

City Council Regular Meeting Transcript – 06/23/2016

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[10:16:34 AM]

>> Mayor Adler: Before we gavel in the meeting, we had the exciting announcement this morning of the internship program with the soldiers from fort hood, have the opportunity to come intern here in the city of Austin and perhaps get job placements, exciting effort. Further, as part of our internship summer program, ctm is hosting 20 summer interns from various high schools across Austin. This program runs through July 15th. If you will please help me welcome these technology students, would you all stand? Technology students?

[Applause] Great. We're happy to have you here. This council meeting will not be the most exciting thing that you see in your stay. You can go ahead and sit down. These folks are going to be visiting and participating on several sites throughout the city, occupational areas that contain stem areas of focus, so either science, technology, engineering, or math-related work. We're excited to have you with us, so thank you. That said, I think we're going to move forward then with the meeting. I'm going to call to order today's meeting. It is Thursday, June 23rd of 2016. Time is 10:18. We are in the city council chambers here at city hall. Let's work our way through the -- through the agenda. Let me read action items.

[10:18:36 AM]

In item number 3, it's approve issuance of a rebate. The word measurable should be measures. On item number 15, the name of the construction company is D, period, I, period, J, period, construction. Items 29 and 50 have been withdrawn. 29 has been withdrawn and item 59 has been withdrawn -- I'm sorry, 29 and 59 have been withdrawn. Item number 55 was recommended by the electric utility commission, vote of 8-0, with commissioners mamud, Norris, and stout absent. Item number 90, there's been a request that we set that to be called no earlier than 4:30. There's been a request that we call item number 92 no earlier than 2:00 P.M. That's items 90 and 92. We are pulling item number 2. Also item number 20. Also item number 56, 57, and 58. Items 73, 74, 75, 76, all pulled to be heard after executive session.

[10:20:43 AM]

And then items 80, 83, and 88. 80, 83. 88 is not in our consent agenda, but all three of those items requested to be heard at 7:00 P.M. Does anyone else want to pull any other items? Yes, Ms. Tovo. Mayor pro tem.

>> Tovo: I have just a quick amendment on item 66. I'd be able to get to it pretty quickly.

>> Mayor Adler: Item number 66? Okay. Any other items to pull? Yes. Ms. Troxclair.

>> Troxclair: The home exemption item, was that set for a time certain at 4:00 P.M.?
>> Mayor Adler: It is a special called meeting that can't be convened until 4:00 P.M.
>> Troxclair: And the intention is to bring it up as soon as possible after 4:00 P.M.
>> Mayor Adler: The what?
>> Troxclair: The intention is to bring it up as soon as possible after 4:00 P.M.
>> Mayor Adler: Yes.
>> Troxclair: Thank you.
>> Mayor Adler: Any other items?
>> 65.
>> Mayor Adler: Number 65. Anything else to pull?
>> Mayor?
>> Mayor Adler: Yes.
>> Gallo: 79 and 82, please.
>> Mayor Adler: 79 and 82?
>> And, mayor, could I just ask a quick question on 70, the boards around admission waivers?

[10:22:50 AM]

It says approvals of changes to bylaws for the following boards, ethics review commission. Could we pull that just to get an explanation of --

>> Mayor Adler: Number 70?
>> Gallo: -- What those changes are?
>> Mayor Adler: Okay. We'll pull 70 for an explanation of the universal changes to the bylaws. Okay. So the things that I have being pulled in our consent, which is items 1 through 84, I have 2 being pulled, 20 being pulled. I have 29 being withdrawn. I have 56, 57, and 58 being pulled, 59 being withdrawn. 65 and 66 being pulled. 70 being pulled. 73, 74, 75, 76 being pulled. 79, 80, 82, and 83 being pulled.
>> Zimmerman: Mr. Mayor?
>> Mayor Adler: Yes.
>> Zimmerman: Point of information. Do those include the speakers that have pulled items?
>> Mayor Adler: There's no speaker group that has pulled items timely. We have five speakers that will be invited to speak on the consent agenda. Mr. Peña on 27, David king, 19, 36, 82, nega adesse, 63, and John Robles and Hugo Melendez on 27.
>> Zimmerman: Would you like to hear from the speakers before we move passage of the accident?
>> Mayor Adler: Yes.
>> Zimmerman: Okay.
>> Mayor Adler: Well, we can have the motion to the approve it but I will call them to speak on the --
>> Zimmerman: I'll make the motion to approve and --
>> Mayor Adler: It's been moved to approve the consent agenda. Is there a consent to that? Mayor pro tem seconds that. I will now call the speakers we have signed up to speak on the consent agenda. Is Gus peña here?

[10:25:06 AM]

>> Good morning, mayor, councilmembers, Mr. City manager, Gus peña, co-founder of veterans for progress. I'm speaking on item number 27. It says approve negotiation and execution of amendment 1 with Austin Travis county mental health mental retardation, doing business as Austin Travis county integral care to provide services for permanent housing supported clients. A lot of our veterans need housing, and this is an item on the agenda that is very key and crucial, and also this item was spoken

about at the capitol when I met two senators dealing with veterans affairs, and anything we can do to support the clients, increase it, we will support it, and I want to thank Dave Evans, the executive director who has been a director since it used to be Austin Travis county mental health/mental retardation. Mayor and council, I'll keep it short, but this is very crucial, it doesn't just deal with men and women, it deals with single women with children who are homeless. I want to thank David, he's been very helpful on the committee on these issues and with varies. Mr. Armbrust, we appreciate you very much. Mayor and council, have a good day.

>> Mayor Adler: Thank you. David king?

>> Thank you, mayor, mayor pro tem, councilmembers. And, mayor, was item 82 pulled?

>> Mayor Adler: Item number 82 was pulled.

>> Okay. Thank you. I'll just be speaking on number 19 and 36 then. On number 19, the contract with opticos, the additional \$1,065,000, what I'm asking is that we get more transparency related to codenext and urge the council to require that the draft version of the code, as it exists now, be released to the public so we can see -- we can have insight and see what's going on with that.

[10:27:17 AM]

I think we're spending millions of dollars to rewrite the code, and yet we've seen nothing, not one line of code. And, you know, I was a software developer myself, and we did show the code, even though it wasn't ready. And I know we're talking about a different code when it comes to our land development code and software development, but nevertheless, the point is the same, that it's important that the public have insight into that code. So I hope that you will at least, if you're going to give them another million dollars to do this study, that you at least have a stipulation, the direction that they show us the code now. And regarding item 36, you know, I hope that we're -- we'll just wave the swimming fees and any fees for the use of our recreational facilities to the veterans who have served our country. Many of them have given their lives. Many of them are injured permanently, and all of them deserve to be able to use these recreational facilities at no charge. So I hope that you will not charge them to use these swimming facilities or other recreational facilities in the city. Thank you very much.

>> Mayor Adler: Nega tadess.

>> Good morning, mayor, mayor pro tem, and council. I don't want to take your time and talk too much, but I'm here to thank you for getting as far as here, to the third reading of item 63. That's all I have to say, and if there is any question, I can take it, and otherwise --

>> Mayor Adler: Would you pronounce your name, please?

>> Nega, negatadessa.

>> Mayor Adler: Thank you. Any questions for Mr. Tadessa?

[10:29:18 AM]

Thank you, sir. Thank you for beinger. John Robles. Hugo Melendez? John? Okay.

>> Good morning, councilmembers. I'm here representing Latino health care reform. I would like to thank the city of Austin for their continued support on funding our effort to help people get access to health care. Through our outreach efforts, we've been able to reach more than 100,000 individuals, through their support also through the Austin energy communications letter, this brochure that is going out this month to all the people that are getting served through Austin energy, we've been able to -- we're hoping to reach more than 400,000 people, too. So, I mean, we're very grateful for your support, and we hope you can keep funding us so we can continue our work and help those most vulnerable and in need of health care. Thank you.

>> Mayor Adler: Thank you. Anyone else? I think those are all the speakers that we have. Mr.

Zimmerman, my notes reflect that you are asking to be shown voting against items 3 and 6, abstaining on -- I mean against item 3, abstaining on item 6, also abstaining on items 8, 9, 10, 11, and 12, voting against 16, abstaining on 17, against on 18, abstaining on 19. I have you voting against 22 and 23, abstaining on 27 and 28, abstaining on 30 and 31, voting against 33 and 34, abstaining on 36, abstaining on 39, abstaining on Numbers 43 through 55, inclusive.

[10:31:41 AM]

I have you abstaining also on item number 60. I show you abstaining on item 77.

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

>> Mayor Adler: Thank you. Yes. Ms. Troxclair?

>> Troxclair: Mayor, I'd like to be shown voting no on items 3, 16, 18, 32, 50, and 51, and abstaining on items 4, 6, 34, 46, 48, 60, 71, 72, 77, and 81.

>> Mayor Adler: Okay. Anything else?

>> Houston: Mayor?

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: If you will show me abstaining on items 16 and 51.

>> Mayor Adler: 16 and 51, abstaining, Ms. Houston. Okay. There's been a motion and a second to approve the consent agenda. Yes, Mr. Casar?

>> Casar: Mayor, both 23 and 30 are on the consent agenda; is that correct?

>> Mayor Adler: 23 and 30 are on the consent.

>> Casar: I'd just like to comment briefly on both, very briefly. These are both opportunities where I think we can create -- we're both creating internships and job opportunities, especially for folks in north central and northeast Austin. 23 with certain affinity, I appreciate y'all's partnership here the last few months, and with Austin community college, internships hopefully kicking off this coming semester in August. So I really -- I think these are pathways of opportunity for people who don't traditionally have them, and I hope potentially, as soon as late summer, early fall, some of the councilmembers can get to know and meet some of the people that benefit from these opportunities that wouldn't usually get it. So thanks to both the groups that have been working on those.

[10:33:41 AM]

>> Mayor Adler: Okay. Thank you. It's been -- yes, mayor pro tem.

>> Tovo: I just wanted to make a comment about item 33. This is the interlocal agreement with Travis county to concrete a sobriety center. And you'll note from the interlocal passage, there is a provision that talks about evaluation -- underevaluation performance on page 6, that the local government corporation will evaluate the sobriety center, at least within the five years in terms of the office location to see if that still best meets the mission of the sobriety center, as well as the -- in light of the changing nature of that part of town. We also received some feedback from some community stakeholders who wanted to make sure that that wasn't the only opportunity for evaluation of the sobriety center, and so I just want to provide direction to staff that, of course, we expect the sobriety center's local government corporation to do more ongoing evaluations of the sobriety center and its performance, and again, how well that location is suited -- is suitable to the mission of the sobriety center, and to be deliberate about seeking input from neighbors and community stakeholders as they do those more ongoing evaluations. So, again, I just wanted to make that comment from the dais, that that is -- that's my expectation, as the operating procedures for the sobriety center get set up, that there will be a method for ongoing evaluation that will include soliciting feedback from stakeholders about the functions of the sobriety center. And I also just wanted to take this opportunity again to thank the community, the community

members, the medical professionals who have -- for whom this has been a long-time goal. This is something that really began in this community back in 2002, and I'm just so very pleased to see our council moving -- moving this initiative forward. But we do so on the backs of, you know, lots of community stakeholders and the previous council, who also invested time and energy in this.

[10:35:44 AM]

I think this is -- the sobriety center is going to be a real asset for this community, both in terms of its public health benefits, as well as the public safety benefits that are going to accrue. And I think we'll look back on the creation of the sobriety center and find that it's a real reason to be proud.

>> Mayor Adler: Okay.

>> Zimmerman: Mr. Mayor?

>> Mayor Adler: Yes, Mr. Zimmerman.

>> Zimmerman: Thank you. As chair of the public safety committee, I just want to speak for less than two minutes on the sobriety center. Last summer when this conversation started, I said, you know, if we can show savings from APD and other departments for the sobriety center, that argument was brought up, it will save money on arrests, I said fine, show me the money and show me the savings so taxpayers are not burdened anymore, I would vote for it, but I'm not seeing that. It looks like 1.6 million per year for new spending. Let me just say as chair of the public safety committee, I think on your behalf core values are things like firefighting, the esd4 merger could have been completed for around 1.5 million a year. Firefighting is core service. We could have approved fire service for less money than we're paying on the sobriety center. We should be funding core services like APD instead of the sobriety center, so that's why I'm voting against.

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

>> Houston: For capital contracting office, I would just like to ask that they put the districts on the agenda items. Sometimes you can find it in the backup, but if they would just add that like we do in zoning to the capital contracting items, that would be appreciated. Thank you.

>> Mayor Adler: Manager, if you'd make that request to staff, that would be great. Yes, mayor pro tem.

>> Tovo: Mayor, I don't want to get into an ongoing dispute here on the consent agenda so I'll just simply say that I disagree with my colleague, councilmember Zimmerman, and I would just direct anybody who's interested to look at the -- the implementation work group's report for some indication of the savings and why this is such a critical resource in terms of both public safety and public health.

[10:37:54 AM]

>> Mayor Adler: Thank you. Consent agenda has been moved and seconded. Those in a favor of the consent agenda, applaud. Opposed? Unanimous on the dais, with the notations that were made by councilmembers. Okay? Let's start working our way through the items that have been pulled. The first item for us to consider -- and as people are leaving, if you could be, "I'd appreciate it. Item number 2, pulled by Ms. Houston, this was the unclaimed animals item. Is staff here for this? Is staff here to speak to item number 2? Thank you. Ms. Houston, you want to lay out the issue? We also have ten speakers to speak on this issue. You want to address it before we have the testimony?

>> Houston: Yes, please. The reason I pulled this item is because even though it was posted, discussed, and voted out of the animal services commission meeting in April, there was not a clear understanding about the ruling of the Texas supreme court. There was a lack of public engagement, and I thought it was necessary, it's such a big item that I'm not clear on what the difference is between what we've always done and what this will do, that I thought we needed to have some conversation about that. And so thank you for being here this morning. My first question is to -- about was the draft ordinance

available at the April meeting so people were able to see it?

>> Yes.

>> Houston: Was it posted or was it just --

>> It was posted.

>> Houston: It was posted, so people were able to see the draft agenda -- draft ordinance and respond to that.

>> Yes.

>> Houston: Okay. Okay. So that was my first question, but that's all I have for staff.

>> Good morning.

[10:39:54 AM]

I'm Kristen abbeck, deputy chief animal services officer at Austin animal center. I'm standing in for chief Hammond, who is away on urgent family matter. I'm not an attorney, and Ms. Grace is here today that can answer -- she can answer any legal questions, but I'll give you a little bit of background on why this was necessary, and then just run through what the ordinance means. The -- earlier this year, the Texas supreme court issued a ruling that had potential impacts for all municipalities in Texas. What happened, it was a case in Houston that a stray dog got loose, was picked up by animal patrol for the mandated stray period. At the conclusion of the stray period, following to that, it was transferred to a rescue group. Sometime later the owner of the dog discovered it was with the rescue group, approached the group and said they wanted the dog back. The rescue group declined to return the dog, and so the owner sued the rescue group and won. And so the implication of this is that unless each city has its own local ordinance specifying that ownership after the stray period goes to the city, it calls into question whether or not the city actually owns the animal at the conclusion of the stray period. This -- so this is addressing that, first and foremost, it's making it very clear. Although we had an existing ordinance, this is making it even more clear that now, at the conclusion of the existing three-day stray hold period, the animal does become the custody of the city. And this does not change the stray period. The stray hold period has been three days in Austin for at least the last 15 years and probably longer, and this also codifies some of the existing practices that are a key part of the no-kill implementation plan approved by city council. So now I'll just run very briefly through some of the components of this ordinance.

[10:41:58 AM]

A just addresses that animals that are owners surrendered, when owners are bringing them in and surrendering them, they're not subject to a stray hold period. This was not in the previous code so this is making that very clear. B codifies our current practice of not euthanizing any animal unless it's suffering for a seven-day period. C is -- this is at the core of the Lira case, the case in Houston, this is just making it very clear that at the end of that three-day stray hold period, that the city does own the animal and can transfer it to rescue, it can spay and neuter it or adopt it out. D makes -- so D has led to some questions, and there was an item -- there was a backup item sent to you yesterday that makes it very clear -- and we added some language in the D. What D says is that if it will save an animal's life, we're talking about neonatal kittens and puppies with parvo virus, they can be transferred to a rescue partner during that period. That's because the shelter isn't a 24-hour emergency clinic so it's life-saving for those animals. Approximately 1500 that need round the clock medical care are impacted and their lives are saved by this current existing practice at Austin animal center. So D, we also added language to make it clear that any transfer during that stray hold period will be within Travis county, and that the animals aren't legally transferred, they are sent physically to the rescue partner so that they can live and be taken care of, but they're not the custody of that transfer partner until the conclusion of the stray period. E recognizes that

we do microchip and vaccine clinics, we do rabies clinics in the community, and when we're serving animals that way, they're not subject to a mandatory stray hold period.

[10:43:59 AM]

F is an addition that says that we cannot give any animals to a laboratory to be used for research. And G says that we may euthanize an animal before that seven-day period at any time if that animal is medically suffering with no chance of recovery, or very poor prognosis for recovery. H recognizes that this does not apply to dangerous animals. There's a separate process for that. This does not apply to deemed dangerous animals. I clarifies the time period, and J just defines what we mean by business days. So I'm happy to answer any further questions that you have, and thank you.

>> Mayor Adler: If there are no questions at this point, I'm going to go ahead and call up the speakers. We have speakers -- is Brenda Collier here? Is David King still in the room? You have six minutes if you want that much time.

>> Thank you, city council and mayor. I'm Brenda Collier. I'm a lawyer and a business owner and I'm an animal welfare activist in town. I follow Texas and other court cases involving animals, and I became aware of the Lira case in Texas April 1st when it came out on Twitter feed and immediately became concerned about what that meant to Austin and the city liability for its Austin animal center animals and our rescue animals with our partners. So out of that need arose meetings with community activists like myself and the proposal of the ordinance, and it was posted, it went to the Austin animal commission. I testified in favor of the ordinance at that point, had some input to the ordinance, and I speak today in favor of it. The Texas municipal league recommended that all Texas cities amend their ordinances to be very clear on this point, that after the stray hold is up, the animal is owned by the shelter. That is critical and is an urgent need because after the ruling on April the first, every city is at risk for liability of a lawsuit related to the Lira case.

[10:46:07 AM]

And I will tell you that as an animal lawyer, I have already been called by someone in another city who wants to activate this under -- and that the city of Austin is at risk for these kinds of lawsuits. So this ordinance, when it's passed, will take care of that liability, reduce the liability for the city of Austin and that -- on that point, and that's one of the reasons that it's so urgent. The proposed ordinance really just codifies existing practices, things that have been going on for years in this city. We took the opportunity to clarify a number of points in this ordinance that have been going on, like the ability to transfer the animals to the rescue partners, to Austin pets alive and other rescues during that stray hold period, that if the animals were not sent to they would die. The parvo puppies you've heard about, the bottle babies, babies that the animal center can't care for, and it would risk our no-kill status if we don't have this practice in place. And it's in place, but this ordinance clarifies that. There's been some discussion about changing the three-day hold period to a longer one, lengthening that period would be disastrous for the city. We simply can't afford it, and that's not the practice as I think we've heard, it's been the practice for at least 15 years or longer. Any longer stray hold period would mean the animals might die and we could risk our no-kill status, that's good for animals, that's my heart, but also good for business because we're a no-kill city, and that's great for business for the city of Austin. So you've heard that this was considered at the Austin animal commission, and it was voted on, it was considered, there was testimony, including mine, and it was unanimously approved. And so I would urge you to vote in favor of this ordinance. Thank you.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: Thank you very much for being here. I was hoping we'd have some expertise like yours.

Let me just ask, quickly, I guess the best argument I've heard for trying to extend this is when we have natural disasters, like the next big flood, as people get displaced and they're kind of fearing for their own lives, their lives get turned upside down when a flood comes in, so the three days, you know, in that case the three days, you know, might not be enough.

[10:48:24 AM]

Normally, I agree with you, and I appreciate your cost/benefit analysis. That's important, too. But I might be inclined to agree with councilmember Houston, to give a little more time and let some more people speak on it, if she wants to make that motion to -- what would be the risk, in your opinion, of pushing this out maybe to September, August or September for a final vote? Is there any risk, liabilitywise?

>> Thank you, councilmember Zimmerman. There is risk because every day this is not the place, that it's not clarified under Lira, we risk the potential the city of Austin will get sued, when somebody goes past the 3-day hold period, and they find their animal -- it's very unfortunate, in a natural disaster that could happen, but we have only a 30% reclaim rate for dogs in the city of Austin, which is very, very low, and only 1 to 2% for cats. So the risk of that happening versus cost in animalwise, it has to be weighed.

>> Zimmerman: Thank you for those comments. Thank you.

>> Mayor Adler: Thank you. Ryan Clinton. Jennifer Lucas is on deck.

>> Good morning, councilmembers. My name is Ryan Clinton. I'm an appellate attorney. I've litigated cases on this very issue for three years, successfully against the state of Texas, I might add, and even the state of Texas believed at the time and briefed that at the end of the hold period, ownership transferred to the animal shelters. This has been what we've understood the law to be, everybody practicing both legally and substantively, has understood that title would transfer at the end of the hold period, for at least for a hundred years, as far as I can tell. The Texas supreme court did not make a grand decision here. What they decided was on a technicality, which was that Houston's ordinance did not expressly state that at the end of the hold period, title transferred. And as a matter of notice to owners, they should be on notice the title is going to transfer, and, therefore, if they didn't get that notice, then we're going to have a different decision.

[10:50:29 AM]

And that's why we need the amendment to make sure that they have notice that at the end of the hold period, the title will transfer. I want to make five quick points. First, this amendment does not make a substantive change to the way the city practices its animal shelter. It does not change anything except for one thing, it gives additional legal protections to persons whose animals are transferred during the hold period. It provides an additional right not codified in current law, which is they are guaranteed the ability to have access to those records and those documents at the animal shelter during that hold period. So contrary to what you may have heard, this does not hurt animal owners' rights or make it more difficult for them to find their pets, it actually makes it easier. Second, this amendment does not change the existing hold period. Again, some people have mistakenly told you that this changes the hold period or waives the hold period. It absolutely does not do so. Three-day business hold period stays the same before as it does after. Third, the amendment does not make a modification -- make it more difficult for owners to find their pets, as I indicated. It actually provided additional rights to protect their ability to find their pets. Fourth, the amendment is necessary to ensure that the animal shelter and the rescue can provide spay/neuter to the animals. Right now, it is the existing policy and law in Austin that all animals have to be spayed or neutered before they're outcomed. Well, the Lira decision calls into question the city's ability to do that because it is illegal to spay or neuter an animal that you do not own. So if you put this off, you are also subjecting the city to potential liability for spaying and neutering

animals or subjecting your veterinarians to legal sequences of spaying and neutering an animal the city does not own. 5, there is not legal Liam big. A lot of people not lawyers are telling you this is ambiguous. From a legal perspective, it is not ambiguous.

[10:52:31 AM]

I understand the confusion because lira makes it confusing, it holds that a transfer does not transfer ownership.

[Buzzer sounding] So we had to adjust the ordinance to make it legally clear. I do think it's urgent -- I do think you should pass it today, and I would add one thing for councilmember Zimmerman. If in an emergency you want to extend, I would recommend that at that moment you provide additional emergency funding to do so because right now the city doesn't have that funding.

>> Mayor Adler: Thank you.

>> If there are no more questions, I shall me seated. Thank you.

>> Mayor Adler: Thank you. Next speaker, Jennifer Lucas, to be followed by Liz Carrasco.

>> I support no-kill as well as the majority of this ordinance. However, I have concerns, mainly with the non-specific wording of section D and no mention of the stray cat return policy. I think we need to pause and be sure that it really protects the community and their pets. I'm not an attorney, I'm a teacher in an underserved community in east Austin and I'm also involved in animal rescue. Students and their families often turn to me when they have an issue with an animal. From my experience, there are many people in our community who don't have resources like internet, transportation, or the ability to speak English fluently enough to help them navigate the complicated city procedures for finding their lost pet. A recent incident shows how a dog was almost not reunited with his owner under this procedure. Students contacted me about a chihuahua they found near the school. They didn't have transportation or internet, so I had them call 311 to file a found animal report and told them to make flyers until I could get the dog microchipped the next day. I asked if he was neutered. They said no. I asked how old he was, they said very old, and he weighed, they said, ten pounds. That was also what they told 311, so that was how it was listed in the database. In actuality, when I got to him the next day, I saw he was enumerated, about six months old, four pounds, with a green emancipet tattoo, and the listed photo wasn't clear.

[10:54:34 AM]

They meant well but they didn't know any better. Anyone looking for this six-month old four pound microchipped chihuahua might have overlooked his listing based on the information given. As it turned out the owner lived across the street from the school but couldn't speak English and didn't have internet. She was home caring for her child and didn't have a car. The company sent her notifications in English and she didn't understand. Luckily, within a few days she found someone to translate and called me back. Her dog had been missing for almost two weeks and had been in our care for almost a week. This reveals a weakness in the system that almost resulted in a good owner not getting her dog back. This ordinance puts in writing these procedures at the shelter that are currently taking place. If this dog had been looked over by an aco after 311 was culled or checked into a shelter, she would have been reunited earlier. D puts the responsibility of animals in the hands of the owner. If it isn't accurate, there's no chance of finding the dog. Stray cat program is never addressed. They're back to the streets or reported as transferred to rescue. Under this organs, sections D and E, E otherwise being productive, allows a stray cat to be released back to the street before the stray hold time is up. Please include a section on procedures to keep this from happening. Finally in section D, what defines animal shelter rescue or other welfare organization? Please include standards that these organizations must meet. Apa is a local reputable organization with great facilities and fosters to care for animals but the way it's

written this could include any organization no matter what the standards or intentions are.
[Buzzer sounding] While some rush to pass this with a sense of urgency, I think we need to pause and think about how this addresses the community. Thank you.

>> Mayor Adler: Thank you.

>> Mayor Adler: Liz Carrasco, to be followed by adette quintana.

>> Thank you. I'm here, I'm not an attorney, I am an animal advocate, and I am asking that you please not vote on the proposed ordinance, please send it to council committee as an opportunity for public engagement because it has not been presented for that.

[10:56:45 AM]

The citizens of Austin who are pet owners have the right to know of the major changes that have been added to the ordinance. As stated in the work session by Cary grace from your law department, the ordinance as it stands now gives shelter ownership of pets in accordance with the Texas supreme court ruling. Your law department clearly pointed out in the work session, section C is the core of the lira decision. So section D has nothing to do with the lira decision, and therefore, the language in section D should either be removed or considered for more specific language. I am a constituent, and I am a pet owner, and I'm not in agreement with my pets being considered abandoned by me, should an unexpected situation occur. Here's the scenario. If -- I travel a lot, and if I'm gone for longer than six days and I return because my pet has been lost and it's been transferred over to who knows where, because there aren't any specific indications as to where these dogs are being transferred, how am I going to find my pet? That's my family member. I wasn't here. I know what to do. I'm hoping that the person that's pet-sitting my animal would know what to do, but you never know. There's circumstances. There's emergency situations. As some of you councilmembers have expressed, during floods, people get misplaced. There's other emergencies, and if you can recall, recently with the floods, our shelter wasn't opened. They closed. They were not taking in any more intakes. And since 99% of the pets are already transferred to Apa, why can't that just be added to this proposal and make it clear and make it safe for everyone, so we can be reunited easily?

[10:58:46 AM]

Thank you.

>> [Off mic]

>> Mayor Adler: Okay. Pat? You have six minutes. Robin Katz is on deck.

>> Thank you, mayor, mayor pro tem and councilmembers. My name is pat. I'm not an attorney but I can read. And when I read section B, I can tell you right now it has nothing to do with the lira decision. And an attorney has admitted that. If you pass this entire thing without section D, you will be responding to the lira decision. So I am asking you to consider taking out section D entirely. And here's what's wrong with section D. First of all, the language about about -- which organizations a pet can be transferred to before the stray hold period is up is too vague. It leaves open the possibility of an animal being transferred to a foster home or a shelter in another county. I have not read the revised proposal that Ms. Auerback talked about. If you'd like to share that, that would be fine, but we can't respond to that without seeing it so I'm asking you to postpone until we can see it. Here's what the section D says. An impounded animal not surrendered by its owner may, at the discretion of the health authority, in order to save the life of the animal, be transferred to a 501 c3 organization that is an animal shelter, an animal rescue organization, or other animal welfare organization prior to the expiration of the period described in subsection C, which is the three-day stray hold period.

[11:00:53 AM]

If you pass this as written today, without putting any requirements, tomorrow an animal could be transferred to any animal welfare organization, anywhere. And there's no standards for that animal welfare organization. This is wrong. This could result in an animal being transferred to a 501c 3 that is a kill shelter someplace else in the state. Now, they'll tell you, oh, we're not going to do that. Okay. If you're not going to do that, change the language to say what you are going to do. If you would like to save parvo puppies and neonatal kittens, write this to say we will save parvo puppies and neonatal kittens, and those are able to be transferred before the stray hold period is up. Do not change this in a way that allows my adult dog to be transferred to any animal welfare organization anywhere in the state because that's not right. Even if you fix a little bit of section D, you're not going to fix it entirely. Here's why. We've been told that there are safeguards in 1 and 2. Number 1 is that there's some documentation requirements for when an animal is transferred to another rescue group. Number 2 says that the rescued animal transfers over to that rescue group, after the stray hold period is up. Now, here's the thing. The clock is ticking on number 2 for those three-day stray hold period. If number 1 is not posted correctly, the documentation, the photograph is incorrect, the description is incorrect, that -- that stray hold period is still moving along. And at the end of it, your pet is transferred to somebody else, even though you couldn't find your pet because it was posted incorrectly.

[11:02:58 AM]

Again, the problem is not the lira case. The lira case is addressed in a, B, C, and other sections. D is the problem. D allows an animal to be transferred out of the Austin animal center, where you know where it is, it goes to another organization, and now you have to spend time looking for the animal. And if you don't make it in that in that three-day time period, it's too bad, you've lost your animal. There's one more thing. If you just want to save the parvo puppies and neonatal kittens, I have sent you a revised draft that would do that. You would say that when an animal is -- a neonatal kitten or a puppy, a parvo puppy, you can transfer that pet before the three-day stray hold is up. That addresses the concerns that Austin pets alive has been bringing to your attention. You can limit D and then allow input on how you're going to deal with an adult dog or an adult cat during a public comment period that hopefully would occur in the human services committee. I would like to read my request. My request that you substitute

the following for section D: An impounded neonatal puppy or neonatal kitten, not surrendered by its owner, may, at the discretion of the health authority, in order to save the life of the puppy or kitten, be transferred to Austin pets alive prior to the expiration of the period described in subsection C, subject to the following conditions. Number one would stay the same, except you would change that to seven days because once the animal is out of the shelter, you don't need to transfer ownership until after seven days.

[11:05:09 AM]

[Buzzer sounding] You have the rest of it in writing. I hope you will consider it. Thank you.

>> Mayor Adler: Thank you. Next speaker is robin Katz. Margaret weeder is on deck.

>> Good morning. I think that everybody pretty much covered my career and credentials. I'm a teacher in aisd, on the east side now, so I also understand where the other speaker was coming from. But I also am an attorney. I am also the former chair of the state bar of Texas animal law section, so I am extremely familiar with this case. I've worked with Sandra Anderson, who was one of the attorneys on the case for lira, and I've also worked with Randi turner, who's an attorney on the other side of the case.

So I also am an expert in this field and I would like to express my support for passing this ordinance as soon as possible. I will not bore you with why I support this ordinance, as far as the lira's issues are concerned, because I believe that most of the people who have spoken are already very much in support of those parts of the ordinance. I believe that Kristen Auerback, also according to section D, responded to the previous speaker's concern about where the animals would be transferred to and I believe -- if I'm mistaken, please correct me -- I believe she said the revised section has -- would keep the animals in Travis County. And so if that's incorrect, let me know. So that would -- that would address the previous speaker's concerns about that. Section D, people are extremely fixated on the fact that -- and concerns that, what are they going to do if their dog, their dog gets transferred to somewhere else, but I think that they're missing the point behind section D.

[11:07:17 AM]

Section D is there to save the animals' lives. So if somebody's dog were extremely sick and needed medical attention immediately, and it was a choice between keeping it at the animal shelter, without that proper medical care, that they may not be able to provide, or transferring it elsewhere so they can get that medical attention, I'm pretty sure that the owner of that animal would want them to be transferred to save the animal's life. I think that their concerns because -- I think that they're not realizing that the three-day period is still there. I think they're concerned about issues which should be handled within Austin Animal Center and management and their employees, as far as making sure that the profiles are up to date and things like that, but that has nothing to do with this ordinance. This ordinance will be saving animals' lives. It will be in line with Lira. And as far as the question about why -- why it's important to pass this immediately, I have the Lira decision in front of me, and on page 5 of the Lira decision, there are -- the court's concern, and I'm sure everybody's concern, is regarding property rights. And so the court is quoted as saying private property rights --

[buzzer sounding]

-- Are fundamental liberty, not contingent privilege. And by changing this ordinance, you can address Lira and save the lives of animals. Thank you.

>> Mayor Adler: Thank you. Margaret Reader then Ellen Jefferson.

>> Good afternoon -- whoops, not afternoon, morning. Sorry. I am not against this, but it needs to be redone. And by the way, I went to the advisory commission meeting to speak, and they moved the agenda up to the beginning, and I got there a little bit late, but in plenty of time to sign up for that item, but I couldn't, because it was moved up.

[11:09:21 AM]

And so that, you know, there were other people, too, that probably didn't get a chance. I think that we should put -- bring all the stakeholders together on this, lost and found advocates, shelters, rescues, and AAC, and get more public input. I'm a rescuer. I work in disasters. I also worked on the original no-kill and on the no-kill implementation plan. And, you know, I see it from both sides. I totally understand. But there needs to be a process maybe to mediate on cases, people have a way to present the problems, as to why they couldn't pick up the dog, as to how they could get it back, keeping us out of court, and also to refund -- to have them pay rescue expenses for any organization that might have tried to help the animals. There needs to be provisions to deal with disasters, as has been said. Hospitalization, sudden hospitalizations, emergencies. The final project -- product should be very clear. And so as not to generate all this confusion and emotional reaction. Things that need to be considered are that, you know, we have microchips that we promise people to return pets. That means they're negated in three days? People don't know that. And people sit at home waiting for somebody to call them a lot of times

because of the chip. People don't go looking for their cats, their outdoor cats for a couple days. They're assuming they're going to come home. They -- it's almost like we didn't learn the lessons from Katrina. People that lose their pets in disasters, maybe can't get them, but it is something that's almost -- it's like hanging onto a family member. And many of them have gone to court for years to get their pets back, and people without money have done this, and it's been very tough.

[11:11:27 AM]

And, you know, people will still sue, you know, no matter what we do there, because we have -- you know, we have the property, also. I think that people with a strong human-animal bond are needed to support no-kill, but you are saying that pets are practically disposable. Just go get another? I mean, after three days? It's not taking that into consideration. A person bonds with an animal, does not have an expiration on it of three days, or any time. Look at Katrina, again. We need to work on this some more. [Buzzer sounding] Thank you.

>> Mayor Adler: Thank you.

>> Hi. My name is Ellen Jefferson, I'm the executive director of Austin pets alive. I just have couple of points to make. There's two issues here, one is transfer of animals that need immediate care that's not limited to parvo puppies and neonatal kittens, dogs and cats hit by car, we have elderly cats and dogs turned into the shelter that need care for renal failure, liver failure, the shelter is not equipped to deal with those problems so those are transferred to us immediately. And if we -- the big issue with transfer is that if we don't have the ability -- if we are not the owner or the designated caretaker, which this ordinance outlines, we are not legally allowed to treat them. And so I've been personally involved in a lawsuit that has cost over \$500,000. Luckily, I've got pro Bono attorneys that are doing this case for me, and we just won, but the cornerstone of the case was whether we were the owner or not. And so this is critically important and I think very urgent that that is spelled out, that not only the city is the owner, but they have the right to give the animal to us as the non-profit to become the owner or the designate caretaker.

[11:13:28 AM]

The second thing I would say, with the hold period, I think there's two things being discussed here, and one is what I hope we can be in the future, which is a world where we treat pets better than we do right now, and trying to make it so that we can save the ones that are in front of us now and operating within the world that exists for animals. And the world that exists for animals, there's only a certain number of cages available to them at the city shelter, and until we either build a lot more cages so they can stay a lot longer and let people come find them, there's simply no option. There is no way to hold every animal for seven days. I haven't done the math but I'm guessing if you do the math on every cage times seven days, you'll have a lower intake than we currently do now. So you have to balance the job of the city to pick up animals and get them off the streets, versus trying to give them longer to find their owners. And that's just -- that's just the reality of where we are right now. And along those lines, I don't think people clearly understand that for every animal in the -- coming in, that there needs to be one that leaves, because every cage is full, all the time. So I would -- I would ask you to please pass this. It's important to the work that we're doing. It's important to the work that you're doing to protect it, and also to protect the animals. Thank you.

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

>> Zimmerman: Thank you, Mr. Mayor. Dr. Jefferson, thanks for being here, along with everybody else. But let me go back very quickly to that question of the lawsuit. So there's a legal relationship between the Austin shelter and the city of Austin, and Austin pets alive is a 501c3?

>> Uh-huh.

>> Zimmerman: And I hear you on this. Every dollar that gets spent litigating is a dollar that can't be used to, you know, help with the problem -- solving the problem of animals that need shelters. So is there anything you can tell me briefly about your concerns about being sued if we post this thing for a later time for some more discussion? Because it's a risk; right? But how often do these lawsuits come up?

[11:15:29 AM]

>> Well, one time is enough. I -- I would say that -- I don't know anybody else that would have stuck doing what we're doing now, under those circumstances of being sued. So -- or going through a lawsuit, I should say. So I don't think that -- I think the risk is very high, that we're going to lose the veterinarians that operate in both of these shelters. That's the group most at risk because if they can't -- if they don't have the legal ability to treat the animals that are in their care, which they -- under the health and safety code, shelters cannot treat owned animals, owned by somebody else. So if they don't have that crystal clear, then they're open to a lawsuit, which makes it hard.

>> Zimmerman: So you're saying the legal risk is against veterinarians, not against the city at large.

>> Both.

>> Zimmerman: Both. Okay.

>> Think about, there are animals that we also euthanize at the city of Austin shelter. The city would be liable for ending that life if the owner is still out there.

>> Zimmerman: Okay. Thank

[11:17:50 AM]

>> Houston: The issue for me, when we had this issue at audit and finance, it was about an emergency shelter. So don't we have data from last summer? Because summer is coming on? I can't remember the exact world but you said something about summer is coming on, we need to get this done immediately. What is that immediacy for the shelter?

>> I think the difference between last year and this year is that the lira case has happened so that changes things for the city, in terms of liability.

>> Houston: But you all have done the same thing that you're going to do -- that's what I understand, what you've been doing for 25 years, you're going to continue to do with some tweaks.

>> This ordinance does not change any current policies or the way us we operate. It codifies existing operating policies and procedures.

>> Houston: So you've heard all the concerns. Is there a way that we can delay this so that we can have a conversation to address some of the concerns that have been expressed, not only by the people who have showed up, but also by people who have e-mailed? We're going to get sued at some point by somebody over something. I don't want fear to lead us into this. I want us to have the best policy that we can, regarding animals, and especially those who have been picked up. And my cat wanders off all the time. God forbid it gets picked up. Sometimes I find it three streets over. So there's some legitimate concerns about pet owners who don't want that ownership transferred that quickly. When I heard caretaker, that may be a different way, and would that even work in this ordinance, if instead of saying ownership transfer, have a caretaker transfer?

>> Mayor and city council, I'm assist city manager. A couple of points, the revised ordinance was in your backup so it did provide you the latest information that spelled out all of the various provisions that included what Ms. Auerback included this morning.

[11:19:54 AM]

A couple of things to point out. I think it's a clarification to some of the folks that came up, because one particular section that kept getting pointed out was section D, and if you notice in that revised ordinance, it specifically starts out and it talks about in order to save the live of an impounded animal. So that is specific to those type of situations.

>> Sure.

>> So while that copy was going off, while I was working off my notes, I'll see if I can point out, the other piece in there, at the end of that section, was a change that we included in the memo that said that the updated ordinance also clarified that these animals will only be transferred within Travis county. There was no consideration at all that we would be transferring them anywhere else other than Travis county. So I want to make those two big clarifications because this is for saving lives, specific to saving lives, and also transferred within the county. And I'll answer your question, councilmember. Yes, we could delay this if you like, but what I would point out to you is that this is at the heart of what we do in no-kill that have been very successful, and been a model that we believe has been replicated and emulated by a number of cities across the country. We firmly believe it's important to not only address the legal issues, but then codify things that we're doing every day, that we believe are contributing and making a significant impact to no-kill. At some point, I do believe, if the council would like, as a next step, you know, there's always an opportunity to revise the whole issue about no-kill as a whole. If the council wishes us to pursue that, you know, then we can develop some sort of process that includes -- I can see that --

>> Houston: No, no, that's not the issue, acm, that's not the issue.

[11:21:55 AM]

The issue is how we engage community. And that's the point we're going -- jumping from an ordinance to revisit no-kill. That's not the issue here. The issue is, how do we engage different points of view in the community so that we have the best ordinance in front of the council, rather than spending almost 45 minutes now doing that? And I'm saying that the engagement piece was missing because people don't understand the Texas supreme court ruling, and they don't have an opportunity to contribute to the conversation. That's the point I'm trying to get across.

>> Okay. And I respect your position, and I will simply say that I was here when we did not have no-kill, and we went through an then extended process that involved a tremendous amount of community engagement, starting out with the working group that involved focus on a lot of different areas that is the heart of what we're codifying today. So that was my point of saying if, in fact, that is an issue at some point, we can look at all those aspects and do a community -- very extensive community engagement plan. That's the only thing I was suggesting.

>> Zimmerman: Mr. Mayor?

>> Troxclair: May I make a motion to pass this.

>> Mayor Adler: Item number 2, motion to approve. Ms. Pool seconds that motion.

>> Gallo: And just with the comment attached to that motion, if I may, please, it sounds to me like this is clarifying legal complications that could result in additional expenses both to the city and the organizations that do such a great job of helping our community with animals, and so it seems like addressing this immediately is appropriate, but I definitely am hearing councilmember Houston's concern that we have some type of process for stakeholders so that we can get additional information if we need to make tweaks or make changes to our current policy, let's try to establish that process, but it seems like this is more legal-related and as long as we can kind of get a commitment from the department, that we can address councilmember Houston's concerns and the other concerns that came

up in the stakeholder process to be able to allow people the opportunity to help us do the best job we can.

[11:24:10 AM]

>> You have our commitment.

>> Gallo: Thank you.

>> Mayor Adler: Ms. Garza, then Mr. Zimmerman, unless you have --

>> Zimmerman: Well, I asked to Tuesday, my intention was to move that we refer this to committee, so I was hoping I could get that motion, we can vote on it. If the council doesn't want it to go to committee, then we can just vote --

>> Mayor Adler: I'll recognize you for that motion.

>> Zimmerman: Okay.

>> Mayor Adler: But not yet. Ms. Garza?

>> Garza: I pulled this as work session because I had questions about the three-day waiting period. My questions have been answered. I understand the legal issue here, and I just -- to make clear, it's -- while the shelter will be having this -- doing the same procedure, this closes -- this answers the question, I believe the case was the city's need to have something in writing, and this puts it in writing. So the procedure stays the same, it just -- it just -- it closes the city's liable. So, yes, while parties could still sue, it wouldn't be a successful lawsuit because we did what we needed to do by having this in writing. I understand the stakeholders -- other stakeholders' concerns, and I want to make clear to the community that we are not questioning no-kill. That is not something that I have any intent of opening that discussion up again. I feel like sometimes these conversations get misscrewed, and if you want to talk about no-kill again, we can talk about that, but that's not what we're doing here. I want to communicate that not community. I think it's important that we pass this in this iteration today, and if there is concern about the three-day, that could be a policy issue discussed at -- in a committee, but I think that it protects the city to pass this today.

>> Zimmerman: I'd like to make that motion to refer this to the public safety committee in September and if I get a second, I'll explain why.

[11:26:11 AM]

>> Houston: I'll second I had.

>> Mayor Adler: Mr. Zimmerman has moved

>> Houston: If we hadn't pulled this initially, Travis county would not have been added to this document, the revised document. That's the benefit of having input prior to having a document before us, because now we're going to almost 35, 40 minutes on this. So I would -- there may be some other tweaks that can be made to ensure that it's legal, and I appreciate councilmember Garza's comments about the legality of it. And we do know that we're trying to codify something that's been the practice of the animal center for 25 years and we're not going to change that practice. But it's just putting in language. I think there could be improvements made. Just give us till September.

>> Pool: It looks to me like the process has worked. The item was on the agenda, it was removed at audit and finance yesterday morning. We had good testimony. There were additional changes made during the time it was first discussed at the animal services commission in April.

[11:28:12 AM]

I get the need to move forward with this, and what I would suggest is that we approve this today, and if

there need to be amendments to it later, we can bring it back. But I am not willing to life the city open to liability by no, sir passing this fully today.

>> Mayor Adler: Furs discussion on the motion to refer to committee? Those in favor of referring to committee please raise your hand. Zimmerman, troclair, Houston. Those opposed, please raise your hand. Rest of the dais, for continuing in discussion.

>> Zimmerman: I'd like to call the question, Mr. Mayor.

>> Mayor Adler: All right. If there's no further debate we'll take a vote on item 2. Those in favor of passing, please raise your hand. Those opposed?

>> Houston: I'm abstaining.

>> Mayor Adler: Ms. Houston abstaining, the others vote aye, with two abstaining. Let's go to the rest of the agenda. We have the secret money ordinance, item number 20.

>> Houston: I want to thank you so much for pausing just a minute to make sure it came out right.

>> Mayor Adler: Is staff here on this one? This is the secret money item that we passed an earlier resolution on. We sent staff to work on that. There was a draft resolution ordinance that was filed. We have, in working with staff and with other stakeholders, have nine amendments, half of which are clerical, that have been posted and have been of record, which I'll move in just a moment.

[11:30:19 AM]

You want to speak to this and also to the amendments?

>> Sure. Assistant attorney, Cindy tong. I helped the mayor's staff in working on these nine amendments. Essentially, they're summarized on the first sheet that you have. They create new criteria for reporting and disclosing contributor information that's based on whether a contribution was made to a segregated bank account, and you can see that part of the amendments on page 3, amendment number 2 provides a definition of segregated bank account, which is an account maintained by a person who makes one or more direct campaign expenditures or covered transfers. It consists of funds that were paid to that account by other persons than the person that controls the account, and it's used by the person to make those direct campaign expenditures or covered transfers. Essentially a person who pays for direct campaign expenditures or covered transfers, exclusively from this type of segregated bank account, would only have to report information regarding contributions that were made to that account. It's a different policy choice than was in the draft ordinance for how to determine the criteria of when certain contributor information should be shared. And so if someone creates a segregated bank account, you can see on page 5, amendment number 4, which relates to direct campaign expenditures, subsection aa discusses if someone does create that segregated bank account, that they're only reporting the contributor information for people whose contributions went into that account. Subsection B is showing if a person chooses not to create a segregated bank account, and they're making these types of expenditures, direct campaign expenditures from, say, a general fund, that they make lots of different types of expenditures from, maybe they pay their overhead for their organization, they pay their staff, they also pay for direct campaign expenditures from this type of account, then they would be required to essentially disclose information about all of their contributors, with the exceptions that still apply in C, and with an increase in the dollar threshold from 250, which is what was in the draft ordinance, to \$500.

[11:32:53 AM]

So that sort of change, that appears in amendment 4. It also appears in amendment 5, which pertains to the disclosure statement requirement, so when it comes to disclosing the top five contributor names, again, if you created a segregated bank account and you only made direct campaign expenditures from

that account, then when you're determining who those top five contributors are, whose names you might need to put on your ad, you would only have to look at those top five contributors to your segregated account. If you had other contributors from another account from which you did not make political expenditures, you would not have to disclose names of those contributors. In addition, the new segregated bank account related language, it's also on page 9, and amendment 8, relating to report of covered transfers. If you make a covered transfer and you have to report about it, if you've created a segregated bank account and you only use that account to pay for covered transfers, then the contributors to that account are the only ones you would have to share, in your report to the city. That's in a, if you choose not to create an account, then you would have to report your contributors, all of your contributors. So it's really providing an option for the persons who are making the covered transfers or direct campaign expenditures to create an account if they want, and that would limit the number of contributors that would be required to report. Other changes in the amendments would slightly adjust the thresholds, so right now, under current ordinance, you're supposed to make a report if you make direct campaign expenditures that exceed \$500. The proposed amendments would lower that from meeting or exceeding \$500, so a very small change.

[11:34:56 AM]

But that would be repeated in the cover transfer section, but again you would report covered transfers if you make them in the aggregate of \$500 or more under the proposed amendments. And the other threshold change would be that in the draft that was posted in backup. The aggregate amount for contributors to be reported is \$250 in contributions in aggregate. Under the amendment it would be raised to \$500. And that Bo would apply to direct campaign expenditures. In addition there was some concerns about an exception that occurs throughout the different sections. There was an exception that you wouldn't have to report contributor information if that contributor prohibited in writing the use of their contribution for political purposes. There were some concerns expressed what if a contributor prohibits you from using their contribution for political purposes but the recipient of that contribution does not abide by that prohibition. They go ahead and use it for political purposes anyway. So in order to kind of close that potential loophole in all of the places where that exception exists in the draft ordinance that was in backup, the amendments would add in language that would make it clear that the exception where you don't have to report that contributor information only applies if both the contributor prohibits using their contribution for political purposes and if the recipient abides by that prohibition and does not use it for political purposes. The last major change in the amendments is your last bullet on the summary page and this is that the amendments would except a transfer made by a person who has not received any contributions from others during the current election reporting period.

[11:37:06 AM]

So if I'm an individual and I make a contribution to a 501c4 and not 501c4 and makes a direct campaign expenditure, if I haven't received contributions from anyone else, I'm not passing money through, I'm just using my own money, then I would not be required to report my contribution to the 501c4 out of the conferred transfer. But I might still be reported as a contributor by the 501c4 when they report their direct campaign expenditure. So essentially it would except some probably quite a few individuals who make contributions who would otherwise have been required to report covered transfers to the city.
>> Mayor Adler: What it does it means if there is a table at a grocery store and someone makes a contribution, they don't have to file reports indicating they made the contribution, but the person receiving that money and then putting it on a direct expenditure reports their name if it beats the threshold limit.

>> Correct.

>> Mayor Adler: Okay. We have some people that have signed up to speak. If it's okay, I'll go ahead and call them to speak. The first speaker that we have is Francis McIntire. And Fred Lewis is on deck. And then Kay.

>> Good morning, mayor, mayor pro tem and council. I'm Frances McIntire speaking for the Austin league of women voters. We are so pleased that you have before you a really good ordinance that will help the public track contributions and expenditures in our city campaigns of elective office. This ordinance has clear, well thought out rules that say what they mean that will protect representative democracy from being distorted by big spending in election campaigns.

[11:39:09 AM]

It will ensure transparency and the public's right to know who is using money to influence elections. I recently returned from a national league of women voters convention in Washington, D.C. There were leaguers from 48 states, the Virgin Islands and Puerto Rico. It was evident that a great deal of work has been done and continues to be done in many cities, counties and states to get money out of politics. And to blunt the harm from earlier supreme court decisions including Citizens United and McCutcheon. We tackled this issue through a comprehensive package of reforms that included support of increased disclosure and public financing ending the under the table coordination between super PACs and candidates and calling for creation of a new -- to replace the dysfunctional federal election commission. We are proud of the writers of this ordinance and proud of the council who passes it into law. It is something that I will brag about to leagues all over our state and nation. Hopefully it will be a model for other cities to follow because Austin rocks. We urge you to require this ordinance that will be implemented -- to be implemented and effective by September 1 of this year so that it will be in place for this year's campaigns. Thank you very much.

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

>> Hello everyone. I sent a letter of support from about five good government groups, the league of women voters, common cause of Texas which now has a new staff member, Texans for Public Justice, Public Citizen, which is here, and my organization, Save Our City Austin. And I just wanted to tell you that it is an excellent, excellent law.

[11:41:10 AM]

Your city staff has received input from some of the best experts in the country at the Campaign Legal Center. That is the nonpartisan group in D.C. That was founded by John McCain and is chaired by Trevor Potter, who is an institution as well. As you know, disclosure is the bedrock of any campaign finance system. If you don't have disclosure, you don't have anything. And the public, the supreme court has said repeatedly despite whatever opinions it's had about corporate money or other things, contribution limits, it has said repeatedly the public has a right to know who is funding elections. About ten years ago groups started using, through clever lawyers, 501c4 organizations and other organizations to hide the true source of donors. Generally a 501c4 doesn't have to disclose donors so the thought if we just run political money through it we won't have to disclose who is behind the ads. The reason is either because the contribution is really large, which people don't like, the person has a lot of political baggage, or the ad is scurrilous and they don't want to be associated with something so nasty. Usually the motivations behind keeping your name off as a contributor are not wholesome. To give you an idea of what happens and why it's needed in Austin, you begin with a trickle, \$5 million in secret money in 2006, 2012 in the United States it was 306 million, and 60% of the contributors, 60% of the contributors to independent expenditures on the federal level in the last election, the donors were not disclosed.

[11:43:12 AM]

That's what's coming to Austin. That's why this is needed. I want to thank the staff. I do want to say, though, I am disappointed that although you passed the resolution in December, that the guts of this law as it's written will not be implemented in time for the citizens for the November election. That was a disservice to the citizens and it could have been avoided and frankly it still can be avoided. It will take work to implement it, but I thought the city sense came first. If you have any questions, I'll be happy to answer.

>> Mayor Adler: Any questions? Thank you. Kay? Is Kay here? It's back up to the dais. I would move adoption of this item number 20. With the amendments that have been posted. Ms. Houston seconds that motion. We're now discussing this. It is just a straight up what it is. It's just saying that contributors that contribute above a certain amount would be disclosed by the entities that are spending that money in campaigns. Discussion? Ms. Troxclair.

>> Troxclair: Sure. I just wanted to reiterate I guess my reasoning for not being able to support this today. I just -- of course there is certainly an interest in having thorough disclosure when it comes to campaigns, but I also think that the right of free speech is incredibly important not only to me but to the history of this country. Just to give you a couple of examples, during the civil rights movement the naacp went to great lengths to protect the names of their contributors out of fear of retribution from others in the south. During our founding of our country, the -- the federalist papers were written under pseudonyms in order to avoid retribution from others in power.

[11:45:23 AM]

And a more maybe modern example, I had an anonymous person contact me saying that -- asking if they worked for a catholic charity but wanted to give to an organization that funded pro-choice candidates how this would affect her. Regardless of whether or not I agree with whatever issue you want to support with your own money, I think it's really important that you be able to do that without -- without fear of retribution from your employer or from the government or from anybody. So it's just a difference of opinion of the balance of these two really important things and so I appreciate your work on it, but I'm not going to be able to support it today.

>> Mayor Adler: I understand. Further debate on this item? Ms. Gallo and then Mr. Zimmerman.

>> Gallo: I have some fiscal questions on the cost of this and trying to understand. There is a -- and mayor, I was not able to be at work session on Tuesday, unfortunately I was watching, but I don't remember -- that's okay. I was not at work session on Tuesday, but I was listening, but I don't remember a conversation about the amendments. Were the amendments brought up at the work session?

>> Mayor Adler: I don't think this item was really discussed much at the work session. They were posted and the amendments are pretty simple. It took the over \$500 limit and made it \$500. So that was the first -- and that's on several of these changes. The level whereby a donor's name need be produced was increased from 250 to 500 dollars to have a higher threshold. And then it created a system by which an organization would not have to release the names of all of its donors whether they have contributed to a political or campaign effort or not.

[11:47:25 AM]

But it gives those entities the ability to create a dedicated or segregated account for that purpose and then they only have to disclose the names within that universe of people. And then it made clear that if you were an individual just contributing your own money and you weren't collecting money from other

people, putting it together and then contributing, that this does not require you to report the contribution that you've made.

>> Gallo: Thank you for the clarification, that's helpful. Because when you have an ordinance and you have all the amendments that are pretty substantial, in this case trying to blend them into the actual ordinance we were looking at gets a little complicated. I remember there was some discussion about a concern with someone that had an example would be someone that made an automatic payment into account of \$20 a month and had been doing it for six years and there was a concern about this moving forward collection and not having to pick up the back contributions. Has this in either the original amendment or the -- the original ordinance or the proposed --

>> Mayor Adler: My understanding is this only covers now moving forward. Is that correct?

>> Yes, I can speak to that concern. There was a concern that was raised by I believe it was councilmember Casar regarding whether this would have retroactive effect. In your backup in part 7 that would address that issue and makes clear that a person who is making expenditures reportable under the direct campaign expenditure section only have to report contributions received after August 31st and the effective date of that section is September 1. Similarly for the covered transfer section, a person who makes transfers that are reportable under that section only have to report transfers made and contributions that they received after the effective date.

>> Gallo: Okay.

[11:49:26 AM]

And there is a blank in part 8. Is that addressed with the amendment?

>> Essentially parts 1, 2, 3, 5 and section 2235 and part 6 would be going into a fact within ten days of passage. So that would be kind of our Normal effective date. I apologize for the blank. Part 4, again, would only take effect on September 1st. That's the new direct campaign expenditure reporting requirements. And 2234 is the covered transfer section which is a brand new section and it would only take effect on February 1st.

>> Gallo: Okay. Thank you. Now to the fiscal questions.

>> I will have to defer to the city clerk on the fiscal questions.

>> Gallo: Thank you.

>> Good morning. City clerk.

>> Gallo: Good morning. So it talks about funding has not been identified for this and it looks like an amount of 350,000 would be estimated for staff costs, but that doesn't include office space cost. And so when would that funding be part -- it says 2017 budget. Are we talking about the 2016-17 budget or the 2017-18 budget?

>> The 2016-17 budget. So those are part of the additional staff resources that we included in our proposed budget submitted to the budget office that are an unmet needs. So the staff identified in this rca is -- not only for this project but for the lobbyist registration changes that will be coming forth and continuing supporting all of the additional duties that we've taken on with the electronic data filing requirements, et cetera.

>> Gallo: So all of the -- all of the different processes that are going to be added to your workload now would be covered under the 325, the 3,250,000?

[11:51:38 AM]

>> 350,000.

>> Gallo: Excuse me. Do you have also the office space cost?

>> I do not have the office space cost because I'm not sure exactly what the plan is for where we -- that

space -- I don't know if they are thinking of moving us out of city hall, moving us to a different place in city hall. That's still being discussed. As far as I know.

>> Gallo: Do you have any estimate? Just a ballpark idea how many staff members you would have, any idea?

>> So the 350 would add three additional staff. And our office space currently is at capacity.

>> Gallo: All right. So the cost would be at least 350,000 and probably a little additional because of the additional staff and needing more office space in general.

>> Yes.

>> Gallo: As we talk about this, there's always a fiscal impact when we do new things and making sure we're getting ready to talk about a couple things this afternoon that we always remember that as we make decisions there's additional cost to the community for that. Thank you for helping with those Numbers.

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

>> Pool: I just wanted to thank staff and league of women voters for the additional work that was put into this item. I know it's really intricate and complex and I thank the mayor also for his leadership on this issue. And I'm very supportive.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. That was a perfect segue because the complexity of this is one of the reasons I can't support it. I want to go to page 7 on the yellow amendments under amendment 6, I mean I think everybody understands the intent, but the complexity concerns me. If I look at the term covered transfer, really what this is about, trying to follow the money, there's an exception, the term conferred transfer does not mean, and under B I see items 2 and 3, but number 3 is the one that confused me the most.

[11:53:51 AM]

It says so if the covered transfer does not mean a contribution made by a person in the form of an investment made by that person. Let me read it again. The term conferred transfer does not -- covered transfer does not mean a contribution made by a person in the form of an investment made by that person. The more times I read that, it still doesn't make sense. If I'm a person who invests in a big oil field and it starts making money, that's an investment. And so if -- if I make that investment and -- it doesn't make sense. It looks like something I could drive a truck through or I could avoid reporting the covered transfers by say it's not a covered transfer because it has to do with an investment. Maybe you could tell me what number 3 is about and then maybe speak on the other exemptions as well.

>> Mayor Adler: We certainly can if I can bring legal counsel up. My understanding what we're trying to do here is just catch -- to identify people who are making contributions for the purpose of campaigning or persuasion as opposed to other things. And in the event where someone does not segregate an account, someone could be contributing money to an organization for lots of reasons, but so long as it's not to persuade or participate in a campaign, we weren't trying to make them report. I think that's what that was intended to be. Do you want to address that?

>> Yes, mayor, that's correct. So the amendment is to b1 and also b4 which is new. B3 relating to a contribution made in the form of an investment was already in there. But essentially this is connected to -- you don't have the full section set out in the yellow sheet but it is in your backup and it's related to the definition of covered transfer.

[11:56:00 AM]

And that new section 2234. So the prior section, which isn't in your yellow sheet but which is in the

ordinance draft in your backup on page 6 is where it starts in your backup draft has essentially a sets out what makes something a conferred transfer. And as the mayor summarized, it is generally when a transfer is made, a contribution of funds is made to another person and the first person is telling the second person to use their funds for political purposes or talking about using their funds for political purposes or they've received a solicitation like an email saying we need money so we can put out ads for political purposes and someone responds and makes a donation in response to that. So B, which is what is set out in your yellow sheet on page 7, is sort of part of that definition, but it's essentially saying and when we say conferred transfer, we don't mean the following things. So the first thing, 1, is so a covered transfer would not be when a person makes a contribution to another person and that first person is prohibiting in writing that the second person use that contribution for political purposes. And the new language is after the comma and if the person receiving the contribution did not use the contribution for political purposes essentially. So the first person has to prohibit use of it for political purposes and the second person who receives it has to abide by that prohibition. So that's clearly not a covered transfer that the first person has to report.

>> Mayor Adler: You read that in conjunction --

>> Zimmerman: I didn't hear anything that spoke to item 3. That sounds like an exception that you could drive a truck through.

>> Councilmember, I'm getting there. I started with the first one, but I will get there. So the second exemption is --

>> Mayor Adler: Just go to the third one.

>> I can go to 3 if that's the main concern.

[11:58:05 AM]

Essentially it's just making clear if the first person is making an investment and transferring money, making a contribution in order to make an investment and say they later might receive dividends from that investment, that making a financial investment is not considered to be a covered transfer. If someone were specifically saying use this for political purposes, I'm not really sure how they could consider that to be an investment. Normally when you are making an investment you are paying money, say, to a corporation and you are expecting that you will get a dividend. And so that's what that is intended to exempt. It's just trying to be very clear that things like that are not intended to be reported.

>> Mayor Adler: Thank you.

>> Zimmerman: Thanks for the attempt, but I didn't learn anything out of that. It still looks like a big loophole. I make a donation and say this is not a covered transfer because it's an investment. If the point of this is button up the loopholes and concealing the way they transfer money, the first thing you ought to do is take a hard, hard, look at the exceptions and to me these are not clear enough. I think this is an exercise in frustration that it's not going to close loopholes. I'm going to be voting against it.

>> Mayor Adler: I understand. Further debate? It's been moved and seconded with the amendments, the blank on the last page would be filled in with what, within ten days?

>> It would be the Normal amount of time during which an ordinance passed by council would take effect which is ten days after passage on all three reads.

>> Mayor Adler: Those in favor? Those opposed? Zimmerman and troxclair voting no, the others voting aye. Mayor pro tem, you are right up to the noon point in time. There are three of us on the dais that are going to go talk to the staff and team that worked on the smart city challenge.

[12:00:11 PM]

We'll join you all in executive session right after citizens communications is over. Thank you.

>> Tovo: Sounds good. Thank you, mayor. I would ask my colleagues if there are no questions on consent zoning, we have one speaker to canceled and we might be able to take up 91 before our citizens communications.

>> Mayor and council, planning department. Item 91, c14-86-120, rct, known as burnet road rct. This is conduct a public hearing and terminate a really silly restrictive covenant on property known as 8315 burnet road. Staff and planning commission recommend approval.

>> Tovo: Thank you. I do not see any speakers signed up but let me double-check. Are there any citizens signed up to talk about item 91? I would accept a motion to close the public hearing and approve on second and third.

>> Pool: This is in district 7 and I will move to close the public hearing and move to accept on second and third reading.

>> Tovo: You just need to close the public hearing. I grave -- gave you the wrong language.

>> Tovo: Thank you. All in favor? And that's new unanimous, councilmember Houston, Gallo, Casar, troxclair, Renteria, tovo, Zimmerman and pool with the mayor and councilmembers Garza and kitchen off the dais. So we'll now go to our citizens communication. Our first speak today is David Engle speaking about the code department. Our second speaker has canceled, he's ill, so our next speaker after David will be Kari Engle also speaking about the code department.

[12:02:18 PM]

Welcome, Mr. Engle, you have three minutes.

>> He's gone.

>> Tovo: Thank you. So Ms. Engle, you will be first and you will be followed by Steve Simmons speaking about the code department. Welcome, you have three minutes.

>> I have a pre-prepared message for you.

>> Tovo: Are we having trouble? Why don't we go ahead with our next speaker and see if you can retrieve that. So Mr. Simmons. Speaking about the code department being moved back to development. You'll be followed by Carol Anne rose Kennedy, kindergarten cowboy communications class.

>> Steve Simmons. My wife and I own Amy's ice cream, Phil's ice house and Austin bill shopping centers. Today I came to talk to you about solutions. Originally I had come down to talk about the code department and last week y'all pretty much answered my prayers by moving it back into development. But I'm here to talk about solutions. The development department can handle the code department and take it from being what it was, which was an enforcement police arm and now it will go back to actually be a helpful, useful government source of information to the residents of the area. I think one of the solutions that might also help that matter is we have ten districts in this area.

[12:04:21 PM]

We've divided the town up. If we had code enforcement officers that were assigned to those specific council districts, that there would be a communication, a communication between the councilmembers, the residents and it would be a helpful source instead of, like I said, a police-type issue. The next major issue that council is struggling with is affordability. Affordability starts right here. Our government has to be reasonable with its spending choices. We need a line item budget to see where all the money is going. As a business owner, we are being feed to death. All of these fees get passed on to the consumer. The same for development fees. Raising development fees races the cost to build. Adding more and more regulations raises the cost to built. Higher costs get passed on to the tenant. Higher rents get passed on to the consumer. We've having to raise our prices for the first time since 2012 because our property taxes have doubled. Our utilities are through the roof. All of these fees, drainage, storm water,

wastewater, electric, water, food manager certificates, health permits, food handlers, all these city fees get passed on to the consumer. And speaking of affordability, let's talk about the affordability with the transportation bond. \$80 million per mile. \$80 million per mile. That's crazy. We need to take the time and get a rail idea that we can afford. A solution, maybe we put a rail where the traffic is. Union pacific was willing to share its tracks with the lone star rail project, why not us? Put the rail on the mopac going north and south, six hours a day. Trains running north and south 6:00 to 9:00 in the morning, 4:00 to 7:00 in the evening five days a week.

[12:06:24 PM]

Rail running on existing tracks with stops north at 35th street, far west, 183, domain and Parmer. And south with stops at Mary street, Ben white and William cannon.

[Buzzer sounding] Thank you.

>> Tovo: Thank you, Mr. Simmons.

>> Gallo: I have a question.

>> Tovo: Yes, councilmember Gallo.

>> Gallo: I heard you recently speak at a luncheon and was impressed with your comments as a small business owner in Austin and the difficulties you were facing. You didn't mention as part of your communication where you are moving to as far as big opportunities because I -- business opportunities because I think that's good for council to hear as we talk about trying to promote small business and keep small business in our community.

>> We desperately wanted to be up at the domain and had actually worked out a lease and the building costs, it was going to cost us \$850,000 to build an ice cream store and a burger place in the domain. And 80% of that was the regulations, the building fees, the -- we were literally priced out of the market. We're now looking at Round Rock, San marcos -- my wife and I have actually started with redevelopment of downtown smithville and we've done that because they want our business there, it's affordable, the taxes are reasonable, the development fees are not through the roof, and they actually want to work with us. So as a small business owner that owns a little tiny ice cream company that sells \$4 ice cream, I can't afford to pay, you know, crazy taxes, crazy -- and that's what they are. All these fees that are added on to our utility bills are taxes.

>> Gallo: Thank you. I think that's just an important message for us to continue to hear on the dais.

>> Tovo: Councilmember Houston.

>> Houston: Mayor pro tem, sir, we would be happy to have you come east of 183 and put up a small ice cream shop.

[12:08:30 PM]

Talk to me after you get through. Let everybody else finish having their time on citizens communication. I would love to talk to you.

>> Yes, ma'am. I tried to put one in the Mueller project. Once again it's the affordability.

>> Houston: I'm not in Mueller. Talk to me.

>> Yes, ma'am.

>> Tovo: How are we doing on the presentation? Not yet? Okay. Ms. Engle, would you like to try again? We'll see if it works this time. Why don't you -- [inaudible]

>> Tovo: You have three minutes.

>> Lack of enforcement, I'm going to say to the --

>> I do sympathize with the balance we have to strike because, of course, you want to be harsh in our enforcement when there is perhaps 700 code violations and it's endangering folks' lives, but at the same

time when a homeowner receives a letter saying they might be fined \$2,000 a day I believe this body might see as minor, I think you might want to be asking the community and members of this committee for how we find that balance. It may seem common sense, but I can understand the level we're dealing with 17,000 pieces, we have to find a way to differentiate those but also not go overboard.

[12:10:34 PM]

>> I think everybody in the city would agree that the priority needs to be on safety issues. And the amount of resources that were expended in Mr. Reed's case are kind of astonishing the number of resources, government officials, calendar time. If we can spend that kind of time on safety issues, I think we would be much further ahead. You would probably agree with that. We should probably focus on safety issues first.

>> Properties that we know are unhealthy and unsafe and we need to figure out what to do about those.

>> Flexibility that is being provided is so unclear that it leads to people falling through the cracks [inaudible] Followed up on, it leads to an element of unknown. If we can appreciate the -- it's not that we can appreciate the possibility, seems to me [inaudible].

>> But there are some really key pieces in this audit that I would like to see addressed in some kind of improvement plan or something that you submit back to us to say that you are going to accomplish. You are going to meet these insufficiencies, especially those that were carried over [inaudible].

>> I'm very proud of Mr. Palmer for standing up against the bullying of Austin bureaucrats. We need more people to stand up and say enough is enough. I'm very proud of Mr. Palmer. We're still investigating what can be done to stop this kind of abuse because he's not alone in this kind of bad experience.

[12:12:54 PM]

[Loud noise]

>> Tovo: Thank you. Next is Carolyn Rose Kennedy. I don't see her. Frank Hair Ron -- Harren. Followed by Paul Robbins.

>> Thank you, Mayor Pro Tem. I would like to talk today about erasing lines. I hope you all have the zoning map and photograph that looks like it's being distributed. In 1928, Austin drew a line through itself that deliberately separated blacks and whites. By 1932 the line drawing was completely successful and Austin was 100% segregated. Today some are thinking about drawing more lines, including lines around the centers of neighborhoods. People without money on one side and those with money on the other. And this comes when we're already the worst in America in separating people on the basis of how much money they have. It's time to erase the lines that separate us, not draw more of them. Our current zoning map before you shows the lines we've drawn. The single-family area is where we have made affordable forms of housing illegal. The Orange multi-family area, if you can find it, is where people with less money can live. I'm asking you to finally erase the lines between Orange and yellow so that all housing options could be built throughout the city. That's what our legally binding comprehensive plan says we're going to do. The large photo shows a single-family house and a multi-family property at 21 units per acre next door that have peacefully co-existed for nearly 70 years in the heart of Tarrytown. Allowing this to happen does not damage the neighborhood nor anyone's private property. It does provide affordability and housing diversity.

[12:14:54 PM]

The two bedroom condos are assessed at 204,000. The single-family home next door is 712,000, three and a half times the purchase price. The lines we've drawn have caused enormous segregation and community in-fighting and ruined our city's affordability. It's time to reject lines between neighborhoods, between housing types, around the centers of neighborhoods or anywhere else that divides people and where they are able to live. We need to build all housing options at all price points in all neighborhoods. We must welcome all Austin residents into every part of the city. We deserve to be welcomed everywhere. Not told we can only live in a specific part of the city like our black population was told in 1928. Our segregation problem has already hit the national press. Ebony magazine, the "New York times" and others. We are risking Austin's identity, its soul and its national reputation and we better do something fast. Thank you very much for listening and for taking on this huge responsibility to lead Austin in a different and much better direction. Thank you.

>> Tovo: Thank you. Paul Robbins and after Mr. Robbins is Deborah pardo-kaplan. You have three minutes.

>> Good

>> In an effort to correct the problem where Austin customer assistants was giving discounts to high-income homes, Austin energy began sending opt-out letters. The presumption was that only poor people that really needed the discount would apply. Look who just opted in from Westlake hills.

[12:16:55 PM]

It is a 4600-square-foot home worth over 7\$00,000, near the Barton creek greenbelt. Actually, four expensive homes in the Westlake zip code opted in between January and April of this year, and these will probably stay on the rolls, so over time, they will be cumulative and largely negate, or partially or largely negate the wealthy homes that chose to -- that choose to opt out. And again, this person that owns 44 properties, they were appraised at \$11 million, and they are still on the rolls as well, and they will not be sent an opt-out letter because their home improvement value is not at the threshold. Now, I realize that you inherited this mess from the last council. I realize that you are busy with many other issues, and I realize that you have been tasked with reinventing part of city government as part of the first district council. Nonetheless, this mistake continues to fester, after two years, almost two years after it's been revealed. This is an example of why so many people in this country are skeptical of social service programs. It's not because the doubters are hard-hearted, it's because the sceptics see mistakes like this, continue to fester without correction, and you, council, can fix this with a stroke of a pen at your next meeting. And I'm asking you to do so. You can set up an income verification for high-income homes, swept up in the system, and also bar owners of multiple properties from receiving this discount.

[12:18:56 PM]

This will save money that can be rerouted to people that really need it. The cost to do this should be modest, particularly since a volunteer has found a great number of these higher income homes for you already. I want to urge you again to refer the cap program to the office of the city auditor. It could operate a lot more efficiently, and upon review, the auditor --

[buzzer sounding]

-- Will probably bear this out. Thank you for attention, and see you in August.

>> Tovo: Thank you, Mr. Robbins. Mr. Zimmerman, let me just caution you that Mr. Robbins' topic is quite general, and so --

>> Zimmerman: It is general. So is the remark.

>> Tovo: Just need to be careful in your remark.

>> Zimmerman: Some of the best remarks in life are free, such as your great advice. I can't if I can I can't figure out why they can't do what you do for free. Thank you.

>> Tovo: Our next speaker is Deborah Pardo Kaplan speaking in renovation of the old library branch and you'll be followed by Jesus mares.

>> I'm here to support the assistant manager's potential funding for the the old library branch for the next fiscal year. He's already given a presentation on may 11th of the library's needs, the city council, when you discuss the deferred maintenance projects, and I, along with former president of nawaca, have met with Sheri Gallo, district 10, she supports it wholeheartedly. I'm a resident of northwest hills and a patron of the old library and my family and I regularly take out books and attend summer programs. When I first moved to Austin, having worked in libraries for 15 years, I noticed the dilapidated condition of the library immediately, the inefficient use of its 8300-square-foot space, and the policy of its local collection.

[12:21:05 PM]

The library was built in 1976 and has had few renovations sense. The report from Mr. Gilliam says that most library buildings require complete refurbishing within every 11 to 25 years and that old quarry is due for such upgrade, as finishes, furniture and equipment are deeply worn. The building also needs to be brought into compliance with current Ada standards and he can give you further details in his report. Nest hills is a growing neighborhood. Data from a local real estate agent shows about 500 sales occurred in the last year, in the area bounded by 2222, mopac, loop 360, and 183. A great deal of pressure is placed on the library as older people leave the neighborhood and younger people with school age kids move in. In addition to the many homes bought in nest hills, a large population of families, including refugees from middle east and Africa are renting. There are kids from the doss team. With the new growth, there's so much pressure that elementary schools, doss, hill, highland park, are overcapacity. Doss is 166% overcapacity. The kids need supplemental material from the local library during the year and from mid-may onward when they are no longer allowed to borrow from their library. There are a number of branches that have already completed renovation, or certain upgrades. I've given you a list. The two 2012 bond election provided fudged for eight library branch structure renewal projects, I've given you a list and old quarry is not on that. I realize there's been substantial funding given to the new central library, and I look forward to visiting it. However, the central library does not replace the local libraries. So I ask that the city council approve Mr. Gilliam's request for funding of 696,000 to renovate the old quarry library in the upcoming budget.

[12:23:14 PM]

[Buzzer sounding]

>> Thank you.

>> Mayor Adler: Thank you. Okay. Jesus mares. Then our last speaker for today is Jeffrey Williams. Caroline rose Kennedy, has anyone seen her? Okay. Welcome. You have three minutes.

>> Hello. My name is Jesus mares. I'm here because I'm tired of this doe-nothing council who is constantly talking about affordable housing, but lets developers tear down trailer parks to build luxury con dose and apartments. I'm tired of this council spending half of the city budget on a police department that kills unarmed and naked black children in the street. A police department that took two years to find a rock-thrower and has yet to find a serial rapist that's been on the loose in this city for the last six months. I'm tired of this council because it does nothing for the poor and homeless of the city. According to the U.S. Census bureau, approximately one in six austinities live in poverty. The majority of which are women and children. Poverty being less than \$17,000 a year for an individual and

less than \$24,000 a year for a family of four. I'm also tired of my friends getting hit by cars while riding their bikes and getting killed in car accidents while driving to work. This town has an unbelievable traffic problem, and toll roads and ride sharing companies are not the solution. This year, toll road 130 has filed for bankruptcy and the local towing authority has sued the contractor's -- the mopac toll road. San Antonio, a much bigger city than Austin, has no toll roads and several loops around the city. The fact of the matter is, we need more roads. And I don't know if you realize this, but the Texas department of transportation headquarters is down the street from here. I would suggest you spend a little less time meeting with out of town investors and more time speaking with them.

[12:25:20 PM]

And if you're unable and unwilling to pass money for transportation projects, I would suggest you pass several measures, each funding individual transportation projects. Before I leave here today, I want to make it clear, constituents are dying, and you're doing nothing. I yield back the remainder of my time.
>> Tovo: Thank you, sir. Okay. Jeffrey Williams. Is Mr. Williams here? All right. And Caroline rose Kennedy. Okay. Then that concludes our citizens communications for today. The city council will now go into closed session to take up two items pursuant to section 551.074 of the government code, the city council will discuss the following item.

Item 94: Evaluate the performance of and consider compensation and benefits for the city manager, the city clerk, the city auditor, and the clerk of the municipal court. Pursuant to section 551.071 of the government code, the city council will discuss the following items, item 96, legal issues related to the general -- to a general obligation bond location. Items 93 and 95 have been withdrawn. Are there any objections to going into executive session on the items announced? Hearing none, the council will now go into executive session. It's always a little hard to predict what time we'll be finished, but my estimate would be maybe 1:30. But if you're here for other items, you might want to keep an eye on the screen.

[Executive session] Thanks, all.

[Executive session]

[12:35:23 PM]

[Executive session]

[Executive session]

[2:15:08 PM]

Test test test. This is a test.

[2:32:10 PM]

Test test test. Test test test.

[2:39:55 PM]

[Music playing]

[2:56:41 PM]

[Music playing]

sponsored a resolution that had a be it further resolved clause to explore the feasibility of -- of a preemption for emergency vehicles. We have been told by staff that they believe that part 4 in the rca is what addresses this, so I just wanted to ask staff -- and frankly, I don't know who -- maybe it would be acm, Arellano. My office was told that they believe that this item would satisfy this last part of that be it resolved. But there were other portions. There was information regarding best practices, potential cost and funding options, which I know that this is going to help us cover those potential costs. And also a report on anticipated impact. So I wanted to know if there was a timeline to get the rest of that information from this resolution?

>> Ray Arellano, assistant city manager for the public safety department.

[4:01:22 PM]

In this regard, councilmember Garza, this is the first step in trying to get that information. With regard to your question about timeline after that, I'll have to get back with you after discussing it with fire. But I know that this is one of the critical steps in terms of identifying what might be possible in using this kind of technology.

>> Garza: Okay. I'm really excited we have this opportunity to get this grant. I just wanted to follow up. There was I believe a 90-day -- we were supposed to get a report back within 90 days and we're right past that. I wanted to make sure we have some kind of answers to this resolution which also included the budget proposals for the additional fire stations that were needed.

>> That's correct. So this is going in two separate paths, if you will, the technology piece and then the fire department is working on the potential proposals for the additional fire stations, which will be part of the conversation for budget -- during budget process. But in terms of the timeline for this item, we'll get back to you on that.

>> Garza: Okay. And I know that chief nix was -- I don't think he's here yet. I wonder -- chief nix signed up to speak and he -- is he here?

>> He's here.

>> Mayor Adler: We have two speakers who have signed up to speak on this item 66. Let's go ahead and call them. I'm sorry, 65. Bob nix.

>> Yeah, my question is I believe that item 65 kind of buried in it a little bit is responsive to the resolution we passed in March on the emergency signal preemption devices.

[4:03:31 PM]

And I was hoping we would get some discussion at this point on the options, the pricing, and a plan to go forward with those and what it's going to take. And it looks like what we have is permission to apply for a grant. I just want to make sure that if we don't get that grant there's a plan B or some other action that's already contemplated. I'd like to know what that action is so we can get this item settled and start getting these devices working for us so we can reduce our response time citywide. So I guess my point would be I hope those sort of things are brought up at the dais so we can figure out if this is actually -- if plan is to wish for a grant or would we have something beyond that would be a little more responsive to try to satisfy the item.

>> Mayor Adler: Thank you. Those are all the speakers that we have speaking on this. Ms. Garza, do you have any additional questions? Anybody have questions on the dais? Ms. Gallo?

>> Gallo: I have some fiscal questions on this. So when we were notified -- when we are notified of acceptance of the grant, is there a certain time period that we have to accept it within? I guess my question is it looks like it's a match that would require the grants are up to 12 million and it requires a 50% match. So that would be six million dollars. So my question is where is that money coming from?

And is it going to be part of the application for this budget cycle?

>> Yes, councilmember, Robert Spillar, department of transportation director. This is an opportunity that flows out of our smart cities proposal. Communicated by the USDOT that we wanted to go after this because they thought some of our technologies specifically spoke to that. It is a 50% match. We have partners in on this and so that's why you don't see a fiscal note yet. Before we accept the money we would have to come back to you if there were any monies to make up. But we think that between the partnership monies, TXDOT and private entities that are participating with us, along with our operations budget, and perhaps if a bond is selected here that contains corridors, those corridors have significant signalization in there and we could use a little bit out of each corridor to also help make that match up.

[4:05:51 PM]

So we think we can bring you a reasonable match proposal when we win.

>> Gallo: So just trying to understand the timeline with that. So the application has to be in by June 24th. When would you expect to hear back?

>> They will announce in September.

>> Gallo: Okay. So that would be after our budget cycle. I mean, after our budget discussions. So would this be something that would not be part of the budget until our following budget cycle?

>> It will not be part of the budget until we find out that we've been selected and then we would come back to you, to council to discuss how we would either modify our budgets or change how we color. This -- dedeploy. This grant is for a signal budget acknowledged the technology budget is part of that. This would be a discussion with you about how we would focus whatever investment, in kind investment we would need to make.

>> Gallo: So you mentioned signals and I know we've been talking about the adaptive signaling BAM that is a part of your -- program that is a part of your budgeting. Is does that replace that? Is this in addition to that?

>> No, ma'am. In fact, many of the technology upgrades that we need to be able to do to be able to successfully do adaptive signalization are also knows that we need for this. The major piece is called firmware. It is the controlling technology that works throughout the system and allows us to do more. So no, they're compatible. We do not replace it.

>> Gallo: Just so understand then. The announcement does not happen until September, that's after we've done our budgeting. So if we were to get the -- awarded this, then it would either be part of your partnership agreements and the other funding sources like TXDOT or it would have been worked into your operating budget or you would be coming back as a budget amendment to the council?

[4:07:57 PM]

>> Yes, ma'am. And one other thing, this grant is over a three to four year period, so we would have subsequent budgets also to identify funding in.

>> Gallo: All right. And then the fire station component of it would be part of that budget. It looks like there's a lot of moving pieces in this coming from different departments?

>> This grant was just an opportunity, a mobility opportunity. The preemption for emergency vehicles has been something we've been trying to look for funding for sometime. And so this grant presented itself. Unfortunately I think that sort of confused the item from council with this, but I'll let fire talk about the item.

>> Sure. Tom Dodds, chief of staff, Austin fire department. The other components besides the preemption system with transportation were of course the fire department's standard coverage response to this and then real estate and finance as components of the response back to council. Per

the resolution, that information is going to be given back to the city manager to be included in the budget preparations over the month of July. And so we've been on track with all that information getting back to the city manager's office so the council should be expecting to see that coming through the budget process that the city manager's office will be conducting.

>> Gallo: So part of your budget request would include what would be required in this if we were awarded the grant.

>> No, I don't believe that's correct.

>> The amount of funding we're asking for in this grant is the technology piece to achieve preemption or emergency preemption, yes.

>> Gallo: Okay, thank you.

>> So if you were looking for a budget how much does it cost, that's right on par.

>> Gallo: Okay, great, thank you.

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

>> Zimmerman: Thank you, Mr. Mayor. So it sounds like any actual expenditures will have to come to us for a separate vote and we'll have tomorrow too scrutinize this some more.

[4:10:00 PM]

My cynical side says the application is due tomorrow. What's the rush voting today? I wish we could get these things earlier. I think there was a resolution back in March on this?

>> No. Actually, we just started this grant three weeks ago after we left Washington, D.C. We had all oars in the water on this. The city's grant and they asked us to do this --

>> Zimmerman: I'm sorry, the backup material lists the resolution we passed in March that supports what we're doing today. Is that not the case?

>> Garza: I think I muddled the waters a little bit. This is part of my resolution, but it's not all of it.

>> Zimmerman: Okay, okay.

>> I'm sorry.

>> Zimmerman: Thanks.

>> Mayor Adler: I think we're set. Yes, sir.

>> Just one thing to add to councilmember Garza in terms of the ifc. We do have the text already prepared. We're forwarding that on to A.F.D., so we have the information that's needed to complete the ifc that was requested before. So that should be coming to you shortly.

>> Mayor Adler: Okay. Ms. Garza moves approval of item 65. Is there a second? Ms. Pool. Any further discussion? All those in favor of 65 please raise your hand? Those opposed? It's unanimous on the dais, 65 passes. We're looking at some things here that we think -- might be quick. What about item number 70? It's the nominations page. I think councilmember Gallo had a question about what the overall change in bylaws was.

>> Gallo: I did, thank you. I just -- what we have in here is bylaws, but I'm not understanding what changes -- what has changed. I don't see underlined or deleted or anything.

>> Hi. Deana strata, boards and commissions coordinator.

[4:12:01 PM]

It didn't track the changes, but was provided to you yesterday via email. Article 7-e adds language to allow the chair to cancel a regularly scheduled meeting of the commission if there is not sufficient business pending to necessitate a meeting. And I believe the city clerk is passing out the backup to the changes now.

>> Gallo: Is that the only thing that's changed?

>> Yes, ma'am.

>> Gallo: Thank you.

>> Mayor Adler: Is there a motion to approve item number 70? Ms. Gallo moves, Ms. Garza seconds. Those in favor please raise your hand? Those opposed? Unanimous on the dais with Casar and kitchen off. What about number 87, the appointment of Dr. Bell?

>> Houston: Mayor? Go ahead.

>> Hi, I'm here to answer any questions if there are any.

>> Houston: The health and human services council committee met and we had so many wonderful applicants with very different and varied experiences, very interesting lives that really would create a positive example for everybody on the board of managers for central health. And after many conversations and talks and more conversation, the committee recommended 3-3 -- 3 in favor. Councilmember Garza out of the meeting to appoint Charles bell to be appointed to the central health board of managers.

>> Mayor Adler: Okay.

>> Houston: And I would also move.

>> Pool: I'll second.

[4:14:01 PM]

>> Mayor Adler: Moved, and then seconded by Ms. Pool. Any discussion on this item number 80?

>> Kitchen: I want to thank you for bringing forward Dr. Bell's name. I've worked with him over the years and I'm sure you probably have also. And I think he would be an excellent addition to the board.

>> Mayor Adler: Okay. It's been moved and seconded, approval of item number 80. Those in favor -- 87, rather. 87, I'm sorry. Those in favor of item number 87, please raise your hand? Those opposed? It's unanimous on the dais with Mr. Casar off the dais.

>> Pool: Mayor, we had a 2:00 time certain item. Is there any way we might backtrack to that?

>> Mayor Adler: We could. It's a no earlier than 2:00 and we have some things that are no earlier than 10:00, which we haven't gotten to yet.

[Laughter].

>> Pool: That is a good point. Sorry out there. I tried.

>> Mayor Adler: I'm trying to figure out those things we could move through and then let a fair number of people go. Item number 70 we've now handled, is that right? On nominations. That one is done. The compensation issues, we're waiting for Dr. Washington to come back to us with those. What about item number 79? 79 has no speakers. Item number 79, mayor pro tem, I think this is yours?

>> Tovo: Yes. I believe councilmember Gallo pulled it I assume for questions. I just want to talk just for a minute about it. This is really a follow-up resolution. I did an earlier one with -- and this council supported it to pull together a stakeholder group to look at creating -- putting public toilets in the downtown area, which is really long overdue.

[4:16:04 PM]

We have stakeholders who have asked us to consider that now for several years. And so I was very pleased that our staff went forward, they did a very interesting and useful briefing to the health and human services committee about different models that they thought would work best for Austin. Their recommendation was that we move forward with something on a more -- with a more temporary model and really use that as an opportunity to test different locations before entering into a processes of securing what they agree probably the best permanent model for a public restroom. And so the measure before you actually does three things. It asked staffs to begin securing the temporary models.

Of the procurement model for a temporary model such as the Portland loo, and you will see a model of that Portland loo next to councilmember Houston. And it has an interior as well. You can see it at the dinner break. And it would also as a third measure, direct our city manager to move forward with the changes necessary to make sure that our exterior bathrooms here at city hall are also open for an extended period of time so that city hall itself is helping become part of the solution of creating restrooms in the downtown area for the myriad of users who need them. So those are -- that's kind of a general statement about it and I'm happy to answer any questions.

>> Mayor Adler: Is there a motion to approve this item number 79? Motion to approve it. Is there a second to amover it. Ms. Houston. Is there any discussion or debate? Mr. Zimmerman.

>> Zimmerman: The first question was why two instead of one? And what is the cost impact? There was some Numbers here. Can we find out what the cost is here. Is it a term for a trial or how is that working?

[4:18:07 PM]

>> Gallo: Mayor, we asked for some of that information and that was? Of the questions and the reason I pulled it was to be able to discuss that. >>

>> Tovo: I believe that we have staff from health and human services as well as public works who probably would be -- I've got some of that information, but they probably are in a better position to provide it.

>> Good afternoon, I'm Stephanie Hayden, deputy director health and human services. And the cost of the pit stop would be for the unit itself is \$6,000 a month for the rental. And it would be 64,000 -- \$64,000 a year to clean it. And if you were to do two, that would be \$272,000 a year. And that includes an attendant as well.

>> Zimmerman: The toilet is going to be staffed?

[Laughter].

>> Yes, sir, they will be staffed.

>> Mayor Adler: Ms. Gallo?

>> Gallo: Okay. So the financial questions were my questions because it looks like we're paying a bit over a quarter million dollars for two toilets downtown. And I guess I'm wondering why the city is being asked to fund that. It's my understanding that downtown Austin alliance collects a tax or a fee from property owners to do things downtown and so why would it not -- why would this not be something that would be directed to them to participate in the cost of.

>> Downtown Austin alliance has been a part of the conversation and they are very supportive of this process. As far as getting them to make a financial commitment, that has not occurred thus far.

[4:20:12 PM]

I think that we can go back and have those conversations with them as we're looking, you know, upon the resolution passing, it does ask for the city manager to look for the funding. And that could be a part of those conversations.

>> Gallo: So has the question been asked to downtown Austin alliance to pay for the cost of this?

>> We have not asked that question.

>> Gallo: I'm a proponent of asking partners to help fund instead of asking for the city for funding. I know they collect fees, taxes, I can't remember the word for it, from all the property owners downtown to do things like this, so I would be uncomfortable with the city funding this until until we have approached them about funding this. It's a good idea and I appreciate mayor pro tem tovo, but I don't know it's a city of Austin responsibility when we have downtown Austin alliance owners collecting fees for this. So I support the idea, but I think the funding source might should be considered to be

somewhere other than the city taxpayers.

>> Tovo: So this is again the second resolution that we've -- that we've considered on this subject and this is the first time that this has been suggested. Certainly it could have been part of the conversation, but was not. The resolution that we passed asked stakeholders to talk about locations and things of that sort. It is not in downtown Austin alliance's budget. We have confirmed that. We can certainly have that conversation, but I believe the city of Austin is an appropriate entity to make an investment in that because we are -- you know, it is, as the original resolution stated, and this one I think does as well, it has become a public health issue in downtown area.

[4:22:17 PM]

It is impacting the quality of our -- of the water in our creeks. It is impacting the quality of the experience our visitors are speaking to when they come to the city of Austin. We have heard from downtown businesses, we have heard from the faith community, and I would argue it is not just a matter of public health, it is really one of human dignity. Unfortunately we have individuals who are living on the streets of our downtown and they are -- they have no options other than to relieve themselves on the streets and alleys of our downtown. Not only that, as the original resolution spoke to and we've had in the models of the Portland loo. There are a range of people who use the downtown, they get out of bars late at night and they too have no public restrooms. I appreciate and will be certainly glad to have a conversation with community stakeholders about funding options. Certainly as we move forward with doing the exploratory work for the Portland loo, I think that's very appropriate. That's a more considerable expense and it would be great to have other partners participate in that. I see the need for toilets as a pretty immediate one. And I think a lot of people who reside in or shop in or work downtown do as well. So I would ask you to please consider passing this today to allow our staff to move forward with securing though mobile units so we can address what is really a public health issue at this point.

>> Gallo: Thank you for that. I'm a little confused because you said we haven't reached out to ask downtown Austin alliance, and it sounds like as part of the stakeholder process some occasion has been given that they've been asked and they are not able to. Or their budget doesn't allow them to?

>> Tovo: They participated in the stakeholder -- in fact, they really -- really the downtown Austin alliance did some of the initial research on various models and they shared that information both with my office as well as in the stakeholder process in terms of locations.

[4:24:29 PM]

They do not have within their budget a line item that would allow them -- they do not have the excess funds to allow them to support this right now. That's my understanding. I did just receive an email from the downtown Austin alliance indicating that they are currently spending more than \$1.5 million a year on supplemental cleaning and safety services in the downtown area, so they are absolutely using the funds that they collect, as you indicated, to provide -- to supplement the kind of cleaning services that the city provides.

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

>> Houston: Mayor, I think this gives the city manager an opportunity to have further conversations. The ambassadors are paid by downtown Austin alliance and they go around and cleanup all over downtown. And so there are -- they are contributing, but it doesn't hurt to ask again or the pecan street association wants to provide some funds, that would be helpful. But it's not just for people who call the streets of Austin home, it's for elderly, it's for people-- visitors with kids that the kids needs to go to the bathroom and nobody lets you in unless you buy a five dollar latte there. So there are more people, folks with

different abilities have to go to the bathroom and sometimes it's not -- they're not in a public space where they can go. So I think it's important that we try to find a way to support this and give us time to look for other options that may not include all the city taxes that you're talking about.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Mr. Mayor, I would like to amend this resolution with the first be it resolved. It says the city manager is directed to take steps to immediately procure two public toilet facilities. I would like to strike two and replace it one. So it would say procure one wheelchair accessible public toilet facility.

[4:26:34 PM]

So change the number from two to one. That's my amendment.

>> Mayor Adler: It's been moved to amend this to go from two to one. Is there a second to that amendment? Okay. Continuing on in discussion or debate? Mayor pro tem, I like the idea that this is a proof of concept to be able to do this. And if we can demonstrate that this in fact meets those safety needs as well as the other purposes of this, then I think we could reach out and find other partners downtown and I think that would be an appropriate way for us to proceed on this. I'm going to vote for this. Is there a second to this? Yes.

>> Gallo: Can I ask one other question? Why would we not be able to use the hotel, the hot tax on this? Councilmember Houston just mentioned that this would also be for tourists that are here. Is that not a use? Is that not a funding source, funding stream for this?

>> Mayor Adler: Is anyone here to answer that question?

>> Gallo: It's a quarter of a million dollars for a pilot program. I'm trying to find alternate sources of funding other than property taxes. So when the city manager comes back -- I'm just trying to have that conversation so that we have a sense of where it's going to be funded from.

>> Councilmember, I don't believe the hotel occupancy taxes could be used for this. I'm checking to make sure, but it's for heads in beds and I don't think this falls into that category.

>> Tovo: And mayor, I believe I did ask that question, but I would be happy to have confirmation of it. I think it serves in part visitors to Austin and that's part of the object of that hotel-motel tax dollars.

>> Mayor Adler: Any further discussion? This item has been moved and seconded. Those in favor please raise your hand. Those opposed? Those abstaining?

[4:28:36 PM]

Gallo abstains. Zimmerman voting no. The others voting aye on the dais. And Troxclair voting no. Otherwise it's voting aye on the dais. Okay. Let's go ahead and do 56, 57 and 58. License plate reader is item 56.

>> Troxclair: Mayor, so I think that there are some people here who were here for this time certain of 2:00 P.M. And the time certain of 4:00 P.M., and I know that it's no earlier than, but I think that the items we're about to take up are going to be lengthy as well. So I would prefer to proceed with the two P.M. And four P.M. Items since they had a time certain.

>> Mayor Adler: We could certainly do that. We have two people signed up for this item, 56. We have 14 people signed up for 57 and 58. We have 66 tnc item, three people signed up. 73 -- those are the compensation issues. And then we have an homework landmark item with one citizen signed up. Those things had 10:00 time certain. We had --

>> Troxclair: Did they have 10:00 time certain or they were just on our agenda for a council meeting that started at 10:00?

>> Mayor Adler: I think it's the same thing.

>> Troxclair: A lot of times the councilmembers request a time certain for specific items because of the

number of people that are expected or planning to be here at a certain time. So we normally try to take the things up that we've set for a time certain as close to that time as possible. And it seems like we're going to be --

[4:30:39 PM]

>> Mayor Adler: We can. And I'll certainly take them up in order. I'm not trying to push it to not take it in order. We have a lot of people that have been here for four hours waiting because they thought it would going to come up at 10:00 or close to 10:00. So I would -- as I have usually done is continue to try to take those things so the people that have been here for four hours, take a little precedent over the people who have been here for 30 minutes just because. But that is at the will of the council.

>> Troxclair: I guess if we're going to use that logic, then it would be in the best interest for us to not set time certain because we're -- the things that we set time council.

>> The people we set time certain for, the people who come at 2 o'clock are ending up at the end of the line. I'm happy to go obviously with the will of the council, but I wanted to bring the up.

>> Is the 2:00 P.M. One going to take a lot of time? Why don't we do that.

>> Ago I don't think did the it's the first item we postponed from last week. We agreed to do just first reading.

>> Mayor Adler: There are a couple things, I think the champions have been set at 2 o'clock, and then we have the charter school case, which was set at 4:30, and we also have the 4 o'clock setting of the homestead exemption. Those things all have times separate and apart from the things that were set at 10:00. Yes. Mayor pro tem.

>> Just to add to the complication, we also have the housing and finance corporation set at 4:00 and item 4, which is the homestead exemption, isn't set within this meeting, have it's set at a specially called meeting, as I understand.

>> Mayor Adler: It is. We can certainly call those concurrently. There's no way to do this in a way to get everybody up at the time they want to be here.

[4:32:43 PM]

Let's just plow through. And get through as quick as we can. Item 56 has two speakers set for that. This is the license plate reader issue. Is early Jackson here? And is Emily garrick here? Go ahead, please.

>> Hi there. My name is Carly Jackson. I'm with texans for accountable government and I'm asking city council to not approve license plate readers. It's -- the issue is with controlling the data and controlling information on people who are not necessarily part of an investigation, specifically I would ask that city council not let any sort of license plate reader technology be used for warrant roundups. It's done in Guadalupe county. I believe Matt of aclu testified on that last time this was up. Also, before any purchase of license plate reader technology, city council should be assured that APD will not share that data with any other law enforcement entities and that the contractor vigilant would not share that data with anyone, either, for any sort of mass data analysis or with any other law enforcement agencies or with other data companies. So I ask that city council vote no on this.

>> Mayor Adler: Thank you very much. Emily Garrett. Alex sharsteny is not wishing to speak but is listed as being against.

[4:34:44 PM]

Ms. Garrett.

>> Yes. My name is Emily garrick. I'm an attorney for a non-profit that helps low income people. I

wanted to talk about my first client in Austin. She was a single mother who I met in jail. She had been jailed for seven days at that point, and she -- for unpaid traffic tickets. And at the time that I met with her, she didn't know where her children were. The reason she didn't know where her children were was because she had been picked up while she was washing her car at the park. The police thought -- and she had -- and the police officers told her that she had some standing warrants for unpaid traffic tickets. And she was not aware of the traffic tickets -- of the warrants at the time. And they told her that it was all right, and that she would probably only spend 24 hours in jail and then released. She called her ex-boyfriend's mother to set up some very contrary child care arrangements, was taken to the jail, and to her surprise, was actually, instead of being released, she was -- she was told that she was going to be in jail for 21 days. So when I met with her, my plan was to get her out on a habeas writ, and that was successful, but the thing she was really concerned about was giving me phone Numbers for family members because she hadn't been able to make any calls since she had been arrested to find out where her kids were and make more permanent child care arrangements for those 21 days. And so if -- so I called and -- I had to call and find out where her children were when I got back home and file a maybe I can't say, and she got out. If we hadn't gotten her out, she would have been in jail 21 days, lost her housing, lost her job, and possibly could have lost her children. So we're against this item, begins vigilant technology. We think there would be a lot more people like this client who would have their lives completely uprooted if this technology came about. I actually have some handouts.

[4:36:54 PM]

Should I -- if I'm -- so I know there's already been some testimony about what this technology can do, and in other cities, Guadalupe county being one of them, it's been -- it's made it so that the police force has then turned into a mobile debt collector, go through a neighborhood, scan license plates, find out who has warrants, say either you pay now or you're arrested around they take you to jail. That's what's happened in other jurisdictions that use vigilant. And the handouts here, if you -- there should be two of them, and -- oh, sorry. Well, on the first document -- and you can look at this one if you don't have this one.

[Buzzer sounding]

>> Thank you. On the first document, if you turn to the second page, there is a highlighted portion that shows that vigilant does not allow you, once you have a contract with them, to say anything about them disparaging, not to say anything at all in interviews to the media without their expressed written permission.

>> Mayor Adler: Thank you.

>> Thank you. Those were all the speakers.

>> Casar: May I ask her a question?

>> Mayor Adler: Yes.

>> Casar: Can you briefly explain just the two highlighted sections very quickly for us?

>> Yes. Thank you. So the -- I talked about the one where the city is not allowed to talk to media without vigilant's expressed permission. The other document shows that for the data retention, whatever their policies are currently, they can change their policies, and it would retroactively apply to any data that has already been collected.

[4:38:57 PM]

We think that this is a fairly shady company and we hope that you will not use their services. Thank you.

>> Mayor Adler: Okay. All right. Those are all the speakers that we have. We're back up to the dais. Does staff want to come down and speak to this?

>> Mayor and councilmembers, James Scarborough, purchasing, to answer any questions you might have on this item.

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. The last speaker just handed out the usage policy for vigilant solutions. And maybe I'll put this on the overhead so you can comment to it, but it says very clearly under section G, retention, the company, that will be vigilant, retains the data as long as it has commercial value. Do you have any comment on that? That seems pretty straightforward, they claim the data as theirs.

>> Mayor, councilmember Zimmerman, the item before you is a request to enter into and complete negotiations with the did the with the company. The company that we're actually wishing to enter into contract with is general sales administration major police supply. The product that we would be purchasing through major police supply would be the vigilant solution. So the details that would be in the resulting contract would still be subject to finalization. So we would certainly not accept any terms and conditions that would be inconsistent with city policy or contrary to the interest of the -- of the -- of the city or the citizens. Those items would be subject to APD review, around we'd certainly be alongside them.

[4:40:59 PM]

And if they approved to be incompatible with the city's policies or contrary to city interest, we would not move forward with this contract.

>> Zimmerman: Okay. So my question is, can you tell me definitively -- I think I already know the answer, but tell me definitively, if you will strike that section G from the agreement. Will you strike that section from the agreement if you go into this negotiation with vigilant?

>> Councilmember Zimmerman, I have not seen that document, I've not read --

>> Zimmerman: Let me go ahead and put it up. Mr. Mayor, if I could add quickly, when I worked professionally in engineering we worked through suppliers all the time to buy various electronic equipment like this, and typically when you negotiate this, the people you negotiate with, they simply sell you the project, negotiate price and delivery and what have you, and they never get into the licensing details. So if you work with the supplier to buy a particular product, they don't even touch the licensing agreement. The conversations about pricing, delivery, warehousing, repair, support, technical support, and things like that. So I'm skeptical that there would even be a conversation about the usage policy with vigilant, but if I'm incorrect about that, please tell me there's going to be a negotiation of the usage policy to the data.

>> Per our conversations with the Austin police department, any resulting contract would be in compliance with our current data retention policies, 365 days, and would be the property of the city and would not be used for any commercial purposes.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: First I want to say thank you for making the change to not fund this out of civil asset forfeiture money.

[4:43:03 PM]

I really appreciate that because I had serious concerns. But the document that was just handed out -- I just went to their website. It's just on their website, it says it applies to all of their contracts. I mean, it says governs all of the systems operated by the company and affiliates that have access to our system, et cetera, et cetera. I guess I'm not understanding how a contract with the city of Austin would kind of be able to override something that they clearly apply to all -- as a citywide -- as a company-wide policy.

>> Well, I can't speak for that document, thanks for having us here, but we will not enter into a contract -- I absolutely share councilmember Zimmerman's concerns. This is a police, law enforcement tool, and we will specifically have language in the contract that specifically prohibits the use of any data collected by the Austin police department license plate -- license plate readers for commercial purposes, one. And two, all the data must be dumped within 365 days, pursuant to our policy. And three, our policy will be to use this data only, only, for criminal investigations, it will not be used for warrant roundups. That's not consistent with the values of our city, and we want to use this very valuable tool to recover stolen vehicles and bring felons into custody, not be an arm of municipal court to try to generate arrest for simple traffic violations. I can tell you definitively we would not enter into any contract unless those items are covered and the contract is not what they put on their website. The contract is -- what's binding is what we agreed to in writing.

>> Troxclair: So would it be possible -- I know that you're probably wanting to move forward with this as quickly as possible, but could we strike in execution of this item and just say authorize negotiation of this contract so we could see that detail in writing and councilmembers could feel comfortable about the questions that we're raising?

[4:45:24 PM]

>> Zimmerman: Mr. Mayor, I was going to make that motion, that we amend by striking the word "And execution." I was going to make that motion when she mentioned that. Can I consider that -- can you consider that motion made to strike the words "And execution"?

>> Mayor Adler: Let's hear the answer to the question first.

>> Councilmember troxclair, if we were to bring the item back, we would be running into the August and perhaps the September time frame. It is possible, and from a procurement perspective, flows issues there, we could certainly bring that back. It is also possible if, in the authorization, certain limits were placed on the approval such that this specific language was not included in any resulting contract, and then we would be assured of excluding it through the final document that was subject for our signature. So if you wish to have certain language that you're concerned about included in the resulting contract, that could be part of your authorization today.

>> Troxclair: Okay. And one more question. I think this was the item at last council meeting where there was a another vendor who came forward, I believe from 3M, saying they were a local company who provided the same services and didn't have some of the privacy concerns that this company did. You were going to talk to them in the meantime. Can you tell us what happened with that conversation?

>> Mayor and councilmember troxclair, yes, we did. We had a number of exchanges with 3M. We were able to receive their product pricing today. We are in the process of using it now. Unfortunately, they do not have a cooperative contract themselves. That's our understanding. They were actually being resold by the same company that is before you today on this item. So T company that would be reselling the vigilant solutions system, major police supply, would also be reselling the 3M product. We learned, however, that the 3M product -- there are some significant differences in it, and it is fairly new.

[4:47:31 PM]

It is only completed beta testing so it doesn't have substantial application yet. I'm not familiar with the technical aspects of it, but I know that it's a very new product and it has not been available to the extent that the product that we are seeking under the current item.

>> Troxclair: I guess that person is not here today to answer that question, because I thought he said that they did have contracts with other major cities already.

>> They may have contracts with other major cities, but it would have to be a cooperative contract, a

contract that was available to other governments, and in this case the cooperative contract that they were referencing was not, in fact, their own, it was major police supply. And so we just received the details on that, literally, hours ago.

>> Houston: Mayor?

>> Mayor Adler: Okay. Ms. Houston, then back to Mr. Zimmerman.

>> Houston: It's my understanding that the police department has three of these vigilant license plate readers now? Was there ever anything in the document -- this has been going on for a while. How many are you proposing to purchase?

>> Mayor and council, assistant chief, good afternoon. It's about 14 items between both cars, trailers, and fixed locations.

>> Houston: 14 ...

>> Licensed --

>> Houston: Readers. Just 14.

>> Yes, ma'am.

>> Houston: Okay. And they'll be deployed between cars and --

>> Trailers and fixed locations.

>> Houston: So we've been having this conversation for, I don't know how many weeks now, about the - I talk about it throwing out a wide net. And I know you say you're not going to be doing warrant roundups, but if you have fixed locations, will they be deployed for, like, the rock-throwing case which the young man talked about the last time ovals here, that helped them catch somebody in Idaho?

[4:49:39 PM]

Is that what the fixed locations are? Because I'm very concerned about people's privacy. And so when we talk about that, we don't have any policies in applies to do this now, do we?

>> Yes, ma'am, we currently do have a policy. We've had license plate readers within our department about six years so we do have a current policy. Because Matt Simpson with aclu actually spoke on this item and brought up several concerns, I actually sent him our policy this past week. He provided us some additional language and privacy, also roundups, a lot of other language that he had concerns were actually in the process of amending our policy to probably include about 90% of his recommendations into our current policy. In reference to the wide net, is, clearly we don't want to discuss a lot of our strategies on how we would utilize them, but I will say that they will be used to target criminal activity. You mentioned the rock thrower. If that was something that we felt was necessary, then, yes, we would deploy it in a way that we felt would be appropriate in reference to providing us necessary information to solve that particular crime.

>> Houston: So I just want people to know that I would be comfortable with having the contract come back to us so that we can see all those things in the contract before you all sign off on it, because once it gets out of our hands, it's out of our hands, and once it's approved, then there's nothing -- I mean it takes an act of god to get it undone. And so just to make sure that everybody is comfortable with it and that the proprietary rights of this company are entailed and checked and they can't sell the information to anybody, you know, there are a lot of things that people have been bringing up over these past several weeks that if they're not agreeing to them, we need to know about it before you all sign a contract.

[4:52:01 PM]

>> Zimmerman: Thanks. I wanted to make that motion that we strike "And execution" as an amendment. Strike the words "And execution" from the item here.

>> Mayor Adler: Move to strike the words "And execution" is the motion. Is there a second to that?
Seconded by Ms. Houston. Any discussion?

>> Casar: I still have my question for -- I still have my question for the staff that would be helpful. I imagine this maybe for APD but I'm not sure, so councilmember Houston was talking about why sort of the width of the net. In here you talk about how the lprs can find people on hot lists like amber alerts. Is there something technologically in the way the readers work so we can set it so it's just looking for those plates and not attaching everybody's plates and delivering that data?

>> You probably could do that, but here's what you're going to lose.

>> Casar: That's why I asked you the question.

>> Here's what you'll lose from an investigator standpoint. We would never query the system unless we have a criminal predicate. For example, let's say we have one at Barton springs mall where we know there's a lot of car burglaries, for example. Well, if you have one at the mall -- and by the way, the private sector is truly big brother, so I really do share your concern. And we have a series of car burglaries. Well, if we don't capture the data who's coming in, now we lose the opportunity to go to see -- develop investigative leads. So you would lose a huge capability, and one of the purposes you'd want the lpr technology in the first place. The rock thrower that councilmember Houston brought up, if we were just using the technology for hot lists, well, you know, the suspect we have in custody, if we didn't have -- if he kept hitting in that location, coming out, we would lose that lead, so you'd lose a tremendous capability. But, again, in order to actually make an inquiry into the system, the only time we'd be looking for something that somebody is involved is only looking for somebody that is potentially involved in criminal --

[4:54:26 PM]

>> Casar: So it sounds to me like there's two -- there's two separate uses. One is the hot list where you're looking for very particular vehicles, and then the second is, you're trying to put together a lead for a serious crime by capturing all of the license plates that regularly are nearby when those crimes occur.

>> Correct. I'll give you a hypothetical. Drive-by shooting in a neighborhood. The only thing that we have from a victim, we have an lpr because we've had gang violence in the neighborhood so we might put an lpr there to try to develop some leads. So a drive-by shooting, the only thing you have, it's blah monte Carlo. By capturing that data, we'd be looking into that system to see what monte Carlos came through there with the license plate we were hitting. So that's the key of what we'd really use these for, is to be able to get the hot list in and capture those people. I think more important is be able to develop actual intelligence to solve violent crime.

>> Casar: And so what oversight or security is there such that -- for example, for a mobile one that might be in someone's vehicle, a patrol car, that it's only used for figuring out who had a blue opponent car although for a drive-by, as opposed to just being on and picking somebody up for something that you, by policy, don't want them used for?

>> That's our policy. Like we do with everything else, we conduct audits on a regular basis to ensure we're following our own policies. Secondly, if somebody uses it for something they're not supposed to use it for, that would be in the report, they'd be in violation of the policy and we'd obviously engage in disciplinary action against that employee.

>> Casar: That would be helpful, and I think that you have answered a good number of the questions in the memo that was recently sent to us. I don't know if I have an exact copy of that policy that states at what level of crime your offices are allowed to use those lprs, so that would be, I think, useful.

[4:56:37 PM]

>> Remember there's two pieces the lpr is gathering the data. It's going to be detectives that are going to be using it on the back end, 99 times out of a hundred. And so -- and the policy that we are going to adopt, that we are going to add some more changes that Mr. Simpson, who's a great friend and actually worked with us very closely when we established the Austin regional intelligence center, he was a great partner, and the aclu was, in developing our policy then. We're going to make about 9 on% 90% of his changes as well.

>> I trust if this amendment passes, Mr. Scarborough will address some of the contract issues and hopefully that will buy enough time for that updated policy that's got, you know, some changes to it to be in front of us, too, and maybe that makes this decision more clear.

>> That would be great.

>> Mayor Adler: Any further discussion? We have an amendment in front of us to strike the word "Execute." Ms. Garza.

>> Garza: I'm just curious, before we even negotiate, why not -- because there's such a community concern and privacy issues, why not wait till we see the policy, the refined policy, before we even negotiate? Because if, after a refined policy, with in which the aclu, there's still community concern, I don't see the point in having -- have gone and negotiated. So what would be wrong with that --

>> I think from my perspective, we continue to kick the can down the road. I know what this community, I've been here nine years, I've been involved with this community, I know what their concerns are. I share those concerns and I'm faithful confident that a hundred percent of the people aren't going to agree with the policy, but when we're finished with that policy, it's going to be reflective of the values that you have all been really sharing with us, and that we share with you, that this tool is going to be an investigative tool used to recover people when there's a silver alert and amber alert and things of that nature, and we'd rather do the work on the front end, I think, for the procurement office, so when we come back we can give you everything at one time, how the policy -- there with you, and you can make that same decision.

[4:58:51 PM]

There's very little to lose and a lot to gain by moving forward with the negotiation on it.

>> Mayor Adler: Further discussion on the dais? The motion in front of us is the amendment to strike the word "Execution." So it would be negotiate but not to execute. Let's take a vote. Those in favor of the amendment to strike the word "Execution," please raise your hands. Houston, Gallo, Garza, Casar, kitchen, troclair, and Zimmerman. Those opposed, please raise your hand. Those abstaining? It would be the balance of the dais. The amendment passes. Now it's a question to negotiate. Is there any further discussion on this item?

>> I would ask when it comes back for the execution, it also be presented maybe even before the execution, we have a briefing on the policy where we're asked to execute it.

>> Mayor Adler: Okay. Those in favor -- Mr. Zimmerman?

>> Zimmerman: I was going to say, quickly, I think this would be a perfect thing for the public safety committee to pick up, so when the negotiation happens and you have something for us to look at, I just want to ask you to bring it back and let us, you know, vet whatever negotiation happens, and we can talk about it in the public safety committee. I'd be very appreciative of that, if we could do that, if we had that commitment from you, I'd be inclined to let you take a shot at it and see what it looks like, see if we can work together.

>> Mayor Adler: Okay. Those in favor of -- I'm sorry? Yes.

>> Garza: Well, I guess I was going to say I think they have been really patient with us. We've postponed this a couple times and made some changes that addressed our concerns, and I would think that you

would want this -- it would be my preference to have this back at the first meeting, and when do we come back?

[5:00:55 PM]

In August. Because I understand that this has been a much longer delay than what you had anticipated, and I do think it's important that we have the chance to read the contract, but I don't want to put them in a position where we're another few months out because we have to go through committee and everything else. So if the post-is back and you can meet individually with councilmember Zimmerman and maybe the other members of the public safety committee before that first council meeting, that would be my preference.

>> Mayor Adler: Yes. Mayor pro tem.

>> Tovo: And, mayor, since this is, I think, our third discussion about this and it's involved a considerable amount of staff time, I would suggest, too, that we try to take it up first thing in the morning on that day, if possible.

>> Mayor Adler: Okay. Those in favor of the those to authorize negotiation, please raise your hand. Those opposed? It's unanimous on the dais. Hopefully we can pull this back up first week of August, in the morning. Okay? It's 5 o'clock. It's been suggested that we consider taking some of the items from this agenda and seeing if there's an ability for us to meet next week. Let's start this item, and if everybody could e-mail back to their offices to check their calendars, we're going to have that conversation here momentarily. Okay? Next item that we have is item number 57 and 58, which is the body camera matter. We have a lot of people here for that. Then 57 and 58. Let's get the public testimony here. Early Jackson.

[5:02:56 PM]

>> Hi there. Carly I'm sorry.

>> I'm Carly Jackson, I'm here to ask council to vote no on the contract to purchase body cameras. I've been part of the conversations on policy with APD and city staff and I think we need to have a more solid framework of the policy before any decision can be made on purchasing equipment. Specifically, if the policy asks for disclosure, we need to make sure that the contract allows for footage to be redacted in an efficient manner. One thing I fear is that we would have this -- be locked into a contract, and then the redaction process requires many man-hours or cost, and then the policy is saying that footage is available is moot because no one can afford to pay for the labor to actually redact it. So there is technology out there. I'm not sure if taser hat makes it available to make efficient redaction on footage. Another issue is the city -- we'd ask that city council ensure that the city owns the data, has control over the footage, raw footage and redacted footage. And this will ensure due process to protect people in video recordings that are not part of a specific investigation. There's a lot of gray area. I learned in our meeting on Tuesday with the D.A. That if there's footage of incidents that are not involving a specific investigation, it's unclear who has access to that data. So I want to make sure that that is clarified in the policy before -- before anything is purchased. Another thing is having officer discretion. So we haven't fully hashed out what instances we have officer discretion on turning off the camera, so that goes to the technical capabilities of the actual cameras, the physical items that the officers would be using.

[5:05:05 PM]

So I understand that this process may seem tedious and council may not want to delay any longer, but I ask that you do delay this decision. I know Austin -- we're proud of being an innovative, tech-forward

city, and the people who live in and work in Austin and the people who visit Austin for our fantastic events, we need city council to craft a policy that facilitates using technology to our benefit and doesn't violate the rights of the public. So we -- I mean, city council -- we have people to create technology, we have people to create these new innovative business models, but the only thing that city council -- excuse me -- you are the only people who are capable of crafting the policy to make sure that this technology is used correctly, and supports transparency and service to the public, as well as protecting the safety of officers and the public. Thank you.

>> Mayor Adler: Thank you. Next testimony of Ted Davis. Is Alex here? Thank you. Is Ed English here? Is David King here? Mr. Davis, you have 12 minutes.

>> Okay. City council, my name is Ted Davis. I am the president of utility, and utility is the -- is one of the 10 vendors that bid for the body-worn camera contract with the city of Austin. I'm pleased to be here before you today. I've got 12 minutes. I'm going to give you a little bit of background. I lived in Texas for seven years. I was a U.S. Air Force captain. I flew aircraft out of Randolph Air Force Base. I was an instructor pilot, instructed many Air Force officers to fly over that period of time, and after Gulf War 1, I left the company or left the Air Force. I'm a veteran.

[5:07:05 PM]

I have been the president of utility since its inception in 2001. You may have seen some quotes from one of my business partners, the CEO, which is Bob Mckeanon. He's been very vocal about the situation here in Austin. He wasn't able to make it here today, so I came in his stead to do that. Councilman Zimmerman, I respect that you're an engineer and that you've got a little bit of a background that is very pertinent to the discussion that we're going to have here today. So I would certainly entertain any questions that you might have with regard to this, and I'd be happy to answer them. The first -- the first thing I'd like to address -- and I've got a smart -- actually, I'd like you to pull up the one that says responsive system. Okay? There were ten vendors that bid on this contract. Every one of them spent time and effort to fill out an RFP response, which is a costly process to go through. So each vendor had an idea that they had a system and had a capability that might meet the needs of the city of Austin. Of those that actually put in a bid, six of the vendors were eliminated, and one of the vendors was eliminated because he was missing a requirement, was missing something that was required within his response, which is okay. He should have had that form in there. Five of the vendors were eliminated because they didn't meet a mandatory requirement that was required by the system, which is also completely legitimate. What I'm here to tell you today is that you're here to vote on an award to Taser International, and they did not meet all of the requirements. In fact, they don't meet the most important requirement. Can we go to the next slide, please? I'm going to call this the big mack situation that we have here. If you look at -- I think each of you have this in front of you. I made up a 1.1 requirement, but I have your actual requirement down below.

[5:09:11 PM]

But if you will, the 1.1 requirement I have is that the vendor solution shall include a big mack. And then it has. I.e. is a lawyerly term. It is a Latin term. I.e. means id est, that is, or in other words. So anything that follows I.e. has to be an exact depiction of what preceded it. In this case if I said the vendor shall include a big mack, then you have to have all beef pizza, special sauce, lettuce, cheese, pickles, onions on a sesame seed bun. You can't leave out a single ingredient following I.e. In your particular RFP, it says the vendor solution shall include everything needed to install and operate the video system, I.e., camera, which would be the body-worn camera, mobile viewing device. Now, we've talked about the iPhone, \$5 million addition as being added here. They're going to use it to view video in the field, use it

to annotate video, they're going to use it for gps functionality. They discovered they needed all these things in their pilot test that they did in the field after deciding they wanted to award this taser. But the fact of the matter is, they wrote it into 1.1. It's clearly there. Mobile viewing device. It cannot be discounted. If you think about a mobile viewing application, that's software. Okay? Taser has mobile viewing applications. They run on android, they run on iPhones, they run on basically a small computer. They run on an iPhone that could be used to view the video from the body-worn camera. But I'm standing before you as one of the vendors that is one of the last four standing that item 1.1 required that you had a viewing device. And I'm asking you, where is that viewing device?

[5:11:12 PM]

It's not in their bid. So they didn't include it in the bid. It's just like that big mack without the two beef pizza in it. Okay? So before you go and you decide that you want to award this today, I want you to think about yourself going through a line and ordering a big Mac, and when you open the bag, you get the item to the right up there. And then I'd like you to tell yourself that if you opened that and looked at it, and you determined that it didn't meet your expectations, that you'd go up to the counter and complain about it. And when you'd complain about it, they said, well, all you need to do is spend an extra two dollars and we'll give you the patties you're missing. I think nobody here could turn to the taxpayers that are behind me and say that it's acceptable to have a bidder that bids \$12 million on a contract like this, and then has a product that's so woe fully deficient in other areas that it doesn't meet a lot of the things that were the nice to have items. I'm going to read to you a little bit here from the vendor's functional specification.

It says: The officer shall be able to use the system to assign classification code in a non-event activity, the case number. The system shall associate the body camera media to the officer wearing it. And ideally, the system would transmit gps coordinates from each camera for the purpose of realtime officer location and tracking. All three of those items that I just said are referring to the capabilities of the mobile device. Now, when we protested this, they went back and read that out. They said, oh, no, that's not the mobile device. We meant you could classify it in the back-end system. However, when they were in the field doing their field trial, they determined how much more efficient it was if they would use an iPhone, bluetooth paired to the camera, so they could view the video and say it's a felony or traffic stop or some other type of thing, and it would save \$160 a month in effort if they could do that.

[5:13:22 PM]

I'm telling you, this is the most wonderful rfp I've ever read, and I've probably read 20 or 30 of these in the last six months. It is the best written as far as the requirements from soup to nuts, this is a fantastic rfp. The unfortunate thing is how it's being applied, what's being delivered, is completely unacceptable. It should be unacceptable to you. It should be just as pathetic as that bigmac you see up there. When we looked at this, we looked at the requirement and read it. It said you had to provide everything. Can you go to the next slide, please? It says the vendor solution shall include everything. So with that regard, we included in every car this device. This device is our in-car video system, minus the front camera, minus the back camera. And what that means is, it'll trigger the device to record so the device can record, you know, based on the light, siren, whatever the things might be, as far as policies for when it should record. And the other thing is, as it's recording, the body-worn camera stores the information on this. This is when it's at its most risk. Under the current system you have today, they're going to go out and record two, three, four, five hours of video, and then if there's video on here that they don't want to have go up, they just lose it, they throw it out, it doesn't have gps, nobody knows where it is, you could run over it. We don't think that's acceptable. So the solution that we're providing is what you asked for.

You said you wanted wireless upload, you wanted it to happen immediately. So as this device is recording, maybe it's 30 minutes, maybe it's 45 minutes a recording, as fast as it records, it goes into the trunk of the car in a locker that they don't have a key to, so the information immediately goes from here to here. Then when you come back to the yard, we have an identical device to this that has -- this has 120 gig of storage on it.

[5:15:29 PM]

So it can essentially store 120 -- a hundred hours of video. When you get back to the yard, the device has a terabyte of storage. It'll move from there to this next device. Then from there it goes to the cloud through a high speed internet connection. But the fact it has a terabyte of storage, it means several vehicles can show up the same time the video goes up, the body worn video, and nobody is having to wait in the parking area. So we meet all the requirements of a total solution. The other thing that you'll note is that in the rfp, there was a question about what kind of in-car video system you have, and they said there was a Panasonic video system. You're going to replace that in 2018. As you sit here today with a \$12 million in-car or body worn request, plus five million to buy iPhones, in 2018 you're going to have every car require a 6,000 to \$8,000 in-car video replacement, what I'm telling you is that you don't have to have that as an option. We're putting this in every vehicle as we do the body worn camera deployment. We will add a front camera and a rear camera to this system, and you can have the full in-car video system for a \$65 a month add-on. You don't have to pay 6 to \$8,000 on top of that. That will save you between three and four million dollars on top of the five million you don't need to have this iPhone, and on top of the fact that we have a system that's complete and doesn't require that \$160 worth of extra effort. Our device is an android device, and, you know, I read one of the articles that said there are all these applications that you wanted to be able to run and they couldn't run on android.

[5:17:30 PM]

Every one of those applications can where you know on android. The only one that can't run on android is find my iPhone. Well, obviously, that can't run on android. Okay? So there is a corresponding find my Google device. One of the things, if you look at our experience, we're known as a utility.com. We have -- Conn Edison is one of our customers. Every vehicle they use in New York City for tracking, gps, all that kind of thing. So we're experts in tracking devices. For an additional \$5, if you have a foot patrol guy and you want to know where he is, you can add a plan to one of these devices if you want realtime tracking. You don't need to add a \$65 a month, you know, highly inflated full cellular plan. For five dollars, you can know where everybody is, realtime, and our system provides for that capability. We've got the best integrated mapping there is. The last point I want to make is that we said in our rfp response, and we had a question about redaction. We have absolutely the best redaction on the planet right now. We have put out challenges to cities. The last one we just put out was to San Jose. I don't know if you're familiar with that, but we went into an rfp where we were short-listed. We had to record the room for 45 minutes. We had to upload the video. We then had to redact everybody out of the video and we had to show them the redacted video. We redacted 45 minutes of video in six minutes. Nobody else on the planet can do that. So one of the biggest costs you're going to face when you go to buy this system, your cost for staffing and doing redaction could double the cost of the deployment. It's not storage that's going to be your expensive thing. We have unlimited storage. Taser's proposal unlimited storage. The cost that's the white elephant in the room is going to be redaction. None of this has been tested. I stand before you today ready to do a test.

[5:19:31 PM]

I will come in here, we will film, we'll do whatever you want, bring taser in, film the identical thing, have us have to redact the video, then look at the cost you'll have redacting using our technology and using the the cost that you would have with them. First I'd like to eliminate them as a vendor because they didn't meet one of the requirements, but I'd still do the test anyway. I yield the rest of my time. Thank you.

>> Zimmerman: Before you go?

>> Mayor Adler: Yes, Mr. Zimmerman.

>> Zimmerman: I have one technical question here. I agree with you, I have written specifications and I've analyzed -- this is -- it's not bad.

>> It's auto wonderful rfp. I'd give an a.

>> Zimmerman: You think you're being generous, and one gaping problem it has -- I brought this up before and I was ignored. Whenever you talk about frames per second of how fast you can record action, you have to mention the resolution.

>> Right.

>> Zimmerman: What is the quality of your resolution of the speed you're going to require to compress -

>> This device right here, you can record from 720 P all the way up to 4 T. 4 T is four times. I think that's too high resolution for the need, but the point is that this is a generation 2 device. The technology that -- the next big thing that's going to come up is compression standards. The H 265 will be next. We'll have that, that'll be out within two years. It would be crazy to buy technology that --

>> Zimmerman: All that's true, but H .264 is terrific. I've written no those myself. But going back to this, I didn't see resolution listed under 24 frames per second. Did you see resolution anywhere?

>> I think within there, they ask for HD, which HD is kind of 720 P, is known as the standard.

>> Zimmerman: Which is good enough.

>> Right.

>> Zimmerman: Well, thanks for being here.

>> I appreciate the opportunity.

[5:21:31 PM]

Thank every one of you.

>> Zimmerman: And I'm presuming there will be someone --

>> Mayor Adler: Can staff come down and respond to that?

>> Thank you, mayor, commander Reyes, technology commander for the Austin police department. So, yeah, I'll go ahead and respond to some of the things he said, especially when it comes to the technical requirements. I did clarify with purchasing about the contents of the proposal and what I'm permitted to discuss and what I'm not permitted to discuss. And so I did receive clarification that I can now discuss what's included in taser's body camera. So taser's body camera did include a mobile viewing device. It was an iPod, so there's a mobile viewing device included in the price of the body camera. The things that we found out during the testing period was that when -- after the whole testing was already done, after taser won the -- won the highest scoring, after we completed the testing and we verified what they could do, an open records request was submitted. In trying to fulfill that open records request, when we pulled the data off of the back end, I saw that there were some points on the map that were go coded and some video was not gl coded. It was determined that some officers, instead of using the iPod that was provided to them as part of the camera package, chose to use their iPhone. That is when we figured out that if the officer paired it with an iPhone instead of the iPod, that we were able to get the gl location included -- embedded into the video itself once the record button was hit. So that's the first

piece of it, the smart viewing device or the mobile viewing device is included in the price of the camera.

[5:23:35 PM]

The second piece of it just shows how we came about recognizing that the go location would be embedded. As far as the cell phone itself, I have documentation from over a year ago where my team has been working on a proposal to replace pagers and try to get the cell phones issued to officers. Once we determine that the cell phone would enhance the functionality by go-locating the officer, it was determined that it would probably be in the best interest to bring these two items together before council because if we doing the approval for the iPhone, there will be a cost savings realized in removing some of the items that are included in the taser proposal that we will not have to include in the contract. If we don't, then we just continue forward. If the cell phones are not approved, the taser body camera is still the better product, even without the phone. And we would just include everything that's in the proposal as submitted by taser. If we get the cell phones issued to the officers, which has a lot more benefits other than just tying into adding the go location into the camera itself, then we will realize a cost savings by removing some of the items when we do negotiate a contract with taser. And with that, I'll just answer any questions you have.

>> Mayor Adler: Does the cost of the iPad come out of the taser? You'd be using the phone instead of the iPad?

>> The iPod, yes, sir.

>> Mayor Adler: The iPod?

>> I can't discuss the cost savings specifically, mayor, just because that's in the proposal.

>> Mayor Adler: And part of it is, you're providing the iPhone without G regard to taser because you thought that was just an equipment upgrade that the force needed separate and apart from taser around this provides an opportunity to do that.

[5:25:38 PM]

>> Correct, mayor. For example, we have electronic ticket writers in the field, it's a hand held device where officers now issue tickets electronically. Our vendor for that will be coming out with a mobile app in the next couple of months, so it would be possible for the officer to use the iPhone to issue a station instead of having to use the E ticket writer. There are some other applications that are police-specific as well, including driver's license scanners, fingerprinted reading technology, Google translator to be able to conduct translation in the field, so it's just a variety of other benefits other than just adding the go location to the camera.

>> Mayor Adler: Does anybody have additional questions before I go back to the public hearing?

>> Zimmerman: I do quickly. Mr. Zimmerma N?

>> Zimmerman: Section -- I'm looking at the rfp here. I've done some study on this. Section 1.2 talks about all the -- with all metadata. Metadata will be, say, the identity of the police officer who is wearing the body camera, example of metadata. The gps location, time of day, not are metadata items. Right?

>> Yes.

>> Zimmerman: Is there a comprehensive list of the metadata that's referred to here in 1.2? It says all metadata, but is all metadata defined definitively somewhere?

>> I don't know for sure, if that's defined somewhere or not.

>> Zimmerman: I think that's part of the confusion; right? Because to me, I mean if I were doing the spec and I realized how important your physical location is, right, when you have an emergency situation -- right? -- The adrenaline is running, the last thing you want to do is remember, where was I when that happened? So if you have a metadata gps location that's being tracked and you don't have to think

about it or worry about it, or if you have several officers all wearing cameras to make sure that somebody didn't switch their cameras accidentally, those are huge, huge issues to me.

[5:27:41 PM]

Right? Of what metadata -- why it's so critical, you know, in a court of law, to figure out who saw what, at what time, and what location. Extremely important. And I think the point that -- I think the point the competitor is making here is they have one device that is capturing that data, and a better solution for integrating more metadata so the officer doesn't have any of that to worry about. So I think that's part of the point he was making, that they have a better solution. And when I read through the city staff responses to the protest, I found the protest was really -- utility associates' protest was specifically written with some technical remarks, and city staff replies by saying taser complies. They didn't answer the protest, technically, they just said taser complies. So I'm referring to the city staff response from June the eighth of 2016.

>> I understand, councilmember. The contents of the proposal are still not available to be disclosed to the public. So that would require us to reveal the contents of the proposal.

>> Zimmerman: Okay. Thank you.

>> Mayor Adler: Thank you. We'll now go back to --

>> Casar: Mayor, I did have two quick questions for commander Reyes. You said a little bit earlier today that the taser camera is a better product, could you just summarize for us what you would say the top two or three reasons are for you, that it's a better product?

>> Well, the evaluation team evaluated the -- all the products based on the contents of the rfp. At the conclusion of that evaluation, taser scored 10 points higher than utility and 15 points higher than the third vendor, which was v-view and all that information has been released publicly.

[5:29:43 PM]

The contents of the proposal and the taser product was based on the requirements of the proposal and what taser provided to the police department as part of that. It had nothing to do with the cell phone.

>> Casar: Understood. And of those ten points, it looks like about six -- or a little bit more than six points of those were about technical cloud and functional match requirements. Is there -- I know we could probably talk about this offline, but I just wonder for clarity and for the dais, for us just to understand what those -- if you can, why it's better in more tangible terms, but if not, I understand.

>> There was I understand. Owe there was a mir rad of other things and I don't have the specifics, I'm sorry.

>> Casar: And my last question is the gentleman who just spoke talked a bit about the challenges of redaction. With this current contract do you -- do we perceive potential increased costs significantly on redaction with taser versus the second place bidder?

>> The taser tool does have a built in redaction tool as well. And with the state law that we have when it comes to releasing body worn camera video, I don't really see a significant cost for staff. We do have one fte assigned to the body-worn camera program and I don't have any reason to believe why that one person wouldn't be able to handle all the requests at this time.

>> Mayor Adler: Next speaker we have is Debbie Russell.

[5:31:47 PM]

>> I'm going to take these off this time. Okay. So we all want body cameras and I know there's a lot of people in the audience here today supporting body cameras and I want to hurry up and get this over

with. I think -- the rfp process has been flawed, the rfp itself might have been actually well written, but I think that's actually a product of the more we've all been delving into this the more we've learned and realized we should have been engaged much sooner as a community and how integrated the policy was with the technology. In fact, in the utilities case, it's completely integrated because the policy actually dictates what the -- how those features are set up such that, you know, whether they -- it ordinance on at -- turns on at certain points in time or et cetera. I'll try to be brief here. There are several issues. Taser has come back and said we have 83io location. Yeah, you do with the phones. Do you need the phones? You've heard this already. Not necessarily. And then they say they have auto redaction. No, they can -- they have -- you manually redact and you have to go in there and draw squares around all the faces you want to cloud out. And then you -- the machine does the rest, sure. But that takes hours. And no, if we're talking about hundreds and hundreds an hour a day of video and down the line after we decide stuff needs to be disclosed, there will be a lot more than one person needed, I can guarantee that. There will be a lot more staff than that. They say that they're automated recording is a very low-grade automated recording. It's just the lights, sirens and doors. This other vendor has the ability to -- there's a lot more in the software about if you start running or you pull something out of your holster, things like that, you need to look into this a lot more carefully.

[5:34:03 PM]

There's a lot more technology features of this vendor that comes in at a lower cost -- let's just remember it comes in at a lower cost. Can you put up that first slide? Actually, let's go to the third slide. And it actually offers us more features and I think it actually offers us a better system that will truly, truly do what we want body cameras to do. It will truly bring the accountability that we are searching for through this technology. The taser -- I truly believe and I will say this out right, they want the taser product, which lacks in the features that -- because it provides more officer discretion about when to turn it on, when it download --

[buzzer sounds]

-- When to -- didn't I have six minutes? Or no? Somebody was giving me time. Dang it. I have some Numbers up there. Sorry. I really thought somebody had given me some time here.

>> Mayor Adler: No.

>> Okay. Sorry. If you could just flip through those slides real quick.

>> Mayor Adler: Thank you.

>> You can see the Numbers.

>> Mayor Adler: Thank you.

>> Pool: Mayor, could I ask one question? Hi, Ms. Russell. Do you think it would be helpful if we gave little bit bit more I'm on this office if I could propose maybe a postponement to August?

>> Yes. And I definitely want to emphasize that because the state grant doesn't require -- it never required the purchasing of the item be approved. It actually only required that you pass a resolution. And they said you can get that -- give that to us later down the line closer to the time we are looking at the grant, which we're talking about October, November, December.

[5:36:06 PM]

So yes, we have plenty of time to look at this. I'd urge you to take as long as needed and to get some -- some actual demonstrations by these two top vendors here so you can see what we're talking about.

>> Pool: Okay, thank you.

>> Mayor Adler: Thank you. In lieu of having music tonight and proclamations, we have Christopher Michael, who is with us. Joining us today is Christopher Michael. He has been a regular in the poetry

slam scene since 2004. He is the co-founder of the Killeen poetry slam and a regular host of Austin poetry slam. Among his accomplishments are the 2005-2006 Austin slam champ, the 2008 kill less than slam champ, the 2010 Arkansas grand slam winner and a four-time national finalist. Christopher has been a member and coach of the 11 national slam teams as well as coach for youth poetry slam teams, the former executive director and slam master of the "They speak youth slam" in Austin. Serves as a board member for the Austin poetry slam, the vice-president of poetry slam inc. And grand master of Austin neo soul. So today's 5:30 music, please help me welcome Christopher Michael.

[Applause].

>> Thank you.

[5:38:06 PM]

Hoodihoo! Haiku. 1963. White supremacist bombs church. Four little girls. Spark. I was born in Birmingham, Alabama in 1911 on 16th street. By born I mean they finished my construction. I was erected as an edifus to the all mighty. A war room for the commanders of the cause. I can name drop, but that would be rude. Martin Luther king, rob David an they are math think. Thousands of people had prayers underneath my roof. I had marriages, dreams, baptisms, but all of the dignitaries to grace my pughs, the most precious were Denise, Addie may, Cynthia, they were visiting me for Sunday school or something to the like. There was a lot of turmoil in those days. I could tell because all the comings and goings and whatnot. Some fuss about integration. Even our illustrious George Wallace had something to say about the issues of the day. Let me see. I think what he said was to top integration Alabama needed a few first class funerals. Shortly after a white gentlemen placed a package under my steps. At the time I was a little over 50 years old. I grew to know what the faces of men meant. Each told a story or revealed his heart. I knew that was for gift set before me. I could feel the spirit of the lord shutter with grief. I knew I had to do something because the four little girls were still within me. Girls, girls you have to get. Get on home now! Maybe if my steeple wasn't such a tower, I could do more than babble. I tried so hard. I yelled with everything I had. Girls, girls, you got to get. Get from around here! But all they could hear was me moan. And creak like I was settling in my foundation.

[5:40:06 PM]

I was no longer like the servant peter. I could not be their rock, but in that split second of eternity I contained the blast. I held back the wave of Satan's hell fire like I hold on to every prayer whispered in my walls. I used my my strength to top the embers. I refused to splinter. I bound every brick. I subdued the mortar. I stood in the gap, in the twinkling of an eye. My god needed to call them home! And in that moment of forever, they felt the love of my lord. They grieved not. But even eternity ends. I could not hold back the blast forever. I realize all I could do was blanket their bodies in what was left of me. Swaddle them in my destruction, tuck them in with my dust. I won't name the white supremacist who was convicted of this crime. But the four girls transfigured into a spark that fanned the flames of freedom. And I, I had the honor, I had the... I am so sorry. That I could not save you.

[Cheers and applause]

>> Mayor Adler: Usually at 5:30 we religiously stop our city council meetings to have music. I think this fits well within that time that we take. This is the -- near the one year anniversary of the Charleston church shooting. I think it was timely.

[5:42:10 PM]

And we have a proclamation. Be it known that whereas many in Austin have suffered isolation and

exclusion in the hands of prejudice in our community, partly city of Austin policy. And whereas the city has had its share of historically neglected and ignoring the voices of those that suffer. And whereas Christopher Michael has lent his voice to the overlooked, forgotten, oppressed in the city of Austin to the greater African-American community. And whereas Christopher Michael has advocated for and championed young artists in the city of Austin and paved the way for their advocacy and engagement. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do here by proclaim June 23rd of 2016 as Christopher Michael day.

>> Thank you, sir.

>> Mayor Adler: Thank you for this.

[Applause].

>> This is incredible. One of the -- I kind of stumbled on to being part of the youth scene because the founders of it, both the mother and the daughter passed away. The daughter died in a cave-diving accident and the mother died three years later. I think she drowned in her sorrows. So I had the pleasure of running the youth slam. Some of my fellow slam poets are here today. Thank you so much for supporting. My name is Christopher Michael. You can find me at Mr. Michael310.com. I just did a book last year. I would love if you go online and buy that. It's on my website or hit up Amazon.

>> What's the name of the book?

>> It's called persona non-grat that. It's pretty good. Five stars on Amazon. Every Sunday at spider house ballroom you can see more poetry just like this at 4:30.

[5:44:14 PM]

Every Tuesday you can see even more poetry just like this at spider house ballroom. We have our poetry slams. Every Thursday at Mr. Catfish we have Austin neo souls on airport boulevard, every Thursday. The Austin poetry slam and both Austin poetry slam and Austin neo soul are regional champions, they're filled with national champ I don't withins. The -- champions. The teams have made national events. They're incredible poets. I'm of I am just a drop of the bucket for the talent here for spoken word. And I thank you so much for this.

[Applause].

[5:46:26 PM]

>> Mayor Adler: All right. Kathie Mitchell? Is Adam conn here? Okay. Ms. Mitchell, you have six minutes.
>> Thank you, council. I want to focus my testimony on the process that you all have allowed to flower around this body camera question. When I came here, maybe it was six weeks or so ago now, and this item had arrived on the agenda, what you heard was what we had heard, that the body camera policy was written, it might be revised after the camera was used, but this wasn't really a subject matter for public discussion or input. Like the community, you all agreed that that was inappropriate and there should actually be public input on the body camera policy. We had meetings and while I'm happy to report that while the progress is incremental, there is progress. And I would put that progress into two buckets. We had in a preliminary meeting at which we had significant discussion around an issue that I think is critical to community, which is the discretion that officers have to decide whether white supremacist to turn off the camera. I think that everybody understands and everybody has the goal that the camera will be on all the time. But officers in the initial draft of the policy were given wide and we felt sort of unguided discretion as to when they could decide to turn it off. And given that this is -- there are many reasons for body cameras, evidence for criminal behavior is just one of those reasons. We were very serious about trying to find a path to guide that officer discretion by improving the policy.

[5:48:36 PM]

We have made and you saw a preliminary first round draft from A.P.D. And I would say that we have made some small improvements in that area. But it's encouraging. We also felt we made some progress in the overall idea of body cameras when we started this process it was very clear that from the perspective of A.P.D. This is largely about gathering evidence. And that is certainly true. But of course, it's also about accountability to the community. And that is now reflected in the purpose that has been revised for the body camera policy. So that's sort of one bucket. We left that meeting, as you all know, with no conversation about transparency and disclosure. We had a separate meeting thanks to you all giving us another couple of weeks and at that meeting we overcame a significant hurdle. Up to that meeting A.P.D. And the city has been very clear that the statute essentially prohibits much public disclosure. And instead as a result of bringing in, you know, a lot of very knowledgeable people in a room, we all agreed that in fact the statute does not prohibit disclosure and that there is a path legally within the statute to have more public disclosure than we have today. That is pretty much as far as that conversation got was that there are no legal barriers to a framework of transparency. Thankfully you all have given us time on that. And there's a process in place to go forward. Today I want to express a concern about the match between the progress we're making and the technology that we're getting.

[5:50:43 PM]

The process we're deciding and the rfp created all preceded that first meeting where the community came out and expressed concerns. And my question is if this process in advance of the rfp, I think that there would have been more emphasis in the scoring perhaps, I don't know. We're all in a bit of a black box on that. With respect to the technology's ability to support controlling officers' discretion around turning off the camera. That would be that first bucket. And the technology's ability to support redaction in a process of transparency that we may not have today, as you heard from commander Reyes, but after 120 days we hope to have something significantly better for the community. And so I feel that the technology should be looked at again, maybe just these two top vendors. I don't have a stake in which vendor is picked. Based on an optimistic view that we are going to make real progress with the policy in those two buckets and what would the choice if transparency and glacontrol over officer discretion to turn off the camera were the priorities or among the priorities for this rfp. And so that leads me to think that it would make sense, despite -- we are all anxious that officers have cameras. Let's put that on the table. We are for cameras. My group is for cameras. Everybody is for cameras. But let's make sure that the technology matches the vision that we have for what the policy is going to be six months from now.

[5:52:49 PM]

And that doesn't need to take six months to do. That means just look at the top vendors or the top 4. I don't care. And with those two things in mind.

>> Mayor Adler: The next speaker is Mr. Nelson Linder. Is Mr. Linder here? The next speaker is synobi Joseph. It's on, just sitting on my table. Nelson Linder? And after Mr. Linder is jenobia Joseph. If you will hand those to the clerk, he will hand them out to us.

>> Thank you. My comments today are specifically related to government code chapter 552 Texas public information act.

[5:54:54 PM]

And so I have some opposition specifically related to the open records request. You have a yellow piece

of paper in front of you. And if you look at that particular piece of paper you will see where -- I'll read it into the record. It specifies if this is an open records request, please be advised that the police department's central records division receives over 2500 requests for information a month. Central records processes those requests in the order received and strives to respond to each request promptly as required by law. Please know that as a result of the large volume of requests received the anticipated time frame for responding to your request is approximately 40 to 60 business days. So it is to respond to the requester in 10 days. The police department was to respond to requesters in violation of the act within 30 to 40 days. I have since filed a complaint with the attorney general's office to ask if Austin police department has some special provision, and they do not. They are to supply with the request within 10 days. So you will see that they have now exceeded that requirement by having I six times the amount. You can remove the document. Specifically what I want you to recognize is that senate bill 158, the body worn camera policy, relies heavily on the open records act. And if Austin police department is in violation and they have been in noncompliance for two years, then I want to know how is is the public supposed to believe that they will be transparent in responding to these video requests? And so I beg to differ with the commander Reyes as it relates to only one individual having to give the public this information because according to -- is it dusterhoff, the assistant chief.

[5:57:08 PM]

He testified twice before the senate and before the justice committee in 2014 and he said again in 2015 before the emerging issues in law enforcement, which was on the house side. And when he testified he specified that it takes approximately one hour to redact information or one hour of footage, rather, would take about one day. So I would ask you to have either the assistant chief or chief Acevedo to speak to the full-time equivalent because I do not believe if they can meet the requirements to date for basic requests for information, then what will they do when citizens are asking for information for the videos?

>> Mayor Adler: Thank you.

>> Thank you very much.

>> Mayor Adler: Scott Greenwood is the next speaker. And then Andrew Grayson.

>> Good evening, mayor and members of council. My name is Scott Greenwood. I am a constitutional civil rights attorney. I practice in the area of police oversight and accountability nationally. And in the last six years the issue of body worn cameras have become an increasingly important one for oversight and accountability. That is even more true today where cities around the country are facing investigations by the department of justice, transparency has evaporated in some quarters and there are significant calls around the country for even more oversight of police an accountability in police departments. So it's important to do these programs the right way. My partner and I, he is the retired chief in Cincinnati.

[5:59:10 PM]

He is well-known to chief Acevedo. This department has been working on a body worn camera with major city chiefs and the police executive research forum and other national oversight and accountability entities for about the last three years. As part of that process the chief and his staff have been heavily invested in this process and I want to tell you that they're doing it for the right reasons. The policy draft that they have addresses all the six major areas that you really want to see for best practices in body worn cameras. External dissemination, data integrity and flow, proactive use, consideration we call time, when is it on, when is it off, et cetera. If you look at the other cities in Texas, Austin is really the last of the major cities to implement a body worn camera program and I commend you for taking

the time to do it right. And right now you are at the sweet spot. Your program is ready to go live if council approves it. The policy in its draft form is farther along and has dealt with many of the same considerations that the other cities in Texas had to decide. But you've done so in a much more thoughtful manner. So I would urge council to move forward with this. What we typically recommend when we work with cities on oversight mechanisms for law enforcement policies is to do exactly what you've done, go out and engage your stakeholders, listen to them, but ultimately that policy is something that is -- it has to be owned by the chief and by the department for this to be a successful implementation. And I would suggest to you that they are at that point right now. I am happy to answer any questions you have on these policy issues. I think this department has taken a very thoughtful approach. I would expect that they would come back to you after their initial deployment of the technology and there will be changes to their program and their policy as they see what works for the city.

[6:01:18 PM]

Thank you.

>> Mayor Adler: Andrew Grayson? Is Andrew Grayson here? What about Andrew Donaho? You will be up next.

>> Evening, mayor, mayor pro tem and council. My name is Andrew Grayson, national director for taser. I'm here to simply answer any question you center taser's perspective on qualifications.

>> Mayor Adler: Anybody have any questions? Mr. Casar?

>> If you can talk --

>> Casar: If you can talk about it, can you talk about the redaction capabilities of what we're considering purchasing today?

>> We have capabilities called smart redaction. Basically the length of time that you want to redact, say 10 minutes, you select the object or objects you want to redact. Instead of going frame by frame, which is a very manual process, it does it in realtime.

>> Mayor Adler: Okay.

>> Did that answer your question?

>> Mayor Adler: Thank you. Next speaker is Andrew Donaho. Cane white is on deck.

>> Howdy. My name's Andrew Donaho. Thank you for having me. I'm here representing the electronic frontier foundation. I'm a member of the board. I also will raise persons issues after I speak to eff. Code is law. The systems you build today you buy today, have policy implications that are stuck. I want you to be very clear when you buy a system and you haven't fully defined the policies, you're going to get stuck with what the vendor gave you. You may not like that. All I can say and all eff can say is that we haven't seen the policies.

[6:03:23 PM]

They may be good, they may be not, but because they are opaque to us in the public, we can't make any assessments. You can't have the benefit of our council, our technology council. Things we do now is as you deploy this system, experience will be hard won. We will learn things. Our policies will need to change. But if the system was not designed well enough with enough flexibility policy in it, we cannot evolve properly. It will cost a lot of money to have any vendor change things if they have not put enough policy flexibility into their system. That isn't at all clear that has happened in this rfp process. Eff is an organization interested in data transparency for all players so that the police are safe and that the citizens are safe. With the wrong policies in place that cannot happen. Data storage is cheap, extremely cheap. 50 cents for an hour of video stored per year. Ridiculously cheap. As such we should make sure

that we keep our data for the maximum period that we need to satisfy things like community-police interaction. As I understand that's 180 days not the 90 days that have been proposed. We very much want to encourage cool to keep data as long as possible so it's as broadly available for staff. Redaction. Redaction is a big deal. It is not easy to do unless the systems have been demonstrated and done in a timed fashion. I don't believe any vendor in their claims and nor should you. Finally in my last 30 seconds, I'll put on my personal hat and I want to say the hin king and jiving around this contract, as an engineer I say this is being cobbled together.

[6:05:27 PM]

We should be very careful about cobbled together systems. It seems very expensive. There seems to be very much real questions about the process. Finally I just note based upon the language used by staff -- [buzzer sounds]

-- By even councilmembers, that taser seems to have won through acclamation. I didn't see a real close here. Thank you.

>> Those are --

>> Mayor Adler: Those are all the speakers who have wished to speak. Cane white was signed up to speak up against, but not to speak. Greg Smith signed up for, both not wishing to speak. We're back up to the dais. Any comments or discussion on the dais? Ms. Pool?

>> Pool: Mayor, I think it was when either Ms. Mitchell or Ms. Russell was speaking I mentioned that I would make a motion to take a second look -- to take a look at the second vendor, and that would mean delaying this for about a month into our August time frame, but I think given the comments that we've heard here today and the information collected, I know it's a delay, but I think it warrants it. So I would move that we postpone this to August and ask staff to take a look at the second vendor.

>> Zimmerman: I'll second that motion, Mr. Mayor.

>> Mayor Adler: It's been moved and seconded to postpone this until August. Any discussion on the postponement? Staff, do you want to come and address that?

[6:07:28 PM]

>> If I may clarify, mayor and council, robin Harris with the law department. Just on the motion --

>> Pool: Please help me if I have not said it properly.

>> Well, you were postponing it for a month and directing staff to do something specific, okay, and that was --

>> Pool: To look at the second vendor. And I believe that is utility associates incorporated. And I would like to look at the redaction abilities, the saving of time and money among other things. And we've had testimony to that extent. And I could be more specific. I should say rather than a month, I should say into August because a month would still be July.

>> Okay. So thank you. That clarifies it. I can say that from a legal standpoint the procurement office has done everything that they're able to do as far as taking the proposals from the vendors, going through those and making the decision. Council as the governing body always has the right and authority to reject all vendors or bidders. I don't know that it would be in the purchasing office's best interest to know come back and redo their process that they had laid out and put before as part of the rfp.

>> Pool: Would it be helpful if I said that I would like to have this item brought back to us in August so that council and maybe some stakeholders have the opportunity to see the demonstration that was offered by utility associates, incorporated?

[6:09:33 PM]

So we would simply delay the vote, but not ask the purchasing officer to do anything further.

>> Mayor Adler: Ann, do you want to speak to the options?

>> So I think at this juncture, the city employees have done the work that they could. This rfp was out there. They've done the thing. The councilmembers are certainly entitled to look at the individual proposals if you like. Your options today are you can reject if you want to reject, you can delay if you want to. If you all want to look at something individual. But I think your purchasing office has made -- has done all the work that it can do at this juncture.

>> Pool: Great, thank you.

>> Mayor Adler: Okay. So your motion is to postpone this until August.

>> Pool: Right. And that will give the dais and those who are interested an opportunity to look through --

>> Mayor Adler: Is there a motion to the motion to postpone to August?

>> Zimmerman: I second it and I'd like to speak in favor of the motion if I could.

>> Mayor Adler: Mr. Zimmerman. Actually, I had asked staff to come up and speak to it first, on the question of postponement. Do you want to speak to that?

>> Mayor, councilmembers, the timing of the award is not sensitive from a procurement perspective, other than the offer from taser. Additional time to bring this item back in August would go beyond the amount of time that was set forth in their proposal to hold them to their offer. So if we were to consider that offer later, it would presume that they would approve an extension of their offer period. Other than that there are no procurement issues for any A.P.D. Issues, I would direct those to our colleagues.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Let me say professionally from my decades of experience, the chance of a vendor walking away from a 17-million-dollar project is zero. Zero. Nobody walks away from 17-million-dollar contract.

[6:11:34 PM]

I want to ask again, the public safety committee back in April of 2015 voted unanimously for the body camera policy to move forward, and we have repeatedly, repeatedly, offered to get involved in these conversations so that we don't have to tie up the entire dais. We've repeatedly asked to be involved. I've offered, based on the fact that I have professional experience of realtime video and audio data acquisition and compression, storage and searching, I did video search algorithms in graduate school in 1980s, in the dark ages. I have a lot of technical depth that I can help evaluate these solutions. And I'm asking for the council to let me do that as chair of the public safety committee and employing the technical expertise I have, I can help to technically evaluate solutions. I'm not a lawyer, I'm an engineer, but I can add technical expertise to the evaluation. I think it's very important and I'd like to have that opportunity. I would like the council to give me that opportunity.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I guess I would be interested in hearing from some other colleagues to the dais whether the -- just their opinions on this. I was struck by Mr. Linder's piece in I think today's statesman. I'm not sure if it's run in the print version yet. I know he was signed up to speak today and had to leave, but he does have some passages that I would just read aloud here. The city council has been deliberative, but the time for action is now. There are unresolved privacy issues surrounding the use of police body cameras. The city is poised to begin community discussions with open forums to develop feedback and determine next steps. I'm committed to participating. This can happen concurrently after the council approves the item and we have this new measure of safety and accountability as soon as possible. I have said it before, there's no perfect system out there.

[6:13:36 PM]

You know, it goes on from there. So I'd like to understand from my colleagues, this is the third time we've had this discussion. I really appreciate the community discussion about the need to see how the discussions were going with regard to privacy. I think it's very important that we have a good privacy policy. At our last conversation I thought we were giving it a few weeks to see how those conversations developed and whether they were on the right track. And now we seem to be back to evaluating the different -- the merits of different technical systems. And so this was -- I have attended community meetings where this was expressed as a very clear policy and it was urged that we move forward in getting body cameras as soon as possible. So I just need -- I really need to balance those urgings against what we're hearing now about what it seems like the discussion is today is more about the technical merits of the different system. So I just ask my colleagues to chime in on with their opinions on this.

>> Mayor Adler: I think since you asked, I feel like on several occasions I've committed to the community to move forward with this. It doesn't preclude us from doubling back or spending more time on policy if we need to as it rolls out, but I think that the community expects under the circumstances us at this point to move forward. I think we've made this commitment. I would vote for us to move forward and if we need to double back on policy, I would entertain that. Mr. Casar?

>> Casar: I came into this item prepared for the reasons that both of you just stated to approve this. Because I think that the policy issues need to be resolved over the course of the next few months. We've laid out that process. Commander Reyes did state at our public safety meeting early on that even after we purchase the cameras the policies and process can change.

[6:15:40 PM]

So I told the chief and I told some other folks that I was ready to move forward. There was just one thing that was mentioned that causes some pause for me and might be reason for me to ask a few more questions or see if there's interest on the dais. And it was commander Reyes' answer to me that given the current policy related to release of video, which we're going to continue working on, we've set up a stakeholder process to work on, that there are concerns with the redaction technology that we're about to purchase. But considering very well that at the end of this process and throughout this process A.P.D. Has already made some changes to their -- to the way that they want to do release and handle body camera video, it concerns -- I'm just worried that we lock ourselves in if there's any way that we lock ourselves in to a kind of technology that doesn't support the kind of technology that this dais may want. And that's a really hard place for me to be at because I want the cameras out on the street a year ago, two years ago, which is why we worked so hard during the budget and made really hard choices to get the body cameras into this budget. So I came into this item just for anybody who ever thinks that all the votes are decided before we come in, I came into this item ready to vote for this and right now I'm not sure because I want to have that question answered, if we choose, if the department chooses to interpret a law enforcement purpose more openly and release more video, are we comfortable with the redaction technology we currently have? And the question that I asked the gentleman from taser is whether this redacts quickly, and it sounds like somebody has to go click on faces. And I don't know yet right now on the dais whether if we start releasing lots more video we're going to need more than one fte or more than two ftes to do that.

[6:17:42 PM]

I'm not sure of that yet. So if we could spend some time answering that I might feel comfortable moving on. Maybe there's not enough interest in the dais that that discussion is worth having. And also I wanted

some clarity from A.P.D. About the grant coming up in July because I want to make sure that that's factored into -- into my vote before I make a decision.

>> Pool: And mayor?

>> Mayor Adler: We're going to want staff to come down to answer that question. Ms. Kitchen? We'll work our way back.

>> Kitchen: I have a related question. I have worked with technology vendors before and I would just want to make sure that if we execute a contract we need to be clear on what functionality we're getting from the technology, and that if it turns out at the end of the day that we weren't able to get that functionality, that it didn't match our policy, we don't want to change our policy. We want to be able to change the technology. In other words, we would want the ability to get out of a contract if at the end of the day the technology doesn't match our policy. So that's really a question that I have. And we haven't executed the -- I don't think we have the contract language, but we would want to make sure that we had that functionality because if we don't, I forget which speaker it was, but I think it was Mr. Donahue. If we don't we will be stuck with the technology contract and we'll have to do workarounds and we won't be able to get the functionality that we need.

>> Casar: Mr. Reyes, can you speak to the July grant?

>> Were you talking about the grant, councilmember?

>> Casar: Yes.

>> We did receive an email from the governor's office the other day that did say that they would hold the funds if need be, but a council -- a resolution would need to be passed prior to releasing those funds. And then on your question about the redaction --

>> Casar: Say that one more time.

[6:19:43 PM]

You got an email from the governor --

>> In there it did say that they would hold the funds of the grant if they needed to, but a resolution would have to be passed by council prior to releasing the funds. And that's included in the backup, that language. I got the language right out of the email I got from the governor's office and I put it in the backup.

>> Casar: So the idea is council would have to pass a resolution before release of the funds, but we don't have to pass a resolution today to hold them.

>> Correct.

>> Casar: So timewise the issue is just entirely whether or not we want the cameras -- to buy the cameras now or later.

>> Correct.

>> Casar: Thank you. And you were about to speak to my other question.

>> The question about the redaction is I know the taser guy came up and talked about their smart redaction, about -- any time you have to redact something with any type of redaction tool, if you're only going to redact one piece of it, somebody has to select what piece you want to redact. It has to be done. Or you can select to just redact the whole video, just do a light blur or something like that.

>> Casar: So do you have -- from the procurement process, utilities or any other firms' redaction significantly better than the redaction technology we're about to purchase?

>> I haven't compared the redaction technologies, but I will say that it's not something that the person needs to sit there and watch it redact. It actually redacts and saves as a separate file. So once you initiate the redaction it will send you an email with the redacted copy and where to find it and you can continue working on. So it's not a time-consuming tool where you open up the video, you select the boxes, you hit go and then you can open up another video and hit go. And open up another video and

hit go and it will do them simultaneously. It's not a process where I have to sit there and watch the redaction take place. It will save it as a separate file and will email a copy of the separate file, maintaining the integrity of the original file.

[6:21:49 PM]

>> Casar: So we don't have a strong comparison between the vendors on the redaction or the ability to quickly release video? I understand that we evaluated lots of factors. I'm just a little stuck on this for a second. And the last line of Mr. Linder's op ed in the statesman is why would we want to wait any longer to put the technology to use? It's a good question and this is sort of my last hurdle, I think.

>> The other piece of the puzzle is we did write into the rfp a 24-month refresh on all the cameras so as technology evolves we will be replacing that technology every two years and the price is included in the price of the contract.

>> Pool: Mayor, if I could just explain --

>> Mayor Adler: Let's give people a chance to talk who haven't had a chance to talk yet.

>> Pool: I want to say the piece I'm hung up on is the redaction. So we might be able to resolve that today and then move forward.

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

>> Houston: I'm so sorry. The day is wearing on me. So of the four respondents, did you do tests of the other three or did you just do tests of one?

>> Mayor, councilmember Houston, the process set forth in the solicitation was that the evaluation was going to be completed and that the recommended offer was going to have their solution tested. The testing was to confirm its compliance with the specifications, but the actual competition was based on the contents of their proposal.

>> Houston: So the answer is no, we only tested one. That's the person that you selected, rather than see if there were comparables on the other things.

>> The testing was not a competitive testing against each other, it was a testing against what was state understand their offer to show that it could comply in what was stated in their offer.

[6:23:50 PM]

>> Houston: But you only tested one.

>> Yes, ma'am.

>> Houston: I'm -- my problem is the redaction. Everybody knows that I'm for body cameras and have been for them forever because I think it makes everybody more respectful and more -- more respectful. But again, if we're going to turn around and then pay another five million for something that somebody else has already got in their proposal, I'm going to be having a hard problem, a different doing an additional five million for cell phones when somebody else's proposal already has that included. Because then it becomes a money issue for me. I would like to hear somebody explain about the redaction and see how those work and see if they're different. If that's not possible then I'm not sure where we are because I need to know if the redaction is as quickly done by one versus not as quickly done by another.

>> Zimmerman: Mr. Mayor, on the question of that video redaction, it's a great question, but it is a can complicated question because it depends on content of the video. If you take a relatively simple video with one or two faces and maybe one license plate, not a problem. But what if you're in a big crowd and you have potentially hundreds of faces or lots of motion video? It can be extremely complicated. It's not a simple question to answer and it's best answered in a trial where you have several samples of video. You give it to several vendors. Vendor a, here's the video. How long does it take you to do this? Here's a simple case, a duplex case. And you go to another vendor and let them run it. You have to -- we. If we're

going to take that decision intelligently as a council, we've got to take a look because our purchasing department is not. They're not doing it. Either they don't have the technical competence to do it or they don't have the interest to do it, but you have got to get serious. This is a very, very expensive thing we're doing, very important and we're going to get locked into something five, seven years potentially.

[6:25:56 PM]

We just have to have more discipline on this in my opinion.

>> Mayor Adler: Mr. Renteria?

>> Renteria: I thought we were going to come into this meeting because last week I had recommended that we -- that I didn't think my colleagues had enough information to make a decision and I had asked that we wait and defer this, postpone it to August. And they reassured us that -- me, I felt like I was reassured that they were going to be ready here this week and here we are having the same discussion that we had last week. And I'm beginning to believe that we should just forget about getting into the camera business because we'll never be able to make a decision. I mean, if we're really serious about this I'm ready to make a decision today. So that's what I have to say.

>> Can I add one thing? There is a redaction tool. I think the biggest challenge for this technology is not necessarily the redaction piece because this other vendor talked about redaction. Taser has redaction. The biggest issue with body-worn cameras and the amount of data that we'll be collecting is going to be the auditing piece. And nobody has a good auditing piece whereas as a police department can actually audit videos to find -- because somebody has to look at it. I think you nailed it. I don't know of anybody who has the technology that will actually sift through and look at the video. That's one of the reasons that the legislature was very deliberative in the circumstances under which you can obtain video because they idea that it is eventually going to be a huge potential burden for taxpayers and for government when we have all of our gadfly frequent fliers that inundate us with open record after open record, open records on their open records request, and some of you may even know who I'm talking about, which I won't name one in particular. But the biggest piece right now is professor -- Jennifer ebberheart from Stanford who is working on a program that will actually audit the videos.

[6:28:06 PM]

To me that's the biggest piece because not only do we want to be able to redact when somebody requests, but we want to be able on to have an auditing piece that we still don't have that capability. And I don't know of any vendor who has that capability. I just urge the council that, you know, we need cameras out there. It's something the community wants. We've been here three or four times now. I think it's -- somebody said that we're -- I forgot what they said. There's a coronation for taser. I forgot what term they used. But boy, their idea of coronation or whatever they used, is definitely not having the same discussion over and over again. I'm confident in the system and I'm confident that it's going to provide what this community wants more than anything, which is accountability for both police officers and the suspects that -- the criminals that prey on people in this community. So I urge that we move on this.

>> Mayor Adler: Ms. Pool?

>> Pool: Mayor, thank you. And thank you, everybody, for giving us the additional information and everything. At this point what I would like to do is withdraw my motion to postpone and go ahead and approve -- make a motion to approve what our staff has recommended.

>> Mayor Adler: Is there an objection to the withdrawal of the motion to postpone?

>> Zimmerman: I have no objection, Mr. Mayor, but I wanted to --

>> Mayor Adler: Then that motion is withdrawn.

>> Zimmerman: I want to make a motion to approve the utility associate solution as a superior technical solution instead of taser. I don't know where that would be in order.

>> Mayor Adler: It's been moved to amend the motion. Is that in order to approve that? Can you do that?

>> [Inaudible].

>> Mayor Adler: It's amending motion to approve the second. Is there a motion to approve the second -- is there a second to that? No second. We're now back to the main motion. Any further debate? Those in favor --

>> Tovo: Mayor, if I could? I know councilmember Houston just spoke to it. If we could wait until we have a full dais I think that might be appropriate.

[6:30:08 PM]

>> Mayor Adler: Okay.

>> Tovo: She had raised a question about redaction as well. I was interested in knowing whether she felt our police it chief had addressed it.

>> Zimmerman: So what motion is on the floor right now?

>> Mayor Adler: The main motion is on the floor.

>> Zimmerman: The main motion is?

>> Mayor Adler: To approve the items 86 and 87. 57, I'm sorry.

>> Pool: 57, please. Is it 57 and 58?

>> Mayor Adler: 57 and 58.

>> Pool: My motion is only for item 57.

>> Mayor Adler: To approve 57.

>> Mayor Adler: Was that seconded? Seconded by Mr. Renteria. Ms. Houston, were you able to hear the chief discussing the redaction issue that you asked about? Would you please --

>> Taser is actually here and can actually speak specifically to the redaction more intelligently than I can as well.

>> Mayor Adler: Would you summarize what you said? Councilmember Houston didn't hear what you said.

>> This vendor -- the vendor that's been selected by the city does have redaction capability. I don't know of any system that's available that allows the -- that decides what needs to be provided, right? So we're always going to have to look at the video, review the video, and then find the portion of the video that's responsive to the actual request. And that the redaction tool available with this system will be able to redact the rest of it pretty seamlessly. The biggest challenge in this new technology, councilmember, I think on a national level, is actually the audit piece. How do we as a police department or law enforcement in general audit these videos from an accountability piece -- I think Marvin can speak to -- is an automated fashion actually audit it to see if we find officers not doing the right thing.

[6:32:26 PM]

And professor Jennifer ebberheart out of Stanford university and working with the public safety initiative, working with the white house, is working diligently on that, and we're confident in the next 12 to 24 months she will have something up and running. Brilliant woman. You can look her up, look up her work on this area. But there is a redaction piece and I think taser is more than willing to discuss the specific capabilities of their tool.

>> Mayor Adler: Okay. Would you talk to us about the redaction? It seems to be an issue for people on the dais.

>> Thanks, mayor, councilmembers. To start with there's been 33 major cities in the U.S. That have selected body-worn camera systems. 30% have been taser. They have made that decision based on due diligence, research and rfps, which is the majority of them that they've done, such as your neighbor, San Antonio. When it comes to redaction the idea is to redact the system as much as possible. You want to select the system that will do that in realtime. You can move on to the next one, next one. You're in the actually watching the entire video. You can redact entire videos in a subset or multiple sets. That can automatically be nailed to whatever that designee is. So it can be automatically sent to, say, the Travis county da. We're also under contract in the back end solution with the Travis county da for that workflow. From capture to courtroom you're not having to burn CD's anymore. It goes directly, automated redaction when required and automatically transferred to the da for subevidenciary value. That's removing the human as much from the equation as possible and that's where the time savings and dollar savings come into effect.

>> Mayor Adler: Okay. Anyone else have any further questions?

>> Zimmerman: Yes, Mr. Mayor, quickly. I'd like to ask for the utility -- let me say I've been in these situations so many times and what happens is there is a vendor that may win bids over and over again because they have better sales team, not because they have better technology.

[6:34:32 PM]

That has hurt me so many times in the technical business. I'd like to have our utility -- have a chance to speak once more for a minute or two about the redaction question, if you please would.

>> Houston: Mayor?

>> Mayor Adler: Councilmember Houston?

>> Houston: If councilmember Zimmerman would let me ask a question to staff before we have everybody change, I'd appreciate it.

>> Zimmerman: Sure.

>> Houston: Thank you. We're talking about a four-year contract, is that right? Four-year contract. Five-year contract?

>> Yes, ma'am.

>> Houston: And the refresh, is that included in the 12.2 million?

>> Yes, ma'am.

>> Houston: Every two years they're going to refresh the technology?

>> Yes, ma'am.

>> So all that's included in the 12.2 million.

>> Yes, ma'am.

>> Houston: Just wanted to be clear. Thanks.

>> Kitchen: Can you remind me what our options are if we end up in a situation where there's not a match between our policy and the technology capabilities? From a contractual standpoint what might our options be? So, for example, since we're still working on the policy, if -- I'm not imagining what that might be. I'm just trying to understand as part of my contract you've got provisions about termination and things like that. So what would be our options if we were to determine as we go through the policy development process and that sort of thing if the vendor was not able to meet our needs from a functionality standpoint?

>> Mayor, councilmember kitchen, if the policy that was ultimately established creates functional requirements that are incompatible or cannot be performed by the equipment, we would not have any ability for that equipment to perform those functions unless the equipment was modified or changed or what have you.

[6:36:45 PM]

So not knowing what policy changes could be created I can't predict what contractual outcome could occur.

>> Kitchen: I'm just asking -- I would just think it would be a standard part of a contract that we have certain functions that are going to be met and if they're not able to be met we have the option to terminate the contract. That's what I would think. Maybe this is a question for legal.

>> And robin Harris again with the law department. Generally that's correct, councilmember kitchen. The city's standard provisions have normally a 30-day termination clause, we can terminate the contract at any time with 30 days' notice. And this is not completely negotiated so I don't know what that provision is going to look like in this specific contract, but there will be provision similar to that.

>> I'm not suggesting it would have to be 30 days. I just think there needs to be some provision that would allow for a termination if -- hopefully that would not happen, but if that were to occur I think that's important because the policy that we're -- that we would be trying to implement would be one that would be important to the city. So rather having to change or adapt our policy, we want to make sure what we had purchased was adaptable to the functions that we need. So sounds to me like it's standard to put in our contracts that we can terminate if we're not getting what we're --

>> For your sake and the rest of the council, that's is a standard provision in all of our contracts so as policy changes we can make those terminations if necessary.

>> Casar: Mayor? This is a question for legal and probably Mr. Scarborough as well. Is it possible as we direct, and I think it will pass, as we direct execution of this contract, that we also direct that you take into consideration as you negotiate and execute some potential changes to the way that we release body cam videos so that if we wind up being more flexible and our policies change here, that we have the capability to have some of that flexibility?

[6:39:01 PM]

Let me put it another way. That we negotiate and execute this, but that staff take a hard look when you're negotiating this at the possibility that state law may change, city policies may change to allow more body camera video to be released than you expect right now.

>> Councilmember --

>> Casar: Is that a direction that we could give?

>> I believe so, but to put some contract around that, any time we award a contract, status can change, city policy, city regulations. Other regulations can apply. The performance of that contract could change and we then have to figure out what we need to do to comply with the statute or policy or regulation and sometimes that means we can change the contract. Sometimes that means that the contractor can make some modifications in their product or services and do so without costs. Sometimes it doesn't have costs. But it depends on the magnitude of the change. If it's a sweeping change and not technically possible to change the product or the service, that limits our options. So we can anticipate what types of variability may come in this policy and what may come in future statutory changes and we'll try to get those into negotiations, but we're not going to be able to predict everything that could possibly happen. We will give it our best effort.

>> Casar: I understand. Sounds like you actually don't need that direction. That you already have been through this with us a few times and you understand that there may be some variability, but most likely not massive change. Thank you.

>> Zimmerman: Quickly before you sit down with the taser, I'm reading from the Washington post from a June 23rd, 2015 article. So this is the news media and they were -- they had a taser camera and they were complaining about the high cost of releasing video. I mean, what is your response to their

complaint that it was too expensive to do redaction?
>> Which agency was this?

[6:41:02 PM]

>> Zimmerman: Washington, D.C.

>> Was it D.C. Metro?

>> Zimmerman: I believe so. Mayor Michael Bousler was the official on this. It was too expensive to do the redaction with the taser system.

>> D.C. Metro did decide to go with taser. At the time the technology of auto redaction likely wasn't available is what I'm going to speculate based on 2015. Since then there's been great strides in automation of redaction. I know that entity did end up ultimately going with taser and is using the auto redaction today.

>> I'd like to address that because I'm familiar with some of the issues. I've been talking about auditing function. Ought auditing, auditing and viewing video before you release it. That police department, metro D.C., made a decision that they weren't going to release just about anything. And their excuse was, well, in order -- before we release something we don't want to do it blindly. We want to review everything in the video. So that policy debate for them was the cost of reviewing one hour's worth of video in an incident, of actually sitting there and physically looking at the video and making sure they knew what was on there and that was part of their argument. So they went from hardly no release to they got beat up pretty good in D.C., and they started releasing more and that was part of that conversation. Not necessarily the redaction piece, but the audit piece of looking to see what is on the video so when you have that comment that an officer makes, you're not surprised when the attorneys bring it to you so you can fill out a complaint and takes it to the media to try to embarrass the department.

>> Zimmerman: You're making a good point about the audit. But audit is the same. There's redaction policy that has to do with your video power and figuring out what to blur. The auditing is the auditing, irrespective of which solution we're talking about, the technology of how fast the video technology software can work.

[6:43:07 PM]

That's why I wanted to ask Mr. Davis if he could speak to this based on what he's heard. I'm still trying to convince council this is a very, very important decision and we should have technology analysis.

>> Mayor Adler: Let's let him talk and then we'll go to a vote, okay?

>> I would like to first address the Washington, D.C. situation, if I may. Washington, D.C., tationer came out with an estimate of how much time it would take to do the redaction during the pilot phase. They estimated that to be \$150 million of effort to do that. And I don't think they've improved their product since then. Washington, D.C. has come up with an RFI for redaction software. They're not satisfied. They have the taser product. They could use the taser redaction right now. They're not satisfied with it. They're going out to another RFI, RFP to purchase redaction on top of the product they already have. New York 1 asked for a software or asked for a redaction of some of the video that was collected on taser's product in New York City, they came back and said it would be \$120,000 to lease the video. That's how much effort it would take. We offered to do it for one dollar, okay? I don't think you understand the consequences here. This is 30 frames a second and every second may take two seconds to do. That's one hour of effort per second. LA went out and looked at the number of bodies they would need to do this effort, they estimate it to be 140 officers that are -- 140 people they would have to add to the staff. This is not trivial. In Seattle, Washington they have a similar situation where they wouldn't -- they

wouldn't put body cameras out there because they couldn't address the four-year request they could get with the videos and ability to provide them in a timely matter.

[6:45:08 PM]

This is a serious problem and one of the things in the rfp that your legal folks haven't told you about is that there was a process they could have brought in, utility and taser, they could have had each of us go through our entire software suite, the entire capabilities, demonstrate it to the staff, have them rescore everything based upon actually having a conversation with the vendors, actually seeing the product and actually vug or ability to explain some of the technical nuances. They avoided doing that. Right now I would suggest that you say go back to that stage, have both of us come in. It won't take months to do. You could do this in a week. We could come in here, both of us sit across the table from your folks, go through all of the scenarios, have them rescore the technical side.

>> Mayor Adler: Mr. Davis, thank you very much.

>> Zimmerman: Mr. Mayor, one of the technical nuances he's referring to is the use of the word realtime, for instance. In one context you could say we're going to redact video in realtime, meaning that if the video is one hour long it will take an hour to process that video to do the redaction. And they could say that's realtime. A more superior technical solution might redact one hour of video in five to 10 seconds, all depending on certain technical parameters. So it's complicated and we need to take a serious look and we can do this work. It doesn't take that long.

>> Mayor Adler: Any further discussion on the issue? Then we'll take a vote. Those in favor of item number 56, please raise your hand. 57. 57, please raise your hand. Those opposed? Mr. Zimmerman voting no. Those abstaining? Ms. Houston. The others voting aye. This item passes. Item number 58, is that a related item?

[6:47:10 PM]

The smartphone contract?

>> Item 58 is for the purchase of smartphones from AT&T wireless. Staff is here to answer any questions if you have any.

>> Mayor Adler: Okay. Does anybody have any questions on this item 58 Mr. Casar moves item 58. Mr. Renteria seconds. Any discussion? Ms. Houston?

>> Houston: Because of the concerns I have with the amount of money by combining these two packages together that it was not included in the \$12 million that we just voted on. And now here we've got another five million. I'm going to vote no on this one because I don't see the relationship and I've not been convinced that that was concluded in the scope of work. It sounds to me like this was an afterthought and now we're going to bring in something different. And so it's wonky.

>> Mayor Adler: It's been moved and seconded item 58. Further discussion? Mr. Casar?

>> Casar: I'll speak briefly to that. I had similar concerns, but for me, my concerns have been put to rest. I had some conversations with the police department. It sounds like there's been some long-standing conversations about phone plans for the officers and I do recall on a ride along I went on that a camera, digital camera had to get brought out to a scene and it sounds like having phones and having cameras are important for officers and collection of evidence, and so -- actually, I don't even think that was a ride-along. I think that was just a 911 call that I was actually out with someone. So I think that it -- I understand that we're doing these in tandem because they function together with the body camera, but I also understand that this is just something that the department was already going to do. So I'm supporting it for that reason.

>> Mayor Adler: Ms. Pool?

>> Pool: I just wanted to say I am in line with councilmember Houston on this one.

[6:49:14 PM]

This one came up sort of out of sync and I will vote no on item 58.

>> Mayor Adler: Further discussion on 58? It's been moved and seconded. Those in favor --

>> Zimmerman: Mayor? One more note. I want to make a quick note here. Dating back to the June 8th response from the city, I've studied this response that the city staff made to the utility protest. I'll cite claim number 4. And I know we're tired of this already. They made some specific claims about how the taser solution required these cell phones, iPhones for five million dollars. And because of that they do not comply with the technical requirements. That is a factually true statement. And the city's reply is it satisfies the requirements. So it does not satisfy the requirements, and city staff says it satisfies the requirements. And this goes back to why I'm asking for new management in the city. We would never tolerate this kind of behavior in a serious company. This is ridiculous. I'm voting no.

>> Mayor Adler: No further debate we'll take a vote on item 58. Those in favor please raise your hands? Those opposed? Houston, Zimmerman and pool noting no.

-- Voting no. Ms. Troxclair abstaining. The rest voting aye. The matter passes 7-3-1. That takes care of 58. 56, 57, it 58. Mayor pro tem, you pulled the tnc item, 66. Is staff here on this item?

>> Tovo: Mayor, they were, my guess is they're in the back and be here soon.

[6:51:17 PM]

>> Mayor Adler: We have some speakers as well. Do we want to take a dinner break and come back here at 7:30? We said earlier we would take one? 7:30. Let's come back here at 7:30. We're going to handle these items and then convene the special called session and then proceed. We have a lot of items, but not a lot that have speakers. So I think that if we can work through these issues quickly and make -- all of us make our points, but move through it, I think we can get through this agenda.

>> Gallo: Mayor, how many speakers do we have on the champions tract?

>> Mayor Adler: The champions tract, which is number 92, has six speakers.

>> Gallo: Do they all want to speak? Do you show that they're all speaking?

>> Mayor Adler: We have six speakers -- actually, two speakers speaking, but they have shared time.

>> Gallo: So the total would be? Are they both still here?

>> Mayor Adler: That would be oliver Zimmerman and Carol Lee.

>> Gallo: Carol Lee is here. Is oliver Zimmerman still here?

>> We've lost oliver Zimmerman. He was going to speak

[indiscernible].

>> Gallo: So just Carol Lee? You have how much time? I'm wondering whether we ought to take that up. It seems like we only have one speaker now. We're just doing it for first reading, before we break.

>> Mayor Adler: We could do that. There are a lot of things that would be in that same boat. Do people want to take up the champions tract before we break for dinner? Do we want to take up the champions tract before we break for dinner?

>> Gallo: We heard a lot about this last week. I think we want to hear one speaker, but then I think that we talked about just approving it on first reading, so I don't know that there will be a lot of council discussion unless there are council questions.

>> Mayor Adler: First reading only? So let's call the speaker then.

[6:53:21 PM]

Is Oliver Zimmerman here? Let's have Carol Lee come forward. Jerry, do you want to lay it out real fast?
>> Sure.

>> Mayor Adler: Come on up.

>> Jerry Rusthoven, planning and zoning department. This is case C-14--015, located at 6400 City Park Road. The request is from go-co to go-co-mu. The request is to grant the zoning with the recommendation that there be a conditional overlay limiting it to the traffic presumed in the TIA, approximately 2100 trips. This property is a part of the 250-acre Champion family ranch, which was divided by Loop 360 and Highway 2222 back in the 70's. There have been a series of lawsuits over time which have established that the environmental regulations on this property are limited to those of the Lake Austin ordinance back from the early '90s. There have been several attempts over the years to increase the amount of traffic over what the city council approved back in 1996. What this would do is essentially what happened in '96, the council -- sorry, in 2000 the council established 6500 trips across all five Champion tracts. Those trips have mostly been used up. On this tract the proposal the applicant submitted a TIA for 325 unit apartment complex that staff has reviewed and approved that TIA. So what we would be doing is taking this tract out of the 6500 trips for the whole entire property that as I said have mostly all been used up and we would have a new limit of 2500 to this piece of property. The zoning and platting commission recommended approval of multi-family-4 Co zoning with the following conditions.

[6:55:29 PM]

Height being restricted to 50 feet. The vehicle trips to 2100 per day. The development is prohibited within 100 feet of the southern property line.

[Indiscernible] Of the staff recommendation for signal improvements as identified in the TIA memo to improve signal time at the intersection of West Courtyard and 360 to not to exceed \$5,000 of cost and to add a turn lane on City Park Road and 2222 as agreed by the applicant. Applicant is in agreement with the zoning and platting commission's recommendation as is the staff. I'm available if you have any questions. And for the record, I've been working on this property for 22 years.

[Laughter].

>> Mayor Adler: The applicant?

>> My name is Richard Suttle. I'm here on behalf of the purchaser of the property, not the champions. My client doesn't have the authority to agree to mf-4, however if you choose to do mf-4 tonight it's up to us to go back and make the business deal and we would be okay with that. We've also agreed with the recommendation to leave it undeveloped and before second and third reading we would have that. If you have any questions, I would be happy to answer them.

>> Mayor, I believe I am the only speaker. I believe I had some time donation.

>> Mayor Adler: Yes, thank you. Is Ed English here? And David King. You have 12 minutes.

>> Thank you. And thank you, Mayor and councilmembers, for proceeding to hear this before you go to dinner break. We carpoled so I have some people held hostage too. I wanted to tell you for about 10 years I was involved in most of the zoning and development applications for the 2222 corridor.

[6:57:33 PM]

We became known for researching and providing factual details that helped round out the story. And Mayor Pro Tem Dunkerley started referring to us as her other staff. I don't know why that's advancing. I'm here today to help round out the story while I address the request that's before you, which is to add mixed use to the existing zoning to allow for residential uses. The zoning change review sheet that you have in your backup has quite a few inaccuracies and incomplete information that I want to help

supplement. So the imagine Austin plan defines mixed use as affordable housing, walkable, bikable, links to transit. I think you know the mantra of it. The proposal stimulating this rezoning request is to build an apartment complex. Another apartment complex in the area really does nothing to complete our community or meet the ideals of mixed use development. Like us, residents of these apartments will require vehicles for the foreseeable future and be competing for the same limited roadways in order to access employers, schools, groceries, parkland, entertainment. Staff says it supports the Austin comprehensive plan because it is a land use that is mentioned in there. What land use is not supported by this plan? It's pretty comprehensive. It also tells you that it's located in an arterial and major highway. This tract has no access to 360. It has access to the arterial 2222 and a minor arterial city park road. So it's not really at the intersection of two highways. That is sometimes mentioned. So else what does imagine Austin direct us? They have the growth concept map to define what we envisioned for where things are going to go over the next 30 years and this area, with the red arrow, is in a very sensitive environmentally sensitive bull creek watershed.

[6:59:50 PM]

It's not it's not in a town, regional center, it's not within a park, and it's not planned to have public transportation within the next 30 years. It is in the bull creek watershed, our significant source of our drinking water. It's confirmed habitat for, and while ignoring many of the other imagine Austin policies I'm showing you here that are extremely applicable to this site, as Mr. Rusthoven mentioned, we're dealing with 1980 water quality regulations. Why was this proposal not evaluated against these policies? Does it protect the public water supply? Those sort of things. Page 3 of your backup mentions the hill country roadway overlay, but you're not provided any information about how the special exceptions ordinance applies. The watershed regulations and hill country roadway overlay are what determines how this area develops. We don't have an approved neighborhood plan. We don't have a future land use map and we're not going to before this area develops. It's going to be developed before the city ever gets out to thinking about plans for that area. The hill country roadway is our neighborhood plan. Council passed it because they were concerned about traffic safety and recognized the capacity of these roadways was very limited. It was going to be really, really, really expensive, which I think y'all will find out as you continue flushing out mobility bonds, to expand these roadways, and they realize that the only thing -- appropriate thing to do is try to limit development adjacent to them. So, let me show you how the hcoo does apply to the champion tracts.

[7:01:57 PM]

On the right here is a map that staff prepared, showing the overlay for building heights as they apply particularly to this tract. Tract 3 is marked down at the bottom there, and the Orange ring allows 40-foot building height. The green allows 28 feet. The 53 feet up toward the eastern part of the lot unfortunately is swamp land, so that really can't be realized as high intensity. On the left it shows you the htro also imposes a little more restriction on density than the current go zoning or the zap recommended sf 4 -- I mean mf-4. So let's move on to the environmental review contents. You get totally boilerplate information about current watershed regulations here. And as Mr. Rusthoven mentioned, it's well-known throughout the halls of one Texas center and city legal that they are grandfathered to the 1980 water quality rules. It's a disservice to you, I think, and to the public for us not to have an analysis of how this proposed change of land use could effect our drinking water supply. Is 30,000 square feet of go versus mixed use versus multifamily, which would be the least impactful to this? But I wonder how staff is ever going to review proposals to the 1992 regs. There's two copies. One in the city clerk's office, and one in the Austin history center. We have a lot of properties that are

grandfathered to earlier code, and I ask you, consider these prior versions get digitized that staff and the public can know what standards these projects are supposed to meet.

[7:04:00 PM]

There were still regulations then, they just have differed. So, why -- moving on to the transportation comments, transportation is telling you in your backup that the traffic generated by the proposed development will be accommodated. City park road is a 24-foot wide, two-lane roadway, an extra turn lane has been squeezed into a former strike median. I think you can see they're both labeled minor arterials, but just er boulevard is separated by increase median, has three lanes coming down 23222, has two lanes going up, quite a different situation and we're carrying almost twice the number of vehicles that they are. So the -- we live these roadways daily and know this interaction cannot safely accommodate another 2100 vehicles without additional right-of-way and roadway improvements. It's curious that prior traffic impact analysis and staff comments have required real mitigation for the same zoning request prior. It's been up three times, maybe more. And they've always come back with, you need to require them to dedicate the right-of-way they need. Add another turn lane. Add medians. Things that -- infrastructure. Now the experts and staff seem to think that synchronized signals will do the trick. We're just not convinced of that. The tia, I had neighbors that spent days going over that 168-page report and the amendments and stuff, and they proved that it was totally a flawed analysis. The assumptions are wrong, the scope was incomplete, and contrary to LBC to begin with, so it was garbage in, garbage out.

[7:06:05 PM]

I am concerned about the zap recommendation to award another 2100 trips, which undermines the 6500 shared trips that were supposed to be shared among tracts 1, 2, and 3. That was based on carefully considered facts. Council didn't pull that out of the air. One of those facts was the champion's own traffic impact analysis, which assumed a maximum of 30,000 square feet office on tract 3. So please don't undo the shared trip limit without understanding the consequences. You're heading down to awarding almost 12,000 trips for those three lots, doubling it, and they already have trips on the other side, and we're looking at 20, 25,000 trips, just from these properties. Way more than the 188 acres that was built as the ranch, out of their 800 acres. They were limited to 15,000 trips. Most properties on 2222 have trip limits. And it is reasonable. So I think this divide and conquer approach, it's very, you know, creative on the applicant's part, but it's leading us down a really dangerous, and we're going to be more congested around unsafe than four points, and I think you know what the situation is up there now. So, please, reconsider that. You have an educational impact statement in your backup, but not a financial impact analysis. I realize that's not usual for zoning cases, but this case is unique in that neither the property owner nor any applicant pay any application review or building inspection fees. So there's been eight applications to my count that have been filed for this property since 2000.

[7:08:11 PM]

What has that cost us? What are the inspection fees that we're giving up with 30,000 go or mf-4 or go mu? You know, does the amount of our subsidy keep going up? Councilmember Zimmerman, you asked last week about property taxes. Here's from 2016, they're claiming a market value of 425,000 and pay just under 2,000 to the city of Austin. So maybe you can check with the applicants and see if that clarified market value is pretty close to their contract price. So in summary, what we're asking is that you deny the mixed use request. This site is not suitable, it never was, never will be. It's great, great,

great habitat for golden cheek warbler, they love steep slopes and canyons. It's really challenging for construction buildings and parking and access roads. So we are just really opposed to tacking on the mixed use overlay to the current zoning to accommodate an apartment complex. The multifamily zoning category is defined to be appropriate for that. And so in that way, we support the zap recommendation. Multifamily zoning would be consistent with other properties in the immediate vicinity. The 459-unit gables grand view apartments on 99 acres of tract 1 of the champion properties was zoned mf-1. Mf-2, for the river lodge on 2222. .6360, mf-1. Most of the complexes around us have been mf-1 or 2. So multifamily is the more appropriate zoning for this request, or to meet what they're proposing to do with the property.

[7:10:16 PM]

So thank you.

>> Mayor Adler: Thank you very much.

>> Gallo: Mayor, we don't have any other speakers, do we?

>> Mayor Adler: I'm sorry?

>> Gallo: We don't have any other speakers, do we?

>> Mayor Adler: No. We'll give the applicant a chance to go, then go back to staff.

>> Mayor, I think she said she would support the mf and if y'all do the mf, it'll be on my back to go make it work with my client and his seller. Thanks.

>> Mayor Adler: So there's an agreement to do mf on first reading on this tract?

>> Yeah, it would be the zap recommendation on first reading.

>> Mayor Adler: Okay. Does anyone want to move -- councilmember Gallo moves adoption of mf on this tract, first reading. Seconded by councilmember Garza.

>> Gallo: Okay. I think the motion to approve on first reading only is the zoning and platting commission recommendation to grant the mf-4 Co which includes the following conditions. Do you need me to read the following conditions?

>> Mayor Adler: No, because it's part of the recommendation so that's recorded. It's been moved and seconded by councilmember Garza.

>> Gallo: This would be first reading only.

>> Mayor Adler: First reading only.

>> With the direction to look at the way of excluding development on --

>> Gallo: I was just getting ready to say, in addition I would like to ask staff when they bring back the zoning case for second and third reading on August 11, to include for council considering a mechanism to limit future development of the eastern tract of the site. This could be an additional conditional overlay, a public restricted covenant, an easement or some other type of agreement with the applicant.

>> Mayor Adler: Okay. Is there -- what about -- are we closing the public hearing?

>> Zimmerman: I was going to say, Mr. Mayor, we were not going to close the public hearing, if I remember.

>> Gallo: The agreement from last week was to allow the public hearing to stay open at this meeting and also August 11th, with instructions to speakers that they could speak at either one of those two, but not both.

>> Mayor Adler: Got it.

[7:12:17 PM]

>> Gallo: We talked about that from last week.

>> Zimmerman: That's from the last meeting.

>> Mayor Adler: All that said, it's been moved and seconded. Any discussion in those in favor, please raise your hand. Those opposed? It passes. Thank you very much. It is 7:10. Do we want to come back here at 7:45? That's 35 minutes. Yes. Mayor pro tem?

>> Tovo: Mayor, before we break, there had been some discussion earlier about splitting the meeting and taking up some items next week. Are we now thinking that we can get through all the items on our agenda this evening? I just think if we're moving in the direction of splitting our meeting, it would probably be a good idea to let folks know.

>> Mayor Adler: We talked about that. We have a lot of items, but we don't have a lot of items that have people with them, so I think if we self-regulate here, I think we can actually get through this agenda.

>> Tovo: Okay.

>> Mayor Adler: Okay. So we're going to try that. All right. We'll be back here at 7:45.

[Recess.]

[7:52:10 PM]

[Austin city council in recess.]

[Austin city council in recess.] .

[7:57:08 PM]

[Austin city council in recess].

[8:06:04 PM]

[♪Music playing♪] >>

[8:12:51 PM]

>> Mayor Adler: Thank you all for your patience. We're going to begin with the tnc matter, 66. 66. We are four speakers signed up here. Kyle Hoskins. And then we have Michael Marano. What about Megan money? Munk. And then Matt Hausman. You have three minutes.

>> I would like to briefly speak against this ordinance. Because the regulation that it's enforcing is unjust and shouldn't have been passed in the first place so the damage caused by the regulation is just not enforced. The safety record of Uber and Lyft and transportation network companies like it, compared to cab companies, I think speaks for itself.

[8:15:01 PM]

The Numbers reported by the statesman say that 11.7% of the only Numbers they could really come up with are when they compared name base background checks and fingerprint based background checks, 11% of the -- 11% of the background checks that were -- the records that fail -- that passed the name-based background checks

[indiscernible]. But 33% of the taxi drivers who applied to drive for Uber. And again, this is discounting the ones who knew they didn't stand a chance and therefore didn't even bother applying, like 33% of those got rejected. And this is kind of the larger context here is sort of a pr campaign against specifically the two companies Uber and Lyft is, which you can see based on similar ordinances, like being enforced literally all over the country, and Canada, like all at the same time. This exact issue almost is being

fought in Chicago and Atlanta and Denver and Las Vegas and all at the same time. And I think it's time that we look at maybe why is this happening literally everywhere at once because I think that it would be very interesting to see what would be causing these two companies to have so much of the exact same legal issues in pretty much every major market in the country and even outside of the country all at the same time? That's basically it. I don't know if there's -- I'm going to donate the rest of my time to if any of the other three show up. Thank you.

[8:17:18 PM]

>> Mayor Adler: We have had all our speakers speak. We're now back up to the dais. Is staff here to lay out 66?

>> Mayor, council, this is Robert Spillar, Director of Transportation. Before you today is the follow-up ordinance identifying what the penalties are for the tnc companies for not meeting the requirements of your, I believe, December ordinance, original ordinance. In that original ordinance you said that council would come back and define those penalties. And so before you is the staff recommendation.

>> Mayor Adler: Okay, thank you. Does someone move passage of item number 66? Ms. Kitchen moves passage. Is there a second? Mr. Renteria. Is there any discussion in mayor pro tem?

>> Tovo: I have an amendment to propose. If you look at the language that's being struck from page one of two, the line is being struck that says tncs that fail to meet the following benchmarks shall be subject to penalties established by separate ordinance. And the rca that accompanies this in the originating ordinance talked about penalties being established. It is my understanding based on my discussions with staff that staff would have the ability based on other provisions that exist to revoke an operating authority for a tnc that does not comply with the provisions within this section, including criminal background checks, but because that raised concerns among several people who reviewed this ordinance, I'm proposing the following

[8:19:33 PM]

amendment: And this would add in part 6-I the following provision, and perhaps I can ask that it be displayed if we've got an extra copy, up on the screen. But again, there would be a part L that reads as follows: In addition to revocation or suspension under section 13-2-171 a after February 1, 2017, a tnc that does not meet the benchmarks described in B for three consecutive months shall have its operating authority revoked. So again, there are provisions in 13-2-171 that provide for the ability for staff to revoke an operating authority for a tnc that is not in compliance with the provisions within these sections, including that of criminal background checks, but this would make that clear. It would also provide some flexibility if a company is, for one thing, it will measure this at the February 1, 2017 point, so it allows those companies that are really gearing up and adding a lot of drivers, to have that time to bring all their drivers into compliance, but it also allows for some flexibility after that point if you have a company that dips below that 99% benchmark for one month they have the ability to satisfy that the following month. So that is my amendment.

>> Mayor Adler: Mayor pro tem moves an amendment. Is there a second to that amendment? Mr. Renteria. Discussion or debate? I'm going to say that I think that most of us share the same goal here and I think it's to reach biometrically linked background checked drivers. We disagree on the best path to get there. I believe the best way for us to get there is through incentives in the market.

[8:21:37 PM]

And letting our processes develop as they are developing now to build the infrastructure and the

capacity. So I'm going to vote against the amendment. Any further discussion? Yes?

>> Kitchen: Thank you, mayor pro tem. As you did point out, the authority does exist in the -- that section 13-2-171 and this clarifies it. So I will go ahead and support this amendment.

>> Mayor Adler: Any further discussion? Okay. We'll take a vote on the amendment. Those in favor of the amendment please raise your hand? Those opposed? Gallo, Adler, Troxclair. Mr. Zimmerman, how are you voting?

>> Zimmerman: Abstention.

>> Mayor Adler: Mr. App Mr. Zimmerman abstains. On a 6 -- 6-3-1 vote, with Mr. Casar off the dais, the amendment passes. Further discussion?

>> Tovo: One more, mayor. And I believe this is just a clarification. I just want to confirm with staff. In part 3-I, it reads a tnc that fails to meet the requirements of subsection B, G or I. Should that actually read B or G?

>> Angela Rodriguez from the law department. You are absolutely correct. That is a mistake and it should just be B and G.

>> Tovo: Okay. So I would just ask --

>> B or G.

>> Tovo: I'll just make that I hope as a friendly amendment that we just correct that. And again in part 3-I.

>> Mayor Adler:

[Indiscernible].

>> Tovo: It would say instead of B, G or I it would say B or G because the provision itself is I.

>> Mayor Adler: Okay.

[8:23:39 PM]

Any other further discussion? Those in favor of this item number 66 as amended, passing on all three readings, please raise your hand? Those opposed? Troxclair, Zimmerman voting no. Any abstentions? The others voting aye with Mr. Casar off the dais. 8-2-1. Is that right? 8-2-0-1 is what it is. Thank you. Let's get to the next item on our agenda. Let's go ahead and I'm going to go ahead and call the -- recess the meeting we're in, call the special called meeting. Actually, let me hit another item first before we get there. Let me stay here first. Is Dr. Washington here? Let's do the compensation issues. Yes.

>> Kitchen: I know we talked about this before, but I just wanted to talk about it again, the fact that it's 88:30. What time do we really think we'll get through all of this?

>> Mayor Adler: Again, we don't have a lot of speakers that are set up.

>> Kitchen: Okay.

>> Mayor Adler: Let's try.

>> Zimmerman: Mr. Mayor, as point of privilege, I do want to point out we do have quite a few speakers on the dais here and some controversial issues.

[8:25:41 PM]

>> Mayor Adler:

[Indiscernible]: I may invoke Robert's rules of order, maximum participation to twice per councilmember participating. See if we can get through. I won't do that unless I have to, but let's get started and see.

>> Kitchen: Yeah. I would really suggest that -- we'll all try, but I'm not sure that's really appropriate.

>> Mayor Adler: Let's all try. Dr. Washington, do you want to take us through the compensation issues?

>> Thank you, mayor, council. You should have the revised backup items for item 73, 74, 75 and 76. That addresses the salary -- potential salary adjustments for the city manager, city auditor, city clerk and the

municipal court clerk. And the items proposed in adjustment and pay for the base salaries of each of the appointees would be effective upon approval of the city manager to \$309,441. Of the city auditor to \$155,334. The city clerk to \$129,998. And the municipal court clerk to \$126,888 upon your approval. We discussed these -- current salary relative to the market comparisons both in Texas and across the country, and these were adjusted -- recommended to be adjusted based on those comparables. Upon approval of the council I think the resolutions also reflect that the other matters of their pay packages remain the same unless changed by the council and that also includes any subsequent pay increases that would be approved in the fy '17 budget.

[8:27:44 PM]

>> Mayor Adler: Okay. Is there a motion to approve the compensation package, item number 73, for the city clerk? Ms. Pool. Is there a second to that? Mr. Renteria. Any discussion? Those in favor of 73, please raise your hand? Those opposed?

>> Zimmerman: Abstention.

>> Mayor Adler: Mr. Zimmerman abstains, the others voting aye. Casar off the dais. Item number 70 --

>> Troxclair: Mayor, before we move on can we just say that all of us are really impressed with the work she's done so far. I know we've done a lot of additional work on her since the 10-1 council came into being and we've passed new ordinances and thanks she's in charge of. So we're all very appreciative of her dedication to making sure that all those things are implemented properly and that we're staying on track.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I do support some of the salary increases, but the reason for my abstention on a number of these is because we don't know what city staff is going to recommend or what the council is going to improve -- to approve as far as across the board raises are. So it's not possible for me to know where we're going to end up because we don't know how across the board increases would affect these salaried positions. So I will be looking for pay increases, but I can't vote for this right now because of lack of information.

>> Mayor Adler: Got you, thank you. Is there a motion to approve the manager's compensation package, item number 74? Ms. Pool. Is there a second to that motion? Mr. Renteria -- Ms. Houston. Ms. Houston seconds that. Any discussion? Mr. Zimmerman?

>> Zimmerman: Mr. Mayor, I'd like to point out I did post on the council message board earlier that I thought we needed a change in city management, so I'll be voting no on this item. I will not make my motion that we pay the city manager the living wage until the performance metrics get better.

[8:29:53 PM]

We're somewhere around a D minus or F, but I'll be voting no on this item. Thank you.

>> Mayor Adler: Thank you. Ms. Garza?

>> Garza: I just thought we should wait until -- I think the city manager, he's under consideration for another job and I no he that he may or may not accept that. I was just of the opinion that we should wait to have this review until we had some more finality about that. So I'm going to abstain from this vote.

>> Mayor Adler: Okay. We have one speaker signed up. Mr. King, did you want to speak?

>> Thank you, mayor, mayor pro tem, councilmembers. Yes. I'm not going to speak about the compensation or your decision regarding the compensation itself. I'm just going to speak on I believe the public really has a right to know the evaluation criteria that you're basing your decision on. This is an important position, as you all know, it's one of the most powerful positions we have in our city -- in our

city. And I think it's only fair that the public know what criteria and how each of you are evaluating them on that criteria. We cannot affect him directly and it's not directed at you, Mr. Manager, this is at the manager position itself. So it's not directed at you whatsoever, my comments. I'm just saying that I think that position deserves and the public deserves to know what criteria you're evaluating the manager on and how you grade him on that criteria. Each one of you, I have no information on what criteria you're using or how you've evaluated him on that criteria. Again, this is not this manager, but any manager that we have. So I can vote for my councilmember, I can vote for the mayor, I cannot vote for the city manager, yet this is an important position.

[8:31:58 PM]

So I would like to know where my councilmember -- how my councilmember evaluates him and what criteria is being used. I've made that point clear enough and I think that I hope you will consider that change and have a scorecard that the public can see not just one grade, but a scorecard on the criteria and how each of you have evaluated him. Thank you very much.

[Applause].

>> Zimmerman: Sorry, before you go. Mr. Mayor, if I could. Mr. King, every budget that we get each year for the past five years there's a 21 point management matrix that is in the budget, public information. You can look through that and that's what I'm basing my performance evaluation on. And the score is somewhere between D minus to an F for the last five years. 21 point. So there is an objective scorecard, to answer your question, there is an objective scorecard.

>> Thank you. I appreciate that. But all I get in terms of how you reach evaluated him, that's more than information I have from any other councilmember about the evaluation. All I know is whether you voted for compensation or a change in the compensation package. That's all I see. That's not enough information for the public. Thank you.

>> Mayor Adler: Thank you. Any further discussion on the dais. Ms. Gallo?

>> Gallo: Mr. King, thank you for bringing that up because I think this is really important when we evaluate all four of the positions that we as a council are responsible for. And my way of evaluating the performance of a leader is how the departments are operating underneath that leader and the performance that we see and the jobs we see done. So where we are at this point there's been some discussion about that the city's manager's position was below what the market is regardless of any evaluation or matrix. And I disagree a little bit with that evaluation because when we look at the national evaluation he's actually right at where market is.

[8:33:59 PM]

For some unusual reason Texas city managers have a tendency to be higher but I think a city manager position is a national search position and I think the salary should be evaluated against that. So I do believe we have a city manager in a position right now that is at national market. The city manager has been able to participate in the across the board increases that the other staff members have participated in and that was three percent last year, three and a half percent the year before, a percent and a half the year before that, three percent before that and three percent before that. So there have been increases in the salary based on the cost of the overall across the board. City's recommendations, hr's recommendations has been to do across the board staff increases instead of bonus increases or merit raises. And that's how we treat the rest of our staff. And we have talked about doing some type of bonus moving the manager's position, city manager's position to some type of bonus, and that may be part of the conversation that comes up in August. If we do I would support that because I think that's how increases for I think particularly upper staff should be done. So I do appreciate your comments and

I think that we have a city manager that is at market at least from the national standpoint.

>> Kitchen: Mr. Mayor? And I also would like to -- thank you, Mr. King. You're exactly right. We need to provide information to the public and be transparent. I-- from my perspective, the position of the city manager at this point is not at market because I think it's very important that we look at Texas. And so I'm going support this because I think it helps bring our city manager position up to market.

[8:35:59 PM]

I think that with regard to our current city manager I would like to have the discussion in August about performance related metrics and I think we can have taser product discussion there -- have that discussion then because it's important consideration. I think what we're talking about today is appropriate and from my perspective what we're talking about is a percentage increase to make sure that our city manager, who has been working with us for a long time at below market rates, should be brought up to market.

>> Mayor Adler: Any further discussion?

>> Houston: Hold on. You went so fast.

>> Mayor Adler: I'm sorry.

>> Houston: Regardless of what some may feel with regards to the city manager, external, non-biased reduce of our city and the -- reviews of our city and the management of our city, the most recently by Forbes magazine -- not magazine. Forbes -- is it magazine? Indicated that this is one of the best public servant cities in the country. So I'm supporting the increase in pay because if this city is number one on all kinds of lists, including the list of most segregated, we have to acknowledge that this is not done by sheer will, it is done by some expertise management at the top by the people who do provide the services. So I'm very proud to support the increase in pay for the manager.

>> Mayor Adler: Okay. Further discussion on the dais? Yes, Ms. Troxclair?

>> Troxclair: So we have had a chance to talk to the city manager in-depth during our review, but we haven't quite finished the very last part of that review, which is trying to come up -- coming up with specific metrics and things to set for next year.

[8:38:13 PM]

For me I would be more comfortable making a decision about the appropriate level of raise after we all had a consensus about what the expectations were going forward and we had a place from which to start at the next year. So I -- he has one of the most difficult jobs, if not the most difficult job in the city. Most people have one boss, and he has said before that he has 11 bosses and we all have very different priorities and he has to balance all of those on a daily basis. But just based off of kind of the limited comparison information and not having had a chance to complete our discussion yet about what our expectations are moving forward, I'm just going to abstain from this vote today, but if and when you do continue serving our city, I appreciate your service.

>> Mayor Adler: Anyone else?

>> [Inaudible].

>> Troxclair: I said I appreciate his service.

>> Zimmerman: Point of inquiry, Mr. Mayor?

>> Mayor Adler: Yes.

>> Zimmerman: So the motion on the floor here is for what exactly?

>> Mayor Adler: It's to approve resolution number 74.

>> Zimmerman: But I've heard figures being mentioned of a percent pay increase. Didn't I hear that?

>> Mayor Adler: It was -- I think the dollar amount was the pay increase that took it up to the state

average, which I think was 7.6%.

>> Zimmerman: 7.6% pay increase is on the table. Thank you.

>> Mayor Adler: I'm proud to cast this vote as well. I think that Austin, Texas, the city manager of Austin, Texas, deserves to be paid at least what is the average in state. This is a city that is special.

[8:40:15 PM]

I've had the opportunity to travel around the country and around the world in this role and our city is the entry of virtually every city that I attend -- or visit, go to meetings in, visit with other leaders in those cities. And I think that the CEO of the city is in large measure responsible for that. And in answer to the question about metrics, we've gone through a process. We're going to probably post here in the next week or so kind of a first run at the kinds of things that we want to look at, section 6 of the personnel review that we have published and posted. It's where the review next time will start. And we'll probably finalize that probably publicly in August, first or second week of August building off of what we post here and the comments received associated with that. But thank you for your service to this city. Those in favor of item number 74 please raise your hand. Those opposed? Mr. Zimmerman voting no. Those abstaining? Gallo, Garza and troclair. The others voting aye. So on a vote of 7-1-3 this motion passes. That gets us to item number 75. Is there a motion to approve item number 75, which is compensation for the auditor? Mayor pro tem makes that motion. Is there a second? Ms. Garza seconds that. Any discussion? Yes, mayor pro tem.

>> Tovo: I just wanted to say that I think this is a very appropriate increase for our city auditor. She is not just respected within this city organization and among her staff and among the council, but is also widely recognized as really a leader in the field nationally, so I think we're very fortunate to have her here in the city of Austin.

[8:42:24 PM]

>> Mayor Adler: Thank you. Ms. Pool moves adoption of item number 75 for the auditor. Is there a second? We already did that? Okay. If we've already done it then, then let's take a vote. Those in favor of item 75 please raise your hands? Those opposed? It's unanimous on the dais. That gets us to the last one of these, the county clerk. Item number 76. Is there a a motion to approve item number -- municipal court clerk. Ms. Houston makes that motion. Is there a second to that motion? Mr. Renteria. Any discussion? Those in favor of this item please raise your hand? Those opposed? Those abstaining. Mr. Zimmerman abstains. The others voting aye. 10-0-1. That takes care of those items. What about the homework landmark item, number 82? Mr. King, did you want to speak on this one, homework landmark? You don't have to. Just want to give you a chance to do it if you do.

>> Yes. I'm going to be very brief, mayor. I won't speak twice, just once. Thank you, mayor and councilmembers, and mayor pro tem and councilmembers. You know, I'm here to speak in favor of this. I think it is very appropriate that we -- that we have a hearing on these buildings that are 50 years or older just to determine the homework value that they might have and the community value that they might have. I think it's well worth this change in the code. And it will give the community a chance because to chime in before the buildings are gone. And I know we all in our neighborhoods have seen a building that we're surprised wasn't an homework landmark and it's gone and we miss it.

[8:44:31 PM]

And when it's gone, a piece of it goes away as well, our memories. You know, our culture and our history. And I think that those -- it's worth spending a little time to get some public input on that before

we make the decision just to scrape it and demolish it. And the other thing I would ask that you consider in this code amendment is that there's this situation where there's a certain amount of time that a case with go through this homework landmark commission process, and then if time runs out then the demolition permit is issued. They get their permit. Just because the clock ran out. So what I'd ask for you to do, even if it's like a house that does have homework value, one problem that occurred last year where the homework landmark commission on the last day before the clock ran out it didn't make a quorum and because it didn't make a quorum, that case automatically got approved for demolition. And so that historic house, it was the ad Stanger house, got demolished because the clock ran out and the landmark commission didn't have a quorum that night. So I think we need to close that loophole. I think that was intended to happen in this case. So I hope you will look at that and try to close that loophole so this doesn't happen again. Thank you very much.

>> Mayor Adler: Is there a motion to --

>> Zimmerman: I just had one quick, if I could, one quick comment. You know, I appreciate you and you're here a lot, but I think of property rights, for people to have the decision to do with their property what they want, in general. They're not loopholes, they're actually things that people fought and died for. I think it's a serious matter. And I'm really strongly opposed to this motion.

>> Mayor Adler: Thank you.

[8:46:31 PM]

>> Zimmerman: But thank you for coming.

>> Mayor Adler: Is there a motion to approve item number 82? Mayor pro tem makes that motion. Is there a second to that motion? Ms. Houston. Is there any discussion on this motion? Ms. Gallo?

>> Gallo: Thank you, mayor. I passed out what I hope will be a friendly amendment. It is in the be it resolved that is talking about the specific -- dedicated to specific civic uses. And have substituted actually -- there's 46 categories under civic use. We've pulled out the ones that if you look at the struck out information on the categories, this would be more specific and so it just seems like the original intent of what was struck out is instead listed specifically. So I think it just gives more clarity to the potential uses that could be there and go through this process. So some of the things that have been excluded are like communication towers and things that probably don't have an historical significance.

>> Mayor Adler: There's been an amendment by Ms. Gallo. Is there a second to that amendment? Mr. Zimmerman seconds that amendment. Is there any discussion? Mayor pro tem.

>> Tovo: Yeah. I'd like to speak to my motion as well. I can do that after I talk about the amendment. So I'm just looking at it now and I'd really like to compare it to the list of civic uses to see what is and what is not included and what is not included within here. Certainly it may be that under educational we've captured all of the educational facilities, but there are some, for example -- I'm not seeing something immediately that speaks to -- I see hospital is scratched out from my original motion I don't see something in here that captures it. We have facilities like the Austin state hospital, for example, that do have historic buildings on the premises, only one of which is landmarked.

[8:48:34 PM]

I would urge my colleagues to keep it as general as the current resolution is now. I've had conversations after we received some concerns about this, I had conversations -- my staff had conversations with the staff about this. These are the kinds of questions that certainly can be discussed during the code amendment process and would be appropriate for the code amendment process to determine which uses ought to be considered moving forward as uses that automatically trigger a review by the historic landmark commission. This resolution is directing that right now all of these, all buildings that fall within

this go before the historic landmark commission rather than receive an administrative -- a potential administrative release after demolition permit. We're really talking about a two month period. I don't expect that -- I guess we're talking about a little longer than that. From now to September I don't believe that the burden will be too large, and I would anticipate that in the course of that code amendment process the list of uses could be refined further. But I would ask Mr. Rusthoven just to confirm whether my understanding of that is accurate.

>> Yes, councilmember, jerry rusthoven, planning and zoning. This is a two part ordinance. One would instructing to immediately take all these types items to the landmark commission. The second is a code amendment to do a similar thing, however we have some built-in timelines that we have to live with so I won't be able to bring that back until September. But we did look at the list and I think that as we -- mayor pro tem, you're correct that as we go through the process the staff will bring back our suggested list as well as a review by the landmark commission and the planning commission of the same list for what would make its way into the code amendment. You can be either very specific or very broad. Either way we will bring back to you what the staff and those two commissions recommend and y'all can approve whatever you choose, but for right now, like I said, we have one direction to kind of immediately start doing this and another one to bring it back in a code amendment, both of which do the same thing, one just obviously codifies it, but when we come back with the code amendment our list will be what we recommend and we'll see what the commissions think of it.

[8:50:53 PM]

>> Gallo: Mayor, could you clarify that? I'm a little confused. The process that we're doing now is to start the stakeholder process that will include the staff and then come back to the council with the recommendation and then that code change would go through the process of the commissions?

>> It does the same thing two different ways. One says immediately just as a direction to staff to immediately start taking these types of buildings to the landmark commission. There's a second part -- actually three parts to this resolution. There's a second part that says bring back a code amendment that does the same exact thing.

>> Gallo: But with a stakeholder process input into that.

>> And there's a third part that says look at the criteria for historic and present that in a report and gives us more time to do that.

>> Gallo: May I ask, mayor pro tem tovo, was the intention to have this process start with the stakeholder process so that we can get the input from the stakeholders and then come back to us with the recommendation with the staff's recommendation with the stakeholder recommendation and then that would go through the code process?

>> Tovo: So there are -- let me break it down. There are really three actions, I think, that are being triggered by this resolution. The first one so right now the historic preservation officer has the discretion of either sending on structures to the historic landmark commission or releasing those demolition permits through an administrative process. And as I posted on the message board, there have been a few editorials that I would bring to your attention about structures that have -- at least one, the mount sinai Baptist church, that was -- for which a demolition permit was released without a review by the historic landmark commission. And I believe there are some in our community, and I count myself among them, who felt that a structure of that significance, of that cultural significance, ought to have at least received a review by the historic landmark commission.

[8:52:58 PM]

It is also in the area where our east Austin historic resources survey is taking place and so it's my

understanding that right now the practice is that those will be from here on going before the historic landmark commission and not being subject to just an administrative review. So I don't mean to get sidetracked, but I didn't have an opportunity to speak to my motion. I do want to talk a little bit to the rationale for it at some point. That's a little bit of the rationale for it. But we have a situation where in some of our older neighborhoods there are structures right now that are threatened with demolition, and again, I would just refer you to one of the other editorials that appeared in the newspaper recently, the title of which was African-American churches worth more to Austin than their land value was a June 7th piece. There are two structures in my district. The St. Annie's African episcopal church and another threatened with demolition. We need immediate action. Right now they have the discretion of sending it to the landmark commission or sending it to resolution. This would say any structure that falls within civic uses for the next several months must go before the landmark commission for review of a demolition permit. So that's the first action. There wouldn't be a discretion, there would be a requirement that those structures go before the historic landmark commission. For this period of time, which is why I want to keep it general. I don't expect there will be a huge number of those in the next couple of months. In those next couple of months our action today would initiate a code amendment, it would go through the planning commission, it would receive input from the landmark commission, come back to council with a recommendation from staff and from the commission of what -- how to fine tune that if fine tuning is indeed needed.

[8:54:59 PM]

So it may knock off things like communications towers or other things within that civic use category. So those are the two actions that are being contemplated. The third does need some explanation because it sounds like I'm asking for recommendations about potential amendments in a Broadway and I'm really not. As we saw with the demolition of the church I mentioned a little earlier, the mount sinai Baptist church, as I started looking at the definitions of the different criteria, community value is defined in such a way that it really speaks largely to the physical characteristics of a structure. And we already have that for structural characteristics. I've seen some definitions that are a bit broader and I would like our landmark commission and some other community stakeholders to provide input about whether that definition, that criterion ought to be construed more broadly so that we really are capturing structures that are of cultural significance, historical significance in a broader way. So those are the three action. One, immediately requiring civic reviews to receive a review of the landmark commission and initiating a code amendment to that effect for a longer term solution. And then thirdly, asking the folks I just mentioned to look at our definition of community value and considering whether it ought to be broadened so that we're really capturing structures that are a significant community significance.

>> Mayor Adler: Okay. Any further discussion on this item 82? It's been moved and seconded. Those in favor of 82?

>> Zimmerman: Sorry, we're voting on amendment?

>> Mayor Adler: Ms. Gallo's amendment. There was a -- was there a second? You seconded it. Now any further discussion on the amendment?

[8:56:59 PM]

Those in favor of the amendment please raise your hand? Ms. Gallo, Mr. Zimmerman. Those opposed please raise your hand? And Ms. Troxclair. Those opposed? The rest of the dais. The amendment fails. Further discussion on this item 82? We'll take a vote. Those in favor of 82 please raise your hand? Those opposed? Troxclair and Zimmerman voting no. The others voting aye. It passes. Okay. We'll now recess this meeting and go to the special called meeting. We have item number 1, which is the homestead

exemption. We have five speakers to speak on this. It is 8:57. We're in the city hall chambers. Five people listed to speak. Is David king here? Do you want to speak on this? Aaron farmer is on deck.
>> Thank you, mayor, mayor pro tem and councilmembers. I'm just here to thank you for bringing this resolution forward. I would ask that we get as close to 20% as quickly as we can. So I think that's going to help our families here in the city be able to stay in the city. Every dollar does count and the sooner we can get those dollars -- keep those dollars in our family's pockets, the better off we're going to be. I'm urging you to move as quick as possible. If we go from six percent to 12 percent that's just over three percent of our budget. I bet we could go through the budget and find at least three percent that we could decide is less important than helping our homeowners with their property taxes.

[8:59:02 PM]

Thank you very much.

>> Mayor Adler: Thank you. Bill Morris is on deck. Mr. Farmer?

>> Good evening, my name is Aaron farmer, I'm the president for the Austin board of realtors. And I really appreciate you guys taking up this matter today. Last year the Austin board of realtors supported a 20% homestead exemption phased in over the course of four years. We supported this on the basis that a homestead exemption, while not sufficient on its own, is a critical component of the type of affordability relief our community needs. We hope the council can fulfill this promise made to the citizens of Austin. Taking another step toward the full homestead exemption allow under state law would be a strong statement from this council that it's serious about pursuing affordability. This is timely and important as in the last five affordability. This is timely because in the last year the median home price in Austin continued by more than \$400,000. Median sales price would be \$450,000 by 2020. You know that appraisal increase will follow sales price. Do you know has limited -- council has limited influence over the housing market, but you can't help but moderate the impact of these growing pressures on affordability by approving an increase in the 6% exemption you adopted last year. We remain committed to supporting an exemption. But we have questions about how an increase will affect the budget cycle. We would ask that you do what's possible now to consider what opportunities you have now to prepare a budget going into the next cycle that will allow for the necessary increases in exemption without causing disruption to core services. Thank you.

>> Mayor Adler: Thank you. Bill Morris?

>> In the interest of efficiency, I'll wave my time. Thank you.

>> Mayor Adler: Thank you.

[9:01:04 PM]

Is James Barnes here?

>> Yes, sir.

>> Mayor Adler: Okay. Adam conn is on deck.

>> Mr. Mayor, mayor pro tem, councilmembers, I'm here tonight to urge your approval of an ordinance increasing the percentage-based ad valorem tax exemption on the assessed value of residential homesteads. I believe that the increasing population of Austin and the increasing property values we've just heard mentioned should give you more than adequate flexibility and opportunity to provide this benefit to the homeowners of Austin. That's why I came today. That's not why I stayed five hours, though. I stayed five hours to offer my support to councilmember troxclair. I'm a single speaker but I think I represent the thousands of people that voted for her in district 8. I've been an Austin resident 30 years and a resident of what's now district 8. During that time we felt it was important to have someone representing fiscal responsibility in the city government and also controlling rising costs. And I just want

to say thank you to councilmember troxclair for that, and I would urge you all on these 9-2 votes to vote with her rather than against her. Thank you very much.

>> Mayor Adler: Thank you. Adam conn. Is Mr. Conn here? Those were all the speakers we have. We're to the dais. Does anyone want to make a motion? Okay. Ms. Troxclair.

>> Troxclair: Mayor, I guess, I think, if you will permit me to make a few motions in a row, I would appreciate it. I know that my interests or my level of support for the homestead exemption might be more than a majority of this council can bear, but I still feel compelled to -- for the constituents who did vote for me because I was in a push to get to the 20% homestead exemption as quickly as possible, to raise the issue and have the opportunity to take that vote.

[9:03:12 PM]

So I'll make a motion to get us to the full 20% this year, and then I'll follow up with a couple of other motions if this one doesn't pass. So that would be increasing our homestead exemption from the existing 6% to the full 20%, which is an additional 14%.

>> Zimmerman: I'd like to second that motion, Mr. Mayor.

>> Mayor Adler: And it's a little unorthodox style, but with the allowance of the dais, I'm going to allow those votes to take place. Your first motion.

>> Okay. I'll just speak in general to the homestead exemption. I know that a lot of us ran on the homestead exemption, or on making sure that we're implementing this tool as quickly as possible. I know that there is no perfect magic tool out there, there's no magic wand that each of us can wave and make Austin affordable, but we're each doing our own part in our own way to try to address the inadequacies or try to combat the rising cost of living in our different ways, whether through affordable housing or homestead exemption or through rental assistance programs or anything else. But I feel that we made a great step last year in our first 6%, and we have to continue moving that ball forward in order to provide homeowners in Austin with a much-needed relief. That's all I had to say on that motion.

>> Mayor Adler: Okay. The number is ...

>> Troxclair: 14%.

>> Mayor Adler: 14%. It's been moved and seconded, 14%. Is there discussion on the dais? Ms. Garza.

>> Garza: Can Mr. Vereno tell us what the 14% would be from our budget?

>> I'm extrapolating here. I could pull up the exact number but it's going to be 20, \$25 million less revenue at the roll back rate.

[9:05:17 PM]

It would depend what rate the accountable ultimately approves but it would be in excess of \$25 million less revenue to increase the exemption 14%.

>> Garza: Can you remind me what the -- you gave a presentation on what our cost drivers were, and if all things stay the same, right now. With the assumptions made where our sales tax will come in where property tax revenue would come in at the -- at the 6% homestead exemption level?

>> Currently at 6%.

>> Garza: With all those assumptions, what was that gap right now?

>> At the at the time of the forecast back on April 27th, we were projecting a two-million-dollar surplus at the maximum tax rate.

>> Garza: So with this we would be in the negative about \$23 million.

>> Yes.

>> Garza: So we would have to cut services and that could be cutting services and laying off staff.

>> It could be at that dollar amount, surely could be.

>> Garza: Okay. Then I'll just make my general statement about the homestead exemption. I did not run on the homestead exemption. I believe it is a regressive tax. It benefits those -- it hurts those who need relief the most. Families who are lowest income families get minimal, minimal benefit from this. And it gives the most benefit to the wealthiest in our community, which I'm not -- I have nothing against people who are earned and done all that they can, but it is a regressive tax that hurts our lowest income families and could potentially lead to cutting services and laying off our city employees. And so I will not support any additional increase to the homestead exemption. In fact, I wish we could go back to zero percent.

>> Mayor Adler: Any further discussion? Mayor pro tem.

>> Tovo: Yeah, I'll agree with my colleague councilmember Garza and not reiterate the points she made, but it will certainly -- let me say at this level, and level at almost any other level we're going to consider tonight, it will require cutting services.

[9:07:30 PM]

And so I think that's an extremely -- extremely serious decision before us this evening, and I appreciate my colleagues who want to entertain this discussion. It's certainly an appropriate one. I would ask that in the future, we don't have matters of such import on a special called meeting within another council meeting. I don't recall a time in any recent memory, either as a councilmember or as a community member, where there was an item -- where there was an item that was not posted on the full council agenda or on the addendum, and this is -- this is just most unusual to have a council -- to have an item that was posted on a special called meeting within another council meeting. It made it so we couldn't have a discussion at the work session, and it makes it very difficult for the public to know that this conversation is even taking place today. So I hope we don't have that practice again. I understand sometimes things happen and we do the best we can with coming up with plans -- plan B's, but again, I won't be supporting this -- this motion today. So since I was the one that set that I think I should give the public an explanation for that. As you know, we have discussed the homestead exemption, several work sessions and budget meetings over the last five or six weeks, very publicly. We've asked for it to come back. We talked repeated occasions about how this matter, if it was to be considered, needed to be considered by the end of June. It would be better if this could come up during the budget process, but it can't. We can't wait until August or September to be able to consider this. I wish we could. And I think we should give some consideration, manager, to next year, figuring out how it is that, as a council, we can have a better feel for where you might be on our proposed budget or Numbers so that we have a little bit stronger basis, so it may be something, we haven't asked for that before, but next year, I think that's going to be worth a conversation, to see.

[9:09:42 PM]

As -- as probably the public already knows, I do a lot of tax work, up at the state legislature on our tax system, and schooled there by the folks that do that professionally, and it's my understanding from them that a regressive tax is a tax that falls disproportionately on folks with lower income, which means that a low income person pays a greater percentage of their income on that tax than a rich person does, on Progressive tax is a tax that goes up percentagewise for a wealthier person, and takes a larger percentage of their income. That's a Progressive tax. A property tax, as are the sales tax, are regressive taxes because they -- they cost other -- poor folks more. So a cut in Progressive tax is a Progressive thing to do, which is why I support that. You know, affordability hits lots of different levels in this city. There are a lot of people facing affordability issues. We've done a lot this year that I'm real proud of with respect to affordability and housing for low income folks. We've done a lot with traction increment

financing and grabbing revenue and putting it toward affordable housing and home preservation districts and other things that we've done. But we have to help everybody, and not one pool is going to help everybody, and we need to look at everybody. And I think that this is one way we can do that. I am concerned, though, that with respect to this year and the place we're in, the budget this year, that we are not able to move to 20% this year, and I'm concerned that we're not going to be able to do even as much as we did last year. But I think that it would be good for us to be able to give a sign to the community that we are aware of where they are, all levels of our community, and we'll react to that.

[9:11:53 PM]

I also know that tonight we're going to be considering a pretty large transportation bond that's going to have a tax impact, albeit less than five dollars a month, and we have to take that into account on the impact that we're having with folks. So I would like to vote for this, but at a substantially lower level than the 14%. But I do have the question. Manager, I'd like to ask you, we haven't gotten your budget yet. In the context of where we are and the things that we're considering, would it be -- would it be prudent for us to do something like a two percent, or what do you think would be --

>> Well, mayor, it's difficult to say. I want to note your comments earlier about having this conversation earlier next year, and I would tell you, compared to where we are today, the Numbers are still pretty fluid today, even right now as we're poised to begin to think about how we're going to craft our recommendation for this council's consideration. So, you know, the idea of having this conversation earlier next year for purposes of deciding this question would be challenge because our Numbers would be much less firm even then in terms of being able to forecast what we anticipate in the way of revenues for our budget. So that would be challenging. We are where we're at today. I would not disagree with the comments that I heard in reaction to going all the way to 20% at this point, given current status of the budget, whether or not we could tolerate a lower level depends on -- depends on what council's collective interest would be.

[9:13:58 PM]

There probably is some level at which we could manage to incorporate into our budget recommendation for fy17.

>> Mayor Adler: Okay. Any further conversation on the dais?

>> Pool: Mayor, I'm in line with the comments that you have made, and I don't know what all motions councilmember troxclair wants to bring forward to us, but I do ask her not to run down the Numbers from 14 to 13 to -- I know I'm at the level that you are describing, so I'd just ask her not to put us through repeated motions and seconds on that.

>> Troxclair: I was hoping to just -- 14%, and then 4%, since that would get us to 10% this year, and if 4% doesn't pass, then I think maybe the next highest number that we can find consensus on the dais might be 2%.

>> Mayor Adler: Okay. We'll do it that way. We'll do 14, 4, and 2. Ms. Kitchen.

>> Kitchen: I was just going to say that I -- in the interest of brevity, I also am aligned with what you said, mayor, and with councilmember pool.

>> Mayor Adler: Thank you. There's been a motion to do 14% homestead exemption. It's been seconded. Those in favor, please raise your hand. Gallo,. Troxclair and zimmerman.those opposed? Rest of the dais. Ms. Troxclair, did you want to move a second motion?

>> Gallo: We'll just do a variety to keep the conversation going. I'd like to make a motion the homestead exemption this year be set at 4%.

>> Mayor Adler: Okay. It's been moved to be 4%. Is there a second to that? Ms. Troxclair moves.

>> Zimmerman: A total of 10%.

>> Mayor Adler: Total of 10%. Any discussion?

[9:15:58 PM]

Ms. Gallo?

>> Gallo: I just want to say that prior to my term as councilmember here in Austin, my commitment was to my community to reach the 20%, and last year we negotiated an agreement that would get us to 20% in four years. And the first vote that we took last June, it passed on a 7-4 vote so there were 7 councilmembers that supported the 6%. That was the mayor, myself, councilmember troxclair, Zimmerman, kitchen, pool, and Renteria. Then we took a second vote which agreed to get to the 20% over four years, and those same seven councilmembers supported that. I think it's important to maintain our commitments to our community. We are seeing property values in Austin explode, and as a result, property taxes continue to increase every year dramatically. And as we talk about people being able to age in place and stay in their homes, and we talk about the part of our community that's getting priced out of their homes because they can't afford to pay their property taxes, this truly is a way that we can impact that. I want to mention that -- could we ask what that impact would be at 4%?

>> I think it's 7.7 million.

>> That's right.

>> Gallo: Okay. 7.7 million. Just for comparison sake, today we passed items that totaled 29,86,000, and we're talking about a homestead exemption that would cost 7 opinion 7. Today we have items such as a quarter million for affordable toilets downtown. So I think that even though 7.7 sounds a lot, that compared to the budget and the items that we vote on in our community, we can do that.

[9:18:03 PM]

And it may mean tightening our belts, but I think that is a manageable amount, and we all made commitments to the public last year to try to get to that 20%. And I hope that the rest of the councilmembers that supported it last year and supported that plan will continue to support that this year.

>> Mayor Adler: It's been moved and seconded to do a 4% homestead exemption. Mayor pro tem.

>> Tovo: I just want to understand, based on the forecast, we have about two million dollars of surplus, and this action would be 7.7 million, so we would be looking at, were this to pass, we would be looking at cutting back in one of the areas where we have already committed dollars, as I understand it. Is that your understanding, city manager, based on the budget projections and the cost drivers that you anticipate?

>> You spoke to the two million dollars surplus issue before, you want to characterize the implications of the impact of a \$7.7 million reduction in revenue?

>> Sure. At the time of the forecast, and I don't think these Numbers have changed drastically, but we still are in the process of going through the department's budgets that have been submitted and we're working through those budgets, but we were projecting again at the maximum tax rate, we would have revenues two million dollars in excess of what would be needed to balance the budget. Because we are facing significant, what we call built-in cost drivers next year, cost drivers related to labor contracts that have already been approved, cost drivers related to actions such as an ems 42-hour work week that needs to be fully -- the full cost of it needs to be implemented into that fy17 budget, something the council has approved but costs haven't been put in the budget yet. We have a lot of cost drivers, that's why, even at the roll back rate, we don't have a lot of extra revenue. I think the other consequence that's worth noting is there's a growing list of initiatives, desires from the city council, for example, we

highlighted at the time of the forecast, we have resolutions stating council's intent to increase funding for health and human services by \$8.3 million next year that's not included in the projections I talked about.

[9:20:24 PM]

>> Mayor Adler: Okay.

>> And there's a long list of those things.

>> Mayor Adler: Thank you.

>> That's one of the larger dollar amounts so it does have some implications.

>> Mayor Adler: Thank you. It's been moved and seconded to do 4%. Any further discussion on this? Mr. Renteria?

>> Renteria: Yes. Mayor, because of that, you know, I'm not going to be able to support an increase this year, so, you know, I know that in my area of town, our appraised value is going up because of the gentrification that -- you know, our social services programs are more important, I personally believe, especially the people that live in my neighbor -- in my district, wouldn't be happy by increase on the homestead exemption.

>> Mayor Adler: Incident.

>> Renteria: So I'm going to be advocate no on it.

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

>> Zimmerman: I'd like to speak in favor. I want to echo something that councilmember Gallo said, and I want to go back very, very briefly to the drama of the taser body camera proposal. So the council chose a technical solution that didn't comply with the technical requirements, and in the process, spent an extra \$7 million. So our entire homestead exemption was obliterated in one vote of council so that we could pay more money for a solution that didn't satisfy the technical requirement. So I'm exasperated.

>> Mayor Adler: Okay. Those in favor of the 4% homestead exemption, please raise your hand. Zimmerman, troxclair, Gallo. Those opposed? The balance, and Ms. Houston?

>> Houston: Abstaining.

>> Mayor Adler: Ms. Houston abstains. That would be 7-3 -- no, that would be 3-7-1. Is there a next motion?

>> Troxclair: Well, my last motion, which I hope will be a successful one, is a 2% increase to our homestead exemption for a total of 8%.

[9:22:26 PM]

That at least shows the community that we're -- that we're still committed to our promise of getting to 20% within four years.

>> Mayor Adler: Is there a second to that motion?

>> Second.

>> Mayor Adler: Ms. Kitchen seconds that motion. Any further discussion? Ms. Kitchen?

>> Kitchen: Yeah. Mr. Mayor, I would just like to say quickly that I do think that we -- that this is important, and I hear from folks in my district about the importance of a homestead exemption. I have many folks that are on fixed incomes, retired, they're getting older. This does make a difference to them, and so while I couldn't vote for the higher amounts this year, due to the impact on cuts, I think that 2% would be close enough that we could work with that, and I am committed to show -- I am committed to what I said before, which is, I will work towards 20%, and so I think voting for 2% this time is in line with my commitment, and I will continue to work towards that 20%.

>> Mayor Adler: Thank you. It's been moved and seconded on 2%.

>> Houston: Excuse me. Mr. Veneno, can you give us the --

>> The dollar amount?

>> Houston: The dollar amount on this one.

>> 2% would be 3.8. 3.8 million.

>> Mayor Adler: Yes. Ms. Tovo?

>> Tovo: You know, and again, I want to say, too, I hear from people in my district that they are also having trouble with their property taxes, and they also would like to see a homestead exemption, so these are hard votes. I know certainly there are a lot of people in this city who would benefit from a homestead exemption. We are addressing it by looking at the senior exemption, that's one way to address this. The reality I guess, at 3.8, we're still looking at beyond what the surplus is, and we will have trouble -- we will have to cut back on some of the commitments that we've -- that we've made, including the one we made this morning to the sobriety center, potentially.

[9:24:43 PM]

So, you know, as we -- as we consider these increases, it -- it would be helpful to know -- to balance that against what services might be trimmed or what other initiatives might not move forward.

Unfortunately, I don't think we're at place in the budget or at a place in the evening where we can have that full discussion. I'm not sure how we would pay for a \$3.8 million exemption or even 1.9 if we go down to 1%. As much as I would also like to offer an exemption, I won't be supporting 2% or 1% this year.

>> Casar: Mayor?

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: I won't be able to support this either, especially given not just commitments we've made but great things I would like to see funded in this budget, when question talk about who's struggling the most, we're talking about especially our lower income and moderate income populations. I know from -- that aid has reached out, for example, about funding our parent support specialists in after school programs which specifically are in schools with kids and parents, making sure they can get by, where it's lower and more moderate income people. And as we discussed, us taking on some of that programming that is not necessarily school related, but also could help with folks' property tax bills from the school district. So I think that there's better ways of going about doing it, and my commitment has been that since the city is majority renters, and my district itself is almost three out of four people being renters, any increase in the homestead exemption, we should take some of that additional gap spending and use it for programs that help those folks as well. And so I think the 2% will eat up that gap and I can't support it.

>> Mayor Adler: Thank you. We'll take the vote. Those in favor of the 2%, please raise your hands.

[9:26:44 PM]

Pool, troxclair, Zimmerman, Adler, Gallo, kitchen. Those opposed? The other five on the dais. 6-5 vote, it passes. We're now going to go to item number 90. I'm going to recess this and go back to the regular session.

>> Kitchen: Mr. Mayor? Why are we recessing? That was the only item on this.

>> Mayor Adler: I just want to check something first.

>> Kitchen: On him some other.

>> Mayor Adler: Because I'm not quite ready to do that yet, if that's okay. We can come back and I want to adjourn everything at the same time tonight.

>> Kitchen: I don't understand why because I thought we just finished our business under this one.

>> Mayor Adler: We did. But I just want to -- do you have an objection if I do it that way?
>> Kitchen: Well, are we going to take this up again? Is that the idea?
>> Mayor Adler: I don't anticipate that we will.
>> Kitchen: Then I don't understand why we wouldn't adjourn it.
>> Mayor Adler: I would just like to keep them both open.
>> Kitchen: Okay. But we're not going to revisit this item; right? We've already done it, so --
>> Mayor Adler: I wouldn't anticipate that we would.
>> Kitchen: Okay.
>> Zimmerman: Mr. Mayor? I'd like to adjourn that special meeting. Could I make that medication? Would that be in order?
>> Mayor Adler: That would be in order.
>> Zimmerman: I'd like to move we adjourn the meeting and stop it.
>> Mayor Adler: There's been a motion to adjourn the special called meeting. Is there a second to it? None? We're going to proceed. Recess, we're back now to the meeting.
>> I'll second it.
>> Mayor Adler: We're past that. I'm calling up item number 90.
>> Wait a minute, Mr. Mayor --
>> Mayor Adler: We'll take a vote. We'll take a vote.
>> Gallo: Could I have -- could you give us just a reason? I just want to understand.

[9:28:45 PM]

>> In the meantime I'll just say thank you so much to my constituent who came here and sat here for five hours to make your voice heard. I know it's tough to get people to come to the council meetings, and once they do get here, it's tough to have them sit and wait till their item comes up. I know there's a lot of people here for items that still have yet to come up and have been here multiple times, waiting for their items to come up. So I appreciate you being here, representing thousands of austinites.
>> Mayor Adler: I was recessing because I wanted a chance to talk to the city attorney. It passed on six votes. Six votes doesn't let it pass on three readings, so we can have two called meetings next week in order to be able to pass the item. We're not there yet, and I don't really know what to do about that yet, but while I think about it, I thought I would recess the meeting and we would go to item number 90 rather than waiting for me to do that.
>> Kitchen: Okay. But we're not going to take this item up again.
>> Mayor Adler: I don't know that, but if there's a chance for us to not make two called sessions next week, it maybe something toot.
>> Gallo: Okay. Thank you for the explanation. Thank you.
>> Mayor Adler: Okay. So, if it's okay, we'll proceed now with the next meeting, with the original meeting, item number 90, which is the charter school land use case.
>> Hi. I'm donna glotti with development services department, here with item 90 to approve second and third readings on item 90 concerning public schools. Staff recommends the original draft ordinance as submitted in the backup which is the same as the ordinance provided last week. This ordinance, as drafted, was recommended by planning commission and has the support of the neighborhoods and school districts.

[9:30:51 PM]

Staff studied the questions from the mayor last week and have provided discussion language that we passed out of the dais. And we are here to answer any questions. Thank you.

>> Houston: I'm sorry, could you say that last little part?
>> Yes. Staff studied the questions from the mayor last week and we provided discussion language that we passed out of the dais, I think on the third line it says item 90, and so we passed that out just to -- in answer to the mayor's questions from last week, although staff still does recommend the ordinance as provided in the backup. That's the ordinance that was recommended by planning commission.
>> Mayor Adler: Is there a motion on this item number 90? Ms. Houston?
>> Houston: Move to adopt staff's recommendation.
>> I'll second.
>> Zimmerman: If I could, Mr. Mayor, just a quick question. So the summarize, there's basically no change compared to what we voted on the first time.
>> That's true.
>> Zimmerman: Okay.
>> Tovo: Mayor, did you want me to acknowledge the second -- so councilmember Houston moved approval and councilmember pool seconded it. I'm going to turn it back to the mayor.
>> Mayor Adler: Moved and seconded. Thank you very much. Sorry to be distracted. I was just trying to figure this out. Thank you. Item number 90 has been moved and seconded. Is there any discussion on this item?
>> Mayor, I do have an amendment, I didn't realize we were going to get to this one so quickly, so I'll discuss it very quickly.

[9:32:59 PM]

So last week when we had this discussion, the mayor brought up the question of whether or not, instead of kind of pulling a number out of the mayor just because that's the number that we pulled out there for asd, that we take a more holistic look and kind of -- and address the many concerns that were raised by allowing charter schools to have basically the base zoning, just as private schools do, and just as any other facility coming in to -- commercial facility buying a lot of land -- plot of land and building on it would have. I had a hard time wrapping my mind around how, if a Walmart had commercial zoning and was able to build a structure, they could be entitled to --

>> Zimmerman: I'm sorry, point of order. You moved around I'd like to second --

>> Mayor Adler: Okay. The amendment has been made. Amendment has been made by Ms. Troxclair, seconded by Mr. Zimmerman.

>> Zimmerman: Please proceed.

>> Troxclair: So I had trouble wrapping my mind around how we could allow something like a Walmart to buy a piece of property and build up to 80% impervious cover, but we wouldn't allow a school to do the same thing. It just didn't make sense. So I appreciated when the mayor raised the potential of allowing base zoning which would encourage charter schools to locate in commercial Zones where they could maximize their impervious cover and potentially limit their ability to build in residential areas, which has been the cause of the recent neighborhood concerns. So I think that this would -- not only does it make sense from just a planning perspective, but I think it also addresses a lot of the touch points that we've dealt with over the past couple months on this.

[9:35:11 PM]

And I appreciate the staff's --

>> Thank you.

>> Troxclair: -- Willingness to put the information together and this amendment together, and I'm hopeful that it will pass.

>> Thank you. And I'm sorry, I just wanted to make sure that -- this sheet says part 8, and I have one that says -- I just wanted to verbally say that -- make sure that it's understood that the new impervious -- you're proposing that the new impervious cover section replaces the draft impervious cover section, regardless of the number -- numbering system.

>> Troxclair: Yes.

>> Thank you.

>> Mayor, I've got --

>> I hope I described it accurately.

>> Thank you.

>> Pool: I don't know if this has gotten a second or not, this amendment.

>> Mayor Adler: Yes, it has.

>> Pool: Okay. So I just had a couple questions because this is a departure from what the agreement was with the stakeholders that came together previously, and I haven't had an opportunity to talk with aid, but my guess is, if I were to talk with them, that they would feel that this is not, in fact, leveling the playing field, and I'm not willing to go that direction. This really has to be level playing field, and this -- this still gives an advantage to the public charter schools, in large part because of how the smaller units they can be in, but the land on the east side is most likely to be developed by the charter schools, and I worry, I deeply worry about the fate of our public schools on the east side. And I do not want to be a part of an effort on this council to unravel the most excellent and top-notch education that our students get in our Austin independent school district, and the leadership, some of whom are in this room today, and have been here for much of the day. So I will vote no on this amendment very strenuously.

[9:37:15 PM]

Thank you.

>> Mayor Adler: Okay. I'm going to vote against the amendment. I still have the concern I had last week where I'm concerned that we're incenting these schools to go in residential areas as opposed to going in commercial areas. It's an impervious cover issue, and I don't know how to resolve that, and I'm concerned that there are impervious cover issues that are kind of floating around with respect to parking and with respect to schools, playground areas, and the like. And I'm not smart enough to be able to figure that out here in the time that we had, and I think this is something that needs to move forward. So I'm going to vote against the amendment. I'm going to vote in favor of the recommendation coming from staff, and if somebody can figure out those questions, I would hope they would bring it back to us. Further discussion on the amendment? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. So, obviously, I support this amendment. I need to respond to councilmember pool's claims, and I think really the opposite is true. The reason that the government monopoly schools are so threatened by the charter schools is, they have -- the charter schools have waiting lists of thousands of kids, but the monopoly government schools are losing students. And it really offends me that government comes in and rigs the game to try to shut down the charter school competition because they have such huge waiting lists, there's a demand for these charter schools because they provide a better education. So it's a very high demand for the charter schools. And I think the public school knows that, and they have political power, lobbyists paid for with our tax money, and they'll bring any kind of political pressure to shut down the competition. And this is just a terrible development here. There's no question that this amendment is going to lose badly, but it's just a sad state of affairs in the city.

[9:39:18 PM]

People deserve choices. It's their kids, it's their money, it should be their choice, and the government shouldn't be picking favorites and rigging the rules to support a government monopoly in schooling.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I do -- I thank councilmember pool for bringing up the level playing field issue because that is a comment that I meant to include. I don't -- I wouldn't -- if this passed, I would hope or assume or even come up with some language that we could include in here that would allow the same benefits to aid. I'm certainly -- the purpose of this amendment is more to allow schools the same ability that we're giving our commercial developments right now. I don't know why we would hold our schools to -- or penalize our schools for no apparent reason. So it would have been my intention to go back to the interlocal -- we can't amend -- I don't think we can amend the interlocal agreement via -- via amendment here, but I would be fine, and I'm more than happy to work with you if you want to, going forward, to go to aid and see if there is a level of -- if they would support based zoning as well. So -- and I just want to say, I'm -- district 8 is the only district that does not have a charter school, and it's in large part because it's so difficult to -- it's expensive and difficult to develop in my district because we have such strict land regulations already, and environmental restrictions, so I think that aid does a wonderful job of educating our children, but the reality is that even the very best school is not the right school for every child.

[9:41:23 PM]

>> Mayor Adler: Further discussion? Mayor pro tem.

>> Tovo: He did say your name.

>> Tovo: Sure.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I'm not going to support the amendment for the same reasons councilmember pool mentioned, it is, I believe, not complying with the need to assure parity. It is absolutely true that public schools do have requirements that the public charters do not, in terms of providing playground space and other things, so this really still would not get us to a level playing field. So I support the staff recommendation as it is without amendments. I believe it's taken a long time to get here, and what we've got in front of us is a good measure.

>> Mayor Adler: Mr. Casar?

>> Casar: I won't be supporting the amendment, either, and the ultimate reason being that at the very start of this conversation, I had lots of folks, that built aid schools, folks that built public charters, everybody looked at the las, and folks said as long as it's even, we're good with the code amendments and good with it moving forward. It seemed like last week we were really close, and I do still think that we're 90, 95% in agreement, despite this issue. And if, for example, goodwill comes forward because they've got an adult charter school that doesn't need a playground or something, and that comes forward, I'm in concurrence and agreement with the mayor that there might be those sorts of different situations. But generally, this was kicked off with everybody agreeing to make it all the same. So I'm just going to support passing the code amendments as equally as possible.

>> Mayor Adler: Any further discussion on the amendment? Those in favor of the amendment, please raise your hand. Zimmerman, troxclair, Gallo.

[9:43:25 PM]

Those opposed to the amendment, please raise your hand. It's the balance of the dais, Garza off the dais. We're now considering item number 90, staff recommendation. Any discussion? Those in favor of item number 90, please raise your hand. Those opposed? Troxclair. Those abstaining?

>> Zimmerman: Abstention.

>> Mayor Adler: Mr. Zimmerman abstains, troxclair votes no, Gallo votes no. Gallo and Zimmerman abstain. Troxclair votes no. Garza off the dais. So that's 7-1-2-1, that item passes. Okay. Let's call up the bond election, the bond. Yes.

>> [Off mic]

>> Mayor Adler: Public hearings that don't have speakers, which ones are you thinking? 98, 99, 100? We could do those quickly. Is staff here to walk us through 98, 99, and 100 while we hand these out? Okay. So this is the -- okay.

>> Good evening, mayor and councilmembers. I'm telecommunications and regulatory affairs officer. This item is regarding center point energy's proposal to increase customer gas rates by applying an interim rate adjustment to its south Texas division customers, pursuant to the gas reliability infrastructure program of the Texas utilities code, which allows the gas utility to recover additional invested capital costs made during the interim period between formal rate case filings.

[9:45:40 PM]

On March 31st, 2016, center point notified cities of their intent to recover increased net plant capital investments of \$19,894,741, made in 2015, and as many wide rates. Center point energy has 800 natural gas customers here in Austin and approximately 141,000 in its south Texas division. They're proposed interim rate adjustment will increase the average monthly customer charge by \$1.14 or 3.44 percent. For small general service rates by \$2.31, or 3.11%. In large volume general service customers will increase by \$13.50 or 2.91%. Our coalition rate consultants reviewed the filing and they determined that center point's interim rate adjustment complies with the statute, and it's reasonable representative the cost understand a rate of return proposed in this filing. Staff recommends approval of proposed ordinance granting the rate surcharge of center point energy. That concludes my comments.

>> Tovo: Mayor?

>> Mayor Adler: Mayor pro tem.

>> Tovo: I don't see any speakers on this item so I'd like to move to close the public hearing and approve the ordinance regarding center point's proposal to increase rates.

>> Mayor Adler: It's been moved to close the public hearing and approve item number 98. Is there a second? Ms. Pool?

>> Houston: I have a quick question, mayor.

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: Did you say how many customers will affect?

>> 800.

>> Houston: 800. And where are they?

>> They are in south -- south Austin.

[9:47:42 PM]

I'm sorry, it is good night ranch -- the good night ranch division.

>> Houston: Is that in district 2?

>> District 2, yes.

>> Houston: Where is councilmember Garza? It's in her district.

>> Mayor Adler: One, two, three, four, five, six, seven. Okay. It's been moved and seconded we adopt this item number 98. Those in favor, please raise your hand.

>> Zimmerman: I want to say something quickly. I'm on the public utilities commission and we did hear this, and it puts the taxpayers between a rock and a hard place. If we vote yes, obviously the bills go up.

If we vote no, it'll probably get appealed to some utility commission and they will win. So either way, the taxpayers lose, so I'm going to abstain.

>> Mayor Adler: Okay. Those in favor of this item number 98, please raise your hand. Those opposed?

>> Houston: I'm going to abstain because the person whose district this is is not here to --

>> Mayor Adler: Okay. Let's hold off on this -- I want to -- let's wait till she comes back to take the vote. Okay? So we're not going to hold off on 98. Let's move forward with the bond deal. I've handed out to everyone a red line copy of the resolution. I'm handing out a yellow copy of -- the yellow copy is a clean version.

>> Pool: Mr. Mayor.

>> Mayor Adler: Yes.

>> Pool: There are others on this end of the dais who would like to be here for this discussion. I'm not sure where they're at.

>> Mayor Adler: Okay. Tell you what, let's take a three-minute or five-minute recess and let's find them.

[9:49:44 PM]

We're running into walls everywhere we go.

>> Mayor, while we're waiting for our colleagues to get backs yes.

>> It would help me if -- we've gotten several different versions here today, and I -- I need to be really clear which ones are in circulation. So you handed out a white one and --

>> Mayor Adler: And a yellow one. And the white one is a red line.

>> Tovo: I see.

>> Mayor Adler: And the yellow one is a clean copy so that you can see both. Those are the changes from what had been posted.

>> Tovo: Thank you. And then councilmember kitchen, you handed one out a little earlier as well.

>> Kitchen: Yes. The ones that I handed out -- I apologize, I kind of went back and forth a little bit because I had some errors, but the one that you should be looking at from me says -- it's stapled together and says -- the way you can tell is, motion sheet number 1, and then it's stapled to motion sheet number 2, and motion sheet number 3.

>> Tovo: Thank you. And has anybody else handed out any other --

>> Kitchen: I think there are some other amendments but they're not handed out yet.

>> Tovo: We don't have them handed out. Okay. Thank you.

>> Mayor Adler: Okay. Are we back together? All right. So I have laid out my -- I'm going to lay out my motion, which is b2 in the upper right-hand corner, it's version 2. The yellow copy is a clean copy. The white copy you have is a red line copy so you can see the changes that were made. I need to know if there's a second to the motion that I've laid out.

>> Zimmerman: I'm sorry, I wanted to make a point of order if we can go back and do the gas bill thing, I think we've got people to do that last item.

[9:51:45 PM]

>> Mayor Adler: So it was item number 80?

>> Zimmerman: I thought it was 90.

>> Zimmerman: It was 98. Sorry.

>> Mayor Adler: 98. So this was in your district, Ms. Garza, so we held off voting on this. This was a public hearing, there was no one here to speak on it. Staff spoke on it. Are you ready to take the vote? Those in favor of item number 98, please raise your hand in closing the public hearing. Those opposed? Those abstaining? Mr. Zimmerman abstains. The others voting aye on the dais so we've now taken care

of item number 98. Thank you. Okay. So now we're going to move forward on item number --

>> Tovo: Mayor, did you want to do 100? It has no public speakers either, unless there are questions, maybe we could get through that one kind of quickly.

>> Mayor Adler: Sounds good. Is there a motion to approve item number 100?

>> Tovo: I would like to move to close the public hearing -- well, I guess Mr. Knox might need to give us a one or two line summary of this.

>> Yes, Michael knocks, item 100 is conduct a public hearing and approve a resolution adding two parcels to the Austin downtown public improvement district. Under the master development agreements with the city, the developers agreed to request an inclusion in the district, a public hearing is required to add these properties.

>> Tovo: And, mayor, I would move that we close the public hearing and that we approve this resolution to add these two properties to downtown. Councilmember pool seconds that motion. Is there any discussion?

>> Houston: Is this on first reading?

>> Tovo: I think it's a one and only, yeah.

>> Houston: First. Okay.

>> Tovo: Is there any other discussion? All those in favor? And that is unanimous on the dais.

[9:53:48 PM]

>> Zimmerman: I abstained.

>> Tovo: Sorry, all voting in favor with the exception of councilmember Zimmerman abstaining.

>> Mayor Adler: All right. So that gets us then to item number 83. I have made the motion for item number 83, and Mr. Renteria seconded that motion. You know, I'll just say real briefly, this is something that has been discussed at length, both here at the dais as well as in the community. You know, when we started this process a month and a half ago, two months ago, we said let's see if we can reach consensus in that period, if there would be a general community consensus, and then we threw it open to the community. The community has been meeting most of the time in the absence of me and my office to try to figure out if there was a consequences plan to work with. The community, after -- a lot of people in the community, a lot of stakeholders in the community, a lot of people with desperate interests, a lot of people you need to be able to have a successful bond in this city have met, I appreciate all the stakeholders efforts over the last two months. They have come back and said that the intersection of all the different groups is to focus on the corridors that have been approved, that have gone through the corridor plans, and that's what we needed to build a program around. That and that coincided with so much of the plan we had done in the city. We added to that some projects, regional projects, in part to be able to drive the coalition, and to get the community together in a place where everybody would lock arms and move. We also made specific choices, adding lanes on mlk, on 969, which is not something that was supported by everybody, but was supported generally by the -- by the coalition, adding considerable investment in nest northwest Austin, not something supported by everybody, but supported by the coalition, trying to find that one little place that people could come together.

[9:56:13 PM]

It had a lot of projects that were not in the pipeline, perhaps unfairly not in the pipeline, but the group got together and said let's put some of those first in line, in that -- in that pipeline, so they would be the ones that would be gearing up next. Not everybody agreed on those projects and where those projects were, but again, this group of people, stakeholders, group got together and said, okay, we can make --

we can make that deal work, too. And they've come back to us and they've said this is something that we can do, and it's \$720 million. I haven't seen a \$500 million plan that has demonstrated any measure of community support that has not gone through that same crucible, that does not rely on upon the same thousands of hours of community involvement, and time and dollars spent. So that's where -- that's where folks have come to us, if there is something, and said that's the consensus. There are a lot of people at this table that have worked on this. This built off the work of the mobility committee and the work that councilmember kitchen and that committee has done. It built off of the priority and the strategic plans that have been -- been set, and now I think we find whether or not there is consensus. If there's not consensus, then I'll spend the next amount of time trying to build that consensus, hopefully joined by the community to do that. But we have a unique opportunity, I think, in this election that's coming up, to do something that would be significant. And something I think the community's asking us to do.

[9:58:14 PM]

>> Mr. Mayor.

>> Mayor Adler: Any discussion?

>> Go ahead.

>> Can we hear from the public before we have the lengthy discussion?

>> Mayor Adler: Yes. We have some citizens that have signed up on this. The first citizen that we'll call will be Gus Peña. Is there a motion to stand past 10:00 P.M.? Mr. Zimmerman moves. Second. Is there a second to that? Ms. Garza. Those in favor, please raise your hand. Those opposed? Gallo votes no.

>> Zimmerman: I'm abstaining.

>> Mayor Adler: The others voting aye.

>> Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: I'd like to make a two-second statement.

>> Mayor Adler: Okay.

>> Kitchen: I do have some amendments here, and we'll get into those in a moment, after we hear from the public. But I think it's important to make the statement that my amendments are geared towards addressing the concerns that I've heard from my district, and from other parts of the city. I really appreciate all the work that people have done to bring forward a consensus. That consensus doesn't represent the entire community. And as we get into this discussion, I will explain further what my concerns are. And I'm very, very concerned about the disparity in the way that this bond package is put together, because it does not represent the entire city.

>> Mayor Adler: Okay. I don't think Mr.-- yes, mayor pro tem.

>> Mayor, I meant to make this comment earlier, but I'm going to make it now. As some of you know, I had surgery earlier this week. So this is a real long meeting to be here for today, but I am determined to make it through. But I did want to just apologize to some of the speakers.

[10:00:17 PM]

If you don't see me on the dais, I'm going to be watching some from behind the scenes. I'm keenly interested in this subject and the rest of those that we have on our agenda and wanted to be here today. If you don't see me here, it's not a disrespect. I'll be listening from behind the scenes.

>> Mayor Adler: Thank you. Anthony walker.

>> Gallo: When we have new versions of everything, it would be helpful to have enough copies for our staff. Version two that was just passed out, could you make extra copies available to us?

>> Mayor Adler: Yes. I think I'm set. Okay. Anthony walker, David king.

>> Thank you, mayor, mayor pro tem, councilmembers. I'm really glad that there's such a focus on our transportation issues here, and that there are different proposals here, because it means that we're serious, and hopefully we will finally do something. And so what I would suggest that we do is that we focus the funding on sidewalks, bicycle routes, trails, and corridor improvements. Those should be the focus. And on improving safety and increasing connectivity. And in terms of the corridor plans, you know, the corridor plans were intended to facilitate neighborhood connectivity and improve safety for pedestrians and bicyclists, not necessarily to facilitate fast traffic movement from downtown to the suburbs. So I hope that when we do decide to fund the corridor plans, that it's not to increase the speed and throughput to get people from point a to B, but that it is respectful of the neighborhood.

[10:02:21 PM]

So I hope that -- and I hope it's clear on the bond proposal. It needs to delineate specifically what the money is going to be spent for, not a general bucket that all the money goes into and then somebody figures out later on how to spend it. I think the more clear, the more detailed, the more specific we are on where that money goes in the bond itself, the proposal on the ballot, the better chance that we have to get funding for it, you know. And I'm not going to say, "If I don't get what I want, we shouldn't do anything." I don't think we should do that. There's a common need here, and we should all work together and say that we may not get everything that we individually want out of this, but we all need to work together to get some funding, to get some help that we need. And I think that it's time to focus on sidewalks, and bicycles, and our corridors. And I don't think we should make a deal where we'll take over maintenance of state-owned roads in trade for depressing I-35. I just don't see that. I don't think that that should be part of the deal here. I don't think that depressing I-35 is going to help with the traffic congestion on I-35. If we're going to invest money in I-35, it should be for that purpose. And, you know, there've been comments about it being a barrier. Well, if a highway is a barrier, we have lots of barriers in this city. And I know that the reference to barrier is between east and west Austin, but the barrier is there not because of the road, it's there because of the policies, actions, and decisions that those who came before us made. And that's how we stopped -- by stopping those decisions, by changing our policies, by being respectful to all the citizens that live here in our community.

[Beeping]

>> So I don't think we should be depressing I-35.

[10:04:22 PM]

I think it would be a waste of a lot of money. It's not going to improvement to improve traffic, and it won't break the barrier between our communities. Thank you.

[Clapping]

>> Mayor Adler: Is Aaron farmer here? What about bill Morris? Is Andre lemomadrov here? Okay. You have six minutes.

>> Thank you. Mayor, mayor pro tem, councilmembers, it's a real pleasure to be here. My name is bill Morris, director at the Austin board of realtors, here to express our full support for the \$720 million plan offer by the mayor and councilmembers Casar, Renteria, and pool. We appreciate the dedication to this important effort. Since the plan offers substantive corridor changes that are really in concert with building the compact and connected city that's included in the imagine Austin plan, and it's important to note, as the mayor noted at breakfast yesterday, we didn't get here overnight. This is decades of leaders and decision-makers in the city who apparently believed if we ignore the growth it will go away. We are far behind. \$720 million is not going to solve this problem, but it's a very important down payment. Now

is the time to invest in the smart traffic signals, dedicated turn lanes, medians, bus pullouts, and importantly, the key drainage infrastructure that goes along with this plan. And this allows the city to focus density where it is most needed. And along the corridors and in the centers where all the plans need to be focused. This is a long-term plan. As I said, it powerfully does support, maybe even facilitates the implementation of imagine Austin and what we hope codenext can and will become. We are still gaining 150 people a day. This problem's not going to go away or get better.

[10:06:23 PM]

It will only get worse and more expensive if we ignore it. Now is the time. You've seen the polls. Austinites support investing in mobility. This is an important investment to make. The corridor plans, as has been noted up here already this evening, have been well-researched or resourced and well-understood. And there are synergies to be had by implementing all of these improvements at once instead of trying to piecemeal the plan. This needs to be done as a single investment and a single set of projects that are coordinated together. So, again, \$720 million is not enough. But it will allow us to be less behind in a few years when it's time to come back and do this again. We very much appreciate the dedication to this effort, and urge you all to support the \$720 million plan. It is time to be bold and go big to solve mobility issues in the city of Austin. Thank you.

>> Mayor Adler: Thank you. Is Scott Johnson here? Is John Woodley here? Oh, John Woodley. Usually he's sitting here.

>> Mayor Adler: Mr. Woodley.

>> Hello, thank you. Yesterday the white house celebrated the 17th anniversary of the homestead decision, which for those that do not know, it's a supreme court decision establishing that the unjustified institutionalization of people with disabilities is a form of unlawful discrimination. It provides safety of people with disabilities by fully funding the sidewalk, bicycle, urban trail, complete streets, to allow access to public transportation, employment, education, medical, shopping, recreation.

[10:08:32 PM]

It is time to end the discrimination and the failures to fully fund and build infrastructure. It is a form of institutionalization. I just jumped. It is a form of institutionization by hindering people with disabilities environmentally, societily, and economically. Please end the decades of discrimination. In the interest of this, I would like to -- Mr. Mayor Adler that he spoke earlier today, and add that I ask that you, the council, of the city of Austin, make a proclamation. Be it known that whereas many in Austin have suffered in our community, partly a city of Austin policy, and whereas the city has had its share of ignoring suffering, and whereas the advocate for disability access has lent a voice to the overlooked, forgotten, oppressed in the city of Austin, to the greater disability community and whereas the advocates have advocated for and championed young and the old, the strong and the meek, in the city of Austin, and paved the way for the advocacy and engagement, now, therefore, you, Steve Adler, mayor of the city of Austin, Texas, and the whole city council, do hereby proclaim June 23rd of 2016 the day that Yo choose to end the decades of oppression, prejudice, end the suffering by making this the year -- the 26th anniversary of the Americans with disabilities act -- the year that you choose to make this step, and make this year the year of enlightenment and enablement.

[10:10:34 PM]

Please accept bond proposals that do nothing less than fully funding the sidewalk, bicycle, urban trail master plan. The sidewalks alone will cost over a billion dollars to make accessible, two if you add txdot.

The thousands of people I've spoken to that are in support of fully funding the plan. It needs 250 million just for the identified high-priority area.

[Beeping]

>> You have passed these plans, so please help make the city of Austin an example in leadership and responsible action by fully funding them. Thank you for your time.

>> Mayor Adler: Thank you. Varas. Lauren presswell is on deck. Is Lauren presswell here? Hang on. Is bob nicks here?

>> Yes.

>> Mayor Adler: You'll be on deck.

>> Hi, my name is Bara, I'm a proud member of the Austin firefighters association, I've been a firefighter for 17 years here in Austin. I'm speaking on this issue today because it's a \$720 million proposal, and that's an enormous amount of money for one project when there's many other critical needs that are not being met. And previous bond money that has not yet been spent. For example, 12 of our 46 fire stations still do not have bathrooms for both men and women firefighters. In 1999, the city of Austin began retrofitting fire stations with bathrooms for both genders, but there have been significant delays, and there still is no end in sight. Austin voters already approved a bond package in 2012 to build a fire station in onion creek and to retrofit six of the 12 remaining fire stations without women's locker rooms. They still are not built. What is the holdup? Every shift I go to work for the citizens of Austin, I'm reminded of the unfulfilled promises of equal facilities for both men and women firefighters.

[10:12:43 PM]

Title seven of the civil rights act of 1964, which is federal policy for the last 50 years, prohibits employment discrimination based on gender. It could be argued that unequal fire stations is a violation of the title, not to mention the lack of ADA complicity. When a city decides how to spend money, let's look at all of the unmet and delayed needs. This is only one simple, basic daily need, a place to use the bathroom and shower during a 24-hour shift. Please complete these facilities. Both the fire chief and assistant city manager Arellano have stated this project has been a "Priority." I've been told that personally. 17 years later, it's still not finished. How is that a priority? These facilities benefit over 1,000 firefighters that work for the public every day. Do the right thing. Fund equitable facilities. Thank you.

>> Mayor Adler: Thank you. After the chief, is ward Tisdale here? You'd be on deck. Chief.

>> Thank you. Good evening, mayor, pro tem, council, bob nicks, Austin firefighter association. I want to thank the lieutenant for her words. You're going to hear more about that issue as the project drags on, and the firefighters have been very patient, but it is something we need to step up and get taken care of. It's hard to recruit and retain qualified female candidates with our facilities in the state they're in today, so, thank you. I do have a tie-in to item 83 here. In March, the council passed a resolution stipulating that the 90 days, which is today, that the city manager shall explore the feasibility of utilizing a GPS emergency vehicle preemption and provide a recommendation to council within 90 days that includes information regarding best practices, potential cost and funding options, and anticipated impact on response times.

[10:14:57 PM]

And what we saw in item 65 today that you passed was a permission to ask for a grant. And it does have a cost in there of about \$3.6 million -- I assume that's the cost of the emergency preemption devices. And getting a grant is great. If we can do that, we can get the grant to pay for half, that is awesome. But it doesn't have another option in case that doesn't happen. And we'll know in September, from what we heard today, whether that will pass. So my ask to council is to consider as a solid plan B to place that

funding in one of the transportation bond packages that are up here before us to today, if the grant doesn't come through. So I would hope y'all could please consider that. And also, the transportation issues in Austin are absolutely a high priority to our citizens and the firefighters. But we need to be mindful of all the other priorities, too. We still have neighborhoods without fire stations that are very critical. We have a female firefighter bathrooms that are not being funded and not being completed. And so I think all these competing priorities are very important to consider. Thank you for your time.

>> Mayor Adler: Thank you. Adam Kahn. Is Adam Kahn here? You'll be on deck.

>> Mayor, councilmembers, thank you for the opportunity to speak tonight. Yesterday I was here with a very broad coalition, keep Austin moving, Austin chamber, the real estate council of Austin, an organization I happen to be the president of. We need to go big. The \$720 million package has something for everyone, particularly the corridor plans, which we see as a good precursor for letting imagine Austin come into fruition as we enter into code next. So it's a great plan that has something for everyone. Time and again, voters and --austinites say, mobility is the greatest challenge.

[10:17:00 PM]

We have a lot going on, we love Austin, but mobility is our problem. Give them the opportunity to vote on this, and don't go small. Go big. Go for \$720 million. That will take a big bite out of the issues that we have. But most importantly, give the voters an opportunity to do this. Thank you for your time.

>> Mayor Adler: After Adam Kahn, is Susan Lipman here? You'll be next. Thank you.

>> Thank you for taking the time to hear the public testimony on this topic, Mr. Mayor, council, to the city manager. I want to very strongly encourage you between now and August, when this comes up for a final decision, to focus on delivering the public a credible plan for the execution of this bond package. We just -- I want to thank the firefighters who just spoke. 17 years for bathrooms. When you say the public doesn't have faith in the ability of the city bureaucracy to pull this off, that is a fantastic example of why. I have personally not made up my mind on how I'm going to come down on this bond yet, but I have to say, I need to see a credible plan for executing this project. This seems like a big, clunky project with lots of moving parts, and that's gotten many, many organizations into a lot of trouble many, many times in the past. I'm not looking to cast dispersions on anyone on this dais, anyone in the city, for now. But we need to see a way that this will get pulled off in a successful manner that won't take 17 years before we start to see some results from it.

[10:19:06 PM]

I think that the corridor package has a lot of good components to it. I like the idea of dedicated turn lanes. I like the idea of well -- better-timed signals. I think there's a lot to work with there. I think as far as things like sidewalks go, given where we're at in the city, there can be a lot to work with there as well. But saying something and putting something up on a website is different from actually producing and delivering results on the ground. And so I want to -- the council and the city staff to focus on a way that this will get pulled off as you are telling us now. One final thing that I will suggest, though it seems like the decision may have already it was ten at this point -- at the mobility council committee hearing, I encouraged the council to break this bond into its component parts and to offer the voters an a la carte array of diverse option so that the voters could actually direct the city where they want it to go. I want to reiterate that suggestion. I think that breaking this bond into its component parts could offer an opportunity to have fewer -- like I said earlier, moving parts. There would be fewer moving parts if this got broken up into three or four separate things.

[Beeping]

>> Thank you for your time.

>> Mayor Adler: Thank you. Is Angie hardie here? Is Lorena Soliz here? You'll be on deck. Ma'am.

>> Councilmembers, I want to thank you for the long day you're putting in. I belong to steer club, and I'm an active member of its environmental justice team. And I have several reservations concerning the mayor's proposed \$720 million bond.

[10:21:11 PM]

I just want to say, I'm not speaking for the environmental justice team, but for myself. Our highest priority should be to increase the level of bus service for the residents of Austin. And for the former residents who have been pushed by the cost of living to the edges of the county, who most depend on public transit to meet their jobs and necessary destinations. The bond package should provide amenities to bus so is that cap metro can spend more on more buses, routes, and frequency of service. The mobility talks input process showed a clear preference in all districts for increasing the amount of transit, mostly with buses. Secondly, we should also prioritize sidewalk improvements and safety with emphasis on those parts of the city where sidewalks have been neglected due to historical, racial, and economic discrimination and neglect. Bicyclists, especially commuting bicyclists, can also contribute to easing automobile traffic congestion, but pedestrian needs should be given greater weight. Thirdly, I'm concerned that the sheer size of the bond issue will dominate whatever the amount of debt is that our citizens are willing to take on. In that sense, we must also consider what other priorities our city still needs to address. I would place the gentrification affordability issue up there with the mobility issue. We should try to leave breathing room in our debt capacity, or recreate affordable housing for low-income residents, especially in the central city, east of I-35, where so many have been displaced. I know that affordable, dense housing and a strong public transit system go hand in hand, mutually supporting each other and helping working class people to control their expenses, because cars are expensive to maintain -- support their families, and have a better chance to lift their standard of living. I hope you place this proposal within the contest of this larger picture.

[10:23:11 PM]

Thank you.

>> Mayor Adler: Thank you. After Lorena Soliz will be Brian tomplo. Is Brian here? Okay. And is alba here?

>> [Off mic]

>> Mayor Adler: Yes. All right. Ms. Soliz.

>> [Speaking Spanish]

[10:25:31 PM]

>> Her name is Lorena Soliz. She is a leader from the park neighborhood association area. And a leader with the Odom school park adoption team and at Odom elementary school. She asks that any plan that is adopted, please consider the school districts that are in the south of the city. She says there is a dearth, there is a need for safety along routes to schools, libraries, and parks. She herself was trying to access English classes at the middle school, but was unable to continue to do so because she -- the trajectory that she had to take, she had to take with her children, and she was almost hit twice by cars. And so she had to cease her access to English language education because of that. She wants you to consider that there is a dearth of sidewalks in this part of the city. And so she considers that it is important for all people of all ages and capacities to be able to access sidewalks in our city. She states

that her areas are the most populous areas in the city, the districts and zip codes in the south, and everybody must have access to funds in these southern parts of the city, as well as other parts being considered. She also shared that she has nephews and nieces that go to the middle school, and their route is very dangerous. Two youths died in the route to the school there. And only after that did the city install appropriate crossing lights and appropriately painted crosswalks. And so now the children on their way to school see the memorial for the two kids that died in that area because of inappropriate infrastructure.

[10:27:34 PM]

She thanks you for your time, and hopes that you will take her statement into consideration.

>> Mayor Adler: Thank you. Before Brian talks, is Leslie here? You'll be on deck. Sir.

>> Thank you, mayor. I'm a resident in west Austin, and the director for the west Austin four points chamber of commerce, which along with ten neighborhoods, area employers and institutions are forming a broad coalition spanning over a dozen linear miles along rm620 and fm2222. The west Austin four points coalition is motivated by supporting traffic solutions in our corridor and throughout the city. We are encouraged by the improvement the proposed \$720 million bond proposal has the potential to provide. The entire Austin community is desperate for mobility solutions that alleviate our major roadway bottlenecks, many of which are located in areas which are not part of the city center. These so-called regional mobility improvements have been suggested at various levels of funding. The bond measure will likely be the big fix for mobility in Austin for years to come. Therefore, removing or providing only token funding to address these critical regional mobility roadways will have broad negative repercussions for the city and the region for years to come. For real traffic relief to occur, for this measure to have impact on the biggest problems, it must invest enough so that critical fixes can actually happen. One critical example of a bottleneck roadway is the rm620 corridor, a poster child for the lost productivity and loss of quality of life caused by traffic gridlock. It is the spine of a topographically constrained west Austin. Those who live, work, or need to transit along this corridor between U.S. 183 and 2222 regularly experience stifling traffic on a daily basis, with txdot measuring wait times exceeding 22 minutes to travel just over a mile.

[10:29:44 PM]

The prioritization of investment in these corridors such as rm620 but including many others is critical in support of a mobile Austin that connects living and commercial centers. West Austin, and other parts of Austin, and the region outside the city center, absorb a large and growing portion of the population influx to the city, and must be accessible to support the city's overall growth initiatives, as well as to support local businesses, institutions, and living standards. For Austin to grow, you must support moving people to and from their homes and places of work. You must support the many tens of thousands of people impacted each day by bottlenecks such as the rm620 corridor. I support the \$720 million bonding measure, but with the explicit condition we must maintain solid support for these regional mobility initiatives. Thank you for your time.

>> Mayor Adler: Thank you. Is robin stallings here? Okay. You're going to have six minutes. Is Esmeralda Soliz here? Do you want to speak separately? You'd be next. Please continue.

>> Hi, mayor, council, my name is Leslie. I don't know how you do it. I'm so hungry and tired. I want to thank you for working tirelessly on this issue. It's gone far too long without this issue being addressed. I live, bike, and I walk in district 1. I'm a single mom who has raised five kids. Safety, mobility, equity, and affordability are very, very important to me. I ask the council to support a balanced transportation bond proposal. A \$500 million bond package that includes 150 million for sidewalk master plan, 150 million

for a bicycle master plan, 200 million for corridors, can be transformational in Austin.

[10:31:52 PM]

I ask if it's 720 million that all are balanced, all are equal, for all transportation needs. All security, safety, would all be served with a balanced bond package. This matters to us, because we travel by bike whenever we can, wherever we feel safe, and we would use transit more if we had a safe way to connect with that last mile. This plan can do that. We may have lost the S.M.A.R.T. City federal grant, but we can still be very smart about transportation. Council, you have a tremendous opportunity to show the rest of the country that we can make a transformational change in our infrastructure. Let's make Austin a model for all of the country. Thank you for your support and consideration.

>> Mayor Adler: Thank you. Esmeralda Soliz? And then Margo shields. Is Margo shields here? You'll be next. Ted siff follows.

>> Hi. My name is Esmeralda Soliz, I'm from south Austin, and I used to go to the middle school. And now I'm going to crocket high school. I almost got hit by a car several times. In the last couple of years, we lost two of our students because they were hit by a car at the middle school. And I also have a question. Like, what would you feel if some of your kids or, like, they were hit, or tried to be hit by a car? What would you do?

[10:34:11 PM]

>> [Off mic]

>> Thank you for your time.

>> Mayor Adler: Thank you for your testimony. Thank you.

>> Councilmembers, my name is Margo. I currently serve as the vice president of my neighborhood association, the park neighborhood, of which you've heard from some of my fellow residents today. We are in district 2. We border and share some assets with district 5. The boundaries of our neighborhood roughly to the north is stassney, to the south, cannon, to the east, south 1st street, and to the west, the railroad tracks, just east of manchaca. Our zip codes, they comprise the most populous zip codes in the city, and yet when I look at what's been proposed for these mobility bonds, I don't know whether or not commensurate attention has been given to south Austin. I would like you to consider re-examining what are considered updated corridors. I find Westgate and manchaca very congested. It's my understanding they're not considered corridors. Please take a look at re-examining that. Our neighborhood association has held meetings and activities to assess what the residents of our community are concerned with. Primary among these is safety. You've already heard from a couple of residents who have had personal experiences with safety. We need sidewalks in our neighborhood. We also need traffic calming devices, because all children in our neighborhood deserve the right to be able to walk to school in safety. All residents deserve to be able to walk to our parks, and to bus stops in safety as well.

[10:36:18 PM]

Another traffic concern is public transit. People would like to have more frequency of bus routes and better amenities at our stops. So, I'm not here to advocate for or against any of the current proposals. I'm here just to advocate that you take a closer look at south Austin and ask yourself whether or not you are doing as much for our segment of the community as should be done. Thank you for your time.

>> Casar: Mr. Mayor.

>> Mayor Adler: Yes.

>> Casar: Since Ms. Soliz did directly ask us that question -- sorry, I just wanted to respect her having

asked us that question directly. And thank you for having brought that up to us. It would be devastating, I'm sure, to anyone here on the dais. And I don't know what I would do if that happened to a member of my family. So, thank you for having asked that question, and we're committed to working on safety how we can. So, thank you.

>> And, mayor.

>> Mayor Adler: Yes.

>> I want to thank you for coming and speaking. You know, I didn't go to a council meeting as a high school student, so it was very brave of you and very courageous. I want to give context to what happened when two children were hit. And I remember them, mayor Leffingwell and I believe it was councilmember Martinez went to the area to show the residents that, you know, they were concerned about that. And there was discussions in south Austin, how that was probably the first time that a mayor had gone that deep into south Austin. And thankfully now there is a pedestrian hybrid beacon at that area, but there's also a shrine for the two children that were killed in that crosswalk. So thank you for your comments.

>> Mayor Adler: Ted siff, and then Scott Johnson.

>> Mayor, counselors, thank you for your service tonight and every night. I come to you tonight as a private citizen who's been involved in every bond election this city has put before voters in the last quarter century.

[10:38:26 PM]

I started advocating for parks and open space. It evolved to trails and mobility, cultural arts in '06, the whole bond package, I was the package treasurer in 2010 and 2012. I only mention that because I've seen a lot of these cycles, and I applaud you for taking up transportation this year, six years from the last time you took up, for the first time in this city's history, a transportation-only bond proposition. The feature of this package, whichever proposal you're looking at, emphasizes the corridor planning that's occurred over the last six years. There's seven specific corridors that have had substantial planning efforts, but in the \$720 million package, as I presume all of you have noted, there's a chunk of money -- almost \$5 million -- for future corridor planning. I'd speak with emphasis on that money, because we all know that there are corridors not mentioned in the seven plans that exist. A large area that's not fully addressed by those seven corridors is the south and southeast sections of the city. But manchaca, slotter, William canyon, or other roads that could easily be planned as corridors in the next 24 months could be funded with engineering and construction dollars in 2018 if the plans are funded this year. So, this -- the \$720 million option gives us that choice. I would encourage you to aggressively pursue two aspects of this \$720 million plan. One is the new corridor planning that I just mentioned.

[10:40:28 PM]

The second is one that is not actually technically part of, perhaps, your vote tonight, but is critical to the success of not only this plan, but future bond elections. And that is to work aggressively with staff, mainly finance and public works staff to increase the volume of work that's done on capital projects each year. We're a city that's twice the size it was when I started working on bond elections. And our annual bond sales have not increased by double. If you pass this proposition --

[beeping]

>> The large proposition tonight, to get it done in a sufficient amount of time would require increasing the capital spending per year. So I encourage you to direct your attention to that. Thank you very much. I'd be open to any questions.

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

>> Casar: Mr. Siff, I have a question for you. I didn't prep you. It's not an easy question.

[Laughing] So, as Progressives that want more active transportation, trails, more public transit in a denser land use pattern, I have struggled with the idea of supporting projects that add lanes, particularly on txdot highways, on the fringes of the city. Can you talk to me about why, from that perspective, we should still include those sorts of projects in this bond package? Or why --

>> Any transportation solution for a large, urban community is an ecology. It's a system. I'm for mobility choice and safety. And the western -- while the eastern districts of our city would benefit disproportionately in the \$720 million plan with regard to sidewalks and trails, and bike facilities, because they've been underserved for all of my lifetime in those facilities, the western districts would benefit from this plan by that regional mobility section that you just mentioned.

[10:42:46 PM]

And oh, by the way, if we fund that \$101 million for western district mobility, 360 and 620, 2222, Anderson mill and palmer lane, we will leverage it into billions of dollars that senator Watson is getting. And he's good at this -- from txdot. So I think it's a twofer there, and it's a twofer in the billions. So, all of that plus more active transportation funding than has been in any ballot in the city's history. I think it's a good package.

>> I have a quick question. Thank you very much. And I really appreciate all the effort that you guys -- you have put into this effort, it's very much appreciated in a very short time. I do appreciate you mentioning south Austin, and southeast Austin. I just want to make the notation that -- and I appreciate what you just said, you know, in terms of west Austin and what's in the package for benefiting all those parts of the city. But -- and I'll talk about this more later -- I'm sure that you and the folks that you're with wouldn't be opposed to putting some more dollars into south Austin. Preliminary engineering and design to just get those other corridors started is a very small amount of money. And I notice that you mentioned in 2018, potentially then putting more money into those corridors. But the problem is, with 720, we're using so much of our capacity that we're going to need what we've got in 2018 for a whole range of other things. So I don't expect you to answer this, but I'm assuming -- I'm operating under the assumption that with the recognition that south Austin is really not -- that there is really not much happening for south Austin in the 720 plan, that I'm sure there would be some interest in perhaps putting some more dollars into south Austin.

[10:44:59 PM]

>> I appreciate your statement. And I hope you'll allow me to respond just briefly.

>> Kitchen: Sure. Yeah.

>> Capital planning is a science and an art. The art part of this election and the one two years from now is you will be faced today and two years from today, whoever's on this dais -- and most of you will be at least, if not all of you -- will be the same choice. You're using \$250 million of bond capacity to fund \$720 million worth of a bond proposal by proposing a two and a quarter cent increase in taxes over the next several years. In 2018, based on the finance department's projections today, you will have \$250 million of bond capacity and the choice to add more property tax to fund more capacity.

>> Kitchen: Thank you.

>> Casar: Mayor.

>> Mayor Adler: Yes.

>> Casar: Because the question keeps coming up about -- you know, I asked the question briefly during the work session, but I really would like to get a more detailed answer from our staff about why the corridor plans seem to have this nature where they're more in the north, northeast, and east, if I could

call them up.

>> Kitchen: I'd like to have that discussion as part of my amendment, if that would be all right with you.

>> Mayor Adler: I'd like to hear the answer to the question now.

>> Kitchen: Could I lay out my amendment?

>> Mayor Adler: Not yet. It's a question of the witness to be able to ask.

>> Kitchen: All right.

>> Casar: Is Mr. Goode here? It's a blind spot.

[Laughing]

>> Casar: Scott is tall.

[10:47:02 PM]

It was just brought up now, so I figured we'd ask now. Could you give us a little more clarity, because it has come up during work session, and we were having an abbreviated discussion. Tonight is unfortunately no longer a night for abbreviated discussion. Could you help me and everybody here understand, considering we've had this continued discussion about south Austin, there's needs all across the city. Talk to us about why these corridor plans were done first.

>> Sure. In the 2009/2010 timeframe, in preparation for a 2010 bond program, the city staff developed an arterial program, and then also went out to the public and got over 500 projects that the public thought that we should be focused on in that 2010 program. The citizens advisory committee then took that, and with staff's help, prioritized that after council had adopted a strategic priority list of criteria, how to help us prioritize that. And then based on that, we came back to the council at that time, and that's how those corridors were selected. So they rose to the top of a public process and staff process to develop the priorities at that time.

>> Casar: And so, objective criteria were used about need, but you also had the meetings with the community about it. You essentially had a process.

>> Certainly.

>> Casar: The challenge for me has been whether or not we need to have that process again after these bonds pass, or if the process has already been had. But it sounds like -- could you speak a little bit more to why the lopsidedness that might exist when folks talk about south Austin corridor projects?

>> I think, again, during that time, those were the corridors that rose to the top because of the transit boardings, the vehicle trips, and rob, maybe you can add some as well.

[10:49:03 PM]

But those were the corridors that rose to the top through that process. They were identified through the community involvement process as being the projects the community wanted us to move forward with. And then the council support that had. Ed that. The strategic priorities -- these were the principles the council adopted. Focus on near term needs, design projects for next series of funding opportunities, promote multiple forms of travel, reduce reliance on automobiles, seek cost effective and sustainable suggestion, respond to immediate congestion needs, position city to leverage federal dollars, maintain existing investments. That's what we analyzed to try to balance that, and came up with those corridors.

>> Casar: Thank you.

>> I have a question, mayor.

>> Mayor Adler: Yes.

>> Garza: It seems like this discussion is going to happen. And I don't like how this seems to have turned into a north versus south, but one of the reasons I pushed for 10-1 was because at that time, not a single city councilmember lived south of the river. Thankfully, now about half of us do, if not more. But, again,

I'll refer to the critical arterials list, which you stated in work session a prioritized -- is ranking order, that right?

>> Let me add some clarity to that. That was developed recently by the transportation department in 2015, so that wasn't in place in the 2009-2010 program. So that was based on the transportation department taking a look at the corridors that they wanted to focus on for operational improvements, and some funding scenarios to move forward. That's a new tool that we have.

>> Garza: And that is a perfect response, because things have changed since 2009. And critical areas have changed. And we need to look at this bond package in realizing the needs have changed.

[10:51:05 PM]

And of the top ten critical arterials on this list, three of them are in south Austin and have not been addressed in what I think is the latest higher bond package.

>> Mayor Adler: Okay. Thank you.

>> Casar: Mayor, I have a followup question to that, because I want to be really clear, because some of these aren't particularly -- I just want -- can I steal this from you, because I never got a copy. She's got good color coding, too. I just want to understand. So, you were saying that there was a ranking in 2009-2010, but that you think that this ranking is better?

>> I didn't say that. I said that's a new tool that the transportation department has developed to begin to look at operational improvements that they want to focus not only operational budget, but also for future bond fund scenarios as well.

>> Casar: So --

>> We've been tasked, and you're tasking us right now to develop future corridors, just like we did at that point in '09 and 2010. Those were the corridors that we suggested based on what I've just described, the process that was undertaken that we took. Now, based on some new data as we move forward, we would want to include some of those corridors for future work.

>> Casar: So, is it an apples to apples comparison, the 2009 list to this list? Did you use the same sort of criteria about increased ridership, leveraging other dollars, focusing on congestion needs? Did you use the same criteria? We're struggling with, you said you ranked certain corridors, that's why you wanted to get them funded first. Then you've got a list councilmember Garza rightly points out has other ones ranking higher than some of the ones we did the corridor plans on. I just really want clarity on this so I don't have one story in my head, and she has one story in hers.

>> Garza: You didn't say they were ranked in 2009.

[10:53:06 PM]

He said there was community input that was done and the community input pinpointed those corridors. There was no discussion of rank. I've said it before. There's been a domination of community input from central and north central Austin. So, yes it's not apples to apples, because one was a community input. The other one was, in my mind, this was done objectively. This is the only objective one in my mind.

>> Kitchen: Could I say something?

>> Casar: I guess it's their list. If they feel one is objective --

>> Kitchen: I would also point out that we know how this was done historically. And that's okay. And that's done. But what we have an opportunity to do right now is to update where we're at, as councilmember Garza is mentioning, and also because we're talking about such a huge bond package that's going to use so much of our dollars -- at one point, for, we were saying, 12 years. Hopefully we'll do it in eight. But, if we continue to sequence this in the same way, then we're simply saying to south Austin that you've got to wait instead of using this opportunity now where we have a lot of dollars to

create more of a balance across the city. I don't think anyone's, you know, saying that the corridors that were done shouldn't have been done. And I don't think anyone is saying the corridors that were done shouldn't be now implemented. I think, perhaps, the question really is, given this list of arterials, there's needs in south Austin, needs that don't have to wait in line until the needs in the rest of the city are taken care of. I think that's what the discussion is here, given the fact that we are putting so much of our dollars into this.

[10:55:07 PM]

So I think that that's really the question that we have here.

>> Mayor Adler: And I guess where I'm coming from, I don't know if you can comment on it, is that when we do planning and we do plans, and we spend millions of dollars on plans, and thousands of people's time, as soon as they spend a year or two doing that, someone can stand up and say, wait a second. Conditions are different today than they were a year or two when we started the planning process. At some point when the community gets together -- as they have here -- and taken a vote, and set these corridor plans by vote vote, and started funding them, and started doing the work, we should follow through with the work that initiated us. But we should also look to the next round, which is why the proposal that was laid out has us then turning our attention to William cannon, and south congress, and slotter, and south pleasant valley as well as rundberg east and rundberg west. And beyond that, those are the projects that have developed a constituency and a consensus within the community such as would enable us to do a bond election in November. And my concern is that if we stray too far from those -- and we certainly could -- but I think what we're really saying is we're not ready to go yet, and let's spend the next year or two building that consensus, a different consensus on a different set of roads. And at some point, I think that the people just want us to -- they've told us what to do. We've spent money on them. They've been advanced down the road. Now do those. And while you're doing those, start going the same kind of corridor plans on the others. I'll give everyone else a chance to speak. Mr. Zimmerman.

[10:57:07 PM]

>> Zimmerman: Thank you, Mr. Mayor. I think I've got a perspective and something to add here. I think the frustration that councilmember kitchen is feeling, and maybe councilmember Garza as well, there are time delays to these. And what happened -- the point's been made over and over that we used to have councilmembers that were concentrated downtown, north of the river. And so it only makes common sense that because that power was concentrated downtown, so were the studies that got everything ready for the corridor improvements. I think that's really the point here. And Mr. Mayor, you're right. You know, time is of the essence. Everybody wants things done quickly. But we have councilmembers now that are south of the river. They have to answer to constituents. And we heard from our staff that we could identify probably several billion dollars' worth of needs because we're so far behind. So I don't see why we can't respect our colleagues in the south and the southeast and relatively quickly, within a year or so, readjust those priorities to reflect what the constituents are asking for. I think it can be done. And moreover, we still have get battle language, which would come in August or so. And I think the councilmembers, Garza and kitchen, could probably get those identified with our staff and make their voters happy. Because if we don't make the voters happy south of the river, you know, this thing could lose, in my view. You know, they have to see a value. The same in councilmember Houston's district. They have to see value or the voters are not going to allow this. It's not enough to say, look, the old city council did studies, and they were ready to go with these corridors. Well, that doesn't do anything for district 2 or district 1 and they're the voters. We can make this work, but we

have to listen to our colleagues for the priorities.

>> Houston: Mayor.

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: In the same June 13th memo from

[10:59:13 PM]

>> Houston: Every time we talk about this issue, I talk about the congestion and difficulties on Cameron road from dessau to 51st street. When you talk about truly arterials, here it is, number 18. That doesn't show up anywhere here, that's where I have most congestion from Parmer lane down to 51st street, north and south. If you look at the top crash locations on your same chart, district 1, district 1, 1 and 3, 139, 147, the top -- but these -- we don't talk about these. We don't talk about these in any plan, and so when I look at the mobility options. Then I need to be able to say -- I need to address these high crash locations. I need to be able to say that because I have now the data to say this is where the most crashes occur in district 1. And not to say they don't occur someplace else, but 1, 2, 3, 4, and 5, all district 1 and some other parts of the district because it's a long street, of course, so it's another part. But I'm not going to have that opportunity. Somebody's going to make that decision for me, and people in my district are tired of folks making decisions for them. They want to participate in those decisions, and they want to have input into those decisions. So --

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: We still have five speakers we still have five, five speakers.

>> Mayor Adler: We still have some other speakers to go.

>> Kitchen: Okay. Then after we do that, then I'd like to lay out my amendment.

>> Mayor Adler: You could, but Ms. Houston, you're directing that toward me.

>> Houston: I was just directing it toward you because you're the chair.

>> Mayor Adler: Okay.

[Laughter]

>> Mayor Adler: And in that proposal you'll notice mlk adding a lane is also something that goes east. There are other projects that also go east.

[11:01:13 PM]

And in response to some of the things that were mentioned on the dais and in the discussion, included in this is a new be it resolved clause that says that funding for sidewalks in the local projects shall prioritize safe routes to schools in the neighborhood connections to transit. So I'm trying to be responsive to the questions that you had raised. Sir.

>> Good evening, come mayor, Mr. City manager. I'm on the vision zero task force. Also here as a north field neighborhood person, but in speaking on my own behalf, I've had conversations recently, both people in the task force, in the neighborhood in district 4, to try to sort out what the interests are and what they know about the corridor studies and airport redevelopment study, which is separate. One thing that I do know is that mobility does not equate to safety. Some of you know that and you may understand that, but we talk about mobility a lot so I'd like very much in our conversations in the community to know that just widening roads, building new roads, of course, even with overlays that we have, does not necessarily put a vision zero lens on it, which is some of the lens some of us are thinking about more and more, how to reduce crashes and injuries. Obviously, fatalities. In that mindset, I hope very much that some of your appointments to the bond committee that's on the agenda today are of the liking that they need to worry about safety and that mobility is important, but safety is important also, and those two can work hand in hand. In the conversations recently, the information was not

getting out quickly, in my opinion. It should have been posted. I talked to Doug Matthews about making a more robust communication.

[11:03:19 PM]

Austintexas.gov is too much about celebratory items, festivals, events, we could do better with that high, high use website. What I'd also like to say is that we bundled the urban trails with the sidewalks, and I think I know the genesis of that now, but I'm not sure why that is, and I hope that the bond committee will be given the leverage and the opportunity to focus on sidewalks. This should be the year of vision zero, particularly if this bond, transportation bond goes forward. And I hope that people in other districts, such as district 6, district 8, et cetera, care about that issue also. I'm happy to work as resource for district 4, as well, to try to answer questions. We are going to meet tomorrow as a vision zero task force to try to chart our course to see how we can do. Hopefully we'll get new members on that are community members. It is mostly governmental entities that are on that group. And while our vision is zero, we know that it's going to take a lot of work, a lot of hybrid beacons, a lot of education, a lot of good engineering to make the place safer, the city safer, and hopefully we'll make people make better decisions. Thank you for your time.

>> Mayor Adler: Thank you. Hill able and Eric Benz. Is Eric Benz here? He'll be on deck. Mr. Abel.

>> Good evening, Mr. Mayor and city council members. Since it appears that you all have your sleeves rolled up and are ready to get to work, I'll be brief and just express my strong encouragement for a \$720 million transportation bond that has a robust, active transportation component to it. According the city demographer, we have two booming cohorts in the city of Austin, and that is us aging baby boomers and the millennials. We both have one thing in common, is, we want alternatives to automobile traffic in this city.

[11:05:25 PM]

The boomers, because at some point we're not going to be able to drive, we're going to need good sidewalks, we're going to want bicycle lines that we can ride to the grocery store with our basket. The millennials want the same thing for the same reasons. Please, \$720 million, and at least \$130 million in active transportation. Thank you.

>> Mayor Adler: Thank you. And then Joe Ramirez. Is Joe here? He'll be on deck. Sir.

>> Hello. Good evening. I'm Eric Benz. I will I have in district 6 and I strongly support the 2016 transportation bond program. We absolutely need the proposed smart corridors. It will allow us to grow in a healthier way. It allows more people to participate in that growth, and it helps provide low cost transportation alternatives for folks who need to have a safe and affordable way to get where they need to go. I'll just add one thing that I heard from the council, and that is, I encourage you when you're considering these things, don't get stuck in analysis paralysis. We have to get something done. So I encourage you to work together to make this happen because it's easy to make things stop. It's difficult to get things together and make them happen. And I hope that you think about making it happen. So with that, thank you. And let's get it done.

>> Mayor Adler: Thank you. Joe, and then Tom turcal.

>> Good evening, mayor and city council members. Thank you for allowing me to speak tonight, and I really -- I don't know how you all do this night after night. I want you to know that a lot of people are like really giving you credit for all the work you do.

[11:07:25 PM]

My name is Jo Ramirez. I usually address you as chair of the Latino quality of life, but I'm not here in that capacity tonight. I'm here as a private citizen, and I'm here to support mayor Adler's mobility proposal. And let me tell you why I'm supporting his proposal. In my work that I do, I have the opportunity to talk to many people all around Austin. I have -- I'm blessed to have a wonderful job where I have a lot of conversations with people who need health insurance, and so we talk a lot about the issues going on in their lives. And there are issues come up time after time after time, and I can tell gentrification, affordability, lack of housing, lack of economic development, and all of those issues that really affect the quality of life. And so in looking at the proposals, the only proposal that I see that addresses, that includes, that facilitates affordable housing, small business preservation and development, is the one proposed by the mayor. I know some people are concerned that the corridors are not in their area, and I happen to live in south Austin. I love south Austin. I wouldn't move from there. But the reality is that a lot of the jobs are not in south Austin and we have to travel all around town. And unless you work from home, you are going to be stuck in traffic for -- I mean like for me, if I go from south Austin to north Austin, it takes me an hour and a half in the morning. So right now, we do need to address where we are right now, and in an equitable, and addressing mobility on its own, it's not fair to the other citizens who also need affordable housing, who need to -- if you only address mobility, you're really accelerating gentrification. And so I plead with you that you support a plan that includes affordable housing, small business preservation, so that the businesses along those corridors can change their characteristics, and that there is more involvement within those neighborhoods around those corridors.

[11:09:41 PM]

And of course I'm looking forward to having a corridor in south Austin, too, in the near future. But right now we have to be bold and informative, so I support the \$720 million mobility proposal. Thank you.

>> Mayor Adler: Greg Anderson on deck.

>> Mayor Adler and members of the council, I'm Tom turcal. If I run out of breath in the middle of a sentence, give me a second, I'll catch up. I'm here to make two points. First, the comments that have been made by several of you tonight, to see that the plan in front of you, the proposal, doesn't reflect current reality. Things have changed in the last five years. Many of you have lived here as long as I have, the last 30 years, and for every five years I've been here, things change dramatically, and they'll change again in the next five years. This isn't -- the idea here is not to fix everything that's wrong with Austin. It's to fix some of it. And so what we've done is we've taken a group of corridor plans that have been through hundreds of hours of community input, refinement, and revision that have developed broad support, and we've put them together because they are ready to go, and we can act on them quickly. Perhaps it would be a good idea to add more money for planning and groundwork for future projects in geographical areas that may be underserved by this plan. But I would urge you, once again, not to let the search for perfect keep us from doing something good. Finally, I would also point out to you that you are not voting tonight to adopt \$720 million of improvements. You simply are voting to put it in front of the voters. Ultimately, we ask that you give us a chance to vote on this plan, and let us decide. Don't take it out of our hands by deciding for yourselves that you won't take it to the public.

[11:11:42 PM]

Thank you.

>> Mayor, mayor pro tem in back, council, hi. Thank you for being here. It's really exciting to be here supporting going big, even though I just got bad news about brexit with me. This is the culmination of thousands of hours of work and tons of hours of input as you guys all know so it's amazing to see them all on this plan and it's especially good to see some funding so William cannon boulevard. Wearing my

helmet for a moment, it's difficult to ride a bike in Austin, especially if you want to rely on it. I went from 2004 to 2012, relying solely on a bicycle, getting around very well, going years at a time without exercising but riding my bike every day, so I get away with it. Then one day, on the way to this building to work for one of your predecessors, I was coming down Cesar Chavez and somebody ran a red light and I woke up under a vehicle. And I will be -- this is Cesar Chavez in San Antonio, just happens like that, and I'll be heading to August -- I'll be heading to August -- I'll be heading to Philadelphia in August for my third surgery on my hip and pelvis. And it's just one of those things, some people say there's not many bicycles out there, so why would we want to invest in bicycle infrastructure? People are terrified. I talk to so many people from other cities that come to Austin, I love Austin, I'm going to ride my bike everywhere, and they do for a couple of weeks, then they quickly buy a car because there's just not another way to get around. I know you guys did not create this problem. None of you up there created it. But you inherited it and you had this great opportunity to go big and make a big difference, so thank you.

[11:13:43 PM]

>> Mayor Adler: Thank you. Those are all the speakers that we had. We're back up to the dais. Ms. Kitchen?

>> Kitchen: I know that people have a number of amendments, so I will just start with one of mine, and then defer to anyone else, and then we can come back to mine. So I have three amendments, and so I'd like to start with the second one. So on your motion sheet, at the top it says motion sheet number two, so that's the one I'd like to focus on at this point. So what this -- what this does is, it amends the mayor's proposal by -- if you'll look at it, first it focuses the amendment on the corridor improvement projects. There is one amendment -- councilmember Houston, if you'll notice, the dollars that are in the mayor's plan for local mobility projects, we did add a specification that 15 million would be for top crash location, on that intersection priorities improvements list that you -- that you brought to our attention earlier. So I wanted to point that out. But most of these changes are related to the corridor and improvement projects. And so this is an attempt to take an approach that would allow for a process where we could actually consider some additional -- so that we could actually consider some balance across the city. It is not an attempt to take dollars away from the existing corridor plans. But it does recognize the fact -- it recognizes a couple of things. It recognizes the fact that even with 720 million, we are not going to be able to build out all the corridors.

[11:15:52 PM]

So we're going to have to use the dollars we have to try to leverage additional dollars. The other thing it recognizes is by going with 720 million, we're using a lot of our capacity. It's not that we're going to be able to come back and have a lot more dollars for transportation in the near future. So what it does is, it says -- it creates a corridor improvement program, and rather than try right now to put dollars for particular corridors, it says the city manager is directed to recommend a corridor improvement program for purposes of establishing priorities for the use of bond funding for planning, design, engineering, and implementation of improvements to major corridors, including those that are identified on the critical arterial list that we've been talking about, and/or existing or future corridor plans. So it contemplates using money for -- for roads that have not yet been designed, as well as those that have. And it includes a number of different priorities, but these are at a minimum. I'm certain that the staff might have additional priorities that they -- you know, additional criteria that they would use to set priorities. It includes historically underserved areas, areas where it's critical to adjust -- to address congestion, areas that provide opportunities to enhance existing and future transit options, opportunities -- places where

there's opportunities to preserve existing and future opportunities for affordable housing, as well as those that enhance safety. And so then it goes on to say that the city manager shall propose an improvement program with priorities, using these kinds of criteria and whatever else is appropriate from their perspective, to -- that -- so they would come back with a corridor improvement program that addresses corridors throughout the city, and this is the part I want to emphasize.

[11:17:57 PM]

Corridors throughout the city and balance the needs across all parts of the city, with special attention to historically underfunded areas.

>> Mayor Adler: Ms. Kitchen, I'm not sure everybody on the dais has a copy.

>> Kitchen: I gave everyone a copy.

>> Zimmerman: I've got a copy.

>> Kitchen: Everybody has a packet. Yeah, it's motion number 2 in the packet.

>> Zimmerman: I can put it on the overhead and I'd like to second that motion, by the way.

>> Kitchen: Thank you. I'm sorry, who's missing one? My staff can get us more copies.

>> [Off mic]

>> Kitchen: No, it's attached. It's -- then if you open it up, it's 2. I'm sorry, everyone. I know it's been confusing. So do we need to get some more copies? Okay. I hope my staff is listening. Do we need more copies?

>> [Off mic]

>> Kitchen: No, we didn't get that far. Okay. So thank you, councilmember Zimmerman. I apologize, city manager, we'll get you a copy shortly. Okay. So the very last part of it -- and again, the idea here was not to put dollar amounts but to go through this process, and to address the concerns that we have been talking about, about making sure that we are recognizing and balancing needs across all parts of the city. So the last part of it says: The city manager shall present a proposed corridor improvement program to the city council for review and approval prior to issuance of any bond funds authorized under the November 2016 bond proposal. I imagine that will be in a few years, after it's passed but before we issued this round. Then annually thereafter, prior to adoption of the annual capital improvement program. This is simply a mechanism and a way for our staff to say to us, we've looked at -- we've looked at the needs across the city, and we've got some objective criteria, and this is how we're approaching these.

[11:20:06 PM]

And for those of you that have large -- you know, large dollar amounts that you're looking forward to with existing corridors in your areas, I'm certain that that would be one of the criteria that would -- that would be recognized in here. But this gives at least a chance to south Austin and southeast Austin to have some recognition of the needs. And so I really just have to say that I hope that you all will approve this. I think it's a very fair way to -- just as we have, and I don't want to -- I want to turn it back over to that first page and remind you that for the regional mobility projects -- and I agree with this, for the regional mobility projects, we have -- we have said loop 360, we have said spicewood, we've said oak hill parkway, we said Anderson mill, we said 620 and 2220 and Parmer lane, those are parts of the city that need to be recognized also. So I'm simply asking that we give the same kind of recognition to the needs of the whole city with regard to these corridors and to the needs of south Austin and southeast Austin, and I believe east Austin also. So I would ask that we -- that we adopt this.

>> Zimmerman: Thank you, Mr. Mayor. I'd like to speak briefly in favor. I concur with councilmember kitchen on this remember, the voting patterns have -- in the city have changed, thanks to 10-1, and you

saw back in November of 2015 the Travis county downtown courthouse bond. It was a close election, but it was surprising to surprising to a lot of people that that bond failed. We don't want to see this -- everybody who came and testified, everybody wants something done.

[11:22:06 PM]

My concern is to make sure all the voters in the districts, including districts 1 and 2, all the districts have got to be invested, and I think councilmember kitchen's edits go in that direction, so that's why I'm supporting this amendment.

>> Mayor Adler: So my reservation -- obviously, councilmember kitchen, I appreciate the amendments to this, staying at the \$720 million level, and picking up the -- the buckets as they were in the base proposal. The concern that I have is that -- I think one of the reasons why the proposal that was sent out had the support that it's had is because people see the corridors. They know that these are the corridors that have -- over half the population is within a mile and a half, these are the streets they've been on, these are the streets that many of them have spent thousands of hours of time -- time working on. This - - and, in fact, if we kept it that way, they're the projects that on the day after the election, I hope that the staff is immediately starting to work on because we know, generally, what those things are, what we're pulling off those corridor plans from the shelf, and we're now updating those plans and working with those plans and making those plans better. What this -- I read this, and I think -- I'm not sure exactly how this works because before we could really even talk about some of the roads that you would want to include in this, we have to identify them and have corridor plans done, so that people can start talking about -- about what they might be and the impact that communities could get together to talk about them.

[11:24:08 PM]

We'd be launching into another planning process. And once again, we'd be doing what Austin does best, we would be -- we'd be planning again. The community has already planned, and we have a group of people that I think are prepared, beginning in July, beginning the day after we vote, even before we hit August, to start putting together in a very short period of time what would be an expensive bond election. And these are people and stakeholder groups from around the city that have looked at this that have said it's important to look at the roads to the south and pull them into the planning -- the planning line -- the planning line, too. I am just concerned that what this is, I think, is, if this is the concern, then maybe we do need to pull back, not do the bond election, build the consensus around this kind of a proposal, which is more general, so that we could demonstrate to the community that we're not talking about the kind of thing we did on the quarter penny, where we took money and divided it ten different ways, and spent it because I'm not sure that the community generally, in reading this, would know what we were doing. So we do know that there's a group of people that are ready to move forward with the plan as proposed. We do know, from the polling, that a large part of the community supports that already, and this is asking for a new round of planning, and I think we've already done so much planning.

>> Pool: I think, perhaps, much.

>> I think, perhaps, Mr. Mayor, there's some misunderstanding about what this is intended to do.

[11:26:09 PM]

This does not say that we cannot move forward on the places that have already been planned. It doesn't say that at all. It was -- it's an attempt to say that for some of these roads, we aren't going to stop at

planning. The language that's in what you passed out only gives preliminary engineering and design for these -- for these south Austin. So what it says is, slaughter, for example, which is on the list of the top 100 most congested roads, what we're seeing with the language you've got is that we can plan it, then we've got to wait until we have our next bond. So that doesn't make any sense. So perhaps we need something in the middle. What I could have brought forward, and I'm willing to do if you think it's better, is just put dollar amounts in here, so that just like we've done with the regional mobility projects, we could bring -- we could say that we're going to put 60 million, for example, on south Austin roads that haven't been planned yet, and we'd plan them first, and then we'd put more dollars on them. If you -- I mean, you have dollar amounts in your -- in this, but what I'm simply saying is that 500,000 for -- it's a total of, like, 2.5 million for these south Austin roads, out of this whole 720 million plan, and it says that we're going to plan them and then we're going to stop. So that's what -- I'm trying to get to something that puts some more dollars into that. And I'm happy to -- this would -- it doesn't have to be this kind of approach. If the feeling is that a quarter improvement program is too cumbersome, then let's just put some dollar amounts in. In fact, I actually have another amendment that I can pass out that does it that way, if it would be -- if it would be -- if it would provide some more reassurance that we're not trying to say that you can't start the existing ones.

[11:28:18 PM]

We need to put money immediately into the roads that have been designed. I'm just simply saying that we put some money into those, and what we're going to find, as we go through this process, is, we're going to start putting dollars on some of the roads with existing corridors, and we're going to have to stop because different things are going to come up. I'm just saying we immediate need to free up money so we don't just do preliminary engineering and design on these south Austin roads.

>> Mayor Adler: Can I see your other amendment?

>> Kitchen: Sure. Let me pass it out for you.

>> Mayor Adler: So what you're proposing is, we start with the roads that have been planned, the community can move forward with that work and the time investment. While that's happening, we would do the corridor studies on some south Austin roads.

>> Kitchen: Yeah.

>> Mayor Adler: And when we got to, say, the last \$60 million that were spent, then all the roads, including the south Austin roads, would be able to compete for that last bunch of money, but the south Austin roads would be able to compete, because they will have gone through their corridor studies, the same as all the other corridors, and they could compete on their merits.

>> Kitchen: I wouldn't say it exactly like that because I think the timing is a little bit -- wouldn't be exactly like that, because -- so, for example, I don't know if you've got dollars down for -- I've seen lots of different versions of this, but at one point I saw, you know, \$80 million for burnet or something like that. That money is not going to be spent on day one. It takes a while to spend that. And it's probably going to be spent in steps. So I'm simply saying at the point at which other roads are -- you know -- let me back up for a minute. If I'm understanding correctly, every time we issue a new set of indebtedness, then we look at what that's going for, and that's usually done every year or so, if I'm understanding correctly.

[11:30:23 PM]

So -- and we do that now, we look at that through our capital improvement program. I'm simply saying that every time we do that, that at the point we've -- we have done the engineering for these south Austin roads, they, too, can be considered for more dollars.

>> Mayor Adler: Well, maybe we could ask -- if Robert Goode can come back up, I think it's a little more

complicated than that, even. I think if we tasked the manager and his staff with executing \$450 million, whatever it is, within these corridors that have been planned over an eight-year period of time, the first question is going to be how do you staff that, do you bring in third parties? What do you do? We've addressed that you said you could meet that challenge, and I think the community celebrated that. But when you do that, you're going to take -- you're going to start looking at a time frame. You're going to look at those years. You're going to see where utility lines need to be put in, where waterlines need to be put in, the economic development people are going to start taking a look at development patterns along those roads, as Greg canally was laying out for us, you're going to look at where you can start leveraging projects, where you can start coming up with the special tif areas, with joint use. In other words, there's -- knowing what you're focusing on, you can then develop a plan -- you can develop a plan of attack. And I want our staff, as I understand it, to be able to have those several years, three, four, five years to be able to lay out that plan of attack, to be able to do that, which then got me to what I thought you were saying, is, if in the back end of that -- maybe I'm not -- and that would be the question. Maybe I'm not having to plan out year seven and eight yet. And in year one, or two, I could do the corridor studies that we're talking about here on rundberg, on east colony park, on William cannon or mlk, on slaughter, on south pleasant valley road, we could do those.

[11:32:37 PM]

They could then be put into the hopper, too, so that -- we said that, hey, plan out your attack, but don't plan out the \$60 million, in terms of where that's going to go, but take all of those projects that are in play at that point in time, including the ones from the south, and then they can compete on the merits out of that pool. It would be the same question at that point, where staff would be saying at that point, from the plans Thanksgiving through -- where we have a feel at that point for what the projects might be and we can see them and we know generally what they would cost, then they could compete as well at the back end of that, because it's going to take them that long to do the corridor plans and do the study and get in that queue anyhow. That's what I thought that I heard you say, and I was checking to see if I heard you correctly. And in part, because -- I'm saying that out loud to all the stakeholders that have been involved in this process for the last month and a half because it's not just the negotiation that you and I are doing here. This is a consensus that we're trying to see if it exists more broadly than this dais, to see whether or not that still keeps a critical mass present. So did I understand that kind of proposal?

>> Kitchen: Yes, except I wasn't limiting it, necessarily, to 60 million because, you know, given -- there's a lot of uncertainties along the road. It may end up being more than 60 million. But whatever it is, it's available --

>> Mayor Adler: My only concern -- I don't want staff waiting and I don't want them to have a study before they can start --

>> Kitchen: No, no, no, I wasn't talking about that at all.

>> Mayor Adler: So, Robert, you've heard this conversation, how does, in a real world sense, how does that fit with what you do?

>> Well, Robert Goode, assistant city manager. I would need to ask for some clarification from councilmember kitchen on the motion sheet 2.

[11:34:40 PM]

The last paragraph looks like we're not starting anything, and if you're asking us to complete this program in eight years, I've got to start after the election is approved by the voters, if it is, start it. If you're waiting for a year or year and a half forever preliminary engineering reports to be done, that's

what this says, under the November, and annually, approval prior to issuance of bond --

>> Tovo: Mayor, can I ask assistant city manager Goode, I've got probably 16 pages in front of me that have been distributed in the last couple hours. Would you mind telling us what page you're on? I appreciate that others may be following it more closely.

>> Sheet 2 for councilmember kitchen --

>> Tovo: I'm sorry, tell me again?

>> Motion sheet 2, page 2, the very bottom paragraph. And if that isn't the intent, then we would just need to clarify that as we move forward because as we mentioned earlier, if you're challenging us to get an eight-year program done, if it's voted, if it's approved by the voters, we're launching, this appears like we're not launching anything until we first do the preliminary reports on all the corridors and come back with a corridor improvement --

>> Kitchen: Let me explain what was intended, and perhaps the language is not clear, or perhaps it's a misunderstanding of the process. What was intended is, and what I thought was part of our process right now, in other words, when -- I was thinking that whenever we issue some -- some money for indebtedness, and in the past we've done, what, 40 to 60 million a year, and we'll probably -- that probably may be more under this, but whatever that dollar amount is, we don't issue the whole 720 at one time. Right?

>> That's right.

>> Kitchen: Okay. So whenever -- so say -- say you're issuing did the say it's a hundred million or something. So at the time that you issue it, then you'll have some understanding about what it's going to be used for. Right?

>> Certainly.

>> Kitchen: And that -- that is reflected in the capital improvement program.

[11:36:44 PM]

Do I have the right teller? Is that right?

>> Yep.

>> Kitchen: So the capital improvement program has a list, and that's what the hundred million is used for, and that's a document that the council approves, I think, as part of the budget process.

>> Yes.

>> Kitchen: So I'm really -- I was simply trying to piggyback onto that process so that what it was -- what that process was, that the first time you -- and the reason it says here prior to issuance of any bond funds, really just means the first time you issue them, that you're going to put it in the capital improvement program and it's going to come to us, we're going to see it. If we -- and you're going to have all your objective reasons for -- and that first one is going to say, you know, X million for all these existing corridors and stuff. It's just -- it's just recognizing that the council approves that and has a point at which the council can ask questions about, well, what is the that -- why isn't slaughter there? And you can say, because we're planning. Or you can say, because the needs don't rise to the level of these others. So it just is -- it's a touch point for the council to be able to say -- to look at these and say, yeah, or if there's any questions, to raise questions.

>> Mayor Adler: And I like that -- and the other question, when the plan comes to the council every year, and it's -- we're going to spend 75 million this year, whatever the number is, there's backup, house planning that went beyond that year. The back of the house planning is out two, three, four, five years.

>> Five years.

>> Mayor Adler: Five years, so when -- if this money gets approved, the gun goes off, and the staff at that point is talking to public works, they're planning a five-year program, and they're going to plan a five-year program based on the best planning and data and information that they have, which includes

the corridor plans.

[11:38:45 PM]

And what we need to do, as quickly as we can, we need to get the corridor plans for the -- for the new corridors, and then let them begin to fan into that work, but it's going to be -- it's not going to be right away. And if it is right away, that means we haven't do then the work to launch the way we need to launch on the programs we have in order to be able to get those moving. And that's why I was trying to see if it was like a meeting of the minds in terms of what was both realistic and practical, still would let south Austin have access to the bond money, but it would compete on the same level, so launch the program, set up your several years -- your program with public works, and even while you're doing that, be doing the corridor plans on the other selected corridors, then let them come in and compete as a practical matter -- I don't want to be disingenuous, as a practical matter, it would have to be a little bit further down the road, but that would only make sense because those roads haven't gone through the planning yet. So they're going to need to -- they're going to need to catch up and then be fanned into that same -- into that same program. So what we would be passing here would be mostly what it is that we have already planned, but allowing it the back end for the south Austin projects to catch up and to be part of it at the back end.

>> Kitchen: It's just a way to -- it's just a way to recognize that historically -- I just don't want to perpetuate the historical imbalance. I'm not saying there's anything wrong with what was done before. It's just that it's a way, you know, to catch up. And so I think that's what we're talking about.

>> If I may just comment, I might clarify, it's more than a planning process, especially if we're doing an eight-year program, for the existing corridors that already have corridor plans, we're starting design, and we're starting design as soon as we get approval from the voters and we get it in place.

[11:40:50 PM]

So that's what I'm -- I want to make sure that's clear, is, we shouldn't be waiting a year for that, or we're not going to make an eight-year program. So if you have this combination of existing corridors, and then you're going to do some more corridor work, that's the council's position, but council's prerogative. We wouldn't be spending construction money the first few years, that's true, that blends into what the mayor was saying but we need to start the design work.

>> Kitchen: So maybe the issue is -- can I ask a question?

>> Mayor Adler: Go ahead.

>> Kitchen: Maybe the issue is that that first line -- in other words, you wouldn't be waiting till we look at the capital improvement program as part of the 2017 budget, next summer's budget, you know. The minute this was voted on, you would start your design.

>> We'd start projects, we'd start preliminary engineering reports on the ones you want us to do corridor studies.

>> Kitchen: Okay.

>> We would start -- we have to launch -- for an eight-year program, we're launching.

>> Mayor Adler: That's one-half of the equation. The other half of the equation is having some measure of certainty to the voters so they know what they're -- what they're voting on, so that they know -- they have an expectation, so that they know when they look at the corridor plans, they know the kinds of roads that are going to be built. They know that they're not losing lanes, for example. They know some things about the roads. They look at mlk 969 in councilmember Houston's district, and they know that there are lanes that are being added to those roads, and they know that, and that's one of the things that they know when they go in to vote. So there is -- and that's -- that's why it's hard for us to do this on

the dais because it involves more than us. It's -- it's having that critical mass saying -- that's why, again, I'm trying to see if you and I can agree, if there's an agreement to be reached that has some kind of temporal function, that also says, hey, these are the roads that we have planned.

[11:42:57 PM]

These are the ones we're going to lead with first because this is where the work is done. It's been advanced. This is where we're going to be testing it, but within this period, within this eight-year period of time, we're also going to launch the corridor plans on some of the roads in other places in the city, or whatever -- whatever -- wherever those priority other roads are that are not here -- you know, I'm the mayor of the whole city. I'm ambivalent. I am just trying to do what is best for the city. Wherever they are. But then they catch up, as a practical matter, they're going to catch up at the end of that process because they're going to be behind, and there's going to be some planning that happens immediately. So there's going to be things put into motion in time. So if they got layered in, it's going to be later in the process. Is that right?

>> That is correct.

>> Mayor Adler: That's correct. And I just don't want anybody -- one, I don't want anybody holding off because when the gun goes, we want this done. We want this done in six to eight years, not eight -- I'm going to push it. Okay. Eight years. But perspective it done. We want it done and we don't want to wait. I don't want to be disingenuous because we're talking about, at the back end -- and at that point, I hope this city is ready for another -- for another transportation bond because we have great needs in this city.

>> Kitchen: Well, perhaps it would be simpler, then, because I can see that the way this corridor program is written, it may not be entirely clear, perhaps it would be simpler to go with the other motion that I passed out that says number 4 on it, that actually puts dollar amounts in it. Maybe that's a little more clear. Because what it has is, it includes -- it just says within the 482, there's going to be at least 60 million for design engineering and implementation of additional south Austin corridors such as.

[11:44:59 PM]

And it says such as because it may be that it should be slaughter or maybe it should be William cannon, you know. But it has them listed here.

>> Casar: You know, I thought we were -- I know it's difficult, but I felt like we were onto something with the idea of if we're going to be doing corridor plans in the south, how those could backfill. I know it's on the dais, late, but I was at least feeling hopeful that we were working something out, and I would be interested -- I know there are a lot of people that worked on this plan with the mayor, but I know at least that they've worked heavily to corridor related sort of negotiation. I'd be interested in hearing how this works out, at least for the two of them if we could call them up on this.

>> Mayor Adler: I'm not sure calling -- I don't think that's fair. But what I would do is this. If -- councilmember kitchen, if this is what you think would make this right, and we're stopping here, then I would ask for -- I would turn the chair over to the -- to the mayor pro tem and let us see if we can get this, or how close we can get to this.

>> Kitchen: I'm not sure what you mean by stopping here.

>> Mayor Adler: I don't know what other amendments there may be.

>> Kitchen: Well, I passed them out earlier. I don't have any others than those.

>> Mayor Adler: The truth is, I was working on this and I haven't had a chance to read the amendments that got passed out while we were --

>> Kitchen: Okay. That's okay.

>> Zimmerman: May I raise a point of order, quickly?

>> Tovo: Sure.

>> Zimmerman: Then if I'm hearing it, you want to withdraw the motion 2. I'll withdraw my second. Then if you make the motion for your number 4, then I'll second that?

>> Kitchen: I'm not the only one in south Austin so I'm looking at -- I'd like to hear from councilmember Garza.

[11:47:02 PM]

>> Zimmerman: I just want to move the ball forward.

>> Kitchen: I know. We definitely need to move along. What do you think, councilmember Garza?

>> Garza: I mean, I think both of them do have the same intent, so I'm okay with either one of them.

>> Kitchen: Okay. If both of them have the same intent, I would just suggest we vote on the first one.

>> Mayor Adler: Can we hold off a vote until I have a chance to work with this and vet this? I mean I understand this. I would like to have some time, and I could step off the dais while other things were happening on the next item, but if we put this aside, what other changes would you want to make with it?

>> Kitchen: Let me just say one other --

>> Mayor Adler: And what other changes would the dais want to make?

>> Tovo: Could I just ask one question? I want to take a step back. Some of you have been working closely all day with others on this dais. Some of us have not been involved in that process. I just want to take a step back and say we have before us a mobility committee recommendation. We have a proposal, councilmember kitchen, that I think was this week -- I'm losing track of the weeks -- for 500,000 --

>> Zimmerman: 500 million.

>> Tovo: Excuse me, 500 million. We have something you just distributed which I think is a revised 500 million that we're not talking about, though I would like to talk about a \$500 million plan. Mayor Adler, you've revised yours today. You know, we have multiple documents in front of us, and I want to be realistic about what we can achieve here tonight. You know, I went through the memo from capital metro from I closely in the last couple days and lined it up to councilmember kitchen, the \$500 million proposal you released, again, I think it was earlier this week, to see what the correspondence was, and was glad to see there was a lot of correspondence. I haven't had an opportunity with the documents you've distributed today, or mayor Adler, with yours, revisions, to really see how closely those line up.

[11:49:04 PM]

I just -- we're talking about asking -- we're talking about trying to agree -- you know, come to a consensus on this and I'd like to be able to do this, but I'm wondering at 12:00, midnight, given other things on our agenda as well, are we going to be able to really sort out, for starters, you know, articulate the distinctions between the two proposals we've got --

>> Mayor Adler: You know, my sense is, we laid out a proposal a long time ago, before the mobility committee met. The mobility committee laid out a proposal, too, subsequent to that. We could probably have a discussion about whether we wanted to have -- there might be different levels of plans. We could certainly start focusing what was in play or not in play, we could take a vote on what size plan we wanted to have. And then if there was a consensus or majority on a certain size plan, then we could take the next step to talk about what that plan might be. I laid out a motion that is on the floor. Councilmember kitchen has laid out a motion that is very similar to the one that I laid out, but is asking for some of the one bucket to be focused in south Austin, on projects in south Austin. I think that's the difference in that.

>> Tovo: So I think I would like -- you know, we've talked a little bit about that difference, but I think,

you know, one of the first questions I'd like to ask would be, councilmember kitchen, you have a \$500 million mobility bond proposal. Again, I assume it builds off the one that we've already received and reviewed. Is this something you would like us to consider tonight?

>> Kitchen: Yes. That's my first motion. And so motion number one, I would get to next, I started with motion number two because we had had that conversation, but I do intend to bring motion number one, which is a motion to have two alternatives on the ballot, a 500 and a 720.

[11:51:20 PM]

>> Tovo: Okay. So that's helpful I think to understand. So first we're going -- so you intend to make that as kind of a substitute motion to talk about the 500 million, then you can -- it looks to me this is quite similar, if not exactly the same as the earlier \$500 million --

>> Kitchen: Right.

>> Tovo: -- That you -- so at the appropriate time, I'd like to understand whether there are differences between the one that we have had an opportunity to review.

>> Mayor Adler: So I'm trying to figure out how it is that we can get through this, and it seems to me one threshold question might be what is the size of the bond package. And should we put that to a vote to see what size bond package the dais wants to do?

>> Kitchen: What I would -- may I make a suggestion?

>> Mayor Adler: Sure.

>> Kitchen: I would suggest that I -- that we -- the motion number 2, that we -- whatever the proper term is, lay it aside for right now, and then I'll move to motion number 1, which addresses what you just asked.

>> Mayor Adler: Okay.

>> Kitchen: In terms of the size. And then we can come back to motion number 2.

>> Mayor Adler: Okay. Is there any objection to tabling motion number 2 at this point?

>> Gallo: I was just going to say would you be agreeable for us to take five or ten-minute did the this conversation is really important and we've all been sitting here going pretty strong. Just five or ten minutes to regroup and talk to our staff? Go back? And then that would give you a chance -- you asked for a chance to talk to staff about the motion number 4, and if something on that could be worked out, that would give you an opportunity to do that and give us an opportunity to stretch our legs just for a second?

>> Mayor Adler: At some point I'm going to need that, but I'm not sure it's yet. We can ask the dais for that. I mean, I'd be fine with doing that, to take that break, but I would really like us to do this tonight. I mean, if we don't have a consensus tonight, then let's call it down and we'll tell the voters we couldn't do it.

[11:53:21 PM]

Because -- well, my sense is, if we don't -- we're not going to meet again till August and if there was going to be a campaign in November, I think it has to start next week. That would be my sense. Certainly, the rest of the council could do something else.

>> Tovo: Well, mayor, we've talked a few times today about whether it would be possible to meet next week. I mean, we have -- we have several other matters on this agenda that we either they'd to take up tonight or postpone till August or take up in a special called meeting. We've talked a few times today about whether it was appropriate to look at our calendars and figure out a time to finish the discussion next week. I'm happy to stay here at this point all night, but I think we --

>> Mayor Adler: Let's say --

>> Tovo: I am not happy. You know. We need to acknowledge we also have other items. We've got people here for other items.

>> Mayor Adler: I don't know how long it's going to take us to get through these. I'm ready to vote on whether we're doing a \$500 million package right now. I'm ready to take that vote. So I wouldn't mind if Ms. Kitchen laid out that and we took a vote as a -- as a panel. Do you want to take a five-minute break before we do that?

>> Zimmerman: I was going to make a motion to recess until 12:05, five minutes after midnight, and everybody better be here. Ten-minute recess.

>> Mayor Adler: Okay. Let's stop for ten minutes. Be back here at 12:05.

[Recess.]

[12:09:29 AM]

>> Zimmerman: Mr. Mayor, may I take a point of privilege and congratulate our cousins in the atlantic pond, they voted to leave the European union, so congratulations, great Britain.

[12:15:11 AM]

>> Mayor Adler: We're ready? Okay. I think there are -- I think there are three issues to vote. One is whether or not we do 500 instead of 720. One is if we do 500 and 720. And one is if we do 720.

>> Kitchen: I wasn't going to bring the 500 only but if somebody else wants to.

>> Mayor Adler: Okay. Then is anybody bringing 500 only? Okay. Then the only thing we have before us is whether -- yes?

>> Garza: I guess why wouldn't we bring the 500 if it was a recommendation on the mobility committee?

>> Mayor Adler: Anyone can bring it. You can make a motion and second it.

>> Garza: And I will like the motion for 500.

>> Mayor Adler: Okay. It's been seconded by councilmember tovo. Let's see if there's majority support for doing a \$500 million bond on proposal, a \$500 million proposal. Let's put that out. No details on it yet. Let's just see if there's support on the dais for that.

>> Garza: I want to make a few comments, if I can articulate at this hour, on this much coffee. I gave my general comments on the message board, if people want to refer to that. I'm concerned. You know, we all agree that mobility -- we need to address mobility. I agree with every speaker that came up and spoke. It's just to the degree that we use our bonding capacity, with so many other needs in our community. Right now at the 720 level, we would still have 250 million that would not create a tax increase, but the 720 million does create a tax increase, as does the 500 million, but would leave 250 or 218 with no tax increase. But it's important for me that the public understands that this 720 million is not the entire corridor plans.

[12:17:15 AM]

It is segments of these corridor plans. Segments. So we can't even fully fund these corridor plans before us with \$720 million. So I believe the memo spoke to what it would cost for the final -- the final cost would be over a billion dollars. And I haven't seen the plan that explains how we get to not only funding those five critical corridors, but five more, and then five more. And so without seeing a strategy in place, how we continue to fund these critical corridors, which are critical, they are, it's hard for me to ask the taxpayers to pay additional money. We just voted for a homestead exemption. We're the most economically segregated city, and I feel like we continue to be because we voted for a homestead exemption that does not help those that need it the most, and now we're going to ask taxpayers to pay

an extra five dollars a month. Five dollars a month for people in my district is a lot of money. So I don't see how we can do -- how do we do both? How do we say we're going to save you money, but it really doesn't help those that need it the most? And we're also going to give you a bill for five dollars a month, and that's just the beginning for segments of corridors. So there are -- you know, I feel like this plan -- I have to -- what mayor pro tem tovo said, I really feel like we shouldn't even be making this decision tonight. People are all over the place on this. There's going to be other amendments. Yes, there's some basic -- I don't think we're ready to make this decision tonight. For me, it's been -- it's been -- the community has been told it's going to solve all our problems. We're going to invest in this 720, it's going to solve all our problems. I saw on social media that it's going to solve food access, you know, it's going to solve all -- I'm waiting for the -- you know, corridors cure cancer hashtag because apparently it's going to solve all of our problems, and it's not.

[12:19:27 AM]

And for a lot less than \$720 million, we could fund three grocery stores. So I want to know when we're going to go to the taxpayers and say we're just -- hey, we're just asking for three dollars a month, but east Austin needs grocery stores. That's not going to happen. But we're asking our lower income families in south Austin to support five dollars a month for corridors that don't even impact them, and it's just segments. So I'm having a hard time asking taxpayers to pay more. I support the 500. It's lower and it gives them a chance to vote on it, but I'm having a real hard time for asking taxpayers for additional money and I'm having a hard time with the message this solves all our problems, because it doesn't, and there's other needs.

>> Mayor Adler: Any further discussion on that? Mayor pro tem.

>> Tovo: Yeah, I've given this a lot of thought over the last couple weeks, and I completely agree. We have tremendous mobility needs. We could spend hundreds and hundreds and hundreds of millions of dollars, and will, and still not meet all of them. So clearly, there's a need for a \$720 million mobility package, but really, the question, the concern that's literally kept me up for several nights now is what that does to our bonding capacity going forward. I mean, we have tremendous needs in other areas as well, and my colleagues have articulated these in our discussions over the last couple weeks. Housing. Flood -- flood mitigation. You know, we have parks and open space, but of those, I would say, you know, housing just ranks tremendously high on my list. And I'm very concerned about doing a bond package at the \$720 million range, and how that will impact our ability to go out and ask voters to support other efforts in the future. So that's the main reason why I'm more comfortable with the \$500 million range.

[12:21:31 AM]

I started at 300, so 500 was a big increase.

>> Mayor Adler: Before we take a vote, I'm going to support, obviously, the 720. I think that -- I'm taking the advice of our city manager, who looked at this and said go big. I think that the people that have testified from the transportation experts, transit, say go big. We've changed it to put -- I originally -- the original proposal, I had 300 million of our bond capacity being used in this. We reduced that to 250, put 250 aside to secure the next bond, and I think that secures those efforts in the future but I think there's an expectation it's not going to cure everything, because it will not, but this will build the kind of corridors that will show us how it is that you change transit into a choice ridership, that will show us how it is that you work with codenext and our -- and our tif's and our housing programs to actually create mixed income housing opportunities. If we do this right, at the same time we're doing mopac and 183 and I-35, we can actually change the trajectory of this city. But it's going to take stepping up and doing that. When you do the programs a little bit -- and, Mr. Casar, I think you knew these members

better than I did, if you spend 40,000 -- \$40 million, you have one and a half miles on some of these roads, but if you spend 60, \$70 million, you get five times that. And that's because it's not linear. We have to invest. Any other debate on the question? Yes, Mrs. Kitchen.

>> Kitchen: I have -- I have said for quite some time now that I am more comfortable with the 500 million, so with that on the table, I am going to vote for that. I'll be very quick. For the same reasons that councilmember Garza and mayor pro tem have mentioned, I am more comfortable with 500 million at this particular point in time.

[12:23:37 AM]

I think that our task with regard to transportation and completing all the things we -- we need to do means that we've got to leverage. We've got to go to campo and take these dollars we have and leverage more dollars. So I am more comfortable with the 500 million because we have needs like rail, flood mitigation, housing, and I really appreciate the mayor's effort to put an additional 50 million into 2018, but I don't -- at this point in time, there's so many unknowns, and I'm just -- it's like maxing out our credit card right now. We don't really need to do that. We can't even spend it all this quickly. So I'm going to have to support the 500 million.

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

>> Zimmerman: Thank you, Mr. Mayor. I'm going to be voting against the 500 million. I'm probably going to be inclined to vote to support both of the options, 720 plus 500, again, gives the voters more choices.

>> Mayor Adler: Ms. Houston?

>> Houston: Thank you. And, mayor, I know you and the folks that you've been working with really think this is the best thing to do, is go big. Congestion is a huge issue in this town. I'm not sure how we got there, other than we have more people in town who have come to town, and then there's some other constraints that have happened on the corridor that make congestion even worse than it was before people started moving. While you've been working on this for a month or so, the people in district 1 are just now hearing about it, and it seems like there is a real pressure to make a decision on the 720 tonight, and not think about the consequences of the people who were not part of this plan and who have not heard of it, and yet we're going to be making a decision about something that will affect their lives. So I'm comfortable -- I was comfortable with the three -- somewhere between 300 and 500.

[12:25:37 AM]

If we settle on the 500, I can support that I can go out and talk to my community about that, and -- but I have a question that one of the gentlemen who spoke earlier asked, is that when did sidewalks and urban trails get lumped together? Because usually they're different. Usually it's sidewalks, urban trails, and bicycles, but now it's sidewalks and urban trails, and bicycles. So I'm not sure when that -- who put that together or when it got put together, but that was a question that someone else asked, and I didn't hear an answer. So at some point, perhaps not tonight at 12:26, but at some time, Wednesday, perhaps somebody can explain to me how those things got connected rather than --

>> Mayor Adler: Okay.

>> Houston: -- Intersected. So I would be willing to do that. And as I've said before, I'd rather do it right so that we can really get a bond passed and do it quickly and risk the possibility that the bond doesn't pass because people don't understand what it is we're trying to do because they came in to the conversation too late to get a real good understanding.

>> Mayor Adler: And I would like to work with you in talking about this. You and I share a lot of constituents in district 1. And a lot of the constituents spend a lot of time on the corridor plan, the community did and the group that we've been working with have included many members of district 1

as part of those conversations, but obviously we certainly have not reached everyone yet.

>> Houston: And the people who have been a part of this conversation were perhaps not the regular people that I was sent here to represent. They may be part of the higher tier of people that are having conversations -- I call them power brokers in the neighborhood. But that -- my job wasn't to send here to represent the power brokers in district 1, but to represent people who could not get here tonight and sit this long, we were riding the bus, who have children who are in summer school.

[12:27:51 AM]

So I have to be able to weigh both of those things.

>> Mayor Adler: Is there any further discussion on the question of 500? Those in favor of having a \$500 million bond, please raise your hand. Houston, Garza, kitchen, and the mayor pro tem. Those voting no, please raise your hand. It's the balance of the dais. The answer is "No." That gets us then next to the question of whether or not there's going to be a 500 million bond and a \$720 million bond.

>> Kitchen: Mr. Mayor I'd like to lay out my motion sheet number 1 because that's what that does. It lets people see what we're talking about. It's the first -- what I handed out, it's motion sheet number 1, and basically what it says is that this would be -- this would be alternatives. So it would develop -- it would develop the city manager to develop -- or it would direct the city manager to develop ballot language that would include two options. This is -- this is the same way that 10-1 was done. There were two options on the ballot. And so the item that gets the highest amount, assuming it's more than 51%, that is the one that we go with. And so for options for the 500 million, I didn't put any dollar amounts in these buckets. I kept the same buckets, they're in the 720. I figured if this moved forward, then before we did the ballot language, we could make a decision about how much money to put in each bucket. I mean, there's a 500 proposal out there, but we wouldn't have to decide on that tonight. So -- and then on the second page is just the same -- the same option for the 720 that the mayor has laid out. So it's the page 1 and 2. And that's what I'd like to move.

>> Mayor Adler: Okay. There's been a motion to have this 720 and 500 option.

[12:29:56 AM]

Is there a second to that? Ms. Garza seconds that. My comments on this, I think it's the wrong thing to do. I think it makes passing any bond, any bond, less likely. I'm not even sure how you put together a bond campaign for this. I think it's very different than the 10-1 election, where there were choices. You'd be going out in the community and you'd be saying vote for both of these. But vote for this one more than that one. It just would be very confusing, I think, to voters. I think it would make it -- the whole issue very complicated. I'm not sure you could ever really explain what it was that was happening. I think the community has said very clearly that mobility a significant issue. I think the experts we've talked to have told us this is what we need to do, and that we need to go big. I think that's what we have been asked to do. Because that's what's going to do the most about congestion, relatively, it's going to do the most about enabling us to change transit, again, to choice ridership, it's going to enable us to change the face of our streets. I think that doing both bonds is jeopardizing any bond.

>> Houston: Mayor? Actually, there were three propositions on the ballot for 10-1. It was 10-1, 8-2-and 1, and leave it as it is. And I remember that it took -- we had to walk and reeducate people, that they couldn't just vote for one, they had to vote against two, and then vote for one. And so I agree with you, that this will confuse voters. But there's got to be a better way to give voters a choice.

[12:31:59 AM]

I feel that -- I feel rushed in making a decision. I can't imagine what people who are not as intimately involved in this conversation feel about this time, if they're still up watching. And so -- anyway, that's all I have.

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

>> Zimmerman: Correct me if I'm wrong here, Mr. Mayor, but whatever we vote on today, to me, this is not really the final vote. What's going to happen is ballot language is going to come back to council, and that still has to make sense to us and it has to look like what we agreed to. So this is, you know, step one of a two-step voting process. And I want to make that really abundantly clear, for councilmember Houston. This is -- even if we vote on something tonight, we're not done, because it's very, very important how the ballot language is written, and I was not involved as much with the 10-1, but I didn't hear a lot of confusion. People really cared about the issue. I think that was a big part of it. They -- people care about traffic congestion. I think they will be really motivated to come both packages, and the fact that we give them two choices, I think it helps voter participation. They have more to choose from, rather than just giving them one package. So -- but I think we're going to have to vote again, on the final ballot language, and to me that's the really big test.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I would simply say that I think that this gives more options to people. I think we run a serious risk by only putting 720 on the ballot, and people will vote it down because it's a significant tax increase. And I think 500 million is going big. It's almost four times the size of any transportation that we've done in the past. So I just -- I think that we are actually offering the voters a choice, we're actually protecting ourselves from the risk that we'll get nothing, because 720, I -- you know, I'm hearing quite a bit of concern that 720 is going too far.

[12:34:16 AM]

So I am -- the question -- I respect the questions that you raised, mayor, but those are the same questions that were raised as part of 10-1, and that process worked.

>> Mayor Adler: Ms. Garza.

>> Garza: Yeah, I'd agree that we have a sophisticated electorate, that architect was made during 10-1, you're going to confuse voters, and that's why the question on how do you even, you know, ask voters to vote for one or the other, that's what each -- that's what the campaigns did, and those who were -- you know, some people were, I want anything, they voted for both. Some people voted for both because I want a change. Same thing to happen here. I think we need to invest in our infrastructure, so I'm going to vote for both. I think this gives the voters a choice for which way they want to go, and I'm really concerned about the message that 720 is the only thing that solves our problems because it's not. 500 is a huge, huge investment.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Mayor, I just have a clarification question, please. So when we are talking about your 720 proposal, the latest draft version of the allocation of the money in the category is version 9, so were we talking about the 720 allocated with those projects and those Numbers? Because my support for the larger amount is going to be because we, in west Austin, that have been neglected because the folks has been so electrical Austin central Austin focused are going to need the amount of money in version 9.

>> Mayor Adler: I intend to stay with version 9.

[12:36:16 AM]

The only exception would be the discussion of south Austin and taking some of the corridor money and saying that some portion of it, of that corridor money could be spent on south Austin corridors,

assuming that they enter into the process, work their way through the community corridor process, and then compete on the same criteria, but to earmark that. But other than that, yes, staying with that. And, again, it's because I think that's where the consensus is. I think that's where the community is. You know, there are two reasons, as -- not to do a big and a small, one -- three reasons. It's confusing. I don't know how you structure that. And then beyond that, there are 130 days left to do this campaign. 130 days. The reason that we all talked about deciding whether or not we were going to do this the end of June is because there's 130 days left, at this point. This campaign needs to start now. I don't know how you even start, and I don't know who it is that starts that campaign, with two different options. This is very different than the 10-1 situation. It's just very different from that. If we're serious about taking to the voters a bond package, then I think we -- we step forward and we say this is what we need to do, this is the magnitude of what we need to do. We make that case to the voters. We bring in the folks that have joined, and otherwise, again, I think a vote to have two is a vote to not have a successful bond election. Any further discussion? Mr. Casar.

>> Casar: While I understand that based on our current standards, both 500 and the 720 are huge, you know, I noted in a previous conversation that Seattle, a city smaller than ours, a city that has some great things, and other things that I don't like about it, is -- you know, passes -- recently passed almost a billion-dollar transportation bond, and in August has a \$300 million subsidized housing bond.

[12:38:39 AM]

And we have to start getting our voters and our community ready for the investments that we need to make for the size of our challenges. And, you know, if it was up to me, we would, as I said, sort of goofily last time, now it's late enough that I'll say it again, we need to have hundreds of millions of dollars -- be able to push hundreds of millions of dollars worth of rail projects, hundreds of millions of dollars worth of subsidized housing project to address our public transportation issues and housing issues, and so we need to just start preparing ourselves and preparing the community and getting advocacy around those sorts of Numbers.

>> Mayor Adler: Are we ready for a vote? Those in favor of having a 720 and a 500 on the ballot, please raise your hands. Mayor pro tem, Garza, kitchen, and Zimmerman. Those opposed? It's the balance of the dais. And two abstentions. Okay.

>> Gallo: Mayor, before we --

>> Mayor Adler: So what was that vote? It fails. There were not six votes in favor of the proposition. That gets us to the 720 proposition.

>> Gallo: Mayor, before we vote on the 720, I've got a slight amendment that's being passed out. I'm going to have to borrow somebody's.

>> Kitchen: Yes. I think we should do all the amendments on yours before we vote on 720.

>> Mayor Adler: Okay. We're now to the 720. We have amendments to the 720.

>> Gallo: Right. I just passed one out. And we're going to put something up on the overhead. So I'm not changing Numbers. I'm just suggesting a different allocation of one of the categories under the sidewalk master plan. You know, one of the things that we have learned in the last year and a half is a lot of our plans -- the sidewalk plan, the bicycle plan, are very urban focused, and those of us that represent kind of the more suburb -- or have more suburban components to our districts have found that the plans don't always work in those areas, and so this is an attempt to make the distribution of the sidewalk money a little bit more equitable.

[12:41:08 AM]

So could we get the map? Can you put the map? So the reason I wanted to talk about sidewalks is, I'm

going to show you a picture of the district 10 sidewalk priority plan. The sidewalk plan's priority is based first on transit, then commuter, and then safe routes to schools. And just a second, and you'll see. If you can see it, there's a little bit of red, kind of right where his finger is in that corner that juts out at the bottom to the right. That would be a sidewalk priority for my district, and then the only other sidewalk priorities would be up at the top on the right, going up jollyville and then a little bit in the center that's part of northwest hills. But if you notice, there's quite a substantial area to the west, particularly to the west of 360, that would not be at all on the priority. And the reason is, there's no transit. So until we start providing transit to these areas, the priority for sidewalks will not be there, and sidewalks will not be in some of those missing places. And granted, a lot of the homes in those areas are new construction and they require sidewalks to be built, there's still a lot of older, rural areas that don't have sidewalks. There's an elementary school right off of yopon that half is in a newer area, but the half that's not is very rural around these kids don't even have sidewalks to walk to school. So I'm really focused on the safety of our children as they travel to and from school. So the amendment I've passed out to the 720 plan would divide the 55 million allocated for sidewalks into two equal amounts. The 25 -- the 27.5 would fund the implementation of the sidewalk plan as it's written, focused on credit. But then the other half of it, the 27.5 million, would be divided equally between the ten council districts and would be spent specifically on safe routes to school, specifically on that.

[12:43:10 AM]

And the city staff would work with the district councilmembers, local school officials, and parent groups to adopt safe routes to schools, which would be appropriate no each for each individual school, and they would Carol the schools with crosswalks and bike lanes to keep our students as safe as possible. This would be a program which would spread, the implementation funding of this in a more geographic and equitable way throughout our whole community, and prioritize the safety of our children. I think Ted siff is here, and it's my understanding that you've reached out to your coalition. I don't know if you wouldn't mind coming up and talk about that.

>> Zimmerman: Mr. Mayor, the point point of order before we do that, could I second the -- thank you.

>> Gallo: Thank you for staying so late with us. We did have a conversation about this a couple of days ago, or it may have been just a day ago, I don't remember at this point, but part of my concern was that there is a coalition that is very active with the safety and active transportation, and this to me is very much a component of our sidewalk spending that would be related specifically to the safety of our children. So I think we had a conversation to see if you could help us come up with something that would -- that would help those areas that we have that do not have transit, as a result, they're not priorities for sidewalks under the sidewalk plan, and they would allow us to specifically address those safe routes to school. So I think you've talked to your coalition members, and maybe you could share some of that information with us.

>> Well, the get Austin moving coalition that is formed initially to simply promote the council's decision to get something on the ballot in November is composed of 22 organizations.

[12:45:20 AM]

I was able to reach out to representatives of three of those in the last -- it's been 18 hours since we had the conversation that you're referring to. And there's a mixture of feeling, but nobody -- everyone degrees that safe routes to school should be a major criteria for sidewalk spending. And everybody agrees that geographic equity or some geographic equity that doesn't exist in the current prioritization matrix would be achieved by a higher waiting of safe routes to schools. I think your proposal, which you presented tonight, is not the one we discussed over the phone. It more heavily allocates money to

individual district decision-making. But I actually don't think it takes substantially away from the overwaiting of money that would go to the eastern district if you didn't have your amendment because they would also get that two -- roughly two and a half million dollars for each of districts 1, 2 -- well, all ten districts. So I don't know if that directly answers your question or not.

>> Mayor Adler: The base motion -- and again, as mayor, I represent all of the districts. So with respect to sidewalks, hearing the sentiment on the dais, we put in language that said that the sidewalk money should prioritize creation of safe routes to schools and neighborhood connections to transit. Then I think it should go based on need. In this particular case, most of this need is in east Austin because the homes -- the subdivisions in south southaustin and southeast Austin, because the subdivisions are old.

[12:47:23 AM]

That's where the greatest need was and where the greatest priority was. To me, this reads a little like what we did in the

[inaudible]. At the time we did that, we went through the dais, and I said, please, promise me this is the last time we do that. Because what we should be doing is sending this to the places that are the least safe, that need the most safe routes to schools. Wherever they are in the city. And, you know, there was that poll that came out that we all saw here the other day. Mr. Siff, I think it was your poll. And quite frankly, it was great to see overwhelming support for 720. It was great to see overwhelming support for 720, as opposed to 500 or 300, whatever it was. But the question that was the most wonderful question to me was the question that said, do you want money spent on the roads that you travel on or the roads where there's greatest need? And this city, by almost two to one, said -- or one and a half to one said send it where the need is greatest. That is our city, and we should honor that about our city. I -- I would - I can't -- I can't vote for this. I support the concept of having a hundred percent of the sidewalk money being sent for safe routes, and then let it go by need.

>> Gallo: So the problem -- so I'll share with you the problem is that if it is addressed with the sidewalk master plan -- and once again, remember that I'm only taking -- I'm only suggesting that we take half of the funding and allocate it to the districts, and so each district would get a tenth of a half. And I agree with you completely that the other half, based on the sidewalk master plan, would go to the areas of most need, and they would go to all the areas you just mentioned, and probably none of that money, as we showed on our map, would go to district 10 or district 2 or district 6 because we don't have transit, and that's one of the priorities under the sidewalk master plan.

[12:49:42 AM]

We just had a young man killed on spicewood springs, crossing the street. And so we have safety issues everywhere. And I'm only talking about, you know, a little bit -- not even three million dollars per district to address safe routes to school. So we, as councilmembers in those districts, can make sure that we can specifically target that money to the schools that need those monies to keep our kids safe. So I mean, I think it's a compromise that allows the -- you know, a major portion, because even in addition to the half that's allocated to the at-need districts that are behind on the sidewalks, they also get a tenth of the half. So they're getting still a large portion of this. I'm just saying that there are districts that we have that aren't probably going to get any of this money because they're not on the high priority list because they're not close to transit, and that is the way the sidewalk master plan works. So it's -- it's just a bit of money, but I think it's a bit of money that can be directed by the councilmembers specifically for school safety. And we had people here this evening that talked about being able to walk safely with their kids to the schools, and we, in the outlying suburban areas, do have areas where kids are not walking. They do not have options to walk on sidewalks. But we're not near transit, and so we're not on the priority

plan of the sidewalk plan.

>> Mayor Adler: Mr. Casar.

>> Casar: Councilmember Gallo, I would suggest that to address your concern about there not being sufficient transit out there, that we have -- that we support the first part of your amendment, that we have half of it for the master plan and half for safe routes to schools. And then that half for safe routes to schools can be dedicated to those schools with the most need so that kids can get to and from school safe. I don't care what district they live in, the kids in district 10 are my kids, the kids?

[12:51:46 AM]

District 4 are your kids. So whichever kids are most unsafe, get that half of the money. And that has nothing to do with transit, that has to do with which kids are most at risk and dedicating the money there. And if a hundred percent of the kids most at risk are in district 10, then I want all of it to go there. Because this is not something that I am willing to -- to split up, if there are kids severely in need and we're raising money for it. So I think it addresses your transit issue, for us to split it half and half, but just this year I have rushed over to two schools where kids have been hit in my district, and -- and, you know, we are raising money for a memorial bench, you know, for the three-year-old that was killed in my district. It's just -- as we were asked today, it's just so devastating that we should just dedicate the money to that pot and decide with the staff and with the schools and as a dais how we allocate to the most need, and just do that first part. But I'd be very supportive of having a chumping just chunk just for safe routes to school, I think that addresses your issue.

>> Gallo: So we're asking staff to determine most need. How do you determine most need? By the most kids killed? What is the metric? That's what I'm saying, if you take that money and allocate it into the districts, at least you have a component in each of the districts that can address that, and it becomes -- it becomes a community decision, not just a staff decision.

>> Casar: And we wouldn't ask the staff to decide it, of course they'd have to work with the community and authorize it with us. There's a process for that. But I'm not ready to decide tonight that every district has the same level of danger at every single school. We can't do that right now. We should just decide that as a community, we want to dedicate money to safety for kids, pass that money, and then figure out how to help the most kids that are in most danger with that money.

[12:53:50 AM]

>> Mayor Adler: Councilmember Gallo, if the standard that staff is using, unfairly is recognizing where our most -- where our greatest need is, where we have the greatest lack of safety, then I will work with you before this money gets spent, because it will start right away, in making sure that whatever standard it is that they're using does not discriminate on one part of the city versus another part, but actually drives money to the areas of greatest need. And I'll join you on that, and I will work with you on that to make sure that they're doing that, so that no area gets discriminated against because of that area, but it does drive it to where the greatest need is.

>> Gallo: But we're talking about a transportation bond with amounts of money and spending that has to be done fairly rapidly to get all the projects done. And we're talking about plans, the bicycle plan, the sidewalk plan, that are focused in areas or focused in ways that are very urban core focused, and those plans aren't suburban area focused. And the amount of time it takes us to make changes to plans like those is substantial. And that's what I'm saying, is, as we looked into the bicycle plan -- I mean the sidewalk plan, what we found was, the focus was transit, then the second focus was commuter -- commuter, then the third focus was safe routes to school. So the safety of our kids is at the bottom of that priority list. And this is just an opportunity for us to say, while we are changing those plans that

need to be more citywide focused, or don't have a one-size-fits-all plan, this is an opportunity for us to address some of those safety issues as we in our community and we in our districts know happen. So it's just the fact that already we're dealing with -- with plans that are too specific to address the needs of a lot of our community, and we know the amount of time it takes to change those, and this is just an opportunity to take a portion, just a portion of that money and spend it throughout the district in other ways.

[12:56:12 AM]

>> Mayor Adler: Let's put it to a vote. Not quite yet. Ms. Troxclair, then mayor pro tem.

>> Troxclair: Well, I guess I just wanted to say, one of the reasons I abstained from the last vote is that I don't know yet with all these amendments coming, what the 720 plan looks like, and one of the most important things, I think, is having each one of us be able to -- if this bond is passed, go back to our district and explain to people why -- how it's going to benefit them. And it's great that we have a poll that says people are willing to, you know, give money to the greatest need instead of something that benefits them, but the reality is, that was one of the main reasons, I think, that the last mobility bond didn't pass. You had all the downtown people supporting it, you had the rika, you had the chamber, you had the council, and yet it was defeated because people in the suburbs or outlying districts or districts that weren't seeing the direct benefit couldn't understand why they should spend their money to do it. So I mean, this is -- I think if we as a council make a decision tonight that we're going to put a \$720 million bond on the ballot, we should do it with the expectation that we're going to have the community support to pass it. And I think things like councilmember kitchen's amendments and insisting that south Austin be a really important part of that plan, and things like this -- councilmember Gallo's amendment that just speaks to -- this isn't even a significant amount of money in the grand scheme of \$720 million, but it is something that when -- between now and November, when somebody is going to publish maps and say here is how the money is going to be allocated, people need to be able to look at those maps and say, okay, good, this is something that I'm willing to invest in because it's going to affect my child, my family, my commute, as well as my neighbor's.

[12:58:25 AM]

>> Mayor Adler: Mayor pro tem.

>> Tovo: Yeah. I appreciate the sentiment behind this, but I'm not going to support this for the same reason I had concerns about the quarter-cent. We are one city. We need to be able to make decisions that are -- that are equitable, but also that look to the areas of highest need, and it is just for the reasons that the mayor and councilmember Casar said, I think that's how we should target our resources. I am perfectly comfortable -- well, I am -- I would entertain the kind of amendment that councilmember Casar said that would direct -- that would indicate we want to direct a certain amount of money to safe routes to schools, but I guess I, too, would say, you know, it's not my expectation that we're going to get this specific in the ballot language, and so it also is a question to me about how specific we want to be in our discussion right now. I think it's fine to have that discussion, but I'm not going to be supportive of putting very specific language of this sort in the ballot, but, you know, again, I'm comfortable with a statement of general principle that we want half of -- half of the sidewalk money to go to safe routes to schools. But I think it is -- I think it really sets out a bad practice if we're going to approach some of these spending decisions in a way that just divides it up among each district and has councilmembers sort of directing the spending of those funds. I don't think that sets us on a great path. And I think we need to be careful as a first 10-1 council, how we make spending decisions is really important, and it will influence councils to come. Mr. Zimmerma N.

>> Zimmerman: Thank you, Mr. Mayor. To me this is fairly simple. What we're doing is we're switching the top priority of transit to top priority of safety. So safe routes to school is one aspect of safety, but the way I see this amendment and what we're trying to do in principle is we're just trying to make safety when it comes to sidewalks more important than transit.

[1:00:29 AM]

That's the way I view the amendment. And, again, if we're setting principle, we're not setting the particular amounts, that has to come in the ballot language. When we vote on the final ballot language, we'll have a better idea. But I do support the idea of changing transit and moving safety to the highest priority for sidewalks.

>> Mayor Adler: Any further conversation? Ms. Kitchen?

>> Kitchen: Just quickly, I'm going to support this. I think that -- I think it's important to focus on need and the greatest need. The problem is that we've got built into our systems historically measures that aren't -- that just don't treat all parts of the city the same and don't recognize the differences. And I think that councilmember Gallo gave us a good example of how the metrics that we use right now don't take account of the characteristics with the schools in her part of Austin.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: Just a clarifying question. I thought we were moving towards having a special called meeting on Wednesday, and now that didn't happen while I was getting my ice cream? Okay.

>> Mayor Adler: It didn't happen. But we're real close to being done. Any further conversation on this? Yes.

>> Renteria: Mayor, I can't support this either, because, you know, I live -- half of my district is inner city, and I might not need as much sidewalks, safe routes to school. I might have a whole bunch I would like to -- you know, and I might -- by voting the way I'm going to vote, might end up setting aside more money to those -- what we used to call the suburbs, now they're part of the city, but, you know, where they didn't build sidewalks because they didn't want people to go -- walk past their house, and now we're going to build sidewalks out there.

[1:02:41 AM]

And I see that's the greatest need in west Austin, because that's where they didn't build sidewalks, you know, and south Austin, way out there in southwest Austin, you know. I bet if we looked at the map, the biggest need is going to be in those areas. The greatest need is going to be in that area. So I might not need as much in safe route money as, you know, my colleague there Greg Casar might need in district 5. And why should he only get a part of the money when there's a big need over there? So I think that we're making a mistake if we divide this money between each district.

>> Mayor Adler: Let's go ahead and take a vote. Those in favor of the Gallo amendment, please raise your hand. Houston, Gallo, Garza, Kitchen, Troxclair and Zimmerman. That's six. Those opposed, raise your hand. It's the others on the dais. That's five. It passes. Any other amendments?

>> Kitchen: Yes. I'd like to come back to --

>> Casar: Councilmember Kitchen, can I move an amendment on this amendment before we get off the conversation? It may be futile but I want to hear for any six that voted on it if they would vote for this amendment, with the other five of us, which would strike -- and the other half of the funds divided evenly between each council district, instead, just saying funding for sidewalks should be divided in half with half the funds going towards the sidewalk master plan and the other half on safe routes to schools, therefore, addressing councilmember Zimmerman's concern. You are setting aside a chunk that is not about transit, that is not about connections to services, that half will purely be for safe routes to schools

and I would even invite our staff to explain what criteria we use for --

[1:04:43 AM]

>> Mayor, excuse me, didn't we already vote on this?

>> Casar: It's an amendment.

>> Gallo: Realready voted.

>> Casar: Can't I amend the resolution as it passed?

>> Mayor Adler: I think the proper way to have done that would have been an amendment to that amendment, so I think it's out of time.

>> Casar: I mean people may have wanted to society -- I just want to hear from one person. I mean, if nobody in that six wants to do it --

>> Mayor Adler: Certainly any one of those people could move to reconsider that vote to allow you to amend it, which would get you to the same place.

>> Casar: I think I got my answer. Just wanted to check.

>> Zimmerman: It is a little bit late, councilmember Casar.

>> Mayor Adler: Ms. Kitchen, do you have another amendment?

>> Kitchen: In the interest of time I'm going back to to the amendment we never voted on, and that's motion sheet number 2 because I'm hearing a lot of concern on the dais about spending dollars where the need is greatest. So I think that the motion that we first discussed, which is motion number -- motion sheet number 2, that's the one that creates the corridor improvement program, and I think that that addresses the concerns that everybody is raising about spending the money where the need is greatest because what this does, this creates a corridor improvement program establishing priorities. And I think I clarified -- I think we all clarified with our earlier discussion, with -- with our staff, that this wasn't intended to slow anything down, and so -- well, I won't go over that I think we had a pretty thorough discussion of it. If there's still questions, we can go over that again. But I think that rather than trying to put dollar amounts, I think what this does, it gives a way for the three districts that are across south Austin, and actually the four, because councilmember Renteria has some of these areas, too, the four districts that are across south Austin, for those roads that rise to the level of the need, because they fit these kinds of criteria, for them to start planning and then get into the process of being funded.

[1:06:55 AM]

So I would like to put -- take off the table -- I don't know what the right motion is, but take off the table, motion sheet number 2.

>> Mayor Adler: Okay. Ms. Kitchen, I'm just going to let you -- we're going to take it off the table.

>> Kitchen: Okay.

>> Mayor Adler: Ms. Kitchen takes away her motion sheet number 2, which I'm going to move to amend. Do you have kitchen motion sheet number 4? I'm going to try to deal with this in a way that provides roads to south Austin, but does not put us in the position where we have a plan that has to be done. I understand it's not your intent, but I think that's what the language does. So if you look at number 4, the one change I would make to Ms. Kitchen's motion here as I urge it, is, the language that says at least 60 million for south Lamar boulevard. Do you see that language? I would strike that language.

>> Kitchen: Mr. Mayor, I'm sorry, finish your thought but that's not the motion on the table.

>> Mayor Adler: No, I'm amending your motion which is designed to get money spent in south Austin and I'm amending it to try to do it a different way that's consistent, I think, with the conversation that we had. I don't think that just because -- that we should take south Lamar and say that's any more certain than any of the other seven corridors. We're going to let staff decide what's the right order with

those, then coming back to us, but to ensure that there's at least \$60 million or \$60 million that gets spent in south Austin for roads like slaughter lane or Brodie lane or 1626 or William cannon or south congress. A lot of those are roads that are already in the -- by the proposal, have planning money in them to do the corridor studies, and then it can catch up. So I'm going to be urging -- offering to amend kitchen motion sheet 2 with what is kitchen motion sheet with number 4 in the right-hand corner, with the language, at least 60 million for south Lamar boulevard stricken.

[1:09:13 AM]

>> Kitchen: On you're amending my motion by disputing my other motion that I didn't bring forward.

>> Mayor Adler: That's correct. That's correct. I'm trying to get a different way of getting \$60 million or getting money for corridors down in south Austin that doesn't require us to go through a parallel planning process, it allows the projects to continue forward, it reaches the objections or concerns that I expressed earlier, and I think that staff reinforced, but addresses your issue, as best as I can understand it, to ensure that some money gets spent in the south.

>> Kitchen: Well --

>> Mayor Adler: First let me check, is there a second to my motion? So what I'm --

>> Tovo: So you are amending it with this number 4.

>> Mayor Adler: Yes, I'm substituting.

>> Tovo: And proposing, and then scratching out 60 -- at least 60 million for south Lamar boulevard.

>> Mayor Adler: Right. And I say that not that it's not eligible to get some of the corridor money, because it's listed among the corridors --

>> Tovo: I follow the logic. I'm just trying to figure out which words would be gone.

>> Mayor Adler: At least 60 million for south Lamar boulevard.

>> Tovo: So it would just pick up at, at least.

>> Mayor Adler: That's correct. That would send \$60 million to south Austin, presumably after it's had a chance to do corridor studies, and then south Austin corridors would, in essence, be competing against one another, or the priority would be set ultimately for the most important one in south Austin.

>> Kitchen: So, Mr. Mayor, you --

>> Mayor Adler: So -- I'm sorry, go ahead.

>> Kitchen: Like I said, what you're doing is, you're taking my motion and you're completely substituting it and changing it. With another motion.

[1:11:14 AM]

And I --

>> Mayor Adler: Okay. So let me --

>> Kitchen: I can't do that.

>> Mayor Adler: Let me do this differently. Well --

>> Kitchen: Could I just explain what my concern is.

>> Mayor Adler: Okay.

>> Kitchen: My concern is that the motion that you were trying to substitute into my motion --

>> Mayor Adler: Right.

>> Kitchen: You're taking half of the dollars out of it, so that it's only 60 million, as opposed to the 120, and what you're saying is, if I'm understanding correctly, is that you think the 60 that's there for the south Lamar corridor that we don't need to address that because it's in the bucket, but if you look at your version 9, you know, you've got 85 million for north Lamar, 80 million for burnet, 83 million for Riverside, 75 million for airport, and that's why I wanted to say at least 60 million for south Lamar.

>> Mayor Adler: I know. So --

>> Kitchen: So what I'm willing to do, and the reason I brought motion sheet 2 forward is because I understand that there's concerns about putting in dollars. So I'm willing to drop putting dollars and just follow the process that does what you argued a minute ago, which is where the need is great.

>> Mayor Adler: My concern is the process. What I'm trying to do is stop the parallel process so that we're not initiating another planning tool, so that on the day after the election, the staff immediately starts going forward and spending our money on the corridors. And what I'm suggesting is, is that if the real intent here is to ensure that because corridor studies have not been done thus far in the south, that we're going to do the corridor studies in the south, and we're going to guarantee that of the \$482 million, that is -- \$477 million that's designated for corridor plan build-out, that we put in, while all those are listed in that version and are competing against each other, we're going to call out a special category that's called south Austin and we're going to say in the south Austin area, it gets \$60 million for a road like one of these.

[1:13:30 AM]

So it's not competing. Of that \$477 million, we're designating 60 million of it to be spent for one of those corridors, rather than starting another planning process.

>> Zimmerman: Mr. Mayor, I'll second your motion for purpose of discussion.

>> Mayor Adler: Thank you.

>> Zimmerman: Okay. Since we've discussed it a lot already.

>> Mayor Adler: I appreciate that. And, Ms. Kitchen, my intent here is to -- there were two things, that -- that -- your motion sheet number 2, I have the same problem as I had before, because it starts a -- a corridor improvement program. We've heard staff say that it starts yet another planning process, and if the real intent is to ensure that a south Austin corridor be done, even though they have not yet had a chance to have a corridor planning study, I'm just -- I'm trying to -- I'm trying to most directly address that by saying let's have those corridor studies done, as part of the future smart corridors. We can -- and let's actually designate 60 of the \$477 million to do one of those corridors. Now, certainly south Lamar is also eligible, it would just be considered along with the other corridors. So you could have two.

>> Kitchen: Mr. Mayor, I appreciate what you're trying to do. You're now arguing against what you argued before, which was that we should talk about where need is the greatest, and you're talking about a dollar amount and you're cutting it in half what I consider to be important for the four districts across south Austin. If you look at -- I think keeping 120 million in would be appropriate. I think keeping 60 million at a minimum for south Lamar is appropriate because, again, as I said, when I look at the sheet that you have right here, I have no dividend no assurance that south Lamar -- so we'll get 60 for some new area, whatever the appropriate one is, then we have no guarantee that we're going to get the other 60.

[1:15:48 AM]

I mean, we could easily get, you know, not very much at all. And that's why I'm suggesting we don't go down that road with the number and we try to look at where the need is greatest.

>> Mayor Adler: I'm trying --

>> Kitchen: But if you would like to go forward with the Numbers, then I will have to vote against you cutting it down to 60 million.

>> Mayor Adler: I think everybody would like to have 120 million in their district.

>> Kitchen: It's not my district, it's four districts across south Austin.

>> Mayor Adler: And what I'm trying to do is try to meet you in a way that designates that. I can vote yes

to this. If this doesn't pass, then I have to vote no to the other because I think that the time is set. People want us to actually start doing things, and when you're doing the logistics of a campaign, I think you need -- you can't introduce a planning process, you actually have to say these are the roads we're working on.

>> Kitchen: We had a discussion earlier about motion sheet number 2, and we talked to Robert Goode, and we specifically said as part of that conversation that this motion number 2 did not mean that there had to be a plan and nothing could be done before this motion number 2 was put in place. We had that discussion. So to characterize motion number 2 as adding a planning process, that means that we have to do some kind of planning before we can start putting dollars into existing corridors, is -- is not representing correctly the conversation we just had about an hour ago.

>> Mayor Adler: And I understand. So let's take a vote. I would urge that amendment. I would urge people to vote for it if they're interested in doing something for south Austin. I think that the amendment that councilmember kitchen is offering is tantamount to not being able to do a bond because I don't think we're going to be able to set a campaign over the way that proposition 2 has been -- has been suggested.

>> Kitchen: Then let me ask a question.

[1:17:49 AM]

Does that -- may I ask a question?

>> Mayor Adler: Yes.

>> Kitchen: So -- so I don't understand why we couldn't do a campaign, unless -- are you intending with your draft version 9, where you have the list of the seven corridors with no money on it -- I mean I'm not understanding why you can do a campaign with that and not with motion sheet number 2.

>> Mayor Adler: Because -- because what that has, people have an idea of the corridors that are in play to be done. And yours doesn't have corridors that are in play to be done. Yours are corridors around the city. And I just think that that's two very different things.

>> Kitchen: It -- it says existing or future corridor plans. Well, anyway, I've made my point. I am going to vote against --

>> Mayor Adler: I understand.

>> Kitchen: -- Your taking my amendment, cutting it in half and putting it in the motion that I put forward.

>> Mayor Adler: And in fact to make -- just to make it very clear, it's that second bullet point where it has the \$482 million, and it includes these things. It's that language that I'm looking for. It's the -- because the rest of it is similar to the language that's already in mine, so the language in my amendment is the second bullet point that starts at 482 million. It's that paragraph. Ms. Gallo.

>> Gallo: I think the public looks for transparency, and the public is going to definitely look for transparency in a bond that is this large, so I would be more supportive of being specific with roadways, but I think we are very close to having someone who was reluctant to get off of the \$300 million bond, and is willing to support a \$720 million bond, and I'm wondering if maybe you two could split the difference and at least get 30 million for the other corridors that she has mentioned that cover a lot of south Austin outside of the urban core.

[1:20:00 AM]

I mean, that would just be taking five million off of each of the other six corridor plans, and those plans aren't going to be complete anyway. It just seems like it spreads -- so -- and the reason for saying that is

--

>> Mayor Adler: That's what I intended to do. That's what I've tried to do.

>> Gallo: But Ann is feeling like that you've taken the 60 --

>> Mayor Adler: Ann wants 120.

>> Gallo: I'm saying leave the 60 for south Lamar because that was a corridor, and can you split the difference for 30 for design with the next? Corridors have to get started somewhere. The seven that we are talking about funding got started somewhere with money. And I think that's what I'm hearing, the interest from south Austin is in those outer areas, is some money to at least begin a substantial plan for those corridors. I'm just -- it just seems like we are so close to getting support, but there's been an expression of some other roadways beginning the process too.

>> Mayor Adler: It's the process on motion sheet number 2 that causes me the greatest --

>> Gallo: I'm not talking about -- I'm talking about 4.

>> Mayor Adler: If I put that aside and look at number 4, then you're talking about how you split money, and I can't give -- I mean I was trying not to pick favorites between Lamar and burnet road and Riverside and airport, and 969, and south Lamar boulevard and Guadalupe street. Our staff was saying they're bringing in the economist and looking at all those roads and figuring out where development was happening show they could be par layed and augmented. Figuring out where roads were going to have to be divided up, taking a look at what codenext work was happening, where it was that you can develop the really complete communities, it was letting that be the driver, and against every grain of my being, in order to try to get us to the place that we could agree, I took \$60 million out of that understand a said, okay, we'll say \$60 million of it goes south.

[1:22:12 AM]

And I think I've already done that. I think I've already done that. I don't know how you go to \$120 million or pick one of these corridors when what I really want to do is to have our staff take a look at these corridors and tell us where it is that should happen because we're trying to -- we're trying to change the city in a good way. We're trying to maximize all the different legs of the system.

>> Kitchen: I think that's what number 2 did.

>> Troxclair: Yeah, I think what councilmember is saying, that's what she was trying to accomplish in motion sheet 2. So if you are both saying that you're on the same page and interested in the same thing, and there's something in motion sheet number 2 that -- in the language that you don't agree with or quite understand, then let's go back to motion sheet number 2, see if you can identify what it is that's causing you a hang-up because I do feel like that's exactly what motion sheet number 2 speaks to, is the ability for staff to identify the areas of greatest need.

>> Mayor Adler: But that's what -- that's what the resolution already says. That's what the resolution already says. What this has is we're starting a planning process. We're looking at additional factors. Staff is going to start looking at not only -- and an unlimited number of corridors. It's an unlimited number of corridors all over the city. We're going to have all the districts competing with their corridors and their -- and their -- in their districts. Am I looking at this wrong? Robert, am I looking at this wrong? We have to tell people that are working on this campaign, if they're starting this campaign tomorrow, where the roads are.

>> Zimmerman: Okay. Mr. Mayor, before Mr. Goode starts if I could, I want to listen to councilmember kitchen because we need her vote and we need her constituents' votes, and ditto for the other councilmembers. I appreciate Mr. Goode, he's a registered professional engineer, he's a smart guy, but he's one vote.

[1:24:18 AM]

You know, if we're going to pass this big \$720 million bond, we've got to focus on our councilmembers like councilmember kitchen. We've got to get them on board and work with them.

>> Mayor Adler: Okay.

>> Zimmerman: I appreciate him, but she's more important to me right now.

>> Mayor Adler: So help me here. The motion that's in front of us says we're going to spend \$482 million on -- on the existing corridor plans, and then with the existing corridor plans, there are sections that talk about the criteria that the staff should use. And then it lays out the criteria to be able to make those choices. Now, what I understand, what councilmember kitchen is saying, in addition to the corridor plans that have been done, we want to have south Austin corridors considered as well.

>> Zimmerman: Okay. So my understanding of how this works is Mr. Goode has told us, and he's correct, that we have, you know, like a billion or two dollars of work to do. And he knows, he could get together with councilmember kitchen, councilmember Garza, councilmember Houston, that could be done, and they could find something that would work. Councilmember kitchen could find something that works for her voters in district 5 to vote for this if she's allowed to work with Mr. Goode and the other staff to get the Numbers that she needs. Remember, what has to come back to us for final vote is ballot language. And that's going to be our contract with the voters.

>> Mayor Adler: What if we took page 6 of the mobility bond, of the thing that's in front of us, the base motion, which was version 2, you had it both in red line and you had it in not red line. And on page 2, we have \$482 million for corridor improvement projects. By the way, 480 -- almost five million of that 482 is for corridor plans, for things that are not already corridors. So in that paragraph 482, we list the ones that are the existing corridor plans.

[1:26:21 AM]

We have north Lamar, burnet road, those are the ones that people have already spent a lot of time and work on. We add to that, south Lamar, east Riverside, Guadalupe street, and we add another bucket that says and a corridor from south Austin, such as slaughter lane, Brodie lane, Menchaca, fm 1620, William cannon, and south congress. I took that list from 4. It was the list of the ones that existed. So we take 482 million, we have north Lamar, burnet road, airport, south Lamar, east Riverside, Guadalupe, then we add one that says and a corridor from south Austin such as -- and then we have that list. Slaughter lane, Brodie lane, Menchaca, 1626, William cannon, and south congress. And then it has equal standing with all of the others.

>> Kitchen: I think we should just call the question. I -- we're really getting away from figuring out what the need is, you know, and I don't understand what we're doing here, so --

>> Pool: Mayor, if I might.

>> Mayor Adler: Yes.

>> Pool: It sounded to me like that was exactly what councilmember kitchen was looking for.

>> Kitchen: That's what motion sheet number 2 does.

>> Pool: And it sounds like it explicates it, it sounds like the folks that would be wanting to know what they're voting on would want to have the names of the corridors listed so that they would know that it was -- there was something in there for them.

>> Kitchen: Here's what it does, is it limits the four districts across south Austin to one more, if I heard you correctly.

[1:28:28 AM]

And it doesn't base it on need. So I thought we were talking about where need is the greatest. So -- and I'm sorry, it's getting late and I'm having a hard time understanding why we want to limit those across

the south to one more corridor when we already have three or four in the north. You know. So I think -- if that's what you want to vote on, then go ahead, you know. I'm sorry, I'm having a hard time --

>> Mayor Adler: Okay. Is there an objection to me changing out my amendment to be the one that I just listed?

>> No objection.

>> Mayor Adler: Hearing none, that's changed out. So the amendment on the floor in front of us is to take the second bullet point on page 6 and to add, and a corridor from south Austin such as Alvarado lane, Brodie lane, Menchaca, fm 1626, William cannon, and south congress. Any further discussion in Mr. Casar?

>> Casar: I'll support this, and the reason being, while I understand that -- I would prefer a significant chunk of the money to go to south Austin, there is no guarantee in this that north Lamar gets money, there's no guarantee that south Lamar gets money, no guarantee burnet gets money, we are just setting aside those corridor plans, getting funding, I'm not getting a guarantee it's coming to my district, nobody else is getting a guarantee, we just start complimenting those corridor plans. And I can tell you, those different corridors are all very different in different parts of the city, even if you might think some parts are nearby each each other, airport boulevard down at 38th street is extremely different from north Lamar up at breaker lane, even if you might consider them both, they're serving very different folks. At this time we just put the corridors out there. We make -- we acknowledge that in south Austin, there have been fewer studies and we include an extra one in there, hopefully to gain some consensus tonight, but I'll support it this way.

[1:30:28 AM]

>> Mayor Adler: Okay. Those in favor of the amendment on south Austin, my amendment, please raise your hand. Those opposed? Kitchen voting no, troxclair voting no, Houston abstaining, Garza abstaining, the others voting yay. The vote is seven in favor. It passes. That was the amendment to the deal. Now we actually have to vote to amend the main motion. Same thing again, sorry, but it's virtually the same vote. Those in favor of the amendment as amended, which is what we just voted on, please raise your hand. First thing we amended Ann's motion for south Austin. Now we have to amend it into the main motion. Those those in favor? Opposed? Abstaining? The same vote we had before, 7-2-2. That gets us back to the main motion. Any further discussion?

>> The main motion --

>> Mayor Adler: Main motion, version 2 as amended by Ms. Gallo and the language I just raised.

>> Zimmerman: So 720 only.

>> Mayor Adler: 720. Those in favor of the motion, please raise your hand. I'm sorry?

>> [Off mic]

>> Mayor Adler: Does anybody else have any more amendments?

>> Are we voting one final package?

>> Mayor Adler: Unless someone has an amendment. I haven't seen any other amendments. That's why I was taking us to a vote. Yes, Mr. Zimmerman.

>> Zimmerman: Thank you. Well, as point of information here, as I said before, this -- what we're voting on here is something that's going to go to staff forever preparing ballot language.

>> Mayor Adler: Correct.

>> Zimmerman: That's all. This is not the final vote. This is what we're giving the staff to come back to us to give us ballot language, and from what we've discussed before, we think this is going to be enumerated for the reasons we discussed about if you lose a bond, you can't do certificates of obligation, et cetera.

[1:32:29 AM]

And you want the voters to be able to see what they're going to be getting for this money they're going to be giving up.

>> Mayor Adler: And that language is something we'll decide -- we'll decide that in August, those questions.

>> Houston: And, mayor.

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: There's been so much talk in the community already about \$720 million that if I vote for this tonight, regardless of how many steps have to happen before it comes back to us, then people will hear, and the reporters will report that I'm supporting a \$720 million package. And I'm not.

>> Zimmerman: So to be clear, if the ballot language comes back and doesn't make any sense to me, I'm going to vote against it. This is 720 million. If it comes back in ballot language that makes sense. If it doesn't, I'm going to vote no.

>> Mayor Adler: Ms. Garza?

>> Garza: And I'm extremely conflicted on this because I'm just so disappointed in this process. We're making a decision about \$720 million at 1:35 in the morning, after lengthy discussions, after -- in my opinion, no real agreement on this. The only real agreement is, we need to improve our mobility. That's it. And so I look forward to seeing the ballot language, but I can't support -- this process has just been -- I don't think it's been transparent, I don't think it's been -- I haven't heard from constituents in my district. In fact, I've heard that they won't support a \$720 million. So I look forward to seeing the bond, but I won't be able to support this.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: I won't be able to support this either. I did the best I could to represent what I was hearing from my constituents, and I'm very disappointed that my colleagues didn't hear what I was trying to say, and I apologize if I wasn't clear enough.

[1:34:32 AM]

But I can't support this. My constituents asked me to try to make some changes, and I wasn't successful, and so I'm not going to support this. And I, too, am very, incredibly disappointed with this process.

>> Gallo: May I ask a question? On draft version 9 -- I'm sorry to be so specific,.

>> Mayor Adler: That's okay.

>> Gallo: But I want to make sure, this has been very complicated and confusing, I just want to make sure of the message we're sending this point forward. In your draft version 9 there are dollar amounts next to categories, but when you get to existing corridor plans, there are addresses and there are amounts with question marks next to them. Is this coming forward to us in August with specific amounts for each of those corridors?

>> Mayor Adler: Well, what we had talked about was giving -- spending \$477,500,000 on these corridors, but what staff said to us was, let us take a look at those plans because we may do sections of certain roads, we may do all of other roads, and while these are the corridors that they'll be focusing on, plus south Austin now, because we've added that, it won't necessarily be those amounts because they'll be looking at where public works is and where the developments are, and they'll be coming back to us with a sequencing plan and how that works over the next six to eight years.

>> Gallo: So I just want to -- my question is that, because I just want to make sure that the funding that has been added for -- or the addition of those south Austin roads is able to be put into those amounts at an equitable amount that's robust enough that it looks fairly consistent with the rest, rest of those

project.

>> Mayor Adler: Probably what I would do is take out those Numbers with the question marks because they could spend anywhere from, you know, 30 million to 85 million.

[1:36:37 AM]

So that the version 10 of this that you'll see will lose those Numbers, and under Guadalupe street, it will add south Austin corridors. It'll note that plans actually haven't been done yet, but yet we have added that to that list.

>> Gallo: Okay.

>> Mayor Adler: Okay?

>> Gallo: Thank you.

>> Mayor Adler: Those in favor of this item, please raise your hand. This is now the vote. Those opposed? Voting no are Houston, Garza, and kitchen. The others voting aye. Passes 8 to 3. It is 1:37 in the morning. We have a couple things I think that are agreed, that people have asked us to do quickly, and I think we could stay and do that. Mr. Renteria, you have one on Rebecca Bain? I think everything is going to be quick at this point. Let's see how quickly -- let's call 101. Okay. Help us Bach us through?

>> This is to amend

[inaudible] Of the land development code relating to site development regulations for the festival beach subdistrict of the waterfront overlay. This is not a site specific ordinance nor zoning case, this is a code amendment that would allow for increase in impervious cover if a project complies with affordability level presented in the ordinance in front of you.

>> Mayor Adler: Okay. Councilmember Renteria has handed out a motion sheet on this item. It is the bright yellow sheet. Is this an agreement at this point?

>> Yes, there are a variety of commissions that looked into it. I won't get into those, but the staff and Washington protection staff are in agreement with the ordinance in front of you, as are the agc.

>> Mayor Adler: Is there anyone here that wants to speak against this?

[1:38:42 AM]

Against this? Is that a "Yes"?

>> Yes.

>> Mayor Adler: Okay. Someone is going to speak against it. Mr. Renteria, did you want to lay it out or did you want to hear the speaker first?

>> Sir?

>> Mayor Adler: What's your name, please?

>> Good evening, mayor and council, mayor pro tem, ladies and gentlemen, staff members, I'm Phil Thomas. The zoning committee chair, east town lake citizens neighborhood association. You have in, I believe, your backups, a letter from the neighborhood association, which I would -- it's a pretty safe bet that no one has had time to read it, so, hopefully I'm not going to belabor this by reading it, but I'm going to read it, anyway, if -- if it sounds too awfully familiar, you can feel free to ask me to stop because you're already familiar.

>> I read it.

>> All right. Some concerns have arisen over the rbg redevelopment and related ordinance amendment that rolls back impervious cover requirements. In the festival beach subdistrict of the waterfront overlay combining district. Let us be clear, we absolutely support truly affordable housing for rbg as intended by lbj. A clause in the 1968 deed sets out a set of obligations dedicated to the fair and affordable housing -- and affordable housing.

[1:40:49 AM]

It also specifies that during the 30-year lien period, that no part be broken off of the property and sold separately. Such an action would have allowed the federal government to seize the property and -- to seize the property. Obviously, the lien has been paid off, and the 30 years has long past. But in 1968, the intent was clear, and the penalty was harsh. Lbj was not intending to have this center broken up. We want to be sure that this project's main goal is to support affordable housing and does not accidentally morph into a vehicle for developing a prime piece of lakeside real estate. We also want to be sure the waterfront overlay protections are respected and continue to protect the environmental integrity of the waterfront. So, the concerns. One, the ordinance amendment applies to the entire festival beach subdistrict. Conditions and restrictions listed in the amendment relating to future development may provide a degree of protection for the rest of the subdistrict, but still open the door to denser development. We suggest the language be amended to pertain to that part of the festival beach subdistrict west of Chicon street. City has advised against making the amendment language site-specific, and we're good with this. We believe the new language, though, will be vague enough to satisfy city legal --

[buzzer sounding]

-- While offering the rest of the festival beach waterfront overlay subdistrict better protection from increased density and increased impervious cover. I had three minutes donated to me. Is that in your records?

>> Mayor Adler: I understand that's correct.

[1:42:49 AM]

>> I may go on?

>> Mayor Adler: Well, you can finish your thought because you've run out of time.

>> Oh. Well, I had my three minutes and three minutes donated to me. Was that the entire six?

>> That was three.

>> Mayor Adler: Now you have three more minutes, I'm sorry.

>> Okay. Thank you very much, sir. Number two, the ordinance amendment allows for approximate 70% increase in impervious cover with enhanced runoff collection and treatment, even going so far as to capture runoff from north of the property itself and treating that as well. While Austin's geriatric center will probably make good on this part of the amendment, private for-profit developers may seek variances for the acres agc says it must sell off to finance the implementation of the master plan. According to Mr. Hydrick of the Austin generic center board at the June Cesar Chavez neighborhood contact meeting, without this, the project won't get done. Three. Agc goes on to state that more impervious cover is essential to getting the best price of their sale of real estate that will bridge the funding grade point average. Agc has picked a for-profit developer for this real estate, according to David stout of agc, that we can trust. We know nothing more about the developer they have in mind. Like much else in this case, key information is shrouded in mystery. We have seen, however, a preliminary sketch of a site plan that includes, but is not limited to, 250 to 300 market rate rental units across the street from martin middle school fronting comal street. We strongly hold that this kind of density has no place in our festival beach overlay subdistrict. It sets the worst kind of precedent. Number four. There have been newspapers comments about the project's principal reluctance to open claims that the property is required to finance rbj improvements.

[1:44:56 AM]

In the intervening months since plan C was pitched to the east Cesar Chavez contact team and approved by this team, the funding needed quietly went from four million to 12 million. Number five. The threat at the may planning commission by dma, agc's private sector partner, of a looming disaster at the federal level which could cut funding for deeply affordable units, those at 30% mfi, in the congregate care facility itself, the nature of the potential disaster was not alluded to at the planning commission, but later in June at the east Cesar Chavez contact team meeting, the dma principal expressed uncertainty that hud would renew federal funding for deeply affordable units at rbj. We find this odd when rbj has never been turned down for this hud money before. Further, the dma principal announced that hud rules would not allow us to fund deeply affordable units. Again, there was no elaboration on why hud rules would constrain them in this way. So in conclusion, our asks are, new amendment language to better protect the rest of the festival beach subdistrict overlay.

[Buzzer sounding] I have run out of time, so thank you very much for your service and the opportunity to speak for six minutes.

>> Mayor Adler: Thank you. We have other speakers that have been identified. Mr. Hydrick, you want to talk?

>> [Off mic]

>> Mayor Adler: I'm sorry?

>> There are other speakers.

>> Mayor Adler: Okay. So I have a list of speakers. I don't know if we have designated speakers and also speakers that have shown up on the list. What's your name?

[1:46:57 AM]

>> My name is Kay Humphreys. I'm speaking against. My concerns are the lax rules for the overlay, but really one of my -- agc is a non-profit organization, and their principal, in other words, a non-profit is given money or given land, and that is considered their principal. So this 18 acres is agc's principal, and ethically, I have a big problem with them selling off five acres. That five acres will surely be needed by seniors in the near future. There is no more land, and the developers are not making -- are not building low income housing for anyone. In fact, they would rather pay a penalty than include a few units in their market rate units. So I feel very strongly that selling this five acres is stealing land that was set aside for senior housing 40 years ago, and I feel sure there's another way. And I'm just very disappointed that it's -- it's all feel-good, and the seniors are losing five acres of potential housing. And it's not going to be replaced with anything else. So I have ethical problems with the selling of the land.

[1:48:58 AM]

Thank you.

>> Mayor Adler: Thank you. Now I call Mr. Hydrick. I'm going back and forth between those that are for and against it. I didn't know if there was anyone against it before, that's why I had asked that initial question. That's what threw everybody off. Mr. Hydrick.

>> Mayor, mayor pro tem, members of the council, I'm Clark Hydrick. I serve as chair of the board of Austin generic center, inc., a 501 C non-profit. I've served on that board for 25 years, as has been said, this project was started 44 years ago when president Johnson was coming out of office. It consisted of 18 acres, 16-story tower, approximately 245 units today. There are 240 people or 245 people that live in that tower. We've run a good project for the last that years. We've tried to keep the building up, take good care of our residents. We had a number of our residents here earlier, who came on a bus, who were very much in support of this project because our building is in tremendous need of rehabilitation.

We cannot simply continue to let it get older. And so our plan has been -- and we have a number of residents who have stayed to reinforce the need for this project. We have no money. We have 18 acres of land. We cannot move these residents out of this building. They don't move. They have nowhere else to go. And so our only plan has been to construct new senior living facilities on this property, move our current tenants in the tower into that new housing, rehabilitate the tower, and then effectively double the amount of low income housing. The problem is that we have no money.

[1:51:00 AM]

Our asset is the land. Lyndon B. Johnson would never have wanted people to live in a building that is substandard. They would want us to do the rehabilitation. They would want us to do the practical and right thing. So we have made an arrangement to sell part of our property to a developer. There's no secret. They're not shrouded in mystery. They're, in essence, a joint venture composed of Danny Roth, who's here tonight, John Rosado of southwest strategies, terry Mitchell, with momark development who's here tonight, and Diana Mciver and dma, who are low income housing specialists. They've worked with us, we started working on this project in 2009. We involved the neighborhood from the beginning. They helped us select our project manager, they were on the team that developed the plan, and they were on the team that selected the developer and approved that selection. The neighborhood association approved the project in 2015 and just last week they voted 7 to 2 to support the increase in impervious cover requested in order to enable our project to go forward. We have to of a project. This is a good project.

[Buzzer sounding] Thank you. We have worked out the terms of the ordinance with the staff. I believe that we are comfortable with moving ahead as -- as councilmember Renteria is going to lay it out. Thank you.

>> Mayor Adler: Thank you very much. Julio Perez.

>> Good morning, mayor and council members.

[1:53:00 AM]

I'm here to speak for myself. I am a member of the east Cesar Chavez planning team. I represent the non-profit. I'm actually the property -- I mean not property manager, but the manager -- site manager for the festival beach community garden next to the rbj tower. I am familiar with a lot of the information that's been passed out, at least some of it, because most of it has been very vague. Nothing has -- I've had a lot of questions regarding this project that's been going on, but a lot of answers have been very vague, and I don't believe that these people are really being honest with us, and that's why I'm here. I've taken all this day to be here, and this project has really bothered me a lot because these people actually -- I feel they're doing something that's not correct, and if they can't come out clear to the people and -- when somebody asks you a question, you should be able to receive a question that's clear and precise, instead of like give me a fake answer, you know. And the same thing they've done to the seniors there. And that kind of worries me because I feel that these seniors are actually feel that they're being forced to be here. They've been transported here. This is the only transportation they've gotten here because they need to be here for them, not for themselves, because they feel -- they fear of losing a place to live, and that's not right. You know, they could -- this property has been, like I said, it's been paid off and stuff. I don't feel that selling the property would really benefit the seniors there, and build more -- to help to build more senior living there. They could actually probably get a loan for this property and do this all on their own instead of selling their property, which I don't think that Lyndon B. Johnson would really want this property to be used in that manner.

[1:55:04 AM]

I'm not really a great speaker, but I feel that it would be a mistake to have this project continue. I fear for the health of these seniors while this project is being done because construction will be done on site and these folks will still be living there. I will be working next-door in the garden, and I've asked -- I've asked them about what they would be doing in regards to, like, the dust control and things like that in the area, and they've also given me vague answers and really not give me a direct answer, where they'll be staging their construction. Nothing has really been told to me direct, I mean, what they're going to do about the traffic, I mean, nothing has really been clear. And I don't really feel comfortable with this project to -- that would be continued if it was approved. I hope that you don't approve this.

[Buzzer sounding]

>> Mayor Adler: Thank you. David king?

>> Thank you, mayor and councilmembers. You know, I'm really glad that we're going to have some affordability here in this location and that we're going to continue to be able to have this facility upgraded for our seniors here. We don't have enough senior housing, especially low income senior housing in our city, so I know this is an important project. And I hope we can somehow get the 30% mfi seniors covered, too, and there's some way to lock it in so we can make sure we get this affordability right here in such a beautiful location, and our seniors deserve this. You know, I do have some concerns. I'm not speaking against the project. I do have some concerns, though, about -- about the impervious cover applying to all of the festival beach subdistrict, not just to this one site. Maybe someone could clarify that for me.

[1:57:04 AM]

And I understand, reading the ordinance and the backup, is that that 70% impervious cover applies to the whole subdistrict. And I know other -- other stipulations are part of that, but it sounds to me like someone else could come in, potentially, and utilize that 70% impervious cover on another part of the subdistrict. The last point I'd like to make is the waterfront overlay does need an overseer and I hope that we can get the waterfront planning advisory board back on -- in place to help us with these kinds of issues and providing you guys with -- the council with advice on this. Thank you.

>> Mayor Adler: Thank you. Is Paul Saldana here? There you are. You're kind of low in that chair.

>> Good morning, mayor. I also have the privilege and honor of serving as vice chair of the board for the Austin generic center, have been on the board eight or nine years. You all have heard me talk many times. I grew up in the neighborhood. I first stepped foot in this in this building when I was 8 years old with my gram who lived on waller 35 years until she passed away in the mid-1990's. I want to talk about residents for a second. First and foremost, rbj has been an invested east Austin neighbor, we fall within the boundaries of the east Cesar Chavez neighborhood plan. Our residents are part of the east Cesar Chavez contact team, and I believe that we've done a spectacular job providing, supporting, and sustaining quality of life for our seniors. That's our number one priority, to serve our seniors. The median age resident of our seniors is 73. We have many residents actually in their 80s and 90's. The average median income is less than \$13,000 a year. They are not profile at rbj has become older, more frail, poorer, over the years. We have 245 units. A hundred of these units are section 8. Section 8 residents pay 30% of their income for rent.

[1:59:06 AM]

Rbj keeps non-section 8 rents very low because many residents still have to pay a high percentage of their rent for income -- income for rent, excuse me. 64% of the residents who do not live in section 8

units are at risk, meaning their cost of burden exceeds 30% of their income for rent. 28% of those residents pay over 50% of their income for rent. The current rent for people moving in right now is \$579 for one bedroom, all bills paid, and \$546 for an efficiency, with all bills paid. When we raised our rent a few years ago, we grandfathered all of our current residents, who were not section 8. And to be clear, these residents had been and will continue to be subsidized by rbj, not only because it's morally the right thing to do, but because it's always been part of our mission for the last 46 years and will continue to be so, which is why we are a non-profit. As I mentioned earlier, we probably have had at least 50 meetings over the last eight years, and as our chairman Clark Hydrick mentioned, east Cesar Chavez neighborhood planning team and representatives have been part of that process from day one. So I'm happy that we are moving forward. I think certainly when we talk about the people who are most vulnerable in our community, as you know I'm very passionate about our young people, but I think nobody here would argue that among our most fragile people in our community are our senior citizens, and that's something that our board is absolutely committed to making sure that we do our part to improve the quality of life for the seniors in our building. When we started this process four years ago -- eight years ago, our board initiated the redevelopment plan with several objectives. One was to continue to provide quality safe and affordable housing for seniors. [Buzzer sounding] If I can finish, expand affordable housing opportunities for senior citizens, provide upgraded amenities, and add or housing consistent with adopted neighborhood plan, and the last part of that would be to make sure we were good Stewart of the land and ensure the legacy created by president lbj 50 years ago would actually come to fruition to ensure we improve the quality of life for our seniors.

[2:01:25 AM]

Thank you so much four time and attention.

>> Mayor Adler: Okay. Mr. Zimmerman, did you have a question?

>> Zimmerman: Mr. Saldana, I want to quickly, given the distinguished persons here in favor of this, I wish it would have taken seven months instead of seven years to get here.

>> Absolutely.

>> Am I next?

>> Mayor Adler: What's your name?

>> Jo Staton. I live at rbj. I'm one of the seniors. The bus load of people that came here for rbj to tell you that we need our new building. We weren't here, forced to be here. I moved into rbj August of 2009. It was a wonderful building, a great view, and we had a few problems. Elevators didn't work. You took cold showers sometimes. Sometimes you couldn't open the windows. The building was shifting. But we loved it. We love our building. We always did. We had problems with -- many problems with our plumbing and other things, but we knew that our mortgage would be paid off, and we were told we would get a new home. We have a lot of good residents that live at rbj. We need a new home, and the rbj building needs a rehab. I'm 81 years old. I'm not getting any younger. Any questions?

>> Mayor Adler: Thank you very much and thank you so much for staying up so late.

>> Gallo: Mayor, I was just going to say that, too. That's amazing.

[Applause]

>> Mayor Adler: Terry Mitchell.

[2:03:34 AM]

>> Thank you, mayor, mayor and council. My name is Terry Mitchell, and I think a gentleman had donated three minutes to me. I will try to be very brief. I know it's late.

>> Mayor Adler: Is Steven spears here?

>> Yes.

>> Mayor Adler: Yes, you have six minutes if you want it.

>> I just wanted to -- my purpose, we were engaged by the rbj Austin generic center with southwest strategies to compliment the plan they worked so diligently to put together. I am not aware of any way they could have done this in a better fashion. They created a strategic committee that had city council members, had staff members, had neighborhood members, had business experts, had residents, and they had -- I know councilmember Renteria was involved and they went through a several-year process spending several hundred thousand dollars putting together a plan. When they went out to find a developer, which was us in southwest strategy, to implement that plan, certain laws had changed. Things like heritage tree ordinances, compatibility had not been considered in an appropriate way, so we spent a fair amount of time and lots of money making sure that that man stayed true to its original vision, yet complied with the laws without variance. One of those was a misunderstanding that the land would be larger than it was in the site plan, and that is the reason for this request. I just want to thank you for your time, thank you for your efforts, if I can answer any questions, I'll be happy to answer those.

>> Mayor Adler: Any questions? Thank you. Next speaker is Farrah Rivera.

>> Good morning, sir. Good morning, councilmembers. My name is Farrah Rivera. I'm 54. I'm one of the youngest ones that live at rbj. I've lived there for eight years. My concern, I am in favor of the remodeling and I'll tell you why.

[2:05:38 AM]

Most of my neighbors that use either walkers or wheelchairs, you're not -- you're not able, if you do that, to even take a shower there. You mostly wipe down. This is an indignity. The way this we live is not very well understood by many people outside of our community, but I hope you do, and I do hope that for the sake of our mobility impaired people, for the sake of all the people that live with us there, to please bring us into the 21st century. We do not have a lot of time. Most our residents are elderly or sick, and we need this now. Thank you very much.

>> Mayor Adler: Thank you. Is Helen --

>> I'm going to pass. Thank you.

>> Mayor Adler: Okay. I think that's everybody. Theo, do you want to speak th.pio, do you want to speak to this issue? Are there any other speakers here that would like to speak? Okay. Thank you.

>> If I may address a couple of comments Mr. King made, it is true this would imply within the sub district of the waterfront overlay, however it would only apply to a property who donated one and a half acres of parkland, provided 450 affordable units, and complied with all of the mitigation in exchange for the impervious cover, so I do believe that that universe is a rather small one, and also for the record, the resolution that directed the staff to prepare the ordinance was passed in December, which was seven months ago.

>> Mayor Adler: Thank you.

>> Renteria: Mayor? Yeah, I want to make a motion to approve it, but you all have the motion to the revised code amendment for festival beach waterfront overlay subdistrict.

[2:07:44 AM]

You notice that all the proposed amendments include the affordability change that I have put forward in my motion are all underlined. Legal has advised us that this is appropriate. However, in order to not confuse you, let me explain what changed from the backup version and what you see on the yellow

page. The change that I'm suggesting is as follows. It changed the 140 units at 30% mfi to 40 units to residents at or below 30% mfi. And 100 units that serve residents who earn at or below 30% mfi and receives a rent subsidy, or residents who earn at below 50% without a rent subsidy, or with a rent subsidy that is required to be available under federal law to residents earning up to 50% mfi. Then below, it describes how we defined the rent subsidy. It restricted other legal instrument to ensure affordability at the time of the site plan at least. I'm not making any motion for any other change to staff code amendment other than the affordability. So that's -- I want to make a motion to approve.

>> Mayor Adler: Mr. Renteria moves to approve. Is there a second?

>> Zimmerman: I'll second that.

>> Mayor Adler: Mr. Zimmerman seconds. Any further discussion in Ms. Houston?

>> Houston: Mr. Rusthoven, could you come again and talk about the -- is it 70% impervious cover?

>> Yes. The existing impervious cover is 70. Under this code amendment, any property that complied with these conditions would be allowed to have 70% impervious cover.

>> Houston: 70%. And how many acres are we talking about?

>> Well, actually, it would apply to any site within the subdistrict.

>> Houston: No, no, I just want to know how many acres are we talking about --

>> Ajc owns?

[2:09:46 AM]

18.

>> Houston: 18 acres, how much are they planning to sell off?

>> I've been told about five acres.

>> Houston: And so they're going to maintain the difference, and that's where they're going to build the new --

>> It's one and a half acres of parkland, the new park is propose. They would sell about five acres and retain the rest.

>> Houston: So is part of that the garden that the gentleman was talking about, would that stay intact?

>> The garden is on city parkland and that's not affected by this ordinance.

>> Houston: Okay. Okay.

>> Mayor Adler: If there's no further discussion -- yes, Ms. Tovo.

>> Tovo: I have a question. Councilmember Renteria, on the sheet you handed out, there's also a passage that I want to be sure is included, and that is if an applicant elects to develop a site at greater than 40% impervious cover, it's authorized that passage, I believe is new as well; is that right?

>> Yes, it's in the -- I believe the intention would be in councilmember Renteria's motion.

>> Tovo: Okay. So that's included as well. Okay. Thank you.

>> Mayor Adler: It's been moved and seconded, this item number 101.

>> Casar: Mayor, extremely brief comment. I believe that -- I'm supporting this motion, but I do believe that lbj and others would have wanted for us to keep the dirt and for congress to continue funding the programs that were so critical to building our public housing, but unfortunately, we're living in a world where that's not the case, and these are the measures that we have to take.

>> Mayor Adler: Okay. Those in favor of item number 101, please raise your hand. Those opposed? Try not to hit people with your pen.

[2:11:46 AM]

Unanimous on the dais. We have a couple more items here, some that are time-sensitive. I know it's late, but maybe we could speed through some of these. Item number 99. Item number 99. I'm going to

ask if there's anyone that thinks that they're opposed to this. If there's not, then we will tell the speakers, all of them who are here in favor, let's lay it out for us so we can see what it is.

>> Good morning. Mayor and council. My name is Carl. I'm building official and assistant director of development services. This has been heard by the Austin electric utility commission, the mechanical plumbing and solar board and

[inaudible] Board of appeals. The state has already adopted this today. We just wanted to adopt it with our local amendments. There are a couple good reasons for that. That's already been explained.

>> Mayor Adler: Okay.

>> Mayor, I'll move approval.

>> Mayor Adler: Ms. Pool moves adoption of item 99. Is there a second to that? Mayor pro tem seconds.

>> Tovo: Yes, but we have Mr. Hirsch to speak.

>> Mayor Adler: Okay. We have actually four speakers. I don't know if all four speakers want to speak or not.

>> It's pretty late.

>> Tovo: We did get a letter from Mr. Reed in lieu of --

>> Mayor Adler: In lieu of testifying?

>> Tovo: So he sent us all a letter. I don't know if the other two speakers are here.

>> Mayor Adler: David king and -- could I ask, is there anyone that has any concerns or objections to this? Mr. Zimmerman?

>> Zimmerman: Mr. Mayor, I'm going to be either abstaining or voting against this. When this came up earlier, someone told me -- I didn't have time to go get the recording but I was told the state had mandated this building today change, and I said, you know, I don't believe that. And they said was Donald

[2:13:48 AM]

[inaudible], a senator and legislature. I know the senator. He would never mandate something like that. We spent the better part of about a day and a half researching this. We found nothing that looked like any kind of a mandate that the city had to implement these codes. That annoyed me. Can you tell me, Mr. Ren, with certainty --

>> The state adopted --

>> Zimmerman: There's a difference between them adopting it and making us do it. Okay? All right? They adopted --

>> Mayor Adler: Let him finish his sentence. He said --

>> Austin energy is also involved in this, but the state does mandate a minimum energy code.

>> Debbie Kimberly, customer energy solutions, Austin energy. Mr. Ren is correct, during the last session of the Texas legislature, they passed a bill adopting statewide iecc 2015 is the statewide building code.

>> Zimmerman: Okay. They adopted a statewide building code, but they do not coerce or mandate or force us to adopt a code that they have accepted.

>> The code that they -- no, actually, it applies statewide. And so if we were to adopt -- if we were continue with the 2012 code, it would not be in compliance with the new code. It becomes effective for residential customers in September and for commercial customers in November. And so that does create a concern, if you had a commercial, for example, developer, that was using a code that is not in compliance with the state code that has some provisions that are, frankly, just modestly more restrictive than our 2012 code, and that's the concern that we had and the reason it's brought forward separately from the other building codes.

>> Zimmerman: Okay. I'm sorry, the cost impact, the cost of this code, any estimates?

[2:15:50 AM]

I know it can be very complicated to figure that out, but what is the cost -- the cost of this?

>> It's estimated that the approximate cost for a three-bedroom, 1200-square-foot house would be about \$350 or \$1.57 a month on their mortgage.

>> Zimmerman: Okay. Thank you. Mr. Hirsch? Let's let Mr. Hirsch testify.

>> Mayor, members of the town hall, my name is Stewart Harry Hirsch and like most in Austin, I rent I'm going to -- since you have my remarks I'll shorten 24 considerably. To visit the issue of death by a thousand cuts at some reasonable hour other than this one, we've been making a lot of changes to building codes and land development codes since smart housing won't say adopted with affordability impact statements in 2000, and while the individual impact of these respective are not great, the cumulative impact is creating impediments to our market rate housing serving what this council has identified as great need, which is households at 80 to 120% mfi. We don't need to talk about that tonight. You have my remarks. Please adopt this on all three readings. Thank you.

>> Mayor Adler: Okay. Does anybody else want to speak? Okay. Do you want the speak?

>> I tried not to because I know it's late. I hope that you pass this because I know there's a cost up front, but the realtor, there's a pay back over time. The houses we're talking about are going to be around 50 to 75 years and the pay back over that time period is really what the benefit is all about, so I think it's worth this investment. Thank you.

>> Mayor Adler: Thank you. Someone move passage of item number 99.

[2:17:51 AM]

You already moved and it was seconded. And motion is to adopt this and enclose he is the public hearing. Those in favor, please raise your hand. Those opposed? Those abstaining? Zimmerman, troxclair abstain, the others voting aye, 9-0-2. Thank you. Real fast, we had the homeowners -- homeowners exemption pass with six votes, which means that -- okay. So I'm recessing the main meeting, going back to the special called meeting, which was in recess. Homeowners exemption passed with six votes. It can continue to pass with six votes, but it has to be voted on on two more days, which means that the six people who voted yes are going to have to convene on Tuesday and on Wednesday in order to be able to do this. Mr. Casar, at great personal sacrifice, who does not believe in this, has agreed to move to reconsider the vote so that the vote can be taken again with his seventh vote, which means on first and second reading only, which means that the six of us only have to meet one time next week, as opposed to two times next week. Mr. Casar moves to reconsider the --

>> Casar: You have to move to reconsider -- I was on the losing side so the winning side has to move to reconsider.

>> Kitchen: I'll move to reconsider.

>> Mayor Adler: Ms. Kitchens moved to reconsider, it's seconded. Those in favor, raise your hand. Those opposed? Houston, Renteria, and mayor pro tem, Gallo and Garza -- aye, we move to reconsider. We're going to take another vote on that motion.

>> Casar: Mayor, I'm going to be very clear I'm going to vote for this on first and second reading as a courtesy. One time when I was running I was told if I wanted to be courteous or a statesman, I should not vote for city council and I've already done that once.

[2:19:56 AM]

I will vote for it on first and second reading and won't come back -- I won't be here for your third reading because I'll be against it.

>> Mayor Adler: Going to boycott the third reading and I understand that.

>> Gallo: Thank you.

>> Mayor Adler: Those in favor, please raise your hand. First and second reading only. Gallo, Casar, kitchen, Adler, troxclair, Zimmerman, pool. Those opposed? Remaining folks on the dais. That now done on first and second reading, I'm going to adjourn the special called meeting. I'm told that in the hfc we have some time items that have to be handled, can't wait until August.

>> Tovo: I hope as expectation we're going to blast through the rest of the hearings because we have staff who have been here for 12 hours, they have no speakers on them, so again, I think we can dispense with them real quickly.

>> Mayor Adler: I agree.

>> Tovo: I think we can dispense with this quickly two, but.

>> Mayor Adler: My hope is. Let's blow through the rest of this.

>> And you're going to get back to us about when that special -- the next special called meeting will be held?

>> Mayor Adler: Yes. I need to know calendar availability of the six of us. Looks like it's going to be Tuesday or Wednesday of next week. Is everybody available on tuesday-wednesday of next week?

>> Yes.

>> Mayor Adler: Okay. Jim will help me set a special called hearing for one of those two days.

>> Zimmerman: Tuesday is better.

>> Mayor Adler: Tuesday is better? Okay. Come back -- all right. We're now back into the main meeting and I'm going to recess the main meeting and convene the meeting of the hsfc. Housing and finance corp. Today is June 24th. It is 3 o'clock -- it is 2:21 in the morning.

[2:21:59 AM]

We're in city hall chambers. Let's call these items as quickly as you can work us through them.

>> Good morning, David potter with neighborhood housing representing Betsy Spencer, the hfc board treasurer. We have four items today, one of which is to approve the minutes of a previous meeting, the second one, the time sensitive one, is to approve an inducement resolution for the housing first oak springs project of Austin Travis county integral care. The third item is to set a public hearing regarding the inducement resolution to issue the private activity bonds. And the fourth item was submitted by vice president tovo regarding the ability of -- of folks living in community land trusts and their ability to participate in petitions. I hope I got that all correctly and quickly.

>> Mayor Adler: Okay. Is there a motion to approve the minutes of the last meeting?

>> So moved.

>> Mayor Adler: Mayor pro tem moves. Pool second. Those in favor, please raise your hand. Those opposed? It's unanimous with Garza and Renteria off the dais. That gets us to the second item. The second of the items that were related. Is there a motion to approve items 2 and 3?

>> Houston: So moved.

>> Mayor Adler: Ms. Houston moves. Is there a second? Ms. Gallo seconds.

>> Houston: I'd just like to know what an inducement is.

>> Well, we brought in hfc's bond counsel.

>> Houston: Bless his heart, he's been sitting here all day.

[2:23:59 AM]

>> It's just action that -- I'm sorry, my name is mark, I'm counsel for the hfc. It's an authorization for the hfc to go ahead and apply to the board for an allocation of private activity bonds.

>> Is this the oak springs?

>> Houston: Mayor, since item number 3 is to set a public hearing, can we do them both at the same time?

>> Yes.

>> Houston: Okay. I'd like to move approval of items 2 and 3.

>> Mayor Adler: Okay. Mr. Renteria seconds that motion. Any discussion? We have speakers. Gus Peña and Ellen Richards.

>> Ellen has gone.

>> Mayor Adler: Looks like she has. So is there a motion to -- so we have the motion on 2 and 3, we have no speakers. Those in favor of 2 and 3, please raise your hand. Those opposed? It's unanimous on the dais, with Troclair abstaining and Zimmerman abstaining. 9-0-2. Okay. That gets us to item number 4. Mayor pro tem, you want to lay that out?

>> Tovo: Yes. I'd like to move approval and I can speak to it and lay it out.

>> Mayor Adler: Number 4 has been moved by the mayor pro tem. Is there a second? Mr. Renteria.

>> Tovo: So as I think most -- I think everyone on the dais knows that within -- the state law provides a provision that owners within 200 feet of a particular -- of a proposed zoning case have an opportunity to file a valid petition under state law, and I've indicated what those percentages are. It needs to be 20% of the area of the lots or the land, or the area of the lots or the land immediately adjoining.

[2:26:00 AM]

Well, it was determined recently, or it was did you understand, I'm not sure that everybody agrees, but anyway, the assertion was made that within a community land trust, property owners do not have the ability to file a valid petition against a proposed zoning change. So, you know, this is a tool that I hope we'll see lots more of throughout Austin. I believe that those property owners ought to have the same rights that are available to property owners outside of community land trusts. And so this resolution would -- would direct -- would fix that, and here's how it would do it. It would establish a process where, if -- if the same threshold, the same percentage of community -- of property owners within a community land trust register opposition to a proposed zoning case, the general manager or the manager's designee would be directed to sign that valid petition on behalf of those -- on board of of that tract. And that's more or less the resolution.

>> Mayor Adler: Okay. It's been moved and seconded. Mr. Zimmerman?

>> Zimmerman: I'd like to speak against this item. If we were to keep talking about this, I'm sure the question of equity would come up, and someone would say, well, we need to make this equitable. Now, I'm voting against this because it creates inequity, because what it does is it says that if your property is subsidized and paid for by the taxpayers, and you don't pay property taxes on it, you're the same as somebody who does own their property and does pay taxes on it. So what this resolution does is, it says that someone who purchases property and pays property taxes is the same that somebody who doesn't purchase the property and doesn't pay property taxes. So, again, it's the logic problem I always have, that what is unequal is equal. So this is a terrible resolution. It creates inequality and injustice because it's not fair for somebody who buys property and pays taxes on it to be considered the same as someone who doesn't buy it and is subsidized.

[2:28:05 AM]

Not fair.

>> Houston: Mayor, may I ask a question? Do they pay -- do the people who live pay property taxes on the structure?

>> They pay -- that's correct. They do pay property taxes on the structure, on the improvements, but not on the land.

>> Houston: Thank you.

>> Mayor Adler: Okay. It's been moved and seconded. Any further debate? Those in favor of this item number 4, please raise your hand. Those opposed? Zimmerman and Troxclair voting no, others vagues aye, motion passes 9-2. Thank you. We're going to adjourn this meeting of the Austin housing -- housing and finance corporation.

>> Could we take up 89 really quick?

>> Mayor Adler: So let's see if we can take up 89.

>> Pool: This is an item that came through the open space committee and it came through the sustainability office --

>> Mayor Adler: I can't hear you, I'm sorry.

>> Pool: I'm sorry. This is an item that came through the open space committee last month and it was unanimous to all who were there, and it simply allows for -- includes the sustainability office to take advantage of the biophilic cities network. We had a really good presentation by the sustainability office and the urban for industry division. It gives us a seat at the table with a number of other cities that also - - I'm reading this because staff isn't here. I think they've gone home. A number of other cities that also value and understand the importance that nature plays in our lives. Membership would require just a few things, the official statement that we intend to join the network, which this provides, the statement covers how the city currently prioritizes nature in the city and the selection of at least five nature based performance indicators. The membership cost is minimal. It's a one-time fee of \$250.

[2:30:06 AM]

And it requires no additional staff. And money is covered by the -- by the sustainability office. So any questions?

>> Mayor Adler: Ms. Pool moves passage of 99. Is there a second to that?

>> 89.

>> Mayor Adler: 89 rather, I'm sorry. Is there a second to this -- Mr. Renteria seconds that. Ms. Houston?

>> Houston: I'm sorry, I didn't hear how much the membership fee was.

>> Pool: \$250, a one-time fee.

>> Mayor Adler: Any further discussion? Those if favor, please raise your hand. Those opposed? Troxclair and Zimmerman voting no. Gallo voting no. Gallo abstaining. The vote is 8 to 2 to 1. It passes. Thank you. Okay. We're getting close, guys. What about item -- what's 102? 102 is lake front development item.

>> Good morning. This is Liz Johnston with the watershed protection department, and I am bringing forth for your consideration this evening didded this morning an ordinance that is basically a cleanup of code issues related to lakeshore development. This is a continuation of a larger scale effort that was passed in 2014. We're continuing that effort to continue to clarify and streamline the code to make it easier and more straightforward. We have a presentation which is provided in the backup and I'm happy to answer any questions you may have.

>> Mayor?

>> Mayor Adler: Yes.

>> Gallo: I'd like to recommend reapprove this only on first reading. We have a lot of lake front property owners and there's been some concerns expressed they'd like a little bit more time to understand the issues surrounding this and do second and third reading in August.

[2:32:23 AM]

>> Zimmerman: I'd like to second that motion. I have some other constituents that asked me to not do this on all three readings.

>> Mayor Adler: That was the original motion. Is that right? No one had moved yet on this?

>> Gallo: I made the motion to do it on first reading only.

>> Mayor Adler: The motion is to pass on first reading. It's been seconded by Mr. Zimmerman. Discussion?

>> Well, mayor, I have a little concern about that. This has been on our agenda several times. You know, if that's the will of the council, okay, but, you know, we have had -- I mean we had concerns as well. We met with staff. We kind of worked through them. I mean, it's been in progress a long time and at least I guess I would ask that in the future, if we're probably not going to pass something, we should take it up really early in the day so our staff aren't looking at another 14-hour day in August. Can you help us understand the nature of the concerns, councilmember Gallo, that property owners have about it?

>> Gallo: I think that some of the issues or some of the code, like access of stairs and trams, the ability to fill, not fill.

>> Tovo: So those were all very much the subject of some of the original provisions and we spent a good deal of time, there was a lake Austin task force that worked through some of those issues. They -- yes, there was not a hundred percent unanimity on some of those points, but this is really as staff have said a cleanup and a clarification of some of those issues. I certainly hope we're not going to get sort of dig into the lake Austin provisions which are only a couple years on the books and start reopening them, especially with regard to trams and some of those other issues which were --

>> Gallo: So I think there is a large component of our district that has lake front property that is very difficult to access with stairs, and trams have been in the past a solution to that.

[2:34:30 AM]

And if you -- if you do stairways and you do switch backs back and forth, you're actually disturbing much more of the environment than a tram, and I think they would just like the opportunity. I don't think they felt like they were included in the process, and there may have been a very robust process, but I'm not sure that the communication to do that, and I apologize and I wish they were, and I wish they had had a chance to participate, but we just have had people who have contacted our office who are concerned about issues that they are running into with various things under this.

>> Tovo: Well, I would ask then when staff come back that we be provided with the lake Austin task force members, the reports. I mean, it was a very extensive process addressing some of the very issues that I've just heard cited, and again, there were some people who left unhappy about that, but there was substantial discussion and involvement in that, so I think it would be helpful to have all of that information as we take this up again.

>> Mayor?

>> Mayor Adler: Go ahead.

>> Pool: I'll just go ahead and jump in. I wanted to just note that thatthe according to the backup information, the proposed ordinance is intended to fix typos, clarify code language, remove apparent conflicts in the code language, and revise issues that were unintended results of previous code changes. And then the environmental commission on may 4th voted 8 to 2 in support of these changes and recommended it, and on may 24th, the planning commission on a 10-0 vote also recommended these changes. So I will vote to support on all three readings for these changes.

[2:36:32 AM]

>> Tovo: Actually, I think it would be -- I'm sorry, I know it's late and it's -- it would be -- I mean I'm sorry

to ask you to do this, but would you mind actually talking us through the changes? Because it's been a couple weeks since I've looked at it, but they are really minor. If you look at it, it is -- we're changing things like length to frontage, length to frontage. I guess, you know, I too would -- well, there are a lot of changes we're going to have to walk through. But if there was an amendment, I would certainly support hearing it on all three readings because I believe it is really just a cleanup of those original intents.

>> Right. So we have three typos, pretty minor changing transcription error from 2014, from the amount of impervious cover categories, we are changing subsection E to an F. We're changing a paragraph -- those are all pretty minor. Some clarifications that we're proposing, I had erred from stakeholders that the percent openness calculation that is amount of enclosure that a dock may have is unclear, so this is a proposal to clarify that language to make it easier for everyone to understand how to make the drawings and how to review the drawings, and also to not include insect screening in the calculation so people can fully enclose with insect screening and not have that count against the percent openness. We've had some issues with fences in the set back, whether or not they're allowed and we're just clarifying that, yes, they are allowed in the L.A. Set back. We're removing a prohibition for construction of public boat ramps, so right now there's a blanket prohibition against construction and no one can even ask for a variance for that. So for public boat ramps, that could be an issue.

[2:38:34 AM]

We're clarifying that public boat ramps can be constructed. We are clarifying how to calculate shoreline frontage and adding a definition of what the shoreline frontage is. We are clarifying how to calculate how far a dock can extend into a channel. They can't extend more than 20% of the channel, so we're saying how do you make that calculation. Clarifying what necessary access is, per the current policy. So environmental code doesn't say that trams are prohibited, or stairs, it's just saying that you can only build what is necessary, so we're clarifying what the necessary access is. We are changing a definition of what -- well, there's prohibition against moving more than 30% of the woody vegetation in the L.A. Set back, which has been a very difficult code to enforce because we don't know what vegetation exists on a given site, so if somebody removed some vegetation, we don't know what it was or -- so we're removing that and replacing it with the trees we already know, and they're due to survey requirements.

>> Gallo: I'm sorry, could you go back to where you were commenting -- we're over here. Hello. Could you go back to where you were commenting on access? Because that has been the thing that we have had most calls, unhappy calls about, because either -- either it has been changed in how it's interpreted or it wasn't clear and now we're clarifying it in a way that wasn't interpreted before.

>> We're clarifying that what is -- we're codifying what existing policy is for necessary access but the tram prohibition has been on the books a number of years and we're not proposing to change that because it was discussed in 2014 at length, and the intent of this effort was not to substantially change the code, it was to clarify and clean up, basically, the code to make it clearer for everyone.

[2:40:59 AM]

>> Gallo: Okay. And where is that addressed in this? I'm sorry it's late and I'm sure I knew at one point, but I don't remember now.

>> So for necessary access you mean or --

>> Gallo: Uh-huh, where that's been clarified. I think the interpretation of the clarification is what the issue is.

>> Right. So 25-8-261-c, development allowed in a critical water zone. 25-8-261-c, in the ordinance that is --

>> Gallo: Like the page?

>> 6.

>> Gallo: Okay.

>> Yes. In item c1, for a single-family residential use, access may not exceed the minimum area of land to construct a single means of access from [inaudible] into a dock.

>> Gallo: So that's the clarification part.

>> Yes.

>> Gallo: So that language evidently is a problem when people are going to either repair or put in a tram?

>> It has been in the past when someone has constructed shoreline access and then later wants to also include a tram, or it could also be somebody has an existing tram and wants to put down steps. It's not only related to trams per se, it's just the amount of development from the house to the shoreline.

>> Gallo: Okay. So council, all I'm saying that whatever we have done as part of this is now being implied in the determination within the permitting department and it's causing some substantial concerns, and I think that that would be why we requested just a first reading so that we can get more clarification and really understand what has changed.

[2:43:05 AM]

There are many properties that have lake front that either what they had before doesn't work anymore because now they need something that's more mobility ADA type, but what we're finding is, they don't have the option to switch. And so -- or at least that's what they're being told.

>> Right. There have been a couple of cases that I can speak to. One had existing steps and wanted a tram. They eventually removed the existing steps and built the tram because they were not in the L.A. District. Their zoning did not prohibit the tram. They got an environmental variance to construct in a cef -- cef set back. So that one was a successful construction of a tram. Another one was somebody had built a fairly large set of steps going down, and the tram was just -- did not meet the environmental variance findings of fact to construct another access.

>> Gallo: So we just have some issues that have come up that I think this is our opportunity to really make sure with what we're doing, we've decreased them, or if we need to make some changes because of that. I know this has been a long process, but it may have been a process when there wasn't somebody for the people that live in these areas to be able to come talk to. We're just hearing more and more about that when people come to us with those concerns, so I just think there's a reason for pause, to give us a month to be able to figure this out and ask the questions and talk to you and really address it.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I'd like to call the question because I think we have a councilmember who's --

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

>> Kitchen: Oh, I'm sorry. We have a councilmember who who has simply asked us for a little more time so she can work with her constituents. It's 2:30 -- 2:44 if the morning. 44 in the morning.

[2:45:07 AM]

I think we can grant her that time.

>> Tovo: If I was calling the question and doing it on first reading, I do -- as somebody who invested a substantial amount of energy in this issue the first time through, having proposed some of the amendments, having initiated the lake Austin task force, with all due respect, though I didn't represent - - at that point we represented the whole city, I did spend quite a bit of time, as did my staff, talking with a variety of people representing a variety of perspectives on these issues so I'm happy to continue to

have the conversation but I would really ask that we all take a careful look at the lake Austin task force report and their findings because they spent a lot of time and a lot of really good energy talking with other community stakeholders and really looking carefully at these issues, and trams, as I recall, was one of the most controversial issues, and I would just ask that we not reopen that whole discussion that we respect the community process not to replace, and try to see if the clarifications that the staff are proposing are going to address the concerns that you're hearing about, councilmember Gallo.

>> Mayor Adler: Okay. Moved and seconded to approve on first reading. Those in favor, please raise your hand. Those opposed? Those abstaining? It's unanimous on the dice.

>> Casar: Can we clarify if the public hearing was closed?

>> Mayor Adler: What? Yes, the public hearing -- do we want to close the public hearing? Public hearing is closed. That gets us then, I think Ms. Kitchen is waiving the two things she had. That gives us one thing left, which is just -- what? That would be 80 and 88. That gets us to the public hearing, with no action required on this item number 103. We have four speakers.

[2:47:11 AM]

Mr. Hirsch? Is Simone Tama flowers here? You're on deck. Cindy specman? You'll be next. Is park Smith here? You'll be after that. Mr. Hirsch.

>> We've got more people here than we did for the needs assessment a couple weeks ago, even though it's a quarter of 3:00. My name is Stewart Harry Hirsch. I'm still renting. I want to -- you have my recommended amendments, when you take this up for action in August. I want to highlight one because my brothers and sisters from the Austin home repair coalition have been here since 6 o'clock, and it's the primary reason we're all here. Once again, federal funds will not be used to eliminate the waiting list for home repairs for very low income homeowners, despite Austin's embracing Austin's embrace homestead preservation districts, allowable by state law in Texas. I know you're going to take this up when the city staff gives you a budget at the end of July, but our concern continues to be, we -- the members of the coalition take up flood damage houses as the highest priority after every flood, and we're getting too many of them, impacting low income people. And while we may not be solving the problem on the federal side, if we're not going to use the federal funds to do that, then when you take up the budget on the local funds, you need to figure out a way that, in many cases, these widows are not staying on long waiting lists because all the money is committed so early in the fiscal year because we don't adequately fund the priority of allowing people to age in place by not forcing them to choose between housing that's affordable and housing that's safe. So please consider these amendments in August when you take this up for action, and the other members of the coalition are here to address you tonight as well.

[2:49:14 AM]

>> Mayor Adler: Thank you. Ms. Tama flowers, you have three minutes.

>> Good morning, mayor Adler, mayor pro tem, and Austin city council members. Thank you for your service to the Austin community. I am Simone Tama flowers, executive director of interfaith action of central Texas. I also serve as the chair of the Austin housing repair coalition. The coalition consists of many non-profit organizations and entities that have a strong interest in preserving affordable housing here in Austin. Through Austin -- through housing repairs. The coalition has been around since 2009. Members of the coalition work hard to ensure homeowners have safe and healthy homes and leveraging our resources for the best interest of homeowners. My organization, interfaith action of central Texas, has been provided housing repairs to low income homeowners in east Austin since 1989 through our hands and housing program. We have seen many low income homeowners struggle to stay

in their homes. We want Austin to continue to preserve the affordable housing stock we have. Austin has over 25,000 low income homeowners who need home repairs. They are not able to afford. We recommend the approval of the neighborhood housing and community development 2016 her 2017 action plan, with the additional recommendation that the council authorize local funding from [inaudible] For housing programs to allocate three million dollars to the repair program. We support the goal of Austin homeowners being able to continue to live in their homes in safe, solitary, and accessible conditions.

[2:51:21 AM]

If sufficient funding is not available through the action plan, please increase funding in the overall city budget this summer so that repair, we can end, future flooding in houses can be assisted and Austin homeowners do not have to choose between housing that is safe and housing that they can afford. Thank you.

>> Mayor Adler: Thank you. Next speaker.

>> Good morning. My name is [inaudible] Beckman, I'm the executive director of rebuilding together Austin. And rebuilding together Austin uses volunteer labor to make repairs to the homes of low income homeowners. We partner with the members of the coalition so that we can engage more resources and provide more repairs to our low income homeowners. The coalition members are critical to the success of our mission. And we partner with the neighborhood housing and community development, as well as other members of the coalition to provide those home repairs. We also refer our homeowners to Austin energy, as a result, using our volunteer labor and funds other non-profits in the coalition receive, we're able to leverage our funding in rebuilding together claims that we can provide 4 to 1 return on every dollar enforced due to the other funding that the coalition has in our volunteer labor. I moved to Austin three years ago to start rebuilding together, and I have never seen anything like Austin in terms of the coalition. People collaborating and partnering together, and it's inspiring Tom to be to me to be able to work with people who care about the community and are willing to give back. In terms of the housing plan, the coalition through the use of funds, we prevent displacement of low income homeowners by allowing them to use their resources on other expenses. I am proud to be part of the coalition and the good work that we're doing in the community. I urge you to consider increasing the funding for home repairs as it is money well spent and leveraged among all of the agencies.

[2:53:30 AM]

I would like to thank you for the funding we have already been awarded and together we can do great things to change lives, so please consider increasing the budget for home repair to three million dollars through the gold bond funds. Thank you.

>> Morning, mayor, mayor pro tem, councilmembers. My name is park Smith and I'm the CEO for American youth works, we engage people in job training and education while they in turn serve others in the community through disaster relief, conservation of public lands, home repairs, and weatherization for low income families. Such as the flooded homes of southeast Austin where our operation is. Much of the focus of our work is about providing opportunities for young people to build careers, strengthen communities to improve the environment through education, on-the-job training, and service to others. We achieve the transformation of young people by asking them to make a difference in the lives of others by meeting critical community needs, such as emergency home repairs that allow the elderly and low income residents to stay in their homes. We are thankful to the city of Austin for the go repair program which has allowed our young people to connect directly with the people who desperately need their help. There's something incredible about empowering a young person. It's incredibly empowering

for a young person to be asked to do something that's important to others and then to be thanked for their effort. When an elderly person in a wheelchair comes out on their porch or their ramp that's just been built by the young people in our program and thanks them with tears in their eyes, maybe offers a taco in gratitude for our young people, they begin to recognize they have something to offer others. They have a meaningful role in our community and are part of a solution.

[2:55:30 AM]

There are more people out there who need this help to stay in healthy and safe homes than the current funding will meet. We're asking you to allocate three million dollars to the go repair program to help the 25,000 low income homeowners in need of repairs. Together, we'll leverage several million dollars in jobs training funding from state, federal, and private resources that we bring to the community. The go bonds will match with basically only providing with materials for these improvements while we bring lane dollars to improve the lives of young people while they help low income and he elderly austinites stay in safe and affordable homes. We thank you for what you're doing for this community and staying late tonight.

>> Mayor Adler: Thank you so much. Do we need a motion to conclude the public hearing? Is there a motion to close the public hearing? Ms. Pool, seconded by Mr. Renteria. Those in favor of closing the public hearing, please raise your hands. Those opposed? Unanimous on the dais. That is everything we have on our agenda. I want to thank everybody. This was a tough night. My plane to Indianapolis leaves in two hours.

>> Houston: You might be at the airport with councilmember Garza.

>> Mayor Adler: We can ride up. This meeting stands adjourned.

>> Gallo: Mayor, also we had mayor pro tem tovo who has not been feeling well and councilmember kitchen, and a very pregnant mother to be that sat through a very long day today, so through to the three of you.

>> Mayor Adler: It's looking like next Wednesday probably will be the day. Jim is checking with offices, for the six of us to get together.