

City Council Regular Meeting Transcript – 05/05/2016

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 5/5/2016 6:00:00 AM

Original Air Date: 5/5/2016

Transcript Generated by SnapStream

=====

[10:10:20 AM]

>> Mayor Adler: We're going to go ahead and gear up. Today's invocation we have our reverend Cid hall, Trinity church of Austin. Everyone please rise. Thank you, sir.

>> Let us pray. This is a prayer from united methodist hymnal and by Allen patent, beloved African author. Oh lord, open my eyes that I may see the needs of others. Open my ears that I may hear their cries. Open my heart so that they need not be without sucure. Let me not be afraid to defend the weak because of the anger of the strong. Nor afraid to defend the poor because of the anger of the rich. Show me where love and hope and faith are needed. And use me to bring them to these places. And so open my eyes and my ears that I may this coming day be able to do some work at peace for thee. Amen.

>> Thank you.

>> Mayor Adler: I want to take a moment and I know you join me in this, this week of may 1st through may 7th is public service recognition week. It's a time and opportunity for us to thank and to honor and to express our appreciation for those on our staff, folks who are giving a lot to our city.

[10:12:30 AM]

This is a council, Mr. Lum Barry as, that I know has -- lumberas has taxed the staff and staff has been incredible in working with us. In going from a group of stone a group of 11. The city is on fire in so many ways. There are so many things that are going great. It is a staff both challenged by and involved in meeting the challenges that are also associated with that. It's incredibly professional group and I just wanted to mark this that we can say thank you on behalf of the council to those who are performing a great public service by dedicating their lives and their time to this city. So thank you.

[Applause]. I'm going to go ahead and gavel us in. Today is may 5th of the year 2016. It is 10:10. We are in the city council chambers at 301 west second street in Austin, Texas. We have on our changes and corrections noting that items three, four and 18 have been pulled by Mr. Zimmerman. Also item 5 pulled by the mayor pro tem. We also have pulled by Ms. Houston, 17, 19, 26 and items 31 through 35. We have one speaker to speak on the consent agenda.

[10:14:36 AM]

And speakers, more than one speaking on items 3 and 4, which have otherwise been pulled. So I'm going to recognize Mr. King first to speak on the items that he has identified on that have not been pulled, which is items 26 and 27.

>> Gallo: Mayor, as he's G.O.P. Coming up I have some additional items that have been pulled. Do you want those now?

>> Mayor Adler: That would be fine.

>> Items 9, 11 and 14.

>> Mayor Adler: 9, 11 and 14 pulled by councilmember Gallo.

>> Mayor, I feel like the staff members are kind of sometimes caught between policy issues and what different stakeholders want. And so I take my hat off to them and their good work to our city. Thank you very much. I'm speaking on item 26 regarding filling the vacancies on the land development code advisory group. I think it is important for the councilmember to be able to appoint a replacement for their particular representative on the code advisory group, so I think this is important item to be approved. And then regarding the resolution for the Austin police department training on transgender and gender and nonconforming individuals, I think that's a really important item. I'm glad that you're moving forward with this. I think it reflects the values of our community and I take -- and I applaud you for bringing this resolution forward and I hope that it gets approved unanimously. Thank you very much.

>> Mayor Adler: Thank you. Matured Mr. Mayor, on that --

>> Casar:, Mr. Mayor, on that point I've been told there are more people coming to speak on item 27 so I will pull it on those couple of folks can come. Of course not because I don't support the item because I'm a sponsor, but to give those people the opportunity to speak later today.

[10:16:42 AM]

>> Mayor Adler: Okay. With respect to item number 22, which is on the consent agenda, is the purchasing officer here? Do you want to come on down? This is on item number 22. We're going to have a selection by lots. Ready? So item 22 on the consent agenda is for the purchase of street light lamps, luminaries for Austin energy. This item recommends multiple contract awards by line item. For line item 15 for the bracket mounting assemblies, identical low bids were submitted by tech line, inc. And power supply, inc., both of Austin, Texas. In accordance with Texas local government code, chapter 271.901, in the event of identical bids from two or more residents award may be determined by the casting of lots. Unless item is pulled for discussion this item is going to be -- can't hear? Okay. Unless this item is pulled for discussion, which it has not yet been pulled, this item is going to be left on the consent agenda and the casting of lots will be done prior to making the motion to approve the consent agenda. At this time the purchasing officer shall provide to the city clerk a sealed envelope containing the names of the bidders. The city clerk will then open the envelope, remove one of the names and hand it to me.

[10:18:51 AM]

Okay. Please let the record reflect that item 22 be amended to award line item 15 for bracket mounted assemblies to tech line, inc. Are there any comments on the casting of lots? Then without objection that amendment will be made to that item. I am showing on our consent agenda the following items being pulled. 2, -- I'm sorry. 3, 4, 5, 9, 11, 14, 17, 18, 19, 26 and 27 and 31 through 35. Mr. Zimmerman, I show you being against item number 2, being against item number 6, abstaining on 7 and 8.

>> Zimmerman: Against number 8, mayor.

>> Mayor Adler: I'm sorry, abstaining on 7, against number 8, I'm sorry. Abstaining on number 15. Abstaining on 16. Abstaining on 20. Against 21. Abstaining on 22. Against on 25. Those are the notes I have. Okay.

>> Zimmerman: Thank you, Mr. Mayor.

[10:21:00 AM]

>> Mayor Adler: And then I think we were also postponing the campo proxy item, which was item number 24, as I recall. So 24 is being pulled from the consent. Is there anything else to changes?

>> Gallo: Mayor, it's my understanding that there's been a request for postponement on item number 46 and an email was sent to all council.

>> Mayor Adler: Right now we're just going to 36. It's on the consent agenda.

>> Gallo: At some point may we discuss that that it may be postponed so that the community may know that.

>> Mayor Adler: Yes.

>> Kitchen: Just for clarity, item number 25 was the version that was passed out at the work session that we're voting on.

>> Mayor Adler: So noted.

>> Zimmerman: I move the consent agenda as noted.

>> Mayor Adler: Is there a second? Mayor pro tem seconds it. Councilmember troxclair, do you have something on say.

>> Troxclair: Yes. I want to be known as abstaining on items 21, 25 and 28. And voting no on item number 2.

>> Mayor Adler: Okay. So noted. There is been a move and second to approve the consent agenda with the items otherwise noted in discussion. Those in favor please raise your hand? Those opposed? It's unanimous with Mr. Renteria off the dais. All right. That then gets us to housekeeping items.

[10:23:03 AM]

Ms. Houston, you have pulled items 31 through 35. Those are to set a public hearing. Was there a question you wanted to ask about those?

>> Houston: [Inaudible]. I had questions to ask so that we'll be ready for the public hearings when they get here. And it's all the same question for all of those items.

>> Mayor Adler: Okay. Is that something we should take care of now?

>> Houston: You can.

>> Good morning. David potter, program manager at neighborhood housing.

>> Houston: Thank you, Mr. Potter for being here. There are just a couple of things. Before we do the public hearing setting, what are the ages of the properties in question? That's one of the questions. And then is there a cumulative cost estimate about how much each of these properties will cost to rehab?

>> I would have to get back to you on all of those. I'll be happy to provide that information.

>> Houston: One last question. Has there -- I saw how many units were in each property. Has there ever been any thought about adding density to these properties?

>> That would be a question for the housing authority, and we can certainly find that out too.

>> Houston: Thank you.

>> Mayor Adler: Is there a question? Is there a motion to approve the setting of the public hearings on items 31 through 35? Mayor pro tem so moves. Is there a second? Ms. Pool. Any further discussion? Those in favor of of setting the public hearings, please raise your hand? Those opposed? It's unanimous with Mr. Renteria off the dais. I would point out that Mr. Renteria is not with us today because he is away on city business. That takes care of those items. The question has come up, you asked for a housekeeping matter with respect to item number 46, Ms. Gallo?

[10:25:11 AM]

Is there a postponement to that item? Is that what you said? Item number 46. That's set to come up at 4:00.

>> Gallo: It's my understanding that an email was mailed to the council offices with a request for the postponement. So maybe staff could address that. I just felt like that we should discuss whether or not we want to do that so that people would not come here at 4:00 if the request was going to be acknowledged, but I'm not sure from a procedural standpoint whether we can actually do that. It's just indicating I think to the public if we need to.

>> Councilmember, we do have a postponement request. It is a first request on this item. However, you cannot postpone that item until 4:00, but if you would like to indicate your intention to do that, that would be fine.

>> Mayor Adler: At this point let's hold that off. We could -- you have the floor. If you want the floor at this point or --

>> Gallo: No. I just think that if we as the council from the dais would indicate that we are going to support the postponement, it would send a message to the community that they would not have to be here at 4:00. I think we try to do that whenever possible, but if that's not something that the council is comfortable doing at this point, I understand, I just wanted to bring it up in case we wanted to do that.

>> Mayor Adler: Let me ask the question this way. Is there anyone on the dais that does not want to postpone this item or wants to discuss this item? Then my recommendation would be if that's the case -

-
>> It's a more nuanced. I'm okay with postponing it today because it is the first request, but I just want to clarify that, you know, I did not receive a postponement request. We had heard rumors that there was one and requested it from staff and that's how we were notified of it.

[10:27:12 AM]

This is in response to a resolution I had brought. And so I am eager to see it move forward, but I'm comfortable with postponing it today at the postponement time at 4:00. And either now or later I can make some comments. One of the recommendations that was -- perhaps it's better if I make those comments at 4:00, but the staff recommendation that is coming forward includes a provision that was not in my initial resolution and so I'll be making some comments about that later.

>> And I'll hand out the postponement request. I have a copy. We received it last night.

>> Mayor Adler: Let's do this. Let's hold off discussion at 4:00, but I think we can tell the community then that at 4:00 we're going to be posting it so people don't have to can come down because we're going to postpone it at 4:00. But we'll have opportunity to discuss it briefly from the dais incident to postponing it at that time. Thank you. That's item number 46. Okay. That then gets us -- let's work our way through some of these consent items. Mr. Zimmerman, you've pulled items 3 and 4.

>> Zimmerman: Thank you, Mr. Mayor. Of course these are connected. I want to call attention to an amendment, if we can put the amendment up here first, it says Zimmerman amendments for items 3 and 4. We posted on the council message board I believe yesterday and we made some very slight changes to what was put on the council message board and that's what's on this yellow sheet. So the amendments for 3 are on one side, the amendment for 4 is on the other side. They're pretty straightforward. So while you're locating that in your pile of yellow papers, I think we do have some speakers on this, right? Maybe we could hear from them first, but I want to make one more point. Could you put up the table? I also passed out a table that shows our releases.

[10:29:15 AM]

My staff compiled this with data from Icra. If you look at the bottom there, we are at about 201,000-acre feet of water that has been released for flood control purposes. In other words, nobody is buying the water, nobody is consuming water. Nobody wants the water. We have to release it to the gulf of Mexico in order to have capacity for a potential flooding that may come in may and June, which are your rainiest months of the year. So 201,000 is well over the anticipated usage for the entire year. I think we expect to use 140,000, 150,000-acre feet, somewhere in that ballpark. So we've already flushed down to the gulf of Mexico more than 100% of the water that we will use all year. So I want to put that in context of the amendments here. And with that I'd like to hear from our speakers.

>> Mayor Adler: All right. We're going to have some speakers. I'll call the speakers for items 3 and 4 at the same time. The first speaker would be David foster.

>> Thank you, mayor and councilmembers and staff. My name is David foster here to speak on behalf of clean water action in favor of items 3 and 4. I see these items together as a modest, but important deepening of our city's commitment to water conservation. It's modest really because it's a continuation of what we've been doing since August 2011. We've limited lawn watering to one day a week since August 2011 with the exception of a couple of weeks briefly. And I haven't seen, frankly, any hardship for that. In fact, I've seen nothing but benefits from that. The Icra reports that we've saved 115,000-acre feet of water during these years.

[10:31:23 AM]

I think this represents the emergence of a water conservation we need to continue. We need to continue the conserve advance of that, especially as our population continues to grow and as we continue to face climate change. It is true the reservoirs are full right now, but there's every reason to believe that won't be the case going forward. The climate models are telling us we're looking at longer periods of dry spells, higher temperatures, punctuated by periods of ample rainfall and that's what we're in now. This is not something that we should expect to last. So these together items three and four are focused as they should be on automatic systems, the inground sprinkler systems and limiting them to no more than once a week. It's important we do that because in ground systems use as much as three times or more the amount of water that a hose end system uses. So that's actually a very important issue to focus on. It also represents I think it's fair to say something of a compromise or a hybrid as the utility puts it because even while limiting automated systems to one day a week, during stages one and two a homeowner can still use a hose end settler on another day. So-- sprinkler on another day. I want to mention how I support moving landscapes to xeriscapes. Under our policies if you install a new landscape, in order to establish that landscape you can water more than one day a week, whether it's a xeriscape or any other kind of landscape. By limiting this to sear keep scapes only, we're sending the right message, not enabling people to put in thirsty turf grasses and I think that is the culture that we need to embrace of conservation. And finally in conclusion I want to point out this is the fiscally responsible thing to do. We read again in today's newspaper about the trigger with the Icra once the city consumes 201,000-acre feet of water or more two years in a row we have to pay additional money to the lower Colorado river authority at whatever the current market rate is at that time.

[10:33:33 AM]

And the longer we delay that the better off we'll be. Once we hit that trigger then every household in Austin, north, south, east, west, will have to bear the brunt of that rate increase.

[Buzzer sounds]

>> Thank you very much. I'm happy to answer any questions that you have.

>> Mayor Adler: Thank you, Mr. Foster. Ms. Pool?

>> Pool: Thanks, mayor. Morning, Mr. Foster. I have a question, I don't know if you're the one to ask of it. It might be of our staff. I wanted to just get a brief overview of how the highland Lakes and the Colorado system works in the larger scope of the entirety of the river from the headwaters to where it empties into the gulf and what economic development it relies on those releases of freshwater into the gulf.

>> I may not be the best person to answer, but I can tell you that obviously the amount of water that's in the highland Lakes is very depend on how much rainwater falls upstream. And we've had some years that we're so dry that inflows have been extremely low. And that's one of the reasons why the reservoirs dropped as they did. As far as we leasing water downstream, it's important that that happen for a number of reasons. There are downstream users. It's a shared source so we have communities downstream, power plants downstream. As well as he is to you wares that need freshwater flowing into the he is to you areas so the shell fish business with flourish. It's economic to the industry.

>> Pool: Thanks.

>> Thank you.

>> Mayor Adler: Next speaker is Jennifer walker. David king is on deck.

>> Good morning. Mayor, council. My name is Jennifer walker --

[10:35:34 AM]

>> Mayor Adler: Can you take the microphone and point it towards you?

>> Yes, can you hear me now? I'm here representing the lone star chapter of the Sierra club and I'm also a resident of district 1. I am here today asking you to support passage of the proposed new ordinance outlining one-time per week watering for one. As you know this ordinance will limit watering with automatic irrigation systems to one time per week. If additional water is needed for your landscape in the same week then a hose end sprinkler may be used, that's my preferred method of watering at our house. This allows flexibility for Austin residents. Ideally we'll have landscapes that do well with one-time per week watering or even less. But if not, there's options. There's flexibility in the ordinance. Austin is growing by leaps and bounds and is plagued by intermittent drought and we that the drought will come back and will affect our water supply and we know that people and businesses keep coming to Austin also and they need water. So we need to prepare for both of those. One of the best ways to do this is to use the water that we already have more efficiently. And one of the best places to look for savings is outdoor watering. Outdoor watering generally makes up a large portion of a household's water use, especially during the summer months. And limiting irrigation with automatic sprinklers to one time per week will provide a benefit to our water supply, our pocket books and the environment. And I want to say that austinites deserve a lot of credit for sticking with one-time per week watering for most of the past four years. The savings have been significant. Austin water says that we've saved 115,000-acre feet of water from 2011 to 2015. A significant portion of those savings were from limiting outdoor watering. That is almost enough water to supply Austin with a year of water. We're using about 140,000-acre feet right now. And I know that we're all concerned about financial impacts.

[10:37:39 AM]

Using less water saves Austin residents money. It delays and can even eliminate the need to seek more expensive sources of water. It puts money in Austin residents' pockets by delaying the lcra trigger that David talked about. This trigger requires Austin to start paying for every gallon of water we use in the highland Lakes once we start using 201,000-acre feet of water for two years in a row. Reducing outdoor water use helps us meet the needs of a growing population and if we plan well my hope is that we leave enough in our refers to support recreational uses and fish and wildlife habitat because those are a lot of

the reasons that people come to and love Austin. So using water efficiently regardless of current weather or drought conditions, I really think is a way of life for central Texas. And I think we should be really proud of Austin. I believe, I'm fairly certain, that we are the first city in Texas that will pass something like this and I don't think we'll be the last. I urge you to support it.

[Buzzer sounds]

>> Zimmerman: Mr. Mayor?

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you for being here, Ms. Walker, and you are from the Sierra club?

>> Yes, sir.

>> Zimmerman: That's terrific. Has the Sierra club or anyone else you know of estimated how many trees is died owing to water restrictions or how much landscaping has been destroyed because of the lack of the ability to water?

>> I believe the Texas forest service did a survey from the 2011 dieout of trees statewide. It was quite significant. The 2011 drought was the most intense drought that the state has seen. And there was collateral damage from that. The task force I'm on is going to try to look at some of that. We had the American society of landscape architects there the other night to see. You know, my thought is if I'm going to do outdoor watering at all to my house it's for my pecan trees, you know, and I don't water them every week.

[10:39:47 AM]

They've been fine for the drought. We can't get to every tree in Austin to water it. And, you know, when we're in a drought it's hot and it's dry and our tree canopy suffers.

>> I hope that we could agree that science shows that we've had droughts before humanity existed. So mother nature can be a pretty cruel mistress. When the skies close up the trees die and there's nobody there to water them. So I'm grateful that we now have technology and people who are willing to harvest water, surface water, groundwater, and use it to water trees and vegetation and keep those trees alive. I'm grateful for that. And at the same time I'm a little bit resentful at the government to think such a champion of the environment for artificially restricting water and saying that we're conserving because we're not. If we don't water the trees when it's dry then we're responsible stewards and that's what's happened. We've lost some trees in the city because of the water restrictions.

>> Without a doubt. I will point out that there's no way to water trees than using an automatic irrigation system. And Austin water has some really great programs and they have got some different mechanisms to provide water to the tree root system that are really beneficial for trees and probably better than an automatic irrigation system. We just kind of have to think outside the box and think about how to keep our trees and the other parts of the landscapes that we really care about.

>> Zimmerman: We agree. I know a number of irrigators in my district 6 that are very angry about these proposals. They are irrigation experts that do it for a living. They're opposed to these permanent restrictions. Professionals in the business.

>> Well, we're making hard choices about our future water supply. So I trust you all to figure it out. I'm just trying to provide information.

[10:41:49 AM]

>> Mayor Adler: Thank you. Councilmember pool?

>> Pool: Ms. Walker, I did have a question for you. With the Sierra club were you either on the region K stakeholders group or did you monitor it? And the region K, if I'm remembering right, was the Texas

water development board that the state legislature, with some legislation, divided up the state into the river networks and they named them regions.

>> Yes.

>> Pool: Can you talk a little bit about what that -- if you could, what that was all about and why that legislation was put in place a number of years ago, think maybe even 10 years or a Houston more ago?

>> Yeah. Region K is the regional water planning group. It was -- these planning groups were started by senate bilingual one in 19 -- senate bill one in 1997, I believe. There's 16 regional water planning groups and there's a group of stakeholders that put together a water plan for the next 50 years. Those get fed up to the Texas water development board and they put together a watering plan. I do serve on that group. The city of Austin serves on the group, it's from the Colorado river north of the highland Lakes to Matagorda bay, all the counties in that group. And conservation is a big part of our future plan. Every -- we recommend water conservation as a water strategy for every water user group. We recommend that cities reduce their per capita water use down to at least 140 gallons per capita per day. It's the first strategy that we look to. It's the cheapest and least environmentally destructive water supply strategy. So we as a planning group really look to that. We also look to proactive drought response as another strategy. Then we look to the next things, which are bringing on new water supply, other things like that.

[10:43:51 AM]

But it really is the first line of -- it's actually the first proactive line in ensuring your future water supply. So that's something that we do. And this is -- a wide variety group of stakeholders from all different -- representing all different interest groups and from counties up and down the river that all rely on the same water source.

>> Pool: And some of the -- the difficult conversations that you have in the region K water planning group are balancing the interests of the different industries that are along the Colorado river from rice farmers to the highland Lakes with recreational activities. And so is it fair to say that the state legislature through senate bill 1 looked to the different regional water planning groups in order to balance all of those interests so that no one group would trump another and use all of the water or -- and to underscore the importance of being efficient in its uses so that we could all share that resource.

>> Absolutely. You know, I think we definitely have some really tough discussions and region K and the regional water planning group. I'll make a plug for it. They're really interesting, they're open meetings. Y'all should come. We have a website, regionk.org, if folks want to get involved. I think the region K planning group, actually we worked really well together. There's definitely differences of opinions and everybody is representing their interests. But I think that everybody comes to the table trying to be a good steward of water supply, trying to plan for their region, trying to make sure that their water use is represented accurately. In fact, the state water plan of which region K fed into is at the water development board now and will be approved later this summer. The public comment period just closed. But the region K plan is updated every five years, was just completed in December.

[10:45:56 AM]

A lot of work by a lot of volunteers. So there's a lot of great information in there. It's big and there's a lot of numbers and tables, but I'm happy to help anyone dig through it if they're interested in learning more.

>> Pool: And the last thing I would say is the 140 owe what is the metric?

>> Gallons per capita per day.

>> Pool: Gallons per capita per day, that's one of the metrics that is set for all of the users along the system. So that would be one of the first places that downstream users would look upstream to make sure that in fact everyone is sharing equitably.

>> Absolutely. I think that Austin has shown through the planning process that they're trying to manage water supplies equitably. Austin has through the planning process, Austin has really come to the table with good conservation measures and has certainly done a great job on implementing the drought contingency plan. Is really a leader in this region and other communities and this region are following suit. I'm really proud that Austin is in that leadership role. And I think, you know, as a leader for the region and hopefully the state. But I think that's reflected in the region K plan.

>> Thank you.

>> Thank you.

>> Mayor Adler: Thank you very much. Andre [indiscernible] Will be on deck.

>> Thank you, mayor, mayor pro tem, councilmembers. As I understand what's before us today is that it's going to allow watering twice a week. We're going to go from once a week to twice a week. Am I understanding that correctly? Thursday and Sunday for me. If that's what's happening, I think we should stick to once a week. I do not think we should be increasing it more than where we are right now. We should stay where we are right now. Getting used to using less water and prioritizing watering our trees over water wasting grasses is important.

[10:48:04 AM]

And that's exactly what I did. And my water bill has gone down and my tree is healthy. And when we ran short of water because of the drought, I watered my tree, not the grass because I got rid of it. So I think that's an important thing. We need to get used to this because down the road, guess what? We'll have another drought. And if we have all this water that we've wasted on our landscape, guess what? It's going to die. What do we do? Go pump water out of the aquifer to keep it green? Or what do we do? Go build more pipeline infrastructure to take water from somewhere else in Texas and bring it here? We're going to grow to be over two million people in this area here. So we've got to get used to using as little water as possible and keep the pressure on net zero development. And conservation and reuse in our neighborhoods and in our businesses. That's what we need to do, instead of wasting water. And we do need to share it with all the ecosystems along the Colorado river between here and the coastline. And the bays and he is to you aware as you've just heard. And it does help with affordability, spending less money on water because we're conserving it and reusing it and wasting very little, if any, then that does help with our affordability issue. I think we need to be going the other direction and I hope that you will continue to move in that direction. Thank you so much for your service to our community.

>> Andre and then Ann Coleman is on deck.

>> Good morning, mayor and council. My name is Andre. I'm here with the Austin board of realtors. I'm just here to express the support of abor for the Austin water staff recommendations to keep the restriction on automatic sprinkling systems to once a week.

[10:50:08 AM]

We have an adopted public policy agenda that calls for conserving and protecting our water supply. And we believe that Austin water has struck a reasonable balance between conservation goals and recognizing -- recognition that our water supply has been recharged since its low of -- since the beginning of 2015 when it was about 35% of capacity or 35% full. In Abo's view, the key aspect of this recommendation that must be preserved is the once a week watering for automatic sprinkling systems. So just to kind of give our support a little overview of our supports, we have three considerations. The

first is just recognition that other speakers have mentioned of the continuous growth of the LCRA's service region. We're expected to see that continuous growth into the future, though our water supply is finite, until we identify an additional source. Which is likely to be much more expensive if at all possible. Two, and also that we believe that the conservative water use principle here is that -- it's more prudent to plan for times of scarcity than times of abundance. And so if you consider this, we're in a position today due to recent significant rain events in 2015, but if you compare the average level of Lake Travis in January of 2015 to January 2016, you see an increase of 53.6 feet in elevation. So 53 feet in a year increase. However, if you compare January 2011 to January 2012 you see a decrease of 41.2 feet in elevation. Lake Buchanan there's -- the differences aren't quite as large, but it is the case that the levels went up in 2015 almost as much as they went down in 2011.

[10:52:11 AM]

So we know lake levels can increase astro no, ma'amically -- astro no, ma'amically in the span of one year, but they can decrease in time and that has to factor into our planning decision. The third point is holding to a watering routine helps with consistency of expectations and continuity for property owners who are making landscaping choices. It can be a confusing message for Austin water to give the greenlight to plant more water intensive plants when -- and trees when lake levels are high, but then to reverse course when they decrease. We believe the staff recommendation encourages planting more drought tolerant landscapes that will endure --

[buzzer sounds]

-- With less water when water supplies predictably fluctuate.

>> Zimmerman: I have a quick question. Can he approximate it the table back up on the overhead? I don't know if you've seen this, but I appreciate you citing some of the acre feet statistics and water levels. As you mentioned it's very, very important, especially the recreational considerations, right, are really important and that's an important commercial enterprise, right? But did anybody explain to you the difference between watering once a week or twice a week? In other words, if we go to our experts at the Austin water utility, do you know what the difference is in consumption, the estimated consumption difference between twice a week automated watering and once a week?

>> I would defer to city staff on that.

>> Zimmerman: Okay. We found out on Tuesday. We've asked several times because I'm shocked at the number. The number is 2,600-acre feet per year. 2600-acre feet roughly per year. Now, the number that you're seeing on the bottom there in yellow, we have released to the Gulf of Mexico 2,001,000-acre feet.

[10:54:20 AM]

Just washed into the Gulf of Mexico. And these permanent restrictions, while we're throwing water away, the permanent restrictions get us 2600-acre feet of savings. I can't fathom this. It just seems crazy to me. But the second point, I think it's more important, in the realty business you would understand there's a huge difference between our soils and the eastern part of the city versus the western part. If you want to put it in technical terms of a plasticity index, which talks about the liquidity, the capacity of soil to hold water, you can see how it would make sense that on the east side I might water once a week and that soil can hold enough moisture to last until the next week. That is not true in the west side. There's a difference of around 10 times in the ability of the soil to hold water. And so have the realtors comprehended or understood this, that this one size fits all, it could work for the east side. It does not work for the hill country and the west side. Did they ever discuss that when you talked about supporting this permanent rationing?

>> We haven't really considered, you know, applying different rules for different parts of the city. Really our concerns are looking at the long-term growth of the area. And looking at promoting conservation in the long-term so when we do have another -- god forbid have another 2011 that we've got that. Even if it's not that significant an impact, anything -- it all accumulates.

>> Zimmerman: Was abor critical of the 2012 drought contingency plan? And let me repeat those three words. Drought, we know we'll have them. Contingency, we need to do something when the Lakes run low. And plan, that means here's what we're going to do when the Lakes are low, we're going to do this. When the Lakes are high we're going to do that. Did abor, were they critical of the plan?

[10:56:21 AM]

Did they not support the plan knowing that we're going to have droughts?

>> I can't speak to that plan in particular, but I can say that we have really talked a lot about the competing needs for water for the rice farmers that are set on the state level and for the down river uses, for the industries down river and so we understand that competing needs for the water, a finite supply.

>> Zimmerman: Thank you for coming.

[Applause].

>> Mayor Adler: Ann Coleman. Thank you.

>> Good morning, mayor and council. My name is Ann Coleman. I've practiced landscape architecture in central Texas for 35 years, including design of irrigation systems. I have an office in San Antonio. We knew about their drought and water conservation challenges. I also have an office in Albuquerque, New Mexico. So designing drought tolerant landscapes is something I've championed for 35 years, but I and my staff does on a daily basis. The past speakers have mainly focused on residential use, but what I want to talk to you about today is the commercial industry. Some of which are your own properties. The difference -- well, let me backache. I want to say that if you vote for this, you are in my opinion not for water conservation, strangely enough. Let me just have this argument. Horticulturally it's not sound. Newly planted -- in the industry, in the nursery, new plant materials are watered regularly. My office kind of jokingly calls it they're on crack cocaine. They get water all the time. When they come into a landscape there's that wicking thing that we talked about with the soils. When they're planted generally the soils that are dry around it really take the moisture out of that plant. So it takes people in the industry that really know what they're doing to know how much and how often to water to get those plants fully established. And I'm talking about xeriscape plants, native plants, so that they can develop a very robust root system.

[10:58:26 AM]

Not what you see above, but what you see below. The more robust that root system, the more drought tolerant it will be. So by regulating a landscape that monitors a water window and tells a landscape contractor how often and how much to water, and then telling them to shut it down after 10 days and only water twice a day, you may lose that plant material. Or even worse, it may actually be compromised and require more water later on to keep it in a healthy condition. By and large of the hardest landscape to establish is native seed. We deal with a lot of infrastructure projects, sewer lines, capital improvement lines, where we have to go back and put back the scannedscape that was there -- landscape that was there before. Once that seed germinates if it dries out you've lot lost it. As you mentioned, councilmember Zimmerman, it's tragic to lose our trees because the cost in water and assumption to replant that tree, get it back to where it was before at, a 20-inch tree, heritage tree, I can't even begin to fathom the quantity of water that fakes. So we really -- that takes. So we need to

watch what we're doing here because there are some unintended effects here. We've got to let the industry self-regulate. These contractors and developers have to pay for the water they use so they're motivated to only use what they need to establish their native landscapes. Furthermore, if you shorten the water window as an irrigation designer I can tell you --

[buzzer sounds]

-- The only options are --

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

>> Thank you. Your only options are a larger main line and a larger tap, bigger capital recovery fee, bigger impact on the landscape, higher cost to everyone and needlessness. There is technology today to monitor -- let me back up again.

[11:00:28 AM]

On our commercial landscape projects by code our property owners are required to put in a smart control system. But they can't use it. Because they can only water on certain days. So if you get a lot of rain on Thursday in August, you may go ahead and water on Friday even though you don't need to because you may not be able to water until the following week. I think again on Tuesday. So the very technology that is required to be put in we're not able to use. In summary we're looking at a short-term feel good fix that's actually not going to result in what we want, which is water conservation. Let the industry determine the best way to conserve water. They've got the expertise involved. Thank you.

>> Mayor Adler: Thank you.

>> Zimmerman: Mr. Mayor, I just want to say these are exactly the comments I've received off-line. I could not get people to come down here and testify because frankly there's some cynicism at this point that the experts are not going to be listened to and they wouldn't come down so thank you for coming down. I think you are the one irrigation expert that we've heard from. I don't know if any of the others are professional irrigators.

>> May I say one last thing? I forgot to mention this. I got this notification at 5:30 last night by a fellow landscape architecture. I am a member of the American society of landscape architectures, also on the design commission. I got this information last night. I started calling my friends, leaders in the industry, they didn't know about this. So we haven't had their input. This is a large water consumption contributor it's actually working well now and I don't think we need to fix what's not broken.

>> Zimmerman: Thank you.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I just wanted to clarify. Make sure I'm understanding what you were saying. So I heard you talking about the water window as it relates to establishing landscape.

>> That's correct.

>> Kitchen: Do you have the same concern about landscapes that are already established?

>> I do because of cost of that larger main line and larger tap. There's no need for that. The water window is really kind of a false feel good.

[11:02:29 AM]

You can actually, if you use your smart control system and hook it up to a weather station which strainingly enough doesn't make sense because we're regulated by day but if those smart control stations were hacked up to a landscape system the landscape may water three times a week but only water half as much if you blasted it on discuss Friday. A way do say that we're not using the technology that we're requiring because you only want to put back in the landscape the amount of water that's lost due to wind, dryness, temperature, and soil conditions. But by blasting it on tuesday/friday you're really

being counterproductive. You need to use -- irrigation systems don't use water, interestingly enough. They really don't. They only water as much time as you put on that controller. Drip systems, oh, my gosh, it's amazing how much water we conserve with that but if you only water Tuesdays and Thursdays you're not using it effectively.

>> Kitchen: You understand the drip systems are not -- they're exempt from --

>> Yes, they're part of the overall system, yes. I'm saying they've added to the conservation that's already in place.

>> Kitchen: But the water window doesn't apply to the drip systems.

>> That's true, that's true.

>> Kitchen: From a commercial standpoint, to what extent are drip systems used as opposed to the automatic?

>> On commercial? The shrub and ground cover areas, not lawn areas. Lawn areas, it's not very effective and it's almost impossible to maintain it because you have to dig everything up to do any kind of repairs. And the -- I'm fascinated too, I got a call from irrigation supplier, the irrigation heads are going out right now are low precip heads so are only going to put out a small amount of water but if you only run them Tuesdays and Thursdays it's not enough to sustain even a native landscape.

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

>> Gallo: Thank you so much for being here. I think in your just most recent comments I think what it says to us also, which is what I heard from a lot of the constituents in district 10, was that it really is -- it's the volume of the water that's important.

[11:04:39 AM]

>> Right.

>> Gallo: Not when you are doing the watering. And I think you brought up the point -- I heard this from a lot of residential customers, which is if you can only water once a week and it has rained even the day before or the day before that, your tendency is to go on and water again just because you feel like in the next week you may not be able to get enough water from rain to be able to have your landscaping. So I just once again I appreciate you mentioning that comment, which is really it's the volume of water that's important that we want to encourage conservation with, not necessarily the times and the structures of how you put that -- use that volume of water. And I heard that both from the residential users also. So thank you for pointing that out both with the commercial aspects too.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: So you mentioned two day a week watering, but -- and it's really not clear if you read the ordinance part of this proposal, but we were also provided with a graph that kind of showed a side by side of what the changes were. And the staff is proposing that not only -- well, that we change the conservation stage and stage 1 restrictions to only ever allow for one day a week watering. And the -- what the staff calls a compromise is to allow you to use your automatic sprinkler one day a week and then to hand water or to use a hose end sprinkler a second time of the week. And I made a comment on Tuesday at our work session about how I didn't think it was practical or reasonable to assume that somebody with a automatic sprinkler system to -- to hand water that second time a week. I mean, it defeats the purpose of having an automatic sprinkler system if you're not permitted to use it.

>> Right.

>> Troxclair: And I would think that would also be true of the commercial properties that you work with. How many of the commercial property owners or I guess property management companies, if a commercial property -- I assume the vast majority of them have some kind of automatic system.

[11:06:48 AM]

>> All of them do. It's required by code. So do you -- if it's over a half acre. The vast majority all have them.

>> Troxclair: How many of them do you think would go and use a hose end?

>> Zero.

>> Troxclair: Sprinkler a second time a week?

>> It's not -- you don't have enough manpower to do it, first of all, and you can't stretch hoses over roadways to reach them. It's not even possible. Another thing that happens is someone will stand there with a hose 30 minutes watering a tree and put in two or 3 inches where the automatic control system on a bubbler system would put two days at a half inch each and use half the amount of water. The math does not work.

>> Troxclair: And I think your point, again-- and I guess councilmember Gallo mentioned this, that it's not the -- it's the amount of water, not the day of the week. Even somebody with an automatic sprinkler system or who is watering by hand, if they're only -- well, I guess it's more applicable to the automatic sprinkler system, they're going to set it -- even a residential customer, and I assume the commercial customer as well, they're going to set it for a longer time during that one day.

>> Right.

>> Troxclair: Because they know that they can't water for a whole other week. Last if they were permitted a little bit more flexibility they would set their timer for a shorter amount of time. So I don't know that these restrictions are -- exactly what you said, so articulately and thoughtfully so thank you for being here and providing us with that.

>> Thank you.

>> Troxclair: With that input. And the one last request I had was if you could provide me and the rest of the council, if you want, the -- more information about the requirement to install the smart controls? Because if this does pass, we should not be -- and we're basically obviating the use of those -- of that technology, we should not be requiring people to put that in. I mean, it sounds like it would be a loss because it sound like the smart controls are helping us to conserve water and to use water most efficiently and effectively.

[11:08:49 AM]

So I think that it would be counterintuitive but if the council does choose to pass this we should not be requiring our water customers to install technology that they can't use.

>> At a minimum I hope you postpone it so we can have that dialogue and my colleagues can be leopard.

>> Pool: Mayor?

>> Mayor Adler: Yes.

>> Pool: Thank you, Ms. Coleman. Thank you. I don't have a question for you. I just did want to say that - and I don't have a question for this speaker. I just wanted to say that through the past five to six years and longer we have been significantly moving in the direction of drought tolerant native landscaping and the whole point of that is so that once the landscaping is established, we don't have to pour gallons and gallons of water on to the landscaping. That's the whole reason why so many in the central part of the city and moving out in the suburbs are shifting away from St. Augustine and getting some of the other turf and it just making sense. As part of our adaptation to the changes many our climate it's trying to have a different view of our landscapes and I think there's some beautiful, beautiful landscapes that have been installed in probably our American society of landscape architectures have been entirely responsible for teaching us what native landscaping can look like, the beauty of it here. You can see it all around city hall, where we have done significant work in adapting our landscape to our changing climate

requirements. I will just say one thing about the watering window. It has been -- the reason why we water before 10:00 A.M. In the morning and after 7:00 P.M. At night is because the water can burn the leaves when it is subject to the intense especially summer suns here in the southwest and southwest. So -- and I don't see any changes to the watering window in this ordinance, and it may be that I'm missing something in here, but I don't think staff has made any changes to the existing watering window that has been in place for a significant period of time, and it's all burned into all of our memories and our habits on -- for those of us who are out there working in our yard.

[11:11:07 AM]

So there is no change to the watering window, and, again, I would just -- it's really important that we continue along the conservation lines that we have established over the last few years because as has been said previously, we're not through with droughts. We share our water supply and we need to be good stewards of it and also good neighbors in our use of it up and down the system.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I just have a question for staff. And I support these restrictions for the reasons that councilmember pool was articulating, but I would like to ask you, since the question of the smart meters has been raised, can you just speak to that for us and educate us a little bit about why they're not an exception?

>> Councilmember, when you say smart meters --

>> Kitchen: Well, I think --

>> Smart irrigation controllers?

>> Kitchen: I think the tools that our previous speaker was talking about, which allow for a smarter use -- using technology for smarter use. And I think that councilmember troxclair had raised a question about them also. I don't know what the technical term is.

>> I'll have staff address that.

>> Kitchen: Okay.

>> Good morning, mayor, council, conservation manager for Austin water. I believe the previous speaker was talking about a smart controller or sometimes called a weather-based irrigation controller. It's a requirement in the land development code that is something we can certainly look at, whether or not that needs to remain. It's been in there for a number of years. What those devices can do is in theory help determine the amount of water and potential application rates. Because of the water conservation ordinances that we have in place, those controllers are still used to determine the amount of times one might want to water or the application rate, but we don't use them or permit them to be used to determine a day of the week that they water from an enforcement perspective.

[11:13:16 AM]

We're not set up for water budgeting. We have looked at a pilot program where we allowed some large commercial properties to operate outside of the watering schedule on a budget-base system. They apply it. This was something we worked with the development community and a number of irrigators and property managers to determine and we had an application process. They were set with a budget that fit with the current water restrictions, and one by one we saw those properties drop out of the program as they were not able to manage within the watering budget and they found that they were having actually more savings or better results by following the watering schedule. So this is, you know, the issues are something we've heard before and we understand it's always a concern. When we were first looking at going to a twice a week watering schedule in 2007, the community also was saying if you force us to water only on two days a week then we'll simply water more on those days. On the

commercial and multi-family side, we actually meter most irrigations separately so we can track whether or not that was the case and we have not found it to be true. That even though that is something that is often said or is something that people fear that they may need to do to sustain landscapes, it hasn't borne out in the Numbers that we have seen.

>> Kitchen: Okay. If I heard you correctly, so the pilot was tried and wasn't found to be effective?

>> That's correct.

>> Kitchen: Okay.

>> Zimmerman: Mr. Mayor?

>> Mayor Adler: Yes.

>> Zimmerman: I'd like to get some expert opinion from the irrigators on this point that was just brought up because I think it's a very important technical point. Could we have our irrigation landscaping expert address, that the pilot study and briefly if she has anything to add to that? Or if you even know about the pilot study. Because you're in touch with other irrigators. Did you even -- did you hear about it? Did you know there was a pilot study going on?

[11:15:17 AM]

Did the irrigation community know about this?

>> I knew about the pilot study. And thank you for calling me an expert. Not many people do that.

[Laughter] I have heard about it. I do take exception to what I just heard. I do hear in my everyday practice that the smart control systems are not being utilized and they should be because we can not only track the amount of water but disperse it as we've been saying, the quantity over the time period needed and shut it off when we have rainfall events and not actually water that next day. I think it's worth restudying that and having a pilot program where the industry can be involved. I haven't gotten access to information. I am a member of the American society of landscape architectures and I haven't seen it.

>> Zimmerman: Okay. Thank you for those remarks.

>> Mayor Adler: Okay. Any further discussion? Is there a motion?

>> Pool: I move approval staff recommendation.

>> Mayor Adler: Ms. Pool moves approval of items 3 and 4, 2nded by mayor pro tem. Any discussion? Mr. Zimmerman.

>> Zimmerman: Mr. Mayor, I'd like to move to divide that question because there are some distinct differences between 3 and 4. Could I divide the question and consider number 31?

>> Mayor Adler: Yes.

>> Zimmerman: Thank you. I would like to move an amendment to item 3, if we could put that back on the overhead. It's a 2-page yellow copy. These are some relatively simple amendments I'm proposing if we can get those on the overhead. In fact I think they're kind of self-explanatory if you look at the table. We kind of charted these out so you can summarize the differences. I move to amend part 4e conservation stage and drought response stage one watering schedule by striking residential-automatic odd and residential automatic even and amend the residential hose end to say residential hose end and automatic even.

[11:17:25 AM]

And residential hose end and automatic odd. Those changes are summarized in this table here so I move adoption of this amendment.

>> Mayor Adler: There's been an amendment moved by Mr. Zimmerman. Therefore a second?

-- Is there a second? Ms. Troxclair. Discussion on the amendment. Ms. Gallo.

>> Gallo: You know, I truly believe that the citizens of Austin, that we all realize how important it is to conserve our important resources. I'm really a good example of that. I'm the person who, when I'm running the water off my kitchen faucet to get to the point that it's hot so I start my dishwasher, I'm filling up pit customers of water to water my indoor plants with. So I truly believe that we are a community that has learned the importance and learned how to conserve. So I think the underlying question as we talk about this is do we really trust our community to conserve our resources without forcing governmental regulations on them. We asked the water department to give us some figures on how much we have spent -- how much that department has spent in the last four years on water conservation education. In the last four years, that department has spent four and a half million dollars on water conservation education. And if we don't trust that that huge amount of money has been effective in convincing our community to develop conservation habits then we need to rethink the money we're spending on education and maybe then we need to implant more governmental regulations but I want to trust our community. I also want to say that the Austin water department sent out a survey early this year to ask our community about watering restrictions.

[11:19:30 AM]

And 55% of the respondents citywide said that one day watering is not enough to meet their needs. In district 10, that was 64% of the respondents who said that one day of watering is not enough to meet their needs. You know, we have a tendency in this city to ask the community their opinion about things and then we have a tendency not to listen to what the majority of our community says. And so in this situation, I feel like it's important to listen to what the community has said, who has said one day watering is not enough to meet their needs, and we already have a plan in place. You know, Travis and lake Buchanan are 98% full now. We're currently at almost 2 million-acre feet, and we established a plan during the drought that said that we would implement restrictions when we had situations with our lake level that mandated that we had to take a more aggressive route and right now we're at a situation that we ought to be off all the restrictions completely. But I'm going to support this amendment because I'm going to support the voice of the community that responded to the survey that went out earlier this year that said the one time a week watering was not enough to meet their needs. And when we have an opportunity, as we have now, to be able to remove those, I certainly don't -- I don't support making them stronger with the additional restriction to the one day, and I think we've heard very clearly from our community that they do not support that either opinion.

>> Mayor Adler: Mr. Casar.

>> Casar: And while I totally respect your option to vote otherwise on this issue, I do think that the -- that it's not accurate that the majority of the community in this survey can be -- can find that out through this survey. You know, 27% of the respondents were from district 10, and I understand why they may want the respond who responded the survey and self-selected to be part of the survey, want the rules to allow for more watering but districts 1, 2, 3, 4 combined didn't respond enough to even be half of what responded in district 10.

[11:21:48 AM]

2% of the respondents were from district 2. 2% from district 3 and 3% from district 4, so almost ten times more people responded from district 10 than responded from district 4, and from my own district, the majority of people actually supported the contradiction restrictions. Which is actually amazing to me, that people would respond and say that I actually want restrictions on my consumption. So that's actually pretty incredible, I think. So I think that that's -- while I totally respect others' choice to vote in favor of this amendment, I don't think that the surveys show at all that it's -- that it's just the right thing

to do to vote for them. As a matter of fact, I'm, like, very proud of people in my own district to think of generations to come and conservation above their own water use. So let's just look carefully at the data from the survey before using it as a point that would get out into the media that the majority of people disagree with what we're doing because I'm not convinced that the information we have before us actually shows that at all.

>> Mayor Adler: Empties troxclair.

>> Troxclair: -- Ms. Troxclair.

>> Troxclair: First I just want to clarify the intent of this amendment. We are currently in stage two, and does the ordinance -- we're currently in stage two. Passing the ordinance as is -- I didn't think passing the ordinance as it was would necessarily move us into a different stage. Can staff clarify?

>> Greg, Austin water again. You're correct. What we would anticipate is after today's vote that we would recommend to the city manager irrespective of the outcome that he move the stage back to the conservation stage, which is the highest stage that we have.

[11:23:49 AM]

>> Troxclair: So this amendment -- I mean, this amendment does not affect the stage two restrictions. It doesn't in and of itself allow for two day a week watering. If you'll put the amendment back up, all it does is continue -- more or less continue the ability under conservation stage and stage one for some people to water twice a week. But voting for this amendment doesn't -- so basically it just preserves the ability in the future if the council wanted to make a change to allow for more flexibility watering restrictions in the case that it does rain frequently for the next ten, 15, 20 years, and we feel like that flexibility is necessary, but you could support this amendment to preserve that flexibility but not necessarily make the decision today to allow two day a week watering. Is that right?

>> Zimmerman: Mr. Mayor?

>> Mayor Adler: Yes.

>> Zimmerman: If you look at the second half, maybe this will answer it. The amendment that I have on item 4 talks about the triggers and whether we release stage two, stage one. That's in the second amendment that I have that talks about getting out of stage two restrictions and going back to stage one.

>> Troxclair: Okay.

>> Zimmerman: But your point is well made.

>> Troxclair: So you could -- somebody who did not want to necessarily today choose to allow two day a week watering but understood that it's important for us to preserve a broad range of options in the -- and if you could -- you could support this amendment and then vote against your subsequent amendment?

>> Zimmerman: That's right. What would happen if the council voted in this amendment, which basically gets us back to where we were in 2012, the 2012 plan, then they could vote against my item 4 amendment and just keep stage two in place. Because right now the contingency plan said the city manager would consider lifting stage two and I want to propose that we shall.

[11:25:57 AM]

>> Speaker3: This only addressed stage one.

>> Zimmerman: That's right. Again, it only puts us back to where we were in the 2012 drought contingency plan basically.

>> Troxclair: I'm going to support this amendment because I think it's only prudent for us to, again, maintain those options. We have the -- the city staff who today are making these recommendations to

us were the same city staff that less than four years ago put together a responsible and conservative drought contingency plan where they took all of the information that they had available to them and recommended a policy to the council that stated that if we were to reach these -- a certain lake level that we would still be conservative and we would still be focused on conservation if we allowed for two day a week watering. So I just -- you know, I don't -- respectfully to councilmember Casar's comment about how he's proud of his constituents for thinking of generations to come, I don't think that people who support two day a week watering rather than a more -- a broad -- okay. We could -- on the low end we could require one day a week watering, on the high end seven day a week watering. Two day a week watering is still in a very conservative place. We're not telling people that we can -- they can water any time they want. We're not telling people they can water seven days a week or six days or five days a week or four days a week or three days a week. Our drought contingency plan is a very conservative plan and I think the people who support a drought contingency plan as was put in place in 2012 were thinking about generations to come. And I think the people who support it today are thinking about generations to come. So I just -- I hope it -- I hope that in the media it's not seen as -- or this vote or this discussion isn't seen as, well, if you vote for one day a week watering you support conservation and care about future generations and if you want to water two days a week you don't care about future generations.

[11:28:11 AM]

I think that we all have the same goal here. We just have different ideas of how to approach the same goal.

>> Mayor Adler: I'm going to vote against this amendment. In a way what I -- I take us back a year and a half to where we were. We came into office, the Lakes were 30%, 35% full and were being shopped billion dollar ideas to build water conveyance systems to get water from east Texas. I'm proud to be part of the council. First thing we did as a new council, one of the first things we did was we caused it to rain and we filled up the Lakes.

[Laughter] I'm not sure how many times we could actually pull that off as a council. But I do remember the conversations we had at the time and we were looking back at things that we might have been able to do so as to preserve the water longer so that it would rain and so we wouldn't have those expenses. And the community that is for that is going to be better positioned to be able to do that. It is a question, I think, of culture and community, community norm. Ms. Coleman talked about the -- and made the distinction, I think, between the trees and the shrubbery versus the turf or lawn. As I look at this city in the southwest part of this country over the next ten, 20, 30, 50 year period of time I see it probably more likely that we have less and less of that kind of turf, lawn, landscape in our city over time. There are a lot of cities in the southwest part of our country that are doing the same thing over time and I think that's probably a trend we're on too.

[11:30:19 AM]

And there are the alternate methods of irrigation that work better. Drip irrigation and others with preserving the shrubberies and the trees. I just think that this went to a group that was -- this represents a compromise solution with respect to where we are. It enables us to maintain a lot of the advance that. We've made, you know, culturally and normatively in our community. And I think we should support that and encourage that and continue moving in that direction. Because I think that's ultimately where the city needs to be over time. So I'm going to vote against this amendment. Further discussion? Ms. Houston.

>> Houston: Thank you, mayor. I have a question about the amendment. Something is wrong with either my hearing or the mics. It sounds like --

>> Mayor Adler: There's like an echo in here.

>> Houston: Yeah. Okay. And it appears on the amendment that automatic has -- can water on Sundays and Thursdays and on Wednesdays and Saturday. That looks like four days to me. Am I reading the chart correctly? Am I not reading it correctly?

>> Zimmerman: I think there was supposed to be a difference between odd and even. Let me see if I -- if I have broken that. Yeah I think we messed up the odd and even. That's a typographical error but there's supposed to be two days or odd addresses, two days or even addresses. We're still talking two days.

[11:32:20 AM]

It's just a typo here.

>> Houston: Which is supposed to be even and which --

>> Zimmerman: The very last line, let's -- if there's no objection, Mr. Mayor, just change that to odd. Do you see how on the very top we say residential hose end, automatic even? And commercial even at the bottom. We have commercial odd, and we should say residential odd.

>> Mayor Adler: Okay.

>> Zimmerman: Does that make sense?

>> Mayor Adler: Yes, if there's no objection, the last -- on the very last line, the very last word on this page will be changed from even to odd.

>> Zimmerman: Right. I think that fixes -- thank you for pointing out that typographical error. Good catch.

>> Houston: You're quite welcome because I was going to have a heart attack if it was four days a week. [Laughter] The other thing is I'm really conflicted about this because during the drought stage water rates were going up and we weren't using, we were really trying to conserve water all over town and yet people kept complaining about that. And I think the staff's compromise is fair and balanced. It's my hope that there's not a rebound effect, that if -- if people are allowed to water two times a week, one automatic and one handheld, that they won't go overboard. It would be my hope that if we were absolutely to use the automatic sprinklers two times a week they wouldn't go overboard. And the other benefit for watering twice a week with automatic sprinklers is that the water utility would get some revenue that they're not getting now because of the amount of water I understand that the automatic sprinklers use. But my stewardship of the Earth says that we need to be very careful, that as we make these decisions, and this, I think, is fair, a fair choice, an option for people. So I'm not going to be able to support the amendment.

[11:34:25 AM]

>> Mayor Adler: Any further discussion on the amendment? Mr. Zimmerman, you can close.

>> Zimmerman: Oh, are you voting or do you want to discuss some.

>> Zimmerman: No. I thought you said somebody else.

>> Mayor Adler: No.

>> Zimmerman: Thank you, Mr. Mayor. I want to make a quick point based on something that councilmember Casar said that I think is very, very important to this policy discussion. If you could put the agenda item up. I want you to highlight the section where it talks about the commissions. So with respect to the districts that were in favor of the permanent watering restrictions, and they might have been 55, 60, 70%, that's nothing compared to the overwhelming support for permanent rationing in these commissions. Look at these votes here, integrated water resource planning community task force

9-0-2, water and wastewater commission, 10-1. Resource management commission, 8-0. Here's the point I want to make. Please bear with me on this. If I put the landscaping experts in charge of those meetings, the Sloat would have been the exact -- the vote would have been the exact opposite, okay? People make decisions based on their information. This whole process, the information has been dominated and controlled by the Austin water bureaucrats. I went to one of the so-called public meetings where this whole conservation situation was explained and it was highly biased, even the survey was biased in favor of an agenda for permanent water rationing. That is a fact. If we put professional irrigators and others in charge of presenting the information, the results would have been exactly backwards. So the problem in my view, in this city, is the control of information that supports a particular decision and a particular agenda. That's the problem we have in the city.

[11:36:29 AM]

>> Mayor Adler: Mayor pro tem.

>> Tovo: I just have to take a moment to respond to that. I really appreciate the work that our boards and commissions do, and in particular right now our integrated water resource management group that consists of individuals who are experts in -- and have backgrounds that are appropriate to that discussion. You know, they are trying to tackle one of the really critical issues in this region, which is water scarcity, and to look at ways that we can assure as a city we can assure that we're going to have the resources that we need going into the future. And so I appreciate the work that they do, and I believe that coming down on the side of conservation is really critical.

>> Mayor Adler: Okay. Any further discussion? Those in favor of the amendment please raise your hand. Mr. Zimmerman, troxclair, Gallo. Those opposed please raise your hand? The rest of the dais with Mr. Renteria off. Is there a motion to approve item number 4? We split the questions.

>> Pool: Yeah. And I -- now we have to -- take the vote on three. Thank you. I stand corrected. Any further discussions on three? Those in favor of item 3 please raise your hand. Those opposed? Same vote as before, troxclair, Zimmerman, Gallo voting no. Mr. Renteria off the dais. It passes 7-3-0. Is there a motion on number 4? Ms. Pool moves adoption of four. Is there a second? Ms. Garza? Any discussion on item number 4? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'd like to make an amendment to item 4. If we could put that on the overhead. This one I think is a little bit simpler. What we're doing is we're taking the table 2, which is very close to the 2012 drought contingency plan, and we're changing the language that says the city manager may and we're changing it to the city manager shall.

[11:38:39 AM]

And if I can get a second on this, I will explain the rationale here.

>> Mayor Adler: Mr. Zimmerman proposes an amendment. Is there a second to this amendment? Ms. Troxclair.

>> Zimmerman: Thank you, Mr. Mayor. Just to lay this out quickly, there's been a lot of discussion in our council about policy and the role of council, the role of staff. What I've been trying to do since I've been here for a year is move us towards objective decision-making. Decision-making that's not purely opinionated, but decision-making that's based on objective measurable triggers. And when this drought contingency plan was passed in 2012, I think that it was technically reasonable. And I think the community supported this, and I don't think the community anticipated that when we filled the lake up to -- the reservoirs up over 100%, I don't think the people anticipated that we would just have a behavioral change imposed on us and some social engineering. I think they thought that these triggers were going to be followed. I think that's a reasonable expectation, when the lake gets low,

below those trigger points, we impose the restrictions. When the Lakes fill up, we lift restrictions. I think that's a very, very rational presumption when this plan was originally presented and passed. So all this amendment does is take the opinionated part of this out and say, look, we've got technical triggers in place measurable, verifiable, when we hit the triggers going down we go into water restrictions. When we hit the triggers on the way up, as they're presented, we go out of restrictions and there's no room for opinionated policy making on the fly. You know, we have objective triggers and we follow them. That's really all this is doing, let's just follow the triggers based on objective measurements, not on political opinion.

[11:40:51 AM]

>> Mayor Adler: Mr. Summer made an amendment. It's been seconded. Is there any discussion? Mayor pro tem.

>> Tovo: I just wanted to say you'll not going to support these. I think we need to allow our city manager in concert with our water utility experts to consider other conditions as they may apply, and I just want to say my colleague talked about water bureaucrats before and I responded and said that our commissioners are doing a great job. I also want to say I think our water utility staff is as well and I appreciate your commitment to these issues as well.

>> Mayor Adler: Any further discussion? Those in favor of the amendment please raise your hand. Troxclair, Gallo, Zimmerman. Those opposed? Ms. Houston? I'm calling the vote on Mr. Zimmerman's amendment four. There were three that voted against it. Those in favor -- those three in favor of Mr. Zimmerman's amendment. Those opposed to Mr. Zimmerman's amendment please raise your hand. It's a balance of the dais with Mr. Renteria gone. Any further discussion on item number 4? Ms. Garza.

>> Saldana:.

>> Garza: I have a question for staff. I understand this is being -- it's an update to the contingency plan but does this take the place of the update that needs to happen in 2017? I understand that we're not do for -- due for the update until --

>> Typically you're required to update your drought contingency plan every five years so by doing this now, we would reset the clock so we wouldn't have to submit an update until five years from now to the state. Is that correct?

[11:42:52 AM]

>> Assistant director at Austin water. We would have to get approval from the tcq to extend it. That is possible. That's happened before. With you we don't have that coming in here today so it's possible we would have to come back at the deadline you stated but we will seek to get it where we can have this count as an update and then not have to come back for five years.

>> Garza: Is there any concern that there shall be -- should be a more thorough look at the contingency plan? Instead of just changing this, should there be a more thorough look that usually happens during that five-year period or are you satisfied that this is a good thorough look at it and it's a good change that will last five years?

>> We feel like it's -- we have taken a thorough look at it as part of this process. We also looked at the way it served us well during the drought that we just went through. And thought that these adjustments that we're making in the code are a sound lesson from the drought but otherwise we think it's a very sound drought contingency plan if we were to go into drought again we would be very comfortable following it.

>> Garza: Okay. I just want -- there's a sentence in here in the backup that says that we're not currently due but the changes here are being made at this time to reflect changes being proposed to the water conservation code which are coming forward in a companion but separate item.

>> That's number 3.

>> Garza: Okay. All right. Thank you.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Well, the comment about that it's been reviewed, I'm a little concerned because I heard one of our commercial landscaping company owners say she just recently found out about this discussion that was going on here. So I'm a little -- I appreciate your concerns and I'm just really curious if there -- if there has been a robust stakeholder participation in this and do we not need to have more time available, just concerned from her comments, kind of making it sound like this was -- there was not a lot of notice of this discussion.

[11:45:06 AM]

>> I think we can respond to that. I think we had an extraordinarily robust public input on this process. We had seven hearings around the city, almost in every district. We had mass mailings through our email serve list which has 30,000 names on it. We had online surveys. This was published regularly in the newspaper. Councilmember Gallo, I know you included it in your newsletter. We had other outreaches at boards and commissions across the city. Dealer, you -- Darrell you might want to amplify that more.

>> I think that's all accurate and throughout, we talked about we were doing the water conservation code and the drought contingency plan that doing one would necessitate changes in the other.

>> Gallo: Okay. I appreciate that because I just was concerned when we had someone that was in the landscaping commercial business that expressed a concern, just to make sure that we really had truly done an outreach. So thank you for clarifying that.

>> Councilmember, we had in 2012 we had a lot of participation from that community, from the irrigators and the landscape community. We sent invites to everyone that participated and everyone we invited from that community last -- in 2012 as well.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Yeah, I just -- I wanted to follow up a bit on councilmember Gallo's questions, specifically about the landscape architectures. I assume there's an association of landscape architectures. Did they participate in discussions with y'all?

>> I'm not sure to the extent they did. I know we had the task force the other night had a presentation from the landscape architectures, and they -- I don't think they took a position one way or the other but they were certainly aware that this was going on. Ms. Gross, if you want to elaborate on that? Okay. So I don't know -- I don't think the group itself took a position on this, but I do know that at least some of them were aware of it from what I just described.

[11:47:12 AM]

>> Kitchen: So we don't know that the group -- whether the group was invited to provide information?

>> I'm not certain about that. I'm sure individual members were.

>> Kitchen: Okay.

>> Mayor Adler: Yes, Ms. Troxclair and mayor pro tem.

>> Troxclair: I think it's interesting that you just mentioned that you had a robust discussion with all of these stakeholders in 2012 when we put together the drought contingency plan that we're now changing to it seemed to me that would have been an argument for us to stick with the drought contingency plan from 2012. But I think maybe the discrepancy here is that although there was a survey

and public meetings, I don't think that there was a whole lot of public dissemination of the staff recommendation that we're considering today. In other words, there were meetings and surveys done about what do you think about watering restrictions but once the staff -- maybe some of those people were not aware, including the landscape architects, were not aware that the staff was planning -- was going to then come back and take away the ability to ever change to a more lenient schedule. I think they probably would have liked to have had input in that. Maybe that's where the distinction is between, yes, there was a stakeholder process but didn't necessarily include input specific to what is in front of us today.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I just wanted to make sure I understood, Mr. Slusher. You said that in the context of that 2012 robust public discussion, which I remember, there were many people involved who are in the landscape architecture field and they were invited to participate this time around as well?

>> That's what I said, yes.

>> Tovo: Okay, thanks.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I attended the spicewood springs public meeting, and for the hundreds of thousands of people that weren't able to go, let me tell you quickly what happened there.

[11:49:18 AM]

When you walk in the door, you are handed a survey paper and you are told to please visit the little information stations. When you get done visiting the information stations, fill out your survey and drop it in the box. So that's the process. You come in, you're handed a survey form, and told to visit the stations. Now, the difference between educating somebody and selling somebody is really kind of simple. If you want to educate people, you present both sides of the information. If you want to sell somebody, you present one side, the side that supports what you want to do. I want to put item 4, if I could, back up on the overhead. And I think this speaks volumes about the motivation and the intention of the political -- the political motivation of bureaucracy here. When I walked in the very first station I saw it said drought contingency plan 2012. It put up table 2, the table you're looking at right here, with one very important exception. Do you see the column that says end condition? That table was omitted from the display. Giant poster, big huge poster, it says drought contingency plan. It lists all the conditions for imposing restrictions and omits the column that says when you end restrictions. That is selling and it's dishonest. It's selling. It's not educating. It's selling. Because you leave off the information that says when we lift the restrictions, and it gives people a false impression that there is no end to the restrictions because it's not on the table. So the rational thing for somebody to assume when they look at that big poster, oh, well, there's a table and there's conditions for imposing restrictions. There's no condition for release willing restrictions. Because it's not on the poster. I just -- you know, --

[11:51:20 AM]

>> Mayor, I have --

>> Mayor Adler: Hold on.

>> Zimmerman:.

>> Pool: Point of order.

>> Mayor Adler: Yes.

>> Pool: Are we debating the meeting with -- was held or are we talking about the --

>> Zimmerman: We're debating how people are misled and misinformed.

>> Mayor Adler: The problem I think the issue that was being discussed is whether there was public engagement or not and what the public did or didn't know. I think this fits within his ability to be able to make -- Mr. Summer's ability to be able to make the argument.

>> Pool: I understand that. It's just the tone is so argumentative I'm not really sure what -- I don't know that our staff is going to be able to respond back at the level of --

>> Mayor Adler: No, I don't think that was really a question. I think that was --

>> Pool: Is it more rhetorical? Oh, okay.

>> Mayor Adler: Mr. Zimmerman is allowed to make. But does anybody have any more questions for the staff while we have them up here.

>> Houston: I do.

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: It's therefore a time line that we're working against? Is there a deadline to get this done? Because it feels like other people need to be included, even though you think they were included. They probably didn't think they were included or they were included long ago. Is there some urgency to get this done now?

>> Yes. We would recommend that we know the watering schedule and -- before irrigation systems start, season starts, which it's ramping up as we're entering may. I think we would want to have established our appropriate code and drought contingency plan updates now that we're getting into the summer months.

>> Mayor Adler: Yes, Ms. Gallo.

>> Gallo: So I think the concern and the discussion here is the same concern and discussion that we have when policy items go through the city process. So we talk about that when the council passes something to direct the city manager to come back, we do that with a resolution, with an ordinance or an ordinance change.

[11:53:25 AM]

There is discussion at that point. But then at the point that proposed changes are actually done and go through legal and are starting to come back through our process, which when I'm looking at the schedule going through all the commissions and committees, you know, that didn't even begin until April 12 and then it looks like the last one was April 19. So I think the question that I'm concerned about is I do know there was a very active community engagement process early in the year, which was when the survey went out, when you were meeting with the communities, but my concern -- and I keep talking about this -- is when we get a draft ordinance that comes back with changes, then we need to have a very robust stakeholder process at that point because that's the point that the stakeholders and the community then know what the changes are going to be. And my concern is that if I'm looking at this, having gone through the commissions in April, my question would be is, have we had a robust stakeholder process since the changes have come back to be presented to the community?

>> We did not duplicate the four-month process that we used to get input as we were formulating these recommendations.

>> Gallo: And I want to applaud -- I mean, I applaud you for doing that. I think getting ideas and listening to the community and being out in the community instead of requiring people to come to city hall to express their opinions, I think that is wonderful and that's what all of us want to see. But we talk about this in a lot of the issues that come back to us with changes to an ordinance. We kind of drop the ball at that point and then don't allow the community the time and the stakeholders to have the time to actually be part of the conversation to discuss the changes that are being recommended by staff. And so that's my concern and that's why at this point I would vote against this, because I think, once again, I applaud you for the community input and engagement that you had early on, but the point at which

that information the staff took and it resulted in a change to the current code and the current ordinance, then I think it is only appropriate to go back out to the stakeholders and go back out to the community and say these are our changes, how do you feel about that?

[11:55:44 AM]

And to give them enough time to be able to do that. So we talk about this with a lot of our issues, giving the community enough time to really address the changes that are proposed once those changes are proposed. So --

>> Councilmember, I would just add we did have a public hearing, invited everyone to come and review the final recommendations that were -- participated along the way. That was an option and we did take this to three boards and commissions and task forces over a period of about two months. Obviously those are all your appointees, which are all citizen appointees. Those are all posted. We do emailings of those. We do give ample opportunity for folks to reengage once we formulate the recommendations. I mean, I suppose you can always do more. One, you know, of the challenges you have is how long do you have to create length legislation? We started this in December. You know, if we were to go another four or five months we would have -- well, enough said.

>> Gallo: Thank you.

>> Mayor Adler: I'm -- you know, I share the concern. When we have someone from the community come up and we've had Ms. Coleman come up before, I think she gives well-reasoned opinions and testimony. In terms of trying to apply this to the broader picture, I don't know -- I don't know how it happened in this case with this person, and it probably needs to be followed up. But we are resisting things coming to the council when they go to a board or commission the same week of our meeting. Although that's been happening some. We've pushed back at that and said we really don't want that to happen. Even the week before our meeting we've pushed back. But this went to three different -- this went to the Austin integrated water resources planning community, where it would have been publicly posted and publicly debated about a -- about a month ago this went to the water and wastewater commission where it would have been publicly posted and discussed.

[11:57:51 AM]

It would have gone to the resource management commission. Three weeks ago, where it would have been publicly posted. And I don't want us to adopt a standard -- I don't know what standard we would adopt that would still allow the city to move forward if that wasn't acceptable opportunity. And in that process, if stakeholders in the community would step forward and say, hey, this doesn't look good, we need more time, but there -- in each one of those committees, among all three committees, there was only one no vote. In each one of those committees. And I -- so in this case, on this one, I would be hard pressed to say that the public engagement that occurred here did not meet the standards that we should have for something that we consider. Mr. Summer.

>> Zimmerman: Thank you, Mr. Mayor. I want to -- my cell phone, if that photo is still up, I'll see if we can put that up. I found the photo on my cell phone that I took. So this is the giant poster I was referring to. And to your point, Mr. Mayor, my objection to these meetings is the control of one side of information that supports one decision. Which is permanent water rationing. Here's a Mr. Example of what you're confronted with when you see this table. The table I mentioned in red, see how this is drought -- what is drought contingency plan? Austin adopted in 2012, et cetera. They show one column, which is the stage for imposing restrictions. The second column, which should have been to the right of that, is missing from the page. When you have this kind of 1-sided information, that's why you get these lopsided votes in favor of what the city staff wants to do because they control the information. I don't

accept that we have a fair process with these commission hearings because of the control of the information.

[11:59:53 AM]

And that's my objection. I don't think these -- people aren't getting all the information so naturally they make biased decisions.

>> Mayor Adler: I understand. We are still at a -- place to vote on item number 4. Are we ready to vote? We're voting -- the amendment was not approved. We are now voting on item number 4. Those in favor of item number 4, please raise your hands. Those opposed? Troxclair, dissimilar, and Gallo voting no. Mr. Renteria off the dais. This item also passes 7-3 with one off the dais. It is now noon. We didn't get very far on our consent agenda here but let's go ahead and call the folks from the community to speak. The first person we have for citizens communication is Lesa walker. Or Lesa walker. And Kathleen yycoff is on deck. I understand that Zoila Vega and Kathy muelker are not here today to speak opinion Ms. Walker.

>> Hello. I'm Lesa walker and I'm here to give an update on the compassionate Austin movement. First and foremost I want to thank all of you for passing the resolution designating Austin as a compassionate city. It's a landmark event for Austin. It's the first time in our history that we've established compassion as a citywide priority. The day the resolution passed we had some wonderful specifically show up in support of the resolution giving inspiring presentations on the city hall plaza.

[12:01:55 PM]

Sharon from the Austin public libraries, Janice from Earth day Austin, Simone from the interfaith action of central Texas, claw dean from rain drop womens association and the Turkish house, Jason from rosedale school. He and other teachers and students from rosedale school came via school bus to attend and a citizen advocate, videos of their speeches are on the compassionate Austin YouTube channel. These people represent key infrastructure components of the citywide compassionate Austin movement, the libraries, the schools, the faith, interfaith communities, the citywide umbrella organizations that bring together businesses, arts, music, nonprofits, and general public. A local nonprofit organization representing the rich cultural diveretty of our city and individual citizenry, all these people, all these groups have participated in the compassion games as well. We are a movement that speaks to all of Austin, people of all cultures, races, ethnicities, abilities, and identity.

[Indiscernible] Spoke about the fact it's often the bad things highlighted in the news. She then shared a powerful story. A teacher was telling a student there are two wolves fighting inside of us. One representing the good, the other the bad. The student asked, which wolf will win? The teacher answered the one we feed the most. So let us feed compassion, not hate. Let us strengthen 3D compassion, caring for others, self and the Earth. This is the best legacy we can give Austin and our future generations. So let's do a simple exercise. Every time we sit down to eat lunch, breakfast, dinner, whatever, let us ask ourselves what wolf are we feed what are we doing in our day that shows caring for others, self and the Earth? Let's all try this for one week and see what happens in our own lives. Then let's make it a daily habit.

[12:03:58 PM]

The resolution to be a compassionate city is not just a feel-good resolution where we pat ourselves on the back and then go on with business as usual. It's a hard commitment for all of us to take action in our lives, to care for others, ourselves, and the Earth. We need to live the Austin we want to see. The

compassion gains are a great mobile eyesers to awaken and support this drive, creative action and social innovation within each one of us. We must engage to meet needs and create a thriving livable city for all.

[Buzzer sounding] As the website says -- I know my time is up but I want to share some great news. We rocked the Earth week compassion gains with 28 teams from Austin. We also hot off the press have been awarded the random kindness community resilience leadership award. It's a wonderful award honoring our city's model. In addition we'll be featured in the peace online series and upcoming magazine. Thank you for championing this movement. I appreciate it so much.

>> Mayor Adler: Thank you. Kathleen wyco -- F is up next. Ms. -- Is Ms. Yarborough. The next speaker is Carlos Leon. On deck is Cheryl Hoxie. Mr. Leon.

>> So Carlos, Leon.

[Indiscernible] In Austin, Texas, may 5, 2006. To speak what's right, [speaking non-english language]. First and foremost, thank you for letting me fight evil. Our city, county, and country are seriously screwed because so many have rejected god to serve the devil by ass backwards actions.

[12:06:09 PM]

In 1973, Rowe V. Wade legalized abortion to murder the most innocent human lives instead of birthing them, turning women against themselves, so humanity kills itself, bloodying the women and doctors who are supposed to nurture and protect human life. Overturn roev. Wade yesterday to reverse the fifth waive. September 11, 2001, continuity of government measurements were implemented across the United States. Yet their specifics have never been publicly stated or ended. Meaning since 9/11, we have not known our secular rules or who is in charge of what, causing constitutional chaos, confusion, and conflict. Ality analyst attack our Christian judeo-values and two extremes, islamic law and anarchy, to tear us apart inside out. That reality plus the immoral invasion of Iraq and Afghanistan and illegal torturing and indefinite imprisonment of islamic suspected terrorists has spiritually blown back on us, seven and a half years of abomination. A supernatural evil nightmare from hell, where almost everything godly and true has been turned around against us because we have allowed and apparently -- an apparently homosexual Muslim Kenyan posing as a straight Christian American to act as president without proving to be constitutionally eligible or us knowing if our constitution is even still in effect today.

[12:08:16 PM]

Though the fraudulent constitution parchment image on the national archives website tacitly tells us it's not. Repent. Renew your mind. Return to god and rule of constitutional law to make America great again.

[Buzzer sounding] In Jesus' name I pray, imagine Austin. Thank you, lord. God bless Texas and the united States of America.

>> Mayor Adler: Next speaker is Cheryl Hoxie with Briana miriani on deck.

>> Honorable mayor, distinguished councilmembers and guests, thank you for allowing me to speak today. My name is Cheryl Hoxie and I am here speaking on behalf of UT parents putting safety first. Our coalition formed approximately three weeks ago, and in that short time we have over 800 members that have joint forces. Many of us over the last several months and for some years have voiced concerns to various entities about safety on and around the university of Texas campus. Our mission is to provide safety to our students, our guests of the university of Texas, our citizens, faculty and staff. Berealize that we must form a collaborative effort with the city of Austin and the university of Texas in order to protect

our students. And we are willing to do that. Unfortunately, there's a growing number of homeless that are engaging in criminal activity. Please understand that we are not anti-homeless. We are anti-crime. It is not a crime to be without a home. We are concerned that those happen to be homeless -- we are concerned about those that happen to be homeless and are engaging in criminal activity.

[12:10:20 PM]

These individuals are cloud as criminal transients and it is these individuals that pose a threat to our students on a daily basis. I would like to share with y'all a story of another student and parent's experience that occurred this past October 2015 at approximately 1:15 -- sorry, 1:00 P.M. My husband and I were dropping off our daughter at Callaway house, even though it was the middle of the day on a Saturday, we watched her cross the street. As soon as she got out of her car we heard a criminal transient start whistling and yelling at her, standing in the alleyway right across from Callaway, we saw him mass Tur bating, thrusting his hips at her. Any husband got out of the car and screamed at aware daughter to quickly run. My husband having witnessed this perverted act wanted to take matters into his own hands but I stopped him and we called 911. The criminal transient was not afraid of us and continued this activity, even though he knew we were watching him. The criminal transient eventually walked away, A.P.D. Arrived, and we -- my husband identified the criminal transient but a.p.d.'s response was as follows "That's lust he will. He's well known around here. He does this a lot. We can't arrest him because he didn't actually show his genitals." Masturbating inside his pants is not against the law. Our students are subjected to the following incidents by criminal transients on a daily basis. Being yelled and cursed at, being spit at and on, having items thrown -- [buzzer sounding] And I know my time is up. I'm just going to read one last thing. Gat loop and surrendering areas is not the area for transients to pray on young, vulnerable and often too trusting college students. Quite simply we're asking the city of Austin remove the transients from the streets and provide the safety that our students and all of our citizens deserve.

[12:12:23 PM]

A permanent presence on Guadalupe in the form of a substation would be ideal. Additionally we're asking for more mounted, foot and bicycle police patrol. Again, thank you very much for having me this afternoon. Good day.

>> Mayor Adler: Thank you. Mayor pro tem -- excuse me, ma'am?

>> Tovo: That's okay. I don't have a question. I just wanted to thank you for being here and for the work.

>> Thank you.

>> Tovo: And your offer of collaborating as I'm not sure if you were at last week's safety meeting at the university of Texas but you know that the city has been working in partnership with utp.

>> We have -- sorry to interrupt. We have --

>> Tovo: Our chief back there. But I just wanted to assure you that this will continue to be a priority and my office has been involved for a long time but we'll continue to do so and I think we have some interesting things and new strategies to try. So thank you.

>> Thank you very much.

>> Mayor Adler: Thank you. Briana miriani and then rath rin fendrich is on deck.

>> Hi. I am here to speak about the stray cat return program or scrp at the Austin animal center. Scrp is a program that returns stray cats to streets rather than adopt them out. Currently only owned cats with an appointment that could sometimes take up to weeks or months to get or cats that are too young or sick to be returned to the streets are adopted out. Cats who may have lived their entire lives as someone's pets and kittens as young as three months are routinely put out and are expected to survive

or find their way home. While this certainly helps no-kill Numbers at the shelter it does not help the cats. Scrp was based on a Florida program that contained elements that are electronically here in Austin. In Florida friendly cats are put up for adoption and fear fear materials are not returned to the streets unless the neighbors agreed in writing to provide the minimum basic needs for the animal.

[12:14:36 PM]

This crucial difference means in Florida cats on the street have an advocate and a fighting chance when living outdoors in what is an otherwise harsh environment for dough mess indicated animals. Ferrell cats are cats that have become wild by necessity but even they are still domesticked panels their lives are dependent upon humans. Two of us that were concerned with this issue wrote to aac with three suggestions that could be put into place immediately. They were that the guidelines in the Florida program be followed, that all reputable rescue groups be made aware of this program and given the opportunity to take cats into their program first, and that cats brought to the shelter need not have an appointment in order to be put up for adoption. The response we received was the history and defense of scrp with statements that -- with statements made regarding the release cats that could in no way be validated without knowing the history of the cat and its time on the street. The suggestions we put forth were not commented on or even acknowledged. I worked in a shelter for four years and I most certainly know the Numbers of animals that are thrust upon shelters daily. I've also been doing t&r, trap neuter release for almost 20 years so I'm not against cats living on the street but I also know what it takes to sustain that life on the street. We hear over and over that killing cats is the alternative to scrp. I strongly disagree. There are multitudes of resources available to area residents that if used would make a big impact but not enough is being done to promote them. Putting animals out on the street should be a very temporary measure at best. True long-term solutions should be worked on with the vigilance and sense of urgency equal to those crisis Numbers so we don't need to put these animals on the street and can bring about changes that don't involve ending lives, whether in the shelter or on the street. Thanks.

[Buzzer sounding]

>> Mayor Adler: Thank you. Next speaker is Katherine fendrich.

[12:16:41 PM]

And then Michael brooks. Mr. Brooks?

>> Hello, great honor to be here. I belong to a group called Austin police watch, Christian cops in Austin, Texas. After developing the interest in the Austin criminal justice system. I'm here to suggest from our group that you consider a new check and balance placed in the Austin police city contract that is more fair than anything anyone has ever proposed before, and that is to create a police civilian review panel composed of one person from each district drawn from a lottery to serve only one year and to give them the right to fire police officers through the city manager. According to "The Austin chronicle" on April 15, 2016, the Austin police union wants the new contract to restrict the opm and the crp from access to police disciplinary files and unsustained allegations. Since an independent review in 2009 into the shooting death of Nathaniel sanders the second it was shown that the new method of chief Acevedo having rotating officers come in on an internal investigation exonerating officers when they shouldn't have been, according to the facts and the recent case have been shown that the officer's chain of command exonerate officers when they are already found guilty. If the police union has its way, the civilian review panel will not be aware of police officers, problem officers, and their accumulated dismissed police citizen abuse complaints. Approximately 10,000 complaints have been dismissed so far, with these methods since the inception of police review panel. Which may be approaching a mega civil

rights customs violation. All the officers and civilian shootings that created controversy had multidismiss abuse complaints complaints.

[12:18:49 PM]

Our suggestion for a review panel would eventually notice this pattern and choose to release officers from working for the city of Austin through the city manager. No one wants an eventual riot that could occur as Austin becomes a mega city and certainly no police union wants a dishonest or abusive police officer on a professional force. The city of Austin routinely spends millions of dollars on abusive, negligent or civil rights violations by certain officers. Sadly to say the city of Austin and the Austin police department did not even have the funds to pay for testing 3300 rape kits recently due to the expenditure on law students it would seem to some. Give our city a new vision and commitment to justice by considering a civilian review panel board that has the right to fire police officers. Thank you.

>> Mayor Adler: Thank you. Okay. Those were all the speakers that we had in citizen communication. It is 12:20. Do we want to come back here -- we have no executive session items today. Do we want to come back here at 1:15:15? All right, then we stand -- Ms. Tovo.

>> Tovo: I pulled item 5, and I have just a couple quick comments to make. I don't know if others have a lot of questions about that items. We might be able to knock it out before 12:30.

>> Mayor Adler: If there are items on here we could knock out so the staff didn't have to hang out over lunch I think that would be great. I don't know how we are on Numbers but --

>> Kitchen: I'm happy to do that too except I still want close to an hour for lunch.

>> Mayor Adler: Okay. So let's see then where we are. We want -- let's call up number 5 then.

>> Tovo: Thanks. I appreciate that. So the question I had and I had asked questions about the family business loan program before and there are similar questions to the ones I'm going to ask now. I think in looking through the recipients of family business loans in the past, some of them are indeed meeting, in my estimation, meeting the goal of the program that they are supporting small businesses here in Austin, and sawyer and company is one example.

[12:20:57 PM]

I have some questions slash concerns about this one. You know, I love rudamia and some of the other business that's appear to be in relationship with the one that's on our agenda today, but it does seem to me to be a business that has relationships to other LLCs and I hope you can walk me -- provide a little bit more information about that and I'm going to ask our folks to put this up on the screen.

>> Thank you, mayor pro tem. Kevin Johns, director of economic development. I'm very happy to answer any questions we have, and this is also national small business week. So thank you for elevating the discussion.

>> Tovo: I think it's critical. You know, we talk a lot about small businesses and the struggles that they're having staying in Austin, paying increasing costs, including and especially rent and, you know, this -- the family business loan program seems to me a really important tool and inquiring in the past I understand some of the answer that you've provided through the q&a, which is that, you know, your -- it is a federal program and you're using the criteria that are set by the federal government, which are primarily the \$15 million in net worth cap. As I understand it, the city has the opportunity to add additional criteria, and I just want to signal to my council colleagues that I am -- this case reminded me of the importance of taking advantage of that opportunity, and I will be bringing forward a resolution I've reached out to a few of your offices to add some specific criteria that I think might get us a little closer to using this tool to really support small businesses. With regard to this one -- oh, I have my scribbled notes on there. You know, in just trying to quickly get a sense of whether this -- this LLC is related to others, this is what

popped up on the internet. I don't know how accurate it is, but I wondered if you could just speak to whether this LLC has relationships and were you -- do you know what the membership of those LLCs is - overlapping with some of the other entities?

[12:23:11 PM]

Can you provide us with any information you may have about that?

>> Yes, I think so. First, the company, the parent company, artisans, is a local Austin business owners. It's an Austin business company. The company that is a part of it, which has been set up to import beer from monks supporting monasteries in Europe and Belgium is the -- that entity is who we're making the loan to. And I have the representative of the company here so that they would be delighted to speak to you, but we have -- we have assets pledged from the company to cover the loan in the event that for some unfortunate reason it doesn't go forward. But the overall purpose of the family business loan program, for the councilmembers who may not know this, is to create jobs for low-income people so that for every \$35,000 that's borrowed, the borrower has to create a job and 51% of those jobs have to be for low, moderate-income people within that community. We have been effective using the program to help create low, moderate income jobs according to the H.U.D. Regulations. We have also set up a micro loan program for smaller businesses that have just -- are just getting started. In terms of the network here, I think perhaps I'll ask the representative, the company, because I think that's a good question, but maybe if James leech would come up and answer that for you.

>> Tovo: Sure. I know I promised it would be no more than ten minutes so I'll keep it so that but I have a couple questions for you before you sit down, if you could. And, yes, you know, I'm looking at the language of the family business loan program is a public private partnership to offer -- I'm summarizing to offer low-interest loans to qualified small businesses expanding and creating jobs.

[12:25:19 PM]

It's great they are expanding and creating jobs but, again, there is an emphasis on small business and I just am not sure whether this business really qualifies, if it does have overlapping relationships. And I understand by the letter of the law it does. I'm really talking about the spirit of the program. So I had asked two specific questions. Does the membership of mort

[indiscernible] --

[indiscernible] Have controlling interest in these -- I saw they were importing beer from Belgium, I think, so I thought maybe it was pronounced differently. Do they have controlling interest in these other affiliated entities and maybe if you don't know the answer to that we can ask the representative. And if so, does the combined total of the entities exceed the tangible net worth limit of 15 million. In your answer you talked about the affiliations aren't factored into the affiliation but taken into account when collateralizing the loan. So I assume you have that information as well about whether the net worth totals more than 15 million because that would have been relevant to collateralizing the loan.

>> Yes, ma'am, councilmember. My name is [indiscernible], loan officer for the economic development department. What I can share with you actually anecdotally is with these -- this particular entity they describe themselves as serial entrepreneurs. Which has led them to actually form very successful companies, smaller companies, and even community outreach events. James, which is the spokesperson for the company, developed a website called community bound which sought to actually link up community volunteer opportunities with folks that are needing those particular services done. So what I can tell you as far as elaborating, the individual applicant, [saying name], is a new entity and the parent company, which is artisanal imports, we pined

[12:27:19 PM]

[indiscernible] We bind it legally with this transaction. I can tell you with respect to the process that we follow, these particular transactions you had mentioned qualified companies, we want to make sure first and foremost that these applicants are able to financially support the transaction. That's our first thing because that actually provides assurances of perpetuity of the program into the future for future benefit of applicants. But as Kevin had mentioned in as Kevin midgessed, this is a jobs -- as Kevin mentioned, this is a jobs creation program by options of lending. We look for an opportunity for businesses that have a high probability of success for creating those jobs and sustaining those jobs. So this particular applicant has committed and will commit to 15 jobs for low to moderate income individuals, which is a very aggressive target, but they are fully capable of doing that. As Kevin had mentioned as well, the microloan program is targeted for early stage companies and we've been very aggressive with that program as well. As far as the volume prospect, we've done a lot of volume with respect to the microloan program and those provide still for qualified businesses, meaning they can financially afford to pay it back, but there's flexibility with respect to the collateral opportunity they need to meet. In the early stages you're building up the collateral for a company.

>> Tovo: I appreciate that. And you and I and my staff can have further discussions as we move forward with the resolution that I plan to bring, but I guess, you know, I'm not sure that -- again, I think this is a tool we have to support small businesses here in Austin and while I appreciate and support some of the businesses I see here on this list, I drank Ruta Maya coffee this morning, but I'm not sure that we ought to be using it to support companies that are financially have their feet on the ground anyway.

[12:29:20 PM]

I think that's my last question on that front. Maybe others have questions or maybe we're ready to vote.

>> Thank you.

>> Mayor Adler: What's the opportunity cost for this? Are there a certain number of businesses and you decide between them just a scarce resource that we're portioning out?

>> The number one challenge to small businesses in America, according to the the Harvard business review, is access to capital. And so in talking to our small businesses, we find that that is a regular theme. So there's -- we were able to compete successfully for eight million dollars' worth of money that we can loan. I think the opportunity is that there's not enough competition yet. We have to get the word out to get more companies to be aware of this. All five of the chambers of commerce that we work with are marketing this. We're sharing this to the -- at the small business festival. So so far it's not a competition of limited resources. We have the money. It is a small piece of the overall package, that is, credit unions, local banks are all participating as well. So this is kind of gap funding. So the opportunity is to expand this basically.

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

>> Zimmerman: Before you go, obviously I will be voting against this because this is the city of Austin, not the bank of Austin. And I cannot understand why we think that the banking industry, which is a very, very large, well established industry, that has to make these complex and difficult decisions about who deserves a loan and who doesn't. I mean, it is a business and a science to itself.

[12:31:24 PM]

And if you have a very compelling business idea, businesses will compete to give you start-up money and to give you capital. Businesses will compete for your business if you have a very compelling business model. If you don't, you won't find anybody to loan you money. And so for the city government to step

in and say, do you know what? We're the city of Austin. We have some federal taxpayer money. We know better than those other banks. We'll give you a loan. We should not be in that business from a policy point of view.

>> Mayor Adler: Got it. Any further debate? Any further questions? Mayor pro tem?

>> Tovo: Very, very quickly. So are you the -- the answer to the mayor's question, we can apply -- we can use up to eight million dollars through this program and we're not currently at that capacity?

>> That's right. We just started the eight million. You recall that we had a three-million-dollar allocation and we had two years to loan it. And it took us to gear up -- we finally have made those loans. So now we're on a new eight-million-dollar allocation.

>> Tovo: That's the period of time?

>> Seven --

>> We have a total of actually five years.

>> Tovo: Okay. So there are -- we're just at the outset of it. So it's possible that -- okay. That helps me. Thank you.

>> Mayor Adler: Thank you. Me too. Ms. Houston?

>> Houston: Mayor. And thank you, Mr. Johns. Thank you all for the information. As you know, in some communities, getting that capital to be able to become entrepreneurs is very difficult and so if you would make sure information so that people know this is an opportunity that's available because they are local businesses -- there are local businesses who are needing that kind of jumpstart to get their business underway.

>> Thank you very much. I sure will.

>> Mayor Adler: Is there a motion to approve this item number 5?

[12:33:25 PM]

Okay. Ms. Gallo?

>> Gallo: I had a question. So mayor pro tem, I appreciate you moving this forward. I think all of us are interested in being the small business opportunities in our community. And I appreciate understanding that we do have a good length of time left to be able to do the outreach. So I just wanted to say thank you for bringing this forward.

>> Mayor Adler: Is there a motion to approve this item number 5? Councilmember kitchen moves. Is there a second? Ms. Garza? Is there discussion on the item? My view on this is if we have money that's going to help us employ folks and we have that opportunity to be able to do that, I would be inclined to trust the staff on this issue and to approve this so that we create those -- create those jobs. As the project is proceeding I am -- I hear the mayor pro tem's issue, which is if we can get a two-fer, and by that I mean both create the jobs and support the small local businesses, then I think that should be what would be our priority direction. Mayor pro tem.

>> Tovo: Yeah, I've struggled a little bit with this one and I've struggled with the past ones. Today I'm going to support this one because they're operating under the program as it has been, but I do think this is really -- you know, as I said I'm bringing forward that resolution. I think we should tweak it. We have used the family business loan program, I believe to support a local hotel that was affiliated with a national chain. I think that we really need -- this is a tool we have available to us and I think we need to make tweaks to make sure that we are using it to support those businesses that really need to establish themselves, not those that already are well established, but may have multiple entities that are legally separate.

[12:35:36 PM]

So I'm going to support today reluctantly only because I think there are other needs, not because I have any doubt that this business, like the others affiliated with it, are going to be real contributors to our community and the job creation is clearly something we need here in Austin.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Mayor, I would like to ask the mayor pro tem to -- as you work through the process of what you're going to bring forward in a resolution to give us all a head's up because this is a very important program. I've been working with constituents in my district that may be applying for this program so I would certainly like to understand what changes you're thinking of and have plenty of time to think about them and vet them for the -- in consideration of the folks in my district that we're working with.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: Mayor, and I need to just quickly -- what is the accountability measures? How do you know if they hire 15 people and from low to moderate incomes? What if they only hired 10 or nine? What happens?

>> Thank you for that question, councilmember. We have a robust accounting process so what we do is through hud guidelines, per hud guidelines there's basically a measure of counting and we file those specific reports directly with housing and urban development. So with respect to those we have contractual commitments through our loan-closing process. So they are contractually committed to and obligated to create those jobs, of which we do a biannual reporting period where they submit their progress. And from the point of close up to five years that's the time period that they have to basically report and verify those particular job creation requirements.

>> Mayor Adler: Okay.

>> Houston: But if they don't meet those requirements then what happens to the loan? The funds?

>> Well, with respect to the loan, they would basically be compelled to come to council to provide explanation on why they were not able to create those particular jobs, be it an economic cycle change, something like that, but they basically have to come to council and explain those more reasons.

[12:37:48 PM]

And -- those particular reasons. We would have in our tool ability is the ability to recall the loan and basically state that per the agreement these jobs have not been created, those funds are immediately due.

>> Mayor Adler: It's been moved and seconded, item number 5. Mr. Zimmerman?

>> Zimmerman: I would like to speak briefly against this item. I just pulled up Forbes and they've got one of numerous articles that talks about the unfortunate, but remarkable failure rate of small and new businesses. I guess a common -- it depends on how you 59 small business, but rule of thumb is about 80% of the small businesses fail for a variety of reasons. And I'm just dismayed. Our council was told to focus on traffic congestion relief. We had a charge in charter here and now we're talking about getting more into the banking business. And when city government and city bureaucracies get involved with this, it necessarily makes these loan decisions political because there's a high probability that these small businesses are going to fail. It's about 80% chance they fail. And if they fail, now there's a political question. Was there cronyism? Was there favoritism? Why did the city put taxpayers on the hook for a business who couldn't get a loan from regular banks? And what does it say to the other businesses who went to commercial banks, they made their business case and they got their money, they did the best they could. If they failed it's not a potential political problem. And there can't be accusations made of political favoritism because taxpayer money and city politics were not involved because they didn't come to the city. They didn't get money from the government. So it just opens up another can of worms here. It's just a terrible direction for our city to go. I'm very dismayed that we keep doing stuff like this.

[12:39:50 PM]

>> Mayor Adler: Any further discussion on this item number 5? Those in favor of item number 5 please raise your hands? Those opposed? Mr. Zimmerman voting no. Are there any abstentions? Ms. Troxclair abstains. Ms. Houston abstains. Mr. Renteria is off the dais. So the vote is 8-1-2 with one member off the dais. It passes. Thank you.

>> Thank you very much.

>> Mayor Adler: Council, it is 12:40. Do we want to come back at 1:45?

>> Zimmerman: Quick question. Item 14 there are two people. Would that be the next one to come up maybe? Item 14 had two speakers. I don't know if they're still here. This was the towing issue the. Looks like they are. Could we pick that up right when we come back.

>> Mayor Adler: When we come back we'll pick up item 14 and then item 27, which will have the two speakers there.

>> Zimmerman: Thank you, Mr. Mayor.

>> Mayor Adler: Thank you. 1:45.

[12:45:04 PM]

[Recess till 1:45]. >>

[1:17:59 PM]

[Recess]

[1:48:52 PM]

Lesbian

>> Mayor adler:all right. Let's investigator this back up. Let's gear this back up.

[1:50:54 PM]

It is 1:50 P.M. On may 5. We are back out of recess. We're continuing in our agenda. We've taken care of item 5. What about item 9, which is the acquisition, property acquisition? Want to call that just because Ms. Gallo started eating? Do we have staff here on item 9? It's my intent by the way just to kind of go through these pulled items in order.

>> While we're getting organized, makers I want to ask, are we going to take up in order audit and finance items 37-40.

>> Mayor Adler: Yes.

>> Tovo: Okay. I expect those will be --

>> Mayor Adler: Real easy.

>> Tovo: Zippy, fast.

>> Mayor Adler: While waiting for staff to come let's try to call this up. Does anybody have any issues with 37-40? These are the audit and finance items. That also includes the municipal civil service appointment item.

>> Zimmerman: I'm lost.

>> Mayor Adler: Hmm?

>> Tovo: So we were -- the mayor was just asking about 37-40 and if people envision there will be a lot of discussion around those or if we can call those up.

>> Mayor Adler: I don't know about item 40 because I got an email on that so let's hold that one off. Do you want to lay out 37, 38, 39.

>> Tovo: I'm actually going to -- if it's all right with you, mayor, yield to councilmember pool, 37 and 38, because she did the work on behalf of our committee and we I think came to a very good resolution.

>> Pool: Thanks, mayor pro tem. So on these items, the audit and finance committee heard them twice, and the second time was at my request because I had a couple of questions about how the joint task task forces would be crafted and make sure that we had a diversity of professional background and also geographic dispersion on the joint committees.

[1:53:05 PM]

We also discovered that because we don't have -- this is kind of new ground that we're plowing and I don't know if Mr. Rusthoven is here or not. He could speak to this if he is, but it's okay that he isn't. We are also going to likely do follow-up work on making sure that all the authorities and processes in place because the mu -- we don't actually have rules on how joint committees for land use operate. But we worked through mu -- many of the questions that we all had and in the end it was -- there were no changes to the ordinances that were recommended coming out of committee, and it was passed unanimously. I think I made the motion and I think councilmember troxclair may have seconded. I don't remember.

>> Mayor Adler: Do you want to move passage of 37 and 38.

>> Pool: Absolutely.

>> Mayor Adler: Empties pool moves passage of 37 and 38. Is there a second to that? Mayor pro tem. Any discussion on 37 and 38? Ms. Houston.

>> Houston: The only question is about any kind of community engagement. So that we get a diversity of voices in the conversation.

>> Pool: Well, that was -- if I could answer, that was one of the things that we talked about with the leadership on the planning commission and the zoning and planning commission, was to ensure that -- these are voluntary assignments from the commissioners themselves to the joint task forces, and our request was what -- was that they voluntarily and very intentionally make sure that the people who are joining on a voluntary basis reflect the diversity both in professional background and around -- dispersion around the city. Rather than having the council direct them through an ordinance change.

>> Houston: And I'm going to make the same comment on, I think, it's 26, that there are diverse populations, the demographic is diverse throughout the districts so not all black people live in my district so when we're look for diversity and demographics it's not only diversity of thought, educational experience but cultural experiences.

[1:55:13 PM]

So I'm just going to keep reminding people that there are opportunities to make appointments to all kinds of boards and commissions that don't look like what traditionally we see on boards and commissions.

>> Mayor Adler: Mr. King, do you want to testify on this 37, 38?

>> Yes.

>> Mayor Adler: You were signed up. Take your time, David.

>> Thank you, mayor, mayor pro tem, councilmembers. My only comment I support both of these items. I think they're important items, but I just wanted to express a little concern about maybe an area of our code that may not be -- have any committee or group really monitoring and that's the water front, the water front overlay. I'm very concerned that -- and I'm wondering if one of these committees could have

purview over that and have some level of expertise in that area. The water front overlay was initiated because citizens said that that was on and I'm just worried that there's no -- was important and I'm worried there's no committee since the board was resolved that's really got the expertise to help enforce that ordinance and, you know, advocate for that. So I just want to bring that out in the context of these committees and hope that we can get that issue addressed. Thank you very much.

>> Mayor Adler: Thank you.

>> Pool: Mayor, I can speak to that one point. There were a couple other work group subcommittee task forces that the land use commissions wanted to put together. One was C.I.P., which is -- I always get it wrong, capital improvement programming or projects, planning. And also the water front overlay I think was one of them as well. So when I mentioned a little bit ago that there were additional things we were going to work on, our work is not done on these but I did want to move forward the two changes that were offered here so that our citizens could go ahead and get working on them. I see Mr. Guernsey at the mic. Did you want to weigh?

[1:57:15 PM]

>> Greg Guernsey, planning and zoning. It's a joint committee of the planning commission and zoning and plantation economics. I think they already have the responsibility of the water front overlay when we dissolved the water front overlay and advisory board that transfiguration understood that new committee, which started existing so I'll make sure David is aware of that. I think that the difference is they don't maybe have the expertise and had as much experience with it as the previous board, but there is a group that's responsible for it.

>> That last point you made I think is really important, that that expertise is not there and I'm not being critical of those people. They just don't have that expertise. The important thing for [indiscernible] Right now.

>> Pool: And I agree with that. And there is some more work we will be doing. But thank you so much for bringing that to our attention.

>> Mayor Adler: Okay. Item 37 and 38 have been moved and seconded. Ms. Gallo.

>> Gallo: I appreciate the conversation about diversity and want to make sure that the diversity of the appointments between the different districts, you know, it looks like we have seven that will be appointed on one and seven on the other. So, you know, there would be a total of 14 so I hope that we will see at least one person from each district appointed to either one of those two, and I think that's an important -- I think that's an important message also. So that we have an equal -- not an equal, but at least we have an equitable distribution between the different districts.

[Buzzer sounding]

>> Mayor Adler: Okay. Yes, I've asked our -- I've asked us all to be timed from now on.

[Laughter] And the time actually varies by councilmember.

[Laughter]

>> Gallo: What about you, mayor?

[Laughter]

>> Mayor Adler: Unlimited, unlimited.

>> Gallo: You deserve that.

>> Mayor Adler: 37, 38 up. Any further discussion? Those in favor of 37, 38, please raise concur hand. Those opposed.

[1:59:15 PM]

It's unanimous with Mr. Renteria off the dais. All right. Let's jump back to number 9.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Yes.

>> Zimmerman: We were going to pull up 14.

>> Mayor Adler: Speakers, number 14. Let's do that. 14 is the towing issue. We have two folks here to speak.

>> Zimmerman: It might be helpful to let staff lay it out quickly before we hear from the speakers.

>> Mayor Adler: Let's have staff do that and then we'll have the two speakers.

>> Mayor, councilmembers, James carver, purchasing. Item 14 is a recommendation for contract award for the towing of city vehicles in an amount not to exceed \$2,967,292. We received a single bid and staff now brings the item before you for recommendation for contract award. Be glad to answer any questions.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Let me start with the Q and a and I think councilmember troxclair has put this question in but we have the same question as to, you know, what the Numbers were here. It looks like there's eight tows per day. And that seemed a little high to us. Eight tows per day. So how many -- maybe we can make sense out of these Numbers. One question on the Numbers, in the second question on point 2 was why we got only one bid, and I think we may hear from some people who say the rfp was not designed correctly and that it was designed to exclude other bidders except for the one bidder.

[2:01:16 PM]

But if you want to make a few comments on the statistics, the number of cars towed and why we have so many being towed and then about the nature of the rfp, that would help.

>> Jerry cox, fleet officer for the city. There are about 6200 units in the city fleet and the majority of those are on the road on any given day. The fact we have eight tows a day and any of those tows could be based on anything from a vehicle breakdown to an accident to even a situation where we have blown a tire and don't have a tire available to take out and put on that vehicle on the road. We may recover that vehicle back. A lot of that is generated by the 2010 and later clean burn engines that have to go through a regeneration process and if they don't go through that process correctly the vehicle has to be towed and the diesel filter cleaned, which is a complex process. So that's what generates the need for the tows. We have about close to 2400 of them a year on average and that's based on the last year's usage.

>> Zimmerman: Sorry, so total units, does total units include everything with wheels on it? Does that include police cars, the fire trucks?

>> It includes everything in the city fleet which ranges from riding lawn mowers to trailers, but those Numbers also include trailers that are nonpowered.

>> Zimmerman: Anything with wheels on it that rolls on the public road.

>> Absolutely.

>> Zimmerman: Sorry, go ahead.

>> Again, you know, this -- an accident, a breakdown, anything can generate the need for one of those tows. And they may need to be taken to multiple locations around the city. We have seven big maintenance facilities around the city that those units would be recovered to depending where they are and what location they are assigned to for maintenance and repair work.

[2:03:22 PM]

I'll let James speak to the issue of the single bidder.

>> Councilmember, could you clarify the question?

>> Zimmerman: We're trying to make sense of the Numbers. If it's about 2400 units, we're talking, you know, a third, more than a third of the vehicles are going to have to be towed every year or a third of the units are going to have to be towed every year.

>> There are some of them that get towed multiple times so a third of the fleet don't get towed.

>> Zimmerman: The other question was regarding the bids. It looks like we had bid come in from austex, and the explanation says that the responses for other companies not offering a proposal, the third one it says not having enough equipment to be able to handle even a portion of the contract. Can you explain that a little further?

>> Mayor, councilmembers, yes, after the solicitation closed and we realized that one proposal was received, staff wanted to inquire to the -- to the industry, to the market here in Austin to determine what could be driving the fact that we received a single proposal. And these are some of the comments that we received when contacting prospective offers. We don't know if these companies would have applied or would have proposed, but they had registered in the city's online vendor system and were notified of solicitation so we followed up with them to determine what if anything caused them not to respond. These are just some of the sound bytes that we received from them.

>> Zimmerman: Okay. Thanks.

>> Let me add one comment to that.

[2:05:23 PM]

The company that services this contract has to have a large body of equipment and it has to be varied in size. If you think about towing a fully loaded garbage truck as an example, that takes a very large wrecker to do that. So they need to be able to tow everything in our fleet.

>> Mayor Adler: Thank you. We have two speakers. Let's call the speakers up.

>> Mayor, if I had additional questions, would you like me to wait until after the speakers or ask them now?

>> Mayor Adler: Your decision. Let's hear from the speakers. Speakers might inform the questions. Donovan Cokel and Mike Hassan would be the second speaker.

>> I'm managing partner with Denver's towing, president of the Austin towing association. I was asked by a couple of the staff members if I could get some ideas as to reasons that there were -- there was only one company that bid on the contract. I'll put this out right now, I don't have a dog in this hunt. I'm not going to bid on it for myself, my own company, but I will say this, my family's business had this contract for six years and so I'm very familiar with this particular contract and what's required. The equipment requirements include a rotator wrecker, two 50 tons, a land-all trailer and I believe air bags. That -- just that particular list of equipment, for example, a rotator can cost in the neighborhood of three-quarters of a million dollars. The air bags. The 50-ton wreckers. We did the contract for six years with a 30-ton and a 35-ton wrecker and to my knowledge -- and I was driving both of those trucks, I didn't have anything I couldn't haul.

[2:07:24 PM]

So I can probably see a 50-ton, maybe one, but requiring two of them, you are talking two trucks at 364, \$400,000 apiece. And you are very limiting the amount of companies in Austin that actually have that equipment that can do it. Response times were an issue. That was something that was brought up. You know, there's an idea and I'm going to kind of go a little off track but you have a towing vendor that does your police stuff and they also offer and one of the other cities as part of their deal a fleet deal where all the companies participate in fleet towing. Maybe something you guys would consider doing.

There's also been questions, we've had several companies that may bid on a portion of the contract and a light duty -- I might bid on the light duty, but not the heavy duty. I don't want the liability and responsibility for that. There was a thought process of splitting the contract. The Austin independent school district I believe has split their contract since we had it. And then there were some folks that had been interested in the contract and expressed there was a lack of return of emails or phone calls. And they have that documented. That they asked questions and never got responses on any of their questions. And you know and I would like to say this, this particular, the way this thing is lined out, it's noninclusive. They are minority companies specifically that have no opportunity to even bid on this contract and I think that is an issue. So, you know, I had suggested when we had the contract and went back up for bid on it, a performance bond. If you can't do it, you forfeit your bond. There are options, there are ideas --

[buzzer sounding]

-- But I think we were limited with not having any of the industry professionals brought in to give advice on this kind of like last time. So -- and that's what I have.

[2:09:25 PM]

Any questions?

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: One quick, go back to the large equipment again. So when you had the contract, you were saying that the equipment you had was enough to do everything you were asked to do.

>> We hauled -- yes, sir, we hauled all the fire trucks, the trash trucks from from front, from the rear, we had a land-all trailer, it was the biggest land-all in town, it was a 50-ton at the time. We never used air bags and I've been -- I've been in the wrecker business all my life and not one time have I had to have a rotator come out and work the call. So that has become -- in our industry it's become -- what's the term, a catch phrase, everybody is kind of -- that's the popular thing, everybody wants a rotator wrecker because of the TV show, but it's not required. You know, it's cool, it's a cool piece of equipment and if I had three-quarters of a million dollar, I would throw it down and have one just to ride around in and look cool, but required to do my job, no, it's not required. I think the city would benefit maybe stepping back, maybe

[inaudible] A little of the requirements and giving some of the other companies to bid on it.

>> Zimmerman: Sounds like we could also split it in half. So the really big heavy stuff could be bid separately from the smaller stuff which everybody could compete for.

>> That's a reasonable deal and you could do the other suggestion, it may not be a popular suggestion, but you certainly could let your other vonn door farm it out. That would get response times down. They are bragging of eight minutes. I think the average minutes for A.R. is 8.09 minutes right now. So it's something to think about. It's just an option. I don't know if it's a realistic option, but it may be something to think about.

>> Zimmerman: Thanks for that.

>> All right.

>> Mayor Adler: Hold on, Ms. Garza.

[2:11:26 PM]

>> Good afternoon.

>> Mayor Adler: Hold on one moment.

>> Zimmerman: For you, --

>> Garza: You mentioned the minority businesses didn't have the opportunity, was it for the same reason?

>> Same reason. There's one minority business that has a 50-ton and 35-ton wrecker. They have some of the fleet equipment. This gentleman just purchased a 50-ton rotator probably to be able to bid on this the next time it comes open and spent a lot of money, but he didn't have it at the time it was available. And just for example, we won the contract at one point and was given 14 days to acquire all of the equipment that we needed. Of course it was 14 days in a row, not 14 business days and it was during Easter. So it was a little hard for me to get all my ducks in a row in that particular period of time. I don't want to deal with the contract, no offense. Maybe the cars, yes, the trucks, not right now. I mean -- Mike, for example, is a minority owner and he can't bid on it and he has big trucks. It's something to think about.

>> Garza: Thank you.

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

>> Good afternoon, my name is Mike Hassan, the owner of armada towing. We attempted to bid on the contract and when we called the city they said in order for you to bid you have to have the big trucks. We said, well, that didn't make sense because there's four categories to servicing the city cars. There's a light pickup trucks, there's the medium duty pickup trucks and the heavy duty pickup trucks. And it's four categories because some require tire changes, lockouts so that requires a small truck. The light F-150 pickups and F-250 pickups up to 350 they require a light tow truck. We couldn't make the investment of 2.5 million to buy these trucks, the big trucks. We had little trucks, we have 40 of them.

[2:13:27 PM]

And the reason is we don't know if we're going to get the contract. So we said well, let's just apply for the small stuff. That's what we specialize in, ers. And we couldn't bid on the contract. If you guys separated the contract, light to medium and heavy and put bidders on it, you would probably get more for your money. Seriously. It's eight calls a day so your majority of your calls are probably service, trash trucks break down but not as often as little cars. They are diesel. We service approximately 4,000aaa members in the city of Austin a month. So we have the capability of doing it. Any questions?

>> Mayor Adler: Any questions? Mr. Zimmerman.

>> Zimmerman: The really, really, really, really hard part of this is to try to figure out what the motivation was to make this requirement for this huge heavy equipment that --

>> Because there's only one person in the city that has it.

>> Zimmerman: Well -- from what I've heard --

>> All of us with the smaller trucks can't apply because we don't have it.

>> Mayor Adler: Let's go ahead and give staff a second to respond. Thank you very much, Mr. Palstreas. -- Hassan. I think there were issues in a came up, respond to them, the question of having two 50-ton trucks as opposed to one and the rotator and the split contract issue.

>> Mayor, council, when the -- when the government conducts a solicitation, we articulate part of the value of putting solicitations out on the street and making them publicly available is so we can receive feedback on our requirements. If we receive feedback that they are unduely restrictive or flawed or there are any issues that would limit competition, we take those into consideration while the solicitation is on the street.

[2:15:28 PM]

In this case we received no feedback or at least I checked in when we reviewed this item before it went before you and I checked in with staff again this morning. There was no feedback with regard to any

issues with the solicitation when the solicitation was on the street or after we closed and received a single offer. If there were issues with the requirements, we would have investigated them and determined to any extent they needed to be broadened or minimized and so forth we would have done that. A couple of other things brought up. This particular item did allow for multiple opportunities. We had a number of line item awards for light duty vehicles, medium duty and heavy duty. And we were able to look at pricing on an item by item or categorical basis. We didn't have another offer to look at. So without the ability to look at other offers for a single item, for a few items we're not able to make that determination. But -- and we have our colleagues from fleet that can discuss that in more detail. There was also mention regarding companies not being able to bid -- if it's associated with their capacity to perform, that's a capacity issue, but all companies are welcome and we seek the business from all companies who are interested in doing business with the city. Again, this solicitation, any time we have a single offer received we're concerned, we want to make sure that there weren't any technical or structural issues associated with the requirements. That's what led us to make some calls into the industry to find out what their feedback was. That's not a Normal part of our process. Typically we have enough offers to proceed, but in this case receiving a single quote it caused us to look into it further. But it seems like most of the issues were associated with multiple opportunities, associated with line items so I could defer to my colleagues at fleet to describe that in more detail.

[2:17:31 PM]

>> One of the issues that we deal with in managing the fleet is that response time on these calls is a significant issue to us. And the majority of calls occur either early in the morning or late in the evening as vehicles are finishing up their shift or as they are first starting their shift. So if they don't have the capacity to respond to multiple calls, it can slow down the response time significantly which leaves a vehicle which may or may not be blocking traffic or causing traffic problems. So capacity is a significant issue to us. The second thing, and this is just sort of a factor in this in that as you deal with more and more contractors, more and more vendors, it increases the administrative workload significantly in terms of handling all the invoicing and that sort of thing. So there is an advantage to having a single vendor handling the entire contract. Now, does that outweigh the need to make sure that we've given opportunities across the board, absolutely not, but there is an administrative load to doing that that needs to be recognized.

>> Good afternoon, mayor and council, deputy fleet officer. Notwithstanding what the fleet officer has said, this particular solicitation was designed so that we could make multiple awards based on the different categories of vehicles. The bid sheet had light duty vehicles, medium duty, heavy duty and you with bid on the different groups and we were anticipating making an award by the different groups based on the responses that came in. If you look at the statement of work, we also included, we specified what equipment was needed for the different groups. The gentleman from coke talked about the row taillight. The rotator was required for medium and heavy duty but not light duty vehicles and that was specified in the statement of work.

[2:19:33 PM]

So we scoped it so that small businesses could bid and that we could make multiple awards, but we didn't get responses.

>> Zimmerman: Mr. Mayor?

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: I'm in this uncomfortable position again where I hear a direct contradiction to what my constituents and small business owners are saying and what staff is saying so I would like to ask them to

come and respond again. Appreciate that if they could come and respond to what we just heard. It sounds like a direct contradiction, maybe it's not but I would like to hear from them again.

>> Is it possible to get a copy of the bid sheet? The rfp that was sent out?

>> Zimmerman: That would be helpful to put that on the overhead so we could refer to that while we're talking about it.

>> What I'm talking about is the pricing sheet. The way -- just the way the pricing sheet has been -- the last one I looked at on the first time and if I'm not mistaken this is the third time this contract has been bid because there was only one person to bid on it. So keep that in mind. This is the third time purchasing has sent this contract up. All of the categories are lined up. The prices are 100 large trucks, this price, 200 medium duty trucks this price, 500 cars this price. Total price. Nowhere in there does it say if you only want to bid on this just put your prices for this. If it's in there, it's not clear in any way, shape, fashion or form. And I'm pretty good at reading these contracts. I'm actually one of y'all's vendors right now. I tow for you guys, I've been towing for the city of Austin on a specific contract for 12 years now.

>> Zimmerman: Let's go back to the question. If you had a question and unit to inquire of staff to get clarification that these things are not broken out, that's when somebody would send a message to staff and say could you clarify this, am I able to -- they say nobody asked but the businesses say no one answered their inquiry.

[2:21:36 PM]

>> To that -- to that is we did -- my understanding, and again I didn't personally do it because I was not bidding on this, but my understanding is a conglomerate of two companies did send emails, they have copies of emails that they sent, they never got responses and phone stuff where they never got responses on this stuff. So that's there. Case in point, I would like to point out something, the gentleman from purchasing said they did contact companies and that the companies did say there were equipment problems with meeting equipment requirements for the size and type of capacity of equipment and then he said nobody said anything. Just kind of a just so you know.

>> Mayor Adler: Ms. Pool.

>> Pool: I was going to suggest if there are concerns and questions that folks have that maybe staff could meet with them off line and try to answer some questions and maybe Mr. Zimmerman could go with them and try to work through it. But it doesn't feel like this is really the appropriate setting to get to the point that we need to be at.

>> Zimmerman: Mayor, I think these are incredibly important questions and issues that we can trust the process is going on. We're hearing contradictory evaluations. Do you have something to say that is any different than what we heard?

>> When we filled out the application to bid and we're almost done, we called and they said if you don't have the heavy equipment, you can't bid.

>> Mayor Adler: Okay. Thank you. What is the timing on this contract?

>> I believe the current contract expires in June. So this is a replacement contract for that.

>> Mayor Adler: Okay.

>> Mayor, councilmembers, if I can clarify a bit. One of the reasons why we have protest process is so we can expect any issues associated with the solicitation.

[2:23:37 PM]

There are administrative processes, that would allow us to look into any concerns or allegations to examine them even to bring in an independent hearing officer. So these things are available to us and

we'll be the first one to look into them if they are brought to our attention, but after the process is over, after we -- completed the evaluation and determine that we're in compliance with all applicable Texas procurement statutes and city ordinances and policy, at that point we have to advocate for the process and advocate for the needs of our customer. We see no technical issues with this solicitation. We will certainly look into anything that is brought to our attention, but at this point we have nothing to base that on to withdraw this offer or otherwise change our recommendation.

>> Mayor Adler: I understand. The issues that are being raised now, last year there was issues -- some questions that were raised with respect to the same -- was it this same contract? Is this an annual contract? Or a different towing contract?

>> Mayor, councilmembers, the city has a few towing contracts. The one that was before you last year was for police towing. So towing of private citizens' vehicles from police scenes or wrecks or what have you. This is for towing of specifically together of city vehicles. There are other towing contracts of lesser scopes.

>> Mayor Adler: I recall that now. Further discussion?

>> Zimmerman: Mr. Mayor, the common thing between the two and the one you just remember, surprise, surprise, it's the same company that won them both. But I really have to object to what you just said. We have people that came down here and are testifying. Basically they are directly contradicting your -- the claims here that no one knew that no objections and nobody asked.

>> Mayor Adler: Councilmember, I think what he's saying is the import of his testimony is there's a process, an administrative process to resolve that kind of an issue.

[2:25:43 PM]

>> Zimmerman: Well, now they are made aware. They seemed to say they didn't know there was any initial, no problem with the rfp, no one objected to it and that seems to be not the case at all. So now you know about these objections and the potential for us to save money if we were to break off the very, very expensive heavy equipment, break that into a separate category and the lighter vehicles that we have lots of competition, you could break it in two pieces. That seems like a very logical thing. When you have a \$3 million contract, this is not graffiti painting. This is millions of dollars. It seems like -- we could break it into two pieces.

>> Mayor Adler: Does anybody else on the dais want to address this? Ms. Garza.

>> Garza: Do you have to participate in the solicitation to participate in the appeals process?

>> Yes.

>> Garza: It sounds like there was confusion on whether you could bid on portions of it and so since they didn't bid on it, they could not have participated in the appeals process.

>> When -- let me clarify. There are different points in the process where different individuals have standing. Before we receive offers, we don't know who the bidders or the proposers are. So everybody has standing at that point, we can receive protests from anybody. After we receive the offers, the game is on. The process is on. So the protests at that point are limited to the offers. Because the specifications at that time are established and we are now evaluating their offers in accordance with those specs and they can't be changed. But the due date in time everybody has stand to go protest.

>> Garza: I guess -- I mean I appreciate the work that you all do and I know you have to deal with so many different kinds of industries and have to be an expert in different industries, but I do have concerns about -- I understand it would be easier administratively to award it to one person, but even our staff said that we have to weigh that with the ability to award contracts to some

[2:27:53 PM]

[inaudible] Minority businesses. It sounds like a lot of he said, she said. I'm not saying who is right or who is wrong, but I do share concerns of I guess making the process as clear as possible for folks to understand the process. Especially if there's a -- someone who has been involved in the process before and he's saying he didn't even think he could bid on a portion of it. And I'm sure these are very complex, again, but thank you for your work on this, but I do have those concerns.

>> Can I just reiterate one more time that the scope of work very clearly said in the very beginning that we wanted to establish contracts with multiple vendors able to provide the towing service. The bid sheet was established based on groupings, light, medium, heavy, and you could bid on either one of those sections. And throughout the scope of work it said this is what you need for light duty, for medium duty, this is what you need for heavy duty. We were not aware there were any issues. We tried to structure it so we could or would make multiple awards if we received responses based on the different groupings. I'm not sure where the confusion came in. The solicitation clearly articulated we intend to make multiple awards if we receive multiple bids on the different groups.

>>>> Garza: I believe you, but the fact nobody else but one company applied I think sort of shows that it may be wasn't as clear. Only one company applied -- my assumption there is a lot of together companies that could -- towing companies that could have applied. It's alarging -- alarming only one company did.

>> Mayor Adler: Mayor pro tem.

>> Tovo: We have the option of approving the contract you've brought to us.

[2:29:53 PM]

We have the option of rejecting the contract you have before us. And then we have the option of just reopening it, right, or rejecting and reopening?

>> Mayor Adler: I guess there's a fourth option too. The fourth option would be delay this for a week and ask staff to think about those three issues that were raised and come back to us in a week looking at what the impact of a delay would be in terms of the city, taking a look at the three issues that were raised, whether we need to require the two 50-ton trucks or whether those -- I guess asking now the questions that could have been raised in the process but were not raised by applicants that we're aware of in the process and come back in a week and make a recommendation to us as to how you think we should proceed given the totality of the issues.

>> Zimmerman: Mr. Mayor, I would like to make that motion just to postpone for one week for the reasons that you just stated. So I would like to make that motion, postpone the item for a week.

>> Mayor Adler: Would that work to take a look at it? You could come back with the same recommendation, but it would give you an opportunity to take a look at this, assess whether or not had you gotten these things during the process whether it would have changed anything about the process and whether it makes sense to do those things or not.

>> Yes, sir.

>> Mayor Adler: It's been moved to postpone for a week. Is there a second to that motion? Ms. Troxclair seconds that. Do want to speak?

>> Troxclair: I just had a quick question. The company that did -- was scheduled to I guess receive the contract, are they -- can we notify them that they -- that this would be discussed this week? I'm always nervous when we're having conversations and I don't know if one of the main entities is here to talk about it.

>> We can make them aware of the item coming back to council, yes.

[2:31:56 PM]

>> Mayor Adler: Yes, Ms. Tovo.

>> Tovo: And I think there was some discussion about maybe councilmembers being involved in those discussions. It's my understanding that this is -- I've suddenly forgotten the word -- no solicitation contract so it would be inappropriate for any councilmembers to be involved in these discussions. I thought we should ask staff to verify if that was the case

>> The anti-lobbying would continue through the contract.

>> Mayor Adler: Those in favor raise your hand? Those opposed? It's unanimous with Mr. Renteria off the dais. The number item, we're going to call the ones that had speakers. Number 17 would be the next one. Ms. Houston, you pulled this one. There were two speakers signed up to speak in favor of this. Is that why I pulled it before we call the speakers or do you want to hear the speakers first?

>> Houston: We can go to the speakers first and then I have a question for staff.

>> Mayor Adler: Is staff here on this one? Number 17? And then the one after 17, we're just going to hit the ones that have the speakers first. That would be 14, 17 and then 27. Yes. Number 14 -- would you lay out 17.

>> Good afternoon, council. Thank you for an opportunity to say hi. Sara Harris with Ms communications and insight here in favor of approving item number 17. We're honestly here to answer any questions that you all might have.

[2:33:59 PM]

>> Mayor Adler: Okay. That was Sara Harris, speaker. Is staff here on this issue? Ms. Houston, do you have some questions?

>> Houston: Yes, I have a couple questions. Is it possible -- I'm not sure what the solicitation said, but is it possible to include the dangers of ecigarettes in this media campaign? It seems like there's a growing interest in young people and folks -- young, young adults using ecigarettes. And so is there a way that part of this campaign can be geared toward ecigarettes? And I don't know who is the appropriate person to ask.

>> Councilmember, if it applied to procurement staff, I would be all over that, but I need to defer to my colleagues at health and human services.

>> Houston: If they could come up, please.

>> Shannon Jones, health and human services. The majority of this money is from the medicaid reimbursement program so that is focused primarily on tobacco prevention and obesity. So ecigarettes would not fall technically in this area.

>> Houston: But if it's tobacco prevention and ecigarettes sometimes have nicotine in them and people use them for cessation, to stop smoking, does that -- that can't be --

>> We were quite clear in the application process for reimbursement that this would be focused on primarily tobacco. So if we start getting into the mincing of some elements, our ability is to get -- that's why the focus would not be on tobacco.

[2:36:03 PM]

Now, parts of our other efforts in terms of other programs are on ecigarettes, but for this particular initiative we would be very cautious to add that as a component of this contract.

>> Houston: Could you talk briefly about what you are doing in public health about ecigarettes and the increase because there's some interest in doing something separate about ecigarettes. And I'm just trying to make sure we are not siloing activities. Could you talk about what public health is doing in that area?

>> Be happy to. We are actively working with partners to educate about the issues of ecigarettes. And the fact that they do have small elements of nicotine, which indeed can be harmful. However, because

of the funding streams by which we get a lot of our funding, ie this one particular, we have to be focused in on what the funding provides for us. Outside of this area though in terms of our tobacco prevention programs, our chronic disease programs, we do a lot in terms of that. We go to schools, we go to educational programs to work with media, we do a variety of different activities around that beyond this particular initiative for funding.

>> Houston: Okay, so if these partners were interested in doing more in in that area could they contract with the health department because --

>> If we had funding --

>> Houston: Could they partner with you and provide the funding to do additional work in the area of youth involvement in ecigarettes?

>> Certainly if we had the funding targeted for that, yes, we would be happy to. In fact, we do partner with some outreach groups and community groups in terms of outreach, but yes, they could do that in answer to your specific question.

>> Houston: Okay. Thank you.

>> Mayor Adler: Thank you. There is a motion to approve item 17? Miss Gallo.

>> Gallo: I had a question of staff.

[2:38:05 PM]

I just -- I had a funding question, if you could. I'm still a little confused about the funding. So is the funding for this completely from the grant that we've been awarded or is the city participating in --

>> The city is participating my understanding about \$50,000 out of the 300,000. I want to make sure on that, but that's my understanding roughly, yes. That is correct, \$50,000. General fund. And the rest of it is district funding.

>> Gallo: The rest of it is the grant funding from the federal government?

>> Yes.

>> Gallo: Does the federal government grant funding require the city participation of the 50,000?

>> I don't think it requires. It uses that as a match. Stephanie might speak to that briefly. She's the manager our program.

>> I'm the program supervisor. And to your question was there a required match in funding, no. That particular amount of funding is to provide additional media and educational messaging on healthy nutrition, physical activity, other chronic disease related prevention type education.

>> Gallo: So was -- is the 50,000 that the city is participating in part of our current fiscal budget? Was it budgeted as part of the budget?

>> It's in the budget.

>> Gallo: Thank you. Do we have any type of -- I mean obviously I'm definitely an advocate of no smoking, absolutely, but sometimes I'm concerned that we don't have an outreach that goes out to all the wonderful nonprofit organizations that we have in this community that are also working on that message, that perhaps they can step in and provide their resources to use instead of the city's participation of in this case I think it's 50,000 or \$49,000.

[2:40:08 PM]

Do we have that as part of the process where we actually reach out to see if there are other entities that could provide that additional funding instead of always looking to the city to provide that?

>> Well, we look to the federal and state resources that are available and work with partners where available. Some are central health and many other local health agencies to do that. We have certainly worked with some of our partners in terms of assisting them. We have not gone to them for funding for

these type of initiatives. Certainly that's an opportunity we can look at in terms of how we might be able to get additional support for these type of efforts.

>> Gallo: So -- and thank you, I appreciate the willingness to do that. I think as we continue to talk about affordability in this community and trying to reduce the city spending on projects, I mean obviously this is a wonderful and very needed project and it's good that the federal government is supporting it in such a big way, but I do think we have opportunities in the community with nonprofits that people can donate to privately that I think would be interested in this. So I hope for the following year that we'll be able to maybe do a little outreach to see if we can find funding to substitute for the city's funding.

>> We'll certainly look into that opportunity, councilmember.

>> Gallo: Thank you very much.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: A quick question for purchasing. The evaluation matrix where it lists all these other companies but just has stars, it doesn't have a numerical value, did those companies not submit an application, why is there no scoring for them.

>> Mayor, councilmember troxclair, those companies did submit proposals, but one element of our -- of our solicitation requirements is that companies acknowledge our mbe requirementsment and that particular portion of their proposal was evaluated by our colleagues at smbr was found to be northern compliant.

[2:42:11 PM]

>> Troxclair: Okay. And what was the particular criteria, I guess?

>> This particular --

>> Troxclair: It's over half of the respondents. I guess there were only three at the criteria and then one, two, three, four five that didn't.

>> Yes.

>> Good afternoon, council, director of the small minority businesses resource department. We did set goals for mbe and WBE participation and in that case our Normal program applies. The respondent would either need to meet the goals or provide good faith efforts. The good faith efforts include notifying outline firms on our availability lists for the scopes included by two verifiable forms of communication, so it could be email and fax or a phone call or us postal mail. Advertising in a local newspaper or any sort of publication, reaching out to our trade associations, reaching out to our departments for assistance and look ago to the scopes of work to ensure they are providing opportunities.

>> Troxclair: Do we tell these companies, because three of them are from Austin, Wyatt brand and apsspire and another one turf Davis. So four companies were disqualified that were local because of that. Do we tell them that's why they are disqualified and help them -- and let them know what would be required? It seems weird they would take the time to submit an application. I'm assuming the application process is somewhat time consuming so I'm surprised they would take the time to submit an application and then not follow through with making good faith efforts, I guess.

>> Understood. We do provide -- not only do we communicate with them once we've made the determination they are not compliant, specifically what they missed in the evaluation of good faith efforts, but in addition to that when the solicitation is sent out it does include in detail what good faith effort entails. We list that out for anyone interested in responding.

[2:44:12 PM]

I don't recall if this one had a pre-response meeting, but if there was a meeting we also have staff present to speak to the requirements as well.

>> Troxclair: One more question for purchasing. Is it typical, I would think -- I know that these I guess brands, I don't know, I'm not a marketing expert, but I'm guessing they own certain radio stations and certain media outlets. Is it typical for us to award this kind of contract to one brand rather than -- or one company rather than spread it out, because I'm assuming -- a lot of people will listen to one -- they have their favorite radio station. So if that company that has that radio station doesn't get the contract, they never get the message or -- I don't know. I was just trying to think of how like an anti-smoking campaign seems like you would want to spread it out to as many outlets as possible. So does this limit the number of outlets?

>> Councilmember, I won't vouch for my expertise in marketing or advertising, but I would think that it would depend on the type of program that the -- the department was pursuing. Which approach would work best. I have seen it done both ways. I would defer to health and human services or perhaps you can direct questions to the company that has a representative here, but I'm not aware of the difference. I'm sorry.

>> Troxclair: Is this how we've done it in the past?

>> Done it both ways.

>> Troxclair: We've done it both ways. Okay. I'll follow -- I'm curious to know the answer, but I don't need to take time right now. I'll follow up with you.

>> Mayor Adler: Okay.

>> Did you want me to respond to that particularly or we can respond to --

>> Troxclair: I mean is it a quick response?

>> It might take a few minutes. We'll be happy to respond.

>> Troxclair: But there was a reason that we're just awarding it to one company. Okay. I'm sorry, I didn't mean to make that complicated.

[2:46:14 PM]

>> Mayor Adler: I think the councilmember was okay with the answer yes if the answer was yes. Thank you. The item before us now is item number 17. Is there a motion to approve item number 17? I don't think we've asked for a motion yet. Ms. Garza moves. Seconded by Ms. Houston. Further discussion?

>> Houston: I just would like the information that councilmember troxclair requested because if it's focused on a specific demographic, there's specific radio stations that different demographics listen to and they have the highest incidence of tobacco-related mortality, death. So I would like to --

>> Mayor Adler: Should we ask that question?

>> Houston: I don't want to hold it up because --

>> Troxclair: I want to know now.

[Laughter]

>> Mayor Adler: You want to know now?

>> There needs to be a big unveiling obviously. Whenever we design these campaigns we do identify target audiences and there are actually three subcampaigns. The tobacco prevention and prevention and a systems change like how do we change our communities so people start out and stay healthier. Each of those has a targeted audience and corresponding media plan that does appropriately purchase radio stations, print publications, TV outlets, you name it to be sure we're actually delivering the right audience.

>> So Ms Austin radio, you don't only advertise on your radio stations.

>> Correct.

>> Troxclair: You are going to buy on other outlets.

>> Insight is an arm of emmis. That is where I work and my colleague Daniel. Our job is to work on public campaigns like this. We are social marketing experts so we understand how to bring those together to most positively connect with people and help them change their behavior in some way.

[2:48:21 PM]

>> Troxclair: All of that was taken into account I'm guessing in the solicitation, right? City staff? Okay, thanks.

>> Thank you.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I do run with some people in the young libertarian anarchist crowd and the cynical side of me says the best way to get those guys to stop smoking is have the government tell them they ought to smoke. I don't know what use this thing is going to do. I'm going to vote against it.

>> Mayor Adler: It's been moved and seconded this item number 17. Further discussion? Those in favor please raise your hands. Those opposed? Mr. Zimmerman voting no, Mr. Renteria off the dais. This passes. Thank you. The next item that we're going to call now will be item number 27. Two speakers on this. David king and Claire -- do you want to speak on this? Is Claire bow here? Ms. Bow.

>> Good morning. My name is Claire bow. I'm an attorney and a supervising attorney for the university of Texas school of law name and gender market change clinic. I'm here to speak in favor of the resolution asking the city of Austin and police department look at more effective ways to communicate with and about transgender texans. My name now is Claire, but it has not always been Claire. I was born Jonathan, a name that I carried proudly. It was given to me by my parents, but I reached a point in my life it no longer fit me and it was time to change. Many of the people who know me have never known me by any other name.

[2:50:25 PM]

I have to them always been Claire. If Claire appears in the paper, they know who I am. If Jonathan would appear in an obituary half of those people would not have a clue this would be me. A question had come up about if this is important to us, why don't we just change our name and gender. That is a very complex process in Texas. In fact, Texas is listed as one of four states where the process is completely unclear from the outside. Even as an attorney when I set out to figure out how to change my own name and gender marker, I found the law was largely silent. It has been done quietly for decades, but it has never been really fully understood. The project that we are involved in is in helping people navigate that process. But for those who don't have access to a free project like ours, the costs are phenominal. They must have the kind of support for medical and mental health paroles to even get to that part of the process. Even if we can get the court to waive the cost of the filing fees, they still have expenses for getting criminal background checks and fingerprints and copies of documents to be able to go through and get those things that they can live. The world -- the world professional association for transgender health has recommended removing barriers and having a simple administrative process for changing name and gender. That's not within the scope of what the city of Austin can do. However, we can recognize those hardships and work to provide some compromise wherein we recognize both a person as a legal entity, identified by a legal name, and recognize them as a human being who have families and connections and those need to be honored. It's hard to believe how sad it is to me to see what transgender people go through to be authentically themselves and have all that stripped away in death.

[2:52:32 PM]

I ask that you consider this proposal, this resolution favorably and pass it on with your recommendation. Thank you.

[Applause]

>> Mayor Adler: Thank you. Mr. Casar moves approval of item 27. Is there a second? Ms. Pool. Any discussion?

>> Casar: This item came to us [inaudible] The human rights commission along with the public safety commission with voted on it earlier this week unanimously. It came about because of some really unfortunate events. Monica, my constituent, was killed on January 22nd

[inaudible] Reports that came out identified her by her previous name and showed a photograph of her before her transition. After speaking to neighbors and constituents, they were shocked when they found out that actually indeed it was monk kanaly -- monk kanaly -- Monica. I know most fight their entire lives to be recognized for who they are, I think that we should have done much better in Monica's case to make sure she got the respect she deserved in her death. It was a story where for us we walked that street with my public safety commissioner and talked to everybody on that street about public safety issues. It was an important reminder of how people oftentimes come from outside of our community into district 4 and perpetrate violence and so it was important lesson around public safety and [inaudible], but then also I think it's important that we do better, the policy better reflects our values.

[2:54:39 PM]

I appreciate the police department have announced they are working with the lgbt community, I appreciate the way this was handled was a misstep and I just hope that we don't have to see this happen again and I think that this resolution moving forward with the stakeholders and the police department, that APD will come forward with a better policy for next time. We're not circumventing any laws or asking for any laws to be gone around through this process, but within exist existing law I have the sincere believe we can do things differently and I appreciate council's support on this effort considering that in other parts of the state the council's are considering very anti-lgbtq and especially [inaudible] Legislation and I think that's showing -- it's important for Austin to keep showing we're not taking our status as a pretty friendly and inclusive city for granted, there are lots of ways we can get better. Thanks to council for taking this up today.

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

>> Zimmerman: Thank you, Mr. Mayor. We have our assistant chief of staff, Mr. Brian Manley, if it's agreeable to council and Mr. Manley, I would love to hear a few comments if he has any before we vote on this. In particular how it might affect our budgeting or what could some of these things look like in terms of expenditures if we were to do them later.

>> Mayor, council, Brian Manley, chief of staff Austin police department. I don't know there's going to be any expense associated with this. I think what we're going to look at is a best practice for how we identify individuals that we interact with that are part of the transgendered community. As councilmember Casar said we've been working with his office. There are certain restraints in the law that will dictate how we report individuals in our official reports, but I think that we may have room for improvement in how we speak in our public forums and public news releases so that an incident that occurred earlier this year with miss Luetta does not occur again.

[2:56:51 PM]

>> Zimmerman: Maybe quickly if you could answer one other thing, it could get complicated. I guess if we mistakenly identify somebody and get hit with a lawsuit, I guess the city would say we have

sovereign immunity, sorry about that, we identified somebody wrong, oops my bad. Are we getting into an area where we could expose ourselves with liability if we do something wrong or implement a program.

>> If there were to be another tragic event where there was a death, the Travis county medical examiner's office was the one responsible for making a positive identification, we would use that if there were an alternate name we need to be respectful of.

>> Troxclair: I just wanted to clarify something that you said. That basically that there were state and possibly federal laws that dictate how you identify people in your official records. So --

>> Yes, we would have --

>> Troxclair: This language says how individuals are identified for the Austin police department and internal and external communications. And so internal communications doesn't necessarily mean official records?

>> Well, it can mean official record and it may be that we're -- and what comes out of this work group may be that in our internal communications and our formal reporting that we will go with their legal name at that time. However, external communications include additional names that individual was known as.

>> Troxclair: Okay. Thank you.

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

>> Garza: I don't have any questions for you, chief, I just want to speak to the item. I think this is just adding some necessary policy that wasn't there. I firmly believe that our police officers want to protect the public and want to do the best thing and want to protect our lgbt community as well and this provides guidelines for that.

[2:58:51 PM]

I don't know how that could create any kind of cost. Departments add policies all the time just to change the way something is dealt with. So I'm happy to support this and I thank councilmember Casar for bringing this forward.

>> Mayor Adler: Thank you. No further discussion, we'll take a vote. Those in favor of item 27 raise your hand. Those opposed? Those abstaining in troxclair and Zimmerman abstaining. Renteria off the dais. 8-0-2 with one off the dais. Council, there was an item pulled up on consent, 25, smart city, it passed. My computer at the time didn't indicate that there was someone here to speak on it but there was. So I want to give them a chance to address this since he came here to speak on that issue. Mr. Johnson, do you want to come up?

>> Good afternoon, mayor, mayor pro tem and councilmembers.

>> Mayor Adler: I apologize for not calling you more timely.

>> I strongly support this item and wanted to point out some things I think are important is that when the city got a contract from the doe about four years ago to work on trying to transform the fleet and transform what people drive, they did have a focus, a sharp focus on natural gas. So natural gas is not simply for heating water and heating the furnace, it also can be used for transportation. And there are some natural gas vehicles in the city's fleet. There could be more and there's more infrastructure that should come online to support that. I do think when you are looking at ways to reduce carbon emissions this is one you should know about, you should consider. It is a fossil fuel, but when you look at the environmental footprint of electric vehicles, this is the life cycle footprint and you look at the life cycle environmental footprint of natural gas vehicles, electricity wins particularly with the generation that we have that is leaning towards renewables, but it's not that much greater.

[3:00:56 PM]

Also I was happy to see in the resolution one of the whereases was talking about how the city's own fleet and the way it's operated could be better. It's an issue that I brought up to prior councils about excessive idling, jock rabbit starts, improper driving so those are opportunities. When this item came up three or four years ago, four councilmembers chimed in out of seven to ask the city's fleet officer and sustainability officer what can we do better. And when you looked at the dashboard, not to pick on APD, but the mpg, miles per gallon for those vehicles was only 10 or 10.1 miles per gallon below what EPA says those should get. So there are opportunities. I realize these are public service vehicles, they do idle more and some ground has been gained on that particularly in the ems realm, et cetera. I would like to highlight a few other things. One is there's a natural gas station that's already open but a grand opening on the 24th of may. You all are invited to attend that. That's going to fill out the distribution of these for both commercial and residential people that have natural gas vehicles and help us get towards reducing our carbon. Methane from the production of natural gas is a concern, fracking is a concern, but one thing to point out is that half of the natural gas that comes to us comes from off-shore sources and none of that is tracked. I have concern about fracking as well. Next week I'm hopeful during the work session you all are going to discuss air quality. I plan to be in attendance and tee up an item that to me is very important is this idea of who in the city could the council or the management call on to talk about air quality and talk about this issue of the benefit --

[buzzer sounding]

-- Of electrifying the fleet.

[3:02:58 PM]

I think there's room for discussion about how the city prioritizes this issue within the office of sustainability, ground level air quality and in health and human services department. And if there's not an expert who can come talk to you all about that from management level, then we should have a discussion about that. Thank you. Questions?

>> Mayor Adler: Thank you very much. Thank you, Mr. Johnston. Let's call up item number 9. , Which is the acquisition issue. Was there a particular question you had when you pulled this, Ms. Gallo?

>> Gallo: I do. When we were looking at the backup information, and thank you for being here. Of course one of the things that often causes a pause is the amount the city would be paying for a piece of property over the current tcad value. And so the tcad value shows as -- let me back up a second. So the proposed amount that council is being asked to approve is \$250,000. The tcad value for this property is 130,000, which was about 20% higher than 2015's value. So we're looking at being asked to approve on those twice, the tcad current 2016 value on the property. And so I just wanted to understand a little bit better a couple of things. One is it looks like that we are being asked to pay for closing costs, relocation [inaudible] And replacement housing payments. I want to understand. I know when we've talked about the flood buyouts there are situations where federal money is involved that we are required to do that.

[3:04:58 PM]

Why don't I let you address that and then I have a couple of other questions.

>> Mayor, councilmembers, Lorraine riser, office of real estate. Councilmembers, I would like to address the tcad value versus the acquisition price of the house. The actual price of the house is \$145,000. The 105,000 additional dollars would be the closing costs and the relocation costs and that's based on a home that's -- a similar home that's on the market, you know, at the time we make the offer.

>> Gallo: So thank you for clarifying that, but my question was is I know in the flood buyouts that when federal money is required we are required to provide an offer that includes those and so my question is is there a legal requirement for the city to require those additional funds in the offer that we submit?

>> Councilmember, there is not a legal requirement. That is a staff recommendation and that was based on several criteria and I'll address the real estate portion of it and then watershed can address the engineering portions of it, but basically -- let me back up. We have not made the formal offer to the property owner yet. We wanted to come to this council and see if it was their desire for us to move forward, but we did have an initial discussion with them to -- to see if they would be amenable to relocating, and they indicated that they could not afford to accept an offer unless they were able to get the relocation benefits. So because of the engineering reasons driving it, we made the recommendation that this was the best solution. And I can have watershed come and address that. Would you like to hear that?

>> Gallo: So I guess that the answer to my original question are we required legally to require that is no.

[3:07:06 PM]

>> That is correct.

>> Gallo: You feel like that in order to be successful in the negotiations with the property owner to sell their house that you would have to offer double, basically, what the property is valued at?

>> That is correct.

>> Gallo: Thank you. And then I did have some questions about the project in general.

>> Mayor, councilmembers, my name is Jana Renfro with the watershed department. Also the project sponsor. I would be happy to answer questions.

>> Gallo: Thank you for being here. The backup material that we have says that the existing storm drain through the lot was incorrectly placed when the subdivision was constructed in the 1970s.

>> Yes.

>> Gallo: And so my question would be is who installed that and who would be liable for the incorrect installation of that?

>> I can't speak to the process in the 1970s,, but the way it works I'm assuming it was the same then as the developer develops the structure and the city inspects and approves that. I'm assuming that's the way it was in the '70s so I can't speak to the liability, but it's city accepted infrastructure.

>> Gallo: So the city's process approved a drain, a storm drain that was incorrectly placed in the subdivision?

>> That's what it appears to have happened. So the easement was actually on the neighboring lot and the storm drain was placed on the wrong lot apparently.

>> Gallo: And the city inspected that and approved it?

>> I can't answer to the inspection portion of that.

>> Gallo: And then so I want to understand a little bit because I think what -- what real estate is saying or what the city is saying is that it would be helpful to be able to access the area and make the improvements that are necessary to be made with a driveway, I would say, or a vacant piece of land to be able to drive the vehicles through.

[3:09:21 PM]

So how does this happen? Does this then become a property that's owned by the city and the city puts in a roadway to be able to connect from the street to the area that's being improved and then the neighbors that are living on each side of this property now are looking at a roadway where construction vehicles are going to come right next to their property?

>> Sure, for the duration of construction we would use that as construction access. And it's true that that would be the neighboring properties would be putting up with construction equipment going through for nine to 12 months. After that once the -- once we're completed with construction, then the lot is revegetated. We do generally a really good job of trying to make it a nice space that, you know, is maintained and somewhat landscaped, but trees in so that it's a nice thing to live next to. And then the permanent access is generally a very low key rock ramp into the creek with a pipe gate at the front just so -- respect the nature of the neighborhood and not look too industrial. So I wouldn't describe it as a roadway, I guess.

>> Gallo: So but it would be needed for future improvements or maintenance so there would be vehicles that would continue to travel across this lot to the area?

>> Probably very infrequent. We try to design our projects such that they are extremely low maintenance in terms of vegetation and just structural maintenance requirements. I would say it's a very infrequent occasion that we would need to access it. But if there's a large storm event whether either some of the engineered structures get damaged and we need to come in and repair them, then we would have that access. It would be very difficult otherwise. Also just in terms of debris removal, there's a lot of -- I guess trash and litter in the creek and there's complaints about that so it allows crews to go in and just by hand be able to get debris and trash out when needed.

[3:11:24 PM]

>> Gallo: And just one other question. So is there any incentive -- if the city in trying to manage tax dollars as fiscally responsible as possible, is there any advantage or is there any reason that the owner of the property would want to move? There was some information in here about a sinkhole, I mean is there any incentive for the owner to sell at market price? I mean I know there certainly would be an incentive for the owner to sell at double market price, but is there any incentive for the owner to sell at market price, health concerns, safety concerns, anything that you had conversations with the owner?

>> As Laurie mentioned, he indicated that it would not be possible for him to move at market price so we would likely it would not go through.

>> Gallo: Are there safety issues that the city sees that he's being faced with that cause concern to the owner?

>> Councilmember, let me add this to the conversation is that the house was valued with the -- you know, under the consideration of that sinkhole being there and the problems related to the sinkhole being near the foundation of the house and the potential for the house to have extreme damages so that was taken into consideration and so for them to buy a house that doesn't have those problems that meets the size of family that he has, that's where the issue is about them being able to afford to move. So I think that their option would be to try to get the city to come in and fix the sinkhole and try to save his house.

>> Gallo: And the city is responsible for the sinkhole because of what reason?

>> The city is responsible for the sinkhole because we accepted the drainage improvements.

>> Gallo: Okay. But had the improvements been put on the other lot, which sounds like that was the location issue, would then that owner be facing the possibility of a sinkhole on his property?

[3:13:31 PM]

>> I don't know that.

>> Joe, director of watershed department. We have a legacy issue from the 1970s where infrastructure was constructed and dedicated over the city that was not located in the appropriate easement. If you look at the map of this neighborhood, homes are, you know, 10, 15 feet away from each other. So if

there is an easement on another property, it's on the order of maybe 5 to 10 feet wide which would be very difficult to go in and actively install the pipe. I think given the fact that a portion of the pipe runs under a corner of the house, it's quite obvious that the drainage infrastructure was constructed before homes were being built in the subdivision so the drainage pipes went in with the streets and with the lots being cleared. And again, so what we're dealing with is a legacy issue and our preference is to have our infrastructure located within our drainage easements in a staff can access not only to get in and improve them but also for long-term maintenance.

>> Gallo: Thank you.

>> Gallo: Okay. Thank you.

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

>> Zimmerman: Just a real quick point. I brought it up on Google maps here, and I guess the reason you couldn't come in from William cannon, it's just too far to navigate and work your way up --

>> There's also a large pond, so it really prevents access. We would actively have to shut down one lane of traffic to be able to get off that side of the road. And the other side of the project, I believe, is branch wood, and essentially what we want to do is work downstream/upstream. Since if we entered from the other location, there's some elevation changes, some infrastructure that would prevent us from actually entering at that location, and even if we could access that location easily, we'd be wanting to start our work there and work down the project, but then we'd have to bring our heavy equipment back across all of the improvements.

[3:15:35 PM]

And so just from a constructibility standpoint, it's not ideal. In fact, entering at the midpoint of the project allows us to have a very -- an appropriately sloped area that we can get into the channel easily with the equipment and work downstream-upstream and upstream-downstream. So from a constructibility point, it's a savings on construction cost.

>> Zimmerman: How much is construction cost?

>> About two million dollars.

>> Zimmerman: 200,000? 300,000? Okay. Thank you.

>> Mayor Adler: Furs discussion on this item? Item number 9. Is there a motion? Have we had a motion yet? Ms. Garza moves. Is there a second? Those opposed? Zimmerman abstains, troxclair abstains, Renteria off the dais, Gallo abstains. 7-0-3-1, Renteria off the dais, this passes. Okay? Next item is going to be item number 11, also pulled by Ms. Gallo. What was your question on this one? Is staff here for this one? Number 11. Sorry. I'm looking all the way past you. I thought you were getting your stuff up and getting ready to clear away.

>> Bringing our next file.

>> Mayor Adler: What was your question on this one?

>> Gallo: I had a couple of questions on this. One, it looks like we're increasing the square footage of the office space about three times, so we're going from 2500 square feet to 71 -- to 7174.

[3:17:37 PM]

And so I just wanted to -- I just wanted to ask a couple of questions. One is, in expanding so substantially, almost three times, I just want to understand if staff -- or the process that staff went through to look at other locations that might be a little bit more reasonable from the standpoint of cost, and if so, you know, what that evaluation process was. So let me let you answer that then I have other questions, too.

>> Yes, councilmember. When we first started working on this process, we were -- we wanted to stay in this building because of the location and the people it serves. We are already in this building in lease space, we're just on a different floor. So as we were working through the lease renewal, we started coming into -- there's several departments that are requesting additional lease space, and including here at city hall. So we decided that we would -- since the whole floor was available, that we needed to go ahead and lease the space so that we could have some additional space to move some people in. And so right now, we're conducting a quick study on city hall to make some additional room. We're just outgrowing in all our departments. We've just outgrown the office space that we have.

>> Gallo: So there really wasn't an analysis done of other potential locations that would have had that square footage that would also service that population. I know this is a pretty high-dollar area, this area is becoming.

>> We -- actually, we did look at downtown, and generally, like in the mopac area, we looked at Barton - off of Barton springs and mopac, and basically the lease rent in these types of space is running the same.

[3:19:37 PM]

And I can show you -- I think we looked at about six or seven buildings, and the lease range was between 23 and \$25 a square foot. And this is 23.50, so this was at the lower end of the range. And so that was part of the driving factors.

>> Gallo: But I guess I hear you talk about mopac and I hear you talk about downtown, but I'm thinking that -- perhaps -- I just leaned over and asked councilmember Houston if there might be other areas in district 1 that would still be very available for servicing the population you're serving that would perhaps be a little bit less than kind of an urban core type location. But you answered the question, so thank you. And then the other question is how many employees will be there in that amount of square footage?

>> We don't have the total number at this point in time. Do you want to answer --

>> I just want to bring a little bit of clarity to the overall piece. Human resources housing office is located in that building on the second floor. Our lease ended in September and that floor is now going to be used by another company, so they weren't allowing us to stay. So the initial process began with the demand for us to relocate a group of people as a result of our lease ending, and that's how we started that process. And the available space was downstairs on the first floor. The other availability came open, and Lorraine began working to utilize that entire space. So I can tell you that the relocated staff from the second floor that's already existing from the human resources team holds nine people who need space. We did do the analysis of other spaces specifically for those nine, and it resulted in us wanting to stay where we are. With that eeo fair housing team, the bus route goes right in front of that area, and it was critical for us to maintain a space that was important for people to come, for the fair housing eeo component, so we wanted to stay in that area.

[3:21:37 PM]

And moving downstairs allowed us an opportunity to renew a lease and move out of the space that we could no longer occupy. So there will be nine people, just on the component of it, relative to human resources.

>> Gallo: So in the 7174, so a little over 7,000 square feet, how many people will be occupying that building, that space?

>> Councilmember, we're actually doing a study now, we're looking at moving a department out of city hall, so I don't know the exact number until we have that complete, which should be in the next couple

of weeks, but we have outgrown city hall and need to move somebody out, and they needed to have a proximity into the downtown area. And so when we looked at rents at being \$35 in the downtown area, that we felt that this was close enough to the downtown area, so we decide to go ahead and lease the entire floor.

>> Gallo: Okay. So once again, do we have any idea how many employees that we're trying to house? I mean, I'm just looking at a situation where we're looking at expanding times three, the space. And I'm just trying to get a sense of why we're looking at expanding that much and how many employees that would be.

>> We're looking at 10 to 15 employees, depending on which department and how much equipment is - is associated with that department.

>> Gallo: Okay. But I'm trying to get a number on the total number of employees that would be in the 7100 square feet.

>> So that would be 17 to 23 employees.

>> Gallo: In 7,000 square feet.

>> Yes.

>> Gallo: Okay. Wait, say that one more time?

>> We're trying to do 17 to 23.

>> Gallo: So there would be a total of 17 to 23 employees in 7,000 square feet.

>> Yes, ma'am.

>> Gallo: Okay. Okay. I just -- you know, I compare what the council -- the 10 members of the council are in, and we're in space that -- for about 50 people, we're in 9,000 square feet.

[3:23:44 PM]

It works out to be about 180 square feet and that includes conference rooms and restrooms. I just -- I want us to be really efficient with tax dollars, and that's my pause for concern, is we're tripling the space, and it seems like a lot of additional space for the number of people that you're talking about. I just -- I'm not -- I really appreciate the effort that you put in to try to manage office space for the employees of the city. I really, really do. But I think layered on top of that, we have to always be very careful about making sure that we're very cost effective with our -- with our funding for things like that. So I'm just -- I'm struggling with that, and that's why I was trying to figure out the number of people. It seems like -- it seems like a big addition, times three, and -- anyway. Thank you for answering my questions.

>> Mayor Adler: Any further discussion in mayor pro tem.

>> Tovo: Well, I was just interested to know which city department you're considering moving out of city hall.

>> Currently we're working on a study to do the growth plan, sending out questionnaires to the departments that are in city hall. But we need more room at city hall right now for the different offices that are being set up.

>> Tovo: Okay. Thanks.

>> Mayor Adler: Any further on this?

>> I just want to be clear. A portion of that is an immediate demand for a group of people whose lease has ended who need to be relocated. The eeo fair housing team already has nine people in that area. It's a little bit of expansion of square footage for hr. That's not the entire amount. So for our understand it would be 3,563 feet of that. It's for the existing nine people who must be relocated to somewhere, at some point, and additional space for us to allow us to deal with the overcrowding at OTC. So just on that piece alone, we're looking at no more -- no less than ten people to occupy that space.

[3:25:47 PM]

>> Tovo: Thank you.

>> Mayor Adler: Okay. Ms. Pool?

>> Pool: Yeah. I was looking at the chart that we were given here. It looks like the additional space in the new lease is just another 1015 square feet to get us up to the total 3563. Really, we need the additional space, and we also need to rework who is where in this building here because there just isn't enough room for all the meetings and all the staff. And it's just a reality. So thank you for the work that you're doing to try to do it in as efficient and cost efficient way possible, because I also recognize it's fairly expensive to move. Right? Because you have to move all the computers and everything. And if we were going to shut down and move this entire operation to an entirely different building, those costs would be fairly high, so we save a lot by not -- not moving. Thank you.

>> Mayor Adler: Ms. Patrol cars?

>> Troxclair: This is just a general question. I understand that as city staff grows, we're going to have to find space to being a date those new staffers. How can the information or the cost -- I don't ever remember the costs being taken into account -- I'm just using this as the example, since it was very recent and it's specifically outlined here, but the fair chance hiring ordinance, when we had specific discussions about the cost, nothing about -- by the way, we're going to need more space and it's going to cost this much money to find office space for the new staff. That was never a discussion that we had. So how in the future, or how is that ever taken into account, when we're considering new staff and new programs?

>> So, first of all, as we promised the council, we have an action team that's been put in place to identify what resources we need based on the final resolution passed by council. As we communicated in our presentations, it's hard to give you a determination of what we need until we know exactly what the span and scope of the information was going to be in the resolution. So we'll be coming back to council with a very clear understanding of what funds and ftes are needed in order to support fair chance hiring.

[3:28:04 PM]

What you saw in this item is because we were able to get an additional thousand square feet with a move that had to take place due to our inability to do the lease, we're going to reserve some space of the new area in case there is a need for it. So we already have existing needs for that space, and we could potentially, if necessary, utilize some of that space for fair chance hiring.

>> Troxclair: Maybe I didn't phrase my question correctly. Before we make policy decisions, when we are considering how much a policy decision is going to cost, whether it's a new program or just increasing staff to assist in an existing program, especially -- like during the budget, you know, we are making staffing decisions every year during the budget -- how is that information -- is the information regarding how much office space will be in order to accommodate that staff ever presented to council before we make those decisions? And if not, is that something that can be provided to us in the future?

>> I think to answer that question is going to be completely dependent on the process that we follow. If you'll remember with fair chance hiring, we were requested to go out and do a stake holder process. So to answer your question very directly, it depends on how staff receives the request from council. In that particular instance, I think it's very different and unique because the request and the resolution was created, and we were waiting for the direction from council before we were able to give you a cost estimate.

>> Troxclair: And maybe I didn't -- I was just using that as an example because it's outlined -- because it has to do with the item in front of us, but I'm really asking a more general budget question of how I can

make sure that I have access to this information in the future before we make policy decisions regarding staffing.

>> I understand your question, councilmember troxclair. Elaine hart, chief financial officer. During our budget deliberations, as we're preparing the manager's recommended budget before it comes to council, when we're looking at adding new programs and adding staffing, we do discuss housing needs, where we're going to actually house the staff, and so, typically, when you see those proposals come to you in the proposed budget, it is the full costing of both the staff, as well as some estimate of either rental space or how we're going to -- where we're going to put those -- where they're going to actually sit --

[3:30:31 PM]

>> Troxclair: So you're saying the information is attain at least in the budgeting process when there's a decision made to add new staff, the cost of housing that staff is taken into account in the financial projections that were given.

>> It is.

>> Troxclair: Okay.

>> And I know in this particular case with the fair chance hiring resolution that got passed, when those -- when that program was brought forward to the committee, my recollection is, there was a estimate of 300,000 for additional staffing. And I don't know if that number included housing, but I do know that there were some additional costs associated with implementing that program. And we can get the detail for you if you'd like.

>> Troxclair: Well, I'll know from now on that it is included maybe in the budget process, but in other programs mid years, I'll know now to ask that question.

>> Right.

>> But they are estimates.

>> Troxclair: Sure. Thanks.

>> Uh-huh.

>> Mayor Adler: Any further discussion on this item? Yes. Ms. Houston?

>> Houston: Well, councilmember Casar had his light on first.

>> Casar: No, just to be really clear, though, this expanded office space is not -- was not initiated because of needing more employees for the fair chance hiring enforcement, even though all the advocating -- this was already something we were already going to have to do.

>> That's correct.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, mayor. Councilmember Gallo asked me if there was any other place in the immediate area that could be looked at, and I said, you know, I'm not used to doing property tax -- I mean rentals and stuff on the fly, so I'm going to have to think. We do have -- we do have information about city land that's available that could be built on, but as far as I can tell, just kind of going through the district, there's nothing else close by with access to buses and stuff.

[3:32:42 PM]

So I'll keep thinking about it, but -- but the other question I had, as you look at the base rate and rating expenses, is it usual that it goes up every year for the life of the -- for the contract?

>> Yes, councilmember, and, you know, I'm even shocked and I'm doing this every day, about the increase in rents in the last ten years for office space across, city wide, it is shocking, even if you see it every day.

>> Houston: Well, councilmember Gallo, I'll keep looking for you.

>> Mayor Adler: All right. We're still on item number 11. It's kind of a deep dive on a lease. We still have another 20 items to go on our agenda.

>> I could call the question.

>> Mayor Adler: If there's no further debate, we'll take a vote. Those in favor of approving this lease, please raise your hand. Those opposed? Troxclair and Zimmerman voting no. Those abstaining? Gallo is abstaining. Renteria off the dais. So that would be 7-2-1, with Renteria gone. Thank you. , Ms. Rizer. The next item is item number 18. This involves.

>> I do have something to put up, but if someone on staff wants to give us an explanation, that would be fine.

>> Mayor Adler: What's your question?

>> Well, we made an inquiry as to the company Webb and Webb and what their performance, their track record has been in terms of legal services, what cases that they had worked on for us and what was the outcome, so I'll go ahead and put that up while you're laying it out.

>> Mayor Adler: You want to tell us what the background was? I mean the legal experience?

>> Mayor and councilmembers, James Scarborough.

[3:34:46 PM]

This particular item was for the provision of administrative hearing officer services for a variety of city departments. When we originally received the question, staff interpreted it within the scope of this particular solicitation, so our initial response was to provide any -- any past hearing officer activity. We have since realized that the question was not necessarily directed at the scope of this particular solicitation, so we retracted the answer, provided an answer based on information that wasn't available to purchasing. We had to reach out to our colleagues at the law department.

>> What was the answer?

>> The answer that we provided, the one on the overhead.

>> Mayor Adler: All right. Mr. Zimmerman, your question?

>> Zimmerman: So the question is, I don't understand why a firm would be considered -- if we spent -- we have the transcript blocking out an important part. 1.7 million. That's better, we see at the bottom. So we've had a couple of pretty high profile cases that we've used Webb and Webb on. So in your opinion, or the reason that these cases were lost in, I think, kind of spectacular fashion, either we asked the law firm to do something that was kind of impossible to do, or else, you know, the law firm is not very competent, or maybe there's some combination. And I don't understand why we would use a firm when we had this kind of poor results. Could you help me understand that?

>> Sure. Councilmember, the activities that would be associated with the services in the response to the question were not administrative hearing officer services. So the experience that the evaluation committee reviewed in the proposals received by the offers was associated with their expertise and background in providing administrative hearing, but not -- not actually providing legal attorney services.

[3:36:53 PM]

I would --

>> Zimmerman: I'm sorry, I don't understand how the response -- the experience we have is not good, with litigation and the appeals process, so, therefore, we would conclude, well, they would be okay for administrative jobs? I don't follow the logic.

>> Mayor Adler: My sense is, there was an evaluation for the administrative capabilities independent of other stuff, and indicated --

>> Zimmerman: An evaluation based on what? Because the track record I have is, they're not very good at what we hired them to do. Or we asked them to do something that was unreasonable.

>> Mayor Adler: When you reviewed this, did you review it with respect to how they would handle the administrative hearing officer?

>> Yes. The evaluation was based on their experience and their record of providing administrative hearing officer services. We didn't ask -- or we couldn't take into consideration how they may have done in other areas that are not material to the scope of this particular solicitation.

>> Mayor Adler: Okay. Is there a motion to approve this item? Mayor pro tem moves, seconded by Ms. Pool. Any further discussion on this item number 18? Ms. Troxclair.

>> Troxclair: I'm not familiar with the -- with this firm, but I came across a report, and I think it was related to this item because I think it's the same proposal that were providing administrative hearing services. I came across a report from 2014 that had feedback from the public that said they did not view the administrative hearing officer as impartial because they were former city attorneys. Is that the same as this? Are we using the same -- are they former city attorneys and now we're using the same firm as we were in 2014?

>> I'm not aware of the material you're referencing. We are using the same individual, Mr. Norton, under the current contract. The current contract expires in 2018.

[3:38:55 PM]

It's a capacity issue because these hearing officers are used for multiple different administrative processes for multiple different departments. We just needed more contractors, and so we went back out for new contracts.

>> And Mr. Norton, the people we're hiring here, are they former city attorneys?

>> I'm robin Harris with the law department. Councilmember, I don't know, honestly.

>> Mr. Norton served in the law department a number of years ago. Sorry. Mr. Norton did serve as an assistant city attorney a number of years ago. I don't remember the exact dates. But it's been a while since he was a member of our department. But I don't believe either of the webbs have been employed by the city.

>> Troxclair: Okay.

>> Ms. Webb was employed in the 1980s, in the city legal department.

>> Troxclair: And I don't by any means mean to imply that just because somebody that works for city legal means they can't be impartial, I just found it interesting that was a concern raised by the public in 2014 so I'm probably going to abstain because I haven't had time to look into it yet.

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I might be the only councilmember who has sat in on one of these administrative hearings, at least for the Austin water utility. I've done two of them now, and in my observation, I didn't see impartiality because it looks like there were -- there were prior experiences with the person doing the arbitration, they had worked with the city before, and I -- if I'm a customer and I come in and there's a hearing and somebody says here's an impartial examiner, and then when we talk about our background, it turns out that that so-called impartial person has previous work experience with the city, it kind of puts a damper on our customers' sense of fairness that they're going to get.

[3:40:56 PM]

They'd rather have somebody that had never worked for the city, that doesn't have any relationships, no history, no plan, somebody who's just really separate from the city. So I'm going to be voting against

this. And I think there was -- wasn't there, in 2013 -- somebody showed me a resolution, and mayor pro tem might know about that, but there was a concern brought up, I think, in 2013 in a resolution asking for are impartiality in the hearings. Right now, I just have to vote against this because we need something that's more impartial. I think we need a little better competence as well.

>> Mayor Adler: Okay. Thank you. Is there a motion to approve item number 18 in Ms. Pool. I think we already had the motion. Any further discussion? Those in favor of 18, please raise your hand. Those opposed? Zimmerman no. Any abstaining? Troxclair abstaining Renteria off the dais. This item is approved 9-1 -- no, 8-1-1-1.

>> Houston: Mayor?

>> Mayor Adler: Yes. Ms. Houston.

>> Houston: But I do want to make my feelings known about impartiality and neutrality. Sometimes when it's an ex city employee who's doing the hearings or performing any kind of for-pay duty, they may be neutral, but the appearance is what we need to make sure that we don't have, that this is a good old boy/good old girl system.

>> Mayor Adler: I think that's very valid. We'll go on to the next item now, which is item number 19. Ms. Houston, you pulled this one. It's about a delinquent utility bill collection, I think. Do you recall what the issue was?

[3:43:05 PM]

I'm sorry, I'm just looking through.

>> Houston: Thank you for being here while I continue to look.

>> Mayor Adler: You want me to hit another item and come back to this one? We'll come right back to you. Let's skip up to item number 39. Austin resource recovery, the opm item.

>> Yes, bob gettert of Austin ours recovery. This is a recommendation from a council committee and recommendation of prioritizing the Austin resource recovery and review of the office -- the opm review, the performance management review. And I do support this item.

>> Mayor Adler: Okay. There's a motion to approve item 39, mayor pro tem, second by Ms. Pool. Any discussion in Ms. Troxclair.

>> Troxclair: I just wanted to say that in the committee, audit and finance committee, we did have some extensive discussions, and the feedback from the zero waste advisory commission or the original recommendation from the zero waste advisory commission was actually I think unanimous support for an external audit of the department. And I thought that that was -- seemed to be a valid -- a valid need, but, unfortunately, the committee decided to move forward with basically an internal -- a review from the new office of performance management. So I'm -- I guess I'm going to support it, but I think for anybody who's interested, you might want to go back and listen to that, or at least read the letters of recommendation from the volunteer waste advisory commission, as well as some of the environmental groups that advocated for an external audit rather than an audit that was done by city staff.

[3:45:27 PM]

>> Mayor Adler: I'm -- I'm going to support this one. The issue of how best to handle -- we're in kind of a new territory here, and I really like that the council, during the last budget session, said we really need to start moving to some kind of way for us to do kind of performance audits, and we had talked about having something like a sunset review. I really appreciate the manager showing the initiative in creating kind of a performance audit for management review section within the city. That enabled the council to move forward independently on the affordability audit. So I like both of these. I like the promise and

potential of both of these new initiatives, and I would let the manager's new office run the three that it's taking a look at and see how they go. Mayor pro tem.

>> Tovo: I just wanted to comment a bit on external audits because it came up a lot -- it comes up from time to time, and it came up a lot in the last campaign cycle, and I think it's just worth reminding folks of the public that our auditor is -- reports directly to the city council and is independent of any other departments, and so when we ask our auditor's office to look at a city department, they do so as an independent party. So when those recommendations are made, I would really need to be convinced that an audit has to happen outside of our city process versus happening through our city auditor's office. But in this case, it was -- it was not just that, it was also that, as we talked about, the questions that commissioners on the zero waste advisory committee -- how they were really, I think, very interested in working with the budget and in looking at financial figures, and I understand that Austin resource recovery is going to make sure that they get that financial information, have an opportunity to weigh in and provide feedback, and have the kind of information and analysis they were looking for is going to happen naturally through their committee, and the performance for that kind of step outside analysis of what's happening with regard to the Austin resource recovery programs, I think the office of performance management is going to do that piece really well.

[3:47:42 PM]

And if we have some particular issues that we think are appropriate for auditing, I think our city auditor could do a good job at some point in the future on those questions.

>> Mayor Adler: We'll come back. Anybody else Mr. Zimmerman.

>> Zimmerman: Just a quick clarification. So right now, the office of performance management does not go through the city auditor. Right? It does not, as of now.

>> That's correct. City manager's office.

>> Zimmerman: Then I'll be voting against because I think I disagree with mayor pro tem. I have the opposite point of view. I've got to have it come through the city auditor before I can give it much credibility, so I'll be voting no on this.

>> Mayor Adler: Okay. Ms. Gallo? She's had a chance -- I could call her before you, if you want me to.

>> Gallo: No, no, that's fine. I think it would be helpful to also understand the differences between the two audit processes, because I think that's going to be important as we step into the budget process because one of the concerns with this particular situation is, the city auditor didn't look like the timing would work, that they were -- they didn't -- maybe I'm not understanding that correctly because I guess I'm trying to figure out why this wouldn't have gone to the city auditor instead of -- instead of opm. And maybe I just -- I thought it was because it was a city auditor timing process and they couldn't get it done in a timely manner. So I'm just going to --

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: Really, in learning more about the kinds of issues they wanted to discuss, they didn't -- they really didn't fall in line with an audit -- they didn't -- they didn't appear to really require an audit. They were interested in -- they wanted to look more generally -- as I understand, they wanted information more generally about other programs and their effectiveness, and, you know, again, after -- after talking -- I mean, my staff reached out to several of the commissioners to try to get a sense of what were some of the areas of interest or concern, and the one that was resounding, I think, was an interesting in really digging into some of the financial -- some of the financial projections and budgets, and part of it had been a gap between -- part of it had been that we just -- I think Mr. Gettert might be able to address this they were at the point where they were presenting information to the zero waste advisory because of where they were in with the budget.

[3:50:19 PM]

I think it had risen to the level where we felt like an audit was warranted. Certainly the audit committee could have made a recommendation to this body to prioritize and ask our city auditor to make some adjustments, but it was -- I didn't -- the concerns that were being raised were not really audit concerns. I'm sorry I don't have any more information with me here, but they were not -- it did not sound like it was -- like an audit was warranted at this point, and that the office of performance management can take a look and provide some sort of general feedback and some other survey of it, but in terms of the priorities that are before the city auditor, this didn't arise to the level for the committee members, it didn't arise -- it didn't rise to the definitely of displacing other audits at this point.

>> Gallo: Okay. So I guess what's confusing to me is that the recommendation that came out of zero waste was the recommendation to do an external audit. So I'm just trying to figure out how that changed between their recommendation and what came out of the committee.

>> Tovo: I guess the clearest way I could see it is we just disagreed with that recommendation.

>> Gallo: And the committee as a whole did that?

>> I supported the zero waste advisory commission's recommendation to move forward with the external audit. And one of the main pieces, in addition to it being done externally, one of the other things that they were really hoping to do was to have an audit be completed by budget adoptions because we're making decisions regarding Austin resource recovery during this budget cycle, and unfortunately they're not going to -- they're going to prioritize it, but it's not a process that's going to be complete by the next budget cycle. I do think that's a missed opportunity and I did voice my support for an external audit over -- I mean, I guess I will take this as a second choice, if this is something that needs to be looked into, but my strong preference was for the external audit.

[3:52:23 PM]

And I guess I just want to clarify if this is the appropriate time, in response to mayor pro tem tovo and councilmember Zimmerman's discussion, I want to be clear that, yeah, the office of [inaudible] Management reports directly to the city manager, and although we have talented and dedicated and unbiased staff, I just -- I think that it creates an unavoidable conflict of interest when you have a department -- when you have a staffer who is responsible for evaluating the efficiency and effectiveness of a department, and the person that they're reporting to is the very person who is ultimately responsible for the efficiency and effectiveness of that department. I think it -- I think it -- I do -- I think it creates -- almost it puts city staff in an unfair position. So I do think that there's a time and a place for not only to use our city auditor, who is wonderful, but also to employ services of an external audit, in order to not have those conflicts arise.

>> Mayor Adler: Ms. Pool?

>> Pool: Thanks, mayor. I don't know that the office of personnel management would be reporting to Mr. Get tert on this audit so I don't know if I was understanding councilmember troxclair's comment --

>> Troxclair: Ultimately they're reporting to the city manager and the city manager is ultimately responsible for the performance of the department.

>> Pool: Okay. Then I will say I think that is a very inappropriate kind of reporting because the city manager is responsible, and under the office of personnel performance management, which hasn't entirely been set up yes, I'm sure we will be working to have best practices and best management philosophies in place for that. I think what happened at the zero waste advisory commission is that the commissioners didn't maybe understand completely what mechanisms the city had developed.

[3:54:26 PM]

They also likely didn't understand, and I don't know if the dais knows, and somebody could probably tell us, what it costs to bring in an outside auditor. If we are going to do that every time, you know, something seems a little bit amiss or awry, we will need to have a fairly robust line item in order to pay for an outside auditor. And we have really good professional expertise and experience in the insights and smart folks in our audit office. I had -- I had no issues with this as it came forth at the audit and finance committee. We did spend considerable time with Mr. Acuna and Mr. Gettert, and it seems to me the two gentlemen who achieved agreement on how all this should play out, and so we were very clear that we don't need to go outside of the city to do a good review of the performance and the activities of arr. And I look forward to seeing our staff put together and see how they -- how they investigate and review all of the functions whenever we have the office of performance management set up and the different audits, and focuses are sent their direction.

>> Mayor Adler: Thank you. Further discussion in Ms. Gallon oh, then back to the mayor pro tem.

>> Gallo: Just one more question. So that I can understand the concern or the conversation about the results of this audit coming back so that we can use it for our budget discussions, is this the only opportunity that we have through office of performance management to have that happen? Is the city auditor's department saying that couldn't happen in that amount of time?

[3:56:26 PM]

>> It -- it won't -- from what I understand, the review of office of performance management, it won't happen this year.

>> Gallo: It won't happen this year. So do we have any other opportunity for an audit that could happen and be back to us for the budget cycle? For the budget conversation?

>> Mayor Adler: Mayor pro tem.

>> Tovo: So, councilmember Gallo, we certainly could have had that discussion with our city auditor and we could have asked, you know, if you prioritize this or do it as a special project, could you complete it in time. And I think I'm going to ask Mr. Gettert now because it's been so long since I've had this conversation, I can't remember some of the specifics, but I guess in hearing -- in hearing some of the specific issues that they had, they just -- they were not -- I had no interest in seeing an audit done on those issues. One was, I think, about the way that the pricing had been set for different receptacles, as I recall. I think that was one thing that I was told the commission had a concern about. Mr. Gettert, can you jump in here and help us? I just want to get back to something councilmember pool says. Mr. Acuna is chair of the committee, and at the end of that discussion, I looked to my committee members, I believe they were both quite comfortable with this approach and were not up there saying we disagree with this recommendation. We still think you should have an external audit. Am I remembering that correctly? Councilmember troxclair?

>> Troxclair: Yeah. I think I would disagreement I think it was strong, their preference and that of the entire committee was to do an external audit, and the audit and finance committee made it clear that the majority of the members weren't interested in doing an external audit, so of course they said, well, if you're not going to do an external audit, we would support a review by the office of support management.

[3:58:31 PM]

That was the second choice they were given, but I think it was clear the first preference was the external audit.

>> Tovo: Can I ask director gettert if he would get us some examples? And I've asked my staff, too, to help me remember what some of them are.

>> Yes. The zero waste advisory commission actually passed two resolutions, one for the external review, as well as one for the prioritization of the office of performance management. So they passed two resolutions that were presented to the audit and finance committee for discussion. And the concerns from the zero waste advisory commission partially was out of a misunderstanding of the budget process, which I engaged in extensive conversation with them on, the timing of the information, as well as the detail level and some past practices. Some of it -- some of the discussion evolved around our reserve levels, as well as the cart size rates, the pay-as-you-throw program, but much of that discussion was around could there be found, within our operations, cost efficiencies to maintain reasonable rates. And my agreement with the chair was that we would have four budget sessions with the commission this year, April, May, June, and July, to dig into the details, work around cost efficiencies, in this budget cycle, but also propel the -- the efficiency issue into the office of performance management, and see what their assessment may be. And I look forward to that assessment because any type of improvement that might be recommended, I'll embrace.

>> I just wanted to add that the office of performance management was established by the manager back in December, and we're up and running and studying three departments currently right now. And we have added Austin resource recovery to our schedule for next year and have not flushed out the full schedule for next year.

[4:00:37 PM]

>> Yeah.

>> Pool: Do you need a motion?

>> Mayor Adler: So does this reprioritize the three items, or just adds an additional one to the office of performance management?

>> It adds an additional one for the cycle that would begin in October.

>> Mayor Adler: Okay.

>> We'll complete three prior to this budget.

>> Mayor Adler: Okay. Any further discussion? Let's take a vote. Those in favor of this item number 39, please raise your hand. Those opposed? Zimmerman voting no, abstaining -- Zimmerman voting no, Renteria off the dais, and Ms. Kitchen off the dais. It is 8 in favor. Ms. Kitchen would like the record to reflect that had she been here, she would have been voting aye on this issue. That gets us to item number 19. You ready for that? Ms. Houston?

>> Houston: Thank you. Thank you for coming back up. I just had a couple of questions. Who had these contracts in the past?

>> Elaine Kelly Diaz, vice president of customer account management with Austin energy. We have a multilevel approach for our collection agency, so at the primary, the initial level, we have three agencies. At the secondary level, we have two, and at the tertiary, which is the warehousing level, we have one. We had two contracts at the secondary level. One ended their contract because they -- they went a different path in the scope of their collection activities. So we're just trying to replenish at the second level. I'm not quite sure -- let me see if I have the information -- of the names of that agency.

[4:02:41 PM]

>> Houston: Okay.

>> And the tertiary agency, we have not had one in place for numerous years.

>> Houston: Okay. So if they are able to get some of these funds paid, how much goes to the utility and how much goes to the company? We pay the company. Right?

>> Correct.

>> Houston: So does everything come to the utility company?

>> Yes. If the customer pays a hundred dollars, we receive the hundred dollars at the utility, and then the agency bills us their fee. So the agency's fee is not netted from the customer's payment.

>> Houston: Okay. And do you keep track of how many customers do pay on an annual basis, and did you give that to us so that -- because it looks like -- what is it? -- The average total month -- I guess this is secondary, is 60 accounts, average, and \$795 each, but there was no total, and I'm not a mathematician, so I do see 40 million.

>> Yes. 40 million is for the tertiary agency. At that level we typically see a 1 to 2% recovery rates. These are debts much older than -- five years and older, and so we don't see much return on the tertiary level, but we do see some. At the secondary level, the agency that will be awarded this contract will receive that average amount of placements on a monthly basis, and in a secondary level, we see a 3 to 5% recovery rate. So meaning 3 to 5% of the accounts placed end up paying at some point over time.

>> Houston: Okay. Who manages how these companies talk to the customers that they call?

>> Sure. Austin energy collections management team does an annual management review of each of our collection agencies, and that includes at least one on site visit during the term of the contract, and then one management review on an annual basis.

[4:04:49 PM]

And we look at -- we randomly pull phone calls. We ask for samples of letters. We look at what the collection agency shows on the customer's account, versus what we show. We audit payments. We look at their proposals and how they respond in their proposals, that they'll handle collection efforts, and we go monitor and ensure that they are up to speed and in compliance with that. We've had zero complaints in our collection agencies with regard to collection every time in the past three to five years.

>> Houston: I'm not being disrespectful Kathleen customers --

>> If we were to receive those, we handle them mean, but --

>> Houston: If that is happening, and I don't know that it is, but if that is happening, who would the person call to say I got a call from this collection agency and this is what they said, and all this intimidated, threatened, disrespected.

>> Sure. If anything like that happens, the customer would contact Austin energy because we're collecting the city utility debt on Austin energy's behalf. If they contact us, then we're able to pull phone calls and review information with the agency to determine if anything was out of sorts.

>> Houston: Okay. Thank you.

>> Mayor Adler: Is there a motion to approve item number 19? Insist Houston who was. Is there a second? Ms. Garza. In I discussion in Mr. Zimmerman.

>> Zimmerman: Thank you. I'm looking at the Q and a that we put in here. We were asking about the commission, and according to the information we got, there is a commission, but there's a citation here of 252.049, local government code, that we can't be told what the commissions are. So I heard two different things. I heard that it was not condition-based, but the Q and a that I have says it is commission-based, but you can't tell us what the commission is because it's closed until we have a winner, or --

>> Well, it is commission-based, but the commission is paid -- it's not netted out of the customer's payment to the utility.

[4:06:56 PM]

>> Zimmerman: I thought that was the point of maybe -- I don't know, what councilmember Houston was asking, I thought she was trying to get to the bottom as we are. What's our return on investment? We pay a certain amount, we're going to recover a certain amount, we hope. We expect. Because we don't know for sure. And we are trying to get to those Numbers, and it sounds like you won't tell us because it's sealed information or confidential information until we have a winner?

>> Mayor, councilmember, James Scarborough. The commission in this case is a fee, it's a fee that is -- it's an amount that's going to be paid by Austin energy to the contractor. It is established based on a percentage of the collections that are actually brought in by the contractor. The difference in this case is that the contractor is not netting out their commission and then remitting the remaining amount to Austin energy; rather, the entire amount goes to Austin energy, and then Austin energy pays the contractor based on -- based on their percentage commission. So it's -- it's not a netting out commission, it's a percentage-based fee.

>> Zimmerman: Okay. So if we did not pay the \$500,000, okay, we would have no chance of getting any of the \$40 million that's owed. Does that make sense? Our chance would be zero. In other words, we would not spend 500,000, so if nobody is trying to collect that 40 million, chances are we'll never get a dollar of it back. Somebody has to be paid to go try and get it. So that's what we're trying to get to, is kind of what -- what is the return on investment for us spending \$500,000. So we're going to spend up to 500,000. That's the number that's in here. What's missing is the expectation of what we're going to get back.

>> And I believe, as I mentioned to councilmember Houston, the recovery rate for the tertiary is around 1% of the accounts that are placed.

[4:09:01 PM]

>> Zimmerman: Okay. 1% is about \$40,000. Is that right? 1% of 40 million, is about 40,000?

>> I'm sorry, I -- yes. I don't have the exact Numbers --

>> Zimmerman: That was my --

>> Okay.

>> Mayor Adler: Is there an estimate of the \$40 million, what you anticipate or would expect to collect?

>> Zimmerman: That's what I keep asking.

>> Exactly the point. The 500,000 is not paid until they collect, so if they only collect \$40,000 or \$40,000, we only pay the pay on what is collected. So this is approval to spend that money but we will not be paying that money until money comes into us.

>> Mayor Adler: I think that answers that question. All right. Let's go ahead and take a vote. Those in favor of this item number 19, please raise your hand. Those opposed? It's unanimous on the dais with Renteria and kitchen off. Let's go to the next item, which I think is item number 26. Ms. Houston, you pulled this one as well. Thank you, staff.

>> Houston: I think this is one more attempt to say that there are people in every district that are diverse, and it concerns me when we continue to have boards and commissions that look like one demographic, and that I'm encouraging my councilmembers, if they haven't made an appointment, that they look deep within their districts and see if they can get some diversity on these boards and commissions because people see that, and they don't see themselves represented. And I'm sure they're all wonderful people, and this is just the land development code advisory group, but there's an opportunity here, so I just thought I would share that information.

[4:11:08 PM]

>> Mayor Adler: I think it's difficult sometimes to get the diversity that we want on commissions because we don't appoint them all together as a group. We had an opportunity to do that a year ago. We weren't quite organized well enough to be able to do that, but if that opportunity ever exists for us to be able to act collectively to do that, I hope we grab that opportunity. Ms. Garza?

>> Garza: I guess I just -- I think this was the one I sponsored because -- and I think it was just -- it wasn't an unintended part of this -- of the cag. If your cag appointee steps down, the way it was written was that the remainder of the cag folks would appoint someone. And I think that's something a councilmember should be able to retain that ability to appoint their cag member. And I also -- several members of the Austin community reached out and said that it was lacking African American representation, and I'm happy to report that Patricia King, who's an African American, has agreed to serve in that position as soon as I can -- as soon as I can appoint her once we pass this. So thank you to all the co-sponsors on this.

>> Mayor Adler: Thank you. Motion for item 26 made by Ms. Garza and seconded by Ms. Houston. Further discussion on this? Those in favor, please raise your hand. Those opposed? Unanimous on the dais with Renteria and kitchen off. That takes care of item number 26. What about item number 40? This is a municipal civil service item.

>> Mayor?

>> Mayor Adler: Someone want to make a motion to approve item number 40? Ms. Pool? Is there a second to this item?

[4:13:09 PM]

Mayor pro tem? Is there discussion on item number 40?

>> Houston: Mayor, and I've had this conversation once before or twice before or three times before. The commission is -- the civil service commission seems really heavy on labor and not -- I see one community person, but there's not much human resource, or a human resource person from either a jurisdiction, a city, county, or state, so that concerns me that the decisions may be skewed some. So I just wanted to, again, bring that up. I don't have an appointment on these. You do. So I'm just saying I think we need to look broader than just labor.

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: That was certainly feedback we heard before the committee made its most recent appointment, and in appointing Melissa Rogers, that was an important consideration. There was something -- you know, she was serving out an expired term, and so we very recently appointed her to the municipal civil service commission, and this would -- for a matter of a couple of months, this would reappoint her. But I would ask Ms. Ace if she would like to tell us a little bit about her background because I think she does come -- as I recall, she worked for a railroad?

>> Pool: Right. And I think when this came up when she was first appointed two months ago, we passed around her resume. I think staff did provide it. I don't know if it was provided a second time. This is a reappointment of that same person.

>> Hi. Rebecca Kennedy with the human resources department. Her resume and the other individual who were seeking reappointment, Teresa Perez wisely, their resumes are in your backup for today. One of the things we do when we advertise for these positions, we do have things we like to see, and it's work and employment or human resources, we advertise with the Texas municipal human resources association and other agencies that do specialize in human resources, and certainly next time we'll continue with that practice to try to gain more people that have that experience in hr.

[4:15:29 PM]

>> Mayor Adler: It's been moved and seconded, item number 40. Is there any additional discussion? Ms. Troxclair?

>> Troxclair: Yeah. I agree with the comments councilmember Houston made, and I do think that Ms. Rogers was a good addition, but I am still concerned about that balance, so I'm just going to abstain because we're also reappointing Ms. Wisely, who does have the labor background.

>> Mayor Adler: Okay.

>> Troxclair: I don't -- actually, when we interviewed -- I mean, she's being reappointed, and we really -- I don't think the committee really took anybody else into consideration, so maybe that was a missed opportunity. Mr. Zimmerma N.

>> Zimmerman: Thank you. I'm going to concur with councilmember troxclair's marks. I kind of have the same thought about it, so I'm trying to think if I'm going to vote no or abstain. I'm still chewing on it.

>> Mayor Adler: Okay. No further debate, we'll take a vote. Those in favor of item number 40, please raise your hand. Those opposed? Mr. Zimmerman voting no. Ms. Troxclair abstaining. Two members, kitchen and Renteria, off the dais. That means seven votes in favor. That takes care of item number 40. Let's now move to item number 41.

>> Good afternoon, mayor and council, Virginia Collier from the planning department, as noted this is ready for approval on all three readings.

>> Mayor Adler: Is there a a motion to approve item 41 on all three readings? Ms. Garza moves. Is there a second? Mr. Casar. Any discussion or debate? Mr. Zimmerman.

>> Zimmerman: Yes. What is the area again? I was looking for a district number up here at the top. Item 41?

>> This is adjacent to councilmember Houston's district.

[4:17:30 PM]

>> Zimmerman: Adjacent to 1. Okay. Thank you. Mr. Mayor?

>> Mayor Adler: Yes.

>> Zimmerman: Could I ask if councilmember Houston has any notes for us on this, for or against or indifferent?

>> Houston: I'm going to begin voting against it because I don't think we've had a clear policy discussion about the density and stopping urban sprawl, and yet we continue to annex properties at the owner's request, so I'll be voting against it.

>> Mayor Adler: Okay. Any further discussion?

>> Zimmerman: Just pint of order. Do we make the motion to approve on all three, instead of approving on first reading? Was there a reason for that?

>> Mayor Adler: I don't know that that's pint of order.

>> Zimmerman: It's an inquiry.

>> Mayor Adler: Yeah. I think the motion was made that way because it's ready to be approved on all three readings, unless there's objection to it, it would happen that way. It's been moved and seconded to approve on all three readings. Those in favor, please raise your hand. Yes? Question? There was no further debate so I called the vote.

>> Pool: I was just going to say I was reading the backup after councilmember Houston made her comments, and I did see that in this instance, the property owner is requesting annexation. So this is not that we are putting something on the property owner that is not requested.

>> Houston: I said that.

>> Pool: Yeah.

>> Houston: But again, it's at the property owner's request, but as a council, we have an opportunity to say no until we figure out the policy regarding extending our boundaries further with no amenities and no economic development. Why do we keep doing that as a council?

>> Pool: Completely hear Ya.

[4:19:31 PM]

Mr. Zimmerma N?

>> Zimmerman: Yeah. So quickly, there are -- as you know, there could be some serious fiscal implications, right, to annexing property under state law. If we annex property, we can incur significant liabilities, right, to the city. So --

>> Yes. We can incur liabilities and we can also collect taxes.

>> Zimmerman: And we can collect taxes. There's a big, gaping hole here. It says fiscal note -- I'm sorry I can't put it up, but fiscal note, and it's got a blanco, and there could be millions of dollars at stake here, both in potential revenue, but also in liabilities, and the fiscal note is blank, for 92 acres, that the city would incur liability under state law, and also potential revenue, but this seems like there should be something in that fiscal note when you're annex being 92 acres.

>> Yes. Because the property is undeveloped at this point, although development is approved for it, there will be no expense at this time to the city. There will be, of course, in the future. But, again, the developer is actually requesting this in this case, so that the property is not divided jurisdictionally, their preference is to all be within one jurisdiction for ease of service, deliveries, and simplicity.

>> Mayor Adler: Okay. I'm going to hold this item for a vote until Ms. Kitchen is back.

>> Casar: May I ask a quick question? If we choose not to annex the area, are people still able to build out there?

>> Yes. They could build, but there would be, you know, public safety issues, a question about who's responding.

>> Casar: Exactly. We couldn't tax it and there could be public safety concerns but people could still build.

>> Could still build but it would be simpler under one set of rules rather than the county's rules and city's rules.

[4:21:32 PM]

>> Casar: I think one of my concerns, as councilmember Houston brings up, whether or not annexation helps us, or with sprawl, at least my understanding has been, whether we annex it or not, they could still sprawl out that way.

>> They could build a subdivision. What this gives us is to give us land use authority to say which land use is out there.

>> Casar: So it could actually aid us having more compact development if we have authority to regulate the uses to be less sprawling, potentially.

>> I would say yes.

>> Houston: Mr. Rusthoven that hasn't happened yet. I heard you say yes, but it hasn't happened yet. I continue to wait for those options. Isn't this in esd 4's area for responding to --

>> Can I clarify? The subdivision is currently in review. It's half in the county and half in the city at this point in time so this would bring the entire neighborhood under the same jurisdiction. If it's built out as it's been submitted, half of the project would be in the etj and the esd's jurisdiction in the manor findings and half in the city of Austin. Half would be under Travis county and half under the city of

Austin. So it'll create complexities as residents move in and buy houses where maybe one-half 69 street would be in one jurisdiction or other. All this does is bring the entire project under the same jurisdiction.

>> Houston: And I'm sure that somebody talked to my staff about this, but I don't think so.

>> Greg Guernsey, planning and zoning. Properties are brought in, they are within our jurisdiction, so we do have land use control, but they would also comply with our building requirements, so those buildings would meet minimum standards for the city of Austin for compliance with building, plumbing, and electrical codes. If they're in the county, they may have to still meet electrical and plumbing codes, but not necessarily building codes.

[4:23:35 PM]

So these buildings would also have the visibility component that would allow for them to have visitors to assessable buildings, and people would be more likely to basically stay in that dwelling longer because of some of those things that are desirable under our codes. Those things are not required in the etj. Ms. Troxclair R.

>> Troxclair: I think part of councilmember Houston's point is that, of course, people are allowed to build in the county or outside the city limits, but by annexing people, we have a responsibility to provide them with city services, so are we already providing the subdivision with -- the piece, I guess the piece that's not already in the city's jurisdiction, the piece that's in the county, or was the city already planning to provide them with water, wastewater, electric?

>> Right. The city utility services would be extended to all of the homes in the neighborhood. Currently there's no homes built there, but it would all be on the same utility system.

>> Troxclair: Even if this didn't pass, even if we didn't annex.

>> Right. They would all be retail customers silver medals point of privilege, I'd like to put the map on the overhead if we could, I think that will help if we put it on the overhead. You can see the hatched area is what we're talking about, so part of the hatched area is already in the city, but the larger portion is not. Is that your understanding? Okay. So, you know, I think, Mr. Mayor, I'm going to -- I would like to have some more confidence if councilmember Houston were for this, I would definitely vote with her on it. If she had had a chance for due diligence. But I think I'm going to go ahead and abstain because I'm just not sure what the fiscal impacts here are. And is there a way, potentially, to take the section that's in the city and take it outside the city and disannex it and let that part remain separate?

[4:25:39 PM]

Was that part of an option that was offered not property owner, to let that be a separate section outside the city, or ...

>> No, we did that, the property owner requested annex.

>> Zimmerman: Okay. Thank you.

>> Mayor Adler: Okay. It's been moved and seconded, item number 40. Those in favor of -- 41, rather. Those in favor of 41, please raise your hand. Those opposed? Those abstaining? Troxclair, Zimmerman abstaining, Houston voting no. Renteria off the dais. That makes the vote 8 in favor -- 7 in favor? 7 in favor. Okay. We'll now then go to -- with he had a postponement of item number 46, let's go ahead and handle that, and then we'll come back.

>> Mayor, council, and jury, item 46 is conduct a public hearing and consider title 25, related to multifamily residence highest density mf 6 zoning direct. We received a request on Tuesday from endeavor, from Daniel Campbell of endeavor real estate, who was requesting a postponement of three weeks to allow him a time to study the impact this change would have on a piece of property.

>> Mayor Adler: Mayor pro tem?

>> It's the first request.

>> Mayor Adler: Mayor pro tem. We had discussed earlier we were going to postpone this. You want to address some of the issues?

>> Tovo: I'm comfortable with postponement. Three weeks seems a bit long. This has been in progress months and months and months and months, going through the planning commission and other boards, but I would split the difference and go with the 19th.

[4:27:48 PM]

>> Yes.

>> Tovo: Actually, three weeks would be the Austin energy oversight committee.

>> I think the 19th would probably be best.

>> Tovo: That's fine. I just wanted to indicate to staff that one of the points I'll be discussing, and I know you've heard feedback about this from community members, my original resolution did not talk about increasing the height in mf-6, and I understand that's part of the staff ordinance, the recommended provision in the staff ordinance, and I'm going to be making an amendment to strip that out when it comes. But I think the rest of it is a direction we need to go in to making that a density bonus program so there's an affordability provision within it.

>> Mayor Adler: Would there be an opportunity for the planning -- the planning commission didn't --

>> We had a rather lengthy discussion, I think it went on for almost two hours if I'm not mistaken, there were several motions made but neither of them were able to achieve a majority, so it was forwarded without a recommendation.

>> Mayor Adler: I sure would like their direction on this, and obviously if we don't have it, we don't have it. I don't know if we can get it. There seem to be several variables in this, still, that I did the that I have yet to be able to reconcile. The first is, there's an existing universe of mf-6 properties, some of which I understand couldn't take advantage of the ability to get the bonus because there's conditional overlay or because of compatibility. So I'm wondering what happens to a property where you pull back -- let me begin by saying I'm in favor of using density bonuses to drive affordability in the city, but I don't know how that applies to a piece of property if it can't avail itself of that opportunity for other reasons, whether associated with this conditional overlays that would have otherwise prevented the ability to be able to exercise the bonus are automatically taken away, but what I -- I mean, it doesn't seem right that you would put a property in position where it could get a bonus under -- in order to get affordability, but it couldn't exercise that.

[4:30:06 PM]

So that would be one thing to take a look at. Another thing to take a look at, my understanding is, is that, you know, what we were looking at here, as I recall, on the pieces of property on burnet road and the one that was in Ms. Houston's area, we were looking at properties that were zoning to mf-6 where we wanted to have the density bonus -- we wanted to get affordable housing in exchange for granting the mf-6, but we couldn't ask for affordable housing because we weren't allowed to do that in mf-6, so we couldn't ask for it. If it was happening, it was just happening because the property owner deemed to do it. We wanted to actually have a way to be able to enforce that, and I'm wondering if the way to do that is to look at changing mf-6 or it's looking at the situations like where we have mf-3, mf-4, mf-5 now, where there's the ability to be able to upgrade to mf-6 in exchange for doing the housing affordability, and maybe we add to that list -- in those cases, it was the cs -- what was

>> Mayor Adler: That enabled there to be multiple, multi-family on the property. But we add to that list and maybe we take the mf-3, mf-4, mf-5 upgrade to be able to go to mf-6 in exchange for doing the

affordable housing. And enlarge the opportunities for where that can happen so it's just not on unimproved land or agricultural land, but we allow that to happen on a transit corridor near the center. So my hope is that in the time that we have to be able to look at this, we also take a look at ways to effect policy.

[4:32:17 PM]

I think it's a little bit broader conversation. Maybe that's something that if it can't go back to the planning commission, maybe there's a way for you to help develop those other alternatives along the lines of what I was just talking about and being able to vet them with the community.

>> We can look into that.

>> Mayor, I guess I would say having initiated this discussion and setting it on its course about mf-6, I would say if we start to look at those other mf categories I would argue strongly that it needs to go back through the process. And those may be discussions that we want to have. But I would be uncomfortable entertaining them at this stage of the process.

>> I think with this item we can only address mf-6 because that was in the postings. But we can look at a broader picture of other ideas.

>> Mayor Adler: What I would like to do, maybe sit down with you on this. I'm not sure this gets us to the goal that I had thought we were trying to reach with respect to the csmu properties.

>> Tovo: Yeah, this I thought was going to be sort of an easy win on the density bonus program, an easy tweak that we could get lots of agreement on and get done quickly. At the moment I don't think -- I think there's all kinds of concern from all kinds of groups. And so I hope maybe we can do some more talking in the next couple of weeks and get there. It's my understanding there are only about 18 properties that are currently zoned mf-6.

>> 19.

>> Tovo: Thank you. That gives us a few more weeks to think about it.

>> Mayor Adler: Great. Mr. Casar.

>> Casar: I do have one question. I understand on zoning cases we traditionally grant postponements with different signs, ask for one on a land development code change, an ordinance, like this one, do we traditionally grant postponements because a property owner may have a property of that category that they own, do we usually grant postponements for that?

[4:34:30 PM]

>> My experience has been over time we have treated those two policies very similar. If there's two sides we generally do the first one and then think about it more from there.

>> Casar: That's new for me. Thanks. I would support a postpone to give us time to thinking about this and working on and giving the planning commission time. It would be good to see if they could come back with a recommendation on one set or another if they could. Even if it's not in a meeting, I would have loved to see what they could come back with. As far as your comment around height, council member tovo, looking at the resolution, which we passed, I know you were a lead sponsor of it but we all do own it now that it was adopted by the full body. What we're trying to do is get mf-6 to incorporate an intensity bonus program. Part of why I was supportive in going in this direction was being able to have so many changes to mf-6 instead of to vmu, that we could still have the density bonus program. And so however it is that we can make sure that when people are -- because residential development is hot on the market right now, don't get around density bonuses by going mf-6 instead of vmu that's generally what I'll be supportive of. While I think mf-3 and mf-4 idea the mayor has brought up is interesting, we will be cautious about those things because if it's existing mf-3 and mf-4 that may be

existing more affordable multi-family stock, which we're in the process of seeing if we can buy up before it redevelops. I would be more cautious in those cases.

[4:36:30 PM]

>> Mayor Adler: The same concern exists here. There are 19 properties that are mf-6 right now. My understanding is that all but four of them have been developed.

>> Yes, we did a Google survey and it showed that the vast majority of them have been recently developed.

>> Mayor Adler: Really what I'm doing is adopting a policy for four specific properties and it would be helpful to look at those four properties then since there are just four and see whether or not adopting this would actually, whether this is a tool that would help us with the undeveloped properties get to greater affordability and to make sure on the 15 that are already developed that we're not going to be creating an incentive for somebody to take a workforce-ready multi-family project and scrape it or redevelop it and turn it into something that's bigger, but that would provide us less affordability in the name of seeking greater affordability, since there are so few properties involved that would be helpful to know.

>> Mayor, a quick question. And this may be for law, if we did choose to create a separate category, be it mf-6b, is that possible within the existing posting language to modify mf-6, if there was another zoning category. If the case is, and I don't know, because I don't know what these 17 or 19 properties are, so don't take the suggestion as me trying to lead us to an answer, it really is ignorance of what's on the ground of mf-6. If we did have the fear that this could lead to the redevelopment of some existing low-income housing that's mf-6 but we wanted to tackle the issue of people going into mf-6 on a rezone, could we create a new category with existing posting language that was a separate part of mf-6 that people could ask for a zoning change.

[4:38:33 PM]

In the case that somebody was rezoning from cs to mf-6 and we wanted a density program to exist within mf-6 that's a new category?

>> David with the law department. The short answer is yes. I would want to continue to take a look at the specifics as it develops, but if the council, as it goes through discussion, continues to work within the realm of mf-6, I think the answer is yes, you are well within that posting language that currently exists.

>> Casar: We could potentially create a zoning category that -- within mf-6 that people that are rezoning could go into with a density bonus program while leaving the existing mf-6 that's on the ground the same?

>> Yes.

>> Casar: And I'm not saying that's something that I'm inclined to do but it's just an idea on the table as we consider this.

>> Mayor Adler: There's been a motion to postpone this item until may 19th. Is that right? Is there a second? The motion to postpone until may 19. Mr. Zimmerman seconds.

>> Question. During the work session when we were looking for dates to take up the --

>> Mayor Adler: The dates look like they might be the 20th and the morning of the 21st. The 20th of may. That's Friday the 20th probably would be a late lunch break in that time. And then the morning of the 21st, which is a Saturday.

>> Thank you.

>> Mayor Adler: People should be checking their calendars. That works for the manager. Continuing on where we are. There's been a motion to postpone has been seconded to may 19. Those in favor please raise your hand. Those opposed. It is unanimous on the dais. Renteria off.

[4:40:39 PM]

Thank you. That gets us to sun chase.

>> Mayor, I believe we still have some public hearings that were postponements. Is that accurate? I mean things that probably won't require a discussion. I think no. 50 is one. Our staff can help us with the others.

>> Mayor Adler: And then there might have been one on 49.

>> Right. 49 I think staff have requested a postponement. 50, ditto.

>> 42 the applicant has requested a postponement of one week. Sun chase we would offer for postponement. He wants to make a few comments about the postponement.

>> Mayor Adler: That would be until 5-12?

>> Next week.

>> My name is Richard settle. I'm here on behalf of sun chase. We're asking for postponement for one week is the ordinance has been written this week and there is clean up language that both sides need to look at. On the affordable housing side we are trying to solve the problem for long-term affordability and a concept we proposed to the city and we're going back and forth on the languages, instead of the [indiscernible] On the mud of 10% affordability for home ownership for first time sales, we're trying to get long-term affordability and we have offered a different scenario that we donate lots to the housing corporation. Less than 10%, but it gives ownership to the city that then we figure out how to get the houses on and we have long term. It's not a fee waiver and it's completely different than the one we previously looked at.

[4:42:43 PM]

It's just a different way of getting to long-term affordability as opposed to where we are today. That's in the ordinance now and I wanted everybody to have a week for it before we bring it back.

>> I appreciate the postponement, because I had actually -- I was going to vote against it on the second reading. Because I, you know, my understanding of puds is they're supposed to be superior and they're supposed to provide some additional benefits than the mud. And in a lot of ways -- and I really appreciate the side by side that your department did. It provides some explanation of what the pud provided. This one did still say that the affordable housing component was under negotiation. And then I saw this morning on the dais there was soon to be an amendment of 2%. But I'm really hoping we can get at least a 5%. I know we can't use smart housing and I know that's controversial at this point, but if we are -- I'm concerned about these puds around Austin that really don't offer superior developments, in a lot of ways. If we want to be serious about affordable housing and trying to provide those units, I think we really have to take a stand, a hard stance on as much as we can possibly get for these kinds of development. So I appreciate the postponement and I hope that we can get closer to providing more than just 2%. I also appreciate the offer of 2% permanent as opposed to the 10% on first sale. But I'm hoping we can get closer to at least 5%.

>> Mayor Adler: Moved and seconded to postpone until 5-12. Those in favor raise your hand. Those opposed. It is unanimous on the dais.

[4:44:46 PM]

Renteria off.

>> Casar: Can I make a quick comment on that item?

>> Mayor Adler: Yes.

>> Casar: I also appreciate the move towards the permanent affordability and working with the city on this. I, just in the last year, haven't heard from anybody why it is that we ever do the no-income qualification on first sale only as a community benefit in these puds. So maybe I haven't heard the good argument yet, but just take this as a call to city staff or community members for anyone of why that is a community benefit. Because if I wasn't left leaning community organizing type, I would be a specklator investor buying those up and making a great deal on it. I'm not quite sure. Maybe somebody can help educate me on the benefit that comes out of no-income qualification at point of sale.

>> Council, it's 4:45. We have music at 5:30. Council member Gallo has asked to pull up 51 because after the break we'll lose her. 51 is the garage item.

>> There are two more postponements.

>> Mayor Adler: Let's handle those later.

>> Item 51.

>> Mayor Adler: And we have one speaker.

>> Conduct a public hearing and consider a public ordinance amending 25. Known as the garage placement standard. And they will put up a display that council member Houston that kind of explains this for us. The planning commission initiated this amendment. It was brought to the commission's attention in parts of north central Austin that there were some development that was occurring that was not in accordance with the neighborhood planning tool.

[4:46:48 PM]

I think this is a case where as the ordinance is written it applied to the principle structure and not so much to the garage and the home. And it's been interpreted in a manner where the code is currently written that the garage that faces the street could take up half of the facade and not a portion of that. So as you see here, this is the way the tool was envisioned. That you would have basically no more than a third of the facade facing the street would be -- have a garage attached to it. These are affecting more of the older neighborhoods that had a parking requirement of only one space or none. It was not untypical to have a single car garage or just a single driveway. Our current requirement requires two parking spaces. So naturally the owners of these lots are desirous to have two parking garage spaces facing the street. We have spoken to the neighborhood housing community development office and they have come back and said that under the affordable impact statement, the ais statement, it's neutral. Meaning it does not have a negative impact on affordability. It does not create barriers to affordable housing development nor does it provide for opportunities of affordable housing development either, so it is neutral. I think you have some folks that have one before the commission, spoke in favor. A couple of spoken against. But your planning commission did recommend the amendment on a 9-3 vote. It would be limited to the application of single-family homes, especially detached single-family homes.

[4:48:53 PM]

Duplex, residential, basically two houses under one roof, and to two-family residential use, which would be something akin to a garage apartment. I'll pause if you have any questions. And I'm not sure who the speaker is but --

>> Mayor Adler: Let's go ahead and call the speaker. Mr. King, do you want to talk to us?

>> Thank you, mayor, mayor pro tem, council members. I'm here to speak in favor of this code amendment. You know, I think it's probably pretty clear that the intention of the tool is not really being implemented in the code itself. And so the code does need to be changed so it does fit the intention and does match the diagram. And I think this is important to neighborhoods to note that when a mistake like this is made that the council will come in and help clarify that and help correct that mistake and it will create good will with the neighborhoods to know that when you see these kinds of situations that you will step up and make the changes that are necessary. So I hope that you will do that. And, you know, I think this is an example for we've got code next coming up and it's going to be, as you know, a complete rewrite of all the code that we have. So I hope that as we go forward that this will be a lesson learned as will the small lot amnesty in terms of the intention of the code and how do we avoid these kinds of things going forward in the new code? You can imagine that it's all going to be new. And I think it's going to be important that we have, that we do it in a way that the code matches the intention of the new zoning districts that we're going to create and the ordinances that we have on the books. So I look forward to moving forward with code next in trying to see what we can do there. We already very questions about the draft code.

[4:50:55 PM]

We haven't seen it yet but I think if we can see the draft code and code next that have diagrams that say this is what the zoning districts are intended to do, I think that will help us now. That's another reason why I think we should have draft code released in code next so we can be doing that vetting process along the way and not be faced with a massive amount of code and trying to go through that process. I hope this is a lesson learned and you will fix this problem today. Thank you very much.

>> Mayor Adler: Thank you. Is there a motion on item no. 51? Mayor pro tem.

>> Tovo: I would like to move to close the public hearing and approve the ordinance.

>> Mayor Adler: Move to close the hearing, move to approve the ordinance -- close the public hearing and approve the ordinance on all three readings. Second by council member kitchen. Is there a discussion? Mr. Casar.

>> Casar: I'll be happen by supporting this. All these readings are impediments to housing. Parking is an impediment to affordability in our neighborhoods. So if we are both fixing something that wasn't intended and also why would we be encouraging two-car, big two-car garages. I think that is the right thing to do. Thanks for bringing it forward.

>> Mayor Adler: Okay. Discussion? Ms. Gallo?

>> Gallo: Thank you, mayor. This vote is a difficult decision for me. On one hand the advocates for not changing the garage placement standards argued that this code change will negatively impact affordability by making smaller lots less workable. But on the other hand I have received input from the central west Austin combined neighborhood planned contact team and the west Austin group and neighborhood association all of which are in district 10.

[4:53:05 PM]

They have requested me to support the code amendment changes. Again, just like the small lot vote on March 3, this vote is a difficult decision for me, but I do believe that there is a trust factor here and that we need to honor what was originally presented to our community. And for this reason I'm going to support the code amendment.

>> Mayor Adler: I'm also going to support the code amendment both on the trust issue. As we head into code next and take a look at how we change these changes with respect to what we do with code and then trying to get some kind of guiding principle to help me resolve these, I think that I have supported

increased density and opportunity along the corridors and in the centers. I also question whether or not there's enough additional density or affordability to be gleaned by making changes in the interior of neighborhoods to justify the impact on neighborhood character. And generally I don't think that it does. And probably with those two principles is, at this point what I'm looking at in terms of guiding principles on zoning cases. As I move into the code next discussions. Ms. Pool.

>> Pool: And I'll probably embarrass him but I wanted to thank the gentleman that I appointed to the board of adjustment. He did the work for at least a year, if not longer on trying to work through this issue. And I just wanted to recognize don and thank him for being here today, for the work he does, the work our commissioners do on the board is super important. And I appreciate all the efforts. Thanks, don.

>> Mayor Adler: Item 51 has been moved and seconded.

[4:55:05 PM]

Are we ready for the vote in those in favor raise your hand. Those opposed.

>> Zimmerman and troxclair voting no. Renteria off the dais. Eight votes in favor. That passes. Let's do the two postponements.

>> Good afternoon, mayor and council. I'm here to speak about our two code amendments that we are unfortunately having to request a postponement. Item 49 is to conduct a public hearing and consider an ordinance amending city code required as a condition to mitigate the impacts of development. We presented this item to the subcommittee and they asked us to take a break and postpone coming back to the full commission to may 24 and conduct a public stakeholder meeting. We have that scheduled for next Monday. We will be holding that before we go to planning commission for their recommendation on the 24th. We're asking you to postpone this to June 9 for your consideration should politician forward it to you.

>> Mayor Adler: Which is the item?

>> This is item no. 49 on the transportation mitigation ordinance.

>> Mayor Adler: Okay. Is there a motion to postpone this to June 9? Mr. Zimmerman moves. Is there a second? Ms. Houston. Those in favor -- I don't see any discussion. Those in favor of the postponement raise your hand. Those opposed. It's unanimous on the dais with Mr. Renteria gone and pool also gone. This matter is postponed until June 9. All right.

>> Thank you.

[4:57:05 PM]

Our second item that's requesting a postponement is item 50, which is to conduct a public hearing and consider an ordinance amending city code title 25 relating to site development standards for educational facilities. This one is related -- commonly it is to deal with charter schools. It amends the city code speaking to how we apply the land development code to those projects. This one we had scheduled to go to code nordid and planning commission to bring it to you today. We have struggled with this ordinance. We were not ready to get the code and ordinances in April. We are scheduled for this month. We have distributed -- yesterday I believe you should have received a draft ordinance with a memo from Mr. Gonzalez explaining a little bit. We are distributing that to stakeholders and having discussions with them before we get to code and ordinances. We were scheduled for next Tuesday the 17th. Hopefully we will be forwarded to the planning commission on the 24th and be before you on June 9 for your consideration.

>> Mayor Adler: Is there a motion to postpone this item to June 9? Mayor pro tem, seconded by Ms. Troxclair. Ms. Houston?

>> Kitchen: I'm confused because I didn't know this was about charter schools. That's not the way it was framed a year ago. Why has this taken so long in the process to get here? This started July of last year and it's just to be consistent in the code about land development use, setbacks, traffic impacts, all those kinds of things.

>> Yes, ma'am. I can speak to that just a little. In October of 2013, actually a long time ago, staff went to code and ordinances and requested an amendment to land development code to remove a provision that provides an exemption from the site development process for educational facilities.

[4:59:19 PM]

That's a holdover from, not exactly sure how long. That really doesn't apply to any other public school. Council has negotiated interlocal agreements with all of our educational districts, the aid, that speak to how we will apply the land development code to their projects to public, primary, secondary educational facilities. That was done at the time before charter schools -- I guess they existed but they weren't in Texas. When the legislature established the charter schools they came forward and said great. And they are a public secondary educational facility or primary. And so the permitting process would be our land development code. We do not execute interlocal agreements with the charter schools. They are not a taxing entity. They pointed out the section of code that said we're a public school, you're land development codes said we're exempt. We don't need to go through the site development process. That's very challenging, obviously, for us. We have been working as best we can with them to at least ensure we protect public health and safety, but they are not subject to all our codes and ordinances. We tried in October of 2013 to remove this provision from the land development code. Code and ordinances did not initiate it. They sent us back to work and said give us more details of what you're going to do. We went back again in August with a more complete plan of what we are proposing to do is craft an ordinance that applies the interlocal agreements, based on their district, and takes the provisions that council has negotiated with each school district and applies them to a charter school. That's not subject to an interlocal. The ordinance is quite complicated. We have gone through rounds and rounds of the ordinance to make sure that we crafted where it's fair and equitable and we don't apply something.

[5:01:21 PM]

We try to balance what we have given the interlocal agreements do for aid and carry those provisions into an ordinance that will be applying to a non-- I think it's a non-district type school. >>

>> Kitchen: In district one I have Manor Independent School District, Pflugerville, and Del Valle. Does the city have interlocal agreements with those entities?

>> Yes.

>> Kitchen: So it's taxing?

>> If you're a taxing jurisdiction we can do an interlocal.

>> Mayor. Mayor. Mayor.

>> Mayor Adler: Yes. Ms. Pool.

>> Pool: Thanks so much for that background update on that. Do you know or can you provide to me between now and June 9 a locator map to pinpoint where the various charter schools are located? And then because the point I want to establish for myself is very often charter schools start like in a home or in a small building. And if they are internal to a neighborhood they would be subject to the rules of the neighborhood. But school districts, when they buy land in order to buy a school it's a whole different approach. It's very public. The money that's spent is tax money and there are a lot of different processes in place that school districts go through that are clearly different than what the charter schools go through. And I want to understand how a charter school would be defined as a public entity. It doesn't

have the taxing authority and there are natural tensions between our public school system and our charter schools.

[5:03:25 PM]

And I want to be really clear on why, on staff's justification for extending these elements of the land development code to the charter schools before I register any kind of a vote on this. So help me by showing me a map where all of them are located so that I can get an idea of how this affects the various neighborhoods and parts of town where they're located.

>> Absolutely be happy to provide that map. We'll send it to all the council members. We'll do that before we get the council. It might take us a few weeks to put that together but we'll certainly get that to you as soon as we can.

>> Pool: Thank you.

>> Mayor Adler: I called Ms. Troxclair next. Mayor pro tem.

>> Tovo: I did just want to say to council member pool, this provision, the ordinance that our staff is working on grew out of a concern that charter schools were being developed within the city of Austin and are not subject to the land development or there was a question about that. This is actually, I think, a very good measure moving forward. And I share council member Houston's interest in moving forward. I understand, though. Thank you for walking us through the complications of doing so but I'm real eager to consider it in June. Thanks.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Yes, I would say thank you. I have a number of charter schools in my district and they actually are located in places that are much like public schools. And so I look forward to seeing this. And also it's important to understand that charter schools passed -- you know, they do receive state dollars and they also passed all kinds of requirements and oversight at a state level.

[5:05:27 PM]

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I just wanted to ask, since there has been discussion about stakeholder processes today, I appreciate that you're, I guess, distributing the draft ordinance to the stakeholders. Can I ask who the stakeholders are that you are contacting?

>> It may not be a complete list, and I apologize for that. When we did the initiation, their firm represents a lot of charter schools asked us to distribute to them and talk with them. We're also submitting it to the hba asked to see it. Mr. King has a copy. Who else did we send it to? Mykail immediate and Candace Craig. We will be posting it on a website. It will be an agenda back up for code and ordinances on Friday. To try to get back to you as soon as we can with this ordinance, we have not scheduled a specific large stakeholder meeting. We're using the codes and ordinance process to accomplish that. I expect it at the council hearing when we arrive here.

>> Troxclair: So if they're not already on your list, it would probably be a good idea for you to reach out to the Texas charter school association. If they're not aware already they would be very interested to know.

>> I will certainly do that. I imagine they are quite aware, as I understand it from talking to folks.

>> I just wanted to make sure. And to council member pool's comments and kitchen. I am the only district, I think, in the city of Austin that does not have a charter school. Not because there's not demand for education options but because the land is so expensive and the environmental restrictions are so strict that it's very difficult for charter schools to be able to raise the money and build -- fine land and build facilities.

[5:07:39 PM]

I will be very interested in this issue. To clarify, yes, charter schools are public schools and they do receive state funding but they don't receive money to buy land and build structures, which puts them in the position of having to raise that money privately. And I think why the land development restrictions are of significant interest to them.

>> Mayor Adler: Garza.

>> Garza: You said that it's being fixed because currently charter schools can have those exemptions and our public schools don't need that clause in the land and development code because they have separate agreements. Can you talk --

>> Yes, ma'am. So the staff's opinion is that this section of code was put in before or as part of the agreements with Austin independent school district. I think they started it when council and the city began negotiating interlocal agreements with each school district to say we understand your challenge as a school district, let's determine how the land development code will apply to your district. Prior to that we had an exemption in the code. It exempts them from our site development process. It does exempt them from the site development. It was there as a provision that really didn't have a big effect. When the state established the charter schools that are public schools, suddenly it had a large effect. As many of you said, I have charter schools in my district and they have come in and they're not in a process.

[5:09:41 PM]

And so our attempt is to mirror the interlocal agreements that the city has negotiated and apply them to the charter schools. So it's a level playing field for all public schools. They all are complying with the same provisions of the land development code.

>> I had heard concerns from charter schools that this was to basically not allow them to have those exemptions. Is that true?

>> This will remove the exemption of a charter school but they do not comply at all with our site development process. Today they are reviewed as a site plan exemption by the development staff. It's not as detailed as a site development plan permit but they provide us some details about the builders, politic -- public health safety. Many provisions of the land development code that all the other schools in town are subject to. And so it is an exemption that gives them very preferential treatment and we should be applying our land development code equally to all public schools. Both those that are charter schools and those that happen to have an interlocal agreement with us. So our attempt is to balance the field and say it's the same for all public schools.

>> So now the charter schools get more exemptions now that public schools?

>> They have a complete exemption from our site development permit process.

>> And public schools don't?

>> Public schools do not. They go through the same basic process as a commercial development, in general.

>> Okay.

>> Mayor Adler: Troxclair.

>> Troxclair: I want to point out that charter schools are public schools.

>> I know but they're treated differently, the land development code. That's why I was making that distinction.

>> Troxclair: And I hear -- I mean it sounds like the staff has a pretty distinct opinion on this already, but, again, I think that the crux of the problem comes from the fact that although a level playing field is

great, the fact of the matter is the charter schools and schools within our independent school districts already are not on a level playing field because one of them doesn't get any money to build a school.

[5:12:05 PM]

So the restrictions that he is speaking to make it a lot more cost prohibitive for charter schools to possibly be able to find land and build those facilities. So it's a hard thing, just like other issues that the council has dealt with recently, a level playing field. It's difficult to come in and say that you're going to level one piece of the playing field when another piece of the playing field is not level. And I'll learn more about this before our meeting on the 9th, but I hope there was some discussions about whether or not there were too many restrictions on our ISD schools. And only the restrictions that are really truly necessary and really important to public safety, health, environment are being enforced. Because I don't think that it's, I guess, in the best interest of the city or the school districts or in the charter schools to have extensive restrictions that make either public school entity comply with.

>> Mayor Adler: We have two items we could handle before 5:30 and let them go. When is the public, the codes and ordinances is going to be when?

>> The subcommittee hearing is next Tuesday.

>> Mayor Adler: And the planning commission?

>> It's actually may 17th. I apologize. And the planning commission, hopefully, if we forwarded the recommendation, would be on the 24th and we hope to come back to the council on June 9th.

>> Mayor Adler: Sounds good. Have we taken a vote on this? I want to postpone it to June 9. Those in favor please raise your hand. Those opposed. It's unanimous on the dais. Renteria off. Postponed to June 9. It looks like item 47 has a lot of speakers, that's the alcohol waiver. That one is going to have to come up afterwards.

[5:14:12 PM]

What about 43, which is the oportu zoning case?

>> Can we table that? I'm still have conversations with my staff.

>> Mayor Adler: Table for the moment?

>> Yes.

>> Mayor Adler: I won't call it up. That would get us to the other one. What about item 48, the substation access question?

>> Good afternoon, mayor and council members. I'm Gregory Montez with the parks and recreation department. Item no. 48 is a chapter 26 hearing for the change of use of parkland under the Texas parks and wildlife code. We are having this public hearing so council may make a determination of whether, one, there is no feasible improvement alternative to the change and use of dedicated parkland. Two, that all reasonable planning has been done to minimize harm to the parkland.

>> Austin energy department proposes to use approximately 2,049 square feet of Edward Rendon Sr. Metro park at festival beach. As part of the holly street [indiscernible]. We believe that there is no feasible alternative to change and use of the parkland and that all reasonable planning has been done to minimize harm to the park. This concludes my presentation.

>> Mayor Adler: Is there a motion to approve this item 48? Ms. Pool. Seconded by the mayor pro tem. Is there any discussion?

[5:16:14 PM]

Those in favor of this item 48 and closing the public hearing. Those in favor of closing the public hearing, please raise your hand. Those opposed. It's adopted unanimously with Renteria off the dais and Gallo off the dais. All right. So that passes. Ms. Gallo voted yes as well. Ms. Garza, do you want to hold off that item 43 until after the dinner break?

>> Garza: No, that's fine. We can bring it up.

>> Mayor Adler: Let's bring it item 43.

>> Item 43 is 0004 for the property located at 4400 east William cannon drive. The zone change request to community commercial mixed use conditional overlay or grmu district zoning. The zoning and planning commission recommended this to you on a 9-1 vote to grant the grmu combined district zoning for alternate readings.

>> Mayor Adler: Is there a motion to approve this item 43? Ms. Garza moves. Is there a second? Ms. Troxclair.

>> And to close the public hearing.

>> Mayor Adler: And to close the public hearing. Any discussion?

>> I had some concerns about this. It's gr. I don't know if it's -- it is a major -- William cannon is a major street but I don't think it's close to a major intersection. But there are a lot of -- this one caused me a lot of

[indiscernible] In different ways, but there are a lot of restrictions put into place that will limit these.

[5:18:16 PM]

So I'm okay with it now.

>> Mayor Adler: Ms. Tovo.

>> Tovo: Are we approving this on three readings?

>> Mayor Adler: Yes.

>> Tovo: Council member Garza would you prefer to approve it on first reading and have another week?

>> Garza: No. I don't think much will change.

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

>> Pool: It's the right turn in, right turn out. Is there any discussion that you may have had with staff that you want to tell us about or --

>> I don't know if staff wants to speak to that?

>> There is a median in the middle of this area and so it's going to be limited to right turn in, right turn out. And I think there's an aerial photo that might help you take a look at that. I know also the last time this came before council, the adjacent property owner that has the multi-family tract spoke to you about trying to develop these parcels together. And I think the agent is here too if you wanted to speak with him.

>> Mayor Adler: Do you want to hear further testimony on this, Ms. Pool?

>> Pool: No. No. That's fine. And then I just had this other note about east William cannon is a major arterial. The medians could or should eventually be removed to allow left turns for retail and office development along it to protect the neighborhoods behind. Is that something that's on the horizon, potentially? And he is emphatically shaking his head no.

>> As I mentioned before, the tract behind this is multi-family. And so it doesn't back up to single-family homes. The closest single-family homes are across the five or six lanes of William cannon. So they won't be directly impacted.

>> Pool: All right.

>> Mayor Adler: It's been moved and seconded to approve this item no. 43.

[5:20:19 PM]

Any further discussion? I'll close the hearing, approve on all three readings. We have a speaker who has been identified here. Does Tony want to speak? Then we'll proceed. Those in favor raise your hand. Those opposed. Those in favor please raise your hand. Those opposed. Is everyone voting aye. Mr. Renteria gone. That gets us through all these items. It is 5:20 now. Do we want to call up and lay out the last item on our agenda? We'll break at 5:30 after it's been laid out and then we'll come back after music and proclamation.

>> This is the only item left on our agenda. So is it at all possible to think we might be able to get through it within the next ten minutes?

>> Mayor Adler: There are nine speakers.

>> Okay.

>> Mayor Adler: So this is the last item, which is item 47.

>> I'm seeing that at least one of those potential speakers believes we might be able to get through it.

>> Mayor Adler: All right. Let's see what we can do. Lay it out quickly.

>> Christopher Johnson, development services development. This item is an alcoholic beverage waiver located at 2000 Guadalupe. It is a proposed taco bell cantina. The facility is located less than 300 feet from a church. It should be noted that we do have a letter of support from the church and the facility is located on property owned by the church. Because of these items, staff does recommend approval of this waiver.

>> Mayor Adler: I see that now. Is there a motion to approve this item 47?

[5:22:20 PM]

Ms. Troxclair. Is there a second? Mr. Zimmerman. Yes. Mayor pro tem.

>> Tovo: Could we see if any of the speakers want to talk?

>> Mayor Adler: We certainly can. We have one speaker against. The other speakers for. Ms. Mars, do you want to speak first?

>> We're going to fly through this. You have a handout in front of you that's exactly the same as the slide show and we won't take the time to get it up because you have the handout. This is a request for a waiver on the site variance for tab waiver for a taco bell can tia, 1600 square foot. The landlord is the St. Austin's catholic church. The second page in your agenda is a letter from the church that supports not only leasing the property to the restaurant but also says the school has no objection. The next area -- the next page in your map is existing liquor permits. The red tear drops are all the existing liquor permits on Guadalupe. You can see it's probably the standard as opposed to not. The stores that are right next to where the taco bell cantina would go is at 2100. The Bertram store, the dive bar and lounge and the adobe are the liquor permits close to that. The next one is the site map. The site map shows the actual site. What's important about this site is that we're not really going to be very close to where the students are, but we have talked to a number of people in neighborhoods and aup in addition to the crime prevention and the efforts that are going on between U.T. And our police department because of recent incidents on the main campus.

[5:24:23 PM]

This particular across -- cross alley and the back alley have not such a good reputation. We have agreed to put security cameras on the exterior walls as well as lighting, an alarm system, exterior cameras. The next page is an overhead of that. And you all can read. And it has the type of security equipment that we would be using and where it would be placed. The features of taco bell cantina is it fits very well with the council philosophy. No parking garage, in parking spaces, drive through. It's pedestrian-friendly,

density compatible. We are going to work with the catholic church, with St. Austin's and the city of Austin economic development department in terms of putting a mural on that long wall in that crosswalk along with the security cameras. In the interior we'll have local artwork as well as local architecture. We have a secret shopper program where they send out underage people that try to buy liquor from the establishment and we participate in that. If they're being naughty and serving underage people they're going to get caught. All the staff will be tab certified. It's expected that the alcohol sales would be less than about a third. Okay. You can read that. That's good. I do want to introduce the last page, we have here -- I think people donated their time to me.

>> Mayor Adler: They did. You have more time.

>> I'm on the second to last page. We're going to go quick. There's an open kitchen layout, affordable menus, lifestyle menus, energy efficiency, 40 new jobs, \$125,000 a year estimated sales tax. And we have here for questioning, if you have questions, and then maybe they can stay around.

[5:26:26 PM]

Walker, who is the legal counsel for St. Austin's catholic diocese. He's over there. Rick Gerber who is the St. Austin's church administrator and director of the neighborhood association and the area university partners. Mike Mahone who is a director for university partners. Dwayne, who is the vice president for the construction. Morris Hoover, who is the architect. Walter, risk management, and brookwood who is the marketing manager. Bob Witte is here. He is the person they retained to do the tab permit. If y'all are comfortable with this, we can -- or he can get up and explain to you what that process is, but I suspect you may already know. I'm happy to answer any questions and thank you for your time mayor and council.

>> Mayor Adler: Thank you. Mayor pro tem, do you know if you are going to be support this or not?

>> Tovo: I am. I really look at these pretty individually, but I did go out to the site and got a real -- walked it and had a clear sense of how separated the preschool entrance is from this facility and the fact that based on my own observations and also the fact that the church itself doesn't have concerns about this use makes me feel have comfortable with it.

>> Mayor Adler: Okay. Thank you. Mr. King, do you want to speak on this? Take your time.

>> Thank you, mayor, mayor pro tem, council members. You know, I just have a fundamental concern about approving these waivers adjacent to any school, public school. And that's my bottom line. And so if we're going to do this I don't know why some decision like this wouldn't require a majority vote of the council. I hope that policy would get established for this kind of vote.

[5:28:29 PM]

If it really is in the community's best interest to allow this to go through. And I'm not picking on this particular situation. I'm against all of them. I just think that if we're going to do this we need a policy, we need the threshold to be higher. To be a super majority vote of the council. And you know some cities have a 500-foot distance. So I think 300 is pretty generous, frankly. And other cities measure in a straight line, the closest distance. They do not do what we have done in the past here to say, well, you don't really walk that way to get to the front door of the other business from the school. You have to walk a pathway. That's more than 300 feet. And I think we should stop playing games like that and follow the standard, which is the closest straight line distance between the two properties. I'm asking you to please consider making these changes on this policy going forward. You know, why do we have this policy in the first place if we're going to go ahead and grant these waivers as this and previous councils have done. I just don't see the community value. And I think there needs to be more -- a clear

statement of what those community values are when we're going to pass this. It should be clearly stated on the public record. Thank you very much.

>> Mayor

>> Mayor Adler: Thank you. Item 47 has been moved and seconded. All three readings closing the public hearing. Any further discussion? Ms. Houston?

>> Houston: I'd just -- Mayor pro tem, did you have something?

>> Tovo: I just wanted to say

[off mic]

>> Mayor Adler: I'm sorry, what?

>> Tovo: [Off mic]

>> Mayor Adler: I think it's been moved and second, yes. Ms. Houston

>> Houston: I am a practicing atheist so I understand the benefit of having some libation close to where you're eating

[laughter] However, this is a policy that we've been talking about for over a year now, if we're going to continue to grant variances then we need to change the policy. I'll be voting no because of its proximity to the school and to the church regardless of what my good Roman brothers and sisters say, I'm going to be voting no

[5:30:39 PM]

>> Mayor Adler: With that let's go ahead and take the vote. Those in favor please raise your hand. Those opposed? Those abstaining? Houston voting no. Abstaining is Gallo and Garza. Renteria is off the dais. The other seven voting aye. It's approved on all three readings. Thank you. That concludes all the business that we had scheduled today so I'm adjourning this meeting as to business, subject to the fun part, which is live music and proclamations which will begin momentarily.

>> Houston: Yea for Mayor Adler.

[Applause]

[5:43:40 PM]

>> Mayor Adler: All right, ladies and gentlemen. We now get to what is clearly the absolute best part of city council meetings. The music. You know, it is fitting and appropriate that in the live music capital of the world we religiously stop our meetings at 5:30 to celebrate, celebrate music. And given the tenor and seriousness and weight and gravitas of our city council meetings, I can't tell you how welcome it is a thing for us to be able to do, especially on a day like today, when Boca Abaja with puss. Boca Abaja is one of the first and most prominent Latin power driven pop power bands to come out of Austin, Texas. Boca Abaja has captivated audiences with music that encompasses strong melodic written strings guitar driven rhythms influenced by the sound of the Beatles and Green Day. Boca Abaja is a 5-piece Latin alternative rock band based in Austin, made up of brothers, cousins, and nephews. Members include Patrick, Lionel, Joe, Peter, and Conrad. Boca Abaja began in 2000 and they have recorded two full albums, recently released a new single titled [speaking non-English language].

[5:45:41 PM]

Please join me in welcoming Boca Abaja

[applause]

>> Thank you.

[♪ Music ♪]

[Music]

[5:49:09 PM]

>> Thank you, Austin, Texas. Thank you.

[Applause]

>> Mayor Adler: That was great! What a wonderful day to celebrate sink codemaio, thank you. So tell me, folks here watching on TV or they're in here and they want to buy some of your music, how would they go about doing that?

>> Well, they can come to our truck in the parking garage.

[Laughter]

>> Mayor Adler: All right.

>> Or you can visit our -- you can go on iTunes, we're on iTunes, all the major distributions online.

>> Mayor Adler: Do you guys have a website people wanted to follow you?

>> Of course, yes, yes. We of course are on Facebook and we have our website, bocaabajo.com, you can get all the information on there, where we'll be, little bit about the guys, everything.

>> Mayor Adler: Okay. And then if they want to come hear you, where are your next gigs in town?

>> We'll be at one of the great festivals here in town at the pecan street festival on Sunday, neches stage we start off the day, mother's day, so all you mothers come out. It's a great opportunity to bring your moms out there as well. We'll be there on Sunday at 12:00 noon.

>> Mayor Adler: Great. I have a proclamation, be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend do virtually every musical genre and whereas our music scene thrives because Austin audiences support good music, produced by length expends local favorites and newcomers alike and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim may 5 of the year 2016 as boca abajo day.

[5:51:16 PM]

Congratulations.

[Applause]

>> Mayor adler:we're going to give staff a few minutes to break this down.

[5:56:07 PM]

>> Is it on? For all city employees -- are you on? For all city -- okay. For all city employees that are receiving certificates, if y'all would come to this area. Thank you. .

[5:58:07 PM]

>> Mayor adler:we all ready? All right, let's go ahead and get started. We have -- I'm going to say city council chambers has never looked and felt better than it feels right now.

[Applause] We get to honor tonight with a proclamation and recognition the hardest-working people in show business.

[Applause]

>> Mayor Adler: These are the city of Austin employees. Give yourselves a hand.

[Applause] So I'm going to -- couple people are gonna say some things. I'm gonna read a proclamation. I'm only going to read it once. And then we're going to call each one of a large group of folks up here to

receive a document and to commemorate the occasion but, again, we're only going to read the proclamation once but everybody needs to know that it is for -- it is for everybody. And everybody should know that you have the thanks of a grateful city and your mayor. I had the incredible pleasure and honor of dealing with the city for almost 40 years as a litigator, often on the opposite side of the city of Austin. And the city of Austin employees. But in that period of time I was able to build friendships with the people that I dealt with that I carried with me through that period of time and into and through the campaign.

[6:00:15 PM]

But it is different being on the inside and working alongside of the city of Austin staff. And I just want you to know that I am so proud when people ask me what I do and I lead with, in meetings and the like, that I work for the city of Austin. It -- I am so proud to be a city of Austin employee and to be part of this family. You guys work so hard in so many creative and innovate ways, doing have incredible work. I have the opportunity now to travel around the country and to be with a lot of leaders in a lot of different cities, to be traveling around the world and to be in a lot of different cities, and I just want to say that there is no city in the world that is being as innovative and creative, that is as well run, that is doing the kinds of things Har happening in Austin, Texas. This is not only a cool place but the best place and it is because of you guys, and I just wanted to say my thank you.

[Applause] And now, Bert, do you want to say yours?

>> Thank you, mayor Adler. It's certainly an honor and a privilege. I have a fan already.

[Laughter] It's certainly an honor and privilege for me to stand here on behalf of the city manager, who unfortunately is not able to be here. Because I get an opportunity to really represent an organization that is full of dedicated men and women. The folks that you're going to see here tonight are representative of some of the best of the best, and I'm extremely proud of all of the work that they do because a lot of times you see the headlines, you see the issues, but you don't see the people that are behind the hard work, the sweat, the dissuasion, the loyalty, the commitment.

[6:02:27 PM]

All of the things that goes into public service. So what we're celebrating tonight is public service, but more so than anything we're celebrating a group of men and women that are dedicated to your community, our community, that we all live in, that we all want our children and our grandchildren to be proud of many years to come. So before I say anything, I want to say thank you to all the fine men and women of our organization, for everything that they do. The folks that chose this path as a profession do so knowing the challenges. It's a tough task. It's tough work. But knowing the enormous impact that the work has on their community is tremendous. We all serve with passion. We all serve with dissuasion and I'm very proud of that. And the folks that are here tonight are here because their department leadership believes in you. You stand out. You're the folks that are an example of what our values are, the pride that we have in who we are as an organization. You've committed yourself to this work and the people that we serve every day. The citizens. The people that have much, the people that don't have much. And that's the work that we do and I'm extremely proud of that. As the mayor said, every year we continue to really outpace many cities in -- across the board when it comes to, you know, the work that we do, whether it's resident satisfaction, but beyond the work itself, I firmly believe that our residents are consistently positive about their experience and the way or staff works hard to serve them every day. The employees that I get the privilege to serve on -- serve with are dedicated. They're dedicated to the ideas of integrity, of honor, they're dedicated to serve all of the residents in any way that they can. So

with that, I want to say a big you to our employees and join me in grating for -- congratulating for all the work that they do for our community.

[6:04:31 PM]

[Applause]

>> Mayor Adler: Now councilmember Garza.

>> Garza: Thanks. I'm Delia Garza, I represent district 2 on the council, and I actually worked for the city of Austin before I started serving on council, in 2001 I was a fire cadet in the Austin fire department. So but the reason I did that was because my father was a San Antonio firefighter so I've seen both sides. I've seen the side of being a public servant and I've seen on the family side of it and I've seen how our public servants make sacrifices being away from our family but our families also make those sacrifices so I want to thank you for your service you spend time away from your family and it goes on both ends. Your family doesn't get to see you and I'm so appreciative and proud to say that I'm, again, a city of Austin employee. I also want to recognize if there's any family members in the audience, if you can stand up so we can show our gratitude to you too.

[Applause]

>> Mayor Adler: Councilmember pool, do you want to come on up here and I'll read the proclamation. You all stand together. Councilmember Houston, do you want to be with us or do you want to watch?

>> Pool: Come on down!

[Laughter]

>> Mayor Adler: Councilmember Houston is having her 50th class reunion at houston-tillotson this week.

>> Pool: Yeah.

[Applause]

>> Mayor Adler: The council has a proclamation.

[6:06:32 PM]

Be it known that whereas hard working city of Austin employees provide a number of valuable services to the residents of our city in essential areas, such as health and recreation, utilization, and transportation, libraries and planning and zoning and public safety and our courts, and whereas they're a credit to their peers who work in the public sector to promote the diverse services demand by the American people at the local, state and federal levels and whereas this week is an appropriate time to express ours and our community's appreciation, to city employees, who often go unrecognized for their service and their contributions to our quality of life in this great city, but they should not go unrecognized. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, on behalf of the Austin city council do hereby proclaim may 3-9 of the year 2016 as public service recognition week in Austin, Texas.

[Applause] Thank you very much.

>> Pool: Yeah!

>> Mayor Adler: How do we do the next thing?

>> I will call out your name and you can claim your certificate and line up toward the end and you'll have your picture taken. So for animal services office we have April Moore.

[Applause] Austin code department, Marlana Wright. Austin energy, Russell Schaeffer.

[6:08:36 PM]

[Applause] Austin resource recovery, Larry joiner.

[Applause] Austin water utility, Mr. Dana Jones.
[Applause] Aviation, Paul Pena.
[Applause] Building services, Thomas Tom Garcia.
[Applause] Capital contracting office, Allan fish.
[Applause] Capital planning, Ashley parsons.
[Applause] City auditor, Katie Houston.
[Applause] City clerk, bob gust.
[Applause] Communications and technology management, Peggy Garcia.
[Applause] Controller's office, Fabian Mesa.
[Applause] Convention center, camela Jones.
[Applause] Development services department, Carla Johnson.
[Applause] Emergency medical services, Craig Fairbrother.
[Applause] Fire, Theresa suentes.

[6:10:38 PM]

[Applause] Human resources Rebecca Kennedy.
[Applause] Innovation office, lance Mcneil.
[Applause] Law department, Katherine Reilly.
[Applause] Library, brecken Harris plaids.
[Applause] Management services, Jessica bluebird.
[Applause] Municipal costar, re-- municipal court, Rosa mccado. Neighborhood housing and community development, Kim Freeman.
[Applause] Office of emergency management, bean Chen.
[Applause] Office of real estate services, Andy helm.
[Applause] Office of the police monitor, Joanne Hartgrove.
[Applause] Parks and recreation, Dwayne Anderson.
[Applause] Planning and zoning department, Andrew Rivera.
[Applause] Police, Angelica Reyes.
[Applause] Public information office, Alicia dean.

[6:12:39 PM]

[Applause] Public works, Janey Ryan.
[Applause] Sustainability, Zack bomber.
[Applause] Telecommunications and regulatory affairs, Claudia bayor.
[Applause] Transportation, Joanna Perez.
[Applause] And, finally, watershed protection department, Matt Holland.
[Applause]
>> Pool:pictures.
[Laughter] Come on up!

[6:16:15 PM]

>> No testing us Robert.
[Laughter]
[Cheers & applause]

[6:18:40 PM]

>> Houston:will the members of the class of '66 come forward, please? Will the members of the class of '66 please come forward. Can everybody hear me? Class of '66, please come forward. .

>> Mayor adler:we're going to go ahead and do another proclamation so I -- I need folks, when they exit, to exit quietly as they go on out because this is an important moment. This is the fifth reunion class you have in front of you now.

[Cheers & applause] And I have a proclamation.

[6:20:41 PM]

Be it known that whereas the sons and daughters of freed slaves sought opportunities that seemed prove denial at a time -- providential at a time when laws made it illegal to educate African-Americans, and whereas 50 years ago America it progressed with the passage of the civil rights act of 1964 and the voting rights act of 1965, however, the nation was in a race to become the first to land a man on the moon and was embroiled in the Vietnam war while inflation escalated and race riots were prevalent throughout many cities, and whereas the students at houston-tillotson university located in the segregated south persisted in their quest for educational opportunities while engaging in nonviolent protests for equal rights and fair housing and the elimination of employment discrimination and whereas houston-tillotson university attracted stellar faculty and administrators who imparted knowledge while instilling leadership in determined students, many of whom came from families that sacrificed all in their quest for a better life for their children and whereas members of the class of 1966 have been trailblazers in every sector of America's society, ranging from administration, education, entrepreneurship, innovation, politics, safety, become upwardly mobile and providing a path to success for them and for their families, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may 5 of the year 2016 as houston-tillotson class of 1966 day.

[6:23:03 PM]

Congratulations.

[Applause]

>> I'm Colette, the president of the phenomenal houston-tillotson university, the oldest institution of learning in Austin, Texas. That's right. That's an applause. And I'd like to thank the mayor and the city of Austin for this phenomenal proclamation, recognizing this phenomenal group of trailblazers. And we will be celebrating this class and our largest grate graduating class in the history of the institution on Saturday at our commencement commencement at 1:30. I'd like to see all these faces out there. So thank you.

[Applause]

[6:25:48 PM]

>> Mayor adler:all right. We have another proclamation. And, again, I'm going to ask those folks that are -- that are exiting the room to do so quietly. Be it known that whereas the international AIDS candlelight memorial is organized by the global network of people living with HIV, to honor those affected by the AIDS pandemic, as well as to break down barriers of stigma and discrimination and give hope to new generations, and whereas with the theme engage, educate, empower, this service is one of hundreds of memorials in 45 countries to raise social consciousness about HIV and whereas this observance provides an opportunity to recognize and thank the many volunteers and community members and health

professionals and scientists who are working to find a safe and effective preventive HIV vaccine and whereas over 6,000 austinites are living with hiv/aids but about one in five are not aware of their status. Let's get back to ground zero, zero AIDS deaths, zero new infections and zero stigma and discrimination. Now therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may 15 of the year 2016 as the 33rd international and the 17th annual Texas and Austin AIDS candlelight memorial service.

[6:27:54 PM]

Eric, do you want to say a few words.

>> Oh, yes. Thank you, mayor.

>> Mayor Adler: Thank you.

>> Mayor, councilmembers, chamber, and television audience. My name is Eric Crabtree, I'm the corridor for the Austin AIDS candlelight memorial service and behind me I'll introduce the agencies in one second. I invite everybody, including those out in TV land to come to the 17th annual AIDS candlelight memorial service which will happen a week from Sunday at republic square park at 422 Guadalupe street. There we'll have speakers, remembrances, AIDS quilts there, prayer, but most of all we'll have free HIV testing confidentially for anybody that would like to come and have those services done. In addition we will also have the Austin prep -- program project come and give you free consultation with appointments to set you up with the prep. That is a great pill that will keep you from giving HIV. It's the closest thing we have to a cure without being abstinence or using a condom. Speaking of condoms we will give them away free to anybody at the park. We want people to be safe and 40% rise current in Travis county. We've got to do something about that. I'd like to introduce Ben walker, the executive director of the prep program and he'll tell you a few words about the --

>> Prep stands for a medication that's taken daily to prevent HIV, up to 99% effective, most effective thing we have right now. The Austin prep clinic serves people that are insured, uninsured and prep has been proven safe and extremely effective. You can contact us at austinprepassess.org, you can make an item or call us.

>> Thank you. And this is Ben walker, the executive director of the Austin access project.

[6:29:57 PM]

Over here from left to right, I have tammy Schroeder, board member from impact Africa and a former feature speaker at our candlelight service. Next to her is Chris Albert, who is the development director at AIDS services of Austin. Next to him would be ed gar[indiscernible], he's also a development director of the care cheese. Next to him would be blithe Pucket, aa volunteer and facilitates manager. I've introduced Ben. Next I'd like to introduce hope Moore, an outreach worker with care and care stands for community AIDS resource and education, a program through the city and the county. Next to her would be Stacy

[indiscernible], she is a corridor of management for case management of community action incorporated. And finally but not last we have just continue Erwin. Just continue is the -- Justin is the committee chair in reference to the HIV planning council and we're glad to have all these folks with us. Thank you.

[Applause]

>> One last thing, mayor, I have an AIDS service for you and if you'll please give one to every councilmember up there.

>> Mayor Adler: I'll do it.

>> Awesome.

>> Thank you, all.

[6:32:41 PM]

>> Mayor Adler: I have a proclamation. Be it known that whereas community mental health is essential to overall health and Wells Fargo for all -- walnut creek well-being for all and whereas we live in a community where one in five of our children of all races, ethnicities and religious backgrounds is affected by mental health and whereas we see our community coming together to help children, youth, and families who live with mental health lead full and productive lives, positively impact our community, and whereas we dedicate the month of may each year to raise awareness about children's mental health, to reduce stigma and celebrate resiliency and recovery, and whereas the city of Austin continues to support the development and implementation of our communities community's system of care, to ensure children and youth and families have access to services that supports, that builds upon their strengths, and best meets their needs, and now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may of the year 2016 as mental health month and may 5 of the year 2016 as children's mental health awareness day. Thank you for the work do you.

[Applause]

>> Thank you.

>> Mayor Adler: Let me introduce you to Christinia Kuehn.

>> Kuehn.

>> Mayor Adler: Kuehn it publicly posted.

>> Thank you, mayor Adler, councilmembers, and community for your ongoing support of children's mental health.

[6:34:44 PM]

Since 2005, the children's partnership in collaboration with the child and youth mental health planning partnership has been promoting mental health awareness on behalf of Travis county children, youth and their families. Each year we celebrate may as mental health month and today we are celebrating national children's mental health awareness day of 2016. We are highlighting the importance of children's mental health to enforce that positive mental health is essential to a child's healthy development.

>> We are also celebrating the resiliency recovery of our children, youth and their families, along with the transformation of services.

>> Please join us in our efforts to decrease the stigma around mental health and to increase access to services and supports in our community. Thank you very much.

>> Mayor Adler: Thank you.

[Applause]

[6:36:46 PM]

>> Pool:well, what a privilege it is to be able to read this proclamation on the 20th anniversary of the balcones canyonlands conservation plan behind me are members of the city of Austin and of the Travis county and all the folks who work together to manage this beautiful property. Thank you all for being here. All right. Here we go. Proclamation. This is kind of a long one and the print is very small so here we go. Be it known that whereas from 1988 through 1996 a collaboration of concerned citizens, business leaders, landowners, developers, environmental groups, scientists and the U.S. Fish and wildlife service worked together to create a habitat conservation plan for the Austin area and whereas a 30-year regional 10a1b permit for the balcones canyonlands conservation plan was issued to the city of Austin

and Travis county on may 2, 1996, and whereas the balcones canyonlands conservation plan represents a community-based solution that allows land development to occur in western Travis county while protecting endangered species habitat through mitigation measures and whereas the preserve not only provides habitat for endangered species, but also reflects Austin's ingenuity, cooperative spirit, respect for the natural environment and provides important air quality, water quality, and open space benefits to communities in central Texas and whereas the bccp's success comes from the efforts of partners, those agencies who joined the permit holders by dedicating lands to the preserve and committing to the long-term management of those lands for the benefit of the protected species, including the lower Colorado river authority, Travis Otto bon society, city of sunset valley, the nature conservancy, concordia university, Texas cav management association and numerous private landowners and whereas the city, county and partners have protected 31,785 acres of habitat for the benefit of the golden cheeked wash letter and black capped [indiscernible] And protected 48 of the 62 carst features listed in the permit and whereas may 2016 marks the 20th anniversary of the balcones canyonlands' conservation plan, now, therefore, I, Leslie pool, on behalf of -- councilmember district 7 on behalf of Steve Adler, mayor of the city of Austin, and the entire city council, do hereby proclaim may 5, 2016, as the 20th anniversary of the balcones canyonlands conservationland plan.

[6:39:51 PM]

Thank you.

[Applause]

>> Thank you, councilmember pool. I'm Darrell Slusher, assistant director at Austin water. I have some folks behind me I'll talk about and I just wanted to say that our 20 years -- I remember actually not only the bccp but before that, you had just some of the things we had -- we had environmentalists who protesting Earth first in particular in caves, occupation caves, Chang themselves to things. We ended up with the development in western Travis county basically shut down because of endangered species. A lot of angry developers and then the community came together, worked with the fish and wildlife service, came up with this plan and it's been good for -- I think it's been good for Austin and the whole region, environmentally. It's been good for of course the species that it protects. And it's been good for the economy of Austin. And this region. I can't mention everyone. I want to mention two of the leaders in place at that time that signed the agreement. Mayor Bruce Todd who was the mayor of Austin at that time and county judge bill ehshire. We have a lot of folks here tonight, probably too many to call out their names but that work every day making this happen and have worked for several or many years at the city. This has been a partnership between Austin water, who we manage the lands, are in charge of managing the lands, we work with the watershed protection department, with the parks and recreation department, with the law department and others to make this happen. We have representatives of our partners from Travis county here tonight and we have representatives of the fish and wildlife service. And so we invite you to our 20th anniversary celebration at liker ranch, Friday, if you're seeing it on the replay and right now I want to bring up Adams and Renner from the U.S. Fish and wildlife service who are charged by the federal government with enforcing the endangered species act and we've worked with them over the years.

[6:42:11 PM]

We have other folks from fish and wildlife here tonight. We're really happy to have them here. Do you want to come up and say a few words?

>> Thank you, Darrell, and thank you, mayor Adler and councilmember pool. It is my tremendous pleasure to be here with you all today. There are two staff members from the fish and wildlife service

that I'd like to recognize first, Tanya summer, who runs our HCP program here in the Austin office and also Leslie gray, who is our public affairs officer and does a lot of work on the balcones plan. The bccp acronym for the balcones plan is the first regional HCP, which is an endangered species permit that has been issued to any municipality or local government in the country. It was the first one in the nation. And at that time it was a tremendous innovation where the city of Austin, Travis county partnered with fish and wildlife service and so many others to find a way to balance the rich, natural heritage and all the things that we hold so dear here in Austin with the economy. Over 20 years, the program has been a tremendous success, lots of real estate developers have used it as a streamlined way to get compliance under the endangered species act in over -- and over 30,000 acres of preserves have been established. Many of the -- much of the areas that you all may not know is endangered species, but springs, rivers, trails, other places that you enjoy and are part of the reason that you so much enjoy calling Austin home. I'll tell you a real quick story. When I first moved here nine years ago from Washington, D.C. I had been a lot of different places across the country before going to Washington and then coming to Austin.

[6:44:20 PM]

But two things. One is I bought a small condo, was single then, married now with a -- my wife from Austin, but I bought a condo that was un-- I didn't know it but was on a endangered species preserve. And I had no idea. All I knew is there was the canyon, beautiful open space. I looked at some places downtown, probably would have been a lot better off if I would have bought one of those, but I went with the area that had this beautiful canyon vista. And soon after found out that it was in fact preserved as part of the balcones plan. The other thing that really struck me when I first moved here was how dedicated and committed the city of Austin and Travis county were to making sure that the environment, endangered species were protected here, and I had not seen any commitment like that from any city, from any county any other place they'd worked before. So it's my tremendous pleasure to be here and be part of this event. So thank you.

[Applause] .

[6:47:32 PM]

>> Mayor adler:we have a proclamation. Be it known that whereas motorcyclists are relatively unprotected and, therefore, more prone to injury or death in crash than other vehicle drivers and whereas all those who put themselves behind the wheel are responsible for being aware of mechanickists -- motorcyclists, regarding them with the same respect as any other vehicle traveling our highways and whereas it is the responsibility of riders and motorists alike to obey all traffic laws and the safety rules, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may 2016 as motorcycle safety awareness month.

[Applause] And to help us recognize this and bring -- highlight it, a few words from lucky.

>> Thank you, mayor Adler.

>> Mayor Adler: Thank you.

>> Appreciate it. Thank you, everybody. All right. They call me lucky. And I'm here to say a few words about this year's proclamation. As we are working with the share the road foundation, we have some points that we'd like to get out there to everybody who would like to listen and help us make this month as safe as we can and throughout the rest of the year. Before I get started on my points, I do have one saying that I want to tell everybody that most of us live by whenever we get out on this road and that is we ride like everybody is out to kill us because that's the way it feels every time we get out on these roads. So to get started, you know, we're -- like I said we're working with the share the road foundation.

In Texas, a good part of the year is motorcycle season but when spring gets here and it starts to warm up you'll start to see more and more motorcycles across this great state.

[6:49:42 PM]

As enthusiasts we enjoy the freedom of riding and experience of being on the open road, but the difference between us and you is we don't have a cage around us. This means we don't have the same protections as other vehicles like airbags, metal frames, seat belts and as a result motorcycles are nearly four times more likely to be injured in a crash and 26 times more likely to die. In fact last year on average more than one motorcycle death occurred per year in Texas. We have 455 deaths on our roads. That is way too many. And with all of us out there on the roads, everyone needs to do their part to protect motorcyclists by sharing the roads and looking twice. We have a few pointers and tips we'd like to give out to everybody. So if you're driving navine, tip one, get off your phone and drive, please. This is most deadly thing you can do on our roads, is being distracted. In five seconds at 55 miles an hour you travel the length of one football field and that's far too long to not be look at the road. Pay close attention in intersections, side streets, busy roads and on-ramps as this is where moat the motorcycle and vehicle crashes occur. Motorcycles can look further away because of our small size compared to other vehicles so be sure and look twice and listen for us. Most of us you can hear. Let's see here. Check your mirrors, look over your shoulder and listen whenever changing lanes because bikes are small and some of us may not be loud and can slip into your blind spot so be sure and double-check. Don't crowd motorcycles or follow too closely. We can stop a lot faster and have a whole lot greater chance at getting rear-ended. Giving a motorcycle a full lane, we need it to avoid distracted drivers. Use your turn signals and brake before you have to turn not as soon as you get there. There are so many more that this list could go on for a while so I'll give tips to the motorcyclists out there. Maintain your vehicle or your bike, should I say because poor maintenance can cause too many crashes, make yourself visible by wearing reflective clothing or matches, wear quality protective investigator, also we need to learn to use our turn signals and brake properly so we don't get run over, don't cut off the vehicles on the road, ride within your limits, you're not mark Marques, I promise, water is slick, keep your stunts off our streets, we don't need those either, take advanced ruing courses to help sharpen skills and always ride sober.

[6:52:19 PM]

Again, thank you, everybody. We want to make the roads a lot safer for ourselves and for everybody else out there. Thank you.

[Applause]

[6:54:26 PM]

>> Mayor adler:I have a proclamation. Be it known that whereas the Austin animal center has saved the lives of nearly 95% of the 18,000 animals who came through its doors in the past year and whereas the Austin animal center has maintained no-kill status for more than five years due to the diligence of the staff and volunteers and through nationally recognized adoption foster and rescue programs, and whereas the Austin animal center has relied on integral partnerships with local animal welfare organizations and benefited from tremendous support from the community and whereas the Austin animal center is a leader in animal sheltering, serving as a beacon of hope for communities around the nation and the world, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may seven of the year 2016 as recognition of the five-year anniversary of the no-kill resolution. Congratulations.

[Applause] Tawny, do you want to say something? Thanks for being part of this.

>> Thank you. Thank you very much. Mayor Adler, I appreciate that. It's an honor to stand before you all and the folks that will be watching this later and represent all of the people that have worked very hard through the years to get us to this day. The city leadership, the elected and the appointed officials, the staff, the volunteers, the community, the animal welfare partners and the -- and the rescues.

[6:56:33 PM]

That have worked so hard for the reality that's today. Ghani said the greatness of a nation and its mother-in-law progress had been judged by the way its animals are treated and the same can be said for a city. Austin has become the safety safest city in our nation for homeless animals. When we speak of wellness and health people and animals go hand and hand. The two can't be separated. Pets are family. Austin aspires to be the best managed city in the nation and best place to live. We will never falter, we will never flag in our quest to be the best animal service department, safest community for homeless pets in the nation. And I thank you very much for this recognition and I thank the people behind me and I thank the people that came before us because it truly, truly was a legion of people that brought this to today. So thank you very much.

[Applause]

>> Mayor Adler: Thank you.