

City Council Work Session Transcript – 08/18/2015

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>> Mayor Adler: Good morning, it is Tuesday, August 18th. We are convening the work session here in the boards and commissions room at 301 west second street. Austin. And time is 91:25. We have a quorum present. I want to begin the meeting by recognizing the work that was done last night by the planning and neighborhood group hearing the str issue. Working into the very, very wee hours of the morning, after 2:00, I understand. For the -- for the -- taking one for the team. By that I mean that while different members of the council were able to in different places doing different things, related to the work, four of us received on behalf of all of us the public testimony worked through some of the rules, we'll talk about that item potentially in a little bit. The record and the testimony is available for all of us to go through. There was an opportunity for us to watch that and I think that that is a moment where the committee process is working the way we had hoped and intended the committee process would work for the council. Councilmember Gallo has asked that we not pick up the short-term rental item at our work session agenda until she's able to get here. And she said that she would be a little late in -- in

[9:16:33 AM]

arriving. So we're going to hold off on item no. 2. And item no. 52. I'm going to go through the items that were pulled first and then we'll go back and get the items that were not pulled. >> Tovo: Just on that subject, I see some of our staff that will also be here until about 2:45 I want to send my thanks to Tricia Link and others who were here very late and got here this morning for our work session. >> Mayor Adler: Thank you. >> There were two items that I pulled that I don't need pulled. It's 66 and 69. I really just had one question about how we handle fees. I think I'm understanding that these are public hearings and that we don't act on the fee until we go to the budget. >> Mayor Adler: That's correct, those are public hearing items. >> Kitchen: So I don't need to pull 66 and 69. >> Mayor Adler: Well, let's start then with the items that were pulled. We're going to double back, stop first -- we're going to do executive session at the end, as we break the way that we have been doing that. We have one briefing item. And then we have some pulled items and I understand with respect to one of the pulled items we have bond counsel here, so what I'm going to do is call up item no. 16, so that -- so that our bond counsel can -- can answer questions and then leave. Then we'll do the briefing and then back to the pulled items. So, Ms. Troxclair, you pulled, I think, item no. 16. >> Troxclair: I just had a quick question about 16. So there are a couple of these bonds, issues on the agenda this week.

[9:18:35 AM]

And looking in the backup, at the interest, it just seemed that this -- that the amount of this interest on item no. 16 was so much more than all of the items, all of the other items on our agenda, a lot of the others are -- you know, I guess about half or less than half of the principal. But this interest says the principal is \$3.5 million and the interest is \$6 million. So I was just kind of noticing that discrepancy, I wanted to understand what the difference was. >> These first -- these are the first year interest, principal and interest payments and we individually structure each of these sales based on the term, particularly term and these would have a different term than say the Kos would have a 70 term. It's how we've structured the principal to mature over the life of the debt will determine. So they will all be different because they are all structured differently. >> Troxclair: Okay, so on all of these, I guess this first column if I'm looking at the backup where it says principal interest, total debt, 15, 16, 20 years and then per year, right? >> Right. >> Troxclair: So in each of those columns, the interest is just so significantly greater. I mean it's as much -- in all of them it's double -- yeah, it's almost double -- >> Rather than answer these questions now because we don't have the detail debt service schedule behind it, if you could submit them in writing, I think that would be better, we will get the answer to you before

[9:20:35 AM]

Thursday. >> Troxclair: Okay. >> Did you have any other questions? >> Troxclair: Nope, that's it. >> Mayor Adler: All right. Thank you very much. >> Thank you. >> Mayor Adler: Rodney, do you want to come up and give us the briefing on the permitting process. >> Good morning mayor and council, Rodney Gonzalez, the acting director for the city's development services department. With me today is Greg Guernsey, he's the director for the city's planning and zoning department. Mayor and council, you may recall that on August 4th we presented a briefing on the department's two-year action plan. The two-year action plan is our roadmap for making a wide variety of improvements to both the development services development and the planning and zoning department. With regard to those improvements and with regard to the briefing that we had presented on August 4th, we talked about the performance metrics that we will be using with regard to measuring our success of the improvements. We use a number of performance measures within the department. A lot of those are captured online. We present those monthly through perform reports, we also publish those through the city's budget process. With regard to these performance metrics, these are specific to some of the additional resources that will be added to the department and they were shared with you as part of the briefing, they were three pages. And on these performance measures, these are what we believe we will put in place to measure the success as we go through this journey of improvements, some of these

[9:22:36 AM]

metrics may change. Some of our processes may change. This is iterative, this is a starting point. This is by no means an end point to what we intend to accomplish and what we intend to achieve. So what we have presented to you today is a chart of the metrics that were presented on August 4th as well as some additional metrics. There are metrics that are quantitative, you will see those with regard to wait times and there are metrics that are qualitative, and those are how the customer feels that we are doing our job. As I had mentioned on August 4th, some of those will be conducted through anecdotal surveys, we are starting those already, those are continuous survey opportunities that our customers have to provide their feedback on the quality of the service provided. Some of those are going to be scientific. We intend to hire etc institute to do an annual survey of our services and we've already got some of that baseline data that was provided through the survey conducted by Zucker systems in 2014. So mayor and council, what we want to do today then is walk through some of these performance metrics and talk about the measures themselves and how they relate to the measure of success. We thought them

online on the TV screen for viewers that are watching this morning. So beginning with wait time, these are quantitative metrics in the permit center as I mentioned before, we sorry average approximately 73 faxes per day. Those faxes are processed by the syn folks who process permit requests from walk-in customers. We are going to be moving those faxes online. It will be an online application that will be available for our customers 24/7. And with regard to that metric, we will complete the online applications by January of this year.

[9:24:38 AM]

And once those faxes are processed online, as well as additional applications online, that's going to free up more of our staff time to process the walk-in customers, so we fully anticipate that we'll see decreases in the wait times in the permit center. Moving down with regard to site -- zoning and site plan consultation and environmental review consultation, annually we receive or we process approximately 33,000 customers come into the development assistance center for various forms of consultation. Their wait times, because as you can imagine with that many customers, that come through the development assistance center and with the staff Numbers that we have, there are going to be wait times. We are proposing to add new staff positions within the development assistance center that will decrease the wait times for zoning and site plan consultation as well as environmental review consultation. Currently the baseline wait time for zoning and site plan consultation is 35 minutes. And we anticipate with the addition of staff that we will get down to a wait time of 25 minutes. And for environmental review, the current baseline for wait time is 28 minutes and with the additional staff we anticipate that we will get down to wait time of 19 minutes. Once again, these are quantitative measures that are a factor of the number of staff that we have currently, plus the anticipated number of customers that we will serve. And then moving on the list to commercial plan review and residential plan review, we plan to add additional staff in both of those areas, on commercial plan review the big measure for us is the percent of reviews that we complete on time. We are aiming for a 90% completion rate of on time reviews in commercial plan review. The baseline for that currently is 38%. With the additional of -- with the addition of four engineer associates, we

[9:26:39 AM]

anticipate that we will get to a 90% on time completion of all commercial plan reviews. And for residential plan review, we have an additional staff position that we're requesting, as well we'll be looking, not looking, but we will be engaging in contracts to have external contractors come and help with some of the plan reviews. That's been a long-standing question of external organizations like the real estate council of Austin, they've asked about us using contracts and that's what we intend to do. As well, we're going to be training our intake staff for zoning review, we'll be coming forward to council with an expedited review program, and, of course, as was mentioned on August 4th, there were some timelines that we have that just are inappropriately set. For example, for residential remodel, we have a two business day turn around time for that. Well, if you get the plan review on Friday, it's not business day, I'm sorry, calendar day. We have a two calendar day turn around. If we get the plan review on Friday, then by Monday we are already late. We need to change that because that's an inappropriate timeline. With those changes we anticipate we will go from a 38% on time review to 90 percent on time review. At the call center, we receive approximately 7,000 phone calls a month. We are able to answer with a live person approximately 47% of those calls. The other calls do go to voice mail and we do get back to those customers when they leave a voice mail. But 47% is not enough. We want to add two customer service representatives that will take us to 75% answer rate and we are currently working with 311 to bring that to a -- to a 100% answer rate. And so our metric right here is more related to staff

because we're still working on the contract with 311. But our metric is to get to

[9:28:40 AM]

75% answer rate with the positions that we are requesting and this is one of those things that I had mentioned that these would be iterative. Once we complete the contract with 311, we'll change that goal to 100%. So these by no means are meant to be the end point, but rather a starting point. And site and subdivision application intake, we receive approximately 3,000 applications for intake, plus trees. Our current wait time, and this is akin to if you wanted to set an appointment with a doctor, if you call your doctor and the doctor says, okay, the next appointment available is seven days out, that's the same thing for intake. Currently, the appointment times are seven days out and we want to reduce that to two days and we are requesting additional staff there that will take that wait time from 7 days to 2 business days. And site and subdivision plan reviews, we receive approximately 1200 plan reviews annually. With a new addition of staff, we will increase our on time reviews from 60% to 90%. We've also, in each of these -- this is a piece I didn't cover -- we've provided to you what is a Gantt chart, the starting point, of course, we've -- the starting point is the fiscal year of October that begins in October, however, the staff resources will be coming online in January. We programmed that mainly because we need to accommodate the room for the new staff at one Texas center with the 27 positions, there is not enough room currently for those positions. So we are currently working with the building services department and the real estate department to make the room for those positions. Once we get those positions on board in January, there is going to be some amount of training time. And we factored that in and so most of these performance

[9:30:41 AM]

measures we anticipate reaching by April of 2016. With the case of land use review on the site and decision plan we reviews, there are additional staff positions that we intend to add or to propose in the fiscal year '16-'17 budget, that's why you see that metric reaching out into March of 2017. The next set of metrics are more of the qualitative metrics. As I had mentioned, we intend to continuously reach out to our customers. They are the -- they are going to tell us how we've succeeded in some of these qualitative areas and we've got some of that information already in the Zucker report. Mr. Zucker sent out surveys to 1900 of our customers. He received responses from approximately 300. And the customer survey reports are an appendix within the Zucker report that you and the public have to read through. And that's where some of this baseline data came from, as well as the responses. These questions were some of the highest negative scores that the department received in the survey. And so it's important for us to focus on these areas because these are the areas where the customers feel that we're just not doing a good enough job and the resources that we're proposing, as well as the process improvements that we're proposing are intended to get us to a much better place than where we currently are. In terms of quality reviews, the questions that will be posed to our customers are code and policies are applied by department staff in a fair and practical manner. That relates to the training that we have for our staff. We have in excess of 300 employees, not all of them doing plan reviews, but a good number doing plan reviews, permitting, inspections. We want to make sure that they are -- that they are training -- that their training gets them to a

[9:32:41 AM]

consistent point of view with regard to interpreting code. Currently, the baseline survey from our customers are -- are 40% of our customers feel that codes and policies are applied in a fair and practical

manner. It's our intention to get to 90%. The other question would be -- and -- and on the timeline with that, as I mentioned, we'll be doing anecdotal surveys continuously. We'll be asking our customers to continuously fill in survey cards, we'll post surveys online. Once a year, in December, we will bring in etc institute to conduct an annual survey and so the metric that you see reaching out to December of 2017 would be the base -- the base measuring point would be December of this year. Then in December of '16 would be the one year mark for reaching the 90%. The other question is department staff anticipates obstacles and provides options when available. This is, again, a customer service training piece. We want our employees to be focused on customer service. We want them to help our customers, we want them to anticipate obstacles when they arise and to help our customers with available options that are available to our customers. The other question is the processing of my projects is not delayed over minor issues. That was an issue that was pointed out in table 3. Within the Zucker report. Mr. Zucker had referred to it as nit-picking. We know that we have to apply the code against these plans and permits and inspections that we have; however, we want to make sure that if they are minor issues, very minor, that the staff works with customers in that regard. The next question would be the approval or plan review

[9:34:41 AM]

corrections apply to my project are reasonable and justified. Current baseline for that is 47% of our customers scored positively. We want to reach 90%. And inspectors rarely found errors in the field during construction, that should have been caught during the plan review process. That again is a training function. We want to make sure that our plan reviewers capture as much information as possible during the plan review because we don't like it as well when items are found in the field that should have been found during inspection. Moving on to the next performance goal, which is coordinated reviews with all departments, on Thursday you will be considering a contract with Mr. Zucker for him to come back this year to review the interrelationship that we have with the 12 different departments in the city. So the premise of that contract for -- will be for Mr. Zucker to help us develop memorandums of understanding between our department and these external city departments and we anticipate completing those memorandums of understanding by March of next year. Two questions that are really key for our customers, are -- are -- the customer understands the city's development review and plan process. It's really important for us. We've heard feedback from a number of organizations and we hear it from our customers that the review, plan review process is complex. And we need to do a better job of providing in a simple format, information to our -- so our customers can understand the process and we also need to, where possible, create efficiencies and make that process streamlined and make it easier to go through. Another question is customer understands the department's structure and the role of external review departments. That is where we intend, through the Zucker systems contract, to delineate the

[9:36:42 AM]

roles and responsibilities of each department in the plan review and inspections process so that way we can provide that information to our customer in a simple format as well. The next performance goal is investment in employees. And we've got a number of items with regard to investment of employees, primarily training, developing of mentorship programs, looking at some of the pay rates for some of our employees as well. These will be measured by our employees. We will conduct surveys from our employees as they go through our training programs. One of the metrics is there is a strong emphasis on training and that will be provided by our departments. Currently there is no metric for that, it will be a new measure for us. We are aiming for a 95% positive rating in that metric. The next metric is employee

retention rate, that would be including retirements or internal promotions. We are doing very well in terms of employee retention. Our current retention rate is 96%. In this regard, our -- our goal will be 95%. So currently we are exceeding the goal, the city-wide average is 10 -- is 90% for employee retention rate. So we were doing very favorably in terms of employee retention rate. That's an average retention rate. The other question for our surveys would be the training provided is effective. And our employees are the best judge of that. After going through the program to know whether or not the training that we provided was useful and helpful and they used it during their course of either plan review or inspections. Moving on to customer service, these again will be conducted through anecdotal and scientific surveys. The overall question would be the department staff provides good customer service. According to the survey

[9:38:43 AM]

conducted through the Zucker report, that baseline currently is 50%. We're going to aim for a 95% good customer rating from our customers. The other question would be review services are completed by the date promised. And our baseline currently is 38%. We are going to be aiming for a 90% and this one is -- the last one is very critical. It's with regard to the culture within the organization. And we talked about this with regard to phone calls and the expectation is going to be that phone calls are returned either the same business day or within 24 hours and that is department staff is easily accessible when assistance was needed to resolve problems. Our baseline positive rate percentage is 31% and we are going to be aiming for a 90% positive rating for staff being easily accessible. And the six performance goals on technology and we've got a couple of items here that are current projects that we intend to complete soon, electronic plan review, that is the way the electronic plan review is currently handled is if you are a developer, you bring in multiple copies of large volumes of plan sets and you have to come to one Texas center, provide them to our intake, we then take them and we then internally route those plan sets to our employees for them to review. With electronic plan review, developers can submit their plans from the comfort of their computer with one click. Those are submitted to our office and then from our perspective it eases the distribution as well, we then send it out to all plan reviewers at the same time for comment and for review. We have currently released -- we are going to be releasing electronic plan review in a phased manner.

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We have currently released it for general permit transactions. The next release will be to commercial and residential plans, the final release will be to site and subdivision plans, we anticipate completing that by September of 2016. I've mentioned before the dashboards that we've been installing to monitor performance metrics, they've been very helpful to us for clearing the backlog. We anticipate to complete the entire dash boards program by December of 2016. The final metric is regarding bringing our plan review and permit applications online. We currently have in excess of 100 applications submitted to us in various forms of 100 applications. We are going to initially target those higher volume applications and bring those online first. And some of those have mentioned already including electronic plan review, as well as trade permits. And we anticipate of the 100 applications that we have, bringing at least 90% of those online by -- by September of 2017. Mayor and council those are the performance metrics for development services. And on reverse side of that sheet are the metrics for the planning and zoning department. Middle mill thank you mayor and council, Greg Guernsey planning and zoning department. These are the same metrics that you had seen before except for the one that was completed already and that was removed. Under the comprehensive planning and urban design areas, we'll finish creating the weighted metrics for the planning areas. By January of next year. Finishing the --

the emphasis of those growth areas, different centers, neighborhood, town, regional centers. Working with those would be done by June of 2016. Researching the best

[9:42:44 AM]

practices that deal with other cities, these dealt with the neighborhood planning boundaries and the contact teams. We're working there you that, we expect that to be done by -- working through that, except that to be done by March of 2016, staff will be bringing back recommendations regarding those items. In the current planning area, the training schedule we'll have actually that completed within the month of October. And then staff will set out over the course of the next year and years, I should say, of doing training with staff within the department and working with other departments like the development services department. There are sets of manuals that we have to train staff and we'll be updating the zoning manual that we've had for many quarters and then actually creating new manuals that will specifically address historic preservation, annexation, and code amendment areas. And then finally, as I said the last time, the (indiscernible) Is codenext, we are implementing phase 1 of going to electronic code, digital code. That will be more user friendly for staff and for the public. These are all done by due date months. And we should be able to keep all of those on track and get those completed either on or before those dates. >> Mayor and council, it's our intention, of course, to continue to keep you continuously updated on how we fare for these metrics, so it's our intention to post these online for you and the viewing public to see continuously. >> Mayor Adler: Thanks for coming back with us. It's -- it's, of course, real difficult to be able to respond to something that we see just before you talk. We'll put this on the agenda for next week as well. So that we can give you feedback for these and then maybe we can work through some of these. I would imagine there will

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be some suggestions or changes or additions. Have you had the opportunity to circulate this among the stakeholders, the users of the process yet? >> No mayor and council. We've completed it this week. And we've not circulated it among the stakeholders. >> Mayor Adler: To the degree that you could, if you could do that, then we could get some feedback from them by next week, if that's possible. My goal, again, is to get this widely disbursed with people, to have a working draft of this that we work through so that we're not calling this up on successive Mondays. So I want to work our way there you that process as quickly as I can. The -- again it's hard to comment when we have it. But just a couple of request he is that I can see. You have -- a couple of questions that I can see. You have an answer rate for the call center department up to 75%, but you said that with 311 you hope to get to 1% -- I mean 100%. Tell me how I read that line, the answer rate for department call center getting to 75%. There are some whited boxes, darkened boxes, whited boxes after that. Tell me how I read that. >> The whited boxes, this is intended to be a Gantt chart. So this is related to bringing on board staff resources. Those staff resources will be available in January of this year. And that will be the starting point for getting us to 75%. The four blocks are months, so that would be January, February, March, that we would on board these staff, get them trained, get them set up to answer calls, so we anticipate by that last gray block, which is April of 2016, to achieve a 75% call rate. >> Mayor Adler: So the way

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that I would read this, if I wasn't concerned about how you were going to get there and I was only concerned with where you were getting, which is my concern, the way that I would read this is I would say that you're saying that we have been successful if we've gotten to 75% by the end of April of 2016.

>> I don't want to leave it as that because as I mentioned that is a starting point. >> Mayor Adler: That's my next points. We can have intermediate goals, but the whole purpose of this exercise is to be able to define success. So my understanding is that you also believe that you can get to 100%. >> Yes. >> Mayor Adler: When is the goal date to get to 100%? >> That was not defined yet because as I mentioned we were working with 311 to define the resources needed to get to 100%. So I can't tell you what that specific date will be. >> Mayor Adler: So I would want to have, before we're done with this document, I would like to know when the 100% date is. I would like you then to go and talk to 311 and then figure out what the goal would be for that. If you need additional resources in order to be able to get there, but from a policy standpoint, I think we should be able to get to a place where we have 100% of the calls that are answered, if that's the goal, and I think it's reasonable for the community to know and for us to know what is a reasonable time to be able to get to that 100% number. >> Okay. >> Mayor Adler: Some of the other things, in addition to getting -- getting an answer rate, when some people are not being answered, I think that an associated goal would be how quickly people get their call returned. If they call and get a recorded operator, sometimes we hear that people make a call and they don't get a call back, so one

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performance objective that might be worth taking a look at would be when someone does not get a live person to talk to, how long should it take before they get a call back. >> Mayor. >> Mayor Adler: Yes. >> Sue Edwards, assistant city manager. I want to address both of your comments. The last comment first. We already have a metric that says that we will return calls within 24 hours and that would be either a call or an email that says I have received your call and I will get back with you at a particular time. I want to go back to -- Rodney mentioned before -- we have a number of metrics that don't show up here but are already online that we are going to continue to work with. I want to go back to the other comment and your request to have a date, a definitive date by when we would have 100% of something. That is a -- this is a two-year plan and there are going to be times where we will not know because we're in the process of working exactly when we might reach 100% or 90%. So I would respectfully ask that you appreciate the fact that we still have a -- have a 24 months that we're working through this process and that there just are going to be some answers that we don't have right now. >> Mayor Adler: I think that it's entirely reasonable, as the course of our conversation, as we talk through this together, over the -- over the succeeding Mondays, that there may be goals that we agree we can't set. It may be impossible to say that we can get to 100% sometime over the next two years. And if that's the conversation that we have, then the community needs to know that setting a goal to get 100% of the calls answered over a two year period of time is a goal we can't reach. Now, if we think it is a goal we can reach over the

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two year period of time, then we ought to be able to pick a date that is reasonable and we think that we could make it. I would want to make sure that we pick a goal that is consistent with the resources that you have. Now, I would -- it would be great if over that two year period of time you were able to meet some of the goals earlier than what we have. But if we can't set the goal that will have 100% of the phone calls answered in two years, then -- then we should agree on that and the community should know that's not a fair expectation for them to have. Over the next two years. It's up to them to decide which goals are reasonable, which goals are not reasonable for this process that we're going to do. We're doing this in part because when you talk to people in the community people don't think that we're going to be able to fix permitting. The reason they don't think we're going to be able to fix permitting because the perception is that it hasn't worked the way that it should for a very long period of time and that the

city has tried to fix this on several occasions. And never been as successful as the community would like going -- going way back and so this process is one that we're going to go through pretty meticulously here. For example if there are other metrics that you have online that should be part of how we measure whether we're successful or not, then I would like to take them from the off line and put them on to this page and it could be that you don't think that those would be fair or appropriate measures of how we measure success in the permitting process. When we circulate this, I would invite the stakeholders that are watching this or will get this clip to be able to watch, if they think that there are metrics that are

[9:52:50 AM]

appearing online somewhere that should also be put on our list of how we're going to measure whether we were successful or not, I want them to weigh in, want them to come and -- and let us know, let you know, that those should be -- should be metrics that might be added. Because we do want to pull into one place those things where we've agreed and you've agreed and the stakeholders agree that if we hit those marks we will have been successful. Not that we won't do any better than that, hopefully we will, also, but at least the community will know by this time this is what the agreed metric was. I have a question with respect to the qualitative reviews. Having -- having one review over the next two year period of time, having it done annually, seems to me to be too long. And I can think about that and I would like to know what it would cost to have that qualitative review fielded, maybe semi annually so that we can see progress because one of the biggest things that we hear relate to the qualitative concerns that people have. And I know you're making great strides in that with respect to customer service. And the like. To know if we could benchmark that every six months so that we would have three points in time so that -- so that -- because that is something that -- that is of such concern to people. One of the points that Zucker gave in the review that they gave was a lot of the benchmarks or goals that we were measuring were input related as opposed to output related. And I want to make sure that we focus on the output related issues. There are some things that are on this list that are input related as opposed to -- do you understand what I mean when I say -- >> Yeah. >> Mayor Adler: Some of

[9:54:50 AM]

these are input related, some of these things that could be input related we don't need to put on this because again I'm not concerned about the input-related items, just the output-related. Some of them that are input-related, I think we need to try to figure out how it is that we measure the output. For example, you have the training provided is effective. I think that's real important. That's an input, training is an input. I think that the output associated with that might be sometimes I hear that successive inspectors will go out with differing interpretations of what the ordinance requirements were. That's an output. And maybe there's a way for us to tie to the output that would be related to that factor. And maybe -- and, again, I'm just -- this is all off the cuff because this is -- this has come, I know that you've been working on this all week. But to come up with what the -- what the output measures associated with them might be. I do know that some of the output-related measures are the survey results and -- and I can learn more about that, I'm concerned about tying an output-related measure to an anecdotal survey. We've talked about this before, I think the anecdotal surveys are real important to you from a management perspective. So that you get information and data so you can be nimble and change and the like. What I'm looking for is something that would be relatively scientifically strict enough so that a difference in Numbers from point to point would be scientifically significant. So I don't know if there's a way to -- to get a -- that kind of measure for some of these things. But that's the -- that's the kind of thing that I would

[9:56:51 AM]

want to take a look at. When we have things like the technology, being online, electric plan review is happening online, does that also mean that the comments from the various departments are being posted real-time? So you don't have to wait until the end of the process to see what -- they can start reacting to comments from departments as those departments make those comments? >> Yes. The intention is to have all of the reviews done simultaneously, so that would -- (indiscernible). >> Okay. The reviews will be done simultaneously. Now, when we release them, it's the intention, of course, to release them as a whole. But that's how we currently do with our plan reviews is we have a specific date of which we have to return the comments to the applicant and those are released as a whole. >> Mayor Adler: Is it possible, again this is just a question, just that I've been asked. If it's possible for people to see the departmental comments as the departments make comments or is that not something that can be done? >> You know -- (indiscernible) -- >> Mayor Adler: No, no, no, it's his presentation. >> [Indiscernible]. >> Gallo: In this case, mayor, you know, some -- >> In this case, mayor, some of the comments that we make need to be coordinated amongst the departments. That's one of the things that we want to make sure Mr. Zucker looks at. If we're getting a comments from an environmental reviewer as opposed to a transportation reviewer has a similar comment, we want to make sure that they're coordinated and we're not sending out conflicting messages to the applicant. >> Mayor Adler: Okay. >> If I may, just (indiscernible) >> If I may, [indiscernible], we can certainly set goals and certainly we're having a conversation about performance metrics at a

[9:58:51 AM]

level of detail that frankly I find extraordinary for a council, but I'm still struggling with a a policy goal level discussion about these issues and the conversation that we're having right now. Performance metrics go to at least one of the tools by which we achieve our goals: It's a way of measuring our process. It's iterative as Rodney has indicated. And sometimes it suggests from an operational and management standpoint that we need to modify our approach. An overarching concern that I have as we're doing this is about managing expectations. Setting hard line goals, you know, and if you don't achieve them, having people go quickly to failure, when that set of circumstances may not indicate failure, it may mean based upon what you've learned along the way that you need to make some sort of adjustment. So I'm concerned at the level at which we're having a conversation today, I find it extraordinary level at the policy level to be having this kind of conversation and I am concerned at the end of this process, which is why I'm saying it now, that it's important to manage expectations. >> Mayor Adler: What I'm struggling with me, manager, and I understand the concern and the issue, we want to provide all of the tools and things necessary for the department to be successful and we want the permitting process to be the best permitting process in the country. Which I think actually San Antonio's permitting

[10:00:52 AM]

process is the motto is best managed city. >> Ott: [Indiscernible]. >> Mayor Adler: No, I don't. I'm liking yours. [Laughter]. But what I do want to do is when we say that we want permitting to be successful, I can say that, you can say that, Rodney can say that. I want to making sure when we say that we're saying the same thing. And I don't know how to make sure that when we say it successful that we're all saying the same thing other than to define what success looks like. If you have a better way to define success than the process we're going through, then I'm all ears, but I think that setting goals like this where we

say this is what success looks like, is not it is not a management function, but a policy function because we want it to be successful. This is how we manage that. I think we should not be getting into how you manage to that goal. >> I think it does. >> Mayor Adler: And I think that's fine. >> I think this does and what you're talking about does. >> Mayor Adler: And this may be the end of the document. We're now going to go out to the community, to the stakeholders. We'll have a chance to look at this so people can add other metrics for success and time frames. There may be some people in the community or this council that thinks within a certain period of time we must be able to get to 100% of the phone calls being answered and then we can mark that. But I also want to say that this is not a test, this is not a process that's set up. This is a positive thing. This is to get everybody on the same page so it's real clear when we say, hey, you need to hit that goal you need more resources to do that, and this is what we need to do that and you put it back on us. And I also think it will be something that grows. If over the course of time you say we set this goal to happen on this day, but we

[10:02:54 AM]

now have gotten into it and we realize we can't make that goal because of what we've learned or because we now don't think that's a relevant goal anymore, in which case you'll come back and we'll pull this out and we'll change this date to -- we need to discuss changing this date to that or having this three or taking off this one. And that's perfectly appropriate way. And that is the -- this becomes a living document, but by saying that it's iterative it doesn't mean that we don't start with an agreed vision of what success is. It can change over time. And to that end when you have success measures that you've already met, they shouldn't come off the list. I think there was a comment that one of them was met coming off the list. It shouldn't come off the list. It should stay on the list and there should be a recognition that hey, we met this one now. So keep all these things on the list. Don't take anything off. But manager, I don't see it -- once we do this, then you manage to it and put the resources on us. And say these are what we need to get to these goals. >> And I'm glad to hear of the iterative process and once we've established what is going to be on this piece of paper that it's not etched in stone because I assure you given the complex nature of what we're talking about here, that there are going to be things that we're going to learn. We're going to validate things that will suggest that we do something different, that we change a performance metric, that we change a management or operational aspect of what we're doing in these various areas. Without that kind of understanding upfront, I became -- have become increasingly concerned about managing expectations and

[10:04:56 AM]

how people may choose to define failure depending upon how it's done. I'm glad to hear that acknowledgment on your part because there are times I'm certain that we will be coming back to tell you about certain realities that mean that we need to modify a goal or we need to modify performance metrics or we need to modify some aspect of this schedule that says we're going to hit certain milestones or achieve certain things by a certain time. Those things are going to happen and I think it's important that everyone understand that. We're very receptive to the conversation we're having with council and your input and those out there that are stakeholders and engaged in the elements of this development and permitting review process. The comments from all of those stakeholders are well received by us. But again managing expectations here in my view is very important. >> Mayor Adler: We're now going to have other comments. Mr. Zimmerman, Ms. Kitchen. Ms. Kitchen, why don't you start and then Mr. Zimmerman. >> Kitchen: One of my questions relates to item 44, which you mentioned in the new scope? Should I ask those now or should I wait until we get to 44? This has to do with the additional 100,000 for the Zucker systems that you referenced, and it's on here. Should I go

ahead with those questions? >> Sure. >> Kitchen: So I just have a couple of questions about that. You don't have to answer them now if you want to provide the information. Because it's not -- I didn't see it in the backup. I'd like to understand before we vote on Thursday

[10:06:56 AM]

the scope of this -- and I want to just make sure I'm understanding the scope of what Zucker is going to do. It looks to me a and I want to make sure I'm understanding that their role is to develop these mou's, and I'm not saying that's the big job, but that is what the scope is, is that correct? >> No, the mou's are the output. The scope is engaging in dialogue and looking at the processes and the interrelationship between us and our partner departments. Mr. Zucker and his team will come several times between September and November to meet with us, meet with the staff of the other departments, get a sense for that interrelationship and the output is the development of the memos of understanding. >> Kitchen: I would like to understand which departments will be included in the scope. If that's something that you could provide to me by Thursday, that would be helpful. >> We provide that today. I know councilmember Houston had asked for that before so we'll get that to council today the list of departments. >> Kitchen: And the last question related to that is are you including in the department the neighborhood liaison program? And let me tell you what I'm asking, and maybe there's a different way to ask it. But from my perspective it would seem that in addition to departments like transportation and watershed and other departments that bear on the permitting process that the relationship between permitting process and neighborhoods is an important relationship, which relates to my other question is who are the customers when you talk about customers here and where do the neighborhoods and other stakeholders fit. Going back to the scope, I mention the neighborhood liaison program just because it's my understanding that the role of that program is

[10:08:57 AM]

to assist the neighbors, neighborhoods and stakeholders in neighborhoods with their relationship to the planning, development and review process. So if that's not the correct understanding, then that's something I would like to know. I would like to understand in the scope, the mou is with whom? And which department with regard to the relationship with neighborhoods and stakeholders like that. >> Sure. So one of the departments is the planning and zoning department, which is where the neighborhood liaison's fall under. The other is economic development and they have several liaisons that work with businesses so we'll be partnering with the economic development department as well, so we'll be taking a look at those areas. >> Kitchen: So those will be in the scope and that specifically. >> The agreement will be with the department themselves, so it will be with the development services department and the planning, development and review department and with the economic development department. That's how those mou's will work at the director level. >> I just want to understand -- I just want to make sure and don't have to answer this now, but I'm trying to provide my perspective and hopefully some direction. I don't know if the rest of the council agrees, but I would like to understand and like some clarity on how the neighborhoods have been input into the pdr process and what that relationship is between the staff and subdepartments or whatever that are responsible for working with the neighborhoods and the planning, development and review process. So I would like for that to be in the scope. >> Councilmember, there are two different things going on. This particular scope of work with Zucker really deals with how the other

[10:11:00 AM]

departments respond to on same with the same measurements in the review of all of the plans and site plan subdivision and all of the permitting process. So it is really a more narrow scope dealing with the interrelationship between the 12 different departments and development services. With respect to input by the neighborhoods into the planning process, is that what you're asking in the permit? Zucker did that previously and the responses that we received are in the ready. In addition to that codenext is working with the neighborhoods right now in terms of input into the planning and permitting process. So maybe I'm not understanding your question. >> Kitchen: As councilmembers, we get feedback often from neighborhoods, and neighborhoods do have in some circumstances, not all circumstances, of course, but in some circumstances they have rights, for example petition rights. They may have rights related to a planning development review matter. So the to me there's a role there for how they participate. And I thought we had a department that was responsible for -- I mean, I'm operating from the assumption that we've got a department that's responsible for working with the neighborhoods on those rights. So it just made sense to me that that would be within the scope of the mou's. So are you saying that it's not? >> So councilmember, our neighborhood liaison, they're sort of like a neighborhood assistant center, not unlike a development assistance center with just about every application we file for site plans or subdivisions. There's notices that are sent to registers neighborhood organizations through the public

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information office, a project filing or if there's a variance, board of adjustment, they receive those notices. The neighborhood liaisons within the planning, development and review department offer assistance to neighborhood organizations that may not understand the process or they're trying to get additional information. It's not that they comment on every subdivision for site plan that comes in. And so we would certainly if there is a meeting we've had neighborhood advisors actually go to meetings where they might want to ask one of the neighborhood advisors a question where they might not want to ask the case manager who is actually handling the case to the subdivision site plan on the city's paragraph. Either they may not trust the case manager or they may be asking for a second opinion or might actually be fearful of asking the question because they don't want to sound like they're not aware of what our process is. So yes, there will be a memo understanding between the development service department and planning and zoning department. It will probably talk more about those specific things of getting comments back and forth, but there is also probably a section that deals with services and the services might be the liaisons that I have within a department that would lend assistance if there's questions come up because case management will contact the neighborhood assistance center for help as well as outreach and particularly cases that might come in. >> Kitchen: Okay. Let me make sure I'm understanding. In terms of the mou's, it is within the scope to have an mou with your department and that will include the role of the neighborhood liaisons, correct? >> If Greg includes that in our particular piece, which it sounds like he will, then yes, it will. Going back to what the point was, which is the specific scope and you can see it begins on page 85 of the Zucker report, this is

[10:15:05 AM]

setting the clear lines of responsibilities of each department in relationship to personalizing, review and inspections. So as I've mentioned we've worked with over 12 different departments. If we get a plan review in there are 12 different departments that have comments to those plans. Neighborhoods, residents, also have opportunity to make comments. Of what we want to make sure is making sure that every department understands their role in their department -- in the process, and that is solidified through a memorandum of understanding. So that's what we're attempting to address through this

contract is that particular piece of the report. >> Kitchen: I understand that. I'm not suggesting that it -- I just want some clarity. Is it in the scope or not? And I think I'm hearing that it is. >> We can make that happen, yes, yes. And just one other thing that I wanted to comment on too is one of the things that Zucker will be doing as the development services department and planning and zoning take ownership of these particular metrics, then what Mr. Zucker and his company is going to help us do is then to make sure that the different departments that are also responsible use the fire department, for example, just as an example, they review site plans and construction documents and those sorts of things. They will have to also own these same metrics because we all work together. The development services department is really the intake and then they distribute it to the different departments and then it comes back and goes out through development services. So it's not just development services that has to own these metrics because every one of the different departments have to own these metrics in order for development services, who is a sponsor department, to be

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successful. And I just want to make that as a point that that's one of the things that he will be doing. >> Kitchen: Okay. I have other questions, but I'll defer to someone else at this point. >> Houston: Thank you, mayor. And I want to start off by saying I was beginning to feel uncomfortable about the level of detail we were going in to regarding the metrics. I've been sitting on the other side of the table where we've been asking staff to come back with some metrics and then had that drill-down happen on site as we were presenting. The people that I talk to in the community about the issues with planning, they would be ecstatic if they could get it up to 75%. So for most people who are in the business, that is a milestone for them. And so then to say, well, when are we going to get to 100% seemed a little arbitrary to me. So I'm glad we it stopped that. The people that I talk to in the community, if we could do some of this, we could show them that this department, these two departments, are now on the right track. They've tried it before and it hasn't worked, but I think with the metrics that I see set out, this says that we're moving and we're going to be moving very efficiently and effectively toward a desired outcome is to be able to get the plans in, reviewed and out, things built, that won't be the holdup that people have had before that won't cost them the money that we've had them complain about before. So rather than -- let's see how it works. We've got two years to do it. And I'm sorry, councilmember kitchen, if you don't agree with that, but I'm having this conversation. >> Kitchen: I didn't say anything. >> Houston: But you were shaking your head. >> Kitchen: I apologize. >> Houston: I don't do anything like that when you're talking, so I would hope you would be respectful when I'm trying to express my opinion of the people I talk to in the community. So I think if they're trying and they're putting forth a good faith effort, they went back and did what we asked

[10:19:07 AM]

them to do, and now we're asking them to do something different in two days to bring back more information rather than saying bring us something different in six months? Everybody is overwhelmed with work now as I'm sure you know. I can see it in your face that you feel that way too. But I think sometimes we don't give staff the kind of support that they need. If we needed it in that kind of specific detail we should have said that in the beginning. >> I understand. Mr. Zimmerman? >> Zimmerman: Thank you, Mr. Mayor. I love the Gantt chart. I did my first Gantt chart back in 1987 for an engineering project I was working on. Maybe a little bit over kill for this because there's not that many dependencies in here. You've got one where the employees start working so you can't start the project until you get the people. That's kind of the concept of the Gantt chart. That being said, I want to go back to our -- talk to our councilmembers here about what is our responsibility for setting expectations? I've been on both

sides of this argument too. I've set goals for engineering and have asked to give an estimate back. Is it doable? But ultimately it's management, it's us, it's the councilmembers that thought we use the constituents and the voters. Ultimately it's us responsible for setting reasonable expectations. So I've been in a position where I've had management tell me you have to do this project in this amount of time with these resources, so then we negotiate and if they're really serious and I know it's impossible, I quit my job. I go work somewhere else. And I've done that before. If management puts unrealistic expectations on you. So I think it's incumbent on our council, I think some of these metrics are good. I like what I see here. I don't know about the time scale. If the constituents are going to be satisfied with the time scale.

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I think we need to go back to the community, to our constituents, and find out what are their expectations. And then as a council bring that back to staff and say could you meet these expectations. And if you could what resources would be required? But we we as a council we need to own this and own the expectations. I'll never give in to the idea that there can't be expectations. I'm one of those people that did he tests the idea that everybody gets a trophy. Doesn't matter what you do, everybody wins. Sure, I mean, if you want job security you will absolutely refuse to have measurable metrics. If the purpose of why you're here is to keep your job, you will refuse metrics because rescues are a line in the sand that can say did you pass or fail? So if the object is to keep your job you will refuse metrics, but as an elected council have an obligation to set those metrics and obligations and we need to do that. >> Mayor Adler: Ms. Troxclair? >> Troxclair: I have a couple of questions about the metrics here, but I guess that our conversation today around this issue is just reflective of the fact that the councilmembers are the ones that are going to be ultimately responsible for the outcome when we go back to our district. This issue in particular has risen to such a level in the community and has had such attention on it, a lot of us have talked about it in our campaigns and when we go back. And it's a tipping point. This is a really unique opportunity that hopefully we won't need again because we're going to address a lot of the issues that have arisen. This is a really unique opportunity for us. And when -- I think the expectations for our constituents are really high. So the struggle of where is the line for setting policy goals and micromanaging, it's when a constituent says you didn't fix this, I think what the mayor is trying to get to is we need to know how to respond and say what

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did because here's the metrics that we achieved. Or -- and if we're not all on the same page of those goals when they say I'm disappointed that you didn't fix this because you didn't set the expectations from the beginning or we don't know -- we don't know how to define success or failure. So I think that's the struggle for a lot of us who feel we trust in our staff and want to give them the flexibility and the resources that they need to get things done. But at the same time we need to be able to answer for the outcomes of it. So I think that's just -- obviously we all have a little bit different perspective of that conversation, but I do think, you know, that this is helpful for me to understand, you know, what our goals really are. So thank you. So that end I think it would be helpful to add the existing metrics to these sheets. Great if we're already meeting them. That way we really have a complete picture of not only what we're already doing, but the goals that we're achieving too. Just a thought. So my question was -- well, I did want to ask about 311. So I understand -- I think that's great if you have a plan to get us to 100% answer right for the department call center. Is 311 the best way? Are we going to have customer satisfaction if their phone call -- are they going to be more satisfied if their phone call is answered by someone at 311 who doesn't really know the answer to their question who will have to refer them

somewhere else than they would be if they left a message and got a response, you know, that same day or the next business day from the right person? I just am wondering if 311 is the -- is going to be able to have the knowledge to fill that gap. >> The nice thing about 311 is that they log all the calls. So it's really good from a metrics perspective is

[10:25:15 AM]

they'll log calls. And if something is unanswered they'll use a call ticket to track the resolution. In that regard we'll be able to track resolutions as well as answering the calls. Similar to what we're going to be doing with our customer service representatives we'll have scripts. The answer, whether it's the top 10 or 15 or 20 most frequently asked questions that come in because similar to the veto rule there are a lot of questions that are similar in nature that can be resolved within that same phone call. And we want to address that through scripts. Now, if there's a question about a specific plan review or a specific inspection, then yes, that would come through to our department, to our call center representatives who have access to our Amanda enterprise system who can conceivably answer those calls. But it's kind of like a triage if you will to see about 311 receiving the calls, answering as many of the questions as they possibly can according to the scripts that they have. If they can't that then goes to our customer service representatives. And if it's even more detailed than that then we will get ahold of the specific employee that can answer that question as well. But yes, the use of 311 is the nice thing they were available 24/7. And we find this frequently with businesses that want to call into our call center operation after 5:00, we're going to go through the integrated voice response system whereas if they go to 311 for a simple question, 311 may be able to answer that question immediately. >> Troxclair: That's a good point. The 75% answer rate, most of those are probably going to be during Normal business hours and the additional 25% if you call and there's no one -- if you called after business hours and someone from 311 may be able to help you. >> Yes. >> Troxclair: And then where was -- the onsame

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review. The commercial plan review and the residential plan review, I know that we measure that by whether or not they're on time. I still want to know what our goals for ontime are. And I understand that it's different departmenting on the size of the project and things like that. I know that you have those -- I know that you know what those are, you know whether it's two days or a week or a month, but I think it would be really helpful to have another chart that has what those ontime -- what ontime means so that if ontime for something is 30 days and we're doing it consistently in less than 15 days, maybe ontime needs to be 15 days, or vice versa. I think that would be another helpful piece of information. >> We could put that chart together in one consolidated format. As I've mentioned before, we're going to be bringing forward changes to those specific days to council at a future date. >> Mayor Adler: We could change this chart then. At that point we'll change the chart? >> We'll engage in discussion for specific days for certain plan reduce, and I used that example earlier of a two day turnaround, two calendar day turnaround for residential remodel. That's just impossible to meet, especially if you've been given the application on a Friday, by Monday you're already late. >> Mayor Adler: So for the purposes of this, feel free to have that license as you put it down, but I agree let's have a section that on this document that deals with that so that it's at the very least a place holder on those elements so it's within the purview. I'm sorry, Ms. Troxclair, did you want to continue? >> No. >> Mayor Adler: Let's pick this back up with the way that I should have started now that I've had a chance to look at this more. I am excited at this chart and I think it represents a lot of work. And I think it's really good. I think having a chart like this and a goal where we can

[10:29:17 AM]

reach an agreement as to how we measure success is a really good thing. And I commend staff for kicking off the ball this way on this because I think that there's -- there's a great hope and expectation in part because I think anecdotally, you know, I'm hearing that there is a perceived desire that the community is seeing. For this to get better and for us to move. I think it's something that people are seeing. I commend you for that and I commend you for the chart. I am a little uncomfortable, as is Ms. Houston, with the level of detail in terms of the specifics. One of the goals as our council is not to pull out our pencils and be drafting on the dais. And I don't want us to do that and we've probably done that here. I've done that probably too much here today. I think Ms. Houston's point is probably well taken. The things that I raised, though, were not specific. My intent in raising them was not to rewrite that line item. It was to convey a broader thought or concept for how it is we want this to work. I hope that you hear the comment not even so much the particular thing I said, but conceptually. What document we need this to be. And I am mindful also, Ms. Houston, that there's a balance between going way too far and not going far enough so that there is no real clear direction or ultimate community expectation at the end on how we're going to move things. And then I would reiterate that this is not a gotcha

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test. This is trying to get everybody on the same page because we're working and I know when we have these goals it becomes part of how you -- what you work toward and how you move your resources around the table. So that everybody in all the different departments own each of their part of achieving those metrics. So I think that that's important. And this is Austin, and in Austin it's okay to try stuff, even if we fail. And then we just pick it back up again. And I don't want everyone to be -- anyone to be so caught up in any particular metric that they're not afraid to try things to actually achieve greater things. We just need to be talking about it. My last two, three specific comments, and then I'll close down. As you're developing the scientific poll, I'd like to see that as it's going so that we can see the questions that are being asked as well as the protocol for the poll because again that's not a how-to, that's making sure that we're all comfortable with how we're going to measure success at the end of the day. In addition to taking a look at whether we can do it more frequently than yearly. With respect to the Zucker report, Ms. Edwards, in talking about the scope of that and in terms of the mou and working with the departments to help us own the metrics that are set as part of this process, does it make sense to get Mr. Zucker's -- he had written that long section about goals and the section on how converses input goals. Maybe it would make sense as part of the scope to have him take a look at what he says the reasonable metrics, let him take a look at this, and see if there are things on here that he says are inappropriate because they go more to management, to

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operations more than policy. Let's get him to weigh in on that. And if he has other things that he thinks you ought to be more successful and measuring this too, let's find that out, that would be good. >> I think that's a good idea. >> Mayor Adler: And finally a lot of the success on this, we all know ultimately and permitting and development is the success of the codenext process, and I know Rodney we talked about this during the budget session and again I'm going to reiterate that -- I want to make sure that you have the resources you need for the codenext process to succeed. There are path that someone would take in a codenext process. We are trying to come up with the best code and product that you could come up with to make sure that you have the people and the processes to get there. That's only half of what we have to achieve here. And the other half of what we have to achieve here is the part that we

did not pay sufficient attention to when we did the last rail bond election. And if there's something to be learned from that, it's that of equal importance is making sure that we are bringing the community along with us and developing the coalitions that are broad enough to be able to sustain the community support necessary to effect us. So any comments that we had last week where you said that they weren't charrettes, but focus groups, that set off kind of concern to me because I saw having charrettes and having multiple opportunities for the community to be to weigh in has real good opportunities to get wider knowledge disseminated around the community. Broader community participation and thus buy

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in. And I want to make sure for budgetary or other reasons we're not short-circuiting that process because we still think it would get us to a really good end product, but not doing everything that whatever the consultants say we need to be able to do in order to be able to -- in your judgment what we need to be able to do to also bring about community consensus in all the different parts of the city that will be ultimately weighing in on this. Like I did last Thursday, I really urge you to be really careful about making sure that you get the resources you need to be able to accomplish both of those co-equal purposes. >> And mayor, we heard you last week. And that certainly is our goal. Really the public engagement part will probably come when that document goes public, which will probably be next year. And the activities in November are very important. As I discussed before we had the late last talk show on short-term rentals, but actually at the planning and neighborhoods meeting last night we talked about those items, about reaching out to certain neighborhoods, but it is a place testing. It is taking pieces of the code and seeing how it might work and how we might emulate it throughout. So it's not necessarily a popularity contest by neighborhoods trying to figure out somebody is going to get ahead of somebody else as well as we want to make sure we have it right. So when that public draft comes out next summer and people are looking at it, we've kind of vetted that process, we're comfortable with that and in working with the public and getting their input. Working with the cag is very important and talking about those things that I know are of concern, like the green infrastructure. We're trying to make sure we have all the pieces, we're getting all the information upfront and putting that in,

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making sure the public -- we've already listened to them for two years, through all the different activities that we have. And we'll document that and get that information to you, but we are going to be an engaged process. That's probably why imagine Austin was successful because the process was just as important as the product. >> Mayor Adler: I understand and I think that's good. If you could, I understand that the scope of that work was distributed to the cag members. If you could distribute that to the council members too, I think that would be good. >> Yes, we will. >> Mayor Adler: And I know that -- you know this too. I know the community has been involved with the early part of it. There is huge community expectation and anxiety associated with what's going to be happening with the place settings, the focus place moments coming up this fall. And you don't get to next spring to be able to issue the report unless you get past this point in the fall. And I think that one of the crucial moments that we have is seeing if the process is extending into next year and I think that when that gets determined is in what happens in the fall. Just because the expectation in the community is so great with respect to that moment so this process has to continue and it has to be successful so it would be sensitive to both getting the best result as well as working the process to be able to get there through this fall. This fall is crucial. >> Mayor and council, thank you for all of your comments. >> Kitchen: I'll be quick. I wanted to just ask you a question about the weighted may tricks to prioritize the planning areas.

I think that's a really positive thing to do.

[10:39:28 AM]

I know that folks in my neighborhood and I'm sure others have been -- some have wanted to have a planning process so I think this will be great. I'm happy to see this on here. My question is simply, and you don't have to answer it right now, I would like to understand what the public input process is for the prioritization of the planning areas and when that comes in here. Sore if there's going to be -- I don't know if there's going to be revisions to this document or not, but if there are that would be a milestone to add just so that I understand what that process is. And then my last comment is I would also -- if this document is going to be -- if there's another iteration of this document, I would like to understand some more -- in order to be able to respond to my constituents is when is the public input occurring with the codenext process. So again, you don't have to answer it right now, but I'd like to see that on this document. I'm sorry I wasn't able to participate -- I participated in part of it, but I didn't stay for all of it, so I don't know what all y'all discussed last night in terms of the charrettes or focus groups or whatever they're being called. I'd like to know when they're happening and in what parts of town so that will be my question from my district. >> Councilmember, we can provide that summary as well as document where we've been the last two years about going out to the neighborhoods and doing different events. I understand you probably don't have the information so we'll get that to you. >> What I'm saying is that - I appreciate all the work that's been done up to now and it's been really good. I just want to see it go forward. I think there's some expectation from the folks that I talk with in my district that they will get an opportunity to

[10:41:29 AM]

participate in the focus groups and in the charrettes. And sippet wanting to understand what parts of town those are going to happen in and what the opportunities are for participation in those. >> I was going to also say councilmember, we were talking yesterday and I think a good way to talk about this is that for two years the staff has listened to all of the input that they have received. They need some quiet time now to take what they've heard and put it into code. When you go and try what we think we've heard in code in the neighborhoods, and it doesn't work, we'll go back to the table. So one of my points is an assurance to everyone because I think everyone is nervous about this. They're anxious about it. It's a great change, but it's change. And what we do if it doesn't work it's not cast in stone and we'll go back and work it again until we get it right. And -- I'm sorry, but it's probably not going to be right for 100%, but hopefully it will be right for a great majority. >> Oh, yeah. I understand all that. I just -- I'm not understanding what I'm hearing. Will there be charrettes or not? You don't have to answer it now, but I want to understand if there are charrettes and how the public will participate. >> Mayor Adler: I understand. Ms. Houston? >> Houston: Yes. Thank you, mayor. Thank you all for the work that you've done, the citizens advisory group the mayor has now slipped into acronymism land somehow. I wanted people to know that we were talking about the citizen advisory group, the code advisory group. But again when we go out and have citizens' input, let's use words that they understand so that charrette is not something that a Normal layperson uses.

[10:43:29 AM]

And so we have to make sure that we name it something that tells them what it is you want them to do and how they can get involved. >> Thank you. Mayor and council, I wanted to close with thanking you all for your comments and feedback. We appreciate it. We'll be working on this and get back to you. If it

seems like Tuesday isn't enough time, we'll let you know about that so that way we can come the following Tuesday then. I did want to talk about the engagement piece because that really is important for the work that we do and the resources that we've requested in this budget are specifically targeted towards community engagement. Specifically the public information specialists would -- who will provide us an organized community engagement. The additional person that will be dedicated solely to our website, which is our community opinion facing portal as well as the biz right portal, that person that will develop that program to help us communicate what the business is, the 42,000 small businesses that we have in the community, all that is important. And you're absolutely right, mayor, it's engaging with all the stakeholders, all the organizations. I personally in the four months I've been here have met with the Austin neighborhoods council, the Austin neighborhoods council east, several of the stakeholder organizations I presented two weeks ago to the Austin contractors and engineers association two weeks ago, this very same presentation. I'm presenting to the American institute for architects Austin chapter this Friday. And getting the stakeholders engaged in the action plan. The two-year journey that we are going to be starting these improvements and accomplishing these improvements. That's very important from our perspective to bring the stakeholders and bring the neighborhoods along with the various improvements that we intend to make. And in that regard what we're talking about here in the conversation that we want to engage in is the results that we want to -- that we want to bring forward. Not necessarily the how. And I think we kind of started that way when we talked about implementing the action steps and that's

[10:45:29 AM]

why we presented the action plan, which is the very detailed and very meticulous way that we're going to be responding to those 462 recommendations and how we're going to be presenting those. And maybe we focus less on reporting on those and more on the metrics and the results of here are the accomplishments that we have achieved. We'll certainly look at that because up to this point we've been focused on reporting on the how. And I think what we hear from the council is you want us to focus on the results and reporting on the results. >> Mayor Adler: I think that is pretty much what this exercise is about. And I appreciate that. We're going to go ahead and post this next week because I'm pretty sure that I'll have thoughts and comments for you as much as you can have coming back for us and we'll keep this posted until we're done with this process every unique. Week. And I would urge my fellow councilmembers to send this out to your constituents. My goal is to not turn this into a work session with staff where we're pulling out our pens and drafting, but we need to get to this end product as quickly as we can. I appreciate the process. Thank you. >> Renteria: Mayor. I also want to say that please use our office, our district, our staff, because we want to make sure that this is successful. And we're there to offer as much resources in our neighborhood since we're the ones that know about the neighborhood. So work with us and we'll work as a team and we'll make sure -- [lapse in audio]. >> Mayor Adler: If you can get us this kind of stuff prior to when we're sitting down at the table here, the input and thoughts you'll get back from us will be better. But I recognize we're working in an incredibly tight pace here too, so thank you. >> We'll make a point of doing that. >> Mayor Adler: Thank you,

[10:47:30 AM]

sir. Okay. We are now to the pulled items. We have the str, we have everyone back. Kathie is not here now. Should we hold for Kathie? We're okay? I want to reiterate what I started off the meeting with. Now that we have three folks with us that weren't here when we gaveled this starting, I want to thank our returning gladiators back to base camp. You guys took one for the team last night. And I mean that -- as I said earlier -- in the best sense. That's what the committee program is supposed to do. Others of us

had opportunity to be working on other things while we were, you know, keeping track of what you were doing in that process and we know that it went really late. We are all real impressed that you are here today, this morning, and just wanted to say thank you. Greg, do you want to give us a quick report on the str? And so this would be item number 2 and 52. >> Casar: And I don't know if it's councilmember Gallo's office or the law department that passed out the document that at the top says revise draft item number 52, str resolution based on this morning's recommendations? >> Gallo: A little bit of summary because I know everyone has gotten multiple pieces of paper on this. So one -- the one that you want to look at is the one that says, as Greg said, the revised draft. So what that draft is is that's a draft that has gone to legal based on the other one that you see. So legal has come back with a little bit of tweaking of the language. It's my understanding that there may be still some just slight changes. When we were putting the

[10:49:31 AM]

combination -- there were a lot of duplications from the city manager's recommendation to -- and our resolution and so we just kind of decided on them separately, but kind of together. So as we put those into the final resolution there was some of the language that I think was pulled from the city manager's recommendations that legal wanted to tweak a little bit more. So you may see some slight changes to this, but just little legal tweaks of ways of wording things. So the revised draft is the final version. >> Casar: And two of these say -- one says -- all of them say revised draft to the top. One says annotated revised draft. One says revised draft str resolution and the other says revised draft item number 52. Which of the three -- detailed the one that you have that was most recently passed out that has two lines at the top. >> Casar: Item 52, the one that I was working on? Great. If everyone would look at that one, I will very quickly skim through the be it resolved clauses, the votes and a very brief summary about why the committee recommended this. And -- >> Mayor Adler: I think that's right. >> Casar: Forgive me if I mess anything up. Yesterday was a 22-hour day. We will start off -- we'll skip over the whereas clauses unless there's questions later. And we'll start out with the first -- the first be it resolved and be it further resolved, and the second be it further resolved. So pages two, three and the first be it further resolved on section 4 -- actually, all of page 4. So all of the be it resolved on pages 2, 3 and 4 passed unanimously. They were basically jointly recommended by various stakeholders that code department and councilmember Gallo, I had some concerns about whether or not this was stepping into sort of the city manager's authority

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and directing how some of the -- our policies would be implemented, but the law department did tell us that -- what their understanding would be, which is just generally proposing to the city manager what our preference is. And then for the city manager to reevaluate the existing processes as we know the city manager has been doing. So we moved those forward without much discussion. Then beginning on page 4 be it further resolved the city manager taking immediate steps. This includes new statements on short-term rental applications that will be refined by the city manager. We didn't stipulate the statements, but laid out some that would give our general -- the general gist of what we want to see on the applications. Funding proposals from the code department to recover their costs and improved communication with the sheriff's office as it emmits to the limited purpose district, councilmember Gallo gave us some good information regarding some parts of our ordinance to that do apply to those limited purpose district and the need for communication there. Those all passed as recommendations from the committee to be voted on Thursday unanimously. Section -- the be it further resolved that is on page 5 where we began to process code amendments is where we had some differences in votes.

Number 1, adding the existing requirements to include license Numbers passed as a recommendation for Thursday unanimously. The bad actor clause passed as a code amendment that we want to initiate on Thursday. And that passed unanimously. Requiring operators to maintain a guest registry passed on a 3-1 vote. I dissented on that vote. To summarize, the code department recommended this, councilmember Gallo's resolution included this to help solve the -- the difficulty proving the

[10:53:34 AM]

number of occupants in a building. Especially in court. Because we don't have a guest registry and our code department has experienced difficulties proving the number of occupants. So my understanding of the guest registry is a message of enforcing that. My dissenting vote there is I think if we are to crack the occupancy nut that this did not seem -- it was not apparent to me based on Tuesday night's discussion if this was going to solve the issue because people would simply -- since they've received so many statements they had to sign, stating they don't have more than six adults residing at the short-term rental that I just didn't see this being the way forward and then we would be asking a bunch of our citizens to maintain what was described by one testimony that kind of resonated with me a sort of a creepy guest registry. So that would be handed over to the city. So I wasn't comfortable voting on that, but I do understand very well our challenges enforcing occupancy and so that passed 3-1 and was recommended by the code department. >> Troxclair: I'm sorry, is that item number 3 on page 59? >> That is item number 6 on -- >> Mayor Adler: Page 6. They were unanimous up until this point. >> Casar: Yes. So that was a 3-1 vote to initiate a code amendment to require operators to maintain a guest registry. And to clarify, initiation of code amendments, this is general language of course that has to go through our processes at the planning commission and coming back to council with proposed code amendments, so of course all of these would be subject to further refinement over a time period laid out here of about 150 days, but I just didn't feel comfortable initiating that code amendment, but the large majority of the committee did. Requiring short-term rental license holders to comply with noise was unanimously recommended. And we received some good information about some potential loopholes that we would be covering up with this. So that was recommended unanimously.

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Setting the occupancy limit, number 8, for six adults or four adults in the mcmansion area, not more than two adults per bedroom, passed 3-0 with councilmember Gallo abstaining. And if you want to explain your abstention, go ahead and explain your abstention. >> Gallo: I want to be clear with why I abstained on that. So a couple of things. One is the overoccupancy is the biggest problem we are having with the non-complying short-term rentals and that overoccupancy is what is having the most negative impact on neighborhoods from number of people, number of cars, noise, trash, et cetera, et cetera. So the challenge is if the code can enforce the occupancy that we have now which says six unrelated. The difficulty is unlike a long-term rental occupancy can't be tested and watched and governed for a longer period of time. These people that reside show up and they stay a couple of days and they leave. And so the dilemma that code has is when they appear, at least from what they were indicating to us, when they appear at the property and there are 20 people there, the people start saying, well, we're cousins or we're married, et cetera, et cetera. So the burden of proof for the unrelated is basically in the city's hand and it's very difficult to do. So if you remove the unrelated and it's just adults that's much clearer. So there's definitely conversation as the mayor mentioned last week, is this is really important and I think we need to make sure we take the time to discuss and hear from stakeholders, both the neighbors and the neighborhoods, the industry on some of the issues and recommendations that we're making that are a little bit

[10:57:34 AM]

more complicated. And I felt like this was one of them that I know that several of the councilmembers that could not be here really wanted some additional time to be able to think and visit and ponder about this. I know that there was some -- there were some comments from the stakeholder, both neighborhood and industry, because we're in budget right now it's been difficult for them to set appointments with the different councilmember staffs, so my abstention was this was not because I didn't support this idea, it was because I really wanted this to go to September. The ones that are crossed out basically are items that would go back to the committee in September and come back to the council in September. And I just felt like this should have been one of those. It's not that I'm opposed to this idea, I feel like it's one of the ones we should push to September. Thank you. >> Casar: Mayor, and so on this issue, it was a hotly debated issue and I would be supportive of taking up this resolution in September if that's what the council so willed. I think the three committee members that felt comfortable voting in favor felt comfortable with the general idea, but we would life it up to this body if there needs to be more time on that because councilmember Gallo communicated some folks had mentioned that to her. Number 9 passed 3-1. I think it's obvious that we want to prohibit occupancy of short-term rentals when the building permit prohibits occupancy of the structure. I dissented on this vote because my understanding, be it early in the morning, was that this already exists in city code and it would essentially be copying, pasting something in the city code from one part of city code to another without any substantive change on the functions of the city, but the majority on this communicated that it would provide more clarity right there in the short-term rental portion of the code. And I'll allow them to explain that further if they want to because I still this morning -- I'm having trouble understanding why we

[10:59:35 AM]

would recommend this. So I don't feel like I could make a fair case on this one and perhaps y'all can.. >> Houston: Excuse me, mayor, could I ask staff a question about that one, number 9? >> Mayor Adler: Yes. >> Gallo: Let me comment before they start. I just want to say thank you. We kind of set the trifecta last night, unfortunately. We had a meeting that adjourned at 2:43 at night. I think we set that record, blasted out that record. We had over four hours of public testimony just on this agenda item. It didn't include testimony on the other agenda items. And our last speaker was at 12:30, I think in the evenings. So I want to say thank you to staff. There was a lot of staff that hung in there for the full night. That is well past working hours, so I do want to say thank you to the city staff. But I also want to say thank you to our council staff. Those of us that were there, our staff was there, they were busy the whole time and I just, you know, we -- we work in an environment surrounded by really amazing people. We were all a little brain dead towards the end, but I just wanted to say thank you for everyone being there and of course those of you that have served on the pace team in July have probably gotten used to these hours, but the rest of us certainly haven't. But just a kick thank you to all of you. >> Mayor Adler: >> Mayor Adler: Mess Houston. >> Houston: I want you to know that I hung in there until about midnight on my couch, but I was sound asleep and didn't know where I was after that. Thank you, we got a lot of information as we listened to all of the testimony, so that was great. On number 9, Mr. Smart, are

[11:01:35 AM]

we talking about when the building permit prohibits occupancy, you're talking about a certificate of occupancy here? Or what -- are you looking at the document we're talking about? >> Yes, ma'am. >>

Houston: Okay. Is that a certificate of occupancy or does that mean when the building permit prohibits occupancy of a structure? >> No. This is not talking necessarily about a certificate of occupancy. A building could have a -- should have a certificate of occupancy, but if something happens to the building and they built, they pull a building permit to either make repairs because of -- because of one example mentioned last night was fire damage happened to a building. It still has a certificate of occupancy, but it's not safe to be occupied during that period of time when the repairs to the fire damage is being made. So it's a building permit to make repairs or make changes to the structure itself. I can tell you, this is not one that we recommended. But it is one that maybe might provide some clarity about if you got a permit that says the building should not be occupied until these certain repairs are made, then we shouldn't allow the short-term rental during that period of time. We think we have that authority now, but so it's not so much substantive, but it does provide some clarification that makes it clear that if you've got a permit and that building permit says no occupancy, during that period of time. >> Houston: Okay. So this may have something to do with no. 9. What about short term rentals that are garages. >> Very important question. >> Houston: Where is that covered under prohibited occupancy? I only ask that because I have one next to my house that is in a garage with no

[11:03:36 AM]

running water, no bathroom facilities and they rent it out. >> If the building or a portion of the building that is uninhabitable, the garage is uninhabitable, it is designed for the storage of vehicles and not for living for people. And so that -- that would be a violation of the code, to occupy that kind of -- that kind of space, the living space. And I know we've had several situations, particularly the one that's next door to you. >> Houston: Thank you. >> You're welcome. >> Mayor Adler: Okay, Ms. Gallo. >> Gallo: Just to kind of take that one step further. Although it is in code already in other places that you can't occupy a property while it's under construction until a final permit has been approved, until the final building has been approved, you know, one of the things that I think we have realized that we need to move into the direction of is with the application, making sure that the people -- that the owners of properties that want to become short-term rentals are really aware of all of the codes and can't come back and say, "Well, I didn't know that." And so this -- this is one of those things that if you have an owner that is not operating in compliance and this is just one of the many things that they have done, it builds the case for code compliance to be able to show this is an operator that doesn't comply to code. So it's just -- there are a couple of things in what we're recommending that are more clarity items than anything else, and clarity from the standpoint. We just we want to counter the argument of someone saying, well, I didn't know that. And I forgot to thank the most important, thank you, which is to the chairperson last night. I apologize for that. You did an incredible job of managing a very emotional group of people that packed the chambers and the atrium and did it politely and firmly and just kept us moving for hours and hours

[11:05:37 AM]

and hours and it was exceptional, thank you to you. I apologize for not including you initially. >> Casar: That's okay. Well, after that, on this item, I certainly see no harm in pushing it forward. I will pick my battles so I will just say if we want to provide that clarity, we can initiate the code amendment. I just won't vote for it. >> Mayor Adler: Okay. >> Casar: Okay. Item no. 11 is -- actually, the reason that I think it's important for us to go through each of these, these are initiations to code changes in the land development code and so I think it's -- it is important enough for us to go through these on this issue. Authorizing the code official to suspend or revoke licenses when false information is included in license applications. This, again, was something that passed unanimously and many portions -- many of those

code amendments are important for our potential bad actor clauses and to give the code officials the ability to not renew licenses or to revoke licenses which we see, I think, unanimously as a committee as the best enforcement tool, considering our limitations on penalties. Some of these, the problem short-term rentals charge so much per evening that some penalties could just be seen as the cost of doing business. So really focusing in on the bad actors and using our power to revoke licenses while maintaining due process and appeals processes that we have we think were pretty important. So giving the code official the authority to suspend or revoke licenses for false information. We saw as important and passed with just minor discussion. Unanimously. Item no. 8 was adding a penalty for operating without a license for non-compliance equal to the cost of the license. This was recommended by the code department and recommended unanimously for this Thursday's vote.

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Adding that the occupancy limit statement right now, the -- the occupancy limit would still be six unrelated adults and if the -- if the code amendment passes to eventually change for str specifically to six adults, then we imagine we could then amend this. One important point for me on this issue is that I think that one good reason to change the occupancy limits for short-term rentals is to provide our code department the clarity that for short-term rentals we determine occupancy, in my view and I think the committee members view as a one-night stay but occupancy in a duplex or a home being more than one night stay because we would not want to unintentionally create the circumstance where if four people live in a home as a -- as homeowners or as renters long term, that if someone stays with them over one night they would then be breaking city code. We don't want to set that up in trying to fix this problem. So I think the occupancy limit statement for short-term rentals and modification the occupancy limit for short-term rentals are important steps in that direction. This, number 9, passed with unanimous recommendation. Number 10 also passed with unanimous recommendation is the penalty for operating with expired licenses. Number 11, was -- was already voted on by this council to be placed on an upcoming agenda, which is striking the -- the gauging public interest or testing the waters provision. Many members of the community and the code department expressed difficulty in enforcing the advertisement conclusion that we have laid out -- conditions that we have laid out in code because you can advertise without having to register with a license under the testing the waters provision. This passed unanimously, I will be supportive of this with amendment that we add some intent that we may pair striking this section with

[11:09:37 AM]

considering low-cost -- low, moderate or free temporary licenses for type 1 short-term rental operators. The idea being that -- that we want to, from my perspective, maintain, have as much compliance as possible, that many everyday homeowners that want to participate in our type 1 program, which was -- by all stakeholders, again readily seen as very, very beneficial to our community, may not if the testing the waters clause is taken away, may not choose to pay the 250 or higher license fee to see if somebody wants to stay at their place for a week during a festival when they are going to be out of town. They may just go underground, in which indication we would lower the compliance rate. Thinking of ways to strike testing the waters and not allow people to test the waters without a license, but encourage those everyday homeowners to get that license when they test the waters, I think pairing that would be judicious, we may not get there. But it willing amendment that I -- will be an amendment that I bring forward. I didn't see much dissent from the committee (indiscernible) So I will think about that between now and Thursday. >> Tovo: Councilmember, are you bringing that forward on Thursday? >> Casar: I would bring it forward on Thursday or we could even bring it forward on our September vote. It

wouldn't have to be -- [multiple voices] -- It wouldn't have to be tied to or paired within the language of the change the land development code, it could easily be in September if you buy me a month, I probably could do a better job than the next couple of days, so thank you. Item no. 12 was recommended also by the code department, so staff recommended a higher penalty for non-compliant type 2 and type 3 strcs equals to twice the cost of the operating license. That was passed unanimously as a recommendation for Thursday.

[11:11:38 AM]

Clarifying the local contact residing within the Austin metro area was recommended by the code department and was recommended unanimously. That is number 13, excuse me. Number 14 considering amending the penalty range for administrative citations was also recommended by the code department and recommended unanimously by the council. Finally the final be it further resolved, the committee didn't discuss the timelines. The timeline included here was written by councilmember Gallo and I trust that she's communicated with the code department, but I would be open to hearing on Thursday, considering what it is that we've put in here because this is new and changed. I think it would be good for the council to hear from our city staff what a reasonable expectation might be for hearing these code amendments coming back. So with that, I will -- I will turn it over to -- to the rest of the committee to ask -- sorry the rest of the council to ask questions and, also, for councilmembers, Gallo, Renteria and tovo to bring their opinions forward. We had several items that are struck in this resolution that were not struck because they were voted down but because we decided to discuss them at our September planning and neighborhoods committee, where we will have limited or no public comment signup period so we can hopefully discuss some of these more complicated matters at the committee level. The mayor pro tem brought forward amendments that we were discussing very late at night and she has the most likely the list of those we will also be considering in September. I would really like to thank everyone for participation in the public and our attachment there were a lot -- our staff. There were a lot of lessons learned. Chairing a meeting of this length was really challenging and we'll follow up with things about kiosks

[11:13:40 AM]

and ec and all of those sorts of things off line. I would say it was a success in that we were able to delegate some of the work from the council, the full council, however I do think we were in my view not able to do our best work on some of these items and on many of the other items because of how late it went. Like I said, I took-- not trying to complain because honestly, I took my first call for work at 7:00 that morning, but got home to do what I had to do at my house at 3:45 in the morning. I think for us to really contemplate initiating changes to land development code at that hour, I don't think it's best practice and I will -- and I will refrain from talking more about that there because I want to come forward with any solutions that I have now that I've had that experience and -- >> Gallo: You will be joined by others. >> Casar: But I do want to thank everybody for their participation. I'm happy to answer questions and thank you for letting me make this presentation. >> Mayor Adler: Thank you for the work that was done. Again, to the committee. You really did step out on behalf of the rest of the group. And I look forward to seeing the recommendations in terms of making the process better. We have a transition committee that is trying to -- to help us get better procedurally as we move forward. I'm going to recognize Ms. Gallo next to talk about this. And then other people can if they want to. And then I want to make sure that we come back and discuss what kind of public testimony, if any, there will be at the meeting on Thursday on this issue. Ms. Gallo. >> Gallo: Just a couple of clarification comments. From number 8 on, those are the -- >> Mayor Adler: On page -- >> Gallo: Page 7, 8, 9, 10, 11, 12, 13, 14, those

were ones from the city

[11:15:41 AM]

manager, the code department and city manager, those are ones that the legal is going to tweak the language a little bit earlier on. That's the group that I was talking about earlier. Also an amendment from councilmember pool we did not get to that. That one I think she is okay for going to the September meeting, also. As Greg mentioned the ones that are struck out are not deleted, they have just been moved back to discussion with the September council, council committee meeting. >> Mayor Adler: Okay, Ms. Troxclair? >> Troxclair: Thank you all for doing all of this work, especially councilmember Gallo who has taken the lead on this, I really appreciate you all allowing us to move forward with the things that there is general consensus on and in allowing our code department to hopefully move forward and taking the actions necessary to address some of the bad actors in our communities. But also not rushing to decisions on some of the things that there's still conversations and disagreements about. So I really appreciate it. Because I still had some questions on a few of the items that y'all are going to be discussing in September. I wanted to ask about no. 13, requiring local contacts who reside in the Austin metro area for emergency situations. I mean I hope that someone in an emergency situation would call 911. Not an emergency contact. What kind of situation? What prompted this and I don't think this is something that we require long-term rentals, I'm also interested in why the discrepancy, I guess. >> Councilmember, one. Things that we have found out during -- that was confirmed during the July pilot program, we dealt with some situations where there were large parties going on, there was noise, possible overoccupancy and

[11:17:41 AM]

disturbances going on in the neighborhood. If there was a local contact, we could not only show up with code or code and police, but you could call that local contact and let them know that they are having a problem there at their property. They may not even realize what is going on at that property. They may not even realize that four people they represent it to now have a party of 50 or 60. So just being able to call someone and let them know that we've got a problem at that time, I think it will allow them to come in and help us to resolve the matter. Maybe without even having to -- to do citations or take legal action if that local contact could be somebody who could respond fairly quickly. It's not necessarily emergency, we're not talking about the kind of emergency that you would call 911 for. We certainly want to encourage folks to call 911 if there's a fire or an injury or something like that. I mean, don't hesitate to call 911. But this is a different type of situation. If you need help resolving the situation, the local contact is somebody we should be able to call. >> Troxclair: So okay. So why -- it seems to me that the owner would be the appropriate person to call. >> I think it could be the owner. The local contact could be the owner -- >> Troxclair: Even if the owner doesn't live here, if they are the ones who have rented out the property to people who are acting, you know, out of hand or something, they're the ones that are going to have the contact for the people who are currently staying there. >> A lot of the properties are owned by absentee owners who live around the country and in some cases outside of the country and so who takes care of the property here locally. Who takes care of it, who makes sure that the property is rented out, who makes sure that it's cleaned up between renters, who takes care of the property.

[11:19:43 AM]

Theoretically there should be a local contact. A person that you could call whenever there's a -- if there's a problem. >> Troxclair: So councilmember Gallo, is this item something that there was consensus

about? I would -- I could imagine a situation where somebody even though they have someone taking care of the property, they have someone who comes in and cleans the property, that person might necessarily not -- might not want to be the emergency contact. I'm curious, was there consensus on this? Has there been questions from the rental community about that, no. 13. >> Gallo: To my knowledge and once again this has been kind of this fire storm of activity over the last couple of days, but this was not one of the items that was at the top of the list of concerns from some of the industry representatives. And when code made this recommendation, it just makes sense, you know, it just -- if you have a local person that's great. But if you have an owner that's not local, you know, most of the issues that we have occur on the weekends and late at night. And I think it is very helpful for code to be able to get in touch with the person responsible for the party, for the property. So I, you know, I haven't heard any reason not to do this. I just think that it's -- it's good for the -- for the comfort of the surrounding neighbors. It also just gives us the ability to actually have a contact person in case something happens that it would be appropriate to contact the owner or the representative of the owner. >> I guess that I just want to make sure. I'm imaging the people, the friends that I know who used to live in Austin and moved out of state but kept their property here and are using them as a short-term rental, I want to make sure that

[11:21:44 AM]

we're not creating another -- that they have to pay someone who is the contact, someone who is coming to mow the lawn, to clean the property in between guests, I don't know that person wants to take on that extra responsibility. I want to make sure we're not creating a situation where again responsible owners are put in the situation where if they don't have family members or someone who is willing to act as -- I don't want to create another industry where they're going to have to pay someone an additional fee to take on a property management when -- if it's really not required. I guess if this -- if this hasn't been an issue for the organizations who are representing short-term rentals, then maybe I'll reach out to them between now and Thursday. >> Houston: Mayor? Correct me if I'm wrong, in my community, it's more for the protection of the neighbors. They don't know who owns the property. They don't even know who is the registered agent that might be managing the property. If someone lives out of state or out of the country and there's really no way to find out who that person is if they go on to the Travis county appraisal district website. It may have an LLC, but there's no contact information there. And so for people in the neighborhood, this is an extra protection for them so if something untoward is going on, then they can, in fact, know who is the person in Austin or who is the person who lives out of state to -- to contact about it. Troxclair seems like the appropriate person would be our code department if there's an issue going on. But I'll think about it more. This is the first time that I'm considering it. So I'll think about it. >> Mayor Adler: Any further discussion of this before we move on to others, Ms. Kitchen? >> Kitchen: I would have a question there, too. I see the need for a contact. I'm just wondering if it needs to be a local contact. So it's just a question.

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That I need to think about. >> Mayor Adler: Okay. >> Kitchen: Then the other question that I would throw out there is just related to the timeline. The timeline for bringing back the proposed amendments to us. Not that timeline for pledges. So for implementation. Right now it's five months. I would ask the staff to think about whether that could be shortened to three months or so. >> Gallo: Anyone that knows me I said this last night knows that I like things done yesterday instead of a length of time. When we started this discussion, I just assumed that we were looking at a 60, 90 day period. Because this is a code amendment, there's a process that has to happen, so once the resolution is passed by the council,

then the city manager and city staff has to actually prepare the ordinance. Then the ordinance would go to the subcommittee of the planning commission, then to the planning commission, then back to the city council. So it's -- [phone ringing] So it really is more of a calendar timing. My understanding. Issue. Then if we get closer to November, then you of course have the holidays that we hit in November and December. This is -- this is the longest it would be and I will be interested in continuing to push this along as fast as possible. But it was longer than I had hoped for. But once hearing that it had to go through this whole process and be on a lot of calendars that coordinated, it kind of made sense. But we'll push it as quickly as we can. I think city staff and the department is interested in pushing it forward. >> Kitchen: I just wanted to be clear. That's actually coming to us for a vote, not -- >> Mayor Adler: Mr. Zimmerman, Ms. Tovo, I think that I have a quick kind of straightforward question. My question is do you have a number for how much money is being budgeted for enforcement of current str regulations and if the resolution here were approved, say as is, if it

[11:25:47 AM]

were approved as is, how much additional resources would you need? I think that's a very important question I have. This is about cost benefit analysis. So we have a problem we're proposing a solution, what would it cost to implement the solution. So if you could get that information back, that would be very helpful. What we're spending now and what we would have to spend additionally to try to enforce this. >> Be glad to. >> Tovo: Since there are questions on the local contact, I wanted to invite our staff to talk about the ordinance itself. The current ordinance requires a contact. It was the staff recommendation that this be a local contact. Again, I wanted to invite them to talk about why they believed that was necessary and would aid their work. >> Thank you, mayor pro tem. I was just checking, too, with our division manager who is in charge of our licensing program. He was assuring me that, yes, there is a provision now in the code that requires a -- a local contact. And my question is whether or not we're able to get local contacts on each application. The answer is no. We are getting contacts, but a lot of times those contacts are not local. They're -- their owners, like I said, are spread around the country. So if there's a problem, we can call them and sometimes they are able to make contact with the renters or whatever. But it's not a -- it's not a very good program the way it is now. The language is just being tightened. It's not new language, it's language that's being tightened to make sure that we've got somebody locally that is responsible that we can call upon if there's a problem. If there's a problem in the neighborhood, being called by the -- and what we have found a lot of time it's behavior. It's the behavior of those persons who are renting the short-term rental and so being able to have somebody who we can call and help resolve the situation, we think that's really going to make a difference in the -- in the enforcement.

[11:27:50 AM]

>> Mayor Adler: Mess Houston? >> Houston: One additional thing, sometimes we contact the owners and they had no idea that the neighbors were having problems in the neighborhood. >> Mayor Adler: Right. Okay. Ms. Pool. >> Pool: Colleagues, I had posted to the message board the text of the amendment that I was interested in bringing and it's a neighborhood advocate position or activity. And in having -- I had a short conversation with councilmember Casar about it yesterday before the committee meeting and I knew there was a chance that there wouldn't be time for it to come up. But in my conversation with councilmember Casar we started exploring the idea of a neighborhood advocate, which in this pilot program would be directed toward short-term rentals and bringing neighborhood advocacy to help solve the problems at the front end and it's also something that our prosecutor's office in the muni court has recommended and it was mentioned by heather way in 2012 in one of the law

clinic documents that she has published. But in the conversation with councilmember Casar, we started talking about some of the bad actor landlords in his district that are not short-term rentals, but rather apartment complexes. And so what I was thinking is after his and my conversation was maybe expanding the concept to be more inclusive of -- not just short-term rentals, but also landlords and apartment to do is look at the amendment that I posted on the mental board and anyone who would like to work with me on drafting a separate resolution along these lines with a broader scope, I would appreciate hearing from some other folks. I think that councilmember

[11:29:51 AM]

Casar and I are going to work on it together and I think we have two or three other members of council help us with this. And that will eliminate an additional topic for the conversation for str in September and we'll just bring this forth separately if that sounds okay. >> Mayor Adler: Okay. Further comments on this? Mr. Renteria? >> Renteria: Mayor, thanks. I just want to thank Greg for bringing up to test the water. I've gotten a lot of comments from people in my neighborhood, even my daughter, about testing the water. And she says that, you know, she likes to make sure that she's going to be able to recover her costs. And if she's not, she doesn't feel like she would want to go through the process of registering and paying for the fee if there was no opportunity to make any money out of it. And I've heard that from a couple of people that -- you know, that they would just not participate or just go underground, like Greg mentioned. So I really am looking forward to seeing how we can work this out so that, you know, we can encourage these people that just rent for south by southwest and snl can come up with solutions for these people. Because the fees and -- it takes quite a big bite out of the -- what they make and plus the taxes and all that. And they just rent for 10 days or maybe a week at a time and sometimes that's why they don't go through the process is that they won't make any money out of it. They don't know whether they're going to make anything out of it. So that's a good item to bring up in September. I thank you for that. >> Mayor Adler: Thank you.

[11:31:52 AM]

Anything else on this? >> Tovo: Generally? >> Mayor Adler: Yes. >> Tovo: Mayor, I want to quickly as councilmember Casar says, we did -- I did bring forward some amendments last night. At that point we had heard, as you know, five hours of testimony. We had gone through the items in councilmember Gallo's resolution and then the items that were in code's resolution. And by the time we got to ours there was no -- the decision was not to proceed on them. I would say that I'll dead and post them on the message board. They range from what I would regard as pretty small things that I think that I would hope we could have great agreement on like not renewing an str license if the hotel taxes had not been paid for a year to some of the more challenging comments that we've heard from people. All of these actually have come from the community and they've been in the emails that we received. They were repeated by community members in hours and hours of testimony yesterday. Some of them were in the editorial in the chronicle two weeks ago. And none of them are going to be surprising or new. But one of the issues that concerns me, and I think there are different ideas about how best to resolve this, but as we contemplate a new accessory dwelling unit, some changes to the accessory dwelling unit ordinance, I think we need to make sure that those are not all going to be used as short-term rentals if we are making changes to the code revision to increase housing. It's incompatible with that goal to allow those to be used as short-term rentals 100% of the time. I will go ahead and post these. You will also see a discussion about whether we should go back to the original planning commission recommendation of 2012, which was to limit type two commercial short-term rentals to commercial Zones and require single use permits for those within the residential area. So we'll have an opportunity

[11:33:52 AM]

to talk about those at our next meeting. On Thursday is it most appropriate for us -- what is the sense in terms of debate for on each side for two minutes as was the ordinance we drafted? People comfortable with that? Absent hearing discussion otherwise that's what I'm going to do. Manager, do you want to say something? >> Ott: I do. I want to join with others in expressing my appreciation to the staff for all their hard work. Mr. Smart, Carl, Trish, I know you have staff from your department who have been a part of the efforts as well as assistant city manager aryanio who provided leadership as well. And also hard work of the committee. There's much work to do and thank you for your partnership with the staff. Thank you very much. >> Mayor Adler: Before we go to the next item, just a real quick council discussion, item E 1 with respect to our operating procedures, I will note two things. The first one is that I've been working with the attorney general, acting city attorney, and I think that we are going to be able to narrow down the items on the concept menu as we had discussed as we worked through. Including taking votes if we need to in order to be able to get there. The second thing I would add is that in conversations with manager, he's made me aware of the fact that he and ed van eenoo will take open-ended questions that you could post either to the concept menu or to the question and answers. And by that I mean it's not necessary to come up with the way that you want to execute a concept. You can introduce the concept or the desired result and then ask the manager to give you options on how to achieve that. For example, it would be possible for someone to say

[11:35:52 AM]

please give us options for reducing the payroll by X dollars or by amount that you believe would still provide reasonable compensation for staff, reasonable and fair compensation. I just want to make everybody aware that we have lots of subject matter experts on our staff and when we ask the question you don't have to become a subject matter expert, you can indicate what your desired result is and then ask the staff to give you options if that's what you want to do. That is an allowed kind of question. The next thing we'll go to is item number 19 pulled by Ms. Houston. It was the affordable housing bond issue. >> Houston: Thank you, mayor. This came to us a couple of months back and I had we had pictures with no healthy food. It's a walk for transit. There's a McDonald's. In the wrong area and in the response was that's where people can find money. We've reached out to the developer of phase two and they've not returned our calls. We reached out on phase one, which was in 2008, and they've had three code violations that were rectified. There were some online comments about unsanitary conditions there. And then we had 248 visits from the Austin police department. So my concern is that if the first phase of this complex

[11:37:52 AM]

is being not managed very well I'm really concerned about the issuance of these bonds for phase two. So staff is here and if they could address any of those, I would appreciate it. >> Yes, ma'am. Betsy Spencer, director of neighborhood housing and community development. I do want to clarify a few things. The finance corporation is not the issuer of the bonds. It is the subsidiary of the housing authority. The housing authority is -- it is one of their subsidiaries that is issuing the bonds and is the developer. Our only responsibility, in addition to all the issues you have raised, is again, we're not contributing any funds. This is just an opportunity the law requires that the jurisdiction provided support. But there is no financial contribution from neighborhood housing. The finance corporation or the city of Austin. And so to your first point, I think it would be important if the developer is not communicated with you, I think

we need to make sure they have some sort of opportunity to meet with you because that needs to occur if that's what you're wanting. The developer has indicated to us number one, they are not the developer of phase one. There was a different developer. They are purchasing the property right next to it and they are the developer for phase two, and what they have indicated to us is their intense desire to be able to influence what is at phase one. This -- >> I'm sorry, David potter. I wanted to clarify that they are not phase one and two. They're totally separate developments. >> I apologize. I thought that's what I explained. That is right. Do you have a question before I go on? >> Houston: Well, Mr. Lentz, what's the developer's name for phase two? >> Mr. Hartz. >> Houston: He's also part of phase one. So. >> He's a part of the Harris branch -- his company was

[11:39:57 AM]

the developer of the Harris branch apartments. >> Houston: Okay. And his company is also going to be the developer of phase two, the seniors? >> A code developer with the Austin affordable housing corporation, which is an affiliate of the housing authority. >> Mayor Adler: I'm now confused. Are they the same entities or not? >> Was the housing authority part of phase one? >> No. >> Houston: But the same person, Mr. Hartz -- explain, that's the confusion, because he was involved in phase one and he's also involved in phase two. So if you could explain that, that would help. >> I'll do my best and then you correct me. So I think what is the most important piece is the involvement of the housing authority in phase two. We have had a good relationship with the housing authority and their maintenance of properties. Some of the issues that you have raised is crime and some concerns on phase one. So the management company is responsible for the management of phase one. My understanding is cap stone, cap stone is the management company for phase one, has been working with the police department to address what has been indicated to me as nothing out of the ordinary. It's unfortunate, but it's somewhat standard issues that can be on a multi-family property. But capstone is working closely with the police department on those issues. The difference between phase one and phase two, well, code developer is the same entity. Phase two has a partner in the subsidiary through the housing authority. Phase two is a senior property, as you know, the proposed project is all senior housing. And so the housing authority has a very good track record of maintaining these types of properties. Go ahead. >> Houston: So colleagues, I'm not personally willing

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to provide jurisdictional support to a property that is next to a property that has some relationship, but not all to the one that they're asked to be developed until the property next door is cleaned up. I don't want to place my seniors in an area where although it may be typical of multi-family, that's a lot of activity there and these are vulnerable seniors and when they get phase one cleaned up then I'm willing to reconsider that. But I'm not willing to support this at this time. And I would also like to talk to the developer. >> Mayor Adler: Sounds like that should be happening. Ms. Tovo? >> Tovo: I need to go over the individuals and organizations involved. So hertz, is that the name? Hartzu. >> It's Idg development company and just continue Hartz is their local development here. >> Tovo: So Idg developed the property that councilmember Houston is talking about. >> Harris branch apartments. >> Tovo: Now they are the partner that the housing authority subsidiary has selected to do the senior. >> Correct. >> Tovo: And I see some representatives from the housing authority here on Thursday, I'd be interested in knowing a little bit more about why you selected that particular partner and really a response to the concerns that councilmember Houston has raised. I think she raises some very good points. So who is the proposed manager of the senior housing? Is it the housing authority subsidiary? >> That's my understanding. >> Tovo: Well, I see Mr. Co-value shaking his head no. >> He's saying it will be third-party

managed. >> Tovo: Well, I think

[11:43:58 AM]

there -- I think that's not going to alleviate concerns about how well managed it's going to be compared to the property next door, which it sounds like -- I don't know enough about that situation to know whether it's a management issue or as the police department suggested a typical issue. I think that also bears exploring whether this multi-family apartment really is typical or whether there are some management issues that need to be addressed. You talked about capstone. Capstone is working with the police department. Have they been the manager all along? >> I don't know the answer to that. >> We would have to find out. >> Tovo: Okay. This may be a more productive discussion on Thursday. [Overlapping speakers]. I yield to my colleagues on that. But I think I would like to know who is the manager. It sounds like capstone is the manager of the property that councilmember Houston has cited as having a fair amount of crime. How long have they been the manager? What are their plans for working with the police department? Have there been any signs of progress? Who is the third-party manager on the proposed new. And it doesn't sound -- I've got to say -- I hate to throw out concerns about a proposed senior housing that we desperately need, but I have to disagree with councilmember Houston, there are -- I'm not feeling confident that there's a plan for keeping those seniors safe. >> I think it would be best if we provide you with a memorandum of some of that information. I certainly want all of you to feel comfortable with the action before you. And so we can get some more information for that for you. So you have a better understanding of the proposal to hopefully answer some of those questions. >> Houston: Actually, it would be best instead of having a memorandum to have them come talk to me. >> Yes, ma'am. >> Mayor Adler: We'll take both those. And I think generally for me the question is are we access certify baiting --

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exacerbating a problem and are we missing an opportunity to -- is this an opportunity to fix a problem I think are the two things that I would be interested in seeing and that I'm sure Ms. Houston will be asking them directly. Mr. Zimmerman and then Ms. Kitchen. >> Zimmerman: Why couldn't this go to a four had been member committee to let us vet this and have an open conversation? It would be good to talk to councilmember Houston, of course, but even better if we could just have it in a four-member committee and resolve the issues if possible. Could we do that? Could we put it into -- >> Houston: I don't know what the timeline is on this. Is there any kind of crunch on having this done? >> As with all things, so this first came to for the tefra hearing in April, so we are in August. As some of you heard yesterday, timing costs money. So the longer we delay there's the potential for cost overruns and things like that. That ends up always being the issue as far as the longer that things take time. I believe that this is an important opportunity. When you look at this area is there's a lot of growth actually that is coming online in the next two years. There's a lot of job opportunities, which isn't necessarily the seniors, there's a lot of development occurring. They have communicated and have a letter from cap metro that will address some of the transportation concerns that you had brought up several months ago. There's a lot more rooftops that are coming. They're only two miles from the H.E.B. They are going to provide private transportation for the seniors to get to the H.E.B., to all the different services that they need. I think there's a tremendous opportunity, as you say, mayor, to maybe fix some problems, but also create 216 units of affordable housing for seniors in an area that desperately needs the statistics that we have. 55% of low income families in the area are cost burdened and so I think it's a growing concern.

[11:48:00 AM]

We definitely want to address all of your concerns so that you have comfort with us. >> Mayor Adler: Would you also in that memo address the timing issue? >> Yes. >> Mayor Adler: Ms. Pool? >> Pool: So I would not to do anything to delay the building of this affordable housing for seniors project, so I appreciate y'all providing the information quickly. I'm curious why affordable housing projects are -- seem to be subjected to additional levels of scrutiny that other apartment complexes aren't? And it's just a general rhetorical question that maybe doesn't go to our housing staff or maybe it does, maybe our development staff. Because we don't ask these questions about apartment complexes being built on burnet road, for example. >> Houston: Except that I ask the questions about all the apartment complexes being built in district 1 because of the lack of food, the lack of transportation, and if there is a comparable project next to it that there is some crossover development interest then I want to know why one is being managed in such a poor way and will that have the same effect on seniors. So yeah, I do that all the time. >> Mayor Adler: Further discussion? Ms. Kitchen and then back to Mr. Renteria. >> Pool: It wasn't directed at those questions as being not legitimate. It was more why do we not also ask them on for-profit developments. It seems like the questions are generally targeted to affordable housing. I think they're fine questions and I think we should be concerned about the safety of residents and whoever builds it. So maybe I'll take a page out of councilmember Houston's book and ask the same questions about developments that are going in different parts of town that also should be subject to the same level of scrutiny as far as safety and management.

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Murder okay. Ms. Kitchen? >> Kitchen: I would ask as part of the memo owe or the information we would get if we could get more detail about the safety issues? Or maybe councilmember Houston has that information, but I would like to understand the fact that it is typical is not persuasive to me with seniors being next door. I would really just want to understand the nature of the problems at that next to our facility. And then maybe it's an opportunity to -- maybe there's an opportunity for some sort of initiative to further that cleanup for that facility. >> Yes, ma'am. >> Mayor Adler: And Mr. Renteria? >> Renteria: Yes, mayor. I hope that we get -- there's just such a big need for senior housing in Austin. I mean, we have an aging population here, they call it the senior tsunami. We really need to start getting serious about building these housing and quickly because there's going to be a lot of seniors out there. They're not going to be able to afford the housing that they're in now, you know. And when they're getting into fixed income and they don't have the savings that they -- that other people have saved up in other parts of town, they're going to be hurting. And if we don't catch up and build these senior housing, then we're going to have a lot of homeless seniors out on the street. And I see it all the time in my neighborhood that they're wondering the streets because they have no place to go. And once you get people out there in the street for more than a year, it's going to be -- it's so difficult to get them back into housing. So we really need to just really -- I hope that you can give them all the information that they can so that we can get this housing built and quickly. >> Mayor Adler: Okay.

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Ms. Houston? >> Houston: Thank you for that, Mr. Renteria. I appreciate that, councilmember. So used to calling you mister. Councilmember. But I think the issue for me is that seniors are very vulnerable. We are placing these apartments in a part of town that has no public transportation or minimal. They're going to work on it, capital metro is. Medical facilities are not that far north. This is at the far edge of the district. If we're using the same kind of management company to ensure that they're safe, whose not been able to make sure that the people next door to them in a large complex are safe, then how is that

going to bleed over? So it's a manage am issue and how is that going to be handled? Yes, our seniors do need housing and we need it to be in places where we can catch the bus and go to their doctors and all kinds of things, shop. Most of that we've taken care of. It's more if they're going to be managed in the same way the first phase is being managed and I don't know who this third management company is, I haven't talked to them, then I have some concerns. I need to ensure that we cover all our bases before we move forward. >> Renteria: Yes, because I would hate to see them out on the streets. >> Houston: Oh, I do too. >> Mayor Adler: Okay. Anything else on this? All right. The next item that we have pulled -- thank you very much. The next item we have pulled, Ms. Houston is also yours, the annexation item -- I'm sorry, 44, the Zucker report I think we already addressed. That gets us to 50, the annexation issue. Ms. Houston, you pulled that one as well? >> Houston: Well, I've had lots of conversations with Austin resource recovery about the annexation. I've had no conversation with anybody else about the other two annexations in my district. And so either they can come talk to me about why they're annexing that because I've had really good communications with Austin resource recovery about

[11:54:06 AM]

Johnny Morris road. The first time I saw these other two were when I saw them on the agenda. So if you want to come talk to me later I'll be happy to do that. >> Mayor Adler: Could you visit her office please and take Ms. Houston through those? >> Houston: And the other part of that is when we're happen nexting things, I think it would be helpful to make sure that the person whose district it is is aware of the annexation request and where it's coming from. >> Mayor Adler: I think that would be a good practice. Ms. Gallo? >> Gallo: Are these all annexations that the participants are wanting the property to be annexed? We just went through the issue with a mud. >> My name is Virginia Collier from the planning and zoning department. Several of these areas are currently undeveloped. A lot of times the areas that we bring toward to recommend for annexation are new developments so there are residents in a couple of the areas, however most of these areas are just new development that's occurring on the city limits. >> Gallo: Even with new development you have an owner of the property, I would assume. Back to my question, could you go through these and just let us know that there is no opposition from the owners of the properties that are being annexed? >> Well, this is an item just to set the public hearing so the owners haven't been contacted yet. The notice goes out to the owners 30 days prior to the first public hearing, which is October 1st. So this item is just a council action starting the process and then there will be two public hearings and then there will be action at a third council meeting. >> And councilmember, we are also -- because this is really our first large annexation program and we're bringing this to you I believe on September 15th, we'll be coming back to you and having a briefing. I talked a little bit about annexation in these areas in a little bit more detail. >> Wonderful because having had this conversation with unhappy people that were annexed, I think I would really like to know. The other piece of the issue is that once we bring properties into the city limits then there's an expectation for services. And so that as we talk about

[11:56:06 AM]

areas where there's no sidewalks and no streets, no parks, no everything, that then those areas come back and want city resources to do. Somehow that seems like it needs to be part of the conversation when we talk about annexed areas is really understanding what services are there already and what services we would feel responsible for in a short period of time and how we would fund those. >> Councilmember, when we come back we'll also go through what services that we provide immediately upon annexation and those that might be phased. We'll go through that whole thing with you. >> Mayor Adler: Mr. Zimmerman and then Mr. Renteria. >> Zimmerman: One of the rationales that we constantly

hear about the escalating cost of Austin government is that the city is growing. Well, the city grows through these forced annexations that sometimes happen against the property owner's will. And so I just want to put my -- put the staff on notice that whenever an annexation comes forward, typically I will be voting no unless I have a property owner that says they want it. And I'm not ever going to accept the explanation again that costs are going up because the city is growing, because the city is causing and implementing annexations and then saying oh, the city is growing. We need more money. Then stop annexing properties. And then we won't have the excuse to have to raise costs and raise taxes and raise fees. Does that make sense? >> Mayor Adler: I'm looking forward to the policy conversation. [Laughter]. >> Zimmerman: Can't have it both ways. We can't complain that the cost of government is going up because the city is growing, but if the city causes that growth the city is causing the cost to go up. >> Mayor Adler: Do you want to respond? >> I think we'll have a good conversation on the 15th when we bring this back. >> Mayor Adler: I think that does point out some of the policy issues that we definitely want to be able to get into in that conversation. Ms. Houston? >> Houston: And the other policy, I have a problem setting a public hearing when we haven't had the

[11:58:08 AM]

briefing yet. It seems like we're going to set a public hearing Thursday and then we get a briefing and then the property owners are notified. It seems like we would have the briefing so that we know why we're doing it. Then we set the public hearing and we -- then we notify the owners of the property and then we set the public hearing. I don't want this to be like a public hearing where you have to go online and look for it. You said you are going to send notices, but I would like the briefing ahead of time. >> I think the difficulty is that state law for annexation has certain requirements and certain procedures. So there are only certain times that we can actually come to you when we have scheduled meetings. Certainly council can elect not to annex these properties after you've gotten public input. That's your prerogative. So I think there's still opportunity to go forward and listen to those citizens that may be annexed by the different cases that are coming before you. And making a decision at a later point. But in order to meet certain time requirements of state law, timing of notice and timing of hearings and the actions that would have to take place within the public hearing time, within a certain period of time, that's why we have the schedule that we have. >> So you could not brief us on the various parcels of planned that we're planning to annex and then start on the state schedule, mandated schedule. >>. >> We could certainly provide you more information, typically the areas are discussed at the public hearings, so that's really when you get the backup for the public hearing, where you get a map of the areas and a service plan and all of the information about the area that you would be considering for annexation and that's where the property owners would be invited and would have prior notice, so they would be

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available to make their concerns known and ask questions about scene of the -- about annexation at that point in time. >> Mayor Adler: In this case I notice that you are setting the public hearings on two different days. So the action that we're taking on Thursday is just to set the public hearings. Looks like the public hearings are being set on the 1st and the 15th. Are those half the cases on one day and half on the other day or are they two because we needed to have two readings on the annexation question? >> Each area is required to have public hearings prior to the proceedings. You can't approve an ordinance until you've had two hearings for each area. No less than 20 days, no more than 40 days before the ordinance reading, then you have to send no less than 30 days before the first hearing and also publish notice in newspaper and on an internet website. There's a lot of timing that goes into it. But

looking at the council meeting schedule and what we have available [multiple voices] >> Mayor Adler: So that I understand, we're going to have a hearing generally on annexation in mid September. Then we're going to have two public hearings on the first and on the 15th. But we complaint take any action on -- we can't take any action on the first and 15th then. Then there will be a subsequent setting when we actually take action on the annexation. We will have a briefing on September 15th, we're going to have two hearings that are open to the public on the 1st and the 15th and we can't take any action until it sounds like mid November. >> November 5th. >> Mayor Adler: November 5th. Thank you. Mr. Renteria. >> Renteria: Thank you. I think that what we should really have the staff do is send out these notices to the city council and -- in their district where there is either a variance or zoning changes. I get these notices, you know, I got that notice mailed to my house because my wife, her group, forgot to put the boundary lines on so we get everything that comes in this city to my

[12:02:09 PM]

house, mailed to my house and I get these reports about all of these annexations, hearings, everything, sent to me. And I get to -- I open them up and read them. Most of them I throw them in the trash because these kind of cases are either in other members' districts. But I get them and they do accepted them to me. So if -- send them to me. If we ask and we tell the city that we want everything that's going on, you know, things that you would never see happening in your district comes down to demolitions of, I mean, I think there's about 10 going on right now in ora's district because I get those notices. If we really wanted to know what's going on in our district. I do get mine, my district all of the notices and all of the zoning changes and variances and demolitions, I have a stack this big that comes mailed to my house. I don't see why we couldn't get it just sent to our office. Either do it through the email. Say hey this is the zoning cases coming through your district. >> Councilmember, for the items coming up on Thursday, we will make sure that you have a map for your offices that you can refer to so you can see exactly where these properties are. >> Mayor Adler: He also raises an interesting point, manager. If it would be possible when the city sends out any kind of legally required notice as concerns a piece of property, can a copy of that notice be sent to the councilmember in whose district that property sits? Across the board, city-wide. If there's a notice that goes out on a piece of property in the district, send it to the -- >> Let me take a look at it. See what that would take to do that. >> Okay. >> Mayor Adler: Anything further on this? Yes, Ms. Tovo? >> Tovo: I would just offer this as a suggestion. During your briefing in September, it might be interesting to see a couple of past annexation decisions that are maybe five or 10

[12:04:10 PM]

years out just to kind of see what the benefits were to the city as well as the costs so that we can analyze what some of those decisions look like. It's not a directive. I can only offer a directive to the city manager. I just offer that, if you think that would be useful to explaining why we as a city consider annexations and what the benefits are of doing so. At particular periods of time versus trying to consider it, you know, 10 years after it's already been developed. >> Mayor Adler: Okay. Ms. Houston, thanks for pulling that item. The next item that I have is the item no. 67. Springdale farms. >> Kitchen: I pulled that, I have a question about the process on that one. I want to understand how we will be handling that on Thursday with regard to public input, particularly. Just to make sure everybody is on the same page. I haven't been involved with it, I don't know if it went through committee or open public hearing or what's the plan? That's my question. >> Mayor Adler: I don't believe that's gone through a committee? Through anyone's committee? So that's open. I think one of the first things that we're going to be asked to do is to consider postponing that item. And we could hear that motion either before or after we've

had the public testimony that comes. I think the people that are seeking the postponement would rather the vote happen first than later because I think the reason to postpone it on their behalf is so that it would push the public testimony. But those are the two questions that I think we're going to have to decide, whether or not this item gets postponed. If not postponed what's the merits on that. >> Kitchen: I just want to give the public a heads up. Whatever we're going to do. I don't have a preference.

[12:06:11 PM]

But whatever we're going to do, I wouldn't want them to come expecting to be able to speak and then not. Or vice versa. So I just think that we need to, you know, let them know -- >> Mayor Adler: What's people's sense in terms of postponing this item? Mr. Renteria? >> Renteria: I -- this case has been going on for years, you know. It's -- the last city council members kept -- if I give you more information -- agreed to -- about to pass it -- they said some conditional use and they wanted to make sure they're going to abide by it. These people went through all of this trouble and investment meeting every condition, I mean, it was -- they went up and down and they met everything and we're still discussing this. It has been delayed, delayed. Urban farms is -- I don't understand, you know, why we're still fighting this because they have met every condition. They agreed to stay open -- the latest they are able to stay open is on Saturday at 10:00. All of the rest of the days they will close at 8:00. It's not like a big party event. These are small wedding gatherings, you know, fundraisers, they do a lot of scholarships. They do tours for our children. This is an asset to my community. And I just can't see why we're still dragging these poor people through delays after delays after delays. >> Kitchen: I don't have any concern with it. I support approving it. I just want to understand what the process is so that we don't end up on Thursday not knowing what's going to happen. >> Pool: Can I ask what the delay is? Why has there been a request

[12:08:11 PM]

for postponement? >> Mayor? >> Mayor Adler: Yes. >> Jerry rusthoven, planning and zoning department. The appellant, which in this case is the owner of the farms are actually opposed to the postponement request. The postponement request is by the people in opposition to the farm. It's my understanding that they are requesting a postponement because their attorney, Mr. Bill Aleshire cannot be here on Thursday. The owner of the farm is going to be out of the country for a period, their desire is to move forward this Thursday. If that's not possible, I know that they have asked to go next week. They are generally (indiscernible) One of the owners of the farm is generally unavailable for a good chunk of the month of September. >> Pool: How long have we known that this issue was going to come to us on August 20th? >> It was actually originally intended to be on the August 13th city council agenda. But there was a -- an issue with the notification, the notice didn't go out. So everyone I think was planning on having it on August the 13th. That's the date that everybody was told and we had to put it off in order to be notified for this meeting. >> Pool: I support the -- their request for conditional use. I've communicated that to the fores, I don't know that delaying it would really provide any additional benefit. >> Renteria: I don't -- I don't see that a delay would change the outcome. So I think we should just go ahead. >> Mr. Zimmerman? >> Zimmerman: Thank you. I want to concur with councilmember Renteria, yeah, I would support going ahead and deciding this. Thank you, sorry, I want to concur with councilmember Renteria for the reasons he stated. I would like to have this voted and have it deliberated and based on the evidence that I have I'm inclined to support Springdale farms overlay. >> Mayor Adler: Ms. Garza. >> Garza: I got an email

[12:10:12 PM]

about there's some gray in weddings and if -- if they are considered a religious ceremony, they're not counted towards the events. Is that -- is there someone that can provide clarification? >> Sounds like a dangerous topic these days. [Laughter]. Yeah. I spoke with your aide this morning about that. The issue was it was suggested perhaps the farm may equal say as religious assembly use which would trigger a whole different set of legal constitutional issues. But I explained that, no, we do not consider the farm to be religious services, a church. Churches are obviously allowed to have weddings. But the church is not - the farm is not a church and so when you are not a church and you're having weddings, outdoors, what we call outdoor entertainment. So I think we resolved that this morning. >> Garza: I would just add that I, too, am not in support of a postponement and maybe we could just go with the default of is it eight speakers at two minutes because I do believe this has been discussed for a long time and this is one instance where I see -- I don't see the need for a drawn out public hearing on it. >> Mayor Adler: Okay. Ms. Gallo? >> Gallo: I would not support the postponement either. But I have a legal question. I know sometimes staff has to grant a request for a postponement from either side. Are we in that situation where that's a legal requirement that we do that? >> No, I don't believe we're in a situation of a legal requirement. Every people is really up to the council. Sometimes we tell people typically they do this, but each case is unique and it's your decision every time. >> Gallo: Thank you. >> Mayor Adler: Any further discussion? >> Houston: Let me ask one more question. Has the other side asked for a postponement in the past? >> It has been ponied at the planning commission level -- postponed at the planning commission level, but at the city council level this is the if -- the first time

[12:12:13 PM]

it's actually appearing on the agenda. >> Houston: At some point will you provide the history of how we got to where we are now. >> Sure. It's very lengthy, but I would be happy on Thursday to give you a two minute version if you would like. >> Mayor Adler: That might be a good place to start. >> Tovo: We did get a memo this morning. >> You did get a memo this morning that kind of goes into that history, but if you want to take a look at that I will go over the same information on Thursday for the public. >> Mayor Adler: My general sense of the council is this item is not going to get ponied. Ponied -- to get postponed. Let's have a conversation now about what kind of debate people are going to see in the event this is not postponed. Any further discussion on people's views there? >> Ask the people first that went three or four hours of debate -- [laughter]. Let me start with as small as possible. >> Mayor? >> Mayor Adler: Yes, Mr. Zimmerman. >> Zimmerman: I think councilmember Garza made a suggestion that we have the four speakers for and against per the ordinance; is that what you suggested? I would support that. >> Garza: It was the default. I don't remember what it is, but whatever that was. >> Mayor Adler: Ms. Kitchen? >> Kitchen: I was just going to say, that is a reasonable suggestion. I would support that. >> Mayor Adler: I'm going to think about this a little bit only because this is the first time it's come back to the council in this posture. It is something that has been before the council, certainly something that we have seen a lot of the debate because of the history of the matter. But if we're going to be voting not to allow the postponement so that people can present, there's a balance there that I'm not sure yet. I'll come to the in egg with a recommendation -- come to

[12:14:14 PM]

the meeting with a recommendation or post something. >> Kitchen: I think we need to let the public know before Thursday what the expectations are. I don't know that it has to be this minute, but I think it's much better if we let people know so they know before they come. >> Mayor Adler: Then I would ask the question this way: What is the sense of the council of limiting debate from other than just our

regular open debate? Yes, Mr. Casar. >> Casar: I will (indiscernible) I think that the fact that it has not come before this council or a council committee may justify more than the four speakers on each side at two minutes. As an advocate, I'm going to just admit this right now. Before okay council, the 30 minutes on each side seemed stifling, but now understanding the need for us to have time as -- so I'm -- I know that I'm not good at admitting when I'm wrong, I try to do it publicly and openly when I can. [Laughter]. So now on this side I think that it's important for us as a body to have the time to be able to deliberate on the matter and so I have come around to seeing that being a useful tool, especially in this case where I believe that we do have pretty clearly defined over the years side of folks that are for and against this conditional use permit. So I think that 30 minutes for those signed up for and 30 minutes for those signed up against would be something that I would be inclined to support as a middle ground between the four and four and the unlimited testimony. >> Mayor Adler: Okay. My sense, Ms. Kitchen, is this body is going to be inclined to limit debate. So I think the public should know, one, my sense is it's not going to be postponed. Second my sense is that we will limit debate. We obviously can't decide something right here and I'll come to the council with a proposal on how to limit that debate. And then, of course, the

[12:16:14 PM]

will of the council will decide what that is. >> Mayor, we could also reach out to both sides and let them know this is being contemplated and to have them be prepared for the possibility of having 30 minutes per side so they are aware of that option. >> Mayor Adler: Okay. I wouldn't say 30 minutes per side. I would say to let them know the sense of the council is that it's going to be postponed and the sense of the council is that the debate is going to be limited. >> Not postponed. >> Mayor Adler: Not going to be postponed and that debate will be limited. >> Will do. >> Mayor Adler: Okay. All right. That gets us then to the next item that we have. Thank you. There's an -- those are all of the items that were pulled. Before we go back to executive session, item no. 51, is the health and human services funding question. It would be my preference that that item be postponed to be considered as part of the budget process. >> 51. 51, right? >> Mayor Adler: Yes, 51 was not pulled. Somebody came from the health and human services committee, but it was the -- it was a budget proposal that I think is now on the concept menu and I think it should be considered in that context. So -- so I -- I would probably -- I would support not having a -- a public hearing or discussion of this item at the council meeting. And save that for budget conversation. >> Houston: Mayor, that's fine if that's what the body wants. When we voted this out of health and human services, we had three people that voted it out to a recommended -- to the -- to have the council hear it and one member voted no, because there was a need for more discussion. And so if that discussion can -- can adequately take place and inform -- take place in an informed matter,

[12:18:15 PM]

during our budget, which is already pretty overwhelming at this moment, then that's fine if that's what the members want to do. >> Mayor Adler: Okay. My hope is that we give very reasoned consideration to all of the items that -- that are on the concept menu for budget when we are trying to decide between priorities and what's important. I personally believe we need to increase funding for -- for health and human services and -- want to have it in the context of when we're talking about larger budget issues. >> Houston: I understand that. It's just that this has been a need for so many years and it gets covered up in other budget issues and so -- so we thought that we would just raise it up a notch. So as long as we understand that. >> Mayor Adler: Okay. And I understand that and I'm doing this in part to be consistent with the other items that were put on the budget this agenda earlier that we moved to the budget conversation. Those were all of the pulled items that we have. Does anybody else have anything else

before we go back to executive session? Okay. So the city council will go into closed session to take up three items pursuant to section 551.071 of the government code, city council will consult with legal counsel regarding item a 2, legal issues related to Austin life care, ink. Item a 2, related to mercer and item no. A 4 related to Zimmerman. Item a 1 has been withdrawn, if there's no objection, we will go into executive session now. Thank you.

[2:21 PM]

We are out of closed session. In closed session we took up and discussed legal issues related to Items a 2, a 3, and a 4. Seeing no other business before us the City Council stands adjourned at 2:23 p.m.