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[10:27:44 AM]

>> Mayor Adler: Are we ready? Good morning? I am Austin mayor Steve Adler. We will begin today with an invocation by pastor Rodney Shaw of New Life Pentecostal.

>> Thank you, sir. Before we pray I want to say thank you and to you to this council. From what I read and hear in the news I don't think enough people probably say thank you. So I wanted to say thank you for all you do and to make this a wonderful place for us to live. On behalf of New Life Austin, thank you for including the faith community. Amen. Let us pray. Gracious God, because all work is your work, we invoke your presence in this place today. I pray that you would be with this council. Lord, those of us who are Christians count this as a holy week. There's not much left that's holy or sacred in our world today, but this work today is. And I pray that you would grant guidance, I pray that you would let us do this work effectively with prudence, let us expedite this, Lord, with justice, with fairness and equity. And I pray your will would be done and you would be glorified through this work today. And we honor you and ask this in the name of the Lord Jesus, amen. God bless you.

[10:30:26 AM]

Reverend, thank you. A quorum is present so I'm going to call this meeting of the Austin city council to order. It is Thursday, April 2nd. We're meeting in the council chambers in Austin city hall, 301 West Second Street, Austin, Texas. And the time, I apologize, is 10:30 A.M. Before we begin we have some changes and corrections to today's agenda. I'm going to read these into the record. Item number 10 is postponed to April 23rd of 2015. Item number 22 to May 21st, 2015 at 4:00 P.M. This is a suggested date and time. Austin city hall, 301 West Second Street, Austin, Texas. Time certain items today, 10:30, no sooner than 10:30 is the briefing regarding development, review, inspections and permitting process. At noon we'll have the general citizens communication. No earlier than 2:00 we'll have zoning matters. No earlier than 3:00 we'll have the Austin housing finance corporation board of directors meeting. No sooner than 4:00 we'll have the public hearings for those items identified for that. And at 5:30 we'll have live music and proclamations with Gina Chavez. I'd also point out that today's proclamations to save Texas school rally, is one that -- different than the posted agenda, something that I will have the honor to be able to present to Allen Weeks. There are some items that have been pulled from the agenda.

[10:32:28 AM]

And I understand that we're also going to postpone item number 12. To April 16th. There have been

some items that have been pulled off the consent agenda. Item number 4 pulled by councilmembers pool and troxclair. Number 5 pulled by Zimmerman, Casar, Houston. Asking that it be set for an 11:00 A.M. Time certain. We'll try to call it at that time. We also have item number 7, which has four speakers on it, so is being pulled. Item number 9 has five speakers so we'll pull that as well. We're pulling number 11, pulled by councilmember troxclair. We're pulling item number 12, item number 13 and 14 have speakers. 13, 14 have six speakers and five speakers respectfully. Item number 15 is pulled by councilmembers Gallo and troxclair. We also have nine speakers for that item. We're going to pull item number 20. And we will noting pulling item number 21 as was otherwise shown on the agenda.

>> Zimmerman: Mr. Mayor, we had requested item 21 to be pulled.

>> Mayor Adler: Then item 21 will still be pulled.

>> Zimmerman: Thank you.

[10:34:40 AM]

>> Mayor Adler: We have some speakers that have identified to speak on issues on the consent agenda where we do not have more than one -- we don't have two. So these people will be invited to speak on the consent agenda, and that would be Mike Lee. Is Mike levy here? Because there's only one person -- actually, hold on a second, I'm sorry, I apologize. Mike, hold on. Mike, I apologize, I did this wrong. Because number 5 that you've BP identified on as one speaker has been pulled, so that will go to full debate. So there are no speakers that are just on the agenda. Before we -- okay. No problem.

>> Mayor Adler: Since the boards and commissions waivers items has been pulled we're not going to read those into the record at this point.

[10:36:44 AM]

That gets us then to the consent agenda today, which is the consent agenda, items 1 through 25, not including 4, 5, 7, 9, 11, 12, 13, 14, 15, 20 and 21. Is there a motion to approve the consent agenda?

>> Zimmerman: So move.

>> Mayor Adler: From Mr. Zimmerman. Seconded by Ms. Houston. Mr. Zimmerman, do I need to go through your list or are you in favor of all the ones that are remaining on the consent agenda?

>> Zimmerman: I've turned in a copy to the clerk, so if the record could just reflect what I've turned in, that would work.

>> Mayor Adler: Okay. There's been a motion and is second to approve the consent agenda.

>> Zimmerman: Is that kosher with the rules.

>> Read it into the record.

>> Mayor Adler: The ones that have been pulled are 4, 5, 7, 9, 11, 15, 12, 13, 14, 20 and 21. So the record will reflect that Mr. Zimmerman is for items 1 and 2, abstaining on item 3, for item 6, for item 8. Item 10 was postponed. Item 12 was postponed. Items -- 13 and 14 are pulled. You're abstaining on item 16, for item 17, 18 and item.

[10:38:47 AM]

For items 22, 23, 24, 25.

>> Zimmerman: That's correct, thank you, Mr. Mayor.

>> Mayor Adler: Okay, the other members of the dais all in favor of the consent agenda raise your hand? Those opposed? Consent agenda passes with the unanimous vote of the remaining members on the dais. We have items that have been pulled from the consent agenda. We also have a 10:30 briefing regarding development, review inspections and the permitting process. Should we go straight to that or

I don't know -- we have a lot of people here if it's just one staff member then if we could move that back on the agenda that would probably work. So we're going to put the briefing regarding development review a little bit back and let's start working with the people that have shown up here today. The first item on the consent agenda that was pulled was item 4. Pulled by councilmembers pool and troxclair. Do either one of you want to kick this off? Ms. Troxclair?

>> Troxclair: Sure, I will. I'll start off by saying thank you to the city staff for the answers that you provided at the work session earlier this week as well as the memo --

>> Mayor Adler: Ms. Troxclair, there are five speakers to this. Do you want to hear from them first or do you want to speak first?

>> Troxclair: I'd love to hear from them.

>> Mayor Adler: Let's go to the five speakers on number 4. And that would begin with Mr. Pena, Gus Pena. Sir.

>> Good morning, mayor, councilmembers, Mr. City manager.

[10:40:49 AM]

Gus Pena, proud native east austinite, proud marine Corps veteran. East 25th street is where I grew up. Item number 4 is a little concerning to us. I am co-founder for veterans for progress and we started this organization because of the fiasco at the V.A. Clinics, the veterans administration clinics, and the tragic events that occurred at the temple V.A. Hospital. Having said that, I have the full support of our organization and the words that I'm going to speak about and to. Item number 4 deals with the resolution amending resolution number et cetera for the circuit events local organizing committee to act on behalf of the city of Austin, major event trust fund. We are concerned about the circuit of the Americas. I was in support as the issue came forth before anybody else got on board, but we have some concerns about this committee. What is the makeup of the committee, who are they? And we just don't know anything about this committee is going to act on behalf of the city of Austin. And if you do not educate the people on who is supposed to be representing the city of Austin in this big event, we don't think it's appropriate. We don't think it's proper. It needs to be clearly defined as to who it is and who is representing the city of Austin to deal with the circuit of the America issues and the trust fund. So something needs to be done before they are on there to represent myself or veterans or any other taxpayer. So we're just concerned about who it is. We would like to more more than just a little backup that we have of who the heck it is that is supposed to be representing in and for the best interest of the communities and taxpayers. Anybody can answer that I would be more than happy to step back, sit down and listen to you. Anybody that would give me information.

>> Mayor Adler: I think it will be discussed later. Thank you.

>> Let's make sure the taxpayers are properly -- are involved in this process, okay, because it's a shady deal.

[10:42:52 AM]

Thank you.

>> Mayor Adler: Thank you. Next speaker is Jim Perkins. Is Mr. Perkins here? Next speaker is Allen Pease. Allen.

>> Is that good? Good morning, Mr. Mayor, mayor pro tem, members of the city council. A little background very quickly. I've done events all of my life, over 350 of them. When circuit of the Americas came to town, there was nobody here covering it, so I covered it for auto week. I looked at everything they've done over the years. I find them to be a responsible partner. Everything that they do is very well done. There may be some questions here as to whether you want to extend it for as long as they're

asking for. I have no problem with that, but I think there is imperative to get this so that they can get this for at least next year. And the reason I say that is because it isn't simply the city of Austin right here that will benefit from this. With passage of house bill and senate bill day before yesterday and signed into law, there will be a number of different entities that can now apply. Chiefly NASCAR has been admitted up in Fort Worth, and circuit of the Americas down here. When I say they've been a responsible partner, that doesn't mean I'm behind them 100% on everything that they do, but they have been a responsible partner.

[10:45:01 AM]

A good example of a not responsible partner is the cyclocross event which according to the Texas comptroller's site is about to collect \$100,000 on behalf of the city where the city's going to collect it. But that has been the discussion in the open spaces committee. And I've yet to hear that the city applied for those funds or that they stand to gain as much as they do. I've read the met, I've read the events trust fund backwards and forwards. There's probably 500 pages of things. When I heard the council the other day I listened to their questions and I can honestly say I don't think there were any of them that I.

>> Had.

>> But my main point in this is that I think there's a time window here. Two weeks from now, approximately two weeks from now, this has to be applied for in order for them to get the money and, coincidentally, the city to benefit from this as well. When this all began in 2010, no one even believed it was going to happen. Now it has happened. I think it's good if you and the circuit of the Americas sit down together and decide how you go forward from this point. But I don't see a reason to deny them, at least this year, the ability to capture the extra funds that they get from the major events trust fund. I think that acl and southwest, for instance, are often brought into comparison. Can I finish.

>> Mayor Adler: You can finish your thought.

>> Acl and south by southwest are often mentioned. Before the circuit of the Americas could host their first race they had to build a \$400 million facility.

[10:47:02 AM]

South by southwest takes advantage of existing structure. Acl takes advantage, I might add for four months, of zilker park, where I like to go pretty much every day.

>> Mayor Adler: Thank you, Mr. Peace.

>> Okay.

>> Mayor Adler: Thank you.

>> Any questions?

>> Mayor Adler: Any questions? Thank you, sir. David king.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David king. I live in the zilker neighborhood here to urge to you vote no on this proposal that would potentially grant \$450,000 in fee waivers in addition to millions of dollars of taxpayer money for this event. And then to have this circuit events local organizing committee to do the economic analysis? It's like the fox watching the hen house here. Of course they're going to come up with an economic analysis that proves up that all these incentives greatly benefit more than the incentives themselves, our community. We should have independent third parties doing these economic analysis for us and you all, just like I, can read on the internet studies, reputable studies, that have vetted these kinds of incentive proclaims and shown that they really don't have a net benefit to the economy, either at the local level. So this needs to be questioned. How come these come up at the last minute, hurry, got to approve it now, the deadline is two or three weeks away. Why? Your backs are always against the wall in these incentive deals. I don't

think so I don't think it's fair to put new that position and I'd ask you say no. If you can't get this to us in time so we can properly vet it, we're going to say no.

[10:49:02 AM]

Then Cota, circuit of the Americas, uses our unfair property tax appraisal system, get these incentives, turn around, unfairly get their property tax appraisals reduced, denying our food districts and county of badly needed tax revenue. They shouldn't have it both ways. Until they get our property tax appraisal system so it's fair, we shouldn't be giving incentives no these companies that play both sides of the game with us. I urge to you vote no. Just tell them no now. Thank you very much "Thank you.

>> Mayor Adler: Thank you.

>> Mayor, members of council, I'm here on behalf of Cota, I don't represent celoc, that's important for multiple reasons. I'm here on behalf of Cota I've been involved with the start with Cota and metf will. I'm here to urge to you amend the previous resolution to allow the X games to apply for and receive major events trust funding as was part of the original expectation. As a little history, the country bid to have the X games in various cities. Some cities were actually to write multimillion dollar checks to get them. We actually won, Austin won paperworks because of the package we put forward. One of the components was the major events trust fund was available to the X games. That's because legislature had previously added X games to the list of eligible events floodplain was a technical glitch in the legislation that made it to where games could not qualify for major events last time. They stuck with us, went events trust fund because that was another option. It wasn't the deal that Austin made for it, but it was an option. Because they were told that it's very probable that the legislature would fix the technical issue and be able to come back and make them eligible like they thought they were as part of our Boyd bring the X games here.

[10:51:16 AM]

The legislation has passed both houses now, fixing the technical glitch. It has passed on a super majority, allowing it immediate passage, it's now on the governor's desk and it pass on the a bipartisan support of 28 to three in the senate, 114 in the house. Basically confirming the legislature's attitude this is an important thing for our state and hope to be able to keep it here. We're ask asking you do amend the previous resolution that allowed them to apply under the ETF and allow them to apply under the metf done through the circuit events local organizing committee it has a zero impact on Austin taxpayers to do this. The -- between celoc, X games and Cota, they cover the city's local match. So there's no taxpayer impact here, except that all the increased taxes we get when the X games is held. There's been an issue raised why now, why you sudden a hurry? I'll tell you the deadline for filing is April 16, hard and fast state deadline. Why is it just now coming to you? Partially my fault. The bill was filed in January, passage of bills in a timely manner and immediate effect is always a hypothetical. Y'all had a lot of stuff on your plate and I frankly -- nobody frankly, thought that you audit to be dealing with a hypothetical situation on your agenda. Last week it became non-hypothetical because the legislature picked it up, passed both houses, and has sent it to the governor now and we're asking today, either today or sometime prior to April 16, that you consider this and amend the previous inclusion do honor the original bid for X games to be able to qualify for met. I'll be happy to answer any questions, historical or otherwise on behalf of circuit of the Americas.

[10:53:21 AM]

Wayne is here from the circuit events local organizing committee and this is totally transparent. We'd be

happy to air out, there are no off-base questions. This is totally transparent and we hope to have a robust conversation and hopefully you'll pass this today to let us go forward. Thank you.

>> Mayor Adler: Thank you. Questions? Looks like you have questions. Ms. Kitchen and.

>> Kitchen: You mention Youd the deadline being April 16 or whatever it is. Can you help me understand, is that for funding for this summer's games?

>> It is.

>> Kitchen: Okay. So the funding for next summer's games would be April of next year?

>> The deadline can be well, it depends on what the date of the event is. There's a 45 day -- no later than 45, no early than a certain --

>> Kitchen: All right. This application only applies to the games this summer?

>> Correct.

>> Kitchen: Okay, thank you.

>> Mayor Adler: Ms. He tovo.

>> Tovo: I have a couple questions. Thank you. I first want to follow up on councilmember kitchen's last question. The application that the X games intends to file would be multiyear to the major events trust fund, no?

>> You have to file an application every year because you have to file updated financials and updated economic analysis. So there is an application year after year after year. X games has said to us that they would like to be here through at least 2017.

>> Tovo: From the outset so they seek a multiyear commitment to be part of their major events trust fund as formula 1 did? It was not a 1-year request if was a multiyear request.

>> This one is not a multiyear request. This will be a rolling year after year.

[10:55:22 AM]

>> Tovo: I see. Would that then come back to the council each year for consideration? I guess, maybe that's a question for staff, how they're structuring the agreement.

>> That would be more of a question for staff. It's your prerogative. You are authorizing celoc to act on behalf of the city as the endorsing municipality. So you choose to be an endorsing municipality and choose to appoint celoc.

>> Tovo: We'll follow one staff about how long that authorization. Sorry that's just one of my questions. I have a few more. In the questions and answer that's -- the questions I submitted it -- I did ask the staff how many events celoc has applied. I understand you're representing Cota but I did ask the question of how many events celoc has applied for public funding and I received the list of events but not the amounts associated with those. Is that information you have? I have multiple events listed here that celoc has applied for state funding for, but it's not clear to me which ones were approved and at what amounts. So if we could get that information from you here today, that would be really helpful. And let's see. Maybe actually for the moment that's my last question. It would seem many me just as an overall, looking at the list of events that have been applied for for funding, I guess I would ask, do you think that's information you'll have at some point today during the hearing?

>> Staff will have it. We've got a celoc member here.

>> Tovo: Thank you. Can you help me understand whether public funding is kind of a key part of celoc and the circuit of the Americas public funding strategy going forward?

>> It is a critical component. Celoc only exists to -- because it's required under the state law to have a local organizing committee. It only exists to enable the city to be able to take advantage of the state's funding mechanism.

[10:57:23 AM]

>> Tovo: But the events that are listed in our response from our staff are -- it looks to me as if public funding is a key -- is envisioned as a key part of those events' success.

>> It is a key part. It's an interesting situation, this is one of the debates on the trust fund. These cities take advantage of these things, the one I found the most interesting was a city replaced for trust funding for the Chick-fil-A's manager's convention. Whether that's appropriate or not, that's not for me to decide. Somebody above my pay grade decided that. The events you see celoc apply for are events we actually compete for to bring here to Austin and as part of defraying the costs of bringing them here we tap into the state system.

>> Tovo: Helpful to know in terms of what the policy question is going forward because these are not 1-off requests. It appears these will be requests that will come forward again to this our future council.

>> Because everybody here is new and it is unfamiliar, I think at work session you talked about having a work session basically on the trust fund mechanism and the role of celoc and some. You actually tap the trust fund through your own sports foundation as well. I think you would find very interesting. It's a great program for being able to compete for events in the country.

>> Tovo: So my last question, Mr. Subtle, the application that celoc recently did for the X games was for 1.69, et cetera, million, and was approved for 1.2 million. If this body votes to allow you to go forward and compete for the major event trust fund, you are seeking \$3.6 million so the difference to you in this decision or the difference to celoc in this decision is two more \$000,000 worth of state money; is that right?

[10:59:23 AM]

>> That's correct, one to two.

>> Tovo: Actually, little more than 2.4.

>> The way this works is the economic impact analysis goes to the state and they go through a very elaborate analysis and more than likely the history has been they don't necessarily agree with the magnitude of maybe what our guys say and they carved it back.

>> Tovo: They carved it back from 1.69 to 1.2 for the events trust fund but the general point is accurate, that right now there's a commitment from the state for 1.2 million, celoc is seeking 3.6 million for next year's games?

>> That is correct. Consistent with what was originally thought when we as Austin made the bid to bring the X games here.

>> Tovo: That was not the decision by council. I mean, the council voted to allow you to go forward and seek events trust fund money, which is a much smaller cap.

>> That's correct. But before that action, when X games thought they were eligible for major events trust fund, the bid package to bring the X games to Austin, which the city council was not involved in, they thought that they were -- would qualify for major events trust fund.

>> Tovo: I see what you mean this. That was celoc's position. When we talk about Austin, that was celoc's request to --

>> Well it was celoc and other members of the community.

>> Tovo: That's fine but it was not a council decision it was not a --

>> Tovo: I just want to clarify that.

>> Council did not decide to go and chase X games that's correct.

>> Tovo: Okay.

>> But the community did.

>> Tovo: Thank you, Mr. Subtle.

>> Mayor Adler: I'd point out in answer Mr. Zimmerman's question when we had conversation of this

issue at the work session on Tuesday there was a request for a committee referral for some of the policy issues associated with this, which I think encompass -- I received an e-mail from Susan Moffett which I think raised a lot of important questions for to us ask.

[11:01:29 AM]

I think that the questions that were raised by Susan in her e-mail are subsumed within the referral. So I just handed out to everybody the form that we're using to refer these matters to committees. So we have referred to the audit and finance committee and also to the economic opportunity committee some of the policy issues related to this question. Hang on a second. Yes. Ms. Pool.

>> Pool: Thank you, Mr. Mayor.

>> Mayor Adler: I nearly called alleles Gallo.

>> Pool: Or sherry pool.

>> Gallo: Share the name.

>> Mayor Adler: Sorry about that.

>> Pool: That's okay. We can do a mickup of first and last names throughout.

>> Mayor Adler: Really confuse people. Ms. Pool.

>> Pool: Mr. Subtle you mentioned that you are really a representative of the circuit of the Americas and not the local organizing committee; is that right?

>> Correct.

>> Pool: But a member of your firm sits on the local organizing committee; is that correct?

>> That's correct.

>> Pool: I wanted to establish there is a connection with the firm.

>> I'll stipulate to it. How is that?

>> Pool: Sounds good to me, not being an attorney. A little additional information coming from the points that the mayor pro tem raised. You were talking about the public funding and the expectation as part of the business model for Cota that you would continue to request public funding. I was curious, what sort of profits the business makes and at what point would Cota expect to be financially standing on its own feet without public funding?

>> Well, Cota stands on its own feet without public funding. The events are what qualify -- the legislature has determined in order to bring these events to our city or bring these events to our state, that under certain circumstances you can qualify to tap into the state portion of the taxes.

[11:03:32 AM]

To bring those events. If Cota doesn't have the X games, they will rent the track to somebody. That's their business. They have a track. If Cota hold an event and the expenses of bringing that event far exceed what may be a reasonable thing for a business to shoulder, then that's how they tap into the state fund. That was the whole purpose of the state fund. And our city taps into it for different things other than Cota as well.

>> Pool: And then I just wanted to ask one other question at this point of Mr. Subtle and I'll have additional questions on the topic later on, Mr. Mayor.

>> Mayor Adler: Okay.

>> Pool: So the last question just goes to the attendance figures that were published by Cota in its -- the metrics that it put forth in its report. There were concerns raised about the fashion in which these Numbers were arrived at. I don't know if you're prepared to speak to any of that today or if even you're the appropriate person, but I would like to have a conversation at some point about how Cota -- I think Mr. King mentioned the fox guarding the hen house. They were reporting on their own performance,

their own Numbers, and there were questions about how they had arrived at them. Would you like --

>> In terms of the X games or --

>> Pool: This is specifically about Cota.

>> Well, it's not about --

>> Pool: And f1.

>> Well, first of all, we'll have -- Cota will be happy to have any kind of discussion you want on attendance figures. Those are figures that are submitted, audited. Other people look behind them. If you're implying that Cota is fudging the Numbers, the answer is absolutely not. They're not fudging the Numbers. I don't know? That's the implication or not.

>> Pool: No, I wasn't implying that. I was asking what methodology they had used to arrive at the Numbers.

>> We can have that discussion. I'm aware of at one point they had a university come out with a bunch of kids with tablets and actually talked to people as they came through the Gates and did surveys.

[11:05:39 AM]

You've probably with H that happen if you've been to an event. They know how many tickets are sold, how many people are in the facility. That's a pretty easy metric to measure. It's basically counting bodies.

>> Pool: So this all goes to the larger picture that I think I on the dais here and I think I'm joined by a number of my colleagues would like to have the larger conversation about the circuit of the Americas and the local organizing committee and the relationship between celoc and the Austin city council and the fact that we have never had a report from them or briefing by them and know very little about the operations. They have not been audited. I understand that they could request an audit but there is none required of them. So there are many, many areas of this that I think we would all benefit and the community as well as would benefit from the brighter light being shined on it.

>> And we would welcome that because frankly celoc and Cota have not been invited to come brief or anything and would be happy to do that. There are so many good things that haven't been talked about, the children for children, veterans, out at the facility that was totally privately funded you would find very interesting. We don't ever have the time to talk about it. We welcome that opportunity and will attend any meeting that you want to have.

>> Pool: Thank you.

>> Thank you.

>> Mayor Adler: Wire still in -- trying to get back to Ms. Troxclair for her motion on this item but while we had Richard up here there was an opportunity for people to ask him questions as opposed to to debate this matter. We can certainly bring him back later but we do need to get a motion on the floor shortly. Ms. Kitchen,.

>> Kitchen: I don't have a question. If you can tell me what order I should ask this in. I wanted to make some suggestions to the committee agenda item referral.

[11:07:40 AM]

To the scope of it. So whenever that's appropriate. Would you like know do that now or later?

>> Mayor Adler: Let's do that now.

>> Kitchen: Okay.

>> Mayor Adler: Let's do that now.

>> Kitchen: The language relevant -- by the way, thank you. I think this is a very helpful format to put these agenda --

>> Mayor Adler: We'll take comments on it. This is growing as our transition grows and we're trying to set stuff out.

>> Kitchen: I like it. It's helpful. For clarity, for the public and also for our committees that we're referring to, under the notes, there's a reference to what I would read as the scope of what we're asking of the committee. I mean, the committees obviously can expand the scope themselves if they'd like.

>> Mayor Adler: Right.

>> Kitchen: I would just like to clarify that from my perspective, I would like to ask that the committee look at four additional things, which I think is additional level of detail that could be encompassed here but I want to be clear about that. And the first is the composition of celoc and the city's authority to appoint, approve, remove members to celoc. Second is how celoc operates under open meetings and, you know, what their processes are there. The third thing is the reporting by the city's ex officio board member, including whether or not that board member should be ex officio and finally the auditing process that is independent auditing and other types of auditing process that occurs with celoc. Again, I would just say that I think that the way we've set up our chi structure, the committee members and the committee itself can certainly expand their scope. I just wanted to be clear that these are items that I think that I would like to request the committee to review.

>> Mayor Adler: We'll go ahead and amend this referral to include those four items as well.

>> Kitchen: Thank you.

>> Mayor Adler: Okay? Ms. Troxclair. You want to make a motion on this item 4.

[11:09:41 AM]

>> Troxclair: Were there additional speakers.

>> Mayor Adler: No additional speakers.

>> Troxclair: Sure. I'll go ahead and make a motion. To lay it out, I do have an amendment here that I've passed out to the city council members. To me there are three issues that are before us right now. We have two issues specific to the resolution and then the third issue of will having the role of the city council and the rip with celoc. So the two issues that are in the amendment are, first of all, authorizing celoc to apply for funding from the major events trust fund. And then there was a second issue that gave authorization to the city manager to bring forward city fee waivers for up to \$150,000. And then the third issue is reviewing the role of the city and celoc make sure that we have a transparent and mutually beneficial relationship. I think the third issue was addressed by the conversation we had and referral to committees. I'm looking forward to having that discussion in the economic opportunity and audit and finance committee. Speaking to the first two issues I understand the background of the X games, legislature intending to originally include the X games for application in the major events trust fund but my concern was with the second topic of the \$150,000 fee waivers. My understanding is that the -- they had the ability to come to council last year and ask for reimbursement for the fee waivers in the form of fee waivers and did not do that. So I hate to -- I don't think it's necessary for us to set the expectation this year if it's an issue that comes up in the future, they can come back to council. But I'm uncomfortable including \$150,000 -- permission to bring forward \$150,000 in fee waivers at this time so my amendment just removes the language saying that the city manager is authorized to bring forward that request.

[11:11:52 AM]

>> Mayor Adler: So it is the motion posted publicly on number four, item number four, but you are proposing that without the second to last be it resolved clause?

>> Troxclair: Yes.

>> Mayor Adler: Is there a second? Ms. Houston makes the second. Ms. Troxclair, do you want to debate it first?

>> Troxclair: It looks like councilmember kitchen has a question.

>> Mayor Adler: Okay, councilmember kitchen and then Ms. Gallo and then Mr. Zimmerman.

>> Kitchen: My question goes to the first part, the first be it resolved that references three years, 2015, 2016 and 2017. I don't know who I should be asking this question of but my thought -- my understanding is that might be an extension of -- first off, my concern might be that that might be longer than we need to authorize at this point in time, considering the fact that we've just put some important policy issues to our committee. The second thing is my understanding is that the 2017 at least is an addition of a year longer than what is currently the case. That's really my question. Is it true that 2017 -- who can answer that question?

>> Troxclair: I just want to be clear really quickly my amendment made no changes to the.

>> Kitchen: Oh, okay.

>> Troxclair: -- Resolution -- item in front of us except to remove the \$150,000. I did not make any edits.

>> Kitchen: I'm sorry.

>> Troxclair: I copied the entire thing so we had it as a reference but my only change to the current item is to remove the \$150,000.

>> Kitchen: Yes, I understand. I'm sorry. I should have made that clear. I'm asking this question because I may want to make -- propose an amendment to your amendment. So . . .

>> Leela fireside on behalf of the la law department.

[11:13:53 AM]

Councilmember kitchen, you're correct the original resolution was for 2014, 2015 and 2016.

>> Kitchen: Okay.

>> The circuit of the Americas and the circuit events local organizing committee have asked for an extra year and that's referenced here. So if you make a friendly amendment that might delete it, then that would put it back to the three years that were mentioned in the original resolution, if you would like, or, however, you choose to do that.

>> Kitchen: If I'm understanding correctly that relates to our authorization for celoc to act on our behalf; is that correct.

>> Houston: N.

>> Well, yes it says that we're going to be the endorsing municipality, which is a requirement of the constitute. Then, yes, it does -- it does reflect our authorization of celoc to act on our behalf.

>> Kitchen: Okay.

>> And then it would be reflected in revised contracts between us, Cota, us, celoc and celoc and Cota.

>> Kitchen: I would like to make a friendly amendment if it's appropriate at this time. If it's appropriate - - should I go ahead --

>> Mayor Adler: The only reason is, the awkwardness comes under Roberts rules you're not supposed to debate something first and then make an amendment.

>> Kitchen: Okay.

>> Mayor Adler: If you want to ask questions, you can ask questions, then you would go back in the queue to make an amendment but it's to prevent someone from being able to argue and amend. So I think you've asked the question so further so let me come back to you to make that.

>> Kitchen: Okay.

>> Mayor Adler: Ms. Gallo was next and then Mr. Zimmerman and then Ms. Tovo.

>> Gallo: Thank you. I think it was very clear from the citizens this last election year that people were concerned in this community about Austin becoming more and more an affordable -- unaffordable for

the residents, and I believe that all of us are going to be interested in looking at the process of fee waivers, both for for-profit and nonprofit entities.

[11:16:04 AM]

So I think that the idea of removing those from this agreement is appropriate and I do look forward and I know we're working with city departments to try to come up with a list of fee waivers that have been granted this past year for both nonprofits and profits and really have that dialogue of where it's appropriate and what amounts are appropriate. So --

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. It's my understanding that the motion here is for councilmember troxclair's amendment, which we had up here a second ago, and that's been seconded. So is it possible -- I'd like to amend -- move to amend that to strike two years and make it for one year. So strike 2016 and 2017 so the amended resolution would be 2015. I'd like to make that motion.

>> Mayor Adler: There's been a motion to strike 2016 and 2017. Is there a second? Ms. Pool. You want to debate this?

>> Zimmerman: Yes, thank you, Mr. Mayor. So I was a little -- I guess a little confused coming in because I saw the agenda item referral. I thought the whole matter was going to committee. But I think you were saying the policy question was going to the committee and so there was going to be a vote on the matter. So I wanted to shorten this because when we considered in committee we he you may want to recommend changes and is not be bound for three years. Why I wanted to make it one year.

>> Mayor Adler: If we could have staff for one second. Question. By the early resolution I think we've already said we were the sponsoring city for the years 2015 and 2016 so by removing two years as opposed to one year, I would support you on removing the one year, 2017, but I don't know what the impact is of having already said that we were the sponsoring organization for the years 2015, 2016 and now coming back and doing that. Ms. Houston, would you -- I mean, I don't want to renege on something we've already done.

[11:18:08 AM]

>> The original resolution was for the event trust fund. So I guess the question would be for you are you wanting to amend this so they can only apply for the major event trust fund for this year but keeping the authorization for the event trust fund for the next year. I am -- that's my question.

>> Mayor Adler: Okay. Thank you. I think I understand that. Ms. Tovo and then Ms. Troxclair.

>> Tovo: I have a few questions for staff. I would like the answer to the amounts applied for that celoc can be the amount of state money celoc has applied for and received, but my other question deals with the answer I received back from staff about the extent to which staff are signing and affirming the accuracy of the information. Thank you so much for providing that additional level of detail. It looks to me, and I want to confirm my understanding. It looks to me from your answers as if our staff are actually submitting signed affidavits southeasting that the economic impact study for these events accurate. Is that correct?

>> Rodney Gonzalez, acting director for the development services department. You're absolutely correct. The city manager himself signs those affidavits, we thoroughly review to send task to the city manager for signature.

>> Tovo: We are relying on the information provided by the event organizers themselves. Are we bringing in any outside independent auditors, either on our staff or outside the city, to assess the accuracy of that information that's been provided to us before our staff certified to the shave it's accurate.

>> Councilmember, there is a team of city staff, myself, terry funds, leela fire side and another staff member, terry and one other member of our staff do contract compliance reviews, review the multiple million dollar contracts we have for annually and those have volumeness agreement requirements.

[11:20:29 AM]

So they're very skilled at looking through these documents. So we go through them. We obviously have questions. We pull celoc into the room. And we ask some questions that we have about the information that they presented. And very importantly something that we started also is we formed our own affidavit that we request celoc to sign as well as Cota. So they give us an affidavit verifying the information is true and correct, first part along with submitting the information. We then go through a thorough review of all the information prior to sending it to the city manager for his signature.

>> Tovo: I appreciate that additional information but it -- but the city or an independent entity is not collecting its own data. We're working from the data that's provided to us by the event organizers themselves?

>> We're not collecting the data. But that doesn't mean that we're not looking at it and vetting it thoroughly. That was not part of the agreement. Undoubtedly there would be a cost for collecting the data ourself. So it's very important and very critical that we thoroughly review it.

>> Tovo: I agree, especially if we're certifying to the state it's accurate.

>> Councilmember your first question, trust fund approval, each of you should have on the dais a sheet of the previous 13 approved events trust fund and major events us from fund. There's a column entitled total trust despond those are the trust fund approvals for the previous 13 events trust funds. This information has already been posted on our website or on the economic development department website.

>> Mayor Adler: Thank you. Ms. Pool.

>> Pool: Mr. Gonzalez, I have a couple additional questions.

>> Yes.

>> Pool: You mentioned the website. Who is responsible for keeping the website up to date? I think you said this was just posted but I think previously it may not have been updated in a while.

[11:22:34 AM]

>> This information you have in front of us we've anticipated posting it. As you can see there's a lot of information. When we put something like this together we want to make sure we're providing the pertinent information for the viewing public so you'll see underunderlined in blue links to different documents, for instance application to participate, you will have a link to the specific application for the events trust fund. When you see a ward letter that will be a link to a document that comes from the Texas come troller with regard to the reward. There will be a link for the specific agreement for that particular endeavor. All of this information as you can see the various links and we have the other column, reimbursement requests, that will be a link to the reimbursement request submitted by celoc. This is a lot of information to put together. We wanted to make sure that it was completely captured before we put it online. It's something that has been in the works for quite sometime, and we're pleased to announce it is now on the website.

>> Pool: Will we be able to able the economic impact analyses to the website informal.

>> It's within the application so within the application I think you'll find it varies from 75 to 100 pages of information, including the affidavit signed by city staff.

>> Pool: So we will have a place for the community to go and look and see the different things going on relating to Cota and celoc and understand more deeply the economic impact of the different events that

are --

>> You absolutely will. The viewing public eight.

>> Pool: That's going forward.

>> That is going forward. We will update this continuously.

>> Pool: I had one other question and it relates to celoc as the designated representative of the city. Who has the authority to appoint those members?

>> The authority -- and this isn't a question of myself. This is more a question of the celoc secretary, Wayne Hollingsworth because he's familiar with the articles and bylaws of the corporation but I believe the board itself has the authority.

[11:24:47 AM]

But he's here and he can correct me if I've misstated myself.

>> Pool: Are those bylaws and operating procedures and information, is there a place on the internet that we can go and view those documents?

>> That's a question for Wayne, who heads celoc.

>> Pool: Did you say he was here?

>> He is.

>> Pool: Great. Maybe we can hear from him.

>> Mayor Adler: Do you -- okay. Ms. Houston. We can have him come down. So the issue before us is whether or not to allow this entity that we've already approved to make application to one fund for two years to make application to another fund for those same two years. There are lots of questions we want to have about how the board gets appointed, who's on the board, all have gone to committee. A lot of the questions seem to be going to that. So maybe -- we'll let him answer the question but I'd urge us to stay to thing on the agenda and let the committee deal with those policy issues.

>> Pool: I completely understand, Mr. Mayor and thank you for that. The reason why I'm asking the questions and maybe my colleagues as well is there's a demand Thor feast questions to be asked in the community. I would like to signal that we are hearing the questions, that we do wish to air them publicly, and I think we recognize that this will be a further conversation in another forum but I would like to get this one answer from Mr. Hollingsworth since he's done us the favor of coming forward.

>> Mayor Adler: Okay.

>> Pool: Thank you.

>> Good morning, I'm Wayne Hollingsworth, director and secretary of circuit events local organizing committee. Mayor, mayor pro tem, council, thank you for the opportunity to be here. I'm happy to answer any questions.

[11:26:49 AM]

>> Pool: I was just curious about the appointment of celoc membership and whether the city plays a role in that.

>> The city does play a role. There is a contract between the city of Austin and celoc. The city has the right to appoint one director on the board of celoc, and that director serves in an ex officio capacity. The other directors are elected by the board itself. Celoc is a nonmember, nonprofit corporation that currently has four directors, including Mr. Gonzalez with the city.

>> Pool: Thank you. We'll have more questions in the future but that is all I have for today. Thank you.

>> Mayor Adler: The issue before us right now is to strike the last two years. Any further discussion on this motion to strike the last two years?

>> Houston: I'd like to move we go a vote.

>> Mayor Adler: Go a vote. Is there -- is there an impact of us not including both years? I guess we could come back and do that later? There's been a motion to -- there's been a motion to end debate. Is there a second to the motion? Okay it takes 23rd to end debate. All in favor of ending debate please raise your hand. I'm sorry?

>> I'm sorry. I'm just not clear. Are we ending debate on discussion about the amendment or the full item?

>> Mayor Adler: On the amendment to strike the two years. All in favor of ending debate raise your hands. It's everyone on the dais except for Ms. Troxclair. Do you vote no or abstain?

>> Troxclair: I guess I was voting no. I just had one more question, but --

>> Mayor Adler: That's fine. We've ended debate though on the amendment.

>> Troxclair: Okay.

>> Mayor Adler: Did you have a question about what we're doing or --

>> Troxclair: I wanted to -- for us to be really clear when we're talking about whether or not we're striking both 2016 and 2017 or whether or not we're striking 2017 because I've heard both suggestions made and I want to make sure that we are not going back on any agreement that we have made with X games last year when they made the commitment to come to Austin for three years.

[11:29:03 AM]

So I just -- I don't want to impact -- go back on any agreement that we've already made with X games so I just wanted to have a clear understanding of whether we're removing 2017 or both.

>> Mayor Adler: Ms. Houston.

>> Houston: So, mayor, thank you, councilmember troxclair. If we've made an agreement to through '16 as a city, then that's fine. I just think that we're getting into so many additional issues that are not specific to this specific request that I'm trod close debate on it and then vote on what --

>> Mayor Adler: I think so. Procedurally --

>> Houston: Then that's fine.

>> Mayor Adler: The issue is 2016, we're going to strike both 2016 and 2017 or just 2017.

>> Houston: I think that's what we asked staff, do we have a contractual agreement.

>> Mayor Adler: When I asked that question the answer that came back was we have approved them to apply to the regular fund for years 2016 and the question now is what do we approve them to apply for for the additional fund.

>> Houston: Major thrust fund.

>> Mayor Adler: I will personally probably be voting against this amendment, 2016 and 2017 and make an amendment immediately after should that not pass to just strike 2017. What's in front of us now is strike both, we've ended debate on that.

>> Kitchen: This is just a clarification. The amendment to the amendment strikes 2016 and 2017 for mmetf, which is new.

>> Mayor Adler: Right.

>> Kitchen: It also strikes 2016 and 2017 if I'm understanding correctly for ETF. And just the 2006 is old. Is that -- was that your motion right, councilmember Zimmerman?

>> Zimmerman: That's my understanding, yes. There's a resolution called out here, 201-3239.

[11:31:05 AM]

The resolution right we're amending is called out so I think you're correct.

>> Mayor Adler: Now I'm really confused. So we have approved -- the attorney is here. We have approved this organization doing this event and we have also approved, prior council, this event seeking

regular funding for years 25 and 2016. Regular state fund. Now we're being asked to also let them apply for the major fund. Does -- if we just approve 2015 and don't approve 2016, are we taking away any rights that we have previously granted or permissions or authority?

>> Are you striking the authorization for the event trust fund for 2016 also or only to apply to the major event trust fund for 2016.

>> Mayor Adler: Do you U do you see the language? We're taking out a number. Substantively that's the question we're asking you. So the motion that's on the floor is to strike both years 2016 and 2017. And we're trying to figure out what the significance is of striking 2016.

>> To be cautious, at the time that I wrote this resolution, it was not clear whether or not the legislation was going to go forward. And so I put if appropriate the Texas event trust fund. If you want to strike also the Texas event trust fund so it just says for the major event trust fund for the following event for 2015, then that would leave the regular event trust fund language from the old resolution in place.

>> Houston: Mayor, can I tell you what I'd like to do?

>> Mayor Adler: Tell me what you'd like to do.

[11:33:05 AM]

>> Houston: What I would like to have us do is pass a resolution that allows the circuit events local organizing committee to apply for the Texas event trust fund, the major event trust fund, for 2015 -- for 2014 and 2015 and that gives us time to do these other things about who they are, how they're elected, and then we can come back and revisit '17.

>> Kitchen: And, mayor --

>> Mayor Adler: What about 2016.

>> Houston: Sorry, 16, 14, 15, 16, and then we can revisit all those other things. They have to come back every year anyway.

>> Mayor Adler: My sense is now that the amendment just by changing the date is not going to get us where we need to go. Because if we just change the date but don't change the other language in the paragraph we will have ended up in a situation that is unclear and ambiguous if there's not objection to pulling that amendment, I think the way to do this might be to better frame the issue similar to the way that Ms. Houston has. Ms. Troxclair?

>> Troxclair: So I think what Ms. Houston was abdicating for was striking 2017 and from what I understand our current agreement is only through 2016 anyway and I don't think there would be any issues if we only strike the extension of 2017.

>> Mayor Adler: Okay. So I'm going to do this. This is -- while it's called an amendment, this was the original motion that was made. So the original motion on our floors what came from Ms. Troxclair floodplain was amendment to strike 16 and 17. I'm going to internet to take 2016 out. The net effect would be the only thing that gets strike is 2017.

[11:35:08 AM]

That's the amendment to the amendment is there a second to that? Seconded by Ms. Houston. So we have a motion, which is what's on the yellow page. We have an amendment, to strike 2016, 17, we have an amendment to the amendment to take switch out of the strike. The effect would have it read 2015 and 2016. That's what we're debating, whether or not to keep 2016 in. Ms. Kitchen.

>> Kitchen: I don't agree because 2016 is new. What you're doing by this is you're adding 2016 for the major events trust fund. So I don't want to complicate things further, but I'll just say my preference would be to strike -- as was suggested, to strike the language that says or the Texas event trust fund, okay, and then also strike 2016 and 2017. Then what we've done is we've allowed an application for the

major event trust fund for 2015 only so that we then have time to consider what we wanted to consider in our committee, but we haven't touched the existing authorization for the Texas event trust fund for -- through 2016. So that would be my preference.

>> Mayor Adler: So Ms. Kitchen urges a vote no to this amendment to the amendment. Further discussion on the amendment to the amendment, which is to put 2016 back into Mr. Zimmerman's amendment. Mr. Zimmerman.

>> Zimmerman: Yes, thank you, Mr. Mayor. I concur with councilmember kitchen's remarks and also could we put that yellow sheet maybe back on the list to kind of get us back to where we are? I don't think I need to add anything to what councilmember kitchen has already said. I agree with her. Thank you.

>> Mayor Adler: Okay my debate is I would let 2016 stay in there.

[11:37:10 AM]

We've already approved this organization for 2017 2015 and 2016 to go after state money. Quite frankly, again, what I said at the work session, if we have approved an event, supporting the event, sponsoring the event, and the event has the ability to eventually pull in state money, I will let those events try to pull in state money. I would not approve it going to 2017 until we've had a chance to go to committee, and I want the committee to take a look at the much larger issues with respect to appointments and who is in charge, what the reporting is, what the audits look like, but it seems to me we're already pregnant. I mean, we're already involved in this process with the regular event fund. Seems to me that the only question is do we let them also apply for network fund and I would hope they would be able to pull inasmuch state money as they could for the community. Further debate on the amendment to the amendment regarding 2006? Ms. Tovo.

>> Tovo: I vastly prefer councilmember kitchen's solution for some of the reasons that have been mentioned. They already have the authorization to go forward and seek -- the city council has authorized them to go forward and seek the events trust -- events trust fund money but the decision that we would be making today in extending that is equivalent to at least, by my calculations about a \$2.4 million increase each year beginning this year, and so I believe that we are -- you know, have made a previous commitment on behalf of the city to allow them to go forward and seek events trust fund money, but I don't -- I would -- that is the reason I --

>> Mayor Adler: I understand.

>> Tovo: Vastly prefer that solution.

>> Mayor Adler: Any further debate on the amendment to 2016.

>> Casar: I'm fine not good thing this any further. I want to -- I've been waiting to ask one question of staff and circuit of the Americas, I'm happy to ask that question when we're debating the actual final vote.

[11:39:11 AM]

I want to make sure by staying quiet I don't end up on a motion to debate.

>> Mayor Adler: No further debate. Question is son the amendment. All those in favor of the amendment to to the amendment which would put back in 2016 raise your hand. One, two, three, four, five. Those opposed, raise your hand. So the tovo, pool, kitchen, Garza, Zimmerman, Casar, voting no, others voting I. Now we're on the amendment to strike years 2016 and 2017. Any further debate on that amendment? All those in favor to that amendment raise your hand. This is now the Zimmerman amendment, striking 2016 and 2017. Please raise your hand. I think this is what you had wanted. Those opposed? That is troxclair, Houston, Renteria, and Gallo voting no. Now we -- so we have struck 2016

and 2017. The others voted aye, the names I called. We're now back to the motion as it sits to strike -- to approve the troxclair motion for 2016 and 2017 not there.

>> Mayor as a clarification on this side, are we now striking the event trust fund as well for '16 and 17?

>> Mayor Adler: No.

>> Just metf. Got it.

>> Zimmerman: As a point of order, I think Mr. Casar wanted to comment on the amended motion.

>> Mayor Adler: In relation to what Mr. Subtle just said, because that was the confusion that we had with the issue, that the attorney has advised us by just striking 2016 and 2017 we could have created an ambiguity and we don't want to stop the authorization that was previously granted.

[11:41:25 AM]

Is there a motion then to strike the words and other appropriate -- or other appropriate state -- no -- or the Texas event trust fund? Ms. Kitchen makes that motion. Secretaried by Ms. Pool. Any discussion in all those in favor raise your hand. Those opposed. So the two changes -- it passes unanimously. We have stricken 2016 and 2017, stricken or the event trust fund. Those words are stricken. We're now on the debate on the motion as amended. Mr. Casar, did you have questions?

>> Casar: I did have one question. I'd like to hear the answer from staff and I'd be open to hearing the answer from circuit of the Americas and Mr. Subtle. In the resolution that we're amending by this proposed resolution, it does not say the major events trust fund gives authorization for the events trust fund, am I right? What we're doing is adding -- giving them that authorization, correct? In the original resolution authorizing the application for funds, we're authorizing application to the events trust fund. The original one.

>> Councilmember Casar, the original resolution authorized the application for three years to the event trust fund.

>> Casar: Correct. So I guess my question is if the -- the original understanding of the X games and their bid was to -- that they would be able to apply for the major events trust fund, then why is it that we did not authorize -- why didn't we not include this in the first place?

>> The reason we did not is because, as Mr. Subtle indicated, the way statute was amended to add the X games it did not add ESPN as a site selection entity authorized under that statute so the comptrollers office says the statute doesn't allow that but you may apply for the event trust fund so that's what we went forward with.

[11:43:40 AM]

>> Casar: So there's no story as to why we didn't include and if appropriate or if the statute got incidentally messed up gets fixed we'll allow you to do this? The understanding was we would have to back and do this if the statute was fixed.

>> We weren't to predict the future.

>> Casar: Okay.

>> I wish I'd have done that.

>> Casar: I wish you had too because for me personally, I guess I should use the word awkward the word that comes to mind is goofy, I have difficulty understanding or knowing if the straining strangeness of this history is innocuous or if there's something else we need to know. In these sorts of situations I'd prefer postponement so that we can further investigate that. I got done with my community-related events at 11:00 P.M. Last night, got a chance to read some of this history about what happened at the legislature, and I just feel personally sort of uncomfortable to rush to make this happen when it doesn't seem like it was the city council's mistake and a shuffling to ensure that a million dollars or two

more of state funds gets appropriated to an event that's already going to happen. And I understand that there's a very good chance that therefore was just a goof but I have difficulty approving and going through this whole rush and I understand that there's probably been a lot of work at the legislature to make this happen in time for this event, but -- it makes it even more difficult we don't have a meeting next Thursday for us to be able to investigate it. So I personally -- it has nothing to do really with the X games or formula 1 but I just don't feel comfortable being able to make this change on this short of a notice. So that's -- I just want to make that comment to my colleagues about why I'm not going to be able to support.

[11:45:48 AM]

>> Mayor Adler: The motion pending before us is the motion with the language change in the first paragraph and the last resolve clause removed. Any further debate on this motion? Ms. Tovo.

>> Tovo: Yeah I just want to say I concur. I think that we are making -- I mean, we clearly are making a big decision here today. There was a lot of community discussion a lot of council discussion that proceeded the agreement to go forward and be the -- allow the formula 1 to go ahead and apply for the major events trust fund inspect was an an extremely abbreviated discussion, while with more discussion and more ferreting out of the information, I might have been prepared actually to support this going forward since the council has supported it for a different state body of fund, but this is, you know, \$2.4 million decision we're making today to allow them to go forward and seek that additional funding and I too am not prepared with as little time as we've had to support it.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Yeah. Point of inquiry. Does the page on the overhead, does that match what we've now edited? Because we struck two years and we struck the language major event trust fund. And then we also have a -- councilmember troxclair's strike of the \$150,000 section. Does that look like what we have on the floor now?

>> No. Because you struck the major event trust fund.

>> Zimmerman: Did I strike it in the wrong place?

>> Yeah.

>> Zimmerman: Can you correct that for me.

>> It's the Texas events trust fund.

>> Zimmerman: I'd appreciate it if you correct it.

>> Mayor Adler: This in essence right now is a motion to allow this entity to apply for a major event fund money for the year 2015.

[11:47:48 AM]

>> Zimmerman: Okay.

>> Kitchen: That's really what we're doing.

>> Zimmerman: I did the wrong line. Sorry about that.

>> Mayor Adler: Ms. Troxclair?

>> Troxclair: I just want to reiterate that my original amendment was to remove the possibility of \$150,000 in fee waivers. We kind of got sidetracked on the years but that was the intent of my original amendment and independent that so we have adopted that change as well.

>> Mayor Adler: That's part of your motion. If no one changes that then that stays in so the motion -- so we are now pending with the motion of whether or not to let this entity seek major trust funding from the state, which I understand costs the city nothing, for the year 2015. And we're -- and the fees. Any further debate? All in favor of the motion raise your hand. Kitchen, Gallo, Adler, Renteria, Houston,

troxclair. Those opposed raise your hand. Kitchen --

>> Kitchen: I'm sorry. I didn't bring it down in time.

>> Mayor Adler: No. Those opposed? Casar, pool, and tovo is -- Zimmerman with tovo abstaining. This motion passes. Thank you. That gets us to item number five.

>> Wait.

>> Mayor Adler: Yes?

>> Kitchen: We just passed an amendment to the original item, right? Don't we have to vote on the original item also?

>> Mayor Adler: No. While it's called an amendment, the motion that was before us, the original motion before us --

>> Kitchen: I understand, I understand.

>> Mayor Adler: So that motion now passes. We are up to item number five.

[11:49:52 AM]

Levy, do you want to come and testify.

>> Mike levy, vice chair of ems and fire for the public safety commission, never been in front of this body before on a formal basis, I think most of you know I'm the reason invented the delete key. This is about priorities. I put out some documents that we gave to the task force two weeks -- two Mondays ago. I'm not sure we'd call it a task force and it basically says the city is at great risk, now number three nationally in terms of risk. We know that carriers are either not going to cover homes here because of the risk or that the rates will go up significantly. The public safety commission has made this the highest priority, highest risk facing the city of Austin. Over the -- not the opposition, but without the support of management of the fire department, we were able to get what we needed, which is a wild land management division within the fire department. The reason we got it is bop bob nix with the association talked to each member of the council. They understood why it's important. If you approve this ordinance, basically what you're saying is we disband the commission.

[11:51:56 AM]

They're removing a battalion chief, they're not posting a critical senior civilian position, they're replacing all of this with an administrative tech and one position is there for on paper only because the individual is out for long-term disability. If you approve it, what you're essentially doing is increasing the fire department's command staff from eight to 13 or 62% since the chief came into office. There's only been one new fire station added in that period of time. One of the division chiefs and it's being justified this way, will be responsible for two sections, wild land division is only one of them. We need somebody there to provide ongoing management and leadership. The new division chief would not be located with the division, but headquarters, based on what we know, public safety commission, I'm basically here to beg, plead, grovel. We need to maintain this division. Thank you very much. Questions?

>> Zimmerman: Thank you, Mr. Levy. Did I hear correctly that you're saying there's been -- if this goes through there's a 62% expansion of upper level management?

>> That will be argued by staff naturally but when the chief came into office there were eight senior folks in the bureaucracy and this will increase it to 13, 62% increase. And this is -- with only one additional fire station added in that period of time.

>> Zimmerman: I appreciate that because it is a discussion here I think about priorities and what will be the best thing. I've talked to some rank and file firefighters that can't be here, but I have yet to visit with someone on -- in the rank and file, the people who are fighting the fires on the ground.

[11:54:05 AM]

I haven't found anyone that supports this in the rank and file.

>> The reason they're not here, there's a culture of retaliation. They can't do it. They can't be here. Now, if the council is interested in this proposal, this can wait to the budget process. If you want to spend the additional money, that's policy, you can do it then, is my suggestion. Wait a few months. The fire department is not going to collapse because there's not two additional division chiefs, but you're not going to destroy this wild land division. That's essentially what you'd be doing if you do these cuts as proposed by staff.

>> Zimmerman: Thank you.

>> Thank you.

>> Zimmerman: Thank you very much.

>> If I may, mayor.

>> Mayor Adler: Manager.

>> First of all, we're not talking about staff. We're talking about the city of Austin fire chief, number one. I think that chief Kerr deserves that level of respect when being -- when we're talking about the fire department and certainly she's present here today to speak to the issues and, chief, I want you to speak to those issues. I know that your intent has never been to destroy or take apart the wildfire division. We had this discussion sometime ago at a previous council work session, and I thought that you were on point and eloquent in terms of describing the rationale for the reorganization and personnel decisions that you have in mind. You spoke to both the preventive side of our wildfire program, as well as the operational side, indicating that your intent is to enhance both of those things. And with respect to the fire department and as far as I can determine in regard to its culture, I'm not aware that we have a culture in the fire department that endorses or creates a set of circumstances that causes people to feel that they're going to feel -- be subject to retaliatory behavior in the event that they may have an opinion that is different than yours.

[11:56:23 AM]

Have I misspoken in terms of your intentions regarding what you're asking for today or the culture of the fire department?

>> Mayor, council, Austin fire chief, and, Mr. Manager, no, sir, you have not misspoke as to have always intended to provide the very best service we can to the community and take care of the Austin firefighters, every single one of them. There is not a culture in the fire department that dissuades people from fear of evaluation from stating their opinion in a public manner. I think that was quite obvious at a city council meeting a number of months ago when there were over 200 firefighters here in regard to a different opinion than those that were held by city management and by the Austin fire department management. It has never been our intention to take down the wildfire division. In fact the wildfire division was really a creation of both cooperation between the labor side of the organization, the city manager side of this city, and the management side of the fire department. We always work together to create this division, always realized its importance, and have worked continually and will continue to work as an important part of our division. And I would like to remind y'all that wildfire, a critical and urgent need for us is not the only need and the only area that we address in regard to protecting our citizens.

>> Mayor Adler: Okay. Chief, do you want to talk about the issue generally?

>> Yes, I would. So just as a brief summary, chapter 143 of the local government code requires council to approve classification changes in public safety departments protected by civil service.

[11:58:29 AM]

And that includes police, fire, ems here in the city of Austin. We are asking you to approve that classification change that would promote [indiscernible] Chiefs, five fire specialists as soon as possible and also result in the promotion of a battalion chief, a captain, a lieutenant, and another fire specialist. The change addresses our concerns and our needs to help us address the current upcoming 2015 hiring process and recruitment for our cadets, span of control issues and operations and other proposed changes to help us support our operations division. I have with me two of my assistant chiefs that are over separate areas if you have specific questions to those. And I have sent mayor and council a memo that I think may have addressed some of the questions that you had previously in regard to this classification request.

>> Mayor Adler: Okay. Any questions for the chief or her staff? Thank you.

>> Thank you.

>> Mayor Adler: Discussion? Mr. Zimmerman.

>> Zimmerman: If it's in order I'd like to make a motion that we disapprove the ordinance. I'd like to make that motion and then gee go into discussion if we doco.

>> Mayor Adler: Motion to offer an -- Ms. Houston is the second. You want to discuss it,

>> Zimmerman: I would like to hear from some other councilmembers first, if I could, thank you.

>> Mayor Adler: Ms. Gallo? Then Ms. Garza.

>> Gallo: If I could get clarification, I believe the council voted to send it to the public safety committee for review prior to coming back to us today.

[12:00:33 PM]

And so I would like to hear the results of that. You know, it's a little concerning to me when obviously those of us that represent the western areas of the city that are -- that are at most risk for wildfires hear from someone that serves on the public safety commission and also is a resident of one of these areas being concerned that this procedure, this policy would affect our wildfire readiness. So I do think, I was hoping that our council committee would take up this issue and report back to us with some of the information they found, so just being able to hear kind of what the council committee did would be great.

>> Zimmerman: Thank you, councilmember Gallo. We did -- we talked about this. The trouble that we had was it was -- we were told there was a promotion list that was expiring and we couldn't find enough time to schedule to get the people in that we needed to testify. I think it was asked to bring it back to the council so quickly, we just decided to have those comments and ask for public testimony to come in. We just really didn't have a time to get to it. We tried to get that done. We couldn't get the scheduling done in that short period of time. But maybe councilmember Casar or Houston could maybe add to those comments.

>> Casar: I have very little to add to that. I figure in our discussion if we were going to take public comment at the public safety committee a few days beforehand, we might as well just have it here in front of the whole council.

>> Mayor Adler: Okay. Ms. Houston? Did you -- were you on the committee?

>> Houston: Yes, yes. And I want to second or third that, by the time we had the discussion, it would have been time to have it here. And we just did not -- we ran out of bandwidth, there were so many committees scheduled and we just did not have the ability to do it and do it justice and so, you know, if we had time, it seemed like from the chief's comments to the body, seemed like we needed to do something by the time some of these lists expired and we just don't -- didn't have the time.

[12:02:50 PM]

Now, of course, I think speaking for myself, I would rather the list expire and us have the time to really dive into this because although the focus seems to be on the west part of the county, of the city, there are other parts of the city that also have severe brush and 17% parkland in our area, so I want to know what the overall plan is for the city as we go into the fire season. We just didn't have the time. I would be willing to hold off until we -- until we have that time to have the conversation with the fire department. About an overall plan for the city.

>> Zimmerman: Can I say something quickly?

>> Mayor Adler: About the committee?

>> Zimmerman: Yes, about the committee. We had asked, I believe it was Jim Ianardos one of the experts on wildfire had to be out of town, he's in Corpus Christi right now. Part of the proper be that we had, we just couldn't get people in that short period of time.

>> Mayor Adler: Ms. Garza.

>> Garza: I've been very conflicted about this item. I understand the concerns about putting more -- putting more positions in the higher ranks because as a former firefighter and I stated this in work session, I really didn't know who my division chiefs were, but I knew who my battalion chiefs were and my captains and my lieutenants. But at the same time, I believe it's important to give the chief the flexibility to structure the department as she feels is necessary. There's so many variables to this item that are really hard to understand for many of us. There's lists expiring, there's minority issues in the department and are we where we want to be? I think many of us would agree that we're not. I have spoken to rank and file and it's interesting to hear councilmember Zimmerman's comments because everyone that I have spoken to said they support this item and they support moving this forward and allowing these promotions to go and the urgency involved because of the list expiring and in reality as well, when you get further down on promotion lists, you get -- you have more opportunity to promote some minorities and my understanding is that there is the opportunity to promote minorities on some of these lower lists that will eventually move up to positions where they could be promoted to battalion chief or division chief some day.

[12:05:26 PM]

So there's a lot of confusion, too, on the hiring list version the promotion lists. They are not really related. The issues with our consent decree are not really related to the issues, this issue before us today. I would have to agree with the city manager and the chief that firefighters are not afraid of retaliation. They would be here, I don't know -- I don't know where they're not. But like I said, it's a tough issue. I'm conflicted, but I believe we should give the chief the flexibility of these lists are expiring, we could get some more rank and file minorities up into higher -- higher positions. So I -- I would -- I'm supporting the item as is. I'm not supporting councilmembers

[indiscernible] This motion.

>> Mayor Adler: Ms. Pool and Mr. Renteria.

>> Pool: I'm a member of the public safety committee and I recognize that we didn't have time to take up at that time, I agree with councilmember Garza about moving forward at this time, I am fine with that and will be voting against the current motion on the floor.

>> Mayor Adler: Mr. Renteria, then Ms. Houston, then -- Renteria I also agree with councilmember Garza. We need to really start looking about having minorities moving up the ladder. When I talked to the rank and file that's one of the biggest concern was that, you know, we don't have as many minorities in the -- in the management at lieutenant, captain and this was -- this would give us a great -- give them a great opportunity to move on up. So I'll be supporting the -- the original motion.

>> Mayor Adler: Okay. Further discussion? It's Ms. Houston?

>> Houston: Yes. Thank you, mayor. And we've all talked to different rank and file firefighters because the ones that I have talked to are not in favor of this motion.

[12:07:32 PM]

And as I said in the work session, although this specific issue is not about the consent decree, there is a legacy of it because the way we got to the rank of the current positions is through a system that has been found to be unbiased -- biased. I will be supporting the amend as stated for those reasons that I stated in the work session. And because the people who I've talked to in the rank and think that moving -- I'm not going to get this right -- the division chief out of -- out of the department into the administration is not the right way to go. That they need to be closer to the people that they support.

>> Mayor Adler: Ms. Gallo, then Ms. Garza.

>> Gallo: I had really hoped that the committee would understand the time constraints, I really hoped that the committee would have been able to decipher a lot of this, because there's so many inches that go into this agenda item. Since the issue of wildfire preparedness has come up and I had hoped that might have discussed at the committee level, but would you address that? Because I think it's important to hear very clearly from you and your department that we are not losing that capacity and that we would in fact be improving that capacity. So if you could address that for us, please.

>> Thank you very much. I do appreciate that opportunity. You are correct that we are not losing any capacity at all. In fact, our plan is to improve our capacity in regard to not only wildfire prevention and mitigation efforts, but to continue to get better at it and every single firefighter in the Austin fire department is certified in wild land firefighting right now.

[12:09:32 PM]

And -- and we continue to train our cadets in wild land firefighting, so we're not losing any capacity at all. We're continuing to improve that. And chief Matt Orta, over the wild land division has some data points that I think that he could present to you of things that they have accomplished and plan to continue to do. Again, I think the focus is, and councilmember Houston is correct, that this is not just in the western division, but is throughout the entire city and we're always addressed it and focused that way as well.

>> Mayor Adler: Further debate on the motion to disapprove this request, item no. 5? Excuse me, mayor. I think there was a continuation of the discussion.

>> I'm sorry, I apologize.

>> Good afternoon, mayor, members of the council, Matt Orto, assistant chief Austin fire. One of the sections I'm over is the wildfire mitigation division. And one of the things that we have strived to do in -- in the past couple of years, since the creation of the wildfire division, has been to incorporate the Austin version of the national cohesive strategy. And what that entails is essentially fire department along with an agency, whether they are in the city, the department is in the city, county or region, to engage collaborative process where we identify how do we get to being in a safe and effective firefighting force, how do we process basically resilient landscapes, working with other agencies to accomplish that. And certainly promoting fire adaptive communities. And it's something that we have strived to do, we will continue to do that.

>> One more thing. Thank you for saying that. I would suggest that if we can, the committee take this up as far as an evaluation of what, if this passes, has produced in continuing the wildfire response situation and we do that prior and the committee do that prior to the budget cycle, because it's my understanding that if we approve this with the next budget cycle there will be an increase that would be

required to continue to fund this particular situation.

[12:11:49 PM]

>> That's correct. The budget impact for this current year, there's a personal cost of \$41,506 in savings for the remainder of fiscal year '15. And an estimated increase of approximately \$42,695 in fiscal year '16.

>> Mayor Adler: Further debate on the motion to not approve item no. 5, Mr. Casar?

>> Casar: I just wanted to mention to councilmember Gallo that I think we're really happy to get the update on the wildfire division at the public safety committee and just to sort of look at the program overall as Ms. -- councilmember Houston suggested. I will not support the motion goes on the floor. First, I thought that it might be prudent to wait so that hopefully we could have a collective bargaining agreement that would allow for a less discriminatory process, but if this is going to be the same anyways, any Clark active bargaining agreement would not apply until next year, I'm going to support the motion as it was presented by the city manager, thank you. Collective bargaining.

>> Mayor Adler: Further discussion, Ms. Garza?

>> Garza: I meant to make these points in my earlier comments and I forgot to make them. What I want to say I am concerned about these wildland positions being taken away. I am concerned about -- about - my understanding, there was a battalion chief that was taken out of recruiting and put in wildland and now we're limiting that. I do really want us to take a look at that again, possibly restoring those positions. I do want to speak to my colleagues on a realistic standpoint in that if there's a wildland fire anywhere in Austin, Texas, you're going to have firefighters there to put that out who are certified, aren't they all certified wild land firefighters to be there.

[12:13:52 PM]

This does not -- I don't want this framed as we're taking these away and now we're not going to be able to respond to wildland fires anymore, that's not true. Every firefighter is certified, just as they are all certified as an emt. If there's wildland fires somewhere, there's going to be firefighters there to be there. So I'm supporting the issue as presented. Not by councilmember Zimmerman as presented, but I do want us to take a look at restoring that department during the budget discussion. But I understand the urgency and the need to do this as soon as possible.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: I think there is, though, a policy discussion here with this reorganization. I think somebody here from the fire department could answer this. There have been some concerns about the Austin water utility doing mitigation and prescribed burns and also the parks and recreation department. One of the complaints that I've been hearing from the fire department, rank and file, I think this has a history of going back many, many years. The question is what percentage of mitigation has been done by the water utility and by the parks department? Because I know we've spent money on training the water utility and so the question comes up, it seems like there's something kind of weird going on with the policy where -- where bureaucracies outside of the fire department are getting money for training in wildfire mitigation and it just seems more of a confusion instead of consolidating our wildfire fighting efforts in A.F.D., we have other departments involved in wildfire mitigation. That's a confusion to me, too. I think that's part of the policy question, just that we're confronted with in this reorganization. So ... Could you make a -- speak to how much -- what's the percentage of mitigation that's been done by A.F.D. Compared to other departments?

[12:15:56 PM]

>> Let me start with just a comment. I don't believe that I know the percentage of mitigation. But I can tell you that mitigation efforts, as well as when wildfire occurs, involves more than just the Austin fire department. It involves many agencies not only at a local level in regard to just the city of Austin, but county agencies, state agencies and in some cases even some federal agencies at some point, depending on the nature of the wildfire and the extent of it.

>> Zimmerman: Okay. You are kind of making my point. There's already a lack of focus on this important effort because we have other bureaucracies like Austin water utility being involved in it. And that's -- seems to be the trend as we're going away from focusing on it. I think this reorganization is another example of other things going on.

>> Councilmember Zimmerman, I did not say there's a lack of focus and I did not say that we aren't concerned on it, I didn't say we don't focus on it. I said at any time at any time there are always collaborative efforts between different agencies, different departments in the efforts to make our community safe.

>> Mayor Adler: Thank you, I'm going to vote against Mr. Zimmerman's and then hopefully voting yes for the approval. I would like the committee to take a look generally at this subject area. Both from a wildfire aspect as well as we continue to monitor the hiring practices at a higher level. Any further discussion on Mr. Zimmerman's bill? Ms. Tovo?

>> Tovo: We ought to make some space to talk about the prescribed burns at some point. We did have an opportunity to talk about it at open space. I asked that question of the water utility. This comes up from time to time this concern about the water utility leading or excuse me executing the prescribed burns. They do it in conjunction with our Austin fire department. There are firefighters there that are handling that piece of it.

[12:17:58 PM]

It is, again, a question I hear from the community a lot. But it's -- seems to me we have a very good plan in the city for work, the water utility has a piece of determining which lands -- it's really better for them to explain it, but determining which lands are appropriate and they work hand in hand, as I understand it, with the firefighters and with our parks department to lead those. I think that would be an interesting area of discussion because I think it does generate a lot of questions.

>> Mayor Adler: Sounds like a good issue for a committee as opposed to us on the dais today. I would like to hear the committee do that, too. If there's no further debate, we will vote on Mr. Zimmerman's motion which is to disallow this item no. 5. All in favor please raise your hand, Ms. Houston, Mr. Zimmerman. Those opposed raise your hand? The other members of the dais. I'll entertain a motion to approve this item no. 5. Ms. Pool, seconded by Ms. Garza. Any debate or discussion? Hearing none, those in favor of the resolution raise your hand. Those opposed raise your hand. Troxclair, Houston and Zimmerman voting no. The rest voting aye. The motion passes as proposed item no. 5. We are now past noon, what I'm going to do now is call for citizens communication. And then we'll pick back up the agenda, our first speaker on citizens communication is Lisa Whitted. You have three minutes.

>> Good afternoon, I would like to take a moment to explain the thought process parents of children with autism experience. I want to explain that the therapy we seek for our children with autism applied behavior analysis or aba is not a pie in the sky unrealistic, full of hope type of therapy and why we will go as far as to mortgage our home to pay for it.

[12:20:02 PM]

The timeline works much like this. You have a baby who previously seemed just as other babies,

suddenly not hitting milestones anymore. Your family and pediatrician generally calm your mother instincts and assure you there's nothing to worry about. Then your son starts losing the social milestones and words you had developed and now the doctor starts to worry, too, lines you up to be evaluated by a developmental pediatrician or psychologist. You wait six to nine months where you learn your child has a neurodevelopmental disorder that is treatable. The doctor tells you there's only one evidence based therapy. They prescribe that. They tell you medication is not an option, even speech or optional therapy will not be necessary at this time. They stress the important of early intervention, explaining that the brain is still very malleable at this age, meaning this therapy is most important yesterday. You go home and you get to work. You finally have a name for what's wrong and a game plan for how to treat it. You quickly learn that there are many people ready to cure your child with different therapy approaches and while many of them may help some kids, nothing compares to the evidence presented by the one therapy, aba, that your doctor prescribed. You learn 47% of children who received it achieve Normal iq. While only 2% in a control group did so. You discover your health plan does not pay for this therapy and you will be paying out of pocket. So this is your choice. Do I spend the money, the assets I can access to get my child this therapy, the only therapy that has any solid evidence of effectiveness for at least until my money runs dry? Solid. Or do I not and hope my son is in the 2%? At this point you begin to question just how important it is to pay off that home, quickly, if your son is still living with you, when he's 30. So we chose the path of paying everything we had to give our child the best start he could possibly have. Because it didn't really feel like there was a choice. I had this child.

[12:22:02 PM]

The child had a problem. There was a treatment for the problem and the only thing between them was money. So we began and I chose to believe my hr department when they told me days after his diagnosis on July 3rd, which I now understand would have been in the middle of budget deliberations, that they were looking to add the benefit and that most likely it would be very soon. I can handle that. Surely, I thought, someone else must be paying attention to something so large and so negligent and it would all be sorted out by the time I spent all of my money. But that was almost two years ago. This July. So Austin, it's time. And today is world autism awareness.

[Buzzer sounding].

>> Mayor Adler: Go ahead and finish your thought.

>> Okay. Buildings and landmarks all over the city and the world will be lit up blue, because of this support council has shown us why we brought you all blue light bulbs that you can display at your home tonight. Thank you.

>> Mayor Adler: Thank you.

>> May I make a comment?

[Applause]

>> Garza: Thank you. I just wanted to thank y'all for your steadfast advocacy for your children, it's very admirable. My understanding is that this will be on the health and human services agenda, so please come and speak to us then and likely before council, I believe, on the 23rd.

>> Mayor Adler: Thank you.

>> Mr. Mayor?

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: I just want to thank our speaker for giving us, telling us how it was for her family. Because that's very helpful. Thank you.

>> Mayor Adler: Next speaker, Susana Almanza.

>> [Indiscernible].

[Off mic].

>> Good afternoon, Mr. Mayor, city council members. My name is Cesar Calderon a resident of district 2.

[12:24:03 PM]

I want to tell you about runoff election for city council. My wife and I got up early, got ready, went to the van Reese library to vote around 8:00 in the morning and found that it was closed. So we said we'll go over to Zaragosa and we will vote there. It doesn't open until 12:00. We thought well the H.E.B. is on the way home, so we'll stop at H.E.B. And vote there. And the voting place wasn't there. To make a long story short, I go home, I get on the internet, to find out what was going on and find that six of the 18 voting places had irregular voting hours. Irregular to me being other than 7:00 A.M. To 7:00 P.M. So five of those -- six locations were in heavily minority areas, east Austin and heavily minority areas. So I immediately went home, wrote a letter to Travis county and to the city clerk, complaining about this confusion leading -- situation. We get an immediate response from the county, we meet with them. Our answers, our questions are answered. And everything that -- that we ask for, we got answers to. We finally met with the city clerk and I've got to tell you that that meeting didn't go as well. The only thing that we could get out of that office was that we contract the county to do elections. So that one thing that did come out was that we'll try to do a better job of communicating the voting hours. But no indication to acknowledge the confusion that this kind of a situation led to. Of. What I'm asking the council for is that when you approve a city ordinance for elections, make sure that they echo or mirror the requirements of the Texas election code.

[12:26:07 PM]

That is hold elections from 7:00 A.M. To 7:00 P.M. This maintains continuity and reduces confusion and the other thing it seems to me that there may be a need for some culture change at city hall. Because we didn't get a whole lot of information out of the city clerk. We submitted questions previous to the meeting. Didn't get answers to those. Didn't get an answer to the complaint that I sent in to the city clerk. So it seems to me that there really needs to be some culture change. Thank you.

[Applause]

>> Okay, mayor, city council members, I'm Susana Almanza with poder, people organized in defense of Earth and her resources, we have filed this complaint with the U.S. Department of justice, the election department, because this is discrimination as Ernesto said. When you look at all of the voting places, six irregular, five of them are on the east side. What you have people are -- where you have people of coloring voting, that's setting up a flag for everyone. We've heard a lot of different reasons of why. We don't have the same voting privileges that people on the west side have. But there couldn't -- there should not be the reason why we shouldn't be voting at the same time and have the same access that people on the west side have. You will find that most of these are city facilities. So if there's a problem, you need to look at the upcoming budget. If you're going to have to pay, you know, 30 or \$40 more to have somebody open up the recreation center at 7:00 or 6:30 instead of 9:00 or 10:00, then that needs to be approved in budget so that everyone will have the same equal access. We should not be having it in places where the facility is closed at a certain date, yet all of the other voting locations are open throughout the whole early voting process.

[12:28:13 PM]

We are talking about early voting here. So I don't see why we're having this issue and that this issue has been allowed to take and remain for such a long time. I give thanks to Ernesto Calderon of bringing this

to the attention of the round table. Are there election barriers from throughout the United States, this is a barrier to people of color when you have irregular times of voting and everyone should be voting at the same time. So I want you to look at that because I think that it's something that can and should be remedied --

[people talking] -- Excuse me for interrupting -- [off microphone] -- Sorry about that. But I think this situation which you will probably will get a call from the U.S. Department of Justice of elections is something that can be remedied here within the city because the city is the one that makes the county with the county. The county is not the one that they are setting what location should be open and whatnot. The city has the purview because the city owns these facilities and it has the capacity to open it up. This is a very serious issue. And so I just want to make sure that you all are informed about this and that something is done immediately to remedy this situation. Thank you so much.

>> Mr. Casar.

>> Casar: I just wanted to thank you Mr. Calderon for bringing this up. I know in our own district we had some of these moments of confusion when there was oftentimes media announcements that said between 7:00 and 7:00 and that doesn't always mean from 7:00 to 7:00, however we can regularize that I think that's something that my office is interested in and make sure we are in communication so thank you.

[12:30:30 PM]

>> We have gone ahead and joined with some of the other councilmembers asking legal to take a look at this, our legal staff to let us know.

>> Anything further on this? Our next speaker is Michael Whellan.

[Yelling off mic].

>> Mayor Adler: Hold on a second, please.

[Yelling off mic].

>> When do I get to sing my song, I want an answer.

>> Mayor Adler: I don't know, I hope you can get back on the agenda.

>> Are you saying them kicking -- sanctioning them kicking me out of here.

>> Mayor Adler: I don't know what's happening. We will follow up with this later.

>> Who is the boss around here.

>> Mayor Adler: We will seek to find out what's happening.

>> I need to speak today. I might not be alive tomorrow! I need to speak today!

>> Mayor Adler: Please visit with these folks.

>> Visit?!!

>> Mayor Adler: Talk to them.

>> You call this visiting. Do you want me to leave?

>> Mayor Adler: I think you need to now.

[12:32:33 PM]

>> Is that a request or an order.

>> Mayor Adler: I am asking you, please.

>> Is that a request or an order.

>> From me that's a request.

>> I don't want to go.

>> Do we need to make a motion, we could do that.

>> [Indiscernible].

>> Mayor Adler: I hope we can help her. Mr. Whellan.

>> Thank you, mayor, council, my name is Michael Whellan. As you know from the Zucker report, the site development process is plagued with serious problems. You might be tempted to say this is nothing new, the city will always have critics, but such an observation would be untrue, I have never been here before to speak as I am today about the process itself. It is radically worse now than it was just a few years ago. Like a critically ill patient the process needs to be stabilized quickly and we appreciate that what city manager Ott is doing in taking the first steps to address the situation. However, the patient on the operating table today is not interested in a new medical school under construction across town. I want to provide you with two specific examples. Arden residential is a local firm, one of the co-owners art carpenter is here with me today in back. He has been working to save a large grove of oak trees located along south Lamar I believe in district 5. Technically to comply, this grove would have to be destroyed, no one thinks this is a good idea. Under subchapter E he filed an application to narrow the sidewalk slightly and expand the planting zone in some places.

[12:34:34 PM]

The application asked one question, was the site plan acceptable to the city? In response the city of Austin planning development and review department generated 60 comments, that filled eight pages, only three were relevant to the question. Up in of them answered the question and staff avoided providing any guidance. Arden has another project called west park, that involves three simultaneous site development permits with coordinated infrastructure development. These applications were submitted in December of 2013. And they are still under review 485 days later. On a parallel track the Austin water utility has been reviewing applications related to this project since October 2013 over 500 days ago, the project is indicative of what has been happening, four reviewers for one drainage study, new comments related to items on the plans for months and new reviewers popping up to review the plans. By assigning three separate review teams, despite our request and warning they not do so, the city inevitably created a morass. The staff reiterated their rights to produce more comments and most assuredly they did. Review after review, comments, poured in like water into a sinking ship. Amazing the 100 plus page building permit that I brought with me today has been issued and is waiting the site development permit. So the -- the actual architectural drawings, electrical, everything has been approved by the building permit people and we are waiting for the two dimensional infrastructure to be approved by the site development people. They stand ready and attempting to meet the requirements of the Austin's land development code, they simply ask that the city respectfully and responsibly help the citizens do business here. Arden has done everything asked for, it's time for the staff to approve this permit and let us move on. I know that you are going to hear from Mr. Gonzalez, I have met with him, I know that you are going to hear a briefing from him later today.

[12:36:39 PM]

Thank you.

>> [Applause]

>> Mayor Adler: Quick remark, Mr. Whellan --

>> Zimmerman: I get these stories, you can't imagine how often, I'm exasperated how to fix it. I get this all the time, it's driving me nuts, too.

>> Yes. And if I just 15 seconds I would say I don't -- yes, the land development code is complicated. Arden residential has done more than 20 infill projects and never has it taken more than nine months to get through the site development process. It isn't just the policy, a lot of it is, I know that Rodney Gonzalez will be addressing the process which I think is where a lot of this lies.

>> Mayor Adler: Thank you. Next speaker is Bertha delgado.

>> Thanks, mayor, city council members for giving me the opportunity to speak today. Allow me to introduce myself, I'm Bertha delgado, president of east town lake neighborhood association which was founded in 1974 as an independent association our goals are to bridge the division in our neighborhood as well as develop common grounds with other existing groups. We are living in a remarkable time in east Austin. Tremendous pressure is being pressured on us at this time with growth and develop rapidly. I lived in a neighborhood for 35 years and have watched our minorities being displaced, minority businesses being replaced, historical homes being demolished and our schools being forced to close. The demographics show that since 2009 metz, Sanchez and Zavala elementary schools have lost over a thousand students and more families with children are having to leave due to affordability. We are not seeking to keep people out. Rather we're trying to keep economic and cultural diversity and the Latino culture district.

[12:38:44 PM]

We must explore new creative alternatives that will bring economic and social justice to housing and stabilize our community to maintain Latino culture vibrancy. As we witness, even our local art is being removed one by one, the neighborhood is prioritizing restoration on existing murals by our local east Austin artists. We come with open hearts, with open minds, for new solutions. We are full of hope. We are ready to work with our new council to find new ways to preserve our neighborhood as well as provide affordability in east Austin, thank you for listening and I look forward to working with you.

>> Mayor Adler: Thank you.

[Applause] Next speaker is pat valls-trelles.

>> Can I speak here? This mic works, thank you mayor, mayor pro tem, councilmembers. My name is pat valls-trelles. I was a member of the Austin animal advisory commission from 1992 to 2008 and since then I have spoken many times before Austin city council, except not before all of you. So this is my first time here talking about animal issues. I have three requests for three different animal issues that I would like you to take action on. The first request is I would like you to use the animal services donations fund to pay dog walkers to ensure that shelter animals get out of their kennels at least once each day. I know that you've heard a lot about this issue from the community and I would like to say a little bit more about that and why we can support it out of the donations fund. But the second issue that I would also like to say, this one is pretty straightforward, I would like you to pass the ban on painful devices used on circus animals.

[12:40:51 PM]

The city manager has sent you a draft ordinance and I'm requesting that you put that on a council agenda. I believe the community supports it and I believe many of you also do. And I would like to request that you do that as soon as possible. The third one is I would like you to amend the city's \$10,000 contract with wildlife services to only pay for coyote management that is not cruel, does not hurt people and does not hurt pets. From those two latter ones I can send you from November and December, city council took action and I think it needs a little bit more work to complete what they started. Getting back to the donations fund, on September 30th, 2013, the end of the last -- 2014, the last for, the donations fund had

[indiscernible] In it. I have been told that money has been allocated for this year, but it was not done with any transparency and any community input and so I have the following request. Please take money out of the general fund to pay for whatever it is that the shelter staff is allocating, a portion of that donations fund to do shelter operations. I believe if they are using that money to buy veterinarian

supplies or things that we should be funding out of the donations fund, please use the general fund to fund those things that we need to have at the animal shelter. A lot of the community, to give you input on how to spend that donations fund. I truly believe that when people reach into their pockets or take out their checkbook and write a check to donate to animal services, they want to do something that -- that the city operating budget is not doing.

[12:42:53 PM]

[Buzzer sounding]. So please do that. Thank you.

[Applause]

>> Mayor Adler: Thank you. Ms. Gallo? Excuse me?

>> Thank you for your comments. I'm glad you brought that issue up. I do think as people make donations hopefully the funding out of the operating facility will be out of the regular budget. But I do think when people make donations to organizations a lot of time it's in lieu of work or labor or volunteer hours.

>> Exactly.

>> I would like, I'm not sure what committee this could be addressed in, but I would like to suggest that the appropriate council committee take up this issue. One of my concerns was when we move the facility from the very convenient location off of Cesar Chavez that I think all of us understood that it would be more difficult or realized, at the back of our minds, recognized that it would be more difficult to get volunteers out to the new location. So that's another thing that I would like the council committee to look into.

>> Mayor Adler: How would you state that issue?

>> Gallo: Which council committee would it be?

>> Mayor Adler: I don't know. How would you state the issue?

>> Gallo: So the two things that I think your comment has brought up is one, there appears to be a fund of donations that have been made and I would like to see how those are allocated and what those are used for. The second is that I would like to see some type of analysis that shows the number of volunteer hours that were done at the previous location versus at the new location so we could truly see if there's been a drop in the volunteer hours that are available.

>> If I might add one other thing about volunteer hours, the volunteers that currently go there and are giving so much of their time, sometimes they leave very discouraged when they see that all of the animals haven't been walked and that discourages them from, and it's just heart breaking when they are trying to do a good job and they don't get to finish.

[12:44:53 PM]

If we matched their wonderful volunteer hours with the donations fund, which you say people donate so this gets done, I think we would be retaining volunteers more. It would just be a nice way to show them that we appreciate what they are doing by making sure when they go home they're not distressed about the Numbers that they didn't get to walk.

>> Gallo: Absolutely, thank you for bringing that forward to us.

>> Mayor Adler: We will follow up with that.

>> Thank you very much.

>> Mayor Adler: The next speaker is Paul Robbins.

>> Good afternoon, council. In late February, the federal government where he released it's annual benchmark of electric costs for every utility in the country. It is one of the things that Austin energy looks at to compare its costs with other Texas utilities. The results were mixed, but one thing Austin did

excel in was low residential bills. With the city's cost of living as high as it is, I know this is hard to grasp. However Austin had one of the lowest annual average residential bills in Texas in large part because it had some of the lowest residential consumption per customer. Here is a ranking of the top 10 ERCOT utilities for consumption. Note that Austin is the lowest of the top 10 utilities. Only 2% of ERCOT's residential customers use less than Austin.

[12:46:56 PM]

So even though our rates are higher than some of these utilities, bills are lower. You can see in this chart that the -- the second chart that Austin has the second lowest bill in the top 10. And that is because Austin had consumption levels 23% less than ERCOT's average. Only 8% of ERCOT's customers had bills lower than Austin. And this is spatially due to our energy efficiency programs which go back 30 years and our energy efficiency building codes which go back to the 1970s. It is probable that bills for commercial customers are also down compared to Texas utilities. However, there is very difficult to measure. There are 30 different types of commercial buildings and all of their bills are secret. It would take an extensive study to benchmark an efficiency of commercial buildings around the state. Frankly, Austin energy has made mistakes that have made our bills higher than what they should be. We should not add to those mistakes, by stopping successful programs that have apparently lowered that cost of living during these times of economic stress. Good afternoon.

>> Mayor Adler: Mr. Robbins, thank you. Is there -- a copy of these charts, are -- are these posted?

When someone presents this at citizens communication, do they somehow make it into a record of this meeting?

>> I could email them to you, mayor. I could email them to council.

>> Mayor Adler: Could you post them in backup for citizens communication is there such a thing?

>> [Off mic].

[12:48:59 PM]

>> Mayor Adler: Okay. We have them here, but I want to make sure people can go back and I can go back and get them later. If you would send them electronically to the clerk, if you would post as part of backup to the agenda item, then we would know where it was and how to find it.

>> Just a quick question on the data that's up there right now. The energy bills, what about the transfers and the extra fees? I guess fees are exclusive of fees for --

>> These are all in cost, councilmember Zimmerman.

>> Zimmerman: Say that again.

>> These are all in cost. Inclusive of everything. I even emailed the energy information administration to ask that question.

>> Zimmerman: Okay, I'm amazed because I thought a significant portion of our bill had nothing to do with energy. When you say all in, you are talking all in for power, not all in for fees collected by the city.

>> All in for fees and everything.

>> Zimmerman: Okay.

>> Thank you.

>> Mayor Adler: Thank you. Next speaker that we have is Carlos Leon.

>> Thanks, mayor Adler.

[Indiscernible] In Austin, Texas, on April 2nd, 2015 to speak what's right. First and foremost, gracias, for letting me see and speak. Second, not starting time certain, citizens communication at 12:00 P.M. Sharp wrongly disrespects us, we the people, who legally empower you to serve us. Remember that.

Document 1 on screen, there it is. My topics today include zero condemn trail air, not chemical air,

which was wrongly printed in today's agenda under my name.

[12:51:04 PM]

Public servant city staff may not change my writing. Before hiring anyone else, council, make sure that your current employees do their jobs right. Document two on screen. The sickening chem trails sprayed on us in Austin for years -- sir? Excuse me, council, I'm waiting for the graphic to be on screen to match. I would appreciate a few more extra seconds because I can't speak if it's not there. That's not it, sir. Council you, to let you know I have -- I this these screened in before council started. I did my part.

>> Mayor Adler: Not a problem. Your time is paused.

>> Thank you.

>> I had it scanned in but I can look for it right now for you.

[12:53:05 PM]

Apology accepted. I'm still waiting for it to be on screen. Okay. I'll continue. The sickening chem trails sprayed on us in Austin for years must be permanently stopped. Different from a contrail, the thin, short, white line following a jet and quickly disappearing, the chem trail starts thin and white but is longer, stays in the air longer to spread its poison on us. Contrails are made from jet exhaust water vapor hitting cold air, condensing and freezing. Chem trails are sickening cocktails made from bear yum, alum inum, dried blood, arson among others, student should enact an ordinance banning chem trail spraying in Austin and tell public servant FAA to enforce it 24/7. Camera on me. Speaking of jets, trying to understand my German wings pilot, why he killed himself at 150 passenger -- and 150 passengers and crew last week, suicidal depression -- I said camera on me, people. You are still putting the other thing on screen. Okay. If you could -- a little bit better. Shocking with his -- shaking up with his pregnant girl friend, trailing male gay porn websites and effina Te manner at work, a gay slur have all been public. What's important is what is missing, when he choose what if any is his -- was his relationship with god. Without the good lord always front and center in life, that empowers and invites the devil to lead to death. So on this holy Thursday, thank you, Jesus, for going to the cross for me.

[12:55:09 PM]

And saving me. And in Jesus name I pray, amen, thank you, lord, and god less Texas.

>> Mayor Adler: Thank you.

[Buzzer sounding]. Mr. Leon, thank you all and wish you a blessed Easter.

>> Likewise, council.

>> Mayor Adler: Carolann rose Kennedy.

>> Welcome back, council.

>> Mayor Adler: Thank you, you have three minutes.

>> I'm not going to apologize for what just happened, but mayor Steve, Greg, don, mark, mark, you've changed!

[Laughter]. There's not a man on the planet that knows how terrifying it is for a woman to have seven, eight, nine, 10, 11, 12 guys with bullets and badges surrounding her. That is rape. So -- so that's the reason for my -- if there is a reason, it's my reason. I didn't do anything wrong. Blow bubbles, excuse me, okay. Thank you for giving me a second chance.

>> Mayor Adler: Certainly. Speak quickly, because you are down to two minutes.

>> Howdy friends and neighbors, inlaws and outlaws, dear capital Hillary, I'm Carolann rose Kennedy from the dead kennedys alive in kicking in Austin, Texas, 78748, a long time ago when our president

couldn't get his act together, I wrote a song for you.

[12:57:26 PM]

I want you to sing it for me every time you get the urge to kick bill's ass. Feel free to call me at my cell number. I can get to Austin city limits in three New York minuets. God bless my underwear, my only spare pair. ♪♪, Stand beside me and guide me, through the rips, holes and runs through the tears. Hi Jeanette. ♪♪ From the washer, to the drawer, for the hanging in the air. ♪♪ god bless my under area, every time, anyhow, everywhere! on the clothes line, through the wrecker, and the last -- wringer, the last time through the mill. God bless my underwear and god what will I tell bill? on the clothes line, through the wringer, and the last time through the mill, got bless my underwear, and god what will I -- don't worry -- tell bill!

>> Mayor Adler: Thank you very much.

>> Mayor Lee hated it when I threw my roses at him.

[Applause]

>> Thank you very much. You made my day. I think that I'm going to make it through the night.

>> Mayor Adler: Good. Those are all of the items that we had on citizens communication. It is 1:00. Do we want to go straight into the item -- do we want to take a 20 minute break for lunch? What's the pleasure of the council? 20 minute break?

[12:59:27 PM]

30 minute break? 30 minute break, we'll come back at 1:30.

>> Thank you, Mr. Mayor.

>> Mayor Adler: Thank you, we will recess for 30 minutes.

[1:38:32 PM]

>>> >>> >>> >>> >>> >>> >>

[1:44:56 PM]

>> All right. We have a quorum back present, so we're going to go ahead and begin. We're on to item no. 7. Which had four citizens signed up to speak. First, Gus Pena. Is John Woodley here? Is Mr. Woodley here? Mr. Pena, you have three minutes.

>> Thanks again, mayor, councilmembers, Gus Pena. Council, number 7 is an ordinance authorizing acceptance of \$101,540 in grant funds from the Texas department of housing and community affairs. To deliver services to address basic needs and provide case management. Mayor and councilmembers, Mr. City manager, I know I don't have to tell you, as a native austinite, we have -- I have seen a lot of poverty increase. The gap widens between the haves and have nots, just a little drop in the bucket. We appreciate it very much. We can do a little bit better than that. The state of Texas can do a little bit better than that. It [indiscernible] Case management. It goes to personnel. We would like to see more, we appreciate this four personnel, but we want money for direct services, direct services and if anybody needs an explanation about direct services, that means to the people that -- that is less fortunate, the poor, direct services. So again, we appreciate this, but again I want to say, I've been saying this for many, much more than anybody else, you know, affordable housing is -- is nix, nil, nada here in Austin. It's going to get worse. I just saw three trailers out there with rental trucks. It ain't good. I chastised the prior administration for not mixing it more. The expectations are big, mayor. I told you that when you

were running for council. Mayor pro tem you know where I stand. I said this for many years.

[1:46:56 PM]

I know this is just for employees, but darn it we can do better than that. Okay. Direct services, thank you very much.

>> Mayor Adler: Thank you. The next speaker is Jim Perkins. Mr. Perkins here? John Garza? Is Mr. Garza here? All right. Those were all of the public speakers we had. Will someone move approval of item no. 7? Mr. Casar, connected by Ms. Houston. Any discussion or debate? All in favor of number 7 -- I'm sorry, Mr. Zimmerman?

>> Zimmerman: Yes, thank you, Mr. Mayor. I had -- before in some meetings I called attention to -- to foundation communities, being one of the organizations that deliver these services, but they were deeply involved in political campaigning. And we do have the Austin city auditor looking into the possible co-mingling of funds because we didn't know how we could separate out campaigning money from a 501 C 3, which I guess is legal under the law, but it just didn't look right to have these kind of funds going to some of these non-profits and then the non-profit turns around and invest over \$100,000 in a political campaign for pass more bonds to raise more money. So I will be voting against this until we can get some proof that there's not a co-mingling of funds of, of tax dollars of money going into campaigns, so that's why I wanted to vote against this measure.

>> Renteria: Mayor? This funding actually goes to the neighborhood centers. And field services, it doesn't go to any engine -- doesn't go to any non-profit agencies. I just wanted to make that clear, this has nothing to do with foundation communities.

>> Mayor Adler: Any further discussion? Hearing none, all in favor of item no. 7 please raise your hand. Those opposed? All in favor with Mr.

[1:48:56 PM]

Zimmerman voting against and with kitchen and pool off the dais. We will now go to item no. 9. Item no. 9 had four speakers signed up, Kathryn swaller, is Lee sawls here? Thank you, is James Eggers here? Are you Kathryn? Yes, is James Eggers here? You have six minutes.

>> I didn't -- I won't take six minutes.

>> Mayor Adler: Okay.

>> But I'm a passionate tennis player, I'm probably at Caswell more often than the people that work there. And I've been playing there for -- ever since I got to Austin. And unfortunately in the last few years the quality of the center has deteriorated and I hate to see that because it's such a jewel and I so very much appreciate the city sponsoring such a great center. And I've got tremendous confidence in lease halls and Texas tennis consultants that they can restore this incredible city jewel to the wonderful tennis center it has been and can be and so I fully support the unanimous recommendation of the park board to award the bid to Lee sawls, and I think that you will just see a blossoming of that center again. It's going to be such a wonderful place. So anyway I wanted to let you guys know how much I appreciate the opportunity to speak to you, the center that you have provided and the bid that you have before you. Thank you so much.

>> Mayor Adler: Thank you very much. Robert -- I'm sorry, Ms. Gallo?

>> Gallo: Thank you --

[multiple voices]

--

>> Gallo: A question. A statement and a question.

>> Sure.

>> Gallo: Thank you for taking the time to be here, I'm also a tennis player who plays at Caswell quite often.

[1:51:01 PM]

I appreciate the comments about the support of this particular vendor because one of our concerns was it wasn't the previous vendor, so thank you for coming forward to spend your time doing that. One of the other issues that I know is the issue there is the two-hour parking. So I've asked parks and rec and probably the police department we'll pull in to see if there's something we can do to address that, because as you know that's not enough time to warm up and play a match.

>> I really appreciate that. Thank you so much.

>> Gallo: We are working on that.

>> Mayor Adler: Thank you. Robert tising? Yes, sir. You have three minutes.

>> Hi, I'm Robert tising, I came to Austin in 1971.

>> Mayor Adler: Can you move the microphone closer.

>> I came to Austin in 1971. Started playing tennis at Caswell. Have loved it there all the years. It's one of the oldest facilities, I think, in, did. A lot of great tennis players started it with the city. Many, many years ago. It has changed ownership -- I mean management over the years. It's like the city council, you need to have a change to get new ideas, new ways of looking at material. And I've known Lee since the late '70s and he has such a love for this facility that he wants to not only embrace the history of it, but bring it forward into the modern age. It's one of our wonderful aspects of Austin. So thank you very much.

>> Mayor Adler: Thank you. Those are all of the public comments that we had. Ms. Tovo?

>> Tovo: [Indiscernible].

>> Mayor Adler: It's been moved to approve item no. 9. Seconded by Ms. Gallo. Any discussion? All in favor of item no. 9, please raise your hand. Those opposed? It's unanimous with pool and kitchen off the dais.

[Applause]. That gets us then to item 11.

[1:53:07 PM]

Item no. 11 was pulled by Ms. Troxclair? Ms. Troxclair, you pulled item 11? No problem? We have three citizens waiting to speak on this item. Item no. 11. Sorry? Sorry, I apologize, is Michael Harmon here? Michael Harmon? Is David levy here? Mr. Levy. You have three minutes.

>> Thank you, good afternoon, my name is David levy, I'm a volunteer with young men's business league and I'm speaking on behalf of the other two speakers, I'll be our only speaker on behalf of the co-chairs of our event. We are seeking approval of a permit for the sunshine run, which is young men's business league S one of our two biggest fundraisers that we hold every year. The camps, the sunshine camps benefit underprivileged youth and we have been around since 1928. We've served 48,000 youth in -- in under privileged youth and put them through summer camp. This year we're excited about the opening of our renovated zilker park camp and we'll have a 50% increased capacity and that's really all that I have. I'm here to answer any questions of the council regarding the logistics of our event. This is the 32nd year for the event and we look forward to the opportunity to raising funds for our camp's benefit. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Mr. Casar has a question.

>> Casar: Thanks so much for coming. I just wanted to ask you briefly more or less you all have raised at

this run in recent years?

>> Sure, it ranges, I'm not the treasurer for the event, but it's anywhere between 40 and \$70,000 going directly to the camps each year.

[1:55:11 PM]

>> Casar: Thanks.

>> Mayor Adler: Okay. Ms. Troxclair?

>> Troxclair: Thank you for the work that you do and I know sunshine camp serves so many kids in Austin. So I really appreciate that. I'm a huge supporter of ymdl, when I pulled this item, I did not mean to cause any panic, I got texts from many friends saying why are you pulling this item, what's going on? I really just saw it as an opportunity to raise a broader issue. I know the city recently put out a memo about how we're going to reduce traffic and I know that I've gotten several constituents who have asked me about the issue of having street closures and things downtown, particularly during weekdays on peak hours, just -- this of course is not. So I just thought that I would take this opportunity and next time I will take a less public way to make -- to make a point of this is maybe -- maybe something that we should look at in the broader context of many streets closures a year do we have, what impact does it have on traffic, is there anything that we can do to make sure those street closures are not happening at peak times, et cetera, et cetera, I really was not directing it all at the young businessmen's league and I'm happy to support this item.

>> Thank you for your support. We have addressed many of those concerns and have worked with neighborhood associations and affected citizens to minimize our impact on traffic. Part of the reason to have our event at 7:30 on a Sunday morning.

>> Mayor Adler: Ms. Tovo.

>> Tovo: I do have a couple of questions for you. I know that the old west Austin neighborhood association did submit, as I understand it, a disapproval of the event. I hope that our transportation staff can offer some information about it. As I understand, part of their concern was the closing of the south first street bridge for one lane of traffic on the south first street bridge. I wonder if you could address that and -- and speak to that.

[1:57:13 PM]

>> Sure. So in past years we've had a full closure of the first street bridge. We received concerns about that and we reached out to city planners, as far as the traffic control playing goes to ask for a two-way opening. We've always done our best to accommodate any concerns and appease any concerns. We were told that one-way northbound traffic on the first street bridge was feasible. But given that our start/finish is right there auditorium shores there would be too many runners to safely close two lanes of traffic or have one lane open in both directions. To accommodate a southbound lane we do have southbound traffic open on Lamar as well as congress, so given the nominal amount of traffic between 4:00 and 10:00 -- on a typical Sunday morning, we felt that it wasn't a significant deterrent for the city and for those affected, especially since congress bridge is just one block east.

>> Tovo: I'm sorry, I need sorry, I need to ask you to elaborate on why it's not possible. I know that it would extend the length of your race, because you would need the runners to go in waves. As I understand it, it is feasible. There could be two-way traffic on south 1st street with a longer period of time for the race, is that correct?

>> You would have to ask city staff. We reply on them for approval. But, my understanding is, because of the large -- the trees in the middle, I'm not sure exactly -- the median. It's very difficult to allow for traffic in both directions. It wouldn't be feasible to go around the median eastbound on 1st street and

curve back around around for southbound traffic, you'd have to run in one lane.

[1:59:22 PM]

They didn't see that as feasible. We explored the possibility of opening two lanes to northbound traffic, before we knew about the concern about two-way traffic. For the two northbound lanes, that was also not feasible for safety concerns.

>> Tovo: Are there other concerns that have been expressed to you that you have not been able to address, or was that the primary one?

>> That's the only concern they've expressed. We have received other concerns, but we have taken various measures, we're happy to share, to address the concerns. We moved the event start time from 8:30 to 7:30. We also have worked with the Austin stone church to accommodate leaving Steven F. Austin partially open. As well, on the 10k route, we are affecting traffic on lake Austin boulevard, but we have maintained two-way traffic on lake Austin, only closing two lanes to accommodate all individuals there. We worked with cat metro, and have received their approval for the road closures. And I believe - I don't want to speak for them. They are not concerned because of the minimal impact to traffic between the hours of 4:00 and 10:00 A.M. On a Sunday morning.

>> Tovo: How are they -- will they shift some bus tops, and if so, do you know how they plan to communicate that to riders?

>> My understanding is yes, there are some bus stops along our race course. We do work with cap metro, but, again, I don't feel comfortable speaking on their behalf, as far as their policies. On our race's website, we communicate bus routes to get to the course. But, as far as detours, that's not something that typically we've been involved in. I've been involved in the race for seven years now.

>> Tovo: All right. I appreciate it. Thanks. And I add to my colleagues' thanks for the work that you do.

[2:01:23 PM]

I've known children who attended sunshine camp, it's a wonderful resource.

>> Thank you for your support. Thank you.

>> Mayor Adler: The only speaker signed up on this issue. Any further -- we need a motion to approve this item number 11. Could someone make that motion? Mr. Casar, seconded by Mr. Renteria. Now we'll discuss it. Ms. Houston.

>> Houston: Thank you, this is a question for staff, please. Is there any cost to a street closure permit?

>> Assistant director, Austin transportation department. There are costs --

>> I'm sorry.

>> I'm not sure of the -- the fees will not -- are not being waived, so they're paying, yes, for street event. I believe that's on the back of your rca, is the amount.

>> Houston: Could you read it please? I don't have that pulled.

>> The street application fee was \$250, traffic control plan fee \$1,500, safety inspection fee \$76, sound permit \$33. Refundable deposit \$2,000, street event permit fee \$4,000.

>> Mayor Adler: Any further discussion? Ms. Gallo.

>> Gallo: I just have a little bit of concern about timing of all of this. So, it look like the application was submitted back in July of last year. And the basis for my concern is, we're talking about this issue about a month prior to the event. And with an event like this, I'm sure there's a lot of work and publicity and efforts that go into -- that have already been going on.

[2:03:24 PM]

So my concern is the potential for denying this, which would severely alter the effect on this race at this point is substantial. I'm trying to understand why the permit was pulled, and application was done in July, why are we just now talking about this now? And if I understand, it was because of the neighborhood, something. But it seems like there ought to be some timelines closer to the application process and further away from the actual date of the event.

>> The timing of the notification and potential for response is set by the ordinance. It's set that the notification to the neighborhood is 90 days before the event. The neighborhoods and the people that live along the route have 30 days to respond. And then if there is a negative response, either 20% of a block or the neighborhood association has what we call a super-veto, in this case, the neighborhood association objected, that means that the transportation department staff cannot issue a permit, and it has to come to the council. That's all set up in the current code. And this is the process that's evolved to handle these kinds of situations as they arise.

>> Gallo: So it sounds like everything has been done as the code requires, but if we have a concern with the amount of time, or the lack of time between this decision and the event, that the ordinance would need to be changed so that maybe the time is a function of the application date?

>> That's correct. And we went through a process -- went through a process a year and a half ago to look at changing the ordinance for different sizes of events, so those timelines would change so -- like you said, a big national event, you need more lead time. For a small block closure, you need less lead time.

[2:05:27 PM]

We were not successful in getting those changes made. I'm sure at some point, we'll come back and look at those again.

>> Gallo: But you have documentation prepared out of your department. Would you share that with my office? I don't know if anyone else would like it, also. Small events are probably just as sensitive to the timing as large events. You have people involved in that process, often it's a host of volunteers donating time. Thank you.

>> Thank you.

>> Mayor Adler: Thank you. I take this moment real fast to point out, that I was pleased to see that in the transportation steps, that the manager is taking -- you are talking now about taking a look at the number of events that we have downtown, and the bridge closings that we have, and not adding new ones to those. And, in fact, trying to encourage people to go away. I know it's beautiful to have a finish line with the capital in the background, but, we have such pretty other vistas to share, that might be a good thing to do. Further discussion on this item? Ms. Tovo.

>> Tovo: Yeah. I think I really look forward to hearing a little bit more about where we are in the process of the revised ordinance. I received a question about that probably every other week. So, but I would say, you know, there was a lot of focus on street closures. Back in '08, is that right? At some point there were a lot of changes made. They've worked well. I'm very supportive of looking at what changes need to be made in addition to those. But this is kind of an unusual case. I don't believe there are that many that comes to council with disapproval from the neighborhood association. And so, I'm glad that councilmember troxclair pulled it for some opportunity for more discussion. I have not been able to get a lot of information about the neighborhood's objection, neighborhood association's objection. So, I will support it today, but I do think that it is pretty unusual that we do have that kind of super-veto.

[2:07:34 PM]

I hope in the future we can get more information about what -- really -- and my staff and I have been in communication with transportation staff and got information about what the concerns were. I

appreciate that, too. It sounds to me like you did explore with the event organizers, changes that could be made to mitigate some of those concerns. Would you say that there are other options there, or do you feel that you've helped the event get to the best solution for the city, as well as for the community surrounding it?

>> So, Frances Hardgrove is our division manager in special events for the transport department. Her and her staff have worked with the event. A big part of this will be starting an hour earlier, which meant the closures will be picked up as soon as the runners make it through the course. So, I think that's an important fact in looking at what we could do. We can keep a northbound lane on the bridge open. But, just the geometrics and how difficult it would be to have the traffic turn, trying to get them going south on the bridge, we feel it's safer for them to continue over to the congress avenue bridge two blocks. As each event comes up, we look at it through a mirror of reducing congestion, keeping the events working. As the mayor mentioned, we currently have a moratorium on no new events downtown. We're looking at the events as they come up to minimize the impact on the system.

>> Tovo: I appreciate that. Thank you.

>> Mayor Adler: Thank you. Any further conversation on number 11? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'd like to concur with councilmember councilmember councilmember Gallo's remarks. It says it's in districts five, nine, and ten.

[2:09:36 PM]

I'll be voting for it, it sounds like there's no on injection. Objection.

>> Mayor Adler: We'll take a vote. All those in favor to approve? It's unanimous on the dais. Now, item number 13, boards and commission nominations and waivers. I'm going to --

>> Tovo: Mr. Mayor, I had a point to raise. I was -- briefly off the dais when 7 and nine occurred. I register my support.

>> Mayor Adler: Ms. Pool wants to register support.

>> Kitchen: I was off the dais. I'd like to register my support for 7 and 9.

>> Mayor Adler: Item 13, boards and commission. I'm going to read these into the record. We do. Let me read them into the record so it's set up. We have board nominees. I have made five nominees that are temporary. They're to fill vacancies on boards and commissions through June. Quality of life resource advisory commission, Joe Ramirez, sustain food policy board, Sharon mays, and Dustin. Planning commission, James Shea, and submission on veteran affairs, nick van Zant. Councilmember Zimmerman is nominating Sharon Blythe park and recreation board, Rebecca frost on human affairs, Michael Wilson to the planning commission, and Sharon Blythe to the department events task force. Councilmember pool is nominating Gary brown to human rights commission, Brian to ethics review, Brian Thompson to the downtown Austin community court advisory committee. William teddy Mcdaniel to the airport advisory commission, and Rhonda paver to the early childhood council.

[2:11:42 PM]

Councilmember kitchen nominates Dr. Houston to the early childhood council. Christine Castleberry to the water and waste commission. Vincent to the asian-american quality of life advisory committee. Melissa to the board of adjustment, Karen to the electric utility commission, marry Ann to the environmental commission, Kathy to the zero waste advisory commission, and David Kane to the events task force. Ms. Garza nominates nat to the water and wastewater commission. There are two waivers, approval of the requirement of a section of the city code for the appointment of Brian Thompson, allowing simultaneous service on two committees. Also approval waiver the requirements of a section of the city code for the appointment of James Shea, allowing simultaneous service on the design

commission and also on the planning commission. We have some citizens that have signed up to speak on this matter. Dale Flatt, is he in the room? Is Zola Vega. Is James Bright in the room? Is Joan Barks in the room? You have three minutes. I'm sorry, you have six minutes.

>> Six minutes, okay. Good afternoon. I'm Zola with Austin. I'm here to strongly recommend Michel Blythe to the parks board. I have worked with her since 2009, when I met her on the forestry board. She was the only person calling to attention the poor state of the trees in the cemeteries. Back then, we had just started the foundation, and we didn't know anything about it.

[2:13:47 PM]

With her help, we have advocated for the trees, people got involved, and there has been some progress. Still, 40% of the tree canopy has been lost at the cemetery. This is a serious issue. Sharon is a devoted and persistent advocate for the cemeteries, all of them, but particularly Austin Memorial Park Cemetery. She is very concerned, devoted, and persistent advocate for these cemeteries, management, and maintenance. She also leads the cemetery since 1991, and the community supports her. She truly cares for the cemeteries. She commits her time and energy to improve cemeteries on a volunteer basis. She's been doing this for dozens of years. The role of the member is to listen to the community and communicate citizens' concerns to her councilmember. I'm sure that Sharon will do this very well. She is a good communicator, and she can be a good representative for the councilmember that appoints her. Sharon is an excellent, dedicated person that can contribute significantly and work very well with other board members. She listens carefully to the citizens and takes action. She's honestly concerned about public spaces and the environment, and is willing to dedicate her time for the benefit of community. The important part is the honesty. She's honestly concerned. She's not doing it because she's profiting in some way. She honestly cares. The citizens rely on Sharon to get help or advice regarding the plot setting at the worst time, when they're just very -- people. We have problems with the parks department, or the contractor before.

[2:15:48 PM]

We don't get responses, or information, because we're grieving. Who do they go to, they go to Sharon. And Sharon resolves it for all of them. They look up to her. She's always compassionate and takes the time to help them. She cares for that community. I have also seen many instances of productive interaction with Sharon, in various parts, regarding cemeteries. She provides information that was not provided by the parks cemetery manager. One example was the recommendation of AMP. The park planning staff that was assigned to improve the irrigation of that cemetery. We are very thankful to have been told by Sharon. There's another excellent example of well-coordinated work by planting 15 trees back in 2010 at AMP. Sharon has been proven correct on many of the issues and concerns she brings up to city and park officials. Two cemetery orders demonstrate that. She was the one that led the opening of the audit, and they demonstrated that in several cases, her points were correct. There was a working group from the parks board that agreed with many of her concerns, and made very many legal recommendations, some of which have been implemented. Former councilmember Cole congratulated Sharon on her good work with the audits. I can understand -- this council against Sharon's appointment. There has been some friction between Sharon and the parks cemetery manager Hernandez. I share Sharon's concern regarding Gilbert. In August, 2013, I filed a written complaint, which I've attached, and met with human resources against Gilbert.

[2:17:51 PM]

Performance issues, they said they were going to talk to him. So, it's not okay to put labels on citizens that volunteer their time and energy to improve public cemeteries just because the citizen is often correct in pointing out problems. And because some park staff is sensitive because they have not been able to resolve those problems. I think there's a lot of continuing frustration with the cemeteries from the public, from city officials, and the parks department. And I think that if we all work together instead of trying to materialize some advocates, we can achieve faster improvements. So, please give her a chance. She can make a big difference. Thank you.

>> Mayor Adler: Thank you very much. Michael for so um.

>> Good afternoon, councilmembers. I'm Michael, the executive director of the Austin heritage tree foundation. I support appointing Sharon Blythe to the parks board, and I'd like to tell you why. Ms. Blythe has a long record of volunteer public service. She's been the leader of Brandt Austin memorial cemetery since 1991. Second, she has a love and also has made efforts to improve Austin's outdoor spaces. In 2010, Sharon and Rav partnered with Austin heritage tree foundation to plant 15 trees. Ramp volunteers planted the trees, and watered and cared for those trees to this day. They are thriving. Third, Sharon has collaborated with us at Austin heritage tree foundation for six years, advocating for better maintenance for the trees in Austin's public cemeteries. Number 4, Sharon has shown in her work with ramp that she listens to the community and effectively communicates their concerns to the park and other city departments, and city council. She'll be a very effective board member.

[2:19:52 PM]

Please appoint Ms. Blythe to the parks board. Thank you very much.

>> Mayor Adler: Thank you. Sharon Blythe.

>> My name is Sharon Blythe, thank you for allowing me to speak today. The -- to borrow a phrase from mayor Adler, I look at this as an opportunity for a fresh start for a very new day in Austin. I look for open government, where everyone has an opportunity to speak at all meetings and work together to solve our differences. I would continue with my -- if I'm appointed, I would continue to work in a collaborative effort and welcome all the voices, and be open to compromise. I'd like to read a letter that I received from Michelle Obama. Congratulations on your designation as a steward, and thank you for all you do to care for our nation's important historical resources. The places you care for hold a treasured place in the American story, and it is through your vision and dedication that our history will happen up-held, and our future will be ready. President Obama and I applaud your achievements. The Americans before us built the country on the strength of their hope, hard work, and perseverance. You are using those qualities to share history with today's Americans and tomorrow's. With your service, you are strengthening our country. Every volunteer shows we have a role to play in shaping a better future, and we can do it by honoring our past. Thank you again for all that you do, for your continuing commitment to America's heritage, and for your enthusiastic participation in the program. I have great hopes for your continued success. Sincerely, Michelle Obama." I would appreciate very much your support for my appointment to the parks and recreation board, and to allow me to serve this community as I've done since 1991.

[2:22:04 PM]

Thank you very much.

>> Mayor Adler: Thank you, Ms. Blythe. Norman kitridge.

>> I'll make this easy for you all. I get nervous speaking, I gave you what I'm going to say. I'm Norman kitridge, I would like to recommend Sharon's appointment to the parks and recreation board. I became acquainted with her through my involvement with rescue often memorial park, and I admire her for her

tireless dedication to the care, operation, dignity, and preservation of Austin cemeteries. For a year, there has been no one on the parks and recreation board with the knowledge or desire to advocate for Austin cemeteries. I believe the appointment of Ms. Blythe would represent citizens advocating for proper use and maintenance of Austin cemeteries. However, if appointed, I feel certain Ms. Blythe would advocate for the citizens' best interests in all areas the parks and recreation board oversees, not only cemeteries. I feel that Ms. Blythe possesses many qualities for good decision-making. She's dependable, honest, hard-working and ethical. She has -- is not influenced by any political or special interest groups. She has the expertise to make sound decisions for parks and recreations. Having spoken at many parks and recreation board meetings, she has a vast knowledge of how the board functions, and is acquainted with current issues the board is facing. That being said, I don't think you will find a better nominee, and wholeheartedly recommend her to be appointed to the parks and recreation board.

[2:24:14 PM]

Thank you.

>> Mayor Adler: Thank you very much. Mr. Zimmerman.

>> Zimmerman: I want to thank you for coming do. You've been a resident of precinct 254 for how long?

>> Pretty soon, it'll be 43.

>> Zimmerman: 43 years in the same place.

>> I've been in Austin for 72 years.

>> Zimmerman: We really appreciate you coming down. Thank you very much.

>> I appreciate you all listening to my stutter. My nerves.

[Chuckling]

>> Mayor Adler: You did well.

>> Thank you for your help.

>> Mayor Adler: Thank you, sir. Those are all the public comments that we had. I'm going to make a motion to approve the nominations and waivers, but I'm going to recommend that we postpone the nomination of Sharon Blythe to the parks and recreation board. If there's a second, I'll explain that basis. There's been a second. I've had the opportunity to meet Ms. Blythe, half a dozen to a dozen times over the course of the campaign. And she is a very strong and consistent advocate for our cemeteries and for those spaces, as cultural treasures and amenities in the community. She is consistent and a passionate advocate, and with me, she has always been very -- a very respectful advocate. In all the conversations we've had, consistent with the conversations we've had today, Ms. Blythe's advocacy has related to cemeteries. And I note that in our comprehensive plan with the city, it's been recommended under the best practices section of the policy and funding recommendations that dozens of cities across the United States maintain a cemetery advisory committee to provide specialized council to the city officials and staff on those issues. It includes large cities, it includes cities that are responsible for more than a dozen historic cemeteries.

[2:26:22 PM]

Larger cities, including in Arizona and Florida are in that group, and it's recommended we consider that as a best practice relevant to Austin. I'm making a motion to move forward with the other appointments, but to keep alive. But to postpone those, in hopes that we can take a look at that. Mr. Zimmerman, you might take a look at whether or not there is a different course of action that might be ultimately better for the city. And that's the basis of my recommendation.

>> Zimmerman: Point of order. Is -- how can I possibly divide the question? I don't think there's any

other -- the other appointments are not contested, could we just possibly divide the question and vote on the appointments that are not, and then come back and consider?

>> Mayor Adler: We can do that if there's not objection.

>> Zimmerman: I'd like to make that motion.

>> Mayor Adler: I withdraw my motion. Mr. Zimmerman moves to approve all the appointments other than those two. Is there a second to that motion?

>> Second.

>> Mayor Adler: Ms. Houston. Is there any objection? Any further debate? All in favor, raise your hand. Those opposed? It's unanimous on the dais. That gets us to the last two. I would move to postpone those two for the more specific consideration of the cemetery issue. Is there a second to that motion? Ms. Houston. Is there any discussion of that motion? Mr. Zimmerman.

>> Zimmerman: I don't have to go first.

>> Keep your hand on the button.

[Laughing]

>> Zimmerman: That's what happened. So --

>> Mayor Adler: This was jeopardy, you'd be right in there.

>> Zimmerman: I'd be right on that. I'll take appointments for no money.

[Laughing]

>> Zimmerman: So, I've known Ms. Blythe for a number of months.

[2:28:22 PM]

And I met Norman on the campaign trail, and learned about the issues when I was campaigning. I believe I lost the vote in their precinct, which is okay. We won the election. So, I understand there's some resistance and opposition, but, I would still ask that Ms. Blythe be appointed based on her track record and her references that have spoken well of her. I would still ask for her to be appointed. Thank you.

>> Houston: Mayor.

>> Mayor Adler: Ms. Houston.

>> Houston: Because the cemeteries are under parks and recreation, I think that's the issue. So I'm willing to support your motion until we can look at how to separate those out. The majority of the cemeteries are actually in district one, except for the one, memorial park. And so I would like time to have a conversation about those four. I think they are in my district. So that we're conclusive. Parks and recreation is a broader kind of discussion, and I think it's different to have parks and recreation and cemeteries, although some people consider them parkland, and they're very sacred spaces. I would like to see that divided, so I would support your motion.

>> Mayor Adler: Okay. This would give us more time to look at narrative we haven't looked at yet. Any further discussion? Is the motion to postpone all in favor, please raise your hand. Those opposed? It is 10-1 with Mr. Zimmerman voting no. The next item on our agenda is item number 13. Oh, that was 13. That gets us, then, to item number 14. I'm going to hold off on the item number 14 until we have the briefing, so we'll come back to item number 14.

[2:30:24 PM]

We'll move on, then, to item number 15, which has been pulled by Gallo and troxclair. With respect to item number 15, we have 17 citizens signed up to speak. Let's see who's still here. Is Aaron franklin here? Is guy Watts here? Is Louis Guerra here? Mr. Guerra.

[Off mic]

>> Mayor Adler: Who?

>> Guy Watts.

>> Mayor Adler: Okay. He needs to walk in.

>> Oh.

>> Mayor Adler: Mr. Guerra.

>> First of all, let me thank the mayor Adler, and the councilmembers tovo and Renteria and Casar for being concerned about the smoke problems. This is not a barbecue issue. This is an air quality issue. Before I get going, let me introduce myself a little better. I have been living on Daniels drive directly behind the barbecue place for 35 years. I'm a taxpayer. I'm an artist and a storyteller. My stories have appeared on national public radio for 25 years. And I have a mural that I did with my students at the north ridge campus library of the community college. I'm still working. I paint, I write. Nine months ago, the neighborhood is wonderful. Good neighbors, everything. Nine months ago, five smoke stacks went up basically in my back yard.

[2:32:26 PM]

They're wiping me out. You know, I get congestion. My chest, I can't breathe. You know, I used to do -- you know, I started breathing harder when I would exercise than I used to, I can't use the back yard. I like to go rake. Even with the wind is blowing north -- because I'm south of the -- even with the wind blowing north, there's smoke in the back yard. I mean, you can't see the smoke, that's when it's the worst. It's like a haze in the back yard. There's times when I come home, open the door, and the smoke hits me inside the house. I spent close to \$700 on air purifiers going full blast all the time for nine months, they've been going. The only time we had a little respite was two days when they stopped the fires on those three threefire pits in front to insulate them better to save on wood. They say they've cut down the amount of wood by 25%, but the amount of smoke, but they haven't. 5%, maybe. I am for an ordinance for air quality. But with all due respect, I am not for this ordinance. The reason for that is that this ordinance would not do anything for us. All they have to do is move the things. You know, just a few feet forward, and they'll be at the hundred feet. But the smoke goes for blocks, you know? On public park, a block away to the north, below the chimneys, people like to go do yoga and stuff. They moved. I wish I could do the same thing, but I can't. I'm stuck there. And the property, nobody wants it with all the smoke there. Friends come over and they want to leave. My grandkids, I don't let them come over.

[2:34:29 PM]

You know, because it's bad for them. It's a horrible situation.

[Beeping]

>> It's been a nightmare. It's been a real nightmare.

>> Mayor Adler: Thank you.

>> Is that it?

>> Mayor Adler: That's it.

>> My time?

>> Mayor Adler: You may --

>> Let me give you all a new brochure from the environment of human health incorporated from north haven. I would like you to note, the board members, they're very qualified people.

>> Mayor Adler: All right, thank you very much. The next speaker that we have is Hoover.

>> May I ask the speaker a quick question?

>> Mayor Adler: Ms. Tovo has a question for you.

>> Tovo: I do, actually, sir. Thanks. So you said you had some suggestions for the ordinance that were a

little different than what was expressed in the resolution. This would just kick off a process.

>> Yes.

>> Tovo: Could you tell us real briefly?

>> Right now, it's like what I would suggest is that the city help the barbecue place retrofit themselves, because, you know, financially help them with a low-interest loans or whatever so they can put in what's called a smog hole, which has worked real well in New York City. People were just going crazy up there with all the smog. And the 100 feet is nothing. I can walk two or three blocks away and still smell the smoke. They've got five chimneys going full blast all the time. It's . . .

>> Tovo: I see what you're saying.

>> I have gone for barbecue in the past, it's fun to smell the smoke to get up your appetite, but not 24 hours a day inside your home. It is -- you know, and they say we're whining.

[2:36:29 PM]

We're desperate! We're desperate. I don't know what to do. There's times when I have to stop working and just leave the house because it's one of those days where the smoke is extra strong. It drives me crazy.

>> Tovo: Thanks so much. And as I was saying, this would initiate a process of really talking to stakeholders. And I hope if this passes, and that goes forward, I hope you'll be part of that discussion and can offer your ideas about how those provisions might go forward. You've offered good suggestions here today, so, thanks. Thank you.

>> Thank you.

>> Mayor Adler: Thank you, Mr. Guerra. Mr. Alexander.

>> Thank you, I'm a board member of the greater Austin restaurant association, as well as a member of the Austin independent business alliance. Thank you for the time. I became involved with the restaurant association interestingly, from a concern of the solid waste and recycle ordinance that was about to be presented to council, to pass an ordinance with. And we found out -- our restaurants did -- we were not included. There was no inclusion. We were going to be impacted by an ordinance that we had no input in. Thankfully, we were able to get involved in the process and have been a part of the solution that is now rolling in effect in stages. And when I heard about the impact of barbecue smoke, I thought, we haven't had a chance to work on the solution and input.

[2:38:30 PM]

We talk about neighborhood concerns, please consider that small businesses are, indeed, neighbors. And most of us try to be good neighbors. I don't believe we've had any negative response from the smoker at our restaurant on manor road. My concern is, if we have an ordinance that paints all of us into one group of folk that may not be good neighbors, we're going to be penalized without consideration of other solutions that we, perhaps, can come together and work on. I want to be a good neighbor. I want to continue to be a good neighbor, but our restaurant industry is a tough one to be in. And we have a great, positive impact on our community, as far as employment, as far as sales tax, liquor tax, etc. And so my request is, please consider us. Let us have a voice at the table for a solution. We do not want to be bad neighbors. If there are a couple of folk with issues, you know, please don't paint a brush that includes us. And we're guilty by association. We want to be a part of the solution. We want to continue to be good citizens. We want to be good neighbors to our community. And, again, thank you all, again again. If you have any questions.

>> Mayor Adler: Mr. Renteria.

>> Renteria: It's just basically a comment. And that's what I really -- it's really just a resolution that what

we really want to do is, you know, bring up that issue because of the air quality that neighbors have to breathe in. And this resolution has nothing to do with the established businesses, it's just some of them. Unfortunately, there's not just two or three locations doing that. It is a citywide issue, because we're not attacking just the barbecue joints on this issue.

[2:40:34 PM]

We're addressing the issue of some of these grilled chicken places. You drive down the street, it's like fog. On a clear day, there's a big fog. It's basically, there's nothing in the city ordinance addressing smoke. And that's the reason why I brought that resolution up, with the understand that we're inviting everyone to the table to find a solution to this problem. And I know there's a solution. And if we can bring everyone to sit down together and discuss this item, that would be great. And that's the reason why I brought it up as a resolution. You know, I never wanted to just go down to the committee level. I want it to go out where it goes through the process of going to the proper -- like the planning commission. And then after we get back -- after all the stakeholders come, then it comes back to us and then we refer it back to another committee, to the health committee. That's basically what the resolution. We're not after anyone to close down, but we really want to find a solution that you can have. There is a problem with residents that have lived there a long period of time, and having these new pop-up barbecue place, because it's such a famous barbecue, but it's not just a barbecue issue. It's really just the smoke issue that we're having. And we need to come to a solution for this. So, that's why the resolution was submitted.

>> And I do appreciate your words, and it does make a lot of sense. Again, I just want to come from that position of, you know, making sure that we're included and we're able to sit at the table and help our city. You know, help us do our part to be good neighbors, and perhaps we can find some -- you know, contribute to so many solutions for those that are causing problems in their specific neighborhoods. And that's the larger request from me, and I do appreciate you saying that.

[2:42:37 PM]

>> Renteria: Thank you.

>> Thank you.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: I just looked you up on yelp, it says you're open until 9:00 P.M. That's a bummer, I don't think I'm going to be out of here by 9:00.

>> Our chicken truck is until 9:00, the restaurant is open until 10:00.

[Laughing] Thank you, I appreciate it.

>> Mayor

Adler: Mr. Renteria -- I'm sorry. We have another speaker. Skeeter Miller.

>> I'll do better than Hoover, I'll stay open later, okay. Sorry, Hoover. I am the owner of the county line restaurants. And I've said this before. We're excited to be celebrating 40 years of making potato salad and smoking briskets, and the city of Austin has been really good to us. I'm president of the greater Austin restaurant association. I've got figures from 2011. That's the best Numbers that I have. In 2011, we had 4,000 restaurants. They employed 30,000 employees. We were able to create sales of 2.8 billion in 2011. And that generated 63 million in tax revenue for the city. At this time, in 2015, we have over 6500 restaurants. Our city has grown substantially, and I believe that all the restaurants that we have created a create quality of life for people. People are really busy and don't have as much time to cook. They have great places to eat. Saying all of that, I just feel like on this resolution, that it would've been really, really great to have some input prior to having something as an agenda item. We have -- we work

extremely well with the city. We've worked with Austin resource recovery.

[2:44:37 PM]

We work with the health department on numerous issues that we sit down at the table and talk about things before manage is -- something is created. I guess in saying all that, I just would hope that before you consider this resolution, that you would let us have an opportunity to meet with staff, and talk about all of the things that it covers. It doesn't only just cover what's going on inside a restaurant. There are caterings that go on where smoke -- where pits are used. There's a lot of different issues that come up, and I think we all have to know what those are. The bottom line is, as Hoover said, you know, we want to be good citizens. I've been running the county lines for 40 years. We want to be good neighbors. It would give -- but, give us an opportunity to hear our voice. I appreciate your time. Do you have any questions for me?

>> Thank you very much.

>> Thank you.

>> Mayor Adler: The next speaker that we have is Gus Peña.

>> Good afternoon, Mr. Mayor, councilmembers. Gus Peña again. Mr. Mayor and councilmembers, when I ran for city council in '96 and '97, one of my points was to be inclusive. I tried to be inclusive to everybody. I grew up on east 5th street, Pio, in front -- you can pass it around. This is my dad, circa 1948. There's a tank farm behind him. Caught fire once a month for over 20 years. We found out who it was later on. We had a brick-making company, mattress-making company. This is a Progressive, modern city. I'm going to be honest with you. The first speaker, my heart goes out to everybody that is affected by whatever negative issues are.

[2:46:42 PM]

I wish you'd mitigate it. Look behind you. It might be a resolution, but it says amendment to mitigate effect. It says amendment. And it's a trigger to start some sort of action. Turn around, read it for yourself. This is my dad, circa 1945. On congress avenue. Krueger and jewelers. Pio, I've been around twice, more than that. But, you know, what, there has to be an inclusive process. I'm a former teacher, too. So, I like to teach people about me. I tell you what, I'll be out there for the people. I'll tell you about myself. Nobody, nobody helped us out. Nobody included us. But you know, you have some good business owners here that come forth and say, look, be inclusive. Let's have a meeting before we go out and give sound bytes to the media. Believe me, I'm possibly sometimes guilty of giving sound bytes to the media.

[Laughing]

>> But the issue is this. You have to have an inclusive process. I respect everyone. Pio, I respect you. You know me. You don't invite me to your barbecues, but.

[Laughing]

>> The issue is this. Let's work together. You know, common ground. The brick-making company spewed contaminants in the air, the mattress-making company did. The ground was yellow and brown, we could be dying of anything. We have our own ailments. Be inclusive of the business owners. There are two sides to each story. And I -- this gentleman, I apologize for not remembering your name. My heart goes out to him. I hear his pleas for help, but, I hear the pleas for including me before you make sound bytes.

[2:48:44 PM]

That's what I'm talking about. And I'm a United States marine Corps veteran, and I'm proud to say, I've

been in battles and fights. Anyway, include the process.

[Beeping]

>> Thank you very much.

>> Mayor Adler: Thank you. David king.

>> Thank you, mayor pro tem, councilmembers. I'm getting hungry talking about all this barbecue, thinking about all this barbecue smoke. But I do respect councilmember Renteria for bringing this issue forward so it can be vetted in the process he describes. It's going to be inclusive, so we can take a comprehensive look. This kind of an issue is not the first time it's been addressed by a city. Other cities in the U.S. Have addressed this concern, not just related to businesses that are burning wood products, and creating smoke, but to residential uses, as well, that create the same kind of problem. So, I think it's worth a look-see to see if we can kind of find a good balance here that mitigates some of the impacts that I know are not purposeful or willful, but, they are an impact. Councilmember Renteria I thank you for bringing this forward, and look forward to the process that will provide some relief to these egregious situations and be fair for all the stakeholders. Thank you very much.

>> Mayor Adler: The next speaker is Andrew hoxima. And please, tell me how to pronounce your last name.

>> Quite good. My name is Andrew hoxima, I'm the air quality program manager at the council of governments. In that capacity, I serve as a co-chair for the clean air coalition advisory committee.

[2:50:46 PM]

I've been appointed one of 40 people to the EPA's clean air act advisory committee. I am not here today in my capacity as any of those things. I am here in my capacity as a delegate from my barbecue club, named in honor of the former congresswoman. It's the Barbara Q. Jordan distinguished committee. We go to different barbecue places once a month. Back in November, we had a barbecue pot luck where each person was assigned a different barbecue place to pick up an item. We got back together and had a great pre-thanksgiving feast. That was only possible because we have amazing barbecue places in an urban environment in the city. When I moved here from new Jersey, there were barbecue places I could go, but, for the best sometimes I had to go out of town. No longer the case. I'm here today in my capacity as a barbecue enthusiast, but also someone who does have some understanding of air quality. So, I think the three points I'd make today are, first, air quality is a complicated issue. And approving a resolution that would direct a code amendment that calls for a specific solution is premature at this point. I, too, am sympathetic with citizens who have specific problems with a specific facility, if that's, happening. Obviously, this wouldn't have come up unless somebody had complained about it. The idea that that constitutes a city-wide problem that requires an ordinance, and that this specific code amendment is the correct way for the city to address this, I think is questionable. Second, if the city council does wish to act in some manner on this today, I would encourage alternative language as follows. Council directs the city manager to study whether it is necessary for the city to initiate an amendment to city code, or other changes to city policies to mitigate potential impacts of smoke emissions on the health and quality of life in residential areas and report back to council.

[2:52:58 PM]

You know, there's nothing specific about wood that makes wood smoke better or worse than other smoke. If there's an issue with residential areas being exposed to smoke, you know, this particular proposal here is both too narrow and too broad. It's too narrow in that it's focusing on a very specific set of sicker transes that appears to be occurring for one or two establishments. But, it's also too broad, because it's attempting to apply a citywide policy on something that hasn't really been thoroughly

studied, in my opinion. Third, to the point of whether or not something has been fully studied, I encourage you to avail yourself of the city air quality program, county air quality program, and --
[beeping]

>> Regional air quality program. Thank you.

>> Mayor Adler: Thank you. The next speaker is Scott Johnson. Is Scott here? How about Bruce Hughes? Susana omanza? I'm sorry, Mr. Hughes.

>> Good afternoon. Is this thing on?

>> Mayor Adler: Yes.

>> Okay, good.

[Chuckling] Good afternoon mayor and council. And thank you for having me today. My name is Bruce Hughes, I've lived here since 1963. I've been a homeowner and lived most of my life on the east side, from dellwood to Dutch strings. I tend to favor the east side. I've been a homeowner on east 2nd street for 15 years. And I love it. And I love my neighbors, and I love the neighborhood. Nine months ago, the barbecue moved into the 900 block of czar Chavez, and moved in three screened smoking stations.

[2:55:04 PM]

That's what they are. It's not a restaurant. It's not a smoke stack. It's an open-screen smoking station with five or six pits, maybe five. There's three of them. And a single-service trailer. And brisket takes a good 16, 17 hours of low heat, really dense smoke, to be as delicious as they make it. And don't get me wrong. They have a legacy that's so deserved. Bobby Mueller has hands-down the best recipe, shared by Aaron franklin. I mean no disrespect to Mr. Alexander, and anybody at the county line, but it is my favorite, by far. Johnny Mueller, and Leanne, their barbecue -- it rocks. But they set up smoking stations directly on the other side of the alley south of my house. And Texas has a prevailing southerly wind. And they smoke several days a week, generally five days a week for 17 hours. I can no longer open my windows. The smoke seeps in from the attic. My neighbors nextdoor, their house smells like a camp fire all the time, it's less-insulated than mine. It's it's greatly reduced the quality of my life. I am not here to say that we should use a broad stroke, that all restaurants are to blame. I don't believe that. I drive past franklin's or hoovers and don't smell it. Within two blocks of Cesar Chavez, even on Ellis, it's not as strong. I'm not sure why. But, that is my main complaint. And my experience, that I wanted to share with you guys today.

[2:57:06 PM]

If you have any questions for me, as somebody who's directly affected by this issue, I'd be glad to answer them. Otherwise, thank you for your time.

>> Mayor Adler: Thank you. Ms. Tovo.

>> Tovo: A quick one. You said how long you had lived there, would you mind telling me again? How long had you lived in your --

>> I've owned the house for 15 years.

>> Tovo: Thanks. And so that's just underscores your point, it was not an issue. And with the influx --

>> No, it was never an issue until August of 2014.

>> Tovo: Thanks very much.

>> Sure.

>> It wasn't an issue for me. Thank you, guys.

>> Mayor Adler: Mr. Renteria.

>> Bruce. Bruce.

>> Mayor Adler: Excuse me.

>> Oh, I'm sorry.
>> Mayor Adler: Sorry, sir.
>> Renteria: I just want to ask you a question. When did this problem start occurring?
>> In August of 2014.
>> Renteria: And that's when they moved the --
>> August or September. It was, yes, towards the end of the summer.
>> Renteria: And ever since, they've been smoking?
>> Oh, yeah.
>> Renteria: Thank you.
>> Oh, yeah. 17, 18, sometimes more hours a day. And they have to smoke at night to be ready for the day. And . . .
>> Renteria: Thank you.
>> It's deceptive.
>> Mayor Adler: Thank you, Susana Amanza?
>> Good afternoon, mayor, and city councilmembers. I'm with poder. If we're going to talk about air quality, I wish you would be talking about the air quality coming out from the pure casting facility right across the street from the elementary.

[2:59:12 PM]

We're talking about chemicals impacting the lives of children pre--k to 5th grade. I don't know how many times, this is a new council. But, especially for Mr. Renteria, he's lived there. He should now if you're going to bring an air quality issue to the forefront, talk about chemicals that are impacting the human health risk that can bring about cancer and various cancer effects. We're talking about a place that has 12 different toxic chemicals. It's a cocktail of toxic chemicals. The foundry is located at 2110 east 4th street within 40 feet of the elementary school, okay. And we're talking about chemicals like aluminum, arsenic, these are serious chemicals that are coming out across the street from pure casting elementary, and we are here talking about barbecue smoke? I really have an issue with that. I have not seen any scientific evidence that these people are going to get cancer or any other health effects. Yes, I'm concerned that yes, they're taking in smoke. I can understand that. But I want the public to understand that for five years, they have been here working to protect the health of children, our elderly, and the community abroad. And that we have yet to have any action from this council. We have come up with work with Dr. Ed's class to look up equity land swap. We've done a major study of over 1,000 properties owned by the city so that pure casting could relocate. We suggested doing affordable housing, mixed-use development, because the city owns half of that block. We've come up with all kinds of suggestions, done all kinds of research, got tceq out there. Have got a monitor running at this particular time.

[3:01:17 PM]

Had to pick up all the dirt from there that exposed you or not. We had one of the area residents across the street pay to see if you come across the street, and more the soil and water that was coming, chemicals. There's no doubt of what was happening. You know what she did? She had to move. She came to council and said, you know what, I'm privileged, I'm moving my child. I don't think it's right for community who can't move, still sending their kids to that school. That is the real air quality issue. That's the issue you should be addressing. Thank you.

[Applause]

>> Mayor Adler: Thank you.

[Beeping]

>> Mayor Adler: Brian Castro. Mr. Castro, you have three minutes.

>> Good afternoon, councilmembers. Mayor. Hello, my name is Frank Castro. I've lived in Austin all my life. I've resided in one place for the last 47 years. I'm here to speak to you on behalf of my family, but particularly for the children of our families. Concern over the smoke and contaminants breathed in by our young. I live in the path of untreated, unfiltered smoke billowing from a barbecue food trailer. The smoke stack of the trailer, to say the least, is horrendous. No one can know how it affects the air with pollutants that it carries unless you are directly in the path and affected. It is bad enough that they use the fumes from the constantly passing vehicles, but, this takes it a step further, as it affects the air quality to unhealthy levels.

[3:03:24 PM]

It takes your breath away, literally. I can no longer enjoy sitting on my front porch with the children as I did with my parents. I miss that. The smoke permeates everywhere and through everything. Don't get me wrong. The aroma is one thing, but the filth that contaminates the air is another. I implore you to put yourself in my place and set guidelines so that something can be done to help preserve the quality of air for everyone, especially with -- if the technology is there to do so. The cost can be higher, it can affect the health of everyone around, especially the young. I believe we have a God-given right to breathe in clean, life-sustaining air, and that we must protect our air quality to the best of our abilities. It is impossible to measure the harm that may be caused to the environment, for that matter, to our children, our children's health, if nothing is done. Thank you very much for your time.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is Guy Watts in the room? Is Gail Armstrong in the room? Gail Armstrong? Is Ellen Johnson in the room? Yes? Thank you. Is Martha Bauer in the room? You have nine minutes, Mr. Watts.

>> Thank you. I don't think I'll use all nine.

>> Mayor Adler: Go ahead.

>> I want to thank councilmember Renteria for bringing this to the floor, and the cosponsors, Mayor Adler, Mayor Pro Tem Tovo, and councilmember Casar. I hope I pronounced that right. I also want to thank the other councilmembers who have worked on this issue yesterday. I appreciate the positions that everybody is coming from, and I applaud this council in particular. I think that this is an issue where stakeholders need to come aboard. Originally, when I heard about the proposed resolution, I, of course, was in favor of it.

[3:05:31 PM]

I should've started, I live directly behind a barbecue. Louis has lived there 35 years. I've only lived there 12, I'm somewhat of a baby. But, this was not something that we urged, but we appreciate that it has come to the floor. The reason is, I think there's been a healthy community debate about this issue. Not so much whether barbecue -- or wood smoke is dangerous. I think everybody pretty much accepts that. It's not so much, should this particular ordinance be passed. I think what everybody is saying is, you need stakeholders in here to address all these issues, because I think we heard over the last couple of days, there are a lot of people coming from all sides of the issues. I really do sympathize with barbecue owners that have had no complaints, that have been on their property for years, and even -- for decades, no complaints until somebody maybe moves in nextdoor. That's not our situation. And I don't believe it's the situation of one of the prior speakers. Again, I was initially in favor of the resolution. I must speak against the resolution. I think that it lacks specificity. The originally drafted res Lucas --

resolution spoke to 150 feet from the property, now, it says, from the smoker to the property. That's a step in the right direction, but the height of the smoke stacks isn't addressed. How many smoke stacks? How many days are they smoking? You've got a lot of barbecue restaurants that smoke three, four days. They serve lunch, and they close down. The neighbor that we live to smokes seven days a week, 22 hours a day, on five smoke stacks.

[3:07:33 PM]

That's the type of specificity that is not in the current resolution. And I think that stakeholders can help in that regard. I do think that moving into 100 feet is somewhat arbitrary. The reason I say that is that I represent homeowners from eight Daniel drive homes. Some of them are across the street from me. Presently, located more than 150 feet from the smoke stack, or the three smokers that you've got at terry black's. I talked to them and said, be conservative. Tell me a percentage of days you smell smoke enough where you can't open your windows, or else the smell of a campfire will inundate your clothes and your sheets, and that sort of things -- your sheets. They've been in their home 21 years. Their nextdoor neighbors, on one side, 40 years. The other one, over 40 years. My neighbors told me they smell smoke 50% of the time. That it changes their behavior 50% of the time. One of my neighbors told me they couldn't get -- I can't remember which one, told me, couldn't get their cat in one night. And when the cat came home the next day, it smelled like it slept next to a campfire. This is apparently the time that they're not smoking. But there's only a two-hour window when they don't smoke. This is a very, very real problem for us. And 100 feet actually doesn't take care of the problem. If you look at terry black's parking lot, if they moved their smoker 75 feet away, they are now 105 feet from my property line. I can promise you, it will not satisfy the concerns that we've got. I would still not be able to hope my windows or -- open the windows or doors, because the current neighbors across the street cannot do so four or five months a year.

[3:09:36 PM]

Going to the winter months. I'm not sure that he mentioned it, but, Luis doesn't have central air and heat. He conditions his home with an attic fan -- attic fan. In March, April, may, these are vital months for my neighbors to be able to open their doors and windows to condition their home. They cannot do so with the current neighbor that we've got. I also want to address something that I think some of the language lacks specificity in terms of appropriate action. I'm an attorney and I can promise you that there has to be a thousand definitions for appropriate action. Mitigate. Mitigate can be 1%. When we met with terry black, he had a suggestion, why don't we put fans up at the top of the smoke stacks and blow it not towards your house, but out towards butler park? Well, that means that we'd have fans running 140 hours a week, not good. The park across the street can't be a solution. If they move their stacks to be 105 feet from me, they are now within 50 feet of butler park. So, this is a pernicky issue. I appreciate it's brought up. I want to show you the uniqueness of our situation. Daniel drive is the first street parallel with Barton hills, but it's up on a bluff. The bottom or the floor of my back yard is probably 18 feet above the floor of terry black's line. So, what may -- I don't even want to get into any other barbecue situation, because sometimes you have a smoke stack that clears the rooftops. Black's barbecue in Lockheart, they work next to two homes, residential homes, but the smoke stack -- by the way, there's only one.

[3:11:46 PM]

In Lockheart, forever. But in Austin, five are necessary in a residential neighborhood. But, in Lockheart,

they've got one smoke stack. The smoke that comes out of that stack goes over the roofs of their neighbors. That's not our situation. I'm going to show you a few pictures that show you just how real this is. I think I've picked up on some people who suggest that this is not real. I cannot tell you with enough emphasis in my position, or my voice, that this is very real. It's real for health, for older gentleman like Mr. Guerra. It's real for younger children like my son. I took him to the doctor yesterday. I checked his meds yesterday. He's been sick twice as much this past year than the year before. My wife and I aren't whiners. We'd rather not take him to the doctor, so we can go to work and make money. But we had to because we're living next to a quasi-commercial pollutant. If I can show you a few pictures to illustrate the uniqueness of our situation. This is a picture taken from an office building on the 7th floor of Bolden and Barton springs. There is one commercial building before terry blacks, but, you see three smoke stacks, and I believe you've got six, if not more pits feeding those three smoke stacks. At 5:00 A.M., every day, seven days a week, even on Christmas, somebody comes and lights that fire. At midnight, somebody leaves, leaves it smoldering. For 22 hours a day, seven days a week, we've got smoke coming out of five stacks. There's another picture of that. You can see.

[3:13:46 PM]

What I'm trying to show you is the plume is going directly toward Mr. Guerra's house. I live right nextdoor to Mr. Guerra, this is a day --

[beeping]

>> Is that nine minutes already

>> Mayor Adler: Yes.

>> Can I --

>> Mayor Adler: Finish your thought.

>> The smoke stacks, this is from my house. This is from my neighbor's house. By the way, I'm standing up when I take the photo, not on a ladder. This is my neighbor, Mr. Guerra's house, right behind -- terry black's is right behind. This is my other neighbor's house, and my other one's, right behind both of them. Can you press play? These are the two smoke stacks that you didn't see in the original photo. There's five of them. These two are right behind my.

>> Mayor Adler: Thank you.

>> I'll close with this, that this has been an issue that I'm certain all of you will weigh seriously. This is from this morning. Actually, the time lapse is from a couple days ago. It's over 12 hours. But the audio you hear comes from klbj this morning.

>> Mayor Adler: I think we have some questions, if you'd just hold on to that. Do you have a question, Ms. Tovo.

>> Tovo: I actually wondered -- I do have a question for Mr. Watts. I was real interested. I thought you said in your conversation you had a time lapse photo so I wondered if I could ask you to show it. If it's a pretty short one.

>> It is. It's about 45 seconds. What we attempt to do, if you see the date code on it it's March 2, 2015. We actually received this camera a little late.

[3:15:49 PM]

We wanted to show this video in November and December if for 90 days that's what we're really affected. This is a day we captured in March, we caught it over 12 hours, reduced it into one minute and I edited it down to about 45 seconds. Do you have an audio with that?

[Video playing] He is.

>> Tovo: Thank you, Mr. Watts. I do have a question for you. You said that you think that this resolution

does not include -- I think I heard you had a concern about the measure of distance and that you would add some other items of consideration in there.

>> I'm sorry. I couldn't hear the last thing you said.

>> Tovo: I think you opened by saying you don't support the resolution because the distance -- as I understand it and I want to be sure I'm understanding your point correctly, you don't believe that the distance is enough of a measure, at least in your situation, as you described the distance measure would just put it closer to the park.

[3:17:55 PM]

But it sounded like you had potentially some suggestions regarding Numbers of smokestacks and height and days and hours of smoking, but are those considerations that you think should be part of the process if this passes, if this initiative passes today?

>> I think it's indicative that you've got different problems all over the city, and I think trying to put 200 feet on it, 250 feet on it, that may work with a house that's right next door that has a roof lower than the top of that smoke stack. But in our situation, this ordinance, as written, does not alleviate the problem with these two ladies in the back. If it is written and then if a manipulates I promise it doesn't alleviate my problem or any of my neighbors' problems. I think that it would behoove the city to go in a different direction. I think, you know, a -- my neighbors or myself are -- have the right to a private nuisance civil action, and I think the only reason we're able to go forward with that is because I'm a lawyer and I'm working for free. I think if you live on the east side and you do not have a spare \$5,000, I think it's going to be difficult for those residents to seek recourse through the courts. I really do. So if the city wants to get involved, I think that that may be a good place, whereas it's not a one size fit all. You recognize that there's a different problem with each set of complaints. There are other cities in the United States that have such an ordinance where they require, for instance that -- for instance if I moved my house right next to Hoover's, that's difficult for me to complain about they're doing.

[3:20:00 PM]

In law it's called coming to the nuisance. If I lived in my house for 45 years and black's barbecue comes in they're coming to our neighborhood and creating a nuisance situation. There are cities that allow recourse for that. For instance if I'm a complainant within 250 feet of a barbecue emission, five smokers, three smokers, whatever you have, but basically if I'm a complainant that was here first, then I have an avenue to go to mediation. That would be something through the city. But you can't end it with arbitration. I mean, you've got to allow citizens the ability to air their discords in courts of law. But if the city wants to do anything, I thought it ought to be a kind of city-sponsored mediation process, and even if that works, great. If it fails, then the complainants still have recourse.

>> Tovo: Okay. I appreciate those additional thoughts. Thank you. Again, as you've heard this will initiate a process that will pull together stakeholders. You would certainly be invited to be part of that and offer some suggestions such as the ones you offered.

>> I look forward to it.

>> Tovo: It sounds like you're in support of considering the issue.

>> Let's work on something.

>> Tovo: Thanks.

>> Mayor Adler: Thank you very much. Do you have a question.

>> Zimmerman: I think you said something -- this is kind of a unique situation, owing to the elevation, you know, of the homes and the location. So I'm with you that there needs to be a solution. I hear the concerns of others, a one side solution doesn't work for unique situations. I'd like to see this problem

addressed as a unique situation. So, yeah, I would like to see something happen, but --

>> I don't disagree with you.

>> Zimmerman: Yeah, unique situation.

>> Mayor Adler: All right, thank you. Thank you very much.

>> Thank you.

>> Mayor Adler: Those are all the public comments we have. Mr. Renteria, do you want to move passage of your alternate resolution, which was in the backup materials?

[3:22:05 PM]

>> Renteria: Yes, I'd like to make a motion.

>> Mayor Adler: You need to turn on your microphone.

>> Renteria: Yes, I would like to move approval of this resolution. And --

>> Mayor Adler: Is there a second to that motion? I'll second that motion.

>> Zimmerman: Can we put it up on the screen maybe so we can see what we're addressing?

>> Mayor Adler: All assist the one that I wrote notes on. I don't have a clean copy junior.

>> Renteria: I have one.

>> Zimmerman: Do you have a copy?

>> Mayor Adler: The one that does not have my scribbles on it.

>> Houston: Nobody can read that.

>> Mayor Adler: Which I'll read out loud. And I will. I'm sorry.

[Laughter]

>> Houston: You might as well be a doctor.

>> Mayor Adler: We'll get there. Mr. Renteria moves his alternate, which we all have in the backup. It's about to be posted on the board. I seconded it. Mr. Renteria, do you want to open up the debate or discussion? Do you want to open it before I make my amendment or after I make my amendment?

>> Renteria: What I basically -- I'm sorry. I don't have the original. That's my original up there on the screen. Let me just get back to it. See, yes, mayor, you know, this resolution wasn't meant to address any of the older barbecue places because you believe we haven't had that many complaints. You know, it's becoming a problem here in Austin, where we're having these businesses that are -- you know, and basically the percentage of them are trailers, food trailers.

[3:24:05 PM]

And what we're seeing now is that there's a -- we have -- even in -- registered in the yellow books, there's 11 that are registered here all around surrounding central Austin. And what we're trying to do is that -- and I've seen that now we have over four units just on that road, on that street. And we're just trying to get ahead of the problem that's going to come, that is going to be in the future. Because, you know, as we can see what's happening, Austin is like the capital -- barbecue capital of the world. People would like to think. But, you know, the little small towns will probably, you know, try to, you know, say that that's not true, but the problem is that we're getting a lot of these little small food trailers that are coming into the neighborhood and a lot of our main streets are zoned commercial. So I know that there's a high cotton start-up of a restaurant so there's a lot of people that are trying to establish these little small businesses there. And it's just not right because they're setting up these businesses right across the street or across the alley to our neighbors, and I'm getting a lot of complaints about the quality of life. You know, they cannot breathe the air. You know, it's just disrupting their whole lives and causing medical problems to our young children. That's the only reason that I set up this resolution. But the resolution was set up because I wanted to start getting input. You know, this issue has been going

on and for people that say that they have never heard about it, they must have not been reading the newspaper or seeing the TV where people have been complaining about it. And it's no secret. So I initiated this process so that we can sit down and have a stakeholder meeting, you know, creating a task force so that we can, you know, sit down and really come up with a solution do this problem.

[3:26:13 PM]

I don't want to see where neighbors are fighting businesses and vice versa. You know, what I really wanted to do with this resolution is so that we could sit down and talk about it and come up with a solution. And I know that, you know, I could have easily said all trailers here on Cesar Chavez, then reach -- if they're smoking barbecue and if it's going over to our residents' property, into their backyard, but, you know, we face a situation where there's blacks, there's two other businesses that, you know, grill chickens that -- out there, one on William can Mon cannon and one up north that smokes out the whole area but there's no residential homes there so that's why you don't see the complaints that some of these other businesses are moving into a neighborhood. That's what you're starting to hear. This resolution is not going to become the ordinance. It's really set aside -- designed so that we can get people together and work together and come up with a solution.

>> Mayor Adler: Okay. Thank you. I'm going to move to amend the resolution. As I hand it out and went to everyone, I don't know, clerk, if you have a copy of that that you can also put up. I'd like to explain it. Is there a second to the amendment that I offer? Ms. Gallo seconds that. Mr. Renteria, my understanding is you've read this and you're okay with this too. I want to address this. I think it makes clear what your intent originally was, and that's to have a look at this issue and figure out what's best to resolve it. This does not have to be a pitched battle in the city. Oftentimes here -- sometimes here we go too quickly to corners in the ring.

[3:28:20 PM]

Austin is known for having great barbecue and we should continue to be known for having great barbecue and we also have incredible neighborhoods and we should continue to have incredible neighborhoods. As times change, there are issues that arise we need to work out, and this is one of those issues that need to get worked out. So the amendment that I proposed, after visiting with councilmember Renteria, just says that the council initiates an amendment to the city code to address smoke from cookers, restaurants, trucks, and their impact on residences. That's what it's asking to do, that there be an amendment that addresses those issues. Provisions to consider shall include but not be limited to those two, and then it goes back to the language to require restaurants and mobile food vendors that utilize to be located within 100 feet and it has the other provisions. But it's just to which those, not limited to those. After the investigation if it's appropriate to have it be more than 100 feet or greater than 100 feet or different feet, depending on elevation of stacks or whatever it is, I note that you had -- there was some question at the work session whether we should send this immediately to a committee as part of the Normal process. You asked in this case that there be a stakeholder process as well. Since that's your request and you wanted to give visibility to the issue, I'll support that too. But I like when it comes back, it goes first to a committee before it comes to us, and staff right now is looking and seeing how long it would take them to run that stakeholder process to get it to the committee. I put the first meeting after July 31. Manager Ott I think is talking to staff right now to see if there's another issue that makes sense.

[3:30:23 PM]

I had in here, as you had, that it went to the planning and neighborhood committee of council. Manager Ott, before he left the dais, suggested, as he was walking to staff, that it might be something that should go to handle and human services, it's a health as much as a planning issue so it might be we want to send it to both committees before it comes back to council. But the purpose of this amendment was to make clear, as I understood your intent, to be that we're not prescribing rules here, we're setting a process, we have an issue and need to deal and figure out the issue so that we can enjoy all of what is best about Austin.

>> Renteria: That's exactly what I -- you know, that my intention was. So I really appreciate that you -- and I accept your amendment.

>> Mayor Adler: Okay. It's been seconded. The author wants to accept this amendment. Is there any objection to him accepting this amendment? Seeing none then what we're working with right now is the white paper that's posted with my notes, which I've now just read through so that people who were at least listening can read what I've written. We're now continuing debate on this item. Ms. Gallo and then Ms. Houston.

>> Gallo: I seconded the amendment for several reasons, and I appreciate you bringing this concern to us, neighbors, I appreciate you bringing your concerns and business owners I appreciate you being here also. This is something that impacts a lot of people across the board. My commitment, though, is that before adopting any ordinance that we make sure -- I make sure, the council makes sure, that we understand and evaluate the economic impact of that ordinance. And I think this is important, whether we're talking about smoke in restaurants or land use.

[3:32:23 PM]

Quite often in the past ordinances have been implemented with no consideration to the economic impact on the people that are involved. So I definitely support referring this to the council committees, but I would like, mayor -- I would like if we could also include the economic opportunity committee because I do think that we need to make sure that the restaurants are involved in this discussion and we know specifically what the cost to the restaurants is for what we're asking to be done. And we want to bring all the parties together to talk about the appropriate solutions. You know, we talk about supporting our local businesses, and, once again, I think the local businesses need to be part of this discussion.

>> Mayor Adler: I would like to entertain -- I'd like to entertain an amendment which adds the health and human services committee and the economic development committee to the committees this would go back to. Ms. Gallo makes that. Is there a second? Ms. Houston. Any objection to that? This is now amended to say that it goes back to the economic development, the health and human services committees. We're now continuing debate --

>> Casar: Mayor, quick question. Does that therefore remove the [indiscernible] Committee which I wouldn't mind since --

>> Mayor Adler: It's been moving to strike planning commission from that which I think makes sense to me. Is there a second to that? All right. It's been --

>> Casar: Sorry move to strike planning commission or planning and neighborhoods committee? Sorry, he said planning commission and --

>> Mayor Adler: So you --
[audio feedback]

>> Mayor Adler: I may have misunderstood you.

[3:34:24 PM]

What were you recommending?

>> Casar: I was recommending it go to two committees of the council rather than three.

>> Mayor Adler: But that it would also.

[Audio feedback]

>> Mayor Adler: I don't have a problem with that. Do you? Does anyone have a problem with that on the dais? So what we're striking then is the planning and neighborhoods committee. This would go then to planning commission --

>> It doesn't need to go to planning commission.

>> Mayor Adler: Okay.

>> It's not a planning commission issue.

>> Assistant city manager. Mayor, council, this is not a planning commission item. This is not a land development code issue. This is more a health code issue. So it would not go before the planning commission.

>> Mayor Adler: Do you have any objection to changing your amendment to strike both committee and planning commission?

>> Casar: Yes strike both and --

>> Mayor Adler: Is there a second to that? Okay, Ms. Pool seconds that. That's what's on now, strike both planning commission and the planning committee. So that the reporting would just go back to the two council committees. Ms. Tovo.

>> Tovo: I have a question for assistant city manager sue Edwards. While the issues we're address regulation not land use related it's possible there could be a land use issue arising in the course of these discussions or a land use solution, I would think.

>> It's possible that it could be a zoning issue, but we don't think so at this point. And if it -- if it is, we would plan to take it to the planning commission or to the zoning and planning commission, the appropriate commission. But at this time it doesn't appear that it is. So if you would trust us to make sure that if it is and that is a solution, then we would come back with a recommendation that would go before either one of those two commissions.

>> Tovo: I'm comfortable with that, as long as it wouldn't delay arriving at a solution terribly. I mean as soon -- if it does appear to have a land use component, I would expect staff to initiate that as soon as that arises as a possibility.

[3:36:31 PM]

>> We would. I think that this gives us plenty of opportunity to do both a stakeholder discussion -- the stakeholder discussions and appropriate council committees as well.

>> Tovo: Sure, thanks.

>> Mayor Adler: Okay. So what's on the floor right now is to strike planning commission the planning committee. Ms. Pool.

>> Pool: I just wanted to point out that April is independent business month, small local businesses are affected by this and I'm really glad that if we're going to have a discussion in those two council committees about how to make this work both for the health and safety of residents and also respecting the very real economic needs and the predictability for our local small businesses. So I thank council for doing that. I was look for a way to be able to support this, and I think I've found a way to be able to support this.

>> Mayor Adler: Thank you. Ms. Houston.

>> Houston: Thank you, mayor. To my council colleagues and to those that are here -- and thank you so much for being here and thank the last speaker for giving me the words coming into a nuance. That's one of my main concerns about the way the ordinance is currently written, is that in my neighborhood,

Ben's long branch was there long before franklin's moved there. We've got ed's barbecue, Hoover's, Willie's barbecue so those businesses have been in operation for some 38, 40 years, some 20. So my concern with the scope of this ordinance was that we would have people who come into the neighborhood who are new to the city and decide that this is a nuance, and so now I understand that in the comments that the last speaker made, they would -- there would be some kind of -- they wouldn't have the same kind of remedies as if somebody was living there and a new business came into being.

[3:38:36 PM]

My issues have been is that these -- this kind of dialogue could have been done with inclusion from our small businesses. We could have had that conversation in a different context. &Then brought a combined resolution to the committee to vote on. During the campaign, most people said they would rather get in on the ground floor before a resolution is drafted so that they're able to hear and be heard rather than coming in and responding to something that's already been drafted. And we have to do the workup here. So I would prefer that we do the -- we pass this amendment so that that stakeholder process can be started. I appreciate the fact that the meeting has been, instead of may 21 to July 31, I think is what that says, mayor. So that we can actually engage the small business owners and so that the conversation is broad enough to make sure that we're not doing harm to some of our local businesses by enacting something that is so specific that it will cause some undue consequences down the road. So I appreciate the efforts.

>> Mayor Adler: Ms. Troxclair, then Mr. Zimmerman.

>> Troxclair: I appreciate -- my initial reaction to this resolution was that I do wish we had had the opportunity to have this conversation in a committee first, but I understand, councilmember Renteria's interest in creating a stakeholder group. My concern -- or my question is, councilmember Renteria, have you tried to convene a stakeholder group outside of this process is this have you reached out to the businesses and the neighbors who have been involved and seen if there was a way for them to work it out without a city-wide resolution?

>> Renteria: I have reached out to -- sorry. I have reached out to -- I mean barbecue --

[3:40:46 PM]

[laughter]

>> Renteria: I don't know where my mind is at. La barbecue. Basically you can't reach out to the owners. I talked to some of the workers there and I've gone and talked to --

[off mic]

>> Renteria: I have gone to their site, gone and visited all my neighbors there and they have said they've gone out there and talked to their businesses. They haven't been able to work it out. I mean, so I took that and I also is that you --

>> Not true at all.

>> Mayor Adler: Excuse me, please. Excuse me.

>> Renteria: And, you know, we have these new food trailers that are coming in, you know, and they're popping all over the place. So, you know, I -- I have -- I'm just reacting to what my neighbor that my people and my constituents are telling me what they think I need to do. And so that's how I responded to it.

>> Troxclair: Okay. My concern is that even by passing a resolution that is just to convene a stakeholder group we're still sending a clear message that we are going down the path of initiating a city-wide code change. And it just makes me worried that we're going to -- and any time that you do some kind of blanket code change, you're going to end up putting the good businesses that have had no issues -- I

don't want to say good or bad businesses, but the businesses who have had no issues with their local neighborhoods in with the businesses who do are these concerns. Even though it's a stakeholder group I'm really struggling with the indication that we need a city-wide solution to what seems to me to be a few isolated incidents.

[3:42:48 PM]

>> Mayor Adler: It was Mr. Zimmerman and Ms. Garza.

>> Zimmerman: Thank you, Mr. Mayor. I echo what councilmember troxclair said. This sounds like an unusual situation, usual circumstance. The way that the resolution is written, I don't have any objection to the amendments, but, still, the way it's written, in the be it further resolved, the city manager is directed to initiate stakeholder input, I really thought that's what our committees were for. I'd much rather see the health and human services council elected committee drive that meeting and gathering process and I'd rather see something that's targeted to this particular geographic area or even something that says if the las majority of neighbors in proximity to one of these problem smokers, if they protest it, they might be able to have a local solution because the geography affects what's going on here. So I'm going to be voting against the resolution, and I hope that -- I would like to have the whole matter referred to committee. That would be my preference. But I'll be voting against the resolution. Something needs to be done, but I'd like to vote against this and refer the entire matter to two committees.

>> Mayor Adler: Misgarza.

>> Garza: I have similar concerns to councilmember troxclair with regards to what was done before we got to this point, and that was one of my biggest questions, was did we reach out to the owners of la barbecue. So I have -- maybe it's a nuance change, but speaking to councilmember Zimmerman's points, if the wording could say council initiatives a possible amendment to the city code, so we're not saying that -- as he stated, I feel like this is saying we're going to amend it, and this would be a possible amendment. And then that would also create a change in the second to the last be it resolved, that the city manager is directed to initiate a stakeholder -- basically stop that sentence after recommendations and it would just be and business owners to provide recommendations to the council.

[3:44:56 PM]

And it end there. So those are my suggestions to the current amendment on the floor.

>> Mayor Adler: So I'm going to -- you're moving to amend this. We'll go ahead and do that. You're amending it -- making an amendment to say that initiatives a possible --

>> Garza: Yes.

>> Mayor Adler: -- Amendment.

>> Garza: Leave all the rest.

>> Mayor Adler: The last would say is directed to present recommendations to the two committees.

>> Houston: N.

>> Garza: No the second to last be it resolved.

>> Mayor Adler: Is directed to initiate a second stakeholder --

>> Garza: Stakeholder input gathering process to provide an opportunity for affected residents and business owners to provide a recommendation --

>> Mayor Adler: Recommendations.

>> Garza: To the council.

>> Mayor Adler: To incorporate the --

>> Garza: Provide recommendations to.

>> Mayor Adler: Can we just say recommendations period. Then in the next one send it to the next committees.

>> Garza: Sure.

>> Mayor Adler: It would say provide an opportunity for [indiscernible] To provide recommendations, period. Then in the third one it would say the city manager is directed to present recommendations consistent with this resolution to the economic development health and human services committees by July 31.

>> Garza: Yes.

>> Mayor Adler: There's an amendment is there a second to that amendment. Ms. Kitchen makes that amendment. Any discussion? Mr. Renteria is that change okay with you.

>> Renteria: Yes, it's okay.

>> Mayor Adler: It's okay with the author. Any objection to that being accepted. Then it is, I'll repeat it one last time for the record. The first resolved clause would say the council initiatives a possible amendment to the city code to address smoke from cookers, restaurants, trucks and their impact on residences, provisions to consider should include but not be limited to those to, and then it goes on with the balance of that paragraph.

[3:46:56 PM]

The next paragraph reads as written. It looked like I started to strike requirement and exclude before I had read it so I wrote okay. So those are not strikes to that paragraph. The next one says the city manager is directed to initiate stakeholder input gathering process to provide an opportunity for affected residents and business owners to provide recommendations and then there's a period. The next six or seven words are stricken. And then in the last paragraph it says the city manager is directed to present and then we strike the next five words, recommendations consistent with this resolution to the economic development and health and human services council committees for consideration no later than the first meeting after July 31, 2015. That's what we have on the table right now. Ms. Kitchen.

>> Kitchen: I think this is pretty straightforward.

>> Mayor Adler: Need your microphone on.

>> Kitchen: I think this is pretty straightforward but we talk in terms of an opportunity for affected residents and business owners. My -- I'd like to suggest that we might just say and other stakeholders because it is possible that affected residents and business owners might be too narrow for a particular circumstance.

>> Mayor Adler: Where are you thinking? I'm sorry.

>> Kitchen: So you would just say -- second to the last be it further resolved the city manager is directed to initiate a stakeholder input gathering process to provide opportunity for affected residents, business owners and other stakeholders to provide recommendations.

>> Mayor Adler: Any objection to that amendment? Hearing none, it's put on. Residents, business owners, and other stakeholders. Any other changes to this? No mother debate. Ms. Pool.

>> Pool: Real quick, economic opportunities, not economic development committee.

>> Mayor Adler: Absolutely right. I remember those discussions.

[3:48:57 PM]

Ms. Troxclair.

>> Troxclair: Councilmember Renteria, do you think that it would be beneficial to have some more time to try get the stakeholders involved in this issue in your district together before we initiate this process? Do you feel like there would be benefit by potentially postponing the vote on this issue? Once we

initiate this process it's going to -- there's going to be business owners from -- and residents from across the city who are going to feel like they need to invest their time and energy in being a part of this process. And so before we do that I just thought would I ask if you thought that it was something that could be resolved.

>> Renteria: No, I really don't think so. In fact I know. Just too many other people being affected besides my district so I wouldn't agree with that.

>> Mayor Adler: Any further debate on this item? Seeing no further debate, let's take a vote. We have the resolution with the changes that we just outlined. All in favor raise your hand. Those opposed? It's all in favor except for Zimmerman and troxclair voting no. This resolution passes or otherwise. Next item was -- that was 15. Next item I think is item number 20. This item was pulled by Gallo. We have lots of folks that signed up to speak to this issue.

[3:51:05 PM]

We have 20 speakers signed up to speak for this. Every one of them is in favor of this proposition with the exception of two that are -- one that's speaking neutrally. We'll begin with kiva white. Is jerry lock here? You have three minutes.

>> Mayor, mayor pro tem, councilmembers, thank you for the opportunity to speak. My name is Ms. White, I am a public citizen. I really appreciate the work the many sponsors and cosponsors of this resolution have put into this. You know, I think that all of you know at this point but the tax credit for solar energy at the federal level is to reduce from 30% to 10% at the end of 2016. And for that reason there's a real, you know, time sensitive nature to getting this request for proposals out on the market so that Austin energy can get proposals in in time and potentially contract for additional solar procurements before that deadline and it does take some time to of course get some facilities built. So we are kind of on a deadline here. So I appreciate the -- that council is taking action and I also appreciate that Austin energy has indicated that they are willing to get this request for proposals out I think on the time line that is proposed in this resolution. So I think that there is fairly good agreement on that front. And we see that other utilities in the central Texas area are doing the same thing so I think we're in good company. For example, the city of Georgetown just announced that by 2017 they're going to be purchasing 100% LE newa renewable energy thanks in part to a new solar contract they just signed recently.

[3:53:16 PM]

And to the west, the co-op also just passed a resolution that they are looking to increase their investment in solar energy as well. And, you know, of course there are environmental reasons for taking these actions but that is not the primary reason. Certainly that Georgetown has taken action and I don't think it is necessarily what is driving this change at the electric co-op either. Those changes are happening because the market has changed and solar energy is now a very affordable means of providing electricity in Texas and that will be true for Austin energy customers as well. This is going to have a good, positive impact on reducing bills in Texas if we move forward and I hope that we do end up moving forward with the procurement later in the summer. And the third part of this resolution is simply to ensure that the study to decide how we fill our additional energy gap is based on current and accurate market data. And we're going to have that after we get these proposals in, we will know exactly what the current cost of solar is. And that element of the resolution will simply ensure that that data is then utilized in the study so that we are accurately comparing the cost of providing energy to customers in Austin from one source to another. We will know exactly what the privacy solar is, and I believe that we're probably going to see it's even a little cheaper than the last time that we did a large

solar procurement last year and that was already at a very good rate that was projected to reduce electric bills in Austin. Again, I appreciate all of your support, and I'm happy to answer any questions.

>> Zimmerman: Yes, quick question. Does your understanding that the gas plant is tied into the expanded renewables like solar?

[3:55:19 PM]

Are you aware of that, that there's a connection between expanding renewable sources and building the gas plant for economic reasons?

>> So there's, you know, several elements that were adopted in the generation plan in December. One of them was a study that will include looking at a gas plant and other options. This item of putting out a request for proposals for up to 600 empties of solar was an additional item on that list of things that Austin energy was supposed to take immediate action on. So both are happening and both should be happening now if not before.

>> Zimmerman: Okay. I want to make this -- it was my understanding, if somebody from Austin energy is here and can correct me, what tends to happen is you know we make some complex technical explanations and say, look, we're going to lose a certain amount on solar but we can make that up if we get a gas plant in and sell back to the market and recover our money. That way we can keep rates the same. So then what people do is they say, oh, you approved solar. No we approved solar if we build the gas plant in conjunction. So then once we do that we move forward. Now they start arguing against the gas plant, right? Then kill the gas plant. All of a sudden your rates go up because there's nothing to offset the higher cost of solar. Got to keep those connected.

>> I understand what you're saying but our last solar procurement was on its own, not in conjunction with gas plant or any other resource to reduce bills and I don't think there's any reason to expect prices have gone up, in fact there's reason to expect they have gone down. Thank you.

>> Mayor Adler: Further debate? Thank you very much. The next speaker we have is Matt Welden. Okay. Next speaker we have is Kerry

[3:57:21 PM]

[indiscernible]. Next speaker is Susan Lipman. Dale buhla -- I'm sorry I didn't see you.

>> I was waiting for the person before me to show up. Good afternoon, councilmembers I'm Susan Lipman. I'm here on behalf of 20. I belong to the wildflower and the sear club's ATS environmental justice group and Austin interface environmental justice team. There's two reasons that this makes sense. It makes sense to put the request for proposals out for solar generation as soon as possible because it increases the chance that we could take advantage of the 30% investment tax credit before it goes down to 10% by the end of the year. And it doesn't require us to make the purchase, but this is the request for the proposals so we can then put them into the study. It makes sense to use the results of the rfp in the gap study because these would be real world current metrics, rear like an abracar using the sale of a comparable home to appraise the fair market value of your home rather than just an educated guess. Maybe even more to the point is a lesson I learned many years ago when I was considering selling my horse to a horse trader and I said if I offered to sell him to you for \$400 would you take it? He said, yuck lady -- this was quite a few years ago, that's not how it works. If you're ready to sell him you tell me what you'll take and I'll tell you if I'll buy him masterpiece my first lesson in contract law and market value. Please approve item 20.

>> Mayor Adler: Thank you very much. The next speaker is dale. And then pat Buhler.

[3:59:24 PM]

>> Good afternoon, counsel. My name is dale buhla and I'm a big solar advocate, I've had solar on my home since 2004 and now we have 40 homes in our neighborhood with solar and more every day. Austin in the past has been a leader in solar, but we're kind of falling behind now. Just for an example we now have 50 cities, 50, in the united States where solar power is cheaper than buying power from their grids. Seven of those cities are right here in Texas, including Austin. There are companies and colleges and cities that are ranked highly in use of solar energy. They're not doing this for the environment. They're doing it because it saves them money. Companies like Intel, which will be 100% providing their own power from renewables Kohl's department stores, 100%, Microsoft, 50% of their power, whole foods, 107% their power, staples office supplies, 106%, and apple at 92% and soon to be 100%. These companies aren't doing this for good reason, for the environment. They're doing it because it saves them money and they know that electricity is not going to be coming cheap, it be more expensive as more regulations will be affecting producing with fossil fuels. We have now ten cities across the country, world, that are aiming at 100% clean energy. One of them is aspen, Colorado. By 2015 they will be 100%. Copenhagen by 2025 will be carbon neutral, an island in the air been will be 100% by end of this year, Munich, Germany, 100%, 2025, Sydney, 20% by 2035, San Diego 100 by 2025, and Frankfurt, zero cash on by 2050, so on.

[4:01:39 PM]

Even la pause Mexico 100 percent by the end of this year. You've already heard about Georgetown. These people aren't doing it because they like the plant, although they may like that as well. They're doing it because it saves them money. A lot is made about we need more base load reliability -- base load capacity but what we don't often here is the base load reliability is not often as claimed. For example, our nuclear power plant, the south Texas nuclear plant, was offline from February of '93 to February of '94, whole year offline. From November of '11 it was offline for five months. It was offline January through April of 2013. So these are not always reliable sources and in February 2011 50 power plants using natural gas were blacked out because it was too cold. So these source other sources are not totally reliable. Thank you very much.

>> Mayor Adler: Thank you, sir. Pat puhler.

>> Thanks very much for all the sponsors, appreciate very much your support. I'd just like to reiterate or say the same that all -- as all the other speakers have said, and I'm in agreement with them. And I appreciate your consideration. Thank you.

>> Mayor Adler: Thank you, ma'am. Rusty Osborne. And then David king.

>> Greetings, councilmembers, mayor, mayor pro tem, and thanks so much for all the sponsorship of this important resolution. It's hard to say something that hasn't been said already. All of the reasons for doing this are very, very clear. But what one -- one point that has not been brought up is the fact that -- in this country we don't have an energy policy.

[4:03:45 PM]

And the reason we don't have an energy policy here is because it suits hydrocarbon industry that we don't. Consequently, we have, in the hydrocarbon industry, what's known as costs that cannot be attributed to the rate payer, so-called externalities which are pushed off on the future and on other sectors of our society. The fact that hydrocarbon energy consumers don't pay for those costs up front in their bills doesn't mean that they're not being paid. For example, if you live in the plume of a coal-fired power plant and you have a health insurance policy, you're chipping in on the cheap cost of hydrocarbons. If you own forest land in the sute from coal lands in your trees you're chipping in. In

you're a water utility and you drink clean water you're chipping in by helping remove the arsenic, the Mercury and the particulates from the combustion of coal. Natural gas, you know, could have been a savior, but we now know that just the fracking process and transportation, compression, cleaning up of natural gas releases methane into the air, which is a vastly more potent greenhouse gas than even carbon dioxide. We know clearly the future is renewable energy. The fact that we don't pay for the real costs of these generation sources now doesn't, again, as I said doesn't mean that we're not paying for them. The fact that ratepayers aren't paying for them doesn't mean someone is not paying for them. And in order to move into the future, we have to take on the future.

[4:05:47 PM]

The future is less cash on. Carbon. Austin has a chance to lead in this area like we lead some so many other areas. We should do this. I'd like to ask you what there is to lose by getting a bid, except perhaps 20% of the 30% federal tax credit. And, again, hydrocarbons so heavily subsidized in ways we don't even know that it's impossible to tell what the real price of hydrocarbons is. We do know, at least I know, that in 2011, \$568 billion of subsidies was paid for hydrocarbon energy worldwide.

>> Mayor Adler: Thank you very much. David king.

>> Thank you, mayor and mayor pro tem and councilmembers. You know, I'm just here to speak in support of this resolution, just to request for proposal, which I think is good to have information, current information about what the costs would be for 600 megawatts of solar power generation so we can use that information to update our plans going forward. And, you know, we just had a long discussion about smoke from barbecue pits. And how that pollutes our environment and affects our neighborhood. Here we have -- we burn gas to produce power and, you know, the impact of that is long-term and not so immediate. So it's sort of like a silent killer out there that will catch up to us some day. The price of continuing to rely on natural gas will catch up to us and where will we be at that point if we don't have good alternatives that we can go directly to? So now is the time to invest in those alternatives and so I urge to you move forward with getting us off of natural gas for power generation and moving to renewable alternative sources.

[4:07:48 PM]

Thank you.

>> Mayor Adler: Thank you. David foster and then Karen Hayden.

>> Thank you, thank you, mayor and councilmembers. My name is David foster, here to speak on behalf of clean water action in favor of this. I want to thank councilmember Garza for leading sponsorship on this. There's a lot to say about the merits of fossil fuel, I don't think today is the time. I see this proposal as nothing for man a way for the city and for Austin energy and the gap city to have the information it needs to make informed decisions sometime before the end of this year before how to meet our electrical needs going forward. Do I want to stress it's important to go ahead I think and approve this tonight. There might being an inclination to send this to committee and while I have great respect for the committee structure y'all have created this has already been discussed last year by the task force and it's already a directive to Austin energy to issue an rfp along these lines so I think time is of the essence given that the gap study is due to be completed in June, I believe, so I don't see any reason for delay. I think we should go ahead and do this now so that we as a community and y'all as a council have the information you need to have to make the right decisions later this year. Thank you.

>> Mayor Adler: Thank you. Karen Hayden.

>> Good afternoon, mayor and council. My name is Karen Hayden. I serve as the vice chair of the electric utility commission but I'm not here in that capacity today. I'm speaking as an individual. Do I want to

thank the sponsors of this resolution. I think it's a great resolution. I hope that you'll move forward. Like David foster, I hope you'll move forward today and now and not drag things out further.

[4:09:53 PM]

I really had thought that this rfp would be out the door already. We've got a time factor, you know, ticking away here with the investment tax credit, and we want to take advantage of that. We want to get the best deal possible. Affordable energy is on everyone's mind. And last year, when Austin energy signed a deal and they came up with 150 megawatts of solar with recurrent, that made news across the country, across the world because it was the best utility scale price out there yet. And I think white was also correct when she said I think we're going to be seeing even lower prices. Utility scale solar costs have been plummeting over the last five years. So now is the time. Now we have an opportunity to find out what's out there. I'm guessing that we're going to find out that the prices are lower yet. So let's move forward right away and allow the time to get the information we need that can be incorporated in the study of how to meet our energy demand. Again, I urge to you take action today and not to delay further and to vote here today. Thank you very much.

>> Mayor Adler: Thank you, Ms. Hayden. Next speaker is Paul Robbins. Is Joan Barts in the room? All right. Six minutes.

>> I'm sorry. Council, I'm Paul Robbins. I helped start Austin's clean energy programs back in 1982.

[4:11:57 PM]

And I've worked around energy issues since 1977. While this does not mean I'm always right, I do know enough to be dangerous. There are things that intermittent solar and wind power can and cannot do. The best way I can explain this is to show you how another country achieved a very high percentage of solar and wind power. Let's look at the riddle of Denmark, which got 41% of its total electricity last year from intermittent energy. The entire country has a population of about five times that of Travis county. And an electric consumption close to three times that of Austin energy. In academic circles, it's common belief that the electric grid can handle as much as 25% of its energy as intermittent power before storage is needed. So how does Denmark exceed this? Answer, by trading with its neighbors, Sweden, Norway, and Germany. This is a screenshot I've got of the Denmark government power agencies realtime dispatch, and you can see the power lines going to Sweden, to Norway, to Germany. And they're constantly importing and exporting power on this grid. Now, can we go to the internet so that they can see this in realtime? Ah. It's not moving.

[4:14:00 PM]

Okay, we're going to have to skip this. Can we go back to the powerpoint presentation? I thought I was going to really charm you today by showing you online what Denmark was actually using at this minute. So just trust me, you're constantly importing and exporting power every minute of the day, and that's how they do it. Next slide, this shows you the export and imports for the entire year from 2013, and you can see the color-coded bar graph. Germany, Sweden and Norway. And in the winter, they are exporting a lot of power to these various countries and in the summer they are importing it. And so in Sweden and Norway, there's almost no intermittent power. Germany gets about 16% of its electricity from intermittent power. If you look at these four countries as a issued they get about 12% of their electricity from fluctuating sources. Another characteristic about Denmark is that they have some of the highest residential electric costs in the world. Over 250% higher than Austin. Now, over half of this is a tax that pays for government services. However, the net cost is still 41% higher than the U.S. With taxes

removed. And high costs drive down demand. So they don't need as much of any kind of energy. Now, currently, the ERCOT grid where Austin gets its power gets about 11% of its power from wind. This is expected to increase to around 20% in the next three years. So my point to you is that most of ERCOT's flexibility for intermittent power will probably shortly be saturated with the proposed federal clean power plan calling for even more cutbacks in carbon, balancing renewable energy with dispatchable plants is going to go at a premium.

[4:16:22 PM]

This is all to say that solar is a great thing. Just keep in mind what its capabilities are. I do not feel good about supporting any nonrenewable energy source, but I think environmentalists need to be realistic about what the alternatives can provide. Or to put it another way, not all megawatts are created equal. And thank you.

>> Mayor Adler: Thank you. Mr. Zimmerman.

>> Zimmerman: We can't get that --

>> Zimmerman: Mr. Robbins, I'm appreciating your presentations more and more as the months go by. You're a guy that seems to be able to connect technical dots and I really, really appreciate that it.

>> I wish everyone were as grateful.

>> Zimmerman: Thank you.

[Laughter]

>> Zimmerman: I'd like to talk a little more about the dispatchable versus non-dispatchable or intermittent as you said. There's a technical reason I think ERCOT grid could not go to 50% or 100% renewable. I don't think a lot of people begin to first that. Talk a little about dispatchable and non-dispatchable why&why that's so important to the grid.

>> Well, I mean, I'm not the world's expert, but it's kind of academic. I mean, when wind dips you have to have something to fill it in. Otherwise, the machinery that you're running on the grid crashes.

>> Zimmerman: Seems simple to me too but, you know.

>> Mayor Adler: Any further discussion?

>> Thank you.

>> Mayor Adler: Thank you, sir. Becky Halpin. And then David Cortez.

>> Hello, mayor, councilmembers.

[4:18:24 PM]

As a not pie in the sky environment list I think some of the technological things can be solved. Certainly we are going to solve them going forward into the future, and the question before us today is Austin energy wants to acquire some more generating capacity. Does St. Going to be gas or electricity? And so they're going to do a study and the study is supposed to look at a lot of these questions we're asking today from the dais and then we're asking ourselves today. So they want to compare the best deal. How are we going to get the best deal for Austin? That's what I'm interested in. And it's not 59 all unlike a family that would go shopping for a car. You want to get car A or B, which is a better car. You're going to go out and get all the information you can about that car and you're going to take it home to your kitchen table and you're going to run the Numbers and you're going to decide which car you're going to buy. But unless you have good Numbers, you're not going to make a good decision. So part of what this resolution does is say, let's get good Numbers. Let's use good Numbers. Because you are like the head of the family. And we're counting on you to use good Numbers to make a decision about whether or not we're going to buy gas and go with new gas plan or whether we can do it with electric. So I hope that you'll pass this resolution because dragging our feet makes it harder to get good Numbers into the gap

study. And that's really what it's all about, for us. Thank you so much.

>> Mayor Adler: Thank you. David Cortez. And then meal lunly.

>> Howdy, y'all, mayor, mayor pro tem, council. Good to see you guys. I have some prepared marks and I'll shoot from the hip a little bit. In 2014 Syria club and our friends in the environmental community met many of y'all briefing you about affordable clean energy.

[4:20:25 PM]

At the same time we were heavily involved in shaping the 2025 generation plan that would provide a flexible path forward for retiring our dirtiest power plants, Dechert plants out in northeast expanse our Austin share of the fayette coal plant downstream 80 miles down the Colorado river. These plants, it's critical because these are large sources of pollution that negatively and disproportionately impact people who suffer from respiratory illnesses, asthma, COPD and others. The plan also laid track for bringing online record levels of how to create cleaning energy here in Austin. A lot of flexible goals which will ultimately very, very importantly be guided by our affordability metrics. So two key pieces of the gen plan have been debated since y'all took office. The first one is the timing and framing of an affordability study to determine whether Austin can replace Dechert and fayette with preen energy or if we need to build a new 500-megawatt combined cycle gas plant. The second piece, proceeding on thisence of the rfp for up to 600 megawatts of solar, request for information on energy storage, and establishing a reserve account for beginning to pay down our debt that we've accrued for sufficiently sulfur dioxide. While sear club largely stayed out of the limelight on this particular issue on the rfp we support item 20 because we feel primarily and foundationally it's consistent with with what was vetted last year in the task force in the various council committees on Austin energy meetings and ultimately adopted by council in December. We also believe it will provide important data to compliment the affordability study of any investment in any new gas plant. We continue to meet with the good folks at Austin energy and the good staff there. We're meeting with some of y'all.

[4:22:25 PM]

We look forward to meeting with more of you. And we continue to engage with community stakeholders about this process does and how it should be done in a transparent way, which we feel it has been done consistently over the last year. We see this as a process for getting prudent information to your hands. We don't see this as signing a kilowatt. We don't see this as locking Austin into any deals. And it could provide us critical information that will help lower rates for folks in my community in montopolis and the folks we're talking to in colony park, dove springs who already can't pay their bills. If we have an option to get information to show we might be able to lower their lates, this is a prudent step forward and I implore to you take that step.

>> Mayor Adler: Thank you. Ms. Houston.

>> Houston: Thank you, Mr. Cortez. Always nice to see you.

>> Very nice to see you, Ms. Houston.

>> Houston: You talked about transparency and the fayette coal plant. Are y'all in conversation with the people in fayette county about decommissioning or withdrawing?

>> Yes, ma'am. The lcra, just like the city of Austin here, is a large employer in that county. So we take very seriously the impact of any decision on the fayette coal plant, who it would mean for that economy. Right now I've got con farmers who lost their farms from the sulfur dioxide pollution down there concerned that there was a lot of run off from the plant that had heavy metals and other things in the last round of rains. We're getting that stuff tested, taking it to tcq, meeting with the county judge. We're very intimately involved down there and would like to see more from our community. We're doing work

to get Austin energy and other folks to continue the conversation with Icla. That will be a long conversation we don't expected to conclude until we begin getting out of the plants in 202020.

[4:24:31 PM]

>> Houston: Thank you.

>> Mayor Adler: Toothache, Michael lumly and then Rachel stone.

>> Good afternoon, city council, mayor, mayor pro tem, I'd like to say thank you for taking a look at this resolution, taking the time to hear all the stakeholder input. We certainly appreciate it. A little background about myself. I'm actually -- I work with a solar company here in Austin. But was formerly with the utility scale solar development group that was actually also based here in Austin. So I do actually have a very good understanding of the utility development process. One of the things that I would really like to emphasize I know the itc has been mentioned a few times, prequalifying these sites is a critical part of getting a project that's going to be sustainable and actually be able to deliver on the promises. By delaying in a committee review the ability to achieve that vetting process and actually have the sites that can deliver the power for the pricing that we need, they really need that -- what's essentially an 18 month clocks that been ticking. They have to secure the site, identify them, secure them, geotech, all kinds of radiation studies, interconnect studies. These things take time and that time is very expensive and difficult to commit to whenever you don't know that you've got an opportunity to sell to an offtaker. I've heard both the -- a cost concern come up in previous discussions and then also commitments to city council -- or city promises from the past. I see this as being imperative to living up to both the previous promises of the city of Austin and just to put it in context, the last project that came through last year was roughly five and a half cents per kilowatt hour was the cost achieved for Austin.

[4:26:34 PM]

Now the costs have come down, not monumentally by 5 cents right now. The 30% itc, the loss of 20% of that is going to result in an increase of 1 cent per kilowatt hour. So this is not, you know, a small item that can be just glanced over. This is actually something that really can be quite impactful and that timing is critical. The roadmap that was produced by the generation resource task force that was -- they looked at all of the options, all of the carbon based resources and the solar resources and, frankly, the pricing that came back from last rfp was superior to any long-term contracts available for net -- well, natural gas or coal. So that would be essentially the bulk of my comments. If there's anything else you have questions, I'm happy to answer them.

>> Mayor Adler: Thank you very much. Rachel stone.

>> Good afternoon. Thank you to everyone for hearing on this issue. My name is Rachel stone, on the board of solar Austin and I also work with a nonprofit that helps multi-family affordable housing properties do green rehab. And so a lot of what I do in my work is going around, talking to affordable property developers and managers about pursuing solar in power purchase agreements in order to achieve these kinds of savings that they can and have long-term contracts that are going to help lower their energy bills. Something I know about affordable housing properties is that they like a good deal and like a lot of data. So I see that here. I think it would be hypocritical for me to not come Ford my city and encourage the same thing.

[4:28:35 PM]

I was solar nance -- through solar Austin I was involved in the Austin generation plant as well. This is

vetted. We have Austin energy behind us and I'd like to encourage you to move as quickly as possible so that we can take advantage of the federal tax credit and get the data that we need in moving forward with the generation study. Thank you.

>> Mayor Adler: Thank you very much. Those are the speakers that we had listed. Ms. Garza, do you want to move passage of item 20?

>> Garza: Yes.

>> Mayor Adler: Mr. Casar you want to second? It's moved and seconded. Any debate or discussion on this item? Misgarza you're entitled to open it if you want to.

>> Garza: Sure. I just -- I know there's a larger policy discussion about solar and renewables but that's not what this item is about. This item is simply about an rfp that has already been previously perceived by the generation plan, also recommended by the electric utility commission. It does not tie our hands, requiring us to use this if the Numbers come back and they're not favorable. We don't have to use these Numbers. I loved Ms. Halpin's analogy there, like going out and shopping and making sure you have the most accurate information there in front of you to make an informed decision. And if -- and this is simply trying to get those Numbers. And I'm very grateful that Austin energy has said that they're going to move forward with this request for proposal. I believe it was stated in the Austin energy committee it would be done B so this is just making sure that we get that rfp and the urgency is that we're trying to inform that gap study, making sure we have the best information to inform that study. The gap study, I think the rfp for the gap study is already closed so we can't change anything about the gap study.

[4:30:42 PM]

All we can do is make sure we have all the gap Numbers to go forward on this. If councilmembers have questions, Mr. Osbourne, chair of the utility commission can here and can answer questions and speak to anything that we might -- any questions the council might have. This is not requiring us to use these -- to use solar, it's just wanting to get the most informed information before we make that decision for that gap study.

>> Mayor Adler: Thank you, Mr. Zimmerman and then Ms. Pool.

>> Zimmerman: Thank you. I do concur with councilmember Garza that there are some things that were set in motion before the new 10-1 council was seated. What I would rather see instead of seeing something that was passed by prior councils that we're now expected to act on based on the policy set by prior councils I would like for us to have a chance to look at the generation plan, the 2025 generation plan, with a fresh set of eyes, with a new 10-1 perspective. So what came before us on the agenda was not an opportunity for the new council to examine the policy that's previously set, but instead we're presented with an agenda item to affirm and go forward with what was set by the prior council. So I'm going to be voting against this. There are some good arguments made for why this should be voted in, but I'm voting against it because I don't see that we have a chance to look at with fresh eyes the 2025 generation plan and I would like us to have a chance to do that before we issue any solar rfp's.

>> Mayor Adler: Ms. Pool.

>> Pool: I'll just speak in support of the resolution. I have previously publicly indicated my support for moving forward as quickly as possible on the rfp in order to get the specific Numbers and the costs and the rate so when we get to a gap study we have the most current information and can make an informed decision as was pointed out that Ms. Halpin that was -- I agree a really good analogy you put in front of us.

[4:33:06 PM]

I support this and if this resolution I hope that we can emphasize our support for Austin energy moving

forward. Thank you.

>> Mayor Adler: Further discussion? Ms. Gallo?

>> Gallo: Thank you. I pulled this as chair of the Austin energy council committee because I didn't -- I feel like it's such an important issue that I wanted councilmembers to have the opportunity to make comments and the public to have a chance to speak because this did not come before the council committee previous to this. So in no way take this as my opposition to any type of renewable. I hope that we certainly move in that direction, but I also have spent a lot of time hearing all of the utility customers in Austin being very dissatisfied with the amount that their utility bills are going up and ever increasing. I just think that we as newbies and a lot of this, a lot of you have been part of this dialogue for a long time, but I would say the majority of us have not been. So we are trying to very carefully and cautiously look at all the options and do what's best for the Austin citizens. I do know in working with Ms. Pool, councilmember pool, on setting the agenda, that I would imagine that the market fundamentals and generation plan will be on our agenda for briefings very quickly, if not the next energy meeting, Austin energy meeting. So I do appreciate everyone that's come down here and talked and I did want to give people the opportunity on the dais to ask questions on this very important issue.

>> Mayor Adler: Any further questions? Any further debate? Hearing none, all in favor -- I'm sorry? Ms. Kitchen first and then --

>> Kitchen: I just wanted to add my voice. I think what we're doing here is getting information. I think that's absolutely critical and I would like to echo what many of our speakers said, that without this kind of information we can't make the kind of policy decisions that other councilmembers have suggested we need to start weighing in to as we do.

[4:35:15 PM]

So I'll be supporting this.

>> Mayor Adler: Ms. Garza?

>> Garza: I just want my colleagues to know that I know we're still working out the kinks of the committee structure and I've since talked to chair Gallo about putting this on the Austin energy committee and I in fact did ask for this to go on the Austin energy agenda back in -- I believe in January. And we've had some discussion that she did not intend to ignore that request, but my intent was for this to go through the council committee initially and then when that didn't happen, if it fell through the cracks for whatever reason, not intentionally, I don't think, that's why I brought it forward to the council because of that, because I feel there's urgency here. And I also want to brought out that Austin energy, it's owned by the ratepayers. And we just had 33 people speak up and not a single person spoke against this. So I just want to emphasize that. We had two neutral, but every single ratepayer that owns this utility has voted in favor of moving forward with this rfp.

>> Mayor Adler: I too am going to vote for this. It makes sense to me for all the reasons that people have said we need the additional information. Additionally, I tried to encourage, as other voices did, Austin energy to do this prior to the committee meeting that we had. And my recollection was that when we asked Mr. Reese if he was going to be doing it, he said that he was. So I see this is suspenders and belts, but not anything that Austin energy said they were going to do. And I'm comforted by that and feel that the resolution just makes it clear. So I also am going to support this. Ms. Gallo?

>> Gallo: I just want to say one thing to make it very clear.

[4:37:15 PM]

As we have our committee meetings we have an limited amount of time and we have an unending amount of subjects we need to discuss. I want to make it clear very that there was not any purpose or

intention of leaving this out. We -- I think councilmember pool was at the meeting where we discussed the agenda. We just have to choose the agenda items and I know mayor pro tem tovo, one of her items that she wanted to get on the first agenda was not able to be put on there. So it's -- by eliminating something from an agenda item for a council committee meeting does not mean it's not important. I will be voting for this, but I just wanted to make sure that was very clear that this is moving forward correctly, but please be patient with us as we work through these committee agendas because we cannot hear every single item that needs to be put on them every single time. So it is a matter of managing those and I just wanted -- because I kind of got the impression that it was implied that that was done to delay this. And it's not. It just was -- it was managing the meeting. Thank you.

>> Garza: A mayor, and that was not my intention to say you did that. I was trying to say I don't think she did that intentionally but that's why I brought it before the council because it fell through the cracks basically.

>> Mayor Adler: Ms. Troxclair?

>> Troxclair: Is there any staff here or anybody else who could help me understand if there is any cost related to issuing an rfp? Not specific to this case, but just in general?

>> Good afternoon, I'm Sheryl mealy, chief operating officer at Austin energy. There is staff time involved any time we issue an rfp and there is going to be costs involved by anybody who responds to put together a professional package and make sure they are delivering something to us that we can assess. And as we look at those responses back there's a lot of staff time put into analyzing and coming back and saying there is or isn't something that would fit within the affordability metrics. But it's not significant in terms of the staff is there to do that kind of work, but there certainly is cost on the part of those who respond and so they're going to be looking at that, is this a credible solicitation is the only thing I would be concerned about.

[4:39:30 PM]

>> Troxclair: So the current rfp did not incorporate -- I mean, it did incorporate to some extent, but not to this extent? Can you help me understand the difference between the current rfp and the request?

>> The current rfp. There's two rfp's in question. I believe that this item from council is speaking specifically to an rfp that has not yet been issued for 600-megawatts, up to 600-megawatts of solar. We have draft and we can get that on the street within the time frame that's being requested here.

>> Troxclair: But you don't feel like the information that's being requested here was already incorporated or the information that we received back from that rfp would have answered the question that's posed here.

>> I think that the second rfp perhaps that's being brought in to discussion here is the one that in this item from council is called the gap study. That's not what we issued it as. We were looking at it as more of a resource plan confirmation, but that one has already been issued and is actually under evaluation. That's about all I would say on that one right now because it is an open solicitation.

>> Mayor Adler: Any further discussion on this item 20? Hearing none, all in favor of item 20 please raise your hand? Those opposed? All voted except for Mr. Zimmerman who voted no. This item passes. That gets us to item number 21, pulled by Mr. Zimmerman.

>> Thank you, Mr. Mayor. I pulled this issue -- we have legal here. I wanted to ask a couple of questions about the difference between the criminal offense and the civil offense. The reason I think this is important is years ago we had -- back in 2003 there was a huge fight in the the light cameras and I understand they're civil offenses.

[4:41:36 PM]

So it's an offense against the car, the automobile or whatever the vehicle is that runs through the red light, a camera takes a photograph. You get a fine in the mail, an investment I guess against the car. So there's -- an assessment against the car. There's no need to prove who was driving the car. It's just here's a photograph of a car going through a red light and the registered owner gets a bill in the mail for some kind of fine. And so when I look at this, it took looks to me like it's something -- can you tell me why it's a civil offense and a criminal defense. There's already a criminal service for passing a school bus.

>> You're correct, there is a criminal offense for passing a school bus when it has the stop arm down. And you correctly said what the difference is between a civil offense and a criminal offense.

>> Zimmerman: Okay. I can't -- let me let somebody else speak to it. I'd like to make a motion, but I can't do that.

>> Mayor Adler: Any further debate? There's not a motion out yet.

>> Zimmerman: Can I make a motion? I would -- I'd like to move that this issue be assigned to the public safety committee mailed is there a second to -- is there a second to the motion to send this to committee?

>> Troxclair: Can we have some discussion?

>> Mayor Adler: I'll second the motion so we can have discussion. Now let's have some discussion. Ms. Tovo?

>> Tovo: So Mr. Summer and others can provide more information, but this is really a program that's been underway for quite awhile. The previous council initiated a pilot program. It was quite successful and so this is the follow-up. We've worked very closely with Aisd in evaluating the results of that pilot program and so I believe that really we have had an opportunity to look at how it works and are at a point where it's appropriate, I would say, to ask the staff to go forward and develop an ordinance that would come back for our consideration, that would hammer out some of the details.

[4:43:53 PM]

I will say just this week -- just this week in the news there was a case about a child who last month was hit getting on or off a school bus and it was a car that ignored the bus -- ignored the bus arm, went around, hit her. She spent a week in Dell Children's Medical Center. So I believe this is a health and safety issue. This offers us the opportunity of really making some good strides in offering additional protections for our school children who are getting on and off buses, and there has been a period to evaluate this within our community. So I would urge that we move forward and initiate that code, that ordinance.

>> Mayor Adler: Further discussion? Ms. Troxclair?

>> Troxclair: Mayor pro tem Tovo, in that situation that you just described, was there criminal penalty involved?

>> Tovo: I'm going to call on Mr. Steiner to remind me about some of the details involved in that. It was a pilot program. We may also have some other individuals here who might be able to provide some information, but as I recall, it was a pilot program to install some cameras and just to look at the results of how that -- how many cars were passing those bus arms on a regular basis.

>> Councilmember, I couldn't speak to the results of Aisd's test. The way that these systems work, the only thing that the school district couldn't do for itself that it needs the city to do is create the civil offense. The way the business model works is there are various companies that will put cameras on buses and then they do that in exchange for taking a part of the revenue stream that's created by the civil fines.

[4:46:06 PM]

Generally that's a fairly high percentage of it. But then the cameras are installed usually at no cost to the school district. The school district then takes on some part of the administration of that and that's where the give and take in the details of the thing come in that vicinity been worked out.

>> Zimmerman: Sorry, I'm having trouble hearing. Can you speak up a little bit. I just can't hear you?

>> I'm sorry, what part would you like me to repeat.

>> Zimmerman: The last couple of sentences I just couldn't hear you at all.

>> The way these ordinances work is that you need a city -- obviously the city doesn't have school buses. You need a city not to put cameras on its school buses because we don't have any. You need a city to create the civil offense. Once the civil offense is created, then what happens is there are companies out there that will install cameras on buses in E change for a percentage of the revenue stream that's created by the fines that are generated by people passing the buses. And therein the enforcement enhances the safety of the school children because once people learn that they'll be ticketed with a civil fine, then that reduces the number of people who pass the school buses illegally. So the civil offense, because it's camera enforced, is more effective, than the criminal offense because the criminal offense requires that a police officer actually see it happen, whereas the camera automatically captures the offense.

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: Yes. Thank you so much for the information.

[4:48:07 PM]

I am a supporter of the cameras and hope we can move forward. I would like information from the Austin independent school district regarding the pilot. I don't have that, unless I missed it on the message board. So if we could have some information about that. And there's so many distracted drivers driving through with their texting and cell phones, and we're not catching them, and they're not paying attention. And I see this as the only way to be able to get a record of people who are driving through the lights flashing and the arm down.

>> Mayor Adler: Is there anyone here that worked with aid or worked on the pilot program? Okay. Ms. Gallo? I'm sorry. Thank you.

>> Mayor, council, my name is mark Littlefield. There are three companies that aid chose to participate in the pilot study. I represent one of those companies, forest multiplier solutions, and their partner, Dallas county schools. The young girl's name was gazelle Pedrosa. She's 11 years old at martin middle school and she was struck on March fourth. She's doing much better, but she is in a wheelchair for probably another eight to 10 weeks.

>> Mayor Adler: Can you talk about the pilot program at all?

>> Yeah. So aid started the pilot program in February of 2014. They chose three vendors. There are approximately 400 buses, almost 500 buses, I guess, in the aid fleet. Each vendor got 10 buses to load cameras on to. They kind of used, I think, anecdotal evidence from bus drivers and other concerns about which routes and which buses to pick.

[4:50:09 PM]

And then each company then reported back daily, weekly, monthly about how many violations there were on each one of those buses. The pilot ended on December 15th of 2014. Aid is going to -- this is where it kind of gets fuzzy. We're not sure what exactly the step one two three four is with aid. They're going to probably select a vendor, work with aid, work with the city of Austin about crafting this ordinance. I think that this resolution is just to kind of kick off that process formally. This is -- the city of Austin raising some sort of signal to aid saying we are formally ready to begin that process with you.

Like I said, there's three vendors. Each vendor has a slightly different program or process. And I think that the city of Austin will then write an ordinance that will, number one, fit with the values of Austin. Number two, fit with the values of aid. And number three, fit with the program that aid selected for that vendor.

>> Mayor Adler: Thank you. Mr. Zimmerman and then Ms. Gallo.

>> Zimmerman: Thank you, Mr. Mayor. In our packet here in front of us, I'm going to show you what this item. This is item 21. It has one sentence prove resolution directing city manager to return to council with an ordinance that creates a civil ordinance for illegally passing a school bus. That's the extent of the information included here. On the next pages you'll see is an ordinance. So we have one sentence plus an ordinance. And to councilmember Houston's point, I was really disappointed to see nothing except one sentence asking for approval and then an ordinance. So this is a really big, big decision. The city of Houston has had some recent legal fights over their red light cameras, the civil devices. The argument is what happens to these is they turn into revenue generators. Not about safety, about revenue generation.

[4:52:10 PM]

The safety aspect is when you have police patrols that are actually watching what's going on in the morning. That's how you stop these things is you have officers that are witnessing what's going on and you write citations and you get serious. That's how you address the safety part. In my opinion this thing is about revenue generation and it's not just aid. If this gets passed you've got six or seven school districts so you could have these cameras generating more dollars out of the motorists all over. And I just can't support this and I wish you would have included more information on this item.

>> Councilmember, I agree with you that this -- there does need to be more discussion. Whatever Austin -- the city of Austin chooses to do, if they choose to move forward or not, how they choose to move forward, what kind of program that they want to implement with the school district, that's something that still needs to be decided and discussed. I agree with you, I think that there should be more police enforcement when it comes to this issue. Studies have shown this pilot study, D.P.S. Pilot studies across the state, pilot studies of other vendors around the state, the Numbers are pretty similar. It's about 1.1 violation per bus per day across the state whether it's rural, urban, whether it's a very calm, residential neighborhood or very busy commercial parts of the city. 1.1 violation per bus per day. If you do the math, that's about 90,000 times this probably happens in Austin every single year. The last time we were able to do an open records request and look at this was 2012. The Austin police department wrote nine tickets to people who passed a bus illegally. They just don't have the capability to drive behind every bus.

>> Zimmerman: I think it's a matter of priority and I would like to get that priority fixed. There's a bunch of studies on this.

[4:54:11 PM]

Some people can show studies that say high are, the civil fines, they reduce collisions. Other studies say no, they don't. And still other studies say when you first install these systems they bring in a lot of revenue, but then as the months and years go by they actually start costing money because you have to have an infrastructure in place. There's I.T. Technology involved. So they make money in the beginning and then they start to lose money and they start to cost taxpayers and they're not really providing a service. So again, I'd like to tackle this from the criminal point, not the civil point.

>> I think you're right on that last point. Part of that was correct. In the beginning you will see a higher rate of citations and you will see, at least what happens in other cities where that's happened with the

company that I work with, year two, year three, the citations do plummet because through the public education campaign, through the aspect of typically what they see is a lot of times it's the same driver over and over again passing the same bus on the same route on the way to work everyday. You pop that guy once he doesn't do it again. The school district gets data back and they say do you know what? This is a dangerous route. Let's move the buses off this street, get into a safer place with less traffic. Pull into the apartment complex or take it down a different street or let's get A.P.D. To sit on this street a couple of times a week. That will stop it also. The violations do go down. Every company has a different program. The program my company deals with is there is no risk to the city. At no point will the city or the school district ever write a check to the company. It's just not how it's set up. There is no risk like they had in Houston or how other companies do this and other places around the country. But again, aid makes an announcement in a um could of weeks and you may never see my face again if they don't pick the company I represent, but that's what our guys do.

[4:56:21 PM]

>> Mayor Adler: Thank you very much. Ms. Tovo -- Ms. Gallo and then Ms. Tovo.

>> Gallo: I just had a couple of questions and really more to the city manager's office than anything else. It looks like there was a resolution -- this is probably a question directed to the city manager's office before you leave. You're very popular. It looks like two and a half years ago there was a resolution that directed the city manager to study the feasibility of a new civil penalty ordinance for unlawfully stopping a passed school bus. And unless we're missing it as backup information, I don't see that. It would be really interesting to know what result of that was. And then just two components of that that I think would be important to make sure that they had the ability to address this issue, I assume those would be heard in the municipal court. So the impact that would have on their caseload and also the police department. So I'm curious if in your study both of these two stakeholders were able to weigh in.

>> Let me ask Mr. Steiner if he has any information relative to that. Maul, if we don't -- councilmember Gallo, if we don't have it here I would work with the various departments to pull it together. This is not something I have been directly involved in, but we can pull it together and get you the information you need. Maybe Mr. Steiner or Mr. Manly from the police department can address that.

>> We will be in some discussions with aid to see what they need, but as has been pointed out we have a number of overlapping school districts. And we would hope we would have a one size fits all ordinance so any school district that overlapped the city could have the program if they choose the program in a way that wouldn't require us to have an articulated ordinance for each school district.

[4:58:31 PM]

And to that end the best outcome would be to have an ordinance that didn't require the city to handle the administration of the offenses through municipal court. Municipal court is a criminal court. It has very limited civil jurisdiction. It does have appellate jurisdiction, for example, with respect to red light camera. That's provided by state law. So what really the school district could completely handle this with hearing examiners and that would be a great way to do it so we didn't have any administrative costs attached to the city with respect to the ordinance, regardless of how any particular school district choose or chose not to implement a program in that school district.

>> Gallo: That seems really appropriate. Was that discussion part of the study that was done prior to this point?

>> Two and a half years ago when we were talking about this, the school district was not in addition at that time in -- interested at that time in taking on any administrative duties so that was why the program didn't go forward at that time. My understanding is they may now be more willing to look at

taking on some of the administrative burden.

>> Good afternoon, council. Bryan manly, chief of staff for the Austin police department. I don't have the background because this was an aid enforcement program, but to your question about how it would impact the police department, to us we would see this as a force multiplier. This would allow us to improve the safety of motorists and of children, school children, without additional resources needed from the Austin police department. We can only be in so many places at any given time. And again, this is not a lack of a priority on this issue, this is just a resource issue for us.

[5:00:34 PM]

We do have force. In school Zones. We have a division focused on traffic safety. With this a camera system like this would allow, as one of you all mentioned, it will capture those violators in the moment that it happened and it won't require a police officer to be in the right place during that three seconds when that violation occurred. It's very difficult for us to capture these and it's one of the most dangerous things for our children out there. So I know councilmember, you were -- councilmember Zimmerman, the red light cameras. Some of the challenges that come up with red light cameras are the sequencing of the lights, the timing of the yellow cycle. Has it been adjusted. With a camera system on a bus the individual either passed the bus while the arm was extended or they didn't and there will be video evidence to show that. I'm not aware that there have been similar challenges as this there have been to the red lights, but the police department is in support of this and believes that it will improve the safety without putting any additional resources, burdens on our resources.

>> Okay, thank you.

>> Mayor Adler: Ms. Tovo.

>> Tovo: I appreciate you providing that additional support and information. And we do have -- I'd be happy to make my colleagues -- to share with my colleagues the reports we received from aid. I think the way it was handled is each of the vendors provided them with information, specific examples of addresses where violations occurred during the period of the pilot. Some of the questions are really -- let me just back up and say I appreciate your point, councilmember Zimmerman, but I just want to be really clear, this is just a resolution. This is not an ordinance. As with the discussion we had earlier about smoke and barbecues, this would allow our staff to continue their work with aid to really look at the details of exactly some of the questions that have been raised, who would administer it, would it go through the municipal court. As Mr. Steiner said, the conversations I've been aware of suggest that that would not be the option. That if aid is a participant, that they would be handling those issues.

[5:02:38 PM]

The piece that we control that we are being asked to consider today is whether the council would allow our staff to go forward and work with our school district staff to bring back to us an ordinance making that a civil offense. So the other questions about how it would be administered and whatnot are to some extent going to be school district specific.

>> Zimmerman: That's great. I would predict if we had, and we would have a hearing on public safety that we would get the other side of the argument, the other side that the civil fines and the cameras may not be a great idea. I'd just like a chance for the other side to be presented. That's why I'd like to see it go to the public safety committee.

>> Mayor Adler: Any further debate on this issue? Mr. Casar?

>> Casar: Just a quick comment that I would be happy to hear about the issue as all the steps are developed in the public safety committee, but just like the resolution about the smoke, this is initiating that process, and I think in the public safety committee we'll be very interested in different ways that we

can have uncommitted time for our officers without having to make the huge investment in so many more officers. So definitely something that I would be happy to hear in that committee, but I would urge that we take this step now so that we can investigate its feasibility and as becomes a little bit more solid then I think we'll have a more clear discussion in committee.

>> Mayor Adler: In part, I'd like to see the committee take a look at this issue, but I would like to have the ordinance drafted. It may be that part of the committee's consideration could be looking at the wording of the ordinance as well when it came back. I probably will vote against this, but when the ordinance comes back, I sure hope that the public safety committee has looked at this issue or looked at the ordinance at the time that we're considering it.

[5:04:41 PM]

The motion on the floor is to send this matter on the public safety committee right now. Any further debate? All in favor of that please raise their hand. Mr. Zimmerman. Those opposed raise their hand? It's the remaining people on the dais. Does anyone want to move passage? Ms. Tovo, do you want to move passage of 21?

>> Tovo: I would.

>> Mayor Adler: Mr. Renteria, do you want to second that? It's seconded. Again, my debate on this would be because I think there are outstanding questions, but I think there are public safety issues. Given the fact that it's children, given the fact that there already is a pilot program that's already happened, I'm comfortable with asking -- joining in asking the staff to start drafting the ordinance, but I would hope that the committee would initiate discussion on the other issues. That's my debate. Is there further debate on the motion to approve item 21? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I'm going to be voting in opposition because of the language here that says the city manager is correct directed to return to council with an ordinance for consideration. I would rather that read that the public safety committee should return to council. That's why I'll be voting against this issue.

>> Mayor Adler: Do you want to move that the city manager -- make an amendment to stay the city manager will take the ordinance to the public safety committee?

>> Zimmerman: I would make an amendment, if anybody would second it, I would make an amendment for the last section here to say instead of the city manager is you directed to return, I would say the public safety committee is directed to return to council.

>> Mayor Adler: Or that the city manager is directed to give an ordinance to the public safety committee? I think that's the direction you need. You need to give the direction to the city manager to draft the ordinance. The question is where does it go? Does it come back to the council or to the public safety committee? Testify.

>> Zimmerman: The item, the discussion, the formulation of an ordinance would go first to the public safety committee.

[5:06:43 PM]

And then we would draft an ordinance with help from public input. So instead of the city manager returning to council the public safety committee would return to council with the ordinance.

>> Mayor Adler: Okay. There's an amendment to have the public safety committee return with an ordinance to the council. Is there a second to that motion?

>> Garza: There's nothing that stops the public safety committee from hearing this from now until it comes back to council, is that correct?

>> That's correct. There's been an amendment offered to say that the public safety committee will draft

the ordinance and return it to council. Is there a second in. Hearing no second that motion dies. Is there an amendment to ask the city manager to return this to the public safety committee? Do you want to do that?

>> Casar: Without amending it, I'm happy to bring it up at the public safety committee and I'll commit to doing that.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I was just going to say I would be interested in hearing what the public safety committee feels about it.

>> Mayor Adler: I would too. To the motion is to ask the city manager to return to the council with the ordinance. I will say I'm going to vote for this, but when this comes back to the council, I want the public safety committee to have looked at this ahead of time. The motion is to -- is 21 as drafted. Any further -- Ms. Troxclair?

>> Troxclair: Can we make the amendment to say that the city manager is directed to bring the resolution or the ordinance back to the public safety committee?

>> Mayor Adler: We can. I asked for that and no one offered to make it. So it's been offered by Ms. Troxclair and seconded by Mr. Zimmerman. Discussion on that?

[5:08:44 PM]

Ms. Tovo?

>> Tovo: I understand the intent, and I hope that we can figure out some language that would return it to council with a review on route at the public safety committee. I want to be sure it comes back to this body in a timely way, but I think it sounds like across the dais we're all interested in there being a review to the public safety committee. But I want to be sure it doesn't stop there. So far I would be more comfortable if the language remained as it is, the city manager is directed to return to council with an ordinance for consideration, et cetera, et cetera, the city manager is further directed to provide that ordinance to the public safety committee prior to its council scheduling for its review and recommendation, something along those lines.

>> Troxclair: Sounds great.

>> Houston: Mayor, I have a question. Because there's no backup, I don't know if there's a time limit on this, when we need to act, because if it's like the one we talked about earlier when we just didn't have time to do it. So if somebody on could tell me when do we need to act in order to -- for aid to get back to us because we have questions about the project.

>> Mayor Adler: Can anyone address any timing questions for us? Ms. Tovo?

>> Tovo: I can address the timing question. It it's in the therefore be it resolved. The intent is to have this in place for the next school year, which would begin in August. So it's a fairly short timetable. I will say I've got emails dating back several months. Our staff have already been working with legal staff at aid to talk about how such a program would work. So if we direct our city manager to go forward and direct a resolution -- to direct the development of an ordinance, my guess is that it could proceed and that the parties who are involved believe that having it in place for next school year was doable, was achievable.

[5:10:54 PM]

So again, I -- shall I say that again? I'm sorry. Councilmember troxclair, you look like maybe I didn't say that clearly. But anyway, that's the timing. The intent is to have it in place for the school year, which begins in August, so that is a pretty fast turn around time. They've done a lot of prior work so I believe that process could go relatively quickly, but we would need to probably -- I would guess the council would need to have a final consideration of it before our June break.

-- July break.

>> Mayor Adler: Is it the thrust of your amendment, because it's not written to say, that the city manager is directed to return to the council and to the council's public safety committee with an ordinance for consideration?

>> Tovo: I think that's very in line with what I was saying. I would expect a public safety review, but I do want the ordinance to be scheduled to come back to council.

>> Mayor Adler: So since it wasn't written down I'm going to take it that way, the city manager is directed to return to the council and to the council's public safety committee with an ordinance for consideration. Is there a second to that amendment? Mr. Renteria.

>> [Inaudible - no mic].

>> Tovo: I think it was actually -- I think councilmember troxclair had an amendment already on the table possibly with a second. I was suggesting some adjusted wording. I'm happy to make mine as a substitute amendment if you would accept it that way.

>> Mayor Adler: Does that work for you?

>> Troxclair: That's great. Moved and seconded.

--

>> Mayor Adler: Moved and seconded. Any further discussion? All those in favor say aye of item 21, city manager is directed to return to the council and the public safety committee with an ordinance. All in favor, those opposed? It's unanimous on the dais. That gets us to item number 26. I'm sorry, we have items number 22 through 25, which are just setting public hearings.

[5:12:55 PM]

Someone to move to set the public hearings as described for items 22 through 25. Ms. Pool motions. Mr. Zimmerman seconds. All in favor of the public hearings, raise your hand? Those a opposed? It's unanimous on the dais. That gets us to item number 26.

>> Zimmerman: Mr. Mayor, I'd like to be recognized to put up an amended resolution which I'll just pass out here. It's titled B 2. If you could put it on the overhead so we'll know what we're talking about, and I'll pass them down this way. There's been a couple of copies. So to avoid the confusion, the latest one, which is a two P.M. Today, I think it had some wording changes from your office. Let's make sure we had the right one. I'll send these down your way. There it is. That looks like it up there. So this is similar to what we've put on the council message board, very similar to what was on the council message board on Tuesday with a few verifications from your office, Mr. Mayor. So if you want to take a look at that and make sure that's the right thing.

>> Mayor Adler: I think they were reacting to some concerns or changes that legal department had. So I'm fine with whatever was worked out.

>> Zimmerman: Do you want to second that for me?

>> Mayor Adler: I'll second that motion. It's been moved and seconded. We have some people signed up to speak on this issue. This is item number 26. Mr. Pena, Gus Pena, is he in the room? Jim Perkins, is he in the room? John Garza? Allen Pease?

>> Mr. Mayor, Ms. Mayor pro tem, and councilmembers.

[5:15:00 PM]

I guess the mayor should actually thank me for coming down here. Every time I come down there's more staff added to this program right here. My feeling is that once again this probably should be in next fiscal year, not in this one right now. And one question that I have, why are we not considering temporary employees for this -- temporary employees for this short period of time? We're basically hiring 12 or 13

full-time staff, full benefits. I see Ms. Pool says that that's not true, but that's how I understand this is going to work. And I believe the \$25,000 per office, I don't know if that -- if it went anywhere, stated anywhere. Basically I'm confused on this. It's an issue that comes over and over and never seems to be resolved. I know Ms. Pool has somebody out due to maternity leave. I know that councilmember Garza has expressed her opposition to this. I know that it would be nice for everybody to have an employee, an extra employee. And I think the time for that is the next fiscal year. It's just not right now. Right now get on with the work of the council. If you need somebody there, there are temp agencies out there that can supply people, for instance, and that would be -- in my opinion that would be great for the next five months. Otherwise the people that are going to be here coming into these positions, they're going to expect to continue in the position. That's really all I have.

>> I would just answer Mr. Peace's question. The positions are temporary in that they expire at the end of this fiscal year.

>> But do they include benefits? Essentially are we making them full-time employees.

>> It will be up to each office how we manage the funds that come to us.

[5:17:03 PM]

We may decide to employ a number of interns or may bring on single subject matter expert for a certain dollar amount and that will be left to each of our determinations on how we want to manage the staff in our offices.

>> Thank you.

>> Mayor Adler: David king?

>> Mayor, thank you owe, mayor pro tem, councilmembers, my name is David king. I'm here to speak in support of the plan to add two staff members to the mayor's office and one staff member to each of the council district offices. I think that's consistent with what 10-1 was about, and it keeps a good balance there. In terms of the need for these, I think now is the time. I don't see why we should wait until the beginning of next fiscal year. Now is the time. I know you all need more help. Through there will be some expectations that come with this. As you get more staff members when folks start e-mailing you or calling your offices to address concerns or issues they're going to expect something back for this investment in your staff. I realize you're drinking from a fire hydrant right now, but I think it would be good to give them an expectation of-- as councilmember Zimmerman says, here's the cost, what's the benefit? If we look at it from that perspective, what's the cost, what's the benefit back to the community? I believe there's good benefit. My expectation would be that I get good responsiveness from making this investment. And that y'all would be able to get information that you need to be informed on these issues. I realize that that's a lot to ask, but the other thing in terms of paying for this, I would say that let's not use the vacant positions that we have. Those positions were established to provide important services to our city, to our citizens.

[5:19:04 PM]

So I would question why are they vacant for so long in the first place. And if they are vacant for so long let's get rid of them and not spend taxpayers money or not put the money hidden away somewhere that can be used for all of a sudden now a project I can fund it. Let's fill these vacancies to get these services delivered and pay for this proposal by taking spending on other strategies and applying it to this strategy instead. And the strategies that I would like you to redirect spending away from would be opportunity Austin and the Austin chamber of commerce. Instead of giving them money, take that money and invest it in your staff. And get these vacancies filled as soon as possible so that the services that you intend for the community to have can be delivered in a timely manner. And thank you for hearing my comments.

>> Mayor Adler: Thank you, Mr. King. Those are the speakers we had. The motion is on the floor is Mr. Zimmerman's motion.

>> Zimmerman: Thank you. I would like to speak to what Mr. King said. Thank you for those comments, Mr. King. You bring up a great question. There will be additional cost. What's the benefit? For my office I'm convinced that this one additional resource will enable us to answer all of our inquiries that come -- inquiries that come into our office on the same day. That's my expectation. So with the small boost of resources -- we're almost there now, but I think we could do same day response on every inquiry that come in. If we get hit with a thousand emails on some big issue, maybe that's off. But our regular flow we kind of know what it is now after several months and I'm convinced we can answer every inquiry on the same day. On your other question about the fte's, so we -- I think a number of people have been talking about this maybe for years. If we have fte's that are open for six months, I mean, I can guarantee you that the needs we have are greater than an opening that's been open for six months. If it's open for six months, I don't think it's that urgent of a job or it would have been filled. It would have had to have been filled.

[5:21:05 PM]

So it's my hope and I'm speaking for myself in district 6, as maybe a hard-core fiscal conservative I would like to see these positions removed from where they came from because they weren't urgent enough to be filled quickly so I think we could maintain the same was services with those positions moved to our offices. That's my expectation.

>> Mayor Adler: Further discussion on Mr. Zimmerman's proposal? Ms. Tovo?

>> Tovo: There are several significant changes from the proposal that was passed at audit and finance and I want to ask a few questions about some of those. But there is not language in the motion that you've put before the original resolution or the amendments that you've put before us it does not fine temporarily. One of the items in the audit and finance proposal was to include language that said positions or funding will return to the originating department absent an affirmative vote of the council to continue funding these positions in the fy 16 budget. Your language talks about temporarily, which I think is open to interpretation. I would propose that as a friendly amendment.

>> Zimmerman: It's a great question. So the discussion about what to do for fiscal year 2016 because I think we kicked that around a lot and we said let's try to make something work for the end of this year, but you're exactly right, the discussion about exactly how it works for fiscal year 2016 we still have to have that discussion.

>> Mayor Adler: Do you have any objection to the wording coming from Ms. Tovo?

>> Zimmerman: I don't think so.

>> Mayor Adler: Anybody have any objection to that amendment from Ms. Tovo? Hearing none, it's added. Anything further?

>> Tovo: Thanks. I appreciate that. I do have some questions for you. There were two other significant changes with fiscal impacts and I wanted to ask you about those. The first is to add an additional position in the mayor's office and so I'd like to eventually hear from you or staff as to what that total cost would be for the period of time we're talking about, the five months.

[5:23:12 PM]

But the other thing is that the recommendation and the figures we've got from our staff are for the average council salary. The language that you have drafted makes it the equivalent -- not to exceed that of a sitting councilmember. So by my calculations that would raise just the salary amount from \$53,692 to \$70,064 per month -- on an annual basis, which would have to be calculated across the

existing five months times 13 positions now. And so can you help me understand whether you've talked with staff about what that total dollar amount is with associated benefits?

>> Zimmerman: That's another great question and I haven't talked in particulars about those, but it was my understanding we did have room to do that. I haven't had particular conversations.

>> Tovo: I wanted to make sure. I don't see a fiscal note attached to this item. And since the proposal has changed and there are, as I said, two major changes with fiscal implications, I sure would like to know, and I would think my colleagues would too, what the fiscal impacts are of the decision we're being asked to make here today. Again, I can calculate out what I think five months of salary are, but our staff had been providing us with information about what the benefits associated with that cost would be. And so that's not so easy to calculate -- that's not so easy for me to calculate because it changes based on the salary level.

>> Zimmerman: I do have an email in front of me. Is it okay to put it on the overhead?

>> Mayor Adler: Ed is there.

>> Zimmerman: Can we put it on the overhead, the paper right here?

>> Tovo: Mayor, I guess if I could add to that question, it's not clear to me from the language whether the allocation that would be contemplated for council offices and the mayoral office is based on the full time equivalent with benefits or just the salary rate.

[5:25:16 PM]

I know councilmember pool said whether or not to offer benefits would be up to each individual councilmember, but in terms of the cost allocation is it going to be based on -- is it going to be based on a salary of 70,064, is that what each council office would have and the mayor would have three times that, or are we talking about 70,064 plus the 20 to 30 percent cost of benefits being allocated to each council office and the mayor's office?

>> Mayor Adler: Ed, did you calculate what the proposal was on the message board with Mr. Zimmerman?

>> Question. And the dollar amount that you're talking about for the salary of a sitting councilmember is correct. And then -- so that wage with insurance, fica, medicare, retirement, for the remaining pay periods of fiscal year 2015 would be \$34,540 per employee. That's the salary and benefits at that salary level for the remainder of this fiscal year. So the math on that, if there's 13 of them being proposed, that would be \$449,020 for 13 of them.

>> Zimmerman: Okay. Another important point is that each council office could use the budget. They don't have to hire the fte. They could use the money as they see fit.

>> Mayor Adler: Okay, Ms. Tovo?

>> Tovo: Just to be clear, the difference you had provided us with a memo on March 30th that estimated the cost of 12 positions at the average rate at 327973, the number you just quoted to us, again, it's not available at any kind of printed matter so I can't refer back to it, can you tell me again what it was? It's an increase of about 100,000, 400 --

>> It's an increase of 111,000 roughly, 110,000.

>> Tovo: Okay. And that is exclusive of equipment. You don't have equipment cost in that number.

>> The number you're looking at on the screen there, the 468,520 is the salaries I just mentioned, plus benefits, plus \$1,500 per employee for computer equipment.

[5:27:28 PM]

The number we gave to you on March 30th for 12 positions at the average salary of existing councilmember staff, that was 328,953 for salary and benefits, and then with the equipment it went up

to 346,953. I think the two Numbers you're talking about is 347,000 for the audit and finance committee proposal, and 449,000 for the proposal that councilmember Zimmerman has brought forward.

>> Tovo: I'm sorry, I'm looking and it says 468.

>> I'm sorry, you're right, 468. It's 449 for the staff and another 19,500 for the computer equipment. So you're right, 468.

>> Tovo: So the proposal from audit and finance is 346 nine hundred. The proposal here today is 4685 for the remainder of the year. The analyzed cost would have been # 50, 351. The amendments from Mr. Zimmerman would take that up to 1.3 million on an analyzed basis.

>> That is correct.

>> Tovo: All right, thank you. And then one last question. The posting language for this item talks about returning with funding options. What we appear to be doing and based on our work session discussion on Tuesday is actually authorizing those funding measures. So I guess I would ask you whether our posting language asking the as I remember to identify options really covers us for that funding -- making those funding distributions.

>> I think that you all talked about this issue quite a bit, and I think that the posting language, while it could have been broader, probably covers the situation. I think that the staff have determined that they can do this..

>> Mayor Adler: Any other further discussion on this item?

[5:29:32 PM]

Ms. Troxclair?

>> Troxclair: On the salary issue, councilmember Zimmerman, would you have an opposition to an amendment to cap the salary of the new council staff? I think your amendment breaks it out between mayor staff and council staff but would you have an issue with me making an amendment to cap that back at \$53,000, the average, instead of the councilmember salary? When we were talking about what we would use this staff person for, I don't intend to pay this new staffer higher than my current chief of staff. So I think the role they would fill would be well within the average salary of 53,000.

>> Zimmerman: That's a fair question. Remember you can use what's left over in the allocation, you can use it elsewhere in your budget if you needed to.

>> Troxclair: I'm already doing what I can to make sure that I'm using my money carefully and saving in some areas so I have extras in other areas. I can't justify that I need an extra \$17,000 right now. I would be much more comfortable with the -- I guess can I make -- I'm going and make an amendment, would I like to make an amendment to change the language for the councilmembers' salaries to cap that at the average instead of the salary of a councilmember.

>> Kitchen: I have a question.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I have a question and I apologize I don't think I asked it at the work session. When we say average, is that the -- you know, we're authorized certain number of positions and they have a salary range. Is this average base and who we are now currently paying or is it an average on what we're authorized to pay?

>> That is the average of the -- of all of the existing council staff that you currently have.

[5:31:32 PM]

That's the average of their existing salaries not counting the mayor's office.

>> Kitchen: I understand councilmember troxclair's concerns but one misconcerns is that we allow councilmembers to have the discretion about how they're going to spend funds in their own offices. So

just by virtue of basing it on the average of what everybody has chosen to do is, you know, by definition, you know, restricting everyone to whatever -- everybody else has decided. So if that -- if there's a concern about the total dollar amount, I can essential understand that. You know, that makes sense to me. If there's a sense in the council that we don't want to spend over a certain amount or if there's a sense of the council that we don't have the money to spend, I can understand that. But to base it on an average what have the decisions we've all made to me is really counter to our own ability as councilmembers to decide what we need for our districts.

>> Houston: Mayor, there was a motion on the floor and I was trying to second it but then we got sidetracked.

>> Mayor Adler: Right. There's a motion on the floor to amend it to say that it is not to exceed the average council staff salary.

>> Houston: And I second that.

>> Mayor Adler: By that -- okay. And it's been seconded by Ms. Houston. Does that have for the council offices the average council staff and for the mayor's office the average mayor's staff?

>> Troxclair: My suggestion was specific to the part of the resolution that discusses the council staff because in the current resolution the first part talks about the mayor's staff and second part talks about council staff. So I certainly would feel more comfortable if at least the council staff was kept at 53,000 but my amendment did not specifically speak to your staff, the staff in the mayor's office.

>> Mayor Adler: It's been moved to amend the -- if I understand it correctly to limit the additional council staff person to -- was it the average council staff salary?

[5:33:39 PM]

To limit the councilperson to the average council salary. It's been seconded by Ms. Houston. Is there discussion on that? Ms. Pool.

>> Pool: I appreciate all the conversation about being careful with how we spend the money and with an eye toward how we will be dealing with our budget come budget time. You would like to point out that we still have the discretion in our offices to spend our not to spend the amounts that are in our budgets. And I appreciated the approach that councilmember Zimmerman was taking with the higher number so there was more flexibility. I don't know if I would spend it all or not but I do have the ability to make that decision myself as do we all and we can return money at the end of the budget year if that is how our -- if that's how we decide to work our independent individual budgets. And it may be that I will do that. But I don't know that yet and would like to have the flexibility to make that decision.

>> Mayor Adler: Ms. Troxclair, then Ms. Houston.

>> Troxclair: I just wanted to point out that the -- what we considered originally in the audit and finance committee was specific to the highest paid council staff member, which was about, if I remember correctly, \$70,000. And we had a conversation about this in audit and finance committee, and we specifically made a change to reduce it to the average council staff salary. So I feel like this was a change that we discussed in audit and finance and that we all voted on and vetted. I'm just really uncomfortable now that we're talking -- we're already talking about such a huge amount of money and I'm uncomfortable with making that number even larger after having that specific discussion in audit and finance.

[5:35:44 PM]

>> Mayor Adler: The amendment on the floor is to change the language so that staff in council offices is limited to the average council staff salary. Ms. Houston and then Ms. Tovo.

>> Houston: I'm going to support the amendment because one of the things that I've heard all

throughout the campaign trail is we've got to watch the budget of the council and city -- you know, there's a whole litany of people who they can identify for me who are making over \$100,000 a year. And this seems to be excessive to me, and I understand that we're all individuals, but the average cost seems to be reasonable for that extra person that's going to do the other work that we decide, putting them on a range of a councilmember salary is a little excessive to me. And so I will not -- I will be voting for the motion as it is.

>> Mayor Adler: Okay. It's my understanding we're talking about the councilmember staff, not the mayor's staff. Ms. Tovo.

>> Tovo: Yeah, I'd like to understand that. The discussion we had at audit and finance and as councilmember troxclair said there was a decision to make it the average council staff member applied across the board. It applied to the allocations for the mayor's office as well as the council office. Do I understand your amendment to set up two different scales of allocation? That it would be -- that the mayor's office would get an allocation equivalent to the average mayoral staff and the council offices would get an average of the council staff? I'm not even sure I know what those figures are. I mean, I know what they are for council staff because that's what we asked for. I don't think I know what the mayoral's staff averages are, though I know it's higher. That was one reason the language was changed when we conclude it at audit and finance.

>> Troxclair: The amendment I suggested only spoke to the salary of the councilmembers' offices. As it's currently written, the mayor would still be required to stay under the salary of a councilmember.

[5:37:52 PM]

So his cap would still be around \$70,000.

>> Mayor Adler: That's my administration. Any further discussion on the amendment?

>> Zimmerman: I appreciate the fiscal conservatively, I'm all over it, but as councilmember pool said we don't have to use all that money. The money can be allocated in a different way or not be spent at all. And I'd be thrilled with a contest at the end of the fiscal year for who spent the least money. That works for me.

[Laughter]

>> Mayor Adler: Any further --

>> Zimmerman: Money doesn't have to be spent if it's allocated. So . . .

>> Mayor Adler: Any further discussion on Ms. Troxclair's amendment? All in favor of Ms. Troxclair's amendment please raise your hand -- the amendment it so change for the council, not the mayor's staff, the salary be capped at the average councilmember salary, roughly \$53,000. All in favor please raise your hand. Seven. Those opposed. Those opposed were kitchen, Adler, Zimmerman and resident, the others voting aye. The amendment is adopted. Any further discussion on this matter as amended? Ms. Garza.

>> Garza: Thank you, mayor. This staffing discussion has taken so many different directions it's hard for me to address them all. W my comments. So please bear with me. This started as practically a doubling the staff in one office, which I was strongly against because regardless of the attentions, more staff in one office could possibly mean more influence by that office. And that to me went consequence the fundamental intent of 10-1. Then after thistime item was referred to the audit and finance committee we tried to figure things out, we spent over two hours in that first meeting trying to answer questions, trying to make it more equitable, trying to see what this staff would be doing.

[5:40:00 PM]

Are they building policy? Are they responding to constituent services? What are their roles? Are we

ultimately adding these positions because we need more constituent staff? There were so many questions I still believe have not been answered what exactly this additional staff would be doing. But it did seem at the end of the meeting the general feel was that, yes, we could all use more staff to respond to our constituents and to be able to address these tough policy decisions. And then it would be up to each councilmember to see where we would plug that person in. If we got an extra person, how would we choose to plug that person in. In the many discussions we've had about this I've grown increasingly frustrated about how this needing more staff has been framed as what 10-1 was about. Because that's nothing like that what 10-1 was about and I know that because I was there from the beginning. I was on the charter revision committee that recommended it to council. I was there when council decided not to put 10-1 on the battle, I was there outside of grocery stores trying to get 20,000 signatures from austinites to get this on the battle. I've been there since the beginning of 10-1 and it wasn't about adding more staff to the council offices. It was about -- and in those discussions for 10-1 and in campaigning for 10-1 when we finally got those 20,000 signatures, never once did I hear that 10-1 is going to help us solve traffic or affordability or poverty, which obviously are all issues that we want to solve. The push and the message for 10-1 was that we'd have more representation on council, better representation on council. And that those -- that&&that there's areas of Austin that have been neglected and we'd be able to direct them. That has happened. It's one of the most diverse councils and we represent all areas.

[5:42:01 PM]

There's voices here on council now since then. I could hire five more people to strictly answer constituent calls in my office. That means nothing if I've taken away the resources that could actually really help that constituent, if I've taken away the resources from a department. I mean, the budget is real simple. If we take money away -- if we want more money toward a certain department in this case council, we're taking it away from another department. And so I'm concerned that we're setting ourselves up for failure if we think that adding more staff and taking away resources from other departments is going to solve all of our very, very complex problems. With regards to help with policy making and adding more staff that's our job. That's what we were elected to do. And when we have questions about that policy making and when we need help with that policy making, we reach out to our boards and commissions and the very smart people in our community. Just like did I with that solar rfp, I wanted to push that forward and I reached out to people to help me make -- help us drive that policy. And we can still do that. We don't need extra staff to do that. I don't know if maybe it's -- we're just -- some of us are just used to doing more with less and it's not about me not wanting to be creative about this and it's not about wanting to accept change and move forward with change. I believe our constituents deserve more. I wish, you know, we could give them everything that, you know -- every -- be as responsive but I want to be realistic about this. We've already added -- with 10-1 we've added 16 additional people to serve constituents and I'll just close with saying that this is government. It's not the private sector. We just need to accept that there are limitations to the work that we can do and that -- we just need to do the best that we can with the resources that we've been given.

[5:44:05 PM]

So I cannot support anything that adds to the budget of council and I can't support -- definitely can't support 12. So I will be voting no on any version of the staffing proposal.

>> Mayor Adler: Ms. Kitchen.

[Applause]

>> Kitchen: I will be voting -- I will be voting yes but I want people to understand why. I think -- I see this

as a temporary measure. I think we need to have a much larger budget discussion in the fall because I too support the most cost-effective use of our resources, and I do not support cutting services to people. Voting for this will not cut services to people. We have already talked about the fact that these are dollars within our existing budget that are not going to be spent. They are not dollars that are keeping us from filling a position. My understanding from our discussion at work session is that these dollars can be managed in such a way that these dollars would go unspent. That raises a whole other issue in terms of our next budget cycle, and we've had some previous -- previous councils have had discussions and the public has also about leaving that much dollars left in the budget that we had this much to deal with. But the point is we have it now. I think that -- and I want people to understand that I would not support something would cut services to people. I would never do that and this does not do that. When we had the discussion in the fall -- when we have the discussion in the fall I will want to look at this issue in the context of the entire budget. But I do think now, could I do think it's appropriate and I do think that the balance of the work -- it's not, you know -- I respect everyone's, you know, thinking on this dais, but I just want to state that I think that these funds can be very effectively used and I trust my fellow councilmembers to do that.

[5:46:10 PM]

>> Mayor Adler: Any further discussion on this item? Hearing none, all in favor of this motion as amended please raise your hand. Those opposed. All in favor with the exception of tovo and gaza, it passes. It is now just past 5:30 I think we have music and proclamations. When we come back the remaining item on the agenda is item 14, the briefing. And then the -- well, the briefing and the resolution, which is item 14, we have the eminent domain item -- we'll have eminent domain item, zoning items -- I'm sorry, what?

>> Zimmerman: We have the housing --

>> Mayor Adler: We have the -- we're going to break here at 5:30, do the proclamations and then we'll start picking up with where we were on the agenda.

>> Zimmerman: Mr. Mayor, when do we reconvene? Estimate an hour.

>> Mayor Adler: It's usually taking about 45 minutes.

>> Zimmerman: You'll make it 6:45, tri-to reconvene at 6:45?

>> Mayor Adler: Reconvene at 6:45 so people have dinner or 6:30? What's the pleasure of the council?

>> Zimmerman: 6:45.

>> Mayor Adler: 6:45 we'll reconvene. Thank you.

[5:51:38 PM]

.

[5:55:48 PM]

>> Mayor Adler: By the way you need to know just how much everybody here loves your mom.

>> Yes.

[Applause]

>> Mayor Adler: So joining us today is Gina Chavez, as one of Austin's most beloved world music indie artist, she's known for her impressive multiinstrumental performances, sound inspired by Latin rhythms and smiles. Her 2014 album up.rooted received national acclaim by the likes "The Boston globe" NPR, big winner at the Austin music awards top honors for Latin band of the year, song of the year, album of the year and musician of the year.

[Applause]

>> Mayor Adler: Yes.

>> Mayor Adler: Gina Chavez is currently touring in Texas, nationally, both solo and with her full band. Please help me welcome Gina Chavez.

[Applause]

>> So we're going to start with a tutorial so you can scream along with us. Does that sound okay? This is the song of the year in Austin and it's an all Spanish song about my experiences in El Salvador when I was doing mission work. It's about being on a bus and you'll sing Spanish Spanish, which means get up or get on the bus, ready for this? This is your tutorial P extreme with the boys. Tutor scream with the boys.

[♪ Music ♪]

[5:57:50 PM]

[Music]

[Music] .

[6:01:35 PM]

[Applause]

>> Thank you all. Michael Romero and Sammy foster.

[Applause]

>> Mayor Adler: That was wonderful. Thank you so much. Thank you all. For those people here and those watching on TV, what's your website.

>> Ginachavez.com, sorry, that was the spanglish version.

>> Mayor Adler: Got you. Where can we buy your records.

>> Waterloo records, spotify, all the spaces, all that.

>> Mayor Adler: Where are you performing next?

>> Great question. So glad you asked that, mayor. Thanks, Michael. So we have a really important benefit concert coming up on April 11 and it is next Saturday, not Saturday but next Saturday at the stateside theater with mother falcon and Elizabeth mcconvene, riders against the storm is our host host for the evening and collaboration between all the groups. It's going to be amazing. Actually benefits [non-english language], a college fund I helped to cofound for girls that I lived and worked with in El Salvador. We're sending four years to college because of support from people like you and coming to see music. I hope you guys will come out, please.

>> Mayor Adler: I have a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually every musical genre and whereas our music scene thrives because Austin audiences support good music produced by legends and our local favorites and newcomers alike and whereas we are pleased to showcase and to support our local artists now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim April 2 of the year 2015 as Gina Chavez day.

[6:03:45 PM]

Congratulations.

[Applause]

>> Casar: Mayor and gene yeah into it was five years ago almost to the day Ms. Chavez played the benefit almost five years ago on the steps. It's great to see you here full circle.

>> [Off mic]

[Applause]

>> Mayor Adler: So we have a proclamation for the national donate life -- we have a proclamation.

[6:06:21 PM]

Be it known that whereas there is a severe shortage of organ donors in this country, currently 12,000 texans are on the waiting list for an organ transplant and whereas each day 19 people die waiting for an or began that would save their lives and whereas a single individual's donation of the heart, lungs, liver, kidneys, pancreas and intestine can save eight lives, eye donation can restore sight and donation of tissue can save and enhance the lives of up to 50 others, and whereas transplants success rates increase when organs are matched between members of the same ethnic and racial group, a lack of organs donated by minorities can contribute to death and longer waiting periods for transplants for minorities. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do join with the Texas organ sharing alliance in encouraging citizens do register with donate life texas.org and here by proclaim April 2015 as national donate life month. Congratulations.

[Applause]

>> Thank you so much, ma leader mayorailed letter if all of you welcoming us into the city council came pores April is donate life month month. As the mayor said 124,000 people awaiting life transplant in the United States, 12,000 are texans. We're very proud to be working with the city of Austin who has been on our side and supported us for several years. When we first started there were not many texans who were registered, but as of this month, I'm happy to say there are 7.2 million texans who are registered in this state.

[6:08:27 PM]

Travis county is one of the county's leading the way in this state with 52% of Travis county residents registered so I'd like to give you all a big hand for taking the initiative to save lives. You're not only potentially going to save many lives one day but also take that burden off your families on the worst day of their life. So if you haven't had the opportunity to do so I encourage to you get out your smartphone before chamber or city council comes banning, go to the website and register. It only takes a couple minutes and can save many, many lives one day. Thank you.

[Applause]

>> Mayor Adler: And we have a proclamation. Be it known that whereas national public health week brings together public health practitioners throughout the country and this year's theme is healthiest nation 2030 reflecting their mutual goal of making America the healthiest nation in one generation.

[6:10:41 PM]

And whereas public health action together with scientific and technological advances has played a major role in reducing and in some cases eliminating the spread of infectious disease and in establishing today's disease surveillance and control systems and whereas the Austin Travis county health and human services department strives to prevent disease, protect our environment, prepare for emergencies and to reduce the incidents of communicable and chronic diseases in order to enhance the health and well-being of all citizens of our community, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim April 6-12, 2015 as public health week here in the city of Austin. Congratulations.

[Applause] Shannon Jones. Do you want to say something?

>> Thanks so very much, mayor, councilmembers, and those assembled. We'd like to thank you for this proclamation and acknowledge the great work Hubble hedge officials and public health staff have done here in this community. Austin have a very healthy community we're quite well aware of, one of the fittest cities in the nation. Great strides in this nation and community have been made to address the public health needs of our community. The mayor alluded to some of those things, everything from sanitation to preparedness as well as some aspects of our communicable disease programs as well. However, we still have significant disparities in our community. And so we in public health feel it's absolutely necessary to work with our community partners to address these issues. This week we celebrate the work of public health and we'll severity of screening activities here at and I hall and neighborhood centers. We encourage you the public to come out and participate in the efforts as we continue the burden to reduce disease in our community.

[6:12:46 PM]

It's worth noting over the last ten years the rates of mortality and disease in our communities have come down, come down significantly. Yet a lot of work distill needs to be done, particularly in targeted communities. So we ask for your help in help celebrating the work we do here in public health and continue the efforts we hope to do over the next several years. In closing I'd like to remind you of a favorite phrase C Everett coop one of the favorite surgeon generals said, healthcare is vital to all of us some of the time but public health is vital to all of us all of the time. Again, thank you so very much. [Applause] .

>> Mayor Adler: We have a proclamation. Be it known that whereas the Austin jazz alliance shines the spotlight on the extraordinary history of jazz and its importance to the American culture and whereas through concerts and lectures and film and other programs, Austin jazz alliance encourages people of all ages to attend concerts, to listen to jazz on radio and recordings and read books about jazz and study the music and support institutional jazz programs, and whereas there is live jazz happening almost every day of this month, visit the Austin jazz alliance calendar to find out where.

[6:15:03 PM]

Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim April of the year 2015 as jazz appreciation month. Congratulations, fit.

>> Thank you, mayor. I just wanted to say that Austin has a lot of live music but a lot of times we overlook the jazz genre and so the Austin jazz alliance was formed to help support jazz musicians promote their events and concerts. So we have two events that I'd like to make y'all aware of. One is the Austin jazz alliance puts on a jazz cruise that leaves out of gal vest son, seven day cruise in October, an opportunity for you all to go enjoy jazz. If you're a jazz music you can jam with the band so it's a jazz jam Syracuse it's put on by royal caribbean. If you want more information go to the Austin jazz alliance website. And get more information on the jazz cruise. The other unique thing that we're doing is we are actually putting together a documentary on a World War II trumpet player, 88 years old, and we are asking for your help and you can get more information about the documentary by going to our website. And we're doing a crowd funding campaign to raise some funds to do this documentary. He's a very interesting man and still playing jazz. You can hear him tonight at the brass house. We're having an event at 7:00 and he'll be there with his trumpet and you can hear him play. So just want to say thank you all very much for supporting jazz I hope y'all can continue to support jazz go to the website. Thank you.

[6:17:08 PM]

[Applause]

>> Mayor Adler: And we have a proclamation. It be known that whereas safety communicators, 911 operators and dispatchers and other communications specialists are unseen first responders, they provide assistance to austinians in times of great need, their specialized skill and calm presence are invaluable to citizens in emergency situations, and whereas the commission on state emergency communications and the united States congress annually highlight the invaluable role of public safety telecommunicators during the month of April and whereas we are pleased to join in expressing our gratitude to our public safety telecommunicators whose diligent efforts ensure that help is on the way when we need it most. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim April 12-18 2015 as public safety telecommunicators week.

[6:19:08 PM]

Congratulations.

[Applause]

>> Mayor Adler: Would you like to say something? Good.

>> Mayor and council, thank you for taking time to recognize the good work of our public safety telecommunicators. The first public safety contact that citizens have when there is an emergency is these telecommunicators. When a member of the public needs emergency help, these people calmly answer the 911 call and work to ensure the right help and the closest help is sent to each emergency. Today we, the Austin fire department, Austin police department, Austin Travis county ems have over 300 telecommunicators working 24 hours a day, seven days a week 911 calls received by the city each year. Every emergency large or small is handled by one of our team members and we truly appreciate the recognition of our staff and the great work they do every day. Thank you.

[Applause]

[6:21:10 PM]

>> Mayor Adler: We have a proclamation. Be it known that whereas the month of April each year is a reminder of the devastation of youth violence that stemmed from the April 20, 1999columbine high school massacre that left 17 dead and 23 injured and whereas counsel on at risk youth Cary was established in 1999 with the commission of helping youth promote safe schools and safe communities by offering delinquency and youth violence prevention training for serious school disciplinary violators and whereas funding support with both the city of Austin and Travis county along with an effective collaboration with aid has enabledkey Cary successfully provide services to over 6500 youth resulting in significant reductions in delinquent and criminal activity that help make our schools and and I safer. Now, therefore, I Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim April 2015 as Cary youth violence prevention month. Congratulations.

[Applause]

>> Thank you, matter for recognition of the month without violence for council and at risk youth. We're deeply indebted to the city of Austin for support during the last ten years of our 15 years in operation. As mentioned Cary's mission is helping youth promote safe schools and safe community. In that regard our goal is to help youth close the pipeline to college.

[6:23:12 PM]

Cary works with those kids in the aid disciplinary system who have documented reports for aggression,

abuse, assault, intimidation. Aggression toward others, possession of a weapon, possession of drugs on campus. Research validates these are the very kids who are in that pipeline to prison. We use an aggression replacement training program, evidence based, nationally recognized program. We get extremely good results. Recent evaluation from the university of Texas shows us that Cary kids have fewer referrals into the juvenile justice system than do those youth who are in the comparison group. So Cary is successful in helping to close out that pipeline to prison. Thank you for the recognition once again. My suggestion to the audience here, the listening audience, find a kid, a difficult kid, a troublesome kid in your community. You can be a mentor, a coach, you can be an advisor and help keep those kids also out of that pipeline to prison. Thank you once again, mayor.

[Applause]

[6:25:18 PM]

>> Mayor Adler: We have a proclamation. Be it known that whereas strong public schools are the foundation of a healthy community, fostering ties between neighbors and building robust property values and educating our youth to assume the challenges and responsibilities of tomorrow, and whereas save Texas schools is an acknowledged leader in the statewide effort to ensure continued resources for all Texas public schools and students and whereas save Texas schools is hosting a rally in Austin on Saturday, April 18, welcoming thousands of visitors from across the state to support our public schools and an outstanding education for all Texas students, and whereas strong public schools lay the ground work for a more secure future for our city and all Austin residents have a vital stake in their continued success. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim April 18 of the year 2015 as save Texas schools day. Congratulations.

[Applause]

>> So thank you, mayor Adler and city council members, especially councilmember tovo. Texas can do better. We are 49th in the nation in how much we invest per pupil in education. We are 25% down from the year 2009 in how much we're investing in education. Texas can do better. We lead the nation in -- we have the lowest -- we have the highest percentage of adults in the nation without a high school diploma. Texas can do better. That's why we're out on Saturday April 18 with thousands of texans saying to our legislators we can do better now, invest in our schools, stop the overtesting in our schools, some schools in tests over six weeks per year, not learning but testing.

[6:27:32 PM]

Texas can do better with that. We can also do better in the way we help our struggling schools in Austin as a leader in something called community schools and the city of Austin is a key partner in that, where we have brought together partners and neighborhoods turn around some of our most struggling schools into shining high performing schools. So we're going to be talking about that at our rally. We need you at the rally, your friends, thousands of austinites to stand up with us on Saturday, April 18, at 10:00 A.M. Mayor Adler will be one of our keynote speakers at that event so we want to see these all over town and we want to see you on 18th. 18th -- April 18th. Thank you very much.

[Applause]

[6:29:41 PM]

>> Houston: I'm here to present a proclamation regarding sexual assault awareness month. Be it known that whereas rape, sexual assault and sexual harassment impact our community with statistics that one in five women and one in 71 men will be raped at some point in their lives and whereas one in six boys

and one in four girls will experience a sexual assault before the age of 18 and in youths ages 12 to 17 are 2.5 times more likely to be victims of rape or sexual assault than any other age groups. And whereas victims are far more likely to disclose their sexual assault to a friend or family member, so it is important that these loved ones respond without shaming or blaming so the victims don't suffer further negative effects and whereas the start by believing campaign is designed to improve the responses of friends, family members, and community professionals so they can help victims access supportive resources and engage in the criminal justice system. Now, therefore, Steve Adler, mayor of the city of Austin does hereby proclaim April 2015 as sexual assault awareness month, in witness thereof, he has here unto set his hand and caused the seal of the city of Austin to be affixed this second day of April in the year 2015. And accepting this proclamation is Ms. Greta Gardner, member of the austin/travis county family violence task force.

>> Thank you so much.

[Applause]

>> Thank you, councilmember Houston, mayor Adler.

[6:31:43 PM]

We appreciate your continuous support for all of our efforts in austin/travis county. The statistics that you just heard cause me pause. While they are the current zits we have we know that sexual violence is dramatically underreported and it is imperative for family members and groans know exactly what to do in the event that there is a disclosure. Because we know that perpetrators are most often intimate partners, current or former, they may be a family member, a person in position of power or trust, a friend or aconveyance, occasionally there may be a stranger. So what we hope to do, what our ultimate goal is is to call attention to sexual violence and stop before it begins, which is the impetus for the start by believing campaign this month, which is being led by safe place. There will be a social media movement to preventing and preventing by using the hashtag start by believing. You will see billboards all over Austin. Complete a placard, go to the start by believing website and it will have a phrase. It will say "When someone tells me they were raped or sexually assaulted, I . . . "We want you to fill in the blank and post it so we know everyone in the city of Austin and Travis county will be making a commitment. We ask you today join our campaign, keep Austin safe from sexual violence. Start by believing.

[Applause]

[6:34:55 PM]

>> Pool: Subclass best, I think.

>> We're going to add some fun though.

>> Garza: We traditionally proclaim April as local business month, but really every month is local business month because our indie businesses are such a wonderful part of Austin's culture. We love local. I represent district 7 from 45th street to neighborhoods network of 183 and one of the things I love about my district is it's home to so many local businesses, it's not just iconic venues like general ace Hong horn is a alone and Frisco, every district in Austin had a a bevy of homegrown shops that reflect each district's character. Periods important we recognize our local businesses because they collectively serve as the economic engine that helps make Austin such a popular city. Our local businesses are fortunate to have a strong advocate in the award winning Austin independent business alliance which does such great work on behalf of its members. Even though many of us already spend our dollars at locally owned business let's do our part to celebrate local business month by taking advantage of the sales and special events all month which will culminate with the armadillo award on April 29. I'm pledge

to go put my money where my mouth is by only shopping local the week of April 6. I hope you all join me in this pledge. Pick any week you like during the month of April. Trust me it won't be difficult at all. So we have a proclamation. And with me today are Rebecca, executive director of the Austin independent business alliance and Kevin Lewis on our board and also with Whole Earth Provision company.

[6:36:58 PM]

>> Pool: So the proclamation be it known that whereas Austin is then a unique culture expressed by its local businesses, 73% of the businesses in our city are locally owned comprising an economic powerhouse that fuels a healthy local economy and whereas the Austin independent business alliance has advocated for and supported the locally owned independent business community for more than 13 years and is celebrating local businesses this month and whereas all AIBA members have events, specials, sales and more in store during April along with special events planned in the IBIZ districts around town through the month and whereas Austinites can vote for their favorite local businesses in several categories and join in celebrating them during the presentation of the Armadillo awards on April 29, now, therefore, the mayor of the city of Austin, Steve Adler, proclaims April 2015 as local business month in Austin.

[Applause]

>> Thank you.

>> Pool: There you go.

>> Thank you so much. I really appreciate it and I appreciate the support of this council more than ever before, this council has its focus on local business in Austin, and that's good for all of us. Local business is an economic powerhouse that drives our economic engine locally but it's also what makes us such a cool community. Local business reflects our values, our tastes, and who we really are. And we celebrate this all month long. We celebrate it all year long but during local business month we have lots of sales at our members, we have lots of things going on. It's all on our website, but we also have a unique event where the public nominates their favorite local businesses in 12 different categories and we've received those nominations and on Monday voting starts.

[6:39:06 PM]

So go to our website on Monday, April 6 through 19, vote for your favorite local business in 12 categories. Then on April 29 as councilmember Pool pointed out we have the Armadillo awards at hall, everybody is invited, free evening of local business and celebrating those local businesses that make us special. We have something of our own we'd like to share. We asked city councilmembers if they'd forego take the local business week pledge and shop locally only. We hope once they do this they'll do it forever and ever and always. We'd like to acknowledge the councilmembers who have accepted our pledge and taken us up on that. Councilmember Pool? You are our first.

>> Pool: Ongoing.

>> Do you this. Let's shake hands. Thank you for your support of local business. We have a certificate for you that is acknowledging your efforts for local business. We really appreciate that.

>> Pool: Thank you, Rebecca.

>> Mayor Adler? There he is. Mayor Adler also took our pledge to shop locally for one week during the month. Thank you very much.

>> Mayor Adler: Wait a second. She gets a picture?

>> Pool: You definitely get a picture.

>> Ready? Here. Let's take a picture.

>> Mayor Adler: All right.

>> Okay.

>> Mayor Adler: Thank you.

>> Councilmember Tovo also took the pledge. Shall we get a picture?

>> Tovo: I sure do.

>> Okay.

>> Councilmember Renteria, who I believe is eating dinner. Councilmember Garza, who is also not here, and councilmember Houston, who was here a second ago. Well, we have certificates for all of them and we'd like to acknowledge their support of all business.

[6:41:07 PM]

Thank you so very much.

[Applause] .

[Recess to 6:45]

[♪ Music ♪]

[Music]

[6:57:13 PM]

[Music playing]

[7:02:52 PM]

>> Mayor Adler: We have a quorum so we're going to start on the things that I think that we can handle by consent, and otherwise on the agenda. We have -- next up the eminent domain matter. Will should be move -- there's a script for it. With respect to item 27 being a non-consent condemnation item I will entertain a motion to the effect that the city of Austin authorizes the use of the power of eminent domain to acquire the set forth and described in the property for the current meeting for the public use described therein, it's item 27. Will someone move the passage of item 27. Ms. Houston moves, Mr. Renteria seconds. Any discussion on this item? Hearing none, all in favor -- do we have speakers? We did. There were two people waiting to speak. Jerry Perales. Jose Jimenez. You have three minutes.

>> Good evening, council. So I'm here to talk about -- make a few points that I have on why we should carry on with this project as we're going. First of all, the project is already under review. We have a case number. Another thing, this project is going to provide more parking for the library. I already saw a plan of what they intend to do, the library owners, what they intend to do as far as providing parking and expanding on to the other property lot.

[7:05:04 PM]

And they're going to have way less parking than the amount of parking that we'll be able to provide and share as well. So there to the south -- they're to the south. And in between the area where we provide parking and where their current existing parking is at, there's -- by the road there's a bus stop. In between that area it's an open area which can be put up to be grassy area, maybe picnic table, shade, something. A sidewalk that connects both parking lots. Also second point, with this project we are providing a quality and detention pond. We're really environmentalists and behind that to a west, across a creek, little walnut creek, which is the most polluted creek in Austin. And we are going to mitigate any kind of pollution by the detention pond we have engineered for that. On their plan we have no such

thing whatsoever for any of that. Also, if we go carrying on this project we have, like I said, it's already under review and it's going to be a lot faster to get parking spaces out there, parking spaces that they can share with the library. Rather than if we were to proceed with the eminent domain, this could be under construction in about

[7:07:09 PM]

four months: And if we were to proceed with eminent domain they would probably not have a hearing for another six months and even if it went there way wouldn't they have to go back into it, bulldoze it, spend more money.

[Buzzer sounds] Last point I just want to make, with the amount of money that they're going to spend building their own parking, they're going to probably -- they could probably build a garage rather than spending all that money to build a little space that will not be that many spaces because here we are required to have 58 parking spaces and we are making 73, which is 36 more spaces to the back that they'll be able to use and share. Thank you. Any questions?

>> Mayor Adler: Anybody have any questions? We're on item number 27.

>> What was your name again?

>> Jose Jimenez?

>> Zimmerman: Who are you with.

>> I am with the engineers and we work with the owner of the property, the property lots.

>> Mayor Adler: Mr. Jimenez I'm going to vote for this so that the process can move forward, but you can continue to talk with the attorneys that are handling the case. You know these things get involved in litigation and at some point everybody will see what everybody else's cards look like in the eminent domain case and maybe there will be a way to work out a different solution. But I'm going to vote for this so that the process can move forward because the library does need additional parking.

>> Right.

>> Mayor Adler: Any other debate or discussion on this item 27? Thank you, sir. No further debate, all those in favor of approving 27 please raise your hand. Those opposed?

>> Zimmerman: I'd like to abstain.

>> I'd like to abstain.

>> Mayor Adler: Everyone was in favor. We had two abstentions, Garza and Zimmerman, and we had two people off the dais, troxclair and pool.

[7:09:14 PM]

The next item we have is the briefing on permitting. I'm going to call that in just a second. I'm going to skip that. On executive session we have four items. They've all been covered earlier in the week. So we don't need to address 29 through 32. Is there a consent agenda in zoning?

>> Yes, mayor, we have a consent agenda and one discussion postponement case so there's a possibility that everything could be consent or postponed.

>> Mayor Adler: My sense is we'll have to discuss items 34 and 35.

>> Yes. So I'm jerry rusthoven with the planning, development and review department. Item 33 is a case in which the public hearing has been closed. It is case c-14-20140178, the overlook at spicewood springs. I understand that councilmember pool would like that item pulled. If not, we're ready for second and third reading.

>> My understanding is she had some questions on the environmental features, which is not really part of the zoning case. Could we make a request for her to come quickly? These people have been here all day.

>> I guess we could table this item and come back to it later.

>> Mayor Adler: Let's pass on item 33. I'm going to say that because I need to recuse myself from item 33 so when we that are with the vote on first reading I will need to give the chair to the mayor pro tem. We're not going to address 33 right now. Proceed.

>> Next we have the 2:00 zonings for which the public hearings are still open. Items 34 and 35 are related, one is a neighborhood plan amendment, the other one is a zoning case. Both of these cases we have a request for a postponement to June 11th by the applicant.

[7:11:19 PM]

The neighborhood is here and they are in opposition to that postponement. So --

>> Mayor Adler: Neither of those will happen on consent.

>> Correct. Usually what we do is we hear from speaker in favor of the postponement and one opposed and count will decide whether they want to postpone it. Usually we do it after the consent agenda.

>> Mayor Adler: Okay.

>> So the next item I have item 36, case c-14-2014-0167, cantarra mixed use located at 13007 cantarra drive. We have a postponement request from the neighborhood to April 16th. The applicant is in agreement. We can pass that on consent. Then we have item 37, c-14-2015-0013, 2363 seventy one located at 2373 -- 2363 east highway 71. I understand that case is ready for consent reading on all three readings, however I understand that councilmember Garza would like to postpone that item, is that correct?

>> Garza: Yeah, I don't know how to do this. I'm going to ask for I believe neighborhood planning has agreed to discuss this item it also members of the animal advisory commission have expressed interest in discussing this item. I don't know what the right way to do this. Make an official referral or postpone it and do all that in the meantime.

>> Mayor Adler: Is there any objection to applicant or any people to the postponement?

>> Not that I'm aware of, but this just came up. I was just aware of the postponement recently. We haven't had a chance to call the applicant. We would need for the zoning item the committee is a different issue, but on a zoning item we would need y'all to postpone it to some date in the future so that we could put it on that agenda and move it forward. I could suggest April 16th if if you would like or we could choose a date after that.

>> Mayor Adler: Is the applicant here? Do you have an objection to a short postponement?

>> Paul candy, the applicant.

-- Paul candy, applicant. I don't really have an objection to the postponement if I could get some of the question, if there's some dialogue that we could via email or whatever, I'd be happy to talk to a councilmember or two about that.

[7:13:30 PM]

>> Mayor Adler: Okay. My suggestion would be that you visit with Ms. Garza and her office. Does April 16th provide sufficient time for the work, Ms. Garza, that you would want to have done? Mr. Casar?

>> Casar: I can have the -- this item -- just generally and broadly talking about uses in these sorts of areas where plans are coming through on our April 7th agenda, but if the animal advisory commission also wants to speak, talk to the item, then we may want to indicate a later date than the April zoning meeting. But I'll leave that up to the councilmember Garza.

>> Garza: Animal advisory advised they could listen to it on the eighth. So I think the 16th would work.

>> Mayor Adler: Okay. So it will be postponed to the 16th. And it would be going to councilmember Casar's committee. Councilmember Garza was the one who heard some concerns or issues or

something. Those would be the two offices to check with. And apparently the animal board will look at it as well.

>> Sure. Thank you very much.

>> Mayor Adler: Thank you.

>> So on that item we would have a consent postponement to April 16th. So we have two consent items and postpone item 36 to April 16th and postpone item 37 to April 16th.

>> Mayor Adler: Is there a second to the consent agenda? Someone move approval of the consent agenda. Gallo. Seconded by Ms. Tovo. Any discussion on postponing 36 and 37 both to 4/16? All in favor raise your hand? Those opposed? All voted yes with -- except for councilmember troxclair is off the dais. So the items we have left to do are the Austin housing finance corporation matters? Which I think we'll do last? All right.

[7:15:30 PM]

So with respect to item 34. 33, thank you. Item 33. Did you have issues that you wanted to raise on that?

>> Pool: On the overlook there were a couple of comments I wanted to make, a couple of questions.

>> On item 33?

>> Pool: Is that the overlook?

>> Mayor Adler: Why don't you do that and see it will take us awhile. The reason I'm doing this is we have the briefing and I'm trying to figure out how many people we can let go quickly before we do that. What do you have on item 33? Questions?

>> Pool: One of the questions went to the square footage for the parking facility. Does the ordinance support the valid petition to limit the square footage to 12,000 square feet?

>> Yes, it does.

>> Pool: Is Mr. Lez knee accuse with us? I was looking at the hydrologist review and I realized that these environmental features are not pertinent or relevant at this point in the game, but they are when we get to site plan approvals. It seemed backwards to me because the environmental board will be looking at this case after we in fact have passed it here. So I wanted to make a couple of points and make sure that they were read into the record so when we get to the site development plan that we can make sure that the many comments that Sylvia pope had commented, she's the hydro geologist. She has a number of notes that specific rules are noted on the plat note sheet indicated that this site is subject to specific mitigation rules. And then the one thing I would ask you, and this is in reference to the review and it's pages 25 to 28 of the staff report for second and third readings, I believe, we have this.

[7:17:41 PM]

Ms. Pope's review suggests that development on the site will require a number of variances to allow the proposed office building to be as close as 25 feet from canyon rimrock, which is a critical environmental feature. How does the council approval of the limited office zoning affect requests that may be made subsequent to tonight? By the applicant for environmental variances? Does it seem to negate the concerns about the critical environmental features or will they be adequately upheld?

>> The two processes are independent of each other. And so whether or not they have their zoning or not, generally the environmental variances don't take into consideration the use of the property. It's looked at what is the type of disturbance, how close are they going to be, what are the water quality impacts, regardless of whether it's multi-family or commercial, so it's independent of two processes. Whatever action council takes tonight won't impact whether or not those variances are granted.

>> Pool: In other words, they will automatically be granted?

>> No, no. The action on the zoning will not affect whether or not those variances are granted. And there are findings in the code, in the land development code, that staff is required to consider and make a determination that they meet those findings before the variance can be granted.

>> Pool: Okay. Is there any way for council to be assured that the multiple critical environmental features, including the rimrock and the seeps and the springs and the caves -- this is in the drinking water protection zone, is that correct?

>> Yes.

>> Pool: All right. That they are all properly addressed and adequate protections are in place?

[7:19:46 PM]

>> They'll be reviewed and protected. The kind of protections that will be required of this project are the same as any other project in the drinking water protection zone. It won't be reviewed any differently.

>> Pool: Okay. So staff is tracking all of this and making sure the plat is updated to note -- I think there were 37 notes that the hydro geologist submitted on this particular item?

>> I think so.

>> Pool: I'm sorry, 17, not 37.

>> Yes. Generally -- unless there's an objection from the applicant and then there may be a discussion, but these kind of notes, generally there's not an objection from the applicant. And so I don't anticipate a problem with these notes being put on the plat.

>> Pool: Okay. I would make a general note that I'd like to have conversation at some point about the order in which these kinds of cases come to council because it seems to me that we're approving zoning before we have assurances on the site plan. And I don't really know enough, which I would like to know better, how that might better be consensused. And I feel a particular obligation from my position as the chair on the open space environment and sustainability committee to raise the concerns from the community that relate to the drinking water protection zone. The fact that we have some delicate and fragile environmental features here and that we need to do everything we can to protect them, even with this fairly large development going in. So I wanted to make the note that it feels like these are out of sequence to see if there's anything we can do about that and also to make note that we are talking about a development, a fairly sizeable development that's in a very fragile and vulnerable part of the city. And I'm not even going to the transportation issues.

[7:21:47 PM]

I'm strictly talking about the environmental. Thank you.

>> Tovo: Thank you. Are there other questions from councilmembers? On this item? Is there a motion? Councilmember Gallo.

>> Gallo: There is a motion and once again I appreciate that both the developer and the neighbors have worked together on this. And do I need to read this entire ordinance?

[Laughter].

>> No. I like my job better than that. No. All you have to do is make a motion to approve it on second and third readings and we'd be ready to go.

>> Gallo: So I would make a motion to approve this ordinance on second and third readings.

>> Zimmerman: I'll second that.

>> Tovo: Councilmember Gallo makes the motion. Councilmember Zimmerman seconds it. Could you like to speak to your motion? Okay. Is there any further discussion? All in favor signal by raising your hand. All opposed? Councilmembers pool and kitchen are opposed -- voted against it. Councilmember troxclair is off the dais and mayor Adler is recused on this item. All others are in favor.

>> Thank you.

>> And I appreciate that all the parties have been here so for so long waiting for this item to come forward. Thank you for your patience.

>> Mayor Adler: That gets us to items 34 and 35, which are the remaining zoning cases. There's a request for postponement. You said the convention to that is have one person speak on both sides?

>> Correct. If I could read into the record real quick, item 34 is npa-00 type .01, little walnut creek for the property on east highway 2290 and 2500 east Anderson lane. The related zoning case is item 35, case c-14-2014-0135, also known as little walnut creek, and also located at 7400, 7424 and 7450 east highway 290 and 2500 east Anderson lane.

[7:24:02 PM]

The applicant is requesting a postponement of this item to June length. My understanding of the reason for the request and I presume he will speak to it, is they would like to investigate the issue of achieving joint access through adjoining properties to get to Anderson lane. The neighborhood is here and they are opposed to the postponement request and would like to see the case go tonight. I believe Mike Dallas is the name of the person who -- the applicant requesting the postponement.

>> Mayor Adler: Okay. We'll have two speakers on the postponement. First someone speaking for it and then someone speaking against it. Is there someone here to speak for the postponement?

>> Good evening, Mike Dallas, I'm representing the applicants on this case. The property is currently zoned G.O. It's located at the intersection of highway 290 and highway 183. The proposed amendment is to allow mixed use, which would permit townhouse zoning on the property. The proposal is for about 100 to 110 townhouses on the 22 acres. We've met with the neighborhood a number of times over the last several months trying to get some feedback on it, and this past Monday we met with Ms. Houston to get her feedback and opinion about the project. She suggested that currently the property has one access point on highway 290. She suggested that we try to negotiate with one of the neighboring property owners on 183 to help with the traffic flow and give it another access point. And then also go back to the neighborhood to try to be able to work something out with them. I think both of those items, in between gaining access and negotiating with the neighborhood are going to take some time so that's the purpose of the postponement request.

>> Mayor Adler: Thank you. Any questions at this point? Who should be the designated speaker against the postponement?

[7:26:18 PM]

>> Good evening. Thank you for having us. My name is Sammy Easterday and I represent our neighborhood association in opposition to postponement of npa-201400.01 currently scheduled to be heard today. You may remember that this rezoning proposal has been scheduled to be heard by councilmembers four times since the October 2014. Each time our neighborhood prepared, insured we had backups so allocated time was covered and then at the last minute the case was postponed. We did have a hearing before planning commission and the proposal was denied. Many of us have worked for a very long time on this. This week is a sacred time for many major religions, posing scheduling issues for many of us. We gave up doing some of these church-related things because this is so very important to our neighborhood. We now may be put off yet again for presenting to you our reasons for objecting to this rezoning. After the applicant postponed 12 February we heard nothing regarding the proposed rezoning. After I e-mailed a contact in the planning department I got an email from this gentleman the next day noting a reduction in the number of condos proposed and that they're willing to eradicate the possibility of an apartment. Several months ago, September 24, 2014, in the statesman there was an

editorial on the topic of developers and neighborhoods. And some of you may have read it. I will quote for you the three items that usually happen in Austin in situations like ours. I have changed the comments about allies somewhat from the original. The zoning game, number one, application phase. Developer almost always asks for twice as much as they really want so their allies in city government can look good by cutting the request in half.

[7:28:19 PM]

Number two, misdirection phase. The developer cleverly diverts discussion about the proposed project, again with a little help from city allies, from the most important and relevant issues such as density and height and so forth to the less important and irrelevant site planning issues such as curb cuts, sidewalks and bikeways. Number three, the barter phase. The developer offers a lot of nice-sounding amenities like two stars out of five for buildings, street improvements and affordable housing contributions in exchange for rezoning. In the end everyone is -- everything is designed to make the public feel like the proposed project is a must-have, economic stimulus for the city. I suggest we have in phase two, misdirection, delay hearing about the proposal while developer looks into getting another curb cut on 183. And the gentleman met with some of us on the board of the neighborhood association in January and said that at that time he was unable to get any cooperation of the owners on 183.

[Buzzer sounds] And please remember that zoning changes go with the land, not the current owners.

>> Mayor Adler: Thank you. Do you have any concluding remarks?

>> No.

>> Mayor Adler: We have item number 34 and 35. There's been a request for postponement.

>> Houston: I'd like to make a motion not to postpone, but to go ahead and hear tonight.

>> Mayor Adler: Okay.

>> Zimmerman: I'll second that.

>> Mayor Adler: It's been moved and seconded to not grant the postponement. All in favor of not granting the postponement -- is there anyone who wants to discuss that issue? All in favor of not granting the postponement raise your hands?

[7:30:20 PM]

It's unanimous on the dais with Ms. Troxclair not here. That gets us to the issues themselves on number 34 and 35. What's the impact of the zoning change that's requested.

>> It's a request for G.O. Mu np zoning to allow for a detached condominium project.

>> Mayor Adler: Allow for residential use in what would otherwise be an office project?

>> Right now the existing zoning would just allow office. The proposing office mixed use office that would allow office or residential or a mixture of both. Would you like me to do the staff presentation for both items? Item 34 is a plan amendment case, npa-2014-0029.01 for the property located at 7400, 7424, 7450 east highway 290 and 2509 east Anderson lane. It is a 22.49-acre tract. The requested change to the future land use map for the St. Johns Coronado hills neighborhood plan is to change the Flum from office to mixed use office zoning. Staff is recommending the change to the Flum. The planning commission however did recommend denial of that request. The related zoning case is item 35, case c-14-2014-0135 for project known as little walnut creek, also located at 7400, 7424, 7450 east highway 290 and 2509 east Anderson lien light rain, also 22.487 acres. The request is go-np to g.o.-mu-np zoning. The staff is recommending approval of the g.o.-mu-co-np zoning with a conditional overlay that would limit the traffic to no more than two thousand vehicle trips per day the the planning commission recommended denial of the request as they did with the neighborhood plan. I can tell you, mayor, just quickly, the proposed project is a detached condominium project, so you would have

common ownership of the land, however the structures would look a lot like houses in that they would be separated from one another.

[7:32:27 PM]

The staff was -- did have some concern of this when we first came in the original request was for multi-family. And if you look at just a map and you think that we have the intersection here of two freeways basically, Anderson and 290, normally that would justify a higher, more intense zoning, some sort of intense retail or commercial type zoning. However, this tract has very poor access, even though it is located at the intersection of two freeways. It's the property that used to be used for the former boy scout headquarters in town. And I have a son who is a boy scout and I've had to go there several times. It's the kind of place if you're coming off of 290 and you miss the driveway you have a rather large circle you have to make to come back to it. For that reason staff felt that rather than a commercial use or an office use, that a residential use was also justifiable on this property in a situation whereas I said we normally would not do it. The rationale being when someone lives at a place they kind of know how to get there. If you had just commercial zoning or office zoning you would have a lot more visitors who were maybe coming there for the first time and would run into the same access or difficulty in accessing the tract that I personally have been through myself. So anyway, the staff is recommending the g.o.-mu-np-co and the planning commission recommended denial based upon the testimony that they heard from the neighbors. And I think we'll hear from them shortly. My understanding is the main reason for objection is in their neighborhood plan they had an issue with the amount of multi-family that was located in their neighborhood. So with that I'm available for any questions.

>> Houston: Mayor, may I ask a question? So the property that we're talking about, you're saying is where the boy scouts used to be located? Because the boy scouts used to be located near TREs amigos before they moved out.

[7:34:29 PM]

I'm not aware of anything that used to be on this property.

>> I thought this property was boy scouts.

>> Houston: No, boy scouts used to be south of this property, south of 290.

>> If you see the aerial the only access is on 290 because you have intervening properties --

>> Houston: I understand that. I wanted to make sure we were talking about the right property.

>> I understand. I would still say there's an access issue for this tract.

>> Houston: Of course there's an access issue.

>> Mayor Adler: Ms. Tovo?

>> You kind of spoke to this a little bit, but I wonder if you could tell us what the planning commission concerns were and what the vote was at the planning commission?

>> The vote at the planning commission was to deny the request on a six to two to one vote.

Commissioners Verghese was absent and voting no were -- service six-two-one, so we had oliver and Hernandez made the motion. I don't have the vote of those in favor and those opposed.

>> Tovo: I have it somewhere in my notes. I have look it up. Can you summarize for us the concerns that were raised by the commissioners or some of their rationale for denying it?

>> From what I heard there were two rationales for the denial. One was folks who thought that perhaps it was more of a commercial tract, given its location at the intersection of two freeways. And so they were in favor of leaving the existing office zoning there, not adding mu. And there were other commissioners that were resip active to the neighborhood's argument that this neighborhood has a lot of multi-family zoning and although they would be condos and detached condos, it would in essence be

multi-family zoning under go-mu so they sympathize with the neighbors in that regard.

>> Tovo: And the concern about multi-family zoning was?

>> The staff's concern with multi-family zoning was that it would allow solely multi-family use.

[7:36:30 PM]

Whereas if you had go-mu, although they could do the detached condo project, if that were to fall through it could still be an office complex or perhaps even better a true mixed use project. We did not want to restrict it to solely residential, but they were okay with the mixed use possibility.

>> Tovo: To provide options for the developer.

>> To provide for options, yes.

>> Tovo: Okay, thank you.

>> Mayor Adler: Any further questions from staff? I'm sorry, Ms. Gallo?

>> Gallo: this is a question for councilmember Houston. Is -- it seems like the component of this that's desirable is more residential housing, so is there a need for more residential housing in this area?

>> Houston: Not really, councilmember. The need is for businesses. As you know, we've been talking about that for awhile. And so to put families on this unit with the extreme traffic flow and being able to get in and out safely is a safety concern, as he said it's an access issue for me. So what they need, if you look to the -- in that little yellow part, those are multi-family units directly west or townhomes. So they've got a lot of multi-family already in that area. And the need is for businesses and amenities and not for more houses.

>> Mayor Adler: Do we want to hear the applicant speak? And then after the applicant we have some speakers that want to speak from the public. We're calling items 34 and 35 up for consideration at the same time. So comments can be addressed to both of these issues. The applicant.

[7:38:32 PM]

>> Hello, Mike Dallas again. We've had this property on the market for --

>> Can't hear you.

>> We've had this property on the market for several years, and most of the interest in the property has been as a multi-family development. I know whenever I first saw the property I was thinking it would be a great location for an apartment complex. I've had very, very little interest as an office site. As far as retail site, the only type of retail interest that I've had in the property was, say, two acres for a motel-motel. I've had no businesses that wanted to locate there. Even though it's at a major intersection, there's high traffic counts on both streets, but everybody is going by pretty fast. Currently it is zoned office. With the size of the property, a 400,000 square foot office building could be built on the site. Per city staff, the transportation department told me that could generate as much as 10,000 vehicle trips a day. In addition, medical office could be built on the site. Medical office -- their concern was traffic coming in the morning or the certain timing of traffic. Medical office you've got people coming and going all day. The other permitted use under G.O. Would be a private school or charter school. Which that's going to entail several hundred parents dropping their kids off in the morning, several hundred parents picking their kids up in the afternoon. So that could also generate traffic. A residential use is probably going to generate the least amount of traffic other than it remaining vacant land. And we've been very consistent the entire time. It's not been bait and switch. It's been 110 town home units since last July whenever we first filed the application.

[7:40:37 PM]

So the city transportation department says that 110 townhomes would generate 600 vehicle trips a day, 300 in, 300 out. It would be very compatible with the other uses around there. Right across the creek is the old town condominiums. That site is about 23 acres. 23, 24 acres. There's 183 townhomes on that. So this would actually be less dense than old town. It's going to be predominantly owner occupied. I know the neighborhood had a concern about it turning into rental housing. With the price of the land, the price of development, these are going to be 200,000 to 250,000-dollar townhouses. The plan is between 1500 to 1800 square foot units. And I doubt very few of those are going to become rental units. I expect it to be primarily an owner-occupied neighborhood. The other concern was about connectivity into the neighborhood. We'll have no connectivity. Little walnut creek separates this property from the rest of Coronado hills. There's not going to be a bridge. That would be prohibitively expensive to build a bridge. The property is basically an island. The neighborhood -- I've spent a lot of time on the neighborhood plan, designated this as office and they want to stay with office, but I really haven't had good explanation about traffic. Part of it has been the timing of traffic in and timing out, of which I'm sure you will hear about that. We've capped it at 110 townhomes from the beginning and haven't had any negotiation.

[7:42:41 PM]

Typically setbacks, plant landscaping, but we've had no kind of compromise. We're asking for 110 townhomes units. We're willing to write that into the ordinance and if you have any other questions, let me know.

>> The school is on the other side of the creek.

>> The closest school is Reagan high school. That was part of the misconception at planning. This property is in manor school district. There was some concern about kids walking to Reagan high school. Unless they requested an out of district transfer, I guess you might have a few kids walking to Reagan high school, but going across the creek there's a sidewalk on the bridge, there's a concrete barrier.

>> Okay. My thinking is that there is green space and ball fields over there, so there may be reason for people to want access across the creek. I'm curious about that connectivity. You say it's too expensive. I don't know what all thinking has gone into how we might be able to accomplish additional accessibility and connectivity, but that might be a conversation to be had to maybe think a little creatively about how these things might actually be put in place. And think about the very real benefits, if this is developed as residential or even if it's developed as office because the ingress and egress is pretty dangerous. If we have some other ways at least for pedestrians or people on bicycles to get in and out it would be a real benefit to what appears to be a land locked -- I think you called it an island. I think that's a real problem with this particular site being developed in any large way is the fact that people will be stuck in there with very few choices for how to get in and out.

[7:44:55 PM]

>> That's exactly the type of feedback or negotiation that I would have expected to have with the neighborhood if it related to safety. I think a vehicular bridge would be expensive to go across little walnut creek. I think a hike and bike trail, if the neighborhood was open to that, that's something that I think -- I think we could commit to that.

>> Pool: I think if we can think larger about connectivity and access, it's not just the cars that might be a real plus.

>> Mayor Adler: Ms. Tovo.

>> Tovo: Can you tell me -- I think you mentioned price point was between 200 and 250 is the expected price point. What is the bedroom count on the 110 units?

>> I think the majority of them are going to be three-bedroom, two bath units.

>> Tovo: What other amenities are in this scheme? Is there a pool? Are there other kinds of amenities that would be appealing to families with children?

>> Standard amenities for 110 unit town home community. There's going to be a nice buffer along little walnut creek. In addition to roughly two or three acres of floodplain I think it's called the erosion zone. You get a setback, about another 100 feet from the creek. There will be a greenbelt along the creek. We haven't gone through site plan. Zoning was first.

>> Tovo: I understand that. How about a pool?

>> I'm sure there will be a pool.

>> Tovo: The reason I'm asking these questions is I'm trying to get some sense of what is your audience? What is your market or what is the developer's market for these? Are you going to include the kind of amenities that would be appealing to families with children?

[7:46:56 PM]

Is that the expected, intended use or end user?

>> Predominantly three-bedroom units. I think it will be a fair number of families. It could be move up for the people who live in Coronado hills or currently live in old town. The proximity to downtown is definitely a plus. You can hop on 290 and get downtown and a lot other parts of town in just a few minutes.

>> Tovo: Thanks. Is it on a bus route, do you know?

>> Um, I'm not sure what the closest bus route is.

>> Tovo: Okay. And I was going to ask you whether you had done an educational impact statement and then you mentioned it's in the manor school district. So I assume either you didn't hit the trigger or that's why -- well, either one of those things would be a reason not to have an educational impact statement, but that reminds me since Mr. Guernsey and Mr. Rusthoven were here, -- I'll serious mention it. It's just a question. On the broader impact, there was a council resolution asking staff to go forward and work with those other seven school districts to develop an educational impact statement so that when we do have projects that are within the city of Austin limits, but in those non-aisd school districts that we also have access to that kind of thoughtful report that comes to us with aid. So I just want to encourage our staff who are here, I'm still really interested in seeing that. I still think it would be useful for we could get those other school districts to work with us on those educational impact statements. Anyway, thanks so much.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: Sir, can you talk to me a little bit about the entry and exit way? Will it be large enough for a school bus from manor to come pick up students?

>> That would all be addressed I guess during site plan. I'm not the ultimate developer. I would envision for a school bus a nice turn around inside the property. I doubt if they would want to pick kids up right on 290.

[7:49:00 PM]

So it would be similar to some of the -- say, student housing property on Riverside to where a bus can get -- possibly get off of the road. At least a school bus.

>> Houston: But at this point we don't known even know if school buses will pick them up.

>> It will be addressed in sight planning.

>> Houston: My concern is once a zoning is passed that's it. As most people know the zoning is with the

land, not with you the agent or the owner. So what kinds of assurances do we have that all the things that you're saying now will in fact come true once a development is developed?

>> Primarily the cap on the number of units at 110 -- it's not going to be a 300 unit apartment complex.

>> Houston: But with three bedrooms that's a possibility of how many people in a unit?

>> I'm not sure what the city's standard is on bedrooms.

>> Houston: I guess my concern is with the 110 units, we're not talking about one car per unit or one person. We're anticipating more cars and more people.

>> Sure.

>> Houston: And I guess I'm trying to figure out where you got the 350 trips a day. Is that based upon --

>> The 600 vehicle trips a day was from the city transportation.

>> Houston: Okay. Could someone from city staff come and talk about how you come up with is 600 trips a day, and what is the traffic impact -- actual count of cars going up and down 290?

>> I don't have information on the amount of trips on 290 or existing traffic on 290. I can tell you that the -- because the applicant -- the amount of proposed traffic from this development if we did cap it at 110 units, that would be somewhere between six and 600 trips per day, which is under our threshold for a traffic impact analysis.

[7:51:11 PM]

So we presume about six to seven trips per unit.

>> Houston: So that's two cars per unit or how is that determined.

>> There's the institute of transportation engineers, a national institute of Jesus Christ engineers, they put out a big book called the transportation manual. And they've laid out the tubes across driveways for a multitude of different uses that many different places across the country. We have sampled how much traffic comes out of apartment complexes here and in other states. And they've come up with an average that on average a condominium unit will generate somewhere between six and seven trips per day. A trip, however, is a person coming to the place and a person leaving. So when you came here today you made one trip in and when you left -- when you leave later that will be one trip away. So six to seven trips per unit means you have about on -- on average about three people, four people coming to the complex, coming to the and and leaving the unit per day.

>> Houston: Okay. Thank you. Mayor, can we -- I'd like to hear from the neighborhood.

>> Mayor Adler: We do. We have four speakers to speak. Anything else at this point? Ms. Tovo?

>> Tovo: I'm sorry, one more quick question for you, sir. We were talking about educational impact statements and I forgot to ask you the question that I wanted to about that issue. Do you know what elementary school this would track to and what the enrollment is like, whether they could handle the increased capacity, the increased enrollment?

>> All I know is it's manor school district. I don't know which elementary school it is.

>> Tovo: All right. Thank you. I think that would be useful. That's the sort of thing we usually collect in our educational impact statement and I would be interested in knowing what it is for this project using the standard calculation that our city usually do D for units and families with children. In some sense. I'm not as familiar with manor school district.

[7:53:14 PM]

I'm not sure of the these children could go to could handle the increased enrollment.

>> Zimmerman: A question quickly. What are the property taxes on the dirt right now? It's basically sitting there unused. How much is it costing just for it to sit there?

>> Uh...

>> [Off mic].

>> I think the tax value is around two million, so it would put the taxes at about 50,000 a year.

>> Zimmerman: Okay. So for the dirt to sit there costs somebody 50,000 a year, approximately.

>> Yes.

>> Mayor Adler: Okay. We have some people to speak. David Easter day.

>> Can we reorder that?

>> Mayor Adler: Yes, you can. Ms. Easterday do you want to go first? Okay. Is Cecelia Alvarez here? Is Johanne Bartz here?

>> [Off mic].

>> Mayor Adler: You have nine minutes, Ms. Easterday.

>> Before you set the timer I would just like to explain that we have a powerpoint presentation and I will be doing part of it and Ms. Bonnie turet will be doing the second part of it. Thank you. With all due respect to Mr. Rusthoven I have to correct something about the planning commission because I was there. And the gentleman spoke up almost immediately and he said that is no place for an inexperienced driver to be driving -- trying to drive out on to 290.

[7:55:18 PM]

And safety was his big issue. So the safety of the residents was his issue. I speak in opposition, as you can see from the overhead. The zoning change, as Ms. Houston mentioned, was -- goes with the land and not the owner. It was denied by the planning commission. You know where we are by the previous speaker. Who are we? We're a neighborhood, of course, and by the 2010 census, per square mile Austin is 2653 people. We are only .551 square miles and if you extrapolated that out to square miles, we would be 6,435 people. So we're pretty dense already. This is the type of housing units we have, an ash behind the housing units means it's affordable and subsidized. We have two totally subsidized housing developments and the rest are a MIX. That gives us a total on our .551 square miles of 1,467 housing units, plus there's illegally parked trailers and outbuildings as dwelling units on the property of 7609 Cameron and the property next door that has no street address. We have lots of commercial and public properties, but I'll go down to the bottom, the red part, the public land use. Reagan high school, the stadium, Clifton center, the athletic fields, there's more than one. There are parking lots. The aid school bus terminal and E.M.S. Station. So those are within the confines of our .551 miles. Our neighborhood plan calls for G.O. Zoning. And we worked over three years on this plan and we didn't just come willy-nilly saying this should be office.

[7:57:27 PM]

And so we oppose changing it. We had multiple meetings in 2014 and 2015 of our contact team and our contact team president will speak to you later. And the neighborhood association. And they all came back, leave it G.O. The density of our housing in our half mile area is pretty good compared to the rest of Austin. The hazardous traffic at 183 and 290 for location of residents or schools was one of the big issues with the planning committee -- I mean commission, thank you. Concerns are pollution and noise from two major highways. We drove around and stopped and walked out and spent 10 minutes here and 10 minutes there, and it was a weekend and it was so noisy it was like a canyonlike effect. And the desire for consistency with other office space in the adjacent area, as Austin grows more office space will be needed. This is what is currently on the ground at 183 and I-35. There's office buildings on 183, which is at level and above level drive. And the housing units are behind the offices. On I-35 there's commercial property and the housing units are behind the commercial property. It mitigates extremely high noise levels noted in the canyonlike effect elevated in surface highways of 183 and 290. It buffers

the noise, traffic and debris, the fumes from all of these automobiles. The approval of zoning change by the M.D. For Coronado hills is based on incorrect information. You have to know that we were told that we had to go together with St. Johns in our plan, and we have nothing against St. Johns and we collaborate like to keep a liquor license away from the school area.

[7:59:34 PM]

But they are two very different neighborhoods. And when they were planning their future land use, we sat with our hands in our lap and said when you guys tell us what it is you need and want, we'll vote for you. When we were doing ours, they did the same thing. They said we don't live there, you do. So whatever you decide we'll all vote. That's how we did that for three

>> So the planning department makes an incorrect statement that the property located at the intersection of two manager highways is compatible with an on activity corridor or within a center of imagine Austin. The map that they showed shows their center to be about right in the middle of the villas, condominiums and Clifton school for children that have multiple disabilities. Imagine Austin on page 207 has language that maintains the integrity of neighborhood plans. The planning department document which is noted there did not the neighborhood association did not request a meeting postponement. We have never requested a postponement. Pages 4 and 5, the transportation additional right-of-way may be required as a conditional overlay limiting vehicles to 2,000 a day. Who is going to monitor 2,000 a day vehicles on 290 highway? Of course there's the environment of that creek. Now, I've spent my professional career in healthcare helping people get from a bad flies a place or keeping them out of harm's way. I'm not about to begin at this point in my life to put people in harm's way. That's what will happen if you put housing at the intersection of these two highways. A boy was hit and killed trying to across 83 on manor road on foot. Police say that's the third time in that area.

[8:01:35 PM]

Germane was a high school football player. Curb cut on 183 near the intersection of 183, not far from where this translating occurred. Teenagers toned think they're invince and will take chances. Do we want them to live between two highways they feel they have to cross to get to their destination. The sidewalk on 290 is at the curb so you've got this fast moving traffic and the sidewalks right at the curb. There is a railing at the bridge and the nearest bus stop is a mile -- little over a mile away. So if anybody wants to come in or go out of this, they're going to walk on that highway. I wouldn't want my kids on it. I don't think you would either. The next part of this will be given by Ms. Bonie tourig.

>> Good evening, mayor Adler and mayor pro tem and all you councilmembers. Bear with me if I can't have eye contact with you all. My name is Bonnie tourig and I live in Coronado hills neighborhood and I'm here to speak on be half of the neighborhood association in opposition to the proposed plan amendment and zoning change. You've already heard of the high density of housing units within the boundaries of our one half square mile neighborhood. Comparing the density of people in Coronado hills to Austin density shows ours exceeds that of Austin by twice as many people per square mile. To increase housing density by an additional 110 condominiums on that corner property is not wise use of the land.

[8:03:37 PM]

It is an inappropriate location in and which to place family-style housing so close to the super busy, noise, high-traffic volume at the convergence of 183 and do 290 with 20 lanes of traffic on various levels. Spanning out in four directions. There will be only one street off of the 290 westbound service

road in this community for homeowner vehicles to enter and exit this property. This also affords the only street entrance and exit for pedestrians, including children, on a narrow sidewalk abutting the busy right-hand traffic lane of the service road. There is no protective barrier between the sidewalk and the roadway except for a short distance over the -- on the bridge over the buttermilk creek. The curb cut could be approximately three to four-tenths of a mile from the 290 intersection from which cars will be approaching at accelerating speeds. These are huge safety factors to be considered. A walk to that nearest bus stop that Ms. Easterday referred to is practically 1 mile away at burkeman and 290. Additionally the property is part of the manor school district so children's transportation to school there will be part of the busy 290 traffic both morning and afternoon. The manor elementary school is 5 miles from the intersection. The middle school is approximately 9 miles away and the high school is 9 miles away. We question how many parents will be happy with that plan. Our neighborhood plans of go zoning reflected our best interests to prevent this type of development from happening. The transit authority map of traffic volumes from 2013 shows between 65,000 and 70,000 vehicles per day pass north and south through the intersection on 183.

[8:05:47 PM]

And between 46,691 and 57,069 5 608 vehicles per day pass east and west on 290. These extremely high traffic volumes have increased with the subsequent opening of the 290 east toll road and they will further increase when the 183 toll road opens with the first toll booth just south of that intersection at manor road. The map of traffic rate of speed from 2013 shows our small neighborhood surrounded on all sides by traffic traveling at high rates of speed, the sound of which thunders across our neighborhood both day and night. The heavy 290 incoming traffic runs along the corridor of our neighborhood as seen on this slide. A portion of it is on the service road, passing at high speeds the street corner at creekside, where we attempt to exit from our neighborhood. Some of it comes from -- also comes from both north and southbound 183 traffic when it use this is intersection to enter 290 going west. Example, the 433 apartment units on Anderson lane that are part of our neighborhood can only exit on to the south -- onto the 180 southbound service road leading to the 290 intersection, where some join the westbound traffic. Again, passion our neighborhood. Traffic along the 290 westbound service road is also generated by the businesses located there. An automotive shop, restaurant, motel, an 80 unit home trailer park and auto sales place. Creekside is the only exit for us between 183 and burkeman drive. It is use bid residents from the nearest 482 housing units.

[8:07:47 PM]

Pulling out into three lanes of oncoming traffic in the morning rush hours is already a safety issue and is challenging enough now without adding to it hundreds of vehicles coming up from the condominiums, which the applicant states at six to 700 trips per day. There is nothing we can do about the burgeoning traffic we currently face but we don't have to purposely add to it with the additional condominium traffic. To say that the added condo traffic will be negligible to our neighborhood is simply not true. However, traffic associated with the kinds of businesses and offices permitted under go would come and go throughout the day and not generate these additional daily waves of vehicles at peak morning rush hours along 290. That further complicates egress from our neighborhood. The go zoning leaves open a wide choice of building possibilities in line with the Coronado hills neighborhood plan. It's fair and accommodates the needs of both the neighborhood and future developers. In 2010, the city of Austin asked us to develop a, well, well thought outplan for the future of our neighborhood. We worked on it for three years and we did what the city asked us to do. Now, this is that future. And we ask you to support the integrity of that neighborhood plan by retaining go zoning. Based on city density figures our

small suburban neighborhood has greater density of people and housing per square mile than Austin does and we are only half a square mile. I suspect that we meet or exceed the intent of imagine Austin for density.

[8:09:49 PM]

Do not permit housing for families, some with children, to be built and attempt to flourish with all this property's disadvantages within the shadow of this huge major highway exchange about I repeat this is an inappropriate location for family housing. The planning commission agreed and -- and denied approval of the zoning change. Now we ask you to support our neighborhood plan and also vote against the proposed zoning change. Thanks for listening.

>> Mayor Adler: Any questions? So Ms. Easterday, so that I can understand, so this is a tract of land that has a lot of problems with it from an access adapt because it's just on the access road from -- going from 183 to 290, can't get out to the main lanes, main lanes can't get to this tract, it's on that frontage road and only has one driveway out to the frontage road and it has the approval now to do go office. And the question is should they be able to do residential. So the choice is between go office and residential. Office and residential. It would be -- it would be obviously best for traffic if nothing was built because then there wouldn't be any added traffic. And I'm trying to compare in my mind the residential to the office uses. One thing that we've discussed, you've discussed, they've discussed is the safety issue. That it's not -- that it's less safe for the residential use than it is for the office use I guess presumably because there are children there with residential use than office use so being close to the road and having what will be a safety issue, whether office or residential, is exacerbated or more serious if you have children there than if not.

[8:11:57 PM]

That's the argument for safety, right, office verses royalty?

>> That and the fact that an officer in the mornings they'd be going to the office or going to the businesses. They wouldn't even come as far as creekside in the evening when they leave that's not an issue. Anybody going to or coming from that has to make -- they have to go west on 290 if they want to go east they have to make a U at burkeman and get on 290 to go south or north on 183 or east on 290. If they want to -- for us in the neighborhood to get there, we have to go out on the highway, come around 183 and that little curve that goes on to 290 is pretty fast moving traffic. And their curb cuts are going to be fairly close to that, as well as the fact, sir, if you're coming from 290 and you stop at the intersection your car is going to be accelerating where that curb cut is going to be. And in an office situation, people going in in the morning is not going to -- they're going in there. They're not coming and going. They're going in there in the morning.

>> Mayor Adler: I'm not sure -- in the morning, if people are living there, they're pulling out onto the frontage road and heading west on 290.

>> Have to. That's the only thing they can do.

>> Mayor Adler: So that's the -- for residential use in the morning, it's just -- it's that piece of the residential so it's going further west. And what you're saying is the office people that are arriving are going to be traveling southbound on 183 and pulling into the property.

>> Or encourage bound or from, you know -- they could be coming north on 183 and turn and go in. They could be coming south or they could be coming from the east. If they came from the west, they'd simply stay on 290, go to 183, make their turn and go into that development.

[8:14:06 PM]

>> Mayor Adler: What you're saying is if it's a residential use in the morning, it's less of a traffic impact when people are just leaving than the traffic that's generated from people coming from different places trying to get to this spot?

>> Nothing.

>> No, sir, what we're saying if you have people there, you figure 2 people are going to work and if there's a kid or two they're going to go to school. They're going to be coming out on 290 in the morning adding to what is already heavy duty traffic. And if it's an office, people would be going in the office. They wouldn't be coming out in the morning. The morning is the worst part. Does that clarify it for you sir.

>> Mayor Adler: It does. Office use adds traffic to 183.

>> Might.

>> Mayor Adler: And the residential would be adding traffic to 290?

>> I think it could be adding traffic to 290 and two to 183, depending on where the people need to go to get to work.

>> Mayor Adler: Okay. One of the other things you mentioned is that the office would be a better buffer for the neighborhood.

>> Yes.

>> Mayor Adler: Than residential. Is that because the office would be tall center.

>> Probably. But I gave you the picture of 183 and ih-35 and they have two levels as well elevated and at grade. And those housing units are behind it. There's a lot of pollution in the air and fumes and that kind of stuff, and the office absorbs that by the time you get to the housing units it's not so bad.

>> Mayor Adler: Would you support residential if it was taller and bigger --

>> No.

>> Mayor Adler: And formed more of a buffer?

>> No. Because it's unsafe and it's -- for people to have to put up and raise children where stuff is falling off of the elevated roads and fumes and debris from a major highway, that's no place to try and raise your children.

[8:16:10 PM]

We've had a lot of discussion already today about environmental quality and air quality. And young people and old people.

>> Houston: Mayor, let me add one other piece not mentioned. Reagan high school is directly west of this site. And so they have a very active football team so we've got busses and people going to games and going back from games. So that's during football season that's an additional traffic burden.

>> Mayor Adler: Traffic burden whether it's office or residential.

>> Houston: Yes. But I just wanted to make sure that people understood that there's a very active high school whose enrollment is up to 1,000 some people also trying to get in and out of that using that same 290 corridor.

>> Mayor Adler: Okay. I'm just struggling with this because there's a lot of traffic there. Traffic at the corner. I'm trying to pick out what the difference is between a residential and an office. Because the traffic is -- the baseline traffic is the same whether it's office or residential. Something is going to get built there potentially and it's going to add to it. I'm trying to focus on the difference between if it's office development versus residential. That's what I'm trying to think through.

>> Houston: I wish I could help. Maybe staff could. I don't understand how they do the traffic counts. They take it out of a book. I don't know what that book is. In my mind, an office creates less of an impact than a residential unit.

>> Mayor Adler: When we get back to staff maybe we can ask X that question.

>> Could Ms. Tourig respond?

>> Mayor Adler: Yes, ma'am. Thank you.

>> The difference between residential traffic and traffic from offices in that location is that residential traffic means that these people are going to be leaving in the early morning rush hours and when they -- when we try to get out of our neighborhood there's almost 500 units right close to creekside.

[8:18:11 PM]

You pull up to creekside and you wait and you wait, especially between 6:30 and 8:00. And so that's the peak rush hour that we're talking about that makes it difficult for us to get out of our neighborhood. If you have commercial, they're not coming in waves at 6:00 in the morning, 6:30 and 7:00. They're coming in through the the day. So they don't cause that surge of traffic that keeps us from getting out of our neighborhood and it's also not a safety issue like it is for us.

>> Mayor Adler: I understand. Thank you. Any other questions? Mr. Zimmerman.

>> Zimmerman: Thank you. First I want to commend you on a very well put together -- yeah, very good job. I'm very impressed because the information flows. You've kind of connected your dots really well. It was a real good job, interesting and to the point. I want to talk from the position of the person who owns the land and they're paying, what, \$50,000 a year for their dirt. And so, you know, they want to do something with it. I think we appreciate that. So something I struggle with here all the time is we have something a concept called the highest and best use for property, right? If somebody came in and appraised their property from a market view, somebody is going to buy the land, so there's this concept of highest and best use, and what I always struggle with here is why we think that we would be smarter than the market. That is someone who isology come and buy the property and do something with it. What I heard from them is they'd love to sell it for a commercial, you know, commercial use, office space. It's just -- but no one is interested. No one wants to buy it. Which tells me that the market says that --

>> I'm not sure, sir, that they approached for office.

[8:20:12 PM]

He was talking about commercial and this sort of thing. It would be a terrible place for a strip mall. Nobody would stop. That's for sure.

>> Zimmerman: Right. The point being we would all have our opinions, right, about the best thing to do with the property, right, is, planners and neighborhood associations. Then there's the market. Somebody who would come and buy it with the purpose of doing something with it, paying those crazy taxes. So I can't figure out why we, us or even you or even them, I don't know why we're smarter than the market, the people that want to buy it and do something with it.

>> There is another speaker that might speak to some of this for you, sir.

>> Zimmerman: Okay. Thank you.

>> Thank you. Oh --

>> Mayor Adler: Ms. Tovo.

>> Tovo: I see in the question and answers that took place at the planning team meeting that there was a question to the property owner or the developer about whether or not he or she knew the property history that the owners have tried to get it rezoned but failed and I wondered if you might know the property history of the rezoning -- potential rezoningings on this property.

>> There is a speaker who will speak do that.

>> Tovo: Okay, thank you.

>> -- Following me, but in the period of time since our plan was initiated, the only approach to the neighborhood association and to the contact team has been to put a strip mall there, and that seemed like a really not well thought out plan.

>> Tovo: Okay. Thank you.

>> And so --

>> Mayor Adler: Thank you.

>> Thank you. Mr. Easter day. Is David king here? Yes, you have six minutes sir.

>> Mayor Adler, councilmembers, fellow voters, I appreciate the system that allows me to speak in opposition to this rezoning request.

[8:22:12 PM]

My name is David Easterday. I'm a member of the CHCH neighborhood association and recently was elected chair of the chcs neighborhood contact team. The city planning staff recommends the zoning change to mixed use office. The attributes touted in the basis for their recommendations absolutely are not present in the plan development. When chscs was developing its future land use map three planning staffers that the land they now want to rezone was at that time unsuitable for residential development. It should be designated mixed use. Chcs held out for office. Speculators thought they could buy the property in question and make an easy profit especially if they could have it rezoned. If they are now having buyers' remorse it is not our duty to bail them out. You wonder why the planning department similarly changed its way about residential development. Could it be they only have their sights on the coveted changes to mixed use zoning, knowing that often the reason for rezoning goes away once the change has been made? I could point out that they could have recommended family 4b, fh4b and get the same effect. Instead they reached for mixed use. The office and city planning staff says they recommend the change but their published basis page, page 2 of this supporting document, is in no way fulfilled by the planned project.

[8:24:24 PM]

Saying something does not make it so. This is the staff recommendation. I don't know how they could have published this with straight faces unless they thought no one would read it. I'd like to quote from it. The St. John Coronado hills plan supports the development of more single family homes. St. John, Coronado hills at the time had no space for expansion of residences. We had a multiuse area and an office area and a grandfathered in trailer park. The only time we would welcome additional residential building is if the trailer park goes. The land use goal -- promote land use pattern that benefits everybody in the St. John Coronado hills neighborhood character -- by enhancing neighborhood character, sense of community, pedestrian friendliness and connectivity to neighborhood serving amenities. It doesn't do any of those. Quote, preserving single family residential housing stock, that's what we're trying to do by our opposition to inappropriate addition. Promoting pedestrian friendly development will not -- increasing neighborhood connectivity and accessibility to neighborhoods serving goods and services, they're kind of repeating themselves, and I am too. What the project doesn't do that. Providing the space and environment for community gatherings and civic functions, it is a virtual gated community.

[8:26:32 PM]

It has no connection with any of that. Balancing the abundant multi-family rental housing opportunities with single family housing opportunities, as pointed out before, we already have that balance and more density than most neighborhoods in Austin. Providing open space and recreation opportunities primarily

in Coronado hills neighborhood, the only way it it could do that is to remain a green space. Balancing existing impacts of major highways on community life. I'm not sure what they mean by that. I'm not sure they do either. Maintain and support historic qualities of St. John neighborhood. Does nothing for that. In regards to future multi-family housing, develop types like the domain referred to the downtown condominium found in the second street district, that's totally irrelevant. Housing -- the last three items are irrelevant. They just padded the -- padded the document with no meaning. I'll take questions.

>> Casar: Hi, sir. Good to see you. One quick question for you. I know you mentioned neighborhood connectivity and I noticed the creeks apartments right behind the proposed development there, that they aren't attached to the neighborhood. And I just wonder about if there's residential -- if this were to eventually become some sort of residential, if -- I felt a little confused, excuse me, let me start back over because I didn't start out with the sentence I wanted to start out with, which was that between councilmember pool and the applicant there was an exchange about connectivity over the creek and it sounded as if -- councilmember councilmember pool was interested in that connectivity but the applicant seemed to indicate that the neighborhood, if this were to become residential, was not.

[8:28:45 PM]

Are y'all -- if this did become residential at some point would y'all being interested in there being connectivity across that creek or not?

>> Well, they -- the old town condos are the ones that would be affected. And they do not want the connectivity there. However, there's been talk of renovating the -- or remediating the buttermilk creek and having greenbelt and hiking trails and a -- virtually a gated housing community there would inhibit access to something like that.

>> Casar: Then I guess my other question is the creeks apartments that you can get into when you're coming on 183 south, those aren't connected either to old town or to the --

>> No.

>> Casar: Okay. I guess, my question -- my confusion about it is that it sounds like -- I can't quite tell whether or not we are going for connectivity or not.

>> No. I'm just saying that they use that as an excuse to support this.

>> Casar: Okay.

>> And it's irrelevant.

>> Casar: Thank you. I think I understand your argument now. Thank you.

>> Mayor?

>> Mayor Adler: Ms. Tovo.

>> Tovo: Mr. Easter day, can you help me understand, I think I heard you say that old town does not want the connectivity?

>> Right.

>> Tovo: Can you help me understand why not?

>> Well, no.

>> Tovo: Okay. That's a fair answer. Maybe one of the other speakers will be able to. I saw references to it in the backup.

[8:30:47 PM]

>> There's no speakers here from old town, that I know of.

>> Mayor Adler: Would there be an advantage, Mr. Easter day, whatever the use was if there was a bridge that crossed the creek and if this applicant put in that trail area in the creek area?

>> It's been my impression and maybe there will be a speaker that will address this, that some city

regulations made it really difficult to have a bridge there. And --

>> May I speak to that? The property owners own to the middle of the creek. So if you have a house that backs onto the creek, you own to the middle of the creek. If there's an apartment across the creek, they own to the middle of the creek. That's what watershed told me because we had quite a bad pollution problem from apartments dumping down into the creek into people's backyards. And that's part of the problem with connectivity, is that the property goes down to the creek, the middle of the creek. And old town's property goes down to the middle of the creek. And so it's a dilemma to try and make any connectivity when that's the issue. And the watershed -- the way I understood what the gentleman said, they have a 10-foot right-of-way on either side of the middle of the creek. If that helps.

>> Mayor Adler: Do you know if that apartment across the way would want to have a bridge that went across if there was a trail that was on the applicant's side of that creek?

>> If you look at the gee okay geography you'll be walking nothing the back of that condominium development of old town.

[8:32:53 PM]

>> Mayor Adler: That's because there's further on the west side of it there's nothing to cross to?

>> Pardon me. I didn't understand your question, sir.

>> Mayor Adler: I'm just -- it's hard to see from the aerial. But on the west side of the applicant's track, is there a place to cross that does not end up in the back of one of the homes?

>> Not that I'm aware of, sir.

>> Mayor Adler: Okay. Thank you. Thank you. Thank you, sir. The next speaker would be bony tourig. You already talked. Mag id Tomassi.

>> Good afternoon. I don't know how to say it. I'm a professional engineer --

>> Mayor Adler: Would you hold the microphone a little closer to you.

>> Okay. The original zoning for this property before the neighborhood planning I think Ms. Tovo remembers that, she told me at the end of the last zoning hearing, said giving me an office building is better than residential and that's reverse. If -- reverse everything. If it was residential and somebody is standing in my position asked for office building, you should have heard exactly what they said. If I was here owner of residential for this property, residential, you know, zoning, they would have said exactly opposing to put the office building. Office building is not from 6:00 the morning, people come and stay there. If I put a medical office building there, three or 400,000 square foot, people will children will line up there to see their doctor. So we are not concerned about the safety of those children, about 200 patients lined up to see their doctor? When was the last time you went to Seton hospital on 38th street, last time you went to any of these clinics and see the number of people come to see their doctor.

[8:34:57 PM]

So I'm okay to put an office building, sick children in the car, come to this same intersection, same entrance but having 110 townhomes or apartments is danger to the children. So that answers the question. I understand the danger to children. I'm a very strong family man. Everybody in down knows me. It's a matter of choosing between the worst and the better than worst. So that's the problem. It's not the choice of having an office building or -- the best use, the least traffic right now I can see as an engineer would be putting residential in here or an apartment. Traffic -- have you been to the cross park across there. I go to the tax appraisal district 2, 3 times a year. Traffic is so hectic you won't believe it. If I put an office building and people come over there, imagine the amount of traffic. Traffic is not the issue. Safety is not an issue. It is an issue but compared to the office building? So I'm lost. Really I'm lost. Every time I go to the tax office they evaluate the property based on expensive, you know, office land and

charge me taxes. But nobody wants to buy this property for office. It is a mobile home park behind it, the cost of the construction, if somebody wants do build an office building 200 square foot, why would they come here? Nobody is going to pay 30, \$40 square foot rent. Ten, \$15, yes, that's what you can get in the neighborhood. We know there's going to be no office building. I strongly believe putting an office building zoned here was purposed, never anything be built on it. That's the whole purpose was done, so we can never build on it because it's not cost-effective and nobody wants an office there. Any of you are in business with an office you don't want to put your employees in that office building nor do you want to have an office, attorney, doctor, whatever it is. You say traffic is a problem, access is a problem?

[8:37:01 PM]

Yes. Neighborhood is not good? Yes. So everything said in here against the neighborhood is exactly against the office building construction. Thank you.

>> Mayor Adler: Thank you.

>> Houston: Sir, could we agree that if you put an office building there, once the office is closed there's no in and out traffic?

>> That's not true.

>> Houston: If -- hold on just a moment. If the offices are there and at the end of the workday everybody goes home to whenever wherever they live and residences are coming in and out, getting something to eat. There's nothing there. We have to go somewhere to eat, everybody not going to cook at home, that's not the kind of families we have now.

>> I understand.

>> Houston: So people have to go out, get something to eat, go to the grocery store because there's no grocery store there. Isn't the traffic more in a residential area all through the night rather than a set time between 9:00 and 5:00?

>> No.

>> Houston: Okay.

>> I have an office on the corner of Guadalupe and airport. Past 30 years. Imagine what this and I has allowed to be built over there, apartment complexes, one after -- the traffic from 183 to intersection of Guadalupe on Lamar is less than half a mile. It takes 20 minutes. Nobody knows about traffic or experiences it better than I do. Our property is less traffic even on two major intersection than in my experience around Austin close do that area. It's only 110 units. It's not going to impose any hardship on that traffic. Office building will do it.

>> Zimmerman: You want to go back to something I said before. I hear it a lot up here on the dais. I'm listening to things and someone will say if we put this on that property, and I say to myself we aren't going to put anything anywhere, right?

[8:39:04 PM]

There's a market. Somebody has to go say I think I can buy this property, do something about it. Somebody has to buy it, somebody has to pay to develop it. I keep hearing if we put this on the property. I'm like who are we? We're not doing that. My struggle here --

>> I can answer that. I'm not going to build it. I don't have the energy anymore. I have a company with so many employees in Austin, which I regret it sometimes. So I have to sell this property not to make a quit profit. I could -- if anybody knows me in Austin think know me, I could have bought on seventh street, 11th street, 35 ih-35 you allowed residential over there, you're not concerned about safety of the children on that place? All of arrive sudden everybody is concerned about safety of the children on 183 and 290? You forgot about 11th and 35 ih-35 when I used to work there down the street when I was 18

years old? People are going to buy this. Nobody came said gave us an offer for office space.

>> Zimmerman: That's my point.

>> Everybody came and said the only thing I can build to justify it because of city of Austin studies and stuff would be apartments or residential like condominiums or townhomes. Nobody came for office. Those people are not going to buy it from me because they want to give me money. Nobody wants to give me, I guarantee you, especially me, nobody wants to give me anything unless I earn it. So that's correct.

>> Mayor Adler: Any further questions? Mr. Casar.

>> Casar: I'm sorry, I know mayor pro tem brought this up briefly but I think I missed the whole story. So when you purchased this piece of property it wasn't yet zoned general office?

>> I can tell you. I was here. When we bought this property it was the middle of the neighborhood planning. They did a lot of hard work, these people. No question about it. When we got involved, it was already year and some odd past. We got involved. At that time we came here, requested for a zoning for retail, different stuff.

[8:41:07 PM]

The council voted to make it from residential or -- because originally it was residential. Way bra before opinion Ms. Tovo said we gave you office better than residential. I remember that very well. I deferred with that and I defer with it as of today. Nobody came to buy it so many years past. It has been on the market and nobody wants it as an office building. By the way we are an island. We are not connected. That creek is more than 50 feet wide, 30 feet, 25 to 30 feet deep. We have no connectivity to this neighborhood. We don't have pedestrian walk to their neighborhood, go break something, graffiti. It would be a nice community like an island by itself, nice place to raise children. You don't have that much traffic, nobody comes to your neighborhood, you only go to the place of your home. It's like a private Iran. The creek is so deep and big and 183 and 290 it's like your own community, like a small town in that neighborhood. So I don't know how it can be harmed the neighborhood.

>> Mayor Adler: Further questions. Ms. Tovo.

>> Tovo: Can you remind me what year that zoning case was?

>> It was about three years ago, the neighborhood, about three years ago. Three years ago. It was residential and the neighborhood said office, it&I think it was done intentionally because they know nobody will make it office building so keep it vacant. I have to have the right to do something. Giving me office building says you're not going allowed to do anything. I'm make it valued at \$2,000.

>> Tovo: I'd like to get information from staff. I'm not remembering either the comment you said I made or the original zoning case. Maybe our staff can help with that. Sir, I have a couple questions based on the report that we have in our backup and this is a staff report from the neighborhood planning team meeting, and the public meeting there were a series of questions and I think Pamela Madero's the applicant's agent provided the answers.

[8:43:20 PM]

Was she speaking on behalf of you? Help me understand. You're the owner --

>> I'm one of the owners, ma'am.

>> You are one of the owners. Pamela Madera was speaking on behalf of the applicant is what it says. Anyway, my question is this, it talks about why, what's the width -- all kinds of different questions, width of the green space. And the question that I wanted to ask you about, one of the questions, was is there anything -- this is the neighborhood asking this question, or the attend ease at the planning team meeting, is there anything that would prevent the applicant from moving forward on the zoning request.

The answer was if the neighborhood does not support it then the owners would not proceed to public hearings. So I wonder if you could help me understand the context of the response and why there was a decision to move forward.

>> Mayor Adler: Would you read this again?

>> Tovo: Sure, page 8 in our backup and it's under both items, actually. There's a lot of discussion in the q&a back and forth between the agent and the neighborhood planning team members about single family so I don't know if the first -- if they're really talking about townhomes or if the first discussion about this surrounded a proposal to do single family homes.

>> It was still the same proposal. Originally the property was under contract to another developer, and Pam Madera was representing that developer. The property is not officially under contract to that developer, but they're still very interested.

>> Tovo: I see. She was speaking on behalf of a possible buyer?

>> Correct.

>> Builder, home builder.

>> Tovo: Home builder. Anyway, I was curious if you wanted to respond to that because there was a clear statement if the neighborhood didn't support the request the owners wouldn't proceed.

[8:45:26 PM]

>> [Off mic]

>> Tovo: Of that particular applicant.

>> Mayor Adler: You need to come closer to the microphone.

>> They even have told us they're ready to offer them to use their amenities like swimming pool and we have a builder, he's exercising the right under the term of the -- the studies and stuff. If they buy this property to put swimming pool and community center and allow the neighborhood to use it. And -- but office building, present zoning, we cannot go forward with anything.

>> Tovo: All righty, thanks. If this is an appropriate time I'd like to get information from our staff about the history of the rezoning. It sounded to me like the applicant was -- or the owner was saying that it was residential and rezoned to be gr and I don't so that he in the -- I don't so that he in the staff report.

>> Mayor Adler: Let's call staff up and I have a trip generation question as well.

>> Councilmember, I do not see any indication of the rezoning of this specific tract. I do know in 2012 when we wrapped up the St. John's Coronado hills neighborhood plan that's when the np was added onto the property. I'd have to dig through the file more and try to find out if it was ever in fact zoned anything other than go.

>> Tovo: That may be what the applicant is talking about, maybe the conversation he was referring to happened in the course of approval of the neighborhood plan. It looks like Mrs. Easterday has some information 5 information.

>> This tract was discussed extensively at the time of the neighborhood plan.

>> Tovo: Can you remind me? Do you happen to recall what the elements were?

[8:47:26 PM]

>> I believe Ms. Easterday could better address that.

>> Mayor Adler: You don't remember?

>> I don't recall. I did not work on this specific neighborhood plan.

>> Mayor Adler: Okay.

>> Mr. Zimmerman.

>> Zimmerman: Quickly, mayor pro tem, I looked through the notes here. If you go back to page 7 from

page 8 that you were referring to, it doesn't look like this stuff is very accurate. About the middle of page 7 it says public meetings, the ordinance required community meeting was held September 15, 2015. I don't think that's possible.

>> That's a typo.

>> Zimmerman: I'm wondering about the accuracy of some of the information here.

>> Councilmember, that's a typo.

>> Zimmerman: Obviously it's a typo.

>> It was 2014.

>> Zimmerman: Are there any other typos.

>> Not that I'm aware of at this time.

>> Mayor Adler: Property, residential like this versus office, what's the difference in the peak hour morning trips versus the residential -- residential versus office and then in pm what's the difference in trips, number of trips generated, residential versus office?

>> Only thing I can address right now with regard to the strips an estimate of the amount of trips for the proposed project that they're discussing right now because I actually have a unit count on that. So I can tell you as we stated earlier if they do 110 condominiums we're talking between six and 700 trips.

>> Mayor Adler: Do you know what the trips would be if we were doing office?

>> Unfortunately I cannot I know I don't know how much office they could get on 22 acres. I think it's a very safe bet to say that they could get enough office on the 22-acre site to generate much more traffic than could be generated by 110 condominium units but until I knew the size of that building, square footage of that building, I could not run the traffic estimate. And the size of that building would depend upon a multitude of factors, market, number one, you know, the upons, parking, whether it was a garage, surface, et cetera, et cetera.

[8:49:35 PM]

>> Mayor Adler: All right. Thank you. Anything else for staff? Mrs. Easterday, do you want to talk about the zoning?

>> May I add something?

>> Mayor Adler: Hold on a second. Let's let Ms. Easterday glaucwas at most of those planning meetings we were told by the planning staff that were facilitating those meetings that it positively was not a place for residential zoning and we needed to change the zoning. It was not a good idea to put any kind of housing there. The apartments that are already there on 183 are a bad idea. You don't perpetuate a bad idea. So we sat down and we -- we deliberated over two meetings what that zoning should be and we came up with office. And we came up with office for good reasons, and you've seen that in your thing about 183 and ih-35 and there's other examples but that's what the zoning changed, was when we did our plan. And we did it partly because we were told by planning staff at that time that this was no way a flies -- place to put houses or that sort of thing. Thank you.

>> Mayor Adler: Thank you.

>> Casar: One question with Ms. Easterday just to follow up. You bring up, again, the crosscreek apartments, I forget the names of the apartments there on 183 as being poor land planning. Can you elaborate on that?

>> Because the only way in and out of those is 183.

>> Casar: What is the reasoning for them only being able to go in and out on 183 --

>> Because there's no other connectivity to them. There's creek behind them and they just built those apartments there. And the problem we've had at least that's been brought to my attention more than once with homeowners is that the yards back up to that creek, is that the apartment people throw over stuff and I've got all kinds of pictures of it and watershed was looking into it.

[8:51:42 PM]

I don't know what happened with it.

>> Casar: So bronte drive could never connect to those apartments on 183?

>> No, sir. I'm not city --

>> Casar: That's fine. Thank you. I appreciate it.

>> As far as I know they couldn't. Thank you.

>> Mayor Adler: I guess at this point the applicant can close the --

>> Exile you a question. In that size about --

>> Mayor Adler: Microphone, please.

>> 20 some odd acres office building I have a place in Flint, Michigan, you can put a 400,000 square foot building at about 2,000 space for parking lots. 2,000 parking spots. So it means you have at least 2,000 vehicles. That's very simple. As an engineer I'm telling you you put an office building over there you would have at least between 2,000 to 5,000 vehicular movement. So 110 condominiums or townhomes or apartments is the best use for this property considering safety, traffic, and good of the neighborhood.

>> Mayor Adler: Thank you. Any questions? Thank you. Does anyone want to bring forward a motion?

>> Houston: Mayor, I'm very familiar with that area and it's a very dangerous area. And so because of my familiarity with it, the safety issues, the traffic issues, how people get in, how they exit, the speed with which people drive down 290 and because -- because of the toll roads, many people exit and then use the access road rather than getting on the toll road. So it's a very difficult situation, and I had suggested that they try to find another way out on the other side, but they indicated that they've talked to the property owners and they were not at this point willing to sell them any access to 183.

[8:53:57 PM]

So because of that, I'm going to -- I'm going to -- oh, I can't talk and then make a motion.

>> Mayor Adler: Let me ask you a question and then --

>> Houston: I just did it.

[Laughter]

>> Mayor Adler: Let me ask a question and I'll try to give you the floor back because I'd be interested in knowing is it -- I understand the traffic and I understand the safety issue. Is it less safe or more safe or the same safe if it's an office building with more trips or residential development with less trips? With kids.

>> Houston: Again, deny.

>> Garza: Residential with kids with less trips, office with less trips --

>> Houston: Again, I don't know what's going to eventually line up there. I know as a parent I'm not going to be able to vote for homes where children are located and there are busses that have to come pick up up, take them to manor or their parents have to take them to manor because I've driven that and it's a racetrack. It's an absolute racetrack so I'm not going to -- I can't support it.

>> Mayor Adler: I understand. Ms. -- Ms. Pool and Ms. Kitchen.

>> Pool: Councilmember Houston wasn't able to make the motion. Would you like know make it in your stead. I move this not be approved.

>> Houston: May I second.

>> Mayor Adler: You may. There's a motion to not approve the motion for 34 and --

>> Houston: 35.

>> Mayor Adler: 35 -- no -- yeah, 34, 35 and it's been seconded. Further discussion on the motion not to approve. Mr. Casar.

>> Casar: I thought this morning that we would hear testimony in this case and not vote on it quite yet. Obviously from me being even less articulate than usual because of not quite knowing that we were going to vote on this and also with some of the things we've learned about this case, I'm not sure if I'm ready to vote against it yet but I'm definitely not ready to approve it so I'm not sure if I'll be able to vote for the motion to be against it and will probably be more open to something like first reading so we can have more time.

[8:56:14 PM]

I have particular concerns with the way that we're developing in this neighborhood a portion of the Coronado hills neighborhood is actually in district 4. It's funny how I've got a finger coming down Coronado hills drive and, you know, I have been an advocate for the mobile home parks in my district, an advocate for apartment complexes being connected to single family neighborhoods we can integrate our communities and make them walkable and feel like connected communities and I'm having -- I see that there's opportunity but also a lot of difficulties with this site and I just want to have some more time to think through whether or not this specific plan helps or hurts -- to add another layer of complication we're looking at homestead preservation districts in one of the three districts that's been given to us by staff as a positive recommendation includes this census tract in this area and how that all applies considering this is the largest piece of undeveloped land currently in this area is another calculation that I think I still want to make. And it is right on the verge of some of the -- you know, on the other side of highway 290 from Windsor park, seeing prices rapidly increase in this area and Z John and I think everyone knows is sort of the next up on the line for that to happen to. And I just don't want to lose an opportunity on this piece of land to address some of those issues but at the same time -- so I -- long story short I'm much more comfortable on first reading, not saying I'm supportive of the project or against it yet but that would give us more time also giving the public time to air out some of their concerns.

>> Mayor Adler: Ms. Kitchen, did you raise your hand earlier Mr. Zimmerman.

>> Zimmerman: I'd like to speak against the motion, to say I'd like to see the zoning move forward.

[8:58:14 PM]

I think the opposition did a really good job of expressing their objections, but this is a potentially multimillion dollar project and I have a big problem with the people on the dais, myself included, thinking that we are smarter or more wise or more Ben benevolent than the people who would buy it as residential property and develop it. We have a market housing shortage and traffic is bad everywhere, as we always notice. So I would -- for the same of the property owner and the fact that I don't see any compelling reason not to grant the request, so I'll be voting against this and I would like to see this zoning request move forward.

>> Mayor Adler: For me I'm probably somewhere in the middle. I'm not ready to pass it forward like you are, I'm not ready for it to die because I have some of the same questions that Mr. Casar has. Ms. Kitchen.

>> Mayor Adler: Microphone turn on your mic.

>> Kitchen: I'm hearing -- okay. I'm not going to get this right. I'm wondering if it's appropriate to make an amendment to the amendment to just pass it on first reading.

>> Mayor Adler: My suggestion would be we just vote no to the motion to deny it and then we'll entertain a motion to pass it on first reading. If you could make that amendment then the next person then could amend it to amend it to take it back to the deal. The best thing to do is just vote no and come right back then with a motion --

>> Kitchen: Let me make this

>> Kitchen: Let me just make this statement. I'm very concerned about the neighbors' concerns. And although I may vote to go forward on first reading, I will not be willing to vote this all the way through if we don't get to a point where the neighbors feel comfortable.

[9:00:18 PM]

I am interested in exploring the ideas that councilmember Casar mentioned. So that would be my reason for voting for first reading. But I want to make the statement that I would not vote for final passage of this unless we were able to reach some agreement with the neighbors.

>> Mayor Adler: Any further discussion on the motion to deny this request? Ms. Gallo?

>> Gallo: I really do appreciate the neighbors coming forward with their concerns. But affordability and affordable housing I think is one of the top concerns in Austin right now. And I just heard the mayor speak a day or so ago and one of the comments he made was that 60% of the people that work in this town don't have jobs that pay them enough to be able to live in Austin. And we talk about the pressure on housing, the fact that we have limited stock and we have more demand than we have supply keeps housing prices going up and up and up. And I think the potential in an area where there are a lot of jobs where we could connect people closely to their work and it to be a town home community which is the best and least expensive way to get first time buyers into the market at reasonable prices is just something that I think we really need to look hard at encouraging. And I know that there's a lot of issues on this property, but unfortunately when you have properties that can be entry level developments at low cost, they're typically going to be properties that have issues that are in high traffic areas on busy streets. And so I think we'll always be looking at those issues and those type of properties, but there are people who are willing to make those sacrifices and deal with those issues because it is in a price range they can afford and it's very difficult in Austin for them to find anything they can afford.

[9:02:25 PM]

So I am going to support -- I'm not sure where we are on the amendments. I'm going to vote against what we have now, but I will support moving forward with this on a first reading.

>> Mayor Adler: Ms. Garza -- we'll start there and then soon.

>> Garza: I have a question. Usually on the zoning cases it says approve on all three readings. Is this -- was the recommendation to approve on all three readings?

>> No, councilmember, it was not. On a case like this where we have in this case the planning commission was not recommending it, there was a disagreement from the neighborhood, what we do is bring it forward to you on first reading only. We do not prepare the ordinance. We hear whatever action you take on first reading and then we write an ordinance based on that, presuming it passes. This case could only be ready for first reading today. That's what the council chose to do.

>> Garza: Thank you.

>> Houston: Mayor, I just wanted to say to councilmember Gallo, the median family income in district 1 is a little less than \$40,000 a year. So most of those are lower than that, so I'm not sure that this is affordable for people to own. And for the people -- because people come into the neighborhood for those jobs and then they go back to where they live. I just wanted to make sure this is not the kind of affordable housing that councilmember Renteria talks about. Since this is on first reading only I'm ready to go with that because I think that councilmember Casar had some good suggestions that had not been offered before.

>> Mayor Adler: Any further discussion? Ms. Gallo?

>> Gallo: I'm sorry, there was one other point I meant to ask. I think it would be helpful to this,

especially since we may be come back to revisit it. It looks like the neighborhood -- thank you for the color photograph of that intersection. It looks like the neighborhood that is directly to the south of 290 from this neighborhood is a single-family neighborhood that has from what I can see on the plat map, three streets that feed out into the access road.

[9:04:38 PM]

The eastbound access road of 290. I think it would be very helpful if we could possibly get some statistics on if there's been vehicle crashes or collision orders anything of those residential street and that access road. I think that might help us understand some of the traffic patterns too. Patterns too.

>> Thank you, we'll check with the police department on that.

>> Houston: I would like to say, mayor, this is university hills and they have other ways to get out of the neighborhood. So these are not the only three.

>> Tovo: The other thing, I'm really struggling with this one as well, but I am hearing the neighbors' concerns and taking them very seriously. I also understand and appreciate councilmember Casar bringing up the issue of the homestead preservation district. That is definitely a piece of information that's going to affect my decision. But I am also aware -- thank you to the own for reminding me this was a subject in our neighborhood planning. When their neighborhood came to council I'm starting to remember some of the details of it. It was won of the contested tracts. The owner was arguing for a different zoning category than was the neighborhood planning team. Then after a lot of deliberation the council passed a zoning for office. I'm going to go back, I'm going to also ask if staff would help us find some of those backup documents and make sure those are part of our next council hearing if this does pass on first reading.

>> I can do that. I can tell you because of the property does not have a conditional overlay right now, so it just says G.O. Zoning. And it's 22 acres, usually I expect to see a Co limiting the trip on a tract at large. So my guess is it's been office zoning for quite awhile, but I will double-check it and research it.

[9:06:39 PM]

>> Tovo: What I'm starting to remember is there may have been an interest in --

>> [Indiscernible].

>> Tovo: Exactly. I'm sorry I don't remember the details more clearly. I appreciate the owner for reminding me of them. I believe we had a pretty extensive discussion, but I didn't connect it with this tract initially, when the neighborhood plan came to council. So I think going back and looking at some of those -- some of that discussion is useful too. As a general point, two and a half years ago wasn't that long ago and so this was -- this is not an example of a neighborhood plan that happened a decade ago. This was a pretty recent planning process. It has not had this planning -- this plan hasn't had a lot of cases come forward challenging the zoning in the plan. So I would give a lot of credibility to the planning process that took place in very recent history and the plan that the neighbors and stakeholders worked on that was approved by council. So that's also going to be a major part of my thinking going forward as well.

>> Mayor Adler: I want to see those earlier discussions as well. Any further discussion? Mr. Renteria?

>> Renteria: Also, I would like to see the history of the zoning on that piece of property even going back a little further than the 2000 -- whenever the neighborhood plan came in. Thank you.

>> Mayor Adler: The motion on the floor -- Ms. Houston.

>> Houston: Regarding the educational impact study, I know we don't have a relationship with manor ISD, but could we at least contact them and find out if that were developed and children were to go to school would they be busing them or --

>> Sure.

>> Houston: Thank you.

>> Mayor Adler: The motion is a motion to deny 34 and 35. Any further debate? All in favor of denying 34 and 35, please raise your hand?

[9:08:39 PM]

Ms. Houston, Ms. Pool. Those opposed please raise your hand? It's the rest of the dais. Ms. Tovo, yes, rest of the dais? Is there another motion to entertain? Mr. Casar?

>> Casar:

[Indiscernible].

>> Mayor Adler: Approve on first reading. Is there a second? Mr. Zimmerman?

>> So that would be to approve items 34 and 35 on first reading and to close the public hearing at this time?

>> Mayor Adler: Yes, subject to us voting to reopen it.

>> Yes.

>> Mayor Adler: Which we have the right to be able to do.

>> Kitchen: Yeah, I'm not sure we should close the public hearing at this point. One of my concerns is when it comes back I'm hopeful that it will come back in a way that there's been some discussions, there's some possibility for something the neighbors will be interested in and I would want to hear from them. So is it necessary to close it?

>> Course the way it works is usually we close the public hearing on first reading. Not always, but most of the time we do. If when we come back on second and third reading you have questions or any member of the council has questions for anybody, neighborhood, staff, anybody, we can come up and stay with us discuss it at that point. By closing the public hearing you're saying you're not reopening the sign-up period.

>> Zimmerman: So invited testimony only.

>> Mayor Adler: And you don't have to do it ahead of time. People could show up and any one of us on the dais could invite anyone to come up and speak.

>> Houston: If this motion passes, can we do a time certain? Because the neighbors keep coming out and here we are again at night and I'd like to have it done in the daytime in a time certain so that when we hear it the next time, whatever date that is, it's in the daytime and they don't have to stay here until 9:00.

>> If I may, there's no set date for us to come back with something for second and third reading. We generally work with the applicant to see if they want to proceed forward with the zoning case.

[9:10:43 PM]

And if so when they would be ready to do so. However, if they were to tell me we're ready, one, I would need to work with the law department and get the ordinance prepared, but when I did bring it back I would only bring it back now to one of your zoning meetings, which would be set for 10:00 in the morning.

>> Mayor Adler: So when it comes back it will come back that way.

>> Tovo: We had an issue recently where we closed the public hearing and it was posted on the agenda that the public hearing was closed and there was no opportunity to reopen it. I think that was the decker lake consideration. So I would just throw out there that if we're torn about whether or not to keep the public hearing open, maybe not posting it on the agenda would allow for us to reopen it. If that was the will. I take your point that we could --

>> My understanding is the council could always to reopen the public hearing on a zoning case. It's always been done in the past.

>> Tovo: Even if it's posted closed?

>> The only issue is giving public notice. You can always waive T you can agree to have a public hearing but you want to give the public notice of that.

>> Mayor Adler: You want to give --

>> On the decker lake, the problem was you had said the public hearing was closed, so the public didn't know that there was going to be an opportunity to come and speak. So our advice had been to reset it if you wanted to assure the public that they knew they were coming to speak.

>> Mayor Adler: That goes to what Ms. Tovo was saying. If we want to be able to call people up -- I'm confused. If we want -- I guess there are two issues. What the public knows and what we can do. If we put something on the calendar and is says the public hearing has been closed there might be people who might want to speak but don't show up because they think they can't. I'm also concerned about the legal question is whether or not if we post it that way when people are here as a council there's nothing to stop us from voting to ask people to come up. Is that correct?

>> Mayor, if I may add I'm not a lawyer, but the way I understand it it's statutely required, the state required public hearing has already occurred.

[9:12:52 PM]

You can close the public hearing. If the council wants to reopen the public hearing they have the luxury of doing that because the state-mandated public hearing has already been properly notified and has occurred. So we would be able to -- in past I know we have reopened the public hearing at the council's discretion.

>> Ms. Kitchen?

>> Kitchen: I would like to -- I don't know if this is part of the amendment, but I would like to not close the public hearing in this case.

>> Mayor Adler: So let me go back to Mr. Casar. You said your motion was to approve on first reading. And I didn't hear whether you said that you wanted it to close the public hearing or not close the public hearing.

>> Casar: I'm very happy leaving the public hearing open. I guess my concern -- I will say that my motion is to leave the public hearing open and then I might express some thoughts after that.

>> Mayor Adler: Okay. Now, you seconded that. Do you still want to second it now that we understand the extent of the motion? The motion is to approve on first reading the. The public hearing remains open. Any further discussion? All in favor please raise your hand? Those opposed? It's unanimous on the dais. It passes on first reading, but I hope that you appreciate and understand that there are lots of reservations on the dais.

>> Thank you council. That concludes your zoning.

>> Mayor Adler: Thank you. The last item that we have are the planning, permitting issues. And then we have the housing and finance corporation meeting. Is nip going to debate the issues on the housing and finance corporation meeting?

>> Zimmerman: Mr. Mayor, I issued a couple of questions on those and I don't know if I got those back. I haven't been able to look through. Is it in our folder here? Was there information printed?

[9:14:54 PM]

Hang on a second.

>> Mayor Adler: Okay. The reason I'm asking that question if we'll have consent we'll do it real fast so

that staff can leave. But if we're going to discuss this then we're going to get into the briefing.

>> Mr. Mayor, while we're waiting on that, I wanted to reflect my affirmative vote on the eminent domain university hills item that I was off the dais for right after our break at dinner time. I think it was number 27.

>> Mayor Adler: It was number 27. You would like the minutes to reflect that you --

>> That I supported that, yes, please.

>> Zimmerman: So I'm looking at agenda item number 1, Austin housing finance corporation, here's the tab here.

>> Mayor Adler: Mr. Renteria?

>> Renteria: Have we adjourned?

>> Mayor Adler: We have not. My question is if we're going to do those six items on consent, then I'm going to call -- I'm going to recess -- open this, do those and then come back so that the housing folks can leave. If we're not going to do that, then I'm going to --

>> Zimmerman: Don't consent.

>> Mayor Adler: Let's go into the briefing on the permitting issue and we'll come back for the housing issue.

>> Mr. Mayor, I will have to take my leave, but I would like to register my vote on the housing corporation finance items. Is that possible to do?

>> Mayor Adler: No. You have to be here for the vote.

>> Okay.

>> Mayor Adler: So you are also here for the debate.

>> Okay. Do we have a sense for how long that's going to take?

>> Mayor Adler: There's -- you know, the other one is a briefing issue and I hate to do this to the planning and permitting people, but it's mostly a briefing issue. Let's go into the housing so you can stay here and vote on that if those are going to be contested issues.

[9:17:00 PM]

Sorry to go back and forth on this. But if it's the pleasure of the council, without objection I'm going to recess our city council meeting. City council I'm going to call to order the meeting of the Austin housing finance corporation board of directors. We have six items to consider. Ms. Spencer, will you brief us on those items please?

>> Good evening, board of directors, I'm Betsy expense E treasurer of the Austin housing finance corporation. We do have six items on the agenda. I'm going to withdraw item number 4 at the applicant's request. So we have one two three, five and six. There were some speakers that had signed up earlier in the day. I do not believe they're here, but you may want to call for them before I brief you on the items.

>> Mayor Adler: Is there any public speakers on these items? Item 1 had two speakers, Gus Pena and Jamie jammer-finch. Item number two had Gus Pena. Item number three, the same two gentlemen. You pulled number four. There were none signed up for five and six. Please proceed. I'm sorry, Ms. Tovo?

>> Tovo: Can I ask you to very briefly explain why number four has been withdrawn? I know you said at the applicant's request. Is it coming back later?

>> They are not. They are not purchasing the property.

>> Tovo: Thank you.

>> So the first three items are all items I would authorize negotiation, execution of loan agreements that will create a variety of family units and single room occupancy or sro units. Items five and six are both items to induce a resolution that would allow the finance corporation to apply to the Texas bond review board for bonds to be able to facilitate two different transactions, one for preservation, one for new

construction. In summary these five items will create and/or rehabilitate over 7 Hupp units of affordable housing that will help families, individuals with disabilities and homeless individuals.

[9:19:01 PM]

So I offer them on consent, but I understand that there are questions.

>> Mayor Adler: That's correct. Ms. Troxclair?

>> Troxclair: Yeah, I was just curious how -- it looks like were these -- these were nine percent -- part of the nine percent tax credit program?

>> Items one, two and three, yes, ma'am. Last year's.

>> Troxclair: Okay. So the items before us today, those tax credits were first approved it looks like February of last year.

>> They were last year's nine percent

[indiscernible]

>> Troxclair: But now they're coming back for more money?

>> Yes, ma'am.

>> So can you tell us what is the reasoning behind the additional money?

>> It would be cost overruns. The cost of construction. So when they are approved in February and then we will come back -- let me back up. What we brought to you like we did this year in February is the original unconditional commitment. We then come back in July or August for the final firm commitment, which we did on all of three's. Last year was a -- it isn't very often that we actually get three tax credit awards in the city of Austin. It happened I think in 2010 and it happened again last year. What happens after they receive their firm commitments there are many things they have to do. They have site plan approval, they have to finish all of the plans and then they have to take things out for bid. So this is an extremely competitive market right now for construction costs so there have been cost overruns from what was originally estimated in February of 2014. I would not consider any of these unusual.

>> Troxclair: Okay.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: I'm sorry, you said it's not unusual to have that kind of an overrun based on what was approved last year?

[9:21:06 PM]

Half a million dollars is quite a large percentage. What percentage is that of the total that was awarded? In the neighborhood of 30 to 40 percent?

>> Actually, our contribution overall, the finance corporation's contribution to each of these is in the range of -- let me look at my notes. If you look at item number 1, the finance corporation's -- if you approve this item, we will have a total of \$1.7 million in this transaction. And that's roughly 14% of the overall cost. So it's less than 20% that the city is contributing to the overall cost of the project. On item number 2, our contribution would be the same, roughly 14% of the overall cost of the development. And on item number three we're roughly at 19% of the overall cost of the development.

>> Zimmerman: I was referring to the amount of increase based on what was approved last year.

>> So last year was 1.2 million and this is half a million. So that's about a third, another 30%.

>> Mr. Mayor?

>> Mayor Adler: You could do that number -- what was that total you had in the project, 1.7, is that what you said?

>> If you approve this transaction tonight, the finance corporation's contribution would be 1.7 million.

>> Mayor Adler: That was 14%?

>> Yes. The overall cost of the development for the first development for item number one, the overall cost of the development is 12 -- a little over \$12 million. Our contribution would be 1.7.

>> Mayor Adler: So \$500,000 of a 12-million-dollar project. I'm sorry --

>> Zimmerman: Sorry. \$500,000 of a commitment that was made last year. It was voted on by the council that was only 1.25 million.

[9:23:10 PM]

Okay. So if you consider the total cost of the project, yes, it looks like a smaller amount, but if you consider what was voted on by the council a year ago it's a very significant amount. Big difference. So I'd rather have it referred to by what was committed by council a year ago and now what's being asked in addition and it's probably over 30%. It's very significant. And I think that will be reason to vote against it. Going back to -- quickly, can you tell me it says loan. And I looked through for some more supporting documentation. A loan of what term, what interest rate? What happens if there's a default? Is the loan forgiven?

>> All of these -- all of those items will be -- we are asking you to give us the opportunity to negotiate the terms of the loan. And so -- David, do you want to help me on this? David Potter is our real estate manager and he's one who will do a lot of that transaction?

>> So the question, sir, was?

>> Zimmerman: What are the terms of the loan? When you hand somebody millions of dollars, the terms are kind of important. What's the period, what's the pay back, what's the interest rate? What happens if they default, et cetera?

>> What we're asking for tonight is ability to negotiate that. What we have done in the past, for example, are to provide zero percent interest, deferred payment meaning they're not making payments during the term of the loan. Some loans would balloon at the end of the loan term period. Others may be forgiven over time if they comply with the terms and conditions of the loan agreement throughout the entire affordability period. So really it would be more correct to call these grants. They're basically grants, not loans, grants.

>> They have legal instruments, they are loan documents.

[9:25:15 PM]

There is a -- if they do default there is an expectation of repayment. They are -- well, for the purposes of the tax credits, they must be legal loan documents.

>> Mayor Adler: Any further discussion of these items? Ms. Pool?

>> My question was do we entertain a motion to approve these? And if so, I will offer that.

>> Mayor Adler: Okay. Do you have the same action to each of them?

>> Zimmerman: I do.

>> Mayor Adler: Then I will handle them collectively. Items 1, 2, 3, 5 and 6 are moved by Ms. Pool. Is there a second? Ms. Tovo. Any discussion on these items? All in favor raise your hand? Those opposed? Abstaining? All right. So we have a no vote from Zimmerman and abstention from Troxclair. That completes our agenda. Without objection, the meeting of the Austin housing finance corporation board of directors meeting is adjourned. I will now call back to order the meeting of the Austin city council. We have a briefing on the permitting issue and then a resolution. And it's the last thing on our agenda.

>> We want to provide you in context of the ifc that's on your agenda, as well as more recent conversations about the Zucker report, which is actually in its final stages of completion, it is not complete.

[9:27:35 PM]

However one might characterize where we are in the development process and permitting and the subject of this presentation, we arrive here based on a mystery that's significant and complex in terms of process and systems that we have today to deal with the development of land here in the city of Austin. So Rodney Gonzalez as you know today is acting in the capacity of development services director. Mr. Guernsey is here also and Mr. Guernsey of course is director of planning and zoning for for purposes of the presentation Rodney will take you through it. Mr. Guernsey is here and to the extent you all want to talk and have questions, we will be -- it would be our pleasure to respond. So with that, Greg, if you're ready.

>> All right.

>> Rodney, sorry.

>> Mayor Adler: Just one moment before you start to add a little bit of framing to. Obviously permitting is a big issue for lots of people in the community and this briefing will be real appreciated. In the conversations I've had with members of the planning committee, council committee, there was some discussion whether or not to send this to a taskforce and have a taskforce deal with it, and the thinking behind the resolution, which we'll be considering here momentarily, was not to go in that direction. But for the council to work with you to identify objectives and then let you manage that issue. So it's obviously a big concern. We're looking forward. We anticipate part of the process you'll be coming back to the council here and telling us what tools it is that you need in order to be able to achieve those objectives.

[9:29:43 PM]

And then it will be back on our shoulders then to assess priorities and the like, but I'm excited at the prospect that we'll move this forward.

>> Thank you. Good evening mayor and city council, Rodney Gonzalez, newly appointed acting director for the city's development services department. Thank you, mayor, for this opportunity to discuss the city's storied development code process, code and process. You use the word story because there are many chapters in this book that we call the development process. Some of the chapters go back many years as far back as 1980's with the Austin tomorrow comprehensive plan. And the adoption of the existing code, which is the basis for the existing zoning structure that we have today. Some of the chapters are more recent and they include the story of city management leading the charge for revising the city's comprehensive plan, which is a vision for how the city desires to grow, not just in terms of accommodating more people and more businesses but also being more inclusive and sharing prosperity and being sustainable in the management of our natural resources. And some of the chapters are currently being written and include how management and staff made improvements to the development process the highest priority and have dedicated the resources necessary to make significant and positive changes. This story of the city's development code and process will provide the context for understanding that today's issues and problems are not new and for the most part they were not unknown. Many have existed for quite some time and the most challenging ones such as the previous 30-year-old comprehensive plan and certain complex regulations within the current land development code derive from historic tensions that existed between neighborhoods developers and environmentalists.

[9:31:44 PM]

Sue today's discussion will center on four focus areas, code and regulations. Be delving into the history

of how our code has become as complex as it is and what that means from an organizational and management perspective. Foundational challenges. As with any structure the foundation is of critical importance for that structure. We will me speak to imagine Austin and the land development code as the foundations that hold up and support the structure of the development process. We'll then move on to identify specific initiatives that have been completed and are underway. As I mentioned earlier the problems and issues that exist today are not new. For the last several years we have made steady progress in many areas and we have worked with stakeholders to make these changes. The comprehensive plan, the development code and the development process have been of the highest priority for city management and staff. All hands have been on deck for quite some time and we are steadily chipping away at long-standing and deep-rooted issues. And we'll wrap up with a discussion of the next steps and tools as you pointed out, mayor, that we will use continuously to make progress. Although there are many things that can be done and are done to improve the development process I want to start out talking about the land development code. If the code is not changed, no other changes either to the department or to the process will be effective. Neither the land development code nor the development process are where we want to be. We do have a long way to go. But our efforts have been steady and we welcome the opportunity to do more. Adds mentioned today's code goes back to 1984 with the adoption of the current code which adopted 33 base zone districts.

[9:33:48 PM]

In 1980 the city of Austin encompassed a land area of 129 square miles that was covered by 33 base zoning districts. Moving to today, 2015, the city's land area coverage has expanded to 323 square miles. Yet 42% of the city's regulated -- is regulated simply by a single base zoning district. Parts of the city are covered by some form of zoning not based on base zoning districts or with complicated overlays. These supplemental layers of regulations as you see here include the commercial design standards and mixed use and residential design and compatibility standards that were included to address incompatibilities: And more recently some of those layers have been a added to address issues of the day. So started off as an effective code in 1984 with minimal requirements and standards and limited interdepartmental review has become an extremely detailed, dense and complicated document that is not a foundation that can be relied upon. Rather the code itself has become an instrument for try to resolve differences between neighborhoods, new development and environmental concerns. Since 2004 previous councils have added over 180 amendments to the code. Many of these amendments are significant such as the urban watersheds ordinance, the save our springs ordinance, the mcmansion ordinance and the watershed protection ordinance to name a few. Not every ordinance is as complicated as those, but each does require a retraining of staff. In the most serious of cases newly adopted amendments create conflicts with existing codes which lead to inconsistent interpretations, lead to increased length in plan review and decreases the predictability of the review process.

[9:35:51 PM]

On this next slide I want to draw your attention to a comparison of land development codes. The thinner code on the top is for the city of Philadelphia, the country's fifth most populated city. In 2012 Philadelphia completed the rewrite of its land development code that had existed for 50 years. The new code allows the city to move forward on implementing Philadelphia 2035 comprehensive plan. The 384 page code is more user friendly for everyone, including community groups, homeowners and developers. The new code also transforms the way developers and community groups work together toward a common goal. Smart, job creating sustainable growth that preserves Philadelphia's vibrant neighborhoods. Many residents and developers have spoken to and will speak to you about Austin's

code. But no other document authorizes Austin's challenges more than the land development code diagnosis by opticos design, that was completed in 14. Opticos conclusion was that the code has a weak foundation on relying on the 33 base zoning districts. Their assessment is that a group of base zoning districts are ineffective and that they are not context specific, treating all areas of Austin the same even though they have developed in different patterns and with different characters over time. And opticos's assessment is that the current complexity of the land development code has an adverse effect on the organizational structure of the planning and development review department. In addition we have eight technical manuals that aren't eliminated here that tell us how the code is to be interpreted, which speaks to the complexity of the code. So the issues of inconsistency, non-user friendliness, out of date layout, lack of graphics and inconsistent use of terminology and conflicting information must be resolved with our code.

[9:38:05 PM]

Moving on, we as a city have made significant strides towards improving our destiny. When city manager Marc Ott arrived one of his first requests was to see the city's comprehensive plan. And to his dismay he was presented with a 30-year-old comprehensive plan. And this simply was not good enough for Austin. And it did not represent the culture of Austin and how we are looked upon as being a Progressive and forward-thinking city. The city manager's highest priority was the development of a new comprehensive plan that represented the character of Austin and the vision of austinians. The plan development was initiated in 2009 and adopted in 2012. And one of the key eight priority programs within imagine Austin was the rewrite of the city's land development code, which is aptly named codenext. Codenext will result in a revised land development code and it will result in a clear, concise code that can be applied consistently. These two items are the foundation that describes and prescribes how Austin will grow. And these are the foundation that directly impact how the development process worked and as is the case today, doesn't work in many instances. As I started this presentation I described how many of the problems within the development process are not new and many we have known for some time. Many are derived from the inefficient land development code and at the same time many are process and organizational in nature. In 2003 following the completion of the comprehensive plan and the initiation of codenext, we convened a stakeholder forum because providing better customer experiences has been and will be of the highest priority.

[9:40:10 PM]

We first listened to stakeholders' perspectives and issues and then recollaborated on ideas and solutions and the result was that we developed 61 initiatives for improvement. And these initiatives covered areas ranging from process to technology, to organization, to customer service and to policy. It was agreed upon to get a consultant to further review the department processes. Since the stakeholder forum we have made steady progress on these initiatives. And they have been of the highest priority by the city manager and of staff. Some of those examples are listed here. First is software to assist customers with wait time. In 2013 software was installed to allow the permit center customers to view their place online over the web or in line over the web. This information can be assessed via computer, tablet and smartphone and we involved text paging software that allows customers to receive a text notification via their smart device when their position has moved up to fifth place in line. Digital fax receiving and response. In 2013 we implemented right fax software that allows for faxes to be received electronically, thus eliminating the use of paper and toner. Faxes can be submitted now by customers 24 hours a day, seven days a week. Previously the department used two fax machines to receive and print out 200 on to 300 faxes received a day. Facility changes to accommodate customers in 2013 the permit center wait

area was expanded with additional customer seating and laptop tables. Centralized phone number. Also in 2013 the department launch a centralized phone number, 512-978-4,000 to make it easier for customers to contact the department.

[9:42:16 PM]

We now have two operators whose sole responsibility is to greet customers and for routing calls to the appropriate staff. Having dedicated operators as addressed a key concern of staff not being -- not being available. Piloting online payments, earlier this week you probably saw the announcement that would begin the pilot program to accept online payments for building trade permits and reinspection fees. The new service called Austin build plus connect or ABC, will allow contractors to pay for invoice building permits using a credit card or electronic check. And electronic plan review. Efforts are made for an electronic plan system that will enhance the completeness check and formal review process. The burden of scanning applications will be alleviated and plans can be distributed to reviewers automatically and electronically. Plans will be submitted electronically for faster -- for faster review and approval. And costs will be reduced by eliminating the need to print those plans. Manage '. Dosh boards, recommend time visualisations of performance and work load. They will allow for better and faster decision making and will provide transparency with regard to operational performance. The dashboards will allow for at a glance viewing of pertinent information in an easy to understand format and as for scanning these visual dash boards that will allow for immediate problem identification and solution. And finally, Amanda, the city's permit and inspections database is Amanda and it will be updated to support the future development of online capabilities.

[9:44:16 PM]

Our work is not yet done. Our eye has not been taken off the ball. In going forward we will in tandem with other improvements complete codenext. It is imperative that we streamline the code to make it less complex and to reduce the impact on the development process. And it is critical that the city's code is a39 implement imagine Austin. We will continue implementing the initiatives that we started in 2013. Some of those include expanding electronic plan review to all applications. Implementing advanced mobile solutions, expanding the online payment system that we just started, and coordinating multidepartment approvals. Currently there are 10 other departments that have responsibility for issuing permits and conducting inspections. Many processes of the other departments do not run concurrently with those of the development services department. And most operate on their own schedules and time frames. And we will make it a priority to coordinate all of those approvals. We will look to find best practices for development processes, organization structure and customer service. Earlier this week a group of us went to San Antonio to tour their development services center, which was built in 2003. San Antonio, similar to Austin, faced many challenges with its development process dating back to the early 2000's. And when we got there we saw firsthand an open and inviting customer service area, a logical flow for processes. And an organizational structure that was built over time to accommodate the volume of transactions that growing cities like Austin and San Antonio have. And we will finalize our work with Zucker systems for the independent objective assessment that we decided to procure in 2013.

[9:46:22 PM]

The assessment is anticipated, as the city manager mentioned, to be completed by the end of this month. And it is one of many tools that we will use for making improvements. And we will provide a

response to council as to how we intend to use and implement recommendations within that assessment. Mayor and council, this concludes my presentation on the development code and processes, and we appreciate the opportunity to make this presentation. And we look forward to continuing our work of implementing many changes, including those originating in 2013 that will positively affect the development code process. Thank you.

>> Mayor Adler: Thank you very much. We'll open this up for conversation and thoughts or comments. I'm going to lay out at the same time item number 14 on our agenda so that there is a resolution pending in front of us too. So I would move adoption of resolution number -- resolution for item number 14. Is there a second to that?

>> Second.

>> Mayor Adler: Second from Ms. Gallo. We have some public speakers to speak. Bo Dell? Is Bo still here?

>> Yep.

>> Mayor Adler: So far you win the prize.

>> Zimmerman: I was going to say, Mr. Mayor what can we offer for a prize for that patience?

>> I've been practicing the remarks in my head for the last 11 hours.

[Laughter] Hopefully they'll be okay. Thank y'all and good evening. My name is Bo Delp. I am here today representing workers defense project and low wage -- thousands of low wage workers here in Austin. As we just saw and as I'm sure we will discuss, Austin has a permitting problem. Everybody who has waited for weeks and months knows that.

[9:48:26 PM]

At workers defense we believe that permitting reform can be achieved through an expedited review process for socially responsible developers who commit to certain community benefits like affordable housing and improving wage and safety protections for construction workers for the project in which the permit is big requested. Because the workers defense project we believe that if you work hard to build our city, you should be able to afford to live in it. And the city needs to find more ways to reward businesses who understand that an investment in Austin workers is an investment in our shared future as a city. And the good news is that there is precedent here in stint for this kind of process. Now, in the city of Dallas, all you need to get to the front of the line is a bigger check. But following suit was never really Austin's style. And I would also add that Austin -- a report recently came out that Austin is now the most economically segregated city in the country. That is a statistic that now in 2015 we all own and we have to work together to address. So instead of just allowing a bigger check to get you to the front of the line that would exacerbate that image of an economically segregated city, let's ask developers to partner with us, the community, in raising working conditions and making Austin more affordable. There will be cost, yes, with firms who pursue these new options, but I don't know too many developers who are making money on a building that doesn't exist because they're waiting for a permit. And even then there may be developers who do not wish to pursue these new measures. And that's okay too, but they can wait in line. Because a fast track that gives developer as reason to do more to improve Austin is the kind of policy that could be tied to lift all votes. It can help the city speed up the developing process, it can help developers build more quickly, reduce working conditions and reduce the cost of living.

[9:50:33 PM]

So today I am asking all of you to work with us over the next several months to craft such a policy of this nature because I'm sure many of us walked into this room thinking we have a big permitting problem, but it could actually be part of the solution in tackling some of our community's problems. Thank you

very much.

>> Mayor Adler: Thank you. Next speaker is Stewart Hersh. Mr. Hersh.

>> Mayor, excuse me. Mayor and members of council, my name is Stewart Harry Hersh and like most in Austin I rent. And my context is different than everybody else's. Because I was here before the last comprehensive plan was here and I was sequestered at the brown building in 1987 to write the land development code and the criteria with no public input. So I have a different context than most. As somebody who worked for the building department and successor departments in the last century I support resolution item 14 that calls for critical review and implementation of solutions to problems, documented not only in the Zucker report, but in other places. This morning I was stunned to read in the paper Austin building inspectors ditch pagers for cell phones because it's missing a word, again. In the '90's we issued -- we have dismantled good systems. Our problems do not get solved only by going to other cities. Our problems are getting solved by looking to the past when we used to do better. And your predecessor councils didn't get the kind of complaints you do today. I've given you six questions. You're all capable of reading. I don't need to read them in the record. The clerk has them. But what I'm telling you is there's a culture problem at the city of Austin and it's been going on since 1983 and as some of us approach some of the holiest days on our calendars beginning tomorrow and for some others continuing through Sunday, I'm telling you this is our Moses moment.

[9:52:50 PM]

We are about to step into what the scholars call the sea of reeds and hope that it will part and we will succeed with a collaboration among all of us to move towards the promised land. But we have tried this so many times with such passion that some of us fear we're going to drown. It's not the Egyptian chariots that are, we are, because we've been drowning since 1983 when we turned building inspection from an enterprise fund department into first a growth services fund plan to pay for our planning operations without raising property taxes, and then later into the general fund altogether to pay for everything else other than the fees for the services for review and inspection and permitting that they were supposed to pay for. And we've rated that department and sucked the resources out of it and we've created a culture where in building inspection since 1931 we've had a philosophy of alternate compliance. Let's look at the community goals, figure out the technical solutions, let's achieve them. That's where I spent most of my time. Then we had land development, which gave staff almost no ability to do that. And I'm hoping that this dialogue will not drown us, but will allow us to proceed to the promised land because all of us in Austin deserve that. Thank you very much.

>> Mayor Adler: Thank you, sir. Is Ava Maraquin here? Is David King? Then we have a third prize winner.

>> Thank you, mayor. It's almost my bedtime. Truthfully it's past my bedtime. Thank you, mayor, mayor pro tem and councilmembers. And thank you for initiating this resolution.

[9:54:51 PM]

I think change is important and we've known that we've needed change and so it's time to make change, but I think that it concerns me a little that if I understood what you said earlier, mayor, that you would give direction to the city manager with some goals and parameters and then he would go forward and go ahead and implement these changes. And I'm not sure if that's intended to be without public review of those changes before they're implemented or not. But anyway, I know you will clarify that afterwards. And I think in the metric section of the resolution we should include some quality metrics. There are metrics to say how fast are we going with the process and how many things do we have in the backlog? We need quality metrics in there. And I think we can come up with some ideas of what quality looks like in this process, but it's not just the time and it's not just the number of widgets. The -- when

we make these changes, and particularly with the 30 days, eliminating -- coming back with a plan within 30 days to eliminate the backlog, I wonder will the enforcement of city codes be relaxed in order to expedite that -- the reduction in the backlog. Will code amendments and policy changes be needed? Will requirements for administrative approvals, waivers and variances be relaxed? And who will pay for these changes? The cost for these changes? In a previous plan -- I go back to a previous plan to expedite the process through certified architects stamping a building permit application, that would allow that application to be just lightly reviewed and go on through the process. The result of that was we found many, many serious errors in those applications, which turned into code violations at the end of the process. So it really didn't help the overall process. It actually made it worse. So we have to be careful about how we look in improving the process. And I think if we're going to really make this process better, I just -- I went to a meeting today at lunch with a developer in my neighborhood.

[9:56:56 PM]

And this is before any permit application has been even submitted. We're submitting down with the developer. This is the way it should be. We see a model of the proposed plan there. I can't give you the details, but it's pretty cool. But that's the way it should work. We talked about what kind of variance might you need. What kind of waivers might you need. We were able to talk about those things upfront so we could work together. And that is going to be I think a better way to streamline the process. And then there's -- I read in the story in the newspaper the other day that there's a software that a local company has developed that will allow you to identify a location where you want a project in the city and then it will look at the code, our city codes, and say this is what -- what you can do on that lot with that software. We should be utilizing strategies like that to help folks understand more about the development and what we're approving. So I thank you for bringing this resolution forward and I really urge that we have a public vetting of whatever changes are proposed before they are implemented. Thank you very much.

>> Mayor Adler: Thank you. Heidi [indiscernible]?

>> Good evening, mayor, council, city manager. Can you hear me?

>> Mayor Adler: We can.

>> I'm here on behalf of the real estate council of Austin, also known as reca. And I'm really pleased to be here with you tonight. In full disclosure, as many of you know, I worked for councilmember Spelman before I moved over to the real estate council. I used to hate it when people said they would try not to use their three minutes because it meant they would go over, but I will do my best. I'm pleased to be here in front of you on the first time for an agenda item that we are in full support of. Your resolution requiring a short-term and long-term implementation plans are a great first step and we're very pleased to see it. The real estate community was gratified that the report confirmed that a lot of the city processes and permitting issues that we had been talking about were in fact a big problem.

[9:59:00 PM]

Among the more than 1500 members of reca there's a wide array of expertise and knowledge. And I'm just starting to learn about all of it now. And I know that my members are interested in making that expertise available to all of you as we continue. And we want to be a partner in this process and make things better. I do want to note about what Bo said earlier, I want to be clear that expedited permitting is one small portion, a big important portion, but it's one small portion of what is handled in the Zucker report. And I would urge you to consider expedited permitting within the context of the entire permitting process. My folks will tell you that time is money and money gets passed along to the end user of the home. And so we need a considerate and a larger context of affordability. One last thing, I

want to commend you all for asking for a plan a and a timeline. I would recommend that you consider asking staff if there's a way to get lines for some of the things that you're asking for that they can work within, otherwise I just want to say thank you very much for all of you for your service and thank you for giving me a

>> Mayor Adler: Thank you. Stephanie [indiscernible]. Okay. Is there a motion to go past 10:00 on the dais? Mr. Casar moves. Zimmerman seconds. Any objection? Passes comments.

>> Mayor Adler: Anyone want to speak to this resolution? Mr. Casar.

[10:01:01 PM]

>> Casar: Mayor, I'd like to move passage with one amendment I have printed out.

>> Mayor Adler: So the motion has been moved and seconded already. You're moving to amend to add a whereas clause?

>> Casar: A whereas and be it remembered clause redlined and I think the clerk has one as well and I've handed them along to both of our new planning department.

>> Mayor Adler: Is there a second to the amendment?

>> Casar: They have a copy.

>> Mayor Adler: I'll second the amendment. You want to address the amendment real fast?

>> Casar: Certainly. In response to Mr. [indiscernible]'s comments, as well as Ms. [indiscernible]'s, I've added a whereas clause that recognizes that we have already experimented and are working on an expedited permitting process that provides some community benefits through our smart housing program and that we've continued to explore that an expedited permitting process can expand or improve other community benefits. That's not to say that we don't want a reasonable and much quicker process across the board. But even with more reasonable time lines and a better permitting process there will probably still be some developers that want to expedite a process for even faster time lines and I'd be interested in seeing what community benefits could be tied to those even faster time lines. I think the intent of this whereas clause and the be it resolved clause being added, of course we want to still fix the process for everyone, but continue also looking across the country and talking to our community about how we can -- like the Zucker report talks about, you know, an expedited process that would be half the amount of time it would take under a process that -- a full process which is hopefully shorter in the future. And so it's just one small amendment to the much larger goals that we have.

[10:03:10 PM]

>> Mayor Adler: Mr. Casar, I'm trying to make this fit with the overall policy scheme that we're doing here for operating. So I second this because I like the concept. And I think the whereas clause fits well. I wonder if what you have be it further for the further resolved section should be item 4 on the report that comes back on the Zucker report so that the plans that the manager comes back to us with does, number one, number two, number three, does what's described but also would do number four, which would be to explore options for expanding and modifying the expedited permitting process to achieve more affordability and other community benefits.

>> Casar: I would --

>> Mayor Adler: Because I'm not sure what the vehicle is to do it across the city council.

>> Casar: Absolutely. I actually -- the reasoning for it was primarily to take it to committee because I think it's an idea that hasn't been fleshed out enough. I don't want to send something -- I would be open to sending it over to the city management side to investigate and exploring but I figure since it's sort of - the conversation has only just begun [lapse in audio]

>> Casar: -- Benefits might look like in reaction to what's in Zucker. So I'm happy to add it as a number

four if that's -- the will of the council but I wanted to sort of bake it a little bit more before sending it over to --

>> Mayor Adler: I just don't want to miss it. I don't want him -- I don't want the manager to come back with a plan that doesn't do that and then we're trying to add something to it. As long as the manager is trying to come up with an integrated plan to make this work I want this to be one of the things the manager is considering as he's baking his plan. You know, it's the kind of thing with the bridges, starting from each side I want to make sure we T in the middle.

[10:05:11 PM]

>> Casar: Understood. I feel very confident in the manager and the staff's ability to bring something forward and then we'll just have the community discussion around that and perhaps we can be presented with various options and we can discuss that.

>> Mayor Adler: And I would be fine with your planning committee on something that is as important as this, putting it as a regular agenda item on every meeting that you have for a brief touch with city staff on the progress of these things as they're going overtime. In fact I would encourage that to be -- this calls for the manager to come to the council every 60 days. If you're meeting more frequently than that, I think that would be a great way to do that. So I would move to amend your motion to take the be it resolved clause you have and move it up to number four and have it say it is one of the things the manager is doing to explore options for expanding and modifying expedited permitting process to achieve more affordability and other community benefits it does that work with you.

>> Zimmerman: Second it.

>> Mayor Adler: Secretaried by Mr. Zimmerman. That amendment goes on, resolve moves up, becomes number four beginning with will explore.

>> Casar: I'll say I'm glad didn't scribble that on a piece of paper for me to write on.

>> Mayor Adler: Ms. Kitchen and then Ms. Houston. Microphone.

>> Kitchen: Sorry. I keep forgetting. I'd like to suggest another amendment I think it's in line with what we talked about at the work session. It would -- actually it would be a number six. If you look at the numbering. But, anyway, it could be a number 6. That would be alignment with the codenext process time lines and consulting team efforts. Point there just being that when you come back with the implementation plan that part of that implementation is to let us know how it aligns with the codenext process, the time lines for codenext, as well as the efforts of the consulting team with codenext.

>> Mayor Adler: I'm going to suggest rather than number 6 it be number 5 because it would be part of the 60 day plan as opposed to a metric.

[10:07:20 PM]

>> Casar: But the numbering, if you look at the numbering, there's two number 3s, there's supposed to be a 3 and 4. It's one, two, three -- and that should be four. So the --

>> Mayor Adler: Where? I see 3. This doesn't have a margin break. Got it. So what we really added a second ago was number five.

>> Casar: Right.

>> Mayor Adler: Without objection the record will reflect that's what the amendment says. So we've added a number five. So this would be a number six.

>> Kitchen: Correct.

>> Mayor Adler: Your wording was to align with.

>> Zimmerman: Alignment with codenext process, time lines --

>> Mayor Adler: Too fast for me. Alignment with?

>> Kitchen: Codenext.
>> Mayor Adler: Codenext.
>> Zimmerman: Process.
>> Mayor Adler: Process.
>> Kitchen: Time line, consulting team efforts.
>> Mayor Adler: And consulting team efforts.
>> Kitchen: I'm wanting to make sure that we're -- both of these processes are going along in tandem.
>> Mayor Adler: Is there a second to that? I'll second that. My only concern with this is it S I want to make sure the codenext process is a 2-year process and we can't wait two years --
>> Kitchen: I didn't mean that, yeah.
>> Mayor Adler: So I'm fine with it. I'm clearing. Alignments are off and probably going to get even more off because there's a great expectation we'll start doing something with backlogs right away and we'll have, for better for worse we're going to do as much as we can with permitting recognizing we can't do everything we want to do until codenext comes. Moved and seconded. Any objection to adding that amendment number six. Hearing none, it's added. Further conversation on this amendment?

[10:09:20 PM]

Ms. Gallo.

>> Gallo: I apologize I'm not a -- I probably should have asked it when staff was making their presentation but I don't think it's part of this but I do have a question as part of your presentation there were some projects that were underway on page 7 and can we get a time line on that? I don't know that that would be part of what we're asking for here, mayor, for that's just something we need to ask for separately but I think on -- you did a great job of presenting that. I would like to know, in your underway --

>> Councilmember Gallo, with that response it would provide within the 60-day time frame you'll get a response on those as well as.

>> Gallo: Thank you.

>> Mayor Adler: Last ten years I thin.

>> Mayor Adler: I think that would be part of that Ms. Ms. Houston.

>> Houston: Mayor, my question, on the first page, the first be it resolved, is 30 days enough to develop a plan by the city manager to eliminate the backlog?

>> Mayor Adler: We did these time frames with the city manager's office when we were drafting the resolution. I think it's aggressive but it's something that the city manager said that he would do.

>> I do need to respond. When I first looked at it, I thought -- I read resolve the backlog in 30 days. So that would not -- we would not be able to do but the plan we certainly can.

>> Mayor Adler: So I must have gotten my [indiscernible] Called just after he talked to you. Ms. Kitchen.

>> Kitchen: This is just a point I'm sure will be included in the implementation plan so I'm not suggesting any wording but it would be very helpful for us and I'm sure you'll be doing this in the implement plan, is to come back with sufficient time lines so that we can see deadlines and, you know, for particular actions. And that will help us understand how -- help us understand and also explain to our constituents the process that will be proceeding.

[10:11:27 PM]

>> That's correct. You know, once we've had a chance to go through all of the recommendations and some of the other things that we're working on now, it was -- it would be our intent to periodically work that.

[Off mic]

>> Kitchen: Okay.

>> So there's an ongoing updating in regard to the progress we're making.

>> Mayor Adler: I'll entertain an amendment to add number seven that says time lines. I think that's significant and important. Ms. Kitchen moves Ms. Gallo seconds. Is there objection? Hearing none it's add. Before we vote on this, and this is late, I just wanted to book end this. As we've gone through the campaign, as I went through this campaign, one of the most frequently raised issues anywhere in the city was the permitting issue. It's a very big issue. And, you know, in apology data it ranks right up with affordability and transportation in terms of what's top of line for the vast number of people in the city. I'm real -- a lot of people in the city that have great expectations for this council to be able to step in and move this forward in ways that have not happened in the past. And I think that the way we're going about it here to work with the manager's office to set real clear objectives and time lines and metrics is a real good way for the council to operate. Obviously, it's going to have to involve great public engagement process as we go through that process.

[10:13:29 PM]

But I like the way that we are going about approaching this real major challenge and recognizing, given the Zucker report and the conversations we're having, that this is a truly real significant issue in the community. Anything else further on this issue?

>> If I may, mayor, I just wanted to acknowledge how excited we are to have the opportunity to work with council and the kind of focus you want to bring to this important effort. We certainly appreciated the opportunity we had tonight to provide council a little context. We certainly wanted council to understand and the community to understand that, you know, we've been focused on this for a long time and some of the foundational things that we've worked on, they've taken time to do like imagine Austin, codenext, some of the other things that Rodney talked about tonight. So I think we have the solid foundation in place to now do some of the more focused detailed work that will enable us to improve systems and process and make this -- you know, make it represent, you know, Austin in terms of how we like to conduct buzz. So thank you for your leadership on this.

>> Mayor Adler: Any further debate? Hearing none, the motion is what was presented with the additional whereas clause from Mr. Casar as well as the added metric -- the added points, five, six, seven, to the third -- second resolved clause. Any further debate? Hearing none, all in favor raise your hands. Those opposed? Passes unanimously with troxclair and pool off the dais. That's the last item we have on the agenda. Meeting stand adjourned.