay off at the same maturity date, right? >> That's correct. >> Zimmerman: Ok. >> Elaine hart, chief financial officer. We don't extend the maturity in a maturity date that is earlier. So we don't extend it. It is earlier or at the same date. >> So it is generally -- >> Zimmerman: So it is generally -- I know that there is a lot more flexibility in the big bond than a home mortgage. Home mortgage you amortize over a predictability amount of time and don't go in and negotiate. There is more flexibility in these bonds. So is there anything different or unusual about how we're paying that principal versus interest? Are we amortizing it down together? Or do we have lump sum interest payments ahead? Is there anything unusual about that? >> Well, we're keeping the same interest and principal payment dates of the 15th. We're structuring some of the debt to take out a hump in the debt service in 17 and 18 to benefit both debt service

[9:48:51 AM]

coverage and the rate increases that would be necessary in those years, so there is unlike your home mortgage which is a straight amortization, we have the ability to structure the maturity dates and debt

service to some extent, given the different series. >> Zimmerman: There are balloon payments within the new payoff scheme? Lump sum, you know, repayment of debt. >> There is a little bit of structuring, yes. >> Zimmerman: Can you explain a little bit about that? >> Typically, most of our debt has a declining debt service over the term of the life of the bonds. And so each year, as we layer in the new debt and or refundings, things change. So sometimes over time you get a debt service schedule that is higher. In some years you have peak and then is more of level decrease. What we try to do when we see the opportunities to refund, we try to take out the humps or spikes to debt service to get it to level debt service or declining. That is our goal over the life of the debt is to that have level debt service, much like you would have on your mortgage. >> Tovo: Thank you. I said we would go to 19, but since we have the same staff let's go to 39. My strategy was to alternate among council members, so we would have fair chance to answer questions. We'll go to 39. Councilmember Zimmerman, these are all items we talked about at audit and finance. >> Zimmerman: Yes, probably similar question. If there is anything we might want to know why -- the lower interest rate makes sense?

[9:50:52 AM]

Of course that is common sense, but are there any other features about this refunding in terms of paying off capital or not paying off capital? >> This is just for savrs. This one -- just for savings. This one is taxable. We have refunded this once. 1986 tax law only allows one issue taxable but still produce net present value savings that the utility would like to take advantage of. >> Zimmerman: The advantage of the municipal bonds, that they're tax-free, that gives you a certain advantage to selling bonds to wealthier investors. They like the tax freeway -- tax-free bond. What is the advantage of switching from nontax to taxable. >> There are investors that want the higher rate investment and so we -- that is why we use the underwriting firm to help us market these bonds. I did want to mention that we made a presentation to the audit and finance committee to items 38, 39, and 40 last week. That was attached as late backup to your agenda items yesterday. >> Zimmerman: Maybe that is why I didn't have it. You said it is added now? >> Yes, sir, it was added yesterday. >> Zimmerman: Thanks. >> Tovo: Thanks. Number 40. Council member Zimmerman. >> Zimmerman: Thank you. Final question on this one. I think there is a notice that allows the taxpayers to protest certificates of

[9:52:52 AM]

obligation. You may disagree on this. My understanding was this was initially implemented for emergency situations like if you have a flood that washes through, like they had in Wimberley, you may need to make -- you may need some borrowing authority to repair a bridge that everybody need. So the certificate of obligation gives you the debt instrument where in the case of an emergency, I can borrow

the money and begin emergency repairs, immediately, you know, without waiting on an election. So that doesn't seem to be the case here. These are not emergency items, are they, in this \$80 million. >> They're not. That was covered in the audit and finance committee meeting. Just to refresh your memory, certificates of obligation, they're nonvoted general obligation debt. And they're meant to provide the flexibility and financing vehicle between bond elections or when you have major bond programs. Generally, they're 20 years term on them or 20-year maturity like public improvement bonds or pivs. They're generally used for nonequipment. They're generally used for real estate or building improvements, that sort of thing. We have used them in the past for opportunistic real estate purchases or transactions of the like. In this case, in all of these cases the council took action -- prior councils took action to approve these with reimbursement resolution. So the money is already spent, construction has begun. We're reimbursing ourselves for costs incurred by issuing these bonds. [Coughing] Excuse me. The other thing this provides, also, is a financing vehicle for those practicals that we have that are nontax

[9:54:52 AM]

supported. Like the tiff supported Seaholm project, it is supported with tiff revenue. We don't have another financing instrument to issue that debt with. In addition, the flood buyouts are funded with the drainage user fee. The drainage utility does not have its own separate credit or separate debt vehicle like Austin energy and Austin water. So we issue C.O.S but those bonds, or those C.O.S are fully funded by the drainage user fee. So there is a little bit of a mixed bag. Some of it is emergencies. Jimmy clay, golf was flooded, then they had bug infestation. So the greens have to be replaced. It is currently under construction -- not opening of the golf course too much. I hope that answered -- I hope that clarified a little bit why you see kind of a mixed bag here. >> Zimmerman: Ok. So we have about a billion dollars of outstanding indebtedness for the certificates of obligation or is that the whole debt? >> General obligation debt, which includes public improvement bonds, certificates of obligation and contractual obligations. So that is generally your tax-supported debt is about a billion dollars, but pieces of the C.O.S in that MIX are nontax supported revenues. >> Zimmerman: What is the percentage roughly of the certificates of obligation that haven't been approved by voters? One-fourth? One-tenth. >> I have a chart that I provide. It is low percentage. >> Zimmerman: You think it is one-tenth. >> The majority of bonds

[9:56:53 AM]

issued are voter-approved bonds. I can provide that information. >> Zimmerman: I would like that. Final question here. And you may need to get back to me on this, too. Can you explain the option voters

have? There is a provision for a petition of 5% of qualified voters. I would like to know what that number is, how that calendar works. >> Absolutely. State law requires chapter 271, I believe, of the Texas code requires that notice be published in a newspaper of the general vicinity of the issuer, which is Austin American statesman at least 31 days prior to the acceptance or approval of the ordinance to issue the C.O.S. 30 days prior, you publish two consecutive weeks, the notice. That gives the voters the ability to get a petition of 5% of the qualified registered voters. So they have 30 days to garner signatures from the voters. They present that to council prior to the vote, that immediately stops the motion of the sale of the certificates. >> Zimmerman: Ok. So what is the calendar? What is the number of voters? Has the paper article already been published? We will publish it out once we approve this? >> Once you approve that, next Monday would be the first day it is published. >> Zimmerman: Good. I need to know what that number is? Is it the city clerk that determines that number? 5% of the voters. >> Yes. >> Zimmerman: Can you get that back for me, please? >> Yes. >> Zimmerman: Appreciate that. >> Tovo: Further questions? Councilmember troxclair. >> Troxclair: You said the items made it to the list were

[9:58:53 AM]

by council resolution? >> Yes, during the budget readings last September, there were reimbursement resolutions passed that identified specific projects that would be funded that is an issuance of certificates of obligation. So that is generally how it works. >> Troxclair: Ok. >> Troxclair: If there was a transportation-related item, would this be an appropriate vehicle to use? I notice that there were no transportation-related items on the list. Or would that -- you. >> You could issue them. We do have transportation monies left and that may be why you're not seeing them. It depends what the specific project was. >> Troxclair: Okay. Thank you. >> Tovo: Thank you so very much. >> Zimmerman: Thank you. >> Tovo: Our next -- and that was, as I recall, our last item for the treasury office. So we will now go to item 19, councilmember Houston, you pulled this item. This is about the CDCs, I believe. >> Houston: Thank you so much. This question just follows up on councilmember troxclair's question that we're waiting for interest pending on that. This is strictly for chestnut neighborhood association, and there were people here from neighborhood housing earlier, but that's okay. The question is, did the chestnut neighborhood corporation receive any kind of state tax credits for the the -- >> Tovo: Great. And I understand we do have staff coming, and it looks as if councilmember troxclair has submitted those and some other questions as well. Welcome. Councilmember Houston, you may

[10:00:54 AM]

want to repeat your question. >> Houston: That's okay. It's about chestnut corporation only, whether or not any state -- whether any state credits were issued and whether the city provided any loans or grants

or any other kind of funding prior to this action here. >> Can you hear me? [Off mic] >> Oh, it was off? >> Yes. >> Oh. It's there 1/2 laugh. >> Betty Spencer, director of neighborhood housing. The chestnut development did not receive any tax credits, but we previously did award funds to this project. So the item that we're bringing before you -- >> Houston: In the amount of what? I'm asking about the funds. >> Sure. Hold on. I apologize. Sorry -- >> Houston: While she's looking, councilmember troxclair, have you gotten a response to your question on 19 yet? >> Troxclair: I don't think so. >> Houston: I looked at it earlier this morning. Okay. And if you don't have it, you can let us know. >> I will let you know. I do know that we put money in. I know it was in excess of a million dollars. I just can't recall the exact amount. It's probably in here, but instead of me fumbling through we'll send it to you. We did execute a loan previously with this organization. >> Houston: No interest loan or -- >> I don't know the terms. I'll get all of that four. >> Houston: Thanks. Make sure councilmember troxclair that is also. >> Absolutely. >> Tovo: Actually, perhaps you could provide it through the agenda q&a, that would be great, that way we can all see it. Councilmember troxclair.

[10:02:55 AM]

>> Troxclair: So in the backup there is total estimated exemption amount. How is the total zero dollars? >> Currently right now it's not on the tax rolls. When a nonprofit entity purchases a piece of property they have up to three years to develop. So for three years it's tax exempt. That's why it's currently tax exempt right now, and so this is in anticipation of, in the future, when it would be on the tax rolls. Right now it's zero because there's know -- they're not paying taxes. So we don't anticipate for this year that there will be any impact. Does that make sense? >> Troxclair: Okay. But the -- establishing the land trust would extend that tax exemption, I guess, indefinitely? >> Yes, ma'am. It's an annual process. We would be bringing forward this type of action to you every June. They have to recertify each year. As I stated a nonprofit in and of itself has a three-year exemption so this is in anticipation of. If the houses are actually constructed this year and then sold, they would already be in the land trust model. >> Right, okay. So this number -- if this is established, it will always -- we'll always see zero for this number, as far as fiscal impact because it's not currently on the tax rolls? >> No. What we'll do, usually the fiscal impact for the land trust will demonstrate the foregone taxes. On some of the other ones, both of the ones we've got before you, they currently are tax exempt, which is why it shows zero. But the finance office will put the fiscal impact in future rcas or rbas to demonstrate what the foregone cost or taxes would have been. >> Troxclair: Okay, okay. >> Because it's off the tax rolls now, that's why it shows zero. >> Troxclair: One last question. Have the developers for these projects been established yet? >> The developers? >> Troxclair: Or what -- I mean -- >> It's the chestnut nonprofit

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corporation. They are in existence and have been for some time. >> Troxclair: Okay. >> Houston: And I have no idea what cba is -- rba. >> I'm sorry, request for [indiscernible] Action. I apologize. >> Houston: That's okay. When was the Chet nut property, when did council take action on that? >> I believe two years ago. I believe the initial transaction -- I'm not looking right at it, so it would have -- thank you very much. [Laughter] >> I believe within the last two years. >> Houston: So if you could just get us -- then that would be appreciated. >> Loan that we're going to -- the current loan we're going to administer will be through a request for board action. Generally in those rbas, all of that information should be in there because it will also demonstrate where it says any previous action, it will state the date and what that action was. So generally -- I mean, I'm looking at David because he drafts all of the request for board actions. Typically that information is well-documented, those, but we'll certainly get that for you. If there's something that's not in that description, we will definitely add anything you need to that. >> Do you know how much the original loan was? I couldn't find it in my stuff. >> David potter, program manager, neighborhood housing. The original loan amount was \$1,081,000, and that was to purchase six properties in the vicinity of 13th and Chicon and that was in March of 2012.

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>> Houston: Thank you. >> You're welcome. >> Tovo: Any further questions about this item? All right. Thank you very much. >> Thank you. >> Tovo: Next we have item 63. Councilmember pool, you pulled this item. This is the public hearing to be a distance waiver to sell alcoholic beverages. >> Pool: That's right. I pulled this simply to give my colleagues here an opportunity to ask any questions. Real short thumbnail on this one, across the street from the CVS on Parmer is a Walgreens and they are located relatively -- I think within 300 feet of Parmer elementary. In the past pflugerville ISD had waived concerns about having the sale of wine and beer at the drugstore with the Walgreens development. It's on the same side of the street as the elementary school. CVS is coming in and doing the same. I've contacted pflugerville ISD and talked with the deputy superintendent, troy Gallo, and the ISD has no opposition to us granting the beer and wine sales variance. So just pulled that for any questions that y'all might have. Otherwise, it will be in Thursday's agenda. >> Tovo: Councilmember Casar. >> Casar: Thanks for looking into that. My questions on this item is just -- I can understand where a CVS or Walgreens might be different than say a liquor store or bar because their percentage of sales of alcohol, I'm not exactly sure what it is but I imagine it's significantly lower than some part of the intention of the ordinance but would I want to be very clear why we're granting this waiver because

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we can see how others point to other waivers in order to get their waiver, and so I just want to -- I would prefer to make it based on the merits rather than the ISD's opposition or approval because in some cases I could -- it could be possible that the ISD in some area may not care but we would still want to have flexibility for us to care since it is us granting the waiver. So I don't know if it's possible. Maybe I submit q&a. I know that we track alcohol sales for things like bars and restaurants, but for something like a pharmacy, I have no idea if we know what percentage of their sales are alcohol. >> Pool: I suppose we could look and see what the Walgreens across the street, what their sales were like. >> Casar: Does anybody have more information on that? That's not regulated through the state, I guess, just through . . . >> Tovo: I think that would be very interesting information to have. I appreciate that suggestion. We can certainly -- maybe you can submit that through the q&a process. >> Casar: I'll submit that and find out. If we need another week to really sort through, I could touch back with the representatives that put this forth but I doubt that it would be a problem. And it looks like somebody -- >> Tovo: I'll say in our backup it talks about the criteria under which we can waive -- not the criteria, really, but the considerations for waiving the 300-foot distance requirement. So those may offer -- >> Casar: That would be helpful. >> Tovo: -- Guidance about circumstances when it might be promote to vote to waive that. Yes. >> Nick lane, attorney, this is a public hearing. To the extent we would delay it we would have to put another agenda item to set the public hearing and it would probably come back on the 18th. >> Casar: Would it be possible for us to have a open hearing -- >> We could keep it open for a

[10:10:58 AM]

week, yeah. >> Casar: Okay. >> Tovo: Councilmember kitchen and I think there was another question as well. >> Kitchen: I would think we could probably pretty quickly get the percentage of sales, you know, which sounds like that's -- that appears to me to be an appropriate criteria to draw a distinction. So -- I don't know if -- I haven't looked at the ordinance. Are there other criteria in there that -- it would be helpful to understand that now rather than have to waive it on Thursday. >> Tovo: Sure. This is in the recommendation for council action, city code section 495 allows city council to waive the 300-foot distance requirement if it determines that the enforcement of the requirement is in a particular instance, summarizing, not in the best interests of the public -- reason council after consideration of the health, safety, welfare of the public and the equities of the situation determines it is in the best interests of the community. >> Kitchen: So I would think that two of those items at least would be criteria that this could be waived under when combined when the for factual information about a difference in alcohol sales. And I don't know. It would be interrogatory find out but I would imagine there would be a dramatic difference in alcohol sales. >> Tovo: Was there another question? Councilmember Houston, did you have your hand up? Councilmember Renteria? I thought I had seen another hand up there. Okay. Councilmember Casar. >> Casar: And I guess the last point being that if it is a large -- small enough portion of their sales, it does bring into question whether it needs to be sold at that store or not, which is I think a legitimate question for us to consider as a council and I'm not indicating my interest one way

or another, but, rather, I know that these come before council pretty regularly and since this is the first one that is very close to a school, I think it's just helpful for us to make sure we sort of set

[10:12:59 AM]

baseline expectations as a body. And so I think figuring out what percentage the sales are, knowing that the sales aren't going to be outdoors are probably helpful. Helpful metrics for me personally. >> Kitchen: I personally. >> Tovo: Councilmember kitchen. >> Kitchen: I'm sorry. >> Tovo: That's all right. >> Kitchen: I personally would be concerned about taking an action to tell the company they couldn't sell alcohol, particularly if we're not reacting to a particular problem. You know, if there was concerns expressed by parents or the school or if we saw that it was a significant amount of alcohol, then I might think differently, but just to -- just to go in and make that criteria when we're not responding to a particular concern would -- I'd be concerned about it so . . . >> Tovo: Councilmember Houston and then councilmember Casar. >> Houston: Councilmember pool, has the pta or whatever they call it now been notified and do they have any concerns about two places to sell alcohol within the distance requirement of the school? >> Pool: That's an interesting question and we can touch base if we can find out a contact for the pta at Parmer elementary. I will say that in 2010, when the Walgreens petitioned to be able to have beer and wine sold at their pharmacy, which I think is part of the business model for these kinds of pharmacies, there was specifically no objection from the school district. Since then they've changed their policy to take no position one way or another. This location is further removed. It's across Parmer lane on the south side of the street. It's not as close. But so there isn't any opposition but there's no support either. They are specifically taking no position on an issue of policy related to the sale of beer and wine any longer. But in 2010 they did. They did approve it for the other. >> Houston: The only reason I ask that question, because we

[10:14:59 AM]

had a similar incident at Harris elementary, and while aisd had no problem with it, the citizens and the community did have a problem with it. >> Pool: Right. >> Houston: Being so close to the school. >> Pool: I think we should be able to find the answer to that question by Thursday, if not before. Thank you for that. >> Tovo: I think that's a very good question. I appreciate you asking it. Councilmember Casar. >> Casar: My last point being that our standing ordinance is to prohibit sale of alcohol within 300 feet so we are telling all businesses within 300 feet of all of our schools -- does it also include houses of worship? I'm not sure. Schools? That they can't. So this would be a specific exception. So rather -- it seems to me that rather than the burden being do we want to prohibit alcohol at this place, the burden is, is this a case in which we want to waive standing city law in order to, in this case, allow someone to do so? So it

seems to me that the framing -- it would be helpful for us -- my prediction in the future and maybe the mayor pro tem can confirm this from viewing past councils, I think it will be helpful to set the framework being the burden has to be we're waiving a rule because we really want alcohol to be sold here rather than we don't want you to prevent from selling alcohol which we're already doing by law within 300 feet of these places. >> Tovo: Very good point. My approach, I haven't decided where I'm going to fall. I think it's important that you said the code does prohibit it and several of these speak to is it in the best interests of the community to waive this existing policy. And so I think that is the question before us. And knowing that each of -- while these -- while we always have an opportunity to look at each of these individually, it is also true that this applicant will point to the existing -- the existing pharmacy across as precedent for this one.

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So thanks. And if I understand what you said about pflugerville they have a policy not to weigh in one way or the other. So the fact that they're not opposing or supporting, they're not taking positions anymore. >> Pool: They changed their policy since 2010 when they approved the previous one. We specifically talked with the deputy superintendent yesterday about that. >> Tovo: I am interested in the question of why. And I -- especially in light of the question, councilmember Houston, that you asked, I think I would want to know if that was -- if they changed their policy and decided no longer to get involved in those in part because of responses they may have heard from their parents. >> Pool: All good questions, and we'll see about gathering information to answer all of them. Thanks. >> Tovo: Other questions? All right. Thanks very much. Thanks for putting on for the work session. Councilmember kitchen, item 44, and then we're going to go to councilmember Houston's itemed 20 and move on to the mobility items. So 44. >> Kitchen: Okay. I pulled this just to bring it to folk's attention and see if anyone had any questions. This is the proposal to create the flood mitigation it was. Just briefly, the -- as is in your backup, the purpose behind that, the flood mitigation it was, is -- would be created to gather information and develop recommendations related to area flooding and its impacts to property, public safety and city finances with an emphasis on flood mitigation solutions and funding options. The bottom line is, you know, I -- from my perspective, I think it's important to seriously think before creating additional it was and to my mind this rises to the level of a need for a it was because I think that we need a

[10:19:00 AM]

community-wide discussion on some really tough issues that we're facing related to funding as we move forward, thinking about how we work on mitigation. We've already had a lot of questions raised, you

know, about how we pay for responses to floods, as we should, and so there are also related questions related to mitigation. So this is just a huge issue for our community, and I think it's one that -- that I think is appropriate and rises to the level of needing the kind of community-wide discussion that you can have in a it was. We also put it forward as a very limited time frame. So in order to avoid a it was that just goes on for a long time. And the time frame that's proposed is designed to bring information back to the council prior to the next budget cycle. So we put a proposed time in there of -- I believe we put April. And then, finally, I would say that -- that -- I would like to understand from everyone, not only any concerns that you might have, what you think about this, but, also, one of the areas that we struggled with some was the membership of the flood mitigation it was. We ended up proposing two members appointed by each councilmember and the mayor, but we've gotten some feedback about the size and that perhaps that's too large. And so I'd be curious of any feedback people have on, you know -- assuming this sounds like a good beyond -- idea to y'all, when you're thinking of your own districts would you want to appoint two people, one person? Would that be sufficient? Would you want to appoint one and an alternate or does it matter? In other words, do you have

[10:21:01 AM]

any concerns about the size? My original -- watersheds all over the city, and one of the pieces of information we dropped by everyone's office was this really very helpful document prepared by watershed protection, which is a city-wide profile that goes into -- also has information in it about -- I think it's this document, that has information broken out by districts. So I'll just stop there and see if anyone has any questions or concerns or comments or ideas about this item. >> Tovo: I forgot my role. Councilmember Houston. [Laughter] >> Houston: That's okay, that's okay. Usually the chair is looking that way anyway so they don't see me at all. [Laughter] >> Houston: At least you were looking. Councilmember kitchen, one of the -- and I know this is not the intent, but it doesn't seem to be inclusive. >> Kitchen: Okay. >> Houston: We talk about specific onion creek watershed and south Lamar and Williamson creek. We had manager flooding on waller creek. Rather than being specific I think we should look at city-wide issues that impact us because I suspect we had a -- second to downtown, we had a lot of flooding and damage that nobody ever talks about. So that would be my thing, is not to be specific, but talk about city-wide. >> Kitchen: Okay. >> Houston: And I don't care how many people are on the it was. >> Kitchen: Okay. >> Houston: Whatever y'all decide is fine. We'll find somebody. >> Kitchen: Okay. >> Tovo: Councilmember pool. >> Pool: I like the suggestion that councilmember Houston has made about making this city-wide for the watersheds, and I know that my

[10:23:03 AM]

concerns also were to view this regionally as well because what happens in Austin affects our neighbors to the south and the east. >> Kitchen: Okay. >> Pool: As we know from this last memorial day flood. I'm agnostic as well on how many people from each office. I wouldn't have any trouble appointing two if that was the way we went. I'm also interested to -- just to make sure that we're looking at how and whether and how much for flood-related buyouts and also to look at -- because that has clearly changed our flood maps, the amount of development we've had. If it's not in here explicitly, would I definitely like to ask that we look at that as well. >> Kitchen: Yeah. Those are in there. We can look and see if the language is specific enough, yes. >> Pool: The last thing I would say is that channellizing our creeks is not an answer, putting more concrete in order to make the water move more quickly only adds to flooding issues and there's no way we can armor all of our creeks. So there I would respectfully ask our staff and the members of it was to look at more environmental sensitive and use the environment in order to help absorb the flood runoff and maybe even reduce runoff. There's ideas out there about allowing the rainwater to be collected on home sites in your yard as opposed to shouldn'ting it off into -- sun shunting it off into the insures and creeks. I'd like to see a different way of looking at our creek system other than simply waterways to channels during floods. Thanks. >> Tovo: Councilmember troxclair. >> Troxclair: I guess I'm

[10:25:03 AM]

trying to understand what the -- what role the it was would play that is not currently being served by city staff. I know we've had a lot of discussions, you know, we have a very -- our watershed protection department is very involved and we have lots of departments and lots of staff that are involved in flood mitigation issues so is there a gap that you hope will be filled or . . . >> Kitchen: Yeah, the role would be to provide support for staff and also for us, to have that community-wide discussion. So we don't have a platform now that -- we don't have a platform that spans the different -- Victoria Lee with watershed protection to see, you know, what the thinking was, and this -- from my understanding from her is this is viewed as a very -- a positive approach for the department because it provides some -- it helps to build understanding and support in the community as well as ideas for the kinds of solutions we're going to have to look at, which involve a great deal of potential cost for infrastructure. I mean, the bottom line is it's not going to be easy for us as a council or the city as a community to wrap our hands around this issue because it's so big, you know, and we really need the public to weigh in on this. And so that's the reason behind it. That's -- to my mind, that's the reason behind a it was in the first place, is because it rises to that level. So that's my -- that's the thinking. >> Troxclair: And then I saw

[10:27:04 AM]

that one of their tasks would be to, I guess, evaluate the structure and united use of the drainage utility charge. >> Kitchen: Yeah. >> Troxclair: I'm wondering considering the time line of the it was and the time line of the work we're doing in the public utility committee, it seems like the decisions need to be made about the structure and United States of the drainage fee well in advance of when the it was may be able to evaluate it and come up with recommendations. >> Kitchen: Yes, excellent point. They would have to -- any comments they made on that would have to impact us next year because our time line for the drainage utility committee for this year is -- impacts this budget, which, as we all know, is in august/september. So the intention is not to delay that. I mean, it is a big piece of what we do around, you know, watershed that they should be able to comment on it. Although the time line would not allow them to -- the thinking is not to delay what we're doing now. >> Troxclair: Okay. So maybe it would be more appropriate if they had input into the use of the drainage utility charge? There's so much work and effort going in right now to reevaluate the structure of it. >> Kitchen: Yeah. >> Troxclair: I'm not saying that we would want to take up the issue of changing the structure again next year. >> Kitchen: Well, I wouldn't want to prohibit the it was from commenting on that. So, I mean, we could look at rewording that, but it's such a big piece, you know, waned you're saying but I wouldn't want to say that they couldn't give us comments on it. Maybe the language needs to be acknowledge what you're saying so . . . >> Troxclair: Yeah. >> Kitchen: I'll look at that language. Okay. >> Tovo: Councilmember Renteria aftermy big concern also is that -- my big concern

[10:29:05 AM]

also is that as we look into the drainage utility fee, when I was on there we was looking at doing the -- looking for a solution at waller, flooding we were getting in a 1981, into the environmental board we recommended creating a utility drainage fee but it was also, you know, my big concern back then, as it is now, the cost. And it's being in the utility bill. As we are struggling with cap with the electric bill and the rates and we've just been discussing about the water rates and now if we really -- with the problem that we're facing, if we're starting to use the drainage fee to pay for a lot of the capital improvements then we're going to force a lot of people, you know -- they're not going to be able to afford their utility bills. So I'm very concerned because, you know, we're running -- you know, just in the electric rate utility bills behind. There's no telling what's going on in the wastewater, in their section of it, portion of it, because people can't afford to pay anymore. So I would go into this very carefully and make sure that, you know, we don't set the utility rate so high that people are not going to be able to afford to pay their bills. >> Kitchen: Okay. Do you share councilmember troxclair's concern about including the drainage fee in the scope of what the it was looks at? >> Renteria: I wouldn't mind. Just as long as they realize that this is just a part of the big bill. >> Kitchen: Okay, all right. >> Renteria: It's a small section, but if you keep increasing rate, our people there on the east side, they're not going to be able to afford to pay for all this. >> Kitchen: Okay. >> Tovo: I'd just invite our staff to make any comments they might have on this item

[10:31:06 AM]

or the time frame. Does it seem reasonable is now. >> Sure. Good morning, mayor pro tem, council, Joe [indiscernible] Deputy director for watershed. Joined by our planning manager. I want to comment on something you mentioned regarding just this opportunity for discourse with the public. I think really when you look at the opportunities that the department has had over, say, the last decade, decade and a half, we've really had two large public discussions. Probably the primary one was the -- during the development of the watershed protection master plan where we had a 19-member citizens advisory group that met monthly for three and a half years during the development of the master plan. That concluded with public hearings, meetings at local schools and, finally, a vote at the environmental board, at the planning commission and at council. And that was quite an opportunity for us to lay out how we go about doing our business in terms of our programs, our regulations, and our capital projects. Probably the most recent and best example of a large stakeholder and education process was our effort before the watershed protection ordinance that was roughly between 2010 and 2013, where we basically met monthly for, again, a good two, two and a half years to discuss how we would go about modifying our watershed regulations and our policies to best incorporate best practices in terms of green infrastructure and rain gardens and really trying to promote the maintenance of prehydrology conditions after development, and that was something that we made tremendous gains on. We got a unanimous recommendation at council for approval of the watershed protection ordinance. So we would just so that he as another opportunity to educate the public and either reaffirm what we're doing or get feedback to possibly modify

[10:33:07 AM]

our practices or policies. >> Tovo: Thanks for sharing those thoughts. And it was actually an award-winning process as I recall, I think, the watershed staff was recognized for their work on that ordinance. >> Thank you. >> I just have one more thing to add. Following the 1981 memorial day flood there was a comparable citizens advisory group that assisted public works department and planted a lot of the capital -- on-site detention ponds, for example, and there are a lot of sites that in addition to the northwest district park pond that was dug out for original detention pond there are other systems that complemented that and they brought in other property owners, office buildings, university of Texas, golden triangle developers in assisting public works department with responding to that flood. >> Tovo: Very interesting. Thank you. Councilmember troxclair. >> Troxclair: Can you remind me what years you said those it was were? >> The watershed protection master plan was initiated around 1997, and it was adopted by council in June 2001. And then the watershed protection ordinance was -- started roughly, I would say, in 2010, and I can't remember the exact month it was adopted. I want to say something on

the order of October 2013? Possibly? Yeah. Then one other note in terms of the education effort. We are anticipating having a lot of new members on the city environmental board who is also charged with oversight of our department. So we will be going through an education process with them, presenting a lot of the same information to them that we would be presenting to this new group hopefully we can dovetail those efforts. >> Tovo: Councilmember kitchen and then councilmember Houston. >> Kitchen: Yes. And to align with that, we --

[10:35:08 AM]

suggest that the environmental commission may want to have a subcommittee that works with this it was. >> That's terrific. >> Kitchen: Yeah. >> Tovo: I would hope for there's an -- too, if there's an opportunity to join the meetings it's time efficient for everyone. Councilmember Houston. >> Houston: On the sixth page of the resolution I'd like to suggest we add parks and recreation. I had flooding from this last incident from Morris Williams golf course that flooded several homes off of mlk. >> Okay, thank you. >> Troxclair: Even though the environmental board is going to be hearing a lot of the same information and possibly take up some of the same issues we don't feel like it's an appropriate task for the environmental board to take on? >> Kitchen: The environmental board covers a lot more than this, and so this is a very focused look at a huge issue. I think that tasking the environmental board, particularly since we've all made our appointments to the environmental board -- not all of us, but, I mean, there's been appointments made to the earlier board without this specific issue in mind, I don't see the environmental board being able to take up all their time between now and next April addressing this huge issue. I don't think it's the purpose of it. And I think as long as -- or the sole purpose of it. I think as long as we coordinate in a way that we've talked about, then we will avoid duplication and we can also take advantage of the expertise of the environmental commission. >> Troxclair: Okay. And so the plan that was approved in 2013, were -- is the report or the recommendation that's came out of that it was, have they been implemented or pursued? >> The culmination of that effort was actually an ordinance change. >> Troxclair: Okay. >> We have a website devoted

[10:37:08 AM]

to that effort and we can certainly provide you a link that you can see the entire history of not only the process but the final product of the ordinance changes. A lot of it had to do with floodplain protection, looking at buffers for streams and how we do regulate the floodplain and protect it and setbacks. >> Troxclair: If we're talking about how to best incorporate the public into a conversation about responsible planning for potential flooding in the future, I think the it was is an wondering what else we are doing or could be doing to engage the community in, you know, public -- can we have district meetings? Public

meetings where a lot of people can come? Even in this it was, although I think all of us would be able to find qualified people to serve and that they would come up with good recommendations, it's still only at most two people per district. So what else can we do to really involve the public in the conversation about this? >> Sure. I can tell you what we've done in the past. When we were developing neighborhood plans we had our watershed staff attend those neighborhood group meetings and have very specific conversations about what was happening on their individual streets. We also, whenever we get a drainage complaint, we respond and talk to the citizens, you know, in terms of what they're seeing and how we either can help or how we would prioritize and look for additional funding. And then, you know, we do have, especially for large events like this, neighborhood meetings, you know, in onion creek, you know, we had large-scale flights to really talk about what happened with the Halloween disallowed what the city was doing and primarily our department was doing in terms of helping to promote buyouts. So we have a number of ways to engage the public and two things that we've been working on for the last year, year and a half that I think will also provide a lot of benefits to the discussion is an update to

[10:39:10 AM]

our master plan. When council adopted the master plan in 2001, they didn't want to document that, it just sat on the shelf and collected dust. We have staff dedicated to making sure the data in that document is updated and all the recommendations are as current as possible. That should be produced in the fall just in time for this effort. A second thing that we've been working on -- again, you know, we think that to be as transparent as possible and to really engage the public we need to provide as much data as possible to the public in a useable forum. It's something we struggle to do given all the Ta data we handle but I'm really proud to announce that at the same time this fall we're going to be uploading onto the website a master plan web viewer that will give all of our citizens an opportunity to see a lot of the information you're seeing in this link, but in a mapped format so that, you know, they can see, okay, are my problems being reported? You know, what solutions are being proposed? And really just arming the public with as much information as possible. >> Troxclair: Yeah, I think that would be really helpful. I know the areas in my district that are affected by flooding and the people who are affected by flooding, I know that the staff is working on a more structured buyout plan so that we have more of an idea of who gets priority and things like that, but I have to say the calls that I get to my office really I still feel like are only response as of now is call 311 and that's really frustrating for people who are dealing with -- has had meetings for specific -- in a couple of specific neighborhoods who have experienced flood sog I really appreciate y'all doing that and making sure that those communities are armed and there are other pockets of my district who I think would

[10:41:12 AM]

appreciate feeling like they're being listened to more than just call 311 and wait. >> Sure. You know, we have responded to individual requests like that so we'd be happy to entertain that. >> Troxclair: Thank you. >> Tovo: Another thing I would mention is it might be a good role if there are one or two members from your district serving on this it was to does them to do some of that outreach among the community. In the last week since the flooding we contacted different neighborhood leaders in different parts of district 9 and asked them to contacted their neighbors and that proved to be a pretty effective way of getting a good picture of what's going on. Sometimes empowering our it was members to do that outreach is of real help and sometimes they can go place that's our city staff don't have the resources to or the contacts. Councilmember Zimmerman. >> Zimmerman: Well, quickly, I appreciate all this information here and hearing some of the history, but I'm a little skeptical of what we're doing. It looks like I've been there and done that and that we're kind of repeating ourselves, right? We had a flood in '81 and we've had other floods and we recognize we have a flooding problem. We form a it was, deliberate, get together for years, we modify the ordinances which have a cost too, then we get flooded again. So I guess we go back to point a, back to forming it was, meetings for years, deliberate, change the ordinances. We'll probably get flooded again. Go back to square one. Start over. So I'm just trying to look for other things we might do differently. Is it maybe just stop our building in the low water areas, just stop doing it. But I don't know. I'm not opposed to what we're doing. I'm expressing some skepticism that we may be in a vicious cycle of doing the same thing over and over again. >> Tovo: I'm sure our staff want to respond to that. I think councilmember kitchen would as well. >> Kitchen: I think that's an excellent point. I think part of our direction to staff and we can certainly -- to our it was in partnership with the staff, and we can certainly put language in here, is to

[10:43:16 AM]

explore -- first off, is to emphasize mitigation. And also to explore things that we might do differently so that we're not continuing in a cycle. I think that -- I mean, I think there's been steady work, and our staff can speak to that more so that we don't end up in this vicious circle. One of -- I think one of the -- from my perspective, one of the reasons behind getting the community-wide discussion about this is to see what we can do to move the ball so that we're not continuing in the kind of, you know, cycle that we are. For example, I have -- we all have areas of our district and we all have neighbors that we've worked with and the upper onion creek area is an area in my district, and the neighbors are very concerned with mitigation, very concerned about what can we do that might be regional to others' points or might be just what we're doing locally to -- you know, to have some prevention in the future. So . . . >>

Zimmerman: So when you have those -- >> Tovo: Let's give our staff, too, an opportunity to answer the question you've raised. >> Thank you, mayor pro tem. Jose, assistant director, watershed protection department. What has been part of the discussion so far to date is a presentation of projects that we -- were significant to investments in infrastructure upgrades and I personally am relieved I didn't here from crystal brook neighborhood or creek bend or Alan day, rosedale, some of the recent projects we took care of with the 2006 bond package of \$53 million, and so we are making progress in that regard.

It's not to discount that others were lower priority and not going to flood. The flooding problem is going to be here in Austin until we address all areas >> Zimmerman: I appreciate that we do have to keep making

[10:45:18 AM]

progress. I guess the one concern I have about some of the task groups is, as you know being a specialist in this area there is modeling studies, it is very complicated. There is also the economic feasibility, right, of doing mitigation. I heard ideas that come up from people that don't understand engineering, don't understand economics and they come up with things they think are solutions that are not solutions but are extremely expensive. So I am looking for a way to avoid us getting into a box where we have ideas that are not technically feasible and not affordable and yet there is this big public outcry and push to do things that don't make sense. I am concerned about that. >> I think that makes it incumbent upon staff to do our best job to educate the task force and give them the information necessary to come back with reasonable recommendations and we'll do our best. >> Houston I want to thank you all for what you did this past weekend. I spent money on walnut creek. It went into dotty Jordan park and decided it was not going to conform to the work you did. I appreciate that. I appreciate all you do. On page 3 of the resolution, I have a question about the second whereas about visitors. I'm not sure how this fits into the request of the task force about visitors coming into town and new residents. There is no -- so what does that -- what do we do with that? Seems like that is -- >> Tovo: I'm sorry Houston we have visitors of new people. So now what?

[10:47:20 AM]

>> Kitchen: This is an attempt to cover all the issues we're dealing with. We can delete that if you feel like it is not appropriate. I mean, you know, unless you -- I mean staff -- >> Before the Halloween flood, we had a flood that hit around 2:00 when bars were letting out and it canceled third day of Austin city limits. We have a lot of people that are not aware of the flooding issues in Texas. We need to reach out in nontraditional ways through hotels, short-term rentals, other means, I want to bring up that point. >> Kitchen: You are looking for an action? Item Houston this task force would be tasked with ensuring that there are hotels, motels, short term rentals have information about what to listen to, how to respond to those kinds of things. I didn't see anything there. >> Tovo: Thank you very much. We will call up item 20. Councilmember Houston, you pulled this item. Colleagues, let me ask if there are any concerns about moving the challenge petition, executive session to Thursday. It is my understanding we can do that over lunch. I communicated with the mayor. He's comfortable with that. That would allow him the opportunity to participate and allow us to send on questions in the interim to the legal staff. Is there any

issue with delaying that until Thursday. We will talk about item 20 and talk about items from mobility committee and hopefully that will allow us a chunk of time to talk about the flooding briefing.

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Houston thank you, folks this is Katie Mattera -- council member councilmember mayor tovo district. To me, this is a ready opportunity for somebody to jump if I want to express the concern about the height of the rail. >> Tovo: Important concern. >> The 42-inch. >> Tovo: Identify your role at the university. >> Jim walker, working with director Amy water maker. Senior project manager for this project. The guardrail height is 42 inches, which is code and we've gone back with our design team and ensured we had a lot of different review points that our folks are confident that that 42-inch height meets code. And that is where we're at. We can set up another meeting however, with our counseling mental health center that runs the mental health program. We're very aware of that concern of that risk across campus, we have a lot of efforts going into that Houston . >> Houston: I'm sure it meets code. That is not the issue. It is health and safety of the students. >> Tovo: Do you know how that compares to other campuses? I know I have been on college campuses that had to make design adjustments because of that risk and fatalities that occurred. Do you have a sense of the standard? >> I'm not sure how we compare the benchmark. Dr. Chris Brownson that runs the mental health center would be the expert on that for the campus. >> Tovo: You will be looking into that and following up? >> Yes. >> Tovo: Other questions for

[10:51:32 AM]

this group? All right. We appreciate you being here. Councilmember Zimmerman. >> Zimmerman: What was the objection. Was there an investigation for putting something underneath the street instead of on top? Was that investigated? I know they do this in Europe a lot. They put a lot of passageways under the streets, European cities. >> My name is severine halls, I represent office planning and construction. Our office did not investigate underground access between buildings. It is really cost prohibitive to compare with the Overland bridge solution that is being proposed. And one of the primary concept design for the bridge was to create a visual gateway for the campus that would comply with the master plan and the outreach to the urban neighbor community on Guadalupe that is immediately adjacent to the new Belo center for media and the existing two buildings that are being connected by that. >> Zimmerman: Thank you for that. >> Tovo: Thank you all. Councilmember kitchen, you pulled some items that I know you will discuss on the mobility committee and they're on our agenda. So I will call those up. >> Kitchen: I can take all of these items together. I wanted to just give everyone a heads up on the taxi issues that we've dealt with in the past. And also respond to a request from the last work session for some additional

information. So I'll start with just an overview of how we're proceeding in the mobility committee and then turn it over to our staff with information that was requested from the last work session. Which is being handed out

[10:53:33 AM]

right now. So as you all might remember, we have been through second reading on the franchise agreements in our last meeting where we addressed this issue, we passed the franchise agreements for the three existing cab companies on second reading and we also passed some ordinance changes on second reading. And then we passed a resolution requesting that the staff go forward with creating an option for a driver-owned co-op. And I think we passed that on third reading. So what we have coming up in mobility committee tomorrow -- I'm mentioning this because everyone is welcome to attend and participate and I would hope that if there are particular issues that you are concerned that we address that you are able to come tomorrow. We will take up the taxicab item first. Our meeting starts at 3:00. So if you cannot make it, of course, please you're welcome to talk to us or express your concerns right now. So what I anticipate us taking up in mobility tomorrow in addition to the items in the proposed changes. I will not go into the details. I will tell you the subject areas so we have then we'll turn to what the staff has to report and then I can answer questions. First off, people with disabilities, you may recall that at our last council meeting, we had testimony from adapt, and we also talked about the fact that that is an issue that we would be discussing at the mobility committee. So recommendations from adapt and also from the staff related to how we can ensure better access for people with disabilities will be one of

[10:55:34 AM]

the subject matters that we will discuss at the mobility committee. We'll also be discussing the lease term. You know, we've had a one-year term in our lease term. Tomorrow we'll be also discussing a number of permits. There is two issues that the driver association brought to our attention -- I believe they brought to our attention at the last council meeting and since then. That is the lease caps and a number of due process provisions. Those will be discussed tomorrow also. So that's what's on, you know -- that is what I am thinking. There may be other issues people want to bring up. But that is what I think we will discuss tomorrow in the mobility committee. Now, at the last council meeting there was discussion about timing and what has to go, what kind of provision, what kind of changes need to go in the actual franchise agreement versus what changes can be made in code. The staff brought that information back to us. I would just say -- remind everyone that the reason that we were -- I mean, this is always important for us to understand, but we were also interested in understanding, for this

Thursday, franchise agreement, code changes can be made at any time. I also point out, we can make amendments to the franchise agreement at any time. We have to go through the process for three readings. So with that, I'll turn it over to the staff. And also when y'all are going through this over after you go through this, they've provided

[10:57:34 AM]

a chart for us about the types of issues that can be -- that have to be addressed in the franchise agreement versus the code. And I can explain a lot of these or actually many of these items that are checked under franchise are already addressed in what we have approved up to the second reading. So I can sprain -- explain that, too, before. >> Tovo: If I can ask a quick question before going to staff. If there is an interest in amending, do both parties have to agree to participate or can the city initiate it on its own as long as it goes through the three steps. >> Kitchen: That is my understanding. But I will leave that to staff to explain to make sure I explained that correctly. >> Tovo: Ok. >> This is Angela Rodriguez from the city law department. Actually, what you said was correct. Both parties would have to participate. The city could initiate it, and bring it to the franchise, but the franchise would still have to accept it. >> Tovo: Ok. So yes, the city has to go through the proper steps, but if one of the franchises says no, I'm not going to sit down with you and reopen the franchise agreement until the term is up in three years or one year or whatever it is, ok -- >> Kitchen: Go ahead. >> Tovo: So -- so I guess I would like to know the answer to that, either today or Thursday, if I'm the franchisee and I say I'm happy with the franchise, I don't want to sit down and look at the terms, I'm not going to participate with you -- >> Do they have that option? >> Kitchen: I'm not reading this -- obviously, you all -- you all sit down if they want

[10:59:35 AM]

to go forward with the franchise agreement. But we would also have the option -- what's in the charter we can renew, extend or amend a franchise at any time as long as we go through these three. So -- are we saying -- that's a good question. Are we saying that we are stuck with an agreement if the other side doesn't agree to it? I mean, we don't have a way to get out of an agreement. >> We can terminate, but we have to have good cause. And they have to be in violation of the franchise agreement for us to have good cause. >> Kitchen: That would mean that -- that would mean that this provision that says that we can amend at any time would really not be effective if that was the case. >> We can amend at any time, but not unilaterally. The franchise can be amended but we can never amend it unilaterally. They would still have to have written acceptance of the terms. >> So we can terminate it? >> Exactly, ma'am. >> Kitchen: Ok. >> So that is similar, if you will, in a contract between two individuals that unless there is an overriding reason, both parties have to agree to that change. >> Kitchen: Same thing as a contract. >>

Typically, my experience in the past, when we have amended it has been for a mutually acceptable reason, to add permits, so forth. That is part of the experience we're drawing on. Again, my name is Robert Spiller -- >> Tovo: Just one minute, Mr. Spiller. >> Casar: To clarify the last point about termination. We would have to terminate and have good cause otherwise we could be in breach of contract. >> Yes, sir. >> Kitchen: To understand. There is no provision that says we can't terminate without cause. >> Yes, ma'am. We have to have good cause. >> Tovo: Thank you. Mr. Spiller.

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>> Thank you for that clarification. We were asked to show what is in the franchise and in the code. We realized in the previous conversations, I think in our descriptions we lapsed into talking about ordinance interchangeably. We will be clear here we will talk about franchise and code. Both are obviously implemented through ordinance. Just to be clear, as you hear us talk about franchise and code, that is the distinction. The franchise does require the three-reading process you are going through right now. The code does not. It can be passed on all three readings at once. It also as we -- mentally as you make improvements. That is a key provision, going forward. My staff has worked with the legal department and also with members of the mobility committee to make sure that what we're presenting here is as clear as possible. Carlton, my primary staff member on this issue can go into more detail for you, if you have questions. I will tell you that in the grid, you will see some areas that are checked both under code and franchise. That means it needs to be in both places. You will also see more explanation on areas where it could be either-or in terms of the item. So is there anything you would like to add? >> Carlton Thomas, Austin transportation department. So if you all have any questions as to -- any of the items, and the placement, we are definitely willing to explain. >> Kitchen: I will go through them and let you know which ones are already in the proposed franchise agreement, in case you have any questions. Fleet size, compliance with code is already in the franchise agreement.

[11:03:41 AM]

On the page 3 where it talks about gps-enables electronic dispatch will be -- I think the committee will agree, we have to talk about it at the committee, proposing that that be added. It is in -- it is currently in one much the franchise agreements. Adding it to the other two would be aligning all of the agreements. And also something they currently do if I am understanding correctly. Then you can drop down on to maintenance of records and suspension process, franchise forfeiture and franchise grant, those are all in the agreements right now. >> Tovo: Councilmember Casar. >> Casar: Councilmember kitchen, is it accurate that all of the items we are precluded to talk about in code that we have to take the opportunity to include in the franchise on this sheet, workplace protection for drivers that do not have

to do with health and safety, that is the only thing that is currently not in the recommended franchise agreements that we would be precluded from talking about, if not included in the franchise agreement. >> Kitchen: I will state my understanding and staff can explain. My understanding is that this set of issues, you know, a broad language around workplace protections, due process, limit on terminal fees and lease caps. If they're considered to be a business relationship between an independent contractor and a franchise, they have to be addressed in the franchise agreement. If there is a credible argument that they relate to health and safety because the city of Austin sets minimum

[11:05:42 AM]

standards for health and safety, if you can argue the minimum standard for health and safety you can any into the code. But you have to make that argument. Is that correct? >> That's exactly correct, ma'am. >> Tovo: Thanks for the question and the answer. That is very -- that is very helpful. Probably we have all gotten information and suggested amendments and I'm not sure if I would be able to attend the mobility committee or not. But I'm very interested in the discussion that you may have about the proposed amendments that have come forward with the taxi driver action alleges -- association with due process. Which I have to think about as you laid out. My thought is it has to go into the franchise portion of it. I look forward to that conversation. If I can put something formal I will pass it on. I look forward to adding into some of the -- information lease caps. >> Kitchen: I will be fast. Two things proposed in the -- from the drivers association that relate to due process that obviously we'll have to discuss at the committee. I can't speak for the committee at this point. Might cause some concerns is one of them relates to the city staff being charged with developing a model contract. So that that model contract is the same across all taxi companies. That is different than the current practice. The current practice is the city does approve the contract reviews and approves the contract. But is a different contract for each one. They review the existing contract rather than setting the contract. That is the difference. The other difference being proposed is right now -- you

[11:07:42 AM]

all can fill in the detail if I get this wrong. Right now, if I driver has three or less moving violations their chauffeur's license can be withdrawn. This would take that out. In other words, it would prevent the staff from withdrawing a chauffeur's license if a driver had three moving violations or two moving violations. The code does require or allow -- I I can't remember. I think it does require if there are four or more violations to remove it. So this has to do with one to three. Do y'all want to add to that? I may not be getting that correct. >> Zimmerman: In what period of time? >> Kitchen: In one year. Did I get that right? >> Absolutely. Currently, if the person who possesses the chauffeur permit receives one

conviction within a year, they're required by code to take defensive driving. >> Kitchen: Ok. So this would reduce that. >> Less than four, yes, I think it would impact that. >> Tovo: Thank you. I'll take a look too at some of the other specific provisions. And have you -- could you help me know when your committee -- did you discuss that particular issue? Did you in either of the work sessions. >> Kitchen: This is new language. >> Tovo: This is language that was present understand to us after the last mobility committee and after the last council meeting. So we just received this proposed language. Not "Just received" but since the opportunity to discuss them. >> Tovo: If there were pieces of the work session that we could go to, to hear the committee's deliberation on

[11:09:43 AM]

that, I wanted to do that. That will be interesting, I will be looking at that point, particularly, for what the staff process currently is and looking to hear what that discussion looks like tomorrow. And then the other item they brought forward regarded lease caps. I understand there may be some concerns or some opinions expressed among the franchises that the Numbers haven't been high. I still think -- I am still interested in hearing a discussion around putting those lease caps in. I assume the franchise agreement? >> Kitchen: Yeah, I think the concern -- we will have this discussion tomorrow and we can have it now also -- is the discussion to which the lease caps might be addressing what should be a relationship between the company and the contractor. I know that we did have some -- certainly people might disagree with that. But that would be one of the arguments. And -- one of the concerns about it. And also I do than we did discuss in the mobility committee that [indiscernible] Allowing or changing the ordinance should be to the driver and not the company allows the driver at least some ability to change companies if they're having concerns. >> Tovo: Councilmember troxclair. >> Troxclair: That is what I wanted to ask about since we had that discussion the last council meeting. The ability of the driver to have the chauffeur's office issued directly to them is maintained in the franchise agreement? >> Kitchen: No, that is in code and was passed at the last council meeting in code. >> It is going to stay.

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It is going to be in what you're going to see. What she's talking about are going to be additions to that. But that's staying in there. >> >> Casar: I did vote for and am supportive of the city issues the chauffeur's permits, but to clarify there would still have to be permits available at another franchise for a driver to change companies. If -- I know at lone star cab, because their office is there in my district that they have a sign that says we're not accepting any somewhere drivers. So there is the permitting issue for you to change companies. It is different for example, for legacy permits or medallion systems in which drivers can change that way. Folks might know of in other cities. The second is a question probably for legal,

which is could we include in the franchise agreement that some sections could be amended unilaterally by the city of the three readings by city council. >> Kitchen: Good point. >> Casar: Do we have that -- >> The other side would have to agree to it. >> Casar: They have to accept it if they want to drive cabs in the city. >> Another thing I want to point out -- >> Casar: Now I'm confused. If we include it during the renewal period right now, that we wanted to have some section be unilaterally amendable, by the city only, then they wouldn't have to agree. >> They always have to agree. >> No, no, no. >> Let me jump in here. They have to agree this time to sign that contract. Once they sign it, they agree

[11:13:44 AM]

to the provision that says the city has the right. >> Casar: If franchise a wants to drive in the city of Austin, they have to sign the franchise agreement. If they did, then sections in the franchise agreement could be unilaterally changed by the city council at any time if that's what we included. >> Assuming they accept it this time. >> Casar: Assuming they want to do business and all. >> That's correct. If I may, just put forth the reason that both parties have to agree to the provisions in the contract is because they're making business decisions that rely on the provisions. So obviously, if we included -- if financing for new taxis or whatever, that limits their ability. Is their responsibility to understand that and come to the table and negotiate that. But that's where it is. >> Tovo: I think I would like to think about that more. I hadn't considered whether or not that would be a legal requirement to put in. I'm not saying it is or isn't. I would like time to look at it. Nobody can put a provision in the contract that is unconscionable. >> Casar: I think the advice is well taken that I would oppose anything in a contract that would make it unconscionable and say we can make anything to where we can purchase zoos in the city of Austin. I think the point being if we wanted to consider it, draw some limitations or parameters around what it is we can change if we want to skin the cat of there is a good reason they want several years. If there is anything we want to do we can set it so there can be savvy business

[11:15:45 AM]

decisions that are not unconscionable. I understand why the legal advice is to not do anything that would create so much uncertainty you would not want to sign it. >> Or put the franchise in a duress situation where they feel like they have to sign it where they can't operate or successfully -- those are the cautions. >> Casar: I understand we are trying to make sure that this is a cooperative conversation while we achieve the city's goals. >> Kitchen: Also with regard to the permitting issue, councilmember Casar is right. One of the limitations that there would be on someone being able to take their chauffeur's license and move to a different company would be the number of permits. That is an issue up for us to discuss tomorrow. There has been proposal from at least one of our committee members, I

talked to that perhaps we should look at or from my perspective, I think we should look at raising the limit on permits. There is an argument to be made for just taking off -- taking off a limit on permits. And having the extent to which additional permits are granted based on performance measures. Those are discussions that, you know, I have no idea what everyone thinks about that. We can have discussions in the mobility committee tomorrow. There is an argument to try to address the ability for drivers to move across taxicabs by not being so tightly cramped down on the number of permits. >> Council member, if I may, the code only requires that a minimum number of taxi, 25, be established to use to establish a franchise. And so that is the definition of what it takes to start a franchise. The code does not require a maximum that has been a policy of council as part of the franchise agreements in the past. So that certainly can be

[11:17:45 AM]

changed at this point. >> Kitchen: Thank you. >> Pool: I would be interested in pursuing the ability of the cab owners to ink an agreement that is longer than one year because I know that it is very complicated to reach agreement. I think that goes to the conversation we have been having about predictability and the business model. I would be interested in that. One question that occurs to me, we have a ratio of vans that have accessibility elements to them. If we removed the limit then that would tend to increase the number of accessible vans that are available. More about that? >> Councilmember, I would recommend that if -- excuse me. We were going to move to a more mobile environment with the permits, that that be part of the performance metrics. The ability to meet and maintain that accessibility, and to respond accordingly, if that is an issue that occurs. I think you would have to have substantial movement in numbers of drivers from one company to affect the percentage. >> Pool: Ok. >> It would have to be more than one or two trickle, it would have to be a substantial number of taxis that move. >> Kitchen: Let me know if I have this correct. What we're looking at -- what is proposed so far for discussion tomorrow is 10%.

[11:19:46 AM]

There are three things proposed. That the number of special permits be 10%. That there be a response time within seven minutes of the average and that the performance measures include compliance with those requirements. Did I get that right? >> The third one is for each vehicle. That is wheelchair accessible in order for the company or the franchise to respond to 100% of their requests each vehicle is responsible for 3% of their company's demand for accessible service. >> Kitchen: Got Ya'. Uh-huh. >> Pool: Is the number of wheelchair accessible vans a third? >> Kitchen: 10%. >> Pool: That's the 10%. >> Currently 6 to 6.5%. We are requesting it be 10%. >> Pool: That's important. >> The question you

mentioned concern about can be managed through performance measures. That we would still hold the franchise responsible for meeting those metrics. And work with them to manage that any kind of moveability. I think it would take a substantial number of movement to affect that percentage as we went forward, just by the math. >> Thank you, mayor pro tem. When I answered councilmember Casar's question. As councilmember kitchen stated by law, we can only impose code requirements for the public health and safety, and the other thing to bring to your attention is charter requirements. Section 5 of the charter item

[11:21:47 AM]

2. The city may impose reasonable regulations to ensure safe, efficient, continuous service to the public. I wanted everybody to keep in mind that whatever conditions that council is considering that they keep in mind that they can justify it as being one of those and then it gets in the franchise. Thank you. >> Tovo: Thank you. So the mobility committee will meet tomorrow and we'll look forward to hearing about that deliberation. Also, I think I mentioned a couple of the issues I will especially be interested in. The one of permits is a longstanding issue, if there are efforts to kind of remove those limits and replace them with performance measures and things that is certainly a conversation that I want to follow. It gives me some pause. >> Kitchen: Well, we will have that conversation tomorrow. I hope you can join us. >> Tovo: I don't know I can join you but I will certainly watch or catch up with the discussion. Thank you very much. We are moving on to -- our last item of today which is our briefing inspect is the city of Austin flood buyout and relocation policy. Welcome, Ms. Riser. Welcome back Mr. Penntelian. >> Councilmember, Lorraine riser, real estate. I'm joined with Mr. Penntelian and Jose Guerrero. We're here to talk about the flood -- city of Austin flood buyout and policy. We wanted to frame the question for council.

[11:23:47 AM]

And the first policy question is shall the city move forward with the buyouts in the Williamson creek area separately from the citywide voluntary program? We have this on the agenda for 63 homes at high risk. I do believe that many of the homes did receive flooding over this last week. Second policy question we have for you today is as far as citywide voluntary relocation benefit, which kind of relocation benefit do you wish to provide? One option would be a benefit equivalent to the full relocation of displaced persons under the federal relocation act, including housing of last resort. Or another option could be a capped benefit with relocation act with no rehousing resort. Or a capped benefit set by the city at some lesser amount than the act. >> The third question is how to prioritize properties for buyout. For buyout consideration, we are proposing that there should be no better or cost-effective solution available for a

structure control, a flood wall levy couldn't help resolve a neighborhood's flooding problems at a lower cost. At our previous briefing, we recommended a risk-ranking index that took into consideration depth and frequency of flooding. Giving the top priority to substantially damaged homes, regardless of the prior risk rank. And reprioritizing those homes that did not have substantial damage on a postflood basis and if we are looking at a cost benefit ratio, the value of the flooded structure would go down. So in essence, an area that

[11:25:47 AM]

did experience flooding would get a higher score. And then really the ramifications are that the focused funds on postflood properties are most severe preflood properties in general. >> We want to give you a history. That is some of the questions that council had last meeting of some of the buyouts we had. We had onion creek 100-year flood buy out that began in 2016. That is estimated to be a \$60 million project. We have the onion creek 25-year floodplain outside of the U.S. Corps of engineer area, that is currently ongoing at an estimated cost of 29 million. That money is obligated. The onion creek 25-year floodplain, the U.S. Core of engineer project, which began in 1999 to present, estimated cost is 56.1 million to date, a understand that is partially funded by the federal government corps of engineers. We also had a buyout at the wood view mobile home park in 2011-2012. At \$1.9 million, which FEMA participated in a cost-share agreement. Williamson creek buyout along Bateson -- Bayton loop, that was partially funded by FEMA. Richland estates hokey lane that was approximately \$2.8 million. Austin hills mobile home park. We also wanted to give you an idea of what the cost differences were. So we have an example of what

[11:27:48 AM]

is happening in onion creek to date. We looked at averages. So if you are looking at the average total city cost, using housing of last resort of, -- resort, the actual expenditures \$155,900 per home. Using a capped relocation of \$31,000. The cost would have been \$116,600. So if you are using the housing of last resort, because that is what we're paying out there as a resort, then if we use the capped relocation, we would be saving \$39,300 per home based on the homes in onion creek, which is a difference of 25% that we could save on those costs. Now, relocation works that the poorer the neighborhood, the lower the cost of the home, the bigger the relocation benefit on the property. So then we also wanted to look at Williamson creek. We currently purchased three homes in Williamson creek. We just finished the last part of the relocation yesterday. And the purchase price average on the three homes was 265,000. The average replacement benefit was 297,000. Using -- so the difference would be \$32,000 using housing of

last resort. If you capped it at not using housing of last resort, you would have capped it at 31,000. And we have the moving expenses and closing costs. The total cost to the city, using the full relocation

[11:29:49 AM]

benefit act on the homes bought so far on Williamson creek has been 303,000. Without housing of last resort. It would have been 302 thousand. The homes of Williamson creek are higher valued and therefore less relocation money is needed in those areas. And now, we wanted to leave the rest up to you for questions and discussion on the policies. >> Tovo: Councilmember kitchen. >> Kitchen: It may not be, but is there any way to finish it was capped at 31,000 what kind of risk we would be placing the individuals in? Because there is quite a bit of difference between what we have seen from the average of onion creek the \$39,000 difference. That can be a lot of difference to an individual. >> Let me ask you specifically, are you talking about Williamson creek. >> Kitchen: Yeah. >> From what we have looked at to date, many do not need housing of last resort relocation benefit. We did have one. But it is really a MIX out there from what we have been able to look at there. The higher value of the home, they'll less likely need relocation benefits. >> Kitchen: My concern is, I know we are talking about mutualizing forward with a different kind of -- different kind of policy going forward, but in my mind there is a difference in treating folks that already had a flood issue in a way that is comparable to other people in the city. You know, I would be reluctant to treat people in Williamson

[11:31:50 AM]

creek area differently than people in the onion creek area, because that is past as far as I'm concerned. Going forward it is a different issue for me. Is there an estimate of cost if we divide it that way? If we treat the Williamson creek properties the same as onion creek but change our policy going forward? >> Is there risk? I think it is just a policy decision for the council. >> Kitchen: Is there any way to know the dollar amount? I guess we can't. >> Not until we actually interview the families and find out more information. >> Kitchen: Any way to check order of magnitude. >> For Williamson creek? >> Kitchen: Uh-huh, yeah. >> We can make a guess. >> Kitchen: Ok. Ok. >> Tovo: Councilmember Houston and then councilmember Zimmerman. >> Houston: The relocation, lack of using relocation benefits in Williamson creek is that because they have insurance or flood insurance, what is the difference there? >> Yes, because the homes are appraised a lot higher. In onion creek a lot of the homes were 110,000 to find a replacement house for 110,000 is really hard. We are seeing in houses appraising for over 200,000 Williamson creek, we found there are more homes available, when you get 220, 230, 250,000 it is easier to find replacement housing without additional benefits. >> Houston: I'm sorry. >> Kitchen: It

might be helpful to remind myself when the relocation expenses pay for. That might help me understand why you would need it more in one instance versus the other?

[11:33:52 AM]

>> Yes, the real expense we're talking about is the replacement housing payment. So step one is to have the property appraised and figure out what is the value of the home in the floodplain. In its current condition as the date of the appraisal. The second step is then we go out on the market and try to find a home of the functional utility. Same bedrooms, bathrooms, that kind of thing on the market. If you have a house, that appraised for 100,000 you try to find the house of the same number of bedrooms or bathrooms, it is hard to find one under \$200,000. The relocation benefit is a lot higher. But if you have a home that appraised 220, to 230, that replacement cost is smaller because there is housing available outside of the floodplain on the market. >> Kitchen: -- I'm sorry. I'm not understanding what pays the amount of the relocation. >> It is determined by what house is on the market that they can go out and the amount of Thea, praisal. It is a dollar amount that helps them get into another home. >> Kitchen: It is paying for -- I'm sorry, I'm stuck on relocation. >> Yes. >> Kitchen: It is paying for a higher value home is essentially what it is doing? >> That's correct. >> Zimmerman: It seems like it is misnamed. Replacement housing cost. It is the difference in replacement housing cost. I had the same confusion. If you could go back to the last slide, if you could. Something caught my eye. The aggie math mistake. Something is wrong here. I'm not clear on this housing of last resort. Go back to the final slide. Total cost to the city. Bottom there. So it looks like the difference in that final

[11:35:55 AM]

bottom line ought to be \$2,000, not \$1,000. Because all of the lines are the same except for replacement housing payment, 32,000 versus 31. In the relocation cost to city. 38,000 versus 37,000 so the bottom line -- >> That is the subtotal. >> Zimmerman: Ok. Ok. But let's go back to the question, too, of the replacement cost. Is there anything that prohibits you? If you go outside of the city limes into some of the suburbs. Go south into the buddha area, a very different housing market there. >> Councilmember, we have been looking at the buddha market. We try to stay within 10 to 15 miles of where they currently live and look in the circular. We have been looking in the area, what we have seen is time goes forward and more people are buying out there, it is pushing some of the prices of the homes up a little bit. >> Zimmerman: So what is the limit? Obviously, you don't want to relocate somebody to San Antonio. What are the constraints on this as to what your area is? >> Councilmember, that definitely could be a policy decision in a city. Funding buyout. What we try to look at is and what the federal regs require you to look at is it has to have similar amenity. So if you have you're so far from

grocery stores, but lines, those kind of things. We try to find that in a house in -- it can number buddha. So that is what we kind of look at. We also do a questionnaire at the very beginning where we have somebody that has dialysis and has to be close to the doctor's office. We have to use that for way of comps if they have a special

[11:37:56 AM]

school need and need to be in the same school. We look at that as well. There are lots of things that go into the questionnaire. As a general term, we look at similar area to what they live in as far as shopping, bus lines, transportation that sort of thing. >> Zimmerman: Ok. Yeah. >> Tovo: Councilmember troxclair. >> Troxclair: Remind me in the capped relocation, where the 31,000-dollar figure came from. >> That is the number without housing of last resorts. >> Troxclair: So the issue before us now is moving forward with how we want to move forward with Williamson creek buyouts and whether or not we want to do it in the same manner as onion creek or whether we want to put a cap or parameters on the relocation. >> I think it is 2fold, one is Williamson creek that is on the agenda as requested by council, and also the buyouts in general. >> Troxclair: Right. This chart, you -- it -- it seems like this chart. It seems like this chart is suggesting that because of the value of the homes, the appraised value of the homes in Williamson creek, if we did adopt a cap of 31,000 in relocation expenses that the people and people getting bought out would be able to find something similar with really -- I mean, it seems like there is only \$1,000 difference between these two options. So it seems like they would get it out, even if we did adopt a cap. We would be able to find them something and relocate them with little to no impact. >> Yes, that is based on the average, what you will see in

[11:39:56 AM]

actuality is there would be a handful of people that would have a struggle based on their home. But I think majority would be able to relocate with that cap. >> Troxclair: So the policy question it is not -- the amount that we would be giving to a family in one area, the gap isn't as wide as if it were in another location with lower home values. It seems like we're not -- MM. Ok. It seems like there would be not -- that it wouldn't necessarily be treating this area differently than onion creek because of the value of the homes and the benefits similar it seems like it would -- there is not so much of a difference of how we would -- even if we adopted a cap, there is not much of a difference between the onion creek buyouts and this buyout. >> Based on our preliminary look, I believe that could be correct. >> Troxclair: Ok. >> Tovo: Councilmember kitchen. >> Kitchen: I believe it could be different, and from my perspective there is a question of fairness for any one individual. I also wonder on this policy going forward, not opposed, just thinking about it. It could hurt people -- not hurt, but it could be -- could have a negative impact on

folks that were in lower-valued neighborhoods. Would that be the impact. So if someone was in a neighborhood where the homes were lower value and might have a more difficult time

[11:41:57 AM]

finding a replacement, the cap would have more of an impact on them than it might be for homes in higher valued homes? >> That is true, councilmember. >> Kitchen: Ok. >> Tovo: Councilmember pool. >> Pool: It seems to me the buyout assistance should relate to the economic conditions at the time that it is being made. So that whatever Numbers we come up with, they need to be flexible so that if 10 years down the road, 31,000 wouldn't be -- have the same value as it does today. And it also should have some relation to where it is that people are moving. >> Houston: Mayor pro tem, may I ask a question, and I know this is probably going back. How do you determine when some group of properties are eligible for a buyout? >> Councilmember as part of our Normal course of business, what we do is evaluate those worst problem areas in the city that through prioritization process adopted in the master plan, need a first look in terms of a solution. Where we identified structural solution that would mean more cost-effective. We brought up 10 million or \$6 million project and provided protection for 150 homes. Very cost-effective. We would not consider a buyout in those locations. But for those areas where there is not a cost-effective solution, structurally, that is where buyout becomes an option. For those buyout properties when we propose is looking at it based on a cost benefit as was presented in the last work session on this item, which is looking at again, the value.

[11:43:59 AM]

And to the extent that on a post-flood basis, say a certain neighborhood did flood, we would automatically rise to the top of the list. Those prfrpts with greater than 50% damage, which is substantial damage and those properties in particular have a very hard time rebuilding given our floodplain regulations and the ones through the federal government. So those would rise to the top and the others, because they were damaged would have a lower value assigned. What we would do is work quickly to reduce the cost of those structures that were flooded, which with the lower denominator, they rise higher in the prioritization system. All of this would not preclude the city council -- let's say, heaven forbid next year, there is another flood in a certain neighborhood. It doesn't preclude the council frp reevaluating for a particular neighborhood irrespective of the citywide policy. >> Houston: Thank you. >> Tovo: Any further questions? All right. We thank you. >> I just had one correction. I believe [indiscernible] Did not flood. >> Tovo: Thank you for that. >> One other comment. >> Zimmerman: You get a medal for today. >> I like that. >> Zimmerman: The cost-benefit analysis. Love it. Thank you. >> Tovo: Before we leave, I think it would be good to talk about Thursday. I think tomorrow,

we are scheduled to have a budget work session. It is my understanding we will be taking up the item number 10 as well at that discussion. Item number 10 is the consideration of an increasing the homestead extension. And Thursday, I think we had a few requests for time-certain

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items. It might be good to air those in public. Someone will need to remind me what those are. Councilmember Casar, did you and I request a time certain? >> Casar: I believe -- I'm not sure which ones I requested or others requested. I recall that 11:00 A.M. For the climate protection plan. >> 1:00. >> Casar: 1:00 for that and 6:30 P.M. For the homestead exemption is what councilmember Garza requested. By prox. >> Tovo: 1:00 P.M. Request for agenda item 48. And 6:30 time certain request for the homestead exemption. Councilmember kitchen. >> Kitchen: It probably would be helpful to request a time certain for the taxis. I don't have a preference on when that would be. That might be helpful in letting the folks that may want to come and speak in that. It will be limited like it was last time. That is my proposal. Last time we limited it to the 8 -- but still, if we had it a set time, people don't have to wait. I don't have a preference on when that is. >> Tovo: Think about it. Post it. >> 4:00 P.M. >> Tovo: 4:00 P.M. Looking at 1:00 P.M. For climate protection. 4:00 P.M. For the items related to the taxicab franchises. We'll break for dinner, and proclamations and then have a 6:30 homestead exemptions. And remember, we'll have executive session over the lunch break. At that time. >> Casar: One question for the members of the mobility committee, I did not -- [indiscernible] With the homestead exemption, but since she's a member of the mobility committee do you know considering we will have limited public testimony, could you eyeball how long that item may go? Since she's a member of the

[11:48:02 AM]

mobility committee she may be able to make both items if they're dropping in close enough. Opposed to 4:00 P.M. And 6:30 P.M. That is a greater spread of time. Instead of an hour, hour and a half, we could set it for 5:00. >> Kitchen: Testimony is 15 minutes. However much time people want to discuss it. I don't know. >> Casar: Councilmember Zimmerman -- >> Tovo: Let me caution you, we break at 5:30. >> Casar: Thanks for the reminder. >> Zimmerman: 4:30. >> Kitchen: That is all right with me. >> Tovo: Continue to -- >> Casar: How flexible are we with changing that time if any of us reached out? >> Kitchen: The purpose of addressing it is to let the stakeholders know today. >> Casar: Exactly. >> Tovo: We can't vote on that until Thursday anyway. >> You are talking about what you prefer to do. >> Casar: We would actually do it? >> Kitchen: We have been talking to councilmember Garza about the, you know, about the provisions. So thanks for thinking about that. >> Casar: Great. I'll express sentiment around 4:30. And then on Thursday, we'll have it decided and the stakeholders know to come around

4:00 or 4:30 and then of course, Thursday morning we ultimately make that decision. >> Tovo: Great. As our city attorney cautioned us, we will not set those time concerns until Thursday. For those of you watching that is our best estimate of what we think will be happening on Thursday. Are there any other items of discussion related to the agenda? >> Troxclair: This is really a side note, but if we are going to set a time certain of 6:30 for the homestead exemption, I would prefer that we actually stay on the schedule because it is not pushed later and later because we will have a lot of members of the public

[11:50:02 AM]

show up for that here. And I would hate to keep them here too far past that. But my actual question was, I sense that you are trying to reserve a time for us to eat on Thursday to have on executive session. In light of the long agenda that we have and all of the kind of big issues that we have, would it be appropriate or possible to have the executive session tomorrow after our budget workshop. >> Tovo: I guess I would say I don't think we're posted for it, and also it is really all the mayor's discretion. These are just kind of our -- with regard to when we have executive session. But we're not posted to have that for tomorrow anyway. So we would have to have it on Thursday, at some point. >> Troxclair: Ok. And we don't want to have it today because we want the mayor to be able to be here? >> Tovo: I think there are a variety of reasons -- he didn't request that it be pushed. It is my suggestion to do so so we could one, conclude on time. Two, out of consideration for our legal staff. And that also allows us, I think, the opportunity to be focused in our questions and sending those up in advance of the Thursday session. >> Troxclair: Ok. >> Tovo: Is that all right? Is everybody comfortable of that plan of not taking it up until Thursday. >> Houston: Just makes it a long [audio skipping] >> Tovo: With the exception of last time. Councilmember kitchen. >> Kitchen: I would like to express, I think it is important to break for food. Because if we don't, that puts some of us in the position of being off the dais and we have to run -- or we miss something. I think as a practice, it is healthier and also prevents us from having to choose what we will miss. >> Tovo: I agree. I think if we can be disciplined about taking a short lunch break, I think that would be my fast preference. Councilmember Houston. >> Houston: I have a question about the agenda.

[11:52:03 AM]

How is it decided what is on consent? >> The consent agenda simply means those are items the council can take up and vote on together. There is not a reason it can be taken off and discussed. For example, a public hearing cannot be done on consent. Eminent domain cannot be done on consent. Doesn't mean they're noncontroversial, doesn't mean people think lesser of them. Is simply about a legality about how to take them up. >> Houston: Can I finish? >> Just information. >> Houston: That is good inform.

Because some controversial items are on consent and that infehr -- infuriates the public. So if we know they're council, why put them on consent. Why? >> We can talk about that again. It is a legal formality. It doesn't have legal weight in the items. >> Houston: Thank you. >> Tovo: It might be interesting to add a line explaining, these are not items that have to be under the law discussed or something like that. That does come up a lot. >> Houston: It does. >> Zimmerman: Mayor pro tem. >> Tovo: Councilmember Zimmerman. >> Zimmerman: Maybe we should have council involved on what items should be put on consent. I don't know why we as elected council aren't reviewing the items that staff believes ought to be on consent and as a council body we say yeah these look like consent. And those that are not, we'll call them nonconsent. >> Tovo: Councilmember pool and then councilmember Casar. >> Pool: I think that is exactly what we do when we look at the agenda and we pull items for discussion. Having a meeting [audio skipping] When the agenda is and sit in

[11:54:04 AM]

conference like we are here. So I think the process is developed to the point where the mayor and the city manager and staff put together the items as the city attorney has mentioned that require discussion and the others that don't. We pull the ones that we would like to discuss. Seems to work pretty well. [Audio skipping] >> Zimmerman: The mayor does not -- >> Tovo: You skipped over councilmember Casar who had the floor. Councilmember Houston and then back to you. >> Casar: I thought about this, they said it was not on consent. Maybe not an explanation, but expanding the word consent to describe exactly what our city attorney described, which is instead of the word consent being in there, saying items that could -- as a matter of items they're not on consent because we've not consented to pass them yet. Sometimes people misinterpret the word concept, probably for good reason as the council has consented that we're going to pass this, whereas it means we could pass this all at once. So I don't know if we need to have an extra meeting to debate that, because that is the debate at the council meeting. But I think the difference is what the legal minds would understand consent as and what most others, I think sometimes causes ruffling of feathers that we could possibly avoid if we could put in parentheses "Could be passed on consent". >> Houston: Many things were passed on consent because nobody pulled them. And it infehr -- infuriates

[11:56:05 AM]

the public. Other things were passed. They ask how did that get passed. It was on the consent agenda. That is something to consider. >> Tovo: That is a policy if two speakers sign up, it is automatically pulled. There is an opportunity for the public to determine what is consent as well. They have an opportunity if they're the only one and only person, Mr. Pena is nodding, that has signed up on a consent item, they

still get to talk about the consent agenda. I certainly think it would be useful to forward suggestions if there are some. Ok. Seeing no other business before us, this meeting of the Austin city council work session stands adjourned at 11:57. [Adjourned]