

## City Council Regular Meeting Transcript – 03/31/2016

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[10:02:51 AM]

>> Tovo: Good morning. I'm mayor pro tem Kathie tovo and I would like to begin this week's meeting by inviting reverend elder Jeff benecoff to leadens the invocation -- to lead us in the invocation. >> Thank you. Good morning. Will you join me in prayer? Our heavenly father, we recognize you today as our creator and the source of all life, both physical and spiritual. All that you have done and continue to do you do with wisdom and purpose, whether we're able to understand it or not. Although you remain invisible to us, you love us, you reach out to us and you provide opportunities for us to see your work, draw near to you and even know you and live in continuing awareness of you. You make it possible for us to partner with you in what you're doing on this Earth and in this city and even if we're willing to relax our grip on our own perspectives and priorities, to see and understand what's most important to you. God, we thank you for blessing our city with beauty, with excitement, with prosperity, with people that are friendly, wise, well motivated, competent and loving, and an abundance of other resources. Lord, I pray for our mayor pro tem, these councilmembers and others working with them today that you would give them wisdom, clarity of thought and of vision, pure motives, patience, perseverance, hope and fruitfulness. And that this day would be an enjoyable one for all of us. Amen.

[10:04:53 AM]

>> Tovo: Thank you, elder benecoff. Before we get started today, I would like to ask you all to join me in a moment of silence. As some of you may know, the city of Austin lost a member of its extended family yesterday with the passing of Dr. Mary gay maxwell. And as many of you know, Dr. Maxwell was a passionate advocate for the environment and for the community and has served tirelessly for many years in many capacities, including contributing her energy and her commitment to serving on the environmental commission. She served on the environmental commission for more than 15 years, including serving as its chair for eight of those years up until the time of her passing yesterday. She will be very much mourned and missed throughout our community. I would like to invite councilmember pool to say a few words as well. >> Pool: Mary was a member of the sustainability committee. Early on when the committees were crafted I invite her as chair of the environmental board, I guess now commission, to come and sit with us so she could add the institutional and topic knowledge that she had divide over many years to our discussions because I thought we would sure benefit from her sage advice. She served and important advisory role to our committee because of her institutional knowledge of Austin's unique environmental feature. Mary gay was my friend, she was a teacher and determined advocate. She created a legacy of promoting stewardship and responsibility in protecting our city's unique beauty. I am tremendously saddened by her passing. It is an immeasurable loss to our community.

[10:06:53 AM]

Thank you. >> Tovo: Thank you, councilmember. If you would now join me in a moment of silence. >> Again, I'm mayor pro tem Kathie tovo. As mayor Adler announced in our last meeting, he is out of town on city business on the smart city grants process. He will be off the dais all day long and I probably won't be announcing it at each vote. We have another unusual thing happening today -- I will call the meeting together at 10:07. We are meeting in the city hall chambers and it is March 31st. The unusual thing has been resolved. The speaker sign-up system is now working. I had read into the record the changes and corrections. To item 13 please delete the language to be named. This is the item related to the tasting kitchen at the Austin convention center. This is -- we're deleting the language to be named and inserting the language for the and after studios the word project. In item 15 we are deleting the language, and increase the support services fund operating budget ending balance by 650,000. So those are the two language changes. We do have several items that have been pulled that

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I'll get to in a minute. Councilmember pool as I understand has requested a postponement of item 16. >> Pool: That's correct, mayor pro tem. Yesterday the city clerk forwarded some comments from Tim swirls who had some questions that we want to address, and I am requesting, and I believe they will be easily addressed, we're requesting a one week postponement to April 7, to our next council meeting. >> Tovo: Very good. Mayor Adler has requested postponement of the nomination for the lone star rail board as well. So unless there are any objections we'll add them to the changes and corrections. We do have several nominations today. To the M.B.E., W.B.E. And small business enterprise advisory committee, Victoria Espinoza is councilmember Garza's nominee. Melissa Bealer is councilmember Renteria's nominee. >> Zimmerman: Mayor pro tem, can I call attention to item 50, the late nomination for Cid covington to the lone star rail district? Can we break that out so I'm shown against any nominee to the lone star rail district. This is a defunk organization that is basically worthless since union pacific -- >> Tovo: As I announced, mayor Adler has announced that we postpone that item. It is not on our nominations form for today. >> Zimmerman: Okay. I thought we just -- just second -- stoved just seconds ago I said that mayor Adler ask that we remove that and postpone it for a week. >> Zimmerman: I'd like to never do it. >> Tovo: I am sure you will have an opportunity to voice that.

[10:10:53 AM]

Okay. So our consent agenda today consists of item -- let me say we also have a few time certain items. Those are at 10:00 we'll take up zoning matters. At 12:00 we will take up citizens communication. At 4:00 we have several public hearings scheduled. At 5:30 we have live music and proclamations. Pleased in that at 4:00 is my expectation that staff will ask us to postpone items 63, 64 and 65, but we won't take those up until 4:00. Our consent agenda today exists of items 1 through 56 with the following exceptions. Item 4 has been pulled by councilmember Zimmerman, likewise with item 11. Councilmember Houston has pulled item 13. Councilmember Zimmerman has pulled items 19 and 20. Councilmember Zimmerman has pulled item 44 and councilmember Gallo has pulled item 51 with a request to postpone item 51 to may ninth. Items pulled my speakers, at this point are 21 and we do have one speaker on the consent agenda and that's David king. Are there any other items that councilmembers would like to pull? Okay. Seeing none, the consent agenda stands as David king,

[10:13:00 AM]

please come address us on the consent agenda. >> Thank you, mayor pro tem, councilmembers. Item 21 I decided not to speak so it will not be pulled from the the consent so I don't know if it will change what you're going to do. Just wanted to let you know about that. >> Tovo: 21 has been pulled for speakers so you will have an opportunity to address that. You had signed up for two items, 16 and 55. And at this time 55 is remaining on the consent agenda. I know it's setting a public hearing, but it's setting a public hearing for a waiver to the 300 feet distance requirement for alcohol sales near a school. And, you would just ask that we not even set a hearing for this, that we send the message that we're not going to do this. How many of these waivers are we going to grant. And there's no criteria or standards for the findings. I know one a waiver granted awhile back is you had to walk a circuitous walkway to get to the school so it's not really 300 feet. It's much more. That's the kind of inconsistency and lack of standards for findings. So I would ask that if we're going to set this public hearing that the council at least set a minimum standard, set of standards for saying these are -- if these characteristics exist for this waiver request then we'll consider it, otherwise we're not. I don't understand why we're granting waivers. If it's important to us that we protect our school children from access to alcohol and why are we approving this? I ask that you not set the public hearing and if you do

[10:15:01 AM]

set the public hearing, minimum standards for findings and the state law says that the distance is not measure understand circuitous path, how you actually get from the school over to the business. It's a straight line. That's what it says. And so at least we should have some minimum standards that we're going to do. And I applaud councilmember Houston for being consistent and saying that this is something we shouldn't be doing and being consistent with our votes on this issue. Thank you, councilmember Houston, I appreciate your perspective on these kinds of waiver requests. And I hope the rest of you will follow her lead. Thank you very much. >> Tovo: Thank you, Mr. King. Only. So again our consent agenda consists of items 1 through 56. The following items have been pulled for discussion. Item 4, 11, 13, 19, 20, 21, 29, 44 and 51. >> Kitchen: And there's one that was proposed and that's item 16. >> Tovo: And we will be postponing item 16 -- actually, councilmember Gallo has requested a postponement of item 51. If there are no speakers, which I don't see, and if there are no objections from the council, I'll add that to the consent agenda as a postponement until may 9th. Anything else. >> Garza: I was going to move approval of the consent agenda. >> Tovo: Councilmember Garza moves approval. Councilmember kitchen seconds it. I will read in councilmember Zimmerman's abstentions. I would like the record to reflect that I am recusing myself from the portion of 19 that relates to creative action. Any other discussion? >> Houston: Mayor pro tem? Show me voting no on 55. >> Tovo: Councilmember Houston votes no on item 55.

[10:17:01 AM]

Councilmember Zimmerman is voting no on item 2. He is abstaining from items 7, 8 and -- 7, 9 and 10. 12 voting -- abstaining from item 18 -- >> Zimmerman: Against item 18. >> Tovo: Against item 18. He is abstaining from items 24, 25, 26 and 28. Abstaining as well from item 30, 33 and 36. >> Zimmerman: I'm sorry, 33 and 34 abstain. And 36. >> Tovo: 33, 34, 36 abstaining. Item 40 against. 41 abstaining. Item 43 abstaining. Item 44 an -- excuse me, item 45 abstaining. Item 46 against. 47 abstaining. 49 abstaining. 53 and 54 abstaining. Have we got that right? >> Zimmerman: 48 abstain. 53 against. And 54 abstain. And the rest was correct. Thank you. Tovo just so you know the list I got had question marks. >> Renteria: I also want to go against on 55. >> Tovo: Councilmember Renteria votes against 55 as well. If our clerk has all that information? Councilmember troxclair? >> Troxclair: I want to be shown abstaining from items 2,

40, 47, 48, 49, 52, 53 and 54. And voting no on items 4 and 30.

[10:19:05 AM]

>> Tovo: Any other comments? All those in favor? And that is unanimous on the dais with. Mayor Adler off the dais except for the exceptions as noted. I'd now like to take up our non-consent zoning items which as I understand are scheduled to be postponed. Mr. Guernsey? >> Number 57, staff is requesting a postponement of this item for one week. And item 58, case c-14--had-2015-007 at 903 shoal cliff court, staff is requesting a postponement of this item as well to your April 7th agenda. >> Tovo: Is there a motion to postpone these two items until next week? Councilmember pool makes that motion. Councilmember Gallo seconds it. And that is unanimous on the dais. Excuse me. With mayor Adler off the dais. That brings us to item 4, councilmember Zimmerman, you pulled this item. >> Zimmerman: Thank you. >> Tovo: This is for the Santa Clara wastewater line. Councilmember Zimmerman that's correct. We had some discussion on this at the work session. I want to again all our attention to the material, the agenda page on the back, on the second paragraph, it says November 22nd, 2013, Austin resource recovery and Austin water executed a letter of understanding to

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support the extension of wastewater services. And then it says the sentence later, as agreed upon in the letter of understanding, arr will reimburse these costs over 20 years through an agreed upon repayment schedule. So we were not able to locate that 2013 agreement. We have no details on what that repayment plan looks like or what that's about. So if there's somebody that can speak to us about what happened in that agreement and could give us -- to make sure we have a copy of that agreement. It seems like a very unusual situation. We have cost recovery fees, and I understand that the line is being oversized and that's good engineering practice, right, if you're going to dig up the ground and put in a line, you go ahead and oversize it. I don't think there's any objection to that in a practical sense. What I'm objecting to is the Austin resource recovery putting itself on hook to make those payments over 20 years. If you could explain to us again why we're doing that. >> Bart Jennings, Austin water utility. Councilmember Zimmerman, if I could give you a little context before specifically answering your question on what's in that agreement. Yes, I have a copy-that and I can make those copies available to you as well as the rest of the councilmembers. The developer, as we talked about in work session, the Linda vista subdivision is planning to build a warehouse area, had approved sdr in 2009 and it was coincidental timing in which the developer came forth and said okay, I am ready to do this project and it just so happened that the issue with arr came about at the same time. But more specifically then to your question, there is a

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November 2013 agreement that essentially sets out the purpose of the agreement related to arr taking a look at potential development for the hub and that the arr is agreeing to reimburse the city whatever those actual costs are going to be over a 20 year period. A five percent simple interest is applied to that payment schedule. And it indicates in the agreement of where currently the nearest water line or wastewater line was located and it indicated that a not to exceed amount, because at that point in time for arr the costs weren't known to be able to cost participate and that not to exceed amount was set at five million dollars and that was an agreement between the the two directors of the utilities -- particular utilities and departments. And initially it set -- there was a proposed schedule that was set for September of 2015, but that was a flexible type of arrangement for that infrastructure to be built. There

was in this letter of agreement no indication of a potential grant being involved. >> Zimmerman: So I was basically asking a policy question. We don't normally do that. >> No, sir, you're right. >> Zimmerman: It's very unusual. So I'm going to be voting against this because my concern is what happens here is we're back to this cost shifting. We had a big argument about pilot nob about this money that was targeted and capital recovery fees being redirected towards the housing corporation. There's a lot of dissent over that, right, and a lot of controversy and confusion. This looks like yet another way that we're diverting

[10:25:11 AM]

money from our garbage fee payers over to the water utility. I'm going to flag these things when I see this again and be voting against this because the council is not able to make intelligent decisions if we're confused about where the money's going. So to me the water utility should have gone ahead and paid for this like they do in every other situation and then when somebody else develops on the land they pay the cost recovery fees and they reimburse the water utility because it is a water utility project. And this creates confusion because if this so-called manufacturing hub does not get built on this location, probably something else will be built, and do I have any certainty as a councilmember that 10 years from now anybody will remember this arrangement ever happened? And the developer will say the fees are already being paid. I don't need to pay capital recovery fees because Austin resource recovery is already paying those fees. I don't agree with what we're doing here and I will be voting no, but thank you for the explanation. >> Yes, sir. >> Tovo: Other questions for our staff or is there a motion on this item? >> Renteria: I move that we approve it. >> Tovo: Thank you. Moved and seconded by councilmember Renteria and pool. All those in favor? >> Houston: Show me abstaining. >> Tovo: Councilmember Gallo? So that is all in favor with councilmember Houston abstaining, councilmember Zimmerman voting against and councilmember troxclair voting against. >> Thank you. >> Tovo: Item 11, also councilmember Zimmerman. >> Zimmerman: Thank you, mayor pro tem. This is also another -- a question about why such a very, very large bid of over \$42 million, 43 million, managed to get only one bid.

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So for a project of that magnitude -- this is not rocket science. It's water treatment. We've been treating water for, I don't know, probably hundreds of years in one way or the other. So it's not rocket science. If you have something extremely complicated, then it could be that you could only find one vendor with the technology to do it, but that doesn't hold for water treatment in my technical opinion. But in any event, can I get an explanation for why it is that such a large project and such a very common application of water treatment, why it only got one bid? >> Sure. Rosie true luck with the contracting office. For this particular notice we had eight general contractors that obtained the bid documents and of those we only received one bid. We contacted everyone that obtained the bid documents to ask them why they did not bid because we were curious and it's part of our processes to follow-up on such things. And the responses we received were related to timing, related to that bid and things along those lines. >> Tovo: Thank you. Are there other questions? >> Zimmerman: Sorry, I'm not done. >> Tovo: Councilmember Zimmerman. >> Zimmerman: So the question of the timing, is there an emergency here where we have to hurry up and proceed with 43 million dollars' worth of work that we could not give them more time to examine and bid on the project? >> I understand that the water utility is here and can speak to the urgency of the repairs at the Davis water treatment plant. >> Zimmerman: That would be great. And the Davis plant is the oldest plant we have. Is it around 70 years old? >> Yes. >> Zimmerman: It's the oldest plant. Okay. >> That's my understanding. >> Good morning.

[10:29:15 AM]

Christian [indiscernible]. For this project in fact we have a plan for a long time, but we could not make it because there's no standby capacity available in the system. So the staff have done a great effort to sustain the operation until water plant 4 is being used. And until we are able to actually put some sort of major improvements. For this contractually we know the importance so actually we have extended the bidding time to allow more opportunities to the local and national contractors to participate. But this type of work is very specialized so that's why you may not see a lot of contractors bidding. But we have to package that and make sure at least the local contractors participate. >> Zimmerman: Quickly, you mentioned the word capacity. So for decades we had two plants. We've had two plants for quite awhile. They we built water treatment plant 4 at a staggering cost of half a billion dollars. So when we brought on water treatment plant 4, why didn't that provide the capacity that we would need and not have to worry about capacity? Water treatment plant 4 has tremendous additional capacity and we still have a capacity problem? And we're using less water now than we used years ago. Something doesn't make sense there. >> Up until 2008 we had three water treatment plants. We had the Ulrich, the Davis and the green water treatment plant. Green had been constructed in the 19 20's. It was decommissioned as I said in 2008. The capacity from green was moved over to the Ulrich treatment plant when it was expanded. Plant four now brings in the third one. We want three plants for system reliability and system redundancy.

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The plants provide more than the water that comes through the meters. It also provides adequate storage, flow and pressures %-@out in the system to maintain fire protection. So it is very important to have the resiliency and redundancy. Plant 4 was built to adds on to that, to take on the Davis water treatment plant. It is specifically done to provide service up to the northwest Zones where it's at a higher level and we could do that more effectively than pumping and repumping from the Davis plant. With that we'll look at how we use Davis going forward in the system. Davis high pump will be used less now and we will be more reliant on the medium service pump station that pumps into the central zone, the north zone and provide for the growth expected out in the east Austin corridor along 130. The water treatment plant 4 will again stay mostly up in the northwest Zones where summer peak demands can exceed what their capability is right now. And though it does add capacity, if you're to take the Davis water treatment plant offline we would only have a capacity around 215 to 217. Even under stage 2 water restrictions, last summer our highest pump acknowledge day was 207 million gallons a day and when you look at growth in the future we will pass that up quickly, possibly even this year when we're eeg water usage and water pumpage rates at five percent higher than last year. >> Just another question here, this is a lot of money. If you do 10 projects like this you've bought another water treatment plant. It is a staggering amount of money to upgrade a plant. Do you have any other multi-million-dollar projects coming up on this

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very, very old plant that would make people wonder why do we keep fixing a plant that is so old? It cobras expensive to build another one -- it could be less expensive to build another one if you keep patching one. >> We do have another project coming up in the very near future and it will be to upgrade the electrical system there. And it is now reliant on the original electric switch gear. Like Chris said, we couldn't do these projects until plant 4 was on line. If you took Davis offline we would put plant 4 in the

position Davis is right now. We wouldn't be able to do some of the repairs like that because we're too reliant on it and can't take it offline. Again, the resiliency of the system is very important everyday. It's very complex with nine different pressure Zones and as we know anything can go wrong and interfere with our ability to direct the water. >> Zimmerman: Okay. I'll make a final note. I worked in engineering projects like this for decades. Specking out and bidding on systems and -- it is very, very complicated, but the rate payers here in Austin are suffering, okay? If we don't get better management and get these costs reduced and figure out how to be more efficient, there's a revolt coming from our rate payers. I just want to let you know that. So you have to do things cost efficiently or our city will go out of business. >> Tovo: Thank you very much for the work you do and for the explanations. Is there a motion on item 11? >> Houston: Mayor pro tem, I just want to thank the staff for explaining that so that it made sense to me. I'm not an expert, but it made sense of why you're asking for this and so I'll be supporting to vote it. >> Tovo: Thank you, councilmember Houston. Councilmember pool motions approval of item 11. Is there a second? Councilmember Garza seconds it. All those in favor?

[10:35:16 AM]

All opposed? That passes on a vote of nine to one with councilmember Zimmerman voting against and mayor Adler off the dais. >> Troxclair: And I was abstaining. >> Tovo: Apologies. Councilmember troxclair abstains. So it's a vote of 8-1-1 with mayor Adler off. Item 13, councilmember Houston. >> Houston: Thank you, mayor pro tem. I have just some questions for staff of the convention center. I guess I'm interested in understanding what the need is for doing a test kitchen prior to us making decisions about the expansion of the convention center. >> We have a really -- good morning, mark tester, direct either of the Austin convention. Good morning, mayor pro tem and council. We have a growing food and beverage operation and this is -- would be a dedicated area for them to do tastings and things where they can't do that now. It would be much more efficient for us to do that there and a much quicker time than an expansion. It is an events space so it is our business and it is taking space that is currently not utilized and turning it into revenue area. We'll really make this a really innovation area and for groups to come in and have technology in there and to be able to utilize the space in a number of ways. It's just sitting part of an old kitchen that isn't utilized and it's in corridor areas that we'll turn into this innovation kitchen. >> Houston: So how often do you have the need to have a tasting kitchen? And I think the cost is about a million -- can you give me the cost again please? >> The construction that we're asking for, the process we're asking for would be a total of 1.5 million.

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What we're asking now for is for the process to do. The total project will be a total of up to 2.7 million. Of that 2.7 million, 1.2 of that has come from our food and beverage provider as part of their long-term contract. When we went and got the new contract they committed a total of 1.5 to invest into our facility, into capital, and we're using 1.2 of that 1.5 in this area. It will be a very nice area that groups can come in and exhibitors -- >> Houston: Yeah, I don't doubt that it will be a very nice area for that. A of money. The concern is that we've still not made a decision on the expansion of the convention center and we're about to invest a lot of dollars into a tasting kitchen. And if that decision is made in the affirmative, then we're going to have to start looking at how do we deconstruct that so that we have more event space, which is what you all are saying that you need rather than less because we've already built a tasting kitchen. >> I would say by the time that we are able to break ground that this space will have paid for itself we'll be into the positive. I think it will ultimately help us expand by driving more revenue, help us to give better customer service to any of our food and beverage customers. So Gallo

would come in and wanted do a dating and we struggled to do that and it's more expensive. >> Houston: In some of the instances the city is also buying a tasting center at the library. And Gallo, I didn't think he was talking about you. >> Gala. >> Houston: Could we not share that with the tasting kitchen that we've already got? That's already being developed and designed? So that they then can see all the other kind of amenities? Are there ways to partner with a tasting kitchen that's already in have central Austin to do the same things? >> I'm not real familiar with what the library is doing there. One of the things that this

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space again will do on a daily basis will be able to be rented by customers and utilized by board of directors and other things that we couldn't do that elsewhere. >> Houston: Did you give us some information about how often this need is in prior years like for the last five years how often you've needed a tasting kitchen and you didn't have one? >> We would probably do -- I would make up a number, but -- >> Don't make up a number. That's not good. Okay. We don't know. >> No, I don't know. >> Houston: Okay. Thank you. >> Tovo: Other questions? Councilmember Gallo. >> Gallo: I just -- I see that there's no fiscal impact on this, but there's a comment of 1.5 million, and I think you mentioned 2.7 million. Could you explain again -- I think you started to touch on it, that this would be paid how? And if there's no fiscal impact, I assume -- that the city is not responsible for any of the cost. >> Correct. So what we're asking for in this particular request is to do it in a different purchase than the low bid. And Rosie could talk about that process. The total project, which will also include moving some equipment in the current kitchen, also include redoing some bathrooms, will be a total of 2.7 million. Of that 2.7 million, 1.5 of it is construction, which is just covering this item today. Council has all right approved the architect to design this space in June of 2015. So of the -- the total project being a maximum of 2.7, construction of 1.5 and of that 1.5, 1.2 of it is coming from our food provider. >> Mayor and council -- >> The remainder of the money is in our budget that comes from the money that we would generate through the hotel occupancy tax or through the revenue. So it would be coming into our unit, no impact to anyone other than giving our

[10:41:20 AM]

customers another option to utilize. >> Gallo: Thank you. >> If I might just reiterate. All you're doing today is selecting the construction methodology. So with authorization today we will proceed with issuing a competitive sealed proposal. When we come back for award of the contract you will see a fiscal note that will outline all of the details on the contract and how we're going to fund that. And that's typically the process that we go through when we're asking for the methodology, which is a requirement of state statute. >> Thank you very much, Ms. Trueluck. Councilmember Zimmerman. >> Zimmerman: I appreciate that remark about this is just the beginning of the process, but I want you to understand that if the council believes this is not a good use of our money, then it would be a waste of everybody's time and effort to go through a bidding process if the council didn't support what the ultimate goal was, would you agree? >> Yes. >> Okay, thank you. So my constituents arguably in district 6 are the most fiscally conservative in the city, but they're asking for affordability, not for a tasting kitchen. First problem. The second problem is the hotel occupancy taxes that you mentioned, my office is going to be asking the Texas legislature to change the rule on hotel occupancy taxes so that some of that money could be used not for a tasting kitchen, but rather for security so that we could -- when we have big crowds that come to our city like south by southwest, instead of spending the money on a tasting kitchen, we could take that money and use it to provide for security with A.P.D. And E.M.S. Because we have a need for bumped up security for the big crowd control when big events come. And I think this

would be a much better use of our hotel occupancy taxes to use for public safety instead of tasting kitchens. I'll be voting no. >> Tovo: Is there a motion on this item? Councilmember troxclair? >> Troxclair: I want to challenge councilmember Zimmerman for the Foss fiscally conservatives in Austin. I've got a lot in my

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district too. >> Zimmerman: I appreciate that. [Laughter] >> Tovo: Is there a motion on this item? Councilmember Garza, are you moving approval? Councilmember pool seconds it. Further discussion? Councilmember Houston. >> Houston: I guess it's my concern about -- thank you for saying that we already voted to hire the architect back in June or July. All these things are disconnected to me. I can't speak for my council colleagues, but they're all disconnected to me because, you know, I probably voted for that and now I'm thinking, why would I have voted for that? Because we're already looking for an expansion. So that should be a part of a broader conversation, not just feels piecemeal to me, so I will be voting against this. >> Tovo: Councilmember Gallo. >> Gallo: And councilmember Houston, you bring up a good point and I'm not just targeting this for this particular item. But I think the backup information would be really helpful to us when we get the recommendations from council for council action just to give us that detail of where did this process start? What have we approved before? What's the completion of it? What's the fiscal impact of the final project? I think that brings it all together in a package because when we have 65 plus agenda items on the council meeting it's really hard to keep that connection. So not just for this particular item, but I think we will keep asking for that information. I think it's really helpful to have more complete information on the backup for us just so that we understand the whole process both from the standpoint wherever it started and we can go back and look at our notes from that, but also where it will end too. So not once again targeted to this item, but I think we all struggle with I think the complete information to help us get the total picture of when the process takes a year or so to go through. So thank you.

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>> Tovo: Councilmember kitchen? >> Kitchen: Thank you for saying that we're voting on the method of procurement. Can you explain for all of us the significance of this approach? >> Sure. This is a competitive sealed proposal, which is very similar to an invitation for bid where we have -- before we go out for the solicitation we'll have a completely, fully designed set of documents. And how it differs from an invitation for bid is that we're able to evaluate the provider based on factors other than price alone. We'll look at their price, their experience, their comparable project experience, their safety record, and other relevant factors as are identified in our selection matrix. So it's a best value procurement rather than just a straight low bid. >> Kitchen: And it doesn't commit us to actually going forward with the contract. >> Absolutely not. We will bring the recommended firm to council for selection. When we have them. >> Tovo: Are there further others on this item? Okay. All those in favor? All opposed? Councilmember Houston, Zimmerman and troxclair are opposed. That passes on a vote of 6-3 -- pardon me, 7-3-1, mayor Adler off the dais. Thank you very much, Ms. Truelove. Item 19, councilmember Zimmerman. >> Zimmerman: Thank you, mayor pro tem. I have some similar concerns between 19 and 20, but I would like to handle them separately. And on item 19 as I mentioned in the work session, my first concern is the first sentence which says approve negotiation and execution in the first paragraph of the item 19, and on the back of that page under performance measures, it says performance measures for this amendment as well as contract exhibits will be

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negotiated with the 13 social service agencies. And so my objection to this is that we are committing to spend 40 million and more likely 80 million with no firm metrics, objective metrics where we can gauge if we've had any success at all. And I guess I'm dumbfounded that we would be asked to approve negotiation and execution and give up \$40 million of the taxpayers money with absolutely no evidence that we will achieve anything. It's deeply concerning. So I guess if there are any other questions on this, the first motion I want to make is to strike execution and see if we can get the performance measures negotiated. And then find out what we're getting and then vote on the expenditure. Would you have an objection to go ahead and negotiate what the performance objectives are going to be and then have a vote on this? Would that be an objection to you? >> Shannon Jones, health and human services. We have been doing this process for many years, councilmember. And what -- this is a process we've gone through over those many years. The way in which we proceed to address the issues identified with performance measures is to identify what the needs are to build in the budget that we've been allocated, the methods to do that. And part of the negotiation is to identify how we're going to achieve those things through those metrics. For us to say that we're going to agree to negotiate with agencies without being able to adequately identify what those -- what resources would have would be problematic. >> Zimmerman: Okay. I'm sorry -- >> Tovo: Thank you, Mr. Jones. Councilmember Zimmerman. >> Zimmerman: I don't see a a problem here because there's a great deal of specificity. \$40,319,844. Now, you let off the cents,

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but that's highly specific. So what I ask for is what do I get for this very specific number of \$40,319,844? That has a high degree of specificity for a large amount of money. And I do agree, I think you spoke the truth when you said this is the process for many years. I'm saying the taxpayers are really angry at this process. That we throw money at a problem, we don't define what we're going to get when the money runs out, we've accomplished very little if anything and they demand more money, more money and we don't get results. We need to change that process and I would like to change it starting today. >> Part of as we presented before, is that our efforts are providing for council not only performance measures, but outcomes of those measures, the deliver rabbles we have. We've started with this year's budget process to be able to identify those and tell you what the outcomes will be. But that is part of this year's budget and so we're not -- we're not there yet. I'm going to ask staff, we do have performance measures if that's specifically what you're talking about in terms of our performance historically. I think we've provided to you all in the backup or in response to the question you asked what processes have we gone through in the past that outlines how we got here today in terms of performance as well as in terms of process for the contracts that we're developing. But if you're wanting specific performance measures that we've done in the past, I'm sure we can provide this if we have not already done so. >> Tovo: Thank you, Mr. Jones. We had a discussion on Tuesday, but I would ask Ms. Heyden to respond to that. It also looks like councilmember kitchen has a comment. >> Kitchen: My comment is that it's a gross overstatement to say that we have no accountability for this \$40 million. That is absolutely not true. If we look at historically what we have achieved, there are metrics, there are

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measures, and within each of these proposals there are measures by each of these non-profits. So I think that councilmember Zimmerman is overstating the facts and also overstating the taxpayer -- many, many taxpayers are concerned about results and we get results with these programs. >> Thank you, councilmember kitchen. I completely agree. Councilmember Garza. Gary Gary there's been a lot of -- >>

Garza: There's been a lot of conversation about performance measures. The history of the increase in this funding was because health and human services has been historically underfunded. If we're looking for performance measures, there's an article in the statesman today, Austin trending wrong way on poverty concentration. There's a performance measures for us, our city is becoming more economically segregated. And if you went through the backup and saw the programs that are funded through this funding, you would see that there are programs that have research-based -- they're research-based programs that have evidence of helping families in poverty. This money is -- can only be allocated to programs, if I'm correct, at 200 or less or more of the federal poverty line. So we can say we're going to stop investing in this and we're going to see some horrible performance measures for our community or we can continue to try to support families in poverty, to support our low income families or we can become a city where only wealthy people can live. So I do believe this is well invested money helping our middle class families and low income families. [Applause]. >> Tovo: Councilmember pool. >> Pool: And thank you, councilmember Garza, for saying that so eloquently. I saw that article in the newspaper today and it -- when I see Austin, which we talk about how special this

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city is and we're the hub of innovation and a great place to live and then I see the economic seg great basiongation and on -- segregation and on the brink of poverty. And the mission is for folks who are at the bottom end are not left to -- in dire poverty. That's our job and I have -- it's a high value statement that the city makes that we care for the people who have less than many. And I fully support the work that has been done by this staff here over many, many years. Previous councils and also under councilmember Garza's leadership on these health and human services funding and expansions of the contracts. It's really important work. I thank you all for the work that you do. I don't know if you all get thank yous very much, but you work with communities that are incredibly vulnerable and I know they appreciate your work and I do too. >> Houston: Mayor pro tem? >> Tovo: Councilmember Houston. >> Houston: Thank you very much for going through this process. As you submitted in the questions and answers, it took a long time to get to this point and a lot of buy-in from a lot of -- for the providers of the services that we all care so much about. One of the things is we have been talking about in the health and human services committee, council committee, is how to get those performance measures more aligned to individuals and to make sure that we're not duplicating services. And we've talked about that last year and we'll continue. And you all have started doing some of that to try to make sure that we're keeping a good track of duplication of services and how those things interrelate to each other. One of the things that I'm concerned about is the additional five years. I know we've already got a contract for the first 40 million. And I understand that the

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additional contracts are up to I think it's -- it's three 12-month extensions, right? That that's dependent upon what the budget looks like. But I'm not sure that service providers see that or understand that, and so could you describe that process where at the end of this current three-year contract -- when do you start reviewing for the next year extension? So it's not a guarantee. It's based upon performance, right? >> Yes. The concept is to have three years to see the services provided, to evaluate in that process, and to beginning the second part -- I'll ask Stephanie to speak more to the logistics of it, whether or not we will continue those efforts for multiple years, meaning each additional year contract. The reason being it takes a period of time for agencies to get up, to perform and to meet the expectation terms of both performance and outcome. So you can't just say in one year you're going to solve X and expect results in a year. So that's why we give them three years. Our belief is as best practice indicates if you're

successful with that agency over the three years it would be wise to continue if their performance and their outcomes have demonstrated that. Our expectation if those performance and outcomes do not exhibit that, we will not renegotiate for those future years. Part of the evaluation that we've talked about in front of the health and human services and also in terms of the whole council is that we will be evaluating those programs and those agencies to determine that they are doing those. And if they are not, then we will not be entering into contracts on an ongoing basis with those agencies based upon demonstrated outcomes that we see. >> Houston: And we have had this conversation in the health and human services committee. Some of these agencies have been receiving funds for -- what's

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the longest-running, can you remember off -- you . . .? >> Approximately 30 years. >> Houston: So some of these agencies have been receiving that funding, and the funding increases, and we're just now beginning to kind of tighten up on -- >> Yes, but to the credit of those agencies, many of those agencies have helped build the infrastructure and capacity for this community to provide services to the underserved. So, they have done a great job. We are having now new expectations of them. We're informing them, educating them, and involving them so that as we go forth with new resources, they understand what those expectations are. >> Houston: Okay. And then my last question about that is, with the additional years, it doesn't appear that we're able to be nimble enough to be able to pivot to something else if something else comes up as a major issue. The independent school district is going to be asking for additional funding for some services for our support. And if we give that kind of broad range -- not the three-year base,

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providing additional services. And so that will cause an imbalance or a hardship on those that we've given those extra dollars to. So, could you speak just a little bit to -- how do we become nimble enough with the few dollars that we have so if another health and human services issue is presented, we can pivot and be able to fund those? >> Well, part of our department efforts is to do strategic planning with regards to our health as well as our human services program. So we're out there evaluating, monitoring, what are the impacts of what's going on in our community. Part of our strategy in terms of recommending for the budget process is what things we see, things we hear, and things that we're monitoring. If we see, as part of the evaluation, that there are changes, we will come forth early enough to be able to involve that process. Obviously, if there was going to be an emergent situation that occurs within six months of time, that doesn't leave us a lot of flexibility, but, we have built-in flexibility to respond to emergencies or other needs that we've identified based upon what resources we have. And we naturally come to council asking for additional resources when, and if, we see those activities. So we've built in the capacity to be able to respond to those situations as they occur. >> Houston: Thank you for that explanation. >> Tovo: Thank you. We do have two speakers on this item. Our first speaker is Jo Catherine Quinn. >> Questions? >> Good morning, I'm the executive director at carriage house of Austin. As well, I am the chair of the public policy committee for one voice central Texas. And I'm here on behalf of one voice central Texas this morning. And also, in my role as a contractor in the health and human services process. So, I can certainly answer questions, but I would like to

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reiterate what's already been said from the dais, that -- and I'm passing around some information that's on the city website that shows the very open, transparent process that has happened -- that has

brought us to this place. The ability for the public to weigh in, as well as for you as city councilmembers to ask questions and look, and evaluate. And just would like to say that this is a thorough process. And I would like to specifically speak to this question and reiterate what councilmember kitchen said with regard to outcomes. First of all, I want to say that any money that is spent by the city, I believe, needs to be accompanied by an appropriate outcome, and we need to know what we are getting when we spend money. So I appreciate that sentiment. And I want you to know just, sort of, at a micro level, the only one I can speak to, really, is the one that I manage. And that is a 13-agency collaboration that prevents homelessness and ends homelessness for over 2500 people per year in this community. That program is a national model, national evidence-based practice that we're using. It has a 75% success rate, meaning that people attain and maintain housing stability at a rate of 75%. And these are -- this is a program that works with the poorest and most vulnerable people in our community. So that's just one example of what you're getting for your money. You're getting people who don't end up in the shelter, and we don't have to spend money on them at the shelter. So that's a very small micro-example. But all of these contracts intersect with the poorest, most vulnerable people in our community. And they yield solid results year over year. And this is one of the best investments -- [ beeping ] >> Our city can make. And I'm happy to answer any questions. >> Tovo: Thank you, Ms. Quinn. David king, you are our last speaker. We also have two speakers signed up who are not wishing to speak, Kim and Lisa bird. >> Thank you, mayor pro tem and connections.

[11:04:11 AM]

Councilmembers. My name is David king. This is a great city that we live in. And it's doing well by, you know, for many people here. But it's not doing so well for many other people in our city. And they're sort of left to fend for themselves, when the state legislature is not going to help us out. They're not going to provide medicaid money that's badly needed here. They're not going to allow us to set a livable wage for businesses that employ our citizens here in this city. They're not going to give us the tools that we immediate to do the job we know we need to do, that you are trying to do for those citizens here. I appreciate and applaud you for your work in helping those citizens. This is one way we can help those citizens. And, yes, it's taking some taxpayer money and saying, we're going to direct it to help these people who are trying their best. But despite all of their efforts, their multiple jobs that they're working, and the up-hill battle that they're facing just to make it every day, this is the least we can do for them. This is the right thing. We need to do this. I applaud you for doing this. Yes, we need metrics to make sure the money is having the effect we want it to have. But we need both. It's not one or the other, it's both. So, I'm glad about the questions about metrics to make sure that it's doing what you all intend for it to do, but that should not slow us down in our efforts here to help these people today that are suffering today as we speak. So, thank you for -- I hope -- a unanimous decision. I'm hopeful. I can be hopeful about this. But that's sometimes all we have to work with is hope. But when we have an economic system that is not helping our citizens, it's not working for our citizens, then that's when government does need to step in

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and do something. And it can't wait for the economy to right itself. How much more suffering is going to happen if we wait for that to occur? And how many people might die if we wait for that to happen? So, thank you for what I hope is going to be at least a -- [ chuckling ] Maybe a 10-1 vote, or maybe at a 9-1 vote on this. So, thank you very much. [ Applause ] >> Tovo: Thank you, Mr. King. Councilmember troxclair, I believe you had a question for our staff. >> Troxclair: Yes, I did. So in our backup, we have -- where we have performance measures, there are some dates -- I guess, period one, period two, and

period three. And the first one started in October of last year and goes to September of this year, and then so on. So, the increase in funding would start when? >> Within this fiscal year. We're bringing this to you for your approval so we can negotiate and make that available. >> Troxclair: And overall, for all of the entities, it's about a 6% increase in their funding? >> About 6%, yes. >> Troxclair: Okay. So, is there a 6% increase -- was there a 6% increase in the performance measures that are listed here from previous years? I mean, I assume since

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contract. So that was with your backup documentation. >> Troxclair: I see it. We're talking about \$13.5 million every year. And this includes amendments to agreements with 13 social service agencies. So, on average, they should be receiving about \$1 million, not \$2,000 a year. >> Yes, these are the ones we came forward to seek action for. There are several other agencies that we already had enough approval authority that we were able to do those amendments administratively. So what you're looking at is only the 13. There is a larger pool. And so if we're looking at it from that lens, then there will be some where we won't see an increase. But with the ones you have in front of you, there will be an increase. So, I'm hoping that gets to your point. >> Troxclair: I'm sorry. No. I'm more confused. So, we are -- how many entities total are we increasing the funding for? How many contracts? >> 39. >> Troxclair: 39. >> Mmhmm. >> Troxclair: Okay. And I'm assuming the ones -- the other entities that aren't included in the 13 that are before us, their increase was just below the \$50,000 level that could be approved administratively? >> Yes, ma'am. >> Troxclair: Okay. Even still, even with 39 entities, if you divide \$13 million between 39 entities, it's \$333,000 a year. So. >> I know. This is probably confusing you even more. But maybe if we do something more simple. So, say if you have a contract that is \$180,000. 6% of that is like \$10,000.

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So the 6% -- it's 6% of what your base contract annual amount is. So that's how you have the various amounts that are a smaller amount up to the larger amount. And the ones that we've come forward with are the 13, which are above the city manager's administrative authority. >> Troxclair: Okay. So is the \$40 million that we're approving, that includes all 39, or that only includes the 13? >> That only includesthe 13. >> Troxclair: So the \$2,000 is not included in the backup. >> No. >> Troxclair: Okay. So I'm asking about the ones that are in our backup. Those are the ones -- I can understand if you only get \$2,000 more a year, the increase in your performance measure might be minimal. But that's not -- the ones that we're talking about today are getting around a million dollars each, and their performance measures are either stagnant or they actually go down. There's more performance measures that decrease than increase. I mean, actually, there's very -- I haven't found any that are increasing. So, before this, when these Numbers were put together, I understand you're saying that these Numbers were put together before the increase was taken into account. When these Numbers were put together, was there flat funding assumed? >> Yes. >> Troxclair: The same amount of funding every year. >> Yes, ma'am. >> Troxclair: Okay. Well, I just hope -- I mean, some of them are already a pretty significant decrease, so I hope -- >> Kitchen: Mayor pro tem. >> Tovo: Councilmember kitchen. >> Troxclair: Have that information. >> Kitchen: I just want to say, I appreciate the questions that people are asking about the detail that's in the backup, but I have worked with health and human services for a long time, and I trust our professionals. They are -- they consider -- and you can speak to this if you'd

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like -- that -- and as a previous speaker from one voice spoke to, outcomes are critical for all of these organizations. These are not nonprofits that are just acting on a whim and just spending our money in whatever way they choose. They are acting responsibly. For any nonprofit to continue in this environment -- and I think someone spoke earlier about the fact that we have a greater amount of needs than we have money for. So to act in that environment, these are responsible nonprofits. They are working towards achieving outcomes. Our staff are very responsible with regard to outcomes. And this is something that they have done for many years to look at that. So, I trust that they will look at the appropriate amount of increase in outcomes that are based on the particular services that that organization is offering. It is not linear. You cannot say, 6% means 6% for this organization, that organization, and that organization. If you look at what they're doing with people in the community, it's not that black and white. It's not that linear. So -- but -- so anyway, I just wanted to make that same, because I don't want to leave the impression from this council that we don't trust our nonprofits to act on behalf of -- and improve outcomes, and that we don't trust our staff. >> Tovo: Thank you, councilmember kitchen. [ Applause ] >> Tovo: Mr. Jones. I also want to say, as has been mentioned, the council -- the former public health and human services committee, as alluded to, spent an enormous amount of time refining the process, providing feedback to staff on the process, looking at the contracts, talking about the different organizations. So I think, too, having faith in that part of the process is also important.

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I didn't participate in that process, except as an observer, but it was extensive at the council level. Councilmember Zimmerman and then we'll get back to councilmember troxclair. >> Zimmerman: I want to get back to some specifics again in the backup material regarding carrot toss, if I could. It's embedded in the backup material. There's 12 pages of detail for caritas, which the total budget here is 9 million, \$992,721 and no cents. So, again, that's a pretty specific number that we're being asked to approve. I've gone through about 17 pages of information here. And I learned that caritas is subcontracting. There are hundreds of thousands of dollars that are given to subcontractors. The subcontractors are not named. It will be impossible to know what their idea of a good use of the money will be. It's impossible to determine. And in these 17 pages, I cannot find a single sentence telling me what we're getting for \$9,992,721. Now, it could be my colleague, councilmember kitchen, insists that, you know, the money's being well-used. And that might be. But, based on my information, I'm being asked to approve this on blind faith. So, blind faith, it's a pretty decent approach for an irrational religion to just have blind faith, but when it comes to ten millions of dollars of other people's money, I think it's an offense, frankly. >> Tovo: I'd like to ask Ms. Quinn to respond to that, and then our assistant city manager, and our health and human services staff. We're at 11:20. Our next item has 40 minutes' worth of speakers, and we have a hard stop at 12:00. If you're here for citizens communications, we likely will exceed that a bit. Ms. Quinn. >> Thank you, caritas of Austin. I would like to speak directly

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and answer your questions. We do have 12 subcontractors within the best single source plus program. I'm sorry that you don't have the detail about which organizations those are. Would you like for me to name all the organizations that we subcontract with? Because I'm happy to do that. >> Zimmerman: In the interest of time, I'd like to see it. I'd like you to send it to our office. >> I'm happy to. >> Zimmerman: It goes back do what was said earlier. This is the way business is done. Millions of dollars are put out -- >> Tovo: Councilmember Zimmerman -- >> Let me tell you exactly how the business is done, okay. We have a city staffer in our office at least two times a year monitoring this particular contract, because it is

considered a high-risk contract, because of the amount of money it is. It's totally understandable. In addition to that, the city staff go to all of these subcontractors and look at individual case files, look at everyone's financials, and make sure that everyone is following the contract. In addition to that, the way we operate the collaboration that is these subcontractors, number 1, the executive directors of all of those entities meet every other month to oversee, much like a board would oversee, we oversee this collaboration. We have our own policies and procedures. We have procedures for admitting new collaborators to the collaboration. We have policies that allow us to uninvite someone to be a part of the collaboration, to kick someone out of the collaboration if they're not following the contract, and not following -- you know, minding their Ps and Qs as far as all of their

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recordkeeping, and if they're not being a good collaborator. This is an incredibly managed 13-agency collaboration. There is no funny business going on here. It is under a microscope all the time. >> Tovo: Thank you very much. And I want to ask our staff to respond, and then I'm going to ask if there's a motion from the dais. But I also want to point out that we have received information from health and human services. And I believe -- I thought I saw it, frankly, in the backup material for today. But it certainly is available, who the different entities are within each of these collaboratives. And frankly, it was a goal of the city -- and we asked the at least encouraged that these collectives be formed. But I'll ask Mr. Lumbreras to provide us some information, then, again, we'll call for a motion. >> Thank you, mayor pro tem. --You are exactly correct. The city council spent an enormous amount of time, working closely with the nonprofits and a number of stakeholders to come best practice in terms of collaboration. There was a need and certainly a strong focus from our community, and certainly from city staff, very supportive. And we recommended it, to be able to identify the most creative and the most effective and efficient way we can use very limited dollars. Because ever since we've gone through this process and we've requested either applications or proposals, we get twice as much requests in terms of need than what we have funding dollars on -- funding for. So, it is crucial for us to be able to identify the best way we can expend the dollars. And I really am a bit disheartened to be characterized as staff not being able to really put a lot of effort into trying to develop specific outcomes.

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Is it perfect? Probably not. We've got some work to do. We've committed to the councilmember Houston and the rest of the health and human services committee that we will continue that work to refine each and every one of these aspects. But in these collaborations, it was all with intended purposes of identifying individuals with where they were at and be able to transition them. It wasn't an issue -- it was not an approach to be able to expend dollars and keep people where they are, but trying to transition them from where they're at, just like in the case with caritas. I will make another point, also. The information, not only in terms of the collaboratives and the subcontractors are in your backup. That information is very clearly in here. And so I really believe -- and the other thing, I know we mentioned the big Numbers. What we're asking council to do is an item that was included in the budget to bring forward the 6%. And we're making a recommendation to you, with the 6%, we believe it's a good way. And the genesis of that was to be able to provide some funding to agencies that were struggling to keep up with their cost over the year. We are committed to sitting down and negotiating to see how much more we can see out of more performance outcomes. In effect, that's what we're doing, where it's 2,000, 10,000, or a large number, our goal is to get as much outcomes as we can out of these contracts like we have in the past. I'm confident what we have here before you not only in terms of the work of all of the contracts in general, is not only best practice, it's proven, but it's also producing some

good results that we stand behind. And so that's my comment to you at this point. >> Tovo: I appreciate that, assistant city manager, and I want to commend the staff for the tremendous work that you have done to improve the process, to continue to work with these organizations, and

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make sure that it's a thorough and careful continued analysis of their work. And I want to thank each and every one of those organizations. They're doing critical work in our community with very scarce resources, so thank you all. Councilmember Kitchen, and then councilmember Gallo. >> Kitchen: I'd like to move approval of this item. >> Pool: I'll second that. >> Tovo: Councilmember Gallo. >> Gallo: There we go. Technical problems. Ms. Quinn, thank you for being here. You are a part of a wonderful organization, and Caritas does really great work. So before I launch into questions to the staff, thank you. What I'm struggling with here -- obviously, we have incredibly wonderful agencies in this community that really provide amazing services to all of Austin and the residents of Austin. And those of us that have worked in nonprofits know there is never enough money to do the job that needs to be done. And we all struggle with that in so many ways. But what I'm trying to understand, as we talk about large dollar amounts that come before the council -- and this is \$80 million over a potential five-year period -- what I'm trying to understand is what is the connection with our budget process that we had. So could you help me with that? I think you touched on it. So, when we did our budget process last year for the 2015-2016 budget, did we actually approve this amount to be spent? >> Councilmember, the amount that you're being asked to approve today is the \$760,746. In our process, when we outline these agenda items, we have to indicate to you what the total amount of these contracts are on an annual basis. And then based on that term of those contracts, which in this case, if you look at the posting, it'll say 37 months.

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Then it then aggregates that number to what eventually the total is. So the number that you're being asked to consider, which was in the budget, is the \$760,000. Keep in mind the number for the 37 -- well. I won't say 37 months. For the annual amount for the contracts for social services was already in the budget, and what the council approved in the budget already. So at issue today is not -- unless you would want to revisit it. But, it's not the issue of the annual amounts for the contracts. It's the issue of the -- what we're proposing as the 6%, which is that over \$700,000 amount. >> Gallo: I think what's confusing a lot of times to the public, you mentioned \$760,000, but then there's also an 80 million figure in there. That's a huge difference. So I'm trying to help me understand -- >> Sure. >> Gallo: And also trying to help the public understand how we connect those two. And so, if the \$760,000 is the third year -- the balance of the third year of the existing contracts? [ Off mic ] >> Can you repeat your question, please, ma'am? >> Gallo: Okay. So it seems like we have two things we're doing here. One, we're approving the 760,000, which you just responded was part of what we approved in the 15-16 budget, the council approved. So we're approving that. And I'm trying to understand what that is as compared to the \$80 million amount that we're looking at that's part of the backup information also. Because I think that's confusing. And I think it's hard for the public to understand. And I want to make sure that everybody understands what we're doing here, because I'm confused. >> Okay. So, with the 37-month contract, plus the three 12-month extension options, if each of

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them are exercised, at the end of that term will be 80,000 -- I mean, \$80 million. >> Gallo: I wish it were

\$80,000. >> But it would be \$80 million at the end of that term. >> Gallo: I understand. >> So that's why the 80 million is there. >> Gallo: And those are future contracts. That's not the existing contract. Those are the contracts that, through the rfp process, which has been lengthy and transparent, and done very well by all the entities, that would be future obligation. >> Yes, ma'am. And with the backup, as Bert, assistant city manager Lumbreras stated, that it does state that the availability of funding is contingent upon council approval. >> Gallo: And I understand that. But what I think all of us realize is, once we have approved something, it's very difficult in a future budget year to unapprove it. So, it really is a commitment from this community, and also to the nonprofits, because we're saying to them is, the likelihood is you're going to have this continued. I would bet that the city has not backed down on any of those commitments over the history of continuing -- budget discussions over multiyear contracts. So, that helps me understand the future. And I think that's easy to understand. But, where is the 760,000? I mean, we've kind of got two things. We've got this one thing we're approving for 760,000, and by the way, we have 80 million that's part of what we're approving today. So. What's the first part, the 760? >> I'm sorry. In the request for council action under the amount and source of funding, it does specify the amount of the 76746. >> Gallo: I understand. Is that the last segment of the existing three-year contract we have with the nonprofits? What is that money for?

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>> That's the portion that I think Ms. Hayden talked about that applies to these 13 contracts as we're recommending the 6%. So that is the 6% for these 13 contracts that is in the budget for this year. And that's the amount -- the percentage that we're recommending the staff to apply to those 13 contracts. >> Gallo: But that's for the existing contracts. Is that correct? Not the 80 million potential that would start in September. >> Tovo: Councilmember kitchen, did you have a clarification? >> Kitchen: Yeah. Can I try? >> Gallo: Absolutely. >> Kitchen: I think I understand this. I mean, basically, we approved an addition in the budget when we went through the budget process last year. And I appreciate councilmember Gallo's -- you know, pointing out that, you know, that does make some increases and we tend not to go back on increases. But that was a decision that we made during the budget process. And we decided at that time that we wanted to go forward with increases in our health and human services budget. So the 760,000 represents that. The 80 million is simply a projection which you are required to tell us. It's simply a projection. It is not a commitment. Because your language says right here that as you pointed out, that funding for the remaining amounts is contingent upon availability. So you're simply showing us with the 80 million what would happen if we did not change our budget. So if we -- so come, you know, September or whatever, if we kept the increase that we had last time instead of cutting it back, this is what you would see over this amount or period of time. So you're simply illustrating to us. We are not voting for 80 million. We never vote for that. We cannot vote for budgets in the future. We have to vote on our budget every year. So it's simply informational for us to show us what it would be

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over that time period if we were to continue that funding. And that's a budget decision. That's not a decision right now. Did I -- >> Gallo: That helps. >> Ms. Hart, would you like to add to this discussion? >> I would. If you look at the rca posting language, Elaine hart, chief financial officer -- this posting language is much like we do our purchasing contracts. It's asking for an amendment for the 36-month contract of \$2.2 million. And I'm rounding the Numbers. And of the 2.2 million, 760,000 would come out of the current year budget. And so the remainder of that 2.2 million would come out of future budgets and be dependent on appropriations by the council in future budgets. What we then do is take that and roll it forward so that you see what the value of the total contract is with the \$2.2 million amendment. And

that would bring the total contract, with the three one-year extensions, to \$80 million. We do that with each of our contracts when we bring them forward. This one is just an amendment to the contract of 2.2 million. 760,000 is the current-year commitment of funding. The remainder is for future budgets. >> The 2.2 million, for a combined total not to exceed 40 million, about 13.5 million per year -- how does the 2.2 million relate to the 13.5 million? >> It is, I would assume, that's rolled in there. I didn't read the entire backup on this one. But you take the 40 million and you add 13.4 million three times to get to the 80 million. >> Gallo: I understand. You mentioned the 2.2 million,

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the 760,000 is this budget year's component of that 2.2 million. >> Right. >> Gallo: But then, how do you get from the 2.2 where it says a combined total amount not to exceed 40 million for three years, which would be 13.5 million -- how does the 2.2 and the 13.5 connect? >> Okay. The 2.2, before this action, the total value of the original 36-month contract was 38 million. So -- and we didn't show the math here. But we're adding 2.2 million to the existing contracts that have already been approved to bring that total to the 40 million. Then each year after that, you have a \$13 million option. Staff -- that's what I said, yeah. I guess the question you're asking, I can't answer is, does the 13 million per year for each of the three-year options include the 760,000 for each year. And I just don't know that answer. >> Gallo: So what we approved in the budget for '15-'16 basically was a \$38 million amount. And that we're approving the 760,000 because that's this year's portion of an increase of 2.2 million over what we approved in the '15-16 budget? >> The '15-16 budget had only one year component of the 38 million. It would have only included one year. So the remainder -- the full value of that contract is subject to future year budgets. You only budgeted for one year cost for these programs. >> Gallo: Okay. >> In the current year budget. >> Gallo: I guess what I'm trying to wrap my hands around is the amount that we're increasing over -- my thought would be increases in

[11:39:05 AM]

expenditures and what we do in this city should be part of the budget process whenever possible, because I think that's what the taxpayers -- the citizens of this community expect. They expect us to have that discussion at that point in time. So I'm really trying to understand what it was that we approved, and what it is, in addition, that we're approving. And what I think I'm hearing is that there is an increase in that first year amount of 2.2 million. Is that correct? And the difference for this fiscal year that's remaining would be the 760,000. >> What you approved was the one year of the 36-month, plus the increased funding of 760. All this action does is come back and do the contractual side of the appropriation that implements the appropriation you've already approved in the budget. This is getting the contracts to the full value that you approved in the budget. >> Gallo: So if we just approved a one-year in the 2015-16, which is what I'm hearing that we did, we're going back now and increasing -- approving an increase of 760,000 to finish out this fiscal year. Why is it that you're coming back with a recommendation that we -- what we are approving or committing to subject to future budgets is for up to a five-year term? How did we get from one year up to five years? >> When we issued the solicitation, that was the term that we put in the solicitation. So that's basically where that came from. Now, the renewal options of the extension of the renewal options is optional. So, the city does not have to exercise renewals. >> Gallo: I understand that. And the likelihood is that we've probably never not done that, or very seldom. It would be very unfair to the nonprofits to give them -- you know, imply that we were going to fund this and then pull back. It really is a commitment. It's not a legal commitment, but it really is a moral and ethical

[11:41:07 AM]

commitment from the dais to fund those as we can, so, okay. >> Tovo: Councilmember -- >> Emphasize, that's based upon performance henceforth now. As we go forth with this, we shouldn't assume that that will automatically happen every year henceforth. I just want to make sure that we are building in factors to evaluate the performance. So, it's not an entitlement. It has to be based upon performance. >> Gallo: We trust you to do that. I think the nonprofits would embrace that idea, too, because the nonprofits that are successful in doing what they do well -- and we have, obviously, a lot of the ones that are in here do that. I think they would enjoy the opportunity to show that they're really providing good benefits, because they do. So I appreciate the fact that that's part of this. >> Tovo: Councilmember Garza, you had your hand up quite a while ago. Did you have a comment? >> Garza: I was just trying to add clarification to -- because the 760 is multiplied times three. It's the additional amount over the contracts. So, that's a different number. The big number is all our social service contracts, assuming all these extensions are -- which we do on a yearly basis. We approve on a yearly basis. We're not approving something in the future. It's just a giant number, just like our purchasing contracts say not to exceed blank. I was just trying to add that. >> Tovo: Thank you. >> Garza: Because it's been hard for me to wrap my head around the contracting. >> Gallo: And I just want to say thank you for that, because if it's confusing for us and we're knee deep in the middle of us, it's more confusing for the public who sees 760,000 and all of a sudden it's 80 million. They look to us to manage our money really efficiently, so, thank you. >> Tovo: Councilmember kitchen and then councilmember Casar, did you have your hand up? Okay. >> Kitchen: Just to sum up so that -- this is the last thing that we're leading with. We are not approving multiyear

[11:43:09 AM]

contracts. We are not approving any more dollars than we did during the last budget. So I just want to lead with that. And then, I'd like to call the question, if it's okay. >> Tovo: We have a motion to call the question. Is there a second on that? Councilmember pool. Calls the question. However, I have to say that I did see councilmember Zimmerman's hand up quite a while ago. >> Zimmerman: Thank you. Thank you, mayor pro tem. >> Tovo: Are you -- hang on a sec. We have a motion to call the question, which takes precedent to any further discussion. I would ask my colleagues, though, to recognize the fact that councilmember Zimmerman did have his hand up, and I was trying to work through the questions here. >> Zimmerman: I just want -- >> Pool: I want to make sure it's a new question. >> Zimmerman: I want to be recognized for making a motion to amend by striking the two words "And execution." If I can get a second on that, I'll explain why. >> Tovo: I don't believe we have a main motion on the table. >> Zimmerman: I thought we did. >> Tovo: Councilmember kitchen did. It's been a long discussion. >> Zimmerman: There's a motion on the floor to approve the item. >> Tovo: We have a motion on the floor. Councilmember Zimmerman makes a motion to make the amendment. He just suggested it. Is there a second for that amendment? Councilmember troxclair seconds that amendment. >> Kitchen: Mayor pro tem, is that in order, since I had a motion to call the question? >> Tovo: I would say he did mention it prior to having a main motion on the table, so I believe that we should respect his amendment. I would look to our legal counsel, but, he did signal that he was making that amendment before we had a main motion. >> Councilmember Zimmerman tried to make that motion earlier on, so I would suggest you go ahead and vote on the motion to strike. >> Zimmerman: Thank you. Can I briefly speak to the motion? >> Tovo: Very briefly, please. >> Casar: Can I call the question on that? Let's get this thing done with. >> Tovo: Councilmember Casar calls the question on that. Is there a second? Councilmember Garza seconds that. All in favor of calling the question on the amendment?

[11:45:12 AM]

Councilmember Houston -- no. This is to call the question on the amendment. To end debate on the amendment that councilmember Zimmerman made. All in favor -- >> Houston: Does that mean that councilmember Zimmerman does not have an opportunity to say what he needs to say? >> Casar: Yes. Because we already know why. [ Laughing ] >> Houston: But I think that's unfair for him. He has a right to say whatever he needs to say. So I would be unwilling to do that. Even if we all know what he's going to say, he has a right to say it. >> Tovo: Okay. >> Pool: So we should take the vote. >> Tovo: All those in favor of ending debate on the amendment to call the question -- excuse me, on the amendment that councilmember Zimmerman made, please signal by raising your hand. Councilmember Garza, Casar, kitchen, Renteria, and pool. Vote in favor. All those opposed to ending debate? Signal by raising your hand. Houston, Gallo, tovo, troxclair, and Zimmerman. That motion fails. >> Zimmerman: Thank you. >> Tovo: Councilmember Zimmerman, if you could, out of respect for your colleagues, keep it short. >> Zimmerman: This will be very quick. Based on the length of the discussion, I know we need to move on, and the questions that happened, all I'm asking for is that we strike these two words, "And execution" so that we can get some clarity on what these metrics are. That's really the only purpose of this. I know that the council -- the will of the council is to move ahead with this. All I'm asking from my council colleagues is to strike "And execution." Let's get the data back for what some of these metrics are going to be. And then we can have a vote at our next meeting. That's all I'm asking for. Just strike "And execution," but go ahead and negotiate. >> Houston: Mayor pro tem, I'd like to ask staff, is there a date that we have to have this

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executed by? I thought I heard you say April 1st, but I'm not sure that I did. >> That's our goal. >> Tovo: Thank you, Mr. Jones. All in favor of councilmember Zimmerman's amendment, please raise your hand. Councilmember Zimmerman and troxclair are in favor of the amendment. All those opposed? Councilmembers Houston, Gallo, Garza, Casar, kitchen, tovo, Renteria, and pool. So that amendment is defeated. Councilmember troxclair. >> Troxclair: Thanks. Yeah, you called on me earlier but skipped over me when you went to that part of the dais. I wanted to respond to councilmember kitchen's comments earlier. She spoke after I asked staff a few questions and insinuated that asking questions meant that we didn't trust staff, or that we had irresponsible nonprofits. And I just want to make sure that that is never my intent. I think the staff did a great job of answering my questions. I appreciate all of the information that was provided in backup. I think the questions that I had were really reasonable about the underlying assumptions that were made when those performance metrics were put together, and what our expectations should be or will be in the future when we have the increase in these contracts. So -- and, of course, I think we have fabulous nonprofits in Austin. I personally contribute my own money to many of them. And that's the way that I prefer to do it, rather than through the government. But I just -- sometimes just asking reasonable questions, people jump to the conclusion that -- jump to unreasonable conclusions. And I just wanted to push back against that assumption. >> Tovo: Okay. We are voting on the main motion. As I indicated before, I'm recusing myself on the portion

[11:49:13 AM]

of the aid contract that relates to creative action. All in favor? And that is councilmembers Houston, Gallo, Garza, Casar, Renteria, kitchen, tovo, and pool. All those opposed? And those voting in opposition are councilmembers Zimmerman and troxclair, so that motion passes with mayor Adler off the dais. Council, we're now at 11:48. >> Mayor pro tem, may I make a brief comment? >> Tovo: Yes,

councilmember Garza. >> Garza: This item we voted on went through the council committee. We discussed it there. We discussed it during the budget when we added it to the budget. And we just spent -- we talk about making our meetings shorter. There are other avenues to ask many of the questions. I'm not saying we don't have the right to ask them. We have q&a. We rehashed this for another hour, the same issue. We talk about making our meetings shorter. Let's use the tools available, the committee process, the q&a process, to get to that goal of shorter meetings. >> Tovo: And the work sessions. Thank you, councilmember Garza. So, we have just about ten minutes until we break for 12:00 P.M. I thought we might get through the next item before then, but unfortunately to those who are here to speak, we likely will not be able to call you before we need to briefly break for citizens communications. We have just two citizens speaking with us today, though. I would ask my colleagues to think about coming back to that item before we break for lunch -- coming back to item 120. 20. We have about 40 minutes' worth of speakers. Our first speaker on this item is Lindsey. Our next speaker will be Bianca. If you'd like, when your name is called, please feel free to come up to the next podium. Thank you. Welcome. You have three minutes. >> Hi, I probably won't take all three minutes. I've been here a couple times to

[11:51:14 AM]

testify about this. It's exhausting because my story is really emotionally terrifying. So to repeat it multiple times is really hard. But I just wanted to let everybody know that because this program is community-based, and culturally sensitive, that more people are going to take advantage of prenatal services and postnatal care, which is really important if you want to save people's lives. Because when you have people who are not willing to go to the doctor because of their culture, or because they feel unwelcome, then you have people who die. Thank you. >> Tovo: Thank you very much for being here with us again. [ Applause ] >> Tovo: Bianca, then Melissa and Lauren. Welcome. >> Hi, members of council. I'm here to support funding this initiative. I have 14 years of experience in community health in Austin, Texas area. I'm a registered nurse. I've worked almost exclusively within the safety net clinics systems, particularly five years at people's community clinic. And I've seen first-hand the impact of racial inequities in our healthcare system. Every day our healthcare workers with the best intentions serve our most vulnerable communities and do a great job at it. However, these inequities remain because we need community-based alternatives. Like those proposed here. In addition to the care and support that's provided by our safety net providers. So, these alternatives get at the root causes of these issues that face our communities. And I believe that holistic approaches that are proposed in these programs will move to further address the inequities that are facing our communities rather than just providing healthcare alone. So I urge city council to support this measure. Thank you. >> Tovo: Thank you very much. Melissa Smith. Thank you.

[11:53:14 AM]

Lauren Ross. After Ms. Ross will be Kelly Coleman, who has some time donated to her by Lisa Bird, if Ms. Bird is still here. Ms. Ross? Thank you. Kelly Coleman. Thank you. Is Lisa Bird here? >> She left, too. >> Tovo: Thank you. Then you have three minutes. >> Everyone had 12:00 P.M. Meetings. >> Tovo: I understand. Thank you for being here. >> Thank you, good morning, council, mayor pro tem. My name is Kelly Coleman. I'm here representing an organization called vibrant woman. And I'm here to support, again, once again, this agenda item. Through -- I don't know if you all know it or not, but although Austin is considered one of the most healthy cities to live in, it's not a healthy city for everyone. Everyone doesn't have access to health. And that's why we have all these health disparities. And so there are certain communities who are affected more so than others, which is why we call them disparities. Without these resources for these community organizations who are already doing the work on a small

scale, we won't be able to do it at a larger scale. So we want council to consider that. And I also want to thank our -- the sponsors of the agenda item -- already been passed. I have a question, too, while I'm up here. Since it was on the consent agenda, and it was pulled, what does that mean? Like, is there a way that you guys can say that we won't get funding at this point? Even though we've been through council once, and for the budget item, and then we're coming through health and human

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services a couple weeks ago, and now we're here again? What does this mean? >> Tovo: So when it's pulled from the consent agenda item, it means we have speakers and there will be a council discussion and then a vote. >> Okay. >> Tovo: On the item. >> Okay. >> Tovo: Councilmember Garza, did you want to add to that? >> Garza: Technically, if we all voted it down, the funding would not be there. But I want to speak -- this goes to what I was saying earlier. It has gone through several committees, through the budget, and the same folks are here to speak again because they were concerned because it got pulled, when I know that the support is there to fund this program. But -- you know, you never know what's going to happen, so it's important for you to be here. >> Right. >> Garza: But we are going to have this amount of speakers because they're concerned their item's not going to pass, when I'm certain that it will. So, thank you for being here. >> Thank you. >> Garza: For the third, fourth, or fifth time. >> I don't mind. I can come up here as often as I need to. >> Tovo: Thank you. >> Can the folks who are repping the health equity piece of this please stand, or raise your hand? So these are all folks who came out to support, because they see how important this is and what a big deal it is. And this is the first time the city of Austin has done anything like this. And so we hope to see it go further, accrue more funding eventually so that we can actually wipe out the disparities, be more inclusive, particularly of Asian communities experiencing disparities, and thank you. I mean, that's really all I have to say at this point. >> Tovo: Thank you very much, and all your work, and thank you to all of those of you who are here today. >> Oh, and I want to say, for the last agenda item, a lot of people that we serve -- and a lot of us - are directly impacted by inequities, but we've also received services that help support us and help

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keep us in this work because of the money and the organizations, and the services that were a part of the agenda item before. I personally have received support from organizations like caritas and foundation community. So, I wanted to put that out there, too. >> Tovo: Thank you very much. [ Applause ] >> She had to leave. >> Tovo: Thank you. Mario had signed up to donate time to Ms. Rojas. Andrea black, and Ms. Black will be followed by Michelle mejilla. I apologize if I'm doing a poor job on names. And after that will be Ms. Jobs. >> Thank you, I'm an immigration attorney and nonprofit consultant here in Austin. I'm a proud member of district 1, Ms. Houston. I'm here because of this concern. I think I've actually showed up at city hall, like many others, at least four or five times, as well as at the hearings that we had over the summer. I think this is a really critical issue. And there's a last-minute concern like, oh, after all this work, this open, transparent, existive process that I've been -- you know, that I've been observing, is this being called into question? My big question -- I'm also a member of the white caucus of undoing racism. And I really ask why, with the money -- the money that's needed for the most vulnerable, we seem to go through the most exhaustive process. That is a question I have. [ Applause ] >> So just -- and -- so, again, I do think this is -- again, you've gone through an exhaustive process. It is going to be money well-spent that's going to save money in the long term. And that's exactly what these programs are trying to address. And I do believe and hope that it will grow to extend beyond the programs and the communities that it's currently serving. So I really think this is an amazing opportunity.

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You all have worked so hard, and I'm really appreciative of the work that's been done. And I really hope that we can move forward and support the organizations to do that work. Thank you. >> Zimmerman: Can I have a quick question, quickly? >> Tovo: Councilmember Zimmerman. >> Zimmerman: You mentioned growth, and I would wholeheartedly agree the intention of these people is that the programs would grow and grow. But, an honest question -- is there any limit on the growth of these programs that you could conceive, or should they be unlimited in their growth? >> When I was talking about growth, there maybe is a concern that it's only working with four communities. And so, particularly Asian Americans have -- that community has not been addressed in this. So I was speaking to that. I wasn't speaking to the type of program or the size of the program. It was really making sure that there's equity and we're actually looking in a more diversified way at the equity. I would affirm -- I really support what you all spoke about in the previous amendment, that it needs to be based on performance measures. And it has to be based on need. So I think we are looking. But, I think as councilwoman Garza talked about, the article in the paper this morning, we're actually going backwards. We have a huge need we need to address. If we can address that need, it's not that it has to grow exponentially into the future. I think we're trying to make sure we have an equitable, safe, supportive community for all our citizens. >> Zimmerman: Okay. It's just my concern. >> Tovo: Thank you. >> Zimmerman: The spending has grown and the problem's gotten worse overall. >> Tovo: Thank you very much, Ms. Black. Okay. Michelle mejilla, followed by naya Jones. >> Good afternoon, council, I'm a member of district 4. And I'm here in support of the community-based programs that were supported various times by a lot of us. And I just want to, you know, let you all know that I'm a working-class mother, working two jobs in the city. And, you know, it's kind of hard to come out here sometimes. I just took my lunch break to be

[12:01:18 PM]

here and waited to get to this item. And I know that y'all have long, grueling hours and stuff. But maybe the problem has gotten bigger. And maybe I'm part of that problem. But I just want to let you all know that programs that have stemmed from the community with, you know, passion and need -- that, you know, this is a big deal. And I first of all, want to thank you all, but, also, I feel kind of -- I don't know. Sorry. [ Chuckling ] >> Tovo: Thank you very much for being here with us today. We appreciate your testimony. [ Applause ] >> Tovo: Naya Jones. Tonika Powell. Tonika Powell. Kelly Royce. Okay. Is that Ms. Powell coming up? Apologies, Ms. Powell, followed by Kelly. Welcome. >> Hello. I don't want to speak. >> Tovo: Well, thank you very much for being here. We appreciate your presence, and you did sign up in support, so, thank you for being here today to show your support for this item. Welcome, welcome, Ms. Royce. >> Hi, my name is Kelly Royce. I'm here on behalf of the university of Texas at Austin school of nursing. I want to thank everybody who has come out and spent their time here for this motion. I am in support. I want to thank you for the support that you have already shown this initiative thus far in the several steps that have been taken. And I recognize that this is the first time that funding has been made available for health equity, and that that's a milestone for our community. These programs really have a focus on prevention.

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I know that when it comes to measures, it's a lot harder to say -- to measure prevention outcomes versus cures and treatments of existing outcomes. And so I think that is why this might be a little bit harder to see as sexy and something that we can all really get behind. But I think we can all agree that

there are higher rates in -- when we control for age and race, sometimes double sometimes close to triple rates of diabetes in people of color, particularly African-American communities, with diabetes, with low birth weight, poor birth outcomes. And so, you know, I don't know how many cases of diabetes need to be prevented for these programs to start to pay for themselves, but it is -- you, we you know, we are looking at, downstream, for these programs to have a much larger impact on the community, and fiscally as well, because we know that the toll that diabetes takes on the system. And the same with low birth weight and poor birth outcomes. So we don't know how many poor birth outcomes need to be prevented for these programs to be seen as worth what they're costing, but we would love the chance to find out and report for you all. I just want to acknowledge that it is the national public health week. Right now you'll have some people out front for American public health association. And that this is a main focus nationally, health equity is the

[12:05:22 PM]

public health issue right now. And I think that this is a great opportunity for Austin to show where they stand on that issue, and to kind of stake their claim on creating health equity in central Texas that can spread throughout the nation. Thank you. >> Tovo: Thank you. [ Applause ] >> Tovo: Our last speaker on this item is Jolina Todic. Ms. Todic. >> Hello. I'm an Austin resident as well as a third-year doctoral student at the UT Austin school of social work. I have also practiced for 12 years as a social worker in the area of health and health inequities prior to returning to school. In my academic training right now, I primarily focus on this topic, interventions to eliminate health inequities. As someone who has been dedicated to eliminating health disparities for a long time now -- and when I say inequities, disparities, I'm talking about the differences in health outcomes that are unnecessary, unfair, and unjust. You can imagine how delighted I was to see that the city passed the resolution originally, and then this additional opportunity for funding, programs that are community-based, nontraditional, holistic, and culturally specific here in Austin. Despite the large body of research documenting health disparities based on race,, ethnicity, sexual orientation, and language, when we're talking about that disparities, life expectancy, healthcare, and health across a wide variety of different conditions, interventions to improve this inequity have been lagging behind. We know a lot about prevalence and are not doing very well in addressing it. At this point in time, we also from research know that

[12:07:24 PM]

intervention created and delivered solely by outsiders are not often effective. And even worse, can actually increase health disparities. This is why many government agencies, including the center for disease and control prevention and also office on minority health recommend community-based health programs and interventions. so this is something that, as was mentioned earlier, is talked about at the national level as well. This may include engaging community coalitions to achieve goals, implement interventions beyond the boundaries of healthcare, employ providers who reflect the community, and ensure culturally relevant approaches to reduce mistrust and increase engagement, such as lay healthworkers, which is what these programs are trying to do. This makes a lot of sense. Who would know better how to solve health inequities than those impacted by them on a daily basis? Insider knowledge makes sense. As a resident of Austin, I strongly encourage we fund this initiative. This is not only an opportunity for the city of Austin to be a leader in addressing issues of health inequity and social injustice, but also an opportunity to actually do that in a scientifically sound and evidence-based way. Thank you. [ Applause ] >> Tovo: Thank you very much. So that was our last speaker on this item. I'd like to read into the record the speakers who are signed up. All are in favor, not wishing to speak. They include David king, Kim, Jacqueline, Priscilla, rasa, Lourdes, Veronica, vela, lami, Hana, magdalena,

maria, Erma, Jose, amir, Leslie Davis, S.E. Coal, Annalisa, Edith, maria,

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Maribel, Blanca, Lucy, Jessica, Teresa, Lauren porter, vladia, maria, David Woodbury, permieto, arelua, and colin Clark. And I apologize if I've mispronounced names, which I'm sure I did. Thank you all for signing up in support of this item. >> Casar: Mayor pro tem. >> Tovo: Colleagues. Yes. >> Casar: I would really like -- I know I can't call the question because I'm speaking and not calling the question, but I would really like for the benefit of all the people that are here for us to just vote on this. I'd ask one of my colleagues to call the question on this item, especially in respect to my constituent, who left work and needs to put food on the table. We all know we're going to pass this. We basically made the decision during the budget. It's no surprise we are going to expect the funding to continue. Before going into communication, I would like for someone to call the question and for us to vote. >> I'll call the question. >> Tovo: Hang on, hang on. We don't have a main motion on the table. >> Garza: I move approval of 20. >> Tovo: Councilmember Houston -- >> Pool: I will call the question. >> Zimmerman: Mayor pro tem. >> Tovo: As much as I'd like to be able to do that, having -- excuse me. Having absolutely no discussion when we have colleagues with their hands up is somewhat unusual. Councilmember kitchen, did you have a comment? We have two citizens waiting to communicate who have been waiting for a time certain. >> Kitchen: Mayor pro tem, I appreciate your perspective, but the councilmembers as a whole are choosing to make these motions. >> Tovo: A motion to call the question takes precedent.

[12:11:34 PM]

Unless I hear otherwise from our city legal. Is there anything? Are we in order voting on calling the question? This requires a three-quarter vote. >> Zimmerman: Point of inquiry on this. It is legal under the rules of order for the motion to be made, and debate to simply be shut down as the first motion after the motion is made to approve the item? My recollection is that is legal under Robert's rules of order. It's pretty outrageous that it might be legal. >> It's not a legal issue. How you go in your proceedings. I think it is appropriate under Robert's rules, if the council votes for it. >> Tovo: Okay. So let's -- all in favor of calling the question, signal by raising your hand. Councilmember Garza, Casar, kitchen, pool, and Renteria. All opposed? Councilmember Zimmerman, troxclair, Houston, and Gallo. And I'm abstaining. And that motion pass -- no, it needs a three-quarter. It fails. So we do have limited discussion, but I'm going to ask that we put this on the table. I believe we may have one of our two citizens communicating with us today, so I would call Ms. Valls-trelles for her three minutes. Is Ms. Vega here? So we will hear from this citizen, and immediately return to the question that we laid on the table. >> Thank you, mayor pro tem. And I appreciate your breaking in to let me speak. Thank you very much for that consideration. I will have a handout. Can I pass that out at the end? Is that okay? All right. I am here to speak to you as you begin to consider the animal services budget this spring. I'm very proud of our city that we are no-kill.

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And I'm very proud of our no-kill goal, but I do think there are some issues that are not being addressed that I think should be. And I am going to start with my handout, a little bit out of order. The fourth issue I've listed is the stray cat release program. That is a program that a few of us have quite a bit of difficulty with. We support not killing cats, but we think there's a better way to do that than taking friendly, adoptable cats and releasing them to the street with absolutely no caretaker. So I wanted to bring that

up as something for you to think about. And let's start discussing. In my three minutes, I don't have enough time to give you a lot of information, but I will say that I've gotten reports from citizens who are concerned about this three-month-old kitten that was found hungry and shivering in January in a dangerous neighborhood. From October 2013 to February 2016, a total of 572 kittens, aged six months or less, were returned to the street. That does not include the other cats that were older than six months. That's just under six months. I don't think that's right. And I'm asking that you address this and look into it. However, there's also an issue of loose dogs and spay/neuter on first impoundment. And councilmember Houston, I have a request to you that you put this on the agenda for the may human services committee meeting. In fiscal year 2015, calls to 311 about loose dogs showed that there were in excess of 3,000 calls in district 2, councilmember Garza's district. There were between 2,000 and 3,000 in districts 1 and 3. But by contrast, only less than

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a thousand calls in districts 10, 6, and 8. I think that's a disparity that you should look at, and you should look at the calculation of -- allocation of resources to those districts. Also, you need to look at why we're not spaying and neutering on first impoundment. In fiscal year 2015, 5,000 dogs and 4,000 cats, plus, came into Austin animal center unsterilized or intact. And that represents about -- I'm sorry. In fiscal year 2015, 5,000 dogs and 4,000 cats were returned -- [ beeping ] >> Intact. >> Tovo: Thank you very much. >> Thank you. >> Tovo: And thank you for the information that you've provided. So, colleagues, we are -- is Zoila Vega here, Ms. Vega? Okay. That concludes citizens communication, so we are back to the item we were discussing before, which is item 20. And I would ask my colleagues to consider that we have individuals who are trying to get back to work, if you have a question, let's try to be considerate about that. Councilmember Zimmerman. >> Zimmerman: Thank you. Mayor pro tem, I have two questions focused on the catholic charities, and also all go. Two of the line items here. One, the total contract, catholic charities, is \$600,000. Immigration and legal services and counseling services. Is there somebody that can answer a question for me? I'd like to know, is this a new program, have we done it before? And what legal firms and attorneys would be consulted or paid on that, and what would their mission be? Would there be certainty that none of the taxpayer dollars would be used on services for illegal immigrants? >> Tovo: Excuse me one second. I think that's appropriately addressed to our staff. >> Zimmerman: Sorry, I thought that was staff. >> Tovo: Mr. Jones. >> Zimmerman: Thank you, Mr. Jones. >> Let me make sure we're talking about item -- which one?

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>> Zimmerman: Item 20, I thought we were on item 20. On the second page of the backup. Under item 20. In my material, there are only two pages. There's the agenda item sheet, and then there's a table. >> What was the question again? I'm sorry. >> Zimmerman: Referring to the table, second page, top line, shows the evaluation score, agency name, catholic charities. Program name, immigration and legal services, and counseling services. And the question is, you know, who are the attorneys that would be paid through this? And what would their statement of work -- would they include legal services for people who are in the country without legal immigration status? >> Well, the goal is to provide services. We didn't have any criteria in terms of who would do that. We have a competitive process. And the best provider responded and was -- we're recommending that selection. In terms of providing services to illegal persons, if I understand the nature of your question -- >> Zimmerman: Persons who don't have legal status to be in the country under the department of homeland security and immigration services. I think you know what I'm talking about. People who are here without legal status. >> I don't want to presume I know what you're talking about. >> Zimmerman: It's a real controversy today. >> These are

for immigrants within our country. And I think it says immigrant legal services. >> Zimmerman: Yes. It does not distinguish between people that are immigrants here with legal documentation and those who are not. That's why I asked the question. There's two classes. We have immigrants that are here with legal status, under federal guidelines, and immigrants that are not. That's why I asked the question. It's important. >> I think that consistent with our interpretation, we're providing for those who are certainly legal, and those who are illegal who may or may not know. I don't know if it's our intentions to screen that activity.

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But perhaps I can't -- someone can speak to that more clearly. >> Zimmerman: So the question -- I think the question is important. The question is important because there could be felony crimes being committed. If taxpayers are funding an organization and we don't know what's going on, and it turns out that the money's being used illegally, wouldn't the city be liable for that expenditure, if we don't know? >> Tovo: Councilmember, you asked the question. >> Zimmerman: I need a legal interpretation from our city staff, too, maybe. Could I get a legal opinion? What would happen -- if we spent a hundred thousand dollars and it turned out later that the money was used representing people that were in the country without legal status, what would be the consequence of that? >> Tovo: Ms. Raleigh, if that's something you need to follow up on, I think that's certainly appropriate to answer outside of this context. >> We can certainly follow up on that if the question is what is the city's financial risk from a legal standpoint if the expenditures are made. As I understand your question, made pursuant to something that would be in violation of federal law. We can certainly get you the answer to that question. >> Okay. >> Houston: Mayor pro tem. >> Tovo: Councilmember Houston. >> Houston: I would like to say, in the expediency of time, the people I'm familiar with, working with Al gore are more than happy to come and sit down with any councilmember that has some questions that they want more detail about their specific program and services that they offer. So I would encourage us to use that as -- not just the message board, but they are more than willing to come and have a conversation with you about what their issues are. >> Tovo: Thank you for that. I've experienced that as well, and have enjoyed learning from the groups that you mentioned and the others who have been involved in this issue. Okay. All those in favor?

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Those are councilmember Houston, Gallo, Garza, Casar, kitchen, tovo, Renteria, and pool. Opposed are Zimmerman and troxclair with mayor Adler off the dais. That passes. Thank you very much. [ Applause ] >> Tovo: Colleagues, we have two more items by my count. That would -- those are the only matters that we can take up before 4:00. I would ask you what your will is, to try to hear those before we break for lunch? That would be my suggestion. Councilmember Houston. >> Houston: I agree with that, but I feel compelled to say something to the public and to my colleagues. I have been marginalized in this society for so long that I am just personally offended that we as a council would try to marginalize people. We have had experiences in the democratic process where the things that we are passionate about just get disregarded. And it hurts me as a person to see us trying to do the same thing. So I hope that we would reconsider some of the motions that we make. [ Applause ] >> Tovo: Thank you, councilmember Houston. And then I'm going to recognize Casar, councilmember kitchen, and then councilmember Zimmerman. >> Casar: And I understand that -- very well that we need to have all views at the table as we discuss items. And I don't call the question lightly. But I just do believe that many of the issues being brought up today could easily have been addressed in another forum. Our time is precious, and the time of these advocates are precious. And it hurt me to see my -- some of my own constituents and some of the people I know here having to stress out about coming here,

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thinking that we weren't going to just do the routine, administrative work of the city, which is trusting our staff to administer the budgets as we already passed them and set them. And I think that, frankly, I saw and heard from people that they -- I think rightfully -- you know, I'll just say it, rightfully took offense to the way that we were treating some of these programs that are so essential to the quality of life of people in our community. [ Applause ] >> Casar: So I don't want you to go away feeling bad about today because we did something really important today. I think this council has shown a real commitment to increasing health and human services funding, and the way that we fund those programs. I don't think it's outrageous to have called the question on this matter when it was going to pass and we've already had the discussion about negotiation and execution. I think that -- so I apologize for those of y'all who took away from this meeting that we aren't committed to doing this kind of work. [ Applause ] >> Tovo: Councilmember kitchen. >> Kitchen: Thank you, councilmember Houston, I appreciate you bringing that forward for us to consider. And I agree that it's not appropriate to cut off debate. The reason I voted the way I did, to call the question, is because I think it is important as a council that we remember our avenues for asking questions, which includes our work session and meeting with people. And I think it's important that when we ask questions from the dais, we do so in a respectful manner. And we do so in a way -- I think there's a difference between making a statement that supports our ideology or our approach, and I support that. I think there's a difference between that and then just using up our time in a way that is not as respectful as it could be, and also in a way that is getting information that we

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could've gotten before we got here. >> Tovo: Councilmember Zimmerman. >> Zimmerman: Thank you, mayor pro tem. I'd like to also get my point of privilege in here on this. I didn't have time in the rush to pass agenda item 20 -- I didn't get time to ask my question about the line item for all go, of the lgwtq, people of color. The way I read that -- I'm going to talk about people that feel marginalized. That would be my district 6 constituents. If I have a district 6 constituent who is questioning or queer, I think that was the interpretation here, who's going to pass that judgment on my constituent? Are they queer enough? Are they questioning enough? Then they have to be of color. How much color do they have to have? They have to be lgwtq, and they have to be people of color to qualify for some of the \$100,000 of entitlements. That's called marginalizing people. >> Tovo: Okay. We need to move on to item 21. Okay. As I mentioned, we have two items, by my count, that we can take up before 4:00. It's my suggestion that we try to hear them before taking a lunch break. Does anyone object to that plan? Obviously, we'll keep an eye on the time. If we're having a lot of discussion about one, we may need to revisit that plan. Item 21. This is the item -- resolution authorizing granting partial use of the fee in lieu option under the plaza transit-oriented development. We have three speakers on this item. Our first is going to be Pete Johnson, then David king, and third and last will be Stuart Hirsch. So, Mr. Johnson, you're you want first. >> Mayor pro tem, can I ask you a question? >> Tovo: Sure, councilmember Gallo. Are also scheduled prior to 4:00. >> Tovo: I -- >> Gallo: Oh, I'm sorry. >> Tovo: We have postponed them this morning.

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>> Gallo: Thank you. I apologize. >> Tovo: Sure. Is Mr. Johnson here? Seeing no Mr. Johnson, David king, you're up next. And colleagues, while Mr. King is coming up, I just want to say I appreciate the thoughts that were expressed. I know we've had a bit of a bumpy ride this morning. It's always a balance. I

appreciate the community members that are here. It's always a balance between having councilmembers -- providing them with the ability to ask questions, and also being respectful of the community's need to get back to their work, and move forward in an efficient way. So, thank you all for your patience here today with an interesting -- and not always easy conversation. Thank you, Mr. King. >> Thank you, mayor pro tem, and councilmembers. And thank you all for your hard work for our community. I can see that it is difficult. And, you know, challenging work that you do. So, thank you for your commitment to our community and your hard work. And I also want to thank the city clerk's office for the new -- the kiosk -- the new kiosk that they've set up. And they're streamlining the process for signing up for council committee agenda items. That's so helpful. And it's helped streamline the process and made it simple for everybody to use that process, so thank you very much for those improvements. I really appreciate it. And on this particular item, you know, I'm not speaking against this item here. I just want to make some points about aspects of the proposed agreement here that I'm not seen for example, is there a commitment to pay the contractors and subcontractors \$13.03 an hour as council has just passed last week. Set a new water mark there for our community. So I hope that we will ask that that be done here. Every job where we're paying that wage, every job that we're adding to that list

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adds to our community, so I hope that we will integrate that particular component into this project. And you know, I just want to step back and just generalize here about the strategy of trying to achieve affordable housing through incentives for developers, our density bonus programs. This program has a small component of that in it and yet it's not really making a dent in the problem because it's such a big problem that we have. So I just wonder about continuing to grant entitlements and the result of those increased entitlements on gentrification. And I know that you're trying to do the right thing for our community. I'm not being critical of what you're trying to do for affordable housing here. But I'm not sure we're really getting there in an effective way through entitlements to developers as a way to get affordable housing. There may be one or two projects like the pilot knob project that may be a new model that we can use, but just generally speaking I don't see as a way to really make progress in the affordable housing issue here. Overall when you look at gentrification. I think we need to step back and look at that strategy overall. And I just wonder if our development community is really dealing with the affordable housing crisis we have in our city. Why is it they seem to wait until there's an entitlement deal on the table? Why is it? I would hope there would be some more philanthropic solutions to this project too. I support habitat for humanity. I just made a donation, monthly recurring donation to that organization. It's a great objection. I am not being critical of their part of this project,

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but I just think that we need look at entitlement approach as a way to solve our affordable housing problem. I don't think it's really working for us. Thank you. >> Tovo: Thank you, Mr. King. Mr. Hersh, you're our final speaker on this item. Mr. Hersh has signed up neutral. >> Thank you, mayor pro tem and members of the council. My name is Stuart Harry Hersh and like most in Austin I've rented for more than 40 years. I'm here to support the resolution before you and I don't know what you've been told in recent executive sessions about what you can and can't do to integrate smart housing policies when applicants ask for density bonuses and other entitlements because we don't know what you do in executive session so we're ignorant or how this may be part of the request today as plaza sail tee I can't. But I will tell you the current strategies for smart housing have resulted in the following outcomes that I've discussed with you previously, I think mostly unsuccessfully. There's been no smart housing produced at the triangle at 45th, Lamar and Guadalupe. No smart housing at Seaholm, at green water treatment and none at

Rainey. None is required in variety mixed use or planned unit development or transit oriented development, which is what you're facing today. Nor is there a few in lieu option at Rainey to help override deeper affordability at saltillo that I've been talking about at the council committee and planning council committee for more than a year. And the code changes that were going to consider on today's agenda that have

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been postponed about review times do not include a fast track element for smart housing despite the fact that I've tried to encourage that at the planning commission, codes and ordinances committee with no impacts. I know each of you care deeply about housing affordability, but when you delay aligning smart housing policy with other housing policy choices, you impact not only the poorest among us who rent, but also middle income individuals and families who aspire to have housing that they can afford to rent or own in neighborhoods throughout the city. We see that dramatically every month with our brothers and sisters who are participating in the floodplain bayou problems in lower and waller creek to find housing in Austin. Harper Lee reminded us go set a watchman and let him declare what he seeth. And a failure to align and balance our policies will intensify our housing affordability crisis. Please ask your staff to address the housing affordability crisis with a greater sense of urgency. And I will tell you as I've told others, that when fee-in-lieu first was presented to me, I'm not planner or an architect or an engineer, my reaction as someone who grew up in the northeast is who in hell is Lou and why do I have to pay him a fee? So that all didn't make sense to me at the time. [Buzzer sounds] This one makes sense to me. Please approve it. Thank you very much. >> Tovo: Thank you, Mr. Hersh. You are our final speaker on this item. Colleagues, is there a motion on this item? Councilmember Casar moves approval. Is there a second on this item? Councilmember Garza seconds that item. Is there any discussion? Councilmember Gallo. >> Gallo: You know, I just want to say that this is a

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really good example of where industry and a non-profit in the city can partner together. And as we talk about the limitations on our resources, I think that's really critical that we continue to encourage those partnerships, particularly when we talk about the difficulty in providing affordable housing. So I just -- I'm delighted to support this for that reason. >> Tovo: Thank you, councilmember Gallo. Anyone else? Councilmember Renteria. >> Renteria: Yes. This project is in my district and I'm really -- you know, I had a couple of questions at first, but by sitting down and talking to the applicant and the habitat also, this project is going to be an example that we can really promote where we're going to get anywhere -- we're going to get one home that's going to get sold with three-bedrooms to someone making 80% mfi and also we'll have the opportunity to have I believe anywhere between 34 to 37 units right across the street from this project that will be run and maintain by Austin habitat, which will provide very affordable housing. So I hope that we can get a lot more of these type of projects to come before us. >> Tovo: Thank you, councilmember. So on Tuesday I think I expressed my concerns and asked my questions and I don't feel the need to reiterate those again, but I want to say after a lot of thought I've decided to support this here today. I do want to just say in the fall I initiated a look at our affordable housing density bonus programs and asked staff to report back on those that had few in lieu options with an eye toward moving away from those. And we did get a memo on March 10th indicating that it will be coming later in

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the spring. I look forward to seeing that in April, but also given that we won't receive it until April in looking at whether there are items within that that we might act on sooner than that. And I also want to say one of -- I believe our density bonus programs should require housing on-site and have a fee-in-lieu that needs council approval as this one does. I'm concerned that we have a program that is signed up to operate well in the transit oriented district, but there should be a compelling reason. And the compelling reason I heard is the program is not calibrated properly. So we need to take a look at that and that's one of the things that in the next weeks my staff will be I hope coming forward with a resolution that might address the transit-oriented development density bonus program. Because if we know we -- that we need to make some tweaks to that density bonus program, I would rather on we do it outside a particular request. Anyway, I think that's a better plan so that the expectations are really clear. We desperately need that on-site housing and we ought to make sure our programs have that as the standard, as this one does. But again it seems to me it needs some revisions. Councilmember pool. >> Pool: I look forward to working more on the fee-in-lieu and I would also ask when we do the mfis, 80% isn't nearly the deep enough affordability that I think we actually need to be looking at in our community. So I would just put that out there that I would look for assistance from staff and at the dais here we should be targeting a 60 percent or 40 percent. I don't think we're really doing a whole lot to address affordability if we're targeting primarily 80%. >> Tovo: Councilmember Zimmerman and then

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councilmember Renteria. >> Zimmerman: A quick point of inquiry. This sounds like an excellent topic for councilmember Casar's committee. And have you looked that the before, this before in your committee since we took office or is this something that would be new for the committee? >> Casar: I'll speak to it briefly. We have talked a bit about making sure that our fee-in-lieu and our affordable requirements are well calibrated. I think some of the mayor pro tem's information that comes back will be informative, but there are so many density bonus programs and to make it clear why I think this case makes a lot of sense as we discussed at work session, I finally got a look at the real Numbers and what the additional square footage that we're granting is 8,400, and under this affordable housing program if we wanted all 10 percent of the units to be on site, then we would be asking for 9,000 square feet of below market housing, essentially we would be voting to basically say we don't want to give you those 8,000 square feet and we don't want any affordable units. So I think that's why -- these are the cases where something like what we have today, getting an affordable unit and getting fee-in-lieu makes sense because we're voting for affordable units. And what the mayor pro tem points out and you're welcome to come to the committee to discuss, is we need to Mike sure when we're voting on these requirements that we are actually voting to get affordable units and that means the economics of the projects have to make sense. So that's where it gets complicated. >> Zimmerman: I appreciate that. And the complexity, this is an important brief policy discussion and it's why I want to continue the discussion. I hope you guys do take a look and give it your best shot, but it's too complicated and we have these exceptions we're being asked because of unintended consequences. It's not because I don't

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think the program is poorly designed, but you're trying to solve a problem that's too complicated with one policy, and it just doesn't work. >> Tovo: Councilmember Renteria, I know the housing committee has also addressed this issue. >> Renteria: Yes, we have. One of the reasons that I had a question about the fee-in-lieu, but it was such a small amount and it's also going to go -- this particular unit with the three-bedroom is going to be for sale so there will be a home ownership in this. And the \$93,000 or fee-in-lieu is going to go back into this project. It's almost like they're going to use that money to make it so

that a person can buy a three-bedroom house at 80%. So I think that's a pretty good deal. Even though we're just getting one unit. But what they're contributing to habitat right across the street, \$200,000, and they'll bury the electric lines. That's why I really feel like this is a good project. >> Tovo: Okay. I think the 200,000 had to do with the land swap rather than this particular instance. All those in favor signal by raising your hand? Councilmember Houston's Houston, Gallo, Casar, troxclair, Zimmerman and pool vote in favor. That is unanimous on the dais with mayor Adler off the dais. Actually have two remaining items before our 4:00 agenda. Those are 29 and 44. So why don't we press on and see if we can wrap them up around 1:00 for efficiency's sake. 29, councilmember Zimmerman, I believe you pulled that. We do have -- no, it was pulled for speakers. >> Zimmerman: I didn't pull 29. >> Tovo: Our first and only speaker is Charmaine sellers. And Ms. Sellers, you have time donated to you by Paul Saldana. You have six minutes total.

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Thanks for being here. >> Good afternoon, honorable mayor pro tem tovo, honorable assistant manager rarian know and the other councilmembers. My name is Charmaine sellers and I am here to humbly request that accountant consider postponing your decision for awarding the grafitti removable contract, item 29, on your council agenda today for the following reasons. One, on February 3rd, 2016, I submitted a formal bid of protest to the purchasing department for this agenda as I was one of the bidders for this proposal. Second, my request for the formal protest was denied by the purchasing department, a letter dated on March the 1st. Next, I submitted a formal rebuttal to that denial for my bid request on March 22nd. And on March 23rd I was informed by city staff that my rebuttal had been received and that I would receive a response from them within 10 business days. As of this morning, which we are still within the 10 business daytime frame, I have not received a formal response from city staff. I have concerns that I was denied due process in the formal dispute process by being granted the opportunity to meet with the appropriate city staff in order to present, dispute and receive definitive information from the city staff regarding the formal dispute items that I presented to them regarding the request for compliance of items prescribed in the city's purchasing and solicitation policies regarding a bid that was

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issued for this specific contract. I am extremely proud that my company has served the city of Austin with distinction as we were the most recent contractor and provider of these services pending before you today. My company has continued throughout its contract to demonstrate a strong work ethic, quality work product and receive very positive feedback from citizens of Austin during the work when we performed it, at the various city parks, rec centers, municipal and historic buildings and bridges throughout this beautiful city. As a local and small and 100% veteran and woman-owned business, I am keenly aware and most appreciative of this council's continued commitment to create ongoing and equitable contracting opportunities for local small businesses. And I'm extremely proud that I continue to play a small part in the employment of local austinites. However, I am disappointed that my company did not receive a fair and transparent formal protest process and the opportunity to address an established merit to my specific concerns in person with the city's purchasing department in accordance with the city's regulations regarding the formal bidding process. I am therefore, again, respectfully and humbly requesting that you vote to postpone item 29 on your agenda today and that you support my efforts to receive a due process so that I may formally have the opportunity to address the specific items listed in both my formal protest and my form rebuttal that have not been acknowledged, nor

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addressed that are directly related to the city's regulations regarding the city's purchasing solicitation policies and bidding requirements. In closing, as a construction company owner of 13 years, I am aware that all bids are not won. Yet when a formal bid has been submitted from a local company and the city is making genuine and strong efforts to do business with local companies, it is my belief that it is imperative to strongly consider my request to you all this afternoon. I'd like to thank you for affording me with this opportunity to share this information with you and to submit my request. >> Tovo: Thank you, Ms. Sellers. Could we ask staff to come? To come address the previous testimony? >> Mayor pro tem, members of the council, James Scarborough, purchasing. Good afternoon. The item before you is to provide graffiti removal service for the housing services department. The item was issued as an invitation for bids so the evaluation was conducted based on the lowest aggregate price to the city. In this case the incumbent contractor, the presenter before you, did submit a protest. That protest was reviewed by my office and was responded to based on the items set forth in the protest, I did not observe any legal or technical issues, inappropriate actions or any errors that were done with -- associated with the solicitation or the actions of the purchasing office. There was a rebuttal received, a subsequent document submitted by the protesting company. There is no technical

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distinction for a rebuttal. Our protest process is a single step process. So when we reviewed the basis set forth in the protest, that effectively concluded the review. We have conducted a follow-on letter to reiterate the position of the purchasing office with regard to our review, and the appropriateness of the process. I did sign off on that letter yesterday. We're in the period of time that we committed to provide that response. We are always open to any offerer who wishes to meet with us to review and discuss any procurement process that we are associated with to provide them insight into their offer or into any of the -- any of the processes that occur. And we're glad to do so in this case. We're glad to answer any questions that you may have. >> Tovo: Councilmember Zimmerman. >> Zimmerman: Thank you. So the first question, back on the first part of this item, it says boards and commissions action, March 9th, 2016, unanimously recommended by water and wastewater commission. Did that commission have knowledge of the protest and was that deliberated? Was consideration given during that discussion? >> Councilmember Zimmerman, I wasn't at that meeting. I'm not aware if they were aware of the protest or not. >> Zimmerman: Is there somebody here? I think this is an -- this is a very important piece of information in my thinking because this is why we have citizen commissions so that we can hear protests like this and get another set of eyes on this. And have our commissions take a look and let them evaluate. I appreciate your own professional opinion. I would just rather have an additional opinion and some more scrutiny on it. Can I get that -- is there anybody here that can tell me what was discussed? In that commission? No? I'll try to text my

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representative. >> Tovo: Councilmember Garza? >> Garza: I guess the previous speaker just asked for us to postpone, but I wondered what the council has the authority to do? Is this strictly the lowest bid and that's who gets it and we're just giving our stamp of approval or can we say we don't want to go with that bid, we want to go with the seconded by? Is that within our authority? >> Councilmember, in my practice as a non-attorney I don't make interpretations of law. So my direct reading of the Texas procurement statute is that council either votes the item to authorize the contract or they vote not to authorize the contract. If there's a different interpretation I would defer to my colleagues. >> Robin hair

west with the law department. That's correct what Mr. Scarborough said. With this type of solicitation council has the authority to approve the item as it is or to reject the item. And at which point it would have to be resolicited. >> So if it was resolicited and they -- that same company bid the lowest again, we would be in the same spot? >> Potentially. I can't say for sure. >> Garza: Okay, thanks. >> Houston: Mayor pro tem, may I ask a question of staff? Was there matrix or was it just the lowest bidder? >> Councilmember, it was awarded to the lowest bidder. The recommendation is based on the lowest bidder. >> Tovo: Councilmember Houston. >> Houston: Even though the lowest bidder is in Hollywood, California? I know we can't -- >> [Inaudible]. >> Tovo: Councilmember Gallo? Failed I guess I have a question, some of the -- >> Gallo:, I guess I have a question, some of the concerns that the speaker brought up were the process for protests. I don't know if protest was the correct word. Could you speak to that?

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Was that followed? I would be more concerned about postponing the decision if there was a component that you didn't have time to follow versus undermining your effort to follow your procurement policies. >> Yes, ma'am. >> Gallo: Could you speak to that? >> Councilmember, it is the practice of the purchasing office not to bring an item before you that has any remaining review or protest that is in consideration. So the in this case the item proceeded because we had reviewed the protest and we had responded to it. We did not see any legal or factual errors. The items that were brought up we felt were very clearly handled in the solicitation and the actions of staff were appropriate and we felt that we addressed that in our protest decision. If there's a need to clarify or to further discuss and convey that message we are glad to do so both in a follow-on letter and for any meetings that may help to convey that message. We're glad to do so. >> Gallo: Thank you for that clarification because that was some of the points. I think we talk about lengths of contracts as we talk about procurement, and particularly on the smaller items with smaller companies, you know, I think that possibly having shorter term contracts would be an advantageous situation because then companies that perhaps in this situation, somebody that had been doing it, but lost out because they were not the low bidder, would give them an opportunity sooner than five years from now to be able to maybe do the work again with the city. So I don't know where -- maybe the council committee would like to -- audit and finance. I'm not sure. Maybe there might be some discussion particularly when we're looking for women-owned and minority business opportunities, it may be better to look at shorter contract length so that those companies have an opportunity more frequently to be able to bid.

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So just a comment. >> Tovo: Councilmember Garza. >> Garza: I just -- the other side of that is small businesses need that stability to continue their business and that's why the longer contracts can be advantageous, just the other side to that. I wanted to give you the opportunity to speak. >> Yes. I wanted to address the comments made by Mr. Scarborough. In the formal protest there were items that I addressed that came specifically from the city regulation. And those items were not addressed. And specifically as it relates to what councilmember -- one of the councilmembers just mentioned about the company not being local. There is a specific policy in there -- I don't know if I am of liberty to state it because I'm not sure on all of the information that I can share confidentially regarding the protest, but there is a stipulation regarding non-local businesses that has to be met. And that was not ever provided in the final decision to decline my protest. It was not addressed at all. >> Tovo: Mr. Scarborough, can you respond to that? And then I have a question for city legal about when -- it's my understanding that we can opt for a local business if they're within a certain percentage, and I wonder if you could remind

us what that is as well. >> In the protest, the bases that were brought forward, one of the bases was a concern with regard to local presence associated with the offers. Texas procurement statute does allow us to take into consideration the local

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presence of an offer, but it's under very specific circumstances. And I think that there may be a broader interpretation of how and when we can apply that preference. In this case and as we articulated in the solicitation, we're allowed to apply a three percent preference for companies that have local presence if they are in second place, which was the case here, and if their price was within three percent of the non-local lowest bidder. And in this case the distance between the second place bidder and the lowest bidder was well in excess of three percent. So we were not -- we're not able to apply a preference. The distance between the two was too great. >> Tovo: Commissioner? >> Zimmerman: I have a quick technical economy. >> Zimmerman: The city itself, city employees are doing grafitti remediation? Is there already an Austin city department that does grafitti and -- this is supplementing what the city is already doing, is that right? >> Eric Stockton, billing services officer. The grafitti removal services that we provide are for all city facilities and infrastructure including parks and public spaces and it is done by contract only. I believe the health department has a program for youth that do provide some services in the right-of-way and also for like stop signs, street signs, poles, that kind of thing. >> Zimmerman: What is the the meaning of this sentence in the backup that says the amount of grafitti to be removed exceeds the city staff's capacity? That implies city staff, without external contractors, right, is already doing grafitti and we need to bring a contractor in to help us. That's what the backup material says.

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>> Tovo: Councilmember, with all due respect it could mean that the amount exceeds the staff's capacity so we rely on external -- >> Zimmerman: But I just heard that the staff doesn't do any grafitti removal. >> Tovo: I understand. I'm saying it's not inconsistent with that sentence. >> Zimmerman: Then do we have -- can you tell me about the other contractors that are doing grafitti removal? >> Pool: And mayor pro tem, if I might add in here because district 7 has active voluntary efforts to abate grafitti, particularly, for instance, in the allendale area and that's work that our constituents are doing to supplement the work that the city does. It sometimes they're able to get out there much more quickly when you report it to 311. I don't think our budget would probably allow a sufficient number of single-family staff assigned to this job when we have -- when we have to choose how we allocate and prioritize. So the neighborhoods have done. I thought this was a step in the right direction. >> Tovo: Thank you. Unless we have another question -- excuse me, Ms. Sellers. Unless we have another question, I would invite you to sit down and then if a colleague has a question, thanks. Ms. Houston, councilmember Houston? >> Houston: The reason that I had item 29 on to pull until I got the purchasing clarification this morning is because I too am aware that there were other ways to do grafitti abatement with the city and with neighborhoods because there's a program where neighbors can come and get the paint and do their own abatement. So, you know, I'm willing to postpone a decision on that until we can get some real

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clear information because the answer on this is no other entities provide grafitti abatement, yet I'm aware and councilmember pool seems to be aware of the city somehow doing grafitti abatement. And I'm not sure what department that's under, but we obviously don't have enough information about

who's doing it and how often they're doing it. We on do know that neighbors are able to do it themselves, but there is another program somewhere in the city bureaucracy, I just don't know where it is. >> Tovo: So council, what is the will? We have a contract before us for approval, some discussion about postponing. What would the council like to do. >> Zimmerman: I would like to move that we postpone this item to a meeting next month so we can get some of these questions answered. >> Tovo: Councilmember Zimmerman moves that we postpone this to a month -- did you have a date in mind? >> Zimmerman: Just roughly a month. A month in advance of now. >> Tovo: Councilmember Renteria seconds that. I would ask the staff to comment. It sounds like the contract expired February 14th. I assume you have some type of contingency that's operating now on a month-to-month basis. What's the status of grafitti removal in the city of Austin if we postpone this a month? >> We'll do a short-term contingency and work that out with the purchasing office. >> Tovo: Are there any hardships from your perspective on that delay? >> No, just the -- we do strive to remove grafitti in a 24-hour period so there may be a bit of a glitch temporarily, but it's not a real hardship. >> Tovo: Thank you. Councilmember kitchen. >> Kitchen: I'm sorry, if I missed this, but I'm trying to understand what the reason is for delay and why a whole month. >> Tovo: Let me let the

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councilmembers who made and seconded the motion to speak to that. Councilmember Zimmerman or Renteria, do you to speak to that? >> Zimmerman: The first question I have is I asked a question as to whether our committee that we appointed, an 11-member committee, I asked a question whether they considered this protest and I had no answer. So I would like the answer to that. And I think councilmember Houston might have some more questions too. I would like to see -- there was some confusion here because the material says the amount of grafitti to be removed exceeds the city staff capacity, but it wasn't clear to me that city staff had any capacity existing. Those are the kind of questions I'd like answered. >> Kitchen: I'd like to ask councilmember Renteria to respond also? >> Renteria: Yes. My concern is I didn't see anything about -- I want to find out about the mwbe on this -- the one that's getting the -- had the lowest bid. Is there a lot of women or minority participating ownership in this business? In this -- I see that -- yes, go ahead. >> Councilmember Renteria, for this particular type of bid, price is the only item that the department is able to consider when they're making the award. So for this item as far as the contractor who is getting the award, as far as whether they were a certified firm or not, was not taken into consideration. >> Renteria: Is that because you're not legally allowed to do that? >> For the award of the contract, that's correct. Now, as far as subcontracting opportunities, I can't say, but for these specific award, price is the only item that the city is able to consider when they're making the award. >> Renteria: So this business here, are they located in Austin? >> I can't speak to that. >> The recommended company is located in California,

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sir. >> Renteria: So they're going to bring their own people down here? >> When we followed up with them to clarify, make sure that we were accurately reviewing the contents of their bid and so forth, they confirmed that they would be establishing a local office in the performance of the contract. >> Renteria: So they're going to do their own personnel. They're not going to contract with someone else to do the work in Austin? >> They cannot indicate that they would be using subcontractors. They said they would be establishing an office here in Austin to perform the services under this contract. >> Tovo: Councilmember pool and then councilmember troxclair. >> Pool: I'm advised by my staff that grafitti abatement falls under health and human services, is that correct? Yeah. And I would just say that I would not be supportive of delaying this contract award. If the will of the dais is to delay it I would say a

month is way too long and then I would also say that %-@any questions that have arisen really need to be addressed before we come back to take this item up so that we don't spend an incalculable amount of time rehashing the same issues. I am fine with moving this forward and so would hope that we could find a way not to waste time. Not that it's wasted time, but not to delay on these decisions. >> Tovo: Councilmember Troxclair. >> Troxclair: I just wanted to ask our staff if you thought you could have a more thorough response to councilmember Houston and councilmember Zimmerman's questions if we just took this up later today in the same council meeting? >> I think -- mark Washington. I think we can do a little bit more reach on both of those -- research on both of those questions. I want to give some clarity on the question raised by

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Mr. Councilmember Zimmerman on city staff. I think Mr. Stockton could also clarify that the custodial staff that we have are devoted to do routine custodial maintenance and if there is minor graffiti or minor vandalism they have that capacity, but we don't have anyone in building services dedicated to the removal of graffiti on city facilities. You councilmember pool referenced some of the programs that are housed in health and human services, but that should help to bring some clarity to the city's current capacity for staff to be able to remove graffiti. >> That's correct. I'm sorry, we do -- our staff works at a site and if there is -- someone comes and tags the building we clean it up. If it's something that requires some specialized technical assistance or if it's a location that we don't have staff or of a scale that -- this is why we have the contract. It's not something we do everyday. The contract is available on an as needed basis. And this again is for city %-@facilities and infrastructure. It is not part of a larger community program, for example, the health and human services would have for graffiti removal in the community. >> Troxclair: So I guess if the councilmembers who had questions could get those questions answered this afternoon before we come back, I think that would be my preference. And really it's a different issue that the speaker raised about not getting the contract. Although I'm sorry to hear that she's going to lose the business, I, we do give a local, I guess, benefit within that three percent. And although I wish it was going to a local business, we also have a fiscal responsibility to our constituents and to the taxpayers to accept the lowest bid in this case. So I don't see that -- I don't see the person that we are awarding the contract to changing, but I understand. So that's all I wanted to

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say. Houston mayor pro tem? And I just -- >> Houston:; mayor pro tem? I just have another question. It seems illogical to me that for a total contract amount not to exceed \$540,000 that people are going to move from north Hollywood, California to Austin in order to provide this service. And so somebody has already asked are they bringing their own people? Do we have any way of knowing whether they're going to be hiring locally? Is that something that is in the contract to hire locally rather than bringing four people with them from north Hollywood? That's not a lot of money. >> Councilmember, the specifications of the solicitation did not stipulate where to source their employment. So we don't have any requirement that they would hire local individuals. We can certainly ask them for additional background, but I don't believe that we would be able to use that in an evaluation purpose to differentiate the offers. >> Houston: So in order to restate this, we would have to vote not to approve the contract and then you would do a solicitation, which may have the same person come in as the lowest bidder. >> It is possible. >> Houston: But there are a lot of things about -- moving from California to Austin for a contract not to exceed \$540,000 -- >> The difference, the principal difference between using this competitive process as compared to using a subsequent competitive process would be that the subsequent competitive process would be done with the knowledge of the prices that were bid in

this competitive process. So given that the bidders have conveyed their pricing, that could be taken into consideration and could

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affect the competitiveness of the next process. That would be the only real difference. >> Tovo: Councilmember Garza? >> Garza: I understand in this specific issue we have to go with the lowest bidder, but in other ways we solicit things we don't have to go with the lowest bidder, is that right? >> Councilmember, that is correct. There are two principal types of formal source selection techniques. One is the competitive sealed bidding, which you award to the lowest responsive bidder. The other is competitive sealed proposals where you award based on evaluation of criteria. It's a way for us to compare otherwise different approaches or different companies. >> Garza: So could the council vote this down and then resolicit with that different process that would allow us to have that criteria. So it wouldn't just be the lowest bidder. It would be a different solicitation process. >> That is possible. Texas procurement statute would direct us to first consider using competitive sealed bidding because it is the most objective, it is the apples to apples comparative process. If it is determined to be in the best interest of the government to do evaluations based on criteria then you can use the competitive sealed proposal. It's just the -- it's the alternative approach as compared to conducting an ifb. >> Garza: I guess that's the route I would take. I would say that we vote this down and allow a process that allows for different criteria. I know a lot of us have different concern, but I think this company is going to come in here and hire Austin workers, but they're going to hire Austin workers at a very low wage and that's maybe why they are able to bid such a low price because they're going to come here and hire austinites, but not pay them

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a fair wage. And that's just an assumption on my part. So I would prefer just voting this down and resoliciting with a different process that would favor an Austin company. >> Tovo: I see our attorney rising in a manner that suggests he may have information to add. Sir, do you? >> I don't. There are a couple of things that I believe that the city living wage would apply to this particular contract. But also the determination on the process to be used I believe the department would consider that based on the different considerations, the needs of the department. So I believe that -- I don't know, as Mr. Scarborough said, having looked at it in one particular way, changing course without a significant change in the scope of work at this point for the solicitation would be -- would be in the best interest of the city. It's just one consideration for him to consider as he's making the determination going forward. >> Garza: I understand that the city's living wage would apply, but the solicitation doesn't require like a certain number of employees. So a company could hire 10 employees to do what 20 should, but pay those 10 a living wage. Where if you were, I guess, allotting the work more fairly, you would need 15 so that person is not working as -- so -- maybe the math works out hourly, but -- anyway. >> Pool: Mayor pro tem? So my staff who has been following this for me because this issue is a live one in district 7. Our eight performance system tells us last year it took over two weeks from the

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service request to remove graffiti, so expanding abilities -- I know this is for city of Austin structures, but people in the community will report graffiti that's on city of Austin structures. We've been advised the city has generally had the same level of graffiti removal service, which has been run by two teams of young temporary workers for the past roughly two decades. Meanwhile the city has grown a lot, so the

cadre of folks that we have doing this work has not expanded. So this additional capacity is really important to get in place. And there isn't anything I don't think in the solicitation that says necessarily that this business will or won't locate itself to Austin, but if they can run an office here with local or paying the living wage, whatever, wherever the people may be coming from, I think that's a move in the right direction. And it's an issue in our community. It's absolutely a quality of life issue. And I just don't understand why -- why there's so much delay on this. I do not understand. >> Tovo: If I may, and I know councilmember troxclair, you have a question. We have some on the dais who would like a motion to turn down this contract and start the process over. We have some who want a postponement of a month. We have some who would like the information back later today. I think we need to kind of move this to a conclusion and perhaps if there are still some remaining questions that we believe are going to be relevant to the decision we finally make, I would suggest perhaps a week delay is appropriate. If that's not going to change your opinion one way or the other, maybe we should move toward a vote. Councilmember troxclair. >> Troxclair: I was just going to ask our legal counsel if -- I mean, obviously the woods maintenance services, who is awarded the contract, isn't here, but I am very uncomfortable and I'm wondering if there's legal issues associated with doing a competitive sealed bid

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seeing that there is a lowest bidder, having somebody who didn't receive the contract come and complain, but not necessarily have any extenuating circumstances and then have the council make a decision that changes that direction. >> Tovo: Ms. Sellers, it's the practice of our council that unless someone asks you a question, you've had your -- >> But did I finish my six minutes. I did leave early. There were a few -- >> Tovo: Ms. Sellers, I would be glad to ask you a question that allows you to answer in a minute, but our council just directed a question to our legal counsel and I would just ask you to please let him have the podium. Thank you. >> So if I understand your question, councilmember troxclair, if there is an issue with the second place bidder coming in and speaking to you at this meeting - - >> Troxclair: Not that there's an issue with her coming. Of course she's more than welcome to come and speak to us if she thinks there was an issue, but based on what I've heard and based on the staff's review, there has not been any policy violated. It was a competitive sealed bid and we are trying to award the contract to the low evidence bidder I'm saying if I was woods maintenance service or any other company that this happens to in the future and I lose the contract for no apparent extenuating reason, I would be pretty upset. I'm wondering if we're -- if we're going to change course here, if they have -- if they would have the opportunity to sue us or if this sets a precedent for other contracts going forward where we do an rfp for a competitive process and then change our mind when the person that we hoped would get it didn't get it. >> And I think those are good questions. They're issues that we've I think discussed previously and probably best discussed in executive session. So -- but as far as the other contractor being here

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or not, they certainly had the opportunity to respond or to be here on today's date. >> Troxclair: I'm assuming that they probably didn't know that -- they probably assumed that this is public information, that they were going to -- they were the lowest bidder and they were going to receive the contract. I don't know if I was them I would have known to be here today, that the council would possibly be making a decision to completely change the process for how we're going to solicit the work. Would they have had any indication of that? >> I can't predict what they would assume or predict what would happen, but certainly given the competitiveness of their offer, given the vetting that we did in checking their references and confirming their offer, they would likely feel confident, but I can't project what they

would assume. >> Tovo: Ms. Sellers, I promised I would ask you a question, but -- I would ask that you provide a piece of pertinent information -- >> I would provide very quickly. In response to councilmember troxclair's request, it's not about being a sore loser or not meeting the three percent. Part of the city policy is that any non-local company has to have a local presence, a local branch office for at least five years. I put that in my protest to ask for information on verification from the purchasing department that the bidder did have a local office, per city policy, in the city of Austin, that was not addressed in the final decision, and I have been contacted by the contractor regarding provision of work. And I was going to keep that confidential and work it out with them, but since that has come to bear, I wanted to make it abundantly clear that it is not because we

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are sore losers and didn't get the job. It is because we are wanting to make sure that based on the policies the city has set in place that if they're a local business, not -- a non-local business they're supposed to have a local branch for at least five years. >> Tovo: Thank you. >> And that was not provided. >> Tovo: Thank you, Ms. Sellers. Okay, council, we're back up to the dais. We have a motion to postpone to an indefinite time next month. You've heard feedback from our colleagues. I would suggest if we do postpone this that we look toward probably next meeting. >> Zimmerman: Could I amend my own motion to one week instead of one month? Is that acceptable? >> Tovo: Councilmember Zimmerman moves to modify it to be April 7th. Councilmember Renteria, you were the second. Are you comfortable with that? >> Zimmerman: Thank you. >> Tovo: Further discussion in councilmember Gallo? >> Gallo: I'm not going to support the postponement. I would support passing this agenda item because I think procurement has had a very transparent process. I think it sets a bad precedent when we start second-guessing the reasons why. There's obviously some discussion that's been on the dais that would be appropriate policy discussions from the standpoint do we want to give more of a percentage advantage to local companies, et cetera, et cetera, but I think those are policy discussions that we have in committees. I just am very uncomfortable doing something to second-guess procurement when it appears that they followed the process and the low bidder has followed the process and I don't see any reason to postpone it. So I would not vote for the postponement, but I would be happy to make a motion after that vote to approve. >> Tovo: Councilmember Houston? >> Houston: I would be willing to support a postponement of a week just so that I can be really clear about all of the issues that keep surfacing here. We just went through a very

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exhaustive disparity study in the city of Austin about purchasing and solicitations and how they were done. I think there's some conversation regarding policies that the council can make to not have this kind of thing happen. I need some time to think through some of the issues that were presented today and a week would be fine with me. >> Tovo: Councilmember troxclair. >> Troxclair: Can you respond to the question that she raised about having a local branch for five years? >> Sure. Mayor pro tem, members of the council, to qualify for the local presence, to be recognized as having local presence and to get the three percent preference you must either have your headquarters located within the city limits or you must have a branch office. The branch office has a five-year requirement associated with it. The headquarters does not. So in this case because the local company was well beyond three percent, determining the headquarters or the branch office became a moot point. It's only when they're within three percent that we could make that determination. And it would not be -- the determination would not be made on the low bidder. The determination would be made on the second low bidder so that they would get the benefit of the preference. >> Troxclair: If I understood her correctly I thought she

was saying that the -- even the first place bidder has to have -- I thought she was saying anybody that we award a contract to has to have a presence for five years, but it doesn't sound like that's accurate. >> Correct. >> Tovo: Okay. All those in favor? The motion is one week postponement. >> Casar: I had a quick question. There was also a mention here at the podium that she

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had been contacted for subcontracting opportunities for this project, but in your understanding this wasn't going to be a subcontracted -- this wasn't going to be contracted work. Would it be of concern to you if you were told that there was not going to be subcontracting and that this company was going to do it on their own and they ended up deciding to do that? Is that something you take into consideration or not? >> Councilmember, absolutely. They indicated -- the recommended company indicated in their bid that they would not be using subcontractors. If they intend to use subcontractors they cannot do so under city regulations without going through good faith efforts first. They would have to go through the process as prescribed by snbr before they would be allowed to add subcontractors and that would be pulling a list of prospective certified firms, contacting them, before we would be allowed to authorize them to add a subcontractor. But they would not be able to add a subcontractor without us allowing them to do so. And for your clarification, this is the first time that we had heard about the possibility of anybody being a subcontractor. We clarified with them did they intend to use a subcontractor, not in addition to what they submitted in their bid and they clarified that they did not. >> Casar: Thank you. So I will be supporting a one-week -- I wasn't planning on supporting one week until I heard this particular issue so that purchasing can clear that up. I believe that it's just important for us to have that clarity and if it's going to be one week I don't think it hinders that part of the process. Just for clarification, I do believe that the three percent benefit for local businesses is established in state law and I think there's actually a good reason for it to not go too high because it prevents government corruption and political corruption in particular. So there's very good reason for us to use low bid when we can even if it sometimes

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does have some pressures, negative pressures on the labor market and such. So I believe in using low bids and believe that there should be a cap on local preference that's appropriate. But if there is the potential of new information causing some concern for the purchasing office, if that winds up being true, I'm happy to give them the week to sort that out. >> Tovo: Thank you. Okay. All those in favor of a one week postponement signal by raising your hand. Councilmembers Houston, Garza, Casar, Gallo and Renteria supported that motion. Those opposed? Councilmembers pool and troxclair. Abstention is councilmember Gallo. So that motion passes and it is postponed for one item -- one week rather. Thank you. So we have-- continue to push back our lunch, but we do still have one item. We have one speaker. It was pulled by councilmember Zimmerman. So let me just get a sense from you, councilmember Zimmerman, of the extent of your questions before we embark on this. >> Zimmerman: The questions are brief. >> Tovo: Okay. Council, are you comfortable with taking up this last item? >> Zimmerman: Very brief actually. >> Tovo: This is item 44. Would you like to hear the speaker first? I believe our only speaker on this item is Mr. David King. Who has left the council chambers. So we will just go right to your questions. >> Zimmerman: This is a short, simple question. How this relates to the Zucker report because I know the Zucker report made several specific recommendations for how Amanda might be expanded to be more complete in a data presentation. So really the question is I think we might have asked this in Q and A, is does it bring in all the

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recommendations of the Zucker report as far as their recommended enhancements to the Amanda system? That's the simple version of the one question. >> Rodney Gonzalez, director for development services. Simple answer is yes. >> Zimmerman: Done. I'm voting for it. [Laughter]. >> Tovo: Thank you for being here, Mr. Gonzalez, all day for that one word. Councilmember Gallo. >> Gallo: I'd like to make the motion to approve item 44. >> Tovo: Councilmember Gallo moves approval. Councilmember Houston seconds it. All those in favor? That is unanimous on the dais with mayor Adler off the dais. Ms. Good educational, I believe that's all we can take up until 4:00. We will recess until four woke when we come back for the public hearings. It's my expectation that we will postpone items 63 and 64 at the time as well as 65. And that we will then hear 66 and 67. So we'll see you all again at 4:00.

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>> Tovo: So it is 4:00

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technically, since we had a quorum at the beginning of the day we could actually begin the meeting with just the two of us here, councilmember Houston and I, but I am just going to instead pause a minute and hope that my colleagues are on their way down. So thank you all for being here and hopefully we'll start in a minute or two.

[4:05:09 PM]

>> Tovo: Welcome back. I'd like to reconvene this meeting of the Austin city council. The time is 4:04. Before we get started I wanted to point out to the public that we did discuss executive session item 60, 61 and 62 on Tuesday of this week and item 59 was withdrawn. Welcome, Mr. Guernsey. >> Thank you, mayor pro tem and council, Greg Guernsey, planning and zoning department. I have three postponements I'd like to offer you at this time. Item number 63 is regarding a public hearing amending the city code title 25 relating to garage placement standards. Staff is requesting a postponement of the item to your April 14th agenda. Item 64 is conducting a public hearing amending city code title 25 and title 30 that would relate to review times for development applications, modify the life of a site plan or subdivision applications, provide for a stop clock provision for development application life related to applications that require public hearings. And establish expiration dates for subdivision vacation, subdivision construction plan applications. Staff is requesting a postponement of item 64 to your April 14th agenda. And finally item 65 is regarding conducting a public hearing to amend title 25 relating to multi-family residence or mf-6 zoning district regulations. That's a moment to may 5th. Staff would offer consent postponement for 63, 64, both to April 14th. And item 65 to may 5th. >> Tovo: I'll entertain a motion on each of these items separately. Is there a motion on item 63 to postpone to April 14th? Councilmember Zimmerman makes such a motion. Councilmember Garza seconds

[4:07:10 PM]

it. All those in favor? That is councilmember Houston, Garza, tovo, Casar, kitchen, pool, Zimmerman, Renteria all in -- councilmember troxclair, would you like to vote to postpone 63? >> Troxclair: I would. >> Tovo: And councilmember troxclair. That passes with councilmember Gallo and mayor Adler off the dais. Is there a motion on 64 to postpone to what's been suggested by staff to postpone to April 14th? Councilmember Garza moves approval and councilmember Houston seconds it. All those in favor? That's unanimous among the same group with councilmember Gallo and mayor Adler off the dais. 65, the staff has suggested postponing until may 5th. Councilmember Houston makes that motion. Councilmember Garza seconds it? All in favor? Same councilmembers supporting. Councilmember Gallo, mayor Adler off the dais. Thanks, Mr. Guernsey. That takes us to item 66, which is to conduct a public hearing for the full purpose annexation of the parker creek ranch annexation area. >> Good afternoon, mayor pro tem and council. My name is Virginia Collier from the planning and zoning department. This is the first of two public hearings for the parker creek ranch full purpose annexation area. The second hearing is scheduled for next Thursday here at 4:00 P.M. Council will not be taking action at either of these public hearings and ordinance reapings are tentatively will scheduled for may 5th. The parker creek ranch area is approximately 90 areas in eastern Travis county, west of decker lane, approximately three miles north of decker lane and Loyola lane and is contiguous. Parse. It is adjacent to the city's furls on the south and east sides of the tract. Either is developed and the owner would like full development of a proposed 370-acre lot subdivision a portion of which is already in the city's full purpose

[4:09:15 PM]

annexation. This extends city services and regulations to improve and ensure public health and safety in the area. The city will provide full services in the area as described in the service plan, a copy of which is provided online in the council agenda backup and this concludes the staff presentation for item 66. >> Tovo: Thank you. I don't see any speakers signed up on this item. Are there any questions for our staff? Councilmember pool, are you moving to close the public hearing? Councilmember Houston seconds it. All in favor of closing the hearing? Councilmember Zimmerman, were you voting or speaking? >> Zimmerman: I had a couple of quick questions on watershed if we could. We typically have an annexation plan, right? Annexation plan for any capital infrastructure? >> A service plan, right. The service plan, that's right. >> Zimmerman: Is that service plan in the backup? >> It is. It contains pretty much our standard language for all of the extension of the service plan? >> Zimmerman: So I guess all the streets and basic infrastructure, how are the water lines and all that water and sewer and power, how is all that going to be -- >> The developer will be constructing that. It's currently undeveloped and they've got a subdivision plat in review and it's in both the city and the county reviews at this point. So they're asking to be all under the same city of Austin review. >> Zimmerman: And it's nowhere near 100 year floodplain, I'm guessing, right? >> There is some drainage across the north end of the tract, but they would be developing under current regulations. So any floodplain regulations that currently exist would apply to any development. >> Zimmerman: Okay. Thank you. >> Tovo: All in favor of closing the public hearing on this item?

[4:11:16 PM]

That is unanimous on the dais with mayor Adler off the dais. Item 67 is to conduct a public hearing and consider a resolution related to an application to be submitted to the Texas department of housing and community affairs. Welcome, Ms. Spencer. >> That is correct, Bettie Spencer, director of neighborhood housing. The action before you is to conduct a public hearing and hopefully approve a resolution with no objection to the project that's detailed in your backup. I do want to also note if you look at your backup there is a link at the end of it where we have provided council the opportunity for in-depth information

about the development. And I'm available for questions. >> Houston: I move adoption. >> Tovo: Councilmember Houston moves to close the public hearing and to adopt a resolution of no objection. Is that correct, Ms. Spencer? >> Yes. >> Tovo: Just one second, councilmember Renteria. Is there a second? Councilmember pool seconds that motion. Now we're in discussion. Councilmember Renteria. >> Renteria: Thank you. I'll just -- I was noticing that this one has the computer lab also. Do you know what -- did the developer show you any plans of how the lab is going to look like. I know there's a swimming pool that he's proposing and a computer lab and I'm just wondering what kind of a computer lab? >> I apologize. I have not personally looked at the plans and I couldn't tell you. >> Renteria: Okay. And the only reason I was asking is, you know, we've been noticing that some of these -- I know it's hard to do what some of these tax credit locations, where we're just been looking out and maybe a little concerned that sometimes you're bringing in so many people with kids and, you know, is the computer lab going to be large enough to accommodate those many people and the park also.

[4:13:18 PM]

We don't have a regulated type plan where, you know, it fits so many people or we're going to put so many swings in the playground, so many slides. There's just nothing there that we can go by. So I was just -- you know, I've seen some of these projects that sometimes they just offer a swing set and a slide and that's it and you're putting 250 families in there and that's a pretty large size. So I'm just going to be looking into seeing what -- what we could do to have a set plan where everything just kind of fits, you know, where everything is being accommodating to the people that live there. Because some of these tax credits are so far out, you know, they're almost like isolated areas out there in the suburbs area of Austin that sometimes those kind of -- well, anyway, they're just not there for the kids, you know. So I just want to make sure that, you know, those kind of services are provided. >> What I can tell you from my professional experience is that with these projects, and this particular project has one, two and three-bedroom units in it. The state requirements for services on-site and amenities, everything must be accessible, fully accessible, all the common spaces. There is pretty significant review of the services and all the amenities on site and it has been my professional experience through the tax credit program that they're usually very good and more than adequate for the population who's there. >> Renteria: Thank you. >> Tovo: Thank you, councilmember Renteria. Interesting questions. Councilmember Houston and then Casar. >> Houston: I just want to talk a minute about the amenities. This is a piece of property that we looked at last year,

[4:15:18 PM]

and it's changed hands so now we're looking at it again. It's off of Cameron road and rundberg, which is within walking distance of Gus Garcia park. And the middle school that's there with playgrounds. So assuming that we can stop the speeding on Cameron road, which is amazing, the kids can get safely across to the parks and they have labs there and soccer and a garden. So I'm on a bus line so the amenities that I'm usually talking about, grocery store is a little farther away, but still available. The H.E.B. Is off of Lamar. So that's why I'm supporting this project is because it's being located in an area where most of those amenities are in reasonable distance. >> Casar: Yes. I was going to note that just -- I think it's helpful, I know we dealt with this case for awhile in the zoning phase. It's an industrially zoned track in an area that's making I think a change from industrial to being of more residential use and we zoned it for some retail in the front and residential in the back. So my understanding would be that hopefully there are some retail options right there in front of families. And I talked about the donut shop that I like that's on the other side of Cameron and of course Gus Garcia. So I think it is -- it goes to show that I think when we try to sort of do that good work of buffering -- the zoning we did really buffered the

residential from the nearby industrial, but we're able to start, you know, doing some work in short order to change the way the city looks and hopefully with this project for the better. >> Tovo: Councilmember Zimmerman. >> Zimmerman: Thank you, mayor pro tem. So this is one of the four percent -- this is -- the competitive nine percent, but rather the four percent. >> That is correct. >> Zimmerman: Okay.

[4:17:19 PM]

Terrific. So the second question, so is this property going to be on the property tax rolls? >> I believe that it is. >> Zimmerman: How would I be able to verify that? I looked through here and I couldn't -- >> It is not my understanding that a public entity will hold title to the property so -- oh, and the tax credit projects must pay taxes. >> Zimmerman: The four percent? >> That is correct. >> Zimmerman: As a policy have to pay taxes? >> Let me clarify. The four percent tax credit does not automatically allow for a property tax abatement if a public entity were to hold title to the land. Then in that sense the land could be exempt from taxes, but in and of itself a property that has been investments from tax credits is not tax exempt. >> Zimmerman: Okay. Good. But typically, right, when developers come in they make a big deal. Remember we had a developer in here recently talking about \$1.4 million of property tax revenue that was going to come into the city if we approved their mid-rise project. So they kind of feature for the city council, hey, if you approve this apartment complex, you're going to receive this much in property tax revenue. So in other words, you know, when private developers do that they make sure that we know, hey, you're going to be receiving this extra property tax revenue. Does that make sense? So I was looking from you whenever you bring these it would be very helpful if like a regular developer you say hey, you're going to get this much property tax revenue to the city or not. It would be very helpful. A final, I guess, question here, on the last page, I think it's the fourth page in the package, there's the capital breakout here, bluffs at Cameron. It talks about the sources of capital, private activity bonds is the lion's share, 21.6 million. So where it says the deferred developer fee, about 3.2 million. And so is this to say that

[4:19:21 PM]

the developer will incur these costs and not ask for that money until the project is complete? >> Typically the way deferred developer fees work, they are eligible under this program, under the tax credit program and all the other financing that they would be eligible for, usually 15% of the overall expense in a developer fee. When they defer their development fee, they are agreeing to over the course of time, assuming everything gets paid, that they will defer that portion until some later date in the transaction, often, 10, 15 years later, where then if there's enough cash flow then they would reimburse themselves the development fee. In the beginning they would defer that development fee to ensure that the project has enough financing to be completed. >> Zimmerman: In the next column where it says uses -- we were talking about sources. The deferred developer fee, 3.2 million, but then under uses it says reserves and developer fee, 4.7 million. And so is the so-called reserves -- would it have been better if we just break out developer fees? So I can compare developer fee upfront, developer fee presumably after the project concludes, but what does that mean, reserves and developer fee of 4.7 million? >> The reserves on a project like this tend to be very significant in the beginning. The first 12 to 24 months funders often require significant operating reserves and replacement reserves of, a variety of different reserves. So that's one of the reasons why they have to have a significant amount of money. Usually the first two years held in an escrow. Once the project is complete and leased up and appears to be performing appropriately, then they can tap into those reserves and their developer fee, a portion of it. >> Zimmerman: So the developer fee -- under construction and related we have 22.8 million to construct. >> Uh-huh.

[4:21:21 PM]

>> Zimmerman: That's going to be your building materials, labor. But is there no developer fee in the construction costs? >> I don't believe so. That's why it's segregated out as a separate line? >> Zimmerman: I'm not sure exactly the developer fee might be 3.2 million as it mentions over here on the left-hand side or it might be 4.5 million or 4.7 million. >> It cannot exceed 15% of the overall cost per the requirements in the low income housing tax credit process, they cannot exceed 15%. >> Tovo: Any further questions? Okay. We have a motion and a second. All in favor? Those voting for it, hang on, keep your hands up, please, councilmember pool, Renteria, troxclair, Garza, Gallo and Houston. All opposed? >> Zimmerman: Abstention. >> Tovo: Councilmember Zimmerman abstains. So that passes. Mayor Adler off the dais. >> Gallo: Mayor pro tem? I was in the back when you voted on 63, 64 and 65 to postpone. And if the records would show that I would have voted to do that. Thank you. >> Tovo: Okay. And it is 4:22. Seeing no other business before the council, this concludes the business portion of our meeting and the council will come back together again at 5:30 for live music and proclamations, but again, this meeting stands adjourned at 4:22. >> Zimmerman: Do you mean to say recessed. >> Tovo: It's adjourned. We've completed the business of the day, so the meeting stands adjourned. We will have live music and proclamations as is our custom at 5:30.

[4:23:22 PM]

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[4:33:17 PM]

[ 🎵 Music 🎵 ]

[4:37:05 PM]

[ Music ]

[4:46:09 PM]

[ Music

[5:31:48 PM]

>> Tovo: Good evening. Thank you all so much for being here. I'm mayor pro tem Kathie tovo and it's my pleasure to introduce afrofreque here today, who is going to be our live music. As many of you know, we have live music nearly every council meeting so it's one of the really great ways that our city recognizes the very talented musicians who reside here in Austin. Beginning their musical journey in 2001, afrofreque is Austin's longest running live hip hop band. [Applause]. The band is influenced by old school hip and B boy culture as well as 70's funk and soul. The band has a sound where live instrument station was as intrinsic to their style as rapping and scratching. They have received two albums of material, fresh soul frequencies in 2007 and jewels and gems in 2010. The band are currently hard at work on their third album, tentatively ted organic mechanics. [Applause]. The group has performed in almost all of Austin's most well-known venues and plans to celebrate their proclamation today with a performance tonight at stay cold gold. Give me a hearty welcome to our band this evening. [🎵Music

playing♪].

[5:34:42 PM]

[ Music ].

[5:38:18 PM]

>> Tovo: Thank you so very much. That was really fabulous. We so appreciate you being here today and I wonder if you could share with our audience where -- if they're interested where they could find your music. >> Okay. Our music is available on iTunes and you can also listen to some of the music and Google us any time. Feel free to. Keep up with us. It's also Facebook, afrofreque on Facebook, friend us, like us, all that stuff. And also we are going to be playing tonight at stay gold once begin and we'll have many more shows and we've got a really good tribute to a tribe called quest coming up June 3rd at spider house. We'll be playing some shows between them. You can check us on afrofreque on Facebook in order to find out the upcoming shows. >> Tovo: Great. Thank you so very much. Now on behalf of mayor Adler and the entire city council, it's my pleasure to present the following proclamation to you. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talent extends to virtually every musical genre. And whereas our music scene lives because Austin audiences support good music produced by legends, our local favorites and newcomers alike. And whereas they are pleased to showcase and support our local artists. Now therefore I, Kathie tovo, on behalf of Steve Adler, mayor of the live music capitol, do here by proclaim March 31st, 2016 as afrofreque day in Austin. Congratulations. [Cheers and applause] >> Thank you so much.

[5:41:36 PM]

>> Tovo: So next we are going to be welcoming some of our exchange students who have been visiting Austin from koblenz, Germany. As some of you may know, koblenz is one of Austin's sister cities and I would like to share with you a little bit of information about the exchange student program and its history. So I would invite our visiting students to please come join me up here. So while they're gathering I would like to tell you a little bit about the exchange program. This is the 25th anniversary of three week exchanges between Austin, Texas and koblenz, Germany. These are secondary students who go to either country. And the first group came from koblenz to Austin in March of 1991. And the Austin group returned that visit the following year in June of 1992. It is really an exciting thing that these visits have continued uninterrupted for 25 years. It's a wonderful way for both cities to really learn about each other's cultures and for the students to experience being in another country for several weeks. This year's exchange student from koblenz who are here with us today consist of 18 students and two teachers. They are matched with Austin students who are studying German at Anderson high school and Murchison middle school. And the teachers stay with Austin teachers and also with our sister city volunteers. And the presume they follow in both cities is the same. They attend school for 10 days and on the other five school days they go on day trips to places of interest in and around their host city. In Austin that included the Texas capitol, Austin city hall, the bob bullock bock

[5:43:36 PM]

state history museum, UT campus, Barton springs and some other sites in the hill country. So we're delighted that this program has continued for so long and that is in part due to our great sister cities program, our koblenz sister city organization as well as Austin independent school district for part of this

important exchange. And I'm told the lord mayor of Koblenz, Germany will be coming here next year to visit. So we're delighted to meet the lord mayor. So I would like to present the following honorary citizen certificate to each of our exchange students. I'm going to read the first one and then they're all alike, but I would like to call the names of the different students. So each of the certificates reads and follows: The city council of Austin, Texas, proudly confers the title of honorary citizen on each of the students. This first one is Jan on this 31st day of March, 2016, and it is signed by Mayor Steve Adler. So Jan. Next is Rene Berize. Hannah Barenz. Janez Vegenin.

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Phillip Bicking. Yazmine Fesa. >> Lisa Franca. Leah Fry. Svenya Fisher. Phillip Grobski. Laura Hamas. Paula Heland. Dominique Klein.

[5:47:45 PM]

Dominique, we will find yours and bring you back up in a minute. [Laughter] Sometimes things don't go as smoothly as they might around here. Laura Lunar. Delia Roskin. Phillip Zoloski. Sarah Schmidt. Dominique Klein. Neals Minor. And I understand we have a student who is going to address us. I would welcome that student to come on up.

[5:49:56 PM]

>> Deer Mayor pro tem, the first thing that we want to say is a big thank you to welcoming us to the city hall of Austin. >> It's really interesting to see a different culture. We are enjoying our stay in Austin. >> We proudly accept our honorary citizenship of Austin. Thank you again. [Applause].

[5:52:18 PM]

[Applause]. >> Pool: The last 24 hours have been really full of a lot of emotional ups and downs and seeing all these students here is really a prop to all our down moments, but I would like to invite Craig Smith and his lovely wife to join us here and anybody else who would like to come up and stand while I read this proclamation. And I'm really, really honored to have been asked to read this proclamation on behalf of my good friend and long time standard bearer for environmental issues throughout the city of Austin, Travis County and the region. This is for you, Craig. The proclamation, be it known whereas the Barton Springs Zone Regional Water Quality Protection Plan adopted in 2005 was a landmark self-initiated achievement that provided a framework for local governments to adopt standards premised on the belief that water quality is vital to every person and that protection of water quality is an individual as

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well as a governmental responsibility and whereas as stated in the plan the long-standing public interest in preserving water quality in this area of Texas coupled with unprecedented population growth will require continued leadership as we move toward meaningful regional water quality protections and whereas over the past 10 years Craig Smith has worked tirelessly to keep the plan alive and relevant by organizing, facilitating and documenting bimonthly meetings of the Barton Springs Zone Regional Water Quality Protection Plan Working Group and whereas watersheds and aquifer do not recognize political boundaries and neither has Craig Smith. In his efforts and continued leadership to promote regional collaboration and communication in protecting the Edward's Aquifer and Barton Springs. Now therefore

I, Leslie pool, councilmember district 7, on behalf of Steve Adler, mayor, and the entire city council, do here by proclaim March 31, 2016 as Craig Smith day. Congratulations. [Applause]. I think Joe pantalion wants to say a few words. >> Yes, I do. I'm Joe pantalion, the director of the watershed protection department. And it's certainly a privilege to be able to honor the terrific work of Craig Smith. Craig is someone that we've known for quite a long time, dating back at least for me personally back to the mid 90's on the environmental board where we served. I just wanted to give a little bit more background on the work that Craig has done on the regional water

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quality plan. Today we do honor Craig for his work on the Barton springs regional water quality plan, whose stated goal is to maintain or enhance the existing quality of groundwater and surface water within the Barton springs zone. This regional plan was a landmark achievement that provided a framework for local governments to adopt water quality standards, recognizing that we all have unique roles to play in achieving the level of water quality protection specified in the plan and mutually agreed upon by the participants. Craig Smith played a leading role in coordinating the 2005 regional planning effort. As the executive committee representative for the Barton springs, Edward's aquifer conservation district. While Craig's continued service since 1998 as the district's director for precinct 5 is deserving of recognition itself, today we recognize Craig's continued individual commitment to implementing the best management practices outlined in the regional plan. And over the past 10 years Craig has worked tirelessly on helping to implement the plan and we thank him so much, especially the staff from the watershed protection. We consider him a colleague and definitely a dear friend. So today, Craig, it's your day. [Applause]. >> Thank you so much. Ah shucks. [Laughter] I want to thank the mayor and the city council for this great honor. And I thank my colleagues at the Barton springs aquifer district and on the regional water quality plan working group. Many of whom are here today. I see Christy muse and Susan mekel and Chris Harrington and Mike personit and Matt Holland and Tom weber. And I see Brian Smith and I

[5:58:21 PM]

see Blaine Stansberry. I see old friend and sometimes antagonist hank Smith here. Welcome. Thank you for coming. And others that have worked with us and continue to work with us, notably Terri tull, who is the director, executive director of the regional plan effort. And Mike Canady, a supporter of Barton springs. Thank you for coming. And of course I want to thank my wife and long time partner and defender of Austin's environment, Mary Ann Dealy. [Applause]. I am just one of dozens of people in this community who like Mary gay maxwell, are trying to save the world starting with where they are. Thank you. [Applause].

[6:01:00 PM]

>> Garza: Good evening. I'm councilmember Garza, I represent district 22. It's an honor to be able to present this proclamation to the autism society of central Texas today in honor of autism awareness month. One of the best issues I've been able to work on my time here at council was to ensure that the children of our city employees have access to effective health benefits. I have to say, you know, it's easy representing a low income middle class district, it's easy for me coming from a middle class family, it's easy for me to advocate for things that I am familiar with, health issues, working class issues and those kinds of things, but this was one of the issues that came to me that I was not familiar with. I was not familiar with autism. I don't have any -- there's nobody in my family that has it. And it was the one -- I

was approached by Jackie, who now works for the autism society. And she was very passionate about the need for the city to cover autism benefits and it made me passionate about it. So I have this amazing privilege that I'm able to advocate for things that I was familiar with, but this was one thing that I wasn't. I was very honored that I get to sit up there and bang my fist and say we need this so I was glad that we were able to do this for city of Austin employees. The autism society of central Texas covers 24 county service area, works to increase public awareness and advocates for appropriate and vital services for individuals across their life-span. I want to encourage everyone who is watching to find ways to help spread awareness and acceptance during national autism awareness month. There are a lot of ways you can get involved. You can sign up for the -- for this year's Texas autism bike ride and fun run, which is on April 3rd. You could teach your children with autism and how they can advocate for their peers with autism. And you can shop at autism friendly businesses.

[6:03:00 PM]

So we have Suzanne postpone items, the autism society of central Texas executive director with us here to accept this proclamation. Whereas the autism society of central Texas has provided meaningful assistance to thousands of individuals with autism for 26 years, hundreds of families have received support in the form of education, information, referrals, advocacy, recreation activities, support groups. Whereas the autism society of central Texas spreads awareness about autism. Autism is the fastest growing developmental disability, the incidents of autism has increased in recent years to an approximate occurrence of one in 68 births, nearly twice as great as the 2004 rate of one in 125 births. And almost one in 42 boys. People with autism typically have severe difficulties with communication, behavior and social relationships and whereas the autism society of central Texas promotes autism acceptance and awareness of individuals with autism and their families rear round and would like to highlight autism awareness in the month of April. Now therefore I, Delia Garza O behalf of Steve Adler, mayor of the city of Austin, do hereby proclaim April 2016 as autism awareness month. >> Thank you. [Applause]. >> Thank you so much. >> Any speakers? >> I'm going to speak really quickly. I'll be very brief. Thank you, councilmember Garza and to the councilmembers who are here today, mayor pro tem, thank you for being here. I'm Suzanne Potts, executive director of the autism society and I first want to acknowledge some of our board members and families grandparents and kids. Autism affects all ages and stages, so we are seeing just an abundance of families here in Austin and we're really pleased to be here today to accept this proclamation. So thank you. I just want to say thank you to the councilmembers and to the mayor for all that you

[6:05:01 PM]

did last year to help autism families here in central Texas, specifically city of Austin employees, have better access to A.D.A. Therapy. That was a really big deal. So we're just really grateful. We have some of our kids from the city of Austin, their parents are firefighters and police officers, and they're here today active, engaged and have a bright future ahead of them. So we're so thankful for that opportunity. We're kicking off national autism awareness month in April, starting tomorrow. And we're doing our part to raise awareness and acceptance of people with autism all across the city in the counties that we work with. We know that early intervention is critical, which is why the work that you did last year was really important to our families that get early diagnosis. We're working to improve the lives of all affected by autism and that's part of the republican that we're here today. So with your help we're really grateful for all that you've done to help us improve our families' lives. So thank you. [Applause]. >> We also have some brief little certificates for our mayor and some of the members that are here today, if that's okay. Are we allowed to take one more second and do this? >> Do well. >> This is my son Nolan.

Thank you. You can hand out bags. So we just wanted to recognize all of the councilmembers for voting for the resolution last year, but I especially wanted to thank councilmember Garza for coming -- for starting this whole thing and listening to me. Councilmember tovo, Renteria and councilmember kitchen as well who were the four sponsors of our resolution. And we have awards just recognizing your -- this says for improving the lives of city of Austin families affected with autism by creating access to aba therapy. We would like to thank you. This is for councilmember Garza, thank you. And then we have one for councilmember tovo. Thank you for your support. And then is councilmember Houston -- I saw Houston and

[6:07:03 PM]

councilmember pool here. But anyway, we'll give it to them later. We would like to say thank you so much. We appreciate your support for city of Austin families, we really do. Thank you. >> Thank you. >> Did you want to say something really quick. You've got like one sentence. >> Oh, okay. I have autism and my special teacher is named Kristin, and we are the best team at spark. We really work well together and I really like Kristin. [Applause]. >> Thanks, guys. >> Thank you. [Applause].

[6:09:21 PM]

>> Tovo: April is fair housing month so I would like to present the following proclamation to our acting director of human resources, Joya Hays. Be it known that whereas this year we commemorate the 48th anniversary of the signing of the fair housing act of 1960 and its amendment in 1988 which provides safe, affordable housing as a part of the American dream and opened that possibility to everyone regardless of race, color, sex, national origin, religion, disability or familial status. And whereas the city of Austin is dedicated to being the best managed city and likewise dedicated to ensuring that all citizens receive equal treatment when buying or renting a home. And whereas we encourage everyone to recognize the importance of fair housing practices and to continue the work to change attitudes and remove barriers that limit access and choice. Now therefore I, Kathie Tovo on behalf of Mayor Steve Adler do hereby proclaim April 2016 as fair housing month in Austin, Texas. Thank you very much and I'd like to invite Ms. Hays to say a few words. [Applause]. >> I am very, very excited to be here. Actually, our equal employment fair housing staff is so busy finishing up investigations that they wanted to finish this week that they're late. So I was wondering if I had an opportunity to just acknowledge their wonderful work, but I want to go ahead and do that and just let you know how hard they've been working. The conference will actually be on Wednesday, April 20th from 8:30 to 5:30 and we're very excited this year. Julian Castro, our U.S. Secretary for housing, has provided us a video welcome. And Tim Moran from the U.S. Department of Justice is our keynote speaker. So if anyone wants an opportunity to participate you're welcome to contact us at area code 512-974-3246. We've got about 100 people signed up for our conference and we're very excited about an opportunity to continue the great work in Austin for fair and equitable housing

[6:11:22 PM]

for all of our citizens. Thank you, councilmember. [Applause]. >> Houston: Good evening. My name is councilmember Ora Houston and it is my pleasure to represent the people of district 1, and tonight we have a very special group of young students who participated in the jump on it, which is the name of a group, extended education program for the spring semester. During that time they focused on successful career modules, which helps them with getting jobs and how to come down and be engaged in the city process. In fact, one young man already has a job with the city of Austin.

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So we're very proud of that. I want to say something just briefly about Charles Byrd, who we call nook, and his wife Brianna. They are the couple that has been influenced by the black citizens task force with Ms. Dorothy turner and Velma Roberts from many years ago, and they feel that this is their passion to do what they have to do to ensure that our young people get the best kind of education and exposure to positive role models as they can. So it is my pleasure to present to them certificates. And let's see, who is going to do it? Brianna is going to call out names. I'm going to give the certificate. We'll take a picture while we do it. I'll start on this end. >> Okay. We've got Amaya Colvin. Darius bouser. Karisma Ford. Trenaya Jackson. Tee Simms. Greg Gatson.

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Daytron Williams. And we would actually like to give one of our facilities a certificate as well, Ms. Ravina rigbaugh. >> Houston: How many people have been to the city hall before? First time? That's what we have to do is get people to come down here and pay attention to what's going on, and they will be sitting up on the dais in the next 15 years, right? [Laughter]. Thank you. Come on, let's go. [Applause]. Do you want to say anything right quick? We're going to do a group picture? Okay. Let's do a group picture. >> I want to thank councilmember Houston for supporting our program and

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most importantly we strive to reach the youth and we want them to be involved and them not to be afraid to come to council and come down here and learn how to start being involved in the city and making a difference. Thank you. [Applause]. >> Tovo: So next week is public health week so on behalf of the city of Austin, I would like to present this proclamation to Shannon Jones, director of health and human services here at the city of Austin. Be it known that whereas national public health week brings communities together to highlight issues that are important to improving our health. And the theme this year is healthiest nation 2030 to make America the healthiest nation in one generation. And whereas everyone deserves the opportunity for a long and healthy life and reducing health disparities brings us closer to health equity for all citizens. And whereas people are living longer than previous generations thanks largely to the work of public health. Whereas the Austin Travis county health and human services department endeavors to enhance the health and well-being of all citizens of our community by preventing disease, protecting our environment, preparing for emergencies and reducing the incidents of communicable and chronic diseases. Now therefore I, Kathie tovo on behalf of Steve Adler, do here by proclaim April third through the 19th 2016 as public health week in Austin, Texas. I'd like to welcome Mr. Jones to say a few words. [Applause]. >> Thank you very much, mayor pro tem tovo. On behalf of our staff of our public health department wield like to acknowledge that national public health week is a tremendous way to remind the public of the work we do. But it is critical we do

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this work everyday to make a commitment for safe and healthy communities. Whether it's educating to exposures to emerging diseases such as zika virus, promoting immunization or inspecting restaurant establishments to prevent illness, public health is the foundation to an improved quality of life. Our department mission is to prevent disease, promote health and protect well-being with the goal of making austin-travis county one of the healthiest communities in the nation. When we support well-

being we ensure that everyone can reach their potential. Changing our health means ensuring conditions that give everyone the opportunity to be healthy. I am fond of saying and quoting one of the most visible U.S. Surgeon generals, the late Dr. C Everett Koop, who said health care is vital to all of us some of the time, but public health is vital to all of us all of the time. More and more public health is vital as a priority in designing our communities. From parks and playgrounds to access to healthy foods and transportation as well as health care. We tend to think of Austin as a healthy city and a large portion of our population does the right things to maintain good health overall. Thank you, citizens, for continuing that support. We recently was ranked ninth, Travis county, of 241 counties in the state of Texas. And though we are one of the healthier cities in the state, we want to remind you that we have significant disparities. Everyone are not benefiting from that. So our efforts in terms of what the city has done to address the issues of health disparities will go a long ways to ensure that all of the citizens of Austin benefit from being healthier and not just one. So on behalf of our staff, our department and the community, thank you, mayor pro tem, councilmembers, for this opportunity to acknowledge public health

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week. [Applause]. >> [Applause]. >> Tovo: It's my honor to present the next proclamation to the south Asian moms, and they are going to talk a little bit about an upcoming celebration here in our community that's going to take place at the asian-american resource center. And I so enjoyed learning a little more about it. It is a festival that I believe will be of great interest to those in our community. So on behalf of the mayor and the city of Austin I'd like to present the following proclamation: Be it known that whereas hole is an important festival to south Asians. It is celebrated at the end of winter and has many purposes, most prominently it celebrates the beginning of spring. And whereas in 17th 17 capture literature it was identified as a festival that celebrating a, commemorated good spring harvests and the fertile land. People believe it is a time for enjoying spring's abundant colors and saying farewell to winter.

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And whereas to many others the hole festivals mark the beginning of the new year as well as an occasion to reset and renew ruptured relationships, to end conflicts and to rid themselves of accumulated emotional insecurities of the past. Now therefore I, Kathie tovo on behalf of Steve Adler, do here by proclaim April 3rd, 2016 as south Asian Austin moms presents hole for kids day in Austin, Texas. Now I would invite Ms. Sethi to tell us more about the event and tell austinites who are watching how they can attend as well. >> Hello. We would like to thank mayor pro tem tovo as well as mayor Adler and all the councilmembers for this amazing proclamation. Growing up outside of India, celebrating events like holi, which are so important in south Asia, we had to do it alone in our house years ago. And the fact that the city of Austin is recognizing this today and our kids are able to do this outside and, you know, with the city of Austin supporting us, is one of the most amazing things that we can imagine for ourselves and our children. So thank you very, very much. A quick word about south Asian Austin moms. We are 10 very amazing, diverse mothers who started this and we do south Asian cultural events to educate the city of Austin as well as our children a little bit about their culture. And all our proceeds go to charity and we've given to Dell children's, day care as well as educating children in foster homes around the world. So thank you so much. [Applause]. It is on April 3rd at the asian-american resource center. So thank you. [Applause]. [Inaudible]. >> Sorry. I've never done this before.

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Holi is an event where you want to wear all white and there are colors that are color powder that everyone throws on each other and it's very bright and colorful. And it's celebrating the start of spring. And the children love it. We use organic colors for everybody's health and safety, and we are so grateful to the asian-american resource center for allowing us to color up their property a little bit. That's pretty much it. Thank you so much. >> Tovo: And thank you so much for providing that description because as I read about it and read about events, it just sounded like, as one observer said, it's an event that includes much merriment. So I think it's important for people to know that. Thank you all so much for being here tonight.