

City Council Special Called Meeting Transcript – 11/08/2015

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 11/8/2015 6:00:00 AM

Original Air Date: 11/8/2015

Transcript Generated by SnapStream

=====

[2:00:26 PM]

That's November 8, 2015. Austin city council special called meeting but you won't see a shooting weather business plan November 8, 2015 Austin city council special called meeting

[2:09:21 PM]

>> Mayor Adler: Are we about ready to move forward? I'm going to go ahead and convene the special called meeting of the Austin city council. Today is November 8, 2015. It is 2:08. We are in council chambers at city hall. I want to begin by just noting a couple things first. The first, I want to note is that we have at this time judge kocurek, who is in the hospital after having been involved in a shooting just a couple nights ago. We are encouraged to see that she is listed as in stable condition, and that is good. But it does remind us as to the true nature of public service and the members of our community that have stepped forward to perform those roles with the attendant risks associated with them. And our appreciation and our prayers and encouragement for speedy recovery go to judge kocurek and our thanks go to our county and state judiciary as well. Second, I want to touch on the extraordinary nature of calling a council meeting for Sunday. The first time that I've

[2:11:22 PM]

participated in that. Hopefully it will be the last time I participate in that. But I do want to say that I've learned a little bit about the process, if this ever happened again, I think I could do it better, but let me do note that the reason that I called this meeting at the urging of councilmember Garcia and others was the result of walking around with the community members in the flood-stricken areas. We had an event where we lost three lives in our city. A fourth just outside of our city. And a staff, which was trying to deal with and process and help members of our community in pretty horrific conditions and finding themselves in a place where they were not able to process our residents and bring assistance to them in all matters as quickly as they -- and as effectively as they would have liked to, in part because there was not council authority or authorization for them to act in certain situations. And given the fact that these folks need immediate help, we set this meeting as quickly as we could in order to be able to deal with those issues. You know, it's hard to imagine, but I can imagine similar circumstances where it might be necessary for this council to meet in an extraordinary way like this. And they would always be treated as extraordinary. But in this instance, it appeared as if that needed to

[2:13:23 PM]

happen. That said, I myself will still be watching. I am leery of this council at any time confronting issues that it has not had a chance to study or to take a look at and being asked to make policy decisions on the fly at a council meeting. So I recognize that a lot of the information has come to the council quickly, and we need to do best we can and recognize that we can certainly bring up further issues at council meetings in the immediate future over next week or so, to give ourselves time, if we need it, to make sure that we're making prudent decisions. I want to thank the staff of the city of Austin. Beginning with the work that staff has done in these flood areas from the moments before the flood occurred when it became apparent that we were going to have heavy rains -- we were going to have rains of potentially this magnitude, the work that went in trying to learn from not only their professional training but experiences in past and time and effort that has gone in from staff for making staff come down on a Sunday, which in the middle of flood relief might have provided a day of rest otherwise to staff and they are here. And then also, again, with us for the meeting that we have in community tomorrow night at 6:30. So, again, my appreciation to staff. I want to also mention that we are translating this meeting for attendees that might want

[2:15:24 PM]

to have that service provided. I've been asked by the clerk to ask everyone on the dais if when we speak we would speak slowly and clearly so as to facilitate the translation. Also, if anyone is receiving that service, using that service and the earphones that you have are not cliché or presenting an -- clear or presenting an issue or problem, please go out to the area just outside of chamber because they have additional equipment that might better be able to accommodate. At today's meeting, we're going to open it up for public comment. We're going to have one public comment period where people can address all four items that are on the agenda. And I would also note that councilmember troxclair is not with us today. Councilmember troxclair is representing the city, as are some others, at the national league of cities meeting in Nashville. And I talked to her this weekend about her also coming home for this, and I asked her if she -- and I asked her if she would stay there as the continued representative of our city and that we would divide and conquer, have her there and would work on this for her collectively as a group. Before I call the public speakers, I want to give anyone on the dais the opportunity to address people now, certainly there will be lots of opportunity after

[2:17:27 PM]

public discussion, but if anyone wants to address this issue, related issues, now okay, I wanted to give councilmembers an opportunity to do that. >> Houston: Mayor. >> Mayor Adler: Yes, Ms. Houston. >> Houston: It is related in the fact in a we mentioned just kuserk just a few minutes ago. While I was in Nashville Tuesday night, one of the councilmembers was shot three times. So as you said, this is -- public service is not as qualm and -- calm as reliable as it used to be. He's alive and in hospital but he was shot three times and they have not found the person. >> Mayor Adler: Thank you. Any comments before we go to session? >> Yes, thank you, mayor. I want to extend my appreciation to city staff. My office, the assistant city manager's chief staff, all of the department directors for their efforts over these past days, in particular those who have staffed the eoc over these past days as well, and all of the other agencies and staff that are there, that are represented. We really do appreciate your efforts. We know that this isn't over yet but wanted to take this opportunity to say thank you. >> Mayor Adler: Okay. That said before, we get -- Ms. Garza? >> Garza: I also want to thank city staff and everybody who has been a part of this recovery effort. It's been an emotional roller coaster for everyone involved. I also want to express my condolences to those that lost loved ones. And I want to thank the mayor for calling this special session because addressing these items will answer some critical questions and give families a path

moving forward, and I know many of you have so many questions and I know that some of the resolution to those questions will be -- you'll get some of that resolution today.

[2:19:28 PM]

I want to make some brief comments before we get to the details because I know that the discussion that -- when we get to the buyout policy, some of us believe that we should apply the same policy to everyone, and I think it's important to be honest and recognize that, yes, we have folks living in floodplains throughout the city, but not all of these people are in the same situation. And if we're going to talk about applying the same policies to everyone, we need to talk about -- we have to have an additional conversation about some inequities in our community. And we need to talk about the inequity that exists that puts families in a position where they can only afford to live in one of the most dangerous floodplains in our city, and we also need to talk about the inequity that exists that has members of our community right now living on the floors, laying on air mattresses in their homes. So it's in trying to balance those inequities that I hope we can come up with a policy that gets these people out of harm's way, and I propose some amendments and I'm going to make some changes to that. And I want to make sure that we're not penalizing people who have to use some of their insurance proceeds if they decide to make a claim to cover some basic needs because they're not in a position to be able to have a savings account and they're working two jobs to try to make ends meet. And I know that this council can recognize that unique situation, and I hope that we can do all we can to get these people out of harm's way. >> Mayor Adler: Thank you. Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. I want to briefly recognize some of our community members from the bull creek area, old lampasas trail. There they are. We've had two public hearings, and the reason I think this is pertinent to bring up at the moment, I think as a policy,

[2:21:28 PM]

the city needs to stop an exing in areas where we have the potential for these kinds of flooding events, and I want to ask my colleagues to remember all of our deliberations today when we come to a vote, I think it's on Tuesday, on annexing this area. These are ten properties that are unanimously opposed to being annexed. They are in an area of a creek that has potential flooding, and we had recent evidence from those same heavy floods that there's watershed coming in from city of Austin improperly mitigated and their ennextation plan has zero capital improvements to handle stormwater runoff. So I want us to remember what we're going to do today when it comes to the annexation vote on Tuesday. Thank you. >> Mayor Adler: Thank you. Any further comment? Ms. Kitchen? >> Kitchen: Thank you. I want to thank the mayor and councilmember Garza for taking the initiative to move forward with this meeting today, and I want to thank our staff for all the work that they have been doing in very hard circumstances. I want to also recognize leadership of the onion creek homeowners association. Onion creek is another part of our city that has been hit for the second time in these floods, and I want to thank that leadership for pulling together to support their community and to work with our office on the members of the council to try to come forward with solutions for the onion creek neighborhood as well as all of our neighbors in all of the areas that have been impacted. I'm happy to be able to support councilmember Gallo and the mayor -- councilmember Garza and the mayor on their efforts. I would also like to thank the members of the onion creek homeowners association for what -- the work they've been doing to bring forward incentive ideas around mitigation in the future that will be coming back to the

[2:23:28 PM]

flood mitigation task force and this body at some point in the future. Thank you. >> Mayor Adler: Thank you. Mr. Renteria. >> Renteria: Thank you, mayor. You know, I personally knew some -- knew a lady that -- Inez, Garza, I pointed her -- appointed her sister to the ninth ward for district 3 so I want to send my condolences to the family. Also, I want to remind my colleagues that even though Williamson creek residents didn't get it as bad as -- didn't get hit as hard as onion creek, there were some minor flooding and it damaged -- damage along the creek. After going out and talking to some of the residents, they were saying that some have forgotten to turn in the letters that they were given so that they could participate in the buyout, and I hope that we can address that so that the ones that do want to get bought out will have the ability to participate in this buyout this time around. >> Mayor Adler: Okay. We're going to go ahead and open this up for public comment. I'm going to call the speakers that have signed up. If someone has not signed up but is interested in speaking, you need to visit the clerk. She'll add your name to the list. Because I'll be calling people on the list. And I would, again, point out that tomorrow meeting tomorrow evening at 6:30 at Perez elementary school. There's going to be an open house, and I know that there will at least be several of the councilmembers, myself included, present to be able to meet with folks that want

[2:25:29 PM]

to talk. But there will be stations that are set up to be able to answer specific questions. So we're going to begin now with public comment. The first speaker that we have and speakers will all be limited to three minutes, as is our normal pattern, and then people can donate their time to other speakers. The first speaker we have is Robert Kibby. Is Robert Kibby here? Stewart Hirsch will be the speaker on deck. Mr. Kibby, you have three minutes. >> Thank you, mayor, mayor pro tem, councilmember Garza, thank you for that opening statement that you did. Very heart warming, and I appreciate that. You know, I called every single one of the councilmembers' offices and the mayor's office and left messages for all you guys, and one office got political with this information, and I hope this is not -- does not turn out to be political. You have people out here that have risked their lives in the flood three times. [Indiscernible] And I went out to the flood, talked to this one gentleman who had to take a nitroglycerin because he was almost having a heart attack he was so upset. Let's get these buyouts done, please. Let's waive all fees they need to. Let's get these people out of harm's way before it happens a fourth time, before we lose more people. I'm part of the flood mitigation task force. I want to thank the staff of the watershed protection. They're very good, really informative in answering any hard questions we have, but let's get this buyout done. Thanks. [Applause]

[2:27:31 PM]

>> Mayor Adler: [Saying name] Is on deck. >> Mayor, members of the council, Stewart Harry Hirsch, like most in Austin I rent. My message for you today is similar to my message to you during the budget deliberations and the incumbent deliberations with your predecessors, which is that we need to treat onion and Williamson creek as urgently as we did as the folks from Katrina who came here ten years to go our convention center, thousands of them. Ten years ago, we set a goal to get people out of the convention center who had come from Louisiana in 30 days. There were human benefits for doing that. We didn't need them living in cots after the trauma that they experienced. And we didn't need to be losing money in our convention center because we weren't holding conventions because we couldn't get people into safe and affordable housing soon enough. I'm here today to urge you, if Uber not properly posted today, to be properly posted before 10:00 tomorrow morning for Thursday's agenda to adopt onion and Williamson goals, and they are the following. Identify how much buyout funds are left, how many onion creek homeowners would be able to move with those funds? How many renters will be able

to move in onion creek? Same thing for Williamson. How many owners and how many renters can move with the funds available? How many days is it going to take us to make offers for all these owners and all these rent centers and how much time do we have to reject or accept those offers? And then once they're accepted, how many days does it take to move? How many days does it take to make decisions about eminent domain for the people who are still insistent, even after they get offers, that they don't want to leave? And what is all the possible savings to us in the trauma this community experiences and in the budget, if we don't do these things because we haven't done them adequately up until now?

[2:29:31 PM]

We came to the city council -- I sit on the Travis Austin recovery group education committee. In 2014, when the staff did not support \$78 million for buyouts, we came forward and were able to persuade the majority of the -- your predecessors to allocate those funds and we've been talking to you all year about the things necessary to move forward. We have seen in the last week what happens when we don't have the urgency of Katrina, and that needs to stop in this community. These are our brothers and sisters. We did this for our brothers and sisters in Louisiana. We did this for our brothers and sisters in memorial day '81, which is another flood I worked as a staff member. It's time to do this for the folks in onion creek and Williamson creek. Thank you very much. >> Mayor Adler: Thank you. [Applause] >> Mayor? >> Mayor Adler: Mr. Reyes, you have -- is [saying name] Here? Thank you. Is Lordes Cruz here? And also Brenda ariallano? Thank you. Did you need something? >> Zimmerman: We just had a question of what was handed out. >> Tovo: Actually my question was who handed it out. Well, Mr. Hirsch, I have this document, but I have some -- amended ordinance language. Is that from you, councilmember Garza? I want sure who had handed that out. Thank you. >> Mayor Adler: Anna Perez is the next speaker on deck. Mr. Reyes, you have 12 minutes. >> Thank you. Good afternoon, is it councilmembers. Thank you for giving us time again to stay over here talking about the same thing. It's boring all this, but don't get boring because life over there is still -- we're still living over there. So we come over here because

[2:31:31 PM]

this not supposed to be happen. This because the negligence from the people who is getting the buyout process, they're not been doing right. They've been doing wrong measurements on those housings. I've been asking for other people. Same thing. They've been doing some buyouts process. There are a lot of people that not accept because it's wrong. In my case, I've been explaining to you some of you city councilmembers that if you got a house that 300 square feet, I expect you pay me 300 square feet. Don't pay me one square foot because that's different on it. The thing they told me -- well, I'm going to speak when everyone, not just me. It's a lot of people over here too, some that don't have a residence going over here. And the buyout process, they told them we no can give you full benefits on it. So that's another thing. We don't have -- asking for green card, id, or something. You are living in that area. You've been paying taxes on that area. You supposed to get paid equal like everybody else on that area. The other thing that we're not supposed to be flooded this time. That's because the watershed protection, I guess that's the one in charge, from my house to the next house -- my house is in a hundred-year floodplain and all those houses necessity still over there, they say they're still in a hundred-year floodplain. But then the house next to me, go in front to the other side, they're in the 25-year floodplain. That's why they bought out those houses before us. Seeing that the water coming from the other houses, my way, and they jump to the other ones. So that means on the hundred year and 25-year floodplain the rain is going to stop on my house, range less and the other house? I mean, that's ridiculous.

[2:33:33 PM]

Anyone can see that one. But these people think that we are, I don't know, some people they don't think [indiscernible] They try to say that's the new measurements we have it. We went to their houses and measured those houses and we got the same flood like the other houses. So if it didn't come up last time with that proposal, they're going to stop the buyout because they don't got no more money or whatever the reason was at that time, we not supposed to get flood. Because the process should be keeping going and going until all the people, all the onion creek area, should be out. Now, all the things we lost again, all the things we lost all belongings, we got it from two years, plus in my case the stuff that took it down from 4-foot, 6 feet, put it down on the ground level, I lost it again. Who is going to pay me that stuff? I hope so they come out on my offer, adding all that stuff we lost it? Because I lost more money than they lost on their house, on that house. So I hope in that proposal, and everyone over here, all those people get flood again, come out with that money too. Because we not supposed to be -- if they do it the right way the first time, we supposed to be out already. They supposed -- the city council is supposed to be working on another flood area, another places where it's getting flooded right now. So that's the other thing we got to get out. Now I was thinking, probably they going to do it again, and I hope so, you don't go for it, they take the money from the insurance. Because I don't see the city from the 2013 to now or watershed protection buyout, whatever it was the entity, that comes up and say we're going to buy you flood insurance because you're in a floodplain and until we get your house out, we're going to pay the flood insurance. We are the ones being paying

[2:35:35 PM]

that flood insurance. We pay that one. And I don't want to come out and say we're going to deduct. Whatever you get from the insurance on down payment to your house. In this case we say, again, \$100,000 for my house, my insurance is going to bay me 50, so that's my 50,000 down payment, they just going to pay me 50 is now that's ridiculous. That's not going to happen. Who is going to pay me for all my , my since going to pay me 1,000 just for the refrigerator. All my stuff that went to my house and got, they see all the stuff they lost it over there. It's not just me. Everybody. Everybody lost everything. You can go and ask to the permit -- department that cleaned up everything, pick up all the trash, they've been taking a lot of trash from all those people. Who is going to pay all that money? Who is going to go to the insurance and say, hey arbitration you're supposed to pay that money. No. You want to get the money, you want us to fight that money to the insurance because you never -- what the city or whoever it's going to be, they never call my insurance, say, hey, this has been flooded, you better pay it. They don't call, hey, when you going to call and check this synonymous we are the ones fighting with this money. The only thing they wanted, that's the check. Give me all the money you got from the insurance. We want a deductible for your payment. That's not right. After we lost everything, now you're going to take our money? We're going to use that money to rebuild our houses. Like somebody say, we have to be having two or three jobs to pay those fees, and now we're going to use that money, we are the ones that have been working over there on our houses, cleaning up, take the sheetrock out, take out -- a lot -- thank god a lot of people come and help us. Probably other people necessity don't get help that we did, but those people, they doing their job. They don't hire nobody else. They don't hire no contractors. So there's no way we can prove

[2:37:36 PM]

to city of Austin that, oh, okay, we -- they would like the process. We don't got to prove that we've been working over there. They just want receipts, papers. What do they say, all that stuff? We want the

receipts, what it says and FEMA tell us, told the city of Austin, you not supposed to build any house over there. Why did you give the permit to them to build those houses over there? Now we are the ones who are paying everything. We lost everything on the houses. So I don't want that they come out to my house and they say, now you got to pay the decibel for your insurance, nobody going to pay. If you're going to do that, that's fine. Here's the check. But also I'm going to give you the receipt for all my loss, the stuff that been lost. I will keep adding that to my bill on everything. So I hope you try to do and tell them all those new changes, and I know you can do the changes. You can say, no, we're not going to take it because they just say that's the government stuff, the FEMA stuff. FEMA told us don't build anything over there. Anyway they build everything over there. So we need to -- you have -- supposed to get something back from the houses. And pay us like everybody else. Pay the land. I mean, if they're not going to pay the land -- they offered me a house with almost 2,000 square feet on land less, and they come with the excuse, they say we don't have any house like yours in city of Austin. Flurry went back to my home, researched the website, here's a house. Here's a house like I say, 20, 30 square feet less. I don't ask for more. It's even less than what I got. They don't want to pay me that. On my storage I got on the back of my house, last time I got a flood, I got the insurance -- I got loss for

[2:39:37 PM]

\$85,000. Only insurance for 55. I don't get paid for that. I don't got enough money to rebuild my house but they come out over here and say, well, you don't got air conditioning in that area. We're not going to pay. You never pulled the permit to make your garage. We make the garage. We make it work. We have it because we need it. It's not because I like it build a lot of stuff over there. I don't need it. So we build the stuff we closed garage to make a room because we needed that room to live, my sister and my other sons over there. So the garage, they say they don't pay. That's the same thing like everybody else. S to not just mine, it's everybody else. Some people they got a closed garage, they don't want to pay. They want to ask to deduct \$1,000 because I have to convert it back to a garage. Why they going to do that? They're going to tear down the house. It's a lot of stuff. You got to go and ask the neighbors. Don't ask the people who is doing the buyout. Go ask the neighbors. They say what's your problem? What do you need? Why you do not accept that offer? They said we're making a -- 80, 100 offer. How many sign up? Just ten, 20? Because they get scared. They get scared this happens again. They say in my case this is not going to happen in a hundred years. It's been happening three years already, 30 years, three -- two floods in three years. So what was they waiting for? What else they gonna wait for finish everything on this? And the reasonable justice for everyone, not just for the city. I mean, I don't know why they tried to give you less money on everything. That way they can save more, get more payment. All the stuff that go and measure my house, it's going to cost money to the city because they taking some [indiscernible] To my house with -- not just my son with the measuring tape, and it's wrong. I mean, you do work for peoples living over there, you measure your house, you're

[2:41:39 PM]

measuring the -- some play game. It's no play. There's been loss of life, material stuff, pictures. I mean, I imagine your house, go to your house and look at it 6 feet under. You see how much you lose. Even your dogs, your pets, your cars. You lost everything over there. So I don't want to come back over here. The same thing. I've been here four, five times against -- when you're council, three times I get it. With the old council, two, three times, same thing, over and over and over. That's not right. I hope you doing something better. And I hope they move us quickly because, like I say, this is the third time. Nobody has gotten here and they don't know when it's going to rain. They say it's going to rain last week, it's going to flood again. Thank god nothing happened. Thank god they gave us some time to pick up our stuff. I

appreciate Delia Garza coming over with the team, they tell me to put all the stuff back in my house. That's what we needed, people to go over there and walk in our sheet street, asking, talking to the neighbors, then come to resolution with everybody. Say this neighbor said this, this, and this, what happened? What do you do? Also, on the proposal they offered to everybody, they say the -- the letters say don't tell nobody. Don't make comments to your friends, to your neighbors. Why? Why they say that? If you're doing the right thing, tell everybody. Because -- don't tell me quiet. Don't say nothing. If you speak, we're going to get you. [Buzzer sounding] Thank you. [Applause] >> Mayor Adler: Anna Perez. Is Nancy here? Thank you. Isabel Rios is the next

[2:43:41 PM]

speaker. Ms. Perez. >> Hi, my name is Anna Perez, and thanks for coming here on a Sunday. I'm just going to read off what we would request, and then after that I'm going to tell you how I feel as a flood victim. Onion creek announces the request to the city of Austin to execute the buyout program immediately. Austin, Texas, November 8, 2015, in response to the 2015 flood, the residents of onion creek are making a public apply to encourage an expedited buyout process and better city stewardship of flood relief resources. The families lost everything in in the Halloween flood which also understood last week. We ask for the city of Austin to treat us with the same dignity and respect the city shows other neighborhoods. Almost two years ago in efforts to get fund to go allocate to conduct a buyout of the area, 296ed into properties remain in harm's way. Dove springs residents whose homes were built in an area have dealt with unprecedented five floods in 34 years. For decades the city of Austin has failed to prioritize the relocation of these residents out of harm's way. Because these homeowners continue to live in a constant state of life-ending fear every time it rains, residents, neighbors and concerned citizens are humbly requesting an immediate adoption of the following measures by the city of Austin to end their addicting' long suffering. The city of Austin commits to purchase all remaining 296 homes in the the onion creek floodplain within the next six months. The city of Austin agrees to set up the buyout office within one of the properties already purchased at the floodplain. The city of Austin hires a third-party entity to conduct an assessment of the city's response to both the 2013 and 2015 floods response. Create a response task force to address any natural disaster with recommendations from the the assessment. Watershed protection

[2:45:41 PM]

department staff proved they are prioritizing their actual work to reflect city council's priority in getting 2013 Halloween onion creek flood survivors out of the floodplain. The city manager to direct city staff to expedite the buyout process to reduce loss of life, loss of personal property, livestock, real property, risk of first responders, such as Austin police department, Austin fire department, and emergency medical service, and the further damage to the reputation of the city of Austin. City manager, legal watershed protection department produced weekly reports to demonstrate the highest priority for health and safety for citizens and city personally. Expediting the buyout process should rank higher than producing reports. Powerpoints, presentations and receptions. City revises the hdr contract and allocates remaining monies to the buyout. So we are asking that as a community. I think three floods have been a lot. And so to me, I have to ask, how many floods do we have to go through? How many lives have to be lost? You know, you hear about the hundred-year floodplain. Onion creek is not a hundred year, 25, it should be considered the two-year floodplain because that's how we feel. [Applause] We haven't heard -- you know, we haven't seen action. We had a lot more action back in 2013. This time around, there's been lack of response with city officials and red cross. We haven't seen many volunteers. Yes, we had dal yeah and others come out -- Delia and others come out but there's elderly people, veterans that will

never be able to clean out their entire houses and they're mold infested.

[2:47:42 PM]

The whole process is so confusing, you get stickers on your walls, yellow, white, red, contaminated. Then you go to the dove springs center. What do they have there? A table providing permits to rebuild. Are you kidding me? You're going to have us here go through the process of rebuilding again so the city can come back and demolish? That's a waste of money. Why can't we get immediate assistance to get out? You know, our lives here matter. You know, the only thing that we require is -- we've acquired is debt. We're never going to be able to leave our poverty stage because we've been through it so much, we keep losing our cars. People have lost their jobs. They can't provide for their families. This is really stressful. It's frustrating. I've lost two years of my life coming here, pleading, crying, begging, to get these people out of harm's way. You know, we need action. And we need it now. And our lives are on hold. And to me, it's really stressful when we come to your meetings, whoever programs these meetings, whatever, and they give us a life-saving device. I want to show you because all these people here, we got the same thing, and this is what we got to save our lives. This is our life saving device. This is what we depend on to get our people to safety. You know, what we really need is an immediate buyout. This is a radio I've changed, like, three times. It's not working.

[2:49:43 PM]

We've mentioned this many times. A whistle, people. Come on! What is this for? Am I supposed to put this around my neck so you can go find me way at the creek? This is not fair. This is not right. [Buzzer sounding] Thank you. [Applause] >> Mayor Adler: Isabel Rios. Jill Ramirez and Veronica Cruz. Luke Adams is on deck. Next speaker. >> Councilman, mayor, good evening. Thank you for having us and making the accommodations to have this meeting and hear my makes out today. I know it's Sunday and many of you would rather be with your families just like many of us. I'm hearing -- I'm here in front of you as a very concerned neighbor. As you can see, this is very emotional for me. I tried getting these people out since the previous two years. And Friday, when the flood started, and my phone wouldn't stop ringing, it was a nightmare. Here we are again. I guess we can -- you know, blame nature. , Different circumstances. But I'm just hear to ask you to, please, get these people out. Now. No more games. That's it. You're going to hear from many, many people. You're going to hear many stories today. I'm just going to tell you a

[2:51:46 PM]

simple story. I just -- neighbor's home. She's 78 years old retired teacher. She's from Peruvian dissent. I met her close to ten years ago, when I used to help her with her elder mother. Her home was like a museum. She had all these Peruvian artifacts that I used to take my kids to see and she used to explain everything to us. From chola stuff, you know, to old books. She was also a master concert peenist. In the previous blood she lost her most beloved possession, her piano. With that she lost her mind. She was taken to the [indiscernible] Family members and put into a mentality institution for over men tal institution for over a year. She came back and called me six months ago. I was happy to see her coming back to my neighborhood. Although she had lost everything, her family members had managed to make her house livable again. And she was very enthusiastic when I visit her on Saturday, just like I visited many, many, many of my neighbors, although I had to sneak through the back because they would not allow me in, she received me just like everybody else. With open arms and tears in her eyes, asking me, "Why you didn't get us out earlier?" We wouldn't be here. I feel so guilty. It's not fair. I went and

delivered some blankets to her on my way here today. And this is her message to you. She said, tell our mayor arbitration I know he's a good money, and our city council people, that I still have

[2:53:46 PM]

faith on them to get us out of here alive. Thank you. [Applause] >> Mayor Adler: Is maria Nadel here? Thank you. You'll have six minutes, Mr. Adams. Is Carmen Yanez poledo is on deck. Thank you. >> I just want to say that I'm happy to be here. I live up on a hill, the water hasn't affected me. My great grandfather lived in johnstown where the great flood was in 1889. The sight he must have seen from the top of his building must have been just horrific. Because over 2,000 people died at that time. Many people who didn't speak the language very well. It was a very problematic time for that -- many people are buried up on the hills outside johnstown because they don't have -- without grave markers. In the past we've had floods in this area of central Texas. In 1869, in 1893, 1900, 1914, 195, 1940, 1957, 1981, '91, '98, 2001, 2007, 2010, and 2013. Recently, the last time, we saw people die. He was a federal employee, worked for Wal-Mart, was a Baptist minister. He died in the last one. This is a special ed teacher. He died in the last one. This is a mother and her daughter, they died in the last one. It comes down -- we have a floodplain, and people are in it. And a lot of people felt

[2:55:47 PM]

sickened by the fact that people are even there. But last council allocated funds to get the job done. They put together a contract with a supplier to facilitate, to not burden on that process. A \$12 million contract. There's watered mitigation flood task force that's looking at. We heard the wonderful report they gave last week. I sat through the meeting until late at night even though I had guests from out of town. Wonderfuller reports. We do a great job at the city of Austin in preparing wonderful reports. We work on -- codenext, we've got imagine Austin. These are wonderful presentations, deep, important reports that matter. We saw all the prioritization of how they do the buyouts. And the wonderful formulas that they intellectualize inside their offices. The problem is they are people living down in the floodplain and they ought not be there. And there are funds available to do that. And for city staff to be able to say that we only have staff to do 20 contracts a month it's difficult to understand in terms of priorities. So I think it comes down to a matter of priorities. At least from my perspective. You have a public safety issue here and you have people living in a place that they ought not to be. If you look at where we built dams over the course of time, where we've gone flood mitigation over the course of time you'll see it's benefited certain geographic areas and yet the onion creek area, thelist of floods -- list of floods I've told you have have flooded onion creek many times and you have not seen flood mitigation on that area, which affects a discreet group of people, which is east of I-35 or east of east avenue and it's a concern because you have a group of people, many

[2:57:48 PM]

of them don't know English nearly as well as I do. Their procked with the challenges of dealing with mice print on deals and some people that make their life harder than it need be. And I just urge you to spend some time in their world, be down there. If it's not so much of a priority, then why isn't it? Isn't that why we put money into covers, to protect -- coffers, to protect the health and safety of our people. It's great to have first sponsors. Jacob did a great job of trying to communicate better, far better than the last time. Wonderful. A.p.d., ems, Austin fire department. Great to have them there. But you had two police officers that almost lost it. We've already had a situation nearby where a sheriff lost her life. We need not put more people in harm's way and we need to get the purchases done sooner, not later, expedite

the process and move the buyout process team into the area so they can realize what it's like to live in harm's way. We've had this wonderful analysis of what we did -- what wasn't done well at the last flood, at the last flood. Now, it's just another example of a wonderful report. The reality is we need people out of harm's way before more people die so that more people don't live with the loss of life, loss of healthcare and the posttraumatic stressors. If you -- posttraumatic stressors. When Ken Jacobs ask the city staff to come back and look at the total cost, we need to take a real serious assessment of the public and private healthcare costs associated with this, which will not probably be in the analysis, which it ought to be. And I think this actually

[2:59:49 PM]

should be the priority because if we don't do this now, why are we here? We need to be here. We need to get the job done. And you need to put the people doing the deals right there 24/7, at least during the workweek, so they know what people are living through. They'll see that they don't have things perfect for them. And this is their world. [Buzzer sounding] [Applause] >> Mayor Adler: The next speaker after Ms. Vianes perudo is Anna nigerre. >> Thank you, mayor and council. First I want to just extend my support. I won't take long. I'm mostly speaking just in support of all the residents you're hearing from, killing Mr. Kibbe, Ms. Perez, Ms. Lopez, and many a you'll hear from. I'm with go Austin, we're doing a lot of work in dove springs. I've also worked a lot with families in Perez elementary and several other elementaries the last five or so years. I just want to say that it's incredible to see what these communities do, grass roots, for each other, how everybody steps in, how much everybody is there helping out, and I commend the councilmember's office for having a presence there every single day and keeping people posted. Two years ago, there was no coordination in the disaster relief until it was created by communities and different agencies. And now they're there, but we had questions, people -- you know, we put out the call for Spanish speakers because there were no Spanish speakers from the red cross, no Spanish speakers from Austin disaster relief network, and people would say, why aren't there bilingual staff? Why isn't the intake form in Spanish? So folks with working on that,

[3:01:49 PM]

but the point I'm getting to is that red cross is at capacity right now. They're sending people in from Florida. There's still disasters in smithville, there's still disasters in Wimberley. Floods are still hitting and it's not going way. There's not time to let bureaucratic get in the way of getting people bought out. The longer they wait, the harder it's going to be for them to stay in the city of Austin. I implore you to not only expedite this process but make sure people get a fair deal on thundershower buyout so they can actually stay in this city and not move to an area where we're seeing flooding moving. Lastly, I just want us all to be very conscious of the way development is happening in this city. Every time we pave up and develop upstream -- [applause] -- It affects people down street. This is why we talk about environmental justice and environmental racism. This is it in motion. The longer we wait in the buyout process and the longer we ignore the development issues that are continuing to flood people, the highest point in dove springs flooded this time around. It's not just the hundred-year floodplain, it's not just because people are there where there's a floodplain, it's because our development is becoming unsustainable and it's because people who want to get out can't. So, please, I implore you all to do the right thing today. Thank you for being here on a Sunday, and I commend the community around onion creek, Williamson creek, and dove springs for how they have come together and pulled themselves through this. Let's not make it any harder. Thank you. [Applause] >> Mayor Adler: Charles ponsio is the next speaker. >> I just want to say -- my name is Anna a with Aguirre. Thank you very much for being here on a Sunday. I know there's groups out there that would not want to be inconvenienced with a meeting on Sunday and I just

appreciate you having that human care capacity

[3:03:51 PM]

to be with us, to talk about this. I just want to say on the staff, where whether it's city, fire department, or police, anybody that's been part of the first responders, they put their lives on the line every time they have to go out and rescue people, taking into consideration many lives their also rescuing. Also a member of the flood mitigation task force. I was volunteering two years ago. This year I can't help as much as I would like to. But I didn't think I would have to be back this soon to talk about this issue. And knowing how much more dangerous it was this time around, I want you to consider one thing. This is the first time that -- well, first of all, let me ask, how many of you have school age children? How many of you have any school age children? This is the first time that we had a flood hit an elementary. And that was very alarming. So not only do we have to plan on getting people out, I strongly recommend that the city, fire department, police department, whoever those first responders need to be to come up with a plan of action in case this happens again tomorrow, because if I were parent that had a child in that elementary school, or any other school, I would not be running away from the flood, I would be running to the flood to try to get to my child. And it's going to get more complicated. So I would encourage you to take into consideration the first response to a school if any one of them are in that area. I also recognize -- I'm going to ditto what everybody else has say. We have a challenged community in lower onion creek but we need to take the big picture look. If we had Austin as a body, we have some areas that have a maybe twisted ankle. Other areas that have a broken leg, but in the area that got hit the most or the hardest, we

[3:05:53 PM]

have a bleeding heart. And we need to respond. We need to prioritize those flood-prone areas, whether it's onion creek, Williamson creek, any other areas, we need to be taking the priorities, getting those people out as quickly as possible. Thank you. >> Mayor Adler: Thank you. The. [Applause] Is rogie Cerda here? Thank you. Mr. Ponsi orchestra you'll have six minutes. Is Mr. Rodriguez here? That will be the speaker on deck. >> Mayor and council, I echo everybody else's thanks for being here on a Sunday. This would not have happened with the last council, on a Sunday to meet the flood victims. Councilmember Garza opened up making two statements, and I'm flat the bull creek people are here, the Williamson creek people are here. Councilmember Garza said that there's lots of calls for the buyouts to be applied equally, and then she called the floodplain, the three neighborhoods that have been affected in onion creek over and over. One of the most dangerous floodplains in the city. This model was prepared for the last council, and we made a presentation here, and I'm going to show you what's at stake. There's something -- here's Perez elementary school right there. Here's I-35. Here's -- >> [Off mic] >> I need to point to the -- up here? >> Yes. >> I-35, William cannon, bluff springs, right here is the point where the photo of the baby and the mother were washed away to

[3:07:56 PM]

their deaths here, bluff springs where it crosses onion creek. These are two other creeks that come in, and they all merge right here. Here's onion creek, where it comes from a 500 square mile, depending whose count, the statesman has also said 549 -- 549 square miles of watershed that's being developed in a constant state of development as we speak, it all comes through here. These are much smaller watersheds, but they all meet right here, just above Perez elementary. 2013, the water outreached front door of the school. What that school is doing there, I have no idea and I hope somebody from aid is

here. [Applause] These red dots here are the kill zone, and I said kill zone. Two people died in 2013 right there in that neighborhood. If it hadn't been for Jim Spencer, not anybody from our city, Mr. Ott, if it hadn't been for Jim Spencer going on TV saying the city of Austin has not called for you to evacuate your homes, but I'm telling you to get out of there now, still, that was a late call. We obviously do not have anybody at the city monitoring what's happening down there. Kxan has a website, a real lifetime website that tracks the rainfall, by the hour, or the half hour. Nobody's monitoring that because if somebody had been monitoring that, aid would not have been rescuing people from the rooftops in this kill zone again. And like the question is, what's it going to take for this staff, Mr. Ott, to get serious about making these buyouts happen? And it's not just your staff.

[3:09:57 PM]

Mayor Adler, your watershed task force committee that is a bell Lopez and Luke went Tuesday -- thank god I wasn't there, because I get excited. I would probably have flown at the chairman and choked him. He threw the Robert's rules of orders rulebook at the folks and said, no, we can't pass a resolution here to come before this special council meeting on Sunday because that's not -- that's not how we do things. And the final upshot of that committee meeting on Tuesday, in which your appointee, mayor Adler, voted against having that presentation made here, was, we'll get back to you in March. We'll come up with our findings in March. You would think that with two Austin police officers washed away, they were clinging onto trees, they were rescued by fire department people, councilmember Garza, you would think that we're taking risks that we shouldn't be taking. And if I'm sounding like there seems to be this wholesale disconnect between what staff is doing and what this council would like to see happen, we argued here last year, this -- I argued with Mike Martinez, Lorraine wiser, if she's here, I said giving HD engineering six years to do a buyout is almost criminal. But we got played. I say "We." The people who got flooded last year, two years ago -- [applause] -- Then again this year, they got played by last year's council and Marc Ott's staff. Instead of having the buyout money put up first to be voted on, when I say we got played, what they did is they put the HDR engineering 12-million-dollar tract up

[3:11:58 PM]

first. Are you kidding me? I told Lorraine wiser, you need to spend \$12 million like you need to take a gun and put it to your head and pull the trigger. It makes absolutely no sense on god's green Earth to spend that money to buy out these homes. Ms. Wiser said, well, Mr. Ponsio, it's complicated. Listen, I'm a credentialed to kingdom come realtor. My gig as a six-month HUD specialist, nobody -- I'm like a peon compared to some of the folks I work with. [Buzzer sounding] Bottom line, more people are going to die. Take a good look behind you. You're looking at people that will be dead in the next flood if you do not kill that HDR engineering contract. And one addendum before I go, I ask for you, Mr. Ott, and your senior leadership, real estate and its senior real estate, watershed and its senior leadership, to get moved out - - your offices down to these homes. >> Yes! >> One person from each staff, stay the night. >> That's right. >> So you all know what it's like to have your lives at risk. >> Mayor Adler: Thank you very much. >> Thank you, Mr. Mayor. [Applause] >> Thank you. I'm sorry, can you bring the map back, that topographical map? Can you bring bank account a second? Couple of quick questions. Here are the quick questions I have. Some of you aren't going to like where this is going, but if you know -- if you could put it back on the camera there, when were these areas originally developed? Were they municipal utility districts or were they outside the city limits when they were developed? >> Councilmember Zimmerman, in 1976, the army corps of engineers was commissioned by an Austin city council to prepare a report after some major flood.

[3:13:59 PM]

The report said -- I don't have the actual quote that I've written about in the past -- you don't build in low-lying areas. As Luke told you earlier, this area has flooded since the early 1800s, quite specifically here, because it is literally in the drain or the bottleneck, whatever you want to call it, of onion creek. In 1980, that's four years later, the Austin planning department approves that subdivision, right here, the subdivision in the kill zone. The homes were built in 1980, 1981, they should never have been there, sir. If there was a sharp attorney in the city that wanted to do a class action lawsuit, we did not push -- we were pulled into this by Ms. Aguilar, and we said, hey, you can go for a class action lawsuit and we're going to stay here till the end of time and more people are going to die. That's why nobody has pushed for that. This city issued those the building permits to build those homes in that kill zone and it will remain there until you get everybody out of there. We're not why we're not having a discussion about eminent domain is beyond me. >> Zimmerman: You're saying it was annexed and building permits were issued by the industry? >> Absolutely direct. >> Mayor Adler: Ms. Pool? >> Pool: I just had a quick question, sir. [Applause] >> Pool: Thank you for the presentation. You mentioned there was a meeting last week. >> Last Tuesday. >> Pool: Was that the flood mitigation task -- >> That's correct. The delivery date for the report -- this is four nights after the flood, March -- >> [Off mic] >> Pool: Well, to be fair to the task force, sir, they had been given an assignment this summer to investigate the causes of flooding, and so they -- it's a good thing that they are there because they are going to help

[3:16:00 PM]

us with policy decisions, but it wasn't part of their -- it wasn't an expectation for them to be able to respond. >> Councilmember pool, god bless them. I've done a lot of that in my lifetime, that you take the time to meet here, that the last council take time to meet here, to the house that you kept, or they kept, I beyond me, but at one point they were asked for a resolution to present to you today. It's a miracle nobody died down there. And they voted that down. >> Pool: I'm sorry to hear that. I will tell you that one of their charges is a charge that I put on them, and that was to look at with development in flood-prone areas so that we can have the data and the recommendations on how to move forward on a policy basis, about whether to do exactly what you were talking about, whether to approve variances or full-on new development in parts of our city that are deemed to be flood-prone. And we have new FEMA maps that just came out this year that have changed the flood maps for the 25-year and the hundred-year for a number of neighborhoods that have never been in floodplains previously. My curb side opinion on it, expectation, is that we have been approving a lot of development upstream from these areas so that the accumulated impervious cover, while within allowed limits, in its cumulation, has caused this to happen. [Applause] >> And I will just leave you -- >> Pool: So that is indeed one of the charges for that task force, and I look forward to hearing their findings on that. And I do thank you for going to that meeting on Tuesday and giving them your thoughts, and I appreciate you coming here today. I hope did I do hope we are able to do for you and for your

[3:18:01 PM]

neighbors all the things that we need, that I think we need to do today. >> Mayor Adler: Thank you. Ms. Tovo. >> Tovo: Yeah. Thank you, Mr. Ponsio for your continued voice on this subject. I, too, just wanted to speak about the task force briefly. They're looking at some of these policy questions citywide, so it will take them a little while. But I wanted you to know that we've heard from several of the task force members with their recommendation force this specific situation, the specific actions that we have before us today, so although they were unable collectively to pass a resolution or to take action because

they weren't posted to do so, several have taken it upon themselves to weigh in. And I know we've heard from a few serving on that committee who are here today, but I see a couple others out there in the audience who are not -- who were not immediately affected by the flood, who aren't living in that area, but are here today out of their own interest and concern for the residents. So I wanted to be sure you and others knew that. >> Councilmember tovo and councilmember pool and the rest of council and Marc Ott, I get excited and it's nothing personal, sir, but people were dying. I'll leave you with this. And don't take my word for it. Call Jim Spencer and have him come address you all. If the 14 -- if the 13.25 inches rainfall that fell in Buda, north of that opening right there, and the 14 inches that happened in alignment, half this group is not here right now I'll just leave it at that. >> Mayor Adler: Thank you. >> Thank you. [Applause] >> Mr. Mayor? >> Mayor Adler: I'm sorry. >> Pool: I'd just like to make a comment also. I appreciate the previous speakers' comments, but I just wanted to say also with regard to the flood mitigation task force, it was not the chair's call on whether he could bring it up, so I just want to make it clear that it was not the chair of that flood mitigation task

[3:20:01 PM]

force that made the decision that they could not bring these issues forward. Thank you. >> Mayor Adler: And to put that into perspective, my understanding is, is that by the laws of the state, a body of this council is not allowed to vote on a resolution unless that resolution is posted a certain number of hours before a meeting. The reason they have that requirement is to prevent this council or any body of this council from bringing something up where there has not been notice to the public and passing resolutions. Generally, that's the right thing to do because we want to make sure that anybody acting on behalf of the residents of this community has to tell the community what they're doing before they do it so that the community can show up. In this case, because that resolution had not been posted 72 hours in advance, it would have been against the law for the commission to have taken it up. But I want to reiterate what the mayor pro tem said, there has been no lack of input from not only the members of the community but from that task force, both directly and indirectly, with respect to commenting on this issue. We're going to go to the next speaker. Mr. Rodriguez. You have three minutes. Is ysidro -- >> What's the first name? There's another Rodriguez here. >> Mayor Adler: Mikey. Ysidro is next. You're next. >> Good afternoon, mayor and council. I'm make Rodriguez from the onion creek homeowners association board. What I would like to make a distinction on is that we lie right alongside of I-35 and have been there since the early 1970s. So very often, in the news and when we're talking about it in

[3:22:02 PM]

council, there's a lot of confusion about the people who live along onion creek or the -- actually, the onion creek subdivision. We have over 1300 homes and about 3,000 registered voters. And I might add that we only got water in our homes for the first time the Halloween flood of 2013. That was 174 homes or about 15% of the homes in our neighborhood at that time where the people were flooded out. This time, in the meantime, on they've redrawn the hundred-year floodplain, but we shouldn't call it the hundred-year floodplain because when we had a flood again, this time, we knew exactly where to look, in that 66 homes that were flooded again. I've heard about the human tragedy that goes on. We sometimes feel fortunate because a lot of people in our middle class subdivision have the means to carry insurance and the like, but it's no less a tragedy when they're put out of their homes and have their belongings destroyed and they're put out of their homes for six months at a time, get their homes repaired finally, after probably a year of dealing with it, and then now they're flooded out again. So for those 66 homeowners, it was a very real tragedy this time. And the second part of that is, the fear that people live with as soon as it starts raining heavily or there's a forecast, some folks have to find another

place to go right then, or sleep with one eye open, is what they tell us often. So the thing is for us, we have to get the city's assistance in permitting and other issues which will make it easier for people to repair their homes; and secondly, don't stymie them from the start of that. So we came up with a number of things already that we know need to be done, and I've handed out a copy of those to each of you. The permit process and system should have been set up, I think, in this particular case in advance of this because we can see the floods coming. We knew exactly where to go, like I said to forewarn those people.

[3:24:02 PM]

But even our subdivision is bifurcated by a -- by onion creek itself and joined in the north part of the subdivision by slaughter creek where the two come together. Slaughter creek's floodplain and the waters that feed it are all within Austin, I might add. So when that comes together, there is a bridge which joins two halves of our neighborhoods. I think a lot of you are already familiar with that. And I would point out that that actually not only floods, but at the ends of it, the approaches of it floods, so sometimes the people can't get out. The lower end of our neighborhood, they can't literally get out of their homes by the time it starts flooding. What we can do, though, is that we need to identify those waters that come not just from the creek rising, because we can all watch that, but from inadequate drainage. [Buzzer sounding] We had a number of homes like 100 feet away from me that were flooding. Thank you. [Applause] >> May I ask a question? >> Mayor Adler: Yes. >> Mr. Rodriguez, you had started to talk about the drainage issue, which I think may have been different this time. Could you please explain to us what happened with regard to drainage? >> We had one area -- let's see if I can get this on screen -- we had one area that looks to be somewhat in the middle, south down here on chambers cove, the water started rising before the creek had broken its banks and gotten here, the water had started rising in their house and got two or three feet deep. One of the houses had the sewer back into his house. He took a look at the drains and there was no water going down the drain. I'm on high ground, but down from me, a house was flooded routinely by water overflowing the curb and going down into the house because they're lower than the curb. We took a picture. He has a city drain right in front of his house. The urban can, right to one side, but it was completely overwhelmed. We some the drains are not cleaned often enough. And there may be adequate

[3:26:03 PM]

drainage too, and that's for the watershed department to look into because we do describe that as a utility. >> Thank you. >> Thank you. >> Mayor Adler: Hold on one second. >> Zimmerman: Mr. Rodriguez, before you go, going back to 1970 again, I'm trying to understand kind of the development patterns. I think a lot of these areas are developed outside the city, and they're not necessarily flooding because of weather or impervious cover development up stream. Then there's some combination of upstream development and then annexation that happens, then the big flooding pattern starts. Is that fair to say? The area you're referring to, was it annexed to the city prior to building or annexed -- >> No, we weren't annexed until after 2000, so we're not trying to put the obligation for the fact that the subdivision is where it is, but of course we relied on the same thing that everybody that buys a home does, is where the floodplains were drawn. We were not in the floodplain, they've redrawn them well after the time we were annexed. You would think that would help driveways the problem, but there's been nothing done to assist these people. We were told we would get no assistance like the other neighborhood because we hadn't flooded three times yet. Well, now that's two, and I guess what we're saying, we're waiting for the third time. >> Zimmerman: So what happens when you get annexed, you have an annex plan. You're an engineer; right? Do you -- >> No. >> Zimmerman: You're not. Do you

remember -- if somebody could tell me, I'm going to ask somebody what the annexation plan was and if it called for any watershed protection, infrastructure improvements, at the time you were annexed, but maybe they didn't because they thought it was out of the flood zone, maybe. I don't know. >> I suspect that because we haven't seen any. I've been in the same subdivision for 20 years. And we have had some other floods, but they didn't get into the homes until two years ago. >> Zimmerman: Okay. Thank you. >> Mayor Adler: Isidro Rodriguez. Is Juan Rodriguez here? Thank you, sir. Mr. Rodriguez, you have six minutes. Frances acun heirs the next speaker.

[3:28:03 PM]

>> Mayor, councilmembers, I thank you for this time. I come to you here today. We hear this saying, this definition y'all know better than I do. Doing the same thing over and over again and expecting different results, that is called insanity. That's what we're doing here today. No offense, Mr. Ott. You call the city the best city -- the best managed city in the nation. Make it happen. This is two times already that I've had to help my brother through this tragedy. He has a veteran neighbor across the street that will not come over here because he's tired of this lip service. Have y'all looked at the weather forecast? On veterans day they're predicting more rain. How can you sit in front of these people and tell them that you're doing what we voted y'all here to do? Ms. Garza, I would love for you to share that video that I sent to you over a week ago about the health crisis here in the United States, especially here in Texas. We have people in this neighborhood that are going through ps -- ps -- PTSD, consumers, and well, I think, 48th in the nation when it comes to health care cost, throwing money at that. So you don't think these people that have didn't before you have not gone through that already? Guys, y'all say that you don't have money. We make got list every year. Best place to live.

[3:30:04 PM]

Best place to start a business. Best -- best place to start a family. And we don't have money to buy these people out? Are you kidding me? And now you say that we have a representative now for your neighborhood. Ms. Garza, my brother lives at 76 on 2 lady bug. I have yet to see you over there. When you say you're a representative of our neighborhood, we expect that. This one and two stuff ain't going to cut it. We have people that have lost everything, again. And we're sitting here begging for y'all to come help. For what? It's lip service. Make it happen. This isn't the best city in the world. How can y'all say that? You have a family right here with two accounts girls that lives on the corner, who had no help to get their stuff out of their flooded areas. And here she is, asking y'all to do that, having to come to y'all to get something done. Where is it? Y'all should be over there, helping them with boots on the ground, picking up that deadwood, the dead furniture that they had to purchase twice. Mr. Ott, I've worked for the city for 15 years. I'm damn proud of it. But you know what? Just like I stated my first statement, doing something over and over again and expecting different results, that's what I'm starting to feel about this best-managed city in the country. I'm here for you today. Not for me. For my brother, all these other affected flood members here.

[3:32:06 PM]

We, as human beings, Ms. Tovo, senior tovo, make it happen. This is the second council that has to go through this. What are we waiting on? You said that we had our own representatives to make this happen. Where are y'all at now? Where's the help from Mr. Bob across the street? I'm sick and tired of this service. I want results. Mr. Bob is trying to buy a house right now, as we speak. He was told that he cannot get that house built because there's a delay in the permit process for 30 days. This is a

gentleman that's living in the floodplains right now. He's trying to better himself by getting another house, and he's getting this bureaucracy to tell him, I can't get you a house built in 30 days because of the permit issues. How is that right? When you're saying you're the best managed city in this country, how can you sit here in front of us, in front of these people, and tell them that we're going to make it right? It's lip service, guys. Put the boots on the ground and make it happen. I pray to god. Y'all have all seen the forecast. Weather is going to be wetter than Normal. If I come back here and stand before y'all and show y'all the lives that have been lost because of your lack of movement, I'll be here, but you know what I'm going to tell y'all? I told y'all so. Because you know what? This is lip service. These individuals that showed you these great reports that you can come up with Ms. Pool, make it happen. It's lip service. This is two years now, that we

[3:34:06 PM]

are going through this. Make it happen. [Buzzer sounding] >> Mayor Adler: Thank you. >> Make it happen. [Applause] >> Mayor Adler: Frances Acuna? And the next speaker is Pete aguirra. >> Good afternoon. My name is Frances Acuna, and I just wanted to thank you for being here today. And I was affected by the flood. I live in brassy won't. It's up where the flooded area these past two years, and it was very interesting being in their shoes. Two years ago, we were working there, we were cleaning houses, tearing carpets, pulling mattresses, and day in and day out, we were doing everything. This year, we weren't allowed to go and do that. We were told that we couldn't go there. And all my neighbors were very frustrated, very angry, and we had to go through houses, through fences, so we could go in because the police wouldn't let us in. I didn't worry about my house or my neighbors' house, I just went straight there because that's where the most flooded area was, because I knew they had lost completely everything. And there's this couple that I got so attached to, they were in a hotel and they spent \$12,800 because they couldn't afford to go back to their

[3:36:10 PM]

homes. And barely -- must be about three months ago, they went back, and they were happy. They had bought already their sofas, their beds there, you know, everything, because they don't have insurance, so they didn't have any help. And this time I went to see them, and it was so painful to see them. She was like -- she was just crying. And I didn't know what to tell her because I -- you know, this time I wasn't able to tear out her carpet, I wasn't able to save her pictures. Two years ago, I was able to save some of her pictures that she had. They were like from her grandmother, from her mother. They didn't have any kids. And it's -- she was just like, Frances, once again, it happened. And what can I say? I couldn't say anything. They see us like leaders. We're supposed to give her -- give them a -- you know, comfort, so they can feel better, but we don't have any awards no more. [Buzzer sounding] >> Mayor Adler: Thank you. [Applause] >> Mayor Adler: Pete, and then -- >> Hello, Mr. Mayor. I would like to donate my time to Ms. Acuna. >> Mayor Adler: That's fine. Yvette Griego will be next. You can continue. >> And -- well, this time, after I was over there, we took out everything that -- we took a list about what everybody needed. They needed the same things. They needed a bed, they needed blankets, they needed everything. I go up to my neighborhood, and

[3:38:14 PM]

my neighbors are taking everything out. And it's like, yay! You know, now we -- we have something -- my street was taken out of the floodplains -- I mean out of the flood insurance. We weren't -- we didn't -- it was a choice for us to buy insurance, and we didn't because we don't have the means to buy -- you

know, keep the insurance if we don't have to. So we get flooded, we all lost everything. All my neighbors, you know, they're like, Frances, you need to do something. And of course, you know, we're calling and we're doing things, but it wasn't supposed to happen. The neighbors down there, they weren't supposed to lose their homes again, their lives. The children are crying. There's a lot of mental health issues. There's a lot of -- their self-esteem is like on the ground. A lot of times they don't see themselves coming out to ask for help because, you know, you already have depression, you already have the self-esteem to the ground because nobody is there to help you, because you were forgotten three years ago -- I mean two years ago, and you're forgotten this year. So it's an amazing thing when you see other people. You know, you live in a rich area, and you see them, and I don't want to say anything because each of us live where we're able to, but, you know, we're still human beings, and these people, a lot of the times, they're more valuable than the rich people because they're not able to understand

[3:40:15 PM]

about life, about, you know, the value of it. You're not able to be grateful for what you have. We do. We work for everything that we have, and these people have worked -- we have worked for everything that we have, very, very hard. I mean, I have one sofa in my -- in my living room, only, and it's like, we're happy because we're alive. My kids are alive. So it's -- to us, that is an amazing thing because I have my kids and we're together. These people, they're not happy because they have lost it once, and this is another time. [Buzzer sounding] >> Thank you. >> Mayor Adler: Thank you. [Applause] >> Mayor Adler: Yvette -- Yvette Griego. The next speaker is Catherine eems. >> Good afternoon, mayor, city council. I was here in March, spoke before you about why our floodplain should be purchased when there are so many austinites living in floodplains. So I just want to go back to that. I live in the kill zone, and I also live in the hundred-year floodplain, supposedly. My floodplain, the onion creek floodplain, according to the watershed's online documentation, is 211 square miles. Shoal creek is 13 square miles. So I want you to think about the drama of going through a flood that is 16 times larger than shoal creek. I want you to understand that if we had gotten the 15 inches that austin-bergstrom got, aerial

[3:42:16 PM]

photographs would include floating bodies. My neighborhood was not annexed, my neighborhood was built with a permit from the city of Austin. That's number one. Number two, unlike we were told before by the watershed, this is a once in a lifetime flood. You'll never see this again. We have a lot of time. That's a lie. It's a lie. The floods we've seen in the last two years could get much, much worse. If, if the watershed and the city manager's office had started the buyouts, even at this rate of 15 to 20 per month, we would all have been gone last weekend. They waited. They waited for you to come in so they could change the policy from mandatory to elective, optional. Then they waited another three months to actually start the process. Eight months after the money was authorized, they finally started the process at 15 houses per month. We would all be out of there today, if watershed, city manager's office, and this council had done what they should do. This isn't a mystery. You know how dangerous it is. I leave my home every time the weatherman says two to four inches because I know that they're not predicting it too accurately sometimes. I pack my dogs, I have a box with all my important papers, and I have my clothes. And I leave like that, and I live like that. I have lived like that for two years because I don't want to rent my house to a family and put them in danger.

[3:44:16 PM]

[Buzzer sounding] >> Thank you. [Applause] >> Mayor Adler: After Ms. Ames, it will be Elizabeth Wilson. >> Thank you, guys, very much for listening to us and for the way that you've been responding this time compared to last time. I am still PTSD from last time. I still haven't completely rebuilt my home or rebuilt my life, but the way you guys have responded this time gives me hope that we are going to get what we need to get done with this flood business and move on. Before I moved to Austin, I was traveling all over the world, for ten years straight. And I met a lot of people from Austin, and that is why I came here, because I had the impression that Austin was a leader in the kind of lifestyle that I wanted. And when I first got here, there was that huge victory to protect Barton springs in the early '90s, 1990s. But I'm starting to think there was some insidious corporate takeover, even though we thought it was an external victory, because of the way you guys, not necessarily particularly you, but the council has responded to these floods and has decided to either make what I'm going to call premeditated disenfranchisement with the urban development, or is it just just reckless, careless disregard for people who don't make enough money? At the time the area I live was built, it was a 100-year floodplain and now it is obviously at least a 100-year floodplain, if not six months floodplain, if you want to count memorial day as well, and that is due to the improper drainage and to the impervious cover built upstream, which is reckless or perhaps premeditated, I don't know. But I can tell you I lived in a home that was in the hundred-year floodplain here in Austin in Westlake, and when I bought it, I paid 200,000 and it

[3:46:17 PM]

is now worth over 800,000. I am being told that the home I bought here in the hundred-year floodplain is worth now much less. That is not right. The reason that it floods more is not because I did anything different, it is because of irresponsible development. So not only do we need to be bought out because of the way the impervious development has created a floodplain, but we need to be bought out at a price that considers that we were in the 100-year floodplain when we did purchase this property, and when the permits were issued. That's one point. Let me see if I can think of the other one. >> [Off mic] >> So -- and then, we all spoke against this engineering expenditure. We all spoke against it, every single one of us, and in the same day, in the same moment without any discussion from the council members, it was passed through. What was the purpose of that? Well, if you look downtown and you look at some of the other areas that have money, that have been developed, they are able to mitigate the damages. [Buzzer sounding] >> I don't see any mitigation that has taken place to try to make our area livable, but rather to try to drive us out and to lower the price that they're going to offer us, is what I see. And I hope to god that is not who Austin has become or is. Thank you. >> Mayor Adler: Thank you. [Applause] >> Mayor Adler: After Ms. Wilson, Emilio zamora. Ms. Wilson. .>> -- Thank you all for coming out on a Sunday. I just want to say no one can prevent rain and the rain that we've had. We cannot take that away as a part of what has happened. I live in what is called upper

[3:48:19 PM]

onion creek. We were not insured. We've lived there for 27 years. Our home is 38 years old. We were never -- we were not in a floodplain when we bought our home. There was not -- we live right by the Cree. No one was flooded until two years ago. We were blessed by a strong Christian family who came in and helped us rebuild our home. We could not have done it by ourselves. Our home is a huge part of our retirement and our life. We were even afraid last year with substantial damage, they were going to just leave it. Are are are so, obviously, the patterns of weather have changed in Austin, but we need to be aware of that as a city. We need to be aware that there are creeks and watersheds that are being built closer and closer. Hays county, all the building there affects onion creek, is making more water

come down our creek. But the main thing I want to address today is, I called 3-1-1 and 9-1-1 the day of the flood. There were two feet of water in onion creek, yards from my home, but my home was starting to get flooded because the drains -- we could not even find the drains to clean them out. My husband and a young man who lives with us waded in three and four feet of water to try to find the drains and clean them out. We could only find one, the others were so clogged. We could have at least been in our home putting things up higher because we knew the creek was not flooding yet. We were -- it was hours and hours later. I asked Austin.

[3:50:20 PM]

We called 3-1-1. They said call 9-1-1. I said, we are flooding because our drains are not working. If our drains had been working, some of those 60 homes would not have been flooded. Even our neighbor thanked us and said we got very little water in our house because you cleaned the drains. Unfortunately, we're lower than everybody else, so we got three feet. We are insured this time. Thank god. But I think we've got to stop this wonderful building of Austin till we take care of the people who are already here. [Buzzer sounding] [Applause] >> Mayor Adler: Emilio zamora. And then Chris Franson will be next. Is Emilio zamora here? Chris Franson? And then Rachel Diaz is the next speaker. Mr. Franson, you have three minutes. >> Yes. My name's Chris Franson. I live in the onion creek homeowners association neighborhood. I want to express first of all my thanks for you being here on Sunday to listen to this. I want to express particularly my thanks to Ann kitchen for coming out and visiting us very quickly after the event. There's two issues here. There's flood mitigation, and we have a task force that's going to study that. That's about the future. You and, you know, you all don't control that future. Central Texas flooding is part of all the central Texas

[3:52:21 PM]

counties, the state government, and all the water authorities in central Texas. Right now there's no authority to pull all those together, and the city of Austin should move to make that happen. But what I would like to talk to you about is this lack of control. If you're in a flood -- I was in that first flat in October of '13. I bought the house in '95. We were not in the floodplain. In '98, the corps of engineers changed the floodplain, and my slab was one foot in the floodplain. I refinanced during that period of time, so my mortgage company required that I get flood insurance, which I thought I'd never use. In October of -- Halloween eve of '13, we had had five previous floods, four previous floods in the onion creek golf course and community and downstream, but never once had I had water in my house. So when the water came up that night, at 3:30, I was out in the backyard, it was the bottom of some steps, about 15 feet away from my slab. I came back in. My wife said, where were you? I said I was checking the water. We'll probably have some close to the slab in the morning but you can go back to bed. In 45 minutes, it came up, that 15 feet. Now, there's a lot of reasons for that, and that's the mitigation part. But we didn't get out in time. I woke her up. She tried to make up the bed. I said, no, we've got to go. [Laughter] We didn't get out. The car got washed up against the tree, my car got washed up against the house. We got back to the house and up to a loft. When the lights went out the water was halfway up the steps to the loft, and a game warden came and got us two hours later. We had flood insurance. We elected to rebuild. We're retired. We built a home for our

[3:54:23 PM]

retirement. And then this happened. Now, I could go into global warming and a lot of other reasons that tend to be to bepolitical, unfortunately. But I won't do that. What I will tell you is I don't feel in control.

My wife doesn't feel in control. [Buzzer sounding] And I would ask that you make decisions quickly so that those people that are affected, both two years ago and just recently, will know where they stand, one way or the other. Are you going to condemn our properties? Are you going to give us building permits? Are you going to buy us out? Just please make some decisions quickly. [Applause] >> Thank you. >> Mayor? Mayor? I have a question of the previous speaker, please. >> Mayor Adler: Okay. Yes. Ms. Gallo? Excuse me, sir? >> Gallo: I have an insurance question. >> Uh-huh. >> Gallo: So, when your home flooded the first time and you had flood insurance, would you have had the option with the money from the insurance company of being able to take that money and not improve your home and go away, or did you have to spend it -- >> No. Not until there's 50 -- the house is considered over 51% damaged, at which point then you -- the city could tell us that we should condemn, and then the insurance money would give us an additional 30,000 to tear the house down and to build somewhere else in -- on our property. Well, none of my property is out of the flood zone at this point, so, no, we didn't have that option at the time. >> Gallo: So if -- thank you for helping -- because I'm just trying to understand how the flood insurance works. So if your home had suffered more than 50% damage, then you would have had the option to too kind of a cash settlement? >> If the city had did condemned the property, yes. >> Gallo: Okay. And that would have been kind of

[3:56:23 PM]

a cash-out settlement that you could have taken? >> Well, unfortunately I have a mortgage, as does most everybody here, I suspect, so the money would go to the mortgage company, and any equity I had would have been lost. >> Gallo: Okay. All right. Okay. Thank you for answering that. >> Mayor Adler: Thank you. Ms. Kitchen. >> Kitchen: Mr. Franson -- >> Yes. >> Kitchen: -- Could you also explain to us -- I know there's a lot of concerns now for folks that had the difficulties that you all had two years ago, and now you're concerned about the substantial damage provision in the 50% over a ten-year period. So could you explain for my colleagues what kind of position that's putting you all in in trying to decide how to move forward? >> In our case, because of the emotional stress, we're not going to rebuild, even if you were to allow us to do so. >> Kitchen: Uh-huh. >> My understanding at this point, we are in the 51% damage because if you have more than three events or -- you can have two events or three events within ten years and then you fall into the -- where they put it all together. This has happened in two years, so you put those damages together and that will be well over 51% of the house. The limits on the house is 55,000 or around that, in my case the limit on my house is 200,000. >> Kitchen: Okay. >> So last time they paid out 157,000, and we've rebuilt using that money. But I couldn't have taken that money and gone elsewhere. If I had -- that money went to the mortgage company and they fed it back to me as I sent them bills for the rebuild. >> Kitchen: Okay. Thank you. >> Mayor Adler: And I hope and trust that as I am, and I'm sure everyone on this dais is making a list of issues and questions, and staff is doing the same thing, if there's a trigger mechanism that we need to pass so as to entitle someone who's

[3:58:25 PM]

in a floodplain to be able to access their insurance money without having to reinvest it back in the property, I add that to the list of things that we need to -- >> Right now it goes to the mortgage company for most people. >> Mayor Adler: I understand. Next speaker -- thank you, sir. The next speaker is -- [applause] >> Mayor Adler: Rachel Diaz. After Rachel did I actions jay Ortiz. >> Hello, mayor and all councilmen. Thank you for being here. I just want to thank everyone, everybody for being here. This is very difficult for me and my family, and for everyone else. I was a volunteer back in 2013, Halloween flood, as a red cross -- I am an R.N. And I would work my shift at the hospital and I would volunteer at the dove springs recreation center. I would spend every day after -- day in, day out, take

away from my family and go assist all the other families. This time, I am a victim. Unfortunately -- or fortunately, should I say, my family did not have substantial damage as most of the other families have. I have a home. We're staying in my home. However, we've had to pull carpet. My husband and I, my 79-year-old mother lives with us, we've had to pull carpet. We've had to cut sheetrock. I'm a nurse. He's a printer. He's a pressman. We don't know how to do this stuff. We've had to do all of this ourselves. We haven't had volunteers, we haven't had any of this stuff. Our house was -- stiff Austin code compliance came out to our house Wednesday. Mind you, the flood happened Friday. Nobody knew about us until I went down there, until Sunday. It wasn't until I went out there to talk to constables and made a

[4:00:25 PM]

ruckus on Facebook, talking to people, telling people, again, over and over again. I had to start blabbing my mouth on Facebook about people, my neighbors, sleeping on the floor. They were renters. They're renters. They're on section 8. If you're not familiar with this they're on section 8. That means that they're on housing. They are >> They are sleeping in the living rooms, mold infested homes with their children on air mattresses because they're being told that their homeowners will take care of them when they can. Guess what? Now they have air mattresses and they have this, they have that. Now the homeowners are taking care of them. Because I've had constables step in. Something needs to be done. We need people to step in sooner. Nobody has come to us door to door. Nobody has stepped up and -- up to the plate. We live off of -- we are in the heart of dove springs. We had knee deep water in our homes. I have pictures, 18 inches watermarks up to my door. You want to know what code compliance put? They put on my sign 4 inches. 4 inches of water damage. Really? I have 18-inch watermarks on my door. There's a problem here. There is a huge disconnect. I don't know what it is, and I don't know how we're going to get help. [Buzzer sounding] Please, somebody listen. >> Mayor Adler: Thank you. [Applause] Our last speaker is Jay Ortiz. >> Mayor, councilmembers, the first thing I heard when we came in, you were expressing -- she was expressing about a trip you took to Nashville. When we had the 2013 flood, my wife and I went to Galveston

[4:02:26 PM]

to see how they responded. Totally different from Austin. And when constable -- councilmember Zimmerman was asking about the exaction of certain properties, that doesn't really matter to me. What matters is where we're at now. The city of Austin has this thing called minimum life standards. Let me tell you about how that works. In this building right now when we parked, I wondered about flooding in your basement. And it seems all the receptacles are pretty high. There's little sound meters in case the flooding gets out of control down in the basement so you don't lock your people in there. All these little homes, when they were redone with minimum life standards, the receptacles are still at 12 inches and they're 2 feet below base flood elevation, they're in a bowl. I would wage Ernie one of you building a swimming pool in your home right now you wouldn't put a receptacle in the swimming pool. The electrical meter, meter cans are all below base flood elevation in a lot of these homes. This that was never changed this matters now, it's what matters now, with the minimum life standards. When you take all that into consideration for a buyout, some of those repairs might not be cost effective ask that might push now that 51% that gentleman was talking about. We didn't have to go to Nashville. We didn't have to go to some foreign trip on city's money to go see how other cities respond. We spent \$300 and went to Galveston. And I would hope that you guys maybe might do something like that too when you look at how this city is responding to the floods. We were out there the day after the flood and we were helping people take stuff out. I almost got electrocuted reaching under a mattress and there was a time clock still plugged in, stapled to the bottom of the mattress. Luckily I know how to do

that. If the city is allowing that now, going forward with these minimum life standards then

[4:04:28 PM]

you're setting people up for -- why isn't anyone talking about shock. What about flood? What about shock? People are going to get shocked, electrically shocked the way it's being done right now. All those meter cans, condensers and all those ground is not enough. So then the expense of changing that might put them above the threshold they need to get a buyout. I would recommend and we're here to -- for the area to consider the buyout. Thank you. [Applause] >> Zimmerman: Mr. Mayor? Excuse me. >> Mayor Adler: We have more speakers signed up. Mr. Zimmerman. >> Speaker2: Thank you, Mr. Mayor. The reason I brought this issue up, two days from now, this council is going to be asked to annex ten property owners who have -- ten property owners who have bull creek literally in their backyard. That's why I'm bringing this up. In two days this council is going to be asked to annex and the property owners don't want it. So it's interesting. The other thing, there's a policy really kind of being formed here by what we do, where let's say that you're downstream of onion creek and you're outside the city limits and you're being habitually flooded. Would it make sense for those people to say, hey, Austin, annex me? City of Austin comes in, annexes the property and we have another wave of people coming forward, hey arbitration we're getting flooded we want to be purchased. That's why I brought up the issue. >> Mayor Adler: Thank you. Next speaker is Benito ariallano. And then David Wilson after that. Sir? >> Hello. I just got a quick question. Why is it you are buying houses that's never been

[4:06:31 PM]

flooded? I live at 57 -- 5607 honeybee lane. The house across the street from me has never been flooded and she was bought out. Two houses. Why? They're not 25-year floodplain. I'm a hundred, street between us. They've never been flooded. The houses are empty right now. They've never been flooded. What happened there? This one lady didn't even want to sell. But she -- she got bought out. I want to sell. What happened there? I don't have flood insurance. Last time, I had to do it myself. Flub this time I don't want to build no more. They're telling me, in order for me to get a -- go to market value, I have to rebuild. Why? You're going to tear it down anyways. My number is like 101, 106, I can't remember exactly, but we're like in the 70s, 80s, right, somewhere on there on the buyout program. I mean, don't you -- do I need to spend my money I got left to rebuild? So they can tear it down? I mean, I was told I have to rebuild again. To fix that. Dove springs Sunday, was it Sunday -- sometime last week. I mean, when are we going to get bought out? Just give me, like, certain

[4:08:31 PM]

time. Just -- can we fix this? I mean, I could ask you to come over to my house. I got 4 inches this time. It wasn't as bad as last time. But whenever it starts, like, a storm is going to come, you know, to our -- hit Austin, I invite all of y'all to come over to my house. Stay the night with me. [Laughter] [Applause] Come on. We'll do a cookout and we'll be out there all night long. I don't sleep. My kids don't sleep. [Buzzer sounding] Thank you. >> Mayor Adler: Thank you. [Applause] I'm showing David Wilson is our last speaker. Mr. Wilson. >> Mayor Adler and city manager Ott, councilmember kitchen, thank you. You all do hard work and you spend lots of hours. And I respect you for the sacrifice you make in serving. Thank you. Our home is 1 foot below the hundred-year floodplain currently. We've lived in upper onion creek since 1989. And like you've heard testified to today, we've never had floods. Not even in our cul-de-sac until 2013, what I call Halloween 1. We just experienced Halloween 2. But the question that councilmember glow made a -- Gallo made a moment ago

[4:10:32 PM]

prompted me to realize that maybe some of the nuances of the city of Austin's floodplain plan is not clear to you right at this moment. The city of Austin has favorable rates with FEMA because it goes beyond FEMA's minimum standards for flood mitigation. And Austin has always been known for going the extra mile in protecting its environment and its citizenry. Those favorable rates result from one particular problem that I'd like to bring to your attention, and that is a ten-year rolling period following a flood event. In the case of 2013, our home was initially considered substantially damaged. That is the cost of repairs by the city estimate would have been in excess of 51% of our then current fair market value. Fair market value. The ten-year rolling period means that if at any point in time the owners of my residence, whether it's me or a subsequent owner, incurs any cost of improvements for additional permitted repairs or additional flood events, that those two dollar figures, what occurred in fair enough estimated by the city, not me, what we actually occurred, what the city estimated -- and it was a reasonable estimate, I might add, and whatever we incur now, those two dollar figures together, if they exceed what is our current preunderstood fair market value, that we are still considered substantially damaged. If we are substantially damaged according to the current rules, FEMA's

[4:12:35 PM]

floodplain rules kick in. Which mean three things. Number 1 -- [buzzer sounding] May I continue just for a moment? >> Mayor Adler: Yes. >> Number 1, we would have to elevate our home 2 feet. That is to enable the slab of our home to now be at least 1 foot above the hundred-year floodplain that is the current hundred-year floodplain. Secondly, our home would have to have a sidewalk from our front door to the street 1 foot above the hundred-year floodplain all the way to the street. And the third thing is that every first responder would have to be able to get into and out of our home with anyone living in our home in the event of an emergency and every foot step they would take must be 1 foot above the hundred-year floodplain. For a 3,000 square foot home to be elevated 2 feet on a concrete slab makes that cost prohibitive. Finally, we were really not stupid when we opted to stay there after Halloween 1. In our particular case, not unlike some of these other folks that live in slightly smaller homes, we had managed to own the home and be debt free. We were living the dream. We had no mortgage. But we also were forced to retire during the economic downturn of 2008-2009 and, therefore, my income was not such that we could afford really to move to another home without the equity in our present home. The problem we face as homeowners right now, that you could do something about, is

[4:14:36 PM]

establish the rules that let a would-be buyer now they could reasonably expect to either purchase our home or enjoy our lot. By that I mean if they were -- this -- I think, councilmember kitchen asked a moment ago -- no. It was councilmember Garza -- councilmember Gallo to the previous speaker. Did you have the opportunity to take your insurance proceeds and sell your home and go do something else? Well, for those of us without a mortgage, we do have that opportunity. We could receive our FEMA money. We could sell our home to somebody that might care to buy it. At pennies on the dollar. Typically 40 to 45% of its so-called fair market value. That was after Halloween 1. The problem we face today is that with Halloween 2, there is not likely to be anyone that would ever buy homeless that are currently -- homes that are currently in the floodplain 1 foot below it or more because the rules are unclear. Who would write me a check for my home? I don't believe they're out there. Only government can muster up enough resources to purchase those of us that are not able to sell in a fair trade

transaction in the marketplace. I think that persons at every income level and in every size home need simply to know what are the rules going forward. That ten-year rolling period really is a problem for out. But -- for us. But what are the mitigation requirements or mitigation options this engineering study is pointing to? The second thing you all can absolutely do, please, I I do not know know who engineering company is -- I don't need to

[4:16:37 PM]

know -- but whatever face-to-face conversation you need to have with every engineer that's doing that study, is saying I'd like my report by Friday. What they can do. You can't make good decisions. The flood mitigation task force cannot make good decisions without that engineering study being complete. What in the world would it take that engineering result that long without every one of you being on their doorstep every day? Where are the Numbers? What are my engineering options, and what will they cost? The rules, if known, we can play by. Can the the city afford to do something along the creek to eliminate future flooding? If the city can do that in cooperation with the corp of engineers or FEMA, then let that be made known and what the time frame is. With that information, we might find some buyers for our property so that the city would not have to buy them. >> Mayor Adler: Thank you. >> Thank you for your courtesy and extension. >> Mayor Adler: Thank you, sir. [Applause] >> Mayor Adler: Ms. Kitchen? >> Kitchen: Mr. Mayor, for my colleague who are not aware of the engineering study he's referring to, our staff at the appropriate time can speak to that. There's a study that's been going on for a while about mitigation potential in the upper onion creek area, which would of course impact awful onion creek. So that's the study that he's referring tow, and when we have staff up here I'll ask them for a brief update of where that's at. >> Mayor Adler: Okay. All right. We have now had all the speakers speak. We're going to get to the items on our agenda. The first item on the agenda is proving a -- approving a resolution ratifying the declaration of local state of disaster, ratifying the order that I issued this past week.

[4:18:38 PM]

Is there staff to speak to this issue? >> Zimmerman: Mr. Mayor? >> Mayor Adler: Okay. Mr. Zimmerman. >> Zimmerman: Do I want to hear from staff, obviously, but I think I'm prepared to go ahead and make that motion to ratify your local state of disaster. >> Mayor Adler: Mr. Zimmerman moves to ratify the issued declaration. Is there a second to that? Mr. Renteria. Legal, if you could speak to this a second, as to what that resolution -- the order that I did issue, how that plays, the need for the council to ratify that so that it gets extended beyond seven days. Then there's a question that has been raised by Ms. Troxclair that I'm going to raise since she's not here. And that's the question of whether or not receipt of state or local assistance pursuant to such an order would decrease folks' ability to get recovery from the feds. Said differently, I would want to make sure that in adopting this and moving it forward, that before -- and just the question to make sure that we don't do anything that might otherwise render the city unable to seek support. >> Thank you, mayor. Let me address the declaration first. The mayor signed the emergency declaration November 5, and so it's in effect for seven days. So council today will ratify that action the mayor took. Then the council may continue the declaration of emergency into the future. You don't have to okay, but you can.

[4:20:39 PM]

If there's expected weather issues in the future, you might extend that and you can put an order to end it any time you want to. It does help trigger the ability to get federal funding. It won't affect the ability

for individuals affected by the flood to get any kind of recovery. >> Mayor Adler: Okay. With respect to the motion, Mr. Zimmerman, to extend, I think we hear some reports about some additional weather items which are on the horizon. I don't know if you want to keep this current until the -- I don't know what would be appropriate, if we were to keep it open in the resolution. Do we keep it open indefinitely? Should we keep it open for 30 days so there could be additional action? What do you recommend? >> I would recommend that you have a certain date that you're going to cut it off by so that we actually take that official action. >> Zimmerman: If I could amend that and make it effective 30 days, pending further action. >> Mayor Adler: Is the second okay with that change in Mr. Renteria? Is the council okay with that change? So the resolution is to ratify the declaration to keep it open for 30 days. It's been moved and seconded. Any discussion? Those in favor please raise your hands. Those opposed? It's unanimous on the dais. Ms. Troxclair off. Second item we have relates to approving ordinance waiving permitting and development fees and certain requirements for disbursing certain fees and costs related to addressing the damage, resulting from the flooding events that began on October 30. Rodney, you would please address this. >> Yes, Rodney Gonzalez, acting director for the city's development services department. The ordinance before you is item number 2 in this ordinance relates to fee waivers and permitting

[4:22:40 PM]

requirements. To begin with, residents have been allowed to remove damaged sheetrock, insulation, carpeting, et cetera, before getting permits. We've estimated as of November 4 that 402 homes have been impacted with some degree of water damage. This fee waiver is similar to what was approved in 2013, which waives permitting fees for those that have been impacted by water damage. Our estimates say that our fees at a minimum work \$974 per home, and that includes building, electrical, plumbing and mechanical plan review fees. Not every home is going to review a plan review fee or building permit, these would be the minimums we've estimated. We won't know the actual amounts or the actual numbers until all the permits have been processed. Using this minimum, the total fees are estimated at 391,000. We will track the actual fee waivers. Our recommendation is for council to approve the fee waivers. That is part two of the ordinance in front of you. Moving on to part three of the ordinance, this -- the city code requires council to hear requests for variances to any provision related to areas that are flood prone. The proposed ordinance in front of you will authorize the city building official to do the following, allow minimum life safety repairs in existing buildings that was damaged by flood provided that the building is structurally sound and the repairs are not prohibited by federal flood insurance program requirements. And any substantially damaged buildings minimally repaired for occupancy will need to be brought into full compliance at a future date. Being brought into full compliance includes participating in the city's buyout program. Our recommendation is to authorize the city building official to allow minimum life safety repairs. That is the ordinance in front of you have.

[4:24:40 PM]

Item number 2. >> Mayor Adler: Ms. Kitchen? >> Kitchen: Thank you. I have a few questions just for clarification purposes. So a number of homes in the onion creek area have been impacted in their garages. Could you just explain for us how this would impact their -- what happens with them? >> I believe if they want to make those minimum repairs to occupy the garage, whether it's vehicles or whatever, that they would be allowed to make those minimum repairs. They would come in, fill in an express permit application for us. We are prioritizing every single application in front of us for residents that have been impacted by the flood. >> Kitchen: So the waiver of a fees would also apply to repairs to a garage and there would still be a permitting requirement, is that right? >> Yes, the garage, I

believe, would be part of that building. >> Kitchen: Okay. But you're going forward with expedited permitting? Can you explain that to us? >> Yes. Every single permit application that we get, we are prioritizing and expediting. We are asking customers -- we haven't -- we have a location at the dove springs resource center. We have four staff over there that are helping to receive applications and to prioritize those on-site, as well as one Texas center we're asking our customers to self-identify so that way they move up to the front of the line. >> Kitchen: Thank you very much for that responsiveness. I really appreciate that. We can talk about this offline but I'm hoping you might have some resources to either be on-site or maybe just go there temporarily for the onion creek folks. >> Mayor Adler: Additional questions? Mr. Zimmerman. >> Zimmerman: I wanted to move adoption. I didn't have a question but I'd like to move that we approve agenda item 2, waiving the permitting and development fees. >> Mayor Adler: Mr. Zimmerman

[4:26:40 PM]

moves adoption of item number 2. Is there a second to that? Ms. Garza seconds it. Question too. I'll let you go first. >> Garza: I proposed an amendment but I think I don't need to propose it because just the way this was written it said the fees covered by this waiver do not include fees for reinspection so I assume that meant that there was a fee for reinspections but is that not the case? >> I do want to clarify that. If for some reason the first inspection fails, the resident does get the second reinspection absolutely free. >> Garza: Okay. So this waives any kind of permit they need and -- a reinspection if necessary? >> The first reinspection, yes. >> Garza: Okay, thank you. >> Yes. That's the current policy right now. >> Mayor Adler: Make sure that I understand. >> Sure. >> Mayor Adler: We need to move these people out of the area. And we're going to address the conversation on that in just a second. But what we're talking about is an interim period of time because folks are there until we can quickly move them out. And what we want to do is to ensure that, as they're sleeping on mattresses, belowup mattresses in living rooms or, however, it works, is they're -- as they're improving their house that they can do the minimum amount of repair necessary in order for the house to be habitable while we move forward with the program. Is that what we're talking about allowing to happen here? >> Yes, mayor, absolutely correct. We did this in thinner. We want -- in 2013. We want our residents to safely occupy their courthouse so we want -- their house. We want to allow them to do the minimum safety repairs necessary to occupy their house. >> Mayor Adler: Some San Francisco these people are going to be doing these minimum amounts of life safety repairs with insurance money that they get so that they're able to do that work. And I understand that in a

[4:28:41 PM]

second we're going to discuss the impact of insurance on this. That's not what you're here to address now. Is that correct? >> That's correct. >> Mayor Adler: Okay. But what we're talking about doing is enabling people to get in, have their -- one, they can begin work without a permit, to take out sheetrock, take out carpet, do that kind of work. >> Yes. >> Mayor Adler: That they will be on-site at least in the dove springs area, the ability for people to get a permit with a fee waived so they can do the minimal amount of work necessary for the house to pass health safety requirements so they can keep their -- themselves and their families safe. Pending as quick an acquisition of their home as part of the buyout program as we can do? >> Yes. >> Mayor Adler: Okay. Any further questions? >> Houston: Mayor. >> Mayor Adler: Ms. Kitchen and then Ms. Houston. >> Kitchen: Thank you. I think we need to ask you more specifically because we have some homeowners here. Will you be able to either have a temporary or some type of field presence in the onion creek area for permitting purposes? >> We can look at that. Undoubtedly we are stretched for staff. We're operating of course at one Texas center and dove springs

on Friday and I think some of you heard wait times at one Texas center exceeds three hours because of that. We're short staffed and due to you attrition we lost four staff members at one Texas center so we are stretched for resources. To the extent we can we certainly will look at that. We've got four staff members at the dove springs center and what we will do is we will look at the volume that we've seen at dove springs over the last three days and see what we can do in terms of staffing additional -- an additional site at onion creek. I don't know, though, what facilities are at onion creek that we might be able to go into, but we can certainly work with other departments. >> Kitchen: Well, the onion

[4:30:42 PM]

creek homeowners association has offered to facilitate, and they have about 66 homes that have been impacted. So I'm not suggesting that you pull anybody at all away from dove springs. I'm just suggesting that there might be a solution for the onion creek folks that perhaps is not as extensive but would be of help to them. >> Sure. >> Kitchen: So I would ask you to talk with the onion creek homeowners association about that. >> We certainly can. We might be able to work out an arrangement where we go out there a certain day during the week. >> Kitchen: Sure. >> Through the homeowners association make sure everyone knows the date we're there so that way we can facilitate those permits. >> Kitchen: Thank you. >> Mayor Adler: At the risk of getting operational, which I don't want to do, urban myth has it some of the affliction the department are people that have been moved to other departments in the city. And if it makes sense to loan those people back to this function to help with the backlog, maybe that would be something that could be considered. Ms. Garza. >> Thank you, mayor. I will say, yes, in one instance that has happened, and the overtime that has been worked has been with one of those staff members who had an attrition to another department. So we have looked at that as well. Thank you. Ms. Houston I had recognized first. >> Houston: Thank you, mayor. Mr. Gonzalez thank you for being here. Could you speak to me a little more about bullet point number 3, where it says need to be brought into full compliance at a future date. Because I'm hearing people say that when they bring it into full compliance, then what you do is then tear it down. So help me understand what that bullet point is. >> Yes. >> Houston: In reality. >> Bringing it to full compliance, I may have to rely on members from watershed to help with this. Because that really does relate to the buyout piece of this. What we're talking about right in front of us is the minimum repairs that we're going to allow for the tenant or for

[4:32:42 PM]

the resident to safely occupy the house. With regard to being brought into full compliance -- and Joe can help me here, as I mentioned being bought out is one of those measures. But if you're not bought out then Joe can explain to you what being brought into full compliance means. >> Gentlemen, acting director of the watershed protection department. The time period given under that third bullet allows for time to get into compliance. As Rodney mentioned one of the days to do that is to get bought out. Now, some of the people in the voluntary areas somewhere opted not to be bought out so that time period right now is anticipated to be about two years. Which should allow anyone who opted to buy out the first time to opt in, should they pursue that strategy. For those that opt out, continue to opt out and those that are not in the buyout area, that should provide enough time, especially in the pinehurst and wild dunes area for the results of the upper onion creek study to come in and allow for at least one funding cycle for this council to determine should there be a viable, feasible solution to address those areas that flooded significantly to identify that mitigation option. >> Houston: I'm not sure I'm -- I'm still not clear. >> Okay. >> Houston: If I have a house and minimal repairs to the house that I'm living in, just so that I have someplace to stay and go to the bathroom, kids have their room, I'm living on the couch, whatever, and that's two years before I have to bring that into full compliance? Or is that only if I'm

going to be bought out? >> It's two years to bring it into full compliance. >> Houston: Okay. >> But there are a number of ways to get there. If you are bought out, then obviously that is one way to bring it into compliance. Another would be if you -- as

[4:34:45 PM]

Rodney mentioned earlier, elevated the home and met all of the floodplain variance requirements, that would be another way. Or three would be to come to this council and request a variance. >> Houston: Okay. So the buyout would put me in full compliance? I don't have to bring anything else up to code? It can be minimally repaired and if I accept the buyout that brings me into compliance? >> That's true. And that's what the working knowledge right now that if you have a signed contract to sell your home and those signed contracts are most likely to be signed given the current schedule within that two-year time period. Now there's also discussion about expediting the schedule, in which case that time frame of compliance would actually be faster on the citizen. >> Houston: Okay. Thank you. >> Mayor Adler: Ms. Garza. >> Garza: Mr. Gonzalez okay, I was going to ask because there were also homes affected in del valle and my office is having a town hall on the 14th. Would it be possible to get someone from permitting there so if folks at that day need permits they could get one on location? >> With regard to del valle, I do want to make clear that Travis county handles most of the permitting out there in del valle. The permitting that we do is with regard to electrical and plumbing, and those are only for customers either Austin energy customers or Austin water utility customers. I do understand there's a wide and varied need. I know the rain affected many parts of Austin. Right now, in concert with this coordinated strategy of how the city is handling this we are at the flood assistance center at the dove springs resource center. We certainly want to make sure that we're coordinated with all city efforts and so why don't you let us look at that for both onion creek and for del valle before we make any hard decisions about where else to station our staff. >> Garza: Just for

[4:36:46 PM]

clarification, this is del valle city of Austin and you're saying the county handles those? >> I'm sorry, okay. Yes, del valle, certain residents are city of Austin residents and they would require building permit from the city of Austin. >> Garza: Okay. >> Yes. >> Garza: If there's a way to get someone out there on that Saturday, that would be great. Thank you. >> Thank you. >> Mayor Adler: I also understand that tomorrow night at 6:30 at Perez people could also go there and you'll also be present tomorrow night, some of your folks? >> Yes, tomorrow night at 6:30 we'll be one of many different departments at Perez elementary, staffing a booth and our department specifically, we're going to have two of the q&a sessions for our residents. So that starts from, I believe, 6:30 to 7:00 and the first session is, I believe, going to begin at 7:00 and the second session will begin at 7:45, approximately. >> Mayor Adler: Thank you. There was some comment earlier about some folks that had opted out, did not want to participate in the program. And they were looking for the opportunity to know that they would be able to opt in at this point. As the program set up enabling them to do that? >> Is this program allowing them to opt? >> Mayor Adler: If they had previously opted out or is that a buyout question? >> I believe that's a buyout question. The matter before us is allowing them to safely occupy their house by making minimal life safety repairs. >> Mayor Adler: We'll wait then until we get to the buyout section to address that. >> Yes. >> Mayor Adler: Thanks, Lorraine. Then there was some questions with respect to cumulative standard. Whether people would be allowed to make repairs or have their homes considered eligible for insurance payments if they didn't have to reinvest back into the property. I gather that is not covered

[4:38:47 PM]

by this resolution or is it? >> It will be, to the extent that those minimum life safety repairs can be made, we are going to look at that 50% and may waive it in those instances. >> Mayor Adler: Okay. So if someone could proceed in that situation, but only to that minimum standard? >> Yes. >> Mayor Adler: Okay. And then the issue -- the other issue which I don't think is addressed by this that I think you need to take a look at, I'd appreciate it, is the question of whether or not there's something that we can be doing to facilitate someone's ability to receive insurance and not have to reinvest it in that property by declaring the house not fit or appropriate for rehabilitation in those situations where a property owner wants to be able to elect to do that. I'd like you to look at that question. >> That may be the third part of the agenda. >> Mayor Adler: Okay. Ms. Kitchen. >> Kitchen: I just have a question, make sure -- I wasn't quite sure if I understood what you just said with reference to the 50%. Can you please tell me what you were referring, when you said waving rules related to that. >> Certainly. Yes, if a homeowner is going to be approaching or has already approached that 50% -- >> Casar: 50% for substantially damaged? Is that what you mean? >> Yes, yes. We will allow them to make the minimum life safety repairs to safely occupy the house. >> Kitchen: Okay. Those rules don't extend to whether they're still considered substantially damaged. You're saying you could still go forward and make the repairs. >> Go forward and make the repairs, yes. We want them to safely occupy the house. >> Kitchen: That doesn't change the rules related to the 50%? >> No it doesn't change the rule itself I believe the rule may be codified but for this particular instance we will be waiving that requirement on those instances. >> Kitchen: Okay. I will talk -- I don't know who the appropriate person is to ask. Whether those are city rules or FEMA rules or to what

[4:40:48 PM]

extent we change those rules. >> City. >> Kitchen: At the appropriate time I'll ask that. >> Sure. You know, because we are delving into agenda item number 3 it may that be we go ahead and close agenda item number 2 and some of those questions with regard to 50%, et cetera, can be raised for agenda item number 3. >> Kitchen: Okay. >> Mayor Adler: That's fine. I just couldn't tell from this what point -- we'll hold that then to number 3. It's been moved and seconded that we approve this amendment in declaring an emergency so we can do it quickly. Any further discussion? Fee waivers. This is number 2 as related to the fee waivers. Those in favor please raise your hand. Those opposed? It's unanimous with Ms. Troxclair off the dais. And Ms. Garza off the dais. >> Thank you. >> Mayor Adler: Okay. No, Ms. Garza is here. Unanimous -- >> Garza: What am I doing is this. >> Mayor Adler: Approving item number two. Ms. Garza is here, Ms. Troxclair off the dais. Now we'll move to item number 3. Thank you, Mr. Gonzalez. >> Mayor, council, my name is Lorraine Reiser, I'm the officer for the management services for the city of Austin. I'm here today to speak off our proposed amendments to our current buyout policy. We are current buyout programs in onion creek and Williamson creek. In lower onion creek we have purchased and relocated 585 families, of which 323 were purchased in a 14-year period between 1999 and 2013. In the last two years, we have purchased and relocated 262 families.

[4:42:49 PM]

There are 270 properties to be acquired. It is estimated that 210 of those are owner-occupied and 60 are tenant occupied. 56 of those properties are under contract. 214 of those properties are -- of the 270 are in various stages of the buyout process. >> Mayor Adler: What was that number? I'm sorry? >> 214 of the remaining 270. >> Mayor Adler: Thank you. >> Are in various stages of the buyout process. This map represents the onion creek program. With the gray depicting those homes that have already been acquired, while the other colors representing -- represent the the funding sources for properties left to

be acquired. In Williamson creek, there are 66 properties at risk of flooding. Three were acquired in 2014. 63 are left to be acquired. 38 of these 66 are in an approved buyout program. 32 are estimated to be owner occupied and six are estimated to be tenant occupied. 18 appraisals were conducted before the Halloween flood of 2015. 25 of the remaining properties at risk are not on an approved buyout at this time. This map of Williamson creek shows butterscotch colored properties are the 63 at risk of flooding in the 25-year rain event. The red dot depicts significant flooding on property and in buildings. This next slide is a summary of the buyout amendment policy questions. First, will the property be appraised and offer be made on

[4:44:52 PM]

pre-flood or post-flood value? Second, should the structural insurance claims be subtracted from the fair market value of the property? Or, third, will the occupancy requirements for the relocation benefits be waived due to extenuating circumstances? Pre-flood value is required by FEMA and core. Appraisals are done on a pre-flood basis with a deduction of insurance on the pre-flood value. The recommendation of staff is to appraise properties at pre-flood son there's consistency among funding sources. It's in no budget impact because of this decision or this recommendation. The budget is currently based on assumption that the homes were all in livable pre-flood condition. Flood insurance claims. The second policy issue relates to insurance claims. Should the structural insurance claims be subtracted from the fair market value of the approved offer to the property owner? Or should the structural insurance claims be subtracted from the fair market value of the offer to the property owner? Both FEMA and core require insurance claims to be subtracted from pre-flood values. Owners that make repairs and submit receipts will have receipted costs added back to that offer. The recommendation is to deduct the structural insurance claim from the pre-flood values and add any funds spent on the repairs with document receipts. Custom, this next phase of the presentation I'd like to give an example on how the pre-flood value with insurance deductions work. Insurance claims are divided

[4:46:53 PM]

into two categories, first there's the structural engineer -- or the structural insurance and the second subpoena the personal property insurance. We're only going to be talking about the structural insurance here. So we have a pre-flood fair market value at \$150,000. The property owner has an insurance claim of \$50,000. The way the core and the FEMA program works, we would subtract that 50,000 from our offer so our offer would only be for \$100,000. The owner has made some life safety repairs and comes in with receipts for \$15,000. So we would add that back into his offer. So now his offer would be \$115,000 the remaining insurance benefit received 35,000 would either have gone to the property owner or gone to pay down the mortgage. So when we go to close, made our offer, the owner would be made whole at the \$150,000. Relocation benefits are in addition to the pre-flood fair market value. An example of a purchase offer based on pre-flood without without insurance deductions or repairs. The property owner would be -- their offer is based on \$150,000, they've been issued -- they've prepared a claim and been issued \$50,000. So they now have \$200,000. Out of that, the property owner makes \$15,000 repairs so now they have \$185,000 to go towards purchasing the new property. And this scenario, there's a duplication of benefits of \$35,000 between the purchase offer from the city and structural insurance claims. Relocation benefits would be in addition to the pre-flood

[4:48:54 PM]

fair market value. The third thing I'd like to talk to you today are the two types of -- is the occupancy.

There are two types of occupants, owners and tenants. Federal laws and current policy require home occupancy at the time of initiation of negotiations for the person to be eligible for relocation benefits. The question before you today is will the current -- will the occupancy requirement for relocation benefits be waived due to extenuating circumstance. Under core and FEMA, owners who do not occupy a home for a reasonable time after recent flood event may be eligible for relocation benefits. After the October 2013 flood event, the occupancy requirement was waived. Our recommendation is to consider owners and tenants who occupied the home as of October 29, 2015, to be eligible for relocation benefits. Unless there's a new occupant at the time of the offer or there's a change in ownership. The summary of the recommendations before you today for properties remaining to be acquired in the existing onion creek and Williamson creek buyout areas is, one, to appraise the properties in pre-flood condition as of 10/29/2015, subtract insurance claims from pre-flood value and add in any receipted repairs. Thirdly, make owners and tenants who occupy the home as of 10/29/2015 eligible for relocation benefits unless the occupant or ownership has changed. Do you have any questions for me today? >> Mayor Adler: Ms. Kitchen. >> Kitchen: I defer to councilmember Garza if she wants to go first? Did you have a question? Okay. So just for clarification

[4:50:55 PM]

purposes, so what we're talking about now is existing buyouts. Existing approved buyouts, right? >> Yes, ma'am. >> Kitchen: So just for clarification purposes, there is no buyout program for the upper onion creek area? Correct? >> There is not at this time. >> Kitchen: Okay. And so if there was -- if that needed to be considered, I assume there's a process for that? Can you just explain to us the process? >> There is a process, and it -- watershed protection, Joe, do you want to speak about that process? >> Joe, watershed protection. To make sure I understand the question, is there a process for the identification of potential future buyout areas? >> Kitchen: Yes. And just at a high level. That's one of the questions that we have for the upper onion creek area. >> Yes, there is. In fact, as we go through our areas, the solutions that are recommended based on cost effective analysis are most likely sometimes buyouts but other times they're detention ponds, channel modifications. So in in those areas where buyouts have determined to be most cost effective solution certainly we could add that as a buyout recommendation to this council. >> Kitchen: So if I'm understanding correctly, that y'all are in the process of an engineering study, if I'm using the the right term, for the upper onion creek area and I assume that that's one of the factors that will impact what the recommendation is for that particular area. Is that right? >> Absolutely. This past week we just met with the Barton springs Edwards aquifer district and Dr. Larson and ken Jacobs from the neighborhood to further that study and potentially expand it to look at other alternatives as well. >> Kitchen: Do you have a time line at this point? I don't want to spend a lot of time today on this but if you could generally tell us for the public here, if you know,

[4:52:56 PM]

what the time line is? >> Sure, right now the models are being updated and the different scenarios will be run early next year and through the summer and hopefully we will have a very specific recommendation in the fall as far as alternative mitigation strategies. >> Kitchen: Okay. Thank you. >> Too long. >> Kitchen: Yeah, that's -- >> That's when I said hurry, please. >> Mayor Adler: Hang on. >> Kitchen: So just for the folks here, I will continue to work with your office. I think that I would have a concern and others would have a concern about that time line. I know of course that y'all are doing everything you can so we'll have further discussions about it. >> I'll let you know we have talked with the consultant over this past week to see what they could do to expedite it. I was giving you the original schedule. It's in our interests to expedite that as well. >> Kitchen: We will follow up on that. >> Mayor

Adler: I think we'd all like to see what expediting would be and the cost ramifications. What is the cost of the recommendations that you're making now? >> There is no cost increase for any of the recommendations that we've made before you today. There is actually a savings, a cost savings, when you deduct the insurance because right now in our budget we are -- we have budgeted to pay the the full fair market value so if we deduct the for instance that we're estimating that we would save about \$6 million or unrealized costs. >> Mayor Adler: Okay. Ms. Tovo? >> Tovo: Ms. Reiser, on the page that talks about who will be eligible for relocation benefits, I just want to clarify the phrase -- part of the sentence that talks about there being a new occupant. So if someone was in there as of 10/29, they're eligible for relocation. When you talk about a new occupant or a potential change of ownership you're talking about, if it happens, say

[4:54:58 PM]

November 15 or something like that? >> That is correct. >> Tovo: Okay. Thank you. >> Mayor Adler: Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. So my question has to do with -- I'm struggling to understand how the relocation can work and it seems to me that adds some complexity to what we're trying to do. Does the relocation package have to be done before the buyout can be completed? And can we settle the buyouts if if -- accelerate the Boston we don't have the obligation of the relocation complications? >> The relocation portion of the package is made at the same final that we do the fair market value purchase. The most -- most people need both packages in order to afford a new place to live. >> Zimmerman: But my question was, it's one thing to figure out what the value of the house is, but don't the relocation benefits add some complexity to that and some time delay to figure that out? Every situation is unique, right, senator. >> It does. How the relocation program works is we go out in the market and try to find another home outside of the floodplain. >> Zimmerman: Okay. That's hard to do in city of Austin to, find an equally valued property under this heated market. You know, where houses are on the market for five days. I can't understand how that wouldn't impact our schedule and cause delays. >> Yes, sir, it does impact our schedule, absolutely. >> Zimmerman: Thank you. That's what I was after. So what I'm hearing from constituents is they'd like things to move more quickly so I'm looking for ideas on how we can get things to move more quickly. If you don't have to worry about the logistics of the relocation package that could make it move more quickly. Is that correct? >> I'm not sure what you mean about remove the logistics. >> Zimmerman: Okay. Well, it takes calendar time to come up with a relocation package. >> Are you saying, like, offer them a flat amount?

[4:56:58 PM]

Or is that -- >> Zimmerman: Or just take that complexity off the table. Let's not do relocation. Let's just buy out and let them move on, do what they need to do, speed things up. >> I do not think any of the families would be able to move without the relocation package. >> Right. >> Zimmerman: Okay. >> Mayor Adler: So I think the question is -- I mean, what I want to do now is I want to stick with these amendments. And then when we get to item number 4, where we have additional items coming in, and I want to have a discussion at that point about what options we have to speed up the relocation process because I think that is really the basic question that most people here have. >> Yes, sir. >> Mayor Adler: Certainly one option would be not to offer relocation. But I'm not sure that that's necessarily the way we want to speed things up. But let's get to that question next, the general question, what we can do to speed these things up. We have some ordinance changes in front of us now that have been recommended. We can keep the conversation to that and related to that. Then we'll move forward. Are you raising your hand? >> Houston: I was. But councilmember Garza had hers up first. >> Garza: You spoke to -- if we deduct the insurance, we actually get a surplus. So if we don't deduct the insurance, we

-- it's -- there's no fiscal impact? >> That is correct. >> Garza: Okay. So that -- just so that my colleagues know, I will be making the amendment to not deduct the insurance. [Applause] >> Mayor Adler: Ms. Houston. >> Houston: Mayor, I just have a question about the ordinance, part two, the double II to waive any occupants or requirements for individuals. What exactly does that mean, to waive any? Occupancy requirements? So they could be there on

[4:58:59 PM]

October 30 and still get the relocation benefit? What does that mean exactly? >> We're saying any, we're trying to cover both tenant and owner occupants and basically what we're trying to discourage is anybody moving in to try to get a benefit. >> Houston: Okay. Thank you. >> Mayor Adler: Okay. Ms. Gallo. >> Garza: So I'm trying -- >> Gallo: So I'm trying to understand your math that is on -- talking about the lower onion creek. Area. Then I do have a question about Williamson creek. So the area that is marked in Orange which is the hundred-year area, 217 left to acquire, -- >> The Orange area is the city -- wholly city funded properties that are left to purchase. The properties in yellow are the four FEMA properties that are left to be acquired. And the areas in blue in -- are the corps of engineers. And, councilmember Garza, I misspoke. If you're talking about the insurance requirements for FEMA and the core properties, if we don't deduct it, we would probably have to pay that FEMA and the core back for that. >> All right. >> Garza: I'm just talking about the >> The 25-year, in the green, is also entirely city funded? The Orange and green are both city funded with no money involved, the city is paying for the entire cost of those buyouts. >> Yes, ma'am. >> Gallo: So are those areas we can make our own rules on? Are we looking at applying to FEMA for reimbursement on any of these, are these properties that will be paid for solely by the city and have no ability to be reimbursed with federal money? >> Right now we're making the

[5:01:00 PM]

offers based on city funds. I don't know if there's any plans to apply for any FEMA funds. I think right now if we're moving quickly, we're just moving forward and purchasing assuming city funds. >> Gallo: Okay. And all of those are included in the money that you say have already been budgeted. >> Yes, ma'am. >> Gallo: So don't we -- since these are entirely city funded, are we restricted to being able to make catch offers to the residents, the owners of these properties, on preflood values, letting them move forward with theirly, get out and choose to rent, or purchase something somewhere else in. >> A policy decision in front of you today is do you want to offer preflood -- >> Gallo: No, preflood was just the value. What I'm saying, we have a process that's very lengthy because it requires helping them to find something else to purchase. And what I'm saying is, if we eliminate that component of it completely and say, here's your preflood value, here's the cash for your property, we're buying your house, and this cash is given to you and you can choose whether you want to go someplace else and buy something, whether you want to rent, whether you want to go live with relatives, but it doesn't include what sounds like the lengthy component in all of this, which is the process of trying to be part of the processes in finding a house for the future. >> The -- the lengthy part of the process is finding the relocation home, are they determining dollar arrangements but the lengthy part is the family is trying to take that amount and find a home. So I think that if they didn't have the relocation part of the money, they wouldn't be able to move, so, therefore, they would end up declining our offer. >> Gallo: Okay. But I'm just wanting to hear options. And so if somebody says perhaps

[5:03:00 PM]

I don't want to buy another house, perhaps I would rather just rent a house, but I can do that very quickly if we don't have this long process which is the only option they have is that if we go through a lengthy process to help them find another house, if they say to us, we just want to be out of there, we want to go find someplace else to lease, do we have the option of being able to make that available to this population? >> If there is a process, if somebody wants to waive their relocation benefits, they can waive them. We don't require that they accept them. So they can do that at any point in time, waive their benefits. But most of the time, the most important benefit to them is the relocation because the amount they're offered now is in the floodplain, so in order for us to move faxed they have to be able to buy something out of the floodplain. >> Gallo: And I understand that. I just wanted -- what I've not been hearing is do we have that option. >> Yes. >> Gallo: Do they have the option of being able to do something else. >> They have the option. >> Gallo: That would just be determining a value, and the city would buy that house for that value and they could take that money and do whatever they wanted with it, rather than wait for this lengthy process that they've been waiting for for years. >> Yes, ma'am. >> Gallo: Okay. Thank you. >> Mayor Adler: Ms. Kitchen. >> Kitchen: I have further questions related to the situation in upper onion creek but I can defer those to item number 4. Would that be appropriate? >> Mayor Adler: I think so. I have a question about what we have here. And I'm trying to -- I'm wondering if part of what I need to know blends this question with what we're going to get to in a second. I don't -- I want people to be able to get money from insurance and be able to spend on it what we just did, so that they can make their homes habitable. And I don't want the money that they get from insurance that they spend to make their homes habitable, to count against the package that they get when they're buying their house. Because while I would like all

[5:05:01 PM]

the money -- [applause] >> Mayor Adler: While I'd like all the money to go to the new house, if we're not ready to put people in new houses right away, it doesn't do them any good, and they need to be able to be in a -- in a safe condition. So I like that we're letting -- we would let people get insurance money, and the insurance money that they would put against the repairs to make their homes safe is money that wouldn't count against them. At the same time, I don't want people to get their insurance check and overfix their house because the house is going to be purchased from them, it's going to be torn down. So I don't want anybody to be doing that, either. Ms. Garza, on a posting among the options that we might consider, had proposed putting in a deduction to say that if someone gets insurance, we're going to just deem five, ten, or \$15,000, some amount, that they don't have to come forward with receipts and we just say we're going to cover that amount at five, ten, or \$15,000. If there is then additional money that's been put aside that would be available at that point, if we gave people that -- in essence, a standard deduction kind of thing, I think is what it was referred to as, we would then have some additional money in this program that we could put against trying to speed up the program, which then is the question we have in number 4, whether that enables you to hire more people or more processors to look out farther geographically for homes that people might be able to reach, and I don't know if that makes sense. And then I would -- and

[5:07:04 PM]

Ms. Garza I think in a moment is going to make an amendment to this so as to allow for greater flexibility with respect to insurance reimbursement. If we did something like that where we had \$5,000 without the need to come in with a receipt, or 10 or some other amount, that -- would that still save us money if we did that relative to where we are now, money that could be spent on something else like speeding up the program? >> Yes, sir. It looked like on the message board, I believe it was \$15,000, so if

you did \$15,000, that's about a two-million-dollar cost, so that would save four million dollars, versus if you would use -- give them all the insurance money. All the insurance money is six million dollars. The 15,000 is two million dollars. >> Mayor Adler: And if we did that and had the potential for four million dollars left in our current funding, is -- and we'll get to this in item number 4, but is there a use of that money that could be spent that would speed up the buyout acquisition process for these folks? >> Yes, sir. >> Mayor Adler: Okay. Is there further discussion on this item? Ms. Houston. >> Houston: I just have one question. Can you talk to me a little more about the FEMA payouts? How does FEMA get involved in this, and/or the army corps of engineers? >> We applied for grants in those areas, and we're awarded dollar grants for specific pieces of property, so that's how they're involved. The council accepted the grants. >> Houston: Okay. So we could, in fact, write a grant and ask for some monetary

[5:09:08 PM]

funding to come to us to help with the ongoing buyout project, because we've got some others in other parts of the city that will need to happen as well. >> That's correct. >> Houston: And we'll do that automatically. >> We are looking at every grant opportunity that arises. In fact, we're currently looking at a state flood hazard mitigation grant opportunity. >> Houston: Okay. Thank you. >> Zimmerman: Mr. Mayor? I'd like to call the question on item 3. >> Mayor Adler: Not quite yet, because we're -- >> Zimmerman: Not yet? Okay. >> Mayor Adler: That was going to be brought in that I think we need to be able to talk through. Ms. Garza. >> Garza: I had originally proposed the standard deduction because the reality is -- this is what I spoke to earlier -- these families are in a difference ever different -- a different situation than other families. These families are -- if they get an insurance check for the structural, the reality is, they need that money for other things, to buy food, to get a hotel for a couple nights, so I didn't want to basically penalize families because they have that need. They don't have a savings account. They're working paycheck to paycheck. But my understanding is, and I think law can speak to this, that there's some concern about a \$15,000 standard number. And I don't know if -- and so -- >> Mayor Adler: And let's talk about that, and then the question would be, just to expound on that a little bit, the question is, if we, as a council, find that it would be appropriate for someone to spend up to \$15,000 for health and safety reasons, but administratively it was an unjustified expense to the community of trying to police small receipts, and we wanted to

[5:11:10 PM]

just have that kind of exemption, rather than excepting it all, so that we would have four million dollars that we could spend towards speeding up the process, could we adopt the 15,000 -- since we wouldn't be getting into any deal between them and their insurance company, it's our real estate deal and we're tying this exemption to health and safety reasons, couldn't I do the \$15,000? >> And a flat fee would be the same as having a larger number so I think that would be appropriate, as related to the health and safety of these homeowners. >> Additionally, I'm assistant city attorney I would also recommend directing the city manager and staff to establish sufficient controls to the expenditure of those funds. We understand individual receipts may not be possible but just allowing staff to explore options to establish sufficient controls for the expenditure of public funds. >> Mayor Adler: That would make sense. With that said, Ms. Garza, do you want to make that motion -- that amendment to this? >> Garza: Yes. I have some language here, if this is helpful. That speaks to what that -- the \$15,000 -- they could take the standard deduction, or if they felt like there was additional expenses, they could provide the receipts to prove that they -- whatever they spent for temporary housing, groceries, mattress, would be counted -- would not be counted against them, against their offer. >> Mayor Adler: Okay. So, Ms. Garza in this instance I making the motion since we didn't have a motion on the floor to the adoption of this

ordinance. It differs from the staff's recommendation in that it allows for that \$15,000 health and

[5:13:10 PM]

safety issue. Is there a second to the motion? I'm right, though, we haven't made this motion yet, I don't think. I don't think we have. So, Ms. Garza makes a motion, Mr. Casar seconds. >> A point of order here, Mr. Mayor. We were just handed out -- it's not itemized or numbered here, it just says ordinance number. Are we talking about the yellow piece of paper in front of us? >> Mayor Adler: Yes. >> Zimmerman: Is there any way we could put that on the overhead? Maybe that would help people know what we're talking about. >> Mayor Adler: It's been suggested by legal -- and I need their help here, too - - that another way to handle what Ms. Garza was doing is to take the original amendment that is in the - - in the materials that has to exclude the deduction of any insurance proceeds from the purchase price and to say -- to exclude the deduction of any insurance proceeds up to \$15,000 from the purchase price with sufficient controls. Does that work as well? >> I think it does. Law suggested this one that had more specific details on what those -- what was allowable, so what you could -- >> Mayor Adler: Okay. So let me give law a second to talk to each other to see which version of that would be preferable because we're getting -- maybe they want to huddle for just a second. >> Zimmerman: Yeah. We have the same question over here, the one that's underlined, we put this on the overhead -- >> Casar: The one underlined I just passed out as another amendment, but if you could hold on -- that's for me. >> As a point of clarification, neither of the drafts have a \$15,000 cap.

[5:15:10 PM]

It's a lot to add that in there, but we'll look into it and address it. >> Mayor Adler: Okay. So question we have in front of us here is, in order to effect best what Ms. Garza is suggesting, we have two versions in front of us, neither of which has the 15,000, but we want to put in the 15,000, which one of those would be the better way for us to do that. Do you guys want to talk for a second? Let's take just a second here. While they're talking about that issue -- >> Houston: Mayor, I just have another question. I know that the 15,000 is on the message board, but how did that number come up with -- how did we come up with that number rather than 10,000? >> Or 5,000. >> Houston: Or 5,000. >> Mayor Adler: Ms. Garza? >> Garza: It was a combination of talking to different people about an estimate on what it would cost to put your home back in a state of -- that you could live in temporarily before you got bought out, in addition to -- there was some additions made for people that needed -- that needed that extra money. So one of those conversations was actually with councilmember Casar, who had his home flooded, and his estimate was the cost of bringing his home back livable, in addition to he had to spend the night in a hotel for a couple nights, he gave a \$10,000 number. This was more liberal Numbers because of the situation the families are in where they don't -- they need to buy a mattress or they need to buy food or just -- you know, allowing a little more cushion for these families. >> Mayor Adler: Right. Ms. Pool? >> Pool: It sounds like the higher number would be necessary considering the depth of the water in the homes and the fact that so many more -- it's not

[5:17:10 PM]

just a night in the hotel, but it's actually having to get a new mattress and replacing the furniture and the cars, and there was tremendous damage, I think. So I think the higher -- the higher amount is in order to try to give enough financial resources so people can actually move forward. >> Mr. Mayor? [Applause] >> Mayor Adler: Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. You know, at some point I'm going to have to speak up for the hundreds of thousands of people who could not be here this

evening, who are going to be paying for this. I'm really concerned with this because we have a dangerous situation, we need to expedite what we're doing and get people bought out and moved and get them to safer places. And one of the proposals here says the city manager is to establish sufficient controls in the implementation of the authorizations. And I think that's a burden -- you know, that's a lot easier said than done. I'm not comfortable putting that burden on the city manager with all the other constraints we're working with and how we need to expedite these buyouts in the interest of safety. So I don't think I can support this. >> I also wanted to add -- I don't know if we've moved away from the discussion, but it was a 15,000 minimum, then if they could prove with receipts that, you know, home repairs was higher or any of these basic needs would cost higher, then they would have to provide receipts. Anything beyond 15,000, provide receipts, but otherwise, kind of all after the standard deduction, I'll just take the \$15,000, if you thought your expenses were within that, and you didn't have -- you don't have to provide any receipts to show -- to prove that. >> Houston: , So mayor -- mayor? >> Mayor Adler: Yes. >> Houston: It's me. I've had damage to my home and I

[5:19:11 PM]

have to provide receipts. Period. They don't repay me unless I send them a receipt saying I have had this kind of mitigation to happen. So I'm just concerned that -- and I understand -- I understand about the situation and the need to be able to give extra boost to people who have lost everything, but in the real world, you have to provide -- for that amount of money, you have to provide -- \$15,000 is a lot of money, and you have to provide receipts. But it's up to the will of this council. >> Mayor? >> Mayor Adler: Mr. Renteria. >> Renteria: Is that including Williamson creek property or -- are we including all -- >> Mayor Adler: This is just those -- this is just those properties that are part of the city buyout program. >> To answer that it doesn't include Williamson creek. This ordinance is set up to address all city if you coulded buyouts so that would be Williamson creek, onion creek 100-year floodplain and onion creek 25-year floodplain outside of the corps project area. >> Does that include upper onion creek and hundred your floodplain as well? >> Mayor Adler: It's not part of the city program right now. >> It's not currently part of the city program, so no, sir. >> Mayor Adler: Ms. Garza? >> Garza: I just want to add that this only affects people if they had -- if they had insurance, so it's not -- and in addition to -- it is no additional cost, it's within the budgeted money that is allowed; right? It's within the money that's already been approved, allowing this \$15,000.

[5:21:15 PM]

>> Mayor Adler: Would there be any interest in having something that had it where we had a deduction -- one, there's a limit to how much money I think we want to have reinvested in these properties because they're going to be taken, and I know there are people in the community that, in between the last flood and this flood, did things to make their homes beautiful, and I don't want folks to do that because the homes are going to be purchased. You know, I could see a policy where we said that, in answer to some of the concerns that have been raised, where we put in the language to exclude deduction of any insurance proceeds up to \$7,500, or up to \$15,000 with receipts, so that there was that initial stopgap, \$7,500 or up to \$15,000 with receipts showing reinvestment back into the -- into the home. I don't know if that would get us any closer to -- to something that works. With that additional money that's available, I want to, in the next conversation, follow back up with Ms. Rizer, taking that money and investing it into speeding up this program because I think that's what most people want, is us to figure out how we can move this along more rapidly. >> Houston: Mayor? >> Mayor Adler: Mr. Casar. >> Casar: Mayor, I have some concerns with that approach because for some families, I believe that -- that stripping out places where there might be mold, hiring folks if you're elderly to bleach the

walls to get mold out, just get -- for some homes, especially those that ma I have had a lot of flood damage, you may be facing paying a contractor more than \$15,000 just to be able to live in it.

[5:23:15 PM]

And so I gave sort of -- just my own life experience, low end, 10 thousand dollars, just to be able to live in my house which got very little water in it. So I think that we need to -- I certainly understand not wanting to incentivize and tell people pour all of your money back into your house that you get from flood insurance, if you get more, but I certainly would not want to not preclude folks or set up some sort of system where folks don't -- aren't able to get just their life back in order because no matter what, this process is going to take some time. [Applause] So right now, I'm just supportive of making is your -- >> Mayor Adler: I agree with that, too. I'm trying to find that place that provides the right incentive but also I wonder if what it is is that the maintaining amount, without -- the blanket amount, without having to come with receipts, set that at some amount, but then allow higher amount with receipts, and I wonder if \$7,500 without any receipts provides flexibility for people, but allow for a higher amount above that. How would you cost that out, Ms. Rizer? Do you have any idea what that would mean in this program, if did you something like that, where you had \$7,500 that people could make claim for without a receipt -- without receipts, but anything above that would require the receipts showing expenditure above that amount for health and safety required repairs only for the -- for the house? >> I have one comment. The more you lower the amount that they have -- that they can get without receipts requires a lot more administration on staff's part to do so. The more that they can get exempted without receipts and coming in, the easier it is no us to administer that program.

[5:25:17 PM]

I didn't want to bog anything down by having a lot more steps or having to bring on staff just to handle that issue. >> Mayor Adler: Okay. So the proposal that Ms. Garza made on the board, which was \$15,000 without receipts, and above that with receipts, was that the two-million-dollar estimate? >> Yes, sir. >> Mayor Adler: Oh, so it was both those components. >> Yes, sir. >> Mayor Adler: 15,000 without a receipt and above 15,000, only if you could show the receipts, and the receipts would relate to health and human safety -- >> Yes, sir. >> Mayor Adler: -- Functions? Okay. And I think that you were recommending, Ms. Morgan, that we use the draft that had the simpler language if we were going to do what Ms. Garza was proposing, it would say to exclude the deduction of any insurance proceeds up to \$15,000 without receipts, and beyond that, only with receipts? With the last lightning other one, which then would say: The city council directs the city manager to establish sufficient controls and implementation of these authorizations. >> I guess my only concern is, this version gives a really specific on what they can be reimbursed for with those receipts, so I feel like we should have some of that language included, because it's not receipts of anything, it's just receipts of certain things. >> Mayor Adler: Do you want to talk to us? >> The sweet spot is you want to be able to make sure anything you're doing has controls so the city -- you're not just making a gift to the public. It has to be related to the health and safety of the people involved. I think you could do it either way. If you make some delineation, the second, larger, highlighted yellow, you just need to add that language in about the

[5:27:19 PM]

amount of money. So what the mayor had just said is that you would exclude the deduction of any insurance proceeds, and I think you want to say up to \$15,000 without receipts, or blank amount, I think you need to put an amount in there with receipts showing reinvestment back into the home for health

and safety required repairs. >> But also basic needs like mattresses -- >> In this version that you're asking to use, you delineated the things that they can -- >> Okay. I was just making sure that language is there. >> Mayor Adler: So it would then say on the sheet that had the larger language and number 3, to include up to 15,000 or blank amounts for receipts with items identified below. >> You said with the first one? >> What do you mean -- >> Mayor Adler: Up to 15,000 without receipts or blank amount with receipts for the items listed below. And that you are estimating would give us four million dollars back to spend on the process? >> With the upper number being what? >> Mayor Adler: What are you proposing the upper number be? Was there assumption you made in your estimates? >> The assumption is up to the amount of their insurance claim. >> So then would that -- how would we express that? >> You're right, I'm sorry, I made a mistake here. We just figured it at a flat \$15,000. We didn't go for the two million. We didn't go into any other

[5:29:19 PM]

scenario because that is what I saw on the message board. So I don't have an answer for that right now. >> Zimmerman: The other thing, too, Mr. Mayor, we don't know what the insurance -- the insurance could vary, depending on the property; right? We don't know what that insurance amount could be. >> That is correct. >> So then does this additional language just have a full stop after that up to 15,000 without receipts? >> I just don't know what that number would be. And I guess what councilmember Casar was saying is, we don't know what that number -- the upper limit would be. I mean, I guess we could set 25,000, I'm not sure. >> Mayor Adler: Well, she's priced it out, the four million dollars with the 15,000 -- >> As the cap. >> Mayor Adler: At some level I'm comfortable having it. We don't want people putting money back into homes that are going to be destroyed. >> Casar: I think doing this already achieves much of what you're looking for, and let me tell you why. If you are going to get your house bought out, and you get an insurance check to bring your house fully back up to standard, but you know you're going to get bought out by the city, why would you spend money fixing up your house that's going to get torn down by the city if you can keep that money and put it toward your kids' college or towards a meal? [Applause] And so -- and so just like we don't want them putting that money in their house, they don't want to put that money into the house. Because that money, if they put it into the house, and they get receipts for it, then they'll get money reimbursed. But then they just ended up right where they started, which is with money back in their pocket. Why would you go through the trouble to get that? What you would do is get your house up to standard, keep the

[5:31:21 PM]

rest -- do the basic health and safety stuff, you would keep some portion of the money and not invest it into structural things, because the house is going to get torn down, you're not going to live in that house so you're not going to improve it, and if you -- and you can't get reimbursed by the city for non-structural things under this system. So I'm not sure if that was a clear enough explanation, but I -- sort of in summary, I really don't think folks will put this money into the structure for a structure that's going to get torn down. What people will do is keep that money but they won't get reimbursed for it by the city because they won't have a receipt for a structural improvement. [Applause] >> Mayor Adler: What I'm concerned about is, might have -- I've been in some of the homes and folks were coming to me and showing me what they had done to their homes, which made their homes -- they were very proud what they had done, and deservedly so. But there was a feeling like the city had not represented to them well, the ramifications of what those decisions were. And ultimately then they find out, once -- at the end of the process, what works and what doesn't work, and, therefore, that these folks were ending up with expenses that they were not going to be reimbursed for, and that didn't seem right to me. So I'm

trying to make it as best I can in either how redraft this or in caps we set, maybe there's a way to set a cap and have an escape valve or some other way so that we don't have folks in another six to eight months in the same position that some folks were in whose home I was in in the last few days. That's what I'm trying -- because there is an ambiguity with that, and, you know, one

[5:33:22 PM]

person's health and safety expense is not the next person's health and safety expense. So I'm trying to come up with standards that -- that allow people the ability to be able to keep their families safe while we try to speed up the process. And, again, part of it is, I'm trying to get as much money freed up as I can to speed up the process because what I'd really like to do is say to everybody, you can't spend anything on your house because tomorrow we're going to move you out of your house to another place. Which I can't do. Which we can't do. But I -- but if I -- so I want them to spend -- I want everyone to spend as little as they can possibly spend on these houses that we're going to buy, and I want to develop something that incentivizes that and protects people who do that and frees up as much money as we can to speed up this process, to get people out. And there's a push-pull with those two things. And to me, putting in a cap makes a very clear, and maybe somebody who wants to exceed that cap needs to go visit with the city ahead of time and say, my family will not be safe unless I exceed that cap, and then have the conversation with staff. Maybe there's something staff might be able to do to keep their family safe so that they don't have to put money in a home that, eight months after they spend the money, is going to get turned down -- torn down and gets wasted. That's what -- I'm trying to hit that, because what I really want to do is free up as much money as I can to get them out and get them into a new home. Would something like that work? Could we set a cap but allow for someone who does not believe that that cap enables them to keep their family safe to then go to the staff and give staff

[5:35:25 PM]

the discretion to allow someone to breach that cap, if it's necessary for the health and safety of their family? >> And I guess I thought that's what the original proposal essentially did. It essentially does that. It says you take the standard, or if you feel like it's going to -- it allows them, I guess, to exercise that judgment. You can have the 15,000 or if it's going to take 30,000 to make your family safe, then you can do that, just provide the receipts, that that's what it cost. >> Mayor Adler: My only concern with that is - - >> Putting -- >> Mayor Adler: I want them to know ahead of time -- I want folks to know ahead of time what they're going to get reimbursed for and what they're not going to get reimbursed for because, otherwise, I think we're setting folks up in that ambiguity, in that uncertainty, in that gray area, we're going to have people that don't have -- that have spent more than what will be allowed, and when they buy their house and they're told, you need another \$10,000, they're not going to have it, and that's painful. >> Question. Your interest in a cap is relative to the amount that would be reimbursed? >> Mayor Adler: Yes. >> Okay. >> Mayor Adler: We know that if we set a \$15,000 cap, that it's estimated by our staff that it will cost two million dollars, and we have four million dollars we can put toward -- toward helping homes. I would allow for someone to exceed that \$15,000 cap but I would want them to have a conversation with the city first so that they know for sure what will be reimbursed and wouldn't be reimbursed so that we're not having people in a situation where they're, after the fact, they're faced with the situation that some of the folks are facing now. >> Mayor, if I could add that most of the time the insurance is controlled by the mortgage

[5:37:26 PM]

company as well, so just -- if that makes a difference to anybody so the mortgage company actually is the one that ends up with the check, add you've heard some of the people today state. And so as they spend monies and the receipts to the mortgage company, their mortgage company reduces it, so they may not have -- unless their home is paid off, they won't have that as extra cash to spend. Just -- I just wanted to be clear that all the people that have their homes paid off, will they be able to have that much flexibility with the money. It's under the mortgage company's control. >> Mayor Adler: Help me understand the practical effect of that. Even if it goes to my mortgage company -- >> Right. >> Mayor Adler: Right? -- If I get insurance proceeds and I use that money with my -- with my mortgage company, and I spend \$20,000, could I later find out from the city of Austin that only \$10,000 of that complies, and that \$10,000 of what my insurance company spent the money on at my request doesn't comply, and then your office reduces the package by \$10,000, could that happen? >> Not under the current language. I just wanted you guys to make sure you knew that the mortgage company controlled the money. And as they make the repairs, they apply to the mortgage company. Where we come in is when we buy it, we don't deduct the money. So, really, it's -- if they have a mortgages it's really hard for them to use it to go buy a mattress or buy anything else with it at this point in time because the insurance money is going to the mortgage company. >> Mayor Adler: Okay. I'm trying to figure out what the impact is under your program. >> Under our program, we would -- if you -- under your current ordinance, we would just subtract out -- we would just ignore the first \$15,000 of the insurance money so if they had a

[5:39:29 PM]

-- if they had a \$340,000 insurance check we'd say we're only going to subtract out 15 from the offer amount. >> Mayor Adler: Let's assume the situation you were suggesting, they don't ever see an insurance check. >> That's how we would do it. We would make them an offer of, let's say, 150 now, then we'd subtract out the 15 to,000 from it, that's how it works. >> Mayor Adler: Let's use a number other than 15 or 15 and 30 because I can't tell which 15 we're talking about. >> Okay. >> Mayor Adler: Okay. >> Zimmerman: Mr. Mayor, if I could just add, this is part of why I don't think I'm in support of this because there's some complexity here. It's going to depend on the equity position in your home, how much -- the damages that you have, and it's unique to every situation. It feels like we're going down a rabbit hole again. >> Mayor Adler: Okay. You can explain it to me just so I understand. >> Okay. So we have a fair market appraisal of \$150,000. >> Mayor Adler: Right. >> If we find out -- FEMA tells us how much money that people have gotten from their insurance claim, so we take that and we subtract it from the offer amount, so their offer amount is now \$100,000. If they have -- so right here under receipted repairs, if they have 15,000, then we add that back into their offer amount. Now, if you said, okay, also you were going to give them \$15,000 on top of that under the current ordinance, we'd add the 15,000 back in. >> Mayor Adler: When you say current ordinance, you mean the draft ordinance? >> The draft ordinance, yes, sir. >> Mayor Adler: Okay. >> So then we'd be making the offer on 130,000 in that example. >> Zimmerman: Mr. Mayor -- >> Mayor Adler: Hang on a second. If I can just make sure that I understand this. So if someone had 20,000 --

[5:41:33 PM]

whatever their receipted repairs are -- >> Right. >> Mayor Adler: -- We would be reimbursing -- we would in essence be reimbursing -- we wouldn't be holding against anyone money they spent in their house. >> That's correct. >> Mayor Adler: And if we do that as a blanket policy, we reimburse -- we reimburse someone, we don't discount their offer by anything they spend on their receipted repairs, that's user -- that's our current -- that's how you bid it right now. >> Right now, we subtract everything

of their insurance claim. All -- the total amount of their insurance claim, the 50,000, we subtract that from the amount we make the offer. >> Mayor Adler: Well, then why is it then that adding money that we're reimbursing people is a net positive to us on a budget basis, as opposed to a negative? Because it sounds like what's being proposed -- I can't tell if what's being proposed is having us spend more money or less money. >> Because, mayor, right now our current budget has us spending -- in this example, \$150,000, but as you could see from this example, if you take out the insurance, we're really going to be making an offer of under 115,000. So we're not spending the 150,000, we're only spending the 115. So we've realized a savings on the amount we have budgeted. Because we are budgeting, assuming there's no disaster. So in our budget we have the full market value amount to pay everyone. >> Mayor Adler: So right now, we pay the full fair market value with no deduction for insurance. >> That's what -- that's the assumptions in our cost estimate that we brought to council. >> Mayor Adler: That's our current policy -- what you're recommending here -- >> That's because most of the homes are already fixed from the last flood, and so when we did

[5:43:34 PM]

the cost estimate brought to council, we assumed that the homes were all fixed and we'd be paying the full market value. >> Mayor Adler: Okay. So now I'm troubled -- so if my -- I'm sorry to be slow here. But if my current deal is that I'm going to pay people the total fair market value for the house regardless of how much insurance money they get or don't get, and if I did, if I -- what you're assuming is that there would be cost savings in that, under this, they'd have to show receipted expenses for the house had. So you'd be getting -- I'm sorry, go ahead. >> Sue Edwards, assistant city manager. Maybe I can help to clarify this. Our current policy that winter does subtract the insurance claim from the market value. However, when we came to council to make an estimate of the amount of money we would need for the buyouts, the assumption was that most of these people had come in and they had already used their 2013 insurance to improve the house. So the assumption was that coming back in, whenever we bought the house out, we would buy it at full market value. We did not anticipate the flood in 2015. So in 2015, we have a different situation. Does that make sense to you? >> Mayor Adler: I understand the different situation. I'm not understanding what the ramifications are because it sounds -- right now, if someone had a \$150,000 home that's damaged, and they got a \$50,000 insurance check, of which they put 35,000 -- they put \$15,000 toward their home repair, under

[5:45:35 PM]

what Ms. Garza is proposing, what would they receive from the city? >> You want to -- >> Mayor Adler: Their home pre-flood was worse \$150,000. They have a \$50,000 insurance claim. \$15,000 of which they put against the house. Maybe they got the other \$35,000, maybe they don't get the other \$35,000. What do we pay them? >> What we would be -- in this case, it would be -- it could -- depending on how you word the ordinance, it could be a wash. If the first \$15,000, they can bring in receipts or not bring in receipts, they're automatically going to get it deducted. If you use that dollar amount, the amount of the offer would be the same whether they brought the receipts in or not. >> Mayor Adler: And how much would they get? >> Right now they would get 115,000. >> Mayor Adler: 10 under Ms. Garza's proposal, they would get 115,000. >> That is correct. >> Mayor Adler: Okay. And is that -- and if we did that, that would save the four million dollars that we could apply. >> Right. >> Mayor Adler: And if we went further and said 15,000 receipted, but more than that with receipts, it would save somewhere between zero and four million dollars, depending on what people did. >> Yes, sir. >> Mayor Adler: Is that right? >> Yes, sir. >> Mayor Adler: Okay. Is there any benefit in having folks come to the city if they want to spend more than \$15,000 to make sure that the money that they spend is going to be money that the city

deems to be for

[5:47:36 PM]

health and safety reasons? >> I think we'd have to work out a process for that, but I think it could be helpful. >> Would it be the same process that's already in place, like even -- receipted repairs, so there's already a process to -- >> Right. >> Reimburse for -- >> They didn't have to bring in receipts, everybody is going to get that credit whether they have receipts or not. That's the only different. Everybody that has insurance that is in the city portion of the buyout area. >> And anything over, if we voted to do anything over, it would require receipts, there's already a process in place that calls for receipt giving. >> Yes. >> So it wouldn't be a new process. >> No. I was talking about the new process, if he wanted us to be able to advise people whether spending above \$15,000 would benefit them or not. >> I understand that. >> Mayor Adler: And, Ms. Garza, my only concern on that is, I've been in people's homes where they were feeling betrayed because they entered into a process in good faith, they spent money, then they were being told they don't get a credit for that. And I want to protect the process and the system from that, and I -- because it was heart-breaking, and I was in more than one home where that was the fact pattern. So I just don't know if they need advice or suggestions before, as opposed to after, and that's, I guess, what my only question is. >> Casar: Because, Mr. Mayor, what I'm struggling with is, do you know why those repairs were not -- were not reimbursed within their by the offer if that is our standing policy? >> Mayor Adler: Because -- it wasn't deemed to be -- I'm not sure why. But I know that some of the money was not spent on things that I think were structural. They weren't -- they were things

[5:49:37 PM]

that certainly made the house more beautiful and more livable, but I'm not sure that they would be things that be deemed to have been necessary for a three-month or six-month or eight-month health and safety issue. >> Casar: Because I think what we are trying to -- I mean, that sounds like a communication issue in which we have to communicate to folks. Whatever it is, the policy it is that we decide on today, what -- what it is that will count and what will not count. I think then a separate issue is how much money it is that we want to, if any, try to save in this process that might be reinvested into expediting it. I just am concerned that to get people back to a level of health and safety, if they have really serious damage or a larger house, may very well be over 15,000, given fact that there are so many people that will be looking for repairs, there will be a scarcity of contractors. >> Mayor Adler: I think the only issue at this point is to exceed the \$15,000, do we want people to touch base with the city first just to confirm what they're about to spend they get reeked first, or not. >> Casar: And I think that was councilmember Garza -- that's what essentially her motion does, I believe. Right? >> Mr. Mayor? >> Garza: I think the mayor does add a layer of, we're making sure whatever they invest in, further -- in addition to 15,000, is, in fact, going to be credited to them. >> Mayor Adler: In those two00 hopes, it would repair an additional step before they could just go out and do the work and show up with receipts, they would say to the city, this is the work that I intend to do. >> If I may. >> Mayor Adler: Yes, sir. >> Mr. Mayor, council, my name is Carl, I'm the building official. And we have a similar process already in place. We have a life safety inspection as a possibility, that we

[5:51:38 PM]

already have in our database and in our process. We also do -- under the remodel ordinance, under the zoning remodel ordinance, you have to leave two walls to consider a remodel. But the zoning ordinance says that if those walls are so severely damaged that the building official's inspection shows they should

be removed, then we have a process by having to go out and verify that that wall was not salvageable and the house can be remodeled, if you will, with all new walls. So it's not uncommon for us to look at damage for its survivability, if you will. If they wanted us to come out and look and see if a particular work process or a particular project that they wanted to do was necessary for life safety, we have a process for doing that. >> Mayor Adler: On being. Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. Again, this is -- sounds like it's adding complexity. Do we know with certainty what these fair market values are going to be? And I'm asking that because I've done a lot of remodels myself. It is easiest thing in the world to spend a lot more money on repairs and remodeling than what the market value would be. It's a great way to lose money, to go in and make repairs and you end up spending more on the home than it's worth. So I don't want to put that burden on our city staff to be in the situation of these complexities and trying to understand what a reasonable repair bill is and -- it's complicated and it's going to slow the process down, and people are going to have these questions that don't have straightforward answers. You see the confusion realready have here -- we already have here and we're supposed to be the experts. I don't want us to go down this

[5:53:39 PM]

road. If it sounds like a safety issue, let's look at a policy that gets this done quickly and this is not a way to do it quickly. >> Mayor Adler: I'm going to amend Ms. Garza's proposal to say you can do you can do \$15,000 without a receipt, and beyond that, you have to meet with the city first and reach an agreement as to what would be justified above \$15,000. Bought what we really don't want people doing are spending money in these houses that are going to be torn down in six months or eight months or a year. So I make that motion. Second by Mr. Casar. >> Renteria: I have a question. I'm having a hard time grasping this whole concept right now. You know, I want to know whether the ones -- are we going to give people the priorities for buyouts are the ones that have been affected the most? Is that how we're going to be working this program? Where people that have the worst damage and are going to have the hardest time to do any kind of help -- any kind of rebuild or fixing up for health reasons, it's going to cost so much that there's no way that they're going to do it for \$15,000, are these the ones that we're going to be really focusing on and trying to get them -- the buyout as soon as possible? >> Yes, sir. >> Renteria: Okay. Thank you, sir. >> Houston: And, mayor, I just want to remind everybody that the policies that we make today will affect every buyout from -- until it's changed again. So we just need to make sure that that \$15,000 cap is what we really want to say, or is it something lower, because again, there's no way to monitor what you spend the \$15,000 on, even though we're really clear in our policy about what it's supposed to be, there's no way to manage

[5:55:41 PM]

that because they don't have the staff to monitor it, and we don't, either. So we have to take people at their face value, and we've been burned before with -- assuming that people were going to be honest. Not that these people aren't. But I'm talking about more things like short-term rentals. We had some agreement, there's no way to enforce that. >> Mayor Adler: I understand. And we are kind of in uncharted territory so it would be real important for me to be able to monitor this pilot and see whether or not it actually worked. I made the amendment to put the \$15,000 cap without prior consultation with the city, but then to allow the city to authorize what's required for health and safety with the caveat that those will be the first houses we're moving people out of so they're not spending money on a house that's been torn down. It's been seconded. Any further debate on that amendment? Those if favor of that amendment, please raise your hand. Those opposed? Mr. Zimmerman is opposing, the others voting aye on the day. Ms. Gallo? >> Gallo: I just want to say again before we move forward that I want

to make sure that staff, as you talk to the residents that have been so impacted by flood after flood -- that they really understand, if they are just ready to leave and they don't want to put their family at risk one day longer, that we do have an option available for them. It may not be as financially beneficial as another option if they wait, but there's an option for the folks that are just ready to leave and move on with their lives. So I just want to make sure, as we talk to the residents, that they understand that they do have an option that's available to them if they're ready to move out immediately, and they want to move on with their lives. Thank you. >> Casar: Mr. Mayor?

[5:57:43 PM]

>> Mayor Adler: Mr. Casar. >> Casar: I'd like to be recognized to move one last amendment. >> Mayor Adler: Okay. >> Casar: I handed out a sheet of paper with an underline on it. It's a copy of the Williamson creek buyout policy that we recently passed, and it has underlined below it the amendments that I offered in working with councilmember Garza on the same amendment back then. I guess that was before the December break. And the amendment is to add a clause saying to the extent permitted by law, the council waives the eligibility requirements set forth in 49 cfr section 24208, which essentially -- well, I'll make the amendment and ask for a second, and then explain. >> Mayor Adler: Ms. Garza seconds that amendment. Would you explain it? >> Casar: Yes. The federal government, in their -- in their laws, make undocumented folks ineligible for assistance, so it's sort of show me your papers or drown law. And I think that's wholly inappropriate. Thankfully, this is city money, a city buyout, and I believe that we can do better than that. So by including this section, it would give staff the flexibility that they have under the law, as far as they see fit, to ensure that all austinites, regardless of who we are, or what congress labels them as, have a right to have their health and safety protected and participate in the buyout and in relocation. [Applause] >> Mayor Adler: that particular amendment makes sense to me because the safety issues that our public first responders face are the same regardless of who in our community they're going to assist. >> Pool: Mayor. >> Mayor Adler: Yes, Ms. Pool. >> Pool: I'd like to second the motion. >> Mayor Adler: Ms. Garza has already seconded it. >> Casar: You can be the third. >> Mayor Adler: You can be the second second.

[5:59:43 PM]

In Zimmerman. >> Zimmerman: I'd like to speak in opposition to that. I think it's a superfluous amendment. I think that's already going to be done and I think the sentiment of the amendment will rile up, I think, the sanctuary city articulate that we may be handing over taxpayer money in a way we're not authorized to under law even though it says to the extent required by law. So I'm going to be voting against this amendment. >> Mayor Adler: Okay. Any further discussion on Mr. Casar's amendment. >> Casar: Mr. Mayor, I'd like to include additional direction that if staff encounters any issues helping any group of folks because of the barriers set out in 49 cfr section 24208 that they let the city council know so we can find some other way to help. Thank you to councilmember Garza for working on this with me this time and last time. Those in favor, please raise your hand. Those opposed? Mr. Zimmerman voting no. The rest on the dais voting yes. Ms. Troxclair gone. We're now to the section with the two amendments added. Any further discussion? Those in favor. Let me read the wording for the second amendment, which is to say in that paragraph we had the I, II, III, III reads to exclude the deduction of any insurance proceeds up to \$15,000 with or without receipt. For sums beyond \$15,000 the homeowner or the applicant must provide receipts and get prior city approval for the expenditures once approved can be reimbursed or excluded. Further discussion on this amendment? This ordinance, this resolution, as amended twice? Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. I have a point of inquire probably for our legal -- this goes back to a resolution I put out maybe a week or so ago

regarding the water spikes in the Austin water utility, and I was told by legal -- and I

[6:01:45 PM]

concluded that if we didn't have some documented evidence or proof that an overbilling had taken place, we couldn't offer a refund or some kind of rebate. We had to show some evidence or some proof before we could expend municipal money. So when I see a \$15,000 here of -- that could be offered without receipts, I'm struggling to understand how that's legal. >> So, councilmember Zimmerman, the difference is of course we cannot spend city funds unless there's a city purpose for it, and you have to have some controls in place to figure that out. So in this situation, what you're doing is indicating that citizens can come forward and spend up to \$15,000 without an exact receipt because they are dealing with an immediate health and safety issue and that -- those items that they're spending are related to the health and safety and the things that you've put into place in this ordinance. >> Zimmerman: But the city -- how does the city know? In the same way that the city doesn't know if a water spike is actual usage or if it's not. The city says, well, in the absence of proof that that's a -- some kind of measurement error, we can't offer you any rebate or money but here we're saying you don't have to bring any receipts or anything, we're just making a presumption that you did spend that money if you told us. >> Right. It has to be related to the October 30 flood and the houses are identified in there so that is the connection. >> Mayor Adler: Okay. Further discussion? Nose favor of the resolution as amended there's raise your hand. Those opposed. >> Zimmerman: I'm abstaining I'm not Mr. Zimmerman abstained, Ms. Troxclair off the dais. That gets us into area number 4. And I'd like you to begin, if you would, discussing with us what we could do if anything to speed up the buyout

[6:03:47 PM]

process. >> Okay. Councilmembers, the biggest issue that we have with the buyout program today is the number of homes that are available on the market. So we did this graph -- this is pulled from Austin mls as of early -- as of 11/6. What you see on the home is -- for houses under 140 to 159,000 there's zero homes on the market in Austin ISD so if a family needed to be relocated within Austin ISD, there were zero homes for us to offer them. If we -- so if you look at -- from under \$300,000 there's only 62 homes available in aisd for sale. And we've got 200 -- over 200 homes that we've got to relocate. So as we -- so the issue becomes that the housing -- the cost of housing increases and we're having -- we have to go further out to find the number of homes that are available in order to relocate 200 homes. That is our number 1 issue. So in trying to expedite the program, what we're looking at is how much money do we have to increase the amount of the relocation home in order to move people quickly. And that is the issue that we have on the table. >> Mayor Adler: What is your estimate for how long this were -- what, just over 200 homes that are waiting in line to be purchased? >> It was, what, 270? >> Mayor Adler: And what is the estimated time frame to be able to acquire those incomes. >> Right now we're look at our current pace at two years. >> Mayor Adler: And that

[6:05:47 PM]

doesn't have anything to do with who is staffing it or how many other people we would put on that or people we would involve? It's the availability of available homes? >> Yes, sir. Because we already have in our budget with consultant the money to buy these homes. You guys passed that back last year. So we have that in our budget. It's actually the money -- any additional money we would need would have to increase the amount -- to increase the amount for the replacement home so it would basically go to the homeowners. So the two things that -- the two policies really is to expend the comparable area or

the area that we can move people out 10 miles or 15 miles so we can get enough comparable homes and increase the amount that we're willing to offer for a replacement home. >> Mayor Adler: Are you right now looking at giving homeowners the option of going 10 miles or 15 miles radius if they wished to be able to do that to be taken earlier? >> Right now the money is -- they can have the option to move wherever they want. We have some -- about 50% of the homes -- I think that was a question councilmember Garza asked about 50% of the homes in the last six months, 50%, moved outside of the city limits of Austin. And about 50% of the home -- people purchasing or moving moved within the city limits of Austin. >> Mayor Adler: And are our consultants as actively presenting those out of school district options as much as they're presenting the options -- >> We have started presenting homes in the buddha area. What we'd like to do is start

[6:07:48 PM]

looking in potentially as far as Kyle to find replacement homes and basically that just sets the dollar amount we offer. They can move anywhere they want to move. >> Mayor Adler: Does it speed things up if you're able to also look at Kyle? >> Yes, sir, it does. It. . . >> Mayor Adler: You know, I hate for anybody to leave the city. At the same time, I wouldn't want to require someone to stay in the city who wanted to be able to have the opportunity to move their family out and I'd want to make sure we were presenting those options for families to be able to consider. >> It's just being consistent when we make - - in our process in determining the amount of money they get. >> Mayor Adler: What would it cost to increase by one target price range, whatever we're looking for now in terms of being able to move people out? >> We just looked at roughly -- and this was just a really quick look, that it would approximately cost us \$20 million more based on increasing the relocation costs of about \$50,000. Or increase, I mean, \$75,000. >> Mayor Adler: Say? Again, I'm sorry? >> Increasing amount we're paying for the relocation cost, for the house, by \$75,000 on average would allow us to move people quickly. >> Mayor Adler: What if we didn't increase it by 75,000? What if we increased it by 20,000? Would that add any additional speed? >> It would add -- I don't have it broken down that way. We would just -- we were trying to quickly get for this meeting a number. But I think the further that

[6:09:48 PM]

we're -- that council will accept us with the -- offering reloc comps and the amount that we're offering for the relocation would definitely speed up the the offer. We're thinking that it would -- with these two things, that these families would be able to find replacement housing because what I hear most often from the homeowners is they can't find the homes -- a home for the amount of money that we're offering. In city limits. >> Mayor? >> Mayor Adler: And -- yeah, Ms. Tovo. >> Tovo: As we're addressing different ideas in this section it would be helpful to know which of these require policy action from us, especially today. And so is it a policy decision that the council would need to take for you to expand your options that you offer to Kyle? Is that an action that we would need to take or is that within your ability to do? >> What we would need to do is in -- is probably increase the budget and we would bring that back in a policy. So I think, yes, it would be that council would want us to increase the search area, that would be an important policy decision for us. >> Tovo: Okay. Thank you. So the the direction today would be just to provide you with feedback or would it be an actual action? I mean, I am -- you know, I share -- I share some of the comments that mayor Adler said. I mean, of course we want to retain our Austin residents and it's really such an unfortunate situation stove -- to be in a position of assisting people in moving out of the city of Austin, but I think as a fundamental goal here, I think it should be to relocate families out of a

[6:11:50 PM]

dangerous situation as quickly as possible. And I think we've all said that in one way or another up and down the dais. So identifying those actions that would help you do that is my goal, and if we don't need to take action on that tonight, then I'll just say I would be supportive of a policy that does that, reluctant as I am to see our Austin residents leaving our city. Because of the -- because of the real significant safety concerns. So if you need me to make a motion, I will. >> Mayor Adler: My suggestion would be that rather than trying to evaluate or select policy items to do that here, as -- even that wasn't posted well, I would like staff to come back to us and maybe brief us on what available options would be and steps he would could take, either increasing the price point, increasing the geographic area, which way not require a price point but move people -- whatever, just to give us options and costs associated with those options I think would be helpful. Ms. Kitchen. >> Kitchen: And I would also suggest, although to the extent it's possible to do this, I would hope that also confer with our transportation department because I, too, share the concern that we need to get people out of harm's way as fast as possible, but I also want us to recognize that if we're choosing between allowing more money for someone to choose a house in Austin versus going to someplace outside of Austin, that it costs those families to live outside of Austin in terms of transportation and it also costs us. So I know that it may not be able to quantify that at this point, but if we're also -- if we have on the table to consider whether to raise the dollar amount that you can offer a family to keep them in Austin, I think we should at least have that discussion. >> Yes, ma'am. >> Mayor Adler: Yes, Ms. Garza? >> Garza: I just want to be cautious as we have that

[6:13:50 PM]

discussion to also -- we need to consider that when we raise that price point, we're putting families in a home that they'll have to be paying taxes on at a higher rate. So then we might be putting families in a more expensive home that they can't afford the taxes on. >> Yes. >> Garza: So that's a consideration we'll need to think of as well. >> Kitchen: I would agree that all those have to be considered. With the paramount concern being that someone be able to get to safety as fast as possible. >> Mayor Adler: I think that's the thing that we hear more than anything else, is why is it taking so long, can you speed it up. >> Speaker1: I think it would be helpful to lay out for the community to see and to discuss what the options are and what pros and cons of those options are. Ms. Houston. >> Houston: And I think -- I think I need to be really honest that one of the problems is that the market is not building houses in the price point, and so the demand is such in Austin that they're building to the demand, and not to that middle range group of folks that we're looking for housing for. So I want to put some of that responsibility out -- back on the market. And that they could be doing a better job of trying to identify and build houses at that price point that you're looking for. >> Renteria: Mayor? >> Mayor Adler: Yes. >> Renteria: I also would like you to work with all the nonprofit housing providers because I know there's some groups out there that are just waiting for funds to build more housing that are affordable. So if you could reach out to especially like Guadalupe corporation, they would -- my understanding, they had enough land there to build 25 units, organizations like habitat. So if we have the funding, if we're going to be using that kind of money and my understanding, they could build houses that are affordable.

[6:15:50 PM]

So I really would like you to reach out for -- to those groups, you know, and make it, you know -- make sure that it's to inform them that this is really an urgent matter that needs to be faced. >> Mayor Adler: In fact I'd put out that public call right now to any of those organizations in our city to come forward if those opportunities exist. I know that someone with Mueller indicated that they had some of those

homes that were -- might be able to be available homes. I think you've got email on that. But I would urge habitat or any of those organizations that think they might be able to help with these folks to come forward. Mr. Zimmerman. >> Zimmerman: Yes, I'd like to speak up on behalf of the market and the builders. I was in that business. My family was in that business. The market knows that we need homes at 100,000, 150, 200,000, but the people that build them understand that the cost of land in the Austin area and the very onerous restrictions, regulations, the years it can take to get building permits and site plans approved, it's simply not feasible to build homes at that price point. That's why we don't have them. >> Mayor Adler: Yes, Ms. Houston. >> Houston: Mr. Mayor, I am not a builder and I'm not an engineer, but it's also greed. [Applause] >> Mayor Adler: You would -- you would explain, because there have been some questions about the the hdr contract, \$12 million. You would address the question of -- would you address the question of why we did that, what we get for that, why it's as much as it is. >> Okay. >> Mayor Adler: What alternatives, if any, exist to that kind of thing, why we can't do it in house. Would you address that

[6:17:51 PM]

contract, please? >> Yes, sir. Hdr is an umbrella contract, and we hired them to do the acquisition and relocation services. But as part of that, they also subout -- have subconsultant, such as the appraisal process, the review appraisal process. They do the asbestos testing, they do the the property management for us. They also run the project office for us. So any subthat we need in order to run this project, we hire them under the hdr contract. So that 12 million doesn't go to hdr. It goes to a lot of sub consultants that are out there doing the work. >> Mayor Adler: Is there an itemization of how that \$12 million is being spent that way? >> I don't have that with me. >> Mayor Adler: Is that something -- >> But I could get that out there for you? >> Mayor Adler: You would do that? Would. >> Sure. >> Mayor Adler: You would send it to the councilmembers or post that as backup to item number 4 so that the community can see that so they can evaluate that or test that he? >> Great. I can do that. >> Mayor Adler: Is that something that you can do insynonymous. >> No, sir. I don't have the staff. The thing about the consultant contract is today they bring on the acquisition consultants and then next week they bring on the appraisal consultants. When they don't need the appraisers anymore, the appraisers don't do work, then they can bring in the demolition steams or the asbestos testing. For me I would have to hire one person in each category to run that program, and one person may not be enough. So they're able to fill the gaps for whatever -- if I need -- for instance, we tried to do -- we had right after the last Halloween flood we did 109 appraisals/speculations in 60 -- inspections in 60 days. There's no way to have that

[6:19:51 PM]

kind of staff. Especially if you're talking about hurrying, we need to have a lot of consultants out there doing appraisal work, doing review appraisal work. And helping us make offers. So even in making the offers, hdr brings on subconsultants to fill the gap so we can make offers quickly. >> Mayor Adler: Okay. I'm going through my list of other issues. >> Sure. >> Mayor Adler: That were raised by the speakers this morning, and I think that we have hit most of them. There was one that was raise by Mr. Ariallano who was saying that either in the past or now he was being led to believe in a or the issue was presented that he would have to rebuild in order to be able to qualify for the full amount of compensation. But as I understand it with the action we've taken today and allowing for pre-flood values, that someone that is in his position does not have to spend money in order to be eligible for package. Is that correct? >> That is correct. >> Mayor Adler: Okay. It's also been asked, we have a flood mitigation task force that's working, manager, when -- in addition to looking at speeding up the work of the buyouts, if you could

take a look at whether or not there's a way to speed up the work of that group -- >> Study. >> Mayor Adler: The study, perhaps. We have a flood mitigation task force that I think is waiting for some engineering reports. I didn't know if this T was anything we could be doing to speed up that process. Ms. Kitchen, you might know. >> Kitchen: Well, there may be for the task force as a whole. I was focusing on one part of what they're looking at, which relates to the onion creek watershed. >> Mayor Adler: Right. >> Kitchen: And that's the particular study that's being done that our staff had told us about earlier.

[6:21:52 PM]

>> Mayor Adler: Okay. >> Kitchen: But that relates to mitigation of that particular watershed. >> Mayor Adler: I would ask the question, manager, more generally. We seem to have lots of conversation that's end with our flood mitigation task force is looking at that. If there's a way to speed that task force up, it seems to be timely. >> [Off mic] >> Mayor Adler: Well, and if it's just us as a group needing to work more swiftly, let us know that as well. Councilmembers, I don't know if there's anything else that anyone wants to bring up in this item number four. Ms. Tovo, and then Ms. Kitchen. >> Tovo: I'll add if we're making requests of staff taking staff resources away from assisting those that have experienced the flood I'd ask you to communicate that to us. Sometimes we're asking for additional information or studies to be speeded up from the very same staff members out there at dove springs recreation center working with the individuals who have been impacted and I would expect, city manager, that you would communicate that back to our staff and make all the council offices aware of how those -- how those time concerns play into what has to be or immediate priority. >> Mayor Adler: As well. Ms. Kitchen. >> Kitchen: I'd like to bring up again the issue related to the folks in the onion creek neighborhood. And I think this may be a request for information that needs to come back to us and a request for options. So you can help me figure out, you know, what the right course of action is. But basically we have some homes in the upper onion creek area that are in the same situation, but that area has not been designated as a buyout. Same situation in the sense that they will likely be impacted by that rolling ten-year situation now so that they'll be in a position that they'll exceed the 51% so they won't be able to repair.

[6:23:53 PM]

They'll have to rebuild, according to -- rebuild or buy out but they're not designated as a buyout so they don't have anybody that can buy. So at this point they're in a situation that there's really a no-win situation for them at this point. Were no-win situation for them at this point. I think the situation is clear. But we've got folks that can speak to it if we need more details. One of the options we had thought about earlier is when you designate an area for a buyout, we usually do the analysis first, which is the analysis that's occurring with that engineering study. But what we heard earlier is that engineering study may not be done for another year. So, anyway, what is my request is -- what my request is, I need to understand from our staff what our options are to -- for this set of individuals, as well as, you know, how many people are impacted, what might the costs be for our different range of options. And I'll write this out and send it to you also, but I wanted to make sure that we're aware that there are people in the onion creek neighborhood that are in the same situation. It's just that they don't have an option of a buyout at this point. So. . . [Applause] >> Mayor Adler: I understand. Nickels -- anything else from the dais? >> Zimmerman: Motion to adjourn. >> Mayor Adler: That being said, I think that's everything on our agenda. I would point out to the public that tomorrow night at 6:30 at Perez elementary school there will be an open house to meet with some councilmembers and staff. And we stand adjourned. [Meeting journeyed at 6:25 P.M.]