

City Council Work Session Transcript – 9/18/2018

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[9:11:46 AM]

>> Mayor Adler: I think we have a quorum. We can again September 18, 2018 council work session. It is 910 and we're in the boards and commission room here at city hall. We're going to begin the briefing with the U.T. Study, so, if you all want to come forward. By way of scheduling, and the like, the visitor bureau contract, I think is going to go to the tourism commission for review. Which will be the first week in October. So we'll have them take a look at it so it will come back to the council on the 18th of October. The tourism of visit Austin budget is going to get pulled, sent to the tourism commission for them to take a look at at their meeting in the first weekend of October, so it will come back October 18. Unless there's any problem with that I'll let the staff go on item number 11 so they don't have to stay with us. And when we go through the pulled items, miss Houston you said you wanted to add no. 95 to that list? Okay. So we'll put that up. Let's go ahead and start with that briefing.

>> Good morning. Okay.

>> Mayor Adler: Good morning. You had introduced yourself for the record, so the viewing audience knows who you are.

>> I'm Elizabeth Mueller I'm a professor at university of Texas in the community and regional planning program and I'm here with my colleagues.

[9:13:52 AM]

>> Heather way, I'm political professor at university of Texas school of law.

>> Jake way also in the planning program.

>> Mayor Adler: Great.

>> All right. We are here to present to you the report that we did for you. Called uprooted residential displacement in Austin's gentry fewing neighborhoods and what can be done about it. Last summer you all passed a resolution asking us to do this study, and some of the language we pulled out of it, a study of gentrification and displacement and mapping of vulnerable neighborhoods. We tried to idea neighborhoods and groups most vulnerable as housing costs rise, identify strategies for presenting displacement and provide a framework for selecting particular antidisplacement policies, there's so many ideas out there. We are really trying to give you a way to try and focus and be more strategic in what you do. Okay. So just as kind of a reminder, what gentrification is about. Higher income residents moving into a neighborhood that historically has low property values and many residents vulnerable to being displaced as values rise and rising costs. That results in vulnerable residents being displaced and depending on the scale of change, change in the cultural character of the neighborhood. So, there's a lot of disagreement about what drives gentrification and whether or not there are benefits to be had from

it, but there's consensus displacement should be something we're concerned about and that's what we focused on.

[9:15:53 AM]

Being involuntarily displaced from a neighborhood is devastating to those being displaced. So, in our process, we first tried to identify neighborhoods that were particularly -- where there was a concentration of groups that are known from research to being particularly vulnerable to being displaced as housing prices rise. Once we identified areas that had disproportion at concentrations of those groups we then looked for evidence that change was happening. So, we looked first to see if there was a change in who was living in the neighborhood, and then we looked at the changes in terms of the housing market, how much appreciation had taken place in that neighborhood so far. In thinking about who is vulnerable to displacement, the groups that we focused on based on research were communities of color who generally have fewer resources to fall back on if displaced. People with lower levels of education who have lower paying and less secure jobs and less to fall back on. Renter whose can more quickly be displaced because rents can be raised quite quickly, people making less than 80 percent of median family income. And household was children and poverty particularly vulnerable to being evicted and ones evicted have difficulty finding units that are big enough for them to move to. So, just an overview from our mapping of 200 neighborhoods in Austin, we found a large number of neighborhoods that are not -- that have vulnerable groups in them, but we don't yet see the signs of change but they are close enough to areas where change is happening that we think that eventually change will come to them. 13 neighborhoods that were experiencing some levels housing cost rise, but still had low to moderate housing prices compared the to the region.

[9:18:03 AM]

Areas that were dynamic are ones where there is an ongoing process of change happening. Late -- there's already been -- it's become a high value area, although there are still vulnerable populations living there and continue loss neighborhoods are neighborhoods that have really been completely transformed at this point. And we have a website that I don't -- I should have told you to put up, but the interactive maps are available at the link that we have on here. And you can actually go in and you can look neighborhood by neighborhood at the characteristics of that neighborhood, how we ranked it in terms of its stage of change and vulnerability, and you can also download those maps. So, looking at the maps, in terms of vulnerability, just compared to even 20 or 30 years ago, there's a much higher share of vulnerable people in areas increasingly distant from the center. There's been kind of a movement outward from the center. The most dramatic housing market changes show up in the eastern crescent zone, kind of circling to the east around the central business district and gentry fewing neighborhoods generally follow that crescent pattern as well. We also -- so, this gives you a sense of compared to each other, where our vulnerable people, where are different areas of this process of change, but we also think, if you use this to think about, do we want to focus on particular neighborhoods, you would then want to look in more detail at those neighborhoods so we did that using additional secondary data to give us a much more updated sense of housing market change, for example, but things like schools, and other issues in that community, which can help then focus us on who this that community is experiencing the most pressure.

[9:20:09 AM]

So, we did that for the Montopolis neighborhood and the St. John's Coronado Hills neighborhood and we provide that in there as examples how that might be done and of course that would need to be married with more qualitative data and community process to under the situation better. Then we also looked at neighborhoods -- we considered lots of different neighborhoods around the country working to present displacement selected three to focus on in greater depth. We were concerned if we give you a long list of ideas, the so-called best practice list, many of those, there's not a lot of evidence on that yet, it's hard to know how they'll work especially in a different context. It's how to know how they would translate here. So, we looked at these three cases which gave us a better sense of how long it takes that it's about a combination of things that are responding to specific issues in those neighborhoods. So, the Portland case study is one of the -- a younger case than the other two, because we found it particularly interesting, because it was a neighborhood that experienced a lot of demolition and displacement during urban renewal and the community was concerned that people who had been pushed out in the past be able to come back. They were jeeping a right to return policy and it was a very driven approach. The community itself identified and provide or advertised the use of funds for that area and they have an oversight committee that watches very actively how things are working and issues and redirects if it's not working out as intended. The Washington, D.C. Case, Columbia Heights neighborhood, it was less focused on the neighborhood but the end result was so strong. Over 20 percent of the housing is affordable and that's largely because of the city itself that have a very strong set of tools that give tenants a right to purchase their building when it's up for sale that provide technical support and other things that make that a reality for them, and just very active preservation efforts, which we'll talk about some of these ideas in a minute.

[9:22:31 AM]

That one was notable for its outcome and also for how that larger context made that possible. And then finally, we look at our own Guadalupe neighborhood, which we were happy to include something that took place in Texas and took place in Austin, given all of our constraints. But it's a strong case, we think, because it really -- it began in response to an urban renewal, you know, urban revitalization plan, that would have been about the expansion of French litigation that would have come at the expense of the housing in the neighborhood. The community was able to redirect the funds that had gone to that to a community planning effort, develop a plan and they've been working on that plan over time, but also adapting to the changing conditions in their neighborhood. Initially, they were able to buy land, and develop land in the community fairly inexpensively. That's no longer the case. So they've had to modify their approach. So, based on those case studies, a number of themes began to emerge for us. First, a meaningful role for residents is really critical. So, if you're going to focus on areas that are experiencing the most pressure, you really have to understand what's happening there and what would matter to residents there. You know, they have to be involved in setting the priorities that also means that you have to be thinking about the capacity of the community to be involved. Are there local organizations that have the capacity to play a strong role. Will they be able to be involved over time as that group in Portland was. What would it take for that to happen? The second thing is it takes a long time. Most of these groups that had some success, had been working on it for, you know, 20 years in some cases, so, it's not going to happen overnight, but over time, significant change can happen but requires ongoing commitment.

[9:24:37 AM]

Consistency, dedicated groups and people watching what's happening. Act early, so, obviously the earlier you start the easier it will be to purchase land but it also means when the city is doing something

that you know is likely to have an effect on property values in that area, you should be building antidisplacement strategies into those efforts from the beginning. Next, it requires a lot of money. There isn't a cheap way to try and do something about this. We'll talk later. There are cheaper or more expensive things you can do, but it's going to require significant political will and resources to do that, to have an impact. Then finally, you really have to match strategies to local conditions. If we gave you a long list of things, and you just pick some things off that and adopted them. You might -- impacts might be so diverse, it might not add up to much. If you're focusing on specific places and thinking about them, through a community planning effort, then you're going to put together a set of things that's more likely to have an impact over time. So, with that as background, we then started thinking about how are we going to organize the information we have about strategies to help you think about this strategically. First, we looked through a lot of past community reports and resolutions and started out trying to put forward what we thought was a vision statement that represented those processes and derived some goals from those as well. Then we organized the solutions we came up with under a particular goal. If we said the goal is help renters remain in the community, then we grouped all of the things that could do that under them, similarly for home owner, and we also developed a set of criteria you can use to evaluate solutions to help you think through the trade-offs in using different tools.

[9:26:42 AM]

So, the vision statement that we developed was low income residents and persons of color and their children, in historically disadvantaged communities have the opportunity to stay and return to their neighborhoods in the face of rising property values at influx of affluent residents. Over time opportunities remain for new and low income residents that live in the community, and residents have a meaningful role in shaping the future of their neighborhood. So, that all sounds good. Now, how do we work toward that? So, we also developed a list of goals that we thought came out of past work as well. Presenting displacement of renters, presenting displacement of homeowners, retaining existing affordable housing. Planning exclusively to prevent displacement, and enabling the return of those displaced and creating new housing for current and future residents. So, all of these have been put forward as needs but in particular areas we may be prioritizing or focusing on one or more of these goals and not other ones. And just an example how this is laid out in the record. We have, for each goal we then have kind of sub strategies under it, and then we have a list of different ideas. This is just a summary table, but we go through these in more detail in the report with pros and cons for each idea and examples of other places using these. In terms of funding, you said it's going to take quite a bit of funding over time to do this, over a period of years, and the sources we have are generally general revenue. You can do this through the city budget. Tax increment financing, which is what Portland has done. General obligation bonds, Washington, D.C. Uses general revenue, typically, and then density bonus in lieu of fees.

[9:28:54 AM]

So, the criteria we developed to help you understand costs and tradeoffs are the following and these are meant to help you if you're thinking, well, maybe we should adopt this -- use this displacement fund or something we found an example of, and we run through some example of these in more depth. We do a sort of two-page run-through. First, you would want to say which group will this help? Is this a strategy that is aimed more at renters, at family, at home owner, who is this going to work the best for. What stage of gentrification does it best fit. Most things are easier earlier, but there are some that work at later stages as well. Is this a place based strategy, something we can use to really focus on a particular community or is this a citywide thing that we would have to think about doing something more to make

it better work to affect a particular place. Will it serve current or future residents or both. This is a big issue especially if we emphasize future process. Future residents are here now to think for themselves. How are we thinking about what the impact of this will be longer term. How will the voices of vulnerable residents be represented? Some strategies are explicitly about community process and representation. Others are not. You know, there are financial tools or other things where there isn't a clear way that those affected will be represented. What level of funding is required? Is this something that would require a lot of funding on an annual basis, a large amount up front and less over time, or something that doesn't require as much city funding directly? And finally, do we have the capacity to do this currently. So, a lot of things we might recommend might require a strong community role.

[9:30:54 AM]

Significant work by city staff. Do we have those things in place now in does the staff have capacity and the time. Do we have community groups that could do this? These are all things that we would want to think about as we consider particular ideas and this is just an example of how -- of a table that we had that summarized what we found in looking at some of these. We have nine examples that we go through in the report in more depth where we try and answer in some way, provide answers in those particular question. Heather will talk a little about some of the policy highlights.

>> We know this is a lot to digest and there's even more in the report. The report lays out dozens of different policies and strategies that we came across in our research or that have come out of community discussions in the past. But just in the interest of time I want to highlight some policies that stood out to us as promising for consideration here in the city of auguste aren, this by no means touch on all of them. Just in the interest of time we wanted to touch on some of these, first is an idea of homestead preservation center we talk about it on page 66 of the report but this is a center focused on helping vulnerable homeowners being able to stay in their homes, things like helping homeowners who don't have homestead exemption. Sometimes that requires legal assistance. Heirs sometimes need affidavit by an attorney to be able to access constitutionally right to access homestead exemption, provide financial counseling or negotiating payment plans with a tax assessor. A second tool, a bunting of tools is the idea of preservation network and database together with affordable housing preservation anchor in the city to support that. A lot of tools come out of the case study that we did. Networks in databases have been used around the country with focus on subsidized housing stock and identifying what other at-risk properties in that stock and intervening early with those property owners to try to preserve them.

[9:33:06 AM]

This year alone in Austin we have close to 750 low income tossing tax credit properties going through the process of exiting out of that tax credit program. If we were able to go in and replace, subsidize those units that would cost us close to \$70 million for three properties exiting out of that program. D.C. Head great results tracking that inventory and preserving them at a much lower cost to the city. The fourth listed up there comments out of D.C. That's the tenant opportunity to purchase program supported as Liz mentioned the need for tenant capacity building. D.C. Also has -- this is the acronym, top. But they have dopa. District opportunity to purchase act. The city has an opportunity to purchase properties before. When they go on market they have a right of first refusal. That enabled hundreds of tenants to buy or own units in D.C. D.C. Provides a bundle of legal protections and support for pen tenant such as tenant organizing capacity building. They fund \$4 million a year for a tenant -- I wrote down the year. Office of tenant advocate that provides legal support and protection for tenants. Early strategic banking, Liz mentioned that that is key in the Guadalupe neighborhood. I know council had

discussions. I think there may have been a resolution around this but the need to really target early on, to acquire and control as much land as possible in these general free housing communities is critical. Right now, Austin does have a private below market debt fund but we think there's a need for a public-private market fund similar to what they have in Denver to be able to reach lower incomes and provide deeper subsidies in the preservation of affordable rental housing and then the last one up here is the need for community-driven neighborhood scale, displacement mitigation plans.

[9:35:09 AM]

This is, as Liz mentioned, was something that was -- I think you mentioned was done in Portland. It's been a really key part of the New York in the north-northeast. This was a strategy used in the downtown loop neighborhood here in Austin. The work there to preserve permanently -- provide for permanently affordable housing in that neighborhood started out with a neighborhood based plan and city backing behind that plan. These are just snapshots that we wanted to leave with you today.

>> So, we hope the report gives you a framework to identify neighborhoods and groups of residents most vulnerable to displacement as housing costs rise to identify strategies and policies for preventing their displacement and a framework for selecting particular policies. And that's -- and the report, you have the report. And then there are several other items, I think, that you also -- did we hand out the case study?

>> Rose is going to hand out a set that looks similar to this but it's just the case studies.

>> In this report you have the summary version of the case studies but we also have a document that has longer version of the case studies. We also have a methodology -- methodological appendix for the mapping because the intent was that the approach we used to doing the mapping which was based on a study done in Portland and our refinements to that, would be something that the city would be able to maintain over time so you will be able to look and see as conditions change, has the set of neighborhoods that fall into these different categories changed, too. So, that methodological appendix is a separate document and all of these are being posted today or tomorrow, on our website as well. That's it.

[9:37:09 AM]

>> Mayor Adler: Thank you for the report. Obviously really timely. We have several different things that seem to be converging at the same time. This is a really big piece at that. I think that this report, one place this report goes is to the displacement task force that I think are nearing their recommendations, and they'll be coming back to us, I think in November with their report. I think the staff was asked to take a look at the people's plan elements. I think that that is coming back, and this hopefully informs that conversation. I'm not sure there's a more cry right now in the city than for us to figure this out and homelessness challenge that we have in the city. It's a big report and what I like about this report is not only the analysis of where we are, but that the report actually gets to really specific things to try. And you've listed some on the policy highlights here. There's obviously a lot more in the report. I'm taken with two things. The first one is that we have to be really deliberate about using the right strategy in the right place, because it appears as if different strategies would be effective in different neighborhoods in different places with different people and the second one is that there's not a lot of experience for us to draw from. So, in answer to the question, what works, that's a hard question. It appears as if that's a hard question to answer because there's just not a lot of experience of things working. Is that -- are those two conclusions good take aways from this report?

>> I would not be as negative as you, about there not being places doing things that work. It's important to be realistic. It's not realistic you to think a neighborhood would not change, that you would be able to

completely stop the change taking place under a lot of market pressure, but the issue is, can you preserve enough of that community for vulnerable people there, that they still feel like they have a place in that community.

[9:39:26 AM]

And we did find, in our case study, I think we found places that are doing that, or attempting to do that with some success, but it really makes clear that it's not easy, that it takes a lot of different things. It takes a lot of resources and it takes a lot of time and it takes being intentional.

>> Mayor Adler: Mayor pro tem?

>> Thanks so much for all of this really, really interesting work. I'm sure I have a lot of questions but the first thing is the tenant's right to purchase. Which we asked our staff to look at and they asked for an extension through October 31st. We've highlighted some of the issues that arose in Washington. Are there other areas you are aware of that have tenants right to purchase that we could also look to? I think we can learn from d.c.'s example and present that situation from occurring here, but it would also be helpful if you're aware of any other cities that have similar programs.

>> I have to go back -- we researched, through our political program, tenant opportunity to purchase and housing preservation report we dealt with ten year ago. For this report, we didn't look at other cities, we're focused on the three case studies. I remember from that report that we did a review. It's old, but we can look into updating that also.

>> Tovo: Thank you. And so with regard to the city expansion and funding for tenant relocation and counseling, actually that wasn't the one I wanted to focus on. The increased local funding for emergency rental assistance, what are you saying in terms of best practices in other places? Would it be, I guess, my immediate thought in this has come up a few times in the last few weeks. Would be -- would a better strategy be to help partner with the county, or is part of the success of it having it disbursed in different areas, or if we created an emergency rental assistance program?

[9:41:36 AM]

>> Do you want to answer that?

>> You want to go?

>> Seems like there's different levels there. The funding might be county, city, drawn from wherever you can think of. But the implementation might be more effective if it's at these neighborhood centers where people are doing outreach for other reasons anyway, so they are more likely to find out about a situation where they could help someone and those are typically really emergency situations where they are helping someone get through a crisis so they don't get evicted. Once evicted that brings a slew of other problems that make it hard to get rehoused again. It's meant to deal with those kind of situations rather than long term rent increase they can't afford.

>> Thank you. And could you talk a little bit about the right to return policy and how -- how those community, to the extent that you are aware of these details. How they involve the community in tiggig out what those programs look like, and who they serve? And that's alsos is we've asked our staff to look at.

>> The Portland program that is targeted towards the -- it's a collections of neighborhoods in north-northeast Portland that are home to the largest percentage of African-American families and that many, many have been displaced as Liz mentioned. They -- the right to return policy was developed through deep community input. Though the Portland put together very strong community driven antidisplacement plan, and it's a six year plan for creating affordable housing, preserving affordable housing and that right to return was vetted in that plan. They had over a year of meetings, community

engagement. They went out to communities where they thought that members of the community had been displaced to and reached out to them.

[9:43:38 AM]

So that the right to return was embedded in this more comprehensive policy and came out of lots and lots of community conversations. What's interesting, one thing that stood out to us about northeast Portland, is that they also have an oversight committee that is providing ongoing oversight on the implementation on one the right to return policy as well as all of the other policy that is are called for in that plan, and Portland is backing up this plan with \$100 million in funding over a six year period. It's tax increment financing that's been redirected, originally used for revitalization is redirected into housing restoration and development of affordable housing communities. They realized the right to turn policy was not works as it needed to and because of that input the city was able to tinker and modify that policy to work better. So we think that's an important component of any

>> Tovo:how did they change it?

>> One of the problems is lack of education about what -- for the homeownership units, lack of understanding and awareness and as a result frustration from the community that just because you qualify for the right to return program doesn't mean you're guaranteed a homeownership unit and that you still have to go qualify for the mortgage for the unit. And, also, the awareness a lot of the families that were in that program weren't able to qualify for mortgage, so the city needed to do more in terms of down payment assistance so they increased the subsidy providing quite considerably to allow those families to be able to actually afford to buy one of the affordable homes being built.

>> Tovo: Thank you.

>> Renteria: Mayor? Could you explain to me, you know, it's been one of my frustrations about the right to return on our programs that we finance housing development there and when we asked a nonprofit how many people are you bringing back that has roots in the community, they explained to me that they don't -- they can't explain that to me because there's some kind of federal law or -- but is that correct?

[9:46:00 AM]

Where you cannot state that you're going to be bringing people back to the --

>> The right to return policy has to be carefully crafted to not violate the fair housing acts prohibitions on having disparate impact on persons of color as well as further being segregation. So the policies -- Portland's policy was developed very much intentionally with that in mind. It is anchored in providing persons who have been displaced with a right to return, as well as long-time residents, and in that case they've shown in part because the neighborhood now is largely white and wealthier residents, they said, hey, this is not having a disparate impact, it's not hurting persons of color, it's helping. Part of that is that in the past these right of first refusal, right to return policies were anchored in predominantly white neighborhoods and used to keep out persons of color so that's part of what some of that sort of response is to but there's ways to to do it. One neighborhood in Austin has a very successful preference policy for long-term residents.

>> Renteria: That's always been my concern, how is one group able to accomplish that and none of the other housing groups have been able to do that? Have you looked into that?

>> No. Maybe just more -- take more of a sort of legally conservative approach. I don't know. I'm not aware that other community groups were resistant, nonprofits resistant to that but I'm happy to talk in another setting, too, further about that.

>> Renteria: Yeah. I'd like to know if it's going to require resources from the city to have those discussions where we can work with these nonprofit groups that are billing these units and see -- and try to replicate what Guadalupe is doing, which is a very successful program.

>> It is very successful.

>> Renteria: Thank you.

>> Casar: Thanks again for having put this together and all of your hard work and all the people behind you.

[9:48:05 AM]

This is actually really timely because at our housing committee next week we'll be getting a presentation on some of the strategies for investment from our housing development, especially thinking about if the bonds pass they need how is it we develop things like a land acquisition program and utilizing increased funding. I know it's not prescribing a report but in broad strokes with things like a land acquisition program, given extremely highland costs in some parts of the city but lower land costs in some gentrifying parts of the city, how -- did you matrix out sort of the best use of things like utilizing the market and tax credits investor land acquisition and how that sort of breaks down across varying geographies given that we have to do integration work in some parts of town but anti-displacement and anti-gentrification works in others?

>> You're asking did we --

>> Casar: Even though \$100 million is a hundred million dollars more than we had.

[Laughter] It's still as professor ray mentioned, you could -- on three properties spend \$70 million. And so given that even though it will be way more

[indiscernible] Than we previously had, they're so limited, did you guys take a look at compared to if we had still a limited number of land acquisition dollars for example, where those -- how we could best use that tool in a place-based way compared to rhda funding or utilizing tax credits? Does that break down for y'all across geography?

>> We did not break that down but the framework for comparing policies I think gets at that exact question, is your focus on early stage gentrifying -- susceptible gentrifying neighborhoods and concentrating efforts there? Are you focusing on late surveys we don't make those. We lay out a framework for you to be able to compare how you invest your money but we don't break it down especially at that detail, comparing those two specific policies.

[9:50:14 AM]

We do call out the need for concentrated focus. For land banking to be effective at a systemic level it's important to focus on particular communities and engage in a concentrated effort there. Guadalupe, for example, the land banking there was important in part now that's a theory of advanced stage of gentrification, homes there sell for 500,000 a lot, vacant lots for 500,000 or more but back when lots cost ten, \$20,000 back in the '90s, they -- that acquisition allowed them not only to create this long-term permanent affordable housing but also serve as an important tool to prevent development that sort of -- take commercial development that was encroaching into that neighborhood and that would have resulted in the destruction that have entire neighborhood.

>> Casar: Meaning that we're thank. There that they got in early as the gentrification was coming.

>> At a concentrated scale, too, so it wasn't just about creating those units as affordable but they were able to then have a voice and help prevent other sort of lot acquisition that would have resulted in large-scale commercial encroachment into that area.

>> Casar: Because what -- right. What that seems to suggest is that with limited land acquisition dollars we need to be thinking ahead of the curve rather than potentially spending all of it on some places where we wish we had done more 15 or 20 years ago but at that point we have to weigh --

>> The money goes further in early stage but that's for y'all to make that --

>> Casar: Money goes further in early stage rather than late or expensive, while we still have these heavy integration goals in expensive areas.

>> Yes.

>> Jake, were you going add something?

>> Casar: And that goes to my sort of last question, which is useful you have the methodology, but since gentrification is happening so quickly we need to keep these maps up to date so that we know where it is that we should be going.

[9:52:18 AM]

Is that something that's easy -- how hard is that to do? How often do y'all recommend that we're doing that?

[Overlapping speakers]

[Laughter]

>> Yeah I'm the map guy so I'm not talking as much.

>> Casar: That's why I asked a map question.

[Laughter]

>> We -- the fresh batch of census data comes out every year towards the end of the year so that would be a logical time to update everything that -- all this information, and we've designed it to try to make that relatively painless and we estimate that one of your kind of crack team of, you know, mapping people could do that probably about 20 hours or you could hire one of our smart [indiscernible] Students to do it but we very much thought about this as an ongoing tool that you could use in the future.

>> Casar: Great. Then as a last map point reminder to my colleagues they did do a drill down on the St. John Coronado hills area as one of the rapidly gentrifying areas of down where we have over 20 acres of city land, over 1200 survey responses from folks in the area talking about a desire for affordable housing in that gentrifying part of town so I know there's a continued conversation about how we use city property and coordinate with county and other entities to not just get the highest tax dollar out of it. I, again, want to keep our minds on that point.

>> Kitchen: Thank you, all. Couple of questions. This is a wonderful report and I'm looking forward into digging into the detail. Just a couple of quick questions. Let's see. One of them might be for our staff. I'm not sure. I have a question about how the recommendations in here will work with our implementation plan for the strategic housing blueprint because -- I'm just wondering if we'll be looking at them on parallel or if you expect to incorporate this into the implementation plan.

[9:54:21 AM]

Just tell me how they work together.

>> Rosie truelove, director of neighborhood housing and community development. We are anticipating taking the recommendations coming from this study, what we anticipate will come from the anti-displacement task force, looking at other studies that may have come up since we basically had formulated the recommendations in the strategic housing blueprint to try to lay them all out and then come together around hopefully a unique set of recommendations because there are some overlaps in the areas. And our goal is going to be to bring that as a potential amendment to the strategic housing

blueprint so we can get all of the recommendations incorporated into that document when we bring the implementation plan that is currently focused on what's already in the strategic housing blueprint back to council early next year.

>> Kitchen: Okay. Thank you.

>> Mm-hmm.

>> Kitchen: Then my second question is, I wanted to ask more about the right of first refusal because did I hear you right that some city -- in some places the city has a right of first refusal? Does that work together with a tenant right of first refusal?

>> It really is jurisdiction specific. Right of first refusal is actually in terms of cities having a right of first refusal is a lot of cities are using that for subsidized housing developments.

>> Kitchen: Okay.

>> So, for example, our largest affordable housing program is the federal low-income housing tax credit program and many cities around the country do have a policy where they have a right of first refusal. D.C., the district right of first refusal and tenant right of first refusal, I think the tenants get that first right and then the district has the second right. But the tenant, without robust support for tenant organizing and capacity building, that -- the tenant right is not going to be utilized effectively so that's really critical to the tenant opportunity to purchase. But I don't -- that's sort of the extent to which I know how to answer that question.

[9:56:23 AM]

>> Kitchen: Okay. And you may not -- you may not have covered this, your scope may not have covered this, I'm curious in Texas and in Austin if there are legal impediments do you know or is that just specific to the particular property?

>> When we researched this about ten years ago for our housing preservation report we did not come across any impediments for a right of first refusal. You're paying market rates so you're not taking someone's property. You just have that right of first refusal. There's also ways the cities could do that for properties where it's providing incentives or, like, the federal low-income tax housing credit program, the city has to authorize those projects for them to move forward so the city as a condition of giving that approval, say we will also want to have that right of first refusal included.

>> Kitchen: Okay. Then my last question is, I'm wanting to make sure I'm understanding the typology. So I just want to understand how it works together. So am I right in understanding that it's -- you're looking at the vulnerable census tracts, demographic change and housing market change and those are the factors that go into determining the neighborhood typology? Did I understand that right?

>> You did.

>> Kitchen: Okay. So is it -- and if this is a detail I just need to read because I think I'm seeing that there's a procedure, a bates procedure, is that right, for --

>> Yeah. Lisa Bates is a professor from Portland state university and the way we approach the mapping is very closely modeled on her, on a method that she developed, but we did tweak it certain ways for Austin.

>> Kitchen: Okay. I'm really trying to ask and I'm not sure how to ask a higher level question, I'm trying to understand how these factors work together. The most vulnerable census tracts, demographic change and market appreciation.

[9:58:28 AM]

The marketed appreciation I get that. Obviously these are areas where you have the cost of housing really going up high. So I can -- I can intuitively understand how that's a component of the typology. I'm

just trying to understand the demographic change, what is there about that that makes it a component of the typology? And I'm not quite sure I'm understanding what the most vulnerable means. Is my question making sense?

>> It is. There is a table that I think would be very helpful?

>> Kitchen: Okay.

>> -- In answering your question. Needing I am not recalling --

>> Page 24.

>> Page 24.

>> Kitchen: Okay.

>> Yeah. I think -- councilmember, I think that table might go a long way towards clarifying.

>> Kitchen: Okay. So the vulnerability factors is -- okay. So these are -- these tables on 24 -- 25, 26, and 20 -- oh, I see what you're saying, the table on 24.

>> I guess just, you know, at a real high level.

>> Kitchen: Yeah.

>> Some census tracts get classified as vulnerable and those may or may not be gentrifying according to this method and using a combination of demographic change and housing market appreciation, then that may put some of those vulnerable tracts into the gentrification typology.

>> Kitchen: We're looking at a combination of costs going up and losing certain demographics in an area. Is that really what we're --

>> That's right. Then the only other thing to say, and Liz mentioned this in her presentation, but there are some tracts where we don't yet see any housing market change or any demographic change, at least in the official data, right? The official data always laying behind a couple years but that tract may be right next to a tract where that has happened and all the research suggests that gentrification -- it doesn't tend to hopscotch.

[10:00:32 AM]

It tends to kind of build out from existing neighborhoods where it's already happened contiguously. So that's why we have this idea of a susceptible neighborhood that's right next -- that's likely to kind of go next if you will.

>> Kitchen: That's all making sense to me, just helps me to understand from a higher level. So basically because we're having -- I mean, we essentially have housing market appreciation all over the city. So it's a matter of degree and it's also a combination of that and demographic change and then of course paying attention to the volt internal factors.

>> Yeah. Everything here is relative. So everything here is -- in the case of vulnerability and demographic change, it's benchmarked against the five county metro area, and then in the case of housing market appreciation, it's benchmarked against just the city of Austin.

>> Kitchen: Okay. Okay. Thank you.

>> Flannigan: This is a lot of good stuff in here. I also have a lot of questions. To the map guy, there's -- wilco is missing on a lot of your maps, Williamson county, which is in the city of Austin. So the vulnerability map, live map site, demographic change, the housing market has wilco, gentrification, we don't have any

[indiscernible] But missing about 5% of the city, Williamson county is missing on some of your maps.

>> I thought we had fixed that. I'll have to look at it again.

>> Flannigan: If it's in your data, it's not showing up in the live map. So just put it in the map. It's just -- there's a lot of really interesting stuff in here. I don't even know where to begin. One of the things I struggle with is understanding where neighborhood -- when neighborhood change is caused by factors in our control and just the natural turnover of a community.

[10:02:37 AM]

So how are we accounting for, you know, changing because somebody died and the house got sold? Or somebody's life changed and they got a job in another city? Or they decided to move in -- you know, kind of, like, things of choice or life circumstance versus an undesired change.

>> Yeah. Those things happen in any neighborhood in the city?

>> Flannigan: Yeah.

>> It's more the scale that indicates that something is different. The scale, when you put together these different pieces happening at a certain scale, then that suggests a different process. It's not just randomly, you know, a lot of people died and passed their house on or whatever in this neighborhood and we're calling that gentrification or displacement. There's a lot of vulnerable people. There's more of that happening there than elsewhere. There's more housing market change happening there than elsewhere, so it's kind of the combination of these things that make it something different than just those natural, you know, turnover patterns that every community is going to have.

>> Flannigan: Yeah. And I understand that nearly every question we're presented with the answer often says we'll take a lot of money. That's often the answer to many of the questions.

>> Yeah.

>> Flannigan: So I'm curious about the homestead exemption stuff I see in your report, specifically the senior tax freeze, which my understanding of that as a policy really disproportionately benefits areas that are not facing this situation. But more importantly would dramatically undermine the money that we had to address these concerns. So my question is more about is the problem better solved through tax relief, which generally supports homeowners but less so renters? Or should we be more focused -- I mean, there's a ratio here, right? So is it really investment, land, building, subsidy, or is it tax relief?

[10:04:39 AM]

And how should we be thinking about those two options in parallel?

>> Appendix six, not in the hard copy but it's online, does a deep dive into tax relief and flushing out pros and cons and we even go into looking at what the financial benefit of of particular tax relief programs such as homestead exemption or the senior -- I don't think we looked at the senior tax freeze but we looked at the senior tax exemption.

>> Flannigan: S in the booklet here.

>> It's in the booklet but the breakdown of those financial costs. We do highlight very strongly the cons with those policies as benefiting homeowners and likely hurting renters in the city, and we -- so that breakdown is in, again, that appendix. So it's -- that's why we broke things out into different goals, too, because there are definitely vulnerable homeowners out there. And so that's why we call for things like the homestead preservation center and just making sure that people have cause to the current homestead exemptions that are on the books because if you're 65 and older your school district tax is -- that's half of your tax bill is frozen but we know there are very vulnerable homeowners that don't have access to that tool in place at this time.

>> Flannigan: I mean, everyone should access the tools that are available to them.

>> Yes.

>> Flannigan: We shouldn't -- everyone should be leveraging the system to the extent the system is doing what it's supposed to do, but almost by design homestead exemptions are not going to help the vulnerable as much because if we're focused on affordable then that means less expensive which means the tax break is lower, you know, outside of maybe the flat rate exemption when we did slightly raise this year for seniors. So I have concerns about that as a tool in relationship to the funds we lose by doing

that which might be more powerful addressing this concern versus -- so that's one trade-off I'm looking forward to seeing the appendix with the numbers on that.

[10:06:47 AM]

>> Just to be clear, we're not recommending that you use particular tools. We're giving you a lot of ideas to consider. Then we're recommending that you try and focus on the conditions in a particular area and use these criteria to look at exactly the kind of trade-offs.

>> Flannigan: Excellent context. I'm sure someone will point to a single page and paragraph and say that is a recommendation so I'm glad to hear that --

>> I want to be really clear about that because we -- this is a pet peeve of mine, like, you know, they don't take the blame for this, but, you know, I did not want to produce a report where we give you, like, 500 ideas and then you can do three of them and say but we're implementing that report. You know? I think that's -- that's not necessarily gonna help us make progress. You know? We have to think about where and what's going on there and how do we strategically use these things and thoughtfully, you know, consider pros and cons of using them. That was kind of the intent of the way we organized it. So I don't want people to go out there and say but, you know, they listed this idea and, therefore, it's what we should do. Not necessarily. But that's what you guys are -- you know, you have to weigh those trade-offs.

>> Flannigan: That's very helpful context. What -- the other thing that I struggle with is the concept of an existing affordable home in a hot real estate market. And the ability of that home to remain affordable minus owning the land, owning the building, or a tax abatement because the values will just keep going up and so part of this is wealthy buyers are gonna be the only ones who can afford that when the turnover occurs. Tax issues notwithstanding. And the preservation of those homes I don't know how far that gets us to where we want to be. There's some really good stuff in here about -- you know, page 77 and 78 that talk about neighborhood stabilization overlay, residential infill, really interesting about the pros and cons on stringent zoning, where it -- I mean, the pro basically created a strong political statement, didn't really solve a problem.

[10:09:04 AM]

Then the cons I think are the things that we're dealing with, where we don't get denser housing types, where we don't -- we make it more difficult to build the affordable housing when we have restrictive zoning. That's really good stuff. The other thing that I wanted to ask was about the Adu section where it talks about ads as a tool for income for homeowners. Did I -- as I quickly scanned the document being handed it, you know, just moments ago, are ads also a tool for building affordable units on their own? Is that in the --

>> I think they could be. I think we -- the way we wrote it up, we were focusing more on the kind of untapped benefits for existing homeowners to use them. Because specifically we're talking about internal Adu -- what are sometimes called internal ads, which as you know very well are -- that's the kind of Adu that's still really difficult to do in Austin.

>> Flannigan: Yeah.

>> So, you know, a project like that could be 30 or \$50,000 rather than 150 or \$200,000 to build a backyard cottage. So that just struck us as a, you know, relatively painless thing that council could do to, you know -- to create one affordability strategy among many for existing homeowners.

>> Flannigan: Relatively painless. Did everybody hear that?

>> I guess that's easy for me to say.

[Laughter]

>> Flannigan: Thank you.

>> Mayor Adler: Ms. Houston.

>> Houston: First of all, I want to thank each of you for all of this work that you've done and councilmember pool for kind of getting us to make this study happen. So thank you for this. And I really don't have any questions. I guess I need to say from my heart space, mayor, I do have a question. In 2000 we had our first study done on displacement.

[10:11:08 AM]

What do y'all think is the reason why the city has not acted on it in the face of all the data that's been shown over these 18 years? And here you're giving us the same kinds of report. Different data, perhaps, different solutions, but this is not new information that's been presented. What do you think is the -- is it lack of political will to do anything or to even -- again, what is your reasoning for why over 18 years the city has done nothing to address the fact that people are being displaced? I'm just asking the question -- [laughter] And, Heather, you've been doing this a long time.

>> Yeah. I'm Wells Fargo up with -- we willing up with tears, councilmember Houston, I've known you many, many years and we've been working on these issues. Yeah, I think it's lack of Austin -- and we've recently had some amazing efforts at community mobilization and activism we haven't seen in a long time in the city around policing issues, for example, that have resulted in I think some great changes here at city hall. We haven't yet seen that kind of political push that we're I think going to need to really get that -- focus on priority, putting in place, and north, northeast Portland similar to where Austin was and then the community said we had enough. There was a trader Joe's going into the community is that's what put them over the edge, and they led this community grass roots push to say let's reallocate this tif to actually support the community and not further displacement and then that led to the reallocation of a hundred million dollars. But that came from -- ultimately from the community advocating and pushing for that.

>> Renteria: Mayor?

>> Houston: And we also --

>> Renteria: Go ahead.

>> Houston: If I could just finish. But we also talk about how some of the communities that are the most vulnerable don't have the capacity to organize and fight such a political power structure as the city or any municipality.

[10:13:21 AM]

>> Right.

>> Houston: And so, you know, I'm just -- I'm just confounded. Because we're expecting the most vulnerable to do the most work when everybody sees what's happening and yet the people with the most power seem powerless to stop it. So as I guess I'll let councilmember Renteria say his piece. I hope in 18 more years we're not asking for another study because the people that are currently on the edges will be further out and we won't have anybody to study.

>> That's right.

>> Houston: But I thank you for this information. It's great.

>> Thank you.

>> Garza: I had a question about the Adu thing as well. I skimmed it in the book, and I guess I'm concerned about the -- what seemed like this type of Adu is not possible but this type is. And the reason the stand alone one isn't is because of many of our current regulations. And we could make building adus more affordable, and I often seat number of 150,000, but that's assuming a certain size Adu. That

assumes you're going to build about a thousand square foot and I know people have been able to build smaller adus for about half 150. So I guess I just cautious us from -- I continually see that \$150,000 amount and people have been able to build them for significantly less than -- permitted, meeting all of our city restrictions out there. And I guess I just -- I absolutely agree with councilmember Houston, but I would disagree that we have done nothing as a city. But I would say that 10-1 has put us in a different great direction. And I think a lot of the -- it's unfortunate that I think all of us here always want -- we want the same thing, but then there's division on how to get there.

[10:15:31 AM]

There are some of us who believe the supply side of our housing crisis is something we desperately need to address and then there's some of us who say supply and demand does not matter in this issue. So I'd want to add that context to the discussion, that we are -- there have been great things done. There continues to be things people are trying to do. We just haven't been able to figure out how to build a good consensus on which theory, I guess, we subscribe to.

>> Mayor Adler: [Off mic] I'm sorry?

>> Page 71.

>> Mayor Adler: 71? Thank you.

>> Renteria: Mayor.

>> Mayor Adler: Pio.

>> Renteria: I just want to make a comment that, you know, I was on the community development commission and, you know, when those reports -- this report came out we did take action and [indiscernible] Help with the legislators in Houston were able to pass the homestead preservation act and the problem was that we could not get the county and city to agree to amend that. I mean, it's [indiscernible] So we and we didn't pass it and -- until 10-1 came in and that was just three and a half years ago. And we're just barely [indiscernible] Now starting to see the fruit of that. And, you know, land trust is very powerful tool. You know, we didn't have land trust, we wouldn't have -- we build houses there in [indiscernible] For people, costing \$80,000 but when the market exploded these people just sold their house because they realized a good return plus the value of their property had gotten so high they couldn't afford the taxes anymore.

[10:17:32 AM]

So we did do a lot. We just lost a lot. We had opportunities to build hundreds of acres in south Austin, Texas, when they were pushing to buy that property, and we didn't. So we let it slip by us. But the will wasn't there. I want to say that we did do a lot. We just -- we didn't have

[indiscernible] So we lost it, you know, value goes up, low-income people cannot afford -- they have to make a decision, whether to pay their taxes and not eat or sell the home, make money and go further out and buy a cheaper home. So that's what really happened higher in Austin. And with the 10-1 now we're changing that, you know, we're [indiscernible] \$250 million bond the council did, the citizens of Austin will support us because we know that we have a housing crisis and so people out there, I just hope that we can do a lot more. I'm pretty sure with the leadership that we have now and our staff that welcome publish a lot more, but I know that there's still gonna be a lot of unmet need out there that we're not going to be able to get to because of the high cost that's associated and the lack of support at the state government has shown. But we're gonna keep on working on this.

>> Mayor Adler: I'd like to know if you can just talk to -- and give us some kind of outline on what happens next? How do we actually use this? And how do we get to action on this? There are several

things like you said earlier that all seem to be happening at the same time. We have this report. We have the task force giving us a report back in November.

[10:19:35 AM]

We have the implementation plan that Ann mentioned for the blueprint. We have resolutions that council has adopted that say look at these particular six tracts of land, how do we move to doing those? The school district has reached out to entertain conversations about using some of their land if we put housing on it. We have the bond that's coming up and the review that's happening in the housing committee. We have the people's plan that's being reviewed and staff coming back to that, and then we have the rider that was passed as part of the budget that said that we wanted staff to look at this issue with the same urgency that we did the mobility bond, including using some of the money to build capacity if needed to really be able to do something. And I think it goes to the point that several members of the council, probably all after us have made at different points in time, and Ms. Houston's, which is how do we actually turn this into a very specific actionable plan, the same way we did with the mobility deal? So assessing that and coming back to us I think would be really helpful.

>> Mayor, councilmembers, I appreciate you saying that because that's exactly what we're hoping to do. This is a confluence of a number of studies and information and requests for staff inputs that all resolve around the same themes we've been discussing today. Director truelove just mentioned the first next step, which is to bring it in front of the housing committee, as they look at the blueprint and potential amendments to that blueprint because we do want to make sure that there is alignment between the different information that we are receiving from these different sources. So that's step one.

>> Mayor Adler: Okay. Then the same thing I'd add is in addition to what mayor pro tem pointed out about ads, discussion of ads on page 122 in case anybody watching this, as Delia pointed out.

[10:21:40 AM]

My last question is, did you take a look at all on that question of supply?

>> We didn't really do that because we decided we were going to focus on particular [indiscernible] So we didn't really -- and when we began this, you know, the land development code conversation was going on so we didn't really go knee that. And we can't look at, you know, another thing we could have looked at is what about neighborhoods that have been historically exclusionary. We kind of kept our focus on neighborhoods where we thought there was a high risk of people being displaced. Ann --

>> Garza: Just to his point, it's number 6 on the goals, create new housing for current and future residents.

>> Yeah. But we were thinking about that within -- you know, within the context of these particular neighborhoods rather than kind of the citywide supply issue.

>> Mayor Adler: Ann.

>> Kitchen: I think you may have answered one of my questions. So the question that I was going to ask. I wanted to remind us all that -- that this is critical and we need to focus here. But it doesn't answer the - - but there's more to the housing issue, which I think you just said. In other words, this tells us -- it helps us understand what we can do about the areas that are at risk. It doesn't speak to the need for housing all over the city. It doesn't speak to our goal that we want affordable housing all over the city. And it doesn't mean that the areas that aren't in the neighborhood typology aren't areas that we also need to consider how we preserve affordable housing, how we have more affordable housing, all those kinds of things. So I just wanted to remind us all because we've got to use all the tools in the toolbox and think about the whole city.

[10:23:42 AM]

The reason that struck me is because, you know, the map that -- it's so visual, the demographic change map that reflects what we all know, is the central city is really that core all around the -- and stretching out around downtown is really not affordable in a lot of ways for a lot of people. And so it doesn't mean that we don't look at those areas when thinking about strategies, look for more housing that's available or strategies for people to move in or stay there. It just means that we have an opportunity that we don't want to lose in terms of the areas that are rapidly displacing and are at risk for displacing. Is that the -- did I characterize the way you were talking about the -- what this focuses on and what it doesn't?

>> Yes.

>> Kitchen: Did I get that right? Okay. All right. Then my last question is then, will we -- maybe you guys have already done this. In terms of the other -- we have a number of boards and commissions. Have y'all presented to them or are you going to? Is that part of your process? I'm thinking specifically the senior commission and there may be other commissions too that are appropriate. I don't know if that's part of your process or not.

>> We've presented to the anti-displacement task force on a Friday but really this report arrived off the press yesterday afternoon so we were engaged in a number of different community presentations also. We're presenting at imagine Austin series for the October meeting to staff and then there's a public meeting that night and we look forward to definitely getting the word out and sharing this with the boards and commissions and other interested stakeholders.

>> Councilmember kitchen, just while we were sitting here we were brainstorming about different commissions that might benefit from our presentation, including the CDC. So if there are other recommendation it's might take us some -- and if our presenters and study performers are willing, I think it might take us a few months to get through all of the presentations that might be requested, but we're happy to try to work to coordinate those.

[10:25:46 AM]

>> Kitchen: I guess what I'm asking is I don't know if you worked with any of the commissions as part of this scope. Probably that would have been too broad for the scope. But I'm particularly interested in the senior commission.

>> Yeah, I met with J.B. Micester, that commission, who gave us feedback to do a more nuanced focus around what's happening with tax delinquencies, so we have been in conversation with her and Jake. You met with the commissioner --

>> I presented in front of them midstream.

>> Kitchen: That's great. It's just a matter of scoping. If it's within y'all's scope to go back with your report, that would be great. I understand there's a whole lot of commissions so it may not be within your scope. Thank you.

>> Mayor Adler: Okay. Councilmember troxclair.

>> Troxclair: I just wanted to mention in response to councilmember Flannigan's comments earlier that it doesn't have to be either/or, the way that you presented it made it sound like if we did a homestead exemption or a senior exemption or a tax freeze that we couldn't do these other things and that really we were only having one pot of money to choose. And I just wanted to point out that a lot of these things aren't mutually exclusive, exactly the opposite actually, that really probably

[indiscernible] Things on this list need to be done in conjunction. But when we're talking about the scope of a \$1 billion budget and all of the programs and activities that the city spends money on, it really

might just be shifting our focus and prioritizing a lot of these things on the list rather than talking about it in an exclusionary or either/or fashion.

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: Thanks. I want to thank Heather and Liz and Jake for all this really good work that you guys did over the last few months, and really, really appreciate it.

[10:27:47 AM]

I think when I first brought this resolution to the council, gosh, I guess it was last fall, when Louisa first started with you about this, Liz, the context and the construct we were working in was really, really different than it is now. And specifically codenext was ramping up at that point and coming to the various boards and commissions and then to us. And we tried to structure your work specifically so that it could -- no matter what direction that land development code rewrite might take would still be relevant. And the piece that I don't want to lose in this conversation, it's only been touched on a little bit by Jake, is the mapping. That is actually a tool. It's an application. It's a piece that will live, I hope, far into the future that our staff will be able to work on -- keep it up to date so that we can look at various neighborhoods around the city no matter what year it is or what our economy is doing to us to see how change has occurred and using what I expect -- and I haven't tested it or tried it yet, is a robust tool that you've crafted for us that we'll be able to track the changes in the valuations around the city, and then we can use that really smart data in our decisions and see where trends are emerging or where they are kind of playing out and take strategic actions and build our policies around what's actually happening on the ground. And councilmember Houston is right, all of us know there are so many studies over the last decade and more of that focused on housing here in Austin, but what we haven't had was this tool, this application, the software piece sew I want to -- maybe Jake could talk just a little bit more about what is in that, how he crafted it and what that actual application will bring to the work of the city.

[10:29:55 AM]

Because, again, I think that's the piece that will have hopefully a really robust future.

>> Well, just to give one example, and I hope this speaks to your question, but I'm gonna be -- it's gonna have to be via phone but I'm going to be meeting with nhcd this coming week just to explore I guess staff is beginning to look at the idea of perhaps using the map as one of the criteria for allocating rhda funds. So that's just maybe a specific example of how the map could--

>> What's an rhda?

>> I'm trying to remember.

>> Rent housing development assistance.

>> Thank you.

>> Pool: And just to say as far as economists go and lawyers there's all kinds of theories and beliefs and structures and studies and histories of development of lines of thought, and there's all kinds of different interpretations of them. And so there isn't just one definition of supply or supply and demand or any of those other economic areas of study, and so I expect that there's likely a lot of difference and variation even just on this dais about how different levers in our economy affect people where they live. There isn't just one, one way. And you guys probably work in economics at some -- at some level. And I think we probably have all learned a little bit of our economics 101 and so forth, but I just want to say there isn't just one definition of how supply and demand works on the ground.

>> Mayor Adler: So Jay and then we'll move on to the next thing -- or Delia.

>> Garza: No.

>> Mayor Adler: Jimmy and then we'll move on to the next thing.

>> Flannigan: Just to councilmember troxclair's point, obviously we can shift money around but I think as a realistic reminder for the community, 70% of that budget going to public safety kind of limits our ability to shift things around.

[10:32:01 AM]

It's not an entirely fungible budget, but the numbers for especially the tax freeze I think are pretty dramatic when you think about that over time. But we'll play with the numbers and see where that goes. And I just want to reiterate the comments from the mayor and councilmember kitchen and others about the impact on how we develop in other parts of town and how that impacts these areas. You know, we just passed a neighborhood plan for north shoal creek that is neither vulnerable nor gentrifying so what that means to me is that we spent resources, staff resources and time, doing the community and neighborhood outreach in a part of town not facing gentrification. So maybe we shouldn't repeat that mistake and we should be -- if we're going -- that the engagement piece is so critical, focusing on areas that are -- as you've laid out, I think are going to be important but it also -- we still have to as a council answer this question somehow about the land use choices we make either in code or in practice in other parts of town and how they affect the parts of town that are dealing with these issues. And as councilmember Houston has said in the past and I often repeat and I always credit her when I do, how we -- when we grow our neighborhoods, how do we build homes and not space ships because what I find people really get frustrated about when they look down their street and stop seeing homes and start seeing space ships, and when you look at neighborhoods that changed but didn't grow, didn't add as many people, but all the buildings changed, we've got nothing for that. At least if we're getting space ships we should be moving into the future.

[Laughter] But we're not. And then you see districts like mine and councilmember kitchen's which we got a study last year I think that showed our two districts added the most population over the last however many, five years, whatever that study was, and at least in my case and I think probably in yours, councilmember, it was through green field development and brand-new stuff happening on the outer edges of our districts and that's not -- that's exacerbating the transportation costs and other folks, as people move forward.

[10:34:12 AM]

And I was glad to see on page 77 and 78 your reference to the planning commission's concept of the anti-mcmansion plus or however the planning commission put that together which said if you're going to redevelop reduce the size of what a single-family home could be and if you're going bigger you got to do multiple units and if you get to a certain threshold -- I was glad to see that in there because I think it will be one of our most powerful policy tools moving forward.

>> Mayor Adler: Thank you. Let's talk about dockless mobility. I understand, manager, this is going to be a pretty brief presentation, that the better, more in-depth presentation is going to be at the mobility committee in October. We almost pulled this down entirely because it's going to be the mobility committee but because this was being discussed so much in the community we thought we would at least touch on it briefly with pointing toward that meeting in October so that the community would understand that's really where the -- subsubstantively we'll begin to address this but at a high level tell us where we are and the presentation is now yours.

>> Yes, sir, Mr. Mayor --

>> I was going to say you're absolutely right, mayor, this is a high-level discussion, teeing up questions that we want to be ensuring that the mobility committee and others are tackling because of the dialogue that we're having within our community. And so the more that we as a policy body get in front

of this and know the questions we need to be asking ourselves as we move forward, this is the idea to share what information we have at this point, understand what information that council might be wanting to get from us as staff in the future and then tee up those discussions for -- up for a future time.

[10:36:13 AM]

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: Yes, this is coming up at the mobility committee. I do want to say, though, as we start this conversation that there is a sense of urgency at least about some of these things. And so I'd be happy to hear -- you know, we want to really dig into this in mobility committee, but we don't want the committee to cause a delay on anything that could happen more quickly. So I just ask -- you know, I ask for our staff to keep that in mind, if there's something that we should do immediately. Now, the mobility committee meeting is coming up pretty soon, but it is still, I don't know, two weeks away. I forget exactly. So in any case, just I would just ask that our staff keep in mind if there's something that they think we should move more quickly on. Thank you.

>> Thank you. Jason John Michael, assistant director, smart mobility for Austin transportation department. Thank you for your time and service. I'll let the guys also introduce themselves so we get that out of the way.

>> Jacob Culverson, division manager for mobility services, atd.

>> Jason Redfern, parking enterprise manager, Austin transportation department.

>> Okay. Today in our agenda -- thank you. What we're going to talking about is the current program status, definition of what mobility as a service is, what we're currently experiencing with that, where we see this particular mode really affecting change, and the short trip area, some statistics around use and safety, our -- an update on our 3-part management model, the collaboration that we're doing amongst all of the city departments, next steps in the rules update to give you an idea of what's coming as far as that. There's a lot of dates out there, as far as the schedule goes on that, and then a broader policy landscape and open it up for any discussion or questions.

[10:38:15 AM]

So without further ado, we are approximately -- we are in the fourth month of a dockless mobility rolling program, 6-month program. The numbers you see up there have slightly changed as of this morning, but they're pretty close so I think the number of scooters now is 3,521. They represent -- they serve an area of roughly 33 square miles, that's the downtown area, project coordination zone, and the adjacent Zones outside of that area. We already have a mobility as a service solution in town, and just quickly, in smart mobility, docked bicycle systems were always seen as sort of the foundational cornerstone of an each shared transportation network. In the 2017 smart mobility roadmap that was adopted by council, we laid out in the shared mobility space item number 5 was to launch a shared scooter, electric scooter system. So we're -- in a way the entire marketplace as well has been paying attention to our city as well as other cities that have these roadmaps. So what we've seen is that natural progression, the private sector is starting to listen to what we have to say. Our b-cycle system is strong and will remain part of the overall landscape as a foundational element of a shared active transportation system. It's a little over five years old. As you see with the stats there we've done about a million trips thus far under that five-year time frame. So as you can see, the -- in shared active transportation there are pieces and parts to that but really it's about don't forget that there's one key element that sometimes we forget when we're talking about that and that is pedestrian travel associated with a shared active transportation

system. We were born with the ability to hopefully move around, and so we do that through our own human elements, whether that's with our feet or with our hands or other ways.

[10:40:25 AM]

So mobility as a service is really where you take

[indiscernible] Demand and you connect it to a private sector supply. And that's what we've started to see with vehicular modes in years past. We're starting to see now with scooters, bicycles, car to go fits in this model as well. So we'll continue to see additional advances and new inventions happen in both the vehicular space as well as the bicycle scooter active transportation space and then even probably some new mobility, little bitty pods and other things like that we're expecting, and all of those are being vertically integrated the last arrow, to you and everyone, because those are the services private sector is beginning to offer to everyone who wants to take advantage of those. So what we're talking about is how we catch where would that scooter action be? And it really falls within what's known as the short trip area of any city. What you see in front of you is a heat map that shows different short trip that's been done by car, through different study, obviously, the downtown core being the highest. In fact it's exponentially higher in the downtown core than in other areas. And, you know, if we can find ways through mobility as a service to begin giving people options, to not use a car in order to do that short trip downtown, than this may be a particular solution to fit into that overall paradigm. So in the downtown core, it's about 75 times more concentrated for short trips than the area around it. So we're looking at anywhere between 20 to 30,000 short trips versus the areas adjacent to that big magenta dot and around zero to 500, to put it in perspective.

[10:42:30 AM]

And on the next slide, that's kind of what we're hoping to see. This slide represents short trip mode split. So this is a graphical representation of what modes are used for the distance of trip that's being taken. If you hit the slide again. The bicycle plan is trying to attain the green bar area, so this is where we believe that, you know, roughly 15% of the trips, less than 3 miles, could be captured through the Austin bicycle plan. And I bring that to bear because that plan would put into place -- or continue to put in place the infrastructure needed to allow more safe riding in areas other than the sidewalk. The plan also uses a short trip capture targets and information on existing short trip travel commands to conservatively estimate the number of short trips that would be captured from the right types of infrastructure improvements, so really our next piece, that gray hatched area is the area that we're currently gathering all of our data, and we'll begin plotting this over time so that we can understand use characteristics around the dockless system so we can find out where in this overall graph that fits. So, you know, ultimately what we're hoping to see is that those trips are in some way coordinated with the higher use of transit. What we have noticed anecdotally thus far in our three months of experience is that there's a lot of scooter parking happening in and around the capital metro bus stops to the point where there's issues with that, as far as people being able to properly get on and off the bus, et cetera. So there's a lot of use around transit and we're very interested in studying more of that to understand how that may be able to incentivize more transit use in the future for a lot of these -- if people are using them for short trips to get to transit for longer hauls then there's a great way to handle our first mile solution or last mile solution.

[10:44:40 AM]

We do want to work with capital metro to better understand what they're experiencing from the cap remap, figure out how we can maybe use different solutions to help with that. Next slide. So in all of this is the expansion of the shared active transportation system. So once the dockless system -- or dockless providers arrived in town in spring, we began seeing a noticeable increase in the number of active transportation riders in the Austin transportation landscape. We continue to expand the Austin b-cycle system, again, as that foundational cornerstone. And what we've noticed and we've begun working on is an enforcement and education campaign. So we're currently reaching out with our different stakeholders in both -- in law enforcement, parks, other places, so that we can begin understanding how our street team enforcement operation can assist with what we do downtown and then also what we learn from that and how that may be able to be useful information for other departments that have enforcement teams as well. The transportation demander management team at Austin transportation department will likely be the team that will do all of the community -- or help with all the community outreach with assistance from our Pio team. The reason being is that that particular group of professionals is the ones that continuously interface with the public and with users of our transportation system, so it's a great way to carry forward some already existing customer channels, I'll call them. And as part of that, that's what we need in order to really optimize the next steps in dockless mobility. We need to pivot with what we're seeing as far as use, and that's not as much the -- we need to find ways to incentivize and help our private sector partners to help us reach our collective customer, which is the rider who wants to use this on our -- in our landscape.

[10:46:53 AM]

And we need to find ways to help make sure that they're doing so ethically and responsible the rules update, which we'll talk about in the future, lays out kind of some of our opportunities to touch that. And then part of that overall solution is to continuously increase the number of parking, scooter parking that we have. We're trying to right size that through a different push button contract that we're negotiating at the moment. And more than not, begin understanding the crash types and causes, which we'll get to in a second. And then, finally, accelerate the network completion from the 2016 bond program related to the bicycle network. We give them a safer place to ride, then it's likely there will be less issues. So what are we seeing as far as numbers? You may have heard, but these are starkingly large numbers. What you see in front of you is the number of trips, total distance, average trip length, and total number of trips or average number of trips, I'm sorry, with the number of devices that are listed. So when this was done, this is from July, this is just the month of July, they round it to the nearest 100. As you can see between exports bicycles in the dockless program they generated over 137,000 trips. Those trips averaged one and a half miles. That is a significant amount of trip generation. To put it in perspective, the b-cycle system in July did little over 10,000 trips. We're currently mapping vmt so we can get a better understanding of what that is. But it's safe to say that these are very, very, very popular form of short trip mobility. And the predominant use is in the downtown, in the French.

[10:48:54 AM]

Moving forward, we're going to continue to obviously track these numbers and begin understanding any trend analysis that associates with it, but being that we're three months in, we're really getting exactly what we have as of about a week ago. We are all learning together, including the private sector and ultimately the riders out there too. We are neglects as our street teams begin intercepting folks that simple things like, oh, you mean I should have parked it over sneer I didn't even think about that. So there's a level of education that will have to be done that will help with all of that, and the street team and folks we have out on the street everyday are really the ones that will help carry that message

forward. From a safety perspective, let's talk about safety, there's been a lot of anecdotal conversations out there around how bad this particular mode may be. I am -- that jury is still out. I do not believe that with what little data we have in three months worth of operation is enough to say that we have enough data to go on to make a sound decision right now. We've responded to about 28 crashes involving dockless scooters. I just received a note from -- and we do have represents from Austin public health as well as other departments

[indiscernible] [No audio] -- Crashes every two weeks. If you go to the next slide, this information is from the txdot Kris database, statewide database of record for all crashes. And what you see? Front of you is no one is currently -- has the correct taxonomy in their systems to track this so a lot of the work that's been done, I really have to hand it to all of our public safety database administrators and all of the staff at Austin public health and Travis county ems because they actually had to go through and read every narrative of every incident report to be able to get the information that we have today.

[10:51:06 AM]

So going forward we're going to be working with those folks, Austin public health is already -- we've already started that conversation about creating a standard epidemiology type of approach to this so that we can begin tracking things from incident all the way to hospital and back. But what you see in front of you, obviously, we're -- we still need to move the needle in motor vehicle fatalities, especially those involving pedestrians, what you see there on the third line. Both bicycles and scooters. Still represent a statistically lower amount of incidents than others. However okay, we would probably begin to see this uptick as this new mode begins to take more popularity. Any time you add any new mode to any transportation landscape, there's gonna be a level of frictional elements before there's a right size and sort of the dust settles, right? Being someone who launched many light rail programs across the country, it never failed that you always had an incident within the first couple weeks of launching a light rail. That's a train on a guide rail. And people still seem to walk in front of it. So, you know, a lot of what we need to do is get more people oriented, more drivers, more people that are driving cars oriented around how to be safe vehicle drivers amongst vulnerable road users and that I think involves a lot of additional education that will need to be done. And luckily we've a vision zero program to help with overall safety. We launched the community survey about a month ago. I think it's one of the largest responses of surveys that we've seen in a month. We saw over 9500 responses inside a little over 30 days. That was about -- from that, we began chopping apart that data and what we noticed was there's about 50/50 as far as like or.

[10:53:11 AM]

>> Flannigan: Just a general question, but when we dug into that question what we learned is that some of the people that dislike, dislike because there's -- apparently there's enough latent demand that these are used so much that people are being stranded for their return trip, from lunch or whatever, so there's a lot of -- of the 50% that are unfavorable, some of those are actually in favor of dockless but unfavorable of the way that we're approaching it. 65% of the residents have tried or would like to try a dockless unit. Mostly work and leisure trips, about 30% of that, especially inside the core. We noticed the majority of the trips happen in and around lunch hour. So not sure how those people were getting around before, but they're using a lot of scooters today. Two-thirds feel that dockless mobility has made it a little easier and faster to get around. Another two-thirds agree that scooters are often parked in an area that's in their way. So very interesting and stark dichotomy there. People prefer to ride in protected bike lanes or an urban trails. And they'll be more likely to use dockless if there was a connected network. So in closing, I think that most respondents have found they probably can continue to take their primary

mode was the question, and of that most of those mobile drivers are driving vehicles today. And then followed by walking. So hopefully what we'll see as we continue to do these types of surveys is to understand how the communities use, as well as value of this particular mode changes over time. From that survey and through 311 issues and concerns, we were able to track all of that, and so what you see in front of you is the number of 311 calls per district.

[10:55:25 AM]

We've seen a little over 417 since we launched. The majority of those are around parking or drops in the morning. Business owners not wanting units dropped in front of their businesses. And we've been working with the vendors in order to alleviate and mitigate that. And then also the -- a general amount of questions about both the program, its rules, how to use one, some questions about how do I get them in my neighborhood, et cetera. Our three-part management model continues to evolve. It involves most of the divisions inside atd, as well as agencies outside of our department. That model involves the licensure and regulation that we have in front of us that we did in April. We're currently finding ways to mitigate bad parking and find ways to mitigate improper blockage of Ada access. More parking needs to be done. And then finally the enforcement and education component that we're about to launch. In order to do that, we need some way to track where these things are, and so we've been hard at work in three months. About as hard as it was to get the ordinance put into place. And so we are currently -- we have -- we are a ride report city. We currently have a relationship with a third party called ride report, which our active transportation department was using to understand and get feedback about usage of our current trail and bike network. And then where -- areas where they would like to see that. So it was a crowd source kind of thing. It was a platform out in the cloud. That particular third party obviously noticed what was going on and began three months ago working with the private sector companies to develop apis or application programming ordinance faces to be able to through their website and their dashboard and map help cities like ourselves be able to notice and know where each one of the devices are, who owns what and, more importantly, we can begin drilling down into other information.

[10:57:44 AM]

So what this map shows, what -- just a screenshot, if you -- you'll notice that we're really focused in on the dapsi area from interest this did and what you see is the total number of devices. The company ride report is trying to get api developed for all of the riders currently in Austin that we have apis for the ones that you see listed there, which are the two scooter companies and the -- one of the dockless bike companies. So we can show all the licensed operators, as well as location of their devices and then the total number in one area. Going forward, this dashboard will probably be used to further handle compliance and enforcement issues. So we want to leverage that digital enforcement because that seems to be the means by which we can get access to the rider. So this involves a little bit of everyone in order to make this really where we have it today, and I honestly believe in the city of Austin we continue to take off bite-sized chunks of this and learn and grow as we continue to move. So from a safety enforcement, accessibility and education componentry we're really look at all the different agencies involved and I must hand it out to Austin 311 for all of the hard work that they did. They really stopped the presses and made some immediate changes for us in order to make sure that we could start collecting the data as well as begin to pivot about what we're seeing out in the street as well. Not to say that no one else is doing all that they can or if not more. We appreciate everyone's help. So where we are as far as the rules and process, in about a week -- [no audio] -- We're going to do a red-lined version of the current rules, so the ordinance, rules, et cetera -- I'm sorry, not the orientation but the rules.

[10:59:55 AM]

And rather than put out what we set into place in April, we already know there's some things we want to change, and I'd rather get people to comment on that. So we're gonna do a red-line of those rules, of what we intend to put out, and then take comment over a 31-day period of that. So, in the midst of the comment period. One of the things we confirmed was the seniors on the 9th that's not shown here and 11th with the mobility committee. Around mid-november, I believe the 30-day appeals process begins mid to late. The reason these days not hard, is because there's two week comment periods in between. There's an opportunity for appeal processes and we have to keep it open long enough for appeals to come in. With all of that in place, it's a little liquid and it moves in this order. Early December, we'll start the appeals process -- we'll close the appeals process. So looking at somewhere in early January for a final final rules adoption. So, last but not least, everything that we've experienced collectively as a community, as a village here today, in the last three months, has brought us to the point where we are just R discussing now. Are there certain Poland scape things that we need to take into consideration, being that the complete street design, and our policies around the programs. Speed and riding location management. In we're going to find ways to govern speeds, these things can be governed, but it requires some technology to make ready in order to happen.

[11:02:00 AM]

Questions begin to arise, how does that happen, who pays for that, et cetera, and finally, where are those investments and how much does the city make versus how much does the private sector take on themselves in order to continue to deliver this service. And with that, that closes our presentation.

>> Mayor Adler: Okay. Any quick comments before we move on since this is really the next process? I would point out two observations. The first one is obviously this is an issue a lot of people are talking about in classic Austin fashion. Everybody seems to have a strong opinion on this and your results show that it's 50/50 in terms of people who like it and don't like it. But I love this city, and you also see that with best practices, I thought that in California right now, in L.A., their policy is that these things don't belong on sidewalks. So, you have to get off the sidewalks and you have to be in the roads, and Denver has exactly 180-degree policy, and is ticketing people that are in roads if they are not riding them on the sidewalks. So, good luck, I do like the fact that we're doing this in an iterative pivoting process as we learn and we get the data, so that we're innovating with the regulations as the market and disruptive technologies iterate as well. Miss Houston?

>> Houston: Thank you. That was very interesting. I've got a couple of question, on slide 7, you're talking about the car trips, the ones that are downtown, and is that from -- car trips originating in downtown, going into downtown? Is that people coming from outside of downtown into downtown?

>> Those are the short trips that originate and stop within three miles of downtown.

>> Houston: Inside of downtown.

>> Yes, ma'am.

>> Houston: My second question, I live very close to the university of Texas, in walking distance, and are you all coordinating with the university of Texas?

[11:04:07 AM]

Because I didn't see them this any of your information and I know we've got more than 50 -- on district 1, maybe people aren't calling, but we've got a lot of long and short trips from the university of Texas. So, what is your coordination with the police over there, or getting data from the U.T. Area?

>> We are. And thank you for that. We won't miss that omission again. We are working with Bobby in the transportation group over at U.T. To understand where -- what use they're seeing on campus and how that correlates to what use we see, but for the most part they are adopting and Jason can go in a lot more detail, but they are adopting our ordinance for the most part. How they are proceeding with how they go about permitting units to operate on campus is different.

>> Houston: And I guess it's -- are they going to be able to give us, or would you be able to give us the same kind of data from them that you gave us from downtown? Because I think that's the next largest group of people who are using the dockless scooters and bicycles. And they just leave them everywhere.

>> Yes, ma'am.

>> Houston: On the last page where you were talking about places, other permissions to talk to, people with disabilities, they have been very concerned about not having access to sidewalks, and so that needs to be a part of your communication as well. So, do we have fines set for these folks if they -- if somebody is breaking the law, how do we know that and what happens to them? Do they get a fine? Does an officer give them a ticket? What's --

>> I'll start and then I'll hand it over to Jason. So, first, to the disability question. I forget to include the slide that included everybody. We just met with mayor's commission on people with disabilities last week, Friday, when the rain storm was happening.

[11:06:17 AM]

And we'll continue to touch with everyone as we move through the process, especially around the comment period. That's when most of the committees and commissions already have a level of feedback and followup of, hey, are you going to come back and talk to us? It's this process and obviously we will. To your point of fines, currently with the way we currently have things built out, the fines are to the company for their devices being improperly parked or including Ada. That's how we're handling it. That's part of the impound fee associated with that. The next steps is to better understand what we need to do about enforcing the rider for proper ethics and traffic law associated with the rider. I really think the dashboard you saw earlier is that digital means to be able to find out where people are riding or parking inappropriately and what to do about that. Each company has already done something in that regard in order to pivot with u-and that's an interesting part about all of this. Is how, this time around the private sector really understands that in order to be successful, they have to be successful in a city landscape and they really want to find way us to partner with us, open up those discussions so they can continue to pivot and iterate along with us on this. It's not just us iterating what they're doing, we're trying to do it together. Both of the scooter companies have different ways to begin validating or verifying that their people are putting -- the last user put things up approachly properly. Or maybe they didn't. It will be interesting to see what happens past that. Part of it is taking a picture, when you end the ride you have to take a picture of where you park. That's the beginning of what will be a lot of unique opportunities to understand how people can be better, more -- this was used in a different presentation on something completely different, but more geometrically sound, as a human, in the transportation landscape.

[11:08:25 AM]

In other words, how much space you take up, and the speed at which you do that needs to be a personal responsibility of us all, and I think that's how things really beginning to change as far as the new mobility and landscape -- our landscape of transportation rule will continue to change over the next 20 years.

>> And I've got two last questions. Your street team that's going to educate people, how is that supposed to happen? Are they going to be out on scooters, talking to people, or what?

>> It's a begun enforcement education. I'll let Jason talk about that.

>> It will be a combination of atd staff, hired staff and the Austin police department. They will be in high key traffic locations. They'll notice behavior that, hey, maybe they are riding down the bike lane the wrong way. They'll be stopped. They will be educated. They will be told, hey, look, this is the appropriate etiquette, this is the appropriate actions you'll be taking so we've got I think around four to six opportunities to do those street team education --

>> Houston: So, that's just kind of a one on one. What about mass education?

>> I think that's where we get our Pio team out there to get some great photos so we can launch our Twitter campaign about good parking, bad parking. We've seen that used in other towns where just that level of education, oh, I didn't realize that I was including Ada. Now I do and now I'll do something about it. I think that's part of it. I think it's really interesting the aloofness and I really kind of alluded to that in that last statement but the aloofness of the rider. These are people who haven't been normally riding bikes, you know? And are getting around in this way. And so they are truly novice users and they don't understand their impact yet and I think that's part of what our Pio team will help educate those people to understand what type of impact they're having and how that impact can be construed as negative impact and what they can do to make it positive.

[11:10:37 AM]

Hths so I've already been in touch with chief Carda at the university of Texas because I have so much of that in my district and people live further out that you all are capturing that go to U.T. If anything you can do the district 1 office to help you try to get the word out, he's give us a call and we'll try to do that. My last question on slide 19, we already have a complete street design, what does this mean?

>> I think when this was done, dockless scooters were not taken into consideration necessarily. The way these things are used and how people use them as they traverse crosswalks, for instance, has a level of impact that we are just beginning to understand, and I think we are beginning to track or pay attention to what if there's anything we can do in the overall design of the landscape to either help protect vulnerable users or separate vulnerable road users from other vehicular means. Is the method by which people use these right now is very unpredictable I think would be the correct word.

>> I would agree with that. In lay person's talk. Identifying a separate lane for scooters to be in. That's what I'm trying to get to with this phrase. We've already got that. What are we going to do now to make this different?

>> I thinks it ate treatments about how bicycle accommodations and other Ada accommodations happen within that complete design being these things move at a different pace, as well as use people take them on and off sidewalks currently.

>> Houston: Thank you.

>> Thank you very much. I have a series of questions, too, as you might suspect, given your own research and the vastly more concerns and issues coming in from district nine than other districts.

[11:12:40 AM]

We are getting a lot of call, and e-mails, comments about them wherever I go. I want to say I think it's a nifty idea. I think it's offering a lot of benefits that clearly there's some opportunity here to make some changes that are going to help dockless scooters integrate better with sort of the other who need to use the roads and sidewalks, so I appreciate the conversation today about how to do that. Very quickly, what is a push-button contract?

>> We have a contract that we can get started on right away.

>> Tovo: Okay. There's agreed upon terms and prices.

>> Tovo: Thank you. I have a question. Speed enforcement team will consist of APD, traffic enforcement and one other party?

>> Transportation department and third party that will help outside.

>> Tovo: Jason you talked about four to six opportunities. What does that mean? Are you only going out four to six times with the street enforcement team? I was going to say that's what we currently contracted the third party to do. What we wanted to do is look at the outcomes of that and determine how we want to move forward with possibly a different scope.

>> Tovo: Are they different times and periods, differ days of the week, that sort of thing?

>> They will be, we're planning that out.

>> Tovo: One thing I noticed a couple Friday evenings ago, lots of scooters, just to clarify, they are allowed on the sidewalk. Help clarify, if you would, the rules about scooters on the sidewalks. If there's no bike lane they should be on the sidewalk?

>> Right now scooter travel is being handled just like bicycle travel throughout the city.

>> Tovo: And that is, for members of the public?

>> State law lous them to ride on the sidewalk, or on the road or anywhere?

[11:14:41 AM]

We have an old ordinance in place from back when vehicle speeds in town were a lot higher than they are today, that limited no two-wheeled traffic on certain block sections of certain sidewalks on congress, Lamar and sixth, I think. I'm trying to remember all of them right now. But, in essence, that particular ordinance has never been enforced because it was spotty, and they confusing, as far as what you could and couldn't do with it, so, I think that part of this is understanding, you know, if -- to what mayor said, you got to make a decision whether you want them on the sidewalk or not. And if we want them on the sidewalk, we have to find ways to make sure they are safe on the sidewalk.

>> Tovo: And I would suggest that the street enforcement team sort of focussed on that. I was out a couple Fridays ago, there were some who would go off. There are lots of pedestrians. There were some rider whose would get off their scooter and walk it during that period of time and there were a ton who wouldn't.

>> Correct.

>> Tovo: I sat and took photos. My children told me I was embarsing them and I needed to stop.

[Laughter]

>> Tovo: They were zipping in and out and it's only a period of time before we see pedestrians being knocked down.

>> And we noticed it.

>> Tovo: It's great, that scooter etiquette teams are jumping on it but educating those renting scooter, if you're in an area that's heavily -- where there are a lot of pedestrians, you should get off your scooter and walk it for the block until you get into your area or go into the bicycle lane which you have access in some of these places. Seems to be if you had the street enforcement team out saying, hey, stop, this is not a -- maybe -- I don't know if you can even have those kinds of conversations if you don't have regulations saying, in areas where there's lots of pedestrian traffic, you need to get off your scooter and walk it.

[11:16:53 AM]

Do we need one before the other?

>> Yeah. And it gets challenging and complex, because then it gets into, okay, who is the most vulnerable road user in that area, so, a lot of education needs to be done because I think it's going to

come down to the rider and driver, because there's not going to be a district interpretation every time just like any time you're out there in your car or cycling, right? There's a matter of good judgment that has to happen, and without the proper education and enforcement to make sure people can make that correct judgment call, and then help steer those that don't make the right judgment call into the right direction. It also is important, you made mention the private sector. I wanted to point out that, namely, we see this issue happen more with the scooters and the bikes. I think that's -- we can go ahead and say that, right?

>> Tovo: Right.

>> And what's interesting about that is that both of the scooter companies are currently launching programs where they are finding ways through technology or crowd sourcing or what I like to call crowd shaming, the ability to have a network of people help other people ride more ethically. One company has launched a staff of about 30 some odd folks that will be uniformed with that particular company's branding, going to be walking around the city, helping not only their users but other users ride more ethically. The other company is using some other techniques that use crowd sourcing and kind of crowd shaming as I said before to do that. So, all of the companies are finding ways to pivot with us. They are recognizing that there is a use of their technology and solution, the -- there is a human element that is causing safety issue, and they want to pivot with us, and find ways to correct that and continue to mitigate it over time.

>> Tovo: That's great. That's in Austin, just to be clear, the uniformed personnel?

[11:18:55 AM]

>> That's across the nation for that particular --

>> Tovo: But in here, in this city, where we have uniformed people associated with one of those two companies out on the street as you described?

>> Correct. Correct.

>> Tovo: Good. When you say crowd sourcing and crowd shaming, is this like photo taking and sharing sort of a lot of dos and don'ts --

>> Exactly.

>> Tovo: Okay. Noise, I'll just add noise of drop-off is a complaint that I didn't see on your list but I know I've gotten some complaints from constituents about scooter drop-offs happening, 3:00, 2:00 in the morning and being quite noisy near their place of residence. E.R. Visits. Are you collecting information about E.R. -- I think we've all been copied on e-mails that went to our e-mail addresses about the E.R. Visits associated with dockless transportation, are you factoring that into --

>> We are. I just received a note from the database team at public health that because they are having to go through the narrative, they are doing a secondary quality scrub, and they've noticed that a lot of the ones that we had made mention of earlier about a week ago, in those e-mail chains, a lot of those were motorized like hoe pedestrian scooters, so, the key word, scooter, scooter means a lot of thing, so there's a lot of different types of scooters out there. Both gasoline powered and electric, and so there's, again, back to that taxonomy and getting with every agency and let's all get collective and figure out how we're going to start tracking that and what terms we use, and ultimately, that's going to change some of the operations on that process.

>> Tovo: Right.

>> To be able to be in tracking that's more appropriately and accurately.

>> Tovo: And then my last comment/question, several people have suggested that maybe monitoring the speed, having them move more slowly, which I now may impact people's interest in using them, but are there places where that's being more -- where there are shifting regulations around the speed?

[11:21:12 AM]

Or based on the sidewalks? Like if you're on a sidewalk, you have to go more slowly?

>> Yes. That's what we are looking at. We all are. Santa Monica was one of the first to try it along the peer boardwalk area. Open sky, when they wanted to move that into town, urban canyoning started to take effect and there are issues with getting good gps signal of the advice. That speed governing passes imaginary lines called geo fence. The scooter always knows where it is, right? So it enters into an area it knows it has to govern its speed to whatever "X" is, then it will slow down to that speed. It works if there's enough technology ready to make sure it always know where's it is.

>> Tovo: Interesting. Thank you.

>> Mayor Adler: Let's get going, everybody get a chance to speak once, so we get to cultural arts contracts, Ann, Pio. Leslie and --

>> So, I have a time line question. I understand the time line related to the rule adoption process, but I imagine that -- or, actually the question I'm assuming, there may be some issues that might require ordinance change, maybe these are longer term issues, so, do you anticipate in identifying at the October 11th mobility committee, which issues would require us to go back to the ordinance as opposed to being able to handle it in the rules?

>> Yes. That's -- I wanted to wait until we finished out with the seniors commission. That was the last one before we met with you guys. So, we -- honestly, timing was perfect with everything, so we're really trying to hit every commission, and then unpack all of that at the mobility committee.

>> Okay. The second question is then, I want to highlight just a couple of issues, and I'm also laying these out for council member alter, because she couldn't be here.

[11:23:21 AM]

I think they are on your radar screen already. But for the rest of my colleagues I'll lay them out as something we would want to dig into. One is liability. Legal liability issues. Second is the cost aspect. The cost to our systems, all of our system, APD. Ems, et cetera. Third one is the -- I think you touched on it briefly, the need for technology to facilitate the data gathering. The fourth one is how the technology might affect our other goals. I'm not sure about that. Let's see. Net benefit to mobility, which you touched on already. And then -- so, those are areas. Liability, cost, technology needs, that we will want to discuss at the mobility committee and any recommendations that you have with regard to those, whether they are longer term issues, whether they are issued that require an ordinance change, or something that can be dealt with in the rules, those kind of things. Do all of those make sense to talk about?

>> They do.

>> Okay. And then the last one is, just building on what a few other council members pointed out. What I'm hearing, the biggest immediate concern is safety. Primarily I'm hearing it with regard to the safety of pedestrian on sidewalks. We've had a few incidents where people have either been run over and injured, or had near misses. So, I'm hope -- what I'm wanting to happen and I'm hoping from what you're saying is happening, the street outreach team with intercede he they see that kind of thing happening. Realistically speaking, is that instructions that they will have and do they have the authority to do that? In other words, if they see a scooter, you know, whipping by someone, particularly if they see them almost miss someone, will they stop that scooter driver?

[11:25:28 AM]

>> So, they can --

>> I'm asking you that specifically, because that is the specific concern that I am hearing and it's the one that is the most immediate, and I want to reassure the public that we're taking immediate actions while we take the time to figure out the rest of this.

>> Right. The intent of that team is to intercept all riders, whether they are riding properly or not.

>> Okay.

>> And begin educating them in that way. Obviously, in the beginning, it will be more of a direct strategic focus on identifying those that aren't, right? I mean, if at a landscape at an intersection, we see riders on one side of the intersection doing so properly and we see ones that aren't, we'll go to the ones that aren't first and deal with them. We can intercept, we can suggest, we can point them to the laws, the rules, and the regulations and terms and conditions, but we cannot -- that's as far as we can go, since we're not uniformed officers. So, if they violate a traffic law, then our folks cannot write them a ticket or anything like that, if that's what you're asking.

>> Okay.

>> Well, I'm just asking -- I want to be clear. I think I'm hearing you say this, I just want to repeat it back. I think I'm hearing you say, if one of these street outreach teams sees someone behave like that and nearly causes an accident, that they will stop that person and talk with them?

>> Yes.

>> And what you're saying they can't go beyond that because we don't have authority over them.

>> The guys will have radar guns, if we catch them on radar going too fast, then we'll let them know, hey, this is a sidewalk. You can't be -- you shouldn't be going 15 miles per hour on a sidewalk. That's dangerous to everyone else that's out there, and yourself.

>> I think she had a follow-up question.

>> Mayor Adler: Okay. Are you done?

>> Well. Yes, if you're going to let mayor pro tem ask a question because she's got a followup?

[11:27:34 AM]

>> Tovo: Can I ask --

>>> Yes, go ahead.

>> Tovo: If you have APD with you, I can't understand why you can't ticket

>> With APD we can. We might have more staff to do enforcement.

>> Tovo: I thought they were part of street enforcement team and they can certainly write tickets. If tokens enforcing parking meters can write tickets I would hope someone on transportation staff can write tickets for some of these violations.

>> Because they are moving violations you need a certified law enforcement peace officer to do that.

>> Tovo: Okay. Thanks.

>> Yes, ma'am.

>> My question is --

>> I'm sorry, Ann, did you finish?

>> Go ahead.

>> Two weeks ago -- lapse in audio] Kind of take a slope. For some reason, you had brakes and it didn't work and she stuck her foot out and went flying forward. Is there anybody inspecting these little scooters? Because I've seen them and I've talked to some people out there, and they said, well, some of these brakes doesn't work as good. So, are you requiring them to be inspected?

>> Yes. We do. And also, the company's charger network, they do a vehicle inspection every time they pick one up and charge it. What's interesting is that that particular use scenario, we're seeing a lot of -- it's interesting, as they move from California east, we've moved from, you know, sort of flat California land to our Austin hill country area, so what we've noticed, some of the scooters can get up in speed just

because of the down grade and that, I think, is lending towards the discussion of is there an overall citywide speed governance that goes into place to make sure that people can inadvertently on their own, as you mentioned, that particular person didn't -- they found themselves in an overspeed situation that they didn't like, right?

[11:29:37 AM]

So, if we can find ways to govern that speed so they don't go above a certain speed, even going downhill that will make everybody safe and I think the end user would like that.

>> Just knowing some of these people that pick up these bikes and take them back and charge them and put them out there, are they really qualified to inspect one of these bikes, or do that? I mean, that's -- I or could they? What kind of requirement is out there? Mr. Ward is here from the paper. I don't know if he would go out there and train -- and a bike, see if they were properly operating. So I was wondering if y'all can at least look into that.

>> We will. That's actually one of the things that we're considering in the updated rules, is an ongoing vehicle inspection and maintenance program.

>> Renteria: Thank you.

>> Mayor Adler: Leslie.

>> Pool: Thanks. So some of the things that I'll -- I'm going to lay out here have already been laid out, so to the extent that it matches up with some of what my colleagues are saying, just see that as an additional concern. Page 12, you have some numbers showing total injuries and numbers of vehicles. Could -- or fatalities, injuries, property damage. If you could give us this with the universe of how many of each of these are registered in the city.

>> How many are registered?

>> Pool: Well, I mean, that's how you will find your motor vehicle and your motorcycle and of course we don't -- can't get a universe for pedestrians, but on bicycles, some people have licenses and some don't. But mostly it's the scooter piece that I'm interested in, to look at the number and frequency of the injuries that are happening with the scooters since they landed on our streets. There was a pretty significant uptick in people showing up in the hospitals, and there was an article about that, and I know you guys are looking at some numbers from public health, but -- so I think we're probably getting some numbers through filters and things, but I would like us to get both the universe of the number of these that are actively on the sidewalks, on the streets, so that we can get a better sense of what the injuries that are coming from them.

[11:31:56 AM]

And I have some theories about why people are having -- getting injured. One of them is the tire diameter, rather, so small people think they can go up a curb like they can with their bicycle and maybe try to jump it like you might on a skateboard and it doesn't respond that way but they don't know that. So I'd like to get a sense of the universe on the various modes. On the survey that the city put out to get input, I looked at that, and I didn't actually take it. I didn't submit it, but I wanted to see what the questions were on there. Was there a question on there -- and maybe I just missed it -- whether people thought that it was a good idea for people to expand into this arena or was the assumption that the city was definitely going to move in this direction so we just wanted to know how quickly people would adopt it or adapt to it?

>> Partially the second comment. I wouldn't say that it was that we said it was a foregone conclusion, but the way everything happened as far as the pilot and then the disruption and where we knew we fit

as far as a gray area in between state and local ordinance, we made the assumption that these are here, we want to know your opinions of them now that they're here.

>> Pool: Do you think it would have been useful to ask that question, whether people thought it was useful to continue them or not?

>> Could have been.

>> Pool: Okay. Do you know who owns the scooter companies?

>> Yes, the holders of the scooter companies are registered with my division, in my permitting office. And each of the holders is listed individually.

>> Pool: So I read somewhere that Uber owns one of these company. Was it lime or berg?

>> I think that Uber owns jump and I don't think that lime has a scooter yet but they're going to be coming out with a scooter soon.

[11:34:00 AM]

>> Pool: Okay.

>> Correction, Lyft doesn't have a scooter yet but I believe --

>> Jump was in the city and then left. Is that right.

>> No. Ofa left. Ofa was here, decided to leave due to regulations, but jump is here.

>> Jump is the red electric bicycles.

>> Pool: The we had ones, okay, great. So I want to talk a little bit about the governor, the speed governor. It sounds like -- and here I may have had a misapprehension on this. I thought the user could determine, like, on your electric bicycle, you can juice it up a little bit or you can dial it back. Do the governors -- are they user-determined or by the geofencing?

>> They're currently on the devices governed by the throat so it's just a motor governor.

>> Pool: Right.

>> Depending on the device manufacturer, it's a question of whether or not they allow free will, which can add to the speeds going downhill, or if they still do motor -- or the motor is still engaged so the motor then, you know, naturally --

>> Pool: Would naturally --

>> Right, keep it kind of governed.

>> Pool: Again my understanding was the governors were on there and that these scooters couldn't go faster than 15 miles per hour or maybe less than 20.

>> The throttle governor.

>> Pool: Okay. I think this is an area where if we're going to to have these in the city we need to look at the governor and reduce how fast, if we are allowing them on the sidewalks -- people walk on an average of about three to 4 miles an hour, and they are being passed by these quiet -- you can't hear the scooters coming, right? Because they're battery operated and they fly by and I think that actually councilmember alter's son was hit by one of the scooters and run over as he was getting off of a bus. And so those are the sorts of things that we don't -- you know, we don't want to see happening with much frequency -- with much additional frequency or at all in the city.

[11:36:06 AM]

So the governor I think is really an important piece. Let's see. One of my colleagues mentioned bicycles and whether -- what rules the scooters were being governed by, and I think you had mentioned that the same rules for bicycles apply to the scooters. Is that right?

>> As far as where they're allowed to be used and other state laws around bicycles.

>> Pool: Okay. So we need to talk with the bicycle community about accommodating them in the bike lanes because they are going similar speeds. But they are inherently less stable because of the stance that you have on a scooter. And your center of gravity. It's different than on a bicycle. I see people wobbling on them, and because they're going so fast I worry that there will be head injuries involved. So it's important I think for us to look at helmets for children younger than 18, I think. Isn't that the ordinance for the city of Austin with helmets for children?

>> Under 18, I believe you have to have a helmet, yeah.

>> Pool: So at the very least that needs to be a consideration or requirement here.

>> Yes. Councilmember, a lot of the companies are not renting to children under the age of 18.

>> Pool: They may not be renting to the children but I see the children on there.

>> Understood.

>> Pool: And I see them double teaming, I see them standing in front of dad or holding onto his belt behind the scooters and they don't have any head protection and I know dad would be really, really sad if something happened to that child on that scooter. The removal and maintenance of the scooters that are showing up on the sidewalks in disarray, some of them have been -- I don't know how they park [lapse in audio] -- You guys must not get out much. If you don't think that's -- did you not know that that was happening?

[11:38:08 AM]

>> Not so much about pieces of the scooters.

>> I've had two reports of two scooters, one lost a wheel and one that was broken in half.

>> Pool: And those are the reports. So the ones that haven't been reported, so if -- just on my regular daily commute, which is the lower level streets I don't get on, I-35 or mopac, so I'm on the streets that I see scooters, and they are out there in considerable numbers. The blocking of the sidewalks, they're just left there, all in one piece, for example. Maybe they're not even in pieces but they're being simply left and dropped and that is a real concern for people who may be in a wheelchair, pushing a stroller, or simply walking and having to go around. We already have -- sidewalks are pretty well littered with a whole lot of furniture so I'd like to see removal and maintenance looked at and regulations crafted around there.

[No audio] -- Sidewalks not downtown. There was a time when those of us who rode bikes with Austin cycling association, we all had little maps of where we were allowed to ride on sidewalks and where we were not. I think that was an educational effort that was done by ACA at the time, and they're not ACA anymore, I think they're bike Austin now, but that just shows how long I've been riding a bike in this city, they were really keen on educating their riders on bike maintenance and bike safety and wearing helmets. The advisability, even if you're 50 years old, you should be wearing a helmet. That took that on themselves voluntarily and built a lot of community around that and, therefore, they made frankly under much of their own power they made riding bicycles in this town a lot safer than they otherwise would have been. So I think that that sort of education effort should also be picked up by the companies that are bringing them to town. I think the city has sort of a limited role in that.

[11:40:10 AM]

We should be promoting it, but I think that the responsibility for the education and the maintenance and the proper operation of the scooters should rest with the people who are bringing them into town. And that takes me to the liability, which was also voiced -- councilmember kitchen mentioned that that was on the list for councilmember alter, and it's a huge item for me. It's basically my bottom line and all of this is funneling toward the city's liability. Our I don't believe job at the city is to safeguard the health

and safety of the people in our city. If we allow this to simply proceed unregulated we will have more instances with head injuries, people being side-swiped, and won't be able to -- access on the sidewalks may not be unencumbered. So I would also like to see, along with an education component, regulations on the speed governors and helmets where we can do that. I'm concerned about the visibility of these scooters. The people who pick them up and ride them are doing it informally. Most of them don't plan to jump on a scooter. They see it and they say, I can afford that, I'm going to jump on. So it might be 9:00 at night and they're not wearing reflective clothing. This was another really big thing for people riding bikes at night. I think we even have state law that requires a head lamp and reflectors at the back, and preferably a light in the back. Now, I have seen at night some of the scooters do have lights on them but you do realize they're, like, four inches off the ground, and if -- inches off the ground and if you are on a bike, if you are walking or driving, you're looking here. You're not necessarily looking down there. And if you couple that with people wearing dark clothing, they're virtually invisible.

[11:42:11 AM]

And even when you do see the red light down at the bottom, it doesn't give you a sense of what the size of the rider is or where the front is. So the visibility is -- especially after dark is really key, and I think that wearing reflective clothing should also be a part of what is companies encourage and is that we should include in whatever regulations and procedures that we put together. So I'll let others speak, but as you can tell I've been thinking about this a whole lot. And I think we have a long way to go here at the city to ensure that the health and safety of everybody in our city is safeguarded, is how I view a major portion of my work here.

>> Thank you, councilmember pool.

>> Pool: Thank you.

>> Mayor Adler: Thank you. Jimmy, you want to close us out and we'll move on to cultural arts.

>> Flannigan: Two brief questions since I'll get to this in mobility, the crash data, if a motor vehicle hits a pedestrian, does it show up in both columns?

>> In pedestrian.

>> Flannigan: So a car hitting a pedestrian doesn't show up in motor vehicle?

>> Correct.

>> Flannigan: It shows in pedestrian.

>> Correct.

>> Flannigan: And okay. So a little clarity on that. Because I don't think pedestrian is a mode in the context of this conversation.

>> You're right.

>> Flannigan: So it would -- thank you, councilmember. It doesn't say motor vehicle victim. It should be 20 fatalities under motor vehicle, not eight, because that's not a pedestrian at fault for the fatality.

That's the car hitting the pedestrian. Then on the 311 calls, is that -- and you can answer this later if you need to go back and check but is that based on the place the person said the issue was or the residence of the person making the call?

>> I will have to go back and check.

[11:44:11 AM]

>> Flannigan: Yeah. Because there are no scooters in my district. A lot of my folks, myself included, come downtown and have occasionally ridden them. So I just want to be clear this is not -- obviously the vast majority of these calls are going to can come from district 9 because that's where the vast majority of the devices are but a lot more folks than just the district 9 residents use the facility. So thanks.

>> Those were [overlapping speakers] Legal clarification. I said something wrong.

>> What? What?

>> I'd just like to clarify something for mayor pro tem. I don't think it was particularly clear, but I wanted to let you know, right now if -- the discussion of whether the police could cite the scooter for doing something or the parking enforcement can cite, there's nothing to cite right now. Council would have to -- council would have to craft -- pass an ordinance that would outlay what is improper for us to be able to -- just for instance some of the things that councilmember pool was saying, those would -- the type of things -- and we could in fact ticket them.

>> Tovo: Thank you. I appreciate that clarification. That was actually a question I asked, so I appreciate the answer about that. Illegal?

>> No. I spoke with the prosecutors about this, and it's -- it's a dream because there's nothing to cite at this point, they don't fit into the citations that they could prosecute so that's why council would have to take affirmative action to make that possible.

>> Tovo: Okay. Thank you. That's really helpful.

>> Mayor Adler: Okay. Ready to move on? As you -- hang on a second. Councilmember troxclair.

>> Troxclair: So is -- I just want to make sure I understood the response to that question. So are there -- is riding a bicycle recklessly on a sidewalk -- is there a citable offense for that or no?

[11:46:43 AM]

>> I'm unsure.

>> Troxclair: Okay. Yeah. We just kind of figure out what we're treating them as. If we're wanting them to be on the road then I want them to only be able to go 9 miles an hour because that's dangerous for the people riding the scooter. I mean, the speed -- it seems like the speed will depend on where we want them to ride. If we're wanting them to ride on the sidewalk the speed should be lower. If they're riding on the street it would make sense for them to be a little higher.

>> Council could decide do we want them on the sidewalks or not and then we can craft an ordinance to help council accomplish that.

>> Troxclair: And somebody said something about, like, after 9:00. They don't do -- do they work after 9:00?

>> Mm-hmm, yes.

>> Troxclair: I know --

>> There are some scooter companies that pull their units at dark.

>> Flannigan: But not all of them.

>> Right.

>> Troxclair: Like the lime scooters.

>> They're at night.

>> Likes are still available. The bird scooters are picked up at dark buttress of the scooters, you can -- but the rest you can ride them at dark.

>> There's the occasional that gets left too. I'm not saying they're all picked up.

>> Troxclair: I know the limes are disabled. Anyway that's something else to think about. Cost I know that you're going to be looking into the cost and I guess I would just -- I don't know how to -- that's a tough -- I think that's a tough ask, because I don't know how to quantify that. If we have a lot of people who would otherwise -- it's replacing a -- most of these trips are replacing a car trip, right? Like, if they were going to ride from second street to eighth street, they would have driven their car and they'd take a scooter instead so I don't know how you quantify the cost of, like, enforcing regulations. You have to -- I guess you have to take into account that there was another trip that was taken off the road and replaced by a scooter trip.

>> Possibly.

>> Troxclair: So I just ask you to keep that in mind in your discussions.

>> Absolutely, thank you.

>> Mayor Adler: I think we're about ready to move on. When you come back and you report this, I'll be interested in how you analyze the accident and EMS and police standard, the numbers that off here are different than the impression that was created in the media story.

[11:48:59 AM]

So there's that disconnect right now.

>> And we're currently investigating that, mayor.

>> Mayor Adler: Thank you.

>> Flannigan: I'll just close thanking staff for their presentation today, thanking council for this discussion because it is so important for our community. These are the key policy questions that we want to continue to raise to council, to make sure that as we move forward with understanding and collecting more information that we can keep our entire community safe. So thank you for this discussion today. >> Mayor Adler: Great. Thank you very much. >> Thank you. >> Mayor Adler: Next thing we're going to touch on here briefly is the cultural arts contract, again, something that I think is still in the process of being reviewed and developed. And my understanding is you intend to come back to the council with a recommendation, which you don't have yet, but because it was something that was so much in the community being discussed I thought we'd just take a few minutes for you just to touch it and tell us what to expect. >> Good morning, synovia hope lab with economic development. Last evening at the arts commission, the arts commission voted to use the 5% reserve they have established over the years to infuse back into the program requirements and they also directed the funding working group to go back and analyze programs within our area to determine if there are any other resources that can be used to infuse into the program. Just for clarity, the cultural arts fund receives the minimum amount allowed by state statute from the hotel occupancy tax, which is 15%. Each year, typically receipts come in above the current year estimate. And so in the FY18 year we had excess above the 10% reserve that council established in 1988 and the 5% established by the arts commission, and we always take that excess to infuse back into the program. So we heard from the community last night very robust discussions, great feedback, and the arts commission working group will between now and Monday reanalyze the programs and come back with a recommendation to the arts commission, which we will then bring to council on

[11:50:57 AM]

October 4. >> Mayor Adler: Okay. So thanks for that and thanks for that coming back. And then to talk to us when you come back not just about what we're doing here on the short-term but talk to us about the process issues. I think that clearly no arts group in the city should have an expectation that their grant request is going to be successful or that they'll be funded at whatever grant level it is that they request. But the sooner we can get information out to those organizations that money is going to be. >> We don't -- is going to be tight, we don't have the money we've had in past years or that there are in this case 500 more organizations that are applying, the sooner we can get that information out to them so they can build things into their budgets in the final month or too that would be helpful too. >> Right. >> Mayor Adler: That's a longer term question in terms of what we do in a process way, where we spend these funds and really what are the priorities that we're setting for the use of these funds. But short-term, this issue -- it's good you're going to be coming back when? >> October 4. And staff and the arts commission, we are committed to having a robust conversation with the community to understand the

values that we should be looking at in terms of our matrix process that we use. So we definitely committed last night to make that happen, and we will do that. >> Mayor Adler: Sounds good. Ann? >> Kitchen: Just a quick question. So did I understand you correctly, there will be more dollars available this time? It's just that there's more people applying. Is that what your comment meant? >> Mayor Adler: There was both more people applying and there was less money -- there was more in total dollars, but there was less carryover funding that had existed in prior years. So it was kind of a -- >> Kitchen: But it's more total dollars. >> Mayor Adler: Correct. >> Kitchen: It's just more people. Are you changing the scope

[11:52:57 AM]

of what they can be used for or is that not part of it? >> Not at this time. We will have -- again, we need a community process to hear from the community on the values that we should be considering. >> Kitchen: Okay. >> Mayor Adler: Anything else before we move on? Mayor pro tem. >> Tovo: Yeah, thanks. And I appreciate you emphasizing that the cultural arts funding is at the minimum of 15% because there is a little confusion now that we're allocating 15% for historic preservation. I want the message to be very clear out there that, you know, we're not having these issues within the cultural arts funding for any reason other than what you've described. It has nothing to do with the historic preservation. >> Exactly. >> Tovo: Thanks very much for clarifying that. As my office and I looked into this situation one of the things that struck me as something worth evaluating is council policy to keep 10% in reserves. I'm not really sure why we have that or why we wouldn't want that money out there circulating in the community. And so I wonder if you can help me understand that rationale. And it sounds like you may have had an opportunity to revisit that recently since the arts commission actually wanted an additional 5%. So could you talk to us about the rationale for having a reserves fund? >> So typically the reserve is set up in those -- in anticipation of follow-to years, where the tax -- hotel occupancy tax doesn't come in as projected, and that did occur in fy10. Where the -- '10 or '11 where the hotel occupancy tax did not come in and we held those contracts whole because they had already been approved so that is the reason for the reserve just in case. >> Tovo: I think that's something we should just think a little bit about, about whether we want that money really sitting in a fund or -- it's almost -- well, I don't think I better give that analogy but we talked about that with regard to Austin energy at some point, too, there would be a rate stabilization

[11:54:57 AM]

reserve, in the event we had to raise rates -- at some point you deal with the issue when it happens and you spend the money you have untill case to fund the organizations that need it now because they need it now. So I have to think this through a little bit but I'm not -- just on the surface it sounds like I probably would want to question that reserve fund. >> How does that work with the 15%? If we -- if we are using 15% in one fiscal year but we have reserves from a previous fiscal year, does that still -- does that still meet the requirements that we don't exceed 15% because you're not exceeding 15% in any individual year, fully individual years funds? >> The [indiscernible] Coming in is not exceeding the 15%. So when we're analyzing our fund summary we want to ensure that we maintain the 15% so any excess above we automatically put back into the program, if that makes sense. So if you look at the q4 in the current year approved budget it's not as high as in previous years so by the time you take your carry forward, transfers and back out the minimum requirements of the ten and the 5%, that is what we infuse. So the difference between fy18 and 19 is about 700 some odd thousand dollars and we're hoping through the analysis of the 5% and the analysis of current programs we can restore that. >> Tovo: So if we didn't spend -- if we put 15% of the hot tax into a fund every year for, say, the next four years, could

we spend it all in one year and still be in compliance with the ordinance not to spend more than 15%?
>> The ordinance is not to transfer any more than 15% of the tax. >> Tovo: Okay. I'm not by any means suggesting we do that. I'm just trying to understand -- I'm trying to understand the answer to your question about whether if we have money left over

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from last year and we put it in this year, whether we're in compliance but I think -- >> Yes, we are in compliance. >> Tovo: I just maybe have to see it. >> Mayor Adler: Okay. Thank you. Leslie. >> Pool: Yeah. I have some of the same questions and maybe if we could get -- we need to look at the budget page, but if you're holding back 15% of the total, that's over a million and a half dollars but you're saying there's only 700,000 available -- >> No, no. >> Pool: Okay. All right. >> So in fy18, the carryover from fy17, we had excess, and so that came into fy18. And I know we've scheduled one on ones and we can walk through in more detail -- >> Pool: That's fine. We'll leave it there. And, yes, if you could show us the last few years of how the roll over because the bottom line is, it's -- that shouldn't be reducing the 15% that is infused every year and it should mean that the total available in the unencumbered rollover should be growing unless you spend it and then there's the administration piece that is coming off the top of that. So I think what I was having some of the same questions the mayor pro tem was having and I think also councilmember kitchen, I just really want to sit down and go through all of it and understand what the logistics have been of the funding. >> We can definitely do that. >> Pool: I appreciate y'all digging in and driving toward finding additional funding. The unpredictability in the size of this cut is as the mayor pointed out is what really caught everybody's attention and certainly put me on red alert. >> Right. We are committed to provide more information ahead of time. We take onus of that. >> Pool: Sure. >> You know, that we should have been more forthcoming earlier in the process, and so we're definitely committed to providing as much detail as we can as early as we can. >> Pool: That's great. There was one other anomaly, at least it looked like on anomaly, one recipient got

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\$7,900 last year and 95,000 this year so that's also something -- I'm assuming that's accurate information -- >> Right. And that's the matrix tool that that the working group is going to -- >> Pool: So that's extraordinary. >> Yeah. And Jesus will talk about that. >> I manage the cultural arts funding program. We have what we consider new applicants which means they have not received funding at least twice in the past five years from the city and so -- >> Pool: You're on. >> I'm on? Okay. They're limited to 10,000th two years. Once they reach that third year they can get full funding that they're eligible for, so the particular organization you're talking about, they were in their third year of funding so they were limited to 10,000, and so they got the 7900 and then they want up to 95,000 so that was the reason why. They were no longer limited by the \$10,000 new year applicant cap. >> Pool: And I guess that will all be made really clear to us when we see the matrix and calculations and formulas that you populate them with. >> Kitchen: Quick, if you could share with all of us if -- how it's calculated in terms of the reserve and cite back to the ordinance or law that that's based on, that would be helpful. >> Okay. Will do. >> Mayor Adler: Great. So this item, number 12 is going to be postponed until 10/4, item 11 is being postponed I think we said until 10/18. Ms. Houston. >> Houston: Before you all leave, I want to thank you for putting something in reserve because without having something in reserve, we would be in trouble this year. So I appreciate the fact that y'all thought ahead and legally put something in reserve in case something like this happened or in case the hotel occupancy taxes dwindle. >> Mayor Adler: Thank you all very much. Colleagues, we have three, four items we want to see if we can hit these

quick summary maybe we don't have to -- quickly and maybe we don't come back after lunch. You pulled item number 19, Jimmy. You want to hit that?

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It's the mud cascades municipal utility district, mud. >> Flannigan: Yeah. So I have some questions about this annexation. When I read through the documents, it talked about in the original decision that the developer would build a fire station as part of this development, and -- but when I see the layout of the finances for this contemplated annexation, I see a net present value of tax revenues over 25 years, but I don't see a net present value over opening a fire station over five years. Were any of the -- or any of the other possible costs that might come with this. I'm concerned about the information we're being given on an annexation decisioning when it's not clear to me -- 25 years of a fire station could very well be more than \$6 million. So I want to make sure that we're being very clear about the potential costs we might be incurring. I'm also concerned about this particular parcel as it relates to imagine Austin because its only connection is to I-35, let's we build a bridge over onion creek and I don't think bridges are less than \$6 million depending on how you build them. So even if I have a fire station it can't get there, it would have to go all the way around, so now get to the situation we have out where I have to build a new fire station, I don't know if that was contemplated during the annexation. This is my concern with the costs of annexation in terms of the numbers we're presented in terms of the tax revenues. I don't know if -- I'm not necessarily asking for these answers in this moment but I'm -- unless I get those answers I really hope we don't proceed with this annexation because it's not clear to me that we will actually be in a positive situation on the balance sheet. >> Virginia Collier with planning and zoning department.

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I'd like to offer this proposal is -- that you have, the financial background on is completely abandoned at this point. That preliminary has expired. It expired just this year so there's a new expressway what they're asking to do is start with a clean slate, which is why they want to dissolve the mud so they'll come in under current city codes and comply with all the city's rules and regulations and so transportation, connectivity and all those sorts of things will be addressed as the property goes through the subdivision process. But yeah all of the previous information was . For the prior prelim, which is what was exchanged for the city's consent to create the mud, which is now being requested to be dissolved. Does that help? >> Flannigan: I understand that. But those questions I think still need answers. When we are contemplating an annexation on the edge of town, we need to make sure we're not exacerbating the costs 20 years from now. And we saw with councilmember Garza's fire station resolution where we end up in situations having to build fire stations we didn't count -- account for the cost of, and I just don't want us to keep repeating that mistake. And if the numbers that were in that original thing were wildly wrong, then that would be good to know. I just -- these are just questions I think the council needs answers to before we decide on an annexation. >> Mayor Adler: So it would be helpful I think would be just a really clear assessment of what the anticipated costs over a longer horizon are, if we bring this into the city versus if we don't. Ann. >> Kitchen: Related to that, I think it's also important to understand and balance that of course against what we're gaining in terms of the rules that they would be required to follow for development. Particularly since this is an area that has flooded.

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So I think it -- or it's just south of onion creek. So I think it's just important to understand that there are trade-offs of course, which I know you understand. I think it is important to understand the cost of bringing an area in, but it's also important to understand what we might be gaining by doing that, in terms of the way that land can be developed. So we can get that information also from our watershed folks, as well as our other rules that they'd have to follow. >> Mayor Adler: Okay. >> Flannigan: And maybe something to contemplate would be a limited purpose annexation, which would give us that ability but not require us to provide all the services. So we'd get all of our zoning regulations like in much of my district, which is limited purpose, but they rely upon the county for all of those very expensive public safety services. >> Kitchen: The only aspect of that is, you know, with our new annexation requirements, there's a certain amount of agreement that has to occur before an area will be annexed. It's not like we can just dictate to them that it will only be a certain kind of annexation. I'm sure they're interested in some of the services that would be part of the -- >> Flannigan: I'm sure they are. >> Kitchen: Of course they are. They're talking about complying with our requirements so of course they're interested in being part of the city. So I think we just -- all I'm doing is pointing out that there are -- there's more than one thing to weigh here. >> Councilmembers, just a note, Greg Guernsey, it is only limited purpose annex right now. >> Flannigan: Great. >> Mayor Adler: By way of background, before you got here, we were having over the last couple years multiple requests for annexation or multiple times we were initiating annexation, and we had some neighborhoods that came in to oppose annexation and we really didn't have a real clear set of principles or benchmarks to guide us on when we would do that or not do that. So we had asked for helping us come up with a general

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policy so that we could be uniform in how we considered annexations. Before that came back to us, the state basically said you can't annex anybody unless they want to be annexed. So it kind of fell off the table because I'm not sure we initiate annexations anymore for areas that don't want to be annexed because the burden is so high. But the question is -- still begs the question, in those instances where somebody wants us to annex them, what are the criteria that we apply? And so I think that that analysis that we asked for earlier in terms of uniform benchmarks are ways to measure applies in the situations where someone is asking us to do it. I think that's the kind of conversation what those measures are and how those would stack up against those measures I think is the question. Let's go on to the next one then. What about Jimmy, you pulled item number 55. >> Garza: Real quick as we move to that, is 92 on your list? I know my staff pulled it and it's not on this list. >> Mayor Adler: It wasn't but we'll put it on. >> Garza: Okay. >> Mayor Adler: 55. Jimmy? >> Flannigan: So this is just a thought process on wanting -- if the sponsors might explain why this was limited to resource recovery in the resolution. Pio or whoever -- >> Renteria: I'd like staff to come up and explain that. >> Austin resource recovery interim director. So this resolution basically talks about Austin resource recovery. However, it would also affect other departments such as Austin resource -- Austin energy as well as water utilities, and currently, as you see in the

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resolution, there are a couple of rules that are noted there. And if someone or anybody wants to either make it or suspend their account, they can do that. We have to go actually out there and pick up the carts. And then once they come back, then they will notify us and then we'll go back and reinstate the account. That's how it works now. >> Flannigan: So we're exploring a way to do it differently? >> Renteria: No. What happened was that a veteran that was overseas was being charged for utility fees, and he couldn't get it corrected and I believe what happened was that he approached our office and

said that he wasn't using the service but they all still -- being connected you still have to pay a base service on it. So he didn't feel like he should be required to have to pay for that, for the fact that he had to leave and go overseas. >> Flannigan: Yeah. I mean, I don't disagree with that, but it doesn't change the notion that the customer would have to initiate. >> Renteria: That's right. >> Flannigan: If they leave and don't tell us -- are we saying we could then go back and refund? Is that what this is contemplating? I might be fine with that too, but I don't know what we're exploring. >> Let me -- I think the history of this is a federal law that allows for the utilities to not be paid via somebody who is in the military. >> Flannigan: Yeah. >> But it didn't contemplate arr costs, so this would be council just taking the initiative to add arr cost into the things that can be waived. It wasn't a federal law that applied. >> Flannigan: Okay. >> I think this is just adding on if I understand what the history is here. >> Flannigan: Something that I'm considering about bringing as an amendment is

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exploring other areas that we might be able to do this. And more specifically, areas that might require changes in state law, thinking about the drainage fee, which right now state law doesn't allow us to do a senior exemption or veterans waiver or any of those things, something that I have some constituents that have been asking about that but requires changes in state law so it might be interesting to explore where that is an opportunity for our active duty service members and where state law restricts us from doing that for active duty service members. And then kind of the broader question about how we define unoccupied. I mean, if I was going overseas I might find it more advantageous to have my neighborhood run an str in my housing, I'll make more money that way than I'm saving in fees for resource recovery, so making sure that those I's are dotted and T's are crossed. >> Mayor Adler: Ms. Houston. >> Houston: I had a question for Ms. Morgan. So you're saying that -- as a ask this question because I was confused too. So Austin utility and Austin water have a way to waive the fees? If you're active duty and you're overseas? >> No, not right now. >> Councilmember Houston, Maria Sanchez. >> Houston: Put your mic on. >> Right now there -- those would -- fees cannot ob cannot be waived. Based on this resolution staff is going to be exploring what can be done. >> Houston: So why would we include all of those at the same time rather than just dealing with Austin resource recovery? Because if they're unoccupied and they've cut off their service, no -- but it's something in here that says if their service is still on you still charge them. >> Yes. >> Houston: So some people leave on active duty and they leave their electricity on, but the -- it seems to me we need to be looking at active duty service members who are overseas or wherever

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they're deployed to, and what happens when they're no longer living full-time in their houses, not just one -- do you understand what I'm saying? >> Right. So -- and as councilmember Flannigan mentioned, it has to be unoccupied. So if it's occupied, whoever is in there, they still produce trash, recycling, things like that -- >> Houston: I'm talking about unoccupied, unoccupied for energy and for water and resource recovery. >> Sure, absolutely. >> Houston: Are those three entities doing it the same way when an active duty service member is not in their home, deployed, and the house is unoccupied? That's my question. >> Now, there is -- the rule that we have in the resolution for dash one dash 13 also, what it says is that, again, if somebody leaves the -- their home, regardless of their status, they can request for us to pick up their card, networking suspend their account with us -- in other words suspend their account with us. And not all the fees -- we've got three fees that applies to every home, there's a card fee, base fee and clean community fee. So each one of those producing or provides revenues for different services that we provide. So if somebody leaves then they can let us know. We can go pick up their card and then we

can credit or suspend that portion of bill, which is about ten dollars or so for 64 gallons. >> Mayor Adler: Good information if you'd also take a look at the broader question, which is are there other fees or expenses we could also waive and if you'd take a look at the posting language to see if one of the colleagues comes with a -- to do that whether we're going to be covered and able to do that as part of this. >> Garza: Mayor, question.

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>> Mayor Adler: Yes. >> Garza: I think councilmember Houston asked a question >> I have a question. Maybe this will help clarify it. So, for example, the transportation user fee is part of your electric bill. Right? >> I don't know that. >> Yes. So even if you -- if I leave my -- I was getting deployed, I leave for three months, even though I -- there's no electricity being used -- well, I guess the refrigerator would be on so you'd be getting that. I guess is the resolution asking -- for example, like that transportation user fee, that could be one that we would waive for somebody that's deployed. >> Well, according to the posting language, it's talking about waiver of fees during deployment. >> Garza: Okay. I know that councilmember Renteria said this is inspired by a single person but it's meant to affect everybody who's in this situation so this is not just solving one person's issue, it's everybody's because you either -- you either continue paying your arr fee, if you have your cards on your property, or you ask them to come pick them up, but then you get charged for them to bring them back to you, so I think that was the main issue, there's no way not to have a fee, so this would fix that issue for any veteran who's deployed. >> Renteria: That's correct. That was our intention. >> Mayor Adler: All right. Jimmy, you want to take us to the next item? Thank you very much. I think you've pulled 81. >> Flannigan: 81. So I handed out just an illustration, so instead of bringing this on Thursday like I've done in the past, bringing it to you today, not for a long discussion, but just to show the heights being applied in this case really only affects the most inner two rings because it's a 45-foot high limitation, because compatibility already has 45 feet or less all the way back, but for that little space in the very back of the property. So my hope is that this is one of those examples where we let our

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compatibility rules work, and we not try to double down on something because it effectively won't do that much to the property. On the inner side, which is really 50 feet, it's one foot back as you get away from 45, so the likelihood of getting anything over 45 feet is really small. Even if you did it might be a couple feet far, far away from any of the sf Zones. The sf 3 and P across the train tracks is a school so it's simply a question for me about the issue of zone-based compatibility when we've got a school where you could probably have something taller, closer to the school, because it's not a single-family home. But I'll be bringing that up on Thursday. >> Mayor Adler: Okay. >> Casar: Just as a clarifying question, is there anything you're proposing that we do related to the -- I might have missed it -- related to the zoning case? Is there -- >> Flannigan: So there's a co that limits tout 45 and what I'm saying, it's unnecessary because the compatibility rules -- >> Casar: I see. Even though some compatibility rules, I feel like, it does show that the compatibility triggering it is essentially a school yard, especially green space so more frustrating -- >> Yes. Obviously that we can't change, but I think it's unnecessary, letting our compatibility rules do their work. >> Mayor Adler: Okay. Del yeah, you want to talk about item 92? >> Garza: Sure. 92 is conducting a public hearing considering a resolution relating to application for tax credits for -- it's called bridge senior apartments. I just wanted to -- first, I guess, I will have to leave the council meeting at 4:00 P.M. To travel on city business, and so I

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know that most of the time these come up after 6 o'clock and so this is not a frustrating issue, this is saying we have some objections to it. I have some serious concerns about this request for tax credit. I'm willing to, I guess, agree to postpone it so we can have -- continue to have the discussion about it, but the main thing is, it's in our etj, so similar to many of the times councilmember Houston has had problems with these, the closest bus stop is over a mile away, and it concerns me that we would be giving our stamp of approval to a development that's specifically for 55 and over, at least more than a mile away from the closest bus stop when we've talked to the applicant, the response was, well y'all can work with capmetro and get a bus stop out there. First of all, you can't do that in the etj. They have to be in the city's sales portion of the city. The second is, this has happened in the past where we -- where those discussions do happen, where we say, well, we'll work with capmetro because there actually are ways to pull some federal funds down to get bus service in the ekj, but this is the whole chicken and egg thing. We just did cap remap at capmetro where we pulled back coverage in certain areas because it had become so inefficient and people don't want to wait a long time to catch the bus. So, you know, it's the frequency versus coverage issue. And so we can't continue to do these -- to okay these developments and say, well, we're just going to ask capmetro to bring bus service out there, because then we're going right back to providing coverage and not frequency. And studies show people will like public transit if there's frequency, and I think we're moving in that direction as an agency. We've also asked, could they provide some kind of transportation for the residents, other senior homes will do that, and as far as I know, the answer has been no, that they are -- it's an active senior place, and

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the other -- the issue is that the rate -- the tax rate -- the affordable rate its really to get a rate that's marketable in that area -- so they would be getting tax credits -- [audio difficulties] -- In the area. You can rent a two-bedroom apartment at a bus stop for \$1,200 in district 2. So I'm concerned if we're given a tax credit and developers are saying, well, we're providing affordable units through this -- with the ability to use this, when the reality is, you can get that at market rate in district 2. So with all that being said, I would ask for a postponement on this one. >> Mayor Adler: Okay. I would point out to council, it looks like -- I think we have two councilmembers that are not going to be with us. Mayor pro tem, I think you're not here on Thursday? >> Tovo: No, I'll be here. >> Mayor Adler: You're going to be here. >> Tovo: Yeah. Thanks. >> Mayor Adler: Councilmember alter, obviously, is not. She's traveling on city business, and you'll be leaving at 4:00, so just keep that in mind in terms of the numbers. I just want to bookmark this. This is, again, a recurrent question that comes up that I think is a policy issue that it would be really good if staff could lay this out for us. It's come up repeatedly over the last several years, and we haven't figured out how it is that we drive these tax credit opportunities to the places where we actually want them to happen. My understanding is that it may be that, even with the tax credit, you can't make those things work in the areas we want to have them happen because the underlying dirties too expensive to make the projects work. So it seems to me that -- that a good policy might be something that both says we're not going to approve these things in areas where we don't want people to build, but we're actually going to do the things at the city

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needs to do to incent these things where we do want to build. Maybe it's looking at how we use the bond money, if we get the bond passed, or what is it that is the tool that the city needs to use in conjunction with these developers to make projects feasible in the areas we want them, and then really double down on making those tax credit opportunities available as part of that package or as part of that

tiering of finance or support options. Greg. >> Casar: Yeah I'd like to -- I think it may be right before we brought on the new city manager that there was council resolution passed at the same time that we had another one of these issues, and I think some of that input has been about closing the funding grade point average to make 4% tax credits more attractive and more transit rich in high opportunity areas, and second, the barriers associated with infill development of this type, and I think if we compare those together, then I would feel -- I think a lot of us would be in an easier place saying "No" to a sprawled edge of town, etj, 4% tax credit, if we knew we could still get 4% tax credit deals to work somewhere else. So I think that's the difficulty that I just heard councilmember Garza express, and I feel like we're trapped in that box, too, but I know our housing department is working on that, and that money is a chunk of it, and regulatory stuff is in there. >> Yes, that is -- I'm director of housing and community development, that is one of the things, as we look at our implementation planning of a potential bond, should it pass, that we see there being some ability to utilize those funds to help us with this issue that we understand and we feel the pain of as well. On the alternative side, though, just to speak to the development

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itself, you do get -- while councilmember Garza is absolutely correct, the rents are right below what is currently market out there, you would get a new development that would have the income restrictions for 40 years that you wouldn't necessarily have, so it is -- it does give us the longer term that we're looking for. >> Casar: Meaning that the tax credit is really buying you affordability in the out years more than -- >> Correct, in this particular situation. >> Casar: And the hope is that somebody could start applying for 4% in high opportunity places they knew there would be extra money to cover the cost available from the city, and that they could do multifamily in the locations we're asking them to. >> Mayor Adler: When something like this is on the agenda, is it there because you recommend it or because it's being put on the council for the council to consider because the developers requested it? >> The developers requested it. We do not have a policy in place, per se, that says whether we should or should not. That is something that we're looking at in the housing department. We've been having conversations about it since councilmember Casar put that resolution on the agenda initially. But without having the -- kind of the alternate funding scenarios that might help us to incentivize moving them to a different part of town, we find any specific policy put forward. But it is something that we're looking at actively and we do think that we can help to influence where the 4% tax credits are being located or we can, you know, make that policy known so that the developers realize where we're looking for things to -- >> Mayor Adler: I sure would like a professional advice and opinion on this issue. Ellen, then Ora, then back to Delia. >> Troxclair: I was going to say that just in the process of looking at what we can do I would encourage to you look at other cities, in my just private conversations with some of these developers, especially for the 4% grants, they have told me that other cities have additional

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criteria that you have to meet in order for the city to approve. So there's 4% grants and 9% grants t9% grants, those applications get sent to the state and the state has a very competitive process and only some of the 9%'s are approve. But with the 4% grants, this is really the only point of approval that those applications see. If the city -- if they get city approval, then they automatically get the tax credit from the state. So this is like a place where we do have a lot of influence and a lot of leeway. I think our approach in the past has kind of just been, you know, well, we need more affordable housing so we're going to approve everything. And when you send that kind of message to the development community, that I

think you're going to -- I mean, they're for-profit developers so they're going to do what they can to maximize -- to get the credits and maximize their business as well. From what I understand, there, other cities that kind of have tried to put together some additional criteria and lenses which they kind of rate and approve these 4% grants. So that's all the two cents I was going to give. Thank you. >> Thank you. >> Mayor Adler: Ms. Houston. >> Houston: Thank you for your two cents and my two cents is, until we get something in place, we can all vote no. We're not required to vote yes on these 4% applications. There's no requirement that the city pass that if that's in conflict with our values. Our values are compact and connected. We keep putting people at the edges of the city and saying there's no transportation, so that single vehicle, occupancy trip into town, to work, to go to the hospital, to get amenities, we just vote no. That will give a clue until you all get something in writing that we're not going to continue to do that. And we will not -- we have not been able to do that, at all. >> Mayor Adler: Del yeah, then Ann. >> Garza: Yeah. I just wanted to underscore the

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need for that policy, and if that's some kind of matrix, staff gives us recommendations on many things, you know, the floodplain variances is not at broad, then we go through a very lengthy process of staff recommending whether we should grant that floodplain variance or not. I truly understand the issue of the long-term affordability. I hadn't even seen the rents until this morning. That's when I thought of the market rate issue. But my main concern was the transportation aspect of it. And frankly, I was a little disappointed to get a response of, well, capmetro can bring a bus stop out there, or -- and we're not going to provide any transportation. So part of that matrix should be, if you are further than whatever distance away from a bus stop, you need to provide transportation for your residents. >> And we can certainly -- I don't think there's going to be a problem with postponing this item if that's the will of the council. >> Mayor Adler: Okay. My sense is, it's best we postpone this. I think that's probably then the expectation that the owner should have. Ann? >> Kitchen: I agree with what everyone has said. I'd like to ask for another piece of information. >> Sure. >> Kitchen: In terms of when we evaluate these kinds of things, I'd like to understand it in the context of what our need is for this particular type of housing. On the face of it, this looks like it's just independent living, and I'm not, on the face of it, seeing any kind of particular services for seniors, but I would want to understand that. Not that we need to be putting these places out where there's no transportation. I agree with what my colleagues have said. And I agree that we need a plan, you know, for the use of the 4% tax credit. But I also -- I also think that we need to understand what we're doing in the context of the need for housing. And I would want us to be not only thinking about senior housing in terms of

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transportation that was available and the affordability of it, but also the services that are being made available to seniors. So -- because that I think there's a need. So I think we immediate to look -- I think that we need to look at all of those factors. >> Casar: Mayor, before we break -- >> Mayor Adler: We still have one more thing to pull up. Item 95 will be our last one. >> Casar: Okay. I'll mention mine after 95. >> Mayor Adler: Ms. Houston, you wanted 95, sobriety center? >> Houston: Yes, please. The amount of funding continues to kind of rise every time we have this come back to us, so I want to know why is the funding continued to rise? Is this one-time funding or ongoing funding, and where will the money come from? >> Good morning, mayor and council. I'm assistant city manager and also by disclosure, I'm an ex officio member of the -- the city's representative. With regard to the funding, the situation is, we have a start-up organization, first coming into its first full year of operations so if you'll recall, I was actually involved in the estimation of what the ongoing maintenance -- operations and maintenance would be,

and what has happened here, there's been the initial effort of estimating what we thought it might be and now having an executive director who's on board that can fully flush out the requirements as we've -- as you have set as a council to operate a sobering center. There's the estimation phenomenon. There's also a little bit of a disconnect in terms of the budgeting process for both the sobering center and our own budgeting process as we come together under this new way to look at how we create our budgets. So those things have conspired, if you will, to a mismatch in what was originally budgeted. And what the sobering center truly needs. So it will be ongoing dollars. We will know better as the sobering center operates into

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2019, the fiscal year 2019, as to what the true operational requirements will be. >> Houston: So the last time this came up, it was a million and something. I can't remember the figure, but it indicated that Austin health had some money in their funds to be able to cover that. Are they going to be able to cover that? It's two million -- whatever -- >> Additional 500,000, not to exceed. >> Houston: Right. >> Again, between public health and A.P.D. As well as ems, we're trying to make sure they have -- the sobering center has the funds to operate as close to its mission as it can. >> Houston: Two million dollars and some change. >> That's correct. >> Houston: Okay. I just want to do make sure because before, we had that covered with this new amount. I'm not sure where that was coming from. >> Yeah. >> Houston: Ems and -- >> Police department, as well as had you been health. >> Houston: Okay. Thank you. >> Mayor Adler: Okay. I think that's it. That takes us then -- again, you then Greg, you want to -- >> I just want to do mention, related to item 56, I don't know if we even necessarily need a vote on it, I think staff can implement it without within, but I just -- I mostly posted so we can discuss it or see if anybody had any concerns. We voted on CDC bylaws that delegated the appointments to council committees but didn't designate which commitments would -- which committees would make the appointments. I've written out for it to be half health and human services and half housing, but we have four vacancies between here and February. The way I've laid out would be for the housing committee to address those, and the reason I laid it out that way, to just be -- to be transparent, for the interim between here and February, I was going to recommend to the committee that districts 1, 2, 3, and 4, which is where there's neighborhood centers, and the planned

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neighborhood center, that those four districts be appointed to those four vacancies between here and February. And then in February, they would no longer have the awkwardness of an interim period, which we would go half in and half -- so that's just what I've laid out in item number 56. And I think if nobody has any concerns with that, we could just move forward. We could also vote on it. But our ordinance just doesn't specify which committees would do what. >> Mayor Adler: Okay. Jimmy. >> Flannigan: So I have an item on the agenda, if this is the appropriate time, mayor. >> Mayor Adler: Okay. >> Mayor Adler: Saying something about the issue for Greg -- >> Tovo: Just a short period, then recess -- >> Flannigan: It would designate in February, half and half, and for this short period, since there isn't a headquarters committee for some period of time, which would delay it even further, instead of having housing 1 and 2, and health and human services 3 and 4, just next week I would recommend the committee to do 1-4, just to be done with it. -- >> Pool: I was going to ask if maybe the chairs of those committees could have a conversation about it and -- oh, thank you for that additional piece of information. >> Mayor Adler: Anything else? Kathie. >> Tovo: I just wanted to signal I likely will be off the dais from 3:50 till 5 o'clock on Thursday, and I also wanted to just note that on -- let's see, I thought I recorded the number. We have yet another encroachment agreement on this council agenda. The last

time we had one, I pointed out that we had an existing council resolution asking for staff from multiple years ago now, asking staff to look at how those valuations are calculated. And so this piece of downtown space, we're selling for \$12,000, in that range. So I continue to be concerned about that. I continue to be concerned about how we're setting those

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valuations and increasingly uncomfortable about these being on our agenda without that work. >> Mayor Adler: Jimmy. >> Flannigan: So I asked for this discussion related to government that works for all outcome today, and just to be brief, I've been working on a couple of ideas, resource impact statement, budgeting, things that really fell in this outcome, and as is our process, I've pulled together a subquorum and started talking about the issues, and it became very clear that these were the types of things that we might want to have as a broader conversation on the council. I've experienced a thing we've all experienced at one time or another, the frustration that if you're not in the subquorum, you don't get to participate in the creation of the idea until the very end when sometimes it's too late to really have involvement. And rather than repeat that, it was contemplated with this group of councilmembers and it was mayor and councilmember kitchen, Garza, and alter, that maybe this is an opportunity to think about how we might do policy making differently. One of the strategies under this outcome says enhanced communication and collaboration between the council, staff, and community, enhanced transparency trust and shared decision making, so rather than going through the strategic outcome, which I was contemplating am coming up with a bunch of policy ideas and having private meetings with staff, the thought was to bring in our office of performance management -- Ken, if you want to come up and -- just in case -- and think about how we might mine M --miniaturize the process, actually make the process work, less briefing, which would be my preference, but doing this as a test under the government that works for all strategies, because in my opinion, if we do these better, it will make the city more effective at accomplishing all of the other outcomes and strategies. And rather than continue down the path of five people working

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together and then dropping these policy ideas on the council, I wanted to ask if there was willingness to contemplate this new process, and if there was, then Ms. Olivares and staff have been thinking through what that might look like. If there's not willingness to do that and we just want to keep going with the five people, write one and move forward, then at least we've made the attempt and we'll go back and work on some stuff. But I just wanted to get a sense of that and that would give staff at least the head nod to think through what this might look like in October and November. >> Mayor Adler: Ann. >> Kitchen: Thank you for mentioning this, councilmember Flannigan. I think that the value for us talking as a group about some of these -- some major issues related to government that works is that we have a setting in which we can talk about it as a group, as opposed to all the work happening with just five people in a quorum, and then the folks that are not in that quorum being surprised, or actually not even surprised, but not having the benefit of all that work. And so I think that that's a useful approach for major issues, and so I would like to give it -- would like to give it a try. >> Mayor Adler: So as part of the subquorum group that you pulled together, and even the conversation on the issues that you raised, the biannual budgeting, the concept of a resource statement when councilmembers were filing ifcs to get that and there was another one I think that Alison rose, even as we were sitting around the table, it became real apparent that we wished other of our colleagues were there, at this point in the process, because there were forks in that road, and we knew that as we

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talked, we were identifying additional issues, and it became apparent to us that there was no way we were going to be able to identify all the issues. So I agree as well with the concept of us having a work session. I think councilmember Garza, del delyeah, was suggesting even a mediated one, kind of like the strategic planning process was something, and I'd be open to that, but these kinds of things, organizational things, and frankly, you now have seen our council work for nine months. I'd love for you to be -- instead, be an active participate of that. So, you know, we've tried this a couple times over the course of the three or four years, we haven't quite gotten, I think, to where we all like it, so I, too, would be -- I'd be excited about participating in that kind of process. Mayor pro tem. >> Tovo: I think I missed a fundamental question. Is the question about scheduling additional work sessions or making space for it within this one? >> Flannigan: So my hope, my idea is not to schedule additional meetings. >> Tovo: Okay. >> Flannigan: I want to avoid scheduling additional meeting. >> Tovo: That sounds good for me. >> Flannigan: Yeah. But maybe one of these Tuesday work sessions a month, maybe we allocate an hour to this process and we think through how briefings go, and maybe there's a better, more succinct way to do briefings, allocate that time a little better, not to schedule new meetings but to make the meetings we already schedule more directed and maybe moderated and have more collaborative -- you know, put the work back into work session, kind of the way I'm thinking about it. >> Tovo: I'm supportive of that. I would say I'm not sure about the hour, and I think, too, you know, it's just hard -- if we have a couple briefings as we do today, we've had two briefings, we've been sort of sitting and listening for a long period of

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time. I think having these be more active is very important. And so I'm supportive of having that discussion. I'm not sure about the appropriate time frame because, really, I also want to be able to use the work sessions in a way that we're sometimes getting away from, which is to talk about the agenda items for Thursday so that we can, you know, have -- figure out what the success of concern are and figure out what information we need to get between Tuesday and Thursday, and when we have briefing after briefing and other kinds of schedule things, we're not necessarily focused on the agenda. >> Mayor Adler: I, too, would like to have no more meetings scheduled and I would like to fill our work sessions with briefings and what we talk about on Thursday. I don't know how you reconcile all of that, so I'm not real sure how we do that, but I would also put this as a priority as well. So I'm ambivalent on whether it's a new meeting or whether we just notice that on this Tuesday, everybody should plan on two hours after lunch, and we know that on that day, we know we're going to extend in the afternoon and try to hit it. So I'd love for you and staff to try and figure that out. So I'm ambivalent as to the delivery, but I think it's an important conversation for us to have, and setting it up so it would happen regularly and pulling in topics might be a way to do that without it becoming an overly big thing. Delia. >> Garza: Yeah. I want to thank councilmember Flannigan for including me in the initial subquorum, but I think it was very clear that these are big institutional changes that we would be asking for, like biannual budgeting. I think it's really cool that we're all saying everybody should be involved in this conversation, not just the five of us. And so I know I in the past have been a little critical of work session and its purpose, but I feel like that comes from a place of what the old system was, and the old system was, work session

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was primarily for agenda items, and that's obviously needed, but I feel like if we, you know, change that mindset a little and go into it, that it's a day that we can all sit together and work, and it's not just

agenda items, it's, you know, other -- other important issues as well. I know on the regional affordability committee, while it's just great to be able to sit there with county commissioners and aid trustees and have these really great conversations, policy discussions, and I think the opportunity to do that as a council would be great as well. So, yeah, I understand the concern about not wanting additional meetings. I share those. But I think it's a good thing for us to sit down and have these discussions and make time for it. >> Mayor Adler: Okay. Any other topics for us to discuss? Ann. >> Kitchen: I have a question. There are two items on the agenda that I think might be appropriate for executive session. So should I mention those now or -- >> Mayor Adler: Sure. >> Kitchen: The first one is 64. I'm not sure what we're doing with 64. Because 64 just says discussion, and it relates to -- okay, let me find it here. Discussion regarding legal representation for the board of adjustment. So that doesn't tell me, are we taking action, are we discussing it? And if we're discussing it, that would appear to be executive session, except I'm not sure exactly what we're discussing. So I'm just wondering what that item is. >> Mayor Adler: It is just for discussion. >> This is an item that came from one of your committees, that your committee moved forward to the full council. It is a discussion about whether or not to have outside legal representation for the board of adjustment. I think you've gotten some questions about that from the board of adjustment member, and

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then we've followed up with a legal memo many months ago, and then again this week. >> Kitchen: Okay. But I'm not sure why it's an item on the agenda if we're not voting on it, and it would seem that perhaps it would be something that we'd want to talk about in executive session? >> Mayor Adler: I agree that it's something that's worthy of executive session discussion. So let's put that on Thursday, we'll take that conversation. We can always, since it's noticed, pull it out to the public if it's appropriate, but I have some legal questions on that as well. >> Kitchen: Okay. The second item is number 20. This one relates to an agreement regarding land and the etj. So to my mind, that's something that sounds like it's appropriate for executive session. >> I think we sent a legal memo on that this week as well and we'd be happy to put on it for Thursday. >> Mayor Adler: Put it on the agenda for Thursday, we'll start there first. Okay, I think that gets us now, we've handled everything, we'll go into executive session. I'll come back and close the meeting, but we won't be coming back as a group. We're now going to go into closed session to take up six items, we're going to discuss personnel matters related to items e2, e3, e4, and e5, the performance of and conversation of compensation for city manager, city auditor, city clerk and clerk of the municipal court. Pursuant to 551.071 of the government code we're discussing legal matters related to e-6. Oversight of police department, and E 7, Austin V Stewart. E1 has been withdrawn. Without objection now, it is 12:48, and we will recess to go into closed session.

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[Austin city council is in executive session]

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[Mayor] It is 4:08 p.m. and we are out of executive session and this meeting is adjourned. September 18th, 2018.

