

City Council Regular Meeting Transcript –5/7/2015

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[10:21:04 AM]

>> Mayor Adler: Good morning, everyone. I'm Austin mayor Steve Adler. We're going to begin this morning with an invocation from reverends Sam and Kelly Mata from shoreline church. Please stand.

>> Thank you and good morning. Let's pray. Heavenly father, we thank you that you're the author and giver of all that is good. Lord god, we thank you for this beautiful day and this opportunity to serve you by serving what you love most, and that's your people. Father, we thank you for this great city of Austin, god. Father, we recognize that we are blessed to live here, lord god, and be part of this family. We recognize this is one of the greatest cities, lord god, not only in Texas, but in the United States and around the world, father. Lord, help us to be good stewards, lord Jesus of what you've encountered and you've asked us today, lord. Thank you for your city council and our leaders. I pray that you lead them and guide them with wisdom beyond their years of experience and education, lord god. We pray and thank you for this in the name of one who is wonderful, everlasting god, the prince of piece. In Jesus name we pray, amen. God bless you.

>> Mayor Adler: Thank you. A quorum is present so I'm going to call this meeting of the Austin city council to order. Today is may 7th, 2015. We are meeting in the council chambers, Austin city hall, 301 west second street, Austin, Texas. And the time is 10:20. Before we begin I'm going to read the changes and corrections into the agenda.

[10:23:14 AM]

Items number 6 and 7 are withdrawn. Item number 24 has the following sponsors. Delia Garza, Casar, pool and kitchen. Time certain today, the consent agenda 10:00. General citizen communication at 12. Public hearing is at 4:00. Live music and proclamations at 5:30. Kiko [indiscernible] Will be providing the music this evening. We're also going to potentially set some other -- some other items for time certain. We'll get into that in just a second. We have some items that have been pulled off of the consent agenda. Item 11, which is otherwise on the consent agenda, related to item 34, has been pulled by councilmembers Gallo and troxclair. There's been a request to set those for a time certain at 3:00. Any objection to that? That will be set for 3:00 time certain. Also being pulled are items 12 and 17 by councilmember troxclair. Items 13, 14 and 16 pulled by councilmember Zimmerman. Item 18 pulled by councilmembers troxclair and Zimmerman. Item number 22 is being pulled from consent for speakers. I am pulling item 23. Item 26 is pulled by councilmembers troxclair, pool and the mayor pro tem. There's been a request to set this time for a time certain at 4:00.

[10:25:16 AM]

Is there any objection to that. Also pulled is item number 27 by councilmembers Garza and Casar. And then also being pulled is item number 28 for speakers. And there's been a request to set number 27 for a time certain at 6:30 P.M. Is there any objection to that? Then 27 will be set for 6:30. Before we entertain a motion on the approval of the consent agenda, we have two speakers who will be allowed to speak for three minutes each on the consent agenda or an item on the consent agenda. And the first speaker is David king.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David king. I live in the zilker neighborhood. I'm speaking on item number 3, the mar Ryan toilet requirements. I'm concerned about the proposed change in that ordinance that it would lead to these boats and on the lake dumping their sewage in the lake instead pumping it in a pumping station on shore. So I'm very concerned about this change that would remove the requirement that they discharge into a pumping station on shore. And that it might lead to floating pumping stations out in lady bird lake and in our other Lakes.

[10:27:19 AM]

So I'm very concerned about where we're going with this change and what unintended consequences might happen if this proposed change is allowed to go forward. So I hope that you will consider my comments and ask them to go back and reconsider these changes to the ordinance. Thank you very much.

>> Mayor Adler: Thank you. Carol Lee? I'm sorry.

>> Tovo: Sorry, mayor. Ms. Lee is speaking on the same subject so I'll ask the question of staff after.

>> Morning, thank you, mayor and councilmembers. I signed up to speak on this item because I'm very uncomfortable about just deleting, striking the requirement to pump to an onshore disposal facility. I think they might be interpreting that very too restrictively that a septic truck located on land would not qualify. I'd rather see it written specifically to say that that is a legal method than strike it and be silent on the issue altogether. I also am concerned about repealing the requirement to require toilets on boats that carry more than 20 passengers. That's very consistent with our food establishment. What they have to require for sit-down of 20 or more people, it's a reasonable rule, and I don't think it's good policy making to repeal a rule to make one business compliant. I think it would be better to look at the pending contract and give them time to come in to compliance rather than strike this altogether at this time. Thank you.

>> Mayor Adler: Thank you. Ms. Tovo, did you have a question?

>> Tovo: Thank you, mayor. I would like to invite our staff up to explain what their kind of long-term -- to address some of the concerns that have been raised.

[10:29:22 AM]

And also talk about the long-term plan is here.

>> Thank you, mayor pro tem. I would call it more of a midterm -- Darryl Slusher, Austin water assistant director. I would call it more of a midterm plan. The situation we have is that we want to rewrite that ordinance. Our division, anyway, of the water utility has been working on this for about a year and we're within 30 to 45 days of starting a new ordinance into the board and commission process heading to council. And with the river boat, that issue came forward. You can say those two sort of collided or that we have -- we discovered when we took over the ordinance that there are rules in there that would require people that are operating now to shut down. We don't think that's the -- really the intent of the council. So what we would bring forward would be something that would give us a new ordinance and continue to protect the water quality in the lake, and we think that will continue in this interim period envisioned by this ordinance. But I want to address also the concern about dumping sewage in the lake. Under both city code and state law you cannot do that. And what the item on the agenda today does not have any impact on that, you will not be able to do that. Under the current ordinance, the way the ordinance is written, it does not allow anyone to do what's called pump and haul where that they come in a truck and pump out the sewage and take it to one of our wastewater plants. That's a very common practice, but under the ordinance as it's written now does not allow that. So -- that's the way that boats are -- that's the main way to do it on lady bird lake because we don't have a pumpout station on lady bird lake. We don't want to put one there.

[10:31:23 AM]

Watershed department and parks all recommend against doing that. So the way to do it would be to pump and haul, but that's not allowed under the current ordinance. That's one of the problems we discovered with the ordinance when we started looking at it, and that's part of our rewrite. We've had a stakeholder process thinking the memo that we sent to the council, we said our last stakeholder meeting was Thursday a week ago. Since then we've been asked by folks in the lake Travis area to have one follow-up meeting with them. We're going to do that and we'll still meet what we said in the memo, 30 to 45 days, start the new ordinance into the -- into the boards and commissions process.

>> Tovo: Mr. Slusher, given that we have votes right now -- boats right now who are operating and are not compliance and we have this ordinance on the books, the question has been raised to me why make this change now if we're in the process of coming forward with an ordinance that will address the change?

>> Would you repeat? Why do it now?

>> Tovo: We have appear ordinance now that it -- we have an ordinance now that it sounds like we have some boats out there that are not -- they're not in compliance with the ordinance as it's currently written. And so the reason why we're making this change today before you finish the full ordinance process, as I understand it, is to make sure that because they are not compliant and they have no way of becoming compliant, they would otherwise have to shut down if we move forward -- if we kept the ordinance as it is. Is that the rationale for doing what we're doing today?

>> That's right. And that's true. If we started to strictly enforce that ordinance they would have to shut down, and our interpretation of the ordinance, and I think it's pretty clear from the way it's written. And also with the lone star river boat, it's going to come forward I think in a couple of weeks, that will be up to the parties exactly when they bring that, and so we wanted to make it where we could continue people that have investment and operating on the lake, and are not polluting the lake, are not endangering the public health and safety in any way.

[10:33:29 AM]

That they could keep operating. We come forward with the new ordinance, they would have to -- these companies would have to be in compliance with that within 180 days with the new ordinance. That's written into the new ordinance and we plan to keep that there.

>> Tovo: Six months?

>> Yes.

>> Tovo: That's a fair amount of time. Well, we can talk about that when you come forward with that ordinance. I guess I'm still not entirely clear and I appreciate all the time you've spent with my staff and with the community members answering this questions, but I still just need to ask it. I'm still not really clear why if you're working on a midterm solution and you're going to have it beginning the process in 30 days, why we're taking this action today?

>> Well, it would be -- we came up with this solution working with pard to try to make it where the lone star we Newell could move forward in compliance with city regulations and still protect the city public health and safety. It was an interdepartmental approach to try to let that go through. Pard is trying to get benefits of that new contract to let that go through. Of course that's up to the council, and to not shut these folks down in the meantime. Otherwise we would have kept moving forward with the ordinance and brought it to council when we were country.

>> Tovo: Okay. I guess we could as Ms. Lee suggested, allow work into the river boat contract some time for that to become compliant with that ordinance, but is the other part of the issue the various other excursion boats out there that we now realize are not in compliance?

>> Well, I would yield to law on whether you put into that contract, but we certainly plan to have it in our new ordinance that anyone that is operating out there would have to -- on the Lakes would have to come in compliance with the new ordinance within 180 days. And council of course could change that time limit or anything else they wanted in the ordinance.

>> Tovo: Okay. I appreciate it.

[10:35:33 AM]

I have some concerns about what's before us today, but I appreciate the explanation and the rationale for moving forward.

>> Thank you, mayor pro tem.

>> Tovo: Thanks.

>> Mayor Adler: Thank you. I'm also going to read into the record late backup has been posted on item number 3, items number 6 and 7 have been requested to be withdrawn. New backup on item 12. Item 19 additional backup, a letter supporting exhibit a. Item number 20 has additional backup clarification memo, revised draft resolution. 22, revised backup on the nominations and waivers. 23, the revised draft ordinance. 26, the revised draft ordinance boards and commissions recommendation. 27, backup. 27 has additional backup. 33, clarification memo. Item 34, revised draft ordinance. Those were the speakers that we had on the consent agenda. Is there a motion to approve item Numbers 1 through 32,

noting that 6 and 7 have been withdrawn, and the following items were pulled: 11, 12, 13, 14, 16, 17, 18, 22 -- (electronic voice).

>> Mayor Adler: Sorry about that. The pulled are 11, 12, 13, 14, 16, 17, 18, 22, 23, 26, 27 and 28. Is there a motion otherwise to approve the consent agenda.

>> Zimmerman: So moved.

>> Mayor Adler: So moved and seconded. All in favor?

>> Zimmerman: Mr. Mayor, just note -- I've already given those to the clerk.

>> Mayor Adler: For the record, Mr. Zimmerman is shown being in favor of the consent items with the exception of 4 and 5 where he is abstaining, eight voting against.

[10:37:41 AM]

Nine and 10 abstaining. 15 abstaining. 19 abstaining. 24 against. With those notes made -- yes.

>> Troxclair: Did you say that item number 23 is pulled or no?

>> Mayor Adler: Item number 23 has been pulled.

>> Troxclair: Thank you.

>> Mayor Adler: Okay. All in favor please raise your hands? Those opposed? It's unanimous on the dais with Ms. Pool absent -- I'm sorry, Ms. Gallo absent.

[Laughter] You know, you make that mistake once it's probably going to live with me forever. We're now on the action items for discussion. The first one of the items that has been pulled -- we have 20 people that are here to speak on item number 22 I'm going call that first so those people can participate and don't have to stay longer. Item number 22. This item was pulled.

[10:39:41 AM]

The first speaker that we have is Kenneth Cassaday. Is Tony marquate here? Mr. Cassaday, you have six minutes.

>> Good morning, mayor, mayor pro tem and council. In a week when police officers in Garland, Texas stopped and Isis attack, saving dozens of lives. And in a week when police officers from across the state

have come to Austin to remember over two dozen heroes who have made the ultimate sacrifice to keep Texas communities safe, this council has been asked to consider an appointment to the public safety commission of a person that doesn't even believe there should be a police department to protect the weakest amongst us. Pleased in, the Austin police association and over 1700 men and women we represent do not oppose this nomination because we want to stifle dissent. We oppose this nomination because the nominee's own words and actions show he is unfit to serve in this capacity. We feel that the nominee lacks the virtue of civil discourse, an important element for the success of a diverse commission. Please watch this video and see how quickly an interaction turns into the nominee branding an officer as a nazi.

>> Is that arbitrary rule?

[Inaudible].

>> Why did you make it right here? Johnson 3979. Is that because you want to be a bully.

>> [Inaudible].

>> I'm not going around arresting people, throwing people in jail

[indiscernible]. That's what the nazis say. That's what the nazis say. I'm harassing you guys?

>> The nominee also posted online calling one of the officers a pig.

[10:41:46 AM]

This is the same officer, sergeant Aaron Johnson, whose heroic actions saved lives in Austin when a shooter riddled buildings in downtown Austin with rounds from an assault rifle. He posted an officer's address on social media. This was done to harass and intimidate the officer, potentially put his wife and children at risk. The next video I would like to show you will demonstrate that the nominee has no regard for the safety of community or himself and those he associates with. As well as an indefensible prejudice against the men and women who risk their lives daily to protect their community. >>

[Video playing]. Fuss.

>> Should I get out of the car and ask him if he always drives like an asshole?

>> No, he will just take off. >>

>> Hey, what's your deal?

[10:43:46 AM]

What's your deal? What's your deal? Hey, are you a cop? What's your deal? What's your deal?

>> Roll down Nathan's window

[indiscernible]. Speed up so he can see Nathan and know he's being watched.

>> Hey, what's your problem. What's your problem? What's with the road rage? Are you a cop? A cop wannabe?

>> See if you can get up past him so Nathan can get a shot of his face. I can't see anything from here. Red light. See if Nathan can get a shot of his face.

>> Oh, dude. >>

>> Did you notice when the nominee passes an officer on the road he makes an unsolicited comment calling the officer an f-head. I cannot imagine what would cause a citizen to have that kind of hatred for a man or woman serving their community. For taught person knew that officer might have been on the way to what was their last call.

[10:45:48 AM]

It's equally shocking that the nominee would race up airport boulevard.

>> [Inaudible].

>> Andrew Romero donating his time.

>> It is equally shocking that the nominee would race up airport boulevard yelling at another motorist. Putting himself and others in the vehicle at risk rather than calling 911. We believe the purpose of a public safety commission is to serve the community, to advise its body on how the community can be safer. How can a citizen serve in this capacity publicly if they cannot do so privately? The next video shows the nominee not only has disdain for city of Austin police department, but also feels that the Austin city council sitting before me is an immoral board.

>> You look at policy and it says if we have a licensed driver that hasn't been drinking --

>> Okay. I had one drink. But he was parked in front of my house or three houses down.

>> If we have a licensed driver that hasn't been drinking, policy allows us to turn it over to that person. But besides that

[indiscernible].

>> Even if it's legal in court?

>> That's what the law says. That's what the policy says.

>> All right. You know you don't have to follow all laws. If it's immoral law it's your responsibility to ignore it.

>> We follow policy.

[Indiscernible].

>> You don't think city council is immoral. Come on?

>> [Indiscernible].

>> You think so?

>> We believe that it should be the policy of this council to exercise its authority to reject appointments when it can be shown that the nominee will act in a manner contrary to the commission's purpose or the nominee will impede the ability to communicate. We ask that councilmember Zimmerman withdraw his nomination for surely this nominee has not been forthright with him about his beliefs and actions. If councilmember Zimmerman declines to withdraw the nomination we respectfully ask that all 10 of you show support for the men and women who risk their lives daily to make this community safe.

[10:47:53 AM]

Vote no on this appointment and thank you for your time.

>> Mayor Adler: Thank you. Derrick Galloway? Is Derrick Galloway here? Next speaker is Dawn Youngs.

Dawn Youngs: You have three minutes.

>> Thank you. I appreciate you giving me the opportunity to speak today. I want you to know that I am speaking in support of Antonio Bueller's nomination. I hope you will vote in favor of him. I also want to let you know that I don't always agree with Antonio Bueller. I disagree with him a great deal many times and some of the stuff that you've seen on these videos today I don't think was the right thing to do. However, I do think it's important that there's a variety and diversity of voices on this commission. And for that reason I'm speaking in favor of him. I want to address some of the arguments that have been made against him. The first one is that he has a bias and an agenda. And I think that that's true. I'm going to concede that point. Yes, he does have a bias and agenda, but I'll rephrase that bias and agenda to say that he is -- has a bias towards justice, accountability and responsibility within the police force and our other services. And I think that's an important voice. He will be willing to ask tough questions. I think that we need someone on the commission that will do that. I also want to address the idea that

perhaps the commission currently has a bias in the other direction and that we need a little bit of counterbalance to that. The head of the commission is a former police officer and I think that's great. I support our police. I think it's important that they have a voice on the commission, but I think it's also important that the citizens have a voice on the commission too.

[10:49:53 AM]

And as one of 10 or 11 people as you each are one of 10 and 11 people, I think that's a balance and a fair position to have. We're not asking him to be chief of police here. The next point is about relative experience. People claim he doesn't have the relative experience to serve on this commission. First I would say that this is a citizens commission and that means that we want citizens to be serving on it, not professional something or other, whatever the commission serving. He is a citizen and I think that first of all gives him excellent experience. But aside from that, he's well educated, former military. He is founded a non-profit organization and made it very successful, even nationally known. I think that he brings a great deal of experience in finance, in business, et cetera, to this commission and that would be a good thing. And finally, I have heard this argument and I hesitate to bring it up because I think it's so unfounded, but I feel very passionate about it. I've heard the argument that you should vote dependence this appointment because it was made by don Zimmerman. And this deeply offends my sense of justice and my sense of fairness within our political system. Don Zimmerman is a duly elected member of this council and each and everyone of you has the right to nominate someone to this commission. He represents his district and therefore his nomination is representative of what his district wants. And I think that if you vote against this because it come from him, aside from the fact that this is a fallacy of -- sort of a red herring fallacy, I think it really undermines our democratic system.

[Buzzer sounds] Thank you very much.

>> Mayor Adler: Thank you. Steven Donahue.

[10:51:58 AM]

>> I'm here today to show my full is on support for Antonio bueller for the Austin commission for public safety. On June 24th, 2013 I was reading Fox News -- my fox austin.com and I heard this -- I read this statement by then president Wayne Vincent, Wayne Vincent, then president of the Austin police association. He said the following and I

quote: Our officers are out there with no relief from this kind of harassment and it's not going to end well. I took that as a thinly veiled threat. Since then the lime clue in this country has changed greatly and

people in this country are demanding accountability of our police officers. Okay? Since that time I've gotten to know Antonio bueller. He has shown himself to be a person of great character, integrity and moral courage above all. I implore you to put him on the commission, the Austin public safety commission. And if possible I will give my time to another speaker. Thank you.

>> Morning, council. I'm a resident of district 6, Leslie pool's district. I would like to voice my support of -

>> Mayor Adler: Would you point the microphone a little bit closer to you. Thank you.

>> I would like to voice my support for Antonio bueller for Austin public safety commission. I believe that Mr. Bueller's commitment to safety and justice through his peaceful streets projects makes Antonio bueller uniquely qualified for this commission. I have faith that Antonio bueller would bring balance, accountability and sound judgment to the position. I believe that we need Antonio bueller on the public safety commission where he would be in a better position to help the city of Austin avoid the type of unfortunate events that have taken place in Baltimore and other cities.

[10:54:08 AM]

I believe that we are all safer when we know our rights as citizens and when our rights are understood and respected by law enforcement. Please vote for Antonio bueller for the Austin public safety commission.

>> Mayor Adler: Thank you. Justin Armand.

>> Hello mayor. Thank you for listening to my testimony, mayor and members of this council. I'm the executive director of texans for accountable government. Many of my constituents are your constituents, and a lot of our members were involved in the 10-1 process, austinites for geographic -- austinites for geographic representation of a coalition we were a part of and we wanted to push this new process and create a greater sense of representation and get the councilmembers closer and more intimate with their constituents. And the reason why we wanted this is because we want accountability, because we want representation. And we want real people on these commissions. We want real people as a part of this council. And it honors me to be addressing and seeing the fruit of our labor and creating this new 10-1 system. I have to say that Antonio bueller I've worked closely with. He's inspired me. His education in and of itself is -- he's given his own counsel to my family and people only see really one side of him, and that's his activist side, because he was violated, just as a citizen, he was violated. And it's come as an objective fact that the officers involved in that case lied under oath and if he didn't have the community support that he had and if he didn't have somebody filming the incident he would be sitting in jail right now.

[10:56:15 AM]

So this is something that is very -- that he's impassioned by and he's committed to, serving and protecting his community. On an educational level, the man has given a speech at a Ted talk. We are all familiar with Ted talks. And the subject was empathy. Empathy is the virtue by which we achieve objectivity. We can never be perfectly objective, but when we focus and we try to understand as much as we possibly can about any given scenario, we can actually make sound judgments. So I fully support Antonio on the merit of his education, on his dedicated military experience and his bravery and courage to say the things that a lot of people feel. And what's happening in Baltimore is a result of social pressure that is building and building and building. And the antidote and relief to that social pressure is a voice. People need to feel like they have a voice. And he's a champion of the people. He's already proven that. And when he came forward with this case, people in the community opened up to bueller and they told him all these horrible things that happened to him. And so he feels personally violated. His anger is only because he wants to protect people. He doesn't want people to be hurt. And we say things out of anger. And unfortunately a lot of times police officers when they come to give testimony, they just show doom and gloom, doom and gloom. I've been a part of this legislative session for the last few months and they come and it's just doom and gloom, doom and gloom. But it's not a logical argument against his experience.

[Buzzer sounds] And his ability to serve the public. Please, I implore you to have the courage to vote for agenda 22. Thank you very much.

[Applause].

>> Mayor Adler: Next speaker is germane Hopkins. Jermaine Hopkins. Is he here?

>> [Inaudible - no mic].

[10:58:16 AM]

>> Mayor Adler: If he walks back in while we're still on this, make sure that I'm told.

>> Thank you very much.

>> Mayor Adler: Antonio bueller. While Mr. Bueller is approaching there are some additional people here, Sasha Rhodes, is she here? Is Sasha rose here? Is Rebecca Mccue here?

>> [Inaudible - no mic].

>> Mayor Adler: Where is Rebecca? Okay. Is Logan Weems here? Logan Weems. Okay. You have six minutes, Mr. Bueller.

>> All right. So I could go ahead and address every single one of Ken Cassidy's points, every single one was dishonest, disingenuous, lacking serious context or was an outright lie. So if you want me to address those after I speak, I'd be happy to answer to every single one of his claims. So I started the Peaceful Streets project not because I hated police. In fact, in the interviews following my arrest, I repeatedly said that I respect police, I just want them to do their job and I want the cops to be held accountable. Over the following couple of months lots of people came forward to me telling me their own personal stories of abuse. Not one of them said that they wanted to be in the media. Not one said that they wanted to sue the police officers. Not one of them said they wanted retribution. Every single one of them said that they got screwed. There was nothing they could do, and that they wanted to see someone fight and win.

>> Disproportionately, these people were homeless, black, hispanic, poor, had prior drug convictions. These were people that no one cared about. These were people who did not have a voice at the city level. These are people who do not have a voice within the system.

[11:00:16 AM]

When I started my fight against Patrick and Robert Schneider back on January 1, 2012, it was for self-preservation. I only wanted to protect myself. I did not want to go to prison for a crime I did not commit. When people came forward and told me about all the abuse that they've felt and experienced first hand, including two women in Austin who have been raped at gunpoint by Austin police officers and had no way to fight back and they were too scared to come forward, I decided I was going to join forces with other people to start the Peaceful Streets project to try to change the culture of Austin so that people would no longer tolerate the corrupt cops in this town. I did not have any faith in the Austin police -- excuse me, in the city council to do anything about it because the city council had been, you know, city-wide districts for ages and we didn't feel that they represented the people. I had zero confidence that anything would ever change. When 10-1 came around, all of a sudden we were going to give a voice to the people. The people were going to actually be able to get engaged with their city government and I had hoped that the city council members here would be very different than the city council members before them, in that they wouldn't be swayed by the APA. They wouldn't be worried about donations from the APA, wouldn't be worried about endorsements by the APA and they'd have the courage to stand up against them. Now, a lot of people are saying that I do not have the qualifications to serve on this board because I'm biased. Ken Cassidy is the APA president. Of course he's going to say that. On an entity view with FOX last night he says he agrees with Austin police department 99% of the time and he can't have someone like me on there who is going to agree with them. Right now the chair of that commission is a former police officer.

[11:02:17 AM]

They media on Monday they proposed recommendation that they're going to forward on to you. During that time one of the councilmembers asked because she was very confused who wrote this? And the chair, a former police officer, said me, Brian manly, who is the assistant Austin police chief and administrative assistant. And then Brian manly proceeded to tell the commission why it was they were putting forward the recommendation that he wrote for them. Now, come on, people? Do you want people who aren't going to question the Austin police department? Do you want people who are going to allow cops to write recommendations that get forwarded to you under the guise of a public safety commission? There's a serious need for change in this town and 10-1 was the first step towards that. Now in June you're going to have 11-member commissions. And I am one voice. I do not have the ability to write the entire recommendation like Brian manly. I would be one voice and I would have to work with the other members of the commission, I would have to be able to present arguments, data, research, I'd have to challenging them, I'd have to challenging what the police say, and then if I was able to sway ten other people, then that would go into a recommendation that would go to you. You guys can think I hate cops all you want. That's fine. But I represent the voice of austinites who have been ignored, of people who have been violated, attacked, raped, beaten and killed. Let me go back to January 1, 2012. I never really talk about this because I don't think it's fair to drag a dead person's name, you know, for political fantastic but when they were arresting me and they were arresting Norma, who had not committed a crime who thermals inslee charged with two additional crimes after she came out to the media, two and a half miles away there was a woman being murdered because the Austin police department only would send one police officer out to check into a report that a man was assaulting women on west campus.

[11:04:29 AM]

One police officer. A woman was murdered that night but they had seven police officers to try to shut down someone who stood up for a woman being abused by police officers. And the last point that I'm going to make unless you want me to address all of ken Cassidy's lies and, you know, half truths is they argue that I'm a threat, I'm a threat to the police, I'm a threat to the people of Austin. They -- they float things out there, suggesting that I want cops dead, even though when they say that.

[Buzzer sounding]

>> -- It's a lie. If you'll permit me just to finish this one point. I've never committed a felony crime against anyone. John coffee, character Beauman, Eric Copeland, Luke, frank Wilson, Jonathan whitehead, Daniel Hannah, Nathan Wagner, Brandon blanch, will ray and will ray again. Those are Austin police officers who are on the force, getting paid with our tax dollars who have killed someone here in Austin. If the commission is not ready for my voice, then the commission is not concerned about police accountability.

>> Mayor Adler: Thank you for your time.

[Applause] There's a lot of information that's come to us, and ultimately my vote on this won't be made with reference bias on political views because I think we need lots of different views on boards or commissions. It goes to a sense of decorum and respect and the ability for commissions to be able to function. But I do have a question about the information that's been provided. Did you -- did you post onto the internet the home addresses of police officers?

>> That's a lie. That's a half truth.

[11:06:32 AM]

So Patrick [indiscernible], who when he arrested me had, I think, 11 years of service, he was making about \$130,000 a year. This is a guy who had never gone to college, not that that matters. I think people can make a lot of money if they're hard workers, but this is a guy who we were told numerous times had abused people numerous people have come forward to tell me about how he's abused people and every one happened to be a woman in hurry 20s or early 30s. He's making \$128,000 a year and he -- someone pointed out to me that he just bought a pool for, I don't know, \$40,000, had it installed in his -- at his home. So I took that information, immediately past pasted it into Facebook and I said crime pays and there it was. You know, \$40,000 pool or something, buried in the text, which I did not go through and read everything, buried in a text was, in addition to the contractor's address was his home address. In the follow-up to that, lots of people said, hey, let's go to his house, let's flyer his house, let's do this, let's do that. And I am in that Facebook message constantly repeating do not go to his house. No one go to his house. It can do no one any good. It's stupid, it's dangerous. I said that over and over again and in the foia that we got the Austin police association and Austin pleat department saw that entire thing. So they're claiming that I go around posting officer's personal information. That's the only example they have, and they have me on that forum saying do not go there, do not go there, do not go there.

>> Mayor Adler: Okay. Thank you.

>> I can address every other one of Cassidy's, you know, claims as well, if you'd like.

>> Mayor Adler: Does anybody else have any further questions? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Buehler. The quick point I have that really touches me on this is people's ability to stand up for their rights, and I grew up in southeast San Antonio with a lot of uneducated people, and some of the people that you mentioned were my friends when I was a kid, and, you know, I'm educated like you are.

[11:08:44 AM]

I know how to stand up for my rights if something goes wrong, but there are a great number of people, the ones that you've referred to, they just don't know how to stand up for their own constitutional rights or seek redress when they have a just grievance. So I think this is one of the most important distinctions that you bring, is because of your background, you had the ability to go to court, fight, have a community of people that would support and you you managed to get acquitted on charges that would have landed a lot of our people in jail. Unjustified. And so that's one of the reasons that I've made your nomination, because of that important experience that you've had, and you can speak for those people. So --

>> Yeah. And it's not necessarily that everyone doesn't know. A lot of people do know. Most people don't know their rights but a lot of people do know but they're afraid, you know, and they know there's going to be retribution. When you look at what's happened to me and other members of the peaceful streets project, I have not committed a crime. I have been arrested or charged are ten different crimes by the Austin police department. I have not committed a crime. I have not been convicted of any crime. They have pushed forward three felonies against me. And they have failed on every one. One was a satirical Facebook post on the Antonio Buehler page, closed page, obviously satire. They forwarded to the district attorney a felony charge for online impersonation. That video where we're following that guy we think is an undercover we just came out of a peaceful streets meeting and the guy cut us off three times on mlk and that's why we followed him. They tried to get me for child endangerment that night, another felony. The Austin police association hate accountability, hate people who question them. I had a four day what they call capital misdemeanor trial because they were trying to get me for a \$500 fine.

>> Mayor Adler: Thank you. See if there's additional questions.

[11:10:45 AM]

Ms. Tovo.

>> Tovo: I want to get back to the Facebook post the mayor was asking you about. It's not clear to me how you -- how you got the information that an officer was building a pool.

>> It was --

>> Tovo: Or why you thought was that relevant to post on the internet.

>> Well, it was public information. And someone forwarded it to me. And in there we saw how expensive the pool was, and I just wanted to make a point that crime pays. Crime pays if you're in the right position. You know, and if you are a police officer who gets 300 arrests per year for DUIs, the department is imposing to cover up your crimes and the department is going to pay you well. And so I

posted that. Again, I did not know that his address was on there. And that's the only example that the Apa has to offer you, even though they claim I do it all the time. And in the following thread when someone points out that his address is on there, I never pointed that out, I immediately said do not go to his house, do not do it, do not go close to your house.

>> Tovo: I appreciate the point you made on that. Did you edit your Facebook post to take out the address?

>> It's public information. I mean, it was already out there. I mean, so --

>> Tovo: I see, so that's what you were saying was public information, the address, not the pool information?

>> It all was public information. The address was public information because it was posted on that -- on what I was sent and copy and pasted, you know, so apparently I don't know how this works but Williamson county, in order to put a pool in in Round Rock, whatever town he was in, he must have had to register or something. It becomes public information. The contractor information is there, all the details of the pool and the price.

>> Tovo: I see.

>> All that is on there and it was buried in there. What the Apa won't do is they won't give you evidence of this stuff. They'll give you a flash video but they won't give you evidence because in almost every single case you can see that they're either lying or they're spinning the truth to make it look worse than it is.

>> Tovo: And I just wanted to verify one thing that's on our information for today.

[11:12:50 AM]

Are you a city of Austin resident?

>> I used to be. I moved outside the city of Austin because the Austin police department were having people parked outside my home. I felt extremely unsafe. I had people online tell me that I was not going to be very long on this Earth if I kept standing up to the police department, and so I moved into an etj right outside the city limits of Austin because I don't want APD officers kicking in my door in the middle of the night. They've shown they're willing to kill people. One of the officers I'm suing has killed people. They -- they're willing to arrest me on bogus charges, willing to push fake felonies on me, willing to get warrants that they have no right getting. And so I felt unsafe so I moved outside the city limits.

>> Tovo: Thank you for the answer.

>> Mayor Adler: Yes, Ms. Pool.

>> Pool: I have a quick question for you, Mr. Buehler. The video that we saw with you chasing, that was you in the passenger seat or were you the driver?

>> I was the driver.

>> Pool: Can you explain what your intentions were with that chase?

>> Yeah, so the guy cut us off three times so we came out of a peaceful streets project meeting and we have lots of evidence where the Austin police department admits internally that they surveil our meetings, they have infiltrated our police accountability summits, watched our live streams. When we came out of that meeting, some guy just cut us off once, twice, and three times. It was obviously a fit of road rage and we didn't know if it was intentional because we're peaceful streets or if he was a jerk. In the video you hear me asking what's up with the road rage because clearly that's the case. We wanted to film him because we assumed it was an undercover police officer and we wanted to get that information and film it. As you can see he cut us off again. We didn't break any laws, we might have broken the speed limit on airport by 5 miles or something but once he sped off we didn't keep up with him.

[11:14:57 AM]

And so, you know, we were trying to expose what we felt was undercover police officer who was acting with road rage and tried to run us off the road at least three times. I'm not saying that's necessarily good for public safety, but what's really bad for public safety are police officers who can beat, rape, frame, and kill people, and I just want police to be held accountable. And if we want a commission where no one is going to do those questions and they're going to allow the assistant police chief to write the recommendations to the city council, then this city council is not serious about police accountability and they can hide behind, you know, the stuff that Apa said. I have faith that 10-one will at least allow some of you to do the write thing and stand up to a very bullying police force.

>> Pool: Thank you very much.

>> Thank you.

>> Mayor Adler: Any further questions? Thank you very much. Next speaker --

>> [Off mic]

>> Mayor Adler: I saw that. Thank you. John Roland. Thank you for letting me know.

>> Mr. Mayor, members of the council, my name is Roland, I'm founder and president of the constitution society website constitution.org. I rise here today to support the appointment of captain Antonio Buehler to the public safety commission. I have come to know captain Buehler as a fellow

veteran. We both once took the oath to preserve, protect, and defend the constitution of the united States. I've found in conversation that he is particularly sensitive to the finer points of constitutional history, Lucius

[11:17:02 AM]

-- lawand government and would to the best of his ability represent the constitutions of the united States and the state of Texas in any public matter in which he might become involved. The credibility of the public safety committee, the commission, depends upon a balanced representation of critics as well as supporters. It cannot be perceived as in the pocket or having been compromised by the agency that it is intended to supervise. And for that reason I would argue against the appointment of any current or former member of the police department on the commission. If they want their expertise, they can call them as witnesses. But they should not be members. And captain Buehler brings his own expertise. He is able and not only -- in not only areas of law but also technical aspects that the commission is going to have to consider in recommending things like remedial action, how it is that we can avoid these kinds of problems in the future. If you have any questions.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Next speaker is Thad crouch. Take your time.

>> Happy Thursday, councilmembers. I'm Thad crouch. I reside in district 5. I've lived in Austin since the last millennium and I came here today on crutches and by bus in the rain because this is important to me.

[11:19:03 AM]

We started today with a prayer about Jesus. Jesus was concerned about the dignity of all people. As a prolife ministry volunteer, I am concerned about the sanctity and dignity of all human lives and because of that I'm very concerned when I see instances and patterns of some of our police stepping over their authority and violating the dignity of our citizens. Even at times using unnecessary violence that vitals the very sanctity of life. Even worse, we see little or no accountability for such actions. We see this in the news in Austin, and we see it around the nation. And that's why I support Antonio Buehler for appointment to the public safety commission. I do know that some police do heroic things. Some of my closest high school friend are police officers. And I don't agree with everything Antonio says. I absolutely don't agree with some of his word choices and name calling, though I think anger is justified and

predictable when people are abused by police and their voices are ignored and there's no accountability. I think he's doing -- what I do agree with is his incredible stand for justice and for accountability and because I know he was an army captain I know he can work within organizations and bureaucracies and like Antonio I am an army veteran and when I enlisted I enlisted to protect the lives, freedoms, rights of the American people and to protect democracy. Watching Antonio donate so much time, money, take so many risks I think he's done more to directly protect the freedom and rights of Americans in Austin than he ever did in Iraq.

[11:21:10 AM]

The democracy that we value works best when there's a variety of voices. If Baltimore had more avenues for these -- their voices to be heard, those demonstrations might not have gone down the way they did. The commission is going from seven to 11 members, and that means there's room for more diversity. There should be three people like Antonio on this commission, asking hard questions, and the police should be accountable. Some of you might be scared to go against the Apa. Even when you campaigned for greater police accountability.

[Buzzer sounding]

>> Vote for the dignity and sanctity of life, support democracy.

>> Mayor Adler: Thank you.

>> Keep Austin accountable and vote for Antonio Buehler to this commission. This is your test.

>> Mayor Adler: Thank you.

>> -- For 10-1.

>> Mayor Adler: Thank you.

>> Is it the same or has it changed?

>> Mayor Adler: The next speaker, Jermaine Hopkins. Is Debbie Russell here? Jermaine Hopkins. You have six minutes.

>> Okay, I'm going to start off by saying thanks for waiting on me and thank you for having me, allowing me to speak here. Mr. Ott, how you doing? So I'm going to start off by saying as a former police officer, I do have the benefit of seeing things from a different perspective. When I first contacted Mr. Buehler, I told him right off the bat, you and I, our views do not coincide. However, my experience as an APD have forced me to actually see the lack of accountability that's going on within APD, within the fifth floor of APD. And then the other day I was sickened to see that individuals from APD are actually -- people who have demonstrated lack of integrity are involved in matters that pertain to officer integrity.

[11:23:22 AM]

These are people who are going to be making decisions on whether or not an officer's actions are within policy, whether they're legal, yet we have people involved in this who have been indefinitely suspended for lack of integrity and then they've been disciplined again for lack of integrity. I mean, that goes to show the climate going on within APD and why someone like Mr. Buehler is necessary on the public safety commission. There's many officers within APD who outright assume Jermaine Hopkins got fired, he's antipolice now, what not. That's far from the truth. Like I said, me and Mr. Buehler's views do not coincide with every little thing. One thing I can say, Mr. Buehler is very objective. The first time Mr. Buehler and I met up to talk, I was more nervous about that meeting than I was on a first date because I was like how is this going to go? I mean, the Buehler I'm used to seeing was what I saw on YouTube. I didn't like Mr. Buehler before I reached out to him but what forced me to reach out to him was the fact that I was seeing the things that he was saying or were taking place and we actually talked and discussed those things. And the things that we disagreed on, Mr. Buehler -- those conversations were actually more civil in nature than a conversation between me and a best friend of mine so I think that goes to show the objectivity that Mr. Buehler would bring to this commission. Further demonstrating lack of accountability is the fact that simple things like open records requests are being held within APD, being tampered with, doctored, or concealed.

[11:25:22 AM]

I mean, I filed a -- I filed two suits now just to get open record. I mean, so why would we be deferring to Austin police department on this commission when they can't even produce things that they have a lawful duty to produce to the public? So, I mean, that's -- I'm going to end right there but I do ask that you guys vote in favor of Mr. Buehler for the public safety commission.

>> Mayor Adler: Thank you, sir.

[Applause]

>> Mayor Adler: Isla waters. Isla. Please tell me how to pronounce your first name.

>> Isla waters.

>> Mayor Adler: I apologize.

>> No apology necessary but thank you. I am here to support Antonio Buehler's nomination to the public safety commission. I have much love for the city of Austin, and I have much respect for our government

and the democratic process. Having previously had the opportunity to work for the white house advance office, I am also a survivor of police brutality. I share Antonio's passion for justice and accountability and I encourage you all, as well as the Austin police department, to welcome and support this nomination. We live in a democratic society. But when the citizens -- and the citizens have a say in how they are policed. But, unfortunately, with citizens can be arrested, punched, tasered, intimidated, harassed, brutalized, terrorized, wrongfully express even killed by a police officer, and those police officers are rarely, if ever, held accountable for violating our rights and never forced to make amends, then we don't actually live in a democratic society, we live in a policed state. It is time for change.

[11:27:23 AM]

It is time to welcome all points of view, and that includes opposing views. It's time for our city and our police to be held to higher standards. I can appreciate Mr. Zimmerman's comments earlier about people not knowing how to stand up for their rights. We did not know thousand stand up to the police -- how to stand up to the police and the district attorney to terrorized us, to the police officers who brutally attacked and injured us. We felt hopeless in our situation. It was only when I was able to meet and learn about Antonio Buehler that I felt that I had finally a voice. And while I sometimes don't agree with Antonio's language and name calling, I do understand and share his anger and frustration with the lack of police accountability. I do hope that y'all will support his nomination and welcome his points of view. Thank you.

>> Mayor Adler: Thank you. Joshua genada.

>> Yes, hi, I'm an organizer with the peaceful streets project. First I'd like to start off with one of the opening remarks APD made which was that we should grovel before them from defending us from its cyst. I would like to remind people in we pay -- please acknowledge more so you're currently in court for murder so no thanks, partner, be more concerned with yourself. In order to ensure they're going to be more concerned with themselves than the voice we need Antonio Buehler on this commission and now as I go into bringing him up for nomination, I remind you that we are not nominating Antonio Buehler from 2012, when these videos and remarks of language are coming forth. We're nominating Antonio Buehler of 2015, the Harvard graduate and my best friend and mentor that's helped me reform my own tactics in police accountability for the better of this community.

[11:29:28 AM]

And if you are more concerned with language than you are the miscomings of APD, the acts of murder, brutality then that is animal part of the problem in how we got here. If you look at this community and

see the state that it's in now, they're burning the American flag discovering on it, activists, young activists in their early 20s, in college with a bright future ahead of them are trying to hurl themselves to sacrifice their lives just to get attention for the acts of brutality that have been continuously ignored by the city council and this police department. And I would like to say there are only and main argument is the biasness they're afraid Antonio will have in this court. This entire system from the ground up the way it stands now is extraordinarily biased in favor of the police department. And so I start with massive, massive acts of, you know, constitutional, failure to obey lawful order, things they throw at us to arrest you us. I've been arrested silver times for filming the police, never charged with a crime but I was taken to jail. I had my belongings taken from me. I was stripped down, I had my genitals grabbed was afraid for my life to stand up for myself and stand for my innocence, which we now know to be factual. If I would have stood for my innocence I would have been strapped to a chair, pepper sprayed and had a mask put over my face. This is what this police department represents. That is how much my life matters to them and how much they're focused on the safety of this committee, that an innocent man would have a mask put over his face. I would also like to say that the one thing the city council has put in place for us is the police monitors office, which during the rulings of that was extraordinarily biased towards the police department in the sense that I can file a complaint, I can never fully know the details of that investigation, that investigation can never become public, it can only be recommended the findings to the police chief and then it's up to him whether he wants to make it public.

[11:31:30 AM]

We know during the Byron Carter trial he lied and abused that example. I would like to remind the speaker here opening day to please talk to the Jackson family about how he protects them from Isis and this makes that totally all right.

[Buzzer sounding]

>> Mayor Adler: Thank you very much.

>> That's it.

>> Mayor Adler: Casey Weems and Adam King [indiscernible]

>> Good afternoon, my name is Casey Weems. I'm a resident of Austin for over 20 years. And I took time out of my day, good many hours as many of these others have as well, to come down here because this is also extremely important to me as well, just like the opinions you heard previously. I think our -- I love my city. I think that we value diversity of opinion more than other cities, especially in the south. I love my country, and I think that it's built upon checks and balances, and when these checks and balances fail, it puts us in a crisis. And I think that's what we see right now, the crisis that we're having with Ferguson and with Baltimore. So I think Austin is a Progressive city. We are finally at a point where we can make a change and be ahead of the curve of other cities in dealing with this cities that we have.

Last year, I have no doubt that a previous council, we would not be having this discussion at all. So 10-1 gives us this opportunity to express diversity of opinion. What good is 10-1 that brings diversity of opinion if the -- if those recommendations of diversity do not get voted -- get voted down by an appointment to a commission?

[11:33:34 AM]

What good is a commission if everyone is buddy buddy with the ones that they're supposed to be watchdogs with? What good is a body camera policy if the people controlling the footage are the ones that are involved? You have to have Independence. It's just like an audit, an auditor for a company or any other checks and balances. We need this. We need this diversity of opinion. It's one voice out of 11. And so I implore you to support Antonio Buehler in this candidacy. I don't agree with everything he says, especially his choice of words, which I think undermine the real power of the argument that he's making. But I'm here to support it. I especially want to communicate with -- I'm now a homeowner on the east side, where I really want my east Austin councilmembers, do not abstain from this important vote. You know -- I know it's a tug of war for you because we need the police on the east side and we appreciate the police on the east side because a lot of activities are over there so I know you don't want to upset them, but we also are probably -- our eastside residents having the most --

[buzzer sounding]

>> -- Repressed opinions and who do not have a voice and this is the voice that you can give to those people, all residents.

>> Mayor Adler: Thank you.

>> Thank you.

[Applause]

>> Mayor Adler: Adam king black mariposa.

>> Thank you. This is great. Councilmember Zimmerman, when I heard you were from San Antonio, I'm from San Antonio, I knew you had something to bring because that's a majority minority town and, you know, this is all kind of laughable, right? Like the idea that this swing vote of one of 11 people is some big controversial issue, what's really a question is legitimacy, is there a question of legitimacy of the role of the police, is there a question of we need to be concerned for public safety?

[11:35:51 AM]

A vote for Antonio Buehler is a vote that, yes, that's a valid concern. What the police are saying is, no, no, that is not a valid concern, hush. They're bringing up when you go get a pool, do you know what you have to do? You have to get permitted and make your information public. So when Patrick [indiscernible] Makes a decision to get permitted and make his information public, he takes that information made public by a city and puts it out on the internet, just like the city, and now that's grounds to exclude him? That's laughable. He hasn't done anything. All he's done is say I'm going to film these cops and show you what's really going on because everyone knows the media puts this layer, puts this spin, and I'm not mad about police. I'm a criminal defense lawyer? You think \$130,000 is nothing, police make a lot of arrests, make me a lot of money. I'm saying the other side is just as valid. Let's have a guy on there trying to make the best argument in an adversarial way and then people vet it out, decide what to do. Ten other people. An 11 person commission. Y'all are worried that it's the end of the world. There's nothing here. This is just symbolic. This is just saying, yeah, it's what happens. Money gets concentrated, wealth gets concentrated over time. People are brainwashed their whole lives by the media and the education system and now you've got a police force whose job is to maintain the status quo with more and more nobodies having nothing. That's a hard job to do. When more and more people are poor, have no education, have nothing, being a cop is a hard job. I'm saying we audit to make them accountable for how they do the job and then ask broader questions, not just bury our head in the sand, follow the brainwashed course of human evolution to where four people on the whole world and everyone else is a cop whose job it is to kill someone. Antonio is saying that kind of does make sense, we should be showing people how the cops operate and a best of your knowledge of people are screaming no, no, no, don't do that. That's where you're at. Your decision isn't going to make some huge radical change in the future of Austin.

[11:37:55 AM]

It's just going to say, no, it's a legitimate problem. It is something upon which we might have a little concern. Trust me, people with money, they don't want that concern, and the cops whose job it is to maintain the status quo of the people with money, they for damn sure don't want that concern.

[Applause]

>> Mayor Adler: Thank you. Those are the speakers that we had signed up. I'm going to take this in pieces, this item number 22 that appears in the backup. We're going to begin with Mr. Buehler. Before we get to Mr. Buehler's nomination, let's first address the waiver. There's a request to approve a waiver of the residency requirement. Does anyone want to move to adopt that waiver?

>> Zimmerman: Mr. Mayor, I'd like to move that we adopt all the waivers. I believe we have more than one, don't we?

>> Mayor Adler: With we do but I'm going to take them individually.

>> Zimmerman: You want to separate the question?

>> Mayor Adler: I do.

>> Zimmerman: Okay. Then I'll move that we approve the waiver for captain Buehler.

>> Mayor Adler: Is there a second to the motion to approve the waiver? Second. I'm sorry? Mr. Casar second the motion. Debate on the discussion about approving the waiver?

>> Casar: I'm interested in hearing the discussion on his equipment in particular but I don't see why not to approve the waiver for Mr. Buehler if we'll be approving the waiver for others.

>> Mayor Adler: Because I may vote differently on different waiver requests. The motion before us is to approve the waiver on Mr. Buyer.

[11:39:56 AM]

There's been a second. We're now discussing that waiver.

>> Houston: Mayor, some of the waivers are about serving on two commissions, it's not residency.

>> Mayor Adler: Right. I'd be happy to talk first on this. I'll explain the basis.

>> Zimmerman: Sorry.

>> Mayor Adler: Yes.

>> Zimmerman: I'd like to speak in favor. We did look up residency and it looked to me on the map, it looked like captain Buehler's residency was surrounded by Austin. He's in an etj area but I believe he is surrounded by the city in his residence. So if you look at the map you'll see areas where we haven't completed annexations but the neighborhoods around have already been annexed and whereby that's the situation in this case. So it's almost -- he's inside the city, but ironically not in the full purpose annexation. So to me it seems like he's in the city geographically.

>> Mayor Adler: So for me this discussion about Mr. Buehler and we've addressed this on some other nominations that have come before the panel in trying to come up with and articulate an overarching policy or direction for how I would vote on nominations that are made to commissions or panels. And in this respect, it's something that is a larger issue than Mr. Buehler's nomination here because it's something that I want to try to articulate that would concern not only the nominations that we've had before, some of which have been in controversy, some of those I was ready to vote for, some of those I was ready to vote against. I think that there are -- it's important that in this 10-1 system we give deference to the nominations that are made by each of us.

[11:41:56 AM]

We were elected by different parts of the city to represent different views, and we don't serve the city well if there becomes a litmus test as to whether or not someone can be approved based on whether or not we agree with that person's views or whether in our mind they represent the voices that are coming from the district of the person who nominates them the person who elected and nominates them has already been selected by people in that district to make those nominations so I think that there should be considerable deference given. I think at the same time, obviously, we've been given the responsibility of passing on the nominations that have been made so I think that there's some function for us as a council on this dais to deliberate and to do that. I think that Mr. Buehler is an important voice in this community. I think that the positions that he takes are voices and sentiments that need to be heard and need to be discussed and need a place in the commerce of ideas and discussion. I don't think that's the same question that we're being asked today. The question we're being asked today is whether or not that person makes for a -- an appropriate nominee to a board or commission, and I see those two functions as not necessarily always being in concert with one another. Because someone is being appointed to a board or commission should not only come with views and ideas, but should also be able to be and have demonstrated a pattern of conduct that is conducive to being a constructive participant on a volunteer board with other volunteers from the community that are donating their time.

[11:44:05 AM]

In making that assessment with respect to that, the kind of things that I would look for would be a pattern of prior conduct as the best evidence of future behavior with respect to whether it's abusive or threatening or sexist or racist or big gotted and I'm -- clearly Mr. Buehler does not fall into at least several of those categories but there have been some issues raised with respect to other nominees that have been made. But I will look to those kinds of things. Beyond that, with respect to the -- with respect to the vote and I would be guided by that in making a vote on this nominee, should the waiver be granted. We have a policy in this city of not -- of having people who are residents serve on boards and commissions. That's the policy. When we grant -- there are policy reasons to support that. That's the policy of this council unless and until it's changed. We do have the ability to grant a waiver from that policy, and in my mind I would grant a waiver against that policy if I believe there are exigent circumstances that dictate for me a departure from that general policy. And for me it would be that someone has a particular skill or insight or something that would add to the productiveness of the board or commission that's in question. In this case, I will vote against the waiver of the residency requirement because in this case I don't find that it meets that higher standard that I think would fall for granting the exigent circumstance for a waiver in this case.

[11:46:21 AM]

Any further discussion on the motion to grant the waiver? Mr. Renteria.

>> Renteria: I also believe that we should, you know, pick citizens that are going to be productive. You know, I served on a lot of commissions in my lifetime and, you know, the commissions are to address the needs and be productive and provide the citizens to -- the needs that we're going to -- that needs to make this city a safe city. So I'm also going to vote against the waiver.

>> Mayor Adler: Further debate or discussion on the question of granting the waiver to the residency requirement? Mr. Casar.

>> Casar: Mr. Mayor, I'll hold on my comments on Mr. Buehler's -- sparse of policy for me I'll support the waiver given that he's so close to the city and for me the reason to grant this waiver might be because somebody has those exceptional skills or, because as councilmember Zimmerman noted they're virtually in the city and it seems to me just something that I would consider, you know, not that big of a deal and so I'll be supporting the waiver and then discussing a bit my vote on the appointment afterward.

>> Mayor Adler: Further discussion on granting the waiver? I'll take a vote. All those in favor of granting the waiver, please raise your hand. Zimmerman, Casar, troxclair. Those opposed to granting the waiver please raise your hand. Five, kitchen, Garza, me, Renteria, Houston. Those abstaining? Pool and the mayor pro tem. The motion to grant the waiver does not pass. We'll now move to the next item. There's another request for a waiver of the residency requirement for aletta banks.

[11:48:24 AM]

Is there a motion to grant the residency requirement. Ms. Pool. Is there a second? Ms. Tovo. Ms. Pool, would you explain to us the basis for requesting the variance --

>> Pool: I'd be happy to, mayor. Aletta banks may have met with all of you. She Carol and Juan

[indiscernible] All represent minority or women-owned businesses in the city and she has served with distinction as executive director of the Asian contractors association. I'm working with the three of them on making some revisions to the subcontracting rules and guidelines the city has in place. We'll be tabbing them up at the economic opportunity committee. Ms. Banks does live outside of the city limits bushy has been -- city limits but has been deeply involved in subcontracting and contracting work with the city, purchasing department, and is very familiar with the different -- with the city and the

organization. She -- I have asked her to be my representative, any nomination for her is to serve on the asian-american quality of life commission. Thank you.

>> Mayor Adler: Ms. Tovo?

>> Tovo: Thank you. And I wanted to speak to that too and this played into my decision to abstain from the earlier vote. I agree with my colleagues who expressed that our first priority should be to get residents of Austin to serve on our boards and commissions and I think that should be -- I appreciate that there's a deliberative process to consider waivers to force us to think about whether they're -- whether it is appropriate and, as the mayor said, whether it's an unusual circumstance. And I do believe Ms. Banks presents us with one because she has such deep knowledge of Austin, having served as the representative, as the executive director for the asian-american contractors association.

[11:50:29 AM]

I had an opportunity to work with her on an mbe/wbe -- former mbe/wbe council committee and now it seems to me especially important for two reasons, that she serve on the quality of life commission. I don't believe we have someone else on that commission yet representing small businesses. And if we do, I think that's always an area of concern for our city and it's good to have -- it's good to have substantial support with that -- in that area. And also because of the different changes that we've made mbe -- the mbe council committee has been absorbed into the economic opportunity committee so I want to be very sure we're giving high attention to issues directly related to our minority and women-owned businesses and based on her professional work I think she'll be able to provide that. So I'm strongly supportive of this residency waiver.

>> Mayor Adler: Further discussion? Mr. Renteria.

>> Renteria: Where does Mrs. Banks live senate do you know where she presently lives?

>> Pool: The determination that she was out of the city was done by folks in our city clerk's office so perhaps Ms. [Indiscernible] Could provide us with the street address for Ms. Banks? I will say I did not see she was out of the city until I saw her name on the waivers list.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Do we know if she's in a different city, in the E or out of city limits?

>> I'm sorry, we did not bring that information because we did not know you were going to break them down and discuss.

>> Pool: I did just get a text from my staff and Ms. Banks lives far north Austin so she is within the city, I guess --

>> She may be in the etj.

[11:52:32 AM]

I just -- I don't have that information in front of us. Sorry.

>> Zimmerman: Mr. Mayor, I'd be good if it's an Austin zip code.

>> Pool: I think we can probably get that. Ms. Estrada can -- thank you so much.

>> Mayor Adler: I'll tell you what, let's hold off on that. We'll pick that up when we have this information. Is there further discussion on this while we're waiting for this information?

>> Pool: I will lay it on the table.

>> Mayor Adler: All right. Thank you.

>> Pool: Thank you.

>> Mayor Adler: We'll pick this back up. We have two other waivers with respect to filing deadline for financial information and a waiver requirement of two boards for service. Someone want to move adoption of those two waivers? Ms. Pool, second by Ms. Tovo. Any discussion on those two waivers? Those in favor raise your hands. Those opposed -- I'm sorry. Ms. Troxclair?

>> Troxclair: Well, I just wanted clarification on the first waiver about the filing decline for -- statement of financial information, what is the background of that waiver?

>> We have five current board and commission members who have not filed their statement of financial information that was due April 24. And so what we have done in the past is done a waiver for the -- anyone who met -- missed that decline to give them a new deadline and then if they don't meet it then you can replace them.

>> Troxclair: Okay. Thank you for the clarification.

>> Mayor Adler: Those in favor of -- sorry, Ms. Houston.

[11:54:33 AM]

>> Houston: Do we know what boards and commissions they're on?

>> Dena has that explic she ran out to get the other information. Yes, but I will have her in the future on those waivers to include that information for you on the sheet.

>> Mayor Adler: Okay. Ms. Pool.

>> Pool: If we window -- let me know when we go back to the other item because I do now have a better fix on zip code and address.

>> Mayor Adler: Let's hold off. Let's take this vote. Those in favor of the other two waivers please raise your hands. Those opposed? It's unanimous on the dais. With Ms. Gallo off. We'll now pick up the matter on the table. Ms. Pool, do you have information about the zip code?

>> Pool: I do. Thank you. The zip code is 78729 -- thank you, the zip code is 787 -- thank you.

>> Mayor Adler: Any further discussion on the motion to approve the waiver residency requirement for aletta banks? All in favor of approving that residency waiver, please raise your hand. Those opposed? It's unanimous on the dais with two abstentions, Renteria and Houston, and with councilmember Gallo off of the dais. Those are all the waivers. That gets us to the nominations for boards and commissions. It is as posted -- I'm sorry? We did both one and four at the same time. That last vote was to approve the first and fourth of the waivers that we're -- handled. That gets us then just to the names of the folks that have been nominated. It's the list that's provided in backup, with the exception of the one for the public safety commission that we've just dealt with. Is there a motion to approve the balance?

[11:56:36 AM]

Mr. Zimmerman moves. Is there a second.

>> Houston: I second for discussion.

>> Mayor Adler: Ms. Houston. Is there any decision? All in -- sorry, Ms. Houston? Yes.

>> Houston: Yes. And, mayor, I have some things that I need to say about civility and how we talk to one another because it's come up any number of times in some of our nominations and I do give deference to councilmembers who bring forth voices from their community. But it's also about how we characterize each other, the lack of humanity when we speak to one another, the disrespect that sometimes we show one another, and so those things concern me, and how do we set a tone as council on our boards and commissions to say -- what is our policy about how we speak to one another how we speak about one another, how we try to work with each other to understand different situations, and so I say all of that because there's still yet another recommendation on the -- on this particular sheet that I'm going to have to, again, vote against because it's painful in this day and age that we're still harboring some of the racist language that is being used and is all over the social media. So I just think at some

point we need to have a conversation with each other about how we work together and how the people we appoint to boards and commissions are expected to work with others. And I just needed to say that.

>> Mayor Adler: Further discussion on this group of --

>> Renteria: Mayor, I too am very disturbed to have people that, you know, gets nominated to these commissions and it comes out in the paper, you know, where they're calling our -- disrespecting our president.

[11:58:49 AM]

I don't care whether you're republican, tea party or independent, libertarian, democrat, but, you know, we have to show some respect. I mean, we're raising our children to be respectful and when there's comments out there in the paper that describe our president as a piece of and a homo and prays to get ebola, it really offends me. We should be more mature and respectful and not nominate these people coming out here saying these kind of things that, you know, I mean, all they're doing is just, you know, feeding on the hate that -- and I really don't appreciate those kind of -- having to make these kind of decisions where we're having to face these kind of people that, you know, are so disrespectful and are willing to post it on Facebook. My god, if you really show that much hate, you should just keep it to yourself. Not be advertising it on Facebook. So there's two nominations that I'm not going to be able to vote for. And that's Mrs. Mendosa and --

>> Mayor Adler: I'm sorry, your names are what? I'm sorry. Mr. --

>> [Off mic]

>> Zimmerman: I

>> Zimmerman: If I could clarify that. I don't know where the idea came from that Mr. Mendoza was a woman, but he is not. If we could clarify that and have him --

>> Mayor Adler: What are the names, I'm sorry?

>> Zimmerman: Jamie, Jamie Mendoza.

>> Jaime.

>> Zimmerman: Jaime.

>> Renteria: I apologize on that.

>> Mayor Adler: Jaime Mendoza and which is the other?

[12:00:57 PM]

>> Renteria: Mckenzie Kelly or Kelly Mckenzie on the commission for women.

>> Zimmerman: Mr. Mayor, I believe both of these individuals are here if they would -- if they could be allowed to answer any concerns. That would be at the will of the council.

>> Mayor Adler: So now I have concern on these only because an issue has been raise and I don't feel competent to tote. If they are here I would like to give them an opportunity to speak to us. In a second if someone else doesn't, I'm probably going to move to hold these two pending an additional opportunity to be able to learn. In fact, I'd entertain a motion to amend approving the balance, but to also add to postpone the nominations of Jaime Mendoza and Mckenzie Kelly. Does someone make that motion?

>> Houston: So moved.

>> Mayor Adler: Ms. Houston, seconded by Ms. Garza. Before we vote on that I want to give both those folks the opportunity to come and talk to us, introduce themselves. Mr. Zimmerman, you wanted -- Mr. Mendoza?

>> Zimmerman: I believe they're both here. I saw Mckenzie earlier and I believe Mr. Mendoza is here as well.

>> Mayor Adler: I'm going to give you three minutes to talk to us to introduce yourself and talk about the commission on immigrant affairs.

>> Yes.

[12:02:58 PM]

I was pinto to the commission on immigrant affairs. I was raised and born on the border. I'm hispanic, second generation. I speak fluent Spanish and fluent English. Unfortunately I've been called a racist, a bigot by two councilmembers. I'm not a public official, so slander -- it's slanderous comment that you made. The post that I have on Facebook is a post that I reposted, not that I said, not that I wrote, and not that I have photo shopped. It's the same photo that the Austin chronicle reposted. So unless if you want to deny me a voice on the council, on the commission, then I hope that you do the same to the Austin chronicle and not deal with them, not read their paper, because I didn't do anything different than what they did. It was humor. At that time that the post was reposted on my Facebook, Joan rivers was caught on TMZ saying that our president was a homosexual, our first lady was a tranny and I don't know what else they said. Now, I thought I lived in Austin, Texas, where it was a Progressive city where many ideas are brought forth. If you want to stop my voice because of something that I found humorous

-- there's a lot of people here in the city of Austin that hated George hw bush, George W. Bush, Rick Perry, Greg an got. They're making fun of the governor because he believes that our military is going to go against us. So what are we going to do? Are we going to have a litmus test now? I'm sorry, this is the reason why good people don't want to get nominated because of false accusations from two councilmembers.

[Speaking in Spanish].

[12:05:08 PM]

Please, don't let the Austin chronicle dictate how you make your moves because that shows a poor, poor example of leadership.

>> Mayor Adler: Thank you, sir. Does anyone have any questions?

[Applause].

>> Houston: Mayor, I didn't have any questions and I didn't call anybody's name. I talked about people's behavior. That's all I said.

>> Mayor Adler: Thank you, sir. Mckenzie Kelly.

>> Good afternoon, mayor, mayor pro tem, councilmembers. It's nice to be able to address you this evening -- this afternoon, sorry. I've lived in Austin my entire life. I was born and raised in what is now district 6. I actually ran against councilmember Zimmerman for city council. I was a firefighter for the jollyville fire department for eight years as a volunteer and then following that I worked for two years in emergency management. I was nominated by councilmember Zimmerman to serve on the Austin commission for women, and I look forward to possibly being a voice for women in Austin and helping progress them. I'm not entirely sure what your concerns are. I can only guess as to the human services that have been spread about me on the internet that are not true, but I want you to know that those are baseless claims. I do have a career as a model. I have some risque photos, but they were all paid-for things. That's all I can think of that might be what you are talking about. If you have any questions feel free to address me. I was also a gubernatorial appointee. Governor Rick Perry appointed me to the committee on people of disabilities of which I served a two-year term making policy recommendations for him.

>> Mayor Adler: Thank you. Any further questions. Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I guess my issue or my question for the council is -- is everyone here sure that we're applying the same measure to every one of our appointees. The fact is we did not go through this entire list.

[12:07:10 PM]

My office, and I have some volunteers that have offered to go through and do Facebook searches and look for quotes in social media, something on the internet. We have the ability to do that and we don't do that because we would rather give deference -- if people say dumb stuff on the internet, sometimes they're misquoted, sometimes they're not, but is the council sure we want to keep going down this path of looking out for any quotes, anything that's been said in years past, and using that to hold up somebody's appointment? I think it's a bad precedent. If the council wants to do that, then we won't have any choice but to make sure the same measure is applied to everyone. I'd just rather not go there. That's my comment on it.

[Applause].

>> Mayor Adler: Further discussion or debate on the amended motion, which would postpone consideration of these two? Further discussion? Ms. Troxclair?

>> Troxclair: Well, I guess I am a little bit confused here because I do think that what you said earlier, mayor, about part of what the voters entrusted us with when they elected us to office was the ability to nominate people that we think would be the most -- the best fit for various boards and commissions. And I don't know -- I am concerned about the precedent that we're setting that every person who is willing to donate their time and energy to make the city a better place is going to be possibly subjected to a complete and total search of everything they've ever said in their lives when they're not elected officials. And I don't know -- I think that obviously we have dealt with some cases in the past where there are clear concerns about racism or discrimination that I think do warrant the council's attention, but I feel like we're going down a slippery slope and I don't know where the line is.

[12:09:28 PM]

If we're just looking at someone's past work history or their Facebook posts and it's just something that we wouldn't have said or we won't support -- adopt support, but is not necessarily related to the position they're nominated for. I just feel like this is a slippery slope and I don't know where the line is, if we are going to pick and choose comments. And it's putting -- I also feel like it puts each one of us in the position now every single person who I'm going approach or talk to about nominating to a board or commission, do I need to ask them for a record of everything that they've ever said on every topic? You know, I don't -- I'm just struggling with this. I don't know. I think there are clear examples that we need to make sure that everybody is treated equally in this city, but I don't know -- past that I don't know where the line is when we're getting into these other things that we're talking about.

[Applause].

>> Mayor Adler: Mr. Casar and then Ms. Garza.

>> Casar: I share your concerns, accommodation councilmember troxclair. And with the original postponement or nomination of Rebecca forest I thought we could send a clear message that we could make sure we had diverse viewpoints on the boards or commissions, but that we could find somewhere in this city with the very viewpoints that would not make statements that would sort of shake the values of so many people that were elected by council to stand for our values. Unfortunately I think we've seen again with some of the nominations this week that we're getting back to that place and that the nominations are -- these nominations from district 6. So I'm going to follow the lead of councilmember Garza for now and just abstain on those nominations because, no, I don't want to be searching Facebook posts and I have not done that.

[12:11:32 PM]

And I don't want that being done of all of our boards and commissions appointees and I don't think it would be necessary, but I think it seems with both of the appointments to the commission on immigrant affairs and then public safety that that's just a recurring issue. And I have a lot of things that I want to work on in my office that are very critical to me and I think our time on council is very precious so I don't want to spend my time having these discussions. So for now I'm just going to abstain on nominations from district 6. And I still respect councilmember Zimmerman and still am committed to working with him on policy proposals because there are going to be areas where we agree and can work together, but it just seems that with the record between the two appointees -- nominees for commission on immigrant affairs and also on public safety that there are people who can have diverse viewpoints that would not cause us to take so much of our time that we really need to dedicate to greater policy issues on this matter. In the case of public safety, I'm planning on appointing -- I have a couple of options of people that care deeply about ensuring that there are consequences when any city staff person, but especially police officers, don't act ethically or appropriately, but also care deeply about public safety in our communities and working with A.P.D. On public safety solutions that I don't think would cause this sort of an issue. And those public safety needs I think are much greater than -- and should warrant as much discussion as we've had on some of these issues. I have a neighborhood where I've had four murders reported in just a short number of months. That's a really important issue. And I'm dedicated to working on that instead of working through every single boards and commissions appointment. Mr. Mayor, just list me as abstaining on these and future nominations from district 6 until we see any short of change in the composition and just -- yeah.

[12:13:35 PM]

I don't know if there's anything more I need to --

>> Mayor Adler: Ms. Garza?

>> Garza: You can sit down, Kelly. Oh, mayor pro tem has a question for you.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Actually, I'm sorry, Ms. Kelly. I did have a question and that's why councilmember Garza yielded the mic. Thank you for that. I just wanted to allow you to have an opportunity to address one of the concerns that was raised about your candidacy for the board, and that was your support of gamer gate. So if you would mind addressing that one.

>> For those of you who are not familiar, gamer gate is a controversy that occurred over the internet, had it do with gaming developers and ethics in gaming. I believe in ethics in journalism and ethics in gaming journalism as well. I do not agree with online harassment which I made very clear in my interviews that I did and the article published in the Washington post I believe that noted that I did not agree with harassment or doxing. It is an internet term which basically means that you put information out on the internet about somebody where they live and then engage with people to harass them. So that being said, I believe in ethics in gaming journalism, I believe was at the heart of gamer gate, which is the controversy. I do not believe with all of the harassment or violence that has occurred as a result of it.

>> Tovo: I appreciate that and I know we share a similar taste in pizza. Rerun into each other at our favorite pizza restaurants. Thank you for the response.

>> Thank you very much for your time today.

[Applause].

>> Garza: Mayor, I have a couple of comments to make.

>> Mayor Adler: Hold on a moment. Mr. Renteria, do you have a question here?

>> Renteria:, no I just wanted to discuss it.

>> Mayor Adler: I'll get back to you. It's Garza, pool and back over to this side.

[12:15:36 PM]

Everybody has been raising your hand.

>> Garza: I'm not sure where -- I'm not sure why some of my colleagues feel that we have to set this broad policy, blanket policy for our -- how we vote on these issues because that's -- that's our right as people who represent different districts. I get to set what policy I apply and I get to change that and I get to set what litmus test I apply and I get to change that. And I previously stated that I was going to abstain from all of councilmember Zimmerman's appointments, and I'm still going to stick to that rule and I'm not going to make any exceptions to that rule. I really -- I regret that we're having to rehash this, but the reason is because of a previous appointment who made some very, very offensive comments towards the hispanic community here and basically said we need to elect less hispanic leaders. I could never endorse an appointment like that, especially representing a district that is 69% hispanic. So I'm going to -- I've had some -- some people have reached out and asked to make an exception to the rule of abstaining. Why I am abstaining, what's the purpose of abstaining. And for me again, what I said last time, is I really wanted this to be the one area where I could Dover councilmembers.

-- Defer to councilmembers. With everything else on our plate I don't have the time to go through every single appointment and research them and research their Facebook posts. And because of that and because of what I believe is questionable judgment with all due with respect to councilmember Zimmerman, I'm going to continue to abstain from all his appointments. And there's also one today that in my opinion has made offensive comments towards our president, and as a democrat I never -- although I disagree -- please, I respected you when you spoke.

[12:17:39 PM]

>> [Inaudible - no mic].

>> Mayor Adler: Sir, sir, you had the opportunity. She now gets to speak from the dais.

>> Garza: I have never made inflammatory comments towards people of another party and I don't think that's appropriate and I don't think that's productive. So I will continue abstaining from all of councilmember Zimmerman's appointments.

>> Mayor Adler: Ms. Pool.

>> Pool: A couple of the folks who have come to vouch for their nominations have said that they've made statements and that they have a right to make statements. They have a first amendment right to free speech and that's true. They do. And words matter. So the words that you speak are the words that you should also be willing to be accountable for and you are accountable for them. The appointments that the council makes to boards and commissions are positions of trust. They are advisory to the council. And therefore my nominations I have been very mindful and careful and intentional on the people that I have chosen and talked with and listed their names in nomination and I will continue to do that. The nominations that I make -- that I make will meet a standard of conduct, very like if not exactly like the one that councilmember Houston has articulated today. I just say one more time, words matter.

You can say the words you want to say, you're free to do that, but then you are held accountable for having said them. I plan to abstain from the Jaime Mendoza appointment. And thank you.

[12:19:40 PM]

>> Mayor Adler: Mr. Renteria and then Ms. Houston.

>> Renteria: I'm also going to abstain. I wanted you to know the two votes.

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: Please show me as abstaining from Mr. Mendoza's appointment.

>> Mayor Adler: The motion on the table is whether or not to amend -- there was an original motion to approve all of the names. One of the names on the -- on the backup posted is not on the list because the waiver requirement wasn't granted. So the motion then is to postpone the amendment that is now in front of us, is to hold off on Mckenzie Kelly and Jaime Mendoza. That's been moved and seconded. We can either put those off or not put them off. We'll address those votes individually if we are not postponing them. But what's in front of us right now is the motion to hold off making a decision on those two. Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. Would it be in order to amend that to say -- to move that we approve all the other nominees? Can I make a substitute motion. Let's approve all the other nominees and I don't think there's any disagreement. Let's approve those and then come back to the two?

>> Mayor Adler: That would be a fine way of doing it. It gets us to the same place.

>> Zimmerman: Does that make sense?

>> Mayor Adler: It's been suggested by Mr. Zimmerman that an appropriate next vote to take might just be to approve everybody except for Mckenzie Kelly and Jaime Mendoza and then we'll deal with those two. Is there a second? Mayor pro tem seconds? Any discussion? All in favor of approving all of the names with the exception of those two, please raise your hand? Those opposed?

>> I'm sorry, mayor, I'm not sure how to yet.

[12:21:42 PM]

Yes on everything with a an abstention on councilmember Zimmerman's.

>> Mayor Adler: So it is a vote to approve all the balance of the names councilmember Gallo is off the dais. Ms. Garza wants to be abstaining on all nominations by Mr. Zimmerman.

>> Casar: I the same.

>> Mayor Adler: And Mr. Casar abstaining on all. That gives us -- yes?

>> [Inaudible - no mic].

>> Tovo: Mayor, I thought the vote we just took was to approve all the nominations with the exception of the two from councilmember Zimmerman.

>> Mayor Adler: Mr. Zimmerman has some others other than those two.

>> Tovo: On sorry, got it.

>> Mayor Adler: So in order for us to approve that we would need three aye votes on this panel. So what I had was one, two, three, four, five, six, seven, eight, nine, 10, except that from those 10 Ms. Garza is being shown as abstaining, which is effectively a no vote to Mr. Zimmerman's appointment, as is there Casar. Do I have the record vote correctly? Okay. So then those -- the remaining names are approved. We are now then on the consideration of the two remaining folks. Let's take them separately.

>> Zimmerman: I was going to move to divide the question.

>> Mayor Adler: I like that motion. First we'll move for Mckenzie Kelly.

>> Houston: I would like to move acceptance of Mckenzie Kelly. Seconded by Mr. Zimmerman. Any discussion? All in favor of the Mckenzie Kelly please raise your hand? That would be the mayor pro tem, pool, kitchen, Adler, Zimmerman, Houston and troxclair. Those opposed? Those abstaining?

[12:23:44 PM]

Which would be Garza and Casar. Gallo off the dais. Mckenzie is approved. The next is Jaime Mendoza. Is there a motion to approve or accept the nomination of Jaime Mendoza for the commission? Mr. Zimmerman moves. Is there a second to that motion? Ms. Troxclair seconds. Discussion? Mr. Zimmerman, do you want to address it first, your motion? Or I can come back to you. Ms. Troxclair?

>> Troxclair: I guess if Mr. Mendoza, diverse viewpoints have one question for him if he could come back.

-- I did have one question for him if he could come back.

>> Mayor Adler: Mr. Mendoza, could you come back, please?

>> Troxclair: Thank you for your willingness to serve our city. I wanted to ask if you could respond to the issue that councilmember Houston brought up in that if you are confirmed to this position if you would approach it in a respectful manner and be able to have productive dialogue with other members of the commission?

>> Sure. Most of my friends are liberals. I've got friends, best friends that don't share my political views. One of my best friends is -- he's gay and he's married. He invited me to his wedding. I mean, I think we could have different opinions and try to reach compromise in a civil manner. I mean, I know councilmember Houston wasn't trying to be disrespectful to me before knowing who I am, but I think that's the behavior that we're going to try to get away from and that's the behavior that I want to get away from.

[12:25:45 PM]

>> Troxclair: Okay. Thank you.

>> Mayor Adler: Any further discussion? Mr. Zimmerman?

>> Zimmerman: Mr. Mendoza, you have been a candidate before, is that right?

>> Yes.

>> Zimmerman: So you've run for office before.

>> 82nd. I was actually considering running for your seat, but I didn't.

>> Zimmerman: Thank you for not running. I might have lost to you. I'm a pretty passionate person myself and I've stated numerous times our mayor, Mr. Steve Adler, is a role model to me in being calm and dispassionate and not being so emotional. It seems loose a pattern I've had with some of the people I've nominated are emotional and passionate people, as I am. And god knows I've said stuff in the past that I've regretted. The more calm and dispassionate people, they generally don't go out there and say stuff, repeat stuff, repost stuff. I appreciate you volunteering for the position and irrespective of the vote, I appreciate you as a professional individual. You're a business owner as well.

>> I'm not offended. It's politics.

>> Zimmerman: I appreciate you volunteering. And I hope irrespective of the vote --

>> I'm not going anywhere.

>> Zimmerman: Thank you very.

>> Any other questions?

>> Mayor Adler: Thank you very much. I would move to amend this motion to postpone it so I can learn more about this particular person. Is there a second to that? Seeing no second --

>> Zimmerman: I'll second that.

>> Mayor Adler: A second from Mr. Zimmerman. Generally speaking I would give deference to people who come. I think that each of us have to decide what our own policy is, wasn't recommending that the council adopt the policy with respect to these folks, but that I hope that we would each have guiding principles if for no other reason than to provide direction to nominees.

[12:27:46 PM]

I expressed mine earlier. You know, I'm going to try really hard to either vote yes or no. Yes that I want somebody or no that I don't. An abstention is a no vote. And I think that -- I'm concerned about policy on this dais that has any of us blanket abstaining to anybody else on this dais. These names are posted that are available. If we need to have additional time for vetting once they're publicly posted, I would support that as well. I think we have a job when questions are raised that would overcome the deference given to somebody, then I think we need to exercise it in this particular case there are concerns that have been raised that I have not had the chance to be able to vet. So I want want that time to make an educated vote. That would be the basis for that request. Any further discussion on the motion to postpone as to Mr. Mendoza? Those in favor of postponing raise your hands? Those opposed? I'm alone.

[Laughter]. That will happen sometimes. We are now debating Mr. Mendoza. Any further discussion? All in favor of Mr. Mendoza please raise your hand? Mr. Zimmerman, Ms. Troxclair. Those opposed? The mayor pro tem, Ms. Kitchen, Ms. Houston, Mr. Renteria. I'm going to join that with the limited information I have, Adler. Those that are abstaining, that would be pool and Garza, Renteria and Casar, and the nomination fails.

[12:29:50 PM]

That is all of the boards and commissions matters. We are overdue on starting on citizen communication. We're going to move to that next. Pat Johnson. By the way, before we do this, there's an item on our agenda, this is item number 40, which is an appeal by Mr. Daniel Yanez. Mr. Suttle, I understood was going to be unavailable this afternoon to be able to handle that. Mr. Yanez has e-mailed that he is okay with a postponement of that matter. If there aren't any objections to the dais, we'll have that matter, 40, postponed, at the request of one of the parties and at the acquiescence of the

aparlante. Hearing no objection we'll go ahead and postpone item number 40. Let's now continue with citizen communication. Mr. Johnson. You have three minutes.

>> Good morning, council, mayor. Y'all know me. I've been up here before a couple of meetings. Today I want to talk to y'all -- we've had our problems with the police department enforcing the wrecker ordinance and the towing laws, but based on some comments I received from some of the victims we deal with on a daily basis across the state and here in Austin, A.P.D. Is beginning to file criminal charges against wrecker drivers. It's about time. I want to show you something. In districts 4, 1 and 3, those districts right now are being slaughtered by predatory towing.

[12:31:50 PM]

And one of y'all's favorite companies here that gives us a lot of problems is J and J towing, which moved their storage facility over off of Langer off of Darby and how they get a certificate of occupancy is beyond anyone's imagination. There's no sign alerting people where to go find their car at. They're relocating vehicles from one storage facility to another and that requires notification of the vehicle owner by registered mail. That hasn't been done. The legislature mandated law enforcement to enforce the vehicle storage facility act. Another issue here we're having in our city is the kickbacks that go on. If you live in an apartment complex there's a 99% chance your property manager gets something from the towing company. This one right here, park right solutions, is the reason we have the problems with the towing kickbacks because back in 2001 the original founder of park right, which at the time was assured towing

[indiscernible], park lots for free and send you on trips to Las Vegas, but this whole issue all has to do with one thing. Enforcement of the law. Municipal court prosecutors have stated they take the cases, A.P.D. Is starting to take cases now and conduct these investigations and come back with arrest warrants. That's what we wanted, that's what we continue to want. But chief Acevedo could do like the chief? San marcos did and send a letter to all their tow companies and they are to cease towing if an illegal sign is posted or you're subject to be arrested. But they don't want to do that. They want the people to continue to be taken advantage of over and over again by these companies and they're specifically targeting the minorities. Out in montopolis we have J and J towing off four properties and the signs aren't even legal. So they continually target the minorities, they continue to target everyone. So when people can't pay their rents or can't pay their car notes or can't do this, their car gets towed illegally, they turn to the police for help and what happens?

[12:33:58 PM]

We don't hear nothing from them. We're still having complaints, Mr. Snipes, from tow companies that are having a hard time getting drivers because they have drivers currently, but they can't get the guys in the wrecker enforcement unit to answer the phone or make appointments so they can schedule their employees to come get their license renewed. It's impossible to operate a company without --

[buzzer sounds]

-- Employees. And that's what the option. We ask y'all to look into that. These issues would not have been if they would just answer the police, the public and the towing companies who serve them the most.

>> Mayor Adler: Thank you, sir. The next witness -- next person testifying in citizen communication is Carlos Leon. You have three minutes.

>> Thanks. Carlos Leon, Austin, Texas, may 7, 2015, to speak what's right. First and foremost,

[speaking in Spanish] For letting me combat evil, document on screen. April 24th, 2015, Bruce generaller claimed his brain was nor female than male and that he was now a woman. However, his 1968 female prom date said, quote, we danced close. We did kiss and he seemed to enjoy it. And that Bruce was happy go lucky, friendly and popular. But in the 2013 Kardashian catastrophe Christmas card, ex-wife Chris is pictured glamorous, triumphant and free, ignoring destitute, defeated, bubble imprisoned Bruce, walled off from his gold medals and chiseled frame, her deliberately separating him from his strengths to weaken and dominate him. A right minded man would never be in that position, but brain washed Bruce was.

[12:36:02 PM]

Allegedly showing how secure he was with his Ms. Garza cue lienty. Camera on me. That insane mindset drives Chris' 85th tweet, quote, not only was I able to call him my husband for 25 years and father of my children, I am now able to call him my hero. With a healthy human female, godly wife, being a husband and father is heroic, not being assimilated by a psycho pathic, non-male, godless alien from hell. Bruce was psychologically and emotionally attacked, manipulated and murdered by evil pair Stites draining his good energy before destroying him. Bruce's transgender terrorist tragedy is really about him finally gaining power over his ex-wife by staring in his own new reality TV show to out shine her. Him winning the wrong game the wrong way. Watch the Truman show, the gas light and inception, and read civil action 92-0449 and my book, be her hero, to understand how gang stalking, gas lighting, electromagnetic attacks and neural linguistic programming, nlp, are used to torture, control and change one's mind like Bruce's. Lord, please help us defeat these demons and destroy their works. In Jesus name I pray. Amen. Thank you, lord and god bless Texas.

>> Mayor Adler: Thank you. Susana Almanza. Ms. Almanza, you also have three minutes.

>> Good afternoon, mayor and city councilmembers. I'm Susana Almanza with poder and I'm here to request that you look at purchasing, the pure casting facility locating at 2110 east fourth.

[12:38:14 PM]

You know poder has been working for years to try to protect the health of the children and the families there in east Austin, and Zavala elementary school is right across from there. Pure casting is now being given the opportunity to relocate to Lockhart and they're property is now up for sale. The past council did not help in protecting the children and families of east Austin and now I call upon this city council to help us to purchase that facility and to create affordable housing there. And the reason I also ask for this because you've been wanting to address the whole issue of gentrification. You may not know but Zavala elementary school is now underenrolled. This would be the opportunity to purchase that facility. The city owns the brown building all the way up Chicon to redevelopment it, remediate it and create affordable housing and repopulate the area with families so that we don't have to close Zavala elementary school in the future, but also to address the gentrification issues. So I ask for your support in this. The second thing I want to talk about is the closing of metz elementary pool, metz pool. And I feel that one of the ways that you could address this issue, one is not close it during the summer, but use funds to patch up wherever that leak is, but also to use our drainage fees. I've been studying the whole drainage fees and the millions and millions of monies and funds used and I can tell you -- I'm not through with it because there are literally hundreds of pages that I'm going through, but I can tell you east Austin has not gotten its fair share of that drainage money. And I would ask anybody -- I don't see any other councilmembers that I did an open records request to get where that drainage funds have been used, to look at it because drainage funds -- this is a drainage issue, which at pools, I believe that the drainage fees funds can be used to repair these pools and not only to repair them, but to build brand new swimming pools because the way that they're addressing this is that these -- all of these pools in east Austin have a drainage issue.

[12:40:32 PM]

And the pools in east Austin, they have known for years and decades that the pools had existed beyond their life cycle and have not done anything to address it. And as you know, low income communities and communities of color don't have the opportunity to go to private places to go swimming or join the Y to go swimming or have the transportation to go to these places. And so I think that we need to really look at again the community benefits that are supposed to exist in low income and communities of color.

[Buzzer sounds] I ask you to look at that issue. Thank you.

[Applause].

>> Mayor Adler: Thank you. The next speaker is John King. You also have three minutes.

>> Thank you. Good afternoon, Mayor Adler, Mayor Pro Tem Tovo. As many of you are aware, the AYC is the fastest growing young professionals organization in central Texas and we have been consistently growing since our founding in 2009. We have hundreds of active members generally between the ages of 21 and 39 with over 240 young professionals having registered as dues-paying members this year alone, since January. Our reach extends well beyond our active membership with over 10,000 -- with a reach of over 10,000 young professionals and community stakeholders. The purpose of the AYC is to provide opportunities for the personal and professional development of our members. We strive to provide our members with the opportunities to make a difference in our community and to become the next generation of Austin leaders. Our mission is to develop and connect young professionals in Austin, to create business, community and individual success. As we are all well aware, many councilmembers have begun nominating community members for various commissions in our cities boards and commissions.

[12:42:34 PM]

And I'm here to kindly urge you to please also consider those young professionals in our community who have historically been disengaged and underrepresented in civic -- many of our civic affairs. Nearly 40 percent of our city's population is between the age of 25 and 44 and the city's boards and commissions are not yet representative of this demographic. Our members are this 40% and we are ready and eager to serve our city. AYC has worked hard to educate young professionals about boards and commissions service and our members very soon expired to get involved from encouraging remarks from our mayor and councilmembers and community and business leaders. For that we're very grateful. Our members have answered this call to and as of this week we have collected detailed information from over 35 of our members who have applied for boards and commissions. These members are Austin's emerging and future leaders. They represent a diverse geographic footprint, they are also -- they're as professionally diverse as our regional economy. Many have experience beyond their years. And they are all ready to serve. We have identified a -- we have identified a stellar group of young leaders in each district that we hope you will consider in your appointments. We are more than happy to engage in further dialogue or to simply send over the contact information of those young professionals in your district who want to serve. Please let us know how we can be helpful in engaging the next generation of our city's leaders. If there's anything we can do for you and for the city, please do not hesitate to call on us. Thank you to everyone here for your leadership and engaging our demographic. To Mayor Adler, to Mayor Pro Tem and all councilmembers. Thank y'all.

>> Mr. King, if you would make sure that in addition to sending out that notice to the district council folks, please make sure that my office also gets the full roster of folks.

>> I'll do that.

>> Mayor Adler: Thank you.

[Applause]. The next speaker is don grant.

[12:44:45 PM]

While Mr. Grant is coming to the microphone, it's been pointed out to me that we probably cannot actually postpone item number 40 until it gets called at 4:00. So we'll retake that vote at that point, but I think we've telegraphed to everyone what it is that we intend to do, so Mr. Yanez doesn't need to come down. Anywhere.

>> Yes, good afternoon. My name is don grant, founder and director of born again ministries. We are a non-profit organization, 501(c)3 organization that helps men that were incarcerated in prisons, drugs, alcohol abuse, other provides problems. We've before providing this community with the service for the past 15 years. I was encouraged to come before you today through one of the organizations that we are collaborating with, who work with people who have felony offenses, et cetera, helping them to reintegrate to the community. I would pray that my coming today would make you aware of who we are. And we are facing some difficulties in the community. As I said right now we're located in dove springs,

[indiscernible] Is our address. The legislature has decided that they no longer allow parolees to live in certain zoning areas. So as a result of that, they've removed us off of what they're calling approved housing list for individuals returning to our communities. Well, it's difficult enough as a felon to even -- you can't lease or even rent a house, so through the service that we've been providing and most of the men are indigent, coming back into the community, that leaves them with no alternatives but housing such as which we provide. We do take a comprehensive approach to this.

[12:46:46 PM]

This is just not about housing an individual and it's not about rehabilitation. This is habilitation. So this requires a much more thorough engagement with individuals than putting them in a home for 30, 60, 90 days and putting them back out into the community. So that's a challenge. Of course, I'm reaching out to the local community now. There is not really a lack of people to serve in this area. The community is full of folks who are suffering from addictive behavior, which leads to the criminal activity, and incarceration that we are also very aware of. But this zoning issue is really creating a problem for those individuals who do need places to live. Now, we also are always faced with the funding crisis. We're not supported

by the city in any manner. We've established a cleaning company where we do a lot of the outside cleaning events. Folks don't want felons in their businesses because they're afraid they'll come back into them after business hours and burglarize them. Well, -- it's a two-edged sword that we're fighting. Once again, we do address the housing, we address recovery from drugs and alcohol. We address vocational development and social and relational help.

[Buzzer sounds] I appreciate you all giving us this opportunity to introduce ourselves.

>> Mayor Adler: Sir, thank you very much. Are there any questions? Ms. Garza?

>> Garza: You said that a zoning change happened and that's what created --

>> No, a zoning change didn't happen. They are requiring that we provide housing that's not in residential zoning areas. So we never had any complaints. We've been in the area that we are in Dove Springs for eight years. The community supports us. They know what we're doing, but we're not approved on their list for parolees anymore so they directed the parolees to find other residences in places that are not zoned residential.

[12:49:01 PM]

>> Garza: Okay. Can you reach out to my office? That's my district. And see what we can do to help you.

>> Yeah. I'll be glad to.

>> Garza: Thank you.

>> Mayor Adler: Thank you, sir.

[Applause]. The next speaker, David Leonard, yielded his time. Eric Bell? Mr. Bell? Afternoon, Mr. Bell. You have 30 minutes.

>> Afternoon, city council, mayor. My name is Eric Bell. I would like to voice my support on behalf of Melch. I am a father, high school graduate, HVAC tech, God-fearing man. But also a labeled felon. By coming to Melch incorporation in September of 2014, it has been a blessing to me. I was incarcerated for two and a half years on a five-year sentence. Displaced and unemployed. Melch partnered me with a company in which I had full-time employment and 401(k) and other benefits. When I was arrested for a child support case, Melch called my -- Melch called my employer and explained the situation. We negotiated with the attorney general for my child support, which prompted my employer to hold my job for me. Last but not least, while I was incarcerated, during the holidays Melch looked out for my kids, blessing them with gifts and I just want to thank them.

[12:51:23 PM]

I thank the melch incorporation for everything they've done for me and my family. From the annual gift giveaway, so I'm here today to show my gratitude and my appreciation for the melch corporation. Once again, thank you.

>> Mayor Adler: Thank you, sir. Any questions? Thank you. Renee Smith? And then Sarah black. Ms. Smith, you have three minutes as well.

>> Good afternoon, mayor and city council. Commission. My name is Renee Smith and I am a resident of district 7 council Leslie pool. I am a single mother, I am here to be a spokesman for people that have felonies as well. I am an ex-convict and I am a single mother of two, I'm a high school graduate and I also have some college education. I also am a certified nurse's assistant. I also have a business that I have and I also am a registered voter and ex-felon. Which brings me here to share the struggles that I have endured over the 12 years of being a convicted felon. Due to to this convicted felon it has been hard for me to get jobs, it's been hard for me to go to nursing school, it's been hard for me to get housing. It's been hard for me to do a lot of things in the community. I'm here to be a voice for other people that also have felons as well. But thanks to Mel and corporation, they have expended their help to help me to get my record expunged so I am here to be that voice. Because I want to restore my name, my character and my integrity. I am not my past, I am not what they say I did.

[12:53:23 PM]

I'm not. So I'm just here to be that voice for other people and I want you guys to hear me and other people as well that go through these daily struggles that are single mothers, have children, need housing, these the resource to do what we need to do to fulfill the visions and purposes that we have for our lives. So I'm just here on behalf of that and I want to say thank you for your time and I hope that my voice was heard. Thank you.

>> Mayor Adler: Thank you, ma'am.

>> Casar: Mr. Mayor? I just wanted to mention to you and to the other gentleman that came and spoke that I'll be -- I think we'll be requesting a short bit of time to talk about this this coming Tuesday at a work session and upcoming session to the city council for us to look at expanding the policies that we have here at the city, which is our ban the box policy, fair policy, that you do not put on the application do you have a criminal background? And those criminal background checks have to be done later in the process so that you don't judge somebody right upfront on exactly what it is you're talking about. So we hear your message loud and clear and I hope that you will keep participating in the process. I'm going to ask that we talk about it briefly on Tuesday since a committee meeting on Monday is full. And hopefully

we'll be talking about it as a full council and I'll make sure to get y'all's information and be in touch with my office about that policy as we move forward.

>> Thank you. I appreciate that. And I will be back.

>> Casar: Thank you.

>> Mayor Adler: The next speaker is Sarah black. Is Sarah here, Ms. Black? And then Kennedy.

[12:55:33 PM]

Good afternoon. You also have three minutes.

>> Good morning, Texas. And thank y'all for serving. I wrote this for Austin city council on December 7th, 2006, the 10 commendments. Where is the timer thing? I don't see. The first commendment, y'all shall trust in the god that's on the money. If you believe in one god, keep it to yourself, especially at school. If you believe in different gods at different times, keep it to yourself, especially at the office. If you believe in no god at any time, keep it to yourself, especially at church and at home. The second commendment, y'all shall not covet that baby's candy. If you are a diabetic, beg the momma for a piece. Otherwise get just desserts at the free lunch. Commendment number three, y'all shall remember to keep holy the sabbath day and Sunday and Jesus Christ's birthday and Saturday and the E day and Friday and Thanksgiving day and Thursday and your wedding day and Wednesday and

[indiscernible] Pay and Tuesday. As for Monday, work is optional as usual, but keep it holy for tomorrow. You could wake up dead. The fourth commendment, y'all shall stay on your own side of the bed or the track, left you wake up on the wrong side. The fifth commendment, y'all shall not take the name of god in vain. Don't damn any aliens either.

[12:57:33 PM]

Commendment number six, y'all shall not bear false witness against y'all's neighbor unless he is a non-registered sex offender and your kid is latch keyed. The seventh commendment,ial shall not kill unless you're fixing to be killed, but first try a white lie, cheat or steal your way out of the situation. The eighth commendment, if you shall be a child, honor your father and your mother. If you shall be a mommy and a daddy, honor your child at least until the age of reason, at which time everybody shall honor everybody. Commendment number nine, y'all shall not commit adultery unless god only knows if or that you're married. The 10th commendment, y'all shall stay in your place at the table. She put you there based on seismic age of reason, sexual preference and right brained or left-handedness in that order in

that court. Now, go in peace to love and serve the world. That would be whirld. Thank you. Am I done? I mean, is my time up?

>> You have six seconds.

>> I have the city of Austin laboratory report on the water at my house and --

[buzzer sounds] I'd like for somebody to help me spread it around Texas.

>> Mayor Adler: Okay. If you give that to clerk we'll all get a copy of it.

>> Hi, Janette. Thank you.

>> Now go eat lunch.

>> Mayor Adler: Thank you. That takes us through all citizen communication. We have a lot of things on the agenda and several public hearings that will be called up later. Do we just want to continue the meeting and have people go back and go back and get lunch? Do we want to take a break? What's people's preference?

[12:59:34 PM]

Keep going.

>> Mayor Adler: We'll go to item 11, which has been pulled by Ms. .

>> Troxclair: Did you see Ms. Troxclair, the late backup that came, the memo that came on this item?

>> I was actually, councilmember Gallo, who wasn't able to be here who asked me to pull it.

>> Mayor Adler: Let's put that off unless she wants to address that then. That gets us to item number 13, which is Mr. Zimmerman, but he's off the dais. 13, 14. That guess Goetz us to item number -- gets us to item number 17, which I think is yours.

>> Troxclair: I'm sorry, now that I have myself organized. It was number 17, -- 17 and 18, the councilmember Gallo requested to be pulled. So we can go back to item -- if you want to hold off until 2:00 until she's here on those two and I'm happy to talk about number 12 right now.

>> Mayor Adler: Why don't you talk about number 12?

>> Troxclair: This is the historic preservation tax exempt that we discussed at work session another day. I was -- I thought we were supposed to be awaiting information from staff about how much that exception is costing the city.

>> Mayor Adler: There was a memo that came to us that said this doesn't authorize any money being spent. Did you see that memo?

>> Troxclair: I don't think the question -- the question isn't how much money it's authorizing because it's a tax can exemption.

[1:01:37 PM]

It's the same issue as the homestead exception, how much revenue is the city --

>> Mayor Adler: I wanted to make sure you saw the one that said we weren't -- bypassing it originally we weren't funding anything or adopting anything to be funded. I wanted to make sure you saw it. It's not the question you asked. I wanted to make sure you saw that.

>> Troxclair: Do we have staff to answer questions?

>> Mayor Adler: There was a question about the property tax exception for historic landmarks.

>> Troxclair: Thank you for being here today. I know we talked at work session about how these properties have already applied for historical exemption and they're under the expectation that they'll receive the exemption because they've complied with all of the -- all of the requirements of the program. They've gone through inspection, et cetera. So I understand that we are under a time deadline for this year, but I do want to understand -- I would like to know -- I thought the question that we had asked the other day was how much revenue -- is being exempted or what is the amount of revenue that is being exempted.

>> Amount of tax revenue, councilmember? Steve Sadowsky, historic preservation, planning and zoning department. We don't have the figure for this year because the tax rate has not been set. Last year it was 1.5 -- \$1.45 million. But that that corresponds to .0017, percent of the -- of the general fund.

[1:03:45 PM]

So it's not even 1/5th of one percent.

>> 1.45. And this is for -- for how many -- how many homes are currently qualified for this exception?

>> Approximately 500.

>> Approximately 500.

>> And it's not just homes. Councilmembers. It's homes and commercial buildings.

>> Troxclair: Sure, yeah. And on average they're paying about 66% of the full -- of the property tax bill that they would receive without the exemption?

>> That's it, yes, I think you could say it's a fair statement. It really depends on the calculation that is made for -- for the value of the land versus the value of the structure. Because taxing entities exempt a certain value of the -- certain percentage of the land value and a certain percentage of the structure value from ad valorem taxes.

>> Troxclair: Okay. So in the city of Austin code, I was looking at the requirements for a property to qualify for this exemption and one of the requirements is that the property be "In need of tax relief". So I was -- [laughter] -- I thought to myself, well, maybe I should apply or the rest of the city who has said that they need tax relief should apply to the program. So. Okay, I thought it was important that we at least have the conversation about this exemption. Again, I understand that we're under -- we've already set expectations and are under time limits for these particular properties that are in front of us for this year, but I hope that we can include programs like this in our budget discussions this summer.

>> Actually, councilmember, what's before you today is the list that is an appendix to the resolution asking the city manager to include this in the budget AI consolidations for this year -- calculations for this year.

[1:05:54 PM]

So there's no decision being made today. This is just the list that the landmark commission is recommending based on the qualifications for the exemption that all of the property owners on the list have complied with.

>> Troxclair: Right. When I asked the other day if this was time sensitive, you said it needed to be passed today or else there would be dire consequences, so it does seem like there is a decision being made today.

>> Well, this is the decision for this list to be included in the budget calculations. But the granting of the tax exemptions is not being made today. That's part of the budget deliberations.

>> Right. Okay. Thank you.

>> Mayor Adler: Ms. Houston?

>> Houston: Thank you so much for coming today and explaining this. Is there an opportunity to look at some equity issues as far as how these properties are determined to be landmark status? For about -- I know that you all are talking about some kind of mapping of culture assets, but that's -- that's been

talked about for, I don't know, five, maybe six years now. Meanwhile, culture assets in our community are being bulldozed and so there's nothing there to map anymore. For example, Thurgood Marshall lived in the house as you know, San Bernard when he was litigating Sweatt versus painter, but we still have not been able to get that through the process. So is there sometime in the future that we will be able to have some kind of policy discussion on how those few places that are culturally important to various communities get this kind of designation?

>> Very definitely, councilmembers. And, also, I should add, too, that -- that last year, the council approved a budget for a new survey, areas of east Austin, that have not been surveyed before or if they have been surveyed, the survey is so old that the information is no longer truly relevant.

[1:08:12 PM]

So that is part of our ongoing process to identify properties in east Austin through this survey, anyway. Our goal is to get it throughout the city at some point. But to identify properties in east Austin that do have the potential for landmark designation and the survey will consist of photographs, plus some historical research. So we know what the history of each building is so we can better address those issues for properties east of the freeway.

>> Houston: Right. I appreciate that except, you know, as you said we've done this before and those buildings are now gone and so as we continue to do study after study and survey after survey, the bulldozers are marching through and destroying all of those properties that you may have identified in the first survey. There's a sense of urgency that I think that I'm trying to communicate here.

>> I appreciate that, councilmember. I also want to let you go just as an unofficial policy in our office, when we receive an application for demolition of a structure, we have to make the decision as to whether to refer that application to the landmark commission for review. If it's a total demolition of a property, generally or specifically in east Austin we refer those because we're well aware of the rate at which historic aged houses east of the freeway are being bulldozed because that seems to be one of the hottest areas for new development in the city.

>> It's the city's desired development zone, so of course the city is kind of complicit in that action. But do you send that to the cultural heritage district to Lisa Bird and African-American cultural heritage district so that she can keep -- she's mapping some of those structures as well. If not, would you please?

>> I will, yes, ma'am.

[1:10:12 PM]

I'm well acquainted with Ms. Bird, I'll be happy to do that.

>> Mayor Adler: Thank you, any further discussion on this item 11? Ms. Pool?

>> Pool: I'm glad councilmember Houston brought up the

[indiscernible] And the cultural mapping on the east side of town. I'm very entered in getting more information -- interested in getting that information as well and supporting that effort. I also wanted to just offer up to my colleagues and maybe at some point Mr. Sadowsky could provide us with a briefing on the very extensive review that the whole landmarks program went through back in 2010-2011, there were issues raised at that time so the city engaged in a very exhaustive view of that. Because there was so much work done, it may be that a briefing on that would be really helpful for everyone to understand how the program was previously, how it was being used what many of us thought was appropriately and how the city took steps to address those concerns.

>> I would be has open to do that.

>> That would be -- I would be happy to do that.

>> Pool: That would be great.

>> I also wanted to say some of the changes that were put into the cultural landmark program and Mr. Sadowsky can help pinpoint more accurately if I don't get those quite right, a number of changes that were enacted included placing certain caps on owner occupied properties so taxing entities have more certainty in out years. I think that maybe part of what we're talking about today.

>> Yes.

>> Pool: And the cap appears to be working on homesteads, which is what had drawn people's attention back in 2010-2011 and the properties that were landmarked before the changes are transferring to the cap as they are sold; is that correct?

>> That is correct.

>> Pool: So the previous property exemptions are not grandfathered.

[1:12:13 PM]

>> If her this there's not been -- they are if there's not been a change of ownership.

>> Pool: In this instance when they're sold, correct?

>> Yes.

>> Pool: Then I think historic preservation activities in Texas add to the state's economy. It's a big economic development item and I think the number is about 4.6 billion a year. And like you had said previously, not just residences or homestead, but also iconic places around the state and Austin would have a number of them being the seat of government from very early, although not the very earliest for a time. So this is an economic asset that we're talking about to the city. That these homes and the landmarks provide. I don't see them as liabilities, personally, I do see them as assets. I think maybe with a broader discussion of it, we can see where the program has been in the past, where it's focused in the future and then we can make sure that it embraces all parts of town because equity and our historic places are in all parts of town. Thank you so much.

>> Pool: Thank you.

>> Mayor Adler: Any further discussion on number 11. Ms. Houston?

>> Houston: One more question. Do you have to apply each year to get the exemption or is there in perpetuity until you sell the home?

>> Every property owner must apply every year for the exemption. It's not an automatic thing.

>> Houston: Thank you.

>> Yes, ma'am.

>> Any further discussion? We're actually on item no. 12. And any further discussion on that? All in favor of number 12, please raise your hand. Those opposed? It's unanimous on the dais with kitchen and Gallo and Renteria off. Thank you very much.

[1:14:15 PM]

We postponed -- actually, we haven't done that yet. That gets us then to -- to item 13. And 14 -- 13 was pulled by Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Give me a second here. I guess -- first question, if there's anybody here to talk to it, maybe there's not, but I pulled this because we weren't able to figure out exactly where the money was coming from. Maybe somebody can speak to that. The Texas automobile burglary and theft prevention authority applied for a grant of 573,000 and so -- okay good, here you are. I will let you lay that out quickly for us. Thanks.

>> Good afternoon. I'm Jessie brown, I'm the commander for the property

[indiscernible] Division, with me is project manager for the grant. Sergeant Robert Smith

[indiscernible]

>> Come closer.

>> This is sergeant Robert Smith, he's the project manager for the grant and we'd be happy to answer any questions that you have.

>> Okay.

>> Zimmerman: So the grant, the program has been around for a while. If you could explain to me how the money works, where the money is coming from, from what different sources? The questions that I had really was mostly about the funding, if you could talk to the effectiveness of the program that would help, I didn't really see much in here about what we were getting for the money, where the money was coming from.

>> This program has been around since 1997. It was enacted by the legislature back then. What happened was they took one dollar initially out of every insurance policy holder in the state of Texas and that went into a fund. This fund is distributed today amongst 29 grantees, the express purpose of this is to reduce the incidence of auto theft and auto burglary. So a couple of years ago, that money was actually doubled.

[1:16:17 PM]

It's \$2 out of every policy to that pool of money. So of these -- of that pool, 29 grantees, Austin police department's auto theft interdiction project is one of them. They apply every year for this money and this money goes -- in our instance, it directly funds 100%, three detectives, who work full-time on auto theft, a one administrative assistant, that's important because sometimes in the city administrative assistants pool their resources and will help out other ones, but this one specifically paid 100% by the grant. They only help with administration of the office and moving cases along and things like that. And one of the most important things that is funded 100% by this grant is the neighborhood awareness person. The neighborhood liaison. It's kind of a misnomer, this person is more like a crime prevention specialist. They go out in the community, they actively engage in public entities, private entities and they assist us, the -- the investigative portion with letting the Austin community know that we're there to help them reduce becoming a victim of auto theft and auto burglary.

>> Okay. So final question here -- well, I don't see any federal money. This is all state money.

>> It's all state, it's all -- if you have a policy, a dollar or two is coming out of it to fund this and then they give it to police agencies that reduce auto theft.

>> Zimmerman: Terrific. Good so far. Finally, how do you measure the effectiveness of what's -- of what you're doing, you know, in the program?

>> Every year when we apply for this grant, there are certain matrices that we follow, reducing the incidence of burglary theft, ensuring that people are prosecuted to the fullest extent. Making sure that the community is met through our crime prevention person, our neighborhood awareness person and every month we report our activities to the grantor, the abtpa, automobile burglary threat prevention authority, they compile all of the information.

[1:18:26 PM]

If we don't fulfill our end of the bargain, then the fund don't get awarded and we've been awarded the funds every year since 1997. In fact we overperform, even though every year we make it more challenging for ourselves.

>> Mayor Adler: Any further discussion on this item 13 in Ms. Garza.

>> Garza: Just curious, does this money go to like during Christmas season, there will be those big signs like at the mall and south park meadows, make sure that you're locking your door, the pamphlets.

>> It's directly funded by those. Those are done by our neighborhood liaison person. She or had he spear heads that effort. If it specifically targeted auto theft, take your keys, hide your keys, whatever it is, that's us.

>> Okay. Thanks.

>> Mayor Adler: Further discussion on item 13? Those in favor of item 13, please raise your hand. Those opposed. Did -- yes? All right. So it's unanimous on the dais. Ms. Gallo is now back and voting. Welcome. Mayor pro tem, Ms. Kitchen, Mr. Renteria and Mr. Casar are off the dais, it passes, thank you very much. That gets us to item no. 14, also pulled by Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Similar questions about the finances if there's somebody that could speak to it briefly. I guess what started with me on this was some weeks back, we had an issue with a -- I guess a recycled or used book store that seemed like it was consuming a lot of money. There's software, the service, the Saas software suite called Savannah I guess. I was trying to figure out what this was doing. Thank you for being here.

>> Yolanda Miller, deputy purchasing officer.

[1:20:26 PM]

>> Mayor Adler: Pull the microphone a little closer to you.

>> Sorry.

>> Mayor Adler: Thank you.

>> I'm sorry, what was your question?

>> Zimmerman: Can you tell us why we should approve this expenditure?

>> This is an item for the --

>> 14.

>> This is an item for the public library. And I think there's someone here from the library that can address some of your questions.

>> Dana Mcbee, assistant director for the Austin public library.

>> Zimmerman: Okay. I guess I'll repeat the same question. Why should we spend \$277,000?

>> This is a consultant contract along with the software as a service platform that will assist you and allow us to better target services, resources, at the branch level. System-wide. We don't have the capability as an organization right now to do the things that they do by collecting the amount of information they collect, putting it through their software, analyzing it for us, and providing us information to make better business decisions, that's why we wanted to go forward with this contract.

>> Ms. Houston?

>> Houston: Thank you for being here today. My question is what kind of customer research is going to be collected?

>> They collect data from many, many sources. Not just from what the library provides them, but what they get from city posted data, things like property tax records, census data, they pull from various sources, as well as what we collect in our ils, which is our -- basically our borrower system that they have perfected over the last 18 years to provide recommendations about different customer types.

[1:22:35 PM]

They use something called customer clusters, they group people together by their behaviors, by the things that they how they interact with information, how they interact with the library, how they interact at a community level and they use that information to tell us what we're doing well with those customers, with those groups, where we could do better with those customers clusters, what those folks really want, what they're interested in and that allows us to take the resources that we have and

make a more informed decision about where to put those resources to better sort of serve those clusters.

>> Houston: So it's going to take them about four years to do this?

>> It's really the first 18 months is the key. That's the first term of the contract, the most expensive term, that's the consulting fee. That's them coming in, gathering information, getting it into the system, working with us on staff training, working with us on knowing how to interpret the information that we get from the system. The extension years are -- it's just the licensing for the software.

>> Houston: So it's \$45,000 to license each year the software?

>> Yes.

>> Houston: Thank you.

>> Mayor Adler: Further comment?

>> One more.

>> Mr. Zimmerman?

>> Zimmerman: Thank you. I have actually quite a bit of experience in software systems, complex control systems. Typically when you do something sole source there will be a technical reason to do that. For instance if you are doing studies on partial accelerator, you have really complicated stuff, it makes sense to go sole source just because it's so complicated. This is the opposite of what that is. There should be a thousand software companies that could do this kind of work.

[1:24:37 PM]

It's demographics. Customer choices. When I see this is as a sole source a big red flagging off because these are commonly understood questions and problems that you are trying to answer and solve. It makes absolutely no sense from a software engineering point of view to have a sole source for this kind of application. So I'm going to be voting against this emphatically and I wish you guys would do rfp's. I think councilmember Gallo put in her questions why wasn't this done as an rfp. This is important for you going ahead. She asked the question, you know, was this cost not included in the original C.I.P. For the library. In other words, if it's something essential to the library, it should have been in the capital improvement plan. The answer is this purchase is not related to the capital improvement plan. The question is why wasn't this in the C.I.P.? The answer can't be it's not in the C.I.P.

>> It's not a c.i.p.-related expense. It's an operating expense that comes out of the operating budget. It's not related to the capital improvement plan for the library.

>> Zimmerman: Okay. If it's essential to it, it could have been, it could have been part of the capital, if it's essential, if it's a sole source, sole source suggests it's really crucial --

>> I'm not an expert on the capital budget. I will tell you that. But the way that I understand it, this would not be an appropriate capital expense. Capital expenses are for things more like construction, maintenance, those kinds of things, not a general operating expense, that's my understanding, but I'm by no means an expert.

>> Mayor Adler: Any further conversation on number 14? Ms. Gallo?

>> Gallo: Thank you for being here. So I've got a couple of questions and these are really -- really have to do with -- with our thought process and understanding and trying to -- trying to deal with the upcoming budgeting. So what I'm looking at this, in -- what I'm trying to understand, also, and kind of develop a thought process on is when we're asked to approve something that obviously will impact future budgets and just a portion of it will be paid for in this budget cycle that we're currently dealing with.

[1:26:54 PM]

It was approved by the previous council. It's just the thought process of, you know, how appropriate is it for us to approve something that we haven't even talked about yet in the budget cycle because a good portion of these expenses will come there. That's really my question more than anything else. I just want to make sure that I understand this correctly. So for the first year it would be 97-5. It looks like from the notes that 27,000 of that would be paid for with the current budget. So that would leave 70,000 left that would need to be approved in the budget we haven't approved yet, then there would be an additional up to 45,000 in future budget years. So my question would be: We've gotten a very clear message from the citizens of Austin that affordability is a problem. And that we no longer can just spend and spend and spend that we really have to be very careful with our expenses. And so if my question to you were -- if we approved this in -- in 70,000, would have to come out of the library's budget for this next budget cycle, is there some other item that you would remove from your budget to take the place of this? So that this could take the place of it? So not assuming that we can just keep adding expenses to our budgets. How do -- what -- where does this rank in your level of priorities for -- I know that we talk about there's so many needs in the neighborhood libraries, staffing needs, capital improvement needs, there's equipment needs. So I just wants to make sure when you are asking us to spend this money, that it's not entirely paid for with the budget that we're talking about right now, but that it is looking to be paid for with next year's budget and future budgets that -- that there is part of the dialogue, a conversation that says, is this important enough that it make take the place of something else?

[1:28:55 PM]

>> It's important, but, you know,.

>> It important, but our core operation is to operate our libraries, whether that's the branches or the central library and to provide materials and information is our core mission. I think this helps us do that. I think it provides information that we can't get on our own. But obviously it is not keeping libraries open and not keeping materials on the shelves.

>> Pool: How time sense --

>> Gallo: How time sensitive would this be. We're in the process of talking about the next budget cycle now. Is this something that would be detrimental to the operation of the libraries or is it something that can wait for that process so that the department can actually evaluate where this falls into a priority list on things that are necessary for operating the libraries effectively?

>> It's not time sensitive. In other words, it's not something that has to be done to prevent something else from happening. It's something we want to pursue just because we think it's important to us, but there is no time limit in terms of it has to be done today, has to be done next month, has to be done by the next R. End of the year. We have the budgeted funds to do it this year, but of course that --

>> Gallo: But only 27,000 of it. 27 of the 97?

>> The reason the contract is written that way is because we have the full year funding it to do it, but this is may, so we wouldn't probably implement the contract until June, so we would only have to pay for June through September, hence the 27,000 out of this budget year.

>> Gallo: The commitment would be for a year, I assume. So there would be the obligation to pay the other 70,000.

>> Most of the contracts are written with that clause. I think it's been discussed here before about ongoing contract implementation is contingency on funding in future budgets so every contract is written that way.

[1:30:59 PM]

>> Gallo: I just see us struggling with listening to the public that says you've got to help us with taxes, got to help us with our utility bills. Austin is becoming unaffordable. All costs are going up. So we all sit up here and have to make really hard choices and depend on the departments to help us make those choices. It's like raises your kids and family and you wish you could do everything and you can't and we have to make make the to you choices. That's my questions. It's probably not something that would be

good, but when we're looking at huge staff increases to staff the libraries that we're looking at for the next budget cycle, where does this fit in deciding what's most important. Thank you for your answers.

>> Zimmerman: Is it in order for me to make a motion to refer this to a committee of your choosing for further review.

>> Mayor Adler: It's been moved to move this item, number -- 14 to a committee. Is there a second to that motion?

>> I would second that.

>> Mayor Adler: Ms. Gallo seconds that. Any discussion on the motion to refer to committee? Those in favor -- Ms. Pool?

>> Pool: I will not vote to send this particular contract to a committee. If the committee would like to talk again about policy on contracting and going forward budgeted items during the budget process, that is fine, but from what I can gather this is an ongoing need at the libraries. The libraries provide an essential community benefit for everyone throughout the city. This is part of their work plan. It was approved previously by the previous council, so I will support continuing to move forward with this particular item and will be happy to talk about a policy if it goes audit and finance or wherever it goes, but I do not wish to hold up this item.

[1:33:09 PM]

>> Mayor Adler: Further discussion on the motion to defer to committee? Ms. Gallo?

>> Gallo: I will just say so I make it really clear that I'm not opposed to the libraries and what they do, I think we need more neighborhood libraries and we need libraries that are open and staffed appropriately and maintained and that takes funds to do that. I think once again we're in the position of we need to control costs so we need departments to have priority lists and we're already seeing budget items of a lot of really important needs with the library. So I'm not saying my -- my certain is not that libraries aren't critically important. In fact, let me say at this point in time because I think it's a good time to say that. This is appreciate teacher week. And if it hasn't been said already, I just want to say to all of the teachers out there that work so well to educate and help our kids and us become the type of citizens we want to be, thank you. So anyway, libraries kind of tie into that. I wanted to be sure to say that to you. Certainly do not take my concern about this being that I don't support libraries and don't support what they do, but once again because this expenditure cycles in to future budget cycles, I'm just concerned about approving something that's a very small portion of this budget, but a major portion in future budget cycles when we're having to make choices.

>> Mayor Adler: There's been a motion to refer this item 14 to committee. It's been seconded. Any further discussion? Those in favor of sending this to committee, please raise your hand? Zimmerman and Gallo. Those opposed raise your hand? The remainder on the dais with Houston and Casar off the dais. We're now still on discussion on item 15. Any further discussion?

>> 14.

>> Mayor Adler: Is there a motion to approve item 15 -- 14.

[1:35:13 PM]

Is there a motion? Ms. Pool. Is there a second to adoption of 14? Garza. Those in favor of adopting -- approving item 14 please raise your hand. Those opposed? Those opposed are Zimmerman and Gallo -- those opposed are Gallo and Zimmerman. With Houston and Casar off the dais. It is also approved. That gets us to item number 16. Is that right? 16, pulled by Mr. Zimmerman.

>> Thank you, Mr. Mayor. This is going to be really quick. The only questions I have is how these Amanda changes are related to the sucker report -- Zucker report or if they satisfy those recommendations.

>> Thank you, councilmember, and they do. The contract before you is used for professional services in support of the application management and data automation system, otherwise known as Amanda. Amanda is the case management software system that we use. And it manages and tracks and produces report on land development and review activities including permits and trade licenses, inspections, neighborhood planning, zoning and all activities. And just to be very brief for council, there are a number of recommendations from the Zucker report that would be remedied through this action. For example, one of the recommendations is document meetings with customers in Amanda. So through this action 31 the consultant's help we will be able to input work flow processes into the Amanda application that can be modified and improved to match work performed by staff and collect critical information and the improved geographic information systems will auto populate information rather than require staff to enter that information.

[1:37:17 PM]

We will be able to integrate project docs with the Amanda customer portal and that's really important for us. When we implement the electronic plan review and the online payment projects, so that when they're fully implemented, online applications can be submitted when needed. This would allow us to configure Amanda for automatic and auto fill, which is also a recommendation by the report. The design consulting contract will be needed to accomplish this specific information. Another recommendation

from the Zucker report is deploy Amanda mobile to inspectors and the Amanda mobile solution will provide a more efficient platform for field inspectors. There are a number of other items such as work on changes to Amanda, support managing current planning, solve technology issues related to the current planning division, correct land use related to Amanda issues. Amanda to calculate accurate review due dates. There's a number of different Zucker recommendations that can be accomplished through this action.

>> Zimmerman: So you -- probably it's not comprehensive in terms of Zucker recommendations, but it does tackle -- do you think it would maybe bring in half of what the Zucker report requested? Maybe half the request? There were some summarized requests like bringing in other departments, right?

>> Yes. And the Zucker recommendations were classified into seven different priorities. We have finance, management, communications. The particular one that I'm talking about is technology. So there were a number of different technology priority areas that Mr. Zucker identified. And just on this list in front of me there are at least 12 to 15 of those recommendations that are tackled.

>> Zimmerman: Okay. Sounds good. Thank you.

>> Mayor Adler: Ms. Gallo?

>> Gallo: I have a question. And Pio probably remembers this too. In our housing meeting, neighborhood housing mentioned they were trying to do some things that would also help what they're doing tie into Amanda.

[1:39:24 PM]

Does this also address pulling their requirements into the system as far as updates?

>> I don't think that neighborhood housing is one of those departments. It does pull in some other systems from watershed and from historic preservation. So there are some other department legacy data systems that will be integrated into this, but I don't think that neighborhood housing one of those. Of course we can continue to look at that at legacy systems used by other department and as we move forward try to integrate those as well.

>> Gallo: So what we're approving today would not give us the ability to meet the needs that they have in that department for integrating into the system. That would have to come back before us?

>> I'm not sure if it would even come back before you because we're using this contract to supplement I.T., information technology, and development services staff to get this done. Some of those particular implementations may be able to be handled by staff.

>> Gallo: Okay. So how -- I guess what I'm asking is as we have all these different departments that we're trying to gather information from so that it can be transparent and visible to not only the city staff, but also the community. And I want to make sure we don't leave out any departments in this. How do we or how do you help make sure that neighborhood housing is kind of pulled in to this discussion so that we can work on trying to get what they need integrated into the system also?

>> First awful, we share your -- first of all, we share your concerns. We want as many departments to join Amanda. So we will continue to work on that. For this particular instance in front of you, neighborhood housing hadn't been identified early on as one of those departments to integrate. But now that you've mentioned that to us we certainly will talk with neighborhood housing about how they can be integrated into the future.

>> Gallo: Okay. There was just some discussion from them about the need to be able to become more automated and it seems like that as you're moving in this direction to pull them into that loop would be really important also.

[1:41:24 PM]

>> Absolutely.

>> Gallo: Thank you for doing that and thank you for doing this. This is a good step in the right direction.

>> Mayor Adler: Any further discussion on this item 16. Ms. Troxclair?

>> Troxclair: I kind of just want to follow-up on what councilmember Gallo said about previous item because I noticed that we only have about \$420,000 in the current budget so we're dedicating funds from our future budgets for this item. Which is such a frequent occurrence and I do -- it is tough when we're trying to have budget discussions and we're not understanding why we don't have full funds roundtable or what is dedicated. Following up on discussions we had this week I think it would be helpful for to have a better understanding -- and I know right now because I don't want to put you on the spot, but for the council to have maybe a better understanding at the next budget workshop about how much of our funds are already dedicated for contracts like this that have already been approved and voted on, and the upcoming years and future years.

>> Elaine hart, chief financial officer. We'll start to gather some of that information for you. On this particular purchase it is being funded out of the capital budget, which is generally based on a five-year capital plan, and a one-year capital budget. So this is part of a project that may spread over the next five years. What you're being shown on the rca is the funding from the one-year capital budget. You will be asked -- we'll update you on the five-year cip soon and then in September you will be asked to adopt a one-year capital budget, first of that pi plan. So that's why the funding so this particular comes from. It's a little bit different than the operating budget because it's a multi-year plan.

>> To add a little bit to that conversation, approximately three years ago council authorized us to charge a surcharge for permits.

[1:43:28 PM]

And so the surcharge is what we use to fund the majority of our technology improvements.

>> Troxclair: Okay. I guess I'm understanding the difference between the capital budget, the capital plan and the maintenance operations, operations budget. I think it would still be helpful because councilmember Gallo's good questions on the previous item did have to do with operations budget. So if it's possible for us to easily pull how much money is already dedicated in our operations budget to contracts that have been approved by council, any contract that is dedicated money from future budgets, would it be easy for y'all to pull that number or pull that information?

>> We'll look at it. I know that we can pull the current year budget for contracts and the current year expenditures as well as the encumbrances. That is the money that's been set aside to pay for that contract that has not been expended yet. We'll look at that we can provide you and see how we can slice and dice it to match up with some of the rca's.

>> Troxclair: Thank you. That would be helpful.

>> Mayor Adler: We have a speaker that's now signed up. Do you want to hear the speaker first. Ms. Pool?

>> Pool: I just wanted to make one comment. We talked extensively about -- on item 14 about an 18 month contract that was less than \$100,000 for 12 month extension. And we're looking at sending that item -- not approving it. We were looking at sending it to a committee for a policy discussion and maybe not approving that contract, but here we have a 12-month contract for almost \$650,000, significantly more, but there was no conversation about the policy points on this. So I would just like to know -- I recognize the difference between the capital budget and the operating budget. Both of them do go to tax monies and the capital budget comes in the form of debt from bonds that are issued.

[1:45:36 PM]

So they have been approved by the voters. The point that I'd like to make is if we are going to scrutinize operating budget for less than \$100,000 for an 18 month contract extension for library services technology, then I think we should also pay equally amounts of attention to a 12-month service contract extension for technology that is almost \$650,000.

>> Mayor Adler: More questions? We have a speaker. Mr. King, did you want to talk to us about this?

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David King. I live in the Zilker neighborhood and I use Amanda regularly. And sorry I don't know what the acronym stands for, automated -- whatever. Anyway, I use it regularly. So I'm fairly intimate with it and I use it as a resident of a neighborhood, as a part of a neighborhood organizations that I'm members of. And so I think this would be -- I think this is a good step forward. We need to make this investment in the technology and councilmember Zimmerman's points earlier about software projects, software itself, I think that this needs to go to a stakeholder group, Amanda itself, to get input from these different stakeholders on what features are needed in that system. And so that neighborhoods and other organizations that use that regularly can provide input into that to ensure that when this investment is made and these upgrades are made and enhancements are made that they really do serve the benefit -- to benefit residents who use it, not just developers. I think it's good that developers can use it, but homeowners should be able to use it, renters should be able to use it to find out information about their property. So I would ask that you consider -- do consider sending this to one of the committees and consider having a stakeholder group.

[1:47:39 PM]

This is an important system that ties into all of the land in the city of Austin. Billions of dollars of value. So this is a good investment. We need to make this investment, but we need to look at the big picture going forward. What other features. And the investment we make today, is that going to be then in conflict with something else downstream that we haven't thought about that we need some so I think we need to take a look at this from a more comprehensive perspective, go forward with this investment I think, but let's look-- have a stakeholder group to provide input and look at the long-term big picture of Amanda -- big picture of Amanda and what it can do for the city. If we make a 600,000-dollar investment today, next year a half million, the year after that, you're talking about several millions of dollars going into this system. So instead of piecemealing it and doing it one piece at a time, which we can build it that way, but it needs to be based on a comprehensive plan. So what is the comprehensive plan for Amanda? Let's get that laid out and then make the investments based on that comprehensive plan for Amanda so that everything ties together and the investment is leveraged. I think councilmember Zimmerman can appreciate that because if you're in the software industry, you do know that it's more effective to have the big picture and then start building towards that big picture instead of trying to work our way out to something you haven't thought of in the long-term. Thank you very much.

>> Mayor Adler: Thank you. Further discussion on item number 16. Mr. Zimmerman?

>> Zimmerman: I would like to move that we refer this item to a committee of the mayor's discretion.

>> Mayor Adler: It's been moved to send number 16 to a committee. Is there a second to that motion?

[Buzzer sounds] No second. We're now on item number 16. Any further discussion? All those in favor of item number 16, please raise your hand? Those opposed? It's unanimous on the dais with Houston and Troxclair off.

[1:49:41 PM]

That moves us then to item number 17. Ms. Troxclair? The question was whether there was an actual motion before we took the vote on number 16. There may not have been. Someone move adoption of item number 16? Mr. Casar. Seconded by Ms. Gallo. Those in favor raise your hand? Those opposed? It's the vote I announced just a moment ago except Mr. Casar and Ms. Troxclair are both here voting one of you wasn't on the last vote I announced. I think it was Ms. Troxclair. It is unanimous on the dais with Ms. Houston absent. That gets us then to item number 17. Ms. Troxclair?

>> Troxclair: Councilmember Gallo, this is item number 17. I know you had expressed concerns about technology.

>> Gallo: So -- do we have staff? So the question is I think all of us want our tech ability to be as good as it can, particularly since Austin already has the reputation of being the number one tech city in the country, probably the world. But the question is how -- how do we take everything the city does and all of the departments and pull all of those in to the discussion of what needs to be done? And so my concern was is do we -- have we really in a policy way addressed how best for that to handle?

[1:51:42 PM]

And so I just wanted to pull it so we could have that discussion and kind of get a sense of where we are on the whole picture.

>> Mayor and councilmembers, Steven Elkins, the I.T. Director. Is this less about the data center, but more about citywide technology? Is that the question?

>> Gallo: Well, I think what we see is that we have lots of opportunities to improve I.T., data centers, and I just want to make sure councilmember Houston isn't here, but she talks about us doing things in silos. And I just wonder if do we need to step back for a moment to make sure that we're addressing the entire picture and the solutions for all the areas instead of just one component of it.

>> Absolutely. So what I can explain to you is our I.T. Governance process, which includes most city departments. There's representatives from all the service areas around the city, so we as an organization meet frequently and talk about citywide approach, so even if we may be -- even if we are

decentralized, we look at how do we make centralized decisions that are best for the city. That board actually voted on this item, the data center upgrade, as a citywide decision, not as a ctm only decision. So the -- there's a rigorous process that we fill out business needs statements, we review these topics with the business users as well as the I.T. Organizations across the city. And then what we look at, we make sure that the solutions that we come up with are scalable across the city. So we do have a rigorous process to make sure that we're addressing citywide I.T. Needs, not just departmental I.T. Needs.

>> Gallo: I think one of the other questions that we have, which we all seem to ask a lot, is could this be handled just as well by a staff -- a city staff person that was directed to be in charge of this process?

[1:53:54 PM]

>> I would say that this is a unique project for the city that the data center is almost 25 years old. It's approaching end of life. This is moving data centers is not a job that we do year to year or decade to decade. We need to really bring in someone who has data center relocation expertise to help us with this project. The answer is no, that we would not be able to do this in-house on our own and risk having something potentially bad go wrong.

>> Gallo: I'm good.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: I took a little bit of look at this too and I've been involved in some data center work, and it looks to me like way too much is being spent on this upfront consulting. I'd rather see you save some of this consulting money because you're going to need a lot more than you think when you actually have to move this equipment and data center because when these systems get to be decades old, you run into complexities, right, with integration problems that nobody could foresee. So I don't know what other people think on this, but I certainly -- the thing makes sense to go outside to get a fresh set of eyes, a professional consultant to look at it, but I think the amount of money is way over the top here. It would be my preference to give you the \$400,000 to work on here in the immediate future. As a councilmember from district 10 had said, we have a budget cycle coming up and we'd like to see a lot of stuff like this that comes to us just included in part of the budget process so we can prioritize it. Because we know we have this cost coming forward. You have a 25-year-old data center. You know that expense is on the horizon and it's going to be significant. So it would be better to put that in the regular budget in my opinion.

>> Just so you know from a train standpoint this was approved last year from the governance process I spoke about, it did go to the council last year and was approved and we went out for an rfp and that's why we're here today.

[1:56:03 PM]

We've gone through a selection process, which had bids associated with those. The Numbers that are part of this are not outside the -- outside of the -- what we've seen as the going rate for what this type of work is going to entail.

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

>> Gallo: Just to get an idea on the process. The estimated 4.5 million for moving the center, when do you project that that will actually take place and be coming to council for approval?

>> To actually move out of the data center?

>> Just in future -- I know it's a future year situation.

>> We're looking at maybe four to five years.

>> Gallo: All right.

>> Three years.

>> Gallo: Going faster.

>> So we're looking at about three years.

>> Gallo: Okay. Thank you.

>> Mayor Adler: Further discussion on this item number 97 is there a motion to approve item number 17?

>> Zimmerman: I would like to make a motion that we approve 400,000 at this time and no additional money. So my motion is that we approve this with \$400,000.

>> Mayor Adler: It's been moved to adopt item number 17 with regard to the initial expenditure of \$400,000 only. Is there a second? A second to that? Ms. Troxclair seconds. Okay. Now we're in discussion. Ms. Garza.

>> Garza: I'm just a little concerned about . . . I feel like we're heading to -- and I absolutely have heard from constituents about affordability and how we need to address that and look at the budget and make sure we're spending with all those things in mind.

[1:58:06 PM]

I feel like this conversation's going to keep coming up again in the budget, and I just have to say, I mean, I see us kind of like we're the board of directors for a big corporation. And I don't think the board of directors of Microsoft goes and scrutinizes every single little tiny expenditure that Microsoft makes. So I'm just -- I guess I just want to say, we really need to trust that our staff is making these decisions. And I know some of us don't have that trust, and I understand that, too. That our staff is making these decisions. We've hired good people. They're looking out for interests. They're just not frivolously getting us involved in contracts. And for us to, hopefully move on to big, big policy issues. I feel like that's what we were elected to do. So, it's going to be hard for me to continue supporting -- I know we're all learning, but it's going to be hard for me to continue supporting sending stuff to committees and making some really big decisions that could affect budgets down the line if we're not -- I think the mayor pointed out, made the analogy of toilet paper. Sometimes it's cheaper for us to have the extension for a five-year extension than having to make the decision every year. I just wanted to add that for discussion purposes.

>> Casar: Mayor.

>> Mayor Adler: Yes.

>> I just wanted to, reemphasize the fact this has been a long-standing process, starting with our risk assessment that identified a large number of vulnerabilities related to our data center. Following that, we went through the it governance process which includes not only all of our cios from our enterprise operations, but our departments as well as the it governance executive team, all of which felt this was a big priority. With it being approved by the council last year, we proceeded to move forward with the rfp process.

[2:00:11 PM]

We're coming forward with the recommendation to move forward to address this 25-year-old data center, and I support our cio because not only the cio, but all of our other technologists in the city who feel this is a priority for the city moving forward.

>> Mayor Adler: Okay, thank you. Ms. Tovo.

>> Tovo: Mr. Snipes, thank you for that additional information. You sort of alluded to this, but it was also a subject of one of the confidential audits done by our city auditor looking specifically, at least one audit, possibly two, looking at vulnerability issues.

>> That's correct, mayor pro tem.

>> Tovo: Yeah, thank you. So that speaks to me, to a need to approve this as it's currently presented to us by our staff and to follow their recommendation, rather than to parse out the funding for it as would be suggested by the motion on the table.

>> Mayor Adler: Item number 17 is before us for approval for just the first \$400,000. Any further discussion? All in favor of just the first \$400,000, please raise your hand. Mr. Zimmerman. Those opposed, raise your hand. It's the balance of the dais with Ms. Houston off. Does someone want to move approval of item number 17 as proposed? Ms. Garza. Mr. Renteria seconds. Any discussion? Those in favor, please raise your hand. Those opposed? All on the dais, Zimmerman voting no, and Houston off the dais. That moves us to item number 18. I have this being pulled my Ms. Troxclair and Mr. Zimmerman.

>> Zimmerman: If it's okay with councilmember troxclair, we did a little bit of simple math.

[2:02:15 PM]

If there's somebody here to explain this, it looks like we had about, what, 13,200 blu-ray DVDs, 626,000 the total cost. We tried to calculate a per unit cost of \$47.42 per DVD. That's a big aggregate number that includes a lot of other factors. But we were having a couple of problem. It seems like an exorbitantly high cost. We were concerned that there were 115 notices sent out, according to the analysis here, and with only two bids. And the bids were separated by nearly \$100,000. Which is more than plus or minus 10%. So it just raised a couple of flags, again, that we're expending an exorbitant amount of money for something that has questionable value. There's more and more media. The trend in media is for stuff to go online. So, is there somebody from the -- somebody that could help us justify this cost? 3.7 million total. It seems a terrible expense.

>> Good afternoon, mayor, and council, Brenda branch, director of libraries. We purchase items for our collection based on community demand, interest from the community, and we gauge that in a number of ways. We have face-to-face discussions with our customers, and they tell us what they want, we have comment cards. I think the difference in the cost, the per item cost that you're comparing to, say, something you could buy out in the community stores is cataloging and processing cost is attached to that, as well.

[2:04:27 PM]

So, that may make up the difference between what you pay for it in the store, and what we pay for it.

>> Mayor Adler: Any further discussion? Further discussion on this item 18? Mr. Zimmerman.

>> Zimmerman: So, can you help me understand how -- it seems like a pretty straightforward request for work. And I can't understand why only two companies would respond with 115 notices. Do you have any clue of why only two people on a contract of several million dollars, why only two people responded?

>> Deputy purchasing officer. One of the reasons why we might have only a few people responding is because some of these titles, it's proprietary. And there's only so many distributors that can supply them. So even though we use a commodity code, and we push the solicitation out to everyone listed in that commodity code, with books and with library materials, many times not everyone can be a distributor for certain titles. There is some proprietariness. And so, that's why there's only a few people, or a few companies that may be able to supply a bid or a proposal for those items.

>> Zimmerman: Okay. So typically, when there's a scarcity of supply, as you kind of point out, there's very few people, it means there's a scarce demand. Right? So when there's a lack of supply, it means there's a lack of demand. And going back to something that you had said, you know we do this with children. Would you like to have this, would you like to have this.

[2:06:27 PM]

We do that with children. We leave out the cost. But when we're adults and we're asking people, the library, would you like to have this, that, or the other, do they have any information about the cost? Right? In other words, if you want a particular DVD or a particular movie that's very hard to find, content that's not readily available, if you just say, would you like to have it, sure. But if you say, if it costs you \$50, the answer might be, no, it's not worth \$50. But if I can get it for free and make somebody else pay, sure, I'd like to have it. That's what's missing in all of these conversations and surveys. There's no sense of what things are costing us.

>> Another thing that I want to make sure I point out, there are 13 line items you're probably looking at. Many times we use a representation of what could be ordered. So, even though there may be 13 line items of some of the major titles that they are purchasing, that does not eliminate -- does not stop them from purchasing additional titles on this contract. So, there's an estimated amount based on previous use, and that is used in terms of the dollar amount that we estimate to be used annually.

>> Mayor Adler: Further discussion on this item 18? Those in favor of item 18, please raise your hand. Is there a motion to approve item 18? Mayor pro tem. A second? Ms. Pool. Sorry. All those in favor, please raise your hand. I'm going to do that forever, it's like having a song in your head.

[Laughing]

>> Mayor Adler: Those opposed? It's unanimous on the dais. Ms. Garza was voting yes, so, unanimous on the dais with Mr. Zimmerman voting no.

[2:08:30 PM]

The next item we have is item number 22. There's a speaker for item number 22.

>> Sorry.

>> Mayor Adler: What? That was the nomination? So that's done. We have item number 23. I have an amendment which isn't here, so I'm going to pass that and come back to 23. That gets us to item 26. No? That was at 4:00, 6:30. That gets us to item number 28. That's pulled for speaker.

>> Mr. Mayor, point of inquiry.

>> Mayor Adler: Yes.

>> Zimmerman: Is it the will of the council to take a break here for lunch at any time, or . . .?

[Chuckling]

>> Zimmerman: Mr. Mayor, I move a 30-minute recess for a lunch break for the meatloaf.

[Laughing]

>> Zimmerman: 30-minute recess.

>> Did we have a speaker?

>> Mayor Adler: We have three speakers. Mr. Peña.

>> Good afternoon, Mr. Mayor, and councilmembers, and thank you, councilmember Zimmerman. I, too, am hungry. Item number 28 is having to do with approving an ordinance reimbursing certain fees and waving certain requirements for the event honoring veterans. Anything about veterans, you know, I would have stayed here until 8:00 to speak on it, to be held Sunday, July 12, 2015 at fiesta gardens.

[2:10:33 PM]

It's my church of record, catholic church. I received my first communion there, father brigantet was our priest in in the 1950s. I found it very important to stay here. I want to thank, of course, the councilmembers, mayor Adler, councilmember Renteria, Houston, Garza, councilmember Casar, additionally, the parks department for 2000, damage deposit. This is having to do with honoring veterans. I found it very important to stick around even though I don't feel well and haven't eaten

anything today. But to thank y'all for waiving certain, and reimbursing certain fees for the event they're going to sponsor honoring veterans. Anything having to do with veterans, I'll be here. Like I said, memorial day, may 25, 2015. I want to remind people memorial day is the day to remember the veterans who died in defense of our country's freedom, safety, democracy, and other country's freedom, safety, and democracy. I want to thank you who donated to rey, the deacon, I know the father, I referred him to you Mr. Mayor. You were very kind to support. I appreciate y'all very much. And thank you very much, because from the bottom of my heart, I am a United States Marine Corps veteran and proud of it. Councilmember Gallo, you are honored to sit behind my corps flag. Not in front of it, but, behind it. We're not behind anybody, we're in front. Thank you very much, councilmember, mayor, and councilmembers, and thank you very much, and have a good afternoon.

[Applause]

>> Mayor? Mayor? Mayor? This is one of the waivers of fees and costs, and I would like to add my name to that list.

[2:12:39 PM]

I know we don't add more than five when we post them on the agenda, but we're able to add our names to them when we get to the dais. So I'd like, also, to be one of the sponsors of that event. Thank you.

>> Mayor Adler: Please reflect that Ms. Pool has joined, and make that appropriate debiting.

>> And I would like to, especially being behind the flags.

>> Mayor Adler: .

[Laughing]

>> Gallo: And the others.

>> Thank you very much, mayor.

>> Mayor Adler: Thank you. Also speaking is John Garza, if he's still here.

[Off mic]

>> Mayor Adler: Okay. All right. Is there a motion to approve item number 28? Mr. Zimmerman, is there a second? Mr. Renteria. Those in favor, raise your hand. Those opposed? It's unanimous on the dais. That, then, is all the consent items with the exception of 23, which we're going to hold until the amendment gets here. Three others were set for time certain. That, then, moves us out of the consent

agenda area to the nonconsent items. That gets us to item 33. That came from the mobility committee. This was authorizing additional funding for the construction --

>> I just wanted to note that councilmember kitchen has lost her voice.

>> Oh, no. No.

>> We'll find it for her.

>> I'd like to make a motion to approve this, please.

>> Mayor Adler: Is there a second on item number 33?

[2:14:44 PM]

Ms. Gallo, Ms. Garza. Can you describe to us real briefly, at a high level, what this is, please? I do this because it's an item that came from committee, and I don't want to by rote pass anything coming from committee. Just at a high level, please.

>> Good afternoon, council. My name is Chad, division manager in public work. The mopac mobility project is an active construction project going on right now underneath mopac. Basically, a new bicycle and pedestrian bridge across Barton creek that also re-stripes southbound mopac so it changes two lanes southbound mopac south of 360 from two lanes today to three lanes once the project is complete. We worked with txdot on this. We have txdot paid approximately \$4.4 million through an advanced funding agreement. We had some unforeseen conditions on the project that we have worked to come up with a solution, and negotiated a price. We need additional authority to approve this change, and to complete the project.

>> Mayor Adler: Okay. Ms. Garza.

>> Garza: I just wanted to add for the council that the mobility committee discussed this. I believe it was an additional 600-ish thousand, but you're asking for the million just in case there are additional costs involved.

>> To cover the change that's come up, it's approximately \$315,000. We have an advance funding agreement with txdot that contractually obligates the city of Austin to pay for overages, we'd like to have the extra authority so we don't have to come back and possibly slow the project and increase costs.

>> Garza: That's right. So, I just want to let the council know, we discussed all those issues, and we unanimously referred it back as recommended.

[2:16:47 PM]

>> Mayor Adler: Okay, thank you. Any further discussion, Ms. Houston, and then Mr. Zimmerman.

>> Houston: I just didn't hear. The bridge goes from where to where?

>> So the project goes from the south side of Barton creek to the north side of Barton creek, and ends just south of loop 360. There's a separate project, a separate funding source that extends the project over loop 360. Both of these are under construction. The item in question is the phase that's over Barton creek. This is a bridge that's almost 1100 feet long and 70 feet in the air. With that complexities, with the geological conditions in Barton creek.

>> Mayor Adler: Okay, thank you. Mr. Zimmerman.

>> Zimmerman: The complexity, thank you, Mr. Mayor. The complexity as I heard it was there was some drilling data that was being used for the pilings. Of course, the pilings need to be into some solid rock. The data was wrong during the estimate. So that's why the estimate was not correct. And I did make a motion to lower that 500,000 instead of a million, and I lost. So it's a million.

>> Mayor Adler: Any further discussion on this item?

>> Zimmerman: I made a motion to call the question.

>> Mayor Adler: We're voting on item 33. All those in favor, please raise your hand. Those opposed? It's unanimous on the dais. Thank you. I think the only other item that we can call up at this point that's now before we have 3:00 is item number 23.

[2:18:56 PM]

This is Ms. Tovo's item. We have two speakers wishing to speak on this item. Is Dennis Nick here?

>> Good afternoon. The plan implementation advisory commission for the Mueller development is the officially designated organization chartered by the city council to advise the council on implementation of the master plan. The formation of the city council districts under 10-1 --

>> Mayor Adler: Can you put the microphone closer to you? Thank you.

>> The formation of the city council districts carries the chance of dispersing composition of the commission to representatives from across the city, decreasing the direct influence of the Mueller residents and its neighbors on important characteristics of the development. Past practice of the commission has been to appoint members from Mueller and from its surrounding communities. The

Mueller community has no neighborhood contact team. Its only direct formal channel of communications is through the plan implementation advisory commission. And the impetus and the vision for the redevelopment of the municipal airport site in the first place was led by surrounding neighborhood leaders and by associations of those neighborhoods. We in the Mueller development take very seriously our role as a part of the east Austin area.

[2:21:05 PM]

The steering committee of the Mueller neighborhood association last night voted unanimously in support of this agenda item.

>> Mayor Adler: Thank you very much. The next speaker?

>> Mayor, I'd like to ask him a question. I know you and your neighbors and representatives from the Mueller neighborhood association are the ones who requested our consideration of this item. And I wanted to let you know that we just now received an amendment that's been proposed by the mayor. And I wanted to be sure -- I think joy on my staff is trying to track you down so you can see a copy of it. I know part of the concern was, the membership of this commission could be geographically dispersed across the city, it was of interest to make sure the composition of the plan implication advisory commission continued to be comprised of Mueller residents as well as residents of really, a broad swath of surrounding neighborhoods. The proposed amendment would adjust that so that people who own property or business in the area, including real estate developers, professionals, commercial finance -- anyway, it adjusts that so all of those individuals would now be -- would now have an opportunity to serve on the committee. I don't want to put you on the spot, but I wanted to make you aware of that amendment. It substantially shifts away from the original intent. If if you'd like to make a comment, if you think the association would support that or not, that would be helpful to know. You feel like we need to take that back to them.

>> Thank you for that. As a matter of fact, the steering committee of the neighborhood association discussed that possibility in our meeting last night. And while we recognize that business owners certainly have a say, they aren't the same, really, as residents.

[2:23:12 PM]

And people who actually live there, and live in the neighborhoods that directed the formation of the neighborhood to begin with, we think, should have priority.

>> Tovo: Thank you for that. I'm glad that you did discuss that possibility. And I want to be very clear. When you say reside, you mean as renters or owners, I assume?

>> I do mean that, yeah.

>> Tovo: Okay. Very good, thank you.

>> Mayor Adler: If I could ask just a quick question. I would understand a neighborhood wanting to control an advisory team. You indicated you didn't have a tack team with the neighborhood. We do have contact teams in other parts of the city, for neighborhood and for areas. And it requires that more-interested voices are present than just residents. It also includes businesses. Do you think that your neighborhood association would be recommending that all contact teams in the city be changed so that there's no longer representation from businesses that are also in the neighborhood? Or is this something that there's a reason why the effective contact team from Mueller should be more restricted?

>> There's a reason why the Mueller development doesn't have a contact team, because we've got the plan that we are implementing. And so, that makes it different than many other neighborhoods in Austin.

>> Mayor Adler: Okay, thank you. Any further questions? Ms. Houston.

>> Houston: Mayor, thank you, and thank you, sir, for being here.

>> Yes, ma'am.

>> Houston: One of the other issues is the contact teams that are already defined don't have people from extreme parts of other neighborhoods as a part of that contact team.

[2:25:20 PM]

They have people who are in relationship to the contact team, and it does include business owners and some of the additional things. And it just looked like we were trying to add -- because it's a city property, Mueller sits on city land, we were trying to be more widely inclusive than a Normal contact team would have to be. And I also want to make sure that we don't put more people on there to block out the neighborhoods, because the neighborhoods directly surrounding there are impacted by what goes on there.

>> Mayor Adler: This is what I don't understand. As we -- thank you. You can sit down. We have a couple more speakers. What I don't understand, it's a question. I recognize this is just an advisory group that comes back to the council with recommendations. When we have contact teams around the city, and they're expressing what the neighborhood's views are on things, there are voices that, by our ordinance,

include more than just residences, because we deemed at a policy level we want to have more voices, there are other people that are concerned about a neighborhood other than the people who live there. It's the people who work there or have businesses there. If we were trying to mirror a contact team for Mueller, then I would say, let's mirror a contact team for Mueller. And this is more restrictive than that. But I also heard the discussion about, Mueller is unique. And it is. There's a lot more city investment, and a lot more city direction in Mueller than others. So there was a basis for including, specifically, a lot of the neighborhoods that surround Mueller by way of, I think, kind of encouraging people to look at the neighborhoods that surround Mueller to say, let's get some of these voices, as well. I'm guided by the fact that decisions that are made in neighborhoods are Austin -- often decisions made for the entire city, as well.

[2:27:27 PM]

The decisions made in any neighborhood impact lots of things that are happening, and values that are city issues and values. And I think that's especially true in a neighborhood like Mueller where the city has invested so much of its capital, time, investment, and focus. We still have a lot of property that's undeveloped in Mueller, and that's very much a neighborhood issue. But it also has interests that go beyond the neighborhood. So while the process -- while we might eventually have a team that's limited even as much as a contact team it limited, I'm not sure that Mueller is the place to do that quite yet, because there are still open-ended questions, and so much investment citywide. But I would think that the next step wouldn't be to go to something that's more restrictive than even a contact team. My concern would be that we would start getting requests from other neighborhoods asking if their contact teams could be similarly limited to just residents. And I'm not sure that we want to get to that place. So, it was the fear that by doing something -- which I understand, you know, the intent here, which was to make sure, I think, that neighborhoods that were surrounding Mueller could also be involved. My fear was, is that we were doing more than that. And we might be setting a precedent that other neighborhoods would want. Now, I recognize this is just an advisory group coming to the council. So, whatever we would decide, it will impact how much weight I would give to the recommendations coming from that group. And if something came from a group that excluded people that were on the contact team, I would always be asking, with respect to that recommendation, okay, but can we also get voices of people that would ordinarily be on a contact team that aren't part of that panel so we can hear that voice and recommendation, as well.

[2:29:33 PM]

The points I've raised are similar to the ones I raised at the work session. There's copies of the amendment the clerk has for anyone in the chamber that would like to take a look. But that's where my concern was. And I will live with the will of the panel on this. But it would impact how I would see the advice that would be coming from the panel, depending on how limited we decide to make it. I just wanted to be on record that I wouldn't be supporting changes to contact teams to limit them just to residents, either. We have two more people to SP speak. James Norte, is he still here? Yes. I see you. And actually, you're the last speaker. The other person signed up but did not wish to speak.

>> Had to go back to work. Good afternoon, mayor, thank you so much for the opportunity to speak before you all today. I am here to proudly speak in support of item 23. Regrettably, I must oppose the amendment from the office of the mayor. This is a very important ordinance, and absolutely should be passed. It offers protection for those neighborhoods invested so much time and effort, and energy in crafting a vision for what they wanted surrounding community to look like. It helps ensure that that original plan is implemented. And it allows those residents with the greatest stake in the future of their community to directly influence the planning and the implementation of their surrounding area. Specifically in regards to Mueller development, it empowers not just the Mueller residents, but those in surrounding communities. I'm sure most of you are well-familiar with the history of Mueller, of the plan from the citizens for relocation who invested so much time in brainstorming together as a community what this space would become, the green space it would become.

[2:31:41 PM]

And working with the city, and with the developer to create a mixed-use master plan. I think listening to discussion today, and listening to the work session, I think you have valid concerns. But, I would offer that I think this is very, very different. I think we need to respect the historic practice of how council has usually appointed members from those communities on to piac, and not just anyone and everyone. I think that this is different from a contact team in that a contact team has an unlimited number of members that can join, whereas piac only has 11 residents. I would offer that if you're going to have a commission that you would place a greater emphasis on those who worked hard to implement, such as that you have four residents. Yes, this is a citywide investment, Mueller is and always will be a place for everyone. That is the core of who we are, and why we've worked so hard to be a good neighbor and to work with our surrounding neighborhoods. But, as mentioned before, unlike other neighborhoods, we don't have a contact team. We don't have a legal tool to work towards the future of planning because of the master development agreement, and because of piac. Piac is supposed to serve that interest. And so, if a business wanted to -- if the concern was we want to bring more voices to the table, have larger commercial interests play a role in the development of Mueller, there are a plethora of businesses who the owners live in Mueller. And that would be -- I would suggest -- the appropriate way of incorporated that voice so you still empower the idea of live, work, in close community and walking to where you

work. Quite honestly, I don't think commercial interests have any problem having influence in the city. They're still able to testify before the piac.

[2:33:42 PM]

They're still able to testify before the council, if there were an issue. This is suggesting those residents who helps create the plan also have some oversight in ensuring the plan is implemented. Just a few more concerns, in that when most people today decide where they want to live, most of the time that property, that community is already developed. What you see is what you get. They know exactly what they're going to get. This one was a little bit different. This one involved a promise and a plan, but no guarantee. Buyer beware on anything else, but, this was 700 square acres for 13,000 people over a decade and a half process. I would air, from a policy perspective, on letting those community members who put in the time and the effort, and the sweat and energy --

[beeping]

>> They should continue to serve. According to the amendments, if the concern is renters aren't -- each member should reside, rentor work on property, there are ways to do that with those who already reside there. Please pass the ordinance as-is. I'm available for any questions, but I urge you to please reject the amendment. Thank you.

>> Mayor Adler: Thank you, Mr. Norte, thank you. Any further discussion on this item? Number 23. Ms. Troxclair.

>> Troxclair: So --

>> Mayor Adler: Take a motion, Ms. Tovo, do you want to make the motion?

>> Tovo: I'd like to move approval of the item as it appears in the posted agenda. There was a slight change, but it's as written, not with the amendment before us.

>> Mayor Adler: Okay. The motion is 23. Is there a second to 23? Ms. Pool. Debate? I would move adoption of the amendment.

[2:35:43 PM]

Is there a second to the amendment? Ms. Troxclair. What is on the floor right now is a discussion of the item in the amendment. Ms. Tovo?

>> Tovo: Mr. Norte and Mr. Mick really articulated well, my rationale for supporting it as-is. The plan implementation -- excuse me, the planned implementation advisory committee, piac, is not a neighborhood contact team. It is different from a neighborhood contact team, as has been said. As we talked about on Tuesday, it includes residents from neighborhoods around Mueller, not just Mueller residents, as would be included on a neighborhood contact team. Mr. Norte pointed out, a neighborhood contact team is not limited in the number of machines as is the piac. So, I believe that we should respect the, really, the multiyear work that's gone on to develop the vision and allow the residents of that area surrounding Mueller and within Mueller to shape the implementation of that. At some point this area will have -- Mueller will have a neighborhood contact team, but we're not at that stage yet. And so I think this is a very good way of ensuring that the people who live in that community have a direct influence over how that plan gets implemented. And I would concur with Mr. Norte's point, the language says each member must reside. Certainly that includes renters as well as property owners.

>> Mayor Adler: Any further discussion on item number 23, the amendment to item number 23?

>> Troxclair: So, your amendment, mayor, just adds that someone who owns a business in the area can also participate in the commission?

>> Mayor Adler: Yeah. The first amendment to let someone who owns property or a business in the area, I think is consistent with the contact team language. And then, item number 2, I said that if people had these particular expertises, they would be excused from the residency requirement, believing that this was something the city had a considerable investment in, and it was only halfway developed and we weren't at a place for a contact team yet, that if we had those expertise and somebody wanted to nominate that expertise as their one nomination to it, they would be able to do that.

[2:38:13 PM]

It still leaves everybody on the council the ability to appoint whoever they want to from wherever they want to. But it was those two changes. Just the first line to one, and that change to section two.

>> Troxclair: So, well. I guess it seems to me that people who own businesses in that area are also very invested in what happens there, and would be very willing and eager to work with the community to make sure that it continues to be -- to follow the plan moving forward. And then, I guess I just also wanted to point out, it seems like several of the members to this commission have already been appointed. And it seems like this amendment would allow -- it seems that the will of some of the other councilmembers is to only nominate people who live in this area. And that would still absolutely be their prerogative. And it seems to me that the commission would still be made up of a majority of people who do live in the area. This would just add the potential that a couple of the spots are also held by people who have investment in the community through owning businesses there.

>> Mayor Adler: That's my understanding, as well. Further discussion on the amendment? Ms. Houston.

>> Houston: Yes, sir, thank you, mayor.

>> Mayor Adler: Then Ms. Gallo.

>> Houston: The reality is, under 2abc, and even 4, urban design, those people already, perhaps, live in the Mueller and the surrounding areas. So we might be cutting out the opportunity for somebody who is a real estate developer or professional to participate.

>> Mayor Adler: Someone could appoint someone who -- if they wanted to.

>> Houston: That can be from Mueller?

>> Mayor Adler: Absolutely, absolutely. Ms. Gallo, and then Mr. Renteria.

[2:40:13 PM]

>> Gallo: You know, I'm going to support the mayor's amendment just because I think the way that broadens the people that would participate in this group in the correct way. I used to live in welsher, my grandmother owned a duplex in maplewood for a long time, and listened to those planes for many years. Just because I don't live in that neighborhood or one of the surrounding neighborhoods now, I lived in that area for a long time and know it, and have a very strong interest. I think there would probably be other people that would be similar to that. And one other concept or thought is, I think it's important for us to remember that really, the entire city has invested in the Mueller development. Many people don't realize that the property taxes from the entire tax base of the Mueller development goes into a tif and not into the city's general fund for 30 years. And those are being reinvested into Mueller. So I do think that this community is of an interest to the entire city and the residents of the city. So, for that I really do like the idea that this group can be made up of voices that are perhaps from other areas. Perhaps used to live in the area but now live somewhere else, but obviously would be people that are very concerned about this development and how it continues to be as wonderful as it is, and hopefully will continue to be developed in that way. Thank you.

>> Mayor Adler: Okay. Further discussion on this item? Mr. Renteria? No?

>> Mr. Mayor.

>> Mayor Adler: Yes.

>> John steiner, law department. I just have a drafting question.

>> Mayor Adler: Yes.

>> I just saw the proposed amendment. A2 exempts the following experts from the commission's residency requirement.

[2:42:13 PM]

It does not exempt them from the requirement to work or own property or a business. I wonder if that was an intentional distinction.

>> Mayor Adler: That was not intended.

>> Would you like to add the other things there, that the following experts are exempt from the requirement to reside, rent --

>> Mayor Adler: How about if it just says they're exempt from the requirements in subsection one above?

>> And it would be -- yes, subsection a1.

>> Mayor Adler: Subsection a1. That was the intent, if there's no objection, the following experts are exempt from the requirements --

>> In subsection a1.

>> Mayor -- I'm sorry.

>> I have another question. Was it the intention that any number of real estate developers, any number of commercial professionals, etc., that if you appoint any -- so that -- or was it one each of those?

>> Mayor Adler: It was not one each, it was to enable everyone to appoint whomever they wanted to, if they had that expertise, they wouldn't be subject to the requirements of a1.

>> Thank you very much.

>> Mayor Adler: There's no objection to that change? Hearing none, that change would be made.

>> Tovo: I need to clarify what the amendment is, though. I'm not going to support it in either case, but I want to be sure I understand what the impact of it is. So, a1 would allow for members who work, own property or business, to be potential appointees to the board. And two, those -- the identified subject areas, real estate developers, commercial finance professionals, business representatives, they don't need to have any interest in Mueller or the surrounding areas? They're exempt from the requirements to reside? We're, in effect, this would allow people who own business or properties in one of those

areas, as well as certain professionals who don't own businesses or have properties or particular interests in that -- Mueller or the surrounding neighborhoods?

[2:44:19 PM]

>> Mayor Adler: I would say they could have a very real interest in Mueller, because they're a member -- they're a citizen of the city. And I think that the city that has -- everywhere has a special interest in Mueller. But they wouldn't have to reside or own a business.

>> Tovo: Okay.

>> Mayor Adler: The intent of one may make it more like a contact team, and number 2, to recognize that it's a city -- it's a development of continued investment by the entire city in the way that other neighborhoods are not.

>> Tovo: To be clear, the individuals in two would not be allowed to participate as voting members in a neighborhood contact team, that existed in other places, they would have to have a direct interest in the area in which they're providing recommendations? Thanks for the clarification.

>> Mayor Adler: Further discussion on this item 23? Mr. Renteria.

>> Renteria: Yes. So, are we basically saying that the people that are -- doesn't have real estate interests or developers, or business reps, that they're not required to live in Mueller, or have business in Mueller?

>> Mayor Adler: That's correct. There are two elements to the intended amendment, which we could consider separately if we wanted to. The first one was to make it look more like a contact team, that's the change in one. The change in two was to say that Mueller is a citywide asset. There's a lot of citywide investment there. And there would be some people that even though they don't live in Mueller, but if they had a special expertise, one of the people on the panel could appoint that person to this advisory group. But only if they had one of these areas of expertise.

>> Renteria: Okay, thank you.

>> Mayor Adler: Further discussion on the amendment to 23? Hearing none, all in favor of the amendment, please raise your hand.

[2:46:26 PM]

Troxclair, Renteria, Zimmerman, me, and Gallo. Those opposed? It's the remainder of the balance, the amendment is defeated 6-5.

[Applause]

>> Mayor Adler: We now have discussion, further debate on item number 23. Any further discussion? Those in favor of item number 23, please raise your hand. Those opposed? It's unanimous on the dais, except for troxclair, Adler, and Gallo. Item number 23 passes. By my looking at what we have here, it's 2:45. I don't think there's anything on the agenda that we can call up now before 3:00. So we'll take a 15-minute recess and reconvene at 3:00.

[3:21:38 PM]

>> Mayor Adler: We have a quorum. Should we go ahead and get started? Let's do it. We have a quorum. It is 3:20. We're reconvening. We have aye an item called for time certain at 3:00 P.M. It is item 11, which was approving the ordinance as well as item 34, which was the consideration of the same matter, the impervious cover transfer agreement. I would imagine that that went through the committee but that the ordinance perhaps wasn't prepared at the time so it then followed it later. But let's go ahead and tee up items 11 and 34. You want to tee that up for us?

>> Thank you, mayor.

>> Mayor Adler: You're not on. Just holler.

>> Thank you, mayor, council, Greg Guernsey, planning and zoning department. Yes, there are two items that are related. Let me read them both into the record, under planning and zoning item 11 is the approve an ordinance adapting and authorizing execution of an impervious cover transfer agreement associated with a 5.92-acre property located at 6308 spicewood springs road known as ace salvage yard and ace discount glass, also related to item 34 on your agenda, which is in response to a committee, the planning and neighborhood committee. This item is to consider recommendation on impervious cover transfer agreement associated, again, with the 5.92-acre property at 6308 spicewood springs road known as ace salvage yard and ace discount glass.

[3:23:40 PM]

And so let me just kind of go over some points of the agreement, little bit of its history. The city of Austin was approached by Roy Cavanaugh and his family to consider purchase of this property several years ago. It's a 5.92-acre tract. It sits right on bull creek on old spicewood springs road, right near the

intersection of yopan, which is a residential collector street that goes back up into the neighborhood. The property is currently developed with a glass company. They sell new and used auto glass and glass products for your home, and to the rear of the property is a salvage yard. It's been in operation since the 1970s. It's covered -- of that five in this 9 acres about 5 acres of impervious cover, where the vehicles are stored and also buildings associated in parking areas with the glass company. There's about 2.6 acres of the properties that located within what's known as the critical water quality zone. The owner has approached also council and the previous council heard from Mr. Cavanaugh and -- about his desire to really move forward and remove the auto salvage use, away from bull creek. There's a guy named skip Cameron with the bull creek foundation that was very much in support of and the neighbors that are niche are also supportive of removing the salvage yard. The salvage yard is a legal nonconforming use and can remain and basically operate in perpetuity. But the desire was to remove it from the banks of bull creek, remove it from the critical water quality zone after a discussion with council during citizen communication, the mayor had asked if staff could work with the property owner, Mr. Cavanaugh, see if there's some way we could remove the use.

[3:25:50 PM]

The only way that this can really move forward on an agreement like this requires an ordinance, and that's why you have an ordinance on your agenda. Prior to annexation in 2013, Mr. Cavanaugh did get a site plan approved when it was in the county to build a six-story basically minute I warehouse, convenience storage project, building on the back of the property, along with a three-story kennel. That site plan is still alive. He can move forward even without zoning, a change to commercial to utilize that use if he so desired. In 2014 we did annex the property and brought it into the city, city limits. And that's kind of sets out a little bit of the history and the conditions that exist on the property itself. There is a development agreement that we had been working with Mr. Cavanaugh and his legal counsel for the last couple years, actually, trying to reach a place where staff felt comfortable enough to recommend this to you. It has to do with some obligations of both -- of Mr. Cavanaugh and also some results for the city that there would be some benefits. But there are also some agreements that the city would be allocated to. So the owner would agree to remove the auto salvage yard from the property. This would be the sale of auto parts and, you know, in whole or in pieces, allow the -- they would remove any development from a proposed easement that would be where the critical water quality zone is. So all the vehicles would be moved out and improvements would be moved out. That the owner, Mr. Cavanaugh, would agree to enter the tcq or state program for voluntary he cleanup of the property to make sure we don't have contaminants left on the property and it would basically remediate the property to estate standards on this.

[3:27:59 PM]

He would then receive the transfer of development rights of the impervious cover up to 5 acres to be used for sale or use on another property for a period of up to 15 years. The glass business would remain on the front of the property, as existed since his purchase in the '80s. He would be able to sell used auto glass, but not used car parts. No engines, fenders or like that. The glass, you know, after talking with our environmental folks glass in and of itself does not propose a hazard to bull creek but he has a considerable stock of used glass, if someone breaks a side window he would be able to sell that, as well continue the glass business for new glass for either autos or for homes or businesses. The existing nonconforming site plan that is on the property, which would normally have a three year life, we would have a ten-year life so that he would be insured that he would have some protection as he works through in dismantling his business of the auto parts because it's not something that happens right away. That basically would remain in place. The city would, again, receive a sidewalk trail and recreational easement for that about 2.6-acre portion of the property right along bull creek. That he would also then by removing that use receive half the credits for that impervious cover transfer. Once he actually removes the auto salvage yard business and enters into that program, once the site is basically cleaned up, that he could actually receive the other half of the impervious cover credits. There were -- from the committee there was some actions that were taken, and you have in your backup under item 11 the impervious cover transfer agreement, the site -- or the sidewalk trail, and recreational easement agreement.

[3:30:16 PM]

Under item 34 are some colorful maps that you can see of areas that we're talking about, aerial photographs that show basically development on the side. There's also an exhibit in there that shows an area in yellow, which would be the area the city would receive as that easement. Staff is recommending this to you. As I said, the committee is -- has forwarded this on to the full council. There was some questioning about some of the language that the -- that deals with the value of the transfer impervious cover credits in the future, that basically that this is the deal, that we're not going to retrade the deal, basically in the future. That language I think is in your ordinance that you have. There is a request that the buildings be reduced from six stories for the convenient storage to three stories, and that's also in the agreement. And Mr. Cavanaugh has a site plan correction that's pending to basically show that the buildings will only be three stories. The last part we didn't really get an answer until today. There was a question about yopan, a concern raised by the neighbors that live along yopan and up on the top of the bluff of yopan. It's a steeper hill, and there's concern about the safety of vehicles that would move in and out of the proposed site where the kennel and the convenience storage would be. We have information now that the number of trips that would be generated per day by a kennel business and convenience storage would be less than 200 trips per day, somewhere between 150 and 200 trips per day. The existing glass business actually accesses spicewood springs road generates 300 to

350 trips per day, but Austin transportation department graciously sent a crew out and got information back to us today that after taking a look physically at the site distance of where the driveway would be on yopan and the driveway on spicewood springs road they concluded it is safer to take access to yopan rather than to take all the traffic on to spicewood springs road.

[3:32:38 PM]

Spicewood springs road is not the most optimal road, two lane -- considering an arterial but it's right along a blind curve as you just go past this property. Yopan is a greatly improved street compared to spicewood springs road but it has better sight distance looking up and down the slope on yopan for getting vehicles in and out. And between the number of trips that would be generated by the proposed use of only 200 and the sight distance considerations of the roadway itself, staff would hem that the driveway on yopan remain. But then I'll pause. I have chuck Lesniak here. If there are questions in regard to the environmental issues or the transfer. I also have legal staff here if there's some questions about the agreement. I believe Mr. Cavanaugh has signed up to address you. I'm not sure if he has a full presentation but he can certainly answer any questions you may have. Also there might be citizens from the neighborhood that may be here as well.

>> Mayor Adler: We have Mr. Cavanaugh that's here to speak but before he does, this item was pulled by Ms. Gallo and Ms. Troxclair. Do you want to speak on it first to raise questions that you have so that Mr. Cavanaugh, when he spoke, would know what to address? Or do you want him just to speak first?

>> Gallo: Why don't we let him speak first and then if we have questions conspirator him he can do that.

>> Mayor Adler: Okay. Mr. Cavanaugh, do you want to come forward? Mr. Cavanaugh, are your two family members here with you today?

>> Yes, sir, they are.

>> Mayor Adler: You have nine minutes.

>> Thank you. I've always wanted to close the salvage yard. I wanted to do it and still retain its value so I could -- my family could benefit from it. I bought it a long time ago, 30 years ago, to help my brothers. They weren't doing as good as I thought they could do in life and I thought that we had an opportunity to buy this place and by partnering they could improve their lot and make a better contribution do their families and to themselves.

[3:34:49 PM]

It's worked out that way very well. But the environmental awareness has increased since I've owned it. The neighborhoods moved around it. The city of Austin has bought 750 feet of property on my western boundary, which is city-owned parkland. They run a trail through my property. There was a resolution passed that mayor Leffingwell seconded a couple of mayors back to put the trail through my property, and I always wanted to donate that trail because they've got almost a complete circular trail up around that hill that comes off of the Lakewood park. This would make like a golf course type tract once they complete it. It's almost completed and I'm going to be able to with this agreement give a critical part of that trail because you can only cross -- you can only pass through that valley on my property safely. So I'm glad to give that. This is really beneficial to everybody. It's beneficial to me because I get to close my salvage yard yet retain the value of it. It's beneficial to the people who buy these development rights. It's beneficial to my neighbors who are neighbors now to a salvage yard and some people refer to that neighborhood as junkyard heights. I'm sure they're not very pleased with that but that will end. The city benefits. It costs nothing for this. The city pays nothing. The taxpayer pays nothing. Yet they gain iron clad control over my property. And I'm glad to give it. I'm glad to conform to what they want. I'm glad to meet all of my responsibilities. I take responsibility for that property and the condition it's in. I'm glad to want to get into this program and verify it gets cleaned up if it needs it. And this agreement, you've got one great staff and legal department that has got me iron clad locked into this, but haven't -- you know, I don't want to be out of it. I want to be in this thing. I want to do this, clean my property up and I'm required up front to give a restrictive covenant, that is a promise that forever I will never be able to take any economic benefit from that property.

[3:37:01 PM]

Right now I have the right to run a salvage yard there. I can store vehicles, boats, SUVs, there's very little open space in this area for that sort of thing. It has huge benefit, huge potential value do rent it out as that, but I'm giving it up. I'm forfeiting those rights in order to sell these -- in order to obtain these transferable development rights and allow me to sell them to other people. The people that buy them will be able do better achieve their scale somewhere else. The environment, it's neutral to them. One side of the creek couldn't care if my development is here or another development is here, on the other side. In fact, they would much rather have the other development because it's a less incentive use and has water quality controls. So -- and don't forget the little guys. Along that creek that's called a riparian area, means it's a special ecological area where special fauna and flora, animals and plants live there plus it's a filtering system for the water. The fauna filters out I am impurities that go into the water. Better water quality. It's a environmentally citizenative area because it's in the drinking water zone it you're going to boil your potatoes in it tonight. So you want it cleaner. You know, the trails is to benefit. People love to hike. I'm telling you that is going to be a fantastic place to hike. They've already got several minute I -- mini parking places, gand father, grandson, let's take a walk, okay, yeah, you can go to zilker park and walk, but people love the hill croix. When I was a little kid, came from Houston, I thought I was in the rocky mountains. I wanted to walk those hills and woods and so does every other

little kid. So does every grandfather want do something with his family that doesn't have to spend a lot of money, they can spend an afternoon outside and have a good time.

[3:39:06 PM]

That's what it gives everybody. They need to complete the whole circular? What else am I forgetting. This is a great for the city and I'm glad I can make a contribution do it and I know some of the neighbors have a small problem. I mean, you know, it's a

[indiscernible] Thing but, look I was there before they were. I was there 30 years ago before they left Michigan or wherever they came from, you know? When I saw them moving in, I cringed every time they built that neighborhood, I said here comes problems. You know, I don't want problems. Those people's children go to school with my grandchildren. I live in that neighborhood. I lived in Lakewood 50 years ago. I used to ride horses. I knew the people that owned lake wood, the moors, a big family of nine people, wonderful family I went to school and church with. I'm not some -- I'm not reit. I'm Roy. I'm a little guy. You know? And I happen to be where I am trying to make the best of it for my family. I'm not going to change my lifestyle one bit. I don't have one more thing I want, I don't have a bucket list. This is for my family so they can retire. That's why I want to redevelop this property and make it into a mini storage. Want to sell it, take the money and below it. I'm past materiality. You know? I'm not a buddhist monk but I'm just past it, you know? I want my family to be able to go to college. I want my workers to be able to continue to have a job, and I have a -- 20 workers. I've never fired anybody in my life. I'm a chump. You know, I empathize with people. I grew up as a poor kid. That man talking about going to the catholic church, I was an alter boy up in front of the whole church with holes in my shoes. I'm a little guy. I empathize with people. I know they have bad days, families with problems, I know they miss work all the time. But there's good in everybody, and I pull it out of them. And I overlook the bad when we had a bad day, go to the next day.

[3:41:10 PM]

We get the work done. We're not a business. We're a hunting party. There's a place for everybody. We pull the good out of everybody. I don't get top 2%. I get the bottom 2% but they've got good in them two and those are the people that work for me. So, you know, I'm not a bad guy. I'm trying to be a good maybe and I don't know some don't like that but this is a good thing for everybody, and I hope I get your support. It's a -- I don't want to say win-win, that's so trite but everybody gets a benefit out of this and I do everything I could to minimize the impact of this. I'll be a good neighbor. I'm glad to preserve that land, trim those trees, you know, groom that soil, plant some peek can trees, you know, let et people enjoy a trail, live and let live. I appreciate your support for this measure. Thanks.

>> Mayor Adler: Thank you. Ms. Gallo, Ms. Troxclair?

>> Gallo: Thank you for being here. You know, I want to thank both and you the neighbors for working together.

>> Yes.

>> Gallo: You have been there for, I think councilmember Renteria mentioned that he had bought I think car parts a long time ago. So you were there before the neighborhood developed, and so it is a situation where everyone kind of has to come together and figure out the best for the situation. So thank you for being a part of that process. This was -- this was brought up before the planning and neighborhoods committee.

>> Yes, ma'am.

>> Gallo: It did pass as a recommendation but we did have additions that I believe staff has addressed. And the first one would be that there was just to kind of explain a little bit of the process too is this property had this current use prior to being annexed into the city of Austin, so prior to that happening there was a site plan filed and I think from the original site plan you have agreed to reduce the height to three story.

[3:43:15 PM]

>> Yes, I have.

>> Gallo: Also shrunk the footprint of the buildings.

>> I never shrunk the footprint.

>> Gallo: That's still the same?

>> Still the same.

>> Gallo: Was there something about combining the buildings together?

>> Yes, originally I built the -- I set up the configuration in a poor boy fashion. If I never got tdrs I was going to build this thing out of my own back pocket from sweat, somehow hock what I've got and I was going to build the mini storage on a smaller scale. And so I designed it to where I could do it in phases, in pieces and it wouldn't have been as big but I wanted to build it bigger but I'm conservative, okay? So I had a smaller configuration. 2300 square feet, single story. I never get a tdr, I'll put boats on the other side, I'll keep some salvage there. You know, I have a license to run a rememberinger service, I could do a rememberinger service up there. So I had contingence plans. I'm the person that does the strategic planning and everything else that has to be done. That's why it was like that, okay? But I always had the

right to refile a correction, site plan correction. I had a feasibility study done and they said, basically, there's a demand there for 200,000 square feet of rental space. I was talking about 23. That's a little over 10%. Okay? So that's -- you're not even scratching the surface. So you're really wasting this land and everything. So as time went on I found people that wanted to codevelop it with me and so I said, look, if I don't get the tdrs I'll still codevelop it with somebody. Listen, man, the site plan said do it. It said this is a fantastic, great rates, big demand, high rates. You know, the word spicewood springs road, everybody mows it. Why? When you go up and down mopac, you see it.

[3:45:18 PM]

When you go down 360 you see the sign. Anybody in northwest hills and there's one mini storage up there near far west and it's full. It's so full they don't even have a website.

>> Gallo: Thank you.

>> They don't even have a website.

>> Gallo: Thank you. Maybe Mr. Guernsey, is he blocked -- there you are, hidden behind. So I guess the thing that we want to make clear that we brought up and discussed in the committee meeting was that the use and the site plan, because it was a nonconforming use, the site plan that was filed allows him to be able to develop the property in a certain way under the zoning which he has now, which would normally not allow this. So I just wanted to make sure we were really clear on what that site plan allows. So it's my understanding that at some point it went from six to three stories and then I thought at some point it went from two buildings and merged into a smaller structure. If you could clarify, please.

>> Councilmember, the property is currently zoned ten house condominium residence, fs6, zoning council gave the property last year. The use as it exists right now is a legal nonconforming use as the glass business and the auto salvage yard. Mr. Cavanaugh did receive approval for a site plan and under state law that site plan is protected and actually can be built, which would include a -- I think a three story kennel and it was a six-story convenience store building, minute I warehouse, under the proposed correction that Mr. Cavanaugh has pending right now, it would take the -- both buildings, make one bigger building out of two buildings and then shrink the building height from six floors to three stories. And the three stories is mentioned in the agreement that we have. So the area of the buildings may actually be pushed together and maybe thought of shrinking as far as the area where the buildings were covering, it certainly is combining those two and shrinking the building.

[3:47:19 PM]

>> Gallo: Thank you. So the permitted use for him or anyone that he would sell the property to would be restricted to that three story height and the footprint what have shows on the site plan?

>> That's correct. If Mr. Cavanaugh decided for whatever reason to sell, that right would convey to the next property owner and basically the agreement would hold for all the different conditions that are in here.

>> Gallo: Okay. Super. Thank you. That was a little confusing in the discussion. I think the other issue that we had was mayor pro tem tovo brought up some really good information on a previous lawsuit that the city was involved in where evidently the credits were not able to be solid and there was a lawsuit and a settlement and so I think she brought up the issue of making sure that the language that was in this ordinance would prevent that from happening again. So I think it is and I wanted to make sure that legal could address that and let us know that had been done.

>> May I invite -- it is, I can invite Missy cotton, assistant attorney. She can address that piece.

>> Assistant city attorney. Yes, we add in response to councilmember tovo's suggestions we added in the agreement the language that the parties acknowledge that the monetary value of the credits is respective and we make no representations or guarantees regarding the value the owner may receive for the credits because that was the issue with the last time this was done, was a claim that we didn't get -- the person didn't get the value that they expected.

>> Can you tell us how tall the three-story building would be?

>> You know, I'd be guessing, I guess, it's probably, you know, 10 feet per floor.

>> Pool: Okay. So the -- would that be as high as, like, standard, like, an apartment per floor? Is that about 12 feet per floor?

>> I was going to say 12 feet per floor would not be uncommon.

[3:49:23 PM]

So you'd be look at a height of 36 feet. I know in residential zoning beyond the mcmansion area you would -- building heights basically up to 35 feet so if somebody wanted to bellwether a single family home on basically the outer skirts of Austin where there's no mcmansion it would be allowed to be 35 feet.

>> Pool: Thank you.

>> Mayor Adler: Any further discussion on this items 11 and 34? Ms. Tovo.

>> Tovo: I have some questions. Thank you, councilmember Gallo, for summarizing some of the concerns. Just so everybody has got the context of that previous case, the city has only once ever done impervious cover credits in this manner before, and I would say in my estimation it was -- well, after the potential developer with attorney representation had negotiated with the city, they came back, Mr. Guernsey would have to fill in the details, five or six years later and in 2013 asked the council to consider basically buying those from him. And, unfortunately, in my opinion, a council majority did support it and it ended up costing about \$800,000 plus \$500,000 worth of development credits. So I'm -- as I expressed to the planning and neighborhoods committee I'm very eager to make sure that if we proceed along the path with this development agreement that we have made it extremely clear to this property owner and anybody else who might be interested in considering an impervious cover credit, development agreement along the lines what have we have, that it will have no further cash value from the city of Austin, that they don't have a right -- frankly, I don't believe the previous property owner had a right to come back and ask for that but you can ask whatever you want.

[3:51:28 PM]

It was ultimately a decision of council to grant it but it ended up costing, between the credits and the payout, about \$1.3 million. So I see the language in a, on page 2 and a and I guess I would just ask city legal if you feel that's sufficient for there should be additional language saying these will -- you know, these impervious cover credits have no cash value from the city of Austin or, you know, I don't want to presume to do your job for you. I'm not an attorney. But my intent here is to make sure that we will not have a situation -- and, Mr. Cavanaugh, I hope you don't take personal offense at this. This is an agreement as we talked about that would run with the tract, whether you own it or anybody else. I just want to assure that the city's interest is probed and that we will not have any kind of claims in the future from anybody who may be in possession of this tract, that they should be compensated in cash or otherwise from the city of Austin for those credits. Let me say that differently. Compensated in cash or credits from the city of Austin.

>> Councilmember, I do think that this language covers it. I think also this discussion, which is of course on the record, helps with that, as well. I can certainly always add additional language if I felt like this was enough to make clear this is not a quid pro quo, we're not getting from him something in exchange for something that would either otherwise be of a set value. I think was that the issue with the other case. There were some set values being exchanged. In this case that's not what's happening here.

>> Tovo: Okay.

>> So I feel comfortable with the language. If the council wants additional language thrown in, we can always do that.

>> Tovo: I appreciate that. Thank you. Thanks for that explanation and that distinction. I have a couple other questions --

>> Mayor pro tem, I just want to add one more thing too. In the previous agreement that you were referring to, the city greatly limited the area in which the credits could be used and so we -- when I worked with chuck Lesniak environmental officer and watershed protection we discussed this.

[3:53:38 PM]

We opened it up to be a little larger area that these transfer impervious cover credits could be used so they can be used in drinking water protection zone but we added two very important things. First, they might -- may not be used in the martin springs zone, they may not be used in areas where the jollyville plateau salamander drainage area is. There's a map up in your backup and Mr. Cavanaugh has. We also put in conditions that could you not exceed the existing impervious cover that's on the watershed ordinance by more than 10%. Yes, he can use them in greater areas, number of areas but there are limitations as well put on there. So that would make it easier for Mr. Cavanaugh to exercise the credits but there's still limitations involved in this agreement.

>> Tovo: Thank you. I do have a couple questions about those. One had to do with the passage you just referred to, that the credits can't be transferred in areas -- two areas with surface drainage to critical habitat for the jollyville plateau salamander, page 3 of the draft agreement. When you talk about as those areas are identified on the date of the transfer request, would that be the -- would the transfer request be on execution of this development agreement or upon the date that Mr. Cavanaugh has requested those impervious cover credits be transferred to a project?

>> Yes.

>> Tovo: Okay. So those maps can change through study or analysis or various other things and it would still be subject to whatever the map is at that time?

>> Correct.

>> Tovo: Okay. How does it interact with -- I'll ask a couple questions and then I may save mine. Let me just say I think that there is much good in this and I'm inclined to support it but I would request that we just do so on first reading today so that we all have time to read it a little more carefully. We did not -- when it came before neighborhoods and planning, we had a powerpoint, did not have any of these development agreements would I appreciate a little more time to really look at the provisions within it and ask questions of staff.

[3:55:42 PM]

But I'll ask a couple right now. One is about floodplain, that's on also on page 3. So the impervious cover credits can be used up to 10%, I assume they can't be used in areas that are within the floodplain because these are watershed -- water quality impervious cover that can't be used to modify zoning impervious cover but I just wanted to talk about how these credits might be used or could they be used in an area within the floodplain.

>> They wouldn't be able to be used in -- you couldn't use these to put impervious cover in an area that would otherwise be prohibited. It just -- say, for example, you got 30% impervious cover allowed under the watershed regulations and on a piece of property you could go up to 40% with these transfers, but you -- it would not give you the ability to put impervious cover anywhere that it might otherwise prohibited.

>> Tovo: How about the provision on the next page, page 4, the credits may be transferred only developments and compliance with city code on the date and then it talks about they can be transferred to developments obtaining variance from city code. What if the variance was for floodplain?

>> That would be allowed under the agreement. You would not be able to use them. If you had already gotten a variance to increase your impervious cover.

>> Tovo: But you could use them in areas where you otherwise wouldn't be able to build within the floodplain if you got a variance for a floodplain you could then ply the impervious cover credits?

>> Right. Council would have to approve that variance and that -- and that would -- council would be making a decision to allow impervious cover in that area.

>> Tovo: But when the council considered that variance for floodplain, they wouldn't necessarily have access to the information that once that variance was approved, there would later be an impervious cover credit placed on top of that?

[3:57:46 PM]

You know, if I'm a property owner, I come before the council, I get a floodplain variance to build within the floodplain, and then I work out a deal with Mr. Cavanaugh or whoever is the owner of those credits. Those two things wouldn't necessarily happen at once.

>> The floodplain variance when it comes to council generally has to already have a site plan associated with it. We don't bring floodplain variances in without an actual design. So they come forward and already know -- they would already have to have their transfer request if they needed that to build what they wanted because you have to have a site plan application or building permit application to go

forward to a floodplain. We don't take floodplain variances forward unless there is a development plan on file.

>> Tovo: What if I, as the developer, did that, got my variance, and then revised my site plan? Does that have to come back to council if I'm using -- if the only change is that I'm changing the design to add impervious cover credits that I've purchased from Mr. Cavanaugh?

>> If you -- the floodplain variance is tied to that site plan, if they were to change the site plan to have more impervious cover, it would be a different -- it would be a different development and it would require additional action by council because the floodplain variance, the way we write it is very specific and limited to that particular developments that proposed. So it should come back. It would have to come back. I'm not sure I can think of a way where they would be using the credits to actually get more impervious cover on the ground than what they were showing when you they came forward and asked for the variance to begin with, floodplain variance.

>> Tovo: Okay.

>> I can't imagine a situation that would allow that.

>> Tovo: With regard to the site plan -- thank you. With regard to the site plan, I think I heard Mr. Guernsey say that it was extending the life of the site plan from three years to ten years.

>> That's correct.

>> Tovo: And that is something I would like to mull over a little bit.

[3:59:47 PM]

Between first and the next -- and the final readings. It would have to comply with current code. I see that language in the agreement. It would have to comply with current code as of now but we would be allowing that site plan -- I'm sorry, current code as of the filing of the site plan, sorry, but it would allow that particular project to -- when was it filed? 2013?

>> Well, the life of the site plan, I believe, that's -- that he would get is approximately a little over seven years. Because the site plan was -- has already been approved back in 2013. So the clock is already ticking on that, and this would extend it out, let's say maybe seven and a half years to get it out to the ten years from the date that the site plan was approved. So it's not ten years from the date of this ordinance. It's ten years from the date of the previous approval of the site plan, which brings it probably closer to seven.

>> Tovo: But it was current with code when filed 2013 or thereabouts.

>> That's correct.

>> Tovo: And it could be constructed if this is adopted as-is with the site planning extension, it could be built out under 10-year-old code in essence? I mean, if we change our code in the next seven years it's still operating under 2013 code instead of the current code -- the code that is current at the time of the construction and that's not an option available to other site plans. So that's just the point I wanted to make. Most site plans have a three-year life. As you said the clock already started ticking but that is an important consideration that we're extending it for another seven years and I know we talked about this briefly at the neighborhoods and planning committee meeting. I'm not clear on why we're doing that.

>> And staff -- it was requested by Mr. Cavanaugh and given the time it takes to remove all the vehicles to start doing the cleanup and looking at time that -- cost of the cleanup and time of the cleanup and in particular the benefits to the community -- that the community receives of getting the trail easement, getting the environmental improvement and water quality of removing the junkyard right along bull creek and removing the nuance that the neighbors have complained, at least I'm aware of, the last four or five years, we saw that as a trade-off as part of this agreement and staff is comfortable with making that recommendation to you in exchange for those benefits.

[4:02:11 PM]

>> Tovo: Okay. That is something we could modify if we chose to?

>> Yes.

>> Tovo: And then this may be my last question. With regard to the kennel, so I thought I remembered and I've checked my memory against a few others, when this has arisen in the past and Mr. Cavanaugh and others came to the citizens communications to talk about it, to request that the city purchase the tract, I believe and I'm pretty sure I'm right I heard concerns from some of the neighbors about the site plan, about particularly with regard to the kennel use. And so I guess this question is maybe for Mr. Lesniak, you know, bull creek is one of our premiere waterways. We -- not we, but our city, in previous years did remove a dog park from the -- from bull creek in part because of a concern about water quality and, again, I thought I remembered hearing some citizen concerns about a kennel use in such close proximity to bull creek yet that is a use being allowed to continue. So can you address -- I know in our discussions you said the kennel use would be inside but surely those animals within that kennel are going outside at some point if it is built out to be a kennel use.

>> I guess that's maybe a better question for Mr. Cavanaugh. The way the site plan is shown is it appears to be entirely enclosed. And any interior drains where you've got -- interior kennels, those would have to be tied into the wastewater system. There wouldn't be any surface discharge of that. That would be prohibited. If there were areas outside -- I'd have to look into the regulations as to if there are sort of small confinement areas with any sort of drains or runoff from them, how that would have to be handled. I don't know what the regulations are on that for kennels but we could find that out.

>> Tovo: I would be interested in knowing that.

[4:04:13 PM]

Mr. Cavanaugh is that accurate? If you build a kennel, it would have all of the animals inside?

>> Yes.

>> Tovo: They would not go outside at any point?

>> Yes, it would be.

>> Tovo: Okay. Mr. Lesniak, is that information, the information that you talked about about what -- about a small exterior site, is that information you'd be able to get for us between first and final readings?

>> I think so. We can check with the plumbing code folks to help -- health department to find out if we have any regulations on the books. I do know we have sort of broadly some water discharge regulations that would probably be applicable to a site like this that would prohibit those kind of -- that those kind of discharges are already prohibited. I don't know if we've got anything specific in our building codes that would address it, though, but I can look at that.

>> Tovo: All righty. Thank you very much.

>> I have one comment I'd like to make. You know, if that's a big stickler point I can -- we can negotiate the dog kennel away if that's a big problem. But, you know, without appearing argumentative really, I respect what you're trying to do, what's best for the city, the people who live here. But this agreement really is about the impervious cover and, you know, the transfer of development rights. This site plan and this -- you know, these other things are really a right that I have, that everybody has, and it's kind of metastasized over in there but it's really not about that. It's not about the height of it. Those are property rights I have. So when you say, well, you know what, Roy, we'd really like to take away some of your property rights and you don't want to do that either. Because I'm doing that it's sort of, well, you think I'm looking for permission to do that when really I have a right. And I say this because I'm standing up for my family really.

[4:06:15 PM]

And I need you -- you need to understand that that's really what's happening here, you know, those are property rights I have. Maybe -- maybe there are some, you know, esoteric legal points about sewage

and so on and so forth and I'm not really hung up on the dog kennel. Here's the thing. The dog kennel is there because I can't manage high tech things. We can't fabricate elections. There's certain things my people can do. You know? So I'm going after what we can do, what we can wrap our heads around, manage eairially and worth ethically and so on and offend forth. I'm doing it to protect jobs but, you know, I'm not trying to create problems for anybody. There are many dogs out in my neighborhood. Many cats. I've had people that had dogs and said, man, I tried to take a trip, you had to go all the way out to women betterly to put my dog so I know there's a demand so that's why I'm doing that. But, you know, if all that is just a great big, you know, problem, I mean, I could -- I don't know, you know try to figure out something else I can do but that's why it is, how it is, and so, you know.

>> Tovo: I appreciate that additional comment. Thank you.

>> Okay.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Thank you. Once again, this is one of those situation where's I think both the owner and the neighborhood have come together to try to figure out how to best make the situation work. And is the gentleman in the blue shirt your son?

>> He is.

>> Gallo: So I just have to say this because I get this look from my kids all the time, when you said you weren't high tech he was back there really giggling at you.

>> Well, that is one fine guy right there.

[Laughter]

>> He is a great husband, a great father. He has three beautiful daughters. They spend all their time taking care of them. He's a school teacher and he's just a pleasure to be around. Everybody likes him I love him and could you not have a better son.

>> Gallo: Thank you. It was fun to watch his expression when you said that. Anyway, mine do the same thing.

[4:08:16 PM]

>> It's too late for me to try to catch up.

>> Gallo: No worries. A suggestion I might make because I think of the concerns, what I hear of the concerns in the neighborhood and this property is in district 10, is that the concern with the driveway on to yopan because there is not currently a driveway on to yopan from the property. And I think adding

more business there and then funneling that out to where cars are going past the -- traffic is going past existing themes have been built there recently. But I'm hearing -- I think I remember hearing from you when we had our committee meeting that having just a driveway access to spicewood was not a problem for you.

>> No, no, ma'am.

>> Gallo: The conversation was more with transportation.

>> Yeah.

>> Gallo: I appreciate transportation going out there to look at it, but it -- this is all -- has all happened. I mean we just got the report today. The neighborhood hasn't had a chance to chime in or even talk to traps so I think that's one of the issues that I would really like to give us a little bit more time so that it sounds like it's fine with you if we can negotiate the entrance just on spicewood but I really would like, since staff's recommendation is to possibly keep the -- one of the driveways on to yopan, that we at least give them, the neighbors, a chance to visit with transportation and address their concerns and see if we can come up. And then I think the other issue that they had was the potential noise from the kennel. But it sounds like from mayor pro tem tovo's question to you, that that might be something that we could negotiate out of the agreement. So if -- I think my suggestion would be that we approve this on first reading but then set it for council agenda at our next meeting and I think within that short period of time the neighbors would have a chance to meet with city staff and transportation and have a chance to talk to you about the kennel option and see if that would work. And that would still keep this tracking forward instead of delayed unnecessarily.

[4:10:22 PM]

So that --

>> May I make a comment.

>> Gallo: That would be my recommendation.

>> May I make a comment?

>> Mayor Adler: Yes.

>> One time I applied for a job for a salesman and they gave me this personality test. This guy said, man, I like everything about you but this thing says you compromise too easy, you know? You've got to be a closer you mow in I ended up getting the job and did well there but I have this -- really, I've been tested. I'm a chump you know? So when that became a big problem I said it's negotiable. Well, and because I want to be flexible, and I looked into it. Oh, my gosh, it's hugely complex. There's all kinds of unintended

consequences, you know, there's all kinds of -- you can't do this, can't do that, you have to have -- be within 300 feet of one fire plug, 500 feet of the other, if I don't build a road there I can't get to the fire plugs it there's also a hammer head there, what the fire truck turns around on. That road is the hammer head, you know? I get rid of the road I lose the hammer head, everything goes crazy. Then I have to go out to spicewood. So the market for mini storage now is women and my market they're going to be upscale women. And so they -- you're supposed to make your business, have carpet, music and all this kind of stuff and appeal to women, okay? Now you want me to come from spicewood, which has been determined to be dangerous, which I've known that, almost been killed there several times going to the mailbox but you want them to drive along my humble building in their \$65,000 lex us and see all this visual chaos of this glass shop and all these guys with dirty hands and everything and they're going to go back and they're going to put their stuff in that deal. I said, man, you know, you can't operationally and from a -- big deal in business you're supposed to have street appeal, right? I lose all my street appeal. What I've got now, the road coming through there --

>> [Off mic]

>> Okay.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Is there a motion on the floor?

>> Mayor Adler: There is not but I would entertain one.

[4:12:24 PM]

>> Zimmerman: I was going to make the motion we go ahead and approve this on first reading only.

>> Mayor Adler: There's been a motion to approve number 34 on first reading and my reading of -- number 11 on first reading. Because I think that that would then take care of item number 34 as well. So there's been a motion to approve item number 11 on first reading. Is there a second? Ness Gallo. Any further conversation on this issue? Those in favor please raise your hands? Those opposed? It's unanimous with Ms. Garza off the dais.

>> Mayor, it is my understanding --

>> Mayor Adler: Please bring it back on the agenda next week.

>> Gallo: There will be continued dialogue with the neighborhood I know is going to want to talk to transportation department to talk about the reasonings behind the staff recommendation for having a allowed to and then the kennel discussion. Thank you.

>> Mayor Adler: Ms. Tovo.

>> Tovo: Mayor, are we postponing 34? Is that what we're doing on that one?

>> Mayor Adler: I don't know that we need to postpone it because it's -- we don't need to act on it because we acted on number 11 instead. Do you think -- do we want to postpone invent.

>> Tovo: I think I would ask that question of our city attorney. With we have -- will it come back next week if we don't postpone it?

>> I think you can just say you passed on it, you can withdraw this because number 11 takes care of it, you have an ordinance.

>> Tovo: Oh, I'm sorry. I got it.

>> The committee --

>> Mayor Adler: I think we're okay. We're going to pass on number 34. 11 brings all the issues back to us. Okay. We have a next item, time certain for 4:00 P.M. This is now item 26 which is the resolution related to the capital area metropolitan organization.

[4:14:32 PM]

Ms. Tovo, this is your matter. Do you want to make a motion?

>> Tovo: Mayor, I'd be glad to make or second a motion later on but I would love to hear from our speakers first if that's all right with you.

>> Mayor Adler: Okay. Mr. O Oakey. Mr. Oakey?

>> Thank you, mayor, councilmembers. I appreciate the spirit of this resolution very much, and I'm afraid that it may have been misconstrued by some in the community. It's my understanding that this resolution does not stop traffic improvements in south Austin into the main part of Austin. It simply allows for more time to make sure that every good alternative can be reviewed. There are many, many, many people in Austin who do not want a double deck highway bridge over lady bird lake and fact there's a lot of people who feel that lady bird would probably turn over in her can grave if something like that happened. I think that this city council has shown some of the best cooperative spirit that I've seen in this town in a long, long time. There are a lot of cosponsors to this resolution. And it's a big deal. Traffic congestion in this town is very, very serious. As a blog writer for austinaffordability.com my biggest concern is the proliferation of these express lanes because the way the express lanes work, the heavier the traffic, the higher the tolls.

[4:16:43 PM]

Well, if you think about the social and economic consequences of that, we have lots of people who have been priced out of their neighborhoods through gentrification and displacement and now these same people who are out in the suburbs have waited all these years for traffic relief, they're being priced out of the traffic relief because the tolls are going to be too expensive. And so I have addressed that with a proposal now being reviewed by the mayor and by several councilmembers and by the -- it's been forwarded to the mobility committee, and I presented it to them. Today is not the day to discuss that because it pertains to north mopac but what I wanted to do is let everyone know that we need to think very seriously about driving a wedge between the have and have knots in a city designated the most economically segregated city in the United States. I'm glad you thought this one through. I'm glad that you are taking the time to make sure that this traffic improvement gets done right. And I strongly encourage you to pass this resolution unanimously and I thank you very much for your time.

>> Mayor Adler: Thank you, Mr. Oakey. Mike Rollins.

>> Good afternoon, mayor Adler, Microsoft tovo and members of city council. I am Mike Rollins, president of the greater Austin chamber of commerce. Thank you for allowing me to comment on this resolution. When this community called for our 10-one election we were voting for a new system, where voices throughout Austin would have a seat at the table. We are hopeful that these issues will bear that in mind as we go forward. My points would be this, this

afternoon: Employers count on employees for their businesses.

[4:18:47 PM]

Employees count on transportation to get to their employers. This economy functions off of both ways. Our neighbors to the south deserve optional transportation improvements. Historically we've looked at the east side to put in some of these toll roads, and I think the west side would welcome the opportunity to have some of these toll roads. Projects like this should move forward. We have all the faith that ctrma is addressing. There will be optional designs for the exit coming in August. So we are looking forward to supporting this and ask that you as councilmembers bear in mind that the 130,000 south Austin people traveling on mopac south each and every day are at the forefront of your thoughts when you go to vote on this resolution. We ask that you oppose the resolution and then continue to support the 2040 plan before campo. With that I'm happy to answer any questions that you may have. Thank you.

>> Mayor Adler: Ms. Tovo.

>> Tovo: I don't have a question for Mr. Rollins. Thank you for being here. I just wanted to let everybody in the gallery know that the sponsors have made some revisions to the resolution. These are reflective

of -- and an attempt to respond to some of the concerns we heard from our colleagues at the work session and so the revised resolution that will be proposed today is posted on the council message board available from the city of Austin website if you look down there's a little link directly to the council message board. I know my staff has disabled some paper copies and I'd be blood to make sure we bring down some others for those that would like to take a look at the new language.

>> Mayor.

>> Mayor Adler: Yes, Ms. Troxclair.

>> Troxclair: I did have questions for our last speaker.

[4:20:48 PM]

>> Mayor Adler: Mr. Rollins.

>> Troxclair: Hi, Mr. Rollins. Thank you for being here. So from the chamber's perspective, can you give us an idea how you feel like keeping traffic moving -- or the traffic issue that we're facing in Austin will affect our business climate and our economic development in the city?

>> Absolutely. Thank you for the question. Austin, as we all know you, has been rated one of the most congested communities now, large communities in the united States. This comes as no surprise because for three decades or more it's been forecasted that we'd be on this population track. The only difference has been we failed to, as a community, act to provide the infrastructure need for pots produce community. As we move forward if we continue to fail to act in improving transportation, congestion only gets worse. You've even the time cited to travel will double in some places quadruple. It takes away from the quality of life of all of our citizens. We're not able to spend the right amount of time in getting home from work to be with our families to, possibly go to sports activities for our kids. So this will continue to be an Achilles heel that will impact as we go forward the prosperity of this community and at some point I think it will be so negative that employers will look at moving jobs elsewhere.

>> Troxclair: Remind me how many members you have in your organization.

>> Little over 3,000 businesses, 85% of those businesses are small businesses. Those are businesses with less than 50 employees in our community.

>> Troxclair: Thank you.

>> Mayor Adler: Thank you. Any further questions? Thank you, sir. Tom trakell. Is Dottie Mcchain here, you have three minutes.

>> Mayor Adler, members of the council, my name is Tom

[4:22:49 PM]

[indiscernible] And if a small business is one that has less than 50 members than I suppose I'm a part of a microbusiness. My company has two members, my daughter and myself. We're a family-owned business, we develop small retail projects and residential here and around Austin. I come to you today to express concern about the resolution before you. And I'm delighted to hear that the mayor pro tem is entertaining amendments. I have not had a chance to see those but I hope those amendments will continue to emphasize the need to be mindful and thoughtful about the environmental assets that are so precious here in Austin. Zilker park of course, Lady Bird Lake. These are some of our most prized environmental features and they're very important to all of us and they deserve protection and consideration and we think about how to improve Mopac South. When we voted for the 10-1 system of government, I had hoped and I think many people in Austin hoped that we would move away from having city council members who were identified as representing environmental interests or business interests and rather we would begin to have a group of councilmembers that thought about our city as a whole. Whether it be geographical or interest or political persuasions or just attitudes about the city. What I find lacking in the draft

-- lacking in the draft I last saw, before the amendment I don't know what it includes, is the absolute lack of concern it expressed for the 140,000 people who use South Mopac every day. I would encourage you to consider amending this resolution to pay equal attention to the need to improve our infrastructure and to help those people who use South Mopac as a primary way to and from work, make their commute a little easier and a little bit more sensitive. That needs to be considered as part of the collaboration and the alternative consideration. Their interests are, I would suggest to you, just as important as some of the other interests that are already alluded to and dealt with in the resolution.

[4:24:58 PM]

And I would encourage you to use this as an opportunity to move away from the divisive acrimonious debates that started to build up and bring our community together by recognizing all of the interests. Kelly for collaboration and moving forward and in that sense it doesn't matter whether it's four lanes or two lanes, the CTMA is considering a whole host of opportunities in different -- and different solutions in concert with your city transportation department. They've been doing this the last few weeks and will continue to do it. But you emphasize and your desire that that happen is a good thing and I think the resolution, if properly amended to reflect all of the considerations on the table, will do a great service to our community. But as it currently is drafted, I don't believe it does. Thank you.

>> Mayor Adler: Thank you. David King.

>> Thank you, mayor. Mayor pro tem, councilmembers. My name is David king, and I live in the zilker neighborhood adjacent to the proposed flyovers and express lanes. So I will be directly impacted by this proposal. And I ask that you do approve the amended resolution and ask campo to follow the campo 35 -- 2035 plan and study all the options, including one express lane in each direction and two in each direction. Study them. But let's not decide on one or the other until we complete that study. And ask campo to conduct an environmental impact study. Not just a high-level impact analysis but an environmental impact study, a thorough one, so we can see how this is going to impact a very environmentally sensitive area of our city. And, you know, we talk about, you know, these -- the conflict going on here, but these proposals that came out came out with virtually no public input.

[4:27:06 PM]

And so that's part of the big concern here, is why is campo settling in on this proposal with very little public input. The public outcry is what's caused us to be here today because the public process left stakeholders out. So that's why we're here today, and that's why I'm very concerned. And, you know, to make a unilateral decision, the ctrma, to make a central Texas regional mobility authority to make major changes to the campo 24 plan without input from citizens that will be most impacted is incredibly disrespectful to the city of Austin. And to update the plan with -- without thorough studying is unwise and imprudent. And it's ironic that txdot concluded that adding additional lines to I-35 would provide very little relief to traffic congestion yet somehow magically adding more lanes to mopac will be the cure for the congestion on that highway. That's very ironic. I don't see how that can be true. At the city's conference on the south central waterfront project last night we saw where city after city is removing double decker lanes, reducing the number of lanes they have in their urban core, especially around their water fronts. So why are we going in the opposite direction? If we make this investment, will we be back here 20 years from now saying let's tear all this stuff down because we really do value our water front? So it seems like we're flying in the wrong direction with this plan. And, you know, inequity is a big issue here weapon we have gentrification which pushed our low and moderate income families out to where the land is cheaper, yet they work down here in the urban core and now they're going to have to be stuck in the slow lane because they can't afford these luxury lanes, toll lanes? So I think the inequity is a big issue here and I hope you will support this resolution.

[4:29:10 PM]

Thank you

>> Mayor Adler: Ward Tisdale. The next speaker will be Michael cooper.

>> Technology. There we go. Mayor, councilmembers, appreciate the opportunity to speak to you. I have five slides and I have five points and I have a little less than three minutes so let me get to it. I think this discussion would not be -- I can do that? Which way do I point? Would not be a fruitful discussion if we did not look at it in terms of growth. Austin doubles in population every 20 to 25 years. It's done that since we were founded in the 1840's. My suspicion and prediction is that it will do so in the future. So we need to make policies on the dais that contemplate the growth and not oppose it. Growth in my opinion is a good thing. It gives people jobs, gives them opportunities. And more importantly, it keeps families intact because people can grow up here, get educated here and stay here. Point 2, not only are we growing, this is a graph from 1970 to 2012, we're not keeping pace with building. The city of Austin, the red graph shows how much we've added in terms of housing. So what does that do? It sends people to the outskirts of the city, sends them to the suburbs, yet they to the most part still work downtown, want to go downtown. That's why they have this mess we're in and that's why we have congestion. This is a slide from my friend former reca board chair Terri Mitchell showing density. We are the least dense major city in Texas, and when you think about cities like Dallas and Houston, sort of poster children for urban sprawl, it's quite amazing that we are actually less dense than those two communities.

[4:31:20 PM]

In addition, our transit system is behind. We're not even as good as those two cities in terms of transit, which is really -- which is really kind of an unfortunate situation and something that we need to rectify and this plan I'll get to in a minute will help do that. This is a slide that I got from the ctrma just to show the number of times that mopac has been improved and changed over the years. That's a lot of projects and I think it would have been a more efficient way if we were looking forward and projecting our growth and being proactive, that would be maybe two or three and not the seven or eight that are on the screen. And then lastly, I've heard it here today, already two times about luxury lanes. Terri, I had the discussion with him, also a capital board member, that the managed lanes will do foremo transit in this community than anything else has in the past. Rapid transit in my opinion will take off once commuters see --

[buzzer sounds]

-- The benefits of doing that. I support the 2040 plan and I oppose item number 26. Thank you.

>> Mayor Adler: Is Pamela Madeira here? Is Kenneth Willis here?

>> [Inaudible - no mic].

>> Mayor Adler: You donated your time? We have six minutes.

>> Okay. I won't need that much time, but thank you. Mayor, mayor pro tem, councilmembers, my name is Michael cooper. I'm the 2015 reca chair, I'm also a proud citizen of Austin and a proud member

of district 10, councilmember Gallo's district. I come to you today because I want to talk to you about our transportation issues and how we can best move forward to solve them.

[4:33:31 PM]

I urge you to keep the -- this project in the campo 2040 plan. It needs the funding on May 11th in order for our region to be eligible for any transportation funding. Again, I oppose item number 26 and I support the campo plan as is and keep Mopac South and SH 45 Southwest in the plan. Residents of Southwest Austin have been waiting for transportation projects that provide real traffic relief for many years. While traffic has gotten much worse, they are forced to spend more and more time away from their families, more and more time taking their kids to soccer games, going to the store, going to church, doing what each and every one of us do every single day. It is past time for us to address this issue. The CTMA is doing a study on the impacts of Mopac South, including the impact on Cesar Chavez, and has extended their feedback period in order to make this a great project. The Mopac South project will provide a way for us to ride the bus and have a guaranteed travel time, which will encourage more transit use. There will be also bike and pedestrian paths as part of these projects. I thank you for your public service. You know, I was thinking about how I was going to close, and really at the end of the day this isn't about the people in this room, about us, it's about the future, it's about our grandkids, it's about our kids, it's about the thousands and thousands of college graduates that are going to hit our market in several weeks and high school students that are hopefully going to go on to higher education that they will be seeking employment in Austin. We owe it to them to move forward, to have a better debate and to provide them with the infrastructure so that they can move to and from and practice their profession. Mayor, Mayor Pro Tem, councilmembers, thank you for your time.

[4:35:31 PM]

>> Mayor Adler: Thank you.

>> Troxclair: Mayor, quick question K.

>> Mayor Adler: Sir? Ms. Troxclair.

>> Troxclair: Can you remind me how many members you have in the real estate council of Austin?

>> Yes, councilmember, we have 1700 members.

>> Troxclair: Thank you.

>> Mayor Adler: Rebecca Falagale.

>> Good afternoon, councilmembers, thank you so much for taking the time to listen to the community about this issue. I'm not quite sure what related proposal we're talking about. I know that we're concerned about the four-lane expressway that they want to put as an addition on to mopac, but I also know that we had been talking about extending the time of communities input from three months to six months. Maybe you can address that at the end of my commentary. I'm here today to oppose the four-lane toll road expressway that's proposed for over mopac. If built, this road will create additional daily air, water, land and noise pollution over a sensitive habitat. This will pollute our aquifer, which is a native habitat for endangered species. It will also increase air pollution for people using surrounding parklands for recreation. People usually ask for additional toll lanes or road lanes to decrease congestion. They think that if they get more lanes on a road then they will feel that their time will be cut in half for commuting to work. However, a recent modeling study on I-35 conducted by the Texas transportation institute indicates that most I-35 traffic is local and moreover that lanes would not improve congestion at all.

[4:37:45 PM]

The only options not involving cars are the ones that would substantially improve traffic congestion. According to movability Austin, these include increased transit use, staggered work hours, carpooling, telecommuting and choosing to live closer to work. To live closer to work, we need to provide incentives for company loyalty to employees. Increased company loyalty would allow people to plan their lives better so that they can live close to work. We also need to make more city districts more enticing places to live and work. For my last part I'm talking to the road developers now. Listen, I know what it's like to have a steady stream of income and a stable job. Those are powerful lures and incentives to maintaining the status quo. But remember, with everything you do you are creating a life legacy. Please choose wisely. Thank you all for your time.

[Buzzer sounds]

>> Mayor Adler: Thank you. Pamela Wallace? Is Chong shin here? You will have six minutes.

>> Thank you. My name is Pamela Baggett Wallace and I'm a member of the shady hollow neighborhood association board of directors representing 1400 rooftops tops. We're in the process of being annexed into the city. We're totally surrounded by you and your rules and regulations at this point. And we only pay our taxes through our increased rates on electricity and water.

[4:39:47 PM]

I'm also coordinator for the south Brodie neighborhood alliance comprised of 11 neighborhoods opening to Brodie lane south of slaughter lane. I'm a newcomer to Austin. I don't know about y'all, but I've only been here since 1964. I can remember when the original mopac was opposed. My husband, however, is third generation Austin. His grandmother was born here in the 1880s. His dad was born on canter bury street, 1620 to be exact, so we know the area. A major flaw in the assumptions stated in today's resolution is that the three separate projects are really one project. Campo treats them as separate projects. Most especially this is true of sh 45 southwest. Trying to label these roads as a single project is a tactic to set up a federal lawsuit on segmentation argument so the city of Austin will fund a lawsuit for S.O.S. This is exactly the same argument S.O.S. Used in 1990 to try to stop mopac from south of 290. Council should not adopt such a false statement. I'm also a little concerned that suddenly today we find a different version of this resolution that we're addressing today. I don't think that it's particularly the city friendly. The bottom line regarding sh 45 southwest is that it's being built to the most current environmental standards while Brodie lane has zero environmental safety guards and is lined with unprotected Karst features. City staff say they don't know how many such features exist or where they are because our established neighborhood is already built. As a result, they haven't studied it. I'd be glad to show you to any interested. One is the Kentucky sinkhole one mile south of slaughter lane right on Brodie lane.

[4:41:51 PM]

The city just only a decade ago granted construction of an entire subdivision adjacent to this Karst feature and the only mandated protection from road runoff is a decorative iron fence. Did you know that homes along wildwood are on private well water? Council, shady hollow has six cul-de-sacs open to Brodie. We are also land locked to the west by so-called land quality lands that makes Brodie lane our only egress in the event of an emergency. Daily middle school is totally landlocked, a feature that emergency management professionals deplore. A former councilmember and now county commissioner believes speed bumps and roundabouts will solve the traffic problems on Brodie lane. Speed is rarely the issue. It's difficult to speed in bumper to bumper rush hour traffic. And how would you pay for the home acquisition necessary for widening Brodie through an established neighborhood? Whose home or yard would you be willing to sacrifice on s.o.s.'s alter of sh 45 southwest? Water is not the only quality of life issue to be considered when discussing road construction in Austin. Let's not forget air pollution from idling cars. Let's not forget parents who are trying to get home in time for their child's ballgame, scout meeting or even just to eat dinner together. Some of those people are your own employees. Did you know that more than 1100 city of Austin employees live in close-in zip codes in hays county? My own grandchildren live in Kyle because of affordability issues here in Austin. The time will come if it hasn't already as others have already pointed out when major employers will look at Austin's traffic gridlock and select another city instead of ours. Although that could have a negative effect on our economy, it would not break my heart. Councilmembers, please keep in mind that just say no is not a solution to traffic congestion.

[4:43:57 PM]

Time is also disproven trying to use road construction or the lack thereof as a zoning tool. Growth will happen with or without road construction. And on top of that, sh 130 certainly disproves the theory that if you build a road you're going to entice development. Discussion that I heard earlier about people having a chance to be heard on the plans that campo is producing is -- some of it is erroneous. They have held many, many public hearings. I've attended most of them. I've tried to become as familiar with this as I can, especially in the past 35 years when we've been trying to get the Y at oak hill fixed and also to build sh 45 southwest. Please, do not take on a resolution that sets you up Toby a front for S.O.S. -- to be a front for S.O.S., ignores the need for transportation in our city, delays the inevitable of it will be built, maybe not in my lifetime, but let's do something positive and upfront. Build a road with the environmental engineering standards that are available today and take that traffic off of Brodie lane.

[Buzzer sounds] Thank you.

>> Mayor Adler: Thank you very much. Mike Rodriguez.

>> Good afternoon, mayor, councilmembers. I'm on the onion creek homeowners association and I can tell you that the attitude of most people that live in south Austin is we direly need traffic congestion solutions.

[4:46:00 PM]

Now, I know that almost all of you ran on the notion that you would address one of two Austin major problems, and that's to provide relief to Austin traffic solutions. While a lot of people have said we can't build our way out of this, you have before you a solution proposed by the ctrma that says that they can increase the capacity on south mopac by 25%. And yet there are plenty of people on this very council who want to cut that in half just for openers. So I oppose this resolution. I read the revised version and I can tell you it adds at least four more whereases, up to 14 now, and mentions the word study I don't know how many times. Study is code for let's delay this. I can tell you that ctrma obviously studied and analyzed the situation before they made their proposal and that the traffic flow on south mopac definitely indicates the need for additional lanes. Even those people who don't take toll lanes will benefit because some cars will, and that takes them out of the main lanes. So we have some concerns and they will be addressed. Members of this August body also have a vote on campo. And they can address them there as well. But let's don't turn down and cut in half a plan which has already been studied and analyzed that will definitely provide relief for us in south Austin and for daily commuters. I notice that most of the signatures to this, all but one actually don't have constituents that live along this

route that would definitely benefit and I challenge you to go drive this route that we're discussing any afternoon of the week, any morning of the week, and you will see the problem. We need equal relief for the people that live in south Austin, not just for the ones in north Austin or northwest Austin. Thank you.

>> Mayor Adler: Sorry, Ms. Kitchen?

>> Kitchen:ky hope you will forgive my voice, but I just want to make a clarification so people understand.

[4:48:04 PM]

This does not -- the study is ongoing. It is not finished. So this does not delay the study in any way. So -- this is not just directed to you, Mike. I wanted to let the people know because I think there's some confusion, some thinking that whatever we do here today will impact the timeline of the study, and it will not.

>> Councilmember, I appreciate that. I would say two things. One is the revised version is improved, but when you have to revise it that extensively you ought to reconsider the whole thing. And that we could leave the two lanes in each direction in the campo 2040 plan, let them approve that and we're still then discussing the final design of that. But let's leave as many lanes in the plan as we can so that we don't foreclose on funding for that possible option. Like I said, study just drags this thing out and if we don't go away get into it the 2040 plan it will be drug out for sure.

>> Mayor Adler: Thank you.

>> Mayor Adler: Vicky Goodwin.

>> Tovo: I appreciate the questions that have arisen about the revisions. You know, one of the things that we try to do around here is incorporate some of the concerns. And that's what we've tried to do. If you notice the language has shifted from saying that the city council formally opposed the inclusion of the two lanes in either direction option, and talks about -- and talks instead about adopting the language of the campo plan and allowing the studies to be completed. So just a response to those who are concerned that there are revisions. Again, we're trying to listen to the concerns that my colleagues and others have raised and see if we can find a common vision here.

>> Mayor Adler: And I think it's important to note that councilmember tovo has posted on to the bulletin board so the -- nut version that she'll be proposing has been posted.

[4:50:08 PM]

There's a suggested amendment to that that has also been posted, so both are available for the public to pull down and see. We'll continue on with further public comment. Vicky Goodwin.

>> [Inaudible - no mic]. I got a text message that she got caught in traffic.

[Laughter]

>> Mayor Adler: If she arrives, please let me know and I will call her and give her a chance to speak. Heyden walker. And then Sinclair black.

>> Good afternoon. I'll try to be brief. I'm Heyden black walker, I'm an urban planner and transportation geek. And from my peaceful streets I think managed -- from my perspective, I think managed lanes are a good idea if we do them in a good way and we design them correctly. We do need a more protest transportation system and we do need buses that can get into our job centers more quickly from outlying areas. My concern is the double decker version of this. I think we have smart traffic engineers and we have a lot of capacity and a lot of lanes already on mopac. And there ought to be a way to be able to add managed lanes without building more infrastructure. And the reason that concerns me is that cities all over the country and all over the world are removing their highways from their parks and their waterfronts. And I think we ought to pay attention to that Progressive way that cities are addressing their parks and the water fronts and find a way to have a managed lane that doesn't have a double deck option over our waterfront and our parks. Thanks very much.

[Applause].

[4:52:20 PM]

>> I also have a frog, Ms. Kitchen. I got here as fast as I could also and I couldn't make it until 1958. So I've been watching things for awhile. I want to first start out by saying I agree with most of the speakers on their topic. The chamber of commerce gentleman is right, we need the jobs. Anyway, Laura G --

[indiscernible] Is right in what he said, it will double in 20 years. Mr. King was correct, the plan has had limited community participation. I agree with Tom Turkel completely that small retail is critical, important. And I agree with Terri Mitchell who is a friend of mine, and frankly I can't disagree with Terri Mitchell on anything. Everybody feels that way. I even agree with txdot. Strange as that may sound. When they say that you can't build your way out of it, they're right. When they say another lane won't help, they're right. When they actually admit that another lane simply causes more congestion, they're right. And -- but there is a solution in front of you and it doesn't have to do with social justice, environmental pollution, noise. It doesn't have to do with -- it has to do with taxpayers. Why are the taxpayers being asked to fund something that isn't needed? And I say it isn't needed because the little chart in front of you demonstrates that. It's a chart that was done some 10 years ago and shown to txdot and they refused to think about it, period. Just walked out of a meeting. And what it says is that if

you take a lane, you can do that with some paint and some signs, and over time people will shift to either paying the toll or increasing the ridership in their car so it's an HOV lane, functions that way, or an express lane for buses, and that's where the real payoff comes.

[4:54:41 PM]

A, capital metro begins to function very effectively. Buses from 30 different locations -- 20 different locations I think it was, every 20 minutes, every 30 minutes, carrying an average of 60 people. Some buses carry more, some less. It gives you a really huge leverage on getting people into their jobs and people downtown. And getting people where they're going. Everybody doesn't have to wear their car to town. In the future we'll know that much better than we do now. So it's all about people. What's the level of service for people? Not cars. Everything that is talked about here on all sides --

[buzzer sounds] Is about traffic, not people. Thank you.

[Applause].

>> Mayor Adler: The next speaker is Layla Levinson.

>> Thank you for accepting our comments today. I am here to ask you to support the resolution. I attended one of the open houses that -- I'm really bad with these acronyms, ctrma held at Austin high a few weeks ago, and the thing that disturbed me the most was when they talked about taking the piecemeal approach. The woman from Brodie lane wants you to think about this as a piecemeal talking about some kind of lawsuit. I don't know, that lost me, but I believe a piecemeal approach is what gets us into these problems. That we don't look at this as a system, that we don't take the longview. And if we're just going talk about a piecemeal approach, the thing that my husband and I can't understand is what happens to that flyover when it gets to Cesar Chavez?

[4:56:51 PM]

What's going to happen at the Lamar bridge? There's no answer. And basically I'm understanding txdot saying Austin, that's your problem. I don't see any resolution to that at all. I very much to support what sin collar black says, you add another lane, it doesn't solve the problem. I moved here from New Jersey 37 years ago thinking that New Jersey couldn't get more densely populated than it was then. It has gotten more densely populated just like Austin is predicted to. They keep adding lanes to the New Jersey parkway, the New Jersey turnpike. Do I need to tell you how congested those lanes are now? This is not solving the problem. Austin has some of the most creative thinkers. And if we can't find another solution

to this problem, then paving it -- than paving it, then I don't think we really have much of a life ahead of us here. Thank you.

[Applause]. Is Greg Guernsey here? Did we lose Greg? Greg, I want you to listen to -- I want you to come out when you're able to because we have some people that are waiting here on some matters that are going to get postponed and at some point between speakers I'm going to postpone those four items so those people don't wait for an hour and a half to find out their item has been postponed. I believe those items would be items 38, 39, 40 and 41. Sorry to call you from wherever it was you went to.

>> Mayor and council, item number 38 is a postponement request by staff. This is involving substandard lots. We would ask for a postponement to the 18th. The planning commission has yet to act on that item. Item number 39 is regarding secondary dwellings. Affectionately known as accessory dwelling units. The commission has yet to finish the action on this item and we ask for postponement to the 18th.

[4:58:54 PM]

Item number 41 is regarding notification meeting requirements for the east Riverside corridor regulating plan. And staff would request a postponement of this item to your August 6th agenda. And also, mayor, I believe you received a postponement request that you noted earlier today --

>> Mayor Adler: For one week on number 40?

>> For 40 for one week. I understand Mr. Yanez is accommodating Mr. Richard Suttle, who wasn't able to be here and that was a postponement also for just one week until next week. And and you may want to consider moving that time up slightly if we get through with zoning quicker, you might want to consider maybe a different time other than --

>> Mayor Adler: Let's set it earlier.

>> At 2:00 or something like that.

>> Mayor Adler: Set it at 2:00 or we can decide whether to call it at 2:00 or 4:00.

>> We'll make sure the parties are both aware of that.

>> Mayor Adler: And tell them if they can't do it until four eeoc, I won't until it until then. Item number 41 is that also a postponement?

>> 41, as I mentioned, that was a postponement to August 6th.

>> Mayor Adler: Okay. I'll entertain a motion to postpone those four items. Mr. Zimmerman?

>> Zimmerman: I would like to make a motion to postpone items 38, 39, 40 and 41 as read into the record.

>> Mayor Adler: Is there a second? Ms. Houston. Any discussion on the postponement?

>> Casar: One issue with -- I of course am going to vote for these postponements, but regarding item 39, which is the regulations for secondary dwellings, my understanding is that the planning commission has had a bit of this conversation, but sends it back to codes and ordinances, which is meeting in May and the planning commission would have a chance to take this back up in June. My understanding is that the planning commission does make a recommendation in June then we would see this at our June 18th meeting of council.

[5:00:57 PM]

Is that correct, Mr. Guernsey?

>> That is correct.

>> Casar: But if they were not to make a recommendation, we wouldn't see anything or have a chance for the new council to discuss this item before the break. So in the case that the planning commission does make a recommendation then we'll have it before the full council on the 18th. In the case the planning commission does not make a recommendation, I just wanted to let this body know that I would plan on bringing that to our planning and neighborhoods committee meeting scheduled for June 15th. So that there can be some time for this new council and new body to start chewing on the additional dwelling units regulations before the break so people can think about it on their vacations in July.

>> Mayor Adler: That sounds good. Thank you. It's been moved and seconded to approve those four postponements. Any further discussion? All in favor, please raise your hand? Those opposed? It's all on the dais except Ms. Troxclair who is not here. Thank you. Sorry for the delay, everyone in the room. Just wanted to let people know they could leave on those four items. We are with Dean Rendee.

>> Thank you, members of the council. I'm a member of the waterfront overlay review board, though I'm here speaking only for myself. I'm also a member of the chamber of commerce, though I guess a small minority bolshevik fashion because I urge you to vote for this resolution, which would call for some postponement, further study of the more be knighted aspect of this particular project. Some people say that we're not dense enough, and growth is good. Density and growth were the goal we would all move to Calcutta. Rome is dense too, but in a better way. What does the city sell itself as? Our architect wasn't that unique, we weren't that big in the beginning, but the unique iconic attraction of Austin for all the high-tech business that the council, the chamber is always trying to attract, is our environment combined with the culture and the education of the community.

[5:03:13 PM]

And that environment attractiveness was essentially part of the city's image. I've never seen a video attracting -- intended to attract new business that didn't feature that. This isn't a matter of south Austin versus west Austin or anything like that. After the onion creek floods everybody in the city knew that we had to help the people down there. Regardless of where we lived. This will have a lot of impact on the people who live near this project, but it's more important to the whole city because this is taking place in an iconic, central part of the city that is part of our brand and our image. In effect, we're going to weaken our image. This project is going to put a double decker freeway over the lake. It's going to have a big flyover worse than that it will vomit thousands of cars on a day to a road that can't accommodate it, Cesar Chavez. There will only be a few alternatives. You will have to widen the road, make it one way and maybe double decker it and then you still come to the Lamar bridge problem and you will have to get the traffic over that. It's going to be a choke point. Worse than that it's going to destroy or harm, let me put it that way, a really iconic part of the city. You're going to hear about a project called the south central Austin redevelopment project. Last night the city brought a world famous expert here to talk about the value of water fronts and why you shouldn't pave them. In fact, cities all over the world, Shanghai, Seoul Korea, are tearing down freeways next to their water fronts. Last I heard S.O.S. Did not run Shanghai. Last I heard Seoul had not been taken over by left wing environmentalists.

[Laughter]. There are a lot of hard boiled, economic good, conservative republican reasons to be against this project.

[5:05:14 PM]

Because this kind of brand is a money maker for the city of Austin.

[Buzzer sounds] You have driven that brand, you harm our economic vitality and attractiveness. I have many other brilliant remarks --

[applause].

>> Mayor Adler: Hang on a second. Mr. Zimmerman.

>> Zimmerman: Thank you, you made a great point about the advertising materials talking about our open spaces and putting that on glossy brochures for why people should move there. At the same time, have you ever seen them put miles and miles of gridlocked traffic? Do they put that on the glossies?

>> I'm glad you asked that because when you -- when your whole philosophy is to grow the city at any cost, that's what you inevitably produce. I think we've got to try to solve our -- no more?

>> Zimmerman: But you also produce that gridlock by not building roads, okay? Okay? That's another way you produce that is by not building roads for 30 years basically.

>> I'm in favor of --

>> Mayor Adler: Hang on, hang on.

>> Let us all calm ourselves. I'm quite in favor of building roads. I'm quite in favor of transportation projects. I'm criticizing this project at this place.

[Applause]. One of the principles -- I'm still answering. One of the principles that this world famous expert last night mentioned when he explained why Seoul and Shanghai and Seattle and Boston are improving their water fronts by tearing down concrete instead of adding it is this one: Transportation is vital to a city, but good public spaces that attract wide recognition is what is essential to a city. Distinctive water fronts provide significant advantages for a city's competitiveness in the global economy. I'll leave you with that. Thank you.

[Applause].

[Cheering]

[5:07:16 PM]

>> Mayor Adler: Ms. Gallo? Mr. Rendee?

>> Gallo: I'm sorry to bring you back up. I do have a question. Thank you. And thank you for encouraging calmness too. We appreciate that. You mentioned that you weren't opposed to building roads and as we all know we have affair ever-increasing exploding population in this community and we do and did hear constantly last year about traffic being the number one concerns for all the residents of Austin. So if you were not to build and expand this road here, where would you build it?

>> Ultimately I have to tell you the solution to the automobile problem is eight dollar a gallon gasoline. In every city in the world where a new city has been built, more traffic results and more congestion. I would be in favor of one lane free dedicated only to public transportation. And I think the long-term solution to Austin's problems are to instead of continually build more in the central city, hi-rises, more businesses there, funneling more and more traffic into the city and choking off that central area where makes it more attractive to condo development and else, develop nodes around the city so traffic has other places to go, centers of work and residential areas combined in different parts of the city and in fact that's what the city's long-term plan is beginning to call for. That's the best philosophy.

>> Gallo: And I appreciate those answers, but once again if our issue is moving cars that are gridlocked in the city and you say you don't oppose building roads, if you were not to build this road there where would you build it to deal with the car, vehicle gridlock that we're addressing?

>> I wouldn't build it there. One thing I would do is to make 130 more affordable for truck traffic.

[5:09:21 PM]

And the other is to connect this project to 45 west and it becomes a regional bypass that goes through the western side of Austin. I'm not a traffic planner and I'm barely talking about the iconic things of the city which make the city liveable that every great city in the world goes to great pains to preserve because that's our long-term store of liveability and economic value.

>> Gallo: Once again I will go back to the question because if I were living in southwest Austin, say near oak hill, and I worked in central Austin, then what would be the road that you would build to help get that person to where they needed to go?

>> I don't know the answer to your question. I'm not a traffic planner. I'm talking about this project and this place. I think if you only talk about the people in one part of town getting someplace else or for that matter commuters in hays county getting into town five to 10 minutes faster, that's not worth destroying this particular area.

>> Pool: I just wanted to add to the list of the cities who have removed the waterfront interstates and there's one just right up the road from Austin, and it's Dallas. Dallas took out interstate 345, I believe, and I was not able to go to the congress of new urbanism conference last week and I was sorry I couldn't, but there was a lot going on here that I couldn't miss, but my understanding is that there were some workshops relating to the fact that Dallas has removed the concrete. Is that not correct?

[5:11:21 PM]

>> [Inaudible].

>> The plan there is to remove the highways and convert it to parkway. Mr. Black has suggested removing I-35 over to the east and connecting east Austin with central Austin and putting I-35 underground which would have an additional effect. There are a lot of ideas out there which relate to submerging or otherwise disguising concrete and drives. And as a lot people have noted going in different directions. I want to add the city of Dallas to the list and Portland and I think Seattle and I think

some European cities, park east and Milwaukee, harbor drive in Portland someone mentioned Seoul and the

[indiscernible] Freeway in San Francisco and then we all know Boston's big dig.

>> Mayor Adler: Thank you.

>> Hello, my name is Karen. Thank you for having public input. My husband and I moved to Austin in 1993 for high-tech jobs here. We live right next to where this flyby is going to be on spy glass drive. Since I moved here I swim almost every single day at Barton springs year-round. And I never heard of this project before a month ago. I'm very active with Barton springs and the old council knew that. I built the 10-1 website, so -- I don't know if that's a disclaimer. I grew up and lived in new York City. I used to live in greenwich village when the west side highway was elevated.

[5:13:23 PM]

Since I moved here and went back to visit I can't begin to describe to you how glorious the west side highway is without a highway there and with all the parks and recreation aalal areas where you can actually go kayaking in the Hudson river. And if you build this thing, there will be 15-foot high trucks going by where I live. It will be noisy. It will pollute. The park as it is already has a terrible traffic pattern. I hate the weekend parking at Barton springs. And you're talking about putting all of this traffic just gushing into downtown. As it is, I could barely get here for this meeting. Where are these cars going to go? The solution has been mentioned many times to have creative ideas not to build more roads, but to take cars off of roads, to provide the kind of fantastic public transit throughout the city, to the suburbs, out to the airport that encourage people not to take their cars. With the graphs that I've seen tonight about the growth in the city, there's no way that adding more lanes is going to solve the problem. But I do know how important Barton springs is to me and zilker park, to tens of thousands of people, how much revenue it produces for the city, and to build this monstrosity of a double decker 14-lane highway where only people who can afford an average of 12 to \$14 per trip can go on it, that's really creating division in this city. And this city is already being just torn apart by the economic separation that's going on. Thank you very much for listening to me.

>> Tovo: Mayor.

>> Mayor Adler: I'm sorry, ma'am, hold on one second. Ms. Troxclair?

>> Troxclair: I just want to make sure that we're all working off the same information. Hello? Hi.

[5:15:24 PM]

I just want to make sure we're all on the same page and it seems like there has been a lot of misinformation about the project. And you mentioned if you build this Riverside, if you do this. And I want to be clear that the Austin city council doesn't have the ability to actually build these roads. I mean, that's the reason that we have campo, that's the reason that we have metropolitan planning organizations and regional mobility authorities, because this is a road that has regional implications for our traffic future. So I know the resolution before us is to direct -- I guess the new Ewing resolution is to direct the city manager to take a stance on this, but ultimately it's the campo board that is going to decide the --

>> Excuse me, I didn't mean to say you were building it.

>> Troxclair: And I just thought I would jump in and take the opportunity because I know that it is very confusing. There are a lot of different entities involved. So I just thought I would be clear. And I also -- you said that there would be an average of 12 to 14-dollar tolls expected. And that's another thing that I don't know where that talking point came from, but ctrma has confirmed multiple times that the average that they're expecting is more like four dollars. So although it's a variable toll and in order to keep traffic moving at the same rate they're suggesting that the price increases as traffic increases, but the projections that they have right now are closer to four dollars than 12 to \$14. So just wanted to let you know that.

>> Thank you very much.

>> Mayor Adler: Thank you. Mr. Butts. And then Barbara rush on deck. Is Mr. Butts here? Is David here? Okay. Barbara rush?

>> [Inaudible - no mic].

>> Mayor Adler: Who is up next.

[5:17:25 PM]

Is deb Bingham here? Debbing Bingham? Is Rick sternburg here?

>> [Inaudible - no mic].

>> Mayor Adler: Just checking. Ms. Shea, you have nine minutes.

>> Thank you. I don't know if I need all of it. And this is the percentile I've been down here and -- this is the first time I've been down here and seen all of you and seen the new chambers. I'm glad you're here. I just want to start the conversation by saying I don't think anyone is interested in resuming developer and environmental wars, least of all me. And I don't think this conversation has to be seen this way. I

think this really is just people who may have different opinions about the best way to proceed. I don't know anyone who doesn't want relief for congestion. I don't know anyone who doesn't want -- there may be a few people. Most people I know want to see more effective transit for this community. So there's no disagreement about that. But there are three points I want to convey to you. One is I don't think we need to rush this. And I'll say more about that. And the second is I think it's really important to get this right. And something something that I think is particularly important obligation for us as leaders, and that is leave a good legacy. On the don't rush it, I have not heard a good reason and I've asked the ctrma this a lot. In fact, I've had some very good conversations with the leadership of the ctrma. I'm really excited about the prospect of my conversations with chairman ray Wilkerson and executive director Mike hilgenstein for them to explore opportunities for gridlock in the downtown with creative solutions.

[5:19:30 PM]

But I have yet to hear a good explanation from them for why we have to double the number of toll lanes on south mopac. They only unveiled this plan in February. And I've heard from members of their own board that they were surprised to hear the plan to double the amount of toll lanes on south mopac when they learned about it in February. And if people haven't seen the design, this is the ctrma's design for the double decker toll bridge over lady bird lake. And I think the whole community will be better off if we get this right. And I don't think that we have a very good prospect of truly negotiating and truly examining a scenario for one

[indiscernible]. Campo has urged to greenlight the expanded doubled scenario next Monday night, which is when campo will be asked to vote on this. These long range plans, they're 25-year rolling plans, although this project won't take 25 years to build. But these plans are amended all the time. We have the time to get it right, which is why I'm urging your support for this resolution that we would urge campo to study it rather than vote to lock in the four lanes expanded version. I asked why it was necessary to double the lanes and the double decker bridge over lady bird lake. One response was transit. They need two lanes in each direction for transit. When I asked are you able to do transit on north mopac with one lane in each direction? They said yes, that will work fine.

[5:21:31 PM]

So I don't understand why they have to have two lanes to do transit on south mopac. It works fine with one lane on north mopac. They also said they need expanded lanes to provide congestion relief and I think this is where everyone is in agreement. We want congestion relief, but when I pressed on this issue as well, it's clear from their comments and from their own printed literature that these four lanes

will not provide congestion relief for the majority of daily commuters. Many of them, the people who had to move out of Austin because it was too expensive to live here. They are talking about surge pricing at rush hour and their representative said at several open houses that it could be 12 to \$14 per trip. When I asked the head of the ctrma at the commissioners' court on Tuesday if he would say what the price was, he said there will be no cap on the toll free at peak hours. There will be no cap on the toll free. I think those were his exact words. And their own language says these express lanes, quote, are designed to limit access to the lanes, not add traffic. And that's why they make it so expensive. They don't want a lot of people in the lanes. They don't want to clog them up. They want the lanes freely flowing. So I don't think it's going to provide this great congestion relief that's being portrayed. Particularly when the plan will connect up I-35 via sh 45 southwest with south mopac. The Numbers that the head of the rma said at the commissioners' court on Tuesday, by 2030 they'll be projecting an extra 25,000 cars with a connection to I-35 on south mopac.

[5:23:34 PM]

And they estimate the toll lanes will pull off approximately 12,000 cars. So there will be at least a 12,000 car and truck increase on south mopac even with these toll lanes. And my understanding is trucks won't be allowed to use the toll lanes so it will concentrate the trucks on the free lanes. I want real congestion relief and I desperately want comprehensive transportation planning. But the txdot representative acknowledged during our commissioners' court meeting two weeks ago when they did the environmental study on sh 45 they did not take into consideration that it would hook up to I-35 to the east and they did not take into consideration that it would hook up to four lanes of toll roads on south mopac to the west. I don't understand how we could have comprehensive transportation planning if we're not even taking into account the connections of these roadways. So I really do want comprehensive transportation planning. My final point is to leave a good legacy. People worked for years to assemble the land around lady bird lake. And put public sweat equity and public funds into creating a beautiful oasis. I think you received it, but if you haven't I want to read the letter from Lucy baines Johnson that was sent to you today. And I can't do justice to how she would speak, so I'm just going to read T dear mayor Adler and Austin city councilmembers. Pleased a my name to those who are concerned about the proposed four toll lanes on mopac south and the potential negative impact they may have on our environment. As a citizen of Austin, I'm acutely aware of the challenges traffic is having on our city and I salute all who are working on finding safe, economically feasible and environmentally responsible solutions.

[5:25:37 PM]

Lady bird lake is a crown jewel in our city offering tranquility and an opportunity for safe exercise for all our citizens. Young and old from he every color, ethnicity and socioeconomic group. It's a beacon for those coming for work and recreation and an invaluable addition to our economy. My mother, along with a host of dedicated citizens, worked hard to create this magical spot for all of us to enjoy for generations. It is the city's signature that makes Austin a destination to treasure. I'm deeply worried about the noise, esthetic and environmental impact a flyover would have on this goose that lays our golden egg. I urge all in authority to use the best of our creative juices to find solutions that will do no harm. We have a great legacy to pass on to our children. It is up to us to preserve it. Signed respectfully, Luci baines Johnson. Thank you so much for listening and please --

[applause].

-- Don't rush this, get it right and leave a good legacy. Thank you very much.

[Applause].

>> Mayor Adler: Welcome back into the chamber that you served so well for so long.

[Applause].

>> Mayor?

>> Mayor Adler: I can't hear you.

>> I'm sorry, Vicky Goodwin is here now. You wanted me to let you know.

>> Pool: Mayor, councilmember Gallo had asked a question previously when Mr. Rendee was at the podium, and the question was where we should build the road if not here? And if I may, I'd like to ask Sinclair black if he could address this very quickly, if you could come to the podium?

[5:27:37 PM]

Thank you. Thank you very much, council Gallo. I hope I can answer that question. First of all, my whole premise was this project, the construction, isn't needed. The infrastructure there is completely satisfactory. The managed lane makes it work. And that chart, if you study it, will show you how. It just displaces the traffic from the regular lanes to the managed lanes, and by that I mean people. So you take people out of there cars that they're driving almost by themselves and you put them in a lane. In a study that all of this was based on that campo did says very clearly that the travel -- the speed -- by the way, highways are designed for at 70 miles per hour, two thousand cars per hour. Has anybody unseen that on any highway?

-- Anybody ever seen that on any highway in the city? The average speed at peak hour is somewhere between 13 and 15 miles per hour. Designed for 70, mind you. What the study says that if you build a

managed lane, you have an average speed of 57 miles per hour. So if you take cars off the highway and put people in car pools and buses and they can go 57 miles per hour, how long will it take those idiots sitting stuck in traffic to get on the bus? So the answer to your question then is that the infrastructure is adequate and the solution is clear, it's cheap and it's -- and it can be done with paint. As the county commissioner said.

[5:29:37 PM]

So I would urge you to take a really close look. When you say further study, I hope that doesn't mean more traffic engineers trying to figure out how to get a really big project for construction. But rather a solution for the citizens of Austin. Get people downtown at 57 miles per hour. Not 13.

>> Mayor Adler: Thank you.

>> Does that help?

[Applause]

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: So I still didn't hear an answer to the question if you're going to build a road, if you're proroading and you're going to build a road from south west Austin to get downtown, and I still didn't hear an answer to that question.

>> The answer is that you take the managed lane. Obviously, there's not going to be another highway built. Period. Txdot's 40 something billion dollars in debt and that's where the money comes from so there's just not going to be another highway built, not another corridor. In this report it says everybody admits, especially txdot and ctrma, that there's no way they can get 1 foot of right-of-way additional, certainly not a whole new path through somebody's neighborhood. The only answer is to say, all right, we're not going to do that and building more lanes is not going to help. What can you do? You can use the infrastructure you have and that chart will show that you you can triple the capacity of south mopac, you could have step tripled the capacity of north mopac for \$200,000 or \$2 million instead of \$200 million. And now you're facing that same choice, again.

>> Troxclair: Thank you.

>> Thank you.

>> Mayor Adler: Thank you.

[Applause]

[5:31:38 PM]

>> Mayor Adler: It is now 53:05:30 we break for music and proclamation. That's been the past practice because we have people here that are called for those, so it's like a break. But we could all leave that do the pleasure of the council. We have a lot of employees that are here for recognition as well, so we have a lot of people that are also going to be here for a while. I would have the break and then I would have us come back. Anybody want to urge us to do differently?

>> Zimmerman: Mr. Mayor, I was going to make that motion that we have a four five-minute recess for the 5:30 events and then resume.

>> Mayor Adler: Okay. And that's -- so the motion that we'll break here to 61:52ed. All in favor --

>> Troxclair: Can I speak?

>> Mayor Adler: Yes.

>> Troxclair: We have so many people here who came to speak on something that was on the agenda for a time certain at 4:00 so to interrupt that for another time certain item and to ask them to stick around after they've already given up a good portion of their day, I just -- I think it would be more respectful of their time to finish this item before we take a break.

>> Mayor Adler: You know, the problem when people start setting things at time certain as we're going through an agenda is we are not going to be able to accommodate all the time certain that's we set. There's no decision we're going to make here that is going to accommodate all the people that we have in the room that are here to talk. A lot of people in the back room are employees here as well. But so I would probably -- I'm going to vote for Mr. Zimmerman's motion. Any further discussion? Ms. Garza.

>> Garza: I want to say I absolutely agree with councilmember troxclair that I respect those that have come to speak on this but my understanding of time certain is that it won't come up before 4:00, not necessarily that it will be heard at 4:00.

[5:33:47 PM]

Is my understanding of time certain.

>> Mayor Adler: That's correct.

>> Troxclair: And then --

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: But the break for live music is also a time certain so if the argument is that we don't interrupt something that we're already in the middle of, then we also shouldn't interrupt this conversation for a time certain at 5:30.

[Applause]

>> Mayor Adler: There's no decision we're going to make here that's going to keep everyone in the room happy. All in favor of breaking until 6:15 so that we can do music and proclamations raise your hand. Those opposed? Only Ms. Troxclair. We're going to take a break, and I apologize for the inconvenience. We'll be back at 6:15 let's go to music and proclamations.

[5:35:49 PM]

[🎵 Music 🎵]

[5:41:10 PM]

>> Mayor Adler: You know, you make decisions for scheduling and it's impossible to make everyone happy. We have scores of people that are going to be waiting here longer than they anticipated, regardless. But the one thing I think we can all agree on that everyone in this room right now could use a little music.

[Laughter]

[Applause]

>> Mayor Adler: I have the opportunity tonight to welcome into chamber Kiko villamizar. Kiko villamizar was born in Miami to Colombian parents and was taken to the Indian city in Columbia when he was small and he was raised there. He learned Latin American phoning music through the oral tradition of his family and then went back to Miami to study jazz after high school. He traveled the Americas collecting melodies and beats, and he has formed into his own unique MIX his culture, agriculture and life stories are put into his songs as he celebrates life and mother Earth while lamenting the violence he has seen both in Columbia and the United States. His songs are relevant and contemporary while strongly honoring its allots. Allots -- its roots. Please join me and help welcome Kiko villamizar.

[Applause]

[🎵 Music 🎵]

[5:43:16 PM]

[Music]

[Music]

[5:48:49 PM]

>> We were made to dance and create this entertainment for everyone. With our ceremonies.

[🎵 Music 🎵]

>> Thank you, everybody.

[Applause]

>> Mayor Adler: So for people that are watching on TV or are here, do you have a website or anything where we can find you?

>> Yeah, kikovillamizar.com, it's our -- my -- record label here. Thank you to this band today. Kikovillamizar.com, on the cdw you can purchase and read the whole name. I made it a hard name on purpose so everybody would have to buy the cdw.

[5:50:51 PM]

[Laughter]

>> Mayor Adler: Where can they buy the cdw? On the website, but anywhere else?

>> Right here. I've got it right here.

[Applause]

>> We have a band camp situation. Band camp is good. Also just so you can go to the website and it will give you all the links, iTunes and all the business.

>> Folks want to come hear you play, where's your next gig.

>> Tomorrow night to celebrate this day and this ceremony and also to celebrate the kickoff for the festival, we play tomorrow night, we go on at 11:00, party starts at 9:00, the live music and, yeah, tomorrow night at --

>> Mayor Adler: Well, that's exciting. I have a proclamation. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talents extends to virtually every musical genre and whereas our music scene thrives because Austin audiences support good music by legends, 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 May 7 of the year 2015, as Kiko Villamizar day. Congratulations.

[Applause]

>> Thank you.

[Applause]

[5:53:12 PM]

>> Everybody give it up for Chandra, please.

[Applause]

>> Thank you very much. .

[Applause]

>> Mayor Adler: I have a proclamation be it known that whereas one in five children in our community regardless of race or ethnicity or religious background is affected by mental illness and more must be done to help people and help provide school-age children the support they need to succeed and whereas May 7 has been set aside as children's mental health awareness day to raise awareness about children's mental health, reduce stigma and celebrate resiliency and whereas the city of Austin supports the development and implementation of a system of care to ensure children, youth and families have access to services and supports that build upon their strengths and best meet their needs and whereas we urge all members of our community to learn more about what good mental health means and to support appropriate and assemble services for those -- accessible services for those who have mental illness now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim May 2015 as mental health month and May 1 of 2015 as children's mental health awareness day.

[5:55:32 PM]

Congratulations.

[Applause]

>> Mayor Adler: And, Christinia Kuehne, would you like to say something? Please.

>> Thank you, mayor Adler and the councilmembers for this proclamation on behalf of the child and youth mental health planning partnership and the children's partnership. We appreciate your continued support of children's mental health in our community. Each year we dedicate the month of may to promote awareness and decrease stigma. We recognize today, may 7, as children's mental health awareness day. Thank you.

[Applause]

>> Mayor Adler: Thank you.

>> Good evening and thank you to mayor and city council for this proclamation today. I'm Trish Rivera co-chair, and I'd like to share a few words about children's mental health awareness. Texans are standing up to bring mental health out of the shadows, combating the stigma so more children and youth with access the services and support that help them sorry into adulthood. Just as with obesity and diabetes by detecting disease and intervening early we can have a tremendous effect on the health of that person in adulthood. The more we know, the more we can do. Thank you.

[Applause]

[5:58:32 PM]

>> Mayor Adler: We have three certificates of congratulations. This is city of Austin certificate of congratulations for the third place harmony science academy north Austin, Austin academic world quest winner. The confident is presented in recognitions thereof the seventh may in the year 2015 by the city council of Austin, Texas, signed by Steve Adler. Congratulations to the harmony academy.

[Applause]

>> Mayor Adler: And we have another certificate of congratulations. This one to second place lake Travis high school, the Austin academic world quest winner, presented in recognition thereof the seventh day of may in the year 2015 bit city council of Austin, Texas, signed by Steve Adler, mayor. Lake Travis high school.

[Applause]

>> Mayor Adler: And, finally, a certificate of congratulations to the first place last las high school, Austin academic quest winner this certificate is presented in recognition thereof this first day, mayor, 2015, the city council of Austin, Texas, signed by Steve Adler, mayor. Congratulations.

[Applause]

[6:01:17 PM]

>> Mayor Adler:

>> Mayor Adler: We have a proclamation. Be it known that whereas this year we commemorate the 47th anniversary of the first fair housing ordinance in the city of Austin, which provides safe and affordable housing as part of the American dream. To this day, affordable housing is open to everyone regardless of race or color or sex, national origin, religion, disability, familial status, cede, student status, marital status, sexual orientation, sexual identity, age or source of income and whereas the city of Austin is dedicated to ensuring that all citizens receive equal treatment when buying or renting a home and whereas we encourage everyone to recognize the importance of fair housing practices and to continue to change attitudes and remove barriers that limit access and choice, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may 2015 as fair housing month.

[6:03:49 PM]

[Applause]

>> Mayor Adler: Congratulations. Let me introduce John babiak.

>> Thank you, mayor Adler, it's an honor and privilege to be here to receive this proclamation. I'm Jonathan babiak, the administrator of the city of Austin equal employment fair housing office. Our office enforces the civil rights found in title 5 of the city code, rights that protect against discrimination in employment, public accommodations and housing, any person who experiences discrimination in the city of Austin can reach our office to file a complaint dial 311, ask for the equal employment fair housing office. In addition, our office is conducting our annual conference tomorrow, a training compliance conference for professionals in all areas of housing. Public administration, for profit, nonprofit, and even policy advocacy groups. Finally, our office wants community groups to know that we are available to come out to your meetings in the evenings, weekends, and speak to your members to help them understand their rights. And we hope that people will call us. Thank you.

[Applause]

[6:05:59 PM]

>> Mayor Adler: Today we join other mayors and governors and federal agency leaders throughout the nation in recognizing those that do the heavy lifting and ensure that tasks of government get done effectively and efficiently. Since 1985, public service recognition week has celebrated the invaluable contributions government employees provide every day. I'm lucky enough to see how our employees in municipal government touch people's lives directly, whether it's ensuring that your lights come on, your road gets fixed or your children get safely across the crosswalks at school. So it is my honor and now as mayor to be able to understand and see ever more directly, it's my honor to proclaim public service recognition week in the city of Austin. Manager, do you want to say something before I read the proclamation?

>> I would, mayor, but I do want to say something.

>> Mayor Adler: Then why don't you say something and I'll read the proclamation.

>> Okay. Good evening, everyone, I think it's evening. And especially good evening to all of those wonderful employees that I see standing to my left. It's really great to see all of and to know that you are part of this great organizational family. I've said it many times before, but I think it bears repeating tonight, that our employees are the city's greatest assets. You really are. And tonight we have a chance to honor some of our most valuable. Those being recognized epitomize the best of the best in terms of exemplifying what public service is all about.

[6:08:00 PM]

These honorees understand that public service is more than just a job but a commitment to bettering our community. I made the call to department directors to pick someone for litigation that goes -- recognition that goes above and beyond, pick someone that understands public service is not only their vocation but embraces it as their advocacy. Employees like you and the work that do you are the reasons why Austin residents rate our customer service as exceptional. Tonight's honorees represent thousands of other city employees that understand the meaning of public service. So I truly believe you should take special pride for demonstrating that something extra that brings you here this evening. As your city manager, I want to congratulate you, but more than, that folks, I simply from my heart to yours, I simply want to say thank you. Mayor?

[Applause]

>> Mayor Adler: I think the words in this southeast of appreciation -- in this certificate of appreciation we've both conveyed. If we can bring everybody up I sure would like to have a picture taken with each of them, if we can do that. Thank you.

>> Good evening, I'm ray beret, chief of staff for the city of Austin so I'm going to go ahead and call out the names of all of the horn Rees and I'll call them by their department and then their name. So honor yes once I call out your department please come forward to receive your certificate of appreciation and then a photograph about the mayor and city manager multiply starting off the animal services office, Linda Sisney.

[6:10:07 PM]

[Applause]

>> All right. The Austin code department, Moses Rodriguez.

[Applause]

>> The Austin water utility, Robert Wilson.

[Applause]

>> The aviation department, Andrea Garza.

[Applause]

>> The capital planning office, Susan Daniels.

[Applause]

>> City auditor, Patrick Johnson.

[Applause]

>> City clerk, Theresa Cruz.

[Applause]

>> Next is communications and technology management, Melissa rigalotto.

[6:12:14 PM]

[Applause]

>> Community court, dahlia Martinez.

[Applause]

>> Contract management, Lynn rich.

[Applause]

>> Convention center, camela Jones.

[Applause]

>> Development services, Chris Johnson.

[Applause]

>> Economic development, Pam Hefner.

[Applause]

>> Next up is financial services, Phil Kirk.

[Applause]

>> The fire department, Christine theese.

[Applause]

[6:14:14 PM]

>> Fleet services, hazel black.

[Applause]

>> Government regulations, Mary contrares.

[Applause]

>> Health and human services, vina vizanaton.

[Applause]

>> Human resources, Sonya Alexander harry.

[Applause]

>> The innovation office, Marisol Benton.

[Applause]

>> The law department, Michelle renkin.

[Applause]

>> The library department, Ms. Skarem goshimi.

[Applause]

>> Management services, Bari Sandoval.

[6:16:20 PM]

[Applause]

>> Municipal court, Christy torres.

[Applause]

>> Neighborhood housing and community development, Jonathan thomco.

[Applause]

>> The office of emergency management, John Cummings.

[Applause]

>> Office of the police monitor, sashine Yates.

[Applause]

>> The office of real estate services, Amanda Glasscock.

[Applause] Galabias.

[Applause]

>> Planning and zoning, Francis Riley.

[Applause]

[6:18:24 PM]

>> The Austin police department, rianen Cunningham.

[Applause]

>> The public information office, Marian Sanchez.

[Applause]

>> Public works, clay rivers.

[Applause]

>> The office of sustainability, lewis Leff.

[Applause]

>> And our last honoree from the transportation department, Briana Anas.

[Applause]

>> We do have one more. David lothrie with building services.

[Applause]

[Laughter] So these with your honorees 2015 national public service recognition week.

[6:20:27 PM]

[Applause]

[6:22:39 PM]

>> I'm going to suggest that folks move on out to the -- grab your families and move on outside. We have another proclamation. If everybody is clear away for the groups to be able to make it outside. We're going to go ahead and introduce another proclamation as soon as the people in the back of the room are able to move out. It's at this point that we wish we had a little bit more music to be able to

come back with. We lost the band just a few moments too soon. If everyone could quietly please leave. If everybody could please continue to move outside so we can start the next proclamation. Because we have a proclamation to read, be it known that whereas -- we're going to go ahead and read the proclamation. Thank you. We have a proclamation. Be it known that whereas we are pleased to recognize the Austin chapter of the institute of internal auditors as it celebrates its 46th anniversary, chartered in 1979 by 13 auditors, the organization now has 826 members including 31 city employees.

[6:25:07 PM]

And whereas the annual celebration of internal audit work focuses attention on the invaluable assistance that internal auditors provide organizations in evaluating risks and opportunities and in ensuring efficiency and effectiveness and whereas we are especially pleased to recognize the commitment of our local auditors to upholding the standards of their professional organization and to congratulate those who serve in leadership positions with the international association or with the Austin chapter, now therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may 11-15 of the year 2015 as an internal audit week. Congratulations.

[Applause]

>> Thank you.

>> Mayor Adler: Let me introduce Jon Spann. Do you want to say anything.

>> I want to say thank you, mayor, and city council for honoring us with this proclaiming. It came as a good time. Our president of our organization of 180,000 was coming in town next week to present so us so we'll be able to present it to him. So thanks very much.

>> Mayor Adler: That would be great. Congratulations.

>> Thank you.

[Applause]

[6:27:17 PM]

>> Mayor Adler: When we have a proclamation be it known that whereas for 126 years the Salvation Army has been doing the most good to serve the community, individuals, and families in the Austin area, and whereas the Austin area command serves Travis and Williamson counties through their core community center, their Austin shelter for women and children, the red shield lodge and the new

Williamson county service center, four family stores and the adult rehabilitation center and whereas the Salvation Army's social services range from providing food for the hungry, relief for disaster victims, assistance for the disabled, outreach to the ill and the elderly, clothing and shelter to the homeless and opportunities for underprivileged children and whereas we are pleased to recognize the Salvation Army, Austin area command, the many volunteers and the donors who have enabled the organization to serve our community for so long, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may 11-17 of the year 2015 as national Salvation Army week. Congratulations.

>> Thank you.

[Applause]

>> Salvation Army has been privileged to serve this community for 126 years. It's our belief that there's no situation too desperate that there can't be hope. And so we've developed programs and put in professional and caring staff to meet the needs of people simply because there's need. No other reason. Our founder said -- William Booth said near the end of his life, while weep as they do now, I'll fight, so that's our promise today, that as long as there's need, we'll fight and we'll strive to do the most good.

[6:29:19 PM]

Thank you, sir.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: We have another proclamation. Be it known that whereas bicycling is an affordable, healthy, sustainable mode of transportation for thousands of austinians and whereas the city of Austin encourages the education of bicyclists and motorists on the proper and safe operation of bicycles to ensure the safety and comfort of all vulnerable road users and will distribute bicycle lights to help decrease the number of motor vehicle-related bicycle fatalities and encourage safe and legal bicycling and whereas bicycling activities and attractions have great potential for a positive impact on Austin's economy and tourism industry, and whereas the city of Austin encourages more austinians to choose cycling as a viable and environmentally sound form of transportation and exercise that improves air quality, reduces traffic congestion and conserves energy, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may 2015 as national bicycling month, may 6, 2015, as bike to school day, and may 15 of the year 2015 as bike to workday.

[6:31:37 PM]

Congratulations.

[Applause]

>> Mayor Adler: Do you want to say something?

>> Yes, please.

>> Mayor Adler: Let me introduce to you mer said days.

>> Good evening, everyone, thank you so much for being here and supporting bike Austin. I'd like to go ahead and thank everyone for celebrating bike month with us. Bike Austin is very happy and I'd like to go ahead and thank Austin city active transportation department for supporting us and other dozen department heads around the area to support bike Austin. Traffic relief is a very big issue here in Austin and we know that if we implement the master bicycle plan we can alleviate at least 20% of traffic in Austin. So encourage people to learn how to ride bikes and using this infrastructure that city of Austin has implemented will strongly reduce a lot of the issues here with traffic in Austin. Not only the traffic issues, the overall health improvements of people riding their bikes and just a little bit more. Along with that I'd like to invite everyone to celebrate bike month and may 15 as bike to workday. The our Moto is just give it a try. You don't know you're not going to be able to do it by try it one day to see if you can do it and do it maybe once a week. I'll see the overall impact on traffic reduction and your overall health benefits. Finish off the day with a political pedal here at 4:45 we'll get all city council hopefully on a bike and ride over to Charlie's for a post ride happy hour. Thank you so much.

[Applause]

[6:35:04 PM]

[Recess]

[7:00:38 PM]

>> Mayor Adler: We are about ready to pick this up where we left off. Our next speaker -- what number is that?

>> 26.

>> Mayor Adler: Before we hit the speaker back on the campo resolution, Mr. Guernsey, do you have an item that's going to be postponed so we can let some people go home?

>> Yes, mayor and council, Greg Guernsey, planning and zoning department. Item number 46, which was regarding an appeal for the property at 41 highland terrace. The alants and property owner have agreed to a one week postponement to next week at 2:00. I could offer that for consent for postponement consideration.

>> Mayor Adler: Is the only issue -- someone want to move postponing this as recommended. Mr. Casar moves postponement. Seconded by Ms. Pool. Any discussion on this? Seeing none, all in favor of postponing that item, raise your hand, 46? Those opposed? It's unanimous on the dais with -- it's unanimous on the dais. He voted as he was leaving.

>> Thank you, mayor and council.

>> Mayor Adler: Because he seconded that motion. Thank you very much. Before we go back into campo, there is an item on our agenda that was set for a time certain at 6:30 T has 19 speakers set up.

[7:02:39 PM]

It's the mothers with the women on the equity tool issue. And they've agreed to have one speaker speak if we would call that. Is that correct, Ms. Garza?

>> Garza: Yes, I'm not in any way saying that anybody's item is more important than the other, but they have agreed to have one speaker and if the discussion goes more than 10 minutes I'm fine moving it back behind. But if we could hear that one item, they do have a bunch of small children here with them today.

>> Mayor Adler: Okay. Let's bring them in. Are they here? Ms. Car gamer gate moves to -- Ms. Garza moves to lay on the table the campo matter for about 10 minutes while we pull up the equity note matter. One per instead of 19. Is there a second to that motion? Mr. Casar? This is agenda item 27. So we're putting campo aside on the table here for about 10 minutes or so. Any discussion on the motion on the table? All in favor of the motion? It's unanimous. We're going to call item 27. Ms. Garza, do you want to lay this out real fast, give it context?

>> Sure.

>> Casar: And can I interrupt real quick --

>> Mayor Adler: And if you would come forward, that would be great.

>> Casar: As a quick point of privilege, I've been asked by the city clerk's office to tell you there's translation equipment in the back with Ms. Rios.

[Speaking in Spanish].

>> Garza: And the one speaker is Ms. Riojas is going to speak. While she's walking up, this is just an item to set up discussion of building an equity tool for Austin, and this is just directing the city manager to meet with our advocates and see what works best for our city.

[7:04:45 PM]

Other cities have set up similar equity tools to see, you know, how our families are affected by the different policy we set. And then this resolution directs us to come back to the health and human services committee for more -- for more analysis of how we can set up this equity tool. To basically examine our policies here in Austin and see how they're affecting all kinds of families. So I'd ask for my colleagues' support on this. We have one speaker.

>> Ms. Garza moves this motion. Is there a second to the motion? Mr. Casar. Ma'am?

>> Good afternoon.

[Speaking in Spanish]. My name is Paola rojsa.

>> [Indiscernible].

>> We are one person together in the moment. We are here from various community organizations, including mama

[indiscernible] Vibrant woman. Statewide queer people of color organization and Austin immigrants rights coalition. We are here today because today we launched a report called Austin, a family friendly city, perspectives and solutions from mothers in the city. Calling into question Austin's designation as a family friendly city. We would like to let you know there's many of us here and I'm going to ask that everyone raise their hand and show who is here for the equity tool, please. And we have kids too and there's more of us coming. So we were ready to have time to speak, but when we heard that you're ready to vote, we're condensing it all into three minutes.

[Laughter]. We're very excited about the city making the step. It's the beginning of a process, an equity tool to assess all that's happening in the city in terms of racial disparities and inequities is a huge undertaking.

[7:06:49 PM]

We're aware of that. But we've seen the will of this new administration and we're excited to partner with you on it. For mother's day we're asking, we want more than flowers and cards. We want Austin to truly be family friendly to all mothers and all families and all babies. And Priscilla has more to add.

>> I would like to add that we want to ensure that Austin is a family friendly city that not only looks to folks who are moving here, but it looks to the folks who have been here for generations and lifelong, like myself. I come from seven generations of families here. And I would love to stay here and so we think it's really important to have this equity tool be in place so that our communities can stay intact and that the city doesn't just become friendly for those who are moving here, but those who are already here. So thank you.

>> So we hope you all get a chance to read the report. If anyone has it can you lift it up? We're going to leave copies for all of you, and we're looking forward to your voting.

>> Thank you.

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

>> Pool: Thanks to y'all for coming. I want to say I was really honored to be asked to co-sponsor this and I said earlier this morning at the press conference that healthy mamas and healthy babies is definitely a community value across Austin that we all want to adopt and support. So this is for that. Thank you. Any further debate or discussion on item 27? Ms. Troxclair?

>> Troxclair: I have a quick question. It looks like we're having an initial report by August 3rd and then a final report by December seventh. So we can expect to have a report back by the end of this year.

>> Mayor Adler:

[7:08:50 PM]

Ms. Houston.

>> Houston: Thank you and thank you to so many who came out. I'm going to be supporting this resolution, but I want everybody to know that equity is not only about healthcare. Equity cuts across so many strata in our community and that we can start to think about equity as we talk about housing and education and arts and all the things that we talk about that makes Austin the kind of city that we all want to live in and remain in. So as we talk about equity, I think that it's important that we -- I tried to have an equity committee way at the beginning. So now here we are. As we look at the budget, as we look at the budget for 2016-17, I'm hopeful that this equity tool that we have been given will be applied across issues and not just for one issue solely. Because it's more holistic. I love moms and babies. I've had some, so don't get me wrong, but it's a larger issue and I'm just hoping to make that conversation a broader conversation.

[Applause].

>> Mayor Adler: And I'm assured that the casts more broadly than the equity issue and that's why supporting it as well. Any further discussion on the item? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I've gone through it and looked at it and incidentally, I was in Seattle a week ago and on Friday I was in their down. I talked to some of their city councilmembers. They now have in the city of Seattle a socialist. She ran under the political banner of socialist and she won her race over there. And so they are -- they're ahead of Austin, I suppose. But I've gone through this and I still can't figure out -- I can't figure out what this is about so I'm going have to abstain because I still can't figure out what I would be voting on here.

[7:10:56 PM]

>> Mayor Adler: Any further discussion on this item? Ms. Gallo?

>> Gallo: I just want to say thank you to all the parents that brought your kids here tonight to see how important it is to step up and make a presence seen and a voice heard. So I want all of you kids to promise your parents when you turn 18 you will register to vote. So when you're going home this evening, have that conversation and make a promise and please come back and see us. We love seeing your young faces here.

[Applause].

>> Mayor Adler: Any further debate? Hearing none, those in favor of passage of item 27, please raise your hand? Those opposed? Those abstaining? It's 10-0-1 with Mr. Zimmerman abstaining. We've now concluded item number 27. We'll pick back up on item number 26.

[Applause].

>> Mayor Adler: I am just so sure when we're finished with item 26 here it's going to be applause like this from everybody in the room. I can just feel it. We'll continue with item 26. Is Vicky Goodwin here? Ms. Goodwin, you have three minutes. Good evening, mayor and councilmembers. I am the one who wrote or put together a petition Tuesday night and sent to each of you a link to it. As of tonight there are about 210 signatures. And those signatures are from people who live around Austin. A lot of them in south or southwest Austin who would like to see sh 45 southwest built and who would like to see extra lanes on mopac.

[7:13:14 PM]

I'm here to say that -- sorry, I've gone blank on the resolution that you're putting forward tonight. I'm sorry. All of a sudden my mind went towards my kids and what's going on at home, which is really where I would rather be right now. On a daily basis, many of us have to fight traffic and so I have been in front of this city council, in front of Travis county commissioners' court for years. And in fact, at one point in time I had my nine or 10-year-old daughter come and speak before the Travis county commissioners' court. At that time she was talking about crossing Brodie lane and we were trying to get sh 45 southwest built, and she said how dangerous Brodie lane was on her bike getting from our side to the other side where her school was. This has been such a long battle to get 45 built and the resolution that you have before you is about two different things. But we've been working so hard for so many years on 45, and we in southwest Austin are also environmentally concerned. I have solar panels on my roof. I used to drive a hybrid. I care about the environment too. And what really excites me about 45 is they have designed this to be one of the most environmentally sensitive roads around. Carlos [indiscernible] Came and spoke to a group and explained how the filtering system will make the water cleaner going into the aquifer than the water that runs off Brodie lane right now because of all the cars. As for mopac and the extra lanes, it is so clearly needed that when I hear people arguing about it, I'm just amazed. There's so many arguments and I could refute so many of them, but I'm not an expert. They're transportation engineers who are experts on these things and I really don't understand why you would take up the city manager's time studying this.

[7:15:21 PM]

Isn't that why we have txdot, ctrma and campo for? So I would just ask that you vote against the resolution. I would ask that you do whatever you can to help traffic in Austin. Thank you.

[Applause].

>> Troxclair: Thank you for articulating that so clearly. I -- you brought up a good point in that this resolution convolutes two separate transportation projects. Even though the resolution is ultimately geared towards is ultimately geared towards campo 2040 plan, sh 45 southwest is mentioned three different times in the resolution, which is confusing for the people in southwest Austin who have been involved in sh 45 southwest discussions for so many years and that the city council has the past city council has already weighed in on multiple times. So I do think it's important that we separate the two issues. I don't understand either why sh 45 southwest is at all involved in this resolution and I hope we can make sure that everybody understands that sh 45 southwest and the campo 2040 plan and the discussion that we're having about two lanes versus four lanes on mopac are really completely separate in the campo plan. So thank you for bringing that up.

>> Thank you.

>> Mayor Adler: Thank you. David butts, do you want to talk?

>> Wow, I thought I would be last since I missed my opportunity earlier. Mayor, members of the council, I was trying to find some slides that would show the future of this project and where we would wind up, and unfortunately I couldn't find them.

[7:17:31 PM]

The slides would have shown the year 2016, very crowded, all those new roads built, new lanes built. 2017 extremely crowded. And 2018 a parking lot basically. And 2019 or 2018, campo would be coming up with a proposal to basically triple double deck over mopac as a way to solve the problem, I suppose. So without a mass transit system basically all campo is doing is spitting into the ocean. With the kind of growth we're experiencing in this area, this region, you're not going to build roads fast enough to compensate for the kind of traffic increases we're having. I realize they have four lanes. I guess they're all toll roads, I believe. And their goal is to leave no Mercedes behind, I suppose. But basically, you know, it's really not going to make that much of a difference. In the final analysis. With the kind of unreasonable and dramatic growth we're experiencing in this area. So all I can say is if you want to do something about the traffic situation, start working on a mass transit plan that makes some sense because this is not going to get you there. I assume most of you, I hope, are opposed to this concept of double decking over the Colorado river, which is an obscenity basically. It's about the only thing I can say about it. Ugly, striking at an iconic part of Austin in a way that is really disgraceful. So I hope the council will be very clear to campo and to all others -- I realize that, you know, we're out voted on campo by the people who do not live here in Austin.

[7:19:36 PM]

Basically to decide for us that we're going to have these bridges and all these things, but I hope the council will show some backbone and say, you know, this is our city and this is how we see it developing. Thank you very much for your time. Appreciate it.

[Applause].

>> Mayor Adler: Thank you.

>> Troxclair: Quick question. What part of the city do you live in?

>> I live in northeast Austin.

>> Troxclair: Thank you.

>> Mayor Adler: Bobby Iavinski.

>> Hello. I'm bobby and I'm here with the save our springs alliance. I think the first thing I want to tell y'all is I think the conversation is a little bit too focused on what the resolution is not about and we need to get back to the language that is actually being discussed tonight with the revised resolution. The city is not taking a position on the roadway. It's asking for time to study the different options and to preserve the requirement for the campo board to take a vote later this year. I actually passed out a letter from several community leaders that were gathered in last 24 hours. There would be more. We've had several events where hundreds of people have come and spoken out against this project. There are several concerns that have not been addressed by ctrma that city staff can help with. That's why the resolution asks for the city staff's help. So I'm going to read off the names and hopefully I'll get through the letter, but if not, it's before you.

[7:21:38 PM]

So this is from Travis county commissioner bridge it Shea, aisd Paul Saldana, the president of the naacp, Nelson Linder, Jan Sofer, Jim herring ton, Claudia quorum, Heyden black water,

[indiscernible], dated butts, Susan Moffett, the former sunset valley mayor and also a former campo board member Jeff mills. Sinclair black, James Stephens, [indiscernible] Of the environmental board. Lynn Marshall, Steve spear, Rick allowler, Monica Wu, seam Easter day, David Frederick and Gregory Tran. The letter asks for you to please vote to support item 26 at today's meeting. They respectfully request the city council take the time needed to carefully study the potential negative impacts of adding four lanes on the south mopac project with a double decker toll bridge over lady bird lake. Taking the time to do a comprehensive study before it is adopted in the campo 2040 plan is not only prudent, but will help avoid irresponsible harm to our neighborhoods, parks, residents, schools, environment and our downtown. I want to point out that this coalition that's been forming is not just environmentalists, it is residents all over the city. It is also urbanists that are concerned about the impact that this project will have to our great gateway into downtown on Cesar Chavez boulevard. So item 26 requests that the campo board wait to take a final vote on the mopac expansion until the city of Austin can look at alternatives that can better resolve our traffic problems and we agree. Again, I'm not going to go through the entire letter. I think that the general concerns have been articulate and will continue to be articulated by many members of the public tonight. But this resolution is only asking to study the various options --

[buzzer sounds]

-- And to retain the elected officials' vote with campo. Thank you.

>> Mayor Adler: Thank you.

[7:23:40 PM]

[Applause].

>> Pool: Mayor? I did want to just say that what Mr. Lavinski said at the end of his comments, that we're just looking -- that this resolution does not say don't build, it's saying let's study all the options and lets preserve the ability to vote on the final configuration closer to the time that that build would happen. I just wanted to make it really clear. A lot of the folks have already left, but the sense of this resolution was never not to have something happen. It's a matter of how expansive is this effort and the configuration that it takes.

>> Mayor Adler: Thank you. Bill bunch. Roy Whaley is on deck. Is Amanda Moore here? Is William Doyle here? William Doyle? Is tray Salinas here? Is pat Broadnax here? You have nine minutes, Mr. Bunch.

>> [Inaudible - no mic].

>> Mayor Adler: I'm sorry?

>> [Inaudible - no mic].

>> Mayor Adler: Nancy? Okay. You have 12 minutes, Mr. Bunch.

>> Okay. I'll try not to use it all, but there's a lot here. Thank you all so much for your attention to this very important issue. I'm bill bunch, I'm executive director of the save our springs alliance. And one of the leaders in the keep mopac local coalition which until recently was primarily neighborhood associations along south mopac and on down along 1826 in hays county. And environmental groups who were concerned about the traffic that 45 would deliver to mopac and also the environmental impacts to neighborhoods and the aquifer and Barton springs.

[7:25:50 PM]

I want to focus initially on where I think there's some agreement and stuff that we haven't really talked about, and then shift to the disagreement and also squeeze in some background facts because I think there is some misunderstanding here. The image you put up is just some renderings we developed that sort of illustrate this proposed bridge configuration. I won't repeat what some of the other folks said earlier, but I will say more than one person told me that when they saw the first renderings on the front page of the paper, which only got there because we did an information request and got them to the statesman, they thought it was an April fool's joke, much like the chronicle's proposal of the soccer stadium on top of the lake. So anyway, there is a provision in this agreement that is very important, and that's in asking your staff to come back and tell you what they know about options in June. Obviously

that's not going to be anything thorough, but we need that update and I hope you might even ask them tonight to help elucidate their statement to you and to campo that they see serious technical difficulties with the proposed four-lane configuration. So bring some additional information to bear right away tonight and in the near future would be helpful. This was sprung on the community very recently. The rmr board members themselves said they didn't see the diagrams or have any idea that this double deck thing was being proposed until February. And yet here we're facing a vote potentially on Monday to lock it in. I think as Mr. Lavinski just said we're looking to provide some flexibility for study.

[7:27:52 PM]

But also make sure that campo has to vote on it again later when the studies are done. The point of dispute is do we state a preference and I urge you strongly to stick with the preference that's in our current plan, the 2035. But recommended language that would authorize very clearly in the campo plan that we can study the larger proposal and no billed options. And no billed options don't mean doing nothing, but looking at a basket of investments that would give us a better return on our transportation dollar. And that's what we need. I think we agree that we should prioritize investments that support affordability. Every one of you has campaign and insist that you care about affordability. When you go to four lanes it doesn't double the costs, it probably quadruples or more the cost because they can squeeze one lane in each way on most of the existing infrastructure. So you can't support the bigger project and say you're for affordability. It's clear also these toll lanes are not for the working families. These are luxury lanes for the wealthy and the wealthy aren't going to pay for them because the toll back debts are only going to cover a fraction of the costs. The rest of the costs is going to come out of our limited pot of tax dollars, so it's going to yet gained many subsidizing the few and the wealthy. And so yes, equity applies not just in healthcare but right here in transportation. The solutions -- this is again txdot's own experts tell us, and it was referenced earlier, we cannot build these roads and have congestion go away. We have to start focusing on reducing our driving, demand reduction.

[7:29:59 PM]

The solution for our traffic problems is the same solution for our water and energy problems. Efficiency and essentially reuse and reducing demand, demand management. Those cost a fraction of the cost of these giant pork barrel projects. This isn't planning, this is pork barrel. So please, we need solutions that don't -- aren't at odds with our other community goals, but are simultaneous solutions, transportation investments that help us address water, air, education, healthy living, compact and connected. We heard the gentleman from reca saying we need more density as if that's an argument for this project. This is a project to support long distance commuting. Express buses, if we somehow got them, hays

county is not interested in transit whatsoever. But that's long distance commuting. That's not density, it's not efficiency, it's not sustainability or addressing climate change. They're trying to sell a project that's for the few and the wealthy as if it's for the masses and even for low income folks who would need transit. We need transit for our city and we need to do a whole suite of things where people are driving less, living closer to where they live -- I mean where they work, and using our existing infrastructure more efficiently. That was Mr. Black's point. With a bucket of paint we could have some HOV lanes out on mopac very quickly and we should be pushing txdot to do that so during rush hour you've got to have two, three people in your car.

[7:31:59 PM]

We have to use that infrastructure more efficiently. Campo and txdot's -- highway experts tell us we're going to vote on a plan on Monday that calls for \$35 billion of spending that they admit means at the end of 25 years congestion is worse. That's not a plan, that's a road map for failure. That's continuing for the next 25 years the same mistakes we've made the last 25 years. And people are entitled to their own opinions, but they're not entitled to their own facts. The facts are we have been building roads at slightly faster than the rate of population growth. This idea of oh, we've got in -- environmentalists got in the way of road building or we got behind and we have to catch up, that is fundamentally false and it's there in the facts. The roads we've been building, like these expansions, like 45, are to support people living farther and farther away from where they work. So while we've been building roads at break neck pace, faster than almost any other metropolitan renal in the country, vehicle miles traveled has grown even faster because the roads were building are for people to drive farther and farther. That's where the traffic mess comes from. And this is a project that would continue that exact same trend of throwing money -- a participate of sprawl and ex-urban development that is fund many tally contrary to imagine Austin, to efficiency, to affordability, and to equity. We should be investing in other projects that actually help us, the rma's own board chair published an editorial in the paper a couple of weeks ago that admitted these lanes are not for everyday use, for regular folks.

[7:34:08 PM]

They're for people who can afford to pay and then other folks R. Folks who can't afford to pay that they can afford every now and then if they've got to go to the hospital or they're late for a doctor's appointment. They're trying to say it won't destroy traffic flow on Cesar Chavez such that then we have to pave our lakefront all the way into downtown because of the bottleneck there by also arguing oh, it's the same traffic, they're just jumping the queue and getting their first. It's not more traffic. That's unbelievable. Who is this project being pushed for at the expanded scale? It's for I-35 traffic. And that's

where this part of the resolution that refers to 45 comes in. Most of you campaigned very clearly against 45 and agreed with the conservation community that 45 was fundamentally the first piece of the loop. We say it's in their name, regional mobility, that we want systems, but then they're saying oh no, it's not a loop, it's not a regional mobility project, it's not a system. We're not building a loop, we're building these four little segments that are independent U that standalone. So we don't have to look at the big picture. So we don't have to be transparent about what we're really doing. So that the community never has the opportunity to look honestly and say converting mopac into I-35 west, is that a good idea or a bad idea? If we're going to move into that direction what are the alternatives? We need you to stand up for that.

[7:36:11 PM]

And to have that comprehensive study, to be honest about what we're doing. To take their own rhetoric, which is the truth, and say yes, we've got to look at this regionally. You're not doing that. We're going to Facebook cease, town lake, Barton springs, Austin high school, the Barton creek greenbelt, the lady bird Johnson wildflower center. If we make mopac I-35 west, the serenity of the wildflower center is gone. What we're pushing here is 12 lanes on mopac. That's what they're pushing, versus eight. On I-35. There are connectivity arguments to be made to approximate that, but we should have an honest analysis and look at that, and this would push us in the right direction the way it's written now, to take out the reference to 45 I think is backtracking to a very unfortunate position. Finally I'll just say when I heard some of this -- it felt like we were going back to 1990 with the chamber saying protecting Barton springs will hurt our economy.

[Buzzer sounds] Or repeating the mistake that we build water plant four because we want water. Let's not keep making these same mistakes over again. Thank you.

[Applause].

>> Mayor Adler: Roy Whaley. Is Susan pantell here? You have three minutes.

>> Howdy, y'all. My name is Roy Whaley. I'm the conservation chair for the Austin regional group of the Sierra club. And I'm not going to try to repeat everything that has been said this evening or address some of the things -- everything that has been said.

[7:38:20 PM]

I do want to talk a little bit about the fact that Austin's population doubles every 20 years. And that can't be argued. Austin's pavement doubles every 20 years also. And yet here we are talking about traffic

problems again. And traffic problems in one part of town. When all of you know there are traffic problems in every part of town that need to be addressed. If you've been stuck on I-35, you've complained. If you've been stuck on north Lamar you've complained. If you've been stuck on 620, you may still be stuck on 620 right now. Because traffic is bad everywhere we go. So we need to have real traffic, real transportation solutions. Now then, we've been told that also we have three decades or more that we have ignored infrastructure and that's not true. Three decades or more we have ignored mass transit. And if we had addressed that we wouldn't be in the position we are today. So I want to thank Mr. Lavinski for reminding us what we're addressing today. We're addressing more study and it's hard to believe that anyone would be opposed to more study. Sierra club, I want to clarify something. Sierra club is not opposed to the managed toll lanes per Se. But we are in favor of it being a real study for all segments of the plans. And one of those things that we haven't talked about is getting across Barton creek. And having been involved for a long time with the bicycle pedestrian bridge over bull creek, I remember a traffic engineer saying the traffic bridge could not have been built today, that was four years ago, under current regulations. So how are we going to -- and that we ran into a lot of problems and had to come up with a lot of solutions for the pedestrian bicycle bridge.

[7:40:45 PM]

Which is part of a transit system. So we have no idea how to get additional traffic. Of we going to have the same problem of sludging down four lanes of additional traffic to fit across the existing bridge at Barton creek? The other thing, yes, the majority of you --

[buzzer sounds]

-- Campaigned against 45. All of you are fiscal conservatives. We have put hundreds of millions of dollars into our downtown and zilker park, and this is one of those things that we can't do because it throws that money out the window. And thank you very much for your time and your indulgence on letting me go just a little over.

[Applause].

>> Mayor Adler: Timothy Moore, with David madden on deck.

>> Good evening, I'm timothy Moore and I want to thank every member of this council for serving our community. Your willingness to serve and to subject yourselves to the scrutiny of public office is to be admired and I really from the deepest part of me want to thank you for that. My background is that I'm a 37 year resident of Austin, Texas. I've also been a business owner. I'm proud to say that back in the last major recession I saved 15 jobs in this community. I've raised three children to full adulthood. I have five grandchildren. I am very much emotionally and passionately invested in this community. I care deeply about the environment and the planet and the city and when I'm gone I believe that I want to leave this

to my kids, my grandkids. And that's a core value that I think I share with every member of this council. Is that not right?

[7:42:48 PM]

I'm very, very disturbed about the imbalance of Austin. Southwest Austin where I live, and I've been there 21 years, I've used mopac almost everyday, is a disaster. I see people cutting through my neighborhood right now and I have actually personally witness add man pulling his kid on his bicycle and watching just by inches a person almost hit that five and his child. Why are they doing that? To get a shortcut from 290 to mopac so they can avoid a massive traffic backup that's on mopac. And yeah, we've built a lot of roads in the past 20 years, but we haven't done it in southwest Austin. I guarantee you, my part of mopac is a two-lane road and still blocked by traffic lights and it was 21 years ago and it still is. It's a severe problem and I know you know that, but I'm concerned about something else that I've seen tonight and the original resolution. I found that to be very divisive. I found that to be a throw back to what we had years ago when everybody was at everybody's throat. It eliminated an option. No, I'm not saying that two lanes or four lanes or eight lanes or Scotty beam me up or helicopter landing pads, I don't know what the solution is, and I'm not going to stand here tonight like some of these other people and tell you how to paint the stripes on Hof lanes. I don't know what it is, but I do know as a businessman, as a former military officer, I never want to eliminate options until that option is taken over by events. Keep that option on the table. I remember, mayor Adler, you said to me I want to govern this city in a thoughtful and deliberative manner and I want to commend you because earlier this evening I got to see your amendment, your amendment which was on the -- the mayor's amendment to the council message board and I want he everybody in the room if you don't have a copy of this, get it.

[7:44:50 PM]

This thing works.

[Buzzer sounds] No option is eliminated here. This is your promise, and I'm very, very thankful that you have made this amendment. I encourage everybody on this council to vote -- to reject the other resolution and to vote for this resolution. Thank you very much.

[Applause].

>> Mayor Adler: The next speaker is -- sorry. David madden. Is David madden here? Next speaker is Virginia palmer. Audrey cravada. Margot Clarke is on deck.

>> [Inaudible - no mic].

>> Mayor Adler: Yes, you can. Would you please come down and give the clerk your name? You have six minutes.

>> Thank you. Good evening, everybody. Thank you so much for seeing me tonight. My name is Audrey Cravada. I'm a member of district 3. I've lived here my entire life. As a native Austinite, I have seen the radical changes to this city. Many complain about the flood of newcomers, but I personally love how alive and vibrant our beautiful city is. I believe that our water resources are what make the city so attractive and part of why so many people move here everyday. That being said, I have also experienced the grueling commute, the terrible congestion that I have to sit through everyday and that is also the biggest concern of so many Austin residents.

[7:47:02 PM]

As the outreach coordinator of Save Our Springs Alliance I have spent the last several weeks camped out on the Mopac pedestrian bridge talking to people running by, but specifically speaking to them about this issue. I've spoken to hundreds of people. Over the course of the last few years I've spoken to thousands. With confidence I can say the overwhelming majority of people I've talked to are upset, if not engaged by the idea of a double decker toll road crossing over Lady Bird Lake. In fact, I -- we have collected over 2,000 emails, handwritten letters and petitioned signatures opposing these Mopac expansions. The few who do not outright oppose these expansions are speculative and ask me what the alternative is. So I want to speak today on this issue -- on this question. As many here have already spoken to, it will do nothing to help our Austin traffic, but will only further pollute our precious water resources and the beautiful Lady Bird Lake, increase our noise pollution and favor the upper class, while punishing those of us who cannot afford these tolls. So what is the alternative? We have put together a brochure answering that question. May I approach to give that? So like I said, what is the alternative? And I'm sorry, I gave you my copy so that's also my notes. It's fine. I have been talking about this nonstop like a broken record. So one of the things that we can do is use the existing structural support on that Mopac bridge to expand lanes without building a double decker toll road.

[7:49:09 PM]

Thank you so much. Let's see... Okay. The bicycle bridge being built on South Mopac will allow an existing shoulder to be converted into another southbound lane. As many here have already suggested, allowing for an HOV lane with a few buckets of paint and signage would be immensely helpful as well as allowing buses to bypass traffic either in the HOV lane or having access to shoulders that would also encourage more people to get out of their cars and use public transportation. However, as many of us can probably agree, our public transportation situation is still considered to be busy mess. I was a bike

commuter for five years. I only got a car last year. And it's pretty bad. Austin is one of the largest metropolitan areas in the entire country without a regional bus system. I mean, there's no way to get to Kyle or anywhere in Hays County. It's -- yes, it's pretty bad. Light rail going to San Antonio -- just the to drive less is impractical for many of us, especially considering the Austin heat. Though driving less is probably the most obvious idea for how to reduce traffic. Some other ideas. Reduce the tolls on 130. Nobody uses it because it's way too expensive. I actually went to the my sh 130 website to calculate the toll road for a commercial 18-wheeler. \$39.50 one way to span the entire thing. And that's why we see them lined up back to back like caterpillars on I-35 creating horrible congestion on that road. If we were able to reduce those tolls or eliminate them altogether to make it easier for them to use 130, then traffic would be alleviated on I-35 and therefore also on Mopac because I know that sometimes I would take Mopac instead of I-35 in hopes that it would be faster, but of course it never is.

[7:51:34 PM]

Some other ideas. Let's see... Metering onramps, that's kind of -- one of the ideas. I'm not saying that I necessarily support that. It's just something to consider to measure how many cars get on at a time. And let's see. Yeah, expanding Brodie Lane and Manchaca with the existing right-of-way for those in southwest Austin. And then of course supporting the Lone Star Rail so that commuters in south Austin and all the way to San Antonio can get here. And -- yeah, if anybody out here wants to see this brochure, you can come to me. Thank you so much for your time tonight. I strongly urge you to support this resolution. Thank you.

[Applause].

>> Mayor Adler: Margot Clarke. And Cynthia Sanders is on deck. Ms. Clarke, you have three minutes.

>> Thank you, Mayor, City Councilmembers. Thank you for your time this evening. I'm going to reverse the order of my brief comments simply because I want to reiterate something that Commissioner Shea mentioned. For those who believe -- who want to believe that these toll lanes will actually reduce congestion on Mopac, you need to remember that variable rate toll lanes are absolutely not going to relieve congestion. In fact, they are not intended to relieve congestion. The reason they have variable rates is so that they can raise the rates at peak demand and keep those lanes from being congested, which consequently means that the other lanes, the free lanes, are going to be more crowded because the whole idea is to keep the managed lanes, the extra lanes, all these lanes that people seem to think is going to help the congestion, they're not going to be crowded.

[7:53:48 PM]

So our congestion will be the same or possibly worse. So I just want to remind people, this is not about a congestion solution. And even the ctrma will tell you that. Their literature tells you that. Anything you know about managed variable rate toll lanes will tell you that. I just want to hope that we can all agree that this proposal, this vision for Austin, the part of Austin that is the most unique, the character of our central downtown and park is far too important to be done hurriedly. We are simply asking for, and I want strongly to urge you to support this resolution that simply asks campo not to lock into this plan before the studies of the impacts can be done. This is the very character of downtown Austin, and as everyone has said, the economic draw for Austin. The parts of Austin that you see in promotion videos, this is a part of Austin that when it's paved over and huge ex-pans of cement pouring thousands more cars on to Cesar Chavez, on to our waterfront, it's gone forever. My family moved here in 1955, so I've seen a lot of changes in Austin over all those years. And I still love Austin, but I think this will be a fatal blow. And all this resolution is asking for and all I'm asking you to do in supporting this resolution is to not rush, not hurry. Take your time to do it right. Thank you.

[Buzzer sounds]

[Applause].

[7:55:54 PM]

>> Mayor Adler:

[Inaudible]. Next one I called was Cynthia sanders. Is Cynthia sanders here? And dick callerman. Rick Perkins? Roger baker is on deck.

>> Howdy mayor, howdy council, city managers. My name is Rick Perkins. I live in southwest Austin. And I've been here about 30 years. I'm a chemical and environmental engineer. I've worked several years on air pollution issues with the U.S. E.p.a. In Washington, D.C. And I've also worked with the tceq in the past. I serve as a volunteer board member on one of the prominent central Texas air quality organizations, although I'm not speaking for them today. The number one cause of air pollution in central Texas is automobile roadway congestion. This is undisputed. And anyone saying otherwise is flat outlying to you. Congestion also creates water pollution as a runoff from the roadways, flows into our creeks and the aquifer. Whatever we can do as residents and you as our elected government officials to use automobile roadway congestion should be our absolute number one priority. There is no doubt about this fact, and if your goal is to reduce water and air pollution. So our region Texas lacks the basic mechanisms to deal with automobile congestion. Look at the cars on the roadways. They are predominantly one rider per car. There are very few incentives for people to share a ride. They don't get to work any faster. Their employers are not paying for a van to share. There are no financial incentives. There is no reduction in frustration. But soon this will change. The new managed lanes on north mopac

are finally moving us in the right direction. We will finally be able to encourage people to drive three to a car in an HOV lane and if that is not a free ride under the ctrma plan, it needs to be.

[7:58:05 PM]

Buses and van pools will have free access to these managed lanes. This will reduce automobile road congestion, reduce air pollution and reduce the pollution into our creeks, aquifers and waterways. People who cannot live downtown will also have an economical ride to downtown Austin. And this is why I'm asking you today to step back and look at the benefits of a south mopac improvement plan. Look at how we can finally reduce air pollution and reduce water pollution by the number of -- by reducing the number of vehicles on the road and the congestion that they bring. Please step back and open your eyes to the bigger picture, try to remove the failed policy of if we don't build it they won't come from your repertoire because simply look at where we are today with our transportation system in shambles and you can see that that past policy was short sighted and does not serve the residents of central Texas. The ctrma plan to build two managed lanes in each direction on south metropolitan is exactly what -- on south mopac is exactly what you should be voting for and not against. The four lanes will allow for shared use vehicles, company sponsored vans, both private and public buses to use the freeway. And encourage people to stop driving one car per commuter. It's a big part of the build.

>> Please vote against the resolution.

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

>> Troxclair: You live in southwest Austin?

>> Troxclair: And one of the problems that we have in southwest Austin is a lack of bus service. Capital metro says we don't have the ridership to increase the number of routes out there. Don't you think a lot more people would be willing to take a bus if they had the ability to use a managed lane that would get downtown quickly?

>> Of course it's the frustration factor. There's no benefit to riding a bus now really. The bus sits behind all the other cars. That's the whole point of an HOV lane, get the buss in HOV lanes, get the van pools, which a lot of companies will supply in the HOV lanes, and frustration will go down.

[8:00:13 PM]

Now a lot of people don't have to drive in town. I'm sure they're all here voting against this but for those of us who do actually have to drive into town on mopac, this is a big deal for us, big, buying deal.

>> Troxclair: It is a big deal and I really appreciate you taking your time to be here today.

>> Thanks.

>> Mayor Adler: Thank you. Mr. Baker with ken Rigsby on deck.

>> Thank you, council. I'd like to point out something that mayor Steve Adler said recently at the state of the city speech. He said we can't pave our way out of congestion. And that's very true. And I think what this road is is sort of a continuation of the past attempts to keep building added roadway capacity to try to pave our way out of congestion, but the fact is that we are in a generatifying city with a lot of suburban sprawl real estate, one of the main reasons the ctrma wants to build this extra capacity. A lot of it is a road debt, you know, it's predicated on a continuation of suburban sprawl development in a state that doesn't regulate land use. What we really need to do is to regulate land use in a way that puts the added density within -- inside the city in combination with transit, which we can serve efficiently. I think trying to add more lanes, you know, we -- I thought we would have gotten beyond that philosophy but, you know, it's a bad idea. Happy to answer any questions.

>> Mayor Adler: Thank you very much, sir.

[8:02:13 PM]

>> Thank you.

>> Mayor Adler: Our next speaker is ken Rigsby. Michael whellan on deck.

>> Mr. Mayor, council, my name is ken Rigsby, I first got to Austin, Texas, in 1944, south Austin. My family got to Austin, Texas, in 1850, south Austin. As far as I'm concerned you're all newcomers. Mayor and council, I think it's important to recognize that the people in southwest Austin particularly, and those coming in from 290, 71, trying to get to Austin, for whatever purpose, need some way to do that. Before I retired I spent 17 and a half years driving from slaughter lane to fifth street here trying to get to my office. Over the years it got to be very, very congested and difficult. There wasn't any other outlet. I've watched cadey freeway and their toll lane and I watched people who absolutely had to get to an appointment at a certain spot spend the money and pull over into the access lane. That just makes sense to me. When I first saw this resolution and mayor pro tem, I have not read your revised version, but I was taken back that it seemed to me that the entire resolution was based on a meeting of 250 people. Of those people, they were people from Austin and rollingwood. Rollingwood is not in the city of Austin. They don't vote, they don't pay taxes. Environmental activists, people who want to control our lives because they know better. And you've heard from a lot of them tonight. Parents of Austin high school students, I cannot for the life of me imagine what objections parents of Austin high school students might have to an easier way to get into town.

[8:04:13 PM]

These people expressed concerns, and the first resolution I saw wanted to oppose the project. Concerns. Contrary to the grassroots traffic designers we've heard from tonight, I am a licensed professional engineer. I have done this before. What we need to do is to utilize additional space. I don't know who started the rumor that this won't help congestion. Any time you add lanes, we help congestion. It just -- that's the truth. So, ladies and gentlemen, notwithstanding my inferior technological achievement, which meant that I could not punch the right button on your signup sheet I am opposed to this proposal and to its revision. I think we have studied things to death. We need to do something and help the people in south and southwest Austin. Thank you for your time.

>> Mayor Adler: Thanks.

>> Did you have a question?

>> Mayor Adler: Pam Thompson is on deck.

>> Good evening. My name is Michael Whellan and I am here on behalf of St. David's healthcare. As many of you know, St. David's healthcare is the area's third largest employer with 8100 employees across 110 sites, which includes six major hospitals. What St. David's healthcare is discovering is that many employees simply cannot afford to live close -- in close proximity to their places of work. Many of you have established affordability as a priority for this city council, especially at this time in our city's history. Affordability must be addressed if our city is to continue to be a source of pride for all of us. Obviously, housing is one component of the affordability equation. However, in another -- another important part of the equation is transportation and the ability of folks to get to and from work. As you can imagine, if employees lose time in their vehicles because of congestion, they also lose income, which then impacts their financial sustainability stability at home.

[8:06:25 PM]

The cycle is not broken with more studies. St. David's healthcare supports the addition of roadway capacity, including nor managed lanes to help this city move forward. To St. David's healthcare, which makes patient care top priority, when employees are unable to live in close proximity to where they work, unable to travel to the hospital facility in a timely manner it impacts our ability to deliver services. When businesses throughout the city are hampered because of the traffic congestion and the inability of employees to get to work in a timely fashion, the economic impact is pervasive and the city suffers. Lost time in vehicles is just that. Lost time. It is uncompensated time that we as a community are unable to

recapture. St. David's healthcare would urge you to not pass this resolution and instead allow the efforts to improve traffic conditions to proceed without further delay. Thank you very much.

>> Tovo: I have a quick question.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: So you made me think of something we haven't talked about because in addition to the healthcare workers that, like you said, can't always afford to live close to where they work, that was -- that's -- I've heard that a couple of times today. Why don't -- if you would just live closer to downtown you wouldn't be worried about traffic and that's simply not a reality for the vast majority of people who live in Austin. But it also made me think of emergency service vehicles. I mean, I've been on mopac many times where an ambulance, you know, is on the freeway and they have a tough time maneuvering in and out of traffic so I would think that also having additional capacity that would allow emergency service vehicles to get quickly to and from southwest Austin to downtown or vice versa would be beneficial to the healthcare.

>> I'm not an expert on EMS. I would leave that to city address to answer directly.

[8:08:25 PM]

I don't know how the managed lanes would work with regard to EMS being able to use them. I would assume they would but I can't answer that question.

>> Troxclair: Thank you.

>> Mayor Adler: Pam Thompson. Philip Russell? Brian Roth Rogers is on deck.

>> I hadn't planned to speak when I came down here this evening, but I've heard the question raised so many times, what would you do about the commuters from south Austin and I travel regularly to Mexico City and I would like to share an experience there. They had traffic problems even worse than Austin and they simply took one of their major thoroughfares north/south and put two dedicated bus lanes in. It was so successful that they have over 400,000 people a day on those two lanes. We could do the same thing here on south congress, south Lamar, south first and Brodie if you multiply that, that's 2 million people could move on existing infrastructure. The advantages over double decking mopac, it would avoid downtown congestion, there would be less contamination, it would be a route for emergency service vehicles, which happens in Mexico City. It would be low cost because there was very -- there would be very little construction and it wouldn't condemn south Austin commuters to wait for years for construction to be completed. Thank you.

[Applause]

>> Mayor Adler: Russell Philip. Brian Rogers. Yedzel is on deck.

>> Hello, I've lived in the same house for 32 years on west ninth street. It used to be I might hop on mopac and go up to what used to be Houston's, now it's bartletts or I'd shoot up and go to Arbor for a movie but those are really quaint ideas now.

[8:10:37 PM]

It's just not going to happy would go over to vivo I think was the place on manner road but I can't do that anymore. What happens is on my house is I'm locked in about three hours. I'm at ninth and Lamar up the hill, bought the house for 62 thousand dollars and now -- that was 32 years ago, but I come down to the bottom of the hill at ninth street and I'm faced with what's called block the box. So for about three hours of the day I'll go down there. Used to be when it first started happening I would go down there and the car would be blocking the intersection, people everywhere, I would give them the drop dead look and honk my horn. Now I'm like it's just a fact of life. So all this talk about misery in your part of town, how hard it is for you to get and your kids can't ride on a bicycle, just try to leave your house at my house. So the idea what you're going to take this -- idea that you're going to take this traffic, campo has the idea you're going to solve the problem by running these big arteries. They don't care what happen when it gets to Cesar Chavez. It's not my problem. You know what? It becomes my problem when you different the cars on teas east city council. Can you turn left on Lamar? No, in fact it's all left turns from Cesar Chavez into downtown. You try to turn left at Lamar, it's not going to happen. Well, what do I do if I find myself, you know, heaven help me on Cesar Chavez and didn't mean to be there? I go up and take a left and cut through the Seaholm parking lot and make a u-turn and that's with traffic now. Speaking of Seaholm I I guess Mr. Rollins is here we subsidize add there in a healthcare if a into that building, 325 of 600 employees are commuters. Chamber of commerce is let's do that while we subsidize people. Mayor you doled me on the campaign trail you stressed we can't keep bringing people downtown, that we should bring regional employment centers, places where people can be employed around the edges of the city.

[8:12:41 PM]

What's the solution? Well, the solution is they can move to Kyle. I don't care. They can move to manor, memories can be all over the place. We don't need to pack everybody downtown. There's no unfettered right for northern Hayes county commuters to the right to downtown. Okay? Just like I can't lead -- my roads haven't been improved since 1910, all right? That's just -- we are a small compact, narrow grid city streets, and, you know, we all have the same misery. So --

[buzzer sounding]

>> -- That is that. Thank you.

>> Mayor Adler: Thank you.

>> Houston: Mayor?

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Rogers, for coming. I always enjoyed working with you over the years.

>> Thank you.

>> Zimmerman: It's funny. Seems like we hear this all the time of course traffic is bad everywhere, and more and more what I hear is because traffic is horrible everywhere, let's do nothing anywhere. It's kind of crazy. Let's just all be in a traffic quagmire together, whether you're in the suburb, whether you're in downtown, everybody is in gridlock. Maybe that's the answer. Let's just -- we're going to have gridlock and let's go to something else on the agenda.

>> That maybe the right answer because you're just going to move one group of people at high speed into an area of congestion. And I say let the market determine, as you're a market man and the market will say you know what? Austin is frozen in gridlock, let's build elsewhere.

>> Zimmerman: Fair enough.

>> Houston: Mayor? Mr. Rogers, thank you so much for coming tonight. I have two things. One is vivo's is no longer there so don't come over to manor road.

>> I go to however's.

>> You can go to Hoover's but vivo's is gone. Other thing, if they want to build something regional, build it in district 1, we're looking for jobs where people can walk, to invite to, compact and connected.

[8:14:45 PM]

But, yeah, I agree with you about downtown. It's about oversaturated.

>> The induce is cooked. Thank you.

>> Mayor Adler: Edsel Sabat. We have gone through all of the public speakers we're now back to the dais.

[Applause]

>> Mayor Adler: Ms. Tovo, do you want to make a motion?

>> Tovo: I'd like to make a motion.

>> Mayor Adler: Ms. Pool.

>> Pool: I wanted to make sure I got the sequence correct. Because I also had a couple things I wanted to say on behalf of the Austin school district because Paul [indiscernible] Wasn't able to be here but I wanted to make a motion. Which do I do first.

>> Mayor Adler: Make your motion and you can debate it first.

>> Zimmerman: Point of order, sorry, I neglected, Mr. Mayor, if I can indulge, I had a conversation in an e-mail this morning from Cynthia long, the Williamson county commissioner in predict two.

>> Mayor Adler: Hang on one second.

>> Zimmerman: Yeah.

>> Mayor Adler: We'll do this, Ms. Pool. If you want to read into the record somebody's testimony, I'm going to let do you that as kind of part of the public hearing aspect, and then Mr. Zimmerman I'll let you do the same thing. Then I'll come back to you to make your motion.

>> Pool: Sounds great, thank you. Paul saldania is trustee tore aid, I think region six, wasn't able to make it today and he sent an e-mail along to the city council you know that there was a letter that came from the trustees and then it was reissued so we've gotten two letters from the trustees. They essentially say the same thing although one is not quite as forthright as the other. So this is from trustee Paul saldania, dear Austin city council, many thanks for your ongoing efforts to hear and address the various perspectives on this important issue today.

[8:16:52 PM]

I'm forwarding this e-mail solely on my behalf as an individual aid board trustee, although I was elected as a representative for district 6, which includes central, south and cease Austin, ultimately I am responsible for our 129 campuses and 85,000 aid students. For the record, the revised letter you received earlier today from our aid superintendent does not accurately reflect the concerns I raised at our aid board dialogue meeting on Monday, may 4. Including my personal objections to a proposed double decker four-lane expansion. I firmly believe that as a school district and board of trustee charged with providing safe, healthy learning environments, including schools and campuses and safe routes to schools, I am obligated to address and raise the following concerns specifically with the proposed double decker four-lane expansion in close proximity to the Austin high school campus. Specifically, I am concerned

with the following: First the potential proximity and sight of a double decker bridge of elevated lanes that would further exacerbate existing traffic noise and air pollution from vehicle exhaust, creating additional exposure and hazards that pose a risk to our students' health and safety. Second, long extended exposure to traffic-related noise and air pollution, given that the school day lasts more than seven hours for some students participating in sports, band, or other extracurricular activities on the Austin high school campus. Third, mounting evidence that children who attend schools near freeways or other major roads amid mounting evidence that air pollution from vehicles can be especially damaging to young developing lungs or students already afflicted with respiratory illnesses, infections, asthma, bronchitis and the like and, fourth, increased traffic and the potential for increasing risks of traffic or pedestrian accidents within the Austin high campus parking lots and nearby streets used to enter and exit.

[8:19:16 PM]

Mr. Saldania further goes on to say you should know that we have approximately 3,000 aid students including from my district on 60 aid buses from eight different schools and campuses. Austin high school, o'henry middle school, ca cease elementary, Matthews elementary and Richard's young women leadership academy, lbj liberal arts academy that travel the mopac and Cesar Chavez interchange on a daily basis from home to school and then again from school to home. We also have additional students that travel the same area on field trips. Note these estimates do not include additional students and families that travel this area in personal -- private personal vehicles, public transportation, bicycles or by way of the city's sidewalks and trails 37 regardless of the outcome of your vote today, it is absolutely important to go on record to request that the city, ctrma, and txdot include aid as a stakeholder in future meetings and working groups to address our ongoing concerns with the Presler extension project and the potential for a double decker plan. I respectfully ask that you vote in favor of item number 26. Thank you for your consideration. Paul saldania, aid board trustee district 6.

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

>> Zimmerman: Thank you, Mr. Mayor. Again, the message is from Cynthia long. She shares a boundary with district 6 in northwest Austin out of Williamson county. She writes, deer councilmember Zimmerman, as you know my predict includes the city of Austin and overlaps with your district. Since January of 2007, I've represented those city of Austin residents and the rest of Williamson county on the campo policy board and I am currently the longest serving policy board member.

[8:21:21 PM]

A key role of campo is to address regional transportation needs. We are finally making strides in addressing some of the regional problem areas like U.S. Highway 183, 71, 290 at 71, I-35 and loop one. There are hundreds of thousands of people from across the region that use these roadways every day. Regional roadways are bigger than any one city. Because of the congestion on loop 1 south on November 14, 2011, the campo policy board voted to study improvement opportunities including the possibility of the addition of managed lanes on loop 1 south. The policy right now and for them to continue to look at all options for loop 1, the project must be in the campo 2040 plan. I urge to you support the region as we look to what we can do to fix the regional transportation system. Cynthia Long, Williamson county commissioner predict 2p.

>> Mayor Adler: Thank you. Ms. Pool I recognized you to make a motion.

>> Pool: Thanks, mayor. Thanks, mayor. I would move to approve item 26, the revisions that mayor pro tem Tovo had offered up and that would be in your backup.

>> Mayor Adler: Okay. It's been moved, the version of item number 26 that has been posted onto the bulletin board and handed out to us by councilmember Tovo. Is there a second? Ms. Tovo seconds that. Ms. Pool, you're entitled to discuss this first.

>> Pool: Thank you, mayor. I've heard from tremendous number of people from around the city, both for and against expanding mopac south.

[8:23:24 PM]

The resolution proposed today goes to the scope of the central Texas regional mobility authority study. Indeed it emphasizes and reiterates council's support for a comprehensive study of the financial and transportation and environmental aspects and impacts. It's the study that is important, and it would bring forward what we would hope would be solid information for decisions that would be made closer to the time that these expansions would be built, which would be close -- would be in the 2040 plan or beyond. I might note for those of you who were here earlier tonight, Bill Oakey's comments, Mr. Oakey's comments were right on point. This resolution does not prohibit this road expansion from being built, but, rather, instead it supports the plan to study all of the alternatives. And this is an effort that the regional mobility authority is currently engaged in doing. We don't have any differences on that point. The point that we're trying to make in this resolution, though, is that we want to morph -- more closely define the size of the expansion so that if when the study is complete it shows with solid information, after looking at the transportation and the environmental and the financial impacts, that indeed we need a larger expansion and we understand the amount of money, the billions of dollars that it would take to build it, then we would have an affirmative Sloot of the community in a stakeholder process and for the ctrma and campo to make this vote closer to the time when that road would be built. So, again, we do not have any opposition to ctrma continuing their study.

[8:25:27 PM]

They should look at all alternatives. But what we don't want to do is today or Monday, when campo makes its vote, put our on the largest build possible. We want to hold off on that decision until closer to the time when that decision would be made and after the study has been complete. So we have better information in front of us and it may be that at that point better technology is even in place so that the build may be less expensive than it probably would be if it were to be priced out today.

>> Mayor Adler: Okay. Ms. Troxclair.

>> Troxclair: In lighting of the new language that we have in front of us, I see that we have ctrma staff here and since at work session we only got to talk about the original draft resolution, I would like the opportunity to hear from them on the new language and what the potential implications are for campo and ctrma.

>> Mayor Adler: Okay.

>> Mayor Adler: I'm not sure. I don't have a copy of it.

>> I'm not sure. I don't have a copy of it. Unless this is it. Okay. If you can repeat the question. I'm sorry.

>> Troxclair: Well, I mean the language is significantly different than the resolution that we considered earlier.

>> Right.

>> Troxclair: So, you know, I would love to hear your thoughts about how something like this would -- if campo did choose to only -- choose to vote against the potential of being able to explore four lanes on mopac, what kind of implications that would have on ctrma's ability to invite -- do environmental studies and provide accurate forecasts and traffic analysis and your planning and then -- I mean I'm also curious a lot of the things in the resolution, it seems like from the discussion on Tuesday y'all are already doing.

[8:28:01 PM]

You are already committed to working with the city on how this project would impact the city. I would like your feedback on the new resolution.

>> Well, we have worked with the city, and we have minutes and meetings that we've been to with city staff over the past year and a half. And let me say that the two-lane proposal for mopac first -- I want to

correct the record, was first laid out at an open forum at buoy high school in November of 2013. Okay? So this isn't recent. But my reaction to the -- I think the resolution itself, my reaction to the resolution does have points that I think were improved, and I do appreciate that. I think the biggest issue is still putting the 2035 plan in there, one lane in each direction. Let me share with you, federal highways is very clear about you need fiscally constraint about those of you that serve on mpo know you have to have a fiscally constrained plan, one that you can finance. If we put it in at two and study both two, we have about three different concepts at two lanes in each direction and we have two concepts of one lane in each direction. If we study all those, we have it in at two lanes in each direction, I think that's going to pass muster with federal highways much more than if we start off with one lane and say, oh, by the way, now we want to go to two lanes. That's a whole different scenario. I think it's easier to go from two to one, if that was the case in the future, and we will be working with the city on that and we also are working with the county on that, than it would be to go from one to two. If I was the general public I would not want to be surprised in six photos we're going to two lanes from one.

[8:30:05 PM]

>> Troxclair: Well, thank you. I just want to reiterate the point that you just made because I think it's one that has been a little bit convoluted or has been confusing to some of the council. Including myself. I want to make sure that we do not take any options off the table. And approving a 2040 plan that allows up to four lanes will allow you to much more easily research and evaluate not only the four-lane option but also the two-lane option?

>> Councilwoman, we actually, when we started this process, you know, in November or October of 2013, we actually went to federal highways and asked if we could do an up to two lanes in each direction can and the response was no, that they would not accept that kind of flexibility in the financial plan, in the overall plan.

>> Troxclair: Because it wasn't in --

>> It wasn't specifically defined and nailed down.

>> Troxclair: Right.

>> We actually requested that. And I understand that because you've got to have fiscally constrained plan. Your 2040 plan -- and Ashby is much better at this, director Ashby, than I would be, but I think there's some challenging to the 2040 plan if it's not fiscally constrained. And that would -- you know, I think that's a problem.

>> Troxclair: Because the two-lane proposal is already in the 2035 plan so having --

>> 2035 had one lane in each direction.

>> Troxclair: Right. And the way I understand the campo plans you're able to basically examine everything up to your furthest plan. So just because you're approved in the 2040 plan to study up to four lanes doesn't mean -- doesn't preclude you from also studying one lane in each direction.

>> No it doesn't. What they want to see is the maximum. In general they want to see the maximum.

[8:32:07 PM]

In some of your cases there's going to be roads that the city I'm sure has recommended in the past of six lanes, maybe three in each direction. But came back and had to phase those in. I mean, all entities sometimes face the phasing aspect of this. So the answer is yes.

>> Troxclair: Yeah.

>> I think we can go up to four and then back down if we see that for some reason two lanes wasn't needed.

>> Troxclair: And you're saying it's much easier to have the ability to study the four lanes and then ultimately decide on two lanes than it is to constrain yourself to only two lanes and come back later and ask for four lanes?

>> I think that's correct.

>> Troxclair: Yes, okay.

>> I would agree with that.

>> Troxclair: I guess I want to know, do you have -- is this -- or do we have any other -- I mean, there's been so much stats and data and everything thrown around tonight about, oh, can -- adding lanes reduces congestion, increases congestion. I mean, we're not reinventing the wheel. There's other cities that have grown just as quickly as Austin has in the past and other cities who have been able to keep up with their transportation infrastructure better than Austin has. So what is Austin doing that other cities aren't or vice versa?

>> What is Austin maybe not doing.

>> Troxclair: Yeah, how are we -- why are we in this situation?

>> I think one of the things -- and this is where there's -- there are a number of people who are opposed to this that really have been tremendous transit advocates for many, many years. I was on the original mass transit task force that recommended that the bus system move from the city to a different entity, and that was of course capital metro. So my involvement goes back to early '80s.

[8:34:12 PM]

I think that one of the issues that we do have, particularly on our arterials and major arterials and roads like mopac are -- is the congestion, that transit is in the same congestion as any other vehicle and can't move any faster. So the relative time value for an individual is no greater on a bus than it is in a single occupant vehicle, unfortunately. I think the rma is very, very keen on person through the, in terms of let's get people throughput moving on mopac, let's exempt buses fromtology, let's exempt register van pools and we are now piloting a carpooling app which nobody else is doing, by the way. We are doing that. We're also working on smartphone apps to get people to use smarter travel times and routes. So it can't be all about roads. And that's what I think when people say we can't build ourselves out of congestion, I'm not disagreeing that we can't pave everything. This city is growing so robustly that we need lots of alternatives. I think that's the real slogan that should be out there, is give us all the alternatives possible. And I think this facility can address that. A one-lane facility with buss are going to be much more susceptible to break down and issues related to incidents on that facility, thereby impairing the roadways effectiveness than two lanes. We know that already. We know that from our peers around the country and from federal highways and the studies that have been done.

>> Troxclair: The -- if you only build one lane -- sorry, say that again.

[8:36:14 PM]

>> One lane is very difficult and we're doing that on mopac north because we didn't have the real estate. The real estate didn't exist on mopac north or rewould have done two lanes.

>> Troxclair: Okay. And that was actually my next question because there's statements made that, well, we only built one on north mopac so we don't need more than one on south mopac but it's because we didn't have the right-of-way on --

>> The right-of-way doesn't exist on mopac north and won't exist for many years, if ever. Mopac south has the real estate and let me make it real clear, on the pricing aspect -- I really want people to understand this. If you put one lane on mopac south, it will be more expensive for the individual driver than if you put two lanes on mopac south. Because your capacity is significantly enhanced with two lanes. 25,000 cars a day in 2030 are projected to use mopac south. Let me tell you this, the general purpose lanes should see a decrease of 12,000 cars in 2030 over what the no bill alternative would be. A decrease in the general purpose lanes means those folks that decide not to use the toll road will see less congestion than if we don't do it. That's -- the best study we have at this point.

>> Troxclair: For for people concerned about the price of the tolls, as I think we all are, we want to make sure if we're going to build roads that they're accessible for everyone, you're saying the tolls will be lower with two lanes versus one lane?

>> No question. One lane is tough and mopac north, there is 140,000 cars trying to get down mopac north, there's 80,000 at the highest point on mopac south so you already have some advantages on mopac south. And we're not building this for the future. We're not building this for new neighborhoods. We're building this for the traffic that's already there.

>> Troxclair: Right. One last question.

[8:38:15 PM]

I -- I mean, this resolution is speaking to specifically south mopac but there's three mentions of sh-45. Can you explain to us in regular people terms whether or not sh-45 is a different project than what we're considering here?

>> They are different projects. They are independent. They have what's called independent utility, whether people like to hear that or not, it is a federal requirement that you study a segment of a roadway in and of itself. Mopac south is the 27th most congested roadway in the state of Texas. It's a significantly different roadway than 45 southwest. Those two should be separated out.

>> Troxclair: Okay. Thank you.

>> Mayor Adler: [Off mic]

>> The message I was going to send, a large part of this community needs to be heard very loud and I think very clearly, the very heart and soul of this community rests in preserving and protecting lady bird lake and auditorium shores and zilker park and Barton springs and avoiding untenable traffic congestion on Cesar Chavez and protecting our high school that's there. The rallies and town hall meetings I hope ring loudly and it's important that our colleagues on campo and that our partners on the rma hear those voices. You know, I just -- I can't believe that we could possibly move forward to construct two managed lanes in each direction without having the appropriate studies and comparison and plans, and that hasn't happened yet. Our city has developed some plans and I think we're looking forward to the opportunity to sit down with rma's engineers and go through those options.

[8:40:19 PM]

So six weeks ago as you know I came to the rma and to campo colleagues, people that were headed directly to double decking and putting in four managed lanes, two in each direction over our lake and over our park, and I said that this city wanted to study more options, to look at one managed lane in each direction, to look at plans that included two managed lanes in each direction, but had the crossover points occurring not at the lake but at some other point. Options that would allow for managed lanes to go off and point toward the Y in oak hill in addition to south mopac. I asked that we not prejudge those proposals, but that we wait for those new proposals to study it, to honestly allow new plans and alternatives to be developed for new options and to this city's relief, the rma and campo agreed to that. And there was an agreement that we would enter into a six-month offloaded look at those options and to develop those options and to agree to discuss different configurations involving one managed lane in each direction, two managed lanes in each direction, one lane in some places, two lanes in other places, depending on how the geometry would go out. Our city staff has developed those kinds of options, and we expect and want them to be considered in good faith and are appreciative that those conversations are starting. So here's where I am. I have a room full of people that seem to all want the same thing. I have a community, most people want the same thing.

[8:42:22 PM]

And what they want is to not make a decision on this until we've had a chance to see the plans and study the options. Exactly what we agreed to, just six weeks ago, as part of this process. And I was looking at this and playing with some language this morning in consultation with some of the folks with campo on how it was that we could avoid -- you know, I love this city. But sometimes Austin is so used to fighting among each other that we might accidentally snatch defeat from the jaws of victory. We have everybody that wants to study plans. So I'm wondering why that is we're fighting. And it's because of the placeholder issue. The question is while we study what is the campo 2040 plan say, while we study and look at the various options, what does that placeholder say? Now, the design, the ultimate design of this project is not going to be decided until after those plans come back, whether it's one managed lane each direction or two managed lanes or some combination or other, we're going to get those plans back. So everybody ought to be focuses on that study and on those proposals but instead we're caught on what it is that goes into this placeholder that we have in the 2040 plan. Now, I don't want to agree to two managed lanes in each direction or double decking without having the studies. And I know I can't expect you or my colleagues on campo to agree to two managed lanes, one in each direction without the studies either. Some say that if the campo plan just says one in each direction then you can't study two plans because the environmental study can't study more than what is limited in the 2040 plan.

[8:44:30 PM]

And I understand Ashby shaking his head yes in the back and we can call him up to confirm that. So that makes it then awkward for me to ask that the 2040 plan not say -- not allow for two lanes in each direction, four lanes total, because I don't want to preclude the study because the deal that we talked about was having six months study where we would study -- period of time where we would study everything. At the same time, I've heard others say that we can't say that we're going to put four plans, four, two in each direction, in the study for fear that once it goes into the plan that it never changes and somehow or another we've created a wall that's not going to be fixed. So this morning -- and I realize that the fastest way to get campo to only put four lanes in the campo plan, two in each direction, the fastest way to get that done is try to insist that you only put two lanes or one in each direction in the campo plan. And I don't want that. I want there to be studies so that we can argue for an earlier crossing, so we can argue for different designs, solution that's save and protect something that is the heart and soul of this city. Now, I then started this morning looking at language in the campo plan that would say that it would -- in the 2040 plan we would do the studies, taking most of the language that was in Ms. Tovo's and Ms. Pool's resolution, taking out some, but focusing on those options and putting in language that says a variable number of lanes would be studied. And we would study and then we would decide. And that was the language that appeared to be okay for nine hours until 6:00 tonight and then it came back where we can't do that because the federal government needs to have a fiscal constraint in the language.

[8:46:41 PM]

Can't be open-ended. There has to be an envelope of fiscal constraint and I have now then gone back and looked at the code, the federal regs, to see if -- how we could provide that measure of fiscal constraint, and I'm looking at language now and something that just got handed out to the group that says no more than four lanes or no more than two in each direction. And that provides a fiscal constraint. And I'm looking at the cfr now and I don't understand why that language wouldn't work. But I do know that that language provides a fiscal constraint, provides the placeholder that we need in the 2040 campo plantation enables the study that everybody wants to go forward to go forward, and I would hope that given the fiscal constraint it enables the environmental work to go forward and I'm -- I'm hopeful that that language is something, given where we are in this city and recognizing that we are not in a position to be able to decide one lane or -- each direction or two lanes in each direction, that the way that we move past this tonight, I hope and think, is to go to the fha and put in that fiscal constraint and go with god speed on our study on all the options that we have and then make that public and turn it -- and make it available for people to participate in that conversation. Can we do that?

>> I believe we can. I believe that's very close language to what we originally proposed. Which was up to four, but I think that after your reading of it and if Mr. Johnson agrees, I am favorable to that.

[8:48:50 PM]

I think that gives us the flexibility of looking at those four, five, six different proposals plus what the city has on tap to tanning a look at all those -- on tap to take a look at all those. I also want to separate out the downtown connector from the rest of the facility. That downtown connector is just at this point what appeared to be the preferred way to get to downtown.

>> Mayor Adler: I'm not going to ask you to defend any plan until you see all the plans.

>> And that's --

>> Mayor Adler: Because I don't want to put you in that position, don't want to put the city in that position or the people on this dais in that position either. The question is how do we move forward so that we can look at those plans. Cesar Chavez is important, the school is important.

>> Absolutely.

>> Mayor Adler: The park is important, our lake is important.

>> I couldn't agree more with any of what you said.

>> Mayor Adler: Okay. Ms. Tovo.

>> Tovo: Thank you for being here.

>> You're welcome.

>> Tovo: I have a few questions for you.

>> Okay.

>> Tovo: I think I heard you say tonight that the various alternatives could not be studied unless there's a maximum listed in the plan, and that just doesn't seem in concert with the kind of conversations that happened at the last ctrma were sorry, last campo policy -- the policy board meeting or the work session discussion that we had earlier this week. And I'll ask our staff to come up and talk about this in a minute, but at some point during the campo discussion you were asked a question about whether it would slow the process down if it -- if there's a one-line -- excuse me, one lane in either direction as a placeholder in the 2040 plan, and there was a later amendment to make that a two managed lanes in either direction, and you answered something that sounded along the lines of it would not really -- you know, you are studying all of the alternatives now and it would require a little more work, but it would not have been work lost.

[8:50:58 PM]

So in all of these conversations, including the one that we had environmental this week there was an overwhelming sense I thought that all of the alternatives are being studied right now, one lane in either direction, two lanes in either direction and a no build option. And so I'm happening trouble reconciling those environmental earlier conversations with the one we seem to be having tonight, which sounds like if the placeholder is not to manage two lanes in either direction that's not an alternative you can study.

>> What we're -- let's separate the study out from the campo process. I mean, you have a process that you have to follow with federal guidelines. I mean, that's what -- that's what you are, that's what campo is. What we're saying is we can study -- and I think that that's what we're getting to and we could be in agreement on. We can study any number of items, but I think that that doesn't preclude us from studying those and tweaking, you know, anything from a downtown connector to two to four lanes. So that's stuff that we can study in and of ourselves during this process all the while knowing that the maximum that we can go to is the four lanes. I think that needs to stay in there. My concern has been -- maybe we've discussed it enough now that it's not a big issue, but putting it in at two lanes and then coming back in six months and saying we need to go to four reopens all of this. I think we're studying -- if what you want is other concepts being studied, that's what we're going to do.

>> Tovo: That's what you're going to do in either case and I think the decision to pull the two managed lanes in either direction out of the 2035 plan was very responsive to the community concerns. I pretend that decision, and I think it is the right one. I think it would be the right one for 2040 too, to have the placeholder be one managed lane in either direction pending the consideration of all the alternatives.

[8:53:04 PM]

So I'm not -- you know, we've had a lot of discussion this evening about keeping options on the table, giving us all the alternatives possible. All this resolution is doing is asking not to have language in the 2040 plan that would lock in a four-lane, two managed lanes in either direction. I'll highlight a few passages. Most people have a copy now of the revised resolution but I'll highlight a few passages that speak to this. Whereas the city council sports ctrma's stated dire desire to continue studying transportation alternatives for the south mopac corridor including configurations that include two lane, one lane, no build options before reaching a final decision, again we want -- almost everybody here tonight has said let's consider all the alternatives, all the options, we don't want to foreclose any options. And, again, in the be it further resolved it talks about making sure that there's language stating the intention to study all options, including one express lane in either direction and two build and no build as well as two suppress lanes. So, again, we're requesting that there be language added expressing the intention that there doesn't seem to be disagreement about but all of those alternatives should be considered. So, I guess, that's -- you know, again I'm not sure why the placeholder in the opinion of

some needs to be two managed lanes in either direction for those alternatives to be explored. Seems like we've a lot of discussion and testimony suggesting that you are exploring all those alternatives and have the latitude to do so.

>> I'm not sure I can answer any differently. I think you're better off studying from a federal policy guideline the maximum and you can drop down as opposed to the minimum going up. I think that complies more fully with federal guidelines.

[8:55:08 PM]

And, you know, the tac committee has voted before campo last session voted 17-2-1 as a test vote in some ways for the four. I think we are listening to campo.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Please excuse my voice. I'll see if I can talk. It's very hard to listen to all this without talking but, anyway, so my understanding and I have seen in other items in the campo plan the option of listing a study and also listing options like 4-6. So there's precedent in the existing 2040 plan to actually specifically state that the purpose is to study and to study more than one option so I don't know if perhaps we need to be talking to an executive director or not but I just want the public to understand that what we're asking to be put in is already in the 2040 plan in other examples.

>> This is.

>> Mayor Adler: This is the suggestion that it be up to four, no more than four.

>> Kitchen: Right.

>> Mayor Adler: Item number 94 in the present campo plan contains that kind of language. So you're saying you would prefer it to be just four --

>> No, no. I'm --

>> Mayor Adler: But you're okay with it saying no more than four?

>> Absolutely.

>> Mayor Adler: Okay.

>> Kitchen: And I just want to clarify that it's your opinion that -- that it's your opinion it would be better to go from two to one rather than one to two, but that's just -- and I respect you giving us your opinion but that's not based on any kind of precedent or law or requirement, correct?

>> Let's pretend none of us have had any of these conversations and we put it in one lane each direction. And then in six months I come back and say, oh, I wanting to two lanes in each direction. I think the public would have the right to say that's kind of disingenuous, going from two lanes to four during your study period without disclosing that or something.

[8:57:17 PM]

>> Kitchen: Well, I think the public is saying the same thing right now for the other way around.

>> Okay. And campo has every opportunity to say that.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Mr. Mayor, I wanted to be recognized to offer I think what I'll call the Adler amendment. It's on the council forum board, council message board, and I think it's your version two that had in the bit further resolved not to exceed two managed lanes. So if everybody has that in front of them, I think it has a number 2 written on it, which would be the second amendment revision so I'll call that the Adler amendment revision 2. I'd like to move that we substitute this motion.

>> Mayor Adler: Would you get this? I'm going to hand you a copy of it.

>> I would appreciate that.

>> Mayor Adler: If you'd hand a copy of it to Ashby as well, please, I'd appreciate it.

>> Mr. Mayor, I could put it on the overahead if you got one extra copy, could I put it on the overhead?

>> The clerk has a copy.

>> Zimmerman: She has a copy?

>> Mayor Adler: It is also posted on the board.

>> Pool: If we could with this Adler two amendment or substitution, if we could do point by point with Adler 1 because Adler 1 is the one I'm most familiar with --

>> Mayor Adler: The only change between Adler and number two is the third be it resolved clause where it says -- it adds the not to exceed two managed lanes in each direction.

>> Pool: Does that substitute out the language that was an unspecified or a variable number of lanes?

>> Mayor Adler: I kept that same language. It reads unspecified number of lanes not to exceed two managed lanes in each direction. That's the language that you.

Speaker1: Number two.

>> Pool: That phrase is added.

>> Mayor Adler: Is what Mr. Zimmerman's motion states.

[8:59:19 PM]

Is there a second to that? Mr. Renteria we're now in discussing number two.

>> Pool: I had

>> Pool: Hi looked at the Adler 1 and there were two wording changes that I was going to request, and it looks like two of them have been made and a third one is still out there. At this point up at the top where it says be it resolved. It says the city of Austin directs the city manager. That should say the city council direct the city manager.

>> Mayor Adler: There any objection to that change being made. Be it resolved the city council.

>> Pool: And I just wanted to make sure in Adler 1 it was would preserve the ability for, and I was looking for would require, and I believe that change was made.

>> Mayor Adler: You're right, I made that change twice. That was suggested language you made and I incorporated or somebody had made and was incorporated. So it said you can see it in the last be it resolved it used to say preserve the ability for, I think, and Ms. Tovo's original motion. And it came to be required.

>> Pool: In two places.

>> Mayor Adler: In two places.

>> Pool: Right. Thank you.

>> Mayor Adler: Further conversation? I'm sorry? And also that -- and that be it further resolved where it says the city of Austin directs, that should also say the city council directs.

>> Pool: And is this an amendment to the oral or a substitute motion?

>> This is a substitute.

>> Pool: So I don't -- I don't have to say yes or no on this.

>> Mayor Adler: You don't have to say yes or no. It's a substitute that has been seconded and is now on the floor. Ms. Gallo?

[9:01:27 PM]

So I appreciate the mayor's amendment because I think that it addresses concerns that I have about doing anything to impact the forward motion of this building road and mass transit infrastructure. So I appreciate you trying to work with this. One of my concerns is that we have heard over and over and over again that traffic congestion really is beyond congestion, it's gridlock, is a major concern for all citizens of Austin. And people who live in all parts of Austin. And I really do appreciate the many, many calls and emails and threats we've received from people expressing their concerns in both directions for and against what we're talking about here. But what I found interesting is I was thinking about this whole process and thinking about our exploding population growth, and really our struggle to build regional transportation and capacity to move our citizens around our community that as a community we have supported building road capacity in every part of our city except the south and southwest. I look at mopac north and it addressed capacity central and north. I look at 183 a, it addressed capacity northwest. I look at 45 north, it addressed capacity north. I look at 130, and it addressed adding additional capacity on the eastside, but we've really -- it just seems like it's so obvious that we've neglected the southwest and southern part of our community, and I think that part of our community needs equal attention and focus. So really want to support adding that capacity to help the residents and people in those areas that are trying to move around. We've heard from the residents, we've heard from business owners and the difficulty that they're having, and it's going to get worse because everyone wants to move here and everyone is moving here.

[9:03:30 PM]

So I do appreciate, mayor, the amendments, but the concerns -- I've got some specific questions on it. First of all, I think we still have very negative implications in this amendment because it addresses the negative concerns, but doesn't say anything at all to address the very positive comments that we've gotten about supporting, doing the extra capacity on these areas on mopac and 45. So that's a concern to me in the amendment and I would say as I look down it the third whereas that talks about it being a significant diversion from the 2035 plan, skip a whereas and go to the next one, diverse coalition, express concerns. We haven't said anything in here about the people that have positively -- in a positive way have supported building this capacity. We talk about the serious concerns from the Austin transportation department. To me it comes across in an overly negative way, which I wish we could keep the dialogue in a positive framework, and I think what we're trying to do is say let's do what we

need to do and put all the options out there, but there are so many pieces of this that read negative to me. But the main question that I had is the last be it resolved, it says the city council directs the city manager to request this approach to require the campo transportation policy to approve the appropriate configuration after completing and basing the decision on a thorough environmental traffic and funding study and analysis. Who is the entity that's completing the study? Is that campo?

>> Mayor Adler: Campo.

[9:05:31 PM]

>> Pool: It's not the symptom.

--

>> Gallo: We've asked the city manager to study and we're saying the the city council requests the city manager to request this approach to campo. We're not talking about requiring campo to address what the city manager's study produces.

>> Mayor Adler: I would hope that he would and the city manager is being -- is involved in those conversations, but part of this resolution I think was to ask our city staff to do its own independent analysis because they may look at the issues on Cesar Chavez differently. They may look at some of these questions differently. While we're part of campo it is a different entity so we both wanted to have our staff take a look at this as well as having campo do its review. And then ultimately -- we can't direct campo and we have our vote of the campo board, but we can't direct campo to do this.

>> Pool: I guess my question is if the two -- if the two analysis are different, if Wednesday up with a different analysis from the city and campo, but why do we put the require in there. It seems like it's implying that if we come up with a study that's different from campo then we can require campo to -- that's what I get from moving.

>> Mayor Adler: That was not the intent. The intent was to -- because we can't make campo do that. We'll have our votes, we can lobby the campo -- our colleagues on campo, which I'm sure we'll do. But the intent of that was just again to ask and remind our colleagues on campo that we want a full study of the requirements.

[9:07:37 PM]

>> Pool: That doesn't sound like a ask to me. I agree that we hope that campo will listen to what the city's transportation analysis comes back with, but I'm just a little confused if -- are we asking or requiring.

>> Mayor Adler: We're asking them to approve the appropriate configuration and I expect they would do that. The configuration they approve I'm sure they would believe to be the appropriate configuration.

>> Pool: Am I the only one confused by this? Is too late at night.

>> Mayor Adler: I was trying to take the language from the other sponsors. I read that language and I thought to myself do I have a problem with our city council directing the city manager to make sure that campo acts in an appropriate way, configuration? And asking them to look at these elements. I didn't have a problem with that. Another councilmember came and wanted to change that language to say, hey, we want them to be required to do it. My understanding is that's the path that they're on to do that.

>> It was a timing thing. The require is to approve it after the configure -- to approve the appropriate configuration after the thorough environmental traffic and funding study and analysis was complete. Which is what they're planning to do.

>> We have ash by here. Let's ask -- Ashby here. Let's ask him that question. Do you have some concerns, by the way, about whether or not the fha would let you do an environmental study on four lanes if the campo plan just limited to two or one in each direction?

>> Yes, sir, I do have concerns about that.

>> Mayor Adler: Okay. If we had something that said up to four lanes and I recognize that item number 94 on current campo plan allowed for four to six lanes, so there was some variation, you comfortable going back to fha and trying to make that sale to them?

[9:09:43 PM]

>> Well, it would -- I would certainly help the rma go back to -- yes, sir. To federal highways and have that discussion. I know this is convey lieutenant. I used to write some of the regs in DC, I know how convoluted it is. We have several things working. One is what should the project description look like in the 2040 plan? Just so we're all operating in the same facts, yes, there was a project description in the current 2035 plan that said one lane in each direction. In 2013 after doing some analysis, the rma looked at that and said we don't think that description is accurate anymore based on our analysis. So in 2013 they put in the draft 2040 plan that they started work then a description for two lanes in each direction

or four managed lanes. So any characterization that we are somehow changing the project description in the draft 2040 plan still to be adopted on may 11th is untrue.

>> Mayor Adler: And I don't think we need to go back to that. The language we're looking at is the last be it resolved clause and we're focused on that. The question has come up anything that you see in there that's inappropriate for us to pass?

>> I just wanted to make sure that we all understood that campo wouldn't do the study. It's the rma doing the study. So I wanted to make that clarification. As far as the two managed lanes in each direction, and before I say this let me be clear, I do not have authorization to speak on behalf of my board on this item. So it's me speaking to you.

>> Mayor Adler: Yeah.

[9:11:43 PM]

>> So --

>> Mayor Adler: That vote won't come up until Monday.

>> Yes, sir. What we would have to put in the plan is the maximum number and the cost estimate for the maximum number because that's where the fiscal constraint item comes into play. The federal highway administration made it very clear to me today if we don't put the maximum configuration in the environmental document and the same description in the plan, then when we put the cost estimate Numbers in, then they may question the fiscal constraint of my entire plan, which may shut me down.

>> Mayor Adler: Because we're saying up to and it's similar to the language in 94, we provide a fiscal constraint and you're ready to go back and argue that to the fha?

>> Yes, sir.

>> Mayor Adler: Good. I'm not sure that really the question you're asking is a technical question.

>> Pool: I just don't understand the purpose of the last resolved.

>> Mayor Adler: Ms. Tovo, do you want to address that?

>> I would be happy to. Part of the confusion I think is arising from the city manager's role in those last be it resolveds, so threat me just explain that it's kind of standard in a lot of resolutions that after the council takes a particular position we ask the city manager -- we direct the city manager to convey that position to the relevant entities. And that's what he's doing in those paragraphs. And so the language isn't the language that I and my four co-sponsors started out with, but it's similar. It is -- it is requesting that the campo transportation board do several things in the mayor's amendments it follows the same

pattern more or less. Actually, it doesn't. That has disappeared. In our original we did ask the transportation policy board it to do a few things.

[9:13:44 PM]

That's not in this Hammond. But we are requesting the city manager to suggest that certain changes be made. We had a lengthy discussion on Tuesday about whether the campo transportation -- everybody is laughing so maybe I -- do I need to go back over something. We had a lengthy discussion on Tuesday about whether or not there would be another vote required of the transportation policy board and it seemed like we got a pretty clear answer that once the voted happens on Monday there may not be another vote required before construction unless somebody brings amendment, unless there's an amendment considered. I think the language in here with regard to requiring is trying to assure that after the various studies have been completed there will be an opportunity for the campo transportation policy board to vote. I hope that was the intent of the mayor's amendment.

>> Mayor Adler: I think it says up to four. Somebody has to vote because it says up to four. Ultimately there will have to be a planned description that says how many lanes it ultimately is. It will be a plan and funding ultimately that attaches to something. I think I would like somebody to verify that for us and I would like our transportation staff to weigh in as well. That is really crucial. The changes that are before us I'm willing to consider there's not again -- they were not the ideal scenario from my perspective, but I'm willing to consider them. I think they incorporate some of the other concerns we've heard, but I really do want to be sure that -- that what we're asking at least, we can't control what that transportation policy board is going to do, but what we're asking is that there be a vote prior to construction.

[9:15:56 PM]

Do you feel that we've captured that, Mr. Spillar, in our language?

>> Robert spillar, director of transportation for the Austin transportation department. I guess I would point out that there's also a vote required to move a project for construction into the tip, transportation improvement program, and I guess I would suggest that you ask the executive director if putting it in the plan as such puts this project, the construction project actually in the tip, and that that would be certainly a time when campo policy board would need to vote to move the construction into the tip, but you would need to ask him if this action that the policy board would be taking on Monday would also move that into the tip. I do not know the answer to that.

>> Tovo: Thank you. I appreciate the answer.

>> That would be obviously a vote opportunity for you. I think on Tuesday's meeting you asked whether they can study the process. There was a question as to whether or not the definition of the project needed to be consistent with the regional plan. As I indicated then it was my understanding that obviously when a decision is made that it has to be consistent. I think Ashby Johnson has provided some additional communication with communication with fhwa tonight that may suggest that to study a concept it has to be reasonably defined within will regional plan as you go forward. So I would defer to him. If he says this gives you the opportunity to study the plan and still have ongoing discussion, then I would defer to him on that answer.

>> Tovo: Okay. I would like to then ask him that question unless somebody else has a question for Mr. Spillar.

>> Mayor Adler:

[9:17:56 PM]

Mr. Johnson, would you come up, please?

>> Tovo: Could you please answer the question that Mr. Spillar just suggested, we direct to you, which is -- if the transportation policy board on Monday voted to add language studying and considering lanes -- an unspecified or variable number of lanes not to exceed two managed lanes in either direction, would there be an additional vote required of the transportation policy board before it's able to be constructed? Ors does that add it into the tip, is it?

>> Yes, ma'am. There would be an additional vote required before a construction project could be added to the transportation improvement program. And in addition to -- so the answer is this vote on Monday does not add it to the transportation improvement program. That would be a separate action once the study work and locally preferred alternative is determined through the rma study. And in addition to that, councilmember tovo, once they -- the rma finishes the study, there will be what's called a locally preferred alternative, and the campo policy board would have to confer with that alternative even before a tip vote.

>> Tovo: Concur in terms of a vote?

>> Yes, ma'am.

>> Tovo: So beyond Monday there would be a total of two additional votes? They would have to concur with that locally preferred alternative that is based on the kind of study we've described here?

>> Yes, ma'am.

>> Tovo: And there would need to be a vote to add that into the tip?

>> Yes. Once founding is -- there's no funding to construct this project.

>> Tovo: There was some discussion back and forth earlier about alternatives and studies and who is doing what. As you know, because I know you've been working closely with our transportation staff, our transportation staff have some alternatives that they have been studying.

[9:20:00 PM]

They did express an interest in being able to share those, and I assume they have been sharing those back and forth. So I would hope that the study that's being done by ctrma would also consider the kind of work that our transportation staff is doing as well.

>> Yes, ma'am.

>> Tovo: Does that seem like the path everybody is on?

>> That's certainly the path we're on as campo, the rma and the conversations we've been having with atd.

>> Tovo: I appreciate that, thanks.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: One other question. You talked about determining locally preferred.

>> Yes, ma'am.

>> Kitchen: What is the criteria for determining that and who makes that decision?

>> Well, they'll go through all the alternatives and analyze them?

>> Kitchen: Who is they?

>> They being the regional mobility authority, I'm sorry. They will go through those alternatives and they will lay the results of those alternatives out in a document and then they will make a recommendation as to what should be the locally preferred alternative.

>> Kitchen: But then the campo board votes on that.

>> Yes, ma'am. We have to concur with the locally preferred alternative.

>> Mayor Adler: Further discussion on the substitute motion?

>> Troxclair: Are the multiple vote still necessary and funding needed and everything needed before everything that can take place, do you feel like that satisfies the intent of your original amendment?

>> Tovo: It's a bit hard to answer. The thrust of the original resolution was to request that the campo transportation policy board remove the two managed lanes in either direction from the 2040 plan just as they did with the 2035 plan.

[9:22:05 PM]

We are stating a different position at this point though I think that's still the intent. I believe that's still reflected in what we're considering now, that there's an intent and interest in seeing all those alternatives carefully reviewed and considered and that there not be a -- that there not be a presumption that the construction is a double decker toll lane. So I guess I -- I'm not sure if that answers your question, but I am glad to hear that there will be several other -- two other opportunities for the transportation policy board to weigh in and that they will be doing so after additional community reflection and discussion and a consideration of alternatives that our transportation staff will be involved in.

>> Troxclair: So I guess after the conversation of the votes needed to move forward and the conversation about campo and ctrma continuing to work with our city staff, it seems like the things outlined in this resolution are already being pursued. So I wanted to make sure before I suggested changes to the mayor's amendment that you felt like it was still necessary to move forward with this resolution.

>> Tovo: I appreciate you asking that question. Yes, I do. Thanks.

>> Troxclair: Mayor, I wanted to make a suggestion to your resolution to strike the last be it resolved clause. I think there's still confusion about that. And I think that considering -- although we sometimes want the city manager to convey our feelings, we do have several members of city council who sit on the campo board and can adequately convey that.

[9:24:16 PM]

And so I think it would be simpler and easier to understand if we strike the last be it resolved. And I would also request that we remove the other two references to sh 45 southwest seeing as how that's a completely different project than what is being considered.

>> Mayor Adler: All right. I'm going to treat your initial question as a point of information and not as debate so that you didn't debate before you made your amendment, which is okay. So something considered that way your amendment is in order, but so that I can understand and a substitute motion is treated like an amendment, so it can be amended one time. So your amendment to this substitute, which is good -- no one can amend your amendment is what I'm saying. So your amendment to the substitute is to strike the last be it resolved clause and to do what else?

>> Troxclair: To simply remove the two other references to sh 45 southwest since that's not really the question that's in front of us. Sh 45.

>> Zimmerman: Mr. Mayor, a point of inquiry. Maybe we could enumerate the whereas clauses so we could see where it is.

>> Mayor Adler: Let's do that. We'll go down the page. I have one, two, three, four, five, six, seven, eight on the first page. Eight continues on to the second page. We then have nine, 10 -- you're looking at the ones in black, not in red. 10, 11. So I have 11 total. So what was the amendment that you're proposing to paragraph? Can we consider -- can we consider these consecutively real fast? There's been a motion to strike the last be it resolved clause. We'll just do one at a time so it doesn't get confusing. Mr. Zimmerman seconds that.

[9:26:19 PM]

I think you explained why. Ms. Tovo, do you want to respond?

>> Tovo: I sure would. If there's confusion about the city manager's involvement here, I would simply suggest that we say the city council request that the campo transportation board be required to approve the appropriate configuration, et cetera. There are two things that would be gone if this whereas is eliminated, and frankly I'm not sure that's the one -- the one I just did would be the best educated lit. But there are two things happening in this paragraph. The first is make clear that the city council wants to see the transportation policy board approve an appropriate configuration after that study is complete and that their decision be based on the findings of those studies. Of that study and analysis. The second part is we would be losing -- we would be losing what we're urging the transportation policy board to do, which is to have an additional vote. So to me that is -- we can work with the wording if you don't want the city manager to convey that on behalf of the city, but I do believe we should state our city's interest in making sure that the transportation policy board, make that decision only after the analysis has been completed and that that decision be responsive to the analysis and decision. And also, again, that there be a -- that there be a vote beyond Monday.

>> Mayor Adler: Further debate on the amendment to strike the last be it resolved clause. Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I'm speaking in favor of the amendment to strike this because it seems like based on the conversation and the deliberation we've had I've heard over and over and over again it seems like it's a superfluous be it resolved because these things are going to happen.

[9:28:20 PM]

I mean, we could strike everything in this be it resolved, it appears to me, and the things we're asking for would still happen. We're still having these -- we're still having an appropriate configuration recommendation. We're having an exhaustive study. The Austin traffic department has been involved in this all along. We know our city manager is watching this carefully. And it just seems superfluous to me.

>> Mayor Adler: Any further discussion on the amendment to strike the last whereas clause? Hearing none, those in favor of striking the last be it resolved clause raise your hand? Ms. Gallo, Troxclair and Zimmerman. Those opposed raise your hand? The remaining on the dais. Any Kurth discussion on -- you had two more, Ms. Troxclair? What's your next one?

>> Troxclair: I just request that we remove the references to sh 45 from this resolution. There is a reference in the eighth whereas clause --

>> Mayor Adler: You would strike everything --

>> Troxclair: You can read on the eighth whereas clause you can -- it can say prior to taking further steps to expand south mopac. So remove to build sh 45.

>> Mayor Adler: Okay. It's been moved to amend, to strike the words to build sh 45 southwest or from the last sentence of whereas eight. Is there a second to that? Mr. Zimmerman seconds that. Ms. Houston?

>> Houston: So I just want to be clear, the sentence ends -- the period goes where?

>> Mayor Adler: Number eight looking at the top of page two, it would say terminus of mopac to Cesar Chavez, prior to taking further steps to expand south mopac.

[9:30:33 PM]

>> Houston: Thanks.

>> Mayor Adler: Mr. Zimmerman seconds that amendment. Does anyone wish to discuss it? Ms. Troxclair, you could discuss that first if you wanted to.

>> Troxclair: These are two totally different projects. We've heard that multiple times tonight. I understand that the interest in having the further community discussion on south mopac, but sh 45 does not need to be involved in this resolution. I think the inclusion of it really convolutes the topic and the direction of the resolution.

>> Mayor Adler: Okay. Ms. Garza?

>> Garza: I wanted to point out those two whereas clauses, they're just saying what's already been done. It's saying that there was a previous resolution that asked for these things, and the same for the ninth one. It's just saying that on next Monday we're going to be considering these things. It's not -- it's not really saying it's part of our be it resolved.

>> Troxclair: But you can understand and you heard from the testimony tonight that I have a lot of constituents who were very involved in the sh 45 issue, and being the high profile issue that that was having that continually referenced in this resolution is very confusing and convoluted. It's totally unnecessary. It doesn't have any impact on the end results of this resolution that doesn't I am pack the whereas clauses. I think it would be clear for the community if we did not include any references to that road in this resolution.

>> Mayor Adler: We're having further debate on strike the words build sh 45 southwest or from paragraph eight. Ms. Pool?

>> Pool: I just want to reiterate that when the council in may of 2014 passed a resolution, that resolution specifically requested that the study be comprehensive and that it would include financial and transportation and environmental impacts, and in that study in order to clearly define where the boundaries of the study -- it picks out both termni, the beginning and end, the top and bottom, the north and south point.

[9:33:05 PM]

It is simply that language is in there to reflect, as councilmember Garza mentioned, that reflects the intent of resolution 2014052015063 and specifically relates where it begins and where it ends so that there's no confusion about the comprehensive nature.

>> Troxclair: So because it's simply a reference, removing it would not have any material impact on the outcome of the resolution?

>> Pool: I'll just agree with you on that? I think it's important to have both of the terminus points mentioned in this because that adequately represents what that resolution was about a year ago.

>> Mayor Adler: Further debate on the amendment to the substitute? Hearing none, those in favor of the amendment to strike the words build sh 45 southwest or please raise your hand? Ms. Kitchen, Ms.

Gallo, Mr. Zimmerman, and Ms. Troxclair, and Ms. Houston. Those opposed? Tovo, pool, Garza, me and Renteria and Casar. The amendment is defeated six-five.

>> Zimmerman: Mayor, I'd like to call the question on the amendment as it stands.

>> Mayor Adler: On the substitute as it stands. Is there a second? There's been a motion -- he wants to end debate now and call for a vote on the substitute. Is there a second to that? Mr. Renteria. Any debate? Those in favor of ending debate, please raise your hand. Those opposed? Those abstaining?

[9:35:05 PM]

All right. It's 10-1 with troxclair abstaining. We'll now vote on the substitute. All those in favor of the substitute please raise your hand? Those opposed? It's 10-1, troxclair -- 10-2 -- 9-2 with Gallo and troxclair voting no. The substitute passes. We now move to the next item on our agenda, which is item number 42.

>> Greg Guernsey, planning and zoning department. Item 42 is to conduct a public hearing and consider an ordinance amending city code title two and 25 to dissolve the residential design and compatibility commission. This originally started a request by this commission to dissolve itself. The city council passed a resolution in support of that. The main reason is that the number of cases coming before the board has steadily decreased and they felt a need not to exist. So would present that do you. It is ready for all three readings. I don't believe there are any speakers here. William Burkhart, the chair actually was here earlier, but I think he has since left the room. And the letter from the chair asking to be involved and the council resolution by the previous council is included in your become-up.

>> Mayor Adler: Does someone want to approve adoption? I can't -- no speakers from the public, is that right? Does someone want to move adoption of item 42?

>> Zimmerman: To moved.

>> Mayor Adler: Is there a second? Mr. Renteria. Is there discussion on item 42?

[9:37:07 PM]

Ms. Tovo?

>> I wanted to mention that we had a few members of the residential design and compatibility commission here earlier, will Burke heart and [indiscernible] May have been here as well and she did send an email I wanted to summarize saying that she referred to the rdcc as one of our success stories

because in the beginning there were lots of cases and over the years the cases for waivers to the mcmansion regulations really lessened and there was a lot of community outreach and education to the architectural community that has worked. And so I think it's a real great example and a testament to the staff and those volunteers who served on that commission that there's no longer a need for it. That the mcmansion ordinance is working and that the commission itself has served out its purpose. So thanks to all of those who served on the commission and also the staff who supported it.

>> Houston: Mayor? And Mr. Guernsey, I'm sure they did a wonderful and great work. It may be that the residential design committee -- commission was just about the mcmansion ordinance and so with this dissolving, which I think is a good thing. People ought to work themselves out of a job. But there's a concern, of course, in those districts where we continue to have issues about whether they even have permits to build some of the structures that they're building. And so in some ways I'm sad that they're going away because at least there was a place to go, but now there is no place to go.

>> Well, there is a place for them to go. When the rdcc goes away those cases that would have gone to them would now go to the board of adjustment.

[9:39:08 PM]

And so any aggrieved party that feels that they would like to seek a variance from the mcmansion standards could go seek that relief at the board of adjustment.

>> Houston: Just one more thing. The issue in our communities is that people don't go and get those variances. They just build.

>> If they just build, then citizens can call 311, file a complaint and our Austin code department will go and follow up on construction without permits.

>> Mayor Adler: Any further discussion on item number 42? Those in favor of item 42 please raise your hand? Those opposed? It's unanimous on the dais with Ms. Kitchen gone and Ms. Houston abstaining.

>> And mayor, that did include closing the public hearing.

>> Mayor Adler: And to close the public hearing and we approved it on all three readings.

>> Thank you.

>> Mayor Adler: Next item is item number 43.

>> Good evening, mayor and council, my name is Virginia Collier from the planning, development and review department. This is the first of two public hearings for the les Burleson full purpose annexation area. The second hearing is scheduled for Thursday, may 21st, here at 4:00 P.M. Council will not be taking any action on either of these hearings tonight or on the 21st. Ordinance readings will be

scheduled for June 11th. In accordance with the city's annexation policies described in the imagine Austin comprehensive plan, the city should annex areas in order to apply zoning and development regulations protect and expand the tax base. We expanding the areas regulation to codes, approximate expands the city's base.

[9:41:10 PM]

The les Burleson area includes approximately 13.2 acres in southern Travis county, south of Burleson road, approximately 170 feet east of the intersection of Burleson road and Smith school road contiguous to council district number two. This is currently in the city's E.T.J. And in the city's full purpose jurisdiction on the north and west sides of the tract. The air is undeveloped and the owner is requesting full purpose annexation. In 2011 the city proposed to annex this property, however in lieu of conducting the full purpose annexation full purpose annexation full purpose annexation at the time, city staff and the owners authorized an agreement by the Texas government code that established government regulations for the property that provides that it would remain in the E.T.J. If it continues to be used for agricultural purposes. Upon tying an application for non-agricultural equipment of the property the agreement provides that the city could annex the provide in accordance with applicable law and at the time the council is scheduled to approve the annexation ordinance for this area the agreement would be terminated. So upon full purpose neighborhood association annexation the city provides full municipal services as described in the service plan, a copy of which is attached to the council backup for this item. In compliance with statutory requirements, the draft service plan includes main comments. The first being the early action program which includes services provided in the area commencing on the effective date of annexation and including police and fire protection, emergency medical service, solid waste collection as well as the operation and maintenance of infrastructure such as water and wastewater facilities, roads and streets, street lighting and public parks and playgrounds if there were any. The second section of the service plans includes the additional services which are provided citywide, but not provided by state law, things such as watershed protection and development review, use of city libraries, health and human services benefits and clean communities and anti-litter services. Finally could be capital improvements where we would describe any capital improvements that would be necessary to provide municipal services. So this concludes my staff presentation for item 43, again, this is just a public hearing.

[9:43:14 PM]

Ordinance readings would be scheduled for June 11th.

>> Mayor Adler: We have no citizens signed up for this. Do we just move on to the next item? Okay. One, two, three, four, five six. We can keep going.

>> [Inaudible - no mic].

>> Mayor Adler: Someone move to close the public hearing? Mr. Casar, seconded by Ms. Troxclair. Those in favor of closing the public hearing, please raise your hands? Those opposed?

>> Zimmerman: I'm abstaining from the vote.

>> Mayor Adler: That's 7-0-1, with pool, kitchen and Garza off of the dais and with Mr. Zimmerman abstaining. The next items we have, we have only two items that are left. We have 44 and 45. There's one speaker signed up on 45. Is Eric Hanson here? All right. Let's go to item 44. This is the Austin energy matter. Do we have any staff for this? You thought you could hide.

>> By no means is this a record.

[Laughter]. But -- sorry, mayor.

>> Mayor Adler: It's about to be a record for us, I think. Go ahead. If you would lay this out for us, the proposal that is coming of record.

>> Okay. The proposal we have before you today is the adoption of an ordinance with different parts in it.

[9:45:18 PM]

Essentially those parts contain the adoption of a transmission rate, is the first item. The second part is the adoption of an extension for six months of large load factor customers. And I want to ask Andy Perney come up here with me and legal and have him go through the rest of it so that I characterize it correctly.

>> Andy Perney with the city law department. I'll give you a brief walk through of the ordinances. Larry already touched on a couple of them. Part one is the new transmission tariff. Part two extends the largest three load factor customers. Part three and four basically pick up the rest of the long-term customer contracts. Part five is a cleanup of the tariff just to make the tariff that's already on the books consistent with the contract extensions. Part six is the provision dealing with the distinction between the largest primary counts on each contract and then the smaller primary and secondary accounts that fall within some of the contracts. And then part 7 and 8 are just clarifications about the termination of the contracts at the end of the six months. The fact that the tariff remains closed. To new customers.

>> Mayor Adler: So the baseline here on this deal is that this would have us extending contracts for all primary users, is that right?

>> That's correct. That's correct. Our recommendation is the extension of -- for six months of all of the customers that are greater than three megawatts, the primary customers that are under contract, and the adoption of one of those customers into a new tariff.

[9:47:19 PM]

That's the only unique part of it.

>> Mayor Adler: I understand, thank you. We have some speakers that have been identified to speak. If y'all could stick with it. Don't stay here, but don't leave yet. People that are speaking, Mike Rollins is first. And you may want to speak about it generally as well as not only the big three, but also the group after that because that may be something that's discussed on this dais.

>> Thank you, mayor. Mayor, members of city council, Mike Rollins, president of the greater Austin chamber. Earlier this evening I mentioned that we represent a little bit of over three thousand businesses as members of the chamber. Most of those are small business, in fact, 85% of them are. Many of those are iconic long time Austin owned businesses. A point that I'd like to make, those businesses are members, 85% really rely on a larger economic ecosystem for their success. Those are the large users, if you will, for the electricity. Those large users have payrolls of billions of dollars. That money is what goes through our economy here and keeps a lot of the small businesses in business here. I also want to point out that we must keep our electric rates competitive. These businesses are in a global market. And we're operating in a deregulated environment. So affordability of rates, as council previously had set out, is a very good metric, and we're here to support this ordinance, but most importantly, that we continue to be competitive in a deregulated environment with our electric rates for large users. Thank you, mayor.

>> Mayor Adler: Thank you. Next speaker is David king.

[9:49:25 PM]

>> Thank you, mayor, mayor pro tem, councilmembers. And by the way, I just want to wish all the mothers a happy mother's day. I know it a little early here, but I won't see you until after mother's day. I hope you have wonderful mother's day this Sunday. Thank you. And -- I'm just really here to talk about equity. I don't really know the details about this. There wasn't a lot of backup materials about these special rates for these customers that use large quantities of electricity. So I just want to make sure that whatever we're going to decide on in terms of these special rates that the small -- the customers that use small amounts of electricity are not forced to subsidize the electric rates for customers that use

large amounts of electricity. And homeowners, renters and small businesses should not be forced to subsidize electric rates for businesses that use large amounts of electricity. Customers that use large amounts of electricity should not receive special rates that result in higher rates for customers that use small amounts of electricities. And, you know, the -- some of these large companies also receive taxpayer incentives. The council has granted these to some of these large companies. And then these same companies use loopholes in the state property tax system to then get the values of that property lowered, which pushes the burden on to homeowners. So I think you should look at the totality of what they're dealing with there when you set these rates. We shouldn't allow them to have these incentives and then be able to use the unfair tax laws to push the tax burden on to other homeowners and then give them special rates on electricity. I think that equity should be a part of this decision. And, you know, look at the water utility. We're at a situation where the water utility ran for years and years on more and more water. That's how they make more money.

[9:51:26 PM]

Is that what the electric utility is doing? And how sustainable is that? So I think we should look at a policy that says let's discourage uses of large quantities of electricity. Let's put a premium on that. If you use above a certain amount you should pay a higher rate per unit. To discourage that because it is -- we just have a finite amount. How much can we afford? So I think that we should look at strategies to encourage conservation, and part of those strategies should be to escalate the rates if you use higher volumes of electricity. Thank you very much.

>> Mayor Adler: Thank you, sir. Paul Robbins, lance lamansk on deck. E council, I was a volunteer consumer advocate during the last rate case, electric rate case, which began in 2011. And was originally approved by city council in June of 2012. It was appealed in the final settlement was approved by council on March 1st, 2013, in the middle of the last legislative session. During this entire period it was blatantly stated on many occasions that the rates were predicated on expiration of special contracts for large industrial and commercial customers. These customers had ample opportunity to contest their rates in the last three years if they did not like them. However, they left it to the Texas senate committee to intervene about three weeks ago. The implication is that the senate will vote to deregulate Austin's utility. If Austin does not keep industrial rates low. As a ratepayer and citizen I have a number of questions.

[9:53:28 PM]

What will the temporary rate increase cost. How much will the temporary rate decrease for industrial customers raise electric rates for other customer classes? How much will the rate decrease for industrial

customers, raise electric rates for other customer classes if they are made permanent? Who are the specific customers that this contract will apply to if passed? There's discussion of three customers, but then there's the discussion for more than a dozen. Who are these? These customers. How is it legal for the Texas legislature to place rules on Austin energy that it will not place another municipal utilities in the state? Does Austin have legal recourse? Why is a six-month extension necessary to renegotiate rates? I mean, they've already had three years. I'm not trying to diminish the threat you may feel. I do suspect, however, that no compromise will be good enough for some of these industrial customers. And Austin should start planning other strategies for dealing with it, including legal ones. I doubly oppose extensions for customers not discussed in the current proposed ordinance. The top three are egregious enough. Thank you. Lance la mansk.

[9:55:30 PM]

>> Good evening, mayor, city council. Thanks for the opportunity to address through evening, tonight almost. My name is lance la mansk, I'm with freescale semiconductor here in Austin and I'm here today to ask you to support number 45 with a two-year extension of long-term contracts with Austin energy for industrial customers. As one of Austin's largest customers our company provides consistent, stable revenue for our citizen-owned utility and is one of the largest employers we are a long time community partner since 1974. Freescale is Austin energy's second largest industrial customer. Under our current contract our annual bill is approximately 30% above what customers similar to freescale pay in the Texas competitive market. And when our contract expires that gap will increase to over 50%. Compared to other markets. In 2011 the city council unanimously passed an affordability goal, promising to keep all utility rates -- their increases to less than two percent per year. And the utility rates in the lower 50% of the Texas major metropolitan areas. Our rates increased five percent at the beginning of this year, breaking the first part of the goal. And for the second -- for the last several years we have been in the upper 50% and we're now approaching 100 percentile. Significantly out of compliance with the second part of the goal. So we ask the city council to honor the affordability goal. We also ask that this include benchmarks for all customer classes, not just residential classes. And I want to make it clear, businesses are willing to pay a premium, a premium to do business inside the city of Austin, but we ask that the premium be reasonable and be fair.

[9:57:30 PM]

Rates that are 30 to 50% above those readily available and competitive areas surrounding Austin are not reasonable and put Austin businesses at a major competitive disadvantage. Just as the city council extended energy contracts for the state of Texas and the university of Texas in December of last year the

council should do the same for all industrial customers. Please pass agenda item number 44 with the same two-year extension granted the state and U.T. This will provide adequate time for benchmarking and -- of the cost of it was studies needed to support the solutions for all utility stakeholders. So thanks for your consideration.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: Before you go, thank you for being here and waiting to long, the hour's pretty object scene, but we're trying to maintain our dignity here.

>> It was interesting for me to watch.

>> Zimmerman: Can you please send me an email with some backup data with the Numbers you quoted me. There was quite a bit of discussion on that and I think maybe the calculation of that is not trivial. If you could send me that data I would appreciate it.

>> You bet.

>> Zimmerman: Thank you.

>> Mayor Adler: Thank you. Before we get to our next speaker, Mike Thomas, you can come down. Is there a motion to extend past 10:00? Mr. Zimmerman makes the motion. I need a second. Mr. Casar seconds it. Those in favor of extending past 10:00 please raise your hand?

>> No.

[Laughter].

>> Mayor Adler: Those opposed?

>> Me.

>> Mayor Adler: Do you want to be recorded that way?

>> No.

>> Mayor Adler: It's unanimous on the dais with Garza off. Continuing on. Did you vote?

>> I voted

[9:59:34 PM]

>> Mayor Adler: Ms. Troxclair votes no. We'll continue on. Mr. Thomas.

>> Mayor, councilmembers, thank you for this opportunity to speak with you today and thank you for your service. I'm Mike Thomas, I'm here today requesting that you support item number 44 with the two-year extension of a long-term contract with Austin energy for industrial cost customers. We are community partners. Our company deeply cares about Austin community, with over 4500 employees, we are one of the city's largest employers contributing several hundred million dollars to several Texas economy each year. In addition free scale and free scale employees support Austin through various community programs, through sponsorship, donations and volunteering. Examples of these include but are not limited to the stem program with aisd, Austin marathon and half marathon, United Way, American heart association heart walk, habitat for humanity, capital area food bank, capital best robotics competition, keep Austin beautiful, the trails foundation with the 5k moonlight margarita run, various disaster relief programs and many global programs in other locations, Africa, Asia, Europe, south America and Arizona. We are here to help resolve the Austin energy affordability problem as we move forward with this process we ask the 00:00 view us as community partners and in good faith work to resolve the issue. Free scale is also Austin energy's second largest industrial customer. Under our current contract our electricity bill is approximately 30% above what customers similar to free scale pay in the Texas competitive market. When our contracts expire that gap will increase to 50%. As long as we are community partners we're willing to pay a premium for doing business inside the city of Austin, but we ask that that premium be reasonable, fair, and adhere to the affordability goal passed unanimously by city council in 2011.

[10:01:48 PM]

A contract extension at this time is the best solution not only for businesses but for Austin energy and the city of Austin as a whole. Please pass item 44 modified to extend current energy rates for two years while we work through -- while we work with city council and Austin energy to find an affordable long-term solution for all utility stakeholders. Thank you for your consideration.

>> Mayor Adler: Thank you, sir. Mike Thomas, Chris art. Todd Davy is on deck.

>> Mayor, councilmembers, thank you for this opportunity to speak with you this evening. I am Chris, facilities manager at the ed bluesteven facility location for the free scale site located in east Austin. Item 44 is a complex issue and I am here to ask for an extension as we work diligently with the solution to find a solution to the drastic rate increase expected when our contracts expire at the end of the month. Pre scale is Austin energy's second largest industrial customer. Under our current contract our annual bill is approximately \$8 million above what customers similar to free scale pay in the Texas competitive market multiply our contract expires this gap will increase to over \$10 million. We are willing to pay a premium for doing business inside the city of Austin but we're asking for the premium to be reasonable and fair. While all rates for industrial customers in other cities are 45 to \$50 per megawatt hour we're currently paying \$66 and our rates will jump to \$79 when the contract ends. For some these will be even

higher. Since we operate in a very competitive marketplace we can't simply pass these increase to our customers. As a result we must cut other costs in our operations or we lose this business.

[10:03:48 PM]

This can translate into loss of jobs, wages and tax base for the city. These rates mean Austin is no longer a competitive place to do business compared to other Texas cities. This makes it harder to attract new businesses to Austin as well as retain the existing ones. We're currently out of compliance with the affordability goal the city council passed in 2011. The intent was to ensure rates for all customer classes, residential, commercial and industrial are affordable and competitive with other Texas major metropolitan areas we're asking for your commitment to take necessary steps to slow down the affordability gap run away and begin the return to affordable energy rates. Please pass 44 but with the same two year extension the city granted the university of Texas in December this past year. This will provide adequate time for benchmarking and cost of service studies need to support a solution for all utility stakeholders. Thank you for your consideration.

>> Mayor Adler: Thank you. Todd Davy. Roger wood is on deck.

>> Mayor and city council, thank you for this opportunity to speak today this evening. My name is Todd Davy, I'm the manager of corporate services of global procurement here at freescale in Austin. Item 44 is important to our business. I am here to ask the council to support a two-year extension of the contract for large customers. This will allow the time need to work together on a business model to affordably provide energy to customers. As Austin energy briefed the council recently in December 2011 ERCOT shifted from zone to nodal market, this changed the economics and the business model of electric utilities across Texas. Utilities no longer control how their assets are utilized or who receives the power generated from those assets. ERCOT determines the market rate based on prices submitted and energy demand.

[10:05:51 PM]

Despite the more efficient marketplace and recent declines in the cost of energy, our prices have been increasing significantly above benchmark cities. Contracts with large customers are typically viewed favorably by rating agencies. Approving this item aligns with Austin energy's goal to maintain strong financial position in support of the utility's risk management strategy and achieved improved credit ratings as measured by bond rating agencies. Freescale has been a member of the Austin community for decades. We believe in making a positive difference in the communities where we live and work. Our community engagement includes STEM, education, American heart association, green choice, habitat for

humanity and keep Austin beautiful. We support Austin values, affordability is an Austin value. Please pass item number 44 with the same 24-month extension the city council granted the state of Texas and university of Texas. Granting a two-year extension of these contracts allows the city and Austin energy to evaluate methods to affordably deliver energy to the city of Austin and effectively operate in ERCOT's nodal market. This is an important step for Austin energy to operate in the lowest 50% of benchmark cities and to fulfill their mission to deliver clean, affordable, reliable energy and excellent customer service for the residents of Austin. Thank you for your consideration.

>> Mayor Adler: Thank you. Lodge Roger Wood. Brian Turner on deck.

>> Mayor, councilmembers, appreciate the opportunity to talk to you tonight. My name is Roger Wood. I'm with the global facilities department at Free Social Security Scale. I'm not going to go over a lot of the same things you've heard from other Free Scalars here but wanted to hit a couple topics in particular, one is requesting a two-year extension versus six months and we've actively been pursuing trying to get a contract renegotiated with Austin energy for the last six months and so far we've gotten nowhere with it so we think it's going to take longer than six months unless something drastically happens.

[10:08:17 PM]

And one of the things I hear talked about a lot is we need to do a cost of study, cost of service study, and I agree with that. We did one back in 2011, as somebody mentioned. I think the revenue year used for that cost of service study was 2009. As we know, at least from the benchmarking we've done, back five years ago, before five years ago, the rates looked pretty good here compared to the rest of the competitive market. But in the last five years they don't. So a lot has changed in the last five years. As mentioned by someone here previously, one particular thing that changed is the ERCOT model, the nodal model replacing the zone model. That makes a big difference in the way Austin energy operates and I think they explained that to you here the other day. Where basically all their power is sold into the ERCOT market and all the power that they buy for our load comes from the market, not from their generation. So the dynamics in the financial aspects of how that works is completely different than the situation back several years ago. So just to wrap up, I'd like to request, again, a two-year extension to get through this process because we think to go through that cost of service study type process is at least a one-year process based on how long it took us last time, by the time they do an RFP, get consultant from Austin energy, get the community together, put committees together, go through the study, and then at the end there's also a review of all those rates back again with the community, and it gets presented back to the council. So that took a lot of time. So unless there's imposing to be some way to speed that up dramatically, I think it's at least a 12-month exercise.

[10:10:20 PM]

So that's all.

>> Tovo: Thank you. Sir, I missed the time. One piece of your time frame. You were suggesting that a lot has changed since the advent of the nodal market. Were you suggesting that a lot -- that those changes have impacted rates since you entered into the long-term contract? Or were you suggesting that those changes have played into -- or have adjusted the situation since the rates were adopted? Back in -- back when the council adopted the new rate structure that would, if these contracts are not extended, raise yours?

>> The -- well, the markets -- the way the market operates has changed. So, you know, I don't know what impact that has on our rate calculation, but it's a significant impact on the way Austin energy operates.

>> Tovo: Sure.

>> As they explained.

>> Tovo: I guess my question was, I thought you heard you suggesting that those changes have happened since the council adopted its new rate structure, and that timing -- I mean, we were already on a nodal market before the council --

>> I think the --

>> Tovo: Made the rate changes.

>> -- Happened about the time we did it but I think the revenue year was 2009 for that --

>> Tovo: The test year, yes.

>> Yeah, 2009.

>> Tovo: And that -- and you're suggesting --

>> Well, I'm saying since 2009, a lot has changed. When we benchmark back in that period, the rates were pretty competitive. But today they're not.

>> Tovo: I see.

>> We're 30% -- right now we're 30% above the market. Rates we can easily get anywhere around Austin in -- you know, I just talked to someone today that's a business here in town, and they just did a contract in north Texas at rates that are about 45% lower than what we're doing now.

[10:12:23 PM]

>> Tovo: Okay. I understand the point you're making. I just -- I really wanted to be very clear on the fact that the nodal market was in place when the council adopted the new rate structure. But I --

>> Well, yeah. It's in place, but I'm just saying that it's -- it's changed -- you know, it's taken it a while to evolve over a period of time.

>> Tovo: Okay, thank you.

>> It didn't just happen all at once.

>> Mayor Adler: Any further questions? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I wanted to echo what mayor pro tem has said, the timing didn't sound right heather because that new market of buying and selling off the grid, we thought that was in about 2009-2010 time frame so it should have been about two years, right, of that new arrangement.

>> Yes, but the cost of service study was based on year 2009.

>> Zimmerman: You're saying when the rates were done in 2012 it was wasted --

>> Well, the cost of service study was a 2011 and it was based on year 2009 revenue.

>> Zimmerman: That's important because you were still trying to get -- I'm still trying to get accurate data. There seems to be a lot of disagreement about what the cost of service is so I'm trying to get that data.

>> I understand.

>> Zimmerman: Okay. I had another question but I guess there will be somebody else to come up. That's okay. Thank you.

>> Okay. Thank you.

>> Mayor Adler: Thank you very much. Brian Turner. Mark Carol, Berry is on deck.

>> How are you? Thanks for staying late. I live in southwest Austin and I work at Cypress Semiconductor, we merged with Cypress the middle of March. So in general we're asking for two things just like the previous speakers we're asking for an extension of our contracts while we work together to find a solution to the rate hike, similar to the same arrangement granted to the state of Texas and the University of Texas back in December '14. We're also asking for the adoption of the transmission rate representative.

[10:14:27 PM]

Our site generates 30 megawatts of peak demand energy annually making us one of Austin energy's largest and most stable customers. As you know we're a base load of customers, operate 24 hours a day, 365 days a year. And since we built our substation, we are transmission level customers. We're currently paying around \$64 per megawatt hour and our contracts expire our rates will jump to over \$70 per megawatt hour. We ask that the city council please extend our consideration before they expire at the end of the month to avoid the damaging effects of these new rates. We believe an extension of the industrial class customer rates will reduce the burden on Austin affordability and allow Cypress to continue to be successful in our operations. A contract extension is the best solution not only for our business but also we believe for the city of Austin. We ask that you please extend these and it's we also ask for adoption of the transmission tariff for Cypress Semiconductor. Thank you very much.

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

>> Thank yous being mayor, councilmembers.

>> Mayor Adler: Peter Rike on deck.

>> I'm the electrical engineer for Cypress, and as Mark mentioned we are a transmission customer, which basically means our meter is 138,000 volts instead of the usual primary 28,000. We got there because we built our own substation, we own the transformers, switch gear, we maintain them and do all of that. How we got there was back in 1994, I convinced my management, which was AMD, that along with building our new factory in southeast Austin we should build our own substation, several reasons, one they didn't have any capacity anywhere nearby, and we needed 30 megawatts, two, we could build it a lot faster than Austin Energy and I could add reliability enhancements I wanted, and, three, we would qualify for the transmission level service which has a much lower cost of service than primary or secondary and so on.

[10:16:44 PM]

So at the time, though, Austin didn't really have a transmission rate because there really weren't any transmission customers in Austin. You'll see it more often in Houston, Corpus Christi, where there are real large customers. So in discussions with Austin management then, city of Austin, not Austin Energy, they said yeah, you're right, we really don't have a good transmission rate. But the very next time we have a rate case, we'll get you one. Which I thought at the time would be one two-year years but turned out to be 2012. So then even then it didn't really get implemented with the Spillman phase one, phase two proposal. So I didn't really get the transmission rate that I wanted so after 20 years I look forward to working with Austin Energy to finalize a transmission rate.

>> Mayor Adler: Thank you.

>> So I had been working on it for more than three years.

>> Mayor Adler: Right. Thank you, sir. Peter Rike. Returning it? Thank you very much. Next speaker is Carol jitski. Is ruby here? Is David Cortez here? You have nine minutes.

>> Okay. Thank you, Mr. Mayor. Councilmembers, good evening. My name is Carol, I am executive director of Texas rose ratepayers organization to save energy. My organization does utility work. We advocate for low income and residential consumers. In looking at this bill, at least what was posted online, I could not decide whether I really wanted to be for this bill or against this bill. It's a bill -- it's an ordinance. First of all, I was involved in the last -- in the most recent Austin energy rate case and I was not directly involved in discussions regarding these industrial contracts.

[10:18:57 PM]

However, it was my understanding that everything was set up so that when may 31 of 2015 rolled around that these contracts would roll over to tariffed rates. That's what I understood the deal was. Now all of a sudden the deal has changed. We're looking at, you know, extending these contracts. Now, part of the problem here is that, do we really now how much these contracts are costing other customers? In the rate case I remember there was a number of \$23 million that was I think even involved in the rate case documents. And then a few weeks ago there was the editorial in the Austin American statesman and I think they used the words "Roughly \$25 million a year." Well, what is this number really? We should know. Because everybody else on the system is paying for it. Now, first of all, the base rate that is paid by these customers is below the cost of service. They are paying less for the rate than what it costs to produce it. In addition to that, they are exempted from any -- the community benefit charge and the regulatory charges. I mean, there are fees that -- I think that psa, the purchase power adjustment is something that they are subject to pay as it changes, but there are all of these costs on our system that are good things that are doing good things that they seem to not be paying. So my question is, if we are going to continue this practice, let's be above board about what costs these customers are not paying and how those costs are being paid by other customers on the system.

[10:21:12 PM]

The second part of this is -- so that's one thing. How much does it cost? The second thing is equity. You all know that I like to talk about equity and I have been trying to get a basis of comparison for different kinds of expenditures that are on the system, notably the cat program, and I was able to find the end-of-

the-year fourth quarter and year-end report given by Austin energy to the electric utility commission on December 15 of 2014, which has an unaudited number in here. There's only one number. You can all have a copy of this but it's not that informative. The benefits provided was \$8.9 million. So here we have -- we're spending \$8.9 million a year to try and help people who really can't afford to pay for their utilities, stay on the system, and then we've got, like, \$25 million to subsidize corporations? I mean, they're -- let's face it, folks, this is not -- you know, I mean, this is not an equitable situation by any stretch of the imagination and you, as councilmembers, are going to have to decide what to do about this. Now, I think we need to answer a lot of important questions, and one question is so if we have not been charging these large industrial customers enough money, are we going to back bill them? For what has already been paid for by other customers on the system? This is what we do to -- was that we do to low income people who receive northeast, you know,, oh, like you receive too many benefits so you're going to have to pay that back to us. Are we going to charge them for this? How are we going to move forward? So equity, the total cost, these are all concerns that, like I have and so do other people in the community.

[10:23:16 PM]

The third thing is process. As I've been sitting here listening to the testimony of some of the contractors, I hear them describing a process that is saying -- that is the same as the last rate case process that we went through. So I am here to encourage you to please let's not do this over again in the same manner that we have to have some changes in the process so that it's more efficient and that it's more fair and that it provides a better result. Now, during the last rate case, those of us on the consumer side asked council to establish a hearing process where -- where a -- an objective, like, outside administrative law judge with experience in utility cases would actually come in and, you know, listen to everybody in a hearing process and comb through all of the testimony and evidence that was presented and provide you with a -- what do we call it? I know the acronym but it's a recommended decision. And that recommended decision is something that you can vote for, you can vote for all of it, part of it. You can pull it apart. You can ask questions about it. And we think that it would -- it would be a benefit to everyone involved in the process. Especially consumers, including council, to have some outside assistance in reviewing this case. I certainly am not looking forward to starting another two-year process and doing it in exactly the same manner that it was done the last time. We still don't have consumer representative for this forthcoming procedure.

[10:25:20 PM]

I know that's something that I've mentioned before, and we need to prepare for this in a way where everybody has a voice in the process and everybody is heard and everybody's viewpoint is taken into account. So that's my -- my message to you is to make sure that if we extend these contracts, that they're extended for a very good reason. So that we're moving forward in a manner that is deliberate and gives us a result that is fair to all of the customers on the system. That concludes my comments.

>> Mayor Adler: Thank you. Michael Whellan. And then Trey Salinas.

>> Good evening, my name is Michael Whellan, again here on behalf of St. David's healthcare and I want to share with you some facts that exhibit distinguish St. David's as one of the people that has a long-term contract. As I mentioned earlier the area's third largest private employer with 8100 employees across 110 sites serving central Texas. Since 1986, St. David's healthcare has invested more than \$1.4 billion in capital improvements at its facilities, throughout the and I in central Texas without seeking any donations from the private sector. Repeat that, \$1.4 billion without any donations from the private sector. St. David's healthcare has also provided well over \$1 billion in uncompensated care since 1996 and last year provided approximately \$90 million of uncompensated care to our low-income neighbors who are in all likelihood the electric consumers you just heard about. St. David's healthcare was ranked as the third largest property taxpayer in the county based on taxable assessed values and has paid more than \$220 million in taxes since 1996.

[10:27:31 PM]

In part, in addition to the taxes that are paid to -- and the uncompensated care that is provided, St. David's foundation has also contributed over \$235 million since 1999 to a variety of organizations throughout the community that provide much needed care in areas that go unfilled by other public and private systems. As you can imagine, running diagnostic equipment such as CT and MRI requires a great deal of energy, as does HVAC equipment required to be maintained in operating rooms at 60 to 68 degrees at the same time as running high energy heat producing equipment in some of the more specialized rooms is expensive, 24 hours a day, seven days a week, 365 days a year. Southern California St. David's healthcare is a proud partner with the community in so many ways and we are not going anywhere. We are here. We are married to this community. As some of you have heard me say, we are simply seeking something mercy associated with the electric rates that we are charged. St. David's healthcare has one facility, it's our primary account that draws more than 3 megawatts, the standard of David's North Austin medical center. We also have six other facilities that are part of the long-term contract we have with the city, which includes hospitals and medical office buildings. The long-term contract does not include smaller facilities scattered throughout Austin energy's service district, just the one primary account and six secondary accounts. As you are considering how to respond to the long-term contract issue, we would ask that you please consider the property taxes that St. David's healthcare pays.

[Buzzer sounding]

>> The tens of millions of dollars of investment that St. David's foundation makes annually to organizations such as people's community clinic the fact that 8100 employees work at St. David's and the extraordinary amount we shoulder annually.

[10:29:33 PM]

We simply request you extend the contract with all seven of its facilities within this contract and that any future rate increases and are inevitable are done on a graduated basis. Thank you for your time and I hope these serve as good reasons to extend the hospital's contract. Thank you.

>> Mayor Adler: Any questions?

>> Casar: Just a quick comment.

>> Mayor Adler: Mr. Cavanaugh Casar.

>> Casar: Mr. Whalen, I had a chance to visit and I've been mulling over it and I've sent most of my staff home so I can't tell you my thoughts since then, I wanted to mention it now that I appreciate greatly what the hospitals do, but at the same time within that whole list of folks we would extend contracts to, it would include technology companies, retail locations, it wouldn't just be to other hospital campuses, it would be to several retail locations and other tech locations and so my thinking -- and I'll make more comments in a moment when we're about to take the vote -- is that if this council judges it as a value of ours to provide additional support to those providing things like indigent care into our hospital network would I want to take a look more comprehensive at the different ways in which we tax and receive revenue but also the ways that we subsidize local state and federal levels our healthcare system so that we can do that more comprehensively and not feel like in this action we are -- by trying to support some of our hospitals also providing additional subsidy to technology companies second or third locations or retail locations 15th or 16th locations and so I just wanted to mention that to you now.

>> I understand. Or you could bracket it to be any hospital that provides more than \$10 million of uncompensated care in a year would be -- the contracts might be extended to.

>> I figured you might say that.

[10:31:33 PM]

>> Yeah.

>> Mayor Adler: Mr. Salinas, our last speaker.

>> Mayor, council, thank you. I'm Trey Salinas representing sea care, coalition for clean affordable reliable energy, which many of your largest employers, I believe as you know, here in Austin, companies such as Samsung, Freescale, IBM, Dell, Seton and the list goes on. I'm going to forgo the prepared remarks because the hour is late and I want you to know that we are here as a resource if there are questions. Couple of companies I would like to touch on quickly, following up on what Mr. Whalen said and what councilmember Casar said, I hope you will take special attention to the hospitals. We learned yesterday afternoon that some of your most important hospitals that provide indigent care such as Brackenridge, Dell's childrens St. David's will not get a contract extension under the current recommendation. We think that's unfortunate. We look forward to discussion and hope we can get that fixed. There's a lot of other points I would love to address at the right time but, again, the hour is late. We are here for questions and we'll stand ready to answer anything that we can. Thank you.

>> Mayor Adler: Thank you. We're now back up to the dais on this item, 44. Is there a motion? Ms. Gallo you want to move adoption.

>> Gallo: Yes.

>> Mayor Adler: Ms. Gallo moves adoption, is there a second? Mr. Renteria. We're now in discussion.

>> Casar: Mr. Mayor? I would like to move an amendment to this to include only parts one and two, seven, eight, nine of the ordinance. So we would strike the other parts and to clarify for those who might second without debating that would make it so that we extend the contracts only for those customers whose meter demand was at least 20,000-kilowatt hours in two of the last six billing months which would collide our highest tier of users but would not extend the contracts to other customers and would also create the tariff rate --

[10:33:56 PM]

>> Mayor Adler: The new transmission tariff rate.

>> Casar: New transmission tariff right.

>> Mayor Adler: It's been moved to amend the motion to as to apply to only the upper tier and new transmission rate, so it covers our three largest users. Is there a second to that motion? Ms. Houston seconds that. Discussion now is on the amendment.

>> Casar: May I explain?

>> Mayor Adler: Yes.

>> Casar: The amendment. So I have to express that I'm pretty disappointed about how this situation has played out. I think it's no secret to anyone a large part of this conversation has to do with the debate at the legislature. All you have to do is pick up the newspaper to see that or executive session, what's been announced for executive sessions. Partly a debate at the legislator on a bill that could easily cost Austin in the hundreds of millions of dollars, depending on how things play out, and I have to express some of my frustrations, frustrations of some of my constituents as well, that companies that I'm sure want to be supporting our city and have expressed their support for our city, that they have supported it in part or in whole regulation -- sorry, or -- sorry, legislation that could cause deregulation, that supporting any part of that ultimately could push forward bills that would be very dangerous and in my view harmful to Austin so we should be having that very debate that's been had at the legislature rather here at the city council level. Thankfully I guess that's what we're starting to do and that's what we'll be doing over the next few months. First we'll be looking at what rates for folks should be and then also make the structural changes that we need to make to fight back against any future threats at the legislature, but the reason that I want to extend these contracts only to those three users or the largest - or the category of the highest electricity users is because my understanding from our staff and from watching some of the last rate case in person and on the videos was that we were not considering extending contracts in order to make this all balance out for everyday customers.

[10:36:28 PM]

We were not considering extending contracts to a large portion of those large customers beyond the big three. And so I don't see how it would be productive for us to extend contracts for six more months that -- and our planning for this rate case which we've been talking about for years we would never extend -- we aren't considering extending six months from now. So essentially what we would be doing by extend -- by passing this ordinance in full is leaving a lot of money on the table, millions of dollars on the table that we need for our reserves. And those reserves help us shut down dirty or inefficient power plants, they help us feel confident as a utility and investing in other great things we want to invest in. They help protect our homeowners and renters' electricity rates and so, in my view, we can achieve the goal, as stated, and we can consider over the next few months structural changes at the utility to protect the legislature while also figuring out what the right cost of service is and if we want to extend any further contracts for the biggest users. But why I don't see the reason for extending contracts to a large number of users who, frankly, in the plans, we were never going to be extending -- in my understanding, a new contract to. So what we're doing is kicking the can down the road and leaving money on the table that we need for our reserves if we don't -- if we adopt this ordinance with the sections that I've struck. So I would urge my colleagues to vote for my amendment.

>> Mayor Adler: Further discussion on the amendment? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I'd like to be recognized to speak against the amendment. With all due respect to my distinguished colleague from district 4, we kick the can down the road a lot here, and, you're right, it is a kicking of the can down the road.

[10:38:35 PM]

It was my understanding that there would be several million dollars that would come out of the reserve fund so I concur with you on that. But I think the fact that this is going only until November 30 -- I mean from the large user' point of view, it's very short-term, only six months. I think for the sake of some of the complexities here I've asked a couple questions of people, what exactly is the cost of service? There seems to be still disagreement about exactly what it costs, and adding to that complexity, is we've done some incentive deals with large companies like Samsung, right? So sometimes, you know, the city has provided substation or some transformers and so we're having some trouble figuring out -- I mean, I'm talking about our counsel. I know this was discussed back in 2012 but we weren't here, I wasn't here, I didn't have the advantage of knowing in detail what those agreements were. It's partly my fault, but I would like a little more time to look at that as well. So that's why I think I'll be voting against the amendment.

>> Mayor Adler: I also am going to be voting against the amendment. In answer to some of the questions I think that Paul Robbins had raised earlier, the cost associated with the contract extension is not impacting any other rate class. The impact on the budget is that the deposits that we're making into our reserve are slowed by that cost. It -- as I recall, it's about \$3 million for the extension so it's \$3 million that would have gone into reserves that won't go in that quickly. You know, I think that there are issues with respect to Austin energy and how we do rate, how we do transfers, that are issues that, while they were raised by the legislature, were also issues that many of us, myself included, were Reyes raising last year while we were campaigning without regard to the legislature.

[10:40:53 PM]

I think that those concerns were raised again at the legislature, and I think we're going to move to those. I think we're going to, as I hope as a body, take a look at how we do the transfers. Over the course of that conversation, we also had conversations with the ratepayers that we had and, you know, there's a disagreement as to how much they're paying to Austin energy relative to what they would be paying in a different area, and I think that in extending it for the -- for any class, it's a similar question. And we've said that we would sit down and engage with those users that. They wanted to have a much larger, longer extension, as evidenced by the requests we've heard here tonight and I think it's important that we hold to the six months. And, further, I think that we should not extend the contracts as to secondary

uses but just for the primary users. And I would extend it for that group of primary users that are of a certain size, which is what the ordinance now covers, in part because I think that the same conversation we're going to have with any of them would be the conversation we would be having with all of them with respect to those -- those rates. I think it gives us a chance to put our imprint on those questions, and we've been asked to consider those issues more broadly and I would do that for this limited period of time. As part of our overall look at how we do Austin energy, and I would add as an aside that over that six months, there's some things that for me I think will just not be negotiable, and that is passing through the fuel charge.

[10:43:01 PM]

That is a pass-through that comes to us from ERCOT, and having everyone -- everyone in our system assume their fair share of the community fund that is created. But for those reasons I'll be voting against the proposed amendment. Any further discussion on the amendment? Ms. Gallo?

>> Gallo: I am so glad, mayor, that you went before me because you articulated that much better than my foggy mind, tired brain could at this point, but I agree with all those issues, and I will be respectfully not voting for the amendment. What I see this is an opportunity for a brand-new council with people, with the exception of our mayor pro tem, who were not here during the discussions of the rate case, and it also gives us a chance to make changes to and incorporate progress in a different way of doing things with Austin energy that we've heard so specifically from both the residential customers and the small business customers and the large business customers. So I think there's just across the board a lot of issues that we're working on. This will give us that time to do that over these next six months, and it may very well be that all of these companies don't end up with contracts at the end of this period of time, but I think all of us have really asked a lot of questions and really want to work in the direction of trying to find those answers and get those answers without making a quick decision at this point. So thank you once again, mayor, for articulating the reasons that I would have said too, but in a much better way. Thank you.

>> Mayor Adler: Further discussion on the amendment?

>> Casar: Mr. Mayor? May I try to -- I'm going to try to be a little more concise with my comments because I did have the foggy fourth hour of work comments there.

[10:45:07 PM]

I do think we should leave or imprint and I know that we will be working on this in the coming months, but my understanding is that if we want to balance the books appropriately that we will not be able to extend special contracts to the second category of users. If we choose to extend those contracts, then we will have a hole somewhere, and if we choose not to, then we will have just left this \$3 million on the table without reason. So I urge that we not extend it to that second group so that we can leave our imprint and we can make that decision, but, you know, I would prefer that we make that decision while charging what it is that was expected in the rate case for us to charge, and I understand that that isn't going to be raising anybody's rates if we include these users, but \$3 million in the reserves is still \$3 million.

>> Mayor Adler: Any further discussion on the amendment? Hearing none, those in favor of the amendment please raise your hand? Mr. Houston, Mr. Casar, Mr. Renteria, tovo, and pool. Those opposed to the amendment please raise your hand? Troxclair, Zimmerman, Adler, Gallo, kitchen, the amendment fails on a 5-5 vote. We are now considering the resolution. Any further debate on the resolution?

>> Casar: Mayor?

>> Mayor Adler: Yes.

>> Casar: I do have a concern that I did have some time to speak with councilmember Garza and she's gone but she did express her opinion to me on this matter so that makes it difficult for me to know how to vote in this situation.

>> Mayor Adler: Well, how about

if we do it this way: This matter is before us on first reading, and we could not pass it through three readings without seven affirmative votes.

[10:47:18 PM]

Which means that if we take a vote in the second and it passes, that would be on first reading only and it would be coming back to the council then for second and third readings.

>> Casar: Well, then I would urge my colleagues that voted for my amendment to vote for first reading only so that we can consider councilmember Garza because I believe that she would have played a decisive role in that vote.

>> Mayor Adler: Okay. I don't have any problem with treating this as a approval on first reading. Because we're not going to have votes to do otherwise any how. So the motion is to approve this on first reading. Any further discussion? Those in favor, please raise your hands. Those -- so it's unanimous on the dais with Garza off. Passes on first reading. We have one item left with no speakers, item 45. I want to

confirm that. That Eric Hanson is not in the room? No speakers for the public hearing. This is public hearing and potential ordinance?

>> Yes.

>> Mayor Adler: Is there a motion to close the public hearing? Ms. Pool, seconded by Ms. Kitchen. Those in favor of closing the public hearing please raise your hand. Those opposed? The vote is 9-1, Zimmerman voting no with Ms. Garza off the dais. Would you please set us up the ordinance.

>> Yes, sir. Mayor, council, Betsy Spencer, director, neighborhood housing community development. This item was obviously to conduct a public hearing and consider a resolution that, if approved, will provide the developer the resolution for the application submission to the Texas department of housing community affairs. This specific development isality rich 51 apartments located in the Robert Mueller municipal airport redevelopment.

[10:49:21 PM]

The developer an affiliate of Diana mcgunfire and associates. You may recall she spoke with you several weeks ago regarding the transaction and development. This item pertains to the requirement of the application process for low income housing tax credits, specifically the developer is seeking a resolution of no objection to the tax credit application. Additionally, you have a memorandum on the dais that lays out a future actions related to this development. It should be on yellow paper. And I'm available for questions.

>> Mayor Adler: Are there any questions about this item, number 45? Is there a motion? Mr. Renteria moves adoption or approval of the ordinance. It's been seconded by Ms. Houston. We can approve this on three readings now no?

>> Yes, sir.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. One quick question. I think it was two years ago that state rep Jason Isaac had taken a look at the statute on this, kind of on the definition November objection. His legislation failed. I think what he was trying to do to say if any councilmembers, like myself, if there were one councilmember who was in opposition, then there was objection. So, in order, the no objection resolution had to be no objection, had nobody unanimous. But that legislation I believe failed so I'm going to state my objection to this, but it's my understanding that it will pass anyway and that will count as no objection even though I objected.

>> I believe that to be accurate.

>> Zimmerman: I think that's the case. Okay. Thank you.

>> Mayor Adler: Any further debate on item 45? All in favor of passing on all three readings on 45, please raise your hands. Those opposed? Ms. Troxclair, how are you voting? I'm sorry? Abstention. So the vote is 8--- you objected, 8-1-1, Zimmerman voting no, troxclair abstaining and Ms. Garza off the dais.

[10:51:33 PM]

I think that is everything on our agenda. Let's try real hard not to go to -- 46 was postponed. So we'll adjourn the meeting at 10:51 thank you.

[Meeting adjourned]