

# City Council Regular Meeting Transcript–10/1/2015

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 10/1/2015 6:00:00 AM

Original Air Date: 10/1/2015

Transcript Generated by SnapStream

=====

[10:27:06 AM]

>> Mayor Adler: Are we about ready to go ahead and start? Today is Thursday, October 4, 2015. 1st. Did I say 4th? If only we were to the 4th already. Thursday, October 1st of 2015. We are in the city council council chambers at 301 west second street. The time is 10:25. We have a quorum present. We're going to begin this meeting with invocation. We have the very reverend father David Barr this morning. Sir, please come down and lead us. Everyone please rise.

>> Let us pray. Oh, our god we pray for the mayor and members of the city council of our city of Austin. And of all those in civil authority throughout our country and state. Do thou grant unto these thy servants the prosperity of Moses and wisdom of Solomon under the glory of thy name. We pray thou will keep this city and country free from wrath, civil invasion, civil strife and sudden death. That our good god who loves mankind will be gracious, favorable and conciliatory and stir away all the wrath against out and sickness and deliver us from all his and hear us O god our savior and of all those who are far off upon the sea and be gracious upon our sins and have mercy on us for our merciful god.

[10:29:12 AM]

Under thee we subscribe glory to the father and son and unto ages of ages amen.

>> Mayor Adler: Thank you, father. Before we get into the consent agenda, we have two things, council. First, mishouston.

>> Houston: Thank you, mayor. As a graduate of black sheer elementary school here in east 11th street, I am so proud of what has occurred at that facility. Black sheer was recognized as a national blue ribbon school on Tuesday. Black sheer is the only school in central Texas to receive that recognition and only one of 28 schools in the state. This award is from the U.S. Department of education and they will be traveling to the Washington, D.C. Area on November 9th and 10th. In 2014 blacksheer became the district's first elementary school that is called a fine arts academy. And for once this is a total school arts academy. Everybody in the school participates in fine arts programming. 94% of our students passed all subject areas of the state Texas assessment of academic readiness exams this past school year and so I want us to give a big shout out to blacksheer elementary school, the students, the parents, the faculty and staff and all of the volunteers that help make this school such a great asset to our community.

[Applause]

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

>> Gallo: Thank you, mayor. As you mentioned today is October the 1st. It represents several things. First of all, your mayor and councilmembers have now been up here serving the residents of Austin for nine months now. Second, I think fall has arrived, which means that our temperatures today will be a cooler 93° instead of 103°.

[10:31:21 AM]

But most importantly to me and if anyone knows me knows that I love holidays. The pumpkin patches in the city of Austin have now arrived. So our staff is passing out -- I don't know if it will go down. Is passing out pumpkins that Taylor Smith, if you know Taylor who works in our office and I on Sunday helped unload almost 40,000 pumpkins to the tarrytown methodist pumpkin patch on exposition. I think it was closer to a million. But there are pumpkin patches all over. Tarrytown has been doing their pumpkin patch over 25 years and the proceeds go to their youth ministry program. All of you who want to get into the holiday spirit I encourage you to stop when you pass one of the pumpkin patches in your district and I hope to see lots of pumpkins floating around city hall.

>> Casar: And no one pound their fist on the dais today because my pumpkin will slide off.

>> Zimmerman: We pledge not to use these as weapons too.

>> Mayor Adler: That's right. It's in our rules. So let's talk about the agenda that we have today. The consent agenda. Let's go through this real fast. On item number 1, which are the minutes, this is an item that's not being pulled. Item number 1 minutes, not being pulled, but I do want to comment on it. There

was some question as to the item with respect to castle hill. As council will recall, this is something that came to us, it hadn't quite been worked out. The parties left, they worked out a solution, they came back, it was read into the record and we purported to approve it on all three readings. But according to our rules 2-5-12, format of proposed ordinances, under the general rule with some exceptions the general rule is that for an ordinance to be considered it has to be submitted, there has to be a written draft submitted for us to consider.

[10:33:37 AM]

The exception to that is zoning matters may be submitted on first reading without an accompanying written ordinance. In this case it was read into the record. So by our rules we could not actually approve that on all three readings. By our rules we could only approve it on first reading. So the minutes reflect a first reading approval. It would be possible for us to waive our rules. I would propose that if we were ever going to waive a rule, we waive our rule prospectively instead of after the fact, but we could if we wanted to. I point that out because as to that cast sell hill matters, it's reflected in the minutes that we approved it on first reading only because there was no written draft. It will be set if there's no rule change, it will be set for the next meeting or the meeting after that so that it could be approved on second and third reading. Or someone could move to waive the rules so that it could be approved. But in the absence of that, the minutes say approved on first reading only. That's item number 1. I'm showing pulled on the consent agenda to be items number 4 and number 5 by Mr. Zimmerman, 10 and 11 by councilmember Zimmerman, 21 by councilmember Zimmerman, and 26 by councilmember Zimmerman. I have number 28 being postponed till October 15th. And I have Mr. Casar pulling item number 32. I have item 39, which I have pulled. Our consent agenda goes from number 1 to number 41.

[10:35:38 AM]

Are there any additional items to be pulled? Then before we take a motion on approving the consent agenda, we have three speakers to speak on the consent agenda. Mr. Hirsch, Mr. King and then Mr. Avedis. Mr. Hirsch.

>> Thank you mayor and members of the council. My name is Stewart Harry Hirsch and like most in Austin I rent and I'm here to speak specifically on the item related to the housing trust fund. I think I signed up for 12 but it's really 12 and 13. On April 20, 2000, the city council created the housing trust fund, the same day it created the smart housing policy. The promise at that time was that we would be receiving revenue to the housing trust fund from a resolution that was passed on September 7, 2000, 15 years ago from projects such as the triangle at 45th and Guadalupe and north Lamar and from Mueller and Seaholm and from green and I believe we have not had a dime go into the housing trust fund from

any of those to date and you are fixing to act on the growth which is supposed to also generate money to the housing trust fund based on the September 7, 2000 resolution and it looks like no money is going to the housing trust fund.

>> Mr. Mayor, could we get the microphone closer?

>> I'm sorry. So I'm here to support the items. I'm glad the transfer is occurring from the sources, but I'm hear to express my profound disappointment over the fact that the city council began this century with a commitment. Your predecessors began the century with a commitment to not go to the voters again for bond election because we lost every bond election on affordable housing in the last century, but to instead fund it through revenue that was not on the -- property that was not on the tax rolls in the urban core in 1997 that subsequently came on the tax rolls both for the land and the subsequent improvements, and to robustly fund affordable housing.

[10:38:04 AM]

For those of us who are renters in this town and are facing increased pressures to be able to afford all the things in our lives, I desperately ask you to reexamine what the interpretation of the September 7, 2000 resolution has been, whether it's consistent with the plain English version of that and if not that you change the policy so that the housing trust fund is more robust than it is currently. Thank you very much.

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

>> Tovo: Thank you, Mr. Hirsch, I appreciate your comments and I'm happy to look into that issue. I think I heard you say, though, that we haven't passed a successful housing bond in the last -- since the new century.

>> No, my intention was to say in the last century we did not pass an affordable housing bond. We've passed two this century.

>> Tovo: Okay. I just want to clarify that because I don't want people to think that we have a history of failed housing bonds. Two out of three have passed. Okay. Thank you.

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

>> Zimmerman: Thank you for bringing that up and we are going to go back and look in September of 2000 now that you mention that. If I understand correctly what you just say is say the housing bond passed, there was a bond that passed in 2013. It was that the last one, 70 million, 65 million.

>> Yes, sir.

>> Zimmerman: Did that bonding it was your understanding back in 2000 there would be income coming in so that money wouldn't have to be borrowed?

>> As a staffer, that was our intention, yes, sir.

>> Zimmerman: Thank you very much for bringing that up.

>> Mayor Adler: Mr. King.

>> Thank you, mayor, mayor pro tem, councilmembers. I'm speaking on item 37 regarding standardized early voting hours at all voting locations. I think this is an important item.

[10:40:05 AM]

I'm glad you are taking the initiative to do that. I would just like to suggest that you do all you can to facilitate online voter registration, make it as easy as possible for people to register to vote and put resources on the front end to help them get registered to vote and then provide training to those folks that -- to man the voting locations there. And make sure that those voting locations are easily accessible to -- to our citizens. So you may be at the grocery stores or maybe places they frequent. So I think we just need to make it as easy as possible for folks to get registered and to vote. That's a priority and I'm glad that you brought this forward. And I think expanded hours would be important. I've seen in the last few elections where, you know, the

[inaudible] Has been decreased in some areas and that's the wrong direction to go. We need more voting locations, longer voting hours and more resources. So I hope that you will continue and move forward with this resolution and provide as many resources as possible to encourage voting and registration. Thank you.

>> Mayor Adler: Thank you. Up here at least there's an odd almost reverberation in the sound. It's a little bit harder to hear than usual. I don't know if there is a way to fix that. Mr. Arividas.

>> Good morning. Juan arividas with the minority trade alliance. I'm here to speak on item number 20 and this is a bid for crushed rock. The bid documents seem to indicate that this is a request to provide crushed rock and the contractor will be responsible for the delivery, but the rca seems to indicate or imply that the award is going to a trucking company, a hauling company.

[10:42:06 AM]

So problems trying to figure out what -- what's -- what's really meant here. And second, there was also -- my colleagues and I have been here before to talk about the no subcontracting opportunities that are identified and clearly there are hauling subcontracting opportunities identified for mbes that the city has. There are over 40 mbes certified as haulers. And yet we continue to -- to get -- you know, delayed about the discussion to talk about when there's only one scope of work, we can still identify an opportunity. Yet we brought this up and obviously it's continuing to happen and what I would like for somebody to do today is -- and we have met with councilmember troxclair's office to talk about this specifically, but we need some clarity on this and we need to figure out if we are going to have a certification program and we're going to have mbes that are qualified to do these, I would like for purchasing to tell our 40 mbe haulers that they do not have an opportunity simply because there is only one scope of work available that staff is identifying. It's -- we need to move forward on this is what I'm asking. And as far as today's bid goes, there's something we can do to postpone it to carry on more discussion, we would really appreciate that. Thank you.

>> Mayor Adler: Thank you. That was item 20. By the way, councilmembers. Ms. Pool.

>> Pool: Mayor, do you think it would be possible to pull this one off consent and have a little conversation with staff and maybe direct them to work with Mr. Arividas under scope of work provided?

[10:44:11 AM]

>> Mayor Adler: We're pulling number 20 by Ms. Pool and we'll.

[Multiple voices] About that.

>> Do I need to --

>> Mayor Adler: You might want to wait. Okay. Thank you. Those were all the speakers that we had speaking on the consent. Again, what I'm showing is the consent agenda is items 1 through 41. What's being pulled are items 4, 5, 10, 11, 20, 21, 26, 28 is being postponed to October 15th. 32, 39, those are the items I have being pulled. I think the record should also reflect that Mr. Zimmerman is voting against number 2 and abstaining on number 3, abstaining on number 6 against 12 and 13, abstaining on 16 and 20, 22, 23, 24, those three also abstaining. Abstaining on 30 and -- on 29 and on 31. Abstaining on 37.

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

>> Mayor Adler: Is there a motion to approve the consent? Mr. Zimmerman moves, seconded by Ms. Garza.

>> Tovo: We need to address the minutes question, I guess.

>> Mayor Adler: The minutes reflect it's approved on first reading and if we approve this, it will be approved on first reading.

>> Tovo: You know, I'm comfortable because we had a conversation about approving it on three readings if city legal is comfortable with our reflecting that in the minutes, I would certainly be comfortable as making that as an amendment unless there is discomfort among my colleagues.

[10:46:22 AM]

I guess I would just ask our city attorney if that's an issue. We did discuss -- I recall we discussed that specifically and I think somebody weighed in that it was doable to pass on three readings.

>> I think you would have to waive your rules and that's your right to do that.

>> Mayor Adler: Do you want to pull item number 1?

>> Tovo: I guess --

>> Mayor Adler: Let's pull number 1 out of consent. We'll come back and address that. So we add number 1 as also being pulled. There's been a motion and second on the consent agenda.

>> Houston: Mayor, in work session I asked the housing group about how many profit and nonprofit developments have used the housing trust fund. As far as I can tell we haven't gotten a response so we might need to pull that.

>> Mayor Adler: Which number?

>> Houston: Number 12 and 13.

>> Mayor Adler: Let's pull number 12 and 13. By Ms. Houston. So the motion is amended to reflect those three additional items being pulled. 1, 12 and 13. There's been a motion to approve consent. Those in favor please raise your hand. Unanimous on the dais with Mr. Casar off. Now we'll go ahead and discuss the items that have been pulled on the agenda. The first one of those is number 1, which are the minutes.

>> Tovo: I would make a motion that we waive the rules and acknowledge that we passed the castle hill item on three readings at our last meeting.

>> Mayor Adler: So it's been moved by the mayor pro tem to waive our rules so as to recognize that it was the intent of the council to pass on all three readings the castle hill matter.

[10:48:24 AM]

And then it would be approved -- that we waive the rules as to allow us to have approved it on all three readings at the last meeting.

>> Tovo: Which is a little quirky.

>> Mayor Adler: Yes. Is there a second?

>> Zimmerman: I would like to second that for discussion.

>> Mayor Adler: Mr. Zimmerman seconds that. Discussion on this item? Ms. Tovo.

>> Tovo: If there are concerns among my colleagues we ought to let them just bring it back on second and third readings, but if there aren't I'm proposing this because again we did have that discussed but I don't have strong feelings about it one way or another.

>> Mayor Adler: Further discussion? Mr. Zimmerman, then Ms. Houston.

>> Zimmerman: Thank you, Mr. Mayor. I remember kind of what I've heard here, but I just don't remember -- somebody gone back and reviewed the conversation and could tell us what we had said, you know, on the record, if we definitively had said our intention was three readings, I would be in favor of this motion. I just don't remember. So somebody study the video of what we discussed, I'd like to hear that.

>> Jarod Russell with the planning and zoning. We had an agreement that was reached. We were upstairs typing up that agreement in the form of ordinance and as the item was being read in the record I came down and read to you the entirety. It was amending an existing ordinance, existing castle hills ordinance and I read the entirety of the changes being made and offered it for all three readings. What I did not do is hand you a hard copy. That's the only issue.

>> Mayor Adler: And did we specifically say it was our intent to adopt this on all three readings?

>> You did.

>> Mayor Adler: I'm probably going to support this motion and I'm going to say the fact that we specifically said we wanted to -- was tantamount that we wanted to waive our rules to enable us to do that because I think that was our expressed intent to do that. Ms. Houston.

>> Houston: My only comment is that hopefully we don't do that again because this feels very awkward and I would rather that we pass it on first reading, which is the rule, and then find out when is the earliest possible time to bring it back to pass it on second and third reading.

[10:50:36 AM]



I don't want to start a pattern of having to undo what we did unintentionally when we can do it quickly by having it read second and third reading the next time we meet.

[Applause]

>> Mayor Adler: And I agree with what I think the mayor pro tem said. I think if any one of us wants this to be pushed I would vote to push it and now that someone has expressed that desire.

>> Tovo: I would like to withdraw my motion. I think that's the best course if anyone has any concerns about that action. And as I understand they can bring it back next week.

>> Yes, we already have it on the agenda for next week.

>> Zimmerman: As a point of inquiry, what is the ramification of waiting one week?

>> I don't think there will any.

>> Zimmerman: Okay. Thank you.

>> Mayor Adler: So number 1 -- actually we need a motion to approve number 1. Ms. Tovo moves to approve the minutes seconded by Mr. Zimmerman. Any discussion? Those in favor of approving the minutes please raise your hand. Those opposed? Unanimous on the dais with Mr. Casar off. That gets us to items 4 and 5. I don't know council what your pleasure is on handling 4 and 5 so let's talk about that. These are the solar energy matters. This, as you recall, had -- we limited debate when this matter first came up at the committee meeting, we opened it up so that everyone had the ability to be able to talk at that public hearing. It's gone through a committee. Our rules would have us having eight speakers speaking, four on each side. Also allowing for neutral speakers, at two minutes each. We have 17 people who have signed up to speak.

[10:52:44 AM]

There were some conversation about putting this to a time certain or we could -- we could bring it up now and we could ask the speakers to see if they can decide between them which four would speak on each side at two minutes each. And then come back to this item. So y'all want to tell me what your pleasure is on how you want to handle items 4 and 5? Mr. Zimmerman.

>> Zimmerman: I would suggest go ahead and hear from our speakers, if we could just do that right away and then maybe after that decide if we wanted to vote on it later or not, but I would like to hear from the witnesses.

>> Mayor Adler: Okay. Do we ask them -- our rules would have us having four speakers on each side. I don't know if the speakers want to get together to -- to do that. I have cable white who is identified for, Mr. King for, Ms. Wynn for, Mr. Murray is for, Roy Whaley is for, Al Braden is for. Those are the speakers we have for. Speaking against, Mike Rollins and ed Latson. Neutral Paul Robbins and Cyrus reed. So I need the people who are speaking for to decide how they want to use their eight minutes. But we'll go ahead and call first the two neutral speakers and then we'll hit the two other folks and then we'll come back to that group. So I'm going to call first Paul Robbins to speak. Is Mr. Robbins here?

[10:54:45 AM]

Would you like to speak?

>> How many minutes do I have?

>> Mayor Adler: Two minutes.

>> Two?

>> Mayor Adler: Yes.

>> I planned a three-minute speech.

>> Mayor Adler: I'm sorry, it's gone to committee and when we have committee rules limit us on speakers and time. But I can come back to you if you want to work on your speech to shorten it.

>> Do you want to let Cyrus go and then myself?

>> Mayor Adler: That's what I'm saying. I'll give you time to adjust.

>> Cyrus reed, 4 and 5. Amazing day today. About a year and a half ago Austin energy came to you guys with 150-megawatt solar at about \$50. Today we're contemplating two sets of contracts, much greater than that at much lower prices. This -- even if we did only one of the contracts, forget the river city, forget the live music capital of the world, we would be the solar city. This is an amazing day. So I'm hear to support 4. The reason I'm supporting 4 is it's gone to the rmc, the euc and gone to your council committee, the statesman, c-care, Sierra club, everybody here supports it. Most it would cost, worst case scenario is less than 1% of the psa which in terms of rates is only about .4% of rates. An amazing deal. Long-term it's going to Savees money. I'ming asking you not to vote on 5. When I was on the first -- I'm a veteran of two generation task force and the first generation task force Mr. Zimmerman said in light of the biomass decision, every contract must go through rmc, euc and the city council twice. Euc and rmc in a general sense has discussed 600 megawatts.

[10:56:46 AM]

I think you should give a chance for them to look at it. You can ignore whatever recommendation we make, but we should at least follow the process and have it go through rmc and euc. I would also ask Austin energy is making the case that we should not do all 600, that we should leave a part of it for the future because they believe ownership will be in our best interest. I would ask them to please provide some input on why there are financial or other advantages to ownerships in the future versus contracting it all. So let's have a healthy good debate. Same answer I gave on the navigant study. Let's get the Numbers right and make sure we're making the best decision.

[Buzzer sounding] Yes on 4. Send 5 to rmc and eum.

>> Mayor Adler: Ms. Garza.

>> Garza: My goal with item 5, it was not to circumvent any of the commissions so I think we're in time now to be able to put it through the two commissions that you mentioned. I do want to ask your opinion on -- we heard some information in executive session and if legally allowable, do you think it would be important for the euc and the rmc to have that same information and have their own executive session about the information that the council received?

>> If it's legally allowable. I mean, you know, frankly -- I am a rmc member so I'm talking now Sierra club, but frankly when I looked at this second set of contracts I did notice the prices were significantly higher than the first set. It would be really useful to delve into that a little more as to consider those contracts were more expensive than the first set. So if it's legally allowable, we would all have to, you know, use the buddy system and promise not to talk about it, but the -- buddy system, whatever the right words on. I think it could be very useful to do that, but that's a decision for you and legal to make but it certainly should go back to rmc and euc.

>> Garza: I think they should have all the information available to them but thank you.

[10:58:49 AM]

>> Thank you.

>> Mayor Adler: Thank you. Mr. Robbins, are you ready?

>> I am if you won't clip this for my two minutes, in answer to councilmember Garza's concern, there is precedent for boards and commissions to have executive sessions. Mayor, council, in 2008 Austin energy want to window-more wind at double what early contracts cost. I expressed my resolution vagues to at least two executives comparing the price to piracy. One of them laughed but made the deal

anyway. The cost of wind went down a few years later but Austin is still nailed to this bad contract. There is something to be said for spending money strategically. Money like fossil fuel is a nonrenewable resource. So I'm asking you to lower the price for the second proposed group of solar contracts before you approve them. I've analyzed this second group of bids for 350 megawatts and it is not a bargain. The first contract will cost about 3.8 cents per kilowatt hour. The 350 additional now under discussion will cost as much as 4.4 cents per kilowatt hour, this is an update from some Numbers that I used earlier. This delta is at least \$126 million extra dollars over the course of the 25-year contract. If Austin energy built its own solar system right now, it would only take an additional drop of between 5% and 20% in price to reach parity with this second group of higher bids. I believe this solar price decrease will occur in the next two to five years anyway due to market forces. If Austin owns the plant, we can guarantee quality, get rate of return, and best of all, when the plant is paid for, we get electricity that is very inexpensive.

[11:01:01 AM]

If you vote for this second group of solar bids, please do it on the condition that these higher bids lower their costs to the first bid, thank you.

>> Thank you.

>> Mayor Adler: Next speaker, Mike Rawlings.

>> Thank you, mayor, members of the city council. I'm Mike Rawlings, member of the greater city of Austin chamber. The chamber is supported the policy adopted by city council a few years ago, that's in the afford about policy. In that policy, two components, one of them is caps the percentage of increase per year and the second component of it which is really not being addressed and that is that we remain in the bottom 50% of the rate payers in the state of Texas. And at this point, we're out of that bottom 50 and adding any increased cost will further separate that delta. With that said, I think we would suggest maybe framing it a little different in discussion. And that is what can we do within that cap, the percentage that was voted on as policy for this city versus looking at outlying whether or not it's about megawatts on it. So I think it should be looked at differently than is proposed. I also would say this -- with the rate case under way, I would ask that council put additional charge to that group to allow a pathway to be built and recommended to get us back in line with the policy and that is in the bottom 50%. And one other point that I mentioned earlier in the budget session that I think warrants further and deeper discussion, that's the 2.3 biomass.

[11:03:12 AM]

If we were able to get out of that agreement, it would save across the board 4% to the rate payers. It's a significant amount of money particularly given the affordability issues that we're experiencing as a community. I would ask council to please reframe the conversation about staying with the parameters of the policy that was adopted. That is do not exceed the per random increase. Thank you.

>> Mayor Adler: Just so that I understand, we historically had a debate about solar that's been centered around the number of megawatts. As I see it, the conversation we're having here given a focus by the given price. And there's a proposal in item four that quantifies this with these contracts speaking of item 4. And Austin Energy is telling us that with an initial increase associated with that within three to six years, we're in the money on the contracts and thereafter, they're serving to reduce the portfolio price of what we produce such that we would be making money and averaging down money and being able to lower rates accordingly. Does the chamber support the contracts associated with number four?

>> Mayor, that would be within the policy guidelines clearly, something that we advocated for. The additional point we would like to make to that is, yes, that's acceptable but can we also begin to address that pathway to get it back down to the bottom 50.

>> Mayor Adler: I understand that. Thank you very much.

>> Zimmerman: Mr. Mayor?

>> Mayor Adler: Yes, Mr. Zimmerman?

>> Zimmerman: I think what this underscores what Mr. Rawlings is saying is that we had a goal to be in the bottom 50%. We're out of that now.

[11:05:16 AM]

The reason I'm opposed to these items is it takes us to the wrong direction. Even if it's only a 1% increase or .3% increase, it's still going in the wrong direction. So I think that the conversation ought to be how do we get ourselves back to the bottom 50%? So I -- I wanted to underscore that. The increase is not very much. But it's in the wrong direction.

>> Mayor Adler: Maybe we can have people talk about that later but my understanding is it's in the wrong direction but it gets us to a lower place so it does put us on a path to getting where it is that we want to get to.

>> Zimmerman: You're right, based on speculation on where the market is going. I would point out if the price of oil goes back to \$150 a barrel, the biomass plant would be making money, so --

>> Mayor Adler: Got it. The next speaker would be Ed Ladson.

>> Thank you, Mr. Mayor, councilmembers. I appreciate the the unt to speak. I'm the executive director for arma, and I know I've had a chance to talk to some of you at different times. For those who don't know, manufacturing makes up the leading contributor to the Austin area grsz domestic product. We think of ourselves as a software town or music town, but we're a manufacturing town. We look at Samsung, free scale, national instruments, hospera, flextronics. They make invaluable contributions to our community. With that, we're also some of the biggest energy users and this issue that came up has got us concerned. There's incremental steps away from our affordability goal. This issue will push us further away from the affordability goal.

[11:07:18 AM]

I would like to note that industrial payers are the largest participants in green choice. I think you find a lot of support for green energy within that industry. This proposal about cost and the cost will cause exceeding the high cost of the electricity in the service area. I hear a lot about affordability from the city, that we need to cut the cost of living and we need to raise wages for people who can't afford to live here. Manufacturing is the perfect sector that can help provide jobs to people without a college education. We get people on the job training in the middle class. And the city can support that by having smart energy policy and smart decisions, thank you.

>> Mayor Adler: The same kind of question. In this case, our professionals at Austin energy are suggesting to us we enter into this contract in part because it gets us to a place where we're revenue positive and it Gettings us down to the portfolio. With respect to the first tranche, are you supporting that?

>> We don't have confidence that it will go down in the future.

>> Mayor Adler: Thank you. Next speaker is Al Braden. Mr. Braden, you have four of the eight minutes of those that are proponents.

>> Thank you, Mr. Mayor. My friends have been kind to me. Good morning, I'm Al Braden, the proud member of councilmember gallows district 10 and an Austin energy customer. I work with many faith-based and environmental organizations across Austin in response to climate change. I'm not here to speak for them or even for myself.

[11:09:20 AM]

I'm speaking for my grand can children, Gabriel and conner in Austin, Alex Andry yeah and Andrew in Lufkin. Ethan, Alice, Glenda in Vermont. They're not here and ready to speak before bodies like this

today but they will be as their world heats up and climate impacts continue to become more extreme. So the question today for us is 600 megawatts of solar. Why 600? And why -- why does that matter? In some sense, it's the number suggested by the 2014 generation task force, but why 600? 600 megawatts of solar is a big number. And it does mean something. It's equal to a power of a full power plant. That means on hot Texas afternoons, it will outshine our 570 megawatts of climate warming coal output. It will outpower the 400 megawatts of water gulping nuclear power from south Texas. It will nearly equal the 726 megawatts of ozone and green house gas generating power from steam units. It will be on par, a player, and its output will always shine in the peak of the market on the hot afternoons. It will demonstrate to Austin, to Texas, to ERCOT, and the world that solar has arrived. Yes, council, members do matter and 600 megawatts is very important. But it's only prudent for rate payers if all of the other numbers add up. And only now do you have before you solar bids less expensive than Austin energy's average generation cost. And that's for today and they stay fixed over time. Through dogged determination of city councilmembers, the council, and many Austin citizens, Austin energy was forced to get these bids before the ITC expired.

[11:11:31 AM]

They may surprise Austin energy but don't surprise many community leaders who push for them. Contract number one is 3.8 cents per kilowatt hour. Contract two is rumored to be 4.2 to 4.5, perhaps you guys know the real number. The gas plant under consideration is up at 5.5 cents. Austin energy's average cost of generation as reported in 2013 was 4.6 cents and with cost increases, that could be 4.7 or 4.8 now. Solar prices below Austin energy's price will save rate payer money. And it will save even more as fossil fuel prices rise. We won't be on this natural gas orgy forever, and when it ends, our sun will still be shining. I ask you today to make the important step to our future and commit to a 600 megawatt power plant that can compete head on with our fossil fuel relics. It's a couple of years -- in a couple of years when solar prices beat the 30% discount offered today, then urge Austin energy to build and own even more. This is not the last time I will come before you to ask for more solar, more wind, more storage, weatherization, demand response, and conservation. I will be back time and time again until we have built enough renewable energy to replace, retire, and demolish each and every one of our climate changing fossil fuel plants that has the city of Austin's name on it. Then we will have reached our 2030 goal of 100% renewable energy. Thank you.

>> Mayor Adler: Thank you, sir. Caba white?

>> Good morning, mayor, mayor pro tem, councilmembers. I'm caba white.

[11:13:32 AM]

I'm here on behalf of public citizen. I want to thank you for the energy that you have put in to digging into this issue. It's important and I appreciate your efforts. Public citizen is absolutely urging you to pass item number 4 today without further delay. And that will allow those companies with those contracts to get started and time is definitely of essence in this matter. On item number 5, we are also supportive of that item. We do believe that many of the items that Al enumerated in his comments, we second those. This is an important move for our city in many ways. We have made numerous goals in the past and this will really put those in to action. However, we do not object if this body chooses to postpone that item until next week for the Austin energy staff a bit more time to perhaps negotiate those prices even lower. It is our believe that even the current prices will result in overall savings for Austin energy customers. But just like any savvy consumer does not go to the car lot and buy at sticker price, the same should be true here. And we are likely to get a Bert price if Austin energy goes back to those companies that are kind of in the second batch of 300 megawatts and I think the reality of pricing is now public. And that many of those companies are going to be willing to negotiate. So, we are supportive of allowing that to happen. Thank you.

>> Mayor Adler: Thank you.

[ Applause ]

>> Mayor Adler: Bob Murray?

>> Good morning, mayor, council. I'm bob Murray. I think you know who I am by now. I won't go through that dreary stuff.

[11:15:34 AM]

I want to help you simplify this. Basically this solar is going to be either owned by -- built and owned by Austin energy or it will be acquired by our purchase agreement. If the power purchase and the ownership is off of the table, my understanding is they can't do it by 2016, they won't do it. They're looking at 2020 or 2022, something further downstream. What we have is ppas, the purchase power agreements will be 2016 or 2017. If it's 2017, you pay 20% more. You know all about that. What you may not realize is that we have 1300 megawatts of bids all better than the last bid we're operating in the recurrent bid in the project that's under way. What comes down to -- there's nothing magic about 600, it should be quite a bit more, because you've got to look at the revenue, not the cost. It's a basic fundamental of business. If you tried to run a business by examining only the costs and not looking at your sales revenue, you'd make terrible decisions. That's the sound of one hand clapping. So, you've got to integrate the weighted average of the revenue that would come in. That's why we say this is not going to increase the cost that is seen by all other rate payers, this actually will reduce, from day one. A power purchase agreement, you pay nothing until the power flows and the money starts coming this way. Look at both sides. You've got to look at the revenue. That's got to be done carefully or otherwise



people like the chamber would be right. If all you're looking at is costs, that would be right. But the way you meet the affordability goals, you make money on solar. Yet anything you leave on the table on December 31, 2016 is gone for at least five or six years. Look at the revenue. Look at both sides of the equation.

[11:17:36 AM]

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

>> Zimmerman: Mr. Mayor, yes, my understanding is we have looked at the revenue. We come up with the losses. We look at what we're required to pay under the power purchase agreement, then we look at the money we get, the revenue we get when we sell that solar power to the ERCOT grid and that's what the losses are based on. It considers the revenue.

>> The analysis does not support that. Further more, you have the technical background and so do I. Dig in and see for yourself. I've done the Numbers, I've looked at the Numbers, it doesn't support that. It's a winner from day one.

>> Mayor Adler: Thank you.

>> Have you sent me your data yet? I would like to see it.

>> You got it.

>> Zimmerman: I don't think I have it.

>> Mayor Adler: Those are all of the speakers we have on items 4 and 5? Is staff here? Why don't you lay out for us what it is that is item number 4? We'll take these up separately.

>> Good morning, chief operating officer and BP of emergency market operations and planning.

>> Mayor Adler: Thank you. You want to lay out item number four.

>> Lay out item 4. A staff recommendation to proceed with the purchase of 200 to 300 megawatts of solar on PPA.

>> Mayor Adler: Okay. Is there a motion to approve this? Ms. Garza? Is there a second? Ms. Tovo? Is there any discussion on this first item? Yes.

>> Tovo: I'm supportive of this. I think it's a step in the right direction to make Austin, you know, purchasing more renewables and I -- I am going to also propose that we postpone item five to go through the process of the two commissions that were mentioned.

[11:19:47 AM]

I do want to mention that I received information from my staff that Austin energy tweeted out on social media which I believe is a very inappropriate tweet that furthers -- it was tweeting a editorial by the Austin American statesman weighing in on this agreement. I think the charter is very clear on policy decisions and that's the council's responsibility. So I want to know -- I'd like some kind of report from maybe our city manager that makes me understand the policy that allows one of our city departments to use social media to forward a policy issue. If there -- with all due respect, I understand your position. If there are members of Austin energy that want to get involved in policy, depending on what district you live in, I believe you can file for office in April of next year. But I think it's highly inappropriate for staff to be tweeting out policy issues through social media. Applause mrautz

[ applause ]

>> Mayor Adler: Is there further discussion on this. This is something you're recommending item number 4 entering into the contracts?

>> Yes this, is the staff recommendation on the discussions for the committee meeting last week.

>> Mayor Adler: My understanding is that there is a -- a potential for a small increase in the first several years of this? Your study and your recommendation is that after 3 to 6 years that this is going to be in essence in the money and will be decreasing the rates that Austin energy charges, is that correct?

>> Yeah. I'm going to let Leo speak to that item. I think we all talked about that a lot but I think he can add some comments there.

>> Vice president of emergency marketing operations and resource planning.

[11:21:49 AM]

So that's our expected forecast. I think we've talked a lot about forecasts. And so a previous speaker here talked about revenues. So what happens, and our forecast shows that energy prices or market prices for electricity are expected to rise for the future. Once they rise, the revenue from the solar contract will increase and make up for the costs that we paid the developer of for the actual solar contract. So it -- and the same dynamic is the reason we have the up front losses, is the market prices are too low. Again, it's a forecast and we've talked a lot about forecasts. So that's our expectations, 3 to 4 years, market prices will go up. And this will be in the money. I would caution that, you know, there are always risks on both sides.

>> Always risks no matter what we do.

>> Correct.

>> Mayor Adler: You make your forecast. I want to be clear for the record that in this instance with respect to these contracts, it's your professional advice on behalf of the rate payers of Austin energy that this is something that is the right thing for us to do long-term with respect to rates?

>> That's correct, within the context of the resource plan, we -- we saw that we can take on the risk of the first 200 to 300 megawatts now. And layer in future solar contracts over time. And Austin energy sees this risk as palatable for this item number 4, for this amount of megawatts at this price.

>> Mayor Adler: Further discussion, Mr. Zimmerman?

>> Zimmerman: One quick point to make. I appreciate the remark you said about rates. Isn't it motivated primarily by the climate protection plan. A client passes climate protection plans that calls for more solar. If we didn't have that impetus, the policy statement that the council had passed, you wouldn't need to bring solar forward.

[11:23:50 AM]

We are still losing money on the solar.

>> It's part of the effort in the climate protection plan to achieve 25% renewable by 2025 and to do it in the lowest risks possible. We always accepted that investing in technologies in various types, wind, solar, gas, always have upside and downside risk and we try to mitigate that in the portfolio. Yes, this is part of our attempt to clean up our energy sources and 55% renewal at 2025.

>> Mayor Adler: So we can discuss this to try to make sure it's public is the same information that we have or much of it that we're dealing with. Did the -- did the city of Austin buy all its power off of the grid? And it buys the power off of the grid at a price set by ERCOT. And that price is the same whether we're producing power or not. Is that correct?

>> That's correct, yes.

>> Mayor Adler: And whether or not we produce power, our price buying off that grid is exactly the same? Is that correct?

>> It's true for everything except our gas -- if we talked about that -- if we do have them in our load zone, we can control the price. In a monopoly fashion by producing inside our load zone, we can tamper the price down. But generally, yes, we don't need a portfolio to buy electricity for customers. We don't need anything renewable or traditional, we buy everything out of the ERCOT market.

>> Mayor Adler: So we're going to lower the rates to our customers, we can either passively sit by and wait for gas prices to rise so our portfolio becomes increasingly more competitive which is one thing that we can and will do, that's one way to lower rates, is that right? One way rates are --

>> Can you repeat that?

[11:25:51 AM]

>> Mayor Adler: Just that we're in a competitive disadvantage right now to -- for potential suppliers of energy that are supplying energy that is overly weighted for natural gas production because natural gas prices are so low.

>> That's correct. The reason market dynamics are -- we've had a sustained low natural gas price environment, and also we've had a lot of renewables, not just from always tin energy, but in Texas and through the market which also reduces the market price. So we've had sustained low prices in the market.

>> Mayor Adler: And right now, natural gas prices are at historic lows.

>> Yes, historic.

>> Mayor Adler: So low I think it was suggested we don't anticipate it could get much lower because the actual cost of producing the natural gas is now a big contributor to that price. So we don't anticipate the natural gas prices will go lower. We anticipate that over time it would go higher ethat's correct?

-- Is that correct?

>> Mayor Adler: There's more upside than down side. I wouldn't say it would go lower.

>> Mayor Adler: Not asking you to make guarantees. If you would, you and I would go somewhere else and we would say good-bye to this and live wonderful lives. But that's your professional judgment at this point. Is that correct?

>> Yes, that's what our modelling shows is that market prices should rise over time.

>> Mayor Adler: Okay. An additional way that we can save money for our rate payers is to not only just participate in the market as we buy it off, hoping for these changes and fluctuations in price, but we can also make money if we produce energy and then can sell it into the market at a price that is greater than what it costs us to make that price, is that right?

>> That's correct.

>> Mayor Adler: So the model that you've done with respect to the solar is you said let's look at how much this is going to cost us to produce this power or have this power produced to sell it in the marketplace and let's look based on your models, what it indicates we're going get back for that.

[11:27:56 AM]

Is that right?

>> Yes, that's correct.

>> Mayor Adler: For the longest period of time, price for solar was so high that when you ran those models, it was your advice to council that it could go forward and not go forward with a solar contract because it's clean energy and it's good for the environment and it's good for the quality of our lives. But recognize that for the foreseeable future, we think this will just be an add-on to the price that rate payers pay. And that was something that people in Austin supported because it was part of our general policy goals, is that correct?

>> Yeah, I think --

>> I think historically we have, I think he hit it right when he said 200 to 300 megawatts taking that much risk looks reasonable. We've done that with the portfolio since we began adding renewable resources. At the time they were added, they tended to be over the market price. And in the early days of wind, because of the state of natural gas, some of those got to the money very quickly. But they have since fallen back out of the money. So that's the difference of the forecast, right? So our belief, based on the forward forecast, is that these recommended projects will enjoy at some point in the future, we've estimated that to be some place around four years in the future that they would become neutral to the customers. But there's always the risk that they won't. Both sides of that with other contracts.

>> Mayor Adler: Right, and in this case the price of solar has gone down so low, this a.

>> Mayor Adler: The price has gotten so low that the risk has gone correspondingly lower such that at this level you are recommending these purchases for the city.

>> Yes. We're recommending it based on the price and the quantity.

[11:29:56 AM]

>> Mayor Adler: Great. Thank you. Yes, Ms. Troxclair.

>> Troxclair: I just want to better understand the context for the staff recommendation. So this is your recommendation in light of the direction that previous council has given you to invest renewables. Without that previous direction, would this -- would it still be your recommendation that at this time we invest in this amount of solar considering the cost implications?

>> It's hard to separate the track that we're on and the policies that we have as a city and as a utility to say no, but I think that we believe that this is a manageable amount of risk at two to three hundred megawatts. In this particular price and location seeing something we're consistent with. It's consistent with the plan we adopted in 2014 that said we would have an overall goal for 600 megawatts of solar, but we intended in the adoption of that from a staff recommendation, perhaps different than what got adopted, but what staff brought forward laid out a measured pace towards achieving 600 megawatts. This hits the targets we had developed in that plan.

>> Troxclair: But I guess that plan -- I guess I'm trying to understand if it -- I understand it hits the targets developed in that plan, but I'm trying to understand if Austin energy would have recommended that plan in the first place and -- you don't need to answer that question, but -- okay. Well, I'll move on. Just one more question. When we're talking about the short-term increases in customer billing, can you remind me what the increases our customers will see?

>> On the residential side I think that we talked about this being an expected outcome from \$3 to \$7 for this particular addition.

[11:31:56 AM]

>> Troxclair: What about commercial?

>> Commercial customers, that's on an annual basis, for example, an extra large tech firm might be between 65,000 up to 135,000 on an annual basis.

>> Troxclair: \$135,000.

>> Right. Or about .4%.

>> Troxclair: And we hope that will become cost neutral in four years. But we are not sure.

>> That's right. You expect that that will get close to not being a premium in four years.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I think maybe I could clarify councilmember troxclair's question in a different way. If we did not have the climate protection plan calling for renewables and solar, if we had another plan the council had passed policywise that said, well, we want you to have power that doesn't emit carbon but say it could be nuclear. So under that scenario you would be allowed to buy if it

were available 600 megawatts of additional power from south Texas. And there's a certain cost associated with nuclear power which is extremely low. So the point here is the way the policy works is if we allow you to go and buy 600 megawatts from a nuclear plant at an extremely low price, then our bills could be lowered. But so the point we're making here is the climate protection plan puts you on course to have to spend more money and raise our energy bills; whereas if the council had set a policy allowing you to pursue affordable nuclear power we could be lowering our rates with the same 600 megawatts. Is that fair?

>> I think that's one side of the equation. We know our nuclear power is successful but there's a different side as well.

>> I would say we're in a tough investment environment no matter the technology.

[11:33:56 AM]

I mean it would be a tough decision to invest in nuclear, gas, solar and wind. It's just you have -- right now you are comparing it against a very lobbying so we have to have a longterm view as how we want to hedge our environmental costs in the future. We could have carbon pricing in the future. EPA has an aggressive plan that we would have to hedge. So these are all issues that come into the decision of what portfolio you would want to have, and I would say these decisions are all made much tougher right now in such a low market environment. So we invest in new nuclear right now, -- new nuclear, that would be a very tough decision. It's just what would we do otherwise, I don't think right now, you know, it's -- I know it's an interesting question, but we've been on a path for many years with council to have a plan that where we're willing to take some premiums in order to clean up the environment and that's -- so irrespective of that, that's where we've been and that's where the decisions have been.

>> Pool: Mayor, I would like to call the question, please.

>> Mayor Adler: Further discussion on item number 4? It's been moved to cut off debate. Is there a second to the motion to cut off debate? Then we'll continue debate for just moment longer. Mr. Casar, did you want to caulk?

>> Casar: I just have a very brief question. When we were talking about the increase in rates in the short term, are the Numbers that you are providing us the increase in rates based on the budget that was just passed compared to this item or is it year over year, last year's rate versus this year's rate? Just taking into account that I know that rates changed when we passed this last budget.

[11:35:58 AM]

So is it year over year or based on what we pathfinder? Is my question clear?

>> That's plants are expected to be in commission in 2016. We set our psa retroactively so we would expect that our true costs would go up in 2017 and that at the end of 2017 when you set our psa, we would set them by our expectation of this premium as to what it otherwise would have been, which now to confuse things could be negative because it's what could have been, right? Because if energy prices really go down, our psa may go down, but it would only go down by the amount it would have gone down plus the premium which could be negative overall. Did that confuse you enough? But it's from what could have been, right? We're not saying is you'll definitely have three more dollars on your bill per year in 2018. You are going to have three more dollars than what could have been, which could be six less dollars or six more dollars, right?

>> Casar: Understood. And so really when we're talking about the affordability goal, it's still speculative as to how much bills increase. What you are presenting to us is how much more it would increase than what we predict could have been if we did not pass this policy. So when people -- let me see if I understand.

>> Right.

>> Casar: I'm trying to figure out your word puzzle as I talk. When people tell us that we should stay within the 2%, really what we are discussing today based on the information you have given us is not about whether bills will go up .5% or 1% or 2%, but instead that these votes will -- will potentially increase bills that much more than they would have gone up or down if we didn't pass this.

>> Correct. So that's the risk is on both sides, right? So if our costs increase, for example base costs, something happens, we have a lawsuit and we have -- you know and our base costs go up 2%, this .3% would be on top of the 2%.

[11:38:09 AM]

If energy prices go down 2%, then we wouldn't even see this. So all we're saying is there's risk in making investments that increase your costs overall. So we just want to be cautious with how much that premium is over time. The more you take on, the more that risk will be in the future.

>> Casar: Well understood. And so I think it's an important concept for the council that passing this does not necessarily increase bills by that percentage, but it could if -- if things -- if things stay exactly flat the way that one could guess, but it's unlikely, then that's what it would be than -- anyway, thank you. I learn something new every time that you talk and present a puzzle like that, so thongs.

>> Mayor Adler: Ms. Pool.



>> Pool: The last thing and we're talking about the purchase agreements, we're not talking about actual rates that we're charging to the people on no, we are talking about billing practices. So all these Numbers that we showed in our presentation are about billing impact.

>> Pool: One-third of that which is that .3 that you were talking about. And that's a marginal cost when you get right down to it, especially for the larger users. Thank you.

>> Mayor Adler: Any further discussion on this item? Mr. Renteria.

>> Renteria: I just want to make a statement that, you know, the first time we got into solar energy and we bought at that rate, it was sold to us saying that the citizens really support solar power and the clean environment, which, you know, and I believe that that was true, but when we did get the solar put up and the bills started coming in because it was voluntarily to be in there, the citizens didn't stand up and say, okay, I want to contribute and pay a lot more for my electric rate than the rest of the citizens in Austin.

[11:40:12 AM]

So we have to incorporate it and charge everybody for those rates because we couldn't pay off the solar because it was so expensive. It was more expensive than the rest of the energy rate here in Austin. So that's how we started out, you know, so I am going to be supporting this, but just a caution sometimes you are saying we're going to save the world, save the world, but, you know, we do make these kind of decisions and then, you know, people will say oh, yeah, the citizens of Austin really want this energy -- solar power energy and we're really going -- everybody is behind it and support it. And when we get it, they say oh, that was too expensive at that time. And then the -- we have to -- all the citizens have to end up paying for that cost at that time. But, you know, I just wanted to just put that out.

>> Mayor Adler: Okay. Ms. Tovo.

>> Tovo: I just want to clarify a comment that was made before. Someone listening suggested that there may have been a comment about 200 megawatts here today between 200 and 300 and the rca clearly says -- I just want to clarify that my understanding based on this action is we are approving the ability for our staff to go forward with contracts that total 300 megawatts.

>> That's true. Last week it said 200 to 300. Now it's 300.

>> Tovo: Great. Thank you. And I look forward to the motion to postpone item 5 with the understanding there are some other good prospects out there and we -- I hope that we'll be back here in a week discussing some of those as well.

>> Mayor Adler: Now I'm confused. Is the number of megawatt changed since we talked on Tuesday?

[11:42:14 AM]

>> The rca currently says project of 118 megawatts and one project of 182 megawatts. Of up to 182 megawatts.

>> So it's 300 total.

>> We're seeking authorization for up to 300 megawatts total.

>> Mayor Adler: Is it consistent with this rca you could come back if the suspected wasn't at 182, but if it were within your risk range of 180 would you come back at 300 or 298?

>> I think if it's anything up to the combined 300 megawatts and the dollars associated I wouldn't feel compelled to come back but I would look to legal to tell me if I'm correct.

>> Mayor Adler: And this is the conversation, I want to approve, and maybe legal will help with this. I want to approve a rca that reflects risk in price so it doesn't set a megawatt total without regard to risk in price. So what I'm -- what I would like to vote for is something that would be consistent with what we talked about Tuesday in terms of risk and price as you went through that negotiations, but I wouldn't want to have voted on something today that said a megawatt total that Austin energy felt like they had to meet at the expense of the risk total. So is it up to 300?

>> It would be up to 300. For instance, it's -- during the negotiations the amount came in at slightly under 300, we would execute for what we could get, but we wouldn't feel compelled to come back for authorization for less than 300.

>> Mayor Adler: Okay. I'm fine with that then.

[11:44:15 AM]

>> More clarity.

>> At the time this rca was put together, the other contract amount was 182, but in the meantime that offer has gone down to 170. So what we have before you is one contract for 118 and one for 170. We had to put that up to amount just to cover us because we weren't at that point yet with this counter party. So that's where we are now. The final number really depends on what we can get from that counter party. We're sort of at the mercy of what the offer is.

>> Mayor Adler: But the authority we would be giving by the vote on this rca would enable you to enter a contract at 118 and 170 for a total of 288 if that was fitting within that risk and price range.

>> Correct.

>> Mayor Adler: Okay. Any further discussion on this item, number 4? Mr. Zimmerman.

>> Zimmerman: Point of inquiry. The actual power purchase agreement it will be protected under open government because there's some proprietary information. We got that. Could I into the council and maybe our chair, councilmember Gallo who chairs our Austin energy commission, could at least one of the city councilmembers actually review the power purchase agreement kind of as a sanity check. Kind of like my office has now previewed the power purchase agreement, the confidential agreement for the biomass plant in east Texas. It's a lot to digest and I'm not suggesting the entire council has to know every detail of the ppa, but could it make sense for councilmember Gallo as chair or study it prior to us voting on it? I'm not predicting there would be any problem but just as a sanity check as council, could one of our councilmembers study the ppa before it's finally executed?

>> Mayor Adler: Let's go ahead and raise that in executive session because that answer -- next time let's go ahead and discuss it there.

[11:46:20 AM]

The motion is to approve in essence up to -- two contracts for up to 300-megawatt. Ms. Gallo.

>> Gallo: I wanted to follow up to a question on the amounts. There was also a discussion that the posteriorly dollar -- potential dollar amounts could change also and if that is true, I think if you could just mention that that's a possibility and I think the mayor's question on the -- the amounts plus the dollar amounts, there may be a little bit of change in both of those and it would -- a change in that also give you the authority to go on and execute the contracts.

>> Yes, so I think that the dollar amounts that are referenced here, so long as we are within those dollar amounts, then we would not need to come back to council for additional authorization. If there is a desire by council to have some final report on what we believe that is, then certainly that could be provided, but no, we do not need to come back so long as we're within these dollars.

>> Mayor Adler: Further discussion? Hearing none, those in favor of the rca number 4 plea please raise your hand. Those opposed? Troxclair and Zimmerman voting no, the rest yes. Thank you. That gets us -- hang on, to item number 5. You don't get away quite that fast. Is there a -- what would be the appropriate motion? If -- Ms. Garza.

>> Garza: I'll make the motion to postpone this until October 15th with the understanding that if it's -- the first time at Austin energy was the first time before council so the 15th would be the second and I just don't want a memo saying that we haven't done everything we should do. So that's --

>> Mayor Adler: So it's been moved to postpone this item to October 15th with the understanding that we've discussed it in committee as a whole, we've also discussed it today as a whole, and it would also then be discussed again and that would be the council deliberation, and in the intervening time that you see and the resource management would also have the opportunity to set a hearing and to meet and to discuss this additional

[11:48:52 AM]

[indiscernible] Does that timing work for you such that you could negotiate and execute power purchase agreements for an additional tranche still timely such that they could be executed and performed on?

>> Current belief is that we do have that motion.

>> Mayor Adler: So the motion by Ms. Garza. Ms. Pool seconds. Discussion on this item? Ms. Garza. Any further discussion, Ms. Pool?

>> Pool: And if there's an opportunity for executive for the euc and rmc folks, and I think they may be planning to meet together, I think they should feel empowered to take it into executive session and have those conversations.

>> Mayor Adler: And legal is going to give us an opinion today on whether or not that is viable. Ms. Gallo.

>> Gallo: I want to also make sure, I think we had discussed staff bringing forward the evaluation of the opportunity for the city to own, build and own, and that I know that one of our speakers addressed that, wanting to see an analysis so I just want to make sure this time frame will also allow you to bring that information forward too.

>> Yeah, I think that we can go back and work with our finance folks and try to put together a -- a document or some type of story that supports what that would look like with our best estimates.

>> Gallo: I think that's a very important part of the conversation that we be thoughtful in all the options Sha have available. It's not a lack of commitment to solar, it's wanting to have a thoughtful process of being able to evaluate all of our options.

>> Right.

>> Mayor Adler: When you are negotiating this contract as we postponed this item, we postponed it to the 15th. I would assume you are going to continue talking to people and negotiating these out so that

on the 15th when you bring us back an rca, the expectation that we would have an rca on the 15th, that you are going to continue to negotiate over the next few weeks.

[11:50:58 AM]

>> That's correct.

>> Mayor Adler: And you are going to determine if there is an additional tranch that gets you back to a risk level and cost with what you think is prudent; is that correct?

>> We'll continue to update the total analysis. Again we're looking at volume, price and location.

>> Mayor Adler: One additional thing, I don't know if it makes sense as you go through the negotiations, if there is a potential modeled premium in the first three or four years that then becomes neutral or goes down as you model it, does it make sense at all to consider a negotiation that has a lower price to us in the initial three or four years with a higher price as prices are going down such that our consumers and our industrial users would not see as big an upward pressure in those first years? Might not realize as big a discount in at least the initial few out-front years, but might even out that line? Is that something that you could consider negotiating? My understanding is that solar contracts sometimes do that.

>> So I think that in any discussion we can certainly look at those things. I would caution us to bank on the future as we expect it, and there is some increased risk, right, if we approach it from that way and in the future our expectation is not realized that prices rise, then it just puts us further away from that bar in the future. There's many things we could discuss and decide if that's a strategy that we think is within the risk tolerance that we should have.

>> Mayor Adler: That would be helpful and when you report back to council take us through that scenario. Obviously every choice has risk and benefit, but it would be helpful to see that. It's been moved and seconded to bring this back to Austin energy to continue to negotiate additional tranch and come back with additional recommendation and in the intervening time see the euc and resource management.

[11:53:14 AM]

Mishouston.

>> Houston: Mayor, this doesn't have anything to do with the -- some of us didn't know what trunch is but we've looked it up.

>> It wasn't even an acronym.

>> Mayor Adler: Okay. Any further discussion on this? All right. Those in favor of the motion postponed please raise your hand. Those opposed? Thank you very much. The next item that we have, we have seven minutes before we do citizen communication. There are some things here we can address quickly. Mr. Casar, did you have new gen strategies, number 32.

>> Casar: I just had a question for staff because I want to hear what the concerns were and if they share any of those concerns regarding the consultant contract.

>> Good morning mayor and council. Austin energy.

>> Casar: Hi and so I saw that the euc did not recommend this item. I imagine that they shared whatever their concerns were with Austin energy at that meeting. Do we share any of those concerns and what are we doing to address any of the issues they may have brought up.

>> Sir, I think the electric utility commission expressed a few concerns about the new gen contract. When we initially brought the contract last November for the initial approval, the -- some of the commissioners expressed some concern about the recommendations that several of the consultants who now work for new gen made during the 2012 rate case.

[11:55:19 AM]

The -- we noted those concerns and spoke with several members of the council at that time and council decided to approve that contract back in November of 2014. The concerns that the commissioners raised last week identified some of those same issues about recommendations that some of those consultants had made back in 2010 and 2011 and our position is that the recommendations and the analysis that new gen provided were simply those, recommendations and analysis, and at the end of the day it was Austin energy's job and responsibility to consider those and decide whether or not to include those in our final recommendation to council. And so if any member of the community expresses a concern doesn't like the outcomes of what happened in the last case, then really that concern should be directed at Austin energy and its decision-making process and not with the technical expertise and the skill set that new gen provides us currently and that we're hoping they will be able to continue to provide going on for the next year.

>> Casar: Good, and the reason I asked the question, I understand this is an extension of a contract and someone we're already working with. I don't have the qualifications to know whether they have sufficient technical expertise or not. I leave that in your hands. Just we've talked so much about the cost of service study that's coming that I know it's so important for the community to be able to come together and understand the cost of service study and for us to debate that that I want to make sure you were taking every precaution to ensure we are working with the consultant to avoid the sorts of

issues that some folks brought up in the last rate case when those issues were legitimate and Austin energy saw those were issues. I just wanted to make sure we're listening to those concerns that we can have a smooth cost of service process.

>> Most definitely, councilmember. And we designed the original rca last year for exactly that reason, to provide council with a second opportunity and to provide the public with a second opportunity to make sure that everybody knew what was going on with our current cost of service study update and to understand how we were going about the process of developing it.

[11:57:35 AM]

We heard the concerns from the council in the beginning of 2012 when we were going through that process and we've tried to identify a different process that we hope will be more streamlined. It's something that we briefed you on back in June and I'm sure that we'll be back before the utility oversight committee to talk about that process so that it will be smoother. It will be as transparent as we possibly can make it

[inaudible]

>> Casar: Thank you.

>> Mayor Adler: Ms. Pool.

>> Pool: Is there any other firm lined up if this were not to pass here today to take the work on?

>> No, ma'am, because the rfp closed last year, if council should choose not to approve this amendment today, then the contract with new gen would stop and if we wanted to have this technical expertise to assist us through the cost of service update, we would need to issue a new rfp and go through that whole purchasing process which takes about four to six months.

>> Pool: Okay. Some of the concerns that I've heard with the past rate case that new gen or the principals with new gen who I guess it was under a different name were the people who were least able to pay got some of the stiffest rate increases.

>>> I can't quite hear you.

>> Pool: Some people with the least ability to pay had some of the stiffest rate increases including some churches in town. So I -- you know, the fact is we're kind of boxed in on this because there is nobody else to take on this work without an extensive rfp process, but I would ask that continuing forward if this is approved here today that the -- everyone is really tuned in to the fact that we have spent a lot of time on the dais here trying to help those in our community who are least able to pay find ways so that they can pay.

[11:59:37 AM]

And we don't want to have to go plow that ground again. So I would just offer that out and I think that we will be looking really closely as will the community to make sure that doesn't happen again.

>> I want to allay any concerns that new gen is driving any kind of agenda here and what they are doing is providing us with an expert team to look at the work that our staff is doing and making sure that the work that we're doing is meeting industry standards and that it is consistent with the direction that you've provided us over the years. And our staff is fully committed to making sure that we're balancing fairness and transparency and financial stability.

>> Pool: Okay, and I appreciate those assurances and I think we appreciate that here at the dais and we'll be keeping close eye on it. So thank you.

>> Look forward to it.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: If you could on the first page of our agenda item, it shows the vote being 4-5-2 that we've just been talking about. My representative voted against, but I only see four members listed as voting against, but the vote number says five. Could you look at that? Am I looking at something wrong? To understand how that vote went?

>> Council, Jeff [inaudible] Austin energy, we should have fixed that in changes and corrections. It's not reflecting the vote of chairman Osborne which was in the against column.

>> Zimmerman: Thank you for that clarification.

>> Mayor Adler: Ms. Tovo.

>> Tovo: Thanks, Mr. English, for the background. And you know, some of the concerns that have been expressed to us via email and were expressed at the electric utility commission, as Mr. English acknowledged, arose last year in the original contract was approved and I continue to share -- I want to acknowledge the commissioners who have raised those issues.

[12:01:43 PM]

I think they are important questions as we go into the rate case to consider, but I supported the original contract and will support this one today because it is a firm that's familiar with -- with the city of Austin



and I am putting confidence in one of the changes that we as a city have adopted and that is to have a consumer advocate be involved from the beginning of the rate case as well. So I guess that brings me to my question, Mr. English, when is the consumer advocate going to become part of this process?

>> So the rca for the consumer advocate was originally scheduled for your November 5th meeting. You have canceled that meeting so it is scheduled for the November 19 meeting.

>> Tovo: Thank I. And I have a lot of confidence if we get a real good consumer advocate we'll be able to avoid some of the problems with the last rate case where the proposal that came to council had some -- came with some significant concerns from our electric utility commissioners, from lots of members of the community as well. So thank you for your work on that.

>> Mayor Adler: Thank you. Anything else on this item 32? Is there a motion to approve item 32? Mr. Casar, seconded by Ms. Houston. I'm sorry, am I missing a speaker? Sorry. Yes, we have a speaker. Thank you. Mr. Halpin.

>> Mayor and council, I'm a member of many faith based energy and environmental activists groups in town. I was at the euc meeting on the 21st and red flags went up in my mind when three of the euc members said this sounds like the same group or has many of the same principals of the same group who brought to us recommendations -- I think commissioner city hutte said these are recommendations from the '20s and they didn't work then and they are not going to work now and I don't know why they are working with the same people.

[12:03:53 PM]

Shouldn't be the same consultants. Councilmember Hayden said he's are bad recommendations. The council deserves so much better a consultant than these folks and we ought to recommend to council they get a better consultant. And another councilmember said this is a nightmare. I was part of the activist church community at the time, it was a nightmare, it was terrible. Took hours and hours of council time. Your former colleagues had to meet late many weeks. The Numbers you got were all wrong and the hardest to pay were given the highest rates. Red flags went up. Why would we pay somebody 500,000 to almost a million bucks who the the same people we worked with last time. You deserve better than that, you deserve I think state-of-the-art, cutting-edge consultants and I just was curious if that's what you are going to get this time. It's our money and I think you need to be able to buy the best with that arrested-earned money. I just wanted to bring it to your attention. Thank you very much.

[Applause]

>> Mayor Adler: Thank you. I think it's been moved and seconded that -- I think -- I had a motion by Mr. Casar. Ms. Houston seconded this? Okay, good. Ms. Gallo.

>> Gallo: I have a question perhaps of staff. So the previous speaker addressed a little bit the methodology that was used in rate design that this consultant brought forward, but it's my understanding that that was the result of the last rate case, and that was something that was approved by Austin energy and the city council. So -- so that way of analyzing basically was something that the previous council and Austin energy did and this -- this group was just carrying forward something that a previous council had already set up.

[12:06:00 PM]

So I think -- I'm a little confused that it seems like that this company is -- is taking the hit for a process that a previous council and Austin energy approved to set up to use in the previous rate plan.

>> I think the work that new gen is going to do for us moving forward if this amendment gets approved is -- is going to be reflective of their expertise. It's going to be reflective of what industry standards are, and then it's -- our executives' responsibility to take those opinions and make sure that they are conforming with council policy. And we're not going to bring a recommendation to you that we're not comfortable with that we don't think meets those standards.

>> Mayor Adler: Okay. Yes, Ms. Pool.

>> Pool: So my understanding with the principals with new gen are many of the same people who the city contracted with previously but under a different name, a different firm name. Is that correct?

>> Yes, so back in 2010 we hired a company called rw beck and a second company called jay Stowe. We can go through the whole corporate merger thing, but basically three or four of the principals from those two companies formed a new company in 2013 that's called new gen.

>> Pool: So it's actually the same group of people generally, mostly, not so much?

>> Two of the principals were principals in our last rate case and the rest of their staff is new to our process.

>> Pool: And how big is the group that works on the rate case for us?

>> Right now there are five individuals, but in the studies that have preceded this amendment there have been some combination of 20 to 40 different individuals who have been consulting for us.

>> Pool: Okay. I'm just really having a hard time with this one, mayor, because the community that has watched so carefully to see the rate case and how it was developed and the information that came forward, they have some serious fundamental concerns about how it was handled and it looks to me like we are continuing a fairly large contract with the same group of folks.

[12:08:17 PM]

Maybe a little more conversation on the dais would help me know which way to go on this.

>> Mayor Adler: Ms. Houston.

>> Houston: I'm hoping that the -- what's the name of the company -- new gen strategies is listening to the conversation on the dais and hears the concerns that people are expressing. If not, I hope that you will share with them the concerns that the past experiences that we've had and that we are not looking forward to having those same experiences. Do we have a call-back in the contract if we see the same kinds of things happening?

>> I think we can cancel the contract if we wanted to. First of all, I'm the project manager for the contract and also for our internal cost of service team and I can assure you that we have talked about the -- the two major issues the euc has raised extensively with our consultants in making sure that we are using the best data that Austin energy has to analyze the situation and make sure that we're coming back with the recommendation that's reflective of good industry practice and is -- adheres to council policy.

>> Houston: Okay.

>> Mayor Adler: Okay. Any further discussion on this item number 32? Those in favor of item 32 please raise your hands. Those opposed? Garza, Zimmerman and pool voting no. The rest voting aye. It's approved. Thank you. Before we go to citizen communication, I want to wish everyone on the dais as well as everyone in the room and in the building a happy fiscal new year.

[Laughter] We'll now go to citizen communication. And we will begin with Susana Almanza.

[12:10:44 PM]

You have three minutes.

>> My name is Susana Almanza and today I come as a messenger. I come with a message for justice, a message to end racism that has caused harm to people of color, the poor and the working poor. When the at-large city council existed and the Latino community went to talk to the white city councilmembers, they were asked if they had spoken to Latino council person. Latinos always had one representative on the council and had to get the approval from that representative first. The African-Americans had one person to address their concerns and issues and the whites had five representatives that they could reach out to. We have now entered a new era of single member district with the mayor at large. The Latino community has three councilmembers who should be advocates for Latino concerns

and issues in Austin. We have one African-American on the council which means we have four people of color on the city council, we have three white liberals that are seen as representatives that value neighborhood concerns, we have a mayor who has worked on civil rights issues and participated in an undo racism class. We have a council that talks about lack of affordability and general time sensitivity Friday indication that is plaguing the city. Yet our Latino councilmembers chose to ignore the pleas of the residents and struggle to turn Springdale farms from becoming an events center. One family with a commercial service only which was completely surrounded by Latino single-family zoning and an elementary serving chicano Latinos children was granted the privilege to become an events center and to continue to serve alcohol. The rights of Latino community to live in a safe and quiet environment was totally ignored by our Latino councilmembers and by the white liberals that cared about rights of neighborhoods.

[12:12:44 PM]

More importantly this case city precedent for future gentrification in east Austin. It demonstrated the power of white privilege and the power of whites to control our Latino representatives. It demonstrated that white liberal councilmembers who are concerned about neighborhoods are only really concerned about their neighborhoods. This case has created a fire storm in communities and on the internet. It has caused some Latino councilmembers to request getting off list serves that mainly address Latino issues. Will the Latino representatives listen to the needs and concerns of the Latino community? Will they pretend that racism and white privileges do not exist? Will the white liberals continue the path of caring only for their neighborhoods? This message is a message of hope, a message of justice, a message to open the eyes and hearts to the racism and injustice that has plagued the city, the state and this country. You the new 10-10 city -- 10-1 council.

[Buzzer sounding] Has the path of human rights. You have the knowledge and opportunity to advocate for people of color, the poor, the working poor, the marginalized and the disenfranchised. Thank you.

>> Mayor Adler: Thank you. Next speaker is sandeep nanda. Carlos Leon is on deck. You are up next.

[12:14:45 PM]

>> Councilmember, good afternoon. My name is San deem deep -- sandeep nanda. The bottom line is if a 3% cap by building is passed even with a one per minimum building, 90% the existing struts downtown will be eradicated. The absolute Numbers are 56 right now that will go down to just six. I respectfully ask that you consider some other options. The first is to leave the cap as is because as I will illustrate there isn't really a problem to be solved here, or at the very least treat type 2s and 3s equally. Cap by zone and

suspend new licenses. A lot of this conversation has been driven -- I'm on slide 4. A lot of the conversation has been driven by noise complaints and nuisances. So I just wanted to point out that there was one 311 call regarding a type 3 str downtown over the course of one year. The next slide shows there's minimal impact on housing stock. There's over 6400 existing units of condition dose and apartments downtown of which only 56, again, are used as type 3 str. That is only .87%. There is another 3200 units coming on line in the next few years which will drop that number even further. It's not a growing issue. There's been zero new licenses applied for in the last ten months so it's not like it's a -- you know, taking over the entire downtown condo buildings. Another point I would like to stress is that we're talking about 100% of these units are in commercial Zones. And it's been brought up again and again that this is where we want this type of activity, in commercial Zones, and not really so much in the neighborhoods.

[12:16:47 PM]

So if they can't be in the neighborhoods and they also can't be downtown, then where can they really be? On slide 8, so I've kind of illustrated there's not really a problem to be solved here, but if we do restrict type 3 str downtown that will create some problems. The first is there will be restricted options for constituents. I won't go through the list, but it will severely restrict where people can stay. So just as a point of illustration, just like a balloon, if you squeeze it, the air doesn't disappear, it just goes somewhere else. If you look at slide 9, there's no options downtown near event centers. It will just go back to the neighborhoods and cause problems there. And I don't think we want that. So again, slide 10, please emphasize enforcement and not eradication. If you do pass the 3% cap by property, that will mean 90% are eradicated.

[Buzzer sounding] So please leave the cap as is or at the very least treat type 3s equally with type 2s. The last page has all my sources. People can throw a lot of Numbers out but I just wanted to source my material. I wanted to thank you all for your time and service. I appreciate it very much, especially for hearing me out once again. Thank you.

>> Mayor Adler: Ms. Troxclair. Hold on.

>> Troxclair: Quick question, the 56 number of str type 3s you mention is that total or in the downtown area?

>> That's the downtown area. So in cbd and dm. There's not a ton of them outside of those areas either because most buildings just don't allow them.

>> Troxclair: Right. Okay.

>> Any other questions?

>> Troxclair: Thank you.

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

[12:18:49 PM]

>> Carlos Leon in Austin, Texas on October 1, 2015, to speak what's right. First and foremost.

[Speaking in Spanish] For letting me speak truth. Second, chemtrails were all over Austin's skies last week. Stop the spraying now. Third, limiting me to one citizen communication per three meetings is cowardly and absurd. Fourth, though fellow Christian conservative, councilman Zimmerman is wrongly [inaudible] For rightly speaking against gay marriage and pedophilia. It's south park that should be off the air. On last week's episode, the president Donald Trump character was anally raped and then brutally murdered by male homosexual character garrison. Though scathing political satire is constitutionally protected speech, rape and death threats are not. Lgbts social media silence on this episode says much more about their true power tactics and domination goals than their fake, nauseating love one campaign. Making America great again means making America godly again. Something south park creators trey story of Jesus makes no sense parker and Matt ethnically jewish but athiest agnostic stone don't get. In the spiritual war for Austin and Americans' souls, the wicked shall be turned into hell and all the nations that forget god.

[12:20:59 PM]

Psalm 9, verse 17. In the lord putty my trust because god, Jesus Christ and the holy spirit are real, alive and well. Jesus saved me and Jesus can save you. In Jesus' name I pray. Amen. Thank you, lord. God bless Texas and the nation at large.

>> Mayor Adler: Frank Harren. Mr. Harren? You have three minutes.

>> Good afternoon, mayor, mayor pro tem and council. First of all thank you for working so hard on behalf of me and the rest of Austin. I want to specifically ask you to do something that I've already presented twice at your planning and neighborhoods committee. And that is to send a written directive to your staff and opticos and the ask is you direct them to include enough affordable housing options that we can accomplish the densification that is required to implement imagine Austin and is required to significant ly impact affordability in this town. All price points and neighborhoods will be my mantra for the next couple of years while we're finishing the development code. As you know, our starting point, however, is that we're the most economically segregated city in America. We have entire council

districts whose median income is more than triple that of other council districts. Nonsubsidized new homes under a quarter million dollars almost nonexistent in Austin, Texas today.

[12:23:01 PM]

The median resale price today is \$341,000. The median new single-family supply that's coming on, anything that was completed this year, the median has now hit half a million dollars for the first time in our history. For the four central zip codes surrounding the business district, the median price of a new home now, that that's being added today, is \$800,000. We have three options as I see it. One would be just to give up and stop building anything. I don't think that's a rational response. It is now impossible and will continue to be impossible to build affordable, low-density single-family within our city. There's just one thing left and that's to build some denser, more affordable options. I think that covers the entire waterfront of what we're going to do going forward in terms of new development and construction. We can't have it both ways. We say that we support affordability and then not support the one critical condition that makes affordability possible. We've been trying to do that for too long and you can see the result. I ask you to send that directive to your staff and to optics because as many of you know I've been involved in this whole process from the beginning, probably more than any private citizen.

[Buzzer sounding] As of just a week ago --

>> Mayor Adler: You can finish your thought.

>> Your staff and consultant did not intend to offer those options deep into our neighborhoods. I don't think they will do it unless you tell them to do it. We can have a two-year conversation about what we implement where. We go through the mapping process. But if we don't have the options on the table, we fail already.

[12:25:03 PM]

Thank you.

>> Mayor Adler: Thank you. That concludes citizen communication. It is 12:25. We have a couple items this afternoon where we have half dozen speakers signed up and then we have the annexation hearings to go into at 4:00. How long a lunch break do we want to take? We also have executive session but I'm not sure we need to go into executive session at this point. So those items would come off.

>> Maybe 1:15, Mr. Mayor?

>> Mayor Adler: 1:15. Ms. Kitchen?

>> Kitchen: That's what I was going to suggest.

>> Mayor Adler: We'll take a recess until 1:15.

[1:28:06 PM]

>> Mayor Adler: There was an item this morning that was pulled partially in response to a speaker that raised some issues with respect to a contracting item. On our agenda, it's number 20. Would you talk to us about that?

>> Yes, mayor. James Scarborough, purchasing. Thank you for the opportunity to provide more background. This is for the purchase of aggregate crushed stone, both the purchase of the material, and for the delivery of the material to various locations, the requirements of a number of departments, including public works streets and bridge, Austin resource recovery, and public works department, as well as the aviation department. In developing the requirement for this material, we looked at -- as we do with all of our procurements, we looked at the possibility of having subcontract opportunities for our mwb-certified companies. As it often is the case when we're buying straightforward commodities of services, it's difficult to have the quantities of contract parts. We refer to them as separate scopes of work. But, there were not enough scopes of work for this particular solicitation. It was reviewed, and that determination was come to by our colleagues at smbr. And we went and proceeded with a formal competitor process. Because we wanted to make sure that the companies were aware of our desire for them to -- them to participate, the buyer took an additional step beyond our Normal automated notice. We also contacted all of the companies who subscribe to the solicitation online. The buyer actually called every one of them, including the certified firms who had expressed interest in the solicitation.

[1:30:10 PM]

So, we realized that there would be some interest on this particular item, and buyers took additional steps to try to gain additional interest from the participants in the market for this item.

>> Mayor Adler: Okay. Does anybody have any additional questions about this? Ms. Pool, and then Ms. Houston.

>> Pool: Thanks, mayor. Mr. Scarborough, were you able to talk with someone during the break, to talk about it?



>> Councilmember, mayor, yes, I did have the opportunity to speak with him. And like just now, I provided a little bit more background on the requirement. It really was a straightforward purchase of material, and the transportation of the material. Sometimes you can contract directly for the material and separately for the transportation, but in doing so, you're still limiting your subcontract opportunities, because it's a straightforward material purchase, or a straightforward transportation purchase. In this case, we look at the possibility of separating that up and having more prime contract opportunities, absent subcontracts, but prime contract opportunities. But even in this case, the manufacturer, or the quarries, are not interested in contracting directly. They also provide transportation services and would rather their customers, like us, purchase both the material and the transportation services. So, this was thought through on a lot of different angles, and, you know, we wish we would have some more wins in this column, but it wasn't for lack of effort.

>> Pool: I think he may have something to say. Was there something you wanted to offer?

>> Mayor Adler: Mr. Olvi es.

>> Thank you, I'm with the U.S. Contractors association, and the minority trade alliance. Yes.

>> Pool: Take your time.

>> What I wanted to say was that my colleagues and I have talked about this.

[1:32:15 PM]

And we feel that it's best to break this up into four. This is a large contract. And this -- the vendor that's been recommended will, in all likelihood, sub out some of that transportation. And so, we think that if you break it up into smaller pieces, into smaller contracts, it may encourage our haulers to bid on it. And so, that's what we're recommending. We hope you take that into consideration. And then also, the second issue, which is not -- it's directly related to this, is the subcontracting opportunities that they identified. Wherever -- again, they say that there's not enough subcontracting opportunities, it's only because that's their policy, that they're making. There's nothing in the ordinance that says that you cannot. They really choose not to subcontract because there's only one scope. And let's say it's, you know, transportation. So, they don't typically subcontract or set a goal in there, because it's only one scope.

>> Pool: So was this -- the size of this contract too large for the different minority groups who were sent the bid?

>> It's certainly possible, councilmember, that it is too big. But we just think that if they're smaller, and we break it up into four -- in fact, there's two scopes on here. There's one for crushed stone, and one for something else. That's potentially eight contracts we'd have, so that's my comment.

>> Mayor Adler: Okay. Next, Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Was there somebody else?

>> Mayor Adler: Ms. Houston, did you want to go?

>> Houston: Thank you. I did want to go.

>> Mayor Adler: Okay.

>> Houston: First of all, I want to thank councilmember pool for pulling this item for discussion.

[1:34:17 PM]

This has been a concern of mine since sitting on the dais. So we've got to figure out how to manage the scope of work so that we have opportunities for our minority contractors to bid on. When you make them as large as they are, then that's not an option. So I'm not sure what -- why we can't make the scope of work smaller. And include additional people.

>> Councilmember Houston, mayor, councilmembers, when conducting a procurement, and when articulating the requirements of our customer and departments, we try to balance the policy objectives of the city along with the business environment in which those products and services are purchased. Typically, in a commercial marketplace where we're buying products that other customers, other governments buy, there is a benefit towards having term contracts, towards aggregating volume, towards having standardized specifications and so forth. Bigger contracts, longer terms, higher value, typically get better pricing, better terms and conditions and so forth. Now, certainly, we have observed the policy objectives of the city, and we try to have shorter shorter -- than the longest possible terms, and requirements that encourage contract conditions like having subcontractors more available. We try to include those wherever possible. We run the risk, if we go too far in creating requirements that may not exist in the marketplace. And if we do that, we run the risk of either creating additional risk on that contract, or creating additional price on the contract, in terms of dissimilar requirements from other customers in the market, or having fewer competition, or interest in competing for the contract. In this particular case, we did have line items. And we looked at the individual line items from the two birds -- bidders we received.

[1:36:22 PM]

Of the two that were computed, the one we're recommending bid on all four and was the lowest bid on all four. If there was another company that only wanted one line item, and they were competitive on

that one line item, we certainly could've considered that. But in this case, the company was the only bidder on two line items, and the lowest bidder on the other two line items. So, we do look at those areas, but we don't want to put the city in an excessive risk position in creating requirements that are too, too dissimilar from the market. That's what separates purchasing from our colleagues over at construction procurement, or contracts management department. They have a -- more of a project-based contract with lots of parts, and an amount. And when they execute, it's easier to create subcontract opportunities. Our purchases are predominantly in the commercial marketplace for common products and services consumed by other customers. The more dissimilar we are from those other customers, the more that we create dissimilar-looking contracts, therefore, risk, time, and so forth. So, we try to -- it's just that the approach when we're working as subcontractors, it makes us compare less favorably to our colleagues. We are in discussions to explore how we can optimize subcontracts, but also looking at other approaches to achieve council's policy objectives, both with primes, both in the informal space, both with using cooperative contracts. There's lots of ways we can achieve council policy objectives. But if we just look at subcontract opportunities, we're going to look less favorable again and again. That's not our intention. Our staff are trying very hard.

>> Houston: Thank you.

[1:38:22 PM]

>> Yes, ma'am.

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: Mr. Mayor, if I were running the purchasing department, I think I would prefer to have, you know, one large contract versus five or eight or ten, because it would be less work for my department. So, I guess the question I would pose is, isn't there an incentive to, you know, write one big contract as opposed to breaking it up into smaller piece from the a management point of view? Isn't there an advantage there management--wise? Because I'd rather deal with one project and one vendor than five or ten different vendors. And maybe you could comment on that. Maybe that's why these projects are being lumped together from a management viewpoint, to make it easier to manage, and let that company break it out in smaller pieces. Then your purchasing department doesn't have to worry about as many contractors.

>> Mayor Adler: I hear you. I think that staff said the reasons that they did it, but certainly, the point that you make is one to be made. Do you want to respond to that point?

>> Yes, sir. Mayor, councilmember Zimmerman, certainly, we could aggregate what some would consider excessively -- what we would consider excessively. However, we have an obligation, a professional obligation, to seek as much competition as possible. When we aggregate beyond what a common contractor could compete for, we would limit competition. Only the big box or superlarge

contractors would be able to meet the requirement. So, we would be -- where we may be benefiting ourselves in terms of having less formal processes, we would be further limiting competition, and having a harder time putting ourselves in a more leveraged position with a contractor if we created a contract that was so large that only a handful of companies could compete.

[1:40:23 PM]

We are incentivized to have right-sized contracts that appropriate for that market, and seek the most amount of competition. That's actually a basic tenet in our profession, something established in the association and measured in our annual application for the achievement of excellence in procurement, having a good, strong base of term contracts is a best practice.

>> Zimmerman: If I could, could Mr. Olvides respond to that? It sounds like he has the opposite point of view.

>> I do. Councilmember Zimmerman, we feel it's best that the policy be observed, but we also have minority contractors. We know we have to live up to that. Is there a balance, can you say, can you look back historically and say that we've done enough already as a city? Or have we? And so, we're saying, break this up into a smaller contract, not one big one like this one. And let's try that, because obviously, if we sit here and say that it's only going to be one way, but then we only speculate as to what the alternative would be, we're really not accomplishing anything unless we actually try it. So we encourage you not to move this contract forward, and send it back, and have smaller contracts on this.

>> Mayor Adler: My suggestion would be that if this is an issue we want to pick up in terms of the contracting, that we have the economic development committee take a look at the policy. If we can articulate what that area is. Is there a motion on this instance, with this contract, though, to approve item number 20? Mr. Renteria moves approval of item number 20. Is there a second to that?

[1:42:26 PM]

Ms. Troxclair. Any further discussion on item number 20? Yes, Ms. Gallo.

>> Gallo: I appreciate you mentioning that the economic opportunity council committee should discuss this, but we have an mbwe board that I'm hopeful that this procurement can also be discussed within those board meetings. I'm not sure if that board has had meetings yet. Do you know? The --

>> We have one coming up.

>> Gallo: Is this on the agenda for that?

>> As far as I know it's not.

>> Gallo: I would encourage this situation to be put. And you would have recent examples of different procurement items you could talk about, how they could be done differently so we could get a recommendation from that board, also.

>> I believe staff could get that on the agenda for us.

>> Gallo: Thank you.

>> Director of small minority business resources department, we serve as a support for the mbe business advisory committee, we can add that the agenda for the meeting on Tuesday for further discussion.

>> Mayor Adler: Why don't you go ahead and do that, and then see if it's appropriate to come to the economic opportunity committee of the council. Yes. Ms. Pool.

>> Pool: And we are also beginning -- and maybe I shouldn't speak for the chair -- we're going to start having regular reports from the mbewbe committee at the economic opportunity committee for council. We're going to start hearing from them, and also the Austin technology council folks for our tech innovation. So, we'll be able to have a forum -- a more specific forum for the issues that are lingering.

>> Thank you. That's great news.

>> Mayor Adler: All right, thank you. We have a motion and a second to approve item number 20. Any further conversation? Those in favor, please raise your hand. Those opposed? It's all in favor with Ms. Houston voting no, and Mr. Zimmererman abstaining.

[1:44:33 PM]

Ms. Pool voted no. Two no votes. Thank you very much. We have item number -- let's see here. We have some that we have speakers signed up, citizens. Let's see if I can work our way through some of those. The first one we have that has a significant number of speakers is item number 39. Mayor pro tem, this is your item. We have five speakers signed up. Mr. King, do you want to come and talk? Ms. Engel is here. You have six minutes, Mr. King. On item 39.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David king, I live in the zilker neighborhood, and I hope that you will pass this amendment as soon as possible and allow it to become law as soon as possible, because we have P.U.D. Agreements, planned unit development agreements that are making their way through the process right now that would -- could be potentially exempted from this change, this amendment. So, I think it's important that we get this amendment through the

process as soon as possible. And, that we hold off approving any p.u.d.es until this amendment gets through the process. This is an issue of consistency and fairness. We have -- we do have state-owned land in our city, and we've seen several tracts now that this state has sold.

[1:46:36 PM]

And now become part of our city and under control of the city. And we know we have this issue. And so now is the time to address this issue. And the issue is that if the property is unzoned, then valid petitions from neighborhoods really don't apply to zoning those properties for P.U.D. Zoning. And nor, apparently, does the denial by the planning commission of that proposed P.U.D. Zoning. That would also be -- would not require a supermajority vote of the council. So -- but it would apply to zoned properties. So, there's an inequity there. So to me, this is a fairness -- this is an equity issue. Neighborhoods that are adjacent to the unzoned properties do not have the options to help them deal and provide them with leverage for P.U.D. Zoning adjacent to their neighborhoods. And, in a way, this puts the planning commission -- you know, it reduces the planning commission's importance -- role in making decisions on P.U.D. Zoning for unzoned properties. And, you know, you all appoint the members of the planning commission for a purpose, so they can vet these cases and provide you with their best recommendations. And if they recommend a denial, that's important. And so, why should it be different for zoned properties versus unzoned properties? What public good is there to not have the same requirements for unzoned property? I can't think of any public good that we get from that situation. And because we have P.U.D. Zoning cases right now, one in particular where there is a valid petition already in place, I don't think that's fair to those neighborhoods.

[1:48:39 PM]

I think that's a fairness equity. And if this were happening in my neighborhood, I would be up in arms about it. I would be asking for something to be done about this. So -- and you could have these kind of P.U.D. Situations in your districts, too. So even though this may affect one district in particular right now, this could happen in other districts. This is an important issue we need to address as soon as possible. And, you know, previous councils have held off approving puds until they've made some changes in the P.U.D. Ordinance to facilitate a policy they wanted to implement on a particular P.U.D. The P.U.D. I'm referring to is the taco P.U.D. In south Lamar. A previous council said, hold off, we're not going to approve this P.U.D. Until we make a change in the affordable housing requirement for puds. There is precedent to hold off until you make a change in the ordinance. And in that case, I certainly didn't agree with that change, because it basically reduced the amount of affordable housing requirement for that P.U.D. In this case, I think this is a -- this is going to correct an inequity and a fairness -- and address a

fairness issue for neighborhoods that are adjacent to a state-owned property that's unzoned. So, I hope that -- you may hear something about, well, the law or the case law doesn't support this. I'm not sure what you might hear. But, you know, I think that we need to prioritize fairness and equity. That needs to be a priority. And I hope that you have the courage to move forward in saying, let's give this a try. Let's see how far we can take this, and not be held back by, oh, well, it may not be supported by case law, or some other issue like that. Because I've heard that before, when these legal matters come up before council, and the previous councils have backed down from that and said, oh, no.

[1:50:47 PM]

Even though it appeared that they wanted to do right by the public, they backed down. And I hope that you will have the courage to step forward and take the action to close the -- to address this equity issue and to allow citizens, neighborhoods, to have a fair opportunity -- and have leverage in these P.U.D. Cases. And the, you know, the P.U.D. Cases, they're not a by right. They have no right to these entitlements. They're coming to you to ask for these entitlements in return for superior development, and this puts neighborhoods at a disadvantage in trying to get to that superior development level. Again, from getting to that level that the citizens can also -- we really see this. This is important. This is an important issue that needs to be addressed as soon as possible. So, I hope that you will, like I said, take the step forward right now.

[ Beeping ]

>> And approve this amendment as soon as possible. Thank you.

>> Mayor Adler: Chris Allen. Is Chris Allen here?

>> Good afternoon, mayor Adler, councilmembers, my name is Chris Allen. I'm here today representing the residential neighborhood association. We've been working with this project for, gosh, going on a year now. I'm an architect. I studied at UT with Sinclair black, and did my final semester in 1987 during in-fill projects on state-owned land. Since then, I've done two decades of service for rosedale, working on zoning issues, and have ushered two puds so far. We had great success, that was the triangle P.U.D. And the central park P.U.D.

[1:52:48 PM]

They're very successful, and came to council uncontested. I want to thank mayor pro tem tovo and the cosponsors of this amendment, councilmember Houston, councilmember pool, and councilmember kitchen. Appreciate your support. This is a seemingly complex issue, but today's agenda item is very

simple. It's designed to restore equal property rights to correct an error in the city's code that denies property rights to property owners all over town who own land adjacent to unzoned property. Today's discussion is focused on supermajority rules related to puds, P.U.D. Cases that have been denied. We saw discussion about valid petitions in your work session on Tuesday, but that's not what this item is about. What's in front of you is simple, straightforward, and ready to go through the public process without any unnecessary delay. The supermajority rules set out by the state create checks and balances. It's important to remember that checks and balances don't prevent or deter great in-fill development, they foster it. I'm here to answer questions. As I said, we've been through the P.U.D. Process several times. We've done this for a while. I'm not new to this game. And if you have questions, I'm happy to answer them. Thank you.

>> Mayor Adler: Thank you. Next speaker is Gina Allen.

>> Hi, good afternoon. My name is Gina Allen, with the rosedale neighborhood zoning. I did a real quick map yesterday when I started to look at this. That X is my neighborhood. So, as you can see, my neighbors are really impacted by item number 39. I'm requesting you pass this proposal as it's written. This begins a process that the council has set up when four members bring a resolution forward. There will be citizen input with the process, and you'll be hearing from neighbors all over Austin, not just in the district that my quick sketch lays out.

[1:54:55 PM]

That's about four districts represented there. I didn't have time to go south. The school for the deaf is coming up to be sold probably. That's a lot of unzoned land with homeowners around it that should have equal zoning rights under the code. This is a binary decision. Either all the citizens of Austin get the same property rights under city code, or we don't. Thank you for your time, and thank you for the councilmembers who brought this forward. I appreciate your time.

>> Mr. Mayor. Before you go, I'd like legal to chime in on this again. I think there's a common-sense argument that land without zoning, when you add zoning to it, that's a change. That's kind of the common-sense argument. But then there seems to be a legal argument, right, in state statute, regarding previously unzoned land. And I think that's where some of the hangup is here. So, could you reiterate -- or maybe legal -- just a summary of what are those state legislative rules that affect unzoned land and why that's such an important distinction.

>> Sure. Go ahead.

>> Assistant city attorney. I'll just briefly address the issue. I'm going to try to keep my remarks to a fairly 30,000-foot level, we can provide more detail if you desire. Councilmember Zimmerman, you directly summarized the statutory text. However, there's a court decision from 1972 from the Dallas court of appeals that dealt explicitly with petition rights. And that case held that petition rights are only available



for land that has already been zoned. They're only available when a municipality is seeking to rezone property that has already received permanent zoning.

[1:57:01 PM]

The resolution that's before you today would not -- the ordinance that it would initiate would not adopt petition rights for unzoned land. It would utilize a provision of the state statute that allows cities to impose supermajority approval requirements where the zoning commission -- in our case, that's planning commission and zap -- where the commission has recommended denial. And that's a different basis for a supermajority than petition rights that was addressed in the Apollo development case. Certainly, the representatives of the development community have argued that Apollo development, the core rationale of that case would extend to this resolution, just as much as it does to petition rights. So, they've essentially argued that it's a distinction without a difference. But it's an untested issue, and there are certainly different ways that one can read this decision. This is ultimately a matter for council's discretion and judgment as to whether you want to pursue this. I would point out, just to clarify the process, that if you do -- if you were to pass the resolution that's before you in backup, it wouldn't result in any immediate changes. It would just initiate the drafting of an ordinance that would then have to go through the public process and come back to you for final approval.

>> Mayor Adler: Ms. Tovo.

>> Tovo: I just want to underscore a point you made, because it continues to be confused in a lot of discussions about this item. The court case you talked about has nothing to do with land use commissions. As far as your reading goes of the state law, with regard to land use recommended denials, municipalities have the ability to adopt that as a supermajority requirement for their councils.

[1:59:04 PM]

That's your understanding of the state law.

>> The text of the state law says that there are different ways that it can be interpreted, and there are certainly arguments that can be made that the Alamo heights decision could be extended to this type of situation that's distinct from petition rights, but that's an issue, if you want further analysis or detail on that, we can provide that through a memo or through executive session. But in general, this is distinct from petition rights. And whether or not this particular approach to requiring a supermajority would be limited to only already-zoned land, that's a question that the courts have so far not addressed.

>> Tovo: Okay. I guess I would just make a note to my colleagues that my office has met with city legal, with Mr. Lloyd, and has talked about the specific proposal before us. And I think we've gotten at least one, possibly two memos from city legal about this issue. And I feel very confident that we have followed along that course in bringing this resolution forward. I also will say, as I also will say it doesn't deal with valid petition rights, but I've heard comments from the community including very informed members of the community that feels a case approaching a half century old may not be -- is not the right precedent that -- for valid petition rights and that we may have the ability to consider that as well. But again, this resolution doesn't seek to raise that question at all.

>> Mayor Adler: Hold on. Before we start talking, we have a witness that's standing up. I'm going to hold my questions for Brent until we get to the public comment. I have certainly a lot of questions. I have one more question for you on the map that you gave to us that had the tracts in red.

[2:01:06 PM]

Those are the unzoned tracts.

>> Yes.

>> Mayor Adler: Are those all owned by the state?

>> Some of them -- I don't know how you count u.t.'s ownership rights but I live four blocks from Ramsey park and Ramsey park shows up as unzoned.

>> Mayor Adler: So on the chart you have the things that are red it's either state owned, owned by the university of Texas or it's Ramsey park.

>> Right. Which is unzoned.

>> Mayor Adler: Thank you. The next speaker that we have is Grayson cox.

>> Good afternoon, mayor and council. My name is Grayson cox. My statement today is on behalf of myself and a number of homeowners adjacent to the proposed grove at shoal creek pud that couldn't be here today. We support the resolution before you to the extent its purpose is to make clear the correct interpretation and application of section 25-2-284 of the land development code. However, existing law already requires a three quarter majority vote of city council to approve a pud application for which is land use commission has recommended denial. Similarly, existing law also grants petition rights to adjacent landowners when a pud application is filed for land that has long existed within the city limits. Regardless of a zoning or rezoning label, a pud application for any such land is a change or modification to land use restrictions that requires a three-quarter vote of council in either of these situations. An overly restrictive interpretation of section 25-2-284 to exclude the grove at shoal creek pud application is contrary to state law and would be invalid.

[2:03:14 PM]

Nowhere does state law permit such a narrow use of the rezoning label to create a loophole to circumvent the super majority requirement. We appreciate your effort, especially mayor pro tem tovo and councilmembers Houston, pool and kitchen to address this significant issue and we definitely look forward to the opportunity to discuss it further. Thank you.

>> Mayor Adler: Thank you. Next speaker is Joyce basharo. Okay. Then I think those are all the speakers that have signed up. Anyone else that I'm missing? Okay, we are back up to then the -- the dais. Ms. Tovo is not here. Is there any -- there you are. Do you want to lay out a motion?

>> Tovo: Yeah. Mayor, I'd like to move the approval that was distributed here on the dais, it is a revised version in which the sponsors and I endeavor to incorporate some of the comments that -- I would say the substance of the comments that were raised in the work session on Tuesday. I will say to the many, many people who have weighed in on it it is not as directed as it was when it was brought forward, but in an attempt to get it passed here today we have changed some of the language to reflect that the city manager and staff will have option for bringing forward other alternatives in addition to the one that we propose. That is an ability that always exists when a code amendment is initiated, but I'm articulating it here in a way I hope addresses some of the concerns about foreclosing other possibilities. Just to run through the substance of the changes, again, it's available on the dais and I would be glad to give a copy to the clerk so that we can post online. I think the substance --

>> Mayor Adler: Is this the same one that was posted yesterday?

[2:05:17 PM]

>> Tovo: Yes, it is. Thank you for reminding me of that, mayor, it was posted on the city's merge board yesterday afternoon, I believe. And I would say the substance -- the most significant changes are those that appear in the be it therefore resolved where it indicates that the city manager is directed to initiate a code amendment that addresses the concern that residents adjacent to unzoned properties are not treated in the same manner and then the next be it further resolved, if we could please skip on to the next page. The next be it further resolved talks about -- I'll just draw your attention to the last sentence in that clause. The city manager and the planning commission should consider and may recommend other ideas or solutions that might help address the discrepancy in the process between zoned and unzoned. Again, I'm trying to accommodate the concern that I heard on Tuesday that we are -- we were bringing forward a code amendment that was fairly narrowly focused. This will allow, again, it's ability that I think always exists but it makes it very clear we understand and are open to considering other

code amendments other than just extending that provision. And then I have incorporated language to make it clear that the code amendment that would be headed back to council will stop off first at the planning and neighborhoods committee. For recommendation. And I can't remember if I moved approval.

>> Mayor Adler: Is there a second.

>> Tovo: But I would like to do so at an appropriate time.

>> Mayor Adler: Is there a second to Ms. Tovo's motion? Ms. Houston. Discussion on this motion? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. So I think -- I'm not necessarily opposed to this, but it sounded like in our conversation on Tuesday that we could have some -- some unintended consequences and I would like at some point to be able to make it a motion that we refer this to a committee for more scrutiny.

[2:07:29 PM]

I'm not sure when or if that might happen, but I think it's -- I think there are some things that could happen. One of the things you had mentioned is some of these unzoned properties, if we have more tools in place that might impede the ability of the unzoned property owners to market their land, that they could wind up leasing out properties and in some way possibly frustrate the intent of what we're trying to do. I would just like to have this given some more scrutiny before we vote on it. So I would vote against the motion to pass this and for a motion to put it in committee.

>> Is that an order -- that's not really amending the motion. The motion is to pass it and I would like to refer it to committee so I don't know how to do that.

>> Mayor Adler: A motion to refer to committee is in order to be made.

>> Zimmerman: I'll make that motion that we refer to committee.

>> Mayor Adler: Is there a second to that motion? Ms. Troxclair. We are now on the motion to refer this matter to what would be to committee. Ms. Pool.

>> Pool: I think the revised resolution that we have in front of us explicitly does that and in fact that is why we have the revised resolution is in front of us is because the question was raised is this going to be run through the Normal process or the established process for changes, although council can and does have the authority to make this change today from the dais without running it through the various citizen commissions and the subcommittees and the planning and neighborhoods committee. But the mayor pro tem and the rest of us who are co-sponsors on this are willing to allow that additional vetting

and that is precisely what is in here in answer to councilmember Zimmerman's request that we do that, that is what this does.

[2:09:35 PM]

>> Mayor Adler: Ms. Garza.

>> Garza: Yeah, I thought that the changes took care of that, that it's going to be run through a committee, it's going to be run through the process. And I know we're still having discussion on the transition task force, but I think this is a good way to bring things before the council going forward, different items like this because I know there's some concern from the community not knowing about -- not having to monitor committee agendas. And so this way, you know, in incidents like this where we write in that safeguard like we're going to consider a policy change, you know, so let's do a, B and C and then it's going to run through the committee process and then it's going to come back, I think that's a good way of alerting the public to go to the committee and have those discussions. So I don't see the -- I just think that it's already doing what you are asking it to do, councilmember Zimmerman.

>> Mayor Adler: Ms. Gallo.

>> Gallo: I just -- I think when city legal came up and talked briefly about some of the legal ramifications, I do think there are legal ramifications that are part of this discussion that I would like for us to have legal address, and mayor, I'm not sure you indicated that it might need to be in executive session. So what I would like to ask if we're going to move forward with a vote on this that maybe we break into executive session if that's the legal department's recommendation to discuss the legal components of this. Prior to --

>> Mayor Adler: So I understand that what Ms. Gallo wants to discuss is what would be the -- the legal prognosis passing something like this or legal issues. That does appear to me to be something best discussed in executive session.

[2:11:36 PM]

Is there any problem with us breaking to go into executive session to discuss that?

>> No, we can certainly do that now if you want to or we could --

>> Mayor Adler: Let's break for executive session, but before we do, does anybody have any general framing questions or do you want to go straight there.

>> I just want to make one statement. So my request to do this and have this part of the dialogue is not an indication whatsoever of my support or not support of this issue and I want to be very clear on that. It's just I do think we need to be very cautious when we're talking about potential ramifications of items that our city legal has indicated we might be addressing so I want to make sure we have that opportunity to ask those questions and have a thoughtful discussion.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I just have a question. We talked about this earlier. I wanted to clarify if we have any other executive session items, I would like to do it all at once.

>> Mayor Adler: I don't think we have any other executive session items. This would be the one that we would have. As we go into executive session, just in terms of framing the question from where where I sit, I -- I see this as touching on a broad and real important topic for us as a council. And that's the question of how we handle the state excess land that we have. Because there's a lot of it and because the tracts that they have I think are critically important to this city. They represent unique opportunities for us to be able to have significant parkland in urban areas. It provides us real significant opportunity and perhaps our best opportunity to get urban and geographic dispersion of affordable housing in this community. The process that we have right now with the state where we hear what appears to be kind of late in the process that a land is going to come up to sell and that we don't have as much time to react to it as we would like to is an issue for me.

[2:13:42 PM]

People that are bidding on a property -- so it impacts our ability as a city if we don't step in. Properties that come from the state that enter into a bidding war with potential developerrers I think is not good for us or for the state, at least to the situation where we could have developers or people buying property with a belief they could do more than what they can do and that becomes an additional pressure point on the city. I would much rather us be able to work out with the state what properties should be and then have it marketed that way so there aren't any investment backed expectations. So I see -- I see this item as being something that is part of a much larger question. And even with respect to the super majority, I'm not sure exactly what happens in the situation if, for example, there were eight people on the council that wanted to have a significant amount of affordable housing on a tract that was susceptible of a pud development but there weren't nine votes and then it comes back up for regular zoning, I'm not sure what happens on a tract that hasn't been zoned. I mean those eight people might have to zone the property at a higher density, regular density than they would like to in order to be able to drive the affordable housing component they want to have. I'm not convinced as I sit here that I could think through all of the different possibilities. So when I was looking at the mayor pro tem's motion, I would like to have this move forward and I would like to have it discussed and have some kind of opportunity for us to be able to handle those. But I was uncomfortable voting yes for something that

said that I intended to do three-quarters. I don't know that I would do three-quarters, I don't know that I wouldn't.

[2:15:44 PM]

I don't know and would like to have the discussion and the debate before I took a position or began to signal the position that I would ultimately take. In fact, I would really like to have this heard by our neighborhood and planning committee to help work through a lot of those issues so that we can come up with a real comprehensive way that we deal with these -- with these -- with these tracts. What I handed out was a draft resolution that basically would move this forward but doesn't express any intent to do anything other than to study this issue. It points out that the land development code does have this what the law is with respect to three-fourths applying in some situations and not in other situations. It recognizes that our ordinances do not address situations where pud zoning is sought on unzoned property. And then it would direct the city manager to study, initiate and propose potential code amendments, considering the -- and even including but not limited to the implications and benefits of a code amendment to address the concern that would be raised because there would be -- the implications and benefits of adopting something that moves to three-quarters. Because I think that's an important thing to do. But again, this doesn't express any preference for any particular resolution, it just says let's look at this because this is a situation that needs to, it specifically says we'll look at that. It does say that any recommendations have to be brought back to the planning and neighborhood committee at its December meeting and that would enable that committee at that time to hold additional public hearings to pass it and have it considered by the council.

[2:17:49 PM]

I don't know if there's enough time to go through the planning commission and the other people that would comment on ordinances and have it brought at the November meeting. I don't know the answer to that but that's why I put it in December. But I think that that would be a much more reasoned and deliberate approach. I am a little uncomfortable and I haven't urged this yet, I'm just handing it out, I'm a little uncomfortable with a process that initiates the policy setting before it goes to the committee. I mean I think we have committees, an idea like this comes up, we should send it to the committee and that kind of public involvement and other work could arise out of that process. But this one follows how the mayor pro tem had set it out which is to initiate it outside of the committee and then to have the committee come in with its policy recommendations after staff has already come up with what its policy recommendations are and the policy recommendations of the other bodies. And then part of me would prefer to have the -- the council committee express its policy stuff first and then have it. The same way

we have done the other ordinances that we've done thus far that come from those committees. So I lay this out just so that people can see it and I'm uncertain as to whether it's better just to go to a committee or to do something like this, but I am uncomfortable expressing an opinion on -- in the larger context in terms of what we have to do to have the best leverage with the state to make sure we can have as much parkland or affordable housing, whatever good we have. I don't know that this is the best strategy for that and I don't think that I've had the opportunity yet to hear enough public discussion and enough stakeholder input to figure out which way to go, but I definitely want to change the status quo so that we don't end up in the situation we've been in.

[2:19:59 PM]

People who haven't had a chance to speak yet and then I'll go back to the ones that have. Ms. Kitchen.

>> Kitchen: Just a question so I can understand the proposed approach. And what looks to me like it might be a difference. I don't know if it's intended, but my thinking was that the amendment as laid out by the mayor pro tem would have sent -- would have sent the item through the planning commission first and then it would have gone to planning and neighborhoods committee and then to the full council. But -- but the amendment that I think you've laid out might have done it differently, might have sent it to the planning and neighborhoods first because the language that referred to the planning commission is no longer in -- in the version that you sent out.

>> Mayor Adler: That was inadvertent. If we're not going to decide the policy issue now, there are two ways we could go. We could either give it to the city manager to say hey, there's an issue here without recommendations as to policy, and then bring it back to our planning commission or send it to the planning commission first so there could be some policy direction after stakeholder involvement. But I didn't -- but this was intended to track more the mayor pro tem. So that was an inadvertent miss. Ms. Tovo.

>> Tovo: I want to clarify a few things. Mayor, I believe you made amendments to the older version and I would -- if it makes sense, I would suggest that some of what you've changed is very in sync with the intent of my revised resolution and I would be happy to incorporate some of your language. I can walk us through that. But I do believe that at the end of the day I would suggest and I hope my co-sponsors will agree that we should initiate a code amendment. We have now included language in the revised version that I believe leaves it open as to what those amendments might be.

[2:22:04 PM]



And frankly the city manager could come back and the staff could come back and they could recommend that we do something else entirely. But it does leave that process open. And to clarify -- to clarify what would happen if we agree to this resolution, it would proceed on to our staff and then on to the planning commission, codes and ordinances for their public hearing and review and then it would have public comment at the planning commission, then it would come back to our planning and neighborhoods committee of council for a recommendation and then it would come back to council. And so -- so the only step I have not undertaken here is to send this first to the committee to discuss whether to initiate a code amendment that will then go to these processes. I just want to say I understand, I mean we are beyond our six-month discussion of committees and I think it's -- it's appropriate that at the transition committee and as a council we continue to evaluate that process and what proceeds on to council and what goes to committees, but I will say we have had items including on today's agenda that did not go to committee first. We've had policy -- we have acted on policy on resolutions expressing policy statements before that have proceeded on to council with four or more co-sponsors and they have not been sent to committee and that's the path we agreed at the beginning was okay, that we would have two paths. It could go to committee first for a recommendation, then come to council, or with a significant number of co-sponsors it could proceed directly on to council and we have - we have done both. And we have made some --

[inaudible] On resolutions that haven't gone first through a committee. And I think that this is -- since all we're doing is not implementing something at the end of the day, we're just kicking off a public process and a review process, I think it's an equally legitimate way to begin.

[2:24:08 PM]

I'm certainly supportive of going into executive session to discuss this issue. I think that would potentially be helpful. And I'd be happy to run through the specifics. I've compared -- I've compared, mayor, your proposed --

>> Mayor Adler: And I think

[inaudible] Most recent one. That was the intent.

>> Tovo: I will have to go through and line it up, but I will just say if it makes sense now to go through, I would -- I would certainly accept the language does not address instead of fails to capture. I have a different proposal for that last whereas. I do think we should state some intent. About what kind of a code amendment we want. I think you've proposed eliminating that whereas. Which may be at the end of the day the best solution here. And I would stick with the original language that I and the other sponsors have brought forward in the be it therefore resolved clauses, with the addition of your language study and propose. I would make that the city manager is directed to initiate -- is directed to study, propose and initiate so that we capture that. But I believe that in the be it therefore resolved

clauses in the revised version we do open it up to other options for what those code amendments could be.

>> Mayor Adler: Any further discussion before we go to executive session? Then Ms. Troxclair.

>> Troxclair: I believe the motion on the table was to send this to committee and I was just going to suggest maybe we take that vote first because then we would have the opportunity to discuss this outside executive session and we wouldn't have to break right now.

>> Mayor Adler: Do you want the executive session to inform your decision on whether or not this is referred to committee?

>> Gallo: I think it would be helpful to have the executive session prior to any vote that we do just because I think I have some legal questions that I want to make sure that --

[2:26:12 PM]

>> Mayor Adler: Then let's go ahead and break then so the councilmember has that information. We'll take a short recess, we'll go back to the executive session room. I would -- I'll point out we're going to go into closed session to take up one item. Council will consult with legal counsel regarding item 39, a resolution initiating an amendment to to city code chapter 25-2 relating to approval requirements for planned unit development cases. Any objections? Hearing none, the council will now go into executive session.

>> Zimmerman: Mr. Mayor, do we have the expectation the soonest and latest we might get back from this?

>> Mayor Adler: I don't anticipate this would take very long, but those sound like famous last words to me.

>> Zimmerman: That's why I asked. Famous last words. How long it's going to take.

[3:11:26 PM]

>> Mayor Adler: All right. We're going to go ahead and pick this back up again. We are out of closed session. In closed session we took up and discussed legal issues related to item number 39. There's a quorum present. We're back here again. There was a draft resolution that was handed out to everyone. It was a clean version of the red line version that I had handed out just before we went through. Can you put that up on the board for people to see? I'm going to make a couple hand changes to this. This has

been handed out to everyone but not with the changes I'm about to read into the record. So this is a one-page deal. So this is the pud amendment. Number 39, Adler in the upper right-hand corner and it's one page. Does everybody have their copy of this that got handed out? If not, I have another copy of it. It looks like this. Okay. This -- I handed out a red-lined version earlier, the mayor pro tem's second version. This is a clean version of that. But I'm going to make some additional changes. This has one, two, three, four, five whereas clauses from the mayor pro tem's version. It doesn't have all of the ones that were originally there, it strikes one. The be it resolves clause is going to have two additions. It says the city manager is directed to study -- we're going to add the word initiate, to study, comma, initiate. And then it carries on and propose potential code amendments.

[3:13:28 PM]

Then the second addition, and the second addition would say, comma, working with the planning commission, comma.

>> [Inaudible]

>> Mayor Adler: Yes. The city manager is directed to study, initiate and propose code amendments, comma, working with the planning commission, comma, and then it continues on to address unzoned property in which pud district zoning is sought including but not limited to the implications and benefits of a code amendment to the land development code to require an affirmative vote of three-fourths of the members of city council to approve a pud district zoning when the land use commission recommends denial of application to zone to planned unit development. Recommendations including any code amendments shall be brought to the council planning and neighborhood committee at its December 2015 meeting. Strike the word days so that that sentence finishes, parentheses or as soon as reasonable possible. Take out the words thereafter. So it just reads or as soon as reasonable possible. Is that amendment acceptable to you, Ms. Tovo?

>> Tovo: Mayor, I'm comfortable with those changes as I understand the intent, we as a council would be initiating these code amendments and it would proceed on to planning commission, at which point they would continue the discussion and what comes back would go through planning council subcommittee and then on to us.

>> Mayor Adler: I think that's true and what is happened here is staff is not being given the direction to initiate an amendment to include any particular provision. I mean at one extreme the planning -- the council could say we're going to make everybody the same by taking away three-quarter provision for anybody is also a I'm not recommending that you do that.

[3:15:42 PM]

But I'm saying there's a situation we have here expressed on the dais that we have a lot of unzoned land coming in the city. We have the desire to put ourselves in the best position, vis-a-vis the state, vis-a-vis the people who might be purchasing that property. Lots of related policy issues. We're asking staff to take a look at that issue. Work with the planning commission. And come back to the council committee with an initiated and proposed ordinance for the planning commission to work through and eventually to get to a council right after that. Is that language okay to do that? Okay.

>> Point of order?

>> Mayor Adler: Your point.

>> I think I had a motion on the floor to refer to item 29 to committee. I would like to withdraw that motion if I can.

>> Mayor Adler: Mr. Zimmerman withdraws the motion. In some respects, I think this is just flushing out your motion to refer to committee. Is there someone that would move the 39 change here? Ms. Troxclair moves it, a second to this? Ms. Pool? And is there any discussion to this substantive motion for an amendment to Ms. Tovo's? An amendment to Ms. Tovo as shown. All those in favor, raise your hand, those opposed. Unanimous on the dais. Any further conversation about Ms. Tovo's motion has amended. Those in favor, raise your hand? Those opposed. It passes unanimously. We'll now move on. We have an item that is on the -- on the zoning case that is up for us.

[3:17:44 PM]

It is items 48 and 49. One of the principles in this has had a medical emergency to attend to. So we're going to go ahead and postpone this item if there's no objection. We're going to postpone it to October 15. Items 48 and 49 because of the exigent circumstances. Any oppose delaying it? Those opposed? It's unanimous on the dais with Ms. Pool off. I'm going to call up the items now that have additional speakers with them. So that we can let some people go home. Item number 45. Sorry, item number 44. Item number 44 is the engine break matter. 44 has two speakers, but one has five. Four people providing time. So we're going to call this item up. Mr. King, do you want to speak first?

>> Thank you, mayor, councilmembers.

[3:19:46 PM]

I'm here to quickly speak in favor of this. I think this is good. The residents that live near here hear the noise from the trucks braking. I -- in previous places I lived, I had to deal with that. I know how destructive that is. I'm supportive of this and I hope you support it too, thank you very much.

>> Mayor Adler: Next speaker is David George. The Kevin Reynolds here? Is Karla George here? Is Stacy Tarrant here? And is Neil Tarrant here? Okay? Then you have 12 minutes.

>> Mayor, city council, thank you for allowing me to speak on the the truck brake, the engine brake issue. I'm Dave George, I reside in Hughes park lake subdivision. If you wouldn't mind putting the map up? Hughes park lake is really close to your brand new water plant. It's just down the road. You can see the picture of 620 which is the area looking up and down. The road there. And our issue is that -- is that the trucks are coming down this hill. 90% of the trucks are following good common sense. And applying regular brakes. Whereas the minority of vehicles, the trucks primarily dump trucks, are utilizing these engine brakes which are extremely loud. Our subdivision has been around for quite sometime now. It was developed in the early '60s and '70s, and '80s, long before 620 became what it is today.

[3:21:50 PM]

Obviously with the huge steiner ranch development across the street from us, there was a need to expand, straighten out, and make our 620 much more of a -- of a freeway. So what I wanted to show you next are just some pictures of some of the homes that are nearby. The highway. So you can see this is coming out of Quinlan park. And you can see these. These homes are very close to 620. So any -- you know, excessive noise that comes off of 620 is obviously going to impact our neighborhood. They -- as I mentioned before, like it's a minority of vehicles but unfortunately they make a majority of the noise. And these trucks start as early as 6:30 in the morning. And use their brakes -- their engine brakes, I assume to slow their speed. The loud noise reverberates through our homes, even when the windows and the doors are -- are closed and -- and I thought maybe the best way to explain it was just to show you a couple of videos that I captured from the intersection to give you a feel for what our neighborhood is having to deal with. This is right in front of our subdivision.

[3:24:08 PM]

[ Video demonstrating traffic noise ]

>> The focus is on the second truck here, not the first one. A little downshifting there for good measure. Okay, that's fine. So 620 in front of our subdivision is long and reasonably straight road where it's obvious to a truck that they should use caution and not speed as they go down the hill. And like I

mentioned earlier, most trucks are observed using good common sense and -- and driving down that hill at a reasonable pace and not -- not needing to use their engine brakes. In fact, most tractor trailers you see, you know, whether they're a big Randall's truck or whatever, an HEB, there's no issue with any of those trucks, it's the minority of the trucks but unfortunately it's a very prevalent problem for us. So our request for you today is to include our neighborhood as part of this jurisdiction that's subject to the ordinance which I'll now display on the screen which is 12-1.

[3:26:15 PM]

It's pretty straightforward ordinance. And I believe that the mobility committee has recommended an amendment to this to pull not only us but other areas close by the city. And we are very, very close to the city limits. In fact, I'm not sure exactly how it all works. Even we're being told that 620 is part of the city's jurisdiction and in terms of annexation. So we're just asking for a little peace and quiet if you guys can help us out with this ordinance and adopt the amendment as it's been referred to y'all by the mobility committee.

>> Mayor Adler: Questions?

>> Mayor, I have a quick question, if that's okay. Have you all been in touch with any of the trucks that are coming by to talk about the trucks to talk about the problems you're having with the noise?

>> That's a very good question. I did try to do that at first because most of the trucks have their names on them. They don't have phone Numbers. So when I tried to do research, looked for websites, looked for phone Numbers. They don't exist. I couldn't find any information on these companies. So my initial conclusion is that a lot of these are just one-person companies. You know? Where they buy a dump truck and they go -- they're in business. So unfortunately there was nobody that I knew to try to contact. And, again, it's the minority of the companies. The vast majority of the trucking industry is being very respectful and doing the right thing.

>> Houston: So the other question is what is the enforcement mechanism for that small minority of truckers?

[3:28:16 PM]

>> There's a ordinance that the city has that will stop the use of engine brakes. We're just asking that that ordinance already be in place be expanded roughly 5,000 feet to pick up our neighborhood since we're so close to the city property. We're just right down the hill from the brand new water plant.

>> Houston: I'm talking about enforcement as in do you think --

>> Oh, enforcement.

>> Sorry, sorry. I misunderstood. So I assume that the city police would have to enforce it. I'm not sure on jurisdiction, you know? We have plenty of county sheriffs all over the place, including the one that was here representing our cause today, I believe. But I don't know how exactly that would work in terms of -- I'm sure the city and the sheriff's office could work something out to -- for the betterment of all.

>> Houston: Thank you.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. George, thank you for that. One of the residents you get the majority of the noise and in fact one of the Travis county sheriffs. One of the Travis county deputies.

>> He was here today but he had to leave.

>> Zimmerman: He would be interested in getting it enforced because he lives there.

>> Mr. Mayor?

>> I think I was next.

>> Mayor Adler: Ms. Pool?

>> Pool: So I just saw the video. It looks like the trucks are really booking it down the hill. Are they speeding?

>> I can't answer that for sure because I don't have a radar gun on them. I think in a number of case, they are.

>> Pool: So I think it's a super dangerous situation?

>> It's absolutely super dangerous. You're coming up on two lights once you pass that curve, the primary entrances to steiner wrafrj which has 4,000 families and lots of children.

[3:30:23 PM]

>> Pool: Is that a truck route? Are they allowed on that road?

>> I believe they are.

>> Pool: I think the point about enforcement is a really good one. And I guess what I would say is even aside from the engine brake, they would haven't to use it if they weren't going so darn fast.

>> My point precisely, thank you. You're absolutely correct. We would recommend that the first step would be -- once you pass this would be just to get some -- let's get some signs up and hopefully they'll self-correct the problem. It was amazing to me when I was out there videoing and they saw my camera on how many of them shut down their engine brake.

>> Pool: So are there no speed limits on this portion?

>> I believe the speed limit is 60.

>> Pool: So maybe that is too high?

>> It was 65. It got dropped to 60.

>> Tx-dot. Speed is more ancillary to what we're asking about today.

>> Pool: I agree. It's not within our purview, but that would raise the additional question to talk with and maybe councilmember Zimmerman could take the issue for his constituents directly to tx-dot's door and ask them to further lower the speeds on that route. It does look extremely unsafe. Thank you for coming today.

>> Mayor Adler: Ms. Kitchen? Any other questions?

>> Kitchen: I don't have more questions. In the mobility committee, we did move this item forward. It's an existing requirement, and the only change here is extending the -- extending where to apply it. So we were able to do that within our authority to extend it to cover this area. So that's the only blue change. Nothing else has changed.

>> Mayor Adler: A motion to approve item 44. Mr. Zimmerman, is there a second?

[3:32:29 PM]

Ms. Gallo? Ms. Kitchen? Moved and seconded. Any further discussion on this item? Ms. Gallo?

>> Gallo: Is staff here? I have a couple of questions? Is anyone from --

>> I'm Angela Rodriguez from the law department. I can answer legal questions but --

>> Gallo: I -- I so appreciate the noise they are hearing. I have a bunch of questions. We talked about this in mobility. We didn't have anyone that represented the trucking industry that we could ask questions of. I asked councilmember Zimmerman if he had talked to anyone in the trucking industry that we could ask questions of. I was hoping staff would be here that I could ask questions of. But my first question is what are engine brakes and retarders and why are they used? I know the answer to that. But I think that's an important question. My concern is we're talking about something that I assume that there's no



one to ask. This is a safety component. I did talk to someone I know that is in the trucking business, and most of the newer trucks have engine brakes and retarders that are much, much quieter. These are kind of the older version of the trucks. But my guess is that they were used for safety reasons to allow these big heavy trucks and when you looked at the ones that were -- the trucks that were in the pictures, they're very large. And as you talked about this, these are residential areas where you have teenagers driving cars that perhaps don't mind traffic signals and stop signs. But I'm concerned that we're doing something that might affect safety if we're saying these older trucks can't use these without having any discussion with the industry to say whether that's being smart if we're concerned with the safety on our roads. So it did move from the mobility but with no recommendation.

[3:34:32 PM]

So I will abstain from this vote, not that I don't really appreciate the concerns that you're having, but I think I would have hoped that transportation would have had somebody that could address these here. Making decisions that affect the potential safety of other vehicles on the roads with these big huge heavy trucks and we're now removing a potential source of the braking system. I'm just concerned about having that -- making that decision without hearing from the experts in that industry to tell us the reason why and why not.

>> Mayor Adler: I understand, Ms. Kitchen.

>> Kitchen: That might be a concern we can bring back to the mobility committee. But that's a concern that goes back to the whole ordinance. Because the ordinance itself already prohibits the use of engine brake for the whole city. If that's a safety issue, we've got it in place in the whole city. Maybe we need to revisit that. Show -- but at this point, I don't know that that -- I don't know that that applies here.

>> Hang on -- the truck like that. They use it because they save on wearing the brakes down.

>> Mayor Adler: Further discussion before we vote. We're voting on item 44. All in favor, please raise your hand. Those opposed?

>> Sorry -->> Mayor Adler: All right. It is 10 --

>> I need to ask a question.

>> Mayor Adler: Everybody is for it except Ms. Gallo who is abstaining.

>> Pool: I'm abstaining too.

>> Mayor Adler: Ms. Pool is also abstaining. 9-0-2. We're going on the the next item. We have people here on item 45. Item 45 is the neighborhood plan contact team. Question?

[3:36:41 PM]

There's a version of this that's been handed out to the dais and I'm trying to post it to the bulletin board that's been handed out. Get speakers. David king is the first speaker. You want to speak?

>> I'm David king. I live in the zilker neighborhood. I'm not opposed to looking at how neighborhood planning is done. That's a valid question. It needs to be addressed. You know, we don't have neighborhood planning processes in the city, I don't know if any city does, but definitely I think it's worth a look. But more comprehensively I think at broader level, we need to look at how it's done. In the areas that have plans today in the contact teams and those that don't. So I just worry that that resolution is really broad and that it affects all of the contact teams that we have right now in -- in, you know, maybe it's to address a particular problem with the Warren contact team. And if that's the case, I think that it's maybe a different strategy to deal with the problem with one contact team and this may not be the best way to deal with that. So what I would suggest is that we step back and take a look at the neighborhood planning from a broad perspective. If there's a problem with one neighborhood contact team, that would be addressed in a different manner. But I do think this does give us an opportunity to -- to look at neighborhood planning generally and consider ideas like how can we improve the neighborhood planning process? And maybe I think it will be good to have looking at other cities and how they do neighborhood planning.

[3:38:44 PM]

Those that are affected. I know I'm dealing -- we don't have a plan in my area. I'm wondering how this will affect my neighborhood. On the other hand, we need to look at the patchwork of the cities the areas we have plans and neighborhoods that don't have plans and neighborhoods that have contact teams and neighborhoods that don't have contact teams. We have -- we need more consistency there. And so what I would ask -- instead of this approach, we step back and take a look at neighborhood planning in general. Maybe even consider neighborhood planning department that's focused on neighborhoods, not part of the planning department itself, but planned development code department itself. But a separate department that is looking out for neighborhoods and just their interests in helping to facilitate plans in their neighborhoods and looking at it from their perspectives and not necessarily tied into the city's processes because we've had some concerns about the city staff trying to, you know, potentially guide how these neighborhood plans go. So I think we need to have more independent neighborhood planning department. So I think there are bigger issues that we need to look at in terms of neighborhood planning. And I think this could go well to code next because it would be good to have a good comprehensive planning process in the city to leverage the results of code next. Thank you very much.

[ Buzzer ]

>> Mayor Adler: Next speaker is -- next speaker, Craig -- Fred Ouellet, o-u-e-l-l-e-t-t-e. I don't think that -  
-

[3:40:45 PM]

>> That's for the case that -- I think jerry resthoeven was going to postpone. Is that the Korean? The speakers 48 and 49.

>> Mayor Adler: He must be signed up twice. Item 45. Right now, we're continuing on, Fred ouellettte. Ron, not here. Gos, not here. Mary Engle.

>> Good afternoon. My name is Mary Engle. I think this resolution is premature. It seems it's just come out of the blue. There's no emergency here. No rush for this resolution to come forward at this time. It seems that it is to settle a single dispute with a contact team and that could be mediated readily easily. Contact teams lack the support from the city staff and contact teams have no legal protection. This is not included in this resolution. This council needs more in depth information about contact teams, their history and their formation. The contact team's primary responsibility is it's responsible to work the neighborhood plan. We need to protect this planning process with respect to the past. The neighborhoods included on the contact team are the neighborhoods that the city recognized during the planning process. We need not forget that many of us are tirelessly committed volunteers. On the contact teams that have actually done the work that the city should have been supporting and doing all along. The real rub with this resolution is the language.

[3:42:48 PM]

The language is flawed and poorly executed as in the backup. And I know that you have another version in front of you. I have problems with that version too. I could take issue with practically every statement in the resolution due to the lack of specificity to the language. This Lange want -- this resolution is premature and it needs to be postponed. The real problem with contact teams lies with the policy of the city's planning department which needs to be directed first before any revisions to the land development code concerning contact teams are done. I would ask that you would postpone this item maybe indefinitely and I thank you for your consideration.

>> Mayor Adler: Thank you. Daniel Gaddis? Is Daniele here? Anal ire? Anna?

>> Yes, thank you, mayor, mayor pro tem, I'm Anna Iguere. I'm the southeast Austin neighborhood plan contact team. And we don't know exactly why this resolution is before the council. Our concern is if there's an issue of one area or one contact team, there might be a better way to handle that situation. In district 2, the 78744 area, we're a growing area. We are in our neighborhood contact team of areas outside of the neighborhood plans. So we are encouraging involvement in our area. Our areas in 78744 do not have strong neighborhood associations so we advocate in their behalf and bring issues to the city council as needed.

[3:44:52 PM]

We do keep minutes. We do follow our bylaws, and we have a regularly scheduled planned meeting every fourth Tuesday of the month. So people are aware of our existence in our involvement. Our concern is that the proposed change -- we have concerns about the language in the resolution. We're also concerned that the change might prevent contact teams from doing -- taking action, helping in those areas that don't have a neighborhood plan associated with them. What we're doing right now, we're afraid that would impede what we do for the entire 78744 area. And your contact teams do not follow the oversight guidelines. There's a concern they could be dissolved and the concern could be that an overzealous code compliance oversight team could get rid of a contact team altogether. So that is a concern. So we encourage you proceed with caution in this area. Thank you.

>> Mayor Adler: Thank you. Hold on. Sorry. Iguere?

>> This contact team is going to go through the input process. But the reason it was brought was because there are some neighborhood plans that require people have to live in that neighborhood over five years before they can participate. Not even become voting members, but to participate in the meeting. And I hope that you're not one of the kind of groups like that. But it sounds like you have a transparency one where people are all invited. But there are other groups that are very strict restrictions, don't have elections, don't allow people to participate. When they go before the code department will say, hey, we're not allowed to participate. We don't have any kind of power to regulate and tell me the contact team that they have to be inclusive and transparent. And I mean I would like to move into a neighborhood and be involved with my neighborhood and go to the contact team and say, sorry, you haven't lived here long enough and so you're not allowed to participate.

[3:47:04 PM]

That's what we're trying to fix. We're not trying to -- believe me, I've been a member of my contact team for 14 years. I mean, I've stepped down. I'm still allowed to go to the meetings and have a voice.

All I'm giving -- with this resolution, I just want everyone to have a voice. That's it. I don't want anything else more than what we have on the book. We're just trying to stay hey, y'all guys, we're going to give you these powers and you're going to have the right to plan your neighborhood, but would you please let everybody to participate and be more transparent instead of not announcing meetings, having your own little separate meetings in different locations. So that's all this is. This has nothing do with this announcement.

>> Thank you, sir.

>> Mayor Adler: Thank you. And now we have Ms. Torres.

>> I'm Sara torres. I'm the newly elected seasoning tear of the southeast combined contact team. I'm not opposed to this. I can't determine how it will affect my group. It's unclear what the language is now. With regard to giving notice of public meetings, publishing our minutes, making sure it's in a public place, all of those things that are critical. We are doing and the membership list we submit on an annual basis specifically, I'm oppose to the bylaws standardization requirement as our team did start with the standard set of bylaws and we had to do an amendment to allow many of the residents of 78744 who do not fall within the plan boundaries, they can still have a voice because many of the issues in the neighborhood plan are common to the whole zip code. And they're not just for this specific map area. We have a number of our members who do not live directly within the planned boundaries.

[3:49:07 PM]

So if a standardized set of bylaws that was enacted for our group, that would exclude some of our most active participants from being part of the process as our areas do not have contact teams. But we share the same issues and the same values and things like that. That's my primary concern is the standardization of the bylaws. I don't disagree that they shouldn't all be looked at. Ours requires three meetings to be a member, a full voting member, you have to attend three meetings in a one-year period which I think is very fair and allows, but, of course, other groups operate much differently. So I don't think much would impact us, but the standardization of the bylaws does concern me. Half of our executive committee would no longer be a member. And these are the people doing the real work. Thank you.

>> Mayor Adler: Thank you. Those are all the speakers that we have. We are now back up to the dais. Mr. Renteria. You want to make a motion? And I think I handed out some language that your office has approved, has one change that Ms. Kitchen made. You want to make that motion? How do you want to handle this?

>> Renteria: I want to make a motion to draft the resolution of a neighborhood contact team as a group of individuals designated to implement and carry out and enable their plan. Mayor, you know, I -- I've

been a member of the -- of the Cesar Chavez contact team. I want to reassure people we're very inclusive. You know? Our neighbors to the east. They -- you know, they don't have a contact.

[3:51:09 PM]

So they come and meet with us because, you know, we're -- we live on a -- in a common neighborhood and, you know, whatever they do impacts us, and whatever we do affects them. So we allow all -- all people, business, everyone to come in and sit and have a voice. You know, they do have where the neighborhood has the majority of the vote on our board. But we also have businesses that are voting members, nonprofits that are voting members. Religious organizations that are voting members. But we try to make the majority of the voters in our contact team, the majority of the voters are people who actually live in there. We also make sure that we have room for renters because you know not only homeowners. So we're very inclusive. But when I get -- when I have another area where -- in the gal valley area where I have 60 people come up and tell me in a meeting that they're not allowed to participate. And some of these people have been living there for 20 years. They're still not allowed to participate, that really concerns me. And we went -- we tried to do it through the administrative process to get it fixed. We went to the department head. She said there was no way that the -- the way the law - the way the resolution -- the ordinance is written for contact teams do not have any -- give to the staff any power to tell these people that they need to meet and they need to be inclusive. So you can have a group about 5 or 6 people to go and dominate and make all of the decisions for their whole area. Which is totally unfair. You know? And not even allow people to know where they're meeting a. Do not hold elections, you know, and -- and that's what I'm trying to correct. I'm not trying to attack contact teams. I love them. I think that everyone should have them.

[3:53:09 PM]

So they could come and make their planning so they can plan their neighborhood. And I always tell people, I say, you know what? If you don't sit down there with the contact team and plan in your neighborhood someone is going to do it for you. And that's -- that's what I'm telling them. You have so many neighborhoods all represent the same area. You have 10. I have 15 in the neighborhood associations. We don't even know who they are. Just one or two people who sign up and say they represent the whole area. Anyone can do that. They can just go to the city website and say I'm a new neighborhood organization and they can just become a -- a neighborhood organization and they can come before the city council. And say that's my area, I represent this area. But a contact is different. A content team recognized by the city do the planning process and they are supposed to have yearly events where we can change our policy, we can put restrictions where businesses come in and say, hey,

we want to develop this piece of land, we want go 180 feet and they say, no, we're zoned for 40 feet. We're not going to let you do it. If you do, if you think it's a good project, a good project, I can go ahead and let you do it. But what kind of incentive are you going give to the community? You know? Are you going provide for more affordable housing? What are you going to do? Those are the kind of things that the contact team does. And that's what I just want to be -- I want to make sure that every neighborhood has the ability to go to a meeting to a contact team and to have a voice. That's all I'm asking for. The I'm not asking for anything else. I just want to say, hey, just be open, transparent, and all of this is giving the city the ability to say, hey, you're going to have to abide by these rules and be transparent.

[3:55:12 PM]

You're going to have to have your meetings at a public place, you know? You can't have it in your house. Those are the kinds of things that this ordinance -- this resolution is trying to address.

>> Mayor Adler: I think this is a good resolution. Are you okay with the language that's been posted on the bulletin board?

>> Renteria: Yes.

>> Mayor Adler: That's a motion for Mr. Renteria. A second to that motion? Mr. Casar will now consider that motion as posted on the bulletin board a few minutes ago. Mr. Casar?

>> Casar: Thank you, mayor. We had good discussion on the item during -- during the committee meeting. I believe that within the spirit of what Mr. Renteria describes, I had one small concern with the language as amended. And I think it will be considered friendly. On the first be it resolved I read it back to make sure that this made sense to my staff. This -- on the ability for the city to formally recognize contact teams, teams for planning areas and to require that contact team by law comply with the uniform template, I didn't want the code amendment to come back saying specifically everyone has to use the specific bylaws as written but we want them to comply with the spirit of those bylaws that opens the meetings as transparent and you don't have to -- you wouldn't exclude somebody that's lived in the neighborhood for 20 years. So my amendment that I hope will be considered friendly is to include the words to acquire the contact team to the bylaws with the spirit of the template described. And that wouldn't be so prescriptive as to us to -- of course the city staff will be able to come back with the code amendments that would be able to detail what those requirements are.

[3:57:20 PM]

But I just don't want it to be misunderstood that the current set of bylaws is the exact bylaws that everybody needs but obviously there's some portion of those bylaws, there's some standard -- some level of transparency that contact teams need to meet in order to comply with the bylaws.

>> Mayor Adler: Will you accept that -- does that amendment seem good to you?

>> Yes.

>> Mayor Adler: Is there any objection on the ddais being made? Is there an objection?

>> Gallo: I don't object. I think what you're trying to say -- if there's a way to word it that says we can't make it anything less? We can make it more. Like there can't be new rules that say make it less -- make it more restrictive, but there with can be rules that make it more inclusive, does that make sense? That's what he's trying to say. But we're trying to nail it down more to get to the point that the members of the southeast team made, they made -- I think I was at that meeting when they changed the meeting to say we want to expand our boundaries to make more people. So I don't know what the proper way to word it to get to that intend. That it's okay to change things where we allow more people but it's not okay to change things where we allow less people to be involved.

>> Mayor Adler: Do you want to say is it different than to comply with the spirit of the uniform template and encourage greater inclulgs? Or allow -- but allow for greater inclusion?

>> Garza: Could it be more inclusive and not allow for restriction. You're better at this stuff.

>> Mayor Adler: No, no. Not this. Mr. Casar.

>> Casar: I agree with membership. So many other members of the bylaws. The bylaws are not read into the code.

[3:59:21 PM]

So not knowing all sections of the bylaws, I figure we initiate the code amendments that end in the planned commission and the public meetings will sort through all of the different parts of the bylaws and hopefully put together what the essential pieces are. And I just don't -- I don't think it's the councilmember intent nor is it my desire to go through now. That's why there's the broad word in. I'm happy to finagle it better. I want it to be as broad as possible. I think our goal is if we're going to convey some of the extra legal rights to contact teams that we have baseline standard. That's all we're looking for in the spirit of the resolution.

>> Renteria: We did have it where we are allowing the output to expand, if they could expand and combine itself with it. There was too much misunderstanding on that one. So I decided it would make it so controversial that, you know, I'm more than willing to work on that with -- when they go through all



of the recommendation and come back, I'll be willing to look at what the recommendation with the planning commission and see if we can address that concern. Because I do believe that there are some areas that some people might want to expand out and combine themselves instead of, you know -- but I was always looking out for the ones that -- you know, there's some neighborhoods that have their contact teams. They're smaller. They're comfortable working with each other. And they're afraid a larger contact team if combined with them that they'll lose the ability to manage their own neighborhood. So that's why I deleted that little section out. But I hope that, you know, that we can look into it further on in our planning committee and when it comes and maybe address that issue.

[4:01:23 PM]

Once we are -- once this comes back, I would like to address that issue.

>> Mayor Adler: You --

>> Garza: That's fine. I'll work on the wording when it comes back and talk to my contact teams to see how we can better tweak that.

>> Mayor Adler: Sounds good, Ms. Pool?

>> Pool: In the last whereas, the before it be resolved, the auditor to conduct the audit of the plan contact teams. Is that -- where are we with that? Does anybody know? The reason I asked -- I'm wondering if it's premature. We don't know what the auditor is coming back.

>> Councilmember, the zoning department. I just contacted your office. We had one official meeting. I think we just kicked it off. And so just beginning the process and I see the auditor coming down the right and she can elaborate.

>> We have kicked off the audit. It's in progress. We're going to have late fall, early next year completing that work.

>> Pool: About six months?

>> Should be less than that. Four to five from now.

>> Pool: Thank you. So, colleagues, it feels like what Mr. Renteria is coming from. We have contact with district 7 and they are not encountering the kinds of difficulties that he is experiencing in the specific areas that have given rise to wanting to have this resolution come up. And so along with feeling that this may be a broad brush application where it's not necessary, it also feels to be premature and maybe duplicative of an effort that's under way with the most excellent audit staff and they may indeed be coming back to the items to make some recommendations.

[4:03:38 PM]

But I would -- what I would suggest is they don't want to duplicate the effort. And that I would urge that we get some time for the auditor's office to do the audit that's going to start the -- that is now under way so that we can get the good recommendations from there. And see what the audit plan -- audit results are coming back to us with some changes. What I don't want to do is somehow interrupt or intervene when there are successful relationships. I understand there are issues that Mr. Renteria has encountered and that's not what I'm hearing from the contact teams from district 7. I asked that we table this, allow the audit committee to proceed a pace with their work, come back with that report, and then maybe restart this and may even be a more robust start from our end having them come back to it in ways that we could have with the planning department and the stakeholders.

>> Mayor Adler: Discussion.

>> Renteria: Mayor, I -- I do believe that we should go ahead and continue with this process. Probably going to come back to us. Going to come back to our committee. In that time, we have a feeling that the people will have it ready and we can work with that and what's the recommendation with the planning team. Big planning commission has.

[4:05:40 PM]

So I hope that we could pass this. Because what this would do is get to the week right now seeing their neighborhood being developed with no input of the neighborhoods that are really concerned if someone can come up and tell me there's a solution to that problem that we'll be able to support these -- these neighborhoods that are spreading there right now with no ability to have a voice in the neighborhood and I'd be willing to file that. But, you know, I think this has got on the the point where we're willing to act on the issue. I feel like it's the str. They're on the -- they're supposed to be enforced but no way to enforce it until we went through and rewrote it to appeal the enforcement. I see it that way also in the -- as a contact team. You know? We have -- we have the -- -- the ordinance here saying it's created but it has no ability when citizens want to have some say in their neighborhood, they have no ability or no voice. So that's why I hope that we have -- that we're --

>> Pool: Mayor, if I could just continue my conversation with Ms. Stokes. Because there's a key question here with the audit under way if we start this effort, it may interrupt the work with the audit. I would like to find out what impact this would have on the audit.

>> Mayor Adler: Ask that question, then Ms. Kitchen and then Ms. Houston.

>> I think that we've been aware that this -- that the resolution is coming. So I think we can Taylor our work to make sure we don't overlap and changes that are made are taken into account as we do that work.

[4:07:46 PM]

It does overlap with our focus. In part, I think we worked with councilmember Renteria's office in identifying the audit in the first place. So these like -- it's really the audit is focused on communication, you know, neighborhood planned communication with all of the various stake holders.

>> Pool: My concern is it's just a broad brush application. Do you think that if we -- in those cases where the contact teams are operating effectively and appropriately and they have bylaws and things are going on well that they won't be pulled into a restructuring effort when the intent of this is to focus on the bad actors so to speak in bringing up strs and if we could more narrowly focus to and in fact address the ones that are having problems? Would that be a possible amendment to address the people that are the problem?

>> Mayor Adler: Ms. Kitchen, Ms. Houston, and then maybe --

>> Kitchen: Well, my thought is that -- my thought is that this -- I do support this. The reason I do support it is it's starting a process. It's -- we're not voting on the exact changes to the code. It's starting a process. It's outlining some problems that at least one area has experienced and needs to address. And I think it would dovetail pretty nicely with what the audit team is already doing. So I don't see it causing any harm to contact teams because it's bringing information back. It's a lot of things that we've done here. Just asking the staff to come back with the recommendations and includes specifically a stake holder process for input. So I would also say that I think that the concerns are highlighted in here are concerns that if there's any contact team that's not addressing these concerns, they should be.

[4:09:53 PM]

And I know a lot of them are already doing it. So if they're already doing it, this doesn't cause any concerns for them. But for contact teams that are perhaps not as open as is warranted in the community, that's clear. So I don't think it's premature. I think it dovetails nicely with the audit report. I don't think it will cause concern to existing contact teams. Besides which, it will all be coming back before we adopt any changes in the code. So I'm going to support this.

>> Mayor Adler: Ms. Houston? >>.

>> Houston: Thank you, mayor. As I said on Tuesday, I've gotten responses from many of the contact teams in my area. Concerned about this. If we could change the be it resolved to be it further resolved. Because what we say in the be it resolved section is that the city manager is directed to initiate code amendments prior to it being a stake holder's public input. So if we can switch those that the city manager is directed to have stake holder public meetings to solicit input and then do it, then make it initiate the code amendments. The code amendments coming first and the stake holder process coming last. If we can switch those, I would be happy to support that.

>> Mayor Adler: We put up an amendment real similar to that a moment ago on Ms. Tovo's resolution and the way we handled it there is we put in the parenthetical phrase, "Working with the stake holder process" or "Working with the planning commission." We might be able to achieve what you wanted if we added the resolve clautz to the land development code, comma, working with the stake holder process below.

[4:11:57 PM]

Does that work for you?

>> Houston: The initiate is -- why can't we just switch them.

>> Mayor Adler: I think with working on the last one we had with Ms. Tovo, they initiate the process, the process is part of the initiation. It's not something that comes before, it's part of the initiation.

>> Houston: So we would have to word Smith that more to make sure we had public meetings to solicit input from all neighborhoods and that.

>> Right. I think that's part of the initiation process. So by putting in the language he's directed to initiate, working with the stake holder process below, that means as part of his initiation, he has to work with this -- which is as our ordinances would work in any event. Is that right, mayor pro tem? Or am I wrong?

>> Tovo: I think you explained it in the way I understand it, yes, that the public meetings happen in this code initiation. I'm not sure whether it makes a difference which of these resolved comes first because they're going to happen together. But if it's important to councilmember Houston, then unless you're describing a different process than I'm envisioning.

>> Houston: I'm trying to make it clear to the people it's going to affect. It's not about me but the people out there trying to understand where do they get in to the process to get input before we initiate a code amendment. It's not clear because that's at the front and this is down at the bottom. So if we can switch the two, then I'm fine with all of it.

>> Mayor Adler: Let's put suspenders on that too. Let's switch the two resolved clauses so the one that's last is second to last. The one that's second to last is last. Let's also add the language in the last one that says managers directed to initiate the code amendment, on the land code, comma, working with the stake holder process above.

[4:14:00 PM]

Now? Any objection to that?

>> Planning and zoning. We would reach out to this stake holder's first. We're not going to create language and force it on them in the point of contact teams. We would ask for their input before we get into this process. So I want to make sure that you be assured that we're not going out with some preset agenda regarding the amendment that we're discussing now. We would seek their input an.

>> Houston: Thank you for that. I've been around this city too long. I know it happens the other way around as well. I want to be real clear that the people who are impacted by this have opportunity to have input before we direct a code amendment. I want to be real clear. I know that's is your intent but that doesn't always happen.

>> Mayor Adler: Ms. Houston has moved to amendment it so as to order the two last be it resolve clauses and then what it will be now the second, the last be it resolved clause to have the second language above.

>> Second that, Mr. Mayor.

>> Mayor Adler: Any objection to that amendment. We're back to considering this matter as amended with that with the inclusion of the spirit of the language for Mr. Casar. We're considering it as amended, Ms. Tovo, Ms. Pool.

>> Tovo: I wanted to speak to this overall for a few minutes. I also have gotten the e-mails that we all have expressing concerns that the discussion is premature. We're having a version of that conversation about a lot of different issues. We need to break in the conversation somewhere and I think this to me is an appropriate way to begin the conversation with the stake holders. So I'm supportive of this moving forward. I'm beginning that conversation with stakeholders about what is working well about 98% of the neighborhood planning teams.

[4:16:07 PM]

And where do we need to look to potential code amendments to address some of the concerns that people have raised about a small percentage of others. I also have any direct experience with any of the neighborhood teams that are working without the quote/unquote bad actors. I've heard concerns but I don't have direct evidence or experience about those. But I trust that if people are raising concerns, we have an obligation to look at those. So, again, as I see this, there are community members that are urging us to delay this or to postpone it and to give it more consideration. But I believe we're taking a cautious path. I think it's in the interest of our community and our city to have a transparent process and to have some basic standards that all neighborhood planning teams are expected to comply with. We have some of those now. But to look at some of those provisions and make sure they have the teeth that we need seems to me appropriate.

>> Mayor Adler: Ms. Pool?

>> Pool: I would be inclined and more likely to support this if we could have a new whereas clause that does acknowledge that the majority of the contact teams in this city do in fact operate as per the processes and procedures in place and some could be seen as role models. And I would hold out the one that's in the Wooten highland combined area in district 7 and 4 as possibly a role model. Would councilmember Renteria be willing to allow a whereas.

>> Renteria: If it includes Cesar Chavez contact team, yes.

>> Pool: A tip of the hat to the contact teams that have worked properly and in good faith. We may or may not need to name them out. I wasn't saying to name out the one that I did name. It was just an example. I would make that amendment.

[4:18:09 PM]

>> Renteria: I have no problem with that. I know there are good contact teams. I belong to one.

>> Mayor Adler: A amendment to note that there are contact teams operating well and in good faith in the city.

>> Pool: Complying with the existing processes and procedures and could be used as role models.

>> Mayor Adler: Complying with --

>> Pool: Existing processes and procedures and maybe seen as role models.

>> Mayor Adler: Okay. Any objection? Hearing none, added on. Anything else on item 45. Moved and seconded. Ms. Garza?

>> Garza: I heard the concerns loud and clear. I understand a lot of the communities are confused about this. But exactly what's going on here. But I do know the intent is to make sure that the contact teams

were inclusive rather than exclusive. That's the main goal. I look forward to the process and hear about the proposed changes. If when it comes back, there's still community concern, you know, we can base our vote on those. Please stay involved in the process along the way.

>> Mayor Adler: All in favor of item 45, please raise your hand? Those opposed. Unanimous on the dais. That has us then through item 45. Before we get to annexation issues, let's go ahead and call item 58. Which is the vision zero plan. 58, vision 0.

[4:20:15 PM]

Susan pinto is -- is Robert Anderson here? Robert, you have three minutes.

>> Thank you, Mr. Mayor, thank you council. I'm Robert Henderson. I represent an organization called vision zero atx. Last night we honored those who died this year in Austin's traffic fatalities. 81 individuals have lost their lives. So proud of the representation we have last evening from the city including mayor Adler, councilmember Ann kitchen, councilmember Renteria, mayor pro tem tovo, thank you very much. Others were interested in participating and were unable to do so due to other commitments, thank you for your thoughts. When we as a community began this conversation almost a year ago, we did not know this year would bring unprecedented record high fatalities rates. This underscores the importance of aggressively pursuing vision zero's policy for the city. We support the incorporation of vision zero to the imagine Austin comprehensive plan. We want to offer an amendment to the proposed language by staff, however, in amendment to the amendment if you will. I distributed to your offices yesterday proposed language and I have copies here if you'd like one as well. Proposed language really only calls upon community engagement when the plan, the action plan goes up for an update. We really feel like this process does not fully engage the community, updates to plans usually occur to 2 to 3 or 5-year cycles and we feel there's community engagement and professional expertise that the the city can draw on.

[4:22:19 PM]

That's the basis for the proposed language. We hope you consider that language. If anyone is interested, I do have copies to pass along.

>> Thank you, you should probably go ahead and pass those out. The next speaker is David king.

>> Thank you, mayor, mayor pro tem, councilmembers. I'm here to speak in favor of the imagine Austin comprehensive plan. I think that's a -- you know, really important amendment and really we need to take action as soon as we can. And I hope that this city is not moving forward and we go to all due haste

in the city. So I would also like to suggest another code amendment that we -- I hope we can consider is one that really goes to the heart of the concern of neighborhoods that neighborhood plans are not elevated to the level they need to be in -- in imagine Austin comprehensive plan. It's always -- there are always -- we always refer to page 207 that they should be respected. And yet, we feel it's an uphill battle every time to define what does respected mean? We feel that we're always on the defensive of different interpretations of what does it mean? It needs be elevated to be one of the key goals that neighborhood plans will be respected just to that level. And incorporated in to the imagine Austin comprehensive plan as a key goal of the plan. So I hope that we can work with the city and the councilmembers to make that -- that change to the imagine Austin comprehensive plan here in the next few months, thank you very much.

[4:24:21 PM]

>> Mayor Adler: Thank you. Lisa --

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes, Ms. Kitchen?

>> Kitchen: I wanted to provide information. The mobility committee had a briefing of vision 0 and planning once the recommendations completed to have those come back to our committee. And also I think that we all know that the council as a whole took immediate action as part of the budget process and passed the funding for five most dangerous intersections. Today at slaughter and man xhshgs -- manchaxa, some of those changes were put in place. Thank you.

>> Our neighborhood team, we're the second most dangerous intersection at north Lamar and Lundberg. We supported vision zero since last year and are sad that the rest of the city is seeing the same kind of fatalities that we have seen. It's obviously not just us. It's an Austin problem. So I do vote for those amendments. I also want to speak to you today about the annual report on the comprehensive plan. I'm hopeful y'all can help us get information about an item in there on restore runberg when it's included in internal alignment? We asked the planning department and Matt can speak to that, but they've indicated that they're not sure what that item represents or how it came to be included. The plan overall has really worked for our neighborhood. The north lamar-runberg center was the last one added. Because we saw it -- because we saw it as an area of great change, not great population change, but change in every other area. The long range strategic capital plan confirmed that. Some of the capital investments are coming in to play now.

[4:26:24 PM]



We have the infrastructure. We can put the human services programs on top. Last year the coronation resolution, a lot of that was going on because we were that nahr behind in just about everything. Directing staff to coordinate and engage stakeholders in that coordination so that we know what's going on and we can contribute. I think that's an area where the contact team has been effective as a connector. We've got the comprehensive plan, we know the city's formal vision, the school district's visions. We know what we want. Because we're the neighborhood, we want what private owners want or what an interest group wants. We can see, hey, you're headed this way and that way. You're getting ready to run each other, why don't you talk? That's where we've added value. That's increasingly difficult with the restore runberg. The police are incredibly important to us as a high crime area with issues in trafblg safety and would really want to see that internal coordination, to understand that, and to have external coordination as well. Several ways, I don't think you have actions to do it today, the public safety commission has a specific charge not just to make recommendations about public safety but about federal grants and comprehensive planning which is where these things come together. There's also a committee at the planning commission. And potentially you could ask for a report back from there last year. I ask you to think how that fits in your process but to help us bring the transparency and coordinate all of the things that are going on in that area. Thank you.

>> Mayor Adler: Back up to the dais on item 58. Is there a motion to approve item number 58? Ms. Kitchen?

[4:28:25 PM]

>> Kitchen: I make a motion.

>> Mayor Adler: Ms. Kitchen, is there a second to approve the item? Mr. Renteria, now we're discuss fg. Ms. Kitchen?

>> Kitchen: I had a question for staff. Again, I just want to for the public make it clear that because this -- this amendment is not only involving vision 0. It also involves putting the south Austin combined neighborhood plan into "Imagine Austin." Is that correct?

>> Yes, that's correct.

>> Kitchen: I would like for you to speak to that. I wanted to confirm that what is being placed in to image mn Austin in the south Austin come biebbed neighborhood plan is the plan as copped by the council and so there's no changes to that south Austin combine neighborhood plan, this is just matter of incorporating it to imagine Austin. Can you confirm that for the public?

>> Yes, that's correct. There has been some confusion, propose changes to the south Austin neighborhood plan. We're amending imagine Austin to include and reflect the south Austin plan as adopted.

>> Okay, thank you.

>> Mayor Adler: Moved and seconded. Any further sdmvrgs Ms. Houston.

>> Houston: Thank you, mayor. Please understand, I appreciate all of the work that people have done in the past year. To get this to us in imagine Austin. But I have real concerns about the number of people who were part of coming up with the resolution and who participated. One of the things that I thought about the 10-1 system, and, of course, I know this started long before 10-1 was a reality was that all parts of Austin would be represented. Yet when I look at the number of people who have participated in developing this, they're all the same people.

[4:30:33 PM]

There's no neighborhood representation. There's no real -- when I say real, I know everybody on that committee is a real person. But I'm talking about people who live out in the districts that are able to give some insight as the lady said about what really is going on on the ground in other parts of the city. And how do you -- how do you hope to get this out into the districts. Out in the communities where people are living when we use the same people over and over again, the same groups of people, the same advocacy organization? How do we ever reach

>> Sure, sure. So you are referring to the zero vision task force?

>> Uh-huh.

>> That was a bit unique. It wasn't like the task force you were on where it was a task force appointed by council made up of citizens. The task force is made up of city staff departments, who then also identified other agencies to help out with that effort. A little bit different as far as the structure.

>> I think we miss the value of people's voices when we only rely on city staff and on the advocacy groups that are part of the development of the plans of the city. And I think we really miss out on an opportunity. Because although some people might live in district 1, I've got neighbors who could tell you what needs to happen on, you know, 51st and Cameron road and where the fatalities are. But we don't have that input so we have a myopic scope of what it is we are trying to deal with to keep people from getting killed on our streets. And I think we miss an opportunity because we don't reach out. Again, once we bake this into imagine Austin people have to respond to that rather than being a participant from the beginning. And that's my concern about this.

>> Okay.

[4:32:33 PM]

Yeah, that's a good concern. It's something we struggle with. We're doing it all the time and we are getting better at it. Maybe that's something y'all could help us out with. When it comes back to council's work session, the action plan, to help bring those per perspectives from that action plan.

>> I want to refer to some of the back up material here. Imagine Austin, I believe it's a memo from Mr. Gernsy. On the second page it says add new policy lut page 45. The city commits itself to eliminating transportation related deaths and serious injuries. Another sentence, safety is the top priority for the transportation system. I'm going to be voting against this because of all the points that council member just made. I concur with council member Houston. But the purpose of a transportation system is to move people around. When you move people around, there is a risk of accidents. And whenever I see somebody saying that we're going to eliminate all transportation-related deaths and injuries, I think they're living in a fairy land. You know all of us want to reduce injuries and fatalities. Obviously. Nobody is for that. But if you set a goal of eliminating, 100% eliminating. In other words removing 100% of the risk involved in any kind of transportation, you're asking for something that's impossible. Life has risks. Transportation system, no matter what it is, a train or bus a car, somebody on a bicycle.

[4:34:35 PM]

Everything has risk. And whenever I see a policy statement like this that we're going to have no fatalities and we're going to remove all the risk, I'm going to vote against it because it's not real. So I don't know what to say about this. I wish we could have had an approach that put in something more reasonable. We're going to spend X amount of dollars with the goal of reducing accidents by a certain percentage. You know something I could wrap my head around. But I just have to vote against this.

>> Mayor Adler: Ms. Kitchen.

>> I think that council member Houston raises some important considerations and I think that perhaps we could address that going forward. Because one of the requests from the vision zero task force, which I believe is about to wrap up their work, is that is to have some oncoming input. Perhaps we need to examine the vision of the task force. Just like we did with other boards and commissions. That task force was created before this council took office. And before there was a 10-1 council. And so perhaps this task force, just like we've done with the cag and other task forces, perhaps we need to look at that and broaden -- as council member Houston is suggesting. And I think if the task force is going to continue, which is what has been suggested here, then we need to do that. So let me just ask the question, the vision zero task force was created by ordinance, was it not?

>> Resolution, yes.

>> So the resolution would have addressed the composition of the task force, correct?

>> Yes.

>> Does that resolution -- and I apologize, I haven't seen it. I assume that resolution has an end date for the task force?

>> I have to go back and check that resolution.

>> Regardless of whether it does or not I think we could take a look at that and address council member Houston's concerns with how the task force is composed to make sure it has further representation on it.

[4:36:46 PM]

And I would be happy to work with council member Houston to do that. And I also think that continuing the vision zero task force efforts would be a good idea also.

>> Mayor Adler: Ms. Tovo.

>> Is amending this ordinance in front of us -- I guess that's fairly broad so that it is germane to consider this amendment? Because it being as specific as it is?

>> I think it's fine.

>> So then my next question is what committee can we send it to to do the vetting that are required and it sounds like it would be a good one to send to the mobility committee. I'm not prepared to make any decisions on an amendment coming from -- we haven't even talked about. I'm fine with the changes that are proposed under 58 with no change. But if the vision zero effort is something that we want to engage, which we probably do, I don't think it's appropriate to just add it into this work that we're doing here. I would like to have it vetted.

>> He's looking at me very confused. I'm not sure why.

>> What I'm suggesting is not for today. What I was suggesting is that I support adopting this language into imagine Austin because this language is simply a statement of approach, which is what imagine Austin is. Imagine Austin doesn't have all -- it's not a -- it's at a higher level. It's a statement of policy. So what the language that's being added here is language that's to the effect that the city commits itself to the vision zero approach. But it doesn't adopt specific action. That's not the role of imagine Austin. So I am supporting this language being included in imagine Austin and then I am just saying that as a future action item, the mobility committee could take up the composition of the vision zero task force and

bring back recommendations to the full council about continuation of that task force and composition of that task force.

[4:39:05 PM]

That's what I meant.

>> And that would also include the language that is being offered here that we just saw, which is to create an oncoming task force to develop an action plan.

>> Right. But we're not voting this language today.

>> Mayor Adler: Correct.

>> Correct.

>> Excellent. That helps me tremendously.

>> Mayor Adler: All we have in front of us is 58 as was proposed. Ms. Kitchen has indicated the mobility committee is going to take up further consideration of task force membership and function. We're on 58 as proposed. Ms. Garza.

>> I just wanted to comment. I'm supportive of this initiative. I think it's a wonderful goal. I partially agree with council member Zimmerman on setting a goal that might not be achievable. As a former firefighter I have seen some horrific traffic accidents and I would say there were some that were definitely preventable. But there were some that, you know, you really can't control human behavior sometimes. There was a fatality in my district recently where somebody decided to cross I-35, I think 100 feet from the cross over. I don't see how we could build cross overs every 100 feet to make sure people are crossing over where they should be. I'm supportive. I think it's a wonderful goal but I do want to take into account that we can't change human behavior. We would have to solve homelessness and fund mental health issues. I just wanted to add those comments.

>> Mayor Adler: Further conversation on 58? Those in favor on 58 raise your hand. Those opposed. The two, Ms. Houston and Mr. Zimmerman voting no. I will now go to the next item. It is 440. Council, I'm going to try to see if we can power our way through some things that have no speakers so we can allow the staff to go before we get to music.

[4:41:18 PM]

The first item would be item no. 10. Mr. Zimmerman, this is yours. This is the interlocal agreement.

>> This is an informational. This should be quick. Let me get the notes back here. Is there anybody from staff?

>> Mayor Adler: Yes.

>> So the question just goes back to a little bit more description of the expenditures and to see -- there was some helicopter, some star flight, but just tell us again a little more detail what costs we're talking about here.

>> Ernie Rodriguez, chief of E.M.S. Just a little bit of background on this agreement, where it comes from and how we do this. We have been in an ioa agreement with Travis county for 30 years. We have amended in five year increments and come back to the base amendment. In 2013 we set performance standards for both the county and for the city. The primary cost drivers of this are staffing, ambulances, vehicles, equipment, supplies, fuel. County pays 100% in our contract. They also provide additional funds to cover energy back up services whenever they need them in the county. Several years ago we did review the status of star flight and what we discovered is that only 10% of the work that they were doing actually happened in the city. At the time the city was managing star flight. And so as you can imagine it's very expensive to administer that kind of system. We transferred the program to Travis county and today the only thing we provide services for star flight is dispatch services. Star flight is an accredited agency and in order to maintain that accreditation they have to have specially trained telecommunication staff. We call them acs. And those personnel receive a stipend for that additional work they do.

[4:43:21 PM]

And this agreement includes the dollars to pay that stipend. Does that answer that question?

>> It partly does. But you know help me understand why maybe this hasn't been moved to the Travis county health care district. We're talking about county services. Why is there not kind of a connection to there? We have a Travis county health care district now that encompasses the entire county, not just Austin.

>> You mean the star flight service?

>> Yes. The star flight is county-wide.

>> Yes, it is.

>> If you look at the statistics. And the further you are out of the city the more you need a helicopter to get you through traffic. The only way you are going to be here and be alive is to take a helicopter or you

will be dead before you get through traffic. That's why I raise the question this might be a county function.

>> The star flight is completely a county function. The only thing we're providing is the dispatch services. If they were to go and buy that service they would have to pay a high cost for that. There isn't any services like that available until you get to San Antonio. So they would have to contract for those types of services which would be very expensive and that would raise the cost of the program and the cost of the citizens as well. I don't know if I'm answering --

>> I think you have.

>> Mayor Adler: Any further discussion on item 10? Is there a motion to approve 10? Ms. Kitchen seconded by sass Caesar. It's unanimous. Renteria off. Thank you very much. I guess item no. 11. Mr. Zimmerman you had also pulled this one.

>> Thank you, mayor, this should be quick too. Regarding the 2.4 million, we got some information about the budget.

[4:45:22 PM]

So item 11 calls out the business retention and enhancement special revenue fund. And I don't know if everybody has this but we asked for the budget for the business retention and enhancement fund for that to be in the back up material. And it calls out the budget funds were \$275,000. And so now I guess there's going to be 2.4 million here -- 2.195 million. Obviously I think the council, myself included is interested in bringing the money in but I would like to have council review of what this means to the budget. So maybe if you could just put in a request to our audit and finance team to re-examine this budget in light of the fact that the income is now ten times greater. Maybe that's what I'm asking for.

>> Mayor Adler: Is there anything you would add a note on?

>> This is for the council to accept this money. There was a lawsuit. We talked about it in executive session. So the money has to go back to the particular funds where it was waived from. I think in the future you were thinking to look at what those moneys are used for. It's actually by ordinance from 2009 that sets up exactly where the money goes to and what it can be spent on. It's very specific. And of course the budget didn't contemplate that it would be a successful end result. We are happy about it. We got what the council asked us to do and all fees returned to the city with this exception.

>> Mayor Adler: We'll ask him to talk to us about the disposition.

>> Could the audit and finance committee tell us if they would like to pick that up and look at the \$2 million.

>> Mayor Adler: We will refer it to the committee.

>> With that I would like to move passage of the item.

>> Mayor Adler: Is there a second? Ms. Tovo seconds.

[4:47:22 PM]

Is there any -- I should have let you -- also by Mr. Casar.

>> I'm not agreeing about the first and seconds but I would like the council to entertain some brief comments from me.

>> Mayor Adler: Yes.

>> And the reason I bring them up is I think that this is sort of the end of a short saga but that there are some lessons that I learned through this process and that I think the council might want to take away. And maybe just hear from me briefly what it is I have learned from it. It started in the summer of 2011, which is an interesting time. I had just graduated from college and was paying \$125 a month, cash, to live in a room not too far from Pio's place with no air-conditioning. The mayor pro tem got brought in to a meeting. Her first meeting called for this item in particular. And the council was discussing whether to waive fees in order to get some convention center hotel rooms. And while you can debate whether or not that subsidy for hotel rooms was whether you would support the government doing that for hotel rooms, I think what everybody agreed to is that what it would agree to is the terms laid out should be enforced. Not only did that council choose to incentivize hotel rooms but they wanted to incentivize local jobs. The hotel was built on time but the workers were not paid what they should have been paid. And I and many others in the community stood out in the cold and parking garages asking construction workers what they were making at 9:00 at night when they were coming off the job. We presented that evidence to the press and to the council. It took months for it to finally come to a head and be enforced. The first big meeting at council we had streams of people coming in to enforce the council's agreement but we had streams of people coming in wearing stickers saying council should support what the developer had done.

[4:49:34 PM]

And one enterprising journalist who happens to work at city hall now, went out to Burton drive to interview some of those folks wearing those stickers who revealed they had no idea what they were doing at city hall, they were told to leave the laundry rooms and wear the stickers. It came to a point



where the council stood up and said they were going to enforce the agreement. It was personally a little terrifying for me because walking by that big hotel that was under construction, I kept on thinking honestly these people have so much money and they're so big. They're the biggest hotel developer in central Texas. How could we ever win? But I think today it proves that we did. And that no matter how big or powerful someone may be, if they break their promises to people within the city of Austin and to the council that we should, when we hold our ground, and to enforce our rules. And even though a watered down version of the agreement was offered, the council decided then to stick to their guns. And I think today we reaped the benefits of that. And what I've learned from it beyond the fact that we need to stick to our guns no matter how big something on the other side may be is that it doesn't speak to us not subsidizing things we want in the future. I think the government should intervene to do things like we were talking about, renewable power and cleaning up the climate or reducing inequality and creating jobs. But we should make sure that it will help us -- we actually enforce what we put out there will only help us in our goals when we take government action to force or subsidize what we want. I look forward to exploring and hearing what the finance committee has to do with the -- will do with these funds and hopefully we can think of some ways to use those funds and help support some of the people who ultimately -- some of the communities harmed by folks not getting paid what they were supposed to be paid.

[4:51:42 PM]

The information I have as council member makes it very clear that these wages could have easily been paid by the developer's contractors. But they just frankly chose not to and I just really would like to thank the last council, the mayor pro tem in particular, the building trades, the Perez sisters, workers defense project. Ann Richards who was our outside council and our own city staff who worked so hard to get us here so thank you so much.

>> Mayor Adler: Ms. Garza.

>> A lot of times incentives get a bad rap from the community. And this is a case where incentives were offered but we were getting some benefits for our community that included -- that were supposed to include fair wages and health benefits and safety standards. And I think this is a great story of how when you don't keep your promise and provide those to the people that build and strengthen our community and our infrastructure, that the city is going to hold your feet to the fire. So I also want to add I'm glad that council member Casar was a part of this. And I know a lot of that organizing experience had a lot to do with bringing his great perspective to our council. Thanks for your work.

>> Mayor Adler: Okay. It's been moved and seconded on item no. 11. Those in favor raise your hand. Those opposed. It's unanimous on the dais. Let's hit items no. 12 and 13. Mr. Zimmerman you pulled these -- I mean Mr. Houston you pulled these. Housing trust fund items. In fact let me hold off because I'm going to try -- we may not get to the housing meeting until after.

[4:53:43 PM]

So I'm going to pull this up so I can clear out the room and we can get you -- Mr. Houston I want you to hold off on that. Let's move to item 21. Mr. Zimmerman.

>> This one has to do with math about how much we're spending per person on the center. And I did ask for some help from some of my colleagues who were better tennis experts. Because I don't do tennis. I'm looking at council member Gallo, one of our resident tennis experts to chime in on this. It looked like from the math we were spending on this particular project about \$17.65 per person per year and we were bringing in \$1.45 per person. So I guess it's another community expense that we have. I just wanted to spend a couple of minutes understanding how this compares with some of our other contracts and tennis centers. And is there something wrong here that we're not getting enough utilization of the tennis facility.

>> Kimberly Mckneely for the parks and recreation department. This particular center is one of our centers that makes the least amount of revenue. It is located east of 183. It is between mlk and it is between M -- I'm sorry. It's between 290 and Loyola Lane. So it is in an area that has less development than our other centers, which are actually in the core or near the core of the city. It is in a park that has a master plan for it to become a sports complex.

[4:55:45 PM]

And it's the very first amenity in that particular park that is to be a future destination park or a future sports complex that will have amenities for additional sports. But right now it's in an area that is not highly populated as compared to the core. But it is a service that had been identified as something that should be in that particular park. And because of its distance, perhaps, it doesn't have as much usership as other centers.

>> Could I ask quickly, we looked at the revenue that had come in over five years. And the back up material we have it says in 2009 we had about 6300, 2010 we had over 10,000. 2011 brought in over \$14,000. And after 2011 it started to decline. And now we're down to \$6400 for 2014. That's a pretty substantial kind of yo-yo there. We went way up and we went back down. What happened with that?

>> We believe that we can attribute some of that to some construction that was in the area around 290 and in that general area that didn't make it as accessible or as desirable to work through that traffic. I can tell you that the revenue goals in the new contract are closer to the beginning. Upwards of a

\$10,000 mark. And then with incentives to make that -- make more money. But that's what we're attributing the loss of revenue, or the decline of revenue.

>> Mayor Adler: Ms. Houston.

>> Thank you so much. I have a couple of questions. Thank you for staying so long. The tennis center was opened in 2006 I believe?

>> 2008.

>> 2008.

[4:57:47 PM]

At that point the growth in the central city and east Austin had not really been fully realized as we know it as today. What kind of marketing have we done to the folks that have moved into the neighborhood to say we have a tennis complex on Johnny Morris road. Have we said to agave and all the other places, Harris branch, and all the other neighborhoods that are there now that may not have been there in 2009, some of them were but have we said we have a tennis complex over here and this is how you sign up to play tennis?

>> We have information on our website. The individual contractor does their own marketing. But I think to your point, this department could invest a little more time and energy in making sure that individuals are aware of this opportunity. And we could do that in ways that wouldn't be very costly to the city. We already have some recreation centers. We already have some middle schools and elementary schools in that area. I think to your point we could do some things differently that could help increase the usership.

>> I'm thinking about 78702. That's the zip code that's the most gentrified in the nation. They may not know and may not go over to Caswell because parking -- we don't have a problem with parking. If we got the information out better then more people would use the facility. It's right down the street from the Garcia young men's leadership academy. And Barbara Jordan elementary school. And so there was some construction issues going on with the 290 and stuff. But I think if we did a better job of marketing more people would use the facility.

>> Yes, ma'am.

>> I think council member Gallo has used it a couple of times.

>> Mayor Adler: Ms. Gallo.

>> I love to talk about tennis.

[4:59:48 PM]

I used to play tennis more until I was up here for hours and hours and hours. So I'm afraid my game is suffering substantially. You know, and I appreciate council member Houston's comments because this is a facility that really is located in an underserved part of our community. Tennis is such a great sport for people, and particularly the youth to play, because it's inexpensive, it doesn't require a lot of equipment. Teams can be put together with very small Numbers. I think as we look at some of the middle schools and high schools and areas that are losing populations in their schools, it's very difficult for them to put together sports teams that are large enough Numbers for them to be able to keep the sports teams together for the entire length of the season. You know there's parents that work, there's kids that end up having to help their parents in their work too. Tennis is a really good sport for that market. And I'm glad to hear that y'all will reach out. I think there's a lot of schools that could use it as a facility for their elementary and middle school and high schools that don't have tennis facilities. As we look at the whole tennis community in Austin, the downside to this location is that for people that are coming from the southwest, it's as far away as you can get for a public core. I think it's important that we lock into that community that it's relatively easy to get to. I think Austin needs a facility that we can host Texas sectional tournaments. And we don't have that right now. But I hope we look to more of a central location for that. Because I think that's important. But this has such promise in the community if we can just engage the community over there to this facility. So it's -- we should support it.

>> And just for your own knowledge, we do have an interlocal agreement with aid and they do use those courts for their interclassessic matches and for their match play and interscholastic tournaments.

[5:02:01 PM]

>> I think as it develops it will be similar to the facility out 79, settlers park. And you see the use of that and the use of tennis has increased because of the uses there also.

>> Mayor Adler: Any further discussion before we vote on item 21?

>> You brought up aid. Since it is next to the school and the school uses it, does aid contribute?

>> When that facility was built, aid contributed \$1 million to the construction of that facility. And that's what the interlocal was based upon. Because of their construction contribution.

>> Yeah, they made an initial investment and then we have the ongoing maintenance. Was that the agreement?

>> Yes, sir. We also invested through bond money. I don't want to give the impression we didn't invest but we have the ongoing maintenance.

>> How long is that agreement in place for, do we know?

>> The interlocal?

>> Yeah.

>> 25 years.

>> Dating from when?

>> From '08.

>> Thank you.

>> Mayor Adler: Okay. No further discussion. Those in favor of 21 please raise your hand. Those opposed. It is unanimous on the dais with one abstention, Mr. Zimmerman. We now have 29 items left on our agenda to deal with this evening. Let's move to item no. 26. Mr. Zimmerman.

>> Thank you. This one will be quick as well. I think the quick question I have on here is it seems like the examination fee is about \$300 per test. It seems like it might be a little bit high for proctoring an exam. But if somebody could tell us why that seems to be a little expensive. Maybe it's not expensive. There just wasn't enough information for me to figure out if we were getting our money's worth.

[5:04:02 PM]

It looks like somebody's here. Is anybody here to speak on that as to why it would cost \$300 per exam?

>> Rebecca Kennedy with the human resources department. This is Barry cook, he does a lot of administration of the test. We don't typically charge per test for the people who are taking. It's generally a flat fee. That goes before -- well that's part of the contract. So it's about \$1200 per test regardless of how many people are taking the test.

>> You said the contract. Is this the employment contract with the police union? Bitter for the purchase to administer the tests and those are mandated by the contract with the police union. And that they're done every 24 months or when a contract expires, or when the list expires of applicants.

>> Okay. And the test takes an hour to complete? Two hours? What's the timing? Is it paper or computer-based?

>> The tests are pencil and paper. They are two and a half hours long. What you're getting from the consultant, our job analysis to create the exam. Then the item writing. So it's item analysis that are reviewed with the subject matter expert from the department. They do the -- prepare the exam, prepare the answer keys. We administer the exam and they also provide the technical support for

reviewing appeals by employees after the exam to advise the commission on how to rule. And then following the written exam there is also, for three of the ranks, assessment centers and those are also priced into this contract.

[5:06:03 PM]

>> Finally, so the individuals that take the exam -- because I have taken exams having to do with my training and career and my job. Teachers take exams for certifications. This is a very familiar concept, right? And people generally put some skin in the game. They pay some money towards the exam and it motivates them to work hard and do better. So I guess based on the information I have I would like to see maybe the next contract, have the people taking the test put some money towards it. It seems like a lot of money to pay. Do the individuals taking the test so they're not putting any money into the test? Are they charged a fee?

>> The individuals are not paying the police officers in this case do not pay to take the exam. In chapter 143 it specifies they should be free exams.

>> Chapter 143?

>> Texas local government.

>> 143 >> Mayor Adler: Ms. Houston.

>> Thank you. How long have we been using this particular vendor?

>> This would be a new vendor for the police. Previously they have been our vendor for fire promotional exams. And they are currently our vendor for E.M.S., promotional testing.

>> They do all public safety now?

>> With this contract they would be our vendor for all three of the public safety. Fire will be going out to bid right away. We'll be bringing you a contract for them within the next two months. It could switch from io solutions to another vendor for fire soon.

>> This is police. What about E.M.S.?

>> E.m.s. Uses io solutions for their testing.

>> Have we already approved an amount for them?

>> Yes, they are in -- I'm sorry.

>> For E.M.S..

[5:08:05 PM]

>> They are in the second year of their sixth year with io solutions.

>> How much is that?

>> It will be roughly the same, maybe a little bit more. They have seven promotional ranks versus four.

>> Okay. Thank you.

>> Mayor Adler: Anything further? Is there a motion to approve item no. 26? Mr. Renteria seconded by Ms. Garza. Any discussion? Those in favor please raise your hand. Those opposed. It's 10-01 with Mr. Zimmerman abstaining. That gets us to item 42 which was the audit plan. Austin energy storage is on deck. And then my hope is to hit item no. 46 which is the municipal court clerk. And then the -- I'm sorry? Do we have somebody here for any one of these? Raise your hand. Because -- won't you come on down.

>> Mayor we also have the internal audit report. I believe our city auditor is here.

>> Mayor Adler: Let's hold on. That would be great. If you hold on one second we're going to go ahead and call the auditor report while we have her here. So item no. 42. You want to lay that out quickly for us?

>> Yes. This is our annual audit plan. You have seen it before. We have made some minor changes to language, but the project list is the same. This proposes our work for the coming fiscal year and in the event other issues come up we can amend the plan.

[5:10:10 PM]

But this is our plan.

>> Ms. Pool moves adoption seconded by Ms. Houston. Is there any conversation on the audit plan? Ms. Tovo?

>> The only thing I would add, and if this isn't the right time or place to talk about it but maybe we could have a brief update at the work session to talk about the guidelines that our committee adopted that are relevant to council special request audit. We have looked at the number of special requests coming forward and made some suggestions that would be appropriate to talk with the council about. That's not really part of this? Do we need to approve those? We did make a full recommendation to the

council and they are part of our back up material for today. If the council is ready to do so I would suggest we include that within our vote today. And the tie there is that we dedicate a certain number of hours for special requests. We have 1200 hours on this plan for those requests and that's approximately six requests. And so we, in the guidelines we proposed there be two requestors for any special request project. And there are some other things within those guidelines.

>> Mayor Adler: Can we approve as part of the audit plan, can we approve the recommendations of the audit committee? Has that been noticed sufficiently? My question is is that broad enough to include adopting the recommendations of the audit and finance committee as to the special request guidelines? I mean I don't know if we need to set that and bring that up separately.

>> Either way. We can certainly -- as the auditor said it's relevant in terms of the number of hours that are included within the audit report, but if it makes sense for us to spend a little time talking about those we can bring it as a separate item.

[5:12:22 PM]

>> Mayor Adler: Let's bring it up separately and move to approve the plan. Those in favor of adopting the plan raise your hand. Those opposed. Plan's approved. Unanimous on the dais. The next item that I would call up would be Austin energy storage at this point. We have one speaker. Do you want to speak on this issue? This is item 43.

>> I'm very proud to be here. Y'all have been gracious and totally committed. I know it's crazy. I've been tired too and I've been homeless. So I'm going to try to make -- just to you know hear, let people hear our situations. And nothing bad. And it's totally gracious. And like I said, my name is Linda guyan. I'm very proud of being an American.

>> Mayor Adler: Thank you, ma'am. Thank you for visiting us today.

>> Thank you so much for -- that's lovely. I'm taking that with me.

>> Mayor Adler: Thank you. Item no. 43 relates to Austin energy storage contract. Is there a motion to approve item no. 43? This is testing the storage battery. Ms. Kitchen makes the motion. Seconded by Ms. Pool. Is there any discussion on this item? Those in favor -- sorry Mr. Zimmerman.

>> Just to make a quick note, I love the idea of this storage battery. Technology, fantastic. I'm going to be voting against it because our utility bills are already too high but I wish I could vote for it because I love the technology idea but I'm going to have to vote against it for fiscal reasons.

[5:14:30 PM]



>> Mayor Adler: I understand. Any further discussion? Those in favor of approving item 43 please raise your hand. Those opposed to 43. Mr. Zimmerman, troxclair voting no. The rest voting aye. That gets up to item no. 46 which is the municipal court item. Is there someone here to speak to this one?

>> Mr. Mayor.

>> Mayor Adler: Does someone from the committee want to talk to us about this?

>> I guess I would like to make a motion that we approve the -- that we appoint Mary Jane grub as the new municipal court clerk as deliberated by the public safety committee.

>> Do we need -- I'll second that. Just a quick question. Do we also need to announce the salary?

>> I think we do, yeah. Would you like to do that?

>> Was it 125.

>> 125. \$125,000. >>.

>> Mayor Adler: It's been moved to point to hire her as the court clerk. At a salary of \$125,000. Motion by Mr. Zimmerman, seconded by Ms. Pool. Did you want to speak to this?

>> Yeah, I just wanted to say this is one of the direct hires that the council makes. And the human resources department helped the committee. It went through the public safety committee. Helped us not only with the advertising for -- and I'm kind of vamping a little bit hoping our hr folks will come and help out on this one. Here they come. Yeah.

[5:16:31 PM]

They did a really good job of helping us with the posting and recruitment for candidates for the municipal court clerk with a retirement of the previous long time court clerk. Maybe Dr. Washington can pick up where I'm leaving off.

>> Thank you, council member. Mark Washington. As council member pool indicated, this is to make a permanent appointment to the clerk's position. You have an interim acting court clerk now. So this would remove that appointment and appoint the candidate upon council approval. Ms. Kennedy is here to go over any detailed questions you might have about the process.

>> Maybe Ms. Kennedy could just give us the rest of the panel here a rundown on the fairly extensive interview process that we engaged in.

>> Hi, Rebecca Kennedy with the human resources department. We posted the position between may 22 and June 6. We reached out to 125 different entities. And we received 47 applications. We did phone screens and narrowed that down to 11 candidates. Those were reviewed by the public safety committee. And they elected to interview four individuals out of those 11. There were two top candidates and then there was another reviewed by the public safety committee. And then they selected Ms. Mary Jane grub, who is on your agenda today to be confirmed as the court clerk.

>> And could you explain the second panel that also did the interview of the top two candidates.

>> Yes. So there was a second interview panel that was comprised of -- I'm trying to get my notes on that. But that was comprised of our -- judge Staten, our sitting judge.

[5:18:35 PM]

And then some of the -- judge coffee, and then some other people from the community.

>> The police monitor.

>> Police monitor.

>> Margaret Frazier was on that panel. I thought there were five people on that panel, I believe.

>> Sharon cannon, who is a police liaison, and Sherwin Patton who is the restorative justice person.

>> Mayor Adler: All right. Thank you. It's been moved and seconded to approve this item 46. Any further discussion?

>> Mr. Mayor. The committee would like to say thank you to Yolanda Mcknight who did a very good job as the interim clerk. And I'm very impressed with the way hr helped us to do this. I thought the process was very, very well done. So congratulations. Great job.

>> Mayor Adler: Thank you. Voting now on item 46. Those in favor please raise your hand. Those opposed. Unanimous on the dais. Thank you very much. That gets us to item no. 47. This is the public utilities committee, matter related to onion creek. Is staff available for that? Is there a motion from the committee on 46?

>> My staff told me that city staff wasn't going to be able to be here until after 5:00 but it's after 5:00. They requested us not to hear this until that staff person could be here.

>> Mayor Adler: Let's hold that. How about hitting, at this point 50 and 51, sunrise pharmacy. Is Greg here?

[5:20:36 PM]

>> Thank you, mayor and council. Items 50 and 51 are related. 50 is case mpa. This is an amendment in the St. John's neighborhood planning area. For the property located at 7104, 7106, and 7108 Ben avenue. It's to change the map from single family to neighborhood mixed use. The planning commission didn't make a recommendation to approve the mixed use. 51 is the related zoning case. This is case C 142-015-0050. For the same three properties, 7104, 7106 and 7108 Ben avenue. It's to change zoning to neighborhood commercial mixed use conditional overlay. The recommendation was to grant the Irmuco and combine the zoning with some conditions. The conditions did include for this property that the development would be limited to a maximum that would allow for 300 vehicle trips per day. That there would be 30 feet of right of way should be dedicated from the center line of Ben avenue. There's a 30-foot wide buffer that would be provided along the southern boundary. And that the following land uses would be prohibited. Restaurant general. That would be a restaurant able to serve alcohol, and service station. The tract is composed of three lots. It's almost two-thirds of an acre in size. It's currently vacant right now. It is surrounded to the north and south and east by sf three zoning. To the west is an adjoining csmuco piece of property that's a commercial mixed use district and contains limited restaurant and also bus station.

[5:22:48 PM]

The property changed for both the future land use map and the zoning is supported by the St. John's neighborhood planning contact team and also the St. John's neighborhood association for the changes. They received several individual property owners that were opposed to the zoning change request. But it did not constitute a valid petition against the rezoning. Staff did not recommend this request because of the location. We saw it as an intrusion into the single family neighborhood. I think I'll pause if you have any questions. Mr. Witlith is here on behalf of the owner. And I'll stop right there and give him the time that we have before 5:30.

>> Mayor Adler: Mr. Casar.

>> I would like to move approval.

>> Mayor Adler: Mr. Casar moves approval. Is there a second? Seconded by Mr. Renteria.

>> This is only ready for first reading.

>> Mayor Adler: Mr. Casar, did you have an amendment?

>> In discussion with the -- many of the neighbors who did a lot of work on this case for well over a year it seems like the primary concern coming from staff and also from the neighbors was the loss of

potential housing. And the applicant has agreed to an amendment that would require that there be two residential units included on the same site as the pharmacy. And so I would like to add that the certificates of occupancy for the commercial use not be issued until we have the certificate of occupancy for two residential uses.

>> Council member, acknowledging that they could all be built at the same time.

[5:24:49 PM]

>> Or they could all be built at the same time. Simultaneous or before.

>> Mayor Adler: Okay. Any objection to including that amendment to the resolution? That amendment is included. Any further discussion? Those in favor of 50 and 51, please raise your hand. I don't have any speakers signed up.

>> Mayor, this is an ordinance approval. One for the neighborhood plan amendment and one for the zoning change. This is only ready for first reading on both of those items. And with the understanding there be an amendment to the zoning case for the additional items that council member Casar set out.

>> Mayor Adler: Okay. There's a speaker, is that right?

>> I wanted to clarify, there were six -- five recommendations in the staff report for the zoning change regarding transportation. And I think you mentioned a couple of them already being incorporated like the dedicated feet of rightway on Bennett avenue and the buffer. Is everything there being incorporated except for no. 3, which y'all are going to work out in site planning?

>> Item no. 3, this would be a motion to approve. Some of those would end up being in a covenant, some in the overlays. The buffer would be along the southern boundary. We would probably be able to set out the buffer itself but the details of the buffer would come up at the time of the site plan.

>> Mayor Adler: Okay. Is there anybody who would like to speak to the council?

>> Thank you, mayor, Jim witlif, I'm just going to leave it alone. Thank you.

>> Mayor Adler: We don't have any other speakers we'll close the public hearing. Those in favor of 50 and 51 on first reading only as indicated, please raise your hand.

[5:26:53 PM]

Those opposed. It's unanimous on the dais. That gets us to 5:26. If we can squeeze one through here.

>> Is staff here on 47? Yeah? No? What about item number 55, the east Riverside corridor regulating plan?

>> Item number 55, staff recommended a postponement of this item, we suggest a date of October 15th.

>> Mayor Adler: It's been suggested we postpone. Ms. Tovo moves the postponement to October 15th. Is there a second? Ms. Troxclair. Now discussion. Ms. Houston? No, she just wanted to second as well. Any conversation? Those in favor of postponing until the 15th, please raise your hand. Those opposed?

>> Mayor?

>> Mayor Adler: That's unanimous on the dais.

>> Pool: Quick question. Not on this one, but for Mr. Guernsey, 48 and 49, can we postpone those?

>> We did that earlier today, to the 15th of --

>> Mayor Adler: Yeah.

>> Item number 56, mayor, I can also offer.

>> Mayor Adler: Why don't you go ahead and do 56.

>> It's regarding the redevelopment of existing small substandard lots. Staff is requesting a postponement of this item to your December 10th agenda. We noticed on the bulletin board that December 17th may be postponed, which is why we're suggesting the 10th.

>> Mayor Adler: Say that again? I'm sorry.

>> Item number 56 --

>> Mayor Adler: To post tone to when?

>> To December 10th. It hasn't gone before the commission, nor the committee.

[5:28:54 PM]

>> Mayor Adler: Ms. Tovo seconds that. Any discussion? Those in favor, raise your hand. Those opposed. That is unanimous on the dais. I think -- yes.

>> 57.

>> Mayor Adler: Go ahead.

>> Item number 57 is a chapter 26, so that's a change in use of parkland. The park that's having the change of use is in the district. It is an upgrade to a wastewater line. The legal fact-finding is that there is no other alternative to the taking of the dedicated parkland, which includes all planning to minimize harm to the park. For this item, the mitigation is \$244,469.

>> Mayor Adler: Okay. Ms. Tovo moves.

>> I'll second.

>> Mayor Adler: Ms. Tovo moves 57 approval. Seconded by Ms. Pool. Any discussion? Those in favor, please raise your hand. Those opposed? It is approved. 57.

>> Thank you.

>> Mayor Adler: Is there anybody out there for something that takes that long to do before we take our break?

[ Laughing ]

>> Mayor Adler: With that, then, we'll go ahead and take our break. It is 5:30 right now. We have a little music. And then some proclamations. Do we want to reconvene at 6:30?

[ Laughing ]

>> Mayor Adler: 6:30.

>> Sure.

>> Mayor Adler: All right. Back at 6:30.

>> For real, 6:30.

>> Mayor Adler: I want everyone to note that the last -- the left side of the dais was here on time, and we geared up early. And we'll start when we have six. Thank you.

[5:35:17 PM]

>> Hey, everybody. Well, it is my great pleasure to introduce the Austin mandolin orchestra. This is my first time to be able to introduce the music, which is unusual in and of itself, given what a large part of my life is devoted and surrounded by music. So, this is -- especially since some of these folks here I know personally, and I'm really happy to be able to introduce to Austin, the Austin mandolin orchestra. Joining us today, the esteemed Austin mandolin orchestra, a community orchestra serving mandolin and guitar enthusiasts in central Texas by providing unique, educational opportunities and presenting modern, classical, and traditional repertoire. Their body of work celebrates music from diverse cultures over five

centuries. This year, they're hosting the annual convention of the classical mandolin society of America in Austin. So, please help me welcome -- a warm welcome to the Austin mandolin orchestra.

[ Applause ] 🎵

[5:41:23 PM]

[ applause ]

>> Y'all, that was really great. Thank you so much. Mandolins have been known to gather in large Numbers and play together. And what is the largest gathering of mandolin players that y'all have participated with?

>> Last year we went to Portland for the convention, and there were over 150 people in that mandolin orchestra. And in two weeks, the classical mandolin society of America will be here in Austin. And we already have over 120 people registered. So we're thinking we'll have a mandolin orchestra on Saturday night, October 17th, of approximately 150 mandolins, mandolas, guitars, and double base guitars.

>> Pool: One last question for you. I don't know if y'all can put the picture back on the orchestra. You mentioned two or three different kinds of mandolins. Could you just demonstrate with the instruments, which is which?

>> So, we've got the mandocellos here, classical guitar, and mandolins. We don't have the mandolas.

>> Pool: Very good. All right. Time for the proclamation. Be it known that whereas the classical mandolin society of America was formed in 1986 by Norman Levine, a businessman, publisher, and philanthropist who has been called the financial and spiritual emper-saario of the mandolin world, organizations in Europe and had the vision of a similar North American community of mandolinists. Since then, mandolin-playing has seen a resurgence of popularity, in part due to the efforts of the cmsa, classical mandolin society of America.

[5:43:29 PM]

And, whereas the classical mandolin society of America will hold its annual convention from October 13 to 18 in Austin, with guests and performers attending from the United States, Canada, and several other nations, and whereas the local branch of the cmsa is the Austin mandolin orchestra with over 20 members, which will perform at the convention, one of three evening concerts that will be open to the public, now I, Leslie pool, councilmember, district 7, on behalf of mayor Steve Adler and the city of

Austin, do hereby proclaim October 1, 2015, as classical mandolin society of American Austin mandolin orchestra day. Thank you.

[ Applause ]

>> Let's get some pictures. Is everybody going to be in the picture?

>> If y'all want to kind of come and stand next to that.

>> We'll join y'all. I'm very accustomed to being in this kind of setting. Would you like to hold this?

>> Right there.

>> You're good.

>> Here we go. One, two, three.

>> Smile, y'all.

[5:45:30 PM]

Mandolin.

>> Thank you.

>> Thank you.

[ Applause ]

>> Thank you again, so much.

>> We have a proclamation. Be it known that whereas people who identify as lesbian, gay, bisexual and transgender, lgbt, have made countless contributions throughout history that have benefitted the areas of health, safety, education, science, art, literature, justice, and more, and whereas the city is an annual supporter and participant in events that celebrate pride in lgbt communities and families, and is working to improve their municipal equality index score, and has improved the safety and accessibility of public restrooms, and whereas the city offers domestic partner and transgender benefits, and protects against harassment and discrimination based on sexual orientation and gender identification, and identity, and whereas Austin honors the lives of lgbt people and their allies who have stood and acted without fear and without hate in the face of oppression and discrimination and violence to advance the cause of equality and justice, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim October of 2015 as lesbian, gay, bisexual, transgender history month.



[5:47:58 PM]

[ Applause ]

>> Thank you. Good afternoon, I'm assistant director for health and human services department. And I'm here on behalf of our director, Mr. Jones. Thank you, mayor Adler, for your support. This year marks the 21st anniversary of the LGBT history month. LGBT history month was started in 1994 by a high school teacher who believed that a month should be dedicated to the celebration and teaching of gay and lesbian history, and the struggle for identity, rights, and equality. LGBT history month also acknowledges and celebrates the courage and character of the LGBT communities. It provides role models and builds community. During the early years, the month celebration was largely marked by a call to action and commemoration. But since then, LGBT history month has blossomed into a national coordinated effort to highlight exemplary role models from the LGBT community. LGBT history month connects us to those who came before us, the brave individuals who formed our communities and shaped our understanding of lesbian, gay, bisexual, and transgender identity, and the pioneers who helped pave the way for many of us to live openly and to fight for equality. This month highlights and represents our collective effort to remedy what so often surrounds LGBT people's lives. As the well-known LGBT historian George stated, LGBT history month sends an important message to our nation's teachers, schools, school boards, community leaders, and youth about the vital importance of recognizing and exploring the role of gay, lesbian, bisexual, and transgender people in American history.

[5:50:19 PM]

The contributions of the LGBT communities are often omitted from history, and often not discussed at home or in schools. Today, we pause to acknowledge and recognize the amazing contributions to society by people who identify as lesbian, gay, bisexual, and transgender. People who identify as lesbian, bisexual, gay, and transgender have made many wonderful contributions to society. For example, Dr. Martha May Elliot, first woman elected president of the American Public Health Association, and only woman to sign the founding document of the World Health Organization. Presidential Medal of Freedom 2013 awardee, he was an unyielding activist for civil rights, dignity, and equality for all. An adviser to Martin Luther King, he participated in one of the first freedom rides organized in 1963, marched through Washington for jobs and freedom, and fought tirelessly for marginalized communities at home and abroad. As an openly gay African American, Mr. Rushton stood at the intersection of several of the fights for equal rights. George Washington Carver, agriculturist and first scientist to discover multiple uses for peanuts. Carolyn Bertozzi, a professor of chemistry, youngest recipient of the MacArthur Genius Award. Sally Wright, first woman, American astronaut in space, inspired and motivated children to study science and explore careers.

[5:52:23 PM]

Mary Edward walker, first woman to become a U.S. Army sergeant. First and only woman in history to receive a medal of honor. It is an amazing honor for me to acknowledge all of those that have come before us, to celebrate and acknowledge the contributions of our community. Austin-travis county health and human services is committed to promoting and protecting the health of our community through the use of best practices in community engagement and collaborations. We believe in nurturing a welcoming environment for our employees in the communities that we serve. Again, mayor Adler, thank you for your support. Oh. You're on this side.

[ Laughing ]

>> Mayor Adler: Thank you.

[ Applause ]

>> Thank you.

>> Thank you.

>> Thank you.

>> Thank you.

[5:54:30 PM]

>> Mayor Adler: Always gets a little exciting when we do things that are a little out of the ordinary here. You know, earlier today I took a moment of executive privilege to wish all of my colleagues in the community a happy new fiscal year. Now I'd like to continue this new year's celebration by taking a moment to thank those who helped us get to this happy day. Two of the pledges this council made regarding the budget were to make the budget process even more transparent, and to increase our public engagement even further. I am proud to say that with the budget in a box 2.0 engagement tool, we increased group participation by 179%. And we increased online participation by 214%. You know, in both those Numbers, they're compared to when we initiated this tool back in 2013. Now, one way to reach people for that engagement services to provide different avenues for participation. Three volunteers from open Austin dedicated hundreds of work hours to create the budget in a box web application. And for their dedication, I would like to present these awards. Presented to the -- presented by the city of Austin to Daryl D. Guest, with heartfelt appreciation for outstanding service and volunteerism. And a similar award to William hardegast, and to Diego Hernandez.

[5:56:45 PM]

Please come up and let me give you these awards. You guys did great.

[ Applause ]

>> Thank you.

>> Picture.

>> Take one more.

[ Applause ]

>> Hi. My name is Daryl guest. I just wanted to thank the city for this honor, and just tell you a little bit about open Austin. The three of us are part of open Austin, which is a citizen volunteer group that promotes open government, open data, and civic application development in Austin, Texas. Now, as part of an open Austin hack team, we are an active group of civic-minded hackers and creatives that build apps that solve civic problems. We also help local government leverage open source technology and encourage city government to open data sets for public access. Very briefly, I'd like to tell you a little bit about the members of the team. Standing right here is hardy guest. He was responsible for the coding that created the app. Next to him is Diego, primarily responsible for the design and the user experience, the overall look of the app.

[5:58:50 PM]

And then also want to throw out a special recognition to Laura Foss at the city's public information office, because she was the one that actually pitched the idea to us at an open Austin event, served as our liaison with the city and the budget office, and then coordinated -- all our efforts. If you didn't get a chance to use the app, I encourage you to participate next year at [budgetboxapp.com](http://budgetboxapp.com) so you can tell the city council how you want the city's money spent. And mayor, as a personal opinion of mine, I believe we need a resolution that before anybody can come into this chamber and talk to the council and ask for money, they should have to certify that they use the budget in a box app.

[ Laughing ]

>> Thank you.

>> I would support that.

[ Applause ]

>> Thank you.

>> Mayor Adler: Okay.

>> We have a proclamation. Be it known that whereas national night out is a nationwide program designed to heighten crime awareness, increase participation in local anticrime programs, strengthen neighborhoods' spirit and police community partnerships, and send a message to criminals that neighborhoods are organized and they are fighting back.

[6:00:53 PM]

And whereas the Austin police department plays a vital role in establishing joint crime and drug prevention efforts, and encourages citizens to attend national night out events to get to know one another and to learn how to reduce crime and drug abuse in their neighborhoods. And whereas we join with the Austin police department, APD, the Travis county sheriff's office, and other law enforcement agencies, and local business sponsors in supporting the 32nd annual national night out. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim October 1 of 2015 as national night out.

[ Applause ]

>> Thank you, mayor. Council. I'm assistant chief Jason, I just wanted to tell everybody thank you for coming, and keep this in mind. We're going to have the kickoff this Saturday at Mueller park. It's going to be 10:00 A.M. To 1:00 P.M. We're going to have hot dogs, trying to get a lot of the community involved in it. On Tuesday night, 7:00 to 9:00 P.M., we're going to try to get everybody to come out of their house, turn the porch light on, lock your door, get to know your neighbors. Meet people you haven't met before. Go to a party and get involved. The reason we're the -- second-safest city in united States is that Austin knows its neighbors. Austin tries to make sure that they can reduce the crime. That's the second-safest city in the United States. Let that sink in. That's pretty good. I think it's the involvement we get from the city council, the mayor, and all of the citizens. I appreciate that proclamation. Come out Saturday, 10:00 A.M., Mueller park. And 7:00 to 9:00 this Tuesday. Go out and meet your neighbors. Thank you.

[6:02:54 PM]

>> Thank you.

[ Applause ]

>> Got the big guy?

>> Here we go.

[ Laughing ]

>> Ready? Here we go. One, two, three.

>> Mr. Mayor.

>> Asian-american resource center day.

>> Mayor Adler: And we have a proclamation. Be it known that whereas the asian-american resource center has provided meaningful services, programs, and resources to tens of thousands of central texasens to share, learn, and celebrate asian-american, pacific islander cultures, histories, and perspectives, and whereas the asian-american pacific islander population continues to be the fastest-growing population of Austin, Texas, representing a vast span of cultures, ethnicities, and national backgrounds, contributing to the diversity and richness of Austin's civic, cultural, and economic life, and whereas the asian-american resource center proudly debuts the exhibit "I want the wide American Earth -- an asian-pacific American story" created by the center and the smithsonian institution traveling exhibition service, along with the support of the wk Kellogg foundation, and whereas the asian-american resource center has nationally and internationally recognized facility, honors two years of serving the community since opening its doors on October 1st of the year 2013, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim October 3rd of the year 2015 as asian-american resource center day.

[6:06:04 PM]

Congratulations.

[ Applause ] Berkeley, the director of the center.

>> Thank you for this honor. The resource center represents a long-awaited dream for many in the community. We appreciate your support and efforts to make Austin a more inclusive city. Thank you.

[ Applause ]

>> House of torment.

>> Are you John?

>> Yeah. Nice to meet you. Thanks for having us.

>> Mayor Adler: And we have a proclamation.

[ Laughing ]

>> Mayor Adler: This is a good un. Be it known that whereas, house of torment is an Austin institution at Halloween --

[ laughing ]

>> Mayor Adler: Since 2002, the haunt has been professionally scaring austinites. And whereas previously, creator Dan was making haunts in his own back yard that were so popular they had to be shut down to traffic congestion, and whereas house of torment recently teamed up with others to present "Don't be a monster," a nonprofit designed to help prevent bullying among middle and high schoolers, now, therefore, I, mayor Steve Adler, of the city of Austin, Texas, do hereby proclaim October 1st of the year 2015 as house of torment day.

[6:08:33 PM]

Congratulations.

[ Applause ]

>> Mayor Adler: John love, do you want to say a couple words?

>> Sure. Thank you, Mr. Mayor. How cool is that?

[ Laughing ]

>> Austin is a weird city. I'm a native. I've lived here for 33 years. I grew up here. I went to school here. I think we do one of the weirder things in the community. But being part of the community is important to us. As mayor Adler stated, we started an anti-bullying campaign three years ago. We reached a few thousand students in a handful of schools in the first year. Last year, our third year, over 200 presentations were successfully delivered across the country in 12 different markets. We reached over 80,000 students with our positive anti-bullying message. That organization is largely funded by the haunted houses we produce and by donations we collect at our box office. Although I love scaring people, and I'm proud of these monsters and everybody that comes out to our place in October, that's one of the most proudest accomplishments of my life. So, thank you for recognizing that. And thank you for proclaiming October 1st as house of torment day. It was pretty cool.

[ Applause ]

>> Ready?

[ Laughing ]

>> One, two, three. Thank you.

[6:10:36 PM]

[ Laughing ]

[ Applause ]

[ Laughing ]

>> Mayor Adler: We have a proclamation. Be it known that whereas Austin is home to more than 1200 manufacturing companies employing over 47,000 individuals, and contributing 20% of the economy's gross metropolitan product, and whereas the city of Austin's economic development department actively promotes manufacturing as a fundamental component of our economy, because it provides career opportunities for economically disadvantaged workers seeking dependable jobs and good wages, it has pursued manufacturing as a sector through its involvement in community initiatives designed to attract high-tech manufacturing operations. And whereas in celebration of national manufacturing day, local manufacturing companies are encouraging Austin's students to explore opportunities in this challenging and lucrative field made available through stem, education, vocational training, or certification. So now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim October 2nd of the year 2015 as national manufacturing day. Congratulations, ed. Do you want to say something? Ed Ladson.

>> Thank you, mayor, appreciate it. I can tell you that the manufacturing community feels very supported by your office, so, we appreciate everything you do to make us strong.

[6:12:40 PM]

I'm the director for the Austin regional manufacturers association. We are a group that represents companies. I'm sure all of you have heard about Samsung, national instruments, flex tronics, they're the most major employers in the city. We take this opportunity to celebrate national manufacturing day by promoting manufacturing to kids, the careers that are available. Many people don't know the great jobs that are available in facilities. The average salary for an advancing manufacturing career is \$106,000 a year. An average salary for a moderately advanced job is \$80,000 a year. This is a real pathway to the middle class for possibly under served demographics. We have tours tomorrow, from dynamic manufacturing solutions, Samsung, and foods. This is our opportunity to get students out and see what

we do. Appreciate you designating this national manufacturing day, and we look forward to celebrating tomorrow.

>> Mayor Adler: Great. Thank you.

[ Applause ]

>> Thank you very much. Appreciate it.

>> Tovo: I represent council district 9. It's my privilege to present the following distinguished service award to Karen, our city attorney. During my first term, she and I sat next to each other on the dais.

[6:14:45 PM]

We spent many hours in long council meetings together. I got to see her really up close in action. City hall, as many of you know, because you spend a lot of time here, too, city hall is an exciting, dynamic place. You never know what lies around the next corner. But every day is sure to bring lots of challenges and lots of opportunities, and issues that are constantly changing. And nearly all of those demand the attention of the city attorney and her legal staff. And I want to say it was really just such a pleasure to watch Karen Kennard in all of those -- face all of those challenges head-on and with such grace. She faced every thorny issue and challenge with grace, professionalism, and an unflappable spirit. She's been a dedicated public servant, and a real asset to the city of Austin. And if you were here yesterday at her retirement party, you saw the number of people from the community who came out as well. She's widely respected, not just here in the city of Austin, but in the community of Austin, as well. And many of us here at city hall will certainly miss her. It's a privilege to present the following award on behalf of the mayor and the entire city council. For her passion for the law, her dedication to serving the city and her fellow citizens, and for her leadership, Karen Kennard is deserving of public acclaim and recognition. She has demonstrated that she is a dedicated, loyal public servant. As we celebrate her extraordinary contributions, we can reflect on the numerous legal victories that continue to shape the city today, including the transition to single-member districts, the legal support that underlies the transformation of the Austin skyline, and the legal agreements that touch topics from the environment to health to parks.

[6:16:47 PM]

Karen's work helped reinforce our reputation as a creative, compassionate, and Progressive city. Thoughtfulness, generosity, and warmth defined her service, and won her the gratitude of the city. She leaves a legacy of strong ethical leadership that will endure, and a law department that is a stronger and



more effective organization because of her efforts. This certificate is presented in appreciation of her leadership, her dedication, and her service. This first day of October in the year 2015. And it's signed by mayor Steve Adler, on behalf of the entire city council. Congratulations.

[ Applause ]

>> Thank you, mayor pro tem. I need to begin by thanking city manager mark Ott for putting his faith and trust in me and selecting me to be the city attorney for the city of Austin. I hope I've lived up to that trust. And I will never forget, you know, that trust that he placed in me. I've been practicing law now for 27 years, the last 11 here at the city of Austin. My entire career was in the municipal law field. So leaving here is a little bittersweet. I have enjoyed every minute of it. I thank the members of the law department, as mayor pro tem read in the resolution. We have a really strong law department. Some very talented, smart, and dedicated individuals there whose entire focus and purpose is serving this city. And I thank them for all their hard work and dedication while I was there just a short time as their leader. I want to thank the mayor and the council, also. Didn't get to work much with this mayor and council, but I do appreciate all the elected officials that I've had the opportunity to serve with.

[6:18:47 PM]

Some -- a wonderful group of public servants, and the work that they do and their dedication to this city is unparalleled. I'd also just like to take a moment to thank some people who have been mentors to me throughout my 27-year legal career. I was very fortunate to work for the Texas municipal league for 15 years. And during that service there, I had some wonderful mentors and sponsors who gave me opportunities to do things that prepared me to come here and in end my municipal law career here at the city of Austin. I'd like to thank the executive director there for years, my former boss, my former colleague Shanna, Walter, and Bennett. Those individuals are like my family. They continue to support me and encourage me while I was here at the city, and I will never forget the support that they have given me in this position as well. And finally, I need to give thanks to my family. I am fortunate to have been born into a wonderful family. Nothing I did, but I thank god for that. I had a wonderful mother. Wonderful set of siblings. And everything that I've done and everything I am is because of that family support that I had. So I need to thank them. And I'm going to miss you guys. This is a wonderful place to work. It can be difficult sometimes, but they're just great issues, amazing people, and, you know, the environment here -- this is just a great city. Many people have asked, when am I going to do? I have not made any decisions. I am retiring, though. There are some opportunities that are -- you know, I'm exploring. But I'm not leaving the city. I mean, this is my home. You will see me around. You may even see me here again. But I'm so, so blessed to live here in this city and to have been a part of this organization. So, thank you all.

[6:20:50 PM]

[ Applause ]

>> Tovo: I'd like to invite our city manager to say a few words as well.

>> Well, it's pretty hard to follow the person that's been honored and recognized, but that said, it's nevertheless a privilege to do it. Perhaps the ultimate privilege for me was being the person that was in the position to appoint Karen and make her the city of Austin's city attorney. You know, we're here in the chambers today, and we're talking about an award for service of distinction. And if you listen to the proclamation, and to Karen's own words, you know, we're talking about a range of distinction that goes beyond the city of Austin, and that so many have benefitted from the distinct high quality of her character, and the expertise that she brings to the profession of law. And so I will tell you that she's distinguished because she's benefitted the state of Texas. I've worked at the Michigan municipal league, and I know the breadth and depth of what they do, and how important corporate counsel is not only on behalf of that organization, but on behalf of the entire state. And when you serve in that capacity, your mission is to serve, you know, municipalities throughout the state. And she did that very capably for all of the years that she was there. And then, of course, you know, I would add that that entails being down the street at the state capitol, as well, which I'm not sure she was thrilled. But I sent her back.

[ Laughing ]

>> To help us out at a very critical time. And she -- with her staff -- she stepped up and did, you know, really an exceptional, exceptional job.

[6:22:52 PM]

And I arrived here nearly eight years ago. Karen was serving in the deputy capacity, and serving well, and quietly. I know that she's not quiet now, after having worked with her as city attorney, that she's articulate and forceful, and smart. And she displayed all of those things, not just as deputy but, you know, as city attorney as well. So, the state has benefitted. I think the legislature benefitted from your presence. The city has benefitted from her presence. Her staff has. And I would tell you, Karen, that I have as well. And for all of those things, I simply want to say thank you.

[ Applause ]

[6:35:12 PM]

>> Mayor Adler: Is staff here for --

>> Mayor Adler: Do we have staff here for 47?

>> Yes, sir.

>> Mayor Adler: Okay. Then we're going -- we have a quorum present. We're going to come back from recess. Let's see if we can handle 47. Why don't you go ahead and lay that out for us.

>> Yes, sir, I'm with the Austin water utility. Thank you for your consideration of allowing me to finish some settlement negotiations before coming back here. This particular item was taken to the public utilities committee. It's related to a cost reimbursement agreement for the proposed development. As you can see on the screen, the proposed development is single family. That property is located in the city's full-purpose city limits. The desired development zone, and Austin water's wastewater certificate of convenience and necessity. This development is not a mud or pid. It's a straight-up development. Back in 2012, city council authorized a cost reimbursement agreement. And that particular ordinance applied there, we applied to that agreement. The agreement was later executed in 2014. That does happen sometimes in terms of the developers not quite ready to execute an agreement at the time council has authorized that negotiation. We are coming back. If you take a look at the rca, and you've counted to ten and kind of looked at the amounts of money more that we're asking for, you'll see that the cost of almost a million dollars more that we're asking for. And that's related to the increase in material cost from the time that 2012 to now, as well as the cost of -- and method of construction.

[6:37:18 PM]

So, for example, what happens in cost reimbursement agreements, the developer's engineer will do an analysis saying this is what we think the costs are going to be for this infrastructure that's being proposed. It's not a preliminary engineering design. It's -- they're kind of off the cuff, preliminary review of the situation. In this situation, they had thought that the 30-inch interceptor that was going to be constructed could be done with a boring. And a boring is essentially, you're taking auger and going through underneath and putting the pipe inside that. As they started, then, into looking at that much closer, and doing some design work, they realized that that particular method of construction would not work because of the depths and crossing creeks that needed to happen, there needed to be a tunneling. And the difference between the two is that a tunneling, you're going to have a much larger hole. There will be a 54-inch hole. You'll have an encasement pipe, a 30-inch wastewater interceptor will be placed inside the casement. Because of that, you're putting construction crews in the tunnel itself. And because of those methods, it's much more expensive. So that is why there's such a significant increase in the cost related to the cost reimbursement. And that concludes a very brief presentation of the particular item we're bringing forward for your consideration.

>> Mayor Adler: These are to pay costs for oversizing of utilities to serve other than this development?

>> That's correct. Oversizing. We'll be able to serve others within the whole basin. And in 2012, the particular ordinance that was applicable for anything over a 24-inch or 18-inch wastewater line would be paid a hundred percent by the city.

[6:39:27 PM]

And so that applicable ordinance means that the entire cost -- hard cost of the construction -- is the city's cost.

>> Mayor Adler: We have item number 47. Does someone move approval of 47?

>> Zimmerman: I move approval.

>> Mayor Adler: Is there a second to that? Ms. Garza. It's recommended by the committee. Any further discussion? Those in favor of item 47, please raise your hand. Those opposed? All in favor with Ms. Pool and Ms. Troxclair off the dais. Thank you very much.

>> Thank you very much, sir.

>> Mayor Adler: We have one item that has 12 citizens, and staff waiting. We have one item which is the annexation that has ten citizens. I'm going to call up the housing matter first. And then we'll move into the annexation, and I will call out that annexation case first. So, I think we begin with items 12 and 13.

>> Yes. So, they were pulled.

>> Mayor Adler: They were pulled by Ms. Houston. Because we have to handle 12 and 13 before we can do the housing agenda.

>> Houston: I heard you say annexation.

[ Chuckling ] Did you send everybody on the council the information I requested regarding the trust fund, the housing trust fund, and whether those were all nonprofits or for-profits?

>> No, I apologize. We did not. We sent it to you as the requester.

>> Houston: Okay. Could you tell everybody what the answers were?

>> Yes. The question was, the breakdown between for-profits and nonprofits for investment from the housing trust fund for the housing developer assistance programs. All of the recipients have been nonprofit organizations since roughly 2000.

[6:41:34 PM]

>> Houston: I move adoption.

>> Mayor Adler: 12 and 13 have been moved adopted by Ms. Houston, seconded by Ms. Gallo. Any discussion? Those in favor of 12, 13, please raise your hands. Those opposed? Unanimous on the dais again, with Ms. Troxclair and Ms. Pool off the dais.

>> Zimmerman: I'm voting no.

>> Mayor Adler: And Mr. Zimmerman voting no. So, 7-1-2. No, 8-1-2. Okay? That's 11 and 12.

>> 12 and 13.

>> Zimmerman: 12 and 13.

>> Mayor Adler: 12 and 13, thank you. Now we move into the housing meeting, is that correct? So, we're going to recess the council meeting at this point. And we're going to move into the Austin housing and finance corporation meeting.

We move back into the Austin city council meeting where we are dealing with annexation issues.

>> Good evening, mayor and council. My name is environmental Collier from the planning and zoning department. This is the first of two public hearings for the following full 10 full-purpose annexation, items 59 through 6 and I'll bring them up a little out of order so we can take the one I know has residents first. Council won't be taking any action on these items this evening or on the second public hearing which is scheduled for October 15th here at 4:00 P.M. Ordinance readings for each of these areas are tentatively scheduled for November 10th. So as we spoke about before, expanding the territory subject to city ordinances, regulations and codes, annexation improves the city's economic base and enables the city to manage growth and new development. In accordance with the city's annexation policies the city husband annex areas in order to expand land use and -- to land in the E.T.J., to protect and expand the tax base, broadly distributing the cost of services that benefit both city residents as well as the region, to more efficiently deliver public safety and utility services and also to provide municipal services to developing and urbanizing areas. I'll briefly describe each of the areas in turn, however, the city will provide municipal services to each of these areas. Copies of service plans for each of the areas are available in the council agenda backup online and I've brought copies this evening and we would be happy to send those to anyone who might not be able to attend the public hearings today.

[7:10:51 PM]

In compliance with statutory requirements, the draft service includes three components. The first is the also action program which includes services provided in the area commencing on the effective date of annexation including services such as police and fire protection, emergency medical service, solid waste collection and the operation and maintenance of infrastructure. The second section describes those additional services available citywide but not required by state law, watershed protection and development review, the use of city libraries, health and human services benefits, and then clean communities and anti-litter services. And finally the third action of the service plan is where you find any information about capital improvements necessary to provide municipal services to the area. So before taking up these items individually, collectively these areas include a total of approximately 1200 acres. 72% of which is currently undeveloped with either approved or pending approvals. There are 14 existing homes in these areas, 2152 platted lots which will include approximately 7,000 residents at buildout. As part of our standard practice, city staff and multiple city departments reviewed these areas and provided feedback that allows us to recommend all of these for annexation at this time because they can be served with existing or proposed infrastructure and services or they will be provided with these services through coordinated utility and extension plans and capital improvements program. Where possible the proposed areas are intended to fill in gaps in the city's existing jurisdictional boundaries. It's not our intent to create further gaps in jurisdiction, however when following the patterns of new development you'll see these gaps do sometimes emerge. First on the list is item number 65, the old lampasas trail area. This includes approximately 83 acres in northern Travis county south of old lampasas trail, south of the intersection of old lamb pass takes trail and tally ram drive. This is contiguous to districts 6 and 10, in the city's limit jurisdiction and E.T.J. And adjacent to the full jurisdiction on the north and east and west sides of the tract.

[7:12:52 PM]

This area includes seven single-family homes on large lots, a church, a pedernales electric substation along old lampasas trail west of spicewood springs road. In addition this area includes approximately three-quarters of a mile of old lampasas roadway. The city will provide municipal services as described in the service plan and this concluding my staff presentation for item 65.

>> Mayor Adler: Thank you. We'll go into the public hearing on item 635. We have some speakers. I want to again by thanking the -- begin by thanking the speakers and their patience and staying as long as you have stayed. Mr. Detman. Is Loyce here with you? Barbara Anderson? Erza Pruitt and norm hawk? All right, sir, you have 15 minutes.

>> If you don't mind, Mr. Mayor, I'm Tim Hess, Greg detman. We both signed up to speak.

>> I got here first and then -- but he's up first, I'll come up second if that's okay.

>> Mayor Adler: However you would like to do it.

>> A combined 30 minutes if that's okay.

>> Mayor Adler: Is Betty Meyer here and Alton Pruitt and Josh Tanner. Then yes, sir, 15 minutes each.

>> So 30 minutes?

>> Mayor Adler: Yes, sir.

>> Mr. Mayor, mayor pro tem, councilmembers, thank you for allowing us to speak on behalf of all the owners of the property out here on Old Lampasas Trail. 75% of the owners are represented here tonight. There are nine owners, but what I wanted to bring up to you, a lot of you may not know about the history of this valley.

[7:14:52 PM]

And this book is in the Texas Historical Museum. Which I have a copy here and every landowner has read and keeps this book close to our heart because of the pristine value of this valley. What we're going to show you tonight is one of the reasons why this is so significant. Because we do not see this as a gap in the city's attempt to annex. We see this as a peripheral part of the Balcones Canyon Land, as you can probably see from that map. But nine property owners, 100% of us are opposed to this annexation. I believe if it hadn't been handed out to you already, you should have a letter to that effect that describes all the reasons we are opposed to it. Some of the facts are that almost all of this property, we do not see 72%, we see this as almost 100% is raw land. There are only 14 homes out of the entire annexation effort that is put forth this year and it's mostly raw land. There's only 14 residential homes of which seven of them encompass Old Lampasas Trail. Less than 1% after you get all the estimated taxable value, all of the entire properties of 488 million, which Virginia shared with us, is Old Lampasas Trail. After full build out the Old Lampasas Trail encompasses less than 2.2% of the total buildout of residents, residents. This is the criteria which Virginia spelled out which I'm sure you are familiar with. What we would like to do on behalf of 100% agreement with our owners, we feel we would like to have a little bit of rebuttal to why the city is wanting to go annex.

[7:16:52 PM]

We'll take one at a time if you don't mind. Applying zoning and development standards. Most of the property has a 26-page deed restrictions that were developed by the current property owners. Those deed restrictions are taken into consideration this book and what that property means. And what we don't want to do is let this kind of property disappear in the city of Austin because it's unique and those who have seen it will know that. And we are trying to protect a creek, the environment, and we believe

these restrictions which are filed with the county will do that much more and will always do that much more than the city can ever do. They were filed in 1990. They are meant to eternally maintain the rural residential status of that property. They are basically enforceable in perpetuity and we expect to keep it that way. Provide municipal services. The city has indicated that one of the reasons that they have a criteria in annexation is to provide those services to all of the properties. We have lived out there, my wife and I lived out there 28 years. Most of the people out there have lived there for two, three, four decades. And we [inaudible] With a lot of sweat equity and a lot of money we brought all the utilities out there. We brought especially water and wastewater. They were unheard of or they were not even existing out there for -- from the city of Austin, they were a mud district 1 and we paid a fortune to have those utilities brought out there. We kind of considered when the annexation came up in the '90s, city of Austin considered it, took it off the agenda and we assume now that maybe because we put all that money into the -- the utilities, now the city wants to come in and annex us.

[7:19:00 PM]

So that goes into the next item, create efficiencies in service delivery. We're asking if it's not broke, then why fix it? We are not a landlocked situation. I understand the annexation process and I understand if you are landlocked it makes all the sense in the world to improve these efficiencies and make it annexed so you don't have that land-locked situation. We have an extremely successful relationship with the county. And there's a letter in your packet there from county commissioner Daugherty which most of us personally know and he supports our opposition to this annexation. He will also support in providing the services that we successfully had over the 27, 28 years we've lived out there. The maximizing the return in the city's investment, again, the city has invested not one iota in this property. It kind of is a slap in the face to us as constituents to all of a sudden now that we have painfully gone through and got to where we have relished this kind of property and keeping it where it is, now all of a sudden the city wants to annex us. So we ask why. Again, we don't think this is a justifiable reason. Protect and expand the tax base. This is a no brainer for you all. This is not a win-win proposition for us. Nearly all of our residents are retirees. I'm retired, my wife is retired, several of the others are retired, and if they are not retired, they are getting ready to retire. Many of them are over 65 years old, living on a declined income due to inflation. And this is going to put a significant tax burden on every one of us, which doesn't feel real good. It's a definitely a win for the city for the tax income, but it's a burden for the constituents.

[7:21:01 PM]

And we also ask what kind of message this sends if you -- annex us when we were 100% opposed to it including the county commissioner. There's an item Greg is going to talk about. It's significant to us and



the watershed protection, which includes erosion control, is something that we're very concerned as to whether the city has properly dealt with the property already annexed north of us, which Greg is going to show you some of that, and our concern is if the city has not properly taken care of that and met Texas -- the state code, then this is something that we're very concerned about with how it's affecting our life downstream.

>> Mayor and council, appreciate you having us out. I just want to reiterate that the items that Tim hit on, my wife and I are kind of the young ones out there on the property. We've only about out there about 24 years. But when we purchased that property, we -- we looked very strong and hard at those deed restrictions and realized how tough they were and we realized how we were going to have to build our house to maintain the buffer we have up on the upper portion of our property, the buffer between us and [inaudible]. This is the head waters of bull creek. This is where it all starts. Empties into lake Austin and it becomes part of our drinking supply, but the head waters of bull creek are extremely sensitive. This is what we realized when we built. And we saw what was out there. And I think one of the things that -- that you have to be concerned with is all of the water from the canyon creek area, all of the water from grand oaks and the balcones and spicewood, all of this water converges down here.

[7:23:15 PM]

A little bit of water comes up from concordia on the other side, but all of that storm water drainage converges right here. One of the things that -- how do we change here? There you go. One of the things that's been happening on the property dates back to the early '80s. And a previous owner of the property that the Meyers tract, Meyers own right now, Sam Talkington, has been battling with the county, the city of Austin and the water -- water quality commission because the owner of -- I guess the water code, the overflow caused by diversion of water. There's a tremendous amount of water that comes from the grand oak area, which is approximately 100 feet to 60 feet cliff before you get down to the overlook at bull creek. And this -- this area, all the storm water drainage comes down through a pipe. Let me show you what it looks like. Well, I got to follow the script, but you are going to see it. This is -- this is the drainage area from grand oak that you look down the easement, the water drains into an easement, a drainage easement, and this is a picture of the drainage pipe. And when it rains up on grand oak and the neighbors will tell you there's a 20 to 30-foot stream of water that rushes through that pipe and drains on to the overlook and eventually on to old lampasas trail, used to be through the Meyers' pool house and swimming pool, but they've done a the look of mitigation work and worked to resolve that to protect their property. It basically now goes into the one and only water retention pond on the Meyers' property that used to be a 10-foot deep clear, pristine, spring-fed tank and now it's filled with sludge from this property and from canyon creek and the head water -- everything that's flowing into there, it's only two to three feet deep at best.

[7:25:23 PM]

And Mr. Meyers is in a predicament because he's investigated dredging out that tank and getting all that sludge out of there but he's afraid he's going to destroy the springs. We have a situation here in which you see up here, this property that we're on is for annexation, but look at all the other preserve land that's not ever going to be annexed along surprise spies -- spicewood springs road. We fit on this. It's not a fit for us. It wasn't a fit for us back in the '80s and the '90s. We were threatened to be annexed in '91 and '98 and we weren't very attracted and got tossed. We've been told we're never going to get city services. That's what Tim speaks to on the investment. You go out and look at our five acres, there's a berm, many berms to direct water and you'll see some flood pictures in a little bit that we've had to build and go to the expense of building and now all of a sudden we're attractive. And I think that's one of our biggest questions. If we weren't very tract I have in '91 -- we even have a letter in '98 telling us we were going to be annexed and they sent us a letter the following week and said we didn't mean you. We were under the impression we were never going to be in the city. To take us now creates a burden. With the water issues with the water code has to be dealt with. I think from our perspective if the city of Austin in annexing above us was not sincere about dealing with the water runoffs, why did they take two of the pieces of property and create a drainage easement on the overlook at bull creek? And you've had that drainage easement for 18 years and nothing has happened. So it's a good faith situation with us. The -- I've got a Google Earth for you here if we can come up.

[7:27:23 PM]

Is it going to come up now? Which I'd like to show you. This is the view of the property from the grand oak area, this area right in here, this is Hal and Betty Meyers' tract of land. Over here is the city's preserve all the way to this border and the rest of the property owners of five acres takes off that way. This spot right here is right where there's a drainage culvert, and that is exactly where the water comes in, it gets dumped through the spillway, shoots out over here and is about a two-foot -- worn about a two-foot-deep in the limestone, fits in, goes towards the Meyers' property, it hits a pipe that they put in to get it underneath the swimming pool and feeds in here. And the rest of it flows over the top. And this right here ends up being your -- I want to go north here. Help me out. This is the tank that used to be clear water. That right there, stop, is the only water retention that's on upper bull creek head waters and it handles all of that water plus the water from canyon creek. And then what's really interesting too if you go out and investigate and we move further over here, you will see that these subdivisions right here -- I'll move it a little closer. Bear with me, I'm not an expert with this. This is the dead end on pick fair. Pick fair drains out and there's a drainage -- I'm going to go a little closer. All the water from that subdivision drains and hits a culvert here and misses the earthen dam built years ago to slow down all the water from canyon creek.

[7:29:25 PM]

You've got that one flowing in full force. You've got another one at the end of tree bend that shoots out, another culvert. We have all this water coming down and confluenting on our property. And by the time you -- and I point this out --

[buzzer sounding]

-- By the time you get to the end of this, we're all dealing with that water. And I just want you to look at one more picture and I'm going to let it go. This area here is not for annexation and none of it looks like this. We just don't fit and we don't want to fit.

>> We still have time. Go ahead and show the video. We have 15. The head waters of bull creek is where he was showing you on that Google map, right at the end of the tank.

>> Here you go. These are the things that -- okay, here we go. This is under Normal conditions. This is what bull creek looks like. Do we have a play button to hit? There you go. Notice the swing. That's what you have to keep your eye on. That swing has been there for many, many years. And this is under Normal conditions, what our bottom looks like.

>> That spot is 1500 feet. Only 1500 feet from the head waters of bull creek fed by lake Travis and spring-fed lake Travis. We're talking about the very beginning of bull creek. And what you are getting ready to see is what happened in the memorial day flood.

>> Notice look at the money that's been spent to handle erosion. And then you'll see on the next one as to why that's been necessary. Notice the swing. It's under water. And this isn't the worst one we've had. The worst was several years ago and it was over the top of that. This is just this year. This is the type of water that's running through here unrestricted. And much of that water, a lot of that water is coming from the neighborhoods that are currently in the city of Austin's annexed areas.

[7:31:32 PM]

And this is gotten worse. I used to have many trees. I'm down to one. They've all washed away. We busted our tails to keep this pristine and keep it safe. We've been the guardians of the creek and the bull creek area. We fought -- Tim has a book, I got a book of issues that we've had with taking it to the -- it would be the city of Austin developers. We fought for years and we are just at the point in time now where, you know, we're more confident that we can do it than anything the city can do for us because the city doesn't have a history. Here's the tree that washed over. That's a black walnut tree.

>> Actually it's American elm. It's in my backyard. 87-year-old American elm which our daughter got married under. To lose that tree was almost like losing a child. It was huge. Showing the next one, this is part of the erosion control that is coming off of the upstream. And I will -- Virginia and Dede have been excellent and cooperative. We've met with them. What we would like to ask the city is to help us prove that the city is in compliance with the Texas code in making sure that upstream water is not affecting downstream residents or causing a watershed problem or erosion control. We would like to pull this from the staff, this particular old lampasas trail, make it for another day or time, but at least let's make sure we're not destroying property that will disappear forever if it's not taken care of.

>> This last slide we're going back to because these are the things we've heard the city of Austin will provide its annexed areas.

[7:33:33 PM]

You can see right now water quality protection, watershed protection, flood hazard mitigation, stream bank restoration, infrastructure and waterway maintenance. I mean there's been nothing in 18 years that anyone has ever done out there or suggested the city has done to mitigate any of this flooding. Not even offered to dredge out the only retention pond that's out there to even help. There's been nothing done and I think that probably for us makes us say, you know, we've got this. Because if you won't do anything to help the people up on grand oak and the millions of dollars you've collected there of the believe me, on grand oak where this drainage tank is, four houses have been flooded because of storm water drainage and they are at the top of the hill. And so if you are not going to do anything for those people, I just don't understand why we should think that you'll do something for us. That's good. Thank you. Any questions?

>> Mayor Adler: Ms. Gallo.

>> Gallo: I really do appreciate the neighborhood being here and I think what's really important in this issue is the fact that 100% of the properties that are being affected by this have signs, a letter stating their in opposition to the annexation. We talked earlier when y'all were able to come into the office and I think that you provide a really good case for the reasons that you should be allowed to remain the same and I appreciate that and I think you had a great presentation this evening and want to thank you for that. I do have a couple of questions for staff at some point, but we may have questions for you also as we go through this.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Before you guys go, I want to underscore something here. In the annexation service plan, I'm looking at page 5 of eight, section 2, additional services, number a it says watershed protection.

[7:35:38 PM]

This is the city's annexation plan, it says the watershed protection department will provide drainage maintenance services in the annexation area. Okay, so I guess from your point of view and the evidence you've shown us, it doesn't look like flood protection is being provided, drainage is not being provided for the areas in the city up the hill from you.

>> That's correct. Nothing has changed in the 18 years since y'all annexed.

>> Zimmerman: On page 7 of eight, capital improvement program, section 3, line H, it says watershed protection underscored, no capital improvements are necessary at this time to provide services. So the agreement actually says we are going to do nothing.

>> Correct.

>> Zimmerman: So the evidence you've shown us there's been a need for work in the annexed area, it hasn't been done, the city admits that it does have a service it's supposed to provide, hasn't provided it and then says it's not going to provide it for you either. I think that underscores the point you've been making.

>> One thing I would like to mention, the previous owner of the Meyers tract is Sam Talkington and he has a history, he invested over \$20,000 in attorneys and came before mayor Cooke at the time and others and brought this problem to them back then. And got no relief. Basically they were -- he was told, well, we just didn't know you were down there. And it's like well, we are down there. And we want you to know we're down there. And again, if you are bent on annexing us some day, come in and show us you were interested in the same things we are interested in which is protecting bull creek. We've been [inaudible] Those lands. It's amazing how much energy has been put into it. We protected it. People love to trespass and we don't let them. We have really been a buffer between the city and bull

[inaudible] And think you can overlay us with your rules and make it any better.

[7:37:41 PM]

You know, all you are going to do, we're going to run out of money and we'll be asking for help and you'll be saying, well, we'll get to that. We'll put you on plan. Just plan with what you've got and prove to us you can do what you say you can do.

>> If I can add to Mr. Zimmerman's comment, that is one of the reasons why we would prefer to [inaudible] So that we can determine -- you know, our dole is to protect this creek. It's not just to say no,

we don't want to pay taxes. More important than a tax issue. If we can meet with the staff and engineering, I'm a degreed engineer so I know what I'm talking about. I would like to speak to the staff and the engineering to find out how they are keeping this state code in compliance because this is -- this is a liability on the city. So if we could figure that out because at the end of the day there may be some money tied to this annexation that you are not aware of. And that's all we're saying is even if it's a year, two, whatever, let's postpone it until we figure out what that number is.

>> Mayor Adler: Ms. Pool.

>> Pool: Thanks for coming tonight and you've made a really eloquent argument against being annexed. You mentioned that you are adjacent to the balcones canyonland preserve; is that right?

>> Connected and adjacent.

>> Pool: Tell me how you feel about the preserve with regards to where it is next to your home. Do you support it being there or --

>> Oh, absolutely.

>> We love it.

>> I think if there was one request we would love to have maybe we could go back there and walk in it some day. But other than that, it's great because it's -- I mean our -- we're all empty nesters for the most part, but we still are parents of coyotes and hogs and Turkeys. I mean we have a lot of wildlife back there that makes that whole area pristine.

[7:39:43 PM]

And we have no objection at all and we have worked very, very hard and to protect that. And we do it for the right reasons. It's not political with us. It's heart felt and it's a passion. And if we could see that same effort from other outside bodies, I think we would be more willing to embrace something like this. But until we see that, I don't think you can ask us to be excited about this because we feel more threatened because of the things that are going to be removed from us, mainly resources that we've been using to protect that creek. And I don't know what it is, but everybody in this room, every group of these people back there, they love the head waters of bull creek and the pristine nature of it and we have just watched it deteriorate, deteriorate, deteriorate. And you can walk across the tank if you want to. I've fallen in this tank and you got sludge. And it's not good.

>> Pool: Is it because of the development that's upstream that has caused --

>> All of it.

>> Pool: Has that development been approved and built since y'all were on old lampasas trail?

>> Right. What we ended up, we have an issue with the developer that was planning to do a 150 unit garden at bull creek, zero lot line community right at the end of old lampasas trail and in between pick fair, and on the old roadway plans you'll see pick fair comes down and is designed to connect into old lampasas trail because of that development. We fought and battled and negotiated with the developer for over two years to get them to remove that development, close down pick fair so it wouldn't come through that close to the creek, and we agreed to do -- if he would do that, we would go ahead and not lay the tracks on his development at spicewood, balcones up at the top. I mean have you to trade off somewhere. But we're still being affected by those subdivisions and their runoff and all the way to canyon creek.

[7:41:44 PM]

>> Pool: Your opposition wasn't because you oppose compactor connector it was the flooding issues.

>> The runoff. If you had old lampasas fair connected to pick fair, everything is going straight to the creek with no buffer. You would have had to have a 20-acre pond just to do water retention. So it was not only -- it was that and it was trying to keep the traffic out. And again, if we had some help, we probably could have done a better job, but we didn't have any help, but we were able to do the best we can. Once the land was taken over by the city as preserve, we were hoping that that would really change the quality of the creek. But quite frankly nothing has happened. In fact, this week we drove to the end of old lampasas trail and city workers were coming out, we asked what they were doing and they said plugging wells on the preserve. They thought after 18 years you are just now plugging wells? I'm not sure that's following the law to the tee. This week we've had a lot of policemen driving up and down lampasas trail. We haven't seen them in a long time. I guess we're trying to be made important all of a sudden, but just sending a police car up and down our street isn't going to change this water situation.

>> Pool: I thank you for coming again and also for your support for the wild lands that you live adjacent to and for your work effectively to be good stewards of the land. It's about all we can ask if we're living on it to tend it properly.

>> And we invite everybody on this dais to come down and visit the property and walk it. If you walk it, you'll -- you'll really see it. Again, I think that's just one of the problems that a big city has. Staff, they can't go every and when you are looking at it even on this Google thing you look down see a map, but if you get down, there's 75 feet.

[7:43:47 PM]

Wait a minute, that -- you know, you go the to get there. Come on out, please. Come see us, visit the land, look it over. Be critical. The more critical you are, maybe the more positive things will get done in the future.

>> Mayor Adler: Thank you very much.

>> You're welcome.

>> Mayor Adler: Thank you everyone for coming down. Is there anyone else here to testify on number 65? Ms. Tovo.

>> Tovo: Thank you, mayor. I'm sorry, I actually had a question for our speaker.

>> Mayor Adler: Speakers? Mr. Detman or Mr. Hess?

>> Tovo: During the course of the presentation, there were a couple remarks about how -- I appreciate-- "I should add my thanks for coming down and meeting with our staff and our offices. During the presentation there were a couple comments about the -- about the restrictions being higher standards than the city of Austin's environmental standards. I wanted to give you an opportunity to explain or to provide some examples of those. I wasn't sure if you were talking about the erosion control and that kind of thing, but if there are some more specific examples of how you believe the city of Austin --

>> I'm going to yield to Tim because he wrote them.

>> Tovo: All right. Thanks.

>> Well, I wrote them with the help of all the owners and that alone takes a long time. For example, nobody can cut one tree that is not in the drip line of a hardwood tree and is also not in the path of a home. So for example there's only one lot that doesn't have a home on it and for that lot owner to build his home, he can't cut one tree on that property except for the footprint of the home or to clear out under brush under a hardwood. That's one example. The other thing is we honor the golden cheeked warbler, the black cap with respect to not cutting trees during their mating season.

[7:45:54 PM]

That's in our restrictions.

>> We can't construct either.

>> Can't even build. So that's beyond --

>> One other, we have a one house per five acres. That's in our deed restrictions. One home per five acres.



>> And it cannot be subdivided.

>> Those are going to go into perpetuity.

>> That is intent to keep this place rural. And so for the reasons we mentioned before about the -- y'all wanting planning and zoning to capture on that property, we don't need it. These things are filed and they are in perpetuity so they will be there forever is what our intent is lord willing.

>> We actually maybe have an acre of our five-acre tracts, we might have an acre to an acre and a half of buildable sites based on our deed restrictions. Nothing can be built in that big pasture between there and the creek, that buffer zone, we can't build anything there. Across the creek we go all the way up the ridge at least a good 300 feet and we're already paying taxes to the county on property taxes to the school districts on that. But we'll never be able to use it. It's there as a buffer and it's there to protect that environment.

>> We also have light controls, you know, light, noise, things of that nature that we restrict. Beyond audible noise, light noise that we restrict.

>> Tovo: Thank you. Those are helpful examples. If it's convenient for you to share those, I would be interested in --

>> I think it's in your packet. There's a copy of the deed restricts, a summary page and there's a detail page. There's the letter from commissioner Daugherty strongly supporting Ms. Gallo's position, and telling us they will continue to take care of us. And there's some other backup, data, maps.

>> Tovo: I saw most of the other things but I missed the deed restrictions.

[7:47:55 PM]

>> It's front and back. 26 pages.

>> Tovo: Thank you so much.

>> Mayor Adler: Thank you, sir. Anything else? Anyone else to testify on item number 65? Ms. Garza, question for staff.

>> Garza: I know we got a presentation, I think during work session or something --

>> I gave you wrong information. You just have the summary but we have copies. Can we give those to you? That would be great.

>> Garza: I remember getting a presentation about annexation generally, but I'm curious what I guess is the effect of not annexing this -- the effect on the city or is there any --

>> Well, the purpose of today's hearing is to hear these comments and to I guess provide staff with direction if there's some things you would like us to follow up on. There's no action that the council could take today. This is just a public hearing and the same would happen at the next council meeting on the 10th of November, if there is an interest in, you know, approving the annexation, then, of course, council could approve the ordinance at that time. If not, then council voted against the annexation, then the area would remain as it is in the E.T.J. Until staff, you know, brought forward another annexation recommendation. So it would remain as it is today if the annexation doesn't get approved at the conclusion of this process.

>> Garza: Is there any kind of fiscal exam on the city?

>> Like maybe if an area is developing and we have 100 homes built in the area and it triggers a different type of notions process, no, because this is a small number of homes. It would just remain as it is today, a segment of the E.T.J. That's not included in the city limits.

>> Garza: And could you -- I'll ask more questions off line.

[7:50:05 PM]

>> Mayor Adler: Anything further?

>> Gallo: When we looked at the site map, one of the properties is zoned limited purpose and the owner is here and I don't think that they were aware of that so I'm just curious the history. If you could share the history of that with us.

>> I did see research on that and there is a history. In the early 1980s, there was a rampant growth in this area, the northwest area of Austin. So the city of Austin proposed limited-purpose annexation of a huge area. And so this area, all of what's in the E.T.J. And in limited purpose now in that patch work configuration was at one time annexed for limited purposes. The state legislature came back a couple years later and said city of Austin, you need to either bring these properties into the full purpose jurisdiction or if you are not ready to do that, any owners individually that are interested in being turned back to the E.T.J. Would submit a request so we have hundreds of requests where individual property owners said I would like my property returned to the E.T.J. And so along this stretch of the road all of the property owners except for this one four-acre lot submitted those requests and were put back in the E.T.J. That's why the spicewood springs right-of-way, surprise wood springs road and this one lot and several of the things along spicewood springs -- old lampasas right-of-way and this one lot and several other properties are in that odd configuration of E.T.J. And limited purpose.

>> Gallo: So since the property owner is here and had some questions about it, would you mind visiting with him afterwards just to see if there is potential for him to do it at this point or it's too late or just to share with him the process.

>> Sure.

>> Gallo: Thank you.

>> Mayor Adler: Do we know why this property was originally sought to be annexed and then the annexation stopped?

>> I didn't find any record. I went through the 1991 and 1997 and 1998 council backups and minutes and transcripts and couldn't find record of this area itself being part of a boundary.

[7:52:08 PM]

I'm wondering they received notice when the area to the north of old Lampasas trail was proposed for annexation. That was several mud's were announced in 1997 and it's possible the mailing list included properties on both sides of the road under the same jurisdiction. The area to the north was all annexed as part of a big mud annexation and the western book end was city-owned property and so that was annexed separately. Then the property on the eastern edge was a condo project and that was annexed as it was developing. These large lots were just not a Earth practice -- a part of those.

>> Mayor Adler: These properties are serviced not by the city of Austin but by a mud?

>> No, the muds were dissolved in 1997. They would have possibly had water utilities through the water and sewer connections through the mud, but at this point they are city retail customers.

>> Mayor Adler: Okay. Thank you. Ms. Troxclair.

>> Troxclair: So this is the first hearing, but we can't take any action tonight?

>> Mayor Adler: That's correct. We have to wait for a second public hearing and we can take action the third time.

>> Troxclair: I appreciate the property owners for being here and I know this is the first time we're dealing with I think an annexation issue, but there are a few neighborhood [inaudible] Who were recently annexed and who were not happy about it and who were not able to resist the annexation like you may be able to. But for me personally, I think 100% of the landowners being opposed to it is a very high bar and, you know, if we're talking about setting I guess personal bench marks for the future, that would -- 100% of the landowners not wanting to be annexed meets my requirements.

[7:54:15 PM]

So thanks.

>> Mayor Adler: Ms. Gallo.

>> Gallo: And I would say the same thing. I've indicated to the owners that I think when an area comes in and 100% of the property owners are against the annexation, that's a very clear message to me. I would -- I would not support the annexation because of that and also I think you bring up an issue that we as a city and we as the policy agents for the city need to be concerned about which is you have properties that were annexed into the city directly to the north, I guess of you on the other side of old lampasas and you have watershed issues that the city has not taken care of and taken responsibility and has annexed those properties. To me you do one step at a time and you do an annexation and take care of the issues within that and potentially move on, but I don't think we've taken care of those to have the potential to move on at this point.

>> Mayor Adler: Mr. Renteria.

>> Renteria: I guess, you know, no disrespect, but I don't see any benefit for the city annexing this area here at all. You know, I think we should leave it the way it is. It's a beautiful piece of land and I hate to see it where the city takes it and annexes it.

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

>> Tovo: Again, I appreciate all of the information that the property owners have provided. I think you've provided some very compelling information for us to consider. I would like to -- between this hearing and the next, better understand from staff why it's in the city's best interest, and why you have proposed this. At the end of the day, that's the oath I have taken, to make decisions that are in the best interest of the city, especially when it comes to annexation, those can be tricky issues, and -- anyway.

[7:56:18 PM]

So, I would like to really get a clear rationale from the staff why you have proposed this, why it is, in your estimation, the right path forward for the city of Austin. If you could address some of the concerns that have been raised by the property owners about environmental protections, and about how it could -- you know, whether it's accurate that it could change the way they're occupying the land. And, again, particularly with regard to environmental values. Mayor, if I could just add to my comment. And also, how this -- I mean, part of the considerations with annexation is the other tracts of land, and how they could be affected by the decision to annex or not to annex this tract -- this area.

>> Mayor Adler: And I think that would be helpful to have that on each of the tracts. We have what the general criteria are. We have descriptions of the properties. We understand that well. But the link between the two would be helpful for us, certainly as we're learning about this aspect of city policy

execution. Any further comments on it? There's no other public testimony on 65? Then we'll move off of 65. Do you need -- do I close the public hearing on 65 for today? Is there a motion to close the public hearing on 65? Ms. Gallo, seconded by Mr. Casar. Those in favor, raise your hand. It's unanimous, public hearing for today is closed on number 65.

>> Thank you, mayor. And I'll go right back up to the top to item number 59, the Austin resource recovery Johnny Morris road area, 145 acres in eastern Travis county, 3/10 of a mile south of Johnny Morris and deafen lane, in district 1.

[7:58:21 PM]

The area is in the etj, adjacent to the full-purpose jurisdiction on the west side. It is undeveloped and includes city-owned land purchased for a construction of a city service facility to support services provided by Austin resource recovery, fleet services, parks and recreation department, and Austin transportation department. In addition to the city property, the area includes approximately one mile of the adjacent roadway, and , the city will provide municipal services to the area as described in the service plan, copies of which are available today. This:colludes the staff presentation for item 59.

>> Mayor Adler: Do we have any speakers on 59? None are signed up. Is there a motion to close the public hearing on 59? Those in favor of closing the hearing, raise your hand. Those opposed? It's unanimous on the dais.

>> Item number 60, approximately 190 acres in eastern Travis county, west of palmer lane at the intersection of palmer and Bellingham, etj, adjacent to the full-purpose jurisdiction on the south and west sides. It's undeveloped and includes the Bellingham meadows subdivision. Future land uses include the 626 standard single-family lots of residential subdivision. The city will provide services as described in the service plan. This concludes the staff presentation for item number 60.

>> Mayor Aer: Wee no publicpeakers signed up. Does anyone want to speak? If not, is there a motion to close public hearing? Mr. Renteria, seconded by Ms. Gallo. Those in favor of ended the public hearing, please raise your hand. Those opposed? It's unanimous.

>> Number 61, approximately 28 acres in eastern Travis county, approximately northwest of blue goose road, district 1.

[8:00:25 PM]

The area is in the etj adjacent to the city's full-purpose jurisdiction on the south, east, and west sides. In addition to nine existing single-family homes and two warehouses, a site plan indicating potential future use is currently in review. The city will provide full mum municipal services to the area. This concludes the staff presentation for item number 61.

>> Houston: I do have a question on item 61.

>> Mayor Adler: Ms. Houston.

>> Houston: Are you in conversation with the county? I understand they're going to be building a large facility on blue goose road. Is this part of that, or are they in another part of blue goose?

>> That must be another part of the road. The only site plan in review for this area is for private property. It's not a county-owned property.

>> Houston: Oak.

-- Okay. Just wanted to make sure we weren't annexed something they planned to build, so.

>> Mayor Adler: I have no one signed up to speak on this. Is there anyone here to speak? Seeing none, is there a motion to close the public hearing? Mr. Renteria moves, Ms. Gallo seconds. No discussion. Those in favor of ending the public hearing, raise your hand. Those opposed? It's unanimous on the dais.

>> Number 62, the cantarra Howard lane subdivision, 263 acres, approximately 700 feast east of cantarra drive, on the north and south sides of Howard lane immediately west of the interest of Howard and cantarra. It's in district 1, in the city's etj. Future uses include 272 small lot single-family homes, in the remaining sections of the subdivision, and a commercial mixed use subdivision on the south side of Howard lane. The city will provide municipal services. This concludes the staff presentation for item 62.

[8:02:27 PM]

>> Mayor Adler: To speakers signed up, anyone here to talk on it?

>> Houston: I have a question. All the property owners -- were they notified?

>> Yes, ma'am.

>> Houston: Thank you. I don't want to seem like we're routinely moving through these. They're in my area.

>> Mayor Adler: I understand.

>> Mayor.

>> Mayor Adler: Yes.

>> One of the things that came up -- we talked about it, I was kind of surprised. Neighbors are notified, but I don't think the notifications are sent out certified. It's difficult for staff to know whether -- unless the neighbors call them, the property owners call them, it's difficult for staff to really know whether or not they've actually received the notification. I'm not sure how we change that. It's a procedural situation that I think for annexations, that's something we want to consider, to make sure the notifications are received.

>> I can offer that the mailing list that we use is generated using appraisal district records. The state law requires we send notice to owners as they're listed. If they've been paying their tax bills -- whoever has been receiving the bills is who the notice goes out to.

>> Gallo: We don't have -- I guess, the certification process makes them sign a receipt that they received it, so you would have that documentation, to know somebody actually got it. So.

>> Mayor Adler: Okay. We have no speakers signed up for this. Is there a motion to close the public hearing? Mr. Renteria, seconded by Ms. Gallo. Any discussion? Hearing none, those in favor of closing the public hearing, please raise your hand. It's unanimous.

>> Pearson ranch area, including approximately 135 acres in southern Williamson county, south of Avery ranch boulevard. This area is in district 6, in the city's etj, adjacent to the jurisdiction on the north and west sides of the tract.

[8:04:29 PM]

It's undeveloped and includes the proposed heritage oaks east, and heritage oaks west subdivisions. Future land uses include 167 single-family residential lots, and two commercial lots. The city will provide for services, and this concludes the staff presentation for item number 63.

>> Mayor Adler: We have no speakers signed up for this? No speakers present. Mr. Renteria moves to --

>> Zimmerman: I was going to say, the property owners were in favor of this annexation.

>> Mayor Adler: And Mr. Zimmerman moves to close the public hearing on this. No discussion. Those in favor, raise your hand. Those opposed? It's unanimous on the dais.

>> Just a few more. Item number 64, the connector piece area includes approximately 165 acres in Travis county, north of loss creek boulevard, 380 feet west of the intersection of the boulevard and river drive. Adjacent to the M.U.D., and district 8. It's in the etj, including the golf course. It's scheduled to coincide with the annexation of the M.U.D. Under the terms of the strategic partnership agreement

between the city and the M.U.D. The city will provide full services as described in the service plan, copies of which are available today. This concludes my staff presentation for item 64.

>> Mayor Adler: We have no one signed up to speak on this. Anyone here?

>> Houston: I have a question.

>> Mayor Adler: Ms. Houston has a question.

>> Houston: So does that mean that once we annex it, parks and recreation will take ownership of the golf course?

>> No, ma'am. The golf course will remain under its current ownership. The M.U.D. Is going to convert to a limited district so the parks that the M.U.D. Owns will be maintained and owned and operated by the loss creek limited district. The city wont be requiring any parks.

>> Houston: Thank you.

>> Mayor Adler: Yes, Ms. Troxclair.

>> Troxclair: Have you heard from the owner, I guess, on this particular piece of property?

[8:06:31 PM]

>> Not in response to this letter, however, we have been in coordination with the general manager of the M.U.D., and have had many calls from residents in the community about the loss creek M.U.D. Annexation in general.

>> Troxclair: Okay. I know the annexation of the -- lost creek, the neighborhood, is already happening. But what would be the impact if this piece did not pass?

>> The reason why this piece is important is because the M.U.D. Itself is in two separate pieces. Their taxing boundary is in two disconnected pieces. This would make one continuous boundary of the city limits to include this middle area.

>> Troxclair: Okay.

>> Mayor Adler: Okay? No one here to testify on this. Is there a motion to close the public hearing? Ms. Houston, second. Mr. Zimmerman. Any discussion? Those in favor of ending the public hearing, raise your hand. Those opposed? It's unanimous.

>> Item 66, 87 acres in Williamson county, at the intersection of U.S. 183 and Avery ranch boulevard, district number 6. This area is currently in the city's etj and adjacent to the full-purpose jurisdiction on the south and east sides. It includes approximately one half mile of the U.S. 183a tollway, and adjacent



txdot land. The Austin fire department is requesting annexation to resolve potential confusion over jurisdiction related to emergency response. Recent construction of the toll road resulted in this section of toll way outside the city limits. This will bring it into the city's full-purpose jurisdiction. Again, the city will provide full municipal services in this area. This concludes the staff presentation for item 66.

>> Mayor Adler: We have no one signed up to speak publicly. Anyone here? Seeing none, Mr. Renteria motions to close the public hearing.

[8:08:35 PM]

Those in favor, please raise your hand. Those opposed? It's unanimous.

>> Two more. Item number 67, the ranch area, approximately nine acres in Travis county, south of fm2222, at the intersection of the road, in district 10. The area is in the limited purpose jurisdiction and etj on the north and east sides of the tract. It includes undeveloped land and an Austin energy electric substation. There are plans for the construction of an office building. In addition, this area includes approximately one quarter mile of the road right of way. The city will provide full municipal services. Copies are available today. This concludes the staff presentation for item 67.

>> Mayor Adler: I have no one signed up to speak publicly. Ms. Gallo.

>> Gallo: The -- owner is in agreement with the annexation on this particular one.

>> Mayor Adler: Okay. Someone move to close the public debate? Ms. Gallo, seconded by Mr. Renteria. Any discussion? Those in favor of ending the debate, raise your hand. Those opposed? It's unanimous.

>> Finally, item 68, the walnut creek place area, 138 acres in eastern Travis county, west of sprinkle cut off road, 477 feet north of the intersection with Samsung boulevard, district number 1. This area is currently in the city's etj, surrounded by the city's full-purpose jurisdiction. Construction of the enclave, a 104-unit condominium project is underway, and a subdivision with 20 singling-family homes is in review. The city will provide full municipal services to the area, and this concludes the staff presentation for item 68.

>> Mayor Adler: No one signed up to speak publicly, no one here. Motion to close public debate, Mr. Renteria, seconded by Ms. Gallo.

[8:10:35 PM]

Any discussion? Those in favor of ending debate on -- all those in favor of closing the public hearing, please raise your hand. And it's closed.

>> Thank you.

>> Mayor Adler: Those were all the items we have for business. I would point out that at our table was handed out a revised city council meeting date. It shows us meeting on November 5th. As we know, that's going to be pulled down. There's going to be an item coming to us shortly from staff to recognize there's not going to be a meeting on November 5th. And I think that Ms. Houston wins the prize for having predicted an 8:30 stop time tonight.

[ Applause ]

>> Mayor Adler: So, this meeting is adjourned.

>> Woo hoo.

>> Mayor Adler: Thank you, staff.