

City Council Regular Meeting Transcript – 10/06/2016

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[10:13:21 AM]

>> Mayor Adler: All right. We have folks on the dais. Before we -- before we gavel the meeting in, I want to note that this is the first time that our interim city manager, Elaine hart, is with us on the dais for a council meeting. Welcome to join us up here. We're all real excited that you have agreed to take over this role. And we all feel very confident in your care and leadership. I also want to take just a moment while we're gathered here to also thank Marc Ott, manager, for his service to the city. He is consulting with us for a month and helping with this transition before the end of the month when he leaves us. But this will be -- his nine years I think will be remembered and marked as a time of great and wonderful transition for the city of Austin. We are the -- one of the cities that was last to fall into the great recession during his time of leadership and one of the first cities to pull out of the recession. This city has become a best practice city around the world in so many different ways. Manager Ott's goal of having this city be the best managed city is one that I think that he was able to realize. Our future is bright, our trajectory is strong, and it is in no small part to the leadership that he gave to us during his term.

[10:15:27 AM]

He will be missed. We wish him the best of luck as he gets kicked upstairs and now takes his skills to cities -- cities around the world. So I just wanted to take this moment to thank him again for his service to the city and I hope that he keeps -- keeps in touch and continues to watch over us in his new -- in his new role. Before we begin the meeting, we're going to do an invocation. Is pastor Bob Bolender here? Okay. If everyone would please rise. Austin bible church.

>> Good morning. Thank you for inviting me here today. As hum -- hurricane Matthew approaches the coast of Florida we should be reminded for the grace of god and humble in our humanity and place in creation as we bow before our creator. The intent of this invocation is meant to be a ceremonial call for wisdom, clear thought and patience. My fervent prayer is that this is beyond ceremonial. The reality of our dependness upon god becomes clear to our mayor, to our city council, to our citizens.

[Sirens] I'm delighted to represent Austin bible church and convey our church member's obedience to the scriptures, in praying for the city council and asking for god's blessing for your proceedings. By charter this council enacts such regulations as may be expedient for the maintenance of good government, order and peace of the city and the welfare, health, morals, comfort, safety and convenience of its inhabitants. These ex police it purposes are bib likely appropriate and can be prayerfully supported.

[10:17:29 AM]

The old testament and new testament alike are sanctions here today. The prophet Jeremiah says seek the welfare of the city, pray to the lord on his behalf for when it has prosperity, you will prosper. The apostle Paul in first Timothy says I urge petitions, prayers, intercessions and Thanksgivings be made for everyone, for kings and all in authority so we may lead a tranquil and quiet life in all godliness and dignity. This is good and it pleases god our savior who wants everyone to be saved and to come to the knowledge of the truth. Almighty father we come before your grace and ask for your blessing on this meeting of city council. Humble your servants in your service and grant them your wisdom for your good pleasure. Bless this city for your instrument in promoting peace and bless the churches of this city for your instruments for teaching the prince of peace. We do not ask this for basis of merit of our name but your beloved son, our lord and savior, Jesus Christ. Amen.

>> Amen.

>> Mayor Adler: Thank you. All right, council, we have consent agenda that goes from item 1 through item 51. I want to read some changes and corrections into the record. Item number 26 and 27 are both going to be postponed until October -- October 20th. Item number 39 has been withdrawn.

[10:19:33 AM]

Item number 58 is going to be withdrawn, but because that's set on our agenda at 4:00 P.M. That's not something we can continue until then. We have some items that have been pulled on the consent agenda. Item number 2 was pulled by councilmember Garza. Item numbers 10 and 20 -- I'm sorry, 10 and [inaudible] Have been pulled by councilmember Gallo.

>> Gallo: And mayor, 10 should not be pulled.

>> Mayor Adler: Number 10 should not be pulled. So just item number 30. Item number 11 was pulled by councilmember Zimmerman. Item number 12 has been pulled by councilmembers Garza and kitchen and Casar and that is being set for a time certain of 2:00 P.M. Item number 12. Item number 24, which is related to item number 53, has been pulled. That's the champions case and there will be a request for postponement that we'll decide when that's postponed to when that matter comes up. So that item has been pulled to decide the postponement. We have late backup on numbers 2, 11, 47 and 50.

[10:21:36 AM]

Are there any other items to -- to pull? Ms. Houston.

>> Houston: Mayor, I don't want to pull the items you, but I do have some comments about all of the purchasing office items at the appropriate time.

>> Mayor Adler: Okay. The items that I show being pulled again are 2, 11, 12, 24, 30. We have some speakers to speak on the consent agenda. Is Mr. Peña here? Gus Peña? Mr. Peña, Gus Peña? Is David king here? Do you want to speak on items 15, 45 or 50?

>> Thank you, mayor. Mayor pro tem and councilmembers, my name is David king and I live in the zilker neighborhood. And I'm speaking on item number 15 regarding our investment policies. And my comment would be to please ensure that the investment policy is socially responsible and consistent with the values and policies established by the city council. And I would ask that you require the city manager to provide the council with a public report on the social responsibility policies of the funds in which the city invests. Last year when I spoke on this, I heard, well, we don't know the individual companies that are in these funds that we invest in so we can't find their policies. Nevertheless, these funds -- there are sources out there that do provide that information at the fund level. So we need to be

looking at that information to see if those policies and the funds that we invest in are consistent with our own policies here in the city.

[10:23:43 AM]

Policies like equal pay for equal work, living wages, social economic and environmental justice, fair housing and human dignity. And the new office of equity should review the city's investment policies through the lens of equity. These policies should be applied in addition -- not only to our investment policies but if we're going to ask that they be applied to our investment policies, they should be applied to our own decisions that we make regarding the land development, rezoning and planned unit developments. For example, how does cactus rose, the grow pud and the Austin oaks pud meet these same policies we're asking the funds in investments to follow? I think we need to ask those questions of those decisions as well. And are these policies hurting or helping those that are most vulnerable in our city. Those are the questions we need to ask as we make those land development decisions. And regarding item number 50, I think this is a great item. I'm glad that you brought this forward. I support this item. I would ask that please make sure that the group is subject to the open meetings requirements and includes representatives from neighborhoods. For example, the Austin neighborhoods council. We need to have a neighborhood perspective involved in those discussions because these are families that are going to live in our neighborhoods. And the group, make sure that the group focuses its recommendations on low, middle income families, young families and families of color. And that the recommendations include strategies to help these families gain funding for homeownership in all parts of our city, including the urban core. Not just at the edge of our city where prices are lower. And that the funding of -- the funding for homeownership strategies include detached single-family housing. Again because these families don't want just to live in apartments or cramped tiny apartments downed that might -- downtown that might be cheaper.

[10:25:45 AM]

They want to live in single-family homes in all parts of our city.

[Buzzer sounding] Thank you very much.

>> Mr. King, I wanted to mention on our investment policies, the state law restricts us to what we can invest in, we're investing government securities primarily. We do not invest in equity stocks and so we're -- our investments are placed in treasuries and those kinds of things. Our treasurer is here and after consent, maybe he can get with you and talk to you more about the investment policy in more details.

>> Thank you very much.

>> Mayor Adler: Thank you.

>> Mayor? Mayor?

>> Mayor Adler: Yes.

>> Garza: I just want to speak on 50 real quick. I don't think I need to pull it.

>> Mayor Adler: We have one more speaker to speak on the -- I think that -- item number 48, gavino Fernandez.

>> Good morning, mayor, city council. My name is gavino Fernandez and I come as a member of the holly committee and number 48 is a resolution we have no idea what it is. And when the holly power plant explosion on Halloween almost killed our people, we came with an agreement with this government under mayor T.O.D. City council that Austin energy would continue to communicate with us on a monthly basis to keep us abreast not only through the cleanup -- I mean through the whole cleanup and afterwards because the committee members aren't or committee members. We're homeowners. I

live two plots from the power plant and we don't trust this government because what's to say tomorrow you are going to put something else that is totally intrusive to our neighborhood.

[10:27:52 AM]

We've heard rumors they want to bring castle, the art thing. I went over there and I saw some of that tagging, it's gross, vulgar, and that's the last thing I want to wake up to every morning when I wake up. So Williamson creek politely -- we plightly ask to postpone this item or pass it with a contingent it comes before the holly plant closure committee because we're landowners, homeowners, and we want to know what's going on around the holly power plant. The cleanup isn't finished. We have cement Boulders, big old things -- energy when we met with them last month told us they wouldn't be out until January, early February. I don't see a rush for this resolution being passed, but again, I just want to remind you of the agreement that this government made. And I know that all of you up there are totally against, you know, power plants that are run by coal and y'all are more favorable for solar and whatnot, which is good because that's what we -- we professed way back in the day. So again, I don't know what this is calling for. I read the backup, I read the backup, but it's truly not clear and I don't know what fear there is in this government to share what is being planned and discussed. So we talk about, oh, it's gentrification, oh, those poor people, yet we continue to have double standards. If this was to be happening in other districts, I guarantee you it would not be going before you without it going through the homeowners or the commission that we have set up. And we are looking at meeting with the new city manager because there are issues that we still have that have not been answered, you know, and so for you all to not fully understand the impact and the fear that we have because when we live there, mayor, our people were breathing in toxic emissions --

[10:30:02 AM]

[buzzer sounding]

-- For 30 years. So again, I'll ask you to reconsider, and if you are going to pass it, have it go also before the holly power plant closure committee. Thank you, mayor, and you all have a nice day.

>> Mayor Adler: Thank you. Those were all the speakers we had speaking on the consent agenda. Does anyone have any comments on the consent agenda before I ask for a motion and we approve the consent agenda? Ms. Houston and then Ms. Garza.

>> Houston: Yes, mayor, and I gave you and the clerk those items that I'm abstaining on. My question is regarding the -- all of the purchasing items, and I guess that would be Mr. Scarbrough to come try to address some of those. There are 20 items under purchasing. Good morning, sir. How are you?

>> Councilmember, good morning.

>> Houston: Good. 20 contracts that we're looking at today, and 17 of those have no goals established. Three have goals established. There was a disparity study back in 2014 that talked about how the goals of contracting and subcontracting, prime and sub should be done. We just finished another one in March of this year. One of the things it points out is when contracts had minority women and business goals, overall participation rolled to 31%. Without goals, it averaged 17%. So I'm still unclear after all of these studies and reports back why we still cannot scope the work in a way that we get more minority and womens participation. Some of them I realize are single source because the motorcycle people only do motorcycles, but some like landscaping, I still am concerned about that.

[10:32:05 AM]

Okay. , Mayor, councilmember Houston, we appreciate the question deeply. It's something we've been working on very extensively this past year and very extensively with our colleagues at smbr, the director of smbr, Veronica, is with us this morning. Purchasing items include a broad scope of products and services. Services make for good fits for subcontracting, project contracts make good fits for subcontracting. We buy a lot of commodities as well. Commodity contracts typically are narrower in scope and don't qualify for subcontracting goals as readily as services and project contracts. While purchasing does work with the customer departments, customer departments drive the requirements that go into these contracts primarily. We do work with them to help identify subcontract opportunities on every instance, but ultimately the subcontract goals are established by our colleagues at smbr. So while we have put extensive efforts into reviewing each one of our procurements over the last year, have done extensive reviews of our process and how goal setting occurs, it's still a small portion of our overall portfolio of contracts and we readily acknowledge this because of the wide scope of our contracts. But we were happy to present to the mwbe advisory committee this past year we've realized significant increase in number of contracts that included subcontract opportunities with certified firms as well as contracts that were awarded to certified firms as was the case with the landscape contracts in today's agenda. One of the three contracts that are awarded was to a certified prime contractor. The scope of that contract was actually reduced. It was a larger scope of groundskeeping services provided over several areas.

[10:34:07 AM]

We worked with our customer department and we narrowed the scopes of that contract so that there would be a greater opportunity for certified firms or smaller firms to compete and win contracts as prime contractors. And that's indeed what happened today. We are bringing forward three items, one of them is a mwb certified contractor. So we have to use a wide variety of strategies to increase opportunities both at the subcontract level and at the prime contract level. I'm sure Veronica can go into much greater detail, but we've extended significant efforts to increase our proportion of contracts with opportunities and with prime contract contracts for certified firms.

>> Houston: I appreciate the work. I think you took us very seriously last year when we had real concerns about it.

>> Yes, ma'am.

>> Houston: But we're still seeing some really outliers in what we're approving. And of course some of them are very specific and narrowly focused and I understand that. So I appreciate you working with the departments because sometimes departments are not aware as much as you all may be of the need to have more availability for the minority and women businesses to participate in the contracts that the city of Austin is funding. So I appreciate that and I hope we continue to do that. You know, the -- my appointee on the committee is still having some concerns about how we're scoping contracts and whether we're getting the information out and how can we help and how can -- for contracting, how can minority contractors association really help you ensure that their folks are having the right codes and doing the right things. So there's still a lot of work to do and I just, you know, don't need any more explanation, just wanted you to know I'm keeping track of how many come through and that was really out of balance to me, even though I can understand some of the issues that you talk about.

[10:36:17 AM]

But we have to keep trying to figure out how to make sure that we get minority participation. Thank you.

>> Thank you.

>> Mayor Adler: And for the record, I think we do need to read into the record your ones you are abstaining on. Do you want to go ahead and do that?

>> Houston: I'm abstaining on items 29, 31, 34, 38, 49, 41, 43, 44 and 45.

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

>> Garza: I just want to make sure for the record the late backup we're referring to for item 50 is the yellow sheet that we have on the dais here. And just to speak briefly to it, this was a -- a recommendation that came out of a previous resolution on trying to find ways to -- we often talk about affordable housing in terms of our subsidized affordable housing, while there are a lot of families in Austin that don't qualify for that subsidized housing but are still having a hard time finding attaining houses because housing prices are so high. There's little the city can do with regards to the market places, but this is a stab at seeing what the city can do to leverage its influence or partnerships with local lending institutions to see how we can find some creative ways to help working class middle families finance buying their first home or possibly finance an accessory dwelling unit that would allow them to stay where they are. So thank you to my colleagues for those who co-sponsored this and I would hope we can all support it.

>> Mayor Adler: Thank you. Any further comments on the consent agenda? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I've got an over head quickly to put up on item 39 that I understood was withdrawn. I think it was our inquiries that probably led to that item being withdrawn so let me explain quickly what happened. And also we're going to put on the council message board for my colleagues another request to reform the information sheet.

[10:38:23 AM]

This is our typical agenda item we have here. My chief of staff, Mr. Petronus, went in and started asking questions about how the 141,000 -- these extension options, how they compared to spending in prior years and we got this information back you see on the overhead. And it looked like the expenditures were more than doubling. So what we're going to ask for is to have a five-year history to give us some context of when we see these amounts like 141,000, if we could see that in past years it was 64,000, 56, 48, 40 and 38. It would alert us immediately, say this looks like over 100% increase and it needs some more scrutiny. But we don't have the context to get that right now, and as you see we have 50 items, 70 items, we have a lot of information. So we are going to put that up on the council message board. I hope we get some support on that, but we can have a five-year history of expenditures on the information on this little page right here. So thank you for letting me put that up and highlight that.

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

>> Houston: And mayor, I just want to thank the audit and finance committee and, of course, the office of the city auditor for this proposed audit plan. I think it speaks to some of the concerns that we've had and I look forward to the results. Affordability outcomes, homelessness assistance, fee waivers, demolition permits, you know, there's -- we keep demolishing older homes in my area and we've got asbestos and lead so this is unwieldy of the health and safety issues never addressed in this city so I'm looking forward to all the things that were outlined and just wanted to say that, that I think it's a great plan.

>> Mayor Adler: Okay. Thank you.

[10:40:26 AM]

Further comment? Ms. Zimmerman.

>> Zimmerman: Can I read into the record -- could you go one more time for what's been pulled to make sure I have the list correct?

>> Mayor Adler: Number 2, 11, 12, 24, 26 and 27 are being postponed. 30, 39 is being withdrawn. Zimmerman thank you. I want to be shown abstaining from item 4, abstaining from 7 and 8. Against 14 and 15. Abstaining from 18, 19, 20, 21 and 22. Abstaining from 28 and 29. Against 32. Abstaining 34. Abstaining 36 and 37. Abstaining from 40 through 46. Against 50, and the rest for.

>> Mayor Adler: Thank you. On number 48, I'm going to vote to support this resolution from councilmember Renteria. I note that what this does is it just calls for exploring feasibility of doing a request for proposal and that it asks for a strategy be developed to engage the communities, specifically the surrounding community in that process. So I hope that you and that group and the committee stay involved in that to contribute. Any further discussion? Is there a motion to approve the consent agenda? Mr. Zimmerman moves. Is there a second? Ms. Gallo. Those in favor of approving the consent agenda please raise your hand. Those opposed? It's unanimous on the dais. Ms. Troxclair is not with us today and I will not further read that into the record. That gets us then, working our way through the consent agenda, item number 2,, Ms. Garza.

[10:42:27 AM]

>> Gallo: Since the two items getting talked about as far as postponement, might we bring that up to talk about the postponement for the champions? We have people in the audience and staff here.

>> Mayor Adler: One of the items I think, is it set for afternoon? What? It just falls that way. 10:00? On 53? Okay, then yes, we could do that. So let's talk about the postponement of item number 53. Yes. 53. It's two items. It's -- if you all can hang on for one second, we can't hear each other back here so if you could take the conversations outside, that would be great. Thank you. We're looking at items 24 and 53, which the is a champions tract and the question is postponement. Ms. Gallo, did you want to address that?

>> Gallo: Yes, thank you mayor. As we talked about before, this is a complicated case that involves a settlement agreement and potential amendments which is why it's posted as two different agenda items and a zoning change. And we had a meeting with the neighborhoods recently and at that meeting there was still -- and I see some of the neighborhood people here -- there were still questions that were outstanding that needed to be addressed by staff. There were issues on the tia that still needed to be addressed by staff and there was -- it's my understanding at this point that the amendments to the agreement have still not been fully completed. That legal document, and that certainly needs to be complete. There also was a question that came up that we've asked staff to research, which is what the allowable -- this is a zoning change, but there is some disagreement in what actually could be built from the standpoint of density with the existing zoning so we've asked legal to look at the settlement agreement and come up with a discussion on that and that still has not been done yet.

[10:44:44 AM]

So there's lots of pieces that are still missing and the -- the feeling at that meeting that we had with the different neighborhood groups and there were -- we had one, two -- Glenn lake, shepherd mountain, Westminster, green Shoals represented from all of those neighborhoods, was that we needed to postpone it from today and the question was to when. Our initial conversation at work session was to put it on the November -- what would that be -- the November 10th council meeting, which would be our zoning meeting. I think that there is some concern with some of the neighbors that can't be present at November 10th, so November 3rd would be the other option. So I would at this point make a recommendation -- we can certainly ask staff. I know some of the information that we need to have before we hear it again and certainly need to have in a timely manner so that the neighbors and neighborhood associations have a chance to be able to review it and I know there is an attorney

involved that's representing several of the neighbors. We need to be able to kind of understand what staff's time line is and then make sure we have enough time available after that information is provided and public that the neighborhoods would be able to have a chance to look at it and talk amongst themselves and the neighborhood associations so the neighborhood associations can make a recommendation on the zoning case. So you are looking to me. I would make a motion --

>> Mayor Adler: Do you have a recommendation? Do you want to hear first from staff and applicant?

>> Gallo: Staff could give us an indication. We kind of had a list of things that came out of our meeting that we had with the neighborhood earlier. They are all pointing at each other. You, no you. And one of the concerns that we've had is that, you know, staff has been really resourced in a way and there's been a heavy workload on staff in a lot of zoning cases recently and I know both legal and zoning has been trying to do their best to get us information as we have requests for different things, but I think we also need to be sensitive to the fact we want to be reasonable in the amount of time that we expect things to come back.

[10:47:00 AM]

>> Greg Guernsey, planning and zoning department. And mayor and council, regarding the items that I think that I guess were proposed -- posed yesterday by Carol Lee from the zoning part of this, I could have the response back tomorrow or even perhaps later today. I know that there are probably some environmental issues and some legal issues that are still being addressed and I'll pass to our environmental officer, chuck and he can answer.

>> Gallo: And I think we also need to hear from legal because part of the discussion with the neighborhood were legal issues.

>> I've been talking to our attorney with development services department and we could probably have all the information in a week so, have the final language in the agreement nailed down, but I think it is appropriate to give time to the neighborhood to digest that and my recommendation and I suggest Greg's is as well is not to bring this back on the 20th, which is going to be another long day. And since there will probably be a lot of discussion on this, I think we're fine with a P and giving everybody time to -- a postponement and giving everybody time to look at the issues.

>> Gallo: The next meeting after the 20th would be the 3rd of November.

>> Mayor Adler: Okay.

>> Gallo: So I think it would be -- I would make a recommendation we postpone it to the 3rd of November.

>> Mayor Adler: Okay. Is there a second to that motion? Ms. Garza. Does the applicant want to speak to that? Is the applicant here? You are fine with the 3rd. Is the neighborhood okay with the 3rd? It's been moved and seconded to postpone this until November 3rd. Those in favor please raise your hand. Those opposed? It's moved unanimously, Ms. Troxclair off the dais. And Ms. Pool abstains. Postponed until November 3rd so 9-0-1 with one absent.

[10:49:05 AM]

Yes, mayor pro tem.

>> Tovo: I was wondering if we might take up item 52, the audit plan. And I'd like to move approval of it.

>> Mayor Adler: Because it's fast? You think? And we can let some people go. There's been a motion to approve the audit plan, item 52. Seconded by Ms. Pool. Discussion on that item? Those in favor please raise your hand. Those opposed? It's done. Thank you. Item number 2, the coyote issue. This was pulled by Ms. Garza. Do you want to tee it up?

>> Garza: I just heard concerns from several community members and I want to understand if this contract is necessary and I also have -- if staff believes it to be, I have some proposed amendments to make.

>> Mayor Adler: Okay.

>> Good morning, mayor and city council. Butter -- Burt Lumbreras. We've had an agreement with the Texas wildlife service for some aspects of the coyote management for years. It's been embedded in the past in the interlocal, the major interlocal agreement we've had with the county. The accompanying item or the one that follows this is the overall interlocal agreement we have with animal services. That piece was not included in there and so what I did, I facilitated a discussion with wildlife service to have a separate agreement. This has been an issue that we've had in the past where we've tried to work directly with the wildlife service, but because a contract with the county, obviously we ran into a number of complications. So I went ahead and facilitated the discussion with the wildlife service to bring this item forward to council through this interlocal that essentially focused on some primary areas of responsibility.

[10:51:07 AM]

The whole context of the agreement is that it -- everything falls under the coyote management policy and the guide that has been adopted by council. So if you look at the agreement, it all ties back to the overall policy that we have and that they would be following under that aspect. So this is a separate agreement, unlike what you have seen in the past simply because it was not included in the major interlocal agreement with animal services and essentially provides services as needed and in compliance with the overall policy and the guide that has been adopted by council.

>> Mayor Adler: Ms. Garza.

>> Garza: I think my amendments would basically cover what you just said, but I'm happy to hear from the speakers before I make that motion.

>> Mayor Adler: Okay. Ms. Gallo.

>> Gallo: Just as you are looking for speakers, the coyote issue is an issue -- I live in northwest hills and it is an issue in northwest hills. We've been working very closely with the neighborhood association of that area and nwca supports this resolution as it's written without any amendments. We've also worked with animal -- with Tony, excuse me, excuse me, and trying to resolve the issues that neighbors in neighborhoods have had with this and we feel like this is a good resolution to the issue. It allows us to deal directly with wildlife services rather than go through Travis county to do that and I think that's a really important from the standpoint of efficiency and being able to implement our policies. And I know the director is here if you would like to -- I think at some point hopefully you will come up and address this if there are questions, but the coyotes are an issue in a lot of the areas of district 10.

[10:53:14 AM]

The neighborhood association does support the resolution as it's written now and the contract and looks forward to pursuing that and having that in place. It's my understanding it is funded within the budget already for animal services.

>> Mayor Adler: Okay. We have some speakers to speak. We want to hear from the speakers. First one is David lunstadt, Katie jar re.

>> Good morning, mayor, mayor pro tem, David lunstadt, chair of the animal advisory commission. In 2013 your predecessors tasked the animal advisory commission with developing two wildlife policies, one for deer, one for coyote. We performed those duties I think brilliantly. We presented policies that balanced public safety with humane treatment of all animals. Now a policy is nothing without

implementation. We're very lucky we have Tony Hammond in this city because regarding the coyote policy, she took this policy and went well beyond anything I expected. I don't go into details, I'll let her talk about that, but she's developed a very good program and we do not need any outside contractors. We also have some outside assistance from other federal nonprofits and I won't go into details either. I'll let the next speaker talk about that. What I do want to say is back in the spring, Mary tucker and I visited every one of your offices and explained the problems with the old contractor, we explained how animal services was developing their own program, and we explained how the plan was to let the contract with wildlife services expire and not renew. That's exactly what happened. Everything has gone to plan until a couple weeks ago.

[10:55:16 AM]

And what item number 2 essentially is is a 11th hour effort to force animal services to enter into a separate contract with wildlife services. You just approved on consent the interlocal for the rest of animal services. This is a total colossal waste of time, energy and possibly money. Everything is in place. We don't need any outside services. If we do, we'll deal with it then. I'm asking council to vote item number 2 down, let Tony and her staff continue their work and allow my commission to go back to what we really want to do is focus on dogs and cats and making this shelter the best it could be. I would like to let you know the live release rate at Austin animal center in September was 98%. Which is simply take new Hampshire natural. I hope -- phenomenal. I hope you will give Tony a little support for that, yeah. It's really great. So again, let's just cut -- let's just make a clean break, cut ties. We don't need this contract. Everything is going fine just the way it is so let's just make a clean break and move on. Thank you.

>> Mayor Adler: Thank you.

[Buzzer sounding] Ms. Gallo.

>> Gallo: Thank you for being with us here today. What neighborhood do you live in?

>> I am in district 9.

>> Gallo: Okay. And so I ask because there are districts in Austin that have substantial coyote issues and district 10 is one of those and I just want to say again that nwaca, the neighborhood association for northwest hills, has come out in support of this resolution and feel like that it is -- it is collaborative with our current policy and collaborative with the director and I take a little offense to your comment it's last minute.

[10:57:29 AM]

We've been working with the neighborhood association and animal services director for many, many months now on this issue and so it is not a last minute, 11th hour thing that's coming forward. It's actually a process we've had lots of meetings with the neighborhood and the neighborhood association and animal services director so I just wanted to clarify that because certainly in district 10, maybe in your district it might feel that way, but certainly in district 10 the coyote problem that occurs in our neighborhoods and neighbors who are having cats and dogs taken away and eaten by coyotes is a problem. So it has been a long conversation and there's been a lot of conversations so I just don't want the public to feel like it is last minute because it is not.

>> Okay, I will tell you that these policies that animal services has implemented have been in effect for a year. There has been -- for the last year there's been no city sponsored illegal trapping of coyotes, and there's absolutely been no change in the amount of conflict or incidents, no attacks, nothing has changed, everything has remained the same. So like I said, this is not needed. You have a chance to save the taxpayers \$10,000 or you can pay an agency \$10,000 to sit there and do nothing.

>> I have a question.

>> Mayor Adler: Mr. Zip Zimmerman is next, then the mayor pro tem.

>> Zimmerman: We heard some of this testimony and I believe councilmember Houston and others in the public safety committee so we heard testimony on this before. There was a demonstration on one of the traps that mayor pro tem I think took a video and I put my own -- put my own hand into the coyote trap that was supposed to be inhumane, it's not inhumane. I have some bias here, I'm a Texas A&M graduate, the mechanical part, but the agricultural part, Texas aggies are world class in policy on wildlife management.

[10:59:41 AM]

I would say what we should have done was gotten rid of the city bureaucracy. This was backwards. There was no need to reinvent the wheel. We had good management with the agriculture extension service and the advice and consulting we had from Texas A&M that was already good enough. I have coyotes literally in my backyard. I live on a greenbelt that is attached to the bccp and I have coyotes in my backyard. They are killing some of our little rabbits, wild rabbits to the dismay of my wife, but in any event, I think we need to prioritize the protection of our people and our pets. And Texas A&M service was doing a good job and at some point I would like to get rid of the extra bureaucracy in the city that's a duplication of service.

>> Are you asking me a question?

>> Zimmerman: No.

>> Mayor Adler: You can sit down. Wait, wait. I misspoke. Mayor pro tem.

>> Tovo: Mr. Lunstadt, thanks for your comments. Remind me how longy been on the animal advisory commission.

>> Eight years.

>> Tovo: And you've served as chair for some of that time.

>> Four.

>> Tovo: And then when you spoke before about the deer stakeholder group and the coyote stakeholder group and that was a considerably long time ago.

>> Correct.

>> Tovo: I just wanted to -- though you don't live in an area where coyotes are present in great numbers, you have great experience in these conversations that have been going on in the community for some time.

>> I can assure you I know much more about coyotes than I ever wanted to know.

>> Tovo: Thanks. And so I just want to be clear about what your point is today. Not that it's not worth being vigilant about coyotes and having policies with regard to them, but just that our city staff has developed a policy that is -- that was well vetted, that has been in place and appears to be working.

>> Correct.

>> Tovo: And that this contract is, in your opinion, not necessary.

>> Correct. And if I may point out one more time, this agency that the city was contracting with was breaking two city codes for ten years.

[11:01:52 AM]

They are not allowed to set steel leg traps and they are not allowed to discharge firearms within the city limits. That's not a -- they admit this, say they are above our laws, they don't have to -- our laws don't apply to them. And your city legal department disagrees. And I just can't see why the city would ever want to contract with an agency that feels they can run roughshod over city code, ignore our wildlife

policy. I think that you have a -- almost a moral imperative to not contract with an agency that has shown such disregard and has operated illegally, and sadly they've been operating illegally with the full cooperation of animal services up until the time Tony got here. That's an entirely different topic that I won't discuss now, but it's very sad that the animal service department entered into a contract that they knew to be illegal and they knew not -- not only knew, but they facilitated the illegal activity. So this is your chance to make a clean break from a really bad agency who has operated very badly for ten years and allow a city to do its own thing because if you want something done right, you do it yourself and you are going to save money.

>> Tovo: Thank you very much.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I think my question is really for staff so I'll let you constituent down. At the appropriate time, I'll ask the question.

>> Mayor Adler: We have two more speakers if he want to hear from the speakers. Let's go ahead and do that. Katie. And then Craig Mazur.

>> Good morning, mayor, council. Thanks for the time here this morning. My name is Katie Jarrell, I'm the Texas senior state director to the humane society of the United States.

[11:03:54 AM]

I'm an Austin resident. I live in district 10 and I also see coyotes all the time. I have a dog in our backyard and we see them and appreciate what they do for the wildlife and keeping the balance in the ecosystem. But I'm here today to talk about the investment that my organization, the humane society of the United States, has made here in Austin. I have been a part of both working groups, the deer and coyote working groups over the last several years with David and we echo his comments that we absolutely do not need a contract with wildlife services here in the city of Austin. The humane society of the United States just this year named Austin as one of five wild neighbors communities across the nation. The only one in Texas. We chose Austin because the council has demonstrated that this city is a leader in how they address wildlife conflicts and that they are one of the safest communities for people, pets and wildlife in the nation and certainly in the state of Texas. We know that Austin has the ability to serve as a model to other communities. Rather than calling for the trapping and killing of nuisance wildlife, Austin recognizes the value and importance that wildlife plays in urban areas. We prioritize effective and humane solutions and we help foster an appreciation of wildlife across our city. The humane society of the United States has partnered with Austin animal center to renew -- to review and enhance all of the wildlife policies, train staff on humane wildlife problem solving techniques and hosted multiple educational events to help the public learn about wildlife and how to humanely handle any wildlife issues. The humane society will use Austin as a model to help other communities across the country develop and utilize policies and approaches to wildlife conflicts that are more humane and effective. In April our wildlife experts came to Austin to meet with the Austin animal center staff and Austin 311 managers.

[11:05:57 AM]

They reviewed the way the city was tracking incoming wildlife calls, discussed ways to rework the questions staff initially asked the public to better understand those conflicts, and methods the city can use to better address wildlife trends within the community and the impact of our wild neighbors program overall. We have made a humane wildlife conflict resolution call guide that is available to all city staff who field wildlife-related calls. We've provided brochures on co-existing with wildlife and over the next few months our staff and wildlife biologists are going to be coming ban and offer new programs

and guides in the city. In April we gave a workshop for 51 employees including Austin animal center, 311, watershed and parks and rec and presented a workshop on resolving the public's wildlife problems for 35 animal control officers and 311 dispatchers.

[Buzzer sounding] The wildlife -- go ahead.

>> Mayor Adler: Finish your thought.

>> I was just going to say the wild neighbors program is built on the premise wild animals belong and have a right to live in our community and like companion animals deserve respect and basic protection from unnecessary killing, cruelty and suffering. To do this Austin must maintain authority over the wildlife in our city and we hope that council will vote down the contract with wildlife services.

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

>> Gallo: Katie, thank you for being here. So I've talked about the issue that's in district 10. You live in district 10. What neighborhood associations in district 10 have you met with to discuss this?

>> We've met with nowaka in the past and reached out on coyote issues and offered support and Austin animal center staff to let them know we would be available to come in and address concerns. I'm sure you remember with the deer issue we came in and good neighborhood issues and people fighting it and turned around and became some of our biggest cheerleaders.

[11:08:00 AM]

>> Gallo: I'm going back to my question. I know you did that with deer, but we're talking about the coyote issue in northwest hills. Have you met with --

>> We have offered and not heard back. I would be happy to work with you to come and do the exact thing with coyotes and deer.

>> Gallo: So you have not met with them.

>> They have not responded.

>> Gallo: All right. Thank you.

>> Mayor Adler: Okay. Thank you. Next speaker is Craig nazur.

>> Hello, I'm Craig nazur, I was on the coyote group, I'm on the Austin animal. I'm district 7 appointee. Both Sierra club and the national Sierra club. And also I'm on the

[inaudible] Neighborhood association. And my neighborhood, I moved into my neighborhood in 1993 and I have heard coyotes every year. I've seen coyotes rarely in my neighborhood. And in my neighborhood they are not really a problem. One of the reason they are not really a problem is unlike other neighborhoods they were never trapped out. What happens is when you remove coyotes, new coyotes come in and the new coyotes don't know the rules. Coyotes are smart animals and if they know that if you are in people's yards, you are doing this, you are doing that, they learn very quickly that this is not, you know, behavior that we're going to get away with. And you don't change that behavior by killing them. What you -- you actually learn to live with them. In our neighborhood also, which is interesting, coyotes have an effect on deer. We don't have a problem with deer not like other neighborhoods. Okay, the truth of the matter is coyotes, in the whole history of the state of Texas, no man, woman or child has ever been killed by a coyote ever, ever been killed by a coyote.

[11:10:01 AM]

And the few bites happen because people tried to feed them. And I've done a lot of research on it. Coyotes just aren't a danger to humans. Now to pets. Occasionally and very rarely less than 2% of stomach contents analyzed of coyotes include human pets. Occasionally a coyote might kill a cat or small dog if it goes closer to its den in the spring. That's the only thing that might happen there. In my neighborhood, I know of one cat that we have -- November that was killed by a coyote. I know 10 or 12

cats killed by off-leash dogs. The biggest complaint from my neighbors is why doesn't the city enforce its dog leash laws more. They do far more damage to humans and pets than coyotes. Coyotes have a lot of really good benefits. Coyotes mostly eat -- almost half of what they eat is vegetative matter. People don't realize they are dog, but they also eat mice and rats mostly. Small rodents, snakes, they will eat animals that can do significant damage in neighborhoods. I think we should really learn how to live with the coyotes. The wildlife services, I have interaction for them. You can't get any information out of them. As a national organization they were audited two years ago --

[buzzer sounding]

-- And don Zimmerman, you might be interested, they have refused to release the audit. So on a national level and personal level, I don't think it's a good organization. We should doing business with. I think we can do far better ourselves.

>> Mayor Adler: Thank you. Those are all the speakers that we had. Ms. Kitchen, you had questions of staff?

>> Kitchen: Yes.

>> Mayor Adler: Which staff would you like?

>> Kitchen: My question is related to the contract.

[11:12:03 AM]

So whoever is the appropriate person.

>> Good morning, Taney Hammond, chief animal services officer for city of Austin.

>> Kitchen: My question relates to the contracts that's here. I'm wanting to know if I'm reading it right that it would be, I guess, within your discretion on whether or not you actually use the contract. The reason I'm asking that is because the language is saying to me at the request of -- well, it says at the request of the chief animal services officer, Texas A&M may provide technical assistance in compliance with the city of Austin coyote management policy and coyote response guide. And then it goes on and says at the request of the chief animal services officer. So I'm asking if I'm reading that correct, first off, we would have to request for the assistance, and the assistance would have to be provided in compliance with our policy and our guide. Am I reading that right?

>> That's correct.

>> Kitchen: And -- okay. All right.

>> Councilmember kitchen, if I could just interject, it does -- if you look at the agreement starting on page 1 at the bottom, responsibilities of the parties, and then it outlines a, B and C. If you notice on each one of those respective areas it talks about at the request of the chief animal services officer on the first one, and the second one has the same thing. On the third one it says wildlife services requested by the chief animal services officer. So this is, again, pretty much in line with the policy that is in place and it basically asks them to take on three very distinctive responsibilities, to be part of the effort in tech assistance, the second one, the whole area of education and outreach.

[11:14:03 AM]

I think some of the speakers pointed to that it's important for us to do very specific targeted outreach in areas in education in terms of how do we best deal whenever we have coyote sightings and that type of thing, and the third one is when we have severe cases where we may have -- the third one is the reporting, basically just get the monthly reporting so we can see where the cases are, the sightings and the trends that we're starting in see in case we're starting to do something more different. It basically outlines those three distinct possibilities and you are right it's at the request of the chief animal services officer. >>

>> So we would never have to use it.

>> One of the things in talking about the chief wildlife officer, one of the things that we do is education and outreach. We definitely want to utilize them as much as we can. If we don't have a public safety threat, we may not use them in this area. It's just depending on the cases that we have, but it's all pretty much within the chief animal services where she needs them to be utilized.

>> Kitchen: Not to put you on the spot, that would be at your request, in terms of whether you thought it was helpful?

>> That's correct. That's -- just what Mr. Lumbreras said, when you read the city council [indiscernible] Management policy, pretty much what was spelled out at the request of the city, at the request of the chief animal services officer, we would ask for assistance, guidance, we would ask for technical support.

>> Kitchen: Okay, thank you.

>> Mayor Adler: Ms. Garza.

>> Garza: Ms. Hammond, do you believe whatever we have in place right now is working for the coyote issue?

>> I do. I think the policy that was adopted in November of -- of 2014, I believe, I think it was a really good policy about what he said being known what we're known for.

[11:16:13 AM]

I think it's a good policy. All that I have done as your chief animal services officer is make sure that we were in compliance, because we were not. I think it's a good policy, that's what we've been doing, we have been following that policy. Should we have a public safety threat we have the tools and expertise. If we need assistance, we will ask for assistance, public safety is very, very important.

>> Garza: Do you think this is necessary as a backup or what -- do you think -- do you think this contract is necessary?

>> I think what Mr. Lumbreras and I, think I we are both on the same page. I can't speak for you, sir. I think we are in the same page, taking the county out of the middle and attempting to negotiate our own agreement directly with Texas wildlife services is efficient. And that's what we were asking for -- for the authority to do. I think what we have in place right now -- is

-- since November or December of last year, we've been following the city council policy, we haven't had any public safety concerns, so I think we need to keep doing what we are doing.

>> Okay. If I could just speak to the amendment that I was proposing, which I believe re-emphasizes the point that councilmember kitchen just pointed out. Actually it changes it from execute to negotiate it. Just negotiate it if in the case of a public safety threat and the -- our animal services director feels that it's necessary, then -- then that would -- I'll just read it. Authorize, negotiation of a one year interlocal agreement, with Texas A&M, to provide assistance and response related to coyotes in the event of a public safety incident within the city of Austin. Any draft agreement should be compliance with the city of Austin coyote policy and forwarded to the animal advisory commission for review prior to being presented for council. Do you think that would be appropriate language?

>> I --

>> Garza: I'm sorry to put you on the spot. I'm happy to give it to you, you can look over it.

[11:18:15 AM]

>> We will be happy to take a look at it, councilmember. We will certainly be happy to do that. I think the only piece that I heard in there that maybe isn't in here would be the piece about going to the animal advisory commission. So I don't recall every aspect of it. But anyway so -- so we will be happy to

follow the will of the council. But we certainly believe this meets the compliance of the current policy that we have and it gives us a tool. The other thing is that we felt it was important to pull it out of the big interlocal is that it gives you the direct ability to oversee this contract and to see whether it should be effective or not. At the end of the year, before we bring it up next year, if it's not working we'll be the first one to say it not working and let's use that money for something else. In terms of the outreach, education, technical assistance and effort on public safety, we do believe that it's important for our toolkit at this present time.

>> Looks like some other folks want to speak, so I will yield to hear the discussion before I make a motion if I decide to do that.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, mayor, thank you Ms. Hammond and assistant city manager Lumbreras. First of all, I thank you for your presentation today, because there's been a lot of misinformation from some members of the animal advisory commission, that attributed these two items to me. Thank you for clearing that up. I would hope if people have concerns about where I stand on issues, they would speak to me directly before they go out and slander my name about something that I had nothing to do with, so I appreciate that.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: A point of order. Do we have a motion yet? If we don't I would like to make a motion on the original agenda item and we will consider the amendment.

>> Mayor Adler: That's fine, that would be appropriate.

[11:20:19 AM]

Mr. Zimmerman moves, Ms. Gallo seconds. I'm a little confused, Ms. Garza you can -- what is proposed we negotiate and execute a contract, what you are proposing is we authorize a negotiation so we can enter into the contract in the event that there's a public safety incident. So the question that I have for you is effectively what's the difference for you? In terms of the services provided or otherwise, with respect to having a contract negotiated that we could then execute if there was a public safety incident versus entering into and executing the contract now? What's the difference between -- is there a difference between those two?

>> What I heard, what you were reading is that you -- that if you voted for the amendment, that councilmember Garza was suggesting, that you were authorize the negotiation of a contract. But if we came -- had a contract that we negotiated with Texas wildlife the animal advisory commission? For -- then that would I guess come to health and human services and then to council. Should we need it, is that what you meant? Should we have a public safety issue. The way the policy -- excuse me, Mr. Mayor. I was going to clarify one more point. I didn't mean to interrupt you. When you read the policy, basically we can work with any entity that we need to work with should we have a public safety concern. Texas wildlife services was one of them, part of the interlocal with the county. Mr. Lumbreras and I were saying let's negotiate directly with this entity for efficiency's sake. We could reach out to other organizations if we had a public safety threat or we needed to collaborate or consult -- if we had a public safety issue. Does that answer the question? Not really?

>> Mayor Adler: Kind of does. I'm still trying to figure it out. In the absence of a public safety incident, what -- what will this organization be doing for the city of Austin?

[11:22:26 AM]

If we enter into this contract.

>> Nothing. Nothing. We -- we have -- we've been following the policy. In the original city council policy, city staff had quite a bit of responsibility. And we weren't doing those things. And now we are. And we're doing those things successfully. We're educating, going to civic associations, our animal protection officers have received specialized training in wildlife. We've worked collaboratively with parks and Austin water. It's much more of a cohesive, collaborative approach in the spirit of the original policy that was approved by city council.

>> Mayor Adler: So I'm still having trouble understanding this contract. This is -- I'm trying to figure out what we get for the \$10,000. Maybe that's the way to ask that question. What do we get for the \$10,000?

>> For the --

>> Well, the way we have the contract written is they are a part of our folks that we get advice on technical assistance and handling coyote situations. That's one of the first ones. The second one is that they are also a part of or public outreach and education and certainly not the only effort, but we do have staff that does that. Then they are responsible for reporting, but the other piece is that they are called, they may be called, in certain situations, at the request of the chief animal services when we have a desire situation or we have a public safety threat. Very succinctly, it would be those areas.

>> Mayor Adler: So do you want the city to enter into this contract so that you can get advice, public outreach, and the reporting and have them available and on call; is that any -- do you need those? Do you need that service? Do you want that service? A couple of things, this existed prior and we're trying to untangle that, make it more efficient. I don't -- I have 23 years in parks -- I don't anticipate Austin having a public safety issue regarding wildlife, but I don't -- not that I said that, I have jinxed us.

[11:24:31 AM]

So I don't anticipate a problem. But they were part of -- of that agreement and that policy and my job is to make sure that we're following what that policy outlines and we're trying to make it efficient and not complicated or convoluted so to negotiate an agreement with them, the way I see this, Mr. Lumbreras can speak to it more clearly, we don't even have an agreement yet. We're asking for permission to negotiate one. And we're going to make sure that's in accordance with city council policy.

>> Mayor Adler: I assume it would be consistent with policy. I'm just trying to figure out, do you need advice, public outreach in the reporting or are you already doing -- do you have already all of the advice that you need? Are you already doing all of the public outreach that you need to do without them? Are you already getting the reporting without them?

>> Yes, sir. We've made that a part of our ethic, part of our training, that's part of what we do every day. We get wildlife calls every single day. We have 311 scripts, we respond to questions, to concerns, this would allow, in the event of a public safety incident, would allow for us to work collaboratively with that organization.

>> Mayor?

>> Houston: I would just like to say we're focusing on coyotes, but there are other wildlife animals that impact it or not. We don't have specific policies on. I have feral hogs in my area that run across toll road 130, they would be able to then perhaps go out, not just on coyotes, but if we have a contract with Texas wildlife services, they could help in other areas of the county where there are other kinds of wildlife issues that are not coyotes. Cozies can't tell the difference between -- coyotes can't tell the difference between the county and the city. They don't have that discreet ability, although I have heard somebody say they're smart, I'm sure they are. All I'm trying to say is Texas wildlife services has a role in the perimeter of the town where there are other kinds of threats, we just happen to be talking about coyotes, but they could be used if I start having a real problem out with feral hogs.

[11:26:41 AM]

>> Mayor Adler: I don't think that I mentioned coyotes, for my question I wasn't meaning coyotes, I'm trying to figure out is there advice, public outreach or reporting that we are looking for those folks to do because we're not already doing that ourself, we need help to do that, we could do it better. Any of those things.

>> We are doing it. We are doing it well in my opinion. I think it's stronger than ever before. I think that education -- is a big part of -- there's a lot of what we do, we are doing that well.

>> So Mr. Lumbreras, do you think that staff needs additional advice or public outreach or reporting that goes beyond what it is that we're already doing?

>> Mayor, as staff I do recommend it. But I think that I would allow Ms. Hammond, if she has any issue with that. When we've had a discussion, we have felt like this is a piece that we need to have in our toolkit because if it's been working well -- certainly a lot of issues about trapping and those kind of things, when staff engaged with the wildlife service we started working together, we felt like that worked fairly well. What I didn't want to do was disrupt that success. We can sit here and talk about we're not going to have a public safety, but we don't want to take that chance. We certainly want to make sure that we're on top of that. So it's my belief and I'll let Ms. Hammond answer that question directly, because I think you want an answer, that this is important for us to move forward. At the end of the year or before the end of the year. If it's not working effectively, like we thought it would be, then we will come back. Because it is a one-year agreement. That's what we are proposing.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I just want to say based on the discussion that we've had, I'm in support of councilmember Garza if you make this amendment. I think this offers a good balance between having some assurances that we would be able to enter into a contract when and if there's a need to.

>> Garza: I wanted to get some clarification, I think that I answered wrong.

[11:28:42 AM]

This doesn't say if a public safety issue happens then we start doing all of this, we. This amendment is saying we negotiate it, it goes to the animal, the contract that's negotiated goes to the animal advisory commission, comes back to council for approval, and then, you know, then maybe it's a contract at that point. If there's any issues at the animal advisory commission has. I don't know why this initially didn't go through the animal advisory commission. It's come straight to us. So my amendment is not wait until there's a public safety incident. It's to -- to negotiate it, have it go through the advisory commission, come back to us for approval, if it needs -- if the recommendation is for there to be approval from the commission and then we have that there in place if there's a need and a public safety issue happens.

>> I think -- I didn't -- thank you for that clarification. I don't want to not answer the question. I stand with Mr. Lumbreras, what we brought forward is very simple, we have gotten way down deep into the weeds on it, which is fine. But I'm in my 16th year it's hard to say what's going to happen in the future, I'm looking at city council policy and I want to make sure that we're in alignment with that. And this is going to untangle and simplify that and allow us to negotiate with this agency. That's mentioned in city council policy. It's -- but it's not just Texas wildlife services, it could be another entity, all that we are asking for is permission to negotiate and execute an agreement. It's not going to be in violation of city council policy. We may or may not need it. We don't know what the future holds.

>> Pool: I think that I wanted to correct one -- one thing that may have been said. This policy has been discussed by the animal services advisory commission numerous times, is that right? At least a couple of times in the last year and a half.

[11:30:46 AM]

Maybe Mr. [Indiscernible] At the chair of the commission. The reason why I'm asking this is the piece about this amendment that I -- I'm not sure about --

>> Are you referring to the coyote policy from 2014?

>> Pool: Yes.

>> Yes, that was -- --

[speaker interrupted -- multiple voices] The work group -- [speaker interrupted -- multiple voices] Of the commission. The policy went back to the full commission. We approved it. I went to health and human services -- it went to health and human services and then to council and was approved.

>> Pool: Right. We talked about it in the public safety committee last fall, I believe. We had those conversations, I think the health and human services committee has also taken this up. I think for me I have serious concerns over wildlife management, Texas wildlife management as a contractee conducts the -- manages their job with the city. They have gone on to city property when they shouldn't be, they have been in violation of our ordinances.

>> Do you have a question about the -- whether we've -- whether we've made any -- any votes on the contract itself? Is that --

>> Sure. Anything that you want to offer about how often you have looked that the contract.

>> At one point the animal advisory commission made recommendations to get out of the contract that -- let the city do their own policy and audit what had been going on before. We withdrew that recommendation when it was pointed out to us that animal services had the authority to withdraw from that contract on their own. They got into the contract on their own without any council approval. Certificate of occupancy we found out that you guys didn't even have to address it, we withdrew the recommendation, we did originally make the recommendation that any contract of wildlife services is a bad idea, that the city could do it better. That was the wish of the --

>> That's why your testimony here today was not to approve this because you feel like we should -- it's a bad -- it's a bad situation with that particular contractee and that animal services professional -- --

[speaker interrupted -- multiple voices]

[11:32:53 AM]

>> I can assure you that animal services do not want a contract with wildlife services. No way do they want to. Wildlife services does not want to abide by the city policy or obey the city code. That's not being said today. For political reasons. But I can assure you that animal services does not want to contract with this agency. Period.

>> Thank you.

>> Pool: That was a piece of information that was important. My feeling is that I would be happy to allow our animal services director to manage this as she deems appropriate. \$10,000 does not rise to the level of the council being required to approve the contract. If indeed the wildlife -- Texas wildlife management services is violating our city ordinances, we should not be contracting with them. That is a bottom line for me. I both support what the citizens were saying, which also support approving this so that Ms. Hammond can be in charge of whatever negotiations may happen. I think it would be really important for us to clarify with the contracting entity about how serious we are about upholding the ordinance on books. If they come to city land and put traps in, if it's in violation of what our ordinances are, that we won't allow that to continue, we need to uphold our ordinances. I both support what Ms. Hammond is asking for and also the humane society folks and [indiscernible] Are saying.

>> Mayor Adler: I have a quick question. Does it get to -- it was the inclusion of the words in the event of a public safety incident that made me think that you were focusing on not the first three possible

services but just the fourth. And I wonder if you get to the same place that you want if we authorize but don't require negotiation and execution.

[11:34:55 AM]

I mean, the council is authorizing it, but not requiring it to happen, that it would be staff's decision on whether or not to move forward. I don't know if that gets you to the same place. Mr. Zimmerman?

>> Thank you, Mr. Mayor. I wanted to go back to -- to the last city council is the one that passed that 2014, I believe it was in November, right, of 2014 that was passed? By the way, Mr. Linstead thank you for cutting to the chase. I was trying to get there to the last 20 minutes. There's a power struggle between who is going to control the policy for the coyote management. Is it going to be Texas A&M center which is still doing the county management, right? The county approved the contract extension. They are still going to be the county work. Once you pass the Austin city limits, sometimes it's hard to tell where those are, right? Exactly where the city limit begins and the county end. We're still going to be using the policy that's been in place for a long time from the Texas A&M agriculture extension group. It's really kind of a power struggle on who is going to get to control the policy. I want to point out. I need to point out the last policy was set by a downtown city council. The people of this city rejected the old way of doing business, which is the downtown city council. Everybody was elected very close to downtown, the people revolted against that, so they said we want suburban representation. I'm in one of those suburban areas. I have probably more wildlife interchange area than anybody else in district 6. District 10 has a lot of it, too. Now that we have a new city council that represents suburban areas, I don't believe that 2014 policy that was passed on the last day would be the policy. This council hasn't done a coyote policy. The last count city council did. To me that's the crux of the debate here. Are we going to respect the suburbs, let them have input on the policy. Or are we going to allow city bureaucrats to take this over from an extension office that was doing a good job.

[11:37:01 AM]

Finally the ordinances of this city are supposed to protect the people. If the ordinances are preventing us from protecting people from potential coyote attacks, we need to change the ordinances, not cram the ordinances down the throat of our taxpayer.

>> Mr. Kinney you signed up to speak and I didn't call your name because you were later to sign up. Do you want to speak to the council.

>> Tovo: Mayor, while he comes up, I just have to say I take great objection, councilmember Zimmerman, to your reference as the former councils being downtown city councils. As somebody served on one of the at large councils, I want to say I believe the district representation system is good for the city of Austin. But I really take objection to your characterization as a member of the at large council, I made it my business to get to different parts of the city from dove springs to oak hill to [indiscernible] Area, I answered questions in my candidate forum and had to steep myself in issues about deer and coyotes. I think that your characterization is really unfair to the many, many people who have served on the city council and did the best they could to represent the various issues and the various needs of our very diverse community.

>> Thank you mayor, mayor pro tem, councilmembers. Thank you, mayor, for letting me speak. I wasn't going to sign up, I heard something that concerned me about maybe our policies not being followed by an entity that may be contracting for services. It sounds like our policies will prevail and the council's intention is for the council's policy to be in place. I live in zilker, an urban neighborhood, we do have coyotes. I know that there are concerns. I have seen on the listserv, the discussion at our neighborhood association membership meeting and we have the city coming in to explain the policies and we've had

the pros and cons of those discussing our neighborhood. And we have a training session scheduled, education session scheduled for November, this coming November from city staff on this.

[11:39:05 AM]

I know the city is trying to educate the citizens about the policy and the concerns and the strategies to protect our citizens. But I can tell you that, you know, I have a cat and yes, I do worry about -- he's outdoors, I do worry that maybe he might be attacked and there have been some attacks in my neighborhood. But there have also been lots of cats injured from cars. I think that we have to be looking at, you know, how we're going to -- citizens have been injured by cars, vehicles racing through the neighborhood. We have to look at those policies as well. As someone mentioned about protecting our citizens, we certainly need to strengthen the protections of our citizens for cars racing through our neighborhoods. We had a wreck just this last week in the neighborhood, a motorcycle was hit by a vehicle racing to -- to our neighborhood to avoid traffic on south Lamar. So I think we need to definitely protect our citizens from that. I think that's a greater threat than the coyotes in our neighborhood. I do appreciate this policy makes Austin unique. Those wild animals were here before we were here. We have moved into their territory. We are expanding into their territory. So I think this policy respectful of that and I hope we continue that policy. I appreciate the work that the animal advisory commission has done on this and the work that the city is doing on this and I hope that you will continue this policy and live and let live. Thank you.

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

>> Gallo: I have a question of staff. I guess both staff. I think director Hammond said we have kind of taken a simple concept and we're getting a little deep into it. But I just wanted to make sure that I understood. We currently have a contract, an interlocal agreement with Travis county for a contract with Texas wildlife services.

[11:41:09 AM]

And how long -- when does that expire?

>> I believe that expired in September.

>> In September. Okay.

>> We're just out of that contract. How long have we had an interlocal with Travis county to contract with Texas wildlife services?

>> I think Mr. Linstead referenced 10 years.

>> Councilmember, I wish that I knew. I know at least since the time that I have been here, at least 10 years. So I don't know beyond that.

>> So for 10 years, we in Austin have had an interlocal with Travis county for a contract with Texas wildlife services.

>> That's correct.

>> But that meant that anything that we did -- we did through Travis county and it was more difficult to deal directly with Texas wildlife services because there was kind of a middle man situation in there. So I think what I'm hearing that you all are recommending is to continue what we have been doing for 10 years, for the services for -- with Texas wildlife services, but instead of doing it as an interlocal with Travis county, we would be dealing with them directly.

>> That's correct. But I do want to point out, there is a shift here. Because I think what you are hearing a lot of folks talk about is some of the previous work that the wildlife service was doing in terms of the trappings. If you look at this contract, what we're proposing here is narrowed to those very specific areas as I talked about. I don't need to obviously go through them. I mean it's narrowed to those very

specific, distinct responsibilities. So we have recognized that there have been some issues, we certainly understand that folks have emotions about that. This is simply a tool in the toolkit of our staff. When it comes to coyotes, I have dealt directly with a lot of folks that are emotional about that, not only for themselves, but their pets and children.

[11:43:09 AM]

When we talk about greenbelts and properties that are abutting many open areas, it's a concern for some -- it's a very serious concern for some neighbors. We simply are trying to come up with the tool that would allow us to address this area as best as we can. The staff has done a great job but we believe this will be helpful. If the council doesn't believe it's helpful, we certainly respect that. But I think that's simply all we're doing.

>> Gallo: It sounds to me like the ability for the city to deal directly with Texas wildlife services puts us in the driver's seat, in the department -- and the the department in the ability to make sure that interaction and the services that that organization is doing comply with our policy and comply with how the director wants to be responsive to the citizens of Austin and our community. I mean it just sounds like it's a better place for us to be than an interlocal with Travis county, because we're in the driver's seat, director Hammond can deal directly with the entity that she's asking to provide services. That's kind of what I'm hearing as the summary of what we're looking at. This has been an interlocal contract with Travis county for a long time.

>> Even Travis county agreed this was the better approach.

>> Thank you.

>> Ms. Garza.

>> Garza: Mayor, I think your suggestion is a good one. The reason this is such a low amount is because it's an interlocal. Maybe we authorize our animal services director to do that if she feels it is necessary. I think that strikes a balance between every concern everybody has voiced thus far.

>> Mayor Adler: A move to amend this to authorize execution and negotiation at the discretion of the staff. Is there a second? Mayor pro tem?

>> Tovo: I also have a question.

[11:45:10 AM]

Councilmember Garza did you also intend for the contract if it is executed and before it's executed to go through the animal advisory committee, did you intend to capture that part of your amendment as well?

>> Garza: Yes.

>> Mayor Adler: Thanks. So amend to say that authorized negotiation and execution at the discretion of staff and if the staff exercises that discretion, they will bring it to the animal commission. Mr. Zimmerman.

>> Zimmerman: I would like to speak against the motion --

>> Mayor Adler: That was seconded by the mayor pro tem. Mr. Zimmerman?

>> Zimmerman: Thank you. So I would support amending -- the original language says authorize negotiation and execution. Consistent with what I ask the council to do a lot, I would be happy to strike and execution so we could have the agreement come back. I would like to have it go to the public safety committee because I think it's a public safety issue. Others believe it's not a public safety issue, so they don't want it to go to a public safety committee. But I would support in the original motion to strike and execution so we can get it back and take it into the public safety committee. But I don't support the motion, the amendment on the floor right now.

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

>> Houston:

>> Houston: Mayor, I just think that what we're doing is requiring so many steps to actually deal with the issue. If there's a public safety issue. And then the -- then the animal -- chief animal services officer decides to negotiate a contract with Texas wildlife services, then it has to go back to the commission before it even gets to the council. That seems to me to be micromanagement on the -- if she needs to execute a contract, then we give her that authority to execute a contract.

[11:47:11 AM]

I don't think she needs to get authorization from the animal commission to execute a contract if she thinks that it's needed. I think that should be her sole responsibility. So I will be voting against the motion that said it has to go back through the animal services. She's the animal services officer. If she needs to execute the contract then she should have that ability to do that.

>> Mayor Adler: I'll take that as a motion to divide this question. I also heard the folks say that they didn't need for it to come back to the animal commission. So let's divide that in half so we don't lose the votes on the overall question. First we're going to vote on whether or not there's authority to execute but not a requirement -- execute -- negotiate and execute at the staff's discretion. We'll take that up first, then the second question second, on whether it should go back to the animal commission before they can put it into place. Any further debate?

>> Zimmerman: What are we voting on again?

>> Mayor Adler: First whether or not to do the amendment that says the authorization to negotiate and execute at the staff's discretion.

>> Zimmerman: If we vote in favor you are saying we don't have to go to the animal advisory commission.

>> Mayor Adler: Then we're going to have a vote on the animal advisory commission, we are doing each question separately?

>> Zimmerman: Do you understand that.

>> Mayor Adler: Each question spatially. Two issues in front of us. The first one is --

>> Garza: I think what you are actually voting on is the main motion, to actually do what the rca says which is to give the authority to the animal services director to negotiate and execute the contract.

>> Mayor Adler:

>> Zimmerman: An amendment was moved and seconded.

>> Mayor Adler: The problem is am budget big tee.

[11:49:18 AM]

Ambiguity. We are making clear that we are authorizing both the negotiation and the execution but we are not requiring, making that very clear and explicit, whether or not it actually happens is at the discretion of staff.

>> That's the motion.

>> Mayor Adler: So that's the first motion. The element that we are adding here is the discretion of staff and making it very clear while we're authorizing this to happen, we're not mandating it should happen but we're giving staff that discretion. After we take that vote, then we will take the vote on the question of whether or not before it's actually signed whether it has to go first to the animal commission. We're going to take those votes one after the other. First vote is whether or not we authorize it but explicitly give the discretion -- those in favor please raise your hands. Those opposed. Mr. Zimmerman votes no, the others vote aye. Now the question is whether or not it should go back to the animal commission before it can actually be put into place. Any discussion on that? Ms. Garza?

>> Garza: If you heard -- I know your complaint speak on behalf of the -- can't speak on behalf of the entire commission. If the animal commission doesn't care if it comes before them, I'm happy to withdraw that part of the question.

>> Mayor Adler: Do you care? No.

>> I agree with councilmember Houston.

>> Mayor Adler: So the animal commission doesn't need it to come back. The chairman says he doesn't want it to come back to him. You have withdrawn that part of your amendment. Is there an objection to that part being withdrawn? Mr. Zimmerman.

>> Zimmerman: Yeah. I object to the whole way this thing is being done. I mean, if the commission is in lock step with the city bureaucracy, then they are one and the same. The whole vote and the way this was handled is confusing. Because they are in agreement. The commission is in agreement with our city staff.

[11:51:20 AM]

So the whole thing --

>> Mayor Adler: If we know that's the case, that's a good argument not to accept it back to the commission. Send it back to the commission [laughter]. If no one wants it to go back to the commission, then we are done this --

>> Zimmerman: No. It should go back to the commission. I want to vote on that. It should go to the commission. They have been deeply involved in this. This is our representative voice --

>> Mayor Adler: That's fine. That was moved and seconded. It's on the dais. So no one or two of us can withdraw that. We will take a vote on that now. Those in favor of -- before this can be put into place, it has to go back to the animal commission, please raise your hand. Mr. Zimmerman? Those opposed please raise your hand. Mr. Zimmerman is to believe person voting in part of that divided question. This passes with the vote that we had, the authority is granted but not required. It's at staff's discretion. I didn't anticipate that we would be that long on that issue. It is 11:52. Is there some short items we might be able to tell up here before we get to citizens communication at noon? Mr. Zimmerman, you have the polling places that have been pulled. Item no. 11.

>> Zimmerman: That could be very quick. I have a simple question, simple objection to see if there's anything that can be done. Precinct 334 was voting two years ago they voted at the outreach community church on 10401 Anderson mill road. If I remember correctly, it was the largest turnout voting place for district 6 in 2014. And it looks like that huge, huge polling place, the biggest polling place in district 6 was moved to old lampasas trail to the hallmark Baptist church, which is one of the smallest voting turnout areas, on a small two-lane road.

[11:53:29 AM]

There are probably hundreds of cars, maybe thousands of cars that go on old lampasas trail. And there are tens, tens of thousands of vehicles that go past Anderson mill road. In the outreach church location. So I need to state a public objection to the moving of that location. They have it exactly backwards. If they wanted to combine precincts, they should have taken the small precinct that hallmark Baptist church, which is on a small two-lane road that few people know about and they should have combined that with the huge voting location that has traffic of tens of thousands of vehicles. If I could get -- does anybody know why that change was done? Why we didn't as a city object to that change that the Travis county elections office did? Can somebody speak to that?

>> Jeanette Goodall city clerk. I just got an email from Travis county and the previous location, which they referenced as celebration church, they were notified in September that that location was -- had

ceased operation. And so they combined it with the hallmark Baptist church, which was a location that they had previously been using for 336.

>> Zimmerman: Okay. So the -- the membership of that church visited my district office, which is in the other ends of the strip center and nobody indicated anything like that was going to happen. There was no objection to the election being held there. They were happy to have it there. If you could get me some more information off line, I definitely want to look into this. They were very supportive of the city, they wanted to be good neighbors, good civic participants, something is not right.

>> A lot of times when something gets combined it's because a location may not be available for that time.

[11:55:32 AM]

It didn't meet any new Ada requirements. Could be a variety of different things.

>> Mayor Adler: Mr. Zimmerman asks you to give you that information off line -- [speaker interrupted -- multiple voices] Very, very popular polling place.

>> Mayor Adler: Is there a motion to approve item no. 11? Ms. Pool moves that, Mr. Rentaria seconds. Those in favor please raise your hand. Those opposed? Those abstaining? Is everybody on the dais voting yes? Everyone on the dais is voting yes. Mr. Casar, mayor pro tem, [indiscernible] Off the dais. What about the smart meters? A fast one, Ms. Gallo or no? You think there will be discussion on that? It's almost noon. Let's see. That was all of the consent items that we had.

>> Mayor, we could start on 30. See if --

>> Mayor Adler: Okay, let's do 30. Is there someone here to speak on number 30. Okay. Why don't you lay that out for us.

>> Dan Smith, vice president of electric service delivery with Austin energy. Good morning, almost noon here.

>> Gallo: I had a couple of concerns about this. One is -- we haven't heard it at Austin energy oversight committee yet, have we?

>> We did, actually, on September 19th.

>> Gallo: Excuse me, September was a blur.

>> I understand, councilmember.

>> Gallo: So the concern that I've -- I have heard expressed about this is that it's very large, 29 million potential for \$29 million.

[11:57:41 AM]

And some of the concerns that we heard were that are we looking at a process where we go in and start replacing leaders before we have depreciated them, before they have ended their life cycle. If so do we have met tricks, do we have a plan in place that says what we're going to do and when we're going to do it and that we're going to optimize cost efficiency from the standpoint that it's going to be a program that doesn't or does replace meters before they actually have expired in their usefulness. Just trying to understand kind of what metrics are going to be in place to understand what is going to cause us to do this program and spend this amount of getting to the smart meters is a place we want to be and I totally support that, but I want to understand what the process is going to be from a fiscal impact and being efficient with our funds. To know how those are going to be replaced and the criteria for being replaced.

>> To answer your question and speak to the depreciation question, the depreciation life is 50 years on these assets. The reality is some of these meters will have reached that 15 years and some will not. So there will be some mixture that we will be taking a hit related to the -- to replacing premature. However, that had been factored into the overall costs. We did do a cost benefit analysis. Did do a business case

on this internally. And determined -- we have a 10-year pay back or 10-year-- 10-million-dollar return just on the savings of reduced truck rolls by going to this different meter as well as some revenue recovery protection.

[11:59:41 AM]

And then for a full 15 year we're looking at a 30% return on investment. For doing this. And then to get to the actual replacement, a lot of this will be done on several factors. One of them will be on billing cycle, so that is the most efficient way to go in and actually replace these meters is do them on billing cycles. We also do have some meter issues today, meaning we've got some faded displays. It's not affected the meterology or the accuracy of the meters, but it is a problem with some of the meters, so those knees replacement regardless of whether they've reached the end of the depreciation. So there will be focus placed on that as well as replacing those meters.

>> Gallo: So do you have -- do we have in place already meters that are able to be read without physically reading them.

>> All of these meters are read remotely. They do function, they go back into our Ami system and then it's brought back into the office and processed that way.

>> And do we already have -- other than the smart meters, do we already have digital meters that are out there that allow the same capacity or is this our only opportunity for that?

>> So the meters that we're actually installing, replacing, I should say, are first generation smart meters, so they are microprocessor-based metering. Our -- for the most part all of our meters are microprocessor based smart meters. So the meter subject here were installed in 2006 to 2009. They were a first generation smart meter so they do have some limited functionality. Some of the key functionality that we're missing right now is over the air programming.

[12:01:44 PM]

The ability we don't have to roll a truck to actually configure or program the meter. It also has a service disconnect so we're able to remotely control that, turning on and off customers, things like multi-family and things of that nature. And then of course they build a lot of functionality that delivers enhanced energy management for customers, outage notification communication. One thing I would state is regardless of whether or not we did this or not we need meters and these meters are preaching end of life. By the time some of them get replaced they will definitely be at send of life since this is a five to seven year project. And what this project or program does is provides us some favorable pricing on the ability to go in and do that in addition to providing increased functionality, reducing the truck rolls and providing better revenue protection.

>> Gallo: Thank you. And you may have provided this in September already, but could you provide to the council again the cost benefits, your analysis of the cost benefits of this program and this expenditure? Because we're not just looking at the 29 million for the cost of the equipment, but also obviously the labor charges too. Did you provide that in September?

>> I talked about the \$30.2 million in savings that were related to the reduced truck rolls and the revenue protection side. What I didn't talk about is there is a 6.6-million-dollar cost to install these meters. That cost is being done by in-house personnel and what we estimate based on the number of truck rolls that were happening today and what we did not have to do if we did not do that, we estimate we would have an equivalent number of truck rolls and that's to do the type of thing that's mentioned in terms of reprogramming the meters, doing service connect/disconnects to handle the meters that have some of these faded displays and other testing and maintenance.

[12:03:53 PM]

So by doing this project we avoid that however as we project it out at looking at our rate of the meters, instead of going in there and doing the maintenance work, doing the other type activities, now we'd be doing an exchange instead. So ultimately the \$6.6 million in installation cost is a wash.

>> Gallo: Thank you. And I think if you could get the specifics about the cost benefit if there's an analysis that you could share with the councilmembers on the cost benefit that would be great. Thank you for answering the questions. It's a big dollar amount. It's a program that we're launching into and I just want to make sure that we're able to hear and understand the cost benefit of it.

>> Agreed.

>> Gallo: Thank you.

>> Mayor Adler: Okay. Ms. Pool?

>> Pool: Do you need a motion of approval on this item?

>> Mayor Adler: Ms. Pool moves adoption of number item 30. Ms. Garza seconds that. All those in favor? Mr. Zimmerman votes no. Mr. Casar and Ms. Troxclair off the dais. Thank you very much. It passes. That gets us to citizens communication. We have two citizens communicating to us remotely from district 6 today. And I think they are speakers number 2 and number 4. So just want to provide everybody notice and we'll continue with that pilot that we've been testing of having people in the district offices have the ability to be able to participate in citizen communication. Before we go to citizen communication, now that it is noon I will say into the record that we will not be having executive session today so that item can come off of our agenda. Let's go ahead and call citizens communication and we're going to begin with Paul Robbins.

>> Thank you. Council, I -- could you queue the slides?

[12:05:55 PM]

I recently told you that the rate decrease that you passed for Austin energy residential customers was not in the best interest of conservation and low income consumers. Specifically the tier 1 discount that you passed is not really a discount. It is an increase. There are two reasons for this. The first is that when Austin energy staff conducted their evaluation of how the proposed rates affected bills they did not leave the fuel charges including fuel, community benefit charges and regulatory charges, even. The surcharges represent about half of the bill. You have to leave them equal between the old bill and the new bill to see the real effect. The surcharges can change every year. Now, here are some updated figures, and they use -- and I updated them with last April's surcharge. With the surcharge even, customers using 50% of Normal consumption pay about \$12 more a year. With the lower surcharges in 2017 the increases are only eight dollars more a year. The other reason low consumers will be paying more is the example of the tier 1 customer that Austin energy used in its evaluation is not representative. It was one customer in part picked by intuition. In my calculations I took the average consumption for each month for all 402,000 Austin energy customers and reduced it proportionately by 50%. When you use Austin energy's profile for their one customer and mask it with lower surcharges, there's a savings of five dollars. When you use the profile of 402,000 customers reduced to 50% of average and do not mask the increases with lower surcharges, it is a 12-dollar increase.

[12:08:10 PM]

A 12-dollar increase for low energy usage is not what you asked Austin energy to give us. You asked for a decrease. I am asking you to revote on this item in the very near future. Though you can vote at almost any time, it would be better to correct this by November 1st to give staff enough time to enter the new

rates in the billing system before January 1st. I have draft wording for a resolution on this that I will circulate to your offices. One last slide, this shows that people using more than average will in fact get a bill decrease whereas people using 50% or 25% of Normal --

[buzzer sounds]

-- Will get a bill increase. Thank you.

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

>> Zimmerman: Before you go, thank you for that. We had a consumer advocate, did we not, looking at the residential rates? Did you run this by them? Or did it just slip past their attention?

>> Councilmember, that consumer advocate is gone and --

>> Zimmerman: And you're still here.

>> And they compromised on something that I did not.

>> Zimmerman: Okay. Thank you. Thank you for being here.

>> Mayor Adler: Thank you very much.

>> Zimmerman: I'm interested in your resolution.

>> Thank you.

>> Mayor Adler: Thank you. All right. Let's now connect out to district 6. Let's test this pilot. Sharon Blythe. She is our second speaker. Good morning.

>> Good morning, council and mayor. I'm Sharon Blythe speaking to you from northwest Austin. I saved 23 miles of travel because of this district office. This presentation is about public engagement during city business meetings.

[12:10:14 PM]

City staff closes their doors to the public to decide which projects will be funded by the bond money. The people have no idea what they're buying due to this closed process. The city council gives a blank check to the city departments, which is bad governance. This happened recently when the parks department ignored the may tricks that the citizens worked on for over two years on cemetery expenditures. The people were ignored. The council had no choice but to pass the measure when parks invited their very chosen contractor to speak before you that day. Think about it, the outcome leaves the public on the side line without their wishes being considered. More than likely the staff will use oak wood cemetery as a money making project, maybe the interim city manager will initiate a general public process to determine the use of that chapel. City [indiscernible] Without reading the backup material without reading the issues, knowing the here say about cemetery issues. It is not your fault, it is your legal counsel did not tell you. But you can correct this. Vera givens spoke a few weeks ago about St. James missionary church and the highland cemetery. The council voted to rezone the cemetery without understanding the law or asking for an archeology study and ignoring the pleas of the people that have people buried in the cemetery. Even the city website 16 years old showed that there were people buried in the cemetery, and you will be getting this this afternoon. The state law says the owners of property on which an abandoned cemetery is located may not be -- may not construct on that property until a district judge removes it from being a cemetery in the Texas historical commission and the county historical commission are notified. This process was not followed and your vote needs to be reconsidered. Another example during council meetings is that the citizens usually have only three minutes to speak, whereas staff can speak as long as they want just to justify their position.

[12:12:16 PM]

This is just wrong and the public is just lying beside the road as road kill. In addition, the staff presentations take up the entire meeting time and public discussions are not allowed among attendees.

This is not public engagement. Also I am voting against the 720-million-dollar traffic bond because there was little public engagement before the bond package came before council as a vote. We need public disclosure and this was not it. Enough is enough. Please have meaningful public engagement before decisions are made. Thank you very much.

>> Zimmerman: Can you hear, Ms. Blythe? Can you hear me?

>> Yes.

>> Zimmerman: We lost the first couple of sentences. Just one or two sentences right at the beginning because the volume was not up. What was your first sentence or two, if you have that?

>> I just said good morning, council and mayor. I'm speaking to you from northwest Austin. I saved 23 miles of travel time because of this district office this morning.

>> Zimmerman: Okay. Thank you very much for being here. Thanks.

>> Mayor Adler: The next speaker is koo-hyun-kim. And Robert Rivera is on deck.

>> Good afternoon. Exciting to talk to you. I really appreciate you. I proved several times here America is better than heaven. Statistically and arithmetically nobody told me I made a mistake so far. City council is much more democratic than Travis county commissioners' court.

[12:14:19 PM]

I can't wear this hat at Travis county commissioners' court. You allowed me. It's better. I am here to let you know that Austin city is better than heaven and I am finding a living angel in the city of Austin. I have proved statistically that America is better than heaven and several times right here in front of you. No person told me or rebuffed me that I was wrong. Aaron sonin, master of social worker is a living angel in the city of Austin. Shirley Dexter of Austin board of realtors is a living angel in the city of Austin.

Yesterday I, Dr. Kim, found a living angel in the city of Austin, Travis county health and human services, community services, Erin sew then. I told her that America should not have experienced 911. If all of American government employees, workers or contractors walk like you -- work like you, and like Shirley Dexter of Austin board of realtors. And [indiscernible] Of Starbucks coffee company. City mayor Steve Adler need to write a mayor's special resolution of Erin sonen and increase her salary. This is a picture of Travis county sheriff, sergeant Mr. Craig Thomas Hutchison, found dead in his house.

[12:16:28 PM]

It is before two months of his retirement. A court decided his death as a self-killing, but his wife Vicky did not agree. She said he is not a person to kill by himself. I asked the Travis county compensate one million dollars to his wife --

[buzzer sounds] , Vicky covington, the Travis county commissioners' court did not respond to.

>> Mayor Adler: Thank you very much.

>> Refused and Travis county and the city of Austin decided to spend \$19 million for animals and illegally paid multimillion dollars to bond lawyers, but Texas does not provide bond license.

>> Mayor Adler: Mr. Kim, thank you very much. Thank you. We'll now go to our fourth speaker. Who is Robert Rivera.

>> Hi, city council, my name is Robert Rivera. I'll go ahead and start here. Austin is known as -- weather modification poses a threat to the city of Austin and all licenses should be revoked since aluminum palate is a hazardous material. The city has the ability to [indiscernible] With the chemicals. I've read that these projects only produce one inch of rain per year and aluminum particulate can cause dementia, cause all types of health problems. It's harmful to children, it's harmful to old women. And I also want to share something else. I wrote the city mayor, Marc Ott, mature Steve Adler, Leslie pool, in

charge of my area, and there are experiences that people in the community have documented community mopping.

[12:18:34 PM]

I hope that the city does more to communicate with city commissioners and law enforcement agencies that partner with local neighborhood watch groups. I have documented serious gang stalking community mobbing and been told of this source. Department of homeland security are unlisted for a reason and its citizens core program is a danger to the public. Department of justice knows how many people are getting stalked per year. They even have statistics on it. No matter they fund citizens core. I recently had a house break in where nothing was stolen, but a mark made across my table. I have a collection of videos on YouTube showing my facts. All you have to do is go to YouTube and search my user name is Christopher Columbus are. The video is called who are the gang stalkers and I have another one called citizens corps and gang stalking. I am currently sending this information to the human rights council through united nations. And I'm also filing another complaint the city against torture. I hope that these regional intelligence centers are monitored. They don't have the right to harass people because they are a whistle blower and they expose government corruption. Thank you. That's all I have to say.

>> Mayor Adler: The next speaker -- did you have something. Mayor pro tem?

>> Tovo: Just a question for our staff. Is this speaker speaking from district 7, is that correct?

>> District 6.

>> Mayor Adler: Both district 6. It's the only place we're set up right now to do the pilot.

>> Tovo: So this is a district 7 constituent --

>> I do live in district 7 and I do see that you guys, Lindsey pool is in charge -- she's connected with our regional intelligence centers and the I've explained to them my house burglary. They never called me back, tried to call the group. I have no --

[indiscernible].

[12:20:36 PM]

>> Tovo: I didn't know if you set up another viewing participation station in other districts. That helps me, mayor.

>> Zimmerman: Mr. Mayor, it's my understanding -- [echo].

>> It's open to anybody in the city. It's not just district 6.

>> Mayor Adler: Okay. The next mayor we have is Susana Almanza.

-- The next speaker we have is Susana Almanza. Is she here? The next speaker is Carol Biedrzycki.

>> Good afternoon, mayor, councilmembers. My name is Carol Biedrzycki and I am a member of Austin women in housing. This is a networking group that's made up of more than 100 women who are concerned about the lack of affordable housing here in Austin. In 2012 women in housing supported a rental registration program that would have required all rental properties to be registered and subject to code inspections on a regular basis. In 2013 council adopted what is called the repeat offender program. The idea behind the repeat offender program was to subject only the bad actors to registration, inspection and enforcement. I have given the clerk a copy of the original ordinance and a list of the properties that are on this repeat offender list for your information. The program is in the news and it's in the news not for what it does, but for what it is not doing. The repeat offender program is not working because it is not being enforced. There are 78 repeat offender properties. Many are not registered. Only 25 have have been inspected. We hear there's a lack of resources. Well, I have to ask you what is happening to the \$3.35 fee we pay on our electric bill every month to support code?

[12:22:47 PM]

This fee collects about \$1.3 million a month from residential customers. How can there not be enough resources to conduct inspections? We also hear that codes hands are tied unless there are complaints being made by the individual tenants. I'm no lawyer, but when I read this ordinance it says that once you're on the repeat offender program, code can inspect you just about any time it likes. Further it says in here that the city can prevent a non-compliant landlord from leasing empty apartments to new tenants. None of this is happening. The inspections are not done, no enforcement actions are taken, and unregistered properties keep renting. Renters at the lyric at Mueller on manor road became the latest casualties of this failed code enforcement. Yesterday I heard about tenants at the palms having no hot water. The tenants don't want to file complaints because they are fearful of retaliation from the landlord. The palms has been registered on the repeat offender list since October 28 of 2015. Code has not inspected the property. I' also been told -- I have also been told that the owner of the palms owns cross creek.

[Buzzer sounds] We need to have a real public discussion about these problems that are out there and this ordinance and how all the city departments can do a better job to coordinate and do a better job with enforcement.

>> Mayor Adler: Thank you. Mayor pro tem?

>> Tovo: Appreciate you raising these questions, Ms. Biedrzycki. I'm happy to work with you to get some answers from our code department on that. I just met yesterday with our interim director of code and I think these are very appropriate things for her to follow up on. As an aside I appreciate you having the more proactive ordinance.

[12:24:53 PM]

We got to point of council discussion and had to indefinitely postpone it because it didn't have the votes to move forward. I continue to think we would really benefit as a city from having a more proactive program and would be happy to continue efforts on that if enough of my colleagues want to join me on that.

>> Thank you.

>> Mayor Adler: Thank you. Next speaker is Jim Brennan.

>> Good afternoon, mayor and councilmembers. My name is Jim Brennan. I'm the director of the American veterans organizations. We are made of of 30 different organizations such as vfw, Vietnam veterans of America, et cetera. We represent approximately 600,000 of the 1.7 million veterans in the state of Texas. In 2005 I began the initiative for the city of Austin to begin the recognition of veterans for contract advantages with the city. They have been recognized at the federal level for many years and over the last 20 plus years many states and municipalities have also established programs to support veteran owned businesses. After all these years the city of Austin finally passed a resolution, which I believe you have had distributed to you, that should be reason to celebrate except the resolution was passed on November 8, 2012, nearly four years ago. The resolution states whereas state and local governments across the country have established programs for veteran business enterprise programs and the city of Austin has a history of supporting initiatives that will assist veterans as a means too honor their service to the country, the city of Austin has shown strong support of local businesses recognizing that they are the life blood of Austin's thriving economy.

[12:26:53 PM]

It is the desire of the city council to explore the idea of a veteran or disabled veteran business enterprise program that will help promote meaningful business opportunities for veterans in Austin. Now therefore the city manager is directed to include veteran business enterprises in the disparity study analysis to be conducted by the city. Upon further -- upon completion of that analysis and if there is sufficient evidence of a disparity among veteran business enterprises, the city manager is directed to begin developing a program for council consideration that includes input and presentation to the minority owned, women owned business enterprises and small business council committee and the mbe/wbe small business enterprise advisory committee. The reason I'm here today is the consulting disparity study which the city manager was directed to conduct, was completed last year and in fact concluded that there was sufficient evidence of disparity among veteran business enterprises. As such the city manager was directed to develop a program for consideration to the city council. In a meeting this past spring I was told this would be before the city council by August of this year. The veterans committee in Austin has been respectful of the process over the last seven years. But we are here today to request immediate action on this issue. I'll be happy to take any questions.

>> Mayor Adler: Anything from the dais? Manager?

>> Mr. Brennan, if you could give me a business card I'll see that our director, Veronica Brizeno meet with you and discuss your concerns. But I need some contact information.

>> I'll get it to you.

>> Mayor Adler: Thank you.

[12:28:54 PM]

I do recall that request for the follow-up. If you would let the council know too where that stands I would appreciate it. The next speaker refuse is iris Leija. Iris Leija.

>> Good afternoon, mayor and city council. My name is iris Leija. I'm a concession worker at Austin airport and proud member of the united hospitality workers union. First of all, let me thank you on behalf of my co-workers for extending the living wage at the airport to us. This is going to make a big difference for us as we raise our families here in Austin. As concession workers at the airport, we are the first people to welcome tourists to our great city. We are proud to present Austin to guests visiting our city, provide them the highest quality service. A few months ago we signed a union contract which provide amongst other things significant improvement in our health insurance. We were able to reduce costs and improve benefits. More of my brothers and sisters now have health insurance. For themselves and their loved ones. This is already slowing down the turnover rate, which is creating more stable workforce and allowing us to provide even better quality service to guests to our city.

[12:31:02 PM]

We are looking forward to working with our employers in the city of Austin to make us number one in customer service. Working together we are winning. Thank you.

>> Mayor Adler: Thank you. Next speaker we have is Joe zamecki. And Darnell Franklin is on deck.

>> Good afternoon. My name is Joe zamecki and I live in north Austin. In 2009 I and a couple other proud atheists like myself started a charity group called helping the homeless and since 2009 we've been doing successful work helping the homeless and people in need by doing giveaways of free items like toiletries and some clothes and food under the bridge of I-35 at seventh street. And it's been very successful. We've grown, actually now have over 20 chapters across the United States and one in India, of course, so we're now international. The other point I wanted to bring up was the fact that we have a very diverse city. A lot of different kinds of people live here. Including non-christians. This is why it is preposterous to continue to have a promotion of religion on our city flag and city seal, which of course if

you know about the city seal, there are thousands of examples of that all around the city and the city of course prints them up by the thousands. It is the most prominent and most numerous instance of the Christian cross in this city, inside and outside of churches, as well as public and government owned areas. So for my part I think it needs to be resolved. The bottom line is you all know we have lots of non-christians living here, buddhists, indians, muslims. We have all kinds of people living here so that Christian cross really is inappropriate.

[12:33:06 PM]

Anyway, if you go online to YouTube you can see videos of our giveaways that we've done to help homeless people. We've helped literally tens of thousands of homeless people and other people across the country. I'm proud to say that. And to work alongside other groups, including Christian groups, other church groups, other secular groups. And I wanted to let you know that we exist and that this is a diverse city and it pains me to see our city seal, our city flag could be beautiful but for that one simple little mistake. That was all. Thank you very much for having me.

>> Mayor Adler: Thank you. Last speaker is Darnell Franklin. Mr. Franklin.

>> Good afternoon, mayor and city council. My name is Darnell Franklin. I work at Lsg sky shift. We cater food for all the airlines out of Austin airport. Like my sister who just has spoken, we are also proud members of the united, hospitality workers union. We take great pride in preparing the finest quality Neal meals for our guests when they are flying back home. I am very excited to announce that a few months ago we just finished a negotiation, our new union contract. This contract provided a significant wage increase and many other improvements in our working conditions. I am also representing my fellow united hair members who work at the concessions at St. Edwards university and they recently completed their union contract. They are unable to be here today because they are working but we are also able to win significant improvements in the wages and health care in their contract. We are excited about working with our employer and the city of Austin to make it number one in customer service.

[12:35:09 PM]

I would like to thank you for your time and leave you with our thoughts. Working together we all will win. Thank you.

>> Thank you very much for being here today.

>> Kitchen: Mr. Mayor, I would like to thank you and the previous mayor for being here and speaking to us. It really helps us understand how our policies are making a difference for people, so we appreciate you coming forward and talking with us.

>> Mayor Adler: Those were all the speakers that we have. Council, I think we could come back at 2:00. We can't handle anything before then. At 2:00 we'll do that called item, number 12. And then we'll proceed from there. So we're in recess until 2:00 P.M.

[2:12:41 PM]

>> Mayor Adler: So we're now back from recess. We only have one item we can take up now before 4:00. That is this arts tier one contract issue. I understand there is another draft that's being prepared. I want that draft to come back. And I want people to be able to see what that draft says so that you can respond to it in the testimony that you would give. So we're going to stay in recess again for about another ten minutes until we can get that back and print copies for people to be able to see.

>> Mr. Mayor, I think it might be more reasonable to say a little more than ten minutes.

>> Mayor Adler: Okay. How much time do you think?

>> You know, I think in fairness to everyone, let's give it about 20 minutes and we'll try to be faster, but let's just say 20 minutes.

>> Mayor Adler: Okay. Let's say 20 minutes, then. I just wanted you all to know what was going on so you wouldn't have to sit in the chair. It is now ten after. At 2:30, we'll go ahead and reconvene. We're in recess until then.

[2:38:16 PM]

>> Mayor Adler: Council, are we ready to gear this up? We have now this item number 12, it's a cultural arts contract. We have folks in the public wishing to speak. Who wants to lay out this issue and speak to it?

>> Kitchen: I will do -- we'll do it together. I will do part of the layout and then councilmember Casar will lay out the rest of it.

>> Mayor Adler: Okay.

>> Kitchen: So -- and we do have amended language, which I think has been provided to our clerk, I guess, and when we get to the language we'll talk about that to make sure that the public has the --

>> Mayor Adler: That will be good. Just to let the public know, in terms of debate our default rules have us with 20 speakers having three minutes able to speak, and then the speakers after that having one minute to be able to speak. Otherwise we would have four hours worth of testimony here. To put everybody on notice of that, we'll --

>> Kitchen: So basically this is -- what this is about is about -- this is about moving forward with the city council's approach and policy of cooperation between organizations and the people who work with them. And this is relevant because we are talking about city land, city property and city funding. So it is in the interest of the city to make sure that our policies and our approach relating to worker relationships with the organizations they work for are carried out. So that is the overarching policy that we're talking about, and I'm sure councilmember Casar will speak to that a little bit more.

[2:40:19 PM]

I want to drill down a little bit because there's been a fair amount of perhaps misunderstanding about what this language does. So let me speak to this and I'm going to speak to it from what was put on the council message board yesterday. And that is basically we are taking a very reasonable approach at this point. We are simply asking for dialogue between an arts organization and the -- the workers that are represented that work for them. That's the only ask. I want to point out this does not affect the funding this year. It's an ask we're making in the contracts for this funding cycle, but we are not saying that -- but this doesn't create a breach if this is not able to be carried out. So basically it doesn't affect the funding for this year. What it does say is it establishes a mechanism at the first of next year to be more specific in terms of what the exact requirements will be in our application -- in our application process going forward for these cultural arts organizations. So basically we're simply saying we're making our statement that it's very, very important and critical for the city, particularly on city property with city funding, that there be a cooperative relationship between labor organizations -- between the people we're contracting with and the people that work for them, so we're making that statement, we're making a request that there be dialogue, and then we're saying that for our next funding cycle in two years, which comes up in two years, we'll be much more specific on exactly what we're expecting from contractors so they will know from the beginning what it is that we are expecting. And we expect to bring that particular language back to the city council the first of the year so that we can be specific

about how we're going to wait and grade applications in the future with respect to the relationships between the organizations and their workers.

[2:42:28 PM]

So I'm sure that I've left some things out. Councilmember Casar, do you want to add anything?

>> Casar: Certainly. So essentially we have two options as far as labor relations and how I see them on city property because the contracts we're evaluating right now are on city property. Option 1 where organizing drives could result in economic interference, they could result in strikes, boycotts, other issues, and where there could be a antagonistic relationship with labor organizations and their organizing drives between various employees and employers and the labor organizations, or there's also another option where there could be a more cooperative relationship, a collective bargaining agreement or other agreement that prevents that sort of interference on city property and where we have a cooperative or at least neutral relationship between labor organizations and the employers that they are interacting with. I think with the statement we are trying to make today through these contracts and various other city policies on other city owned property is that we prefer, I think, if we vote in favor of this and I think it has been this council's policy, if we -- as an option we prefer to see organizing drives occur on city property and people to make their own choice about whether they want to be part of a union or not in a peaceful way so that the show goes on. And so I think that that's the stated preference and that's essentially what I think the language lays out over the course of several months actually for some arts organizations, they already have this figured out, but for those that don't, over the course of several months we can give weight as a council to those sorts of cooperative relationships.

>> Kitchen: And then just to add -- Mr. Mayor? Just to add more specificity, what that means is contract language that we're talking about specifically asks for there to be a best efforts, good faith attempt at sitting down with the labor organization and working out a cooperative arrangement.

[2:44:46 PM]

It also is very clear that if that doesn't happen within -- if that doesn't happen, that does not affect this year's funding cycle. It also makes it clear that it does not apply to organizations that already have those agreements with the folks that work for them. So really of all these contracts we're really only talking about one organization and that is the Zach Scott theater. And then finally it sets in place a process because we have heard and we understand the concerns that people want the opportunity to talk about what should be in our applications, in our rfps essentially, in our application process going forward and this sets that process. So I think that the bottom line what we're putting forward is a very reasonable approach to address the concerns right now and a very reasonable approach for how we would go forward with the next funding cycle.

>> Mayor Adler: Before we go to the public conversation, I mean generally I think this is a really big issue and I think it would have been better if this had gone through a greater stakeholder process. Council has heard me say that before on other issues as well. I just think we make better choices and decisions when we don't act and we give due deliberative time, especially in those situations where we can do that and there's not -- we're not prejudiced by what we might want to try and I think this was one of those. That said, I appreciate the -- the consideration from councilmember Casar and councilmember kitchen to add some provisions in this that I just want to say out loud before people speak so that they know those provisions are in what I think is going to be offered.

[2:46:55 PM]

And I welcome the testimony on how many organizations are impacted by this because I thought there was more than one, but we can see. What this says as it will be offered, is that I think the contractors, organizations covered by this acknowledge and understand the benefit of having a good labor and employer relationship, and I think that they do. And I think a lot of the provisions we have where we talk about the benefits of that are provisions we can all agree on and this contains those kinds of provisions. And I think there's a -- would be widespread agreement with that. But this also provides, as councilmember kitchen said, that we're asking the contractors to sit down with representative of labor to be able to use best efforts to come up with an agreement. It allows for those conversations to take into account any exigent circumstances of that particular contractor. And I think the language that was handed out actually had contract with a small C and just contract and I think it's really a capital C and contractor in the third line of section D. But it allows those things to be taken into account so that the organization has the ability to at least make the argument that there's something special about the organization that should be taken into account. And that can be part of the conversation that happens between the employer and the labor folks. It does say that there's some elements that the council would be saying that it wants to have included in those discussions as people use their -- their best efforts, and it allows for that conversation to happen on specifics and then generally on how to achieve what would be that same result in another way if that other way exists.

[2:49:13 PM]

It does provide, I think as councilmember kitchen pointed out, that this does not impact the grant funding that is being issued now that folks have gone through a process to be able to get, but it also provides that early next year and in what was handed out it said January of 2017, and I think there's going to be a request we consider pushing that back a month until February so we get out of the holiday performance season that these folks engage in, but then has the city sitting down and the council deciding in January or February of next year what labor issues should be included, if any, in the matrix that is used to award funding in cultural arts contracts. Which means basically, I think, how I read this in toto is that we're asking labor organization and employers to sit down and see if they can work through some of these issues, but it's going to come back to the council in February of next year and it's going to be at that point after having those conversations and broader conversations in the community for the council to decide how, if and in what way these elements are taken into account in the matrix, and I think it will lead us to a constructive conversation over the next intervening months and everybody knows we're asking just for that conversation to take place. It specifically says in that matrix behavior prior to that date will not be considered as part of that matrix evaluation. So we would be setting that standard in February prospectively. And I appreciate the consideration from councilmembers Casar and kitchen to allow for that opportunity. That said, I will go into the testimony here.

[2:51:22 PM]

The first 20 people to speak will have -- and we'll do ten on each side, have three minutes. If you have time that's been donated to you from another, it would be one minute for each donating person unless the person donating is one of the three-minute people. I'm going to assume otherwise unless I'm told. So the first speaker we have is Richard McGee. Is Richard here? Rachel. Rachel, I apologize. It's already been a long day. So is Riley Burgess here?

>> No, he's not so I will just take three minutes.

>> Mayor Adler: Three minutes.

>> Thank you. Mayor, mayor pro tem and councilmembers, we are here today because we want to see Zach Scott the way everyone else sees Zach Scott, in the best light. What we have seen so far is why we

are here. We've seen intimidation, real talliation and I want means. I want to be clear this hasn't been our experience in other locations. Some of our employers are here today, ballet Austin, Austin opera and the long center. We have had collective bargaining agreements in plays with these organizations for many years and we have a great relationship with them. They are a shining example of how labor and management could come together for mutual benefit. But why we are here today is because we -- what we have experienced at Zach is not the same. So we want to speak in support of this amendment. We support what it is trying to do and we hope you will pass it today so we can work with Zach and the Zach employees that are here today that don't agree with us so that we can all come together and make a decision on a neutral playing field.

[2:53:28 PM]

Thank you.

>> Mayor Adler: Thank you.

[Applause] I'm going to call Tom terkell. Is Colleen terkell here? Is Taylor steed here? Is Kimberly sidey here? Is Charlie Frasier here?

>> Let me put you at rest, I'm not going the need all that time. Mayor Adler, members of council, my name is Tom terkell, I appreciate the opportunity to appear here today. I've been a season ticket holder and my wife has for 16 years at Zach. I've attended the ballet, the Austin film studio, I've enjoyed as we all have in this city the great art organizations of Austin. I love the arts because I've learned so much from them. The principal thing I've learned is the value of creative collaboration. That occurs when you get a group of people with diverse ideas, different points of view, different backgrounds who come together to work toward a common purpose. It happens every day in the art field. They get up in the morning, they drink creative collaboration, do it for lunch, every moment of every working day because that's the only way things like Steven mills, holocaust ballet, keeping it weird come to light. Somebody has an idea. They bring in their colleague and say what do you think and there's give and take. They disagree, but they work together. They have set designers, they have dancers, they have musicians, they have actors, lighting experts, sound technicians. They all have to be part of the conversation because it won't happen. You know, arts organizations are nonprofit, okay?

[2:55:31 PM]

So every year they struggle to find a way to do a little better than they did the year before. They try -- we all try every year to pay the people that work the very most money we can because we want -- we revere our workers, we love our workers, they are very important. We're different than Microsoft, Google, apple, Uber, et cetera. And the people that work at arts organizations are different also. They are motivated by something other than making the most money they can. They have different goals, they have different reasons, motivation. And just like there's difference in the people that hang out and live in profit oriented enterprises, maybe the need for unions and the way unions react and interact in that environment is a little different too. You know, Austin was one of the places that really advanced the no place for hate campaign. You may remember that a few years ago. The anti-defamation league took the lead and carrying the merge bull isying is not a welcome behavior in Austin, it has no place in our city. The people that work at arts organizations unfortunately understand it better than the rest because many of them have been bulled creed all their lives. They don't like that. They incredibly disappointing when the bullying comes from the city they love. Why would I say that? Because on Monday myself and two other of my colleagues had the chance to meet with a couple of our councilmembers and they told us that this was the policy that was going to be done. This is how we're

going to do it. We did not see a draft of this proposal until Tuesday morning. 48 hours ago. Now, with all due courtesy to councilmember Casar and councilmember kitchen, they've been very responsive.

[2:57:33 PM]

We've had one meeting and several conversations and as councilmember kitchen points out they responded to several of our concerns. But they've missed the central point. And if you would put the slide up for me. Let's take a look at what they told us, what councilmember kitchen posted on your message board last night. And let's just read -- remember that she says that this is nothing more than an invitation to have a conversation. And nothing bad can happen to us if we don't do it. But let's just take a look at what it actually said. This is what was put up last night. Contractor shall make best effort to negotiate, to enter into a labor piece agreement to include, number 1, contractor shall maintain a neutral posture. For those of you not well steeped in labor law like myself until Monday, you think that sounds very benign. When I talked to Mike blizzard. He said that's no big deal. Do you know what it means? Here's what it means. It means that the labor union organizers can talk to the employees at a company as long and often as frequently and harassing and misleading, whatever they want to do, they can do it. But under a labor neutrality position, management is not allowed to say one word to anybody about the union. They are not allowed to ask a question, they are not allowed to explain why this might just upset the dynamic of the arts organization, the nonprofit enterprise. In the debate Sunday night that will occur between Donald Trump and Hillary Clinton, Donald Trump gets to talk for an hour and a half while Hillary Clinton sits there with a sock in her mouth watching. That would be political neutrality. In this kind of train of thought. That's what this means. That's what we are required to negotiate with a union that says we might represent somebody in good faith to include that provision.

[2:59:36 PM]

We're also required to waive our rights under federal law. The United States of America has federal laws that govern labor relations. They've been in place for many, many decades. And they regulate all the ways that these interactions happen. So the policy that was put up last night that we're being told that we learned about for the first time 48 hours ago says that we must waive our right to receive a national labor relation board election. This is an election monitored by persons elected by the national labor relations board to conduct a secret ballot election. And so I've asked several of the advocates, I said what is the evil --

[buzzer sounding]

-- That we are trying to -- I think I have some donated time. What is the evil that we're trying to cure here?

>> Mayor Adler: That included the donated time.

[Laughter]

>> I'd like to go a little longer. If I can just wrap up by saying what we would like is an opportunity to participate as stakeholders in a conversation about what the policy is rather than being required to negotiate with a union on a one off basis and come back in February. You can ask us to do that while we're talking about what the policy should be. Shouldn't we talk about the policy before you send us off to negotiate with the union?

[Applause] Thank you.

>> Mayor Adler: All right. So we have -- we have learned over time -- we'll get people -- we have learned over time -- we've learned over time that we extend these meetings well beyond where they need to go with audience applause and the like so I'm going to ask you to hold it because it turns into a back and forth that's not constructive.

[3:01:39 PM]

We'll give everybody a chance to speak and at the end we'll ask everybody who didn't have a chance to speak to stand up to express visually their support on the issue. So the next speaker that we have is Katie Anderson. And then the speaker after Katie Anderson will be rob -- rob fisher. You have three minutes.

>> I believe I have one minute donated.

>> Mayor Adler: Do you want to -- who donated you the time? Okay. Alejandro Diaz then you have four minutes.

>> Good afternoon, mayor, mayor pro tem and members of city council. I'm Katie Anderson and I'm here to represent a large number of my stage hands at Zach theater. I brought with me some union representation authorization cards. Each of these cards represents a Zach worker that has signed one of these same representation cards.

The card states: I hereby authorize local 205 to represent me for the purpose of collective bargaining with my employer Zach theater. While I would love my co-workers to stand with me today, it's not safe for them to show their support publicly so I brought these cards to help me show you a growing number of us want to see changes at our theater. I continue to speak one on one with the stage hands at Zach just as I began talking with them last season about work. They tell me what they enjoy about their job at Zach and what they would like to see improved. We also talk about our campaign to stand up together, to make those improvements at work. While there's a lot of us who want to exercise our right to collectively bargain and we have a large number of workers who have signed cards just like these in support of its represent station at Zach, you don't see a lot of us standing in front of you today with me. And you don't hear many of us talking about it publicly. Zach workers are keeping their conversations about the union secret because they are intimidated and fear retaliation.

[3:03:41 PM]

Since I came out publicly in support of our campaign to secure a place at the bargaining table with management I've been bullied by my direct supervisor in front of my peers. I've been labeled as disgruntled and accused of harassing my co-workers. Sudden dress code changes were implemented but only for my crew. And worst of all, my hours have been reduced. And for the first time in two seasons I was not assigned a position on crew for the current theater for family show "Charlotte's web" which opens this week. Theater for families draws me back to Zach despite the low wages and job security and because I'm so passionate about reaching the community through children's theater I'm sad to say I will not be working on it. This leaves me with about 32 hours less per week than this time last season or the one before that before I came out in support of a contract at Zach. I would like to point out I've had no disciplinary action and my work has been praised by the director of production. Zach stage hands told me they see what is happening to me and they are scared it will happen to them. It's very easy for assistant managers, full-time staff members with benefit tonight's and donors and well to do board members to speak out against the union. Management rewarded me for my actions in speaking for the union by cutting my hours, but I wonder how they might reward people who speak against the union to secure their unchallenged power and stance against improving their skilled workers' rights. There's a reason union campaigns are held in secrecy. Employers in at will states like Texas have historically taken action against workers who seek collective bargaining. Zach management chose to under pay its stage hands for years and when workers attempted to stand together to make positive changes at our theater, Zach management chose to hold mandatory meetings to spread fearful, misinformation to its workers.

[3:05:47 PM]

Zach managers have created a narrative about union supporters being bullies and unstable individuals. They told workers that the union would bankrupt our theater and would replace us in our current jobs at Zach with its senior union members. When they found out I was a union supporter, Zach management chose to decrease my work on shows. I was discussing the campaign with one of my co-workers last week and he told me people are looking for a guarantee they won't lose their job if they show support for standing together to make the changes we want to see at work. That's why it's urgent that you pass the new contract today with the amendments from counselors kitchen and Casar.

[Buzzer sounding] We need this in order to move forward under our right to collectively bargain with our employer. We must be able to talk to each other without fear of intimidation or retaliation.

>> Mayor Adler: Thank you.

>> Thank you.

[Applause]

>> Mayor Adler: The next speaker is rob fisher.

>> Casar: Before Mr. Fisher speaks, there was a part of the amendments that haven't been -- not laid out yet but it does speak to the prior speaker's points. We are adding as essential consideration for the city the contractor agrees to comply with all federal laws concerning the protection of employee rights and any finding by the nlrh will constitute a breach of this agreement and some of the things that are described would certainly if found true, would certainly constitute, you know, a breach of the protections that workers have. In 2007 when bills were filed both -- in both houses of congress at the federal level and the bills protecting or getting workers more of a chance to have a card check election was sponsored by then senator Obama, research showed that about 30,000 workers in this country received back pay that year from their employers because they were illegally fired or denied work as a result of exercising their federally protected labor rights.

[3:07:59 PM]

>> Mayor Adler: Okay. Sir.

>> Mr. Mayor, mayor pro tem, councilmembers, my name is rob fisher. Before I get start with my remarks, I would ask all Zach employees in attendance to please stand up. And I'd ask they be joined by all other people who are here on behalf of Austin arts

[inaudible] Organizations. Thank you. I'm a member of the board of trustees of the Zach theater. Oh, I'm sorry, Mr. Mayor, I believe I had some time donated to me.

>> Mayor Adler: Yes. Is -- stop the clock for just a second. Is Abe rybold here? Is John bell here? Is William manning here? Is Dennis Riley here? Okay, so I have four other people so seven.

>> I would like to donate my time too.

>> I'll donate my time.

>> Mayor Adler: If you would come down and give the clerk your name so you can mark that on the deal. Seven, eight, nine, ten minutes. Please proceed.

>> Thank you, Mr. Mayor. I'm a member of the board of trustees. I'm a member of the board of trustees executive committee and I'm the volunteer general counsel of the theater. I was a subscriber here 36 years ago when I was a student at U.T. And I'm proud to remain a subscriber today and a Zach donor. With all respect, the council is trying to solve a problem that does not exist. There is no union problem at Zach. There has never been a request by a union that Zach recognizes. There has never been a request by a union that an election be held at Zach. The reason for that is obvious, there is not sufficient support to unionize Zach.

[3:10:00 PM]

So we're trying to solve a problem here that really doesn't exist. There's also never been an unfair labor practice charge filed at Zach and that's in spite of the fact that organizing efforts have been going on for many, many months. It is very unusual for there to be zero unfair labor practices -- practice charges filed in that kind of an extended effort to get cards signed, and the reason they haven't been filed is that Zach hasn't done anything wrong. Zach complies with its legal requirements regarding its employees. Not just to avoid liability but because it's the right thing to do. In particular Zach understands and respects and complies with its obligations under the national labor relation act. The act sets forth a well established process for determining whether employees want to unionize. The key components of that process are a process through which the union seeks authorization cards, union can meet with employees, say what they want about union organization, the employer is allowed to speak with employees about things they might want to consider before deciding whether or not to sign a card. In other words, it's a process that respects the free speech rights of both sides. Including employees who might not be inclined to support a union. If the union obtains cards from a sufficient percentage of employees, it may then request that the national labor relations board hold an election after a brief campaign, a secret ballot election, a vote is held. The process works well and respects the rights of all employees, including those inclined not to vote for a union. We know those employees exist in large numbers at Zach. The proposed amendment is with all respect inappropriate for not for profit arts organization. Zach has no problem discussing ways to ensure compliance with labor laws and other workplace obligations, but the proposal at hand not only says there will be discussions, it also says that if we fail to agree, that may be a factor in the next round of funding.

[3:12:14 PM]

The amendment also includes so-called neutrality, let one side speak while the other is required to remain silent is hardly neutral. And the proposal includes a discussion of a possible card check procedure. Tom terkell analogized allowing Donald Trump to speak while Hillary Clinton must remain silent as not being a neutral process. To take that analogy a step further, card check would mean that Donald Trump gets to meet individually with voters, collect their votes, count their votes and then tell secretary Clinton whether or not he won. That is not a fair process. A secret ballot election is simply a lot better, it's a lot more American. In gazelle packing, the united States supreme court said secret ballot election is the most says is factory, preferred method in as staining whether a union has majority support. In national labor relation board versus village 9, workers sometimes sign worker authorization cards not because they intend to vote for the union in the election, but to avoid offending the person asking them to sign, either a fellow worker or simply to get a person off their back. In nlr, the second circuit said it is beyond dispute that secret ballot election is a more accurate re flexion of the employee's true desires then a check of authorization cards collected at the behest of a union organizer. George McGovern wrote a op-ed piece in "The wall Street journal" -- the employee free choice act, which didn't pass, didn't combine neutrality with card check. But George McGovern was opposed to the card check, the last of a secret election. He said we cannot be a party that strips working Americans of the right to a secret ballot election.

[3:14:16 PM]

To fail to ensure the right to vote free of intimidation and coercion from all sides would be a betrayal of what we've always champed. I know reasonable people can degree about the possible expansion of the

national labor relations act with respect for for-profit employers. But in this case giving a not for profit arts organization the choice between risking future funding or agreeing to remain silent while the union speaks and possibly give up its and its employees rights under federal law including possible an election is not fair. I respectfully submit that a not for profit regional theater in Austin is not the best laboratory in which to conduct an experiment on such a remarkable expansion of well-established rights under federal law. Or actually well-established -- such a significant restriction of well-established rights under federal law. Thank you very much.

[Applause]

>> Zimmerman: A quick question. I'm referring to page 5 of what was just handed out. Its thing that got my attention was the card check method called out in section D 3 and that jumped out and grabbed me. When I look at the rest of page 5 I keep seeing things, the contractor has to acknowledge federal law protects rights. I don't see that -- it doesn't say the labor union understands that -- that state law protects the right to choose. To me this looks very biased in favor of union organizing. But is the card check method the real problem with it is it's not a secret ballot; that correct to say?

>> It's an inherently coercive process because your opponent in the next election gets to collect the votes, collect them in person, count them and then tell you who won. >>

>> Zimmerman: So it's not a secret ballot and it's called out really as a preferable way to do it because it's called out.

[3:16:19 PM]

Other methods it says or other system, but it calls out card check. So that's my objection to this thing here.

>> Also, I would note requires us to do -- into any organization with our employees. How do we know that? Under the national labor relations act there's a process for whether the labor organization represents employees and once that organization is established as the exclusive representative for collective bargaining with respect to a group of employees you negotiate with them. Here we have to try to guess and give up our negotiation without any knowledge that they're ever going to represent our employees. Thank you very much.

>> Kitchen: Mr. Mayor? I wasn't going to get into the language now, but since we started that, you may not know this but that's why I wanted to point it out. Failure to agree -- if I heard you correctly, that failure to enter into an agreement or cooperative agreement with a labor union would impact the next round of funding. The language doesn't say that.

>> I'm aware of that.

>> Kitchen: I think you may have misstated it then. It does not say -- in fact, it says that it refers to contractors contact after the time during which the discussions occur between your organizations and the city, so it doesn't refer at all to what happens between now and next January or February. So I wanted to make sure you saw that language because I misunderstand what you were saying about it.

>> I said it may be considered a factor in the the next round of funding.

>> Kitchen: It doesn't say that. >>S.

>> Well, it does say there will be some discussion about how much weight is going to be given to these factors in the next round of funding.

[3:18:22 PM]

>> A discussion you will be part of.

>> I understand that, but not necessarily prevail.

>> Kitchen: I wanted to be clear we were clear about that language.

>> I've read it. Thank you again.

>> Gallo: Before you leave, Mr. Fisher, I think I heard your answer to this, but I want to make sure. So at this point has Zach had any violences?

>> No, we've never even had a charge.

>> Gallo: Okay. And then are your wages competitive with the industry?

>> I'm probably not the best person to me to that, but -- speak to that, but the Austin chronicle compared the wages at all arts organizations in Austin and I believe we were at the top of that analysis. We do wage surveys regularly and find that we are competitive with comparable organizations. Remember, this is a not for profit regional theater. This is not a large professional theater. And Zach is a producing house. We produce organic art and create it largely with Austin residents phonal children and Austin citizens. We're not a presenting house that just brings in a road show from New York, charges a lot of money for a ticket and then they roll on. We're a very different organization. Really part of the Austin community.

>> Gallo: Thank you.

>> Thank you.

>> Mayor Adler: Okay.

>> Casar: Mayor, I would like to make my own analogy on the trump-hillary thing, that I believe that having a choice to vote as I wish for trump or Hillary without my employer telling me what they think is appropriate. So I think folks can make their own decision. The workers here that want to be represented by a union, those that don't have the right to make their own decision. And what we're discussing today is if a labor organization offers to not strike or boycott that our hope is that those on city-owned property will in turn be neutral about whether or not-- about their employees' own choice.

[3:20:29 PM]

>> Mayor Adler: Okay. Next speaker that we have is Paul McGhee. After Paul McGhee we'll be calling Brian Mccauley. Is Paul McGhee here?

>> It's a typo. Paul [indiscernible].

>> Mayor Adler: I'm sorry?

>> Sorry. I was signed up for somebody else. There was a typo I guess on that. So I believe we have a graph, I guess, of the competitive wages currently in Austin, Texas along the non-profit sector of various theaters and venues. I'd like to have that up there if possible. Also as far as union representation at the Zachary Scott theater, they have an aea contract, actors equity association, which represents stage management and actors there. They have the members of the stage choreographers and directors society and they have the united scenic artists a 29 that represent scenery and costume designers. If there's a union problem, I don't know whether or not, but if there are unions there, why can't Zach, stagehands have one if they desired? And that is their choice. When people work together we all do better. That's been proven time and time again. And people stand together, they're collectively stronger than its individuals and together they have the problem to make things change for the better should they wish. In this instance we're talking about the Zach stage hands. If we are alone in this instance then why does local 205 have a stack of location cards signed by Zach employees. If they are alone in this instance and there is no union problem at the Zach, then why have they come out in such great numbers? If there's no battle then why bring out the cavalry. If they are alone in this situation then why would Zach theater management host at least three different captive audience meetings where all employees are made to be there and paid to hear the opinions of the employer themselves?

[3:22:47 PM]

Zach theater stage hands need to feel empowered to make themselves feel better as a whole. They should not feel harassment from their employee when voicing their concerns. They must know that coming together has the potency to bring together their lives, not have their worth real rate gaited by management that sees the bottom line more clearly than their essential dignity. If they are able to provide for their families and friends, then passing these contracts with the kitchen and Casar amendments would be good for the working people, good for our city and good for the culture of which we are all a part. Thank you.

[Applause]. 40's.

>> Mr. Mayor, city council, my name is Brian Mccaul, I'm president of the board of Zach theater and I want to thank you for your support of Zach theater and your service to the city. As best as I can determine, Zach theater has had an amazing 35 year relationship with the city council. In all but two weeks this relationship, to my knowledge, has been amazing. These last two weeks, however, have not been. We appreciate the partnership as it was, but were disappointed in what it is unfortunately. You see the aggressive sense of urgency on the part of the city to override the judgment of Zach's management and board of directors in the past two weeks with the full knowledge that our managing director was out of the country, our artistic director was out of the city, has perplexed us. But notwithstanding that, the volunteer board members of Zach have taken the emergency measure that was placed before them by the city and dropped what they were doing, had countless meetings and conference calls, hundreds and hundreds of emails to try to the good where we need to be with you to do what we believe is best for Zach.

[3:24:47 PM]

One of our board members, the volunteer general counsel, has to a large degree abandoned his practice over the last two weeks to look at labor law, brush up on what we can do. Yet today with the mayor's efforts, thank you, councilmember Casar, councilmember kitchen, and mayor, for am coulding up with a bit of a reprieve today that may be accepted by you, we hope, each iteration until then seems to have gotten farther and farther away from where we wanted to be at Zach. We appreciate the recognition of the city by the general financial support you've given. We assume that that financial recognition is rooted in the appreciation for the 55,000 school children we bring to Zach and expose to the arts each year, the sterling productions that we do and the tourism and economic development money that we bring to the city. Let me give you my word, if we're not age to agree to what you want to do going forward and if our funding is cut, we will still continue to bring 55,000 school children to Zach and expose them to the arts. Our productions will still be sterling productions. We will still bring economic development theater money to the city of Austin. We're determined to do it. We've been told by the city council person we've most worked with that the full authority of the council to push this emergency management decision on Zach over the objections of Zach management and the Zach board of directors is there. We are here taking off from work because we have a hope that can only be described as a hope that this coercive takeover of the authority of the board of directors and the management of Zach to do what they believe in their judgment is best for Zach theater might be allayed. We ask that you allow the volunteer board and the management of Zach to run Zach theater. We look forward to getting past this most difficult period in our relationship with the city council and hope to get again back to the next 85 years of a good working relationship with Zach.

[3:26:57 PM]

If you hear nothing that I've said today so far, don't misinterpret what I have said. We are grateful to your service for the city and we look forward to future dialogues. Thank you very much.

>> Mayor Adler: Thank you. Next speaker is Bo Dell.

>> Good afternoon, council, I'm here in support of the men and women, the stage hands at the Zach theater. I believe sincerely that this council has shown the city of Austin that it is committed to working men and women in this city. You all have taken steps, some very important steps, groundbreaking steps to ensure that men and women have access to good, quality jobs in this city. And that's why I am asking you to support this resolution with these amendments to ensure that that important work continues. Earlier this year, this was a show at the Zach theater called "Ann" about governor Ann Richards. My hope is the people who speak out against this resolution today take a chance and watch it because I think what they will find is that story of economic justice, of equality, is being played out in real life by the men and women who are working at Zach theater right now. Maybe we've got some Clayton William supporters back there, I don't know. But my hope is that you will support this resolution today. Thank you very much.

>> Mayor Adler: Next speaker settling William Gonzalez.

-- Next speaker is William Gonzalez.

[3:29:03 PM]

Kara Sheehan is on deck.

>> Good afternoon, mayor and city council of Austin. My name is Willie Gonzalez. I am the president for united local 23 in Texas. We represent hospitality workers, concession workers at the airport, food service workers. I'm here in support of councilmember Casar and kitchen's amendment. I would also like to speak because I think some people have taken this and moved it to a subject it isn't. The city here today -- let me say this. I'm representing hundreds of voters and citizens of Austin, including myself. Our here today isn't to decide whether the workers want a one 81 or not a union. Our concern today is not to decide. Our concern here today is as citizens if there is a labor dispute at Zach theater, it is going to have a detrimental economic impact on this city. Okay? And so we support this amendment because there's no question, even from what the Zach theater people have said, I would say they have made the argument that there is a labor dispute because let me know the last time so many of them were in city hall at one time? They are making the argument themselves there is a labor dispute. So it isn't the city's job to figure out the majority or not majority? It's the city's -- the city has a legal right to protect its proprietary interests and to say there's a labor dispute going on in this neatter and that's going to adversely affect us economically and many other ways. And we have to prevent that from happening. That is the point that we are here to talk about today. So I support this amendment because it's a good first step. I strongly urge the Zach theater because you heard from our members this afternoon who make meals at the airport, they sit down with their employer and they work amicably.

[3:31:07 PM]

It's not always adversarial. The workers at St. Edwards university who make the meals recently organized a union. No one here heard anything about it. Because St. Edwards did the right thing and worked it out amicably. That is the best way to do it, working together. What we have seen today is that there is a labor dispute. Unquestionably there is. So therefore you as a city council and me representing people who live in Austin, our concern is that this labor dispute not continue to accelerate. And to bring everyone to the table and make sure it gets settled. So I support this amendment. I think some of the statements that were made, having worked for the union for many years, having worked on these policies, are not actually totally correct. This may not be the time and plus because I'm going to run out of time and I talk too much. But we can follow up with you more.

[Buzzer sounds] Again, I reiterate that is why we are here is because of the labor dispute that is going on right now at Zach.

>> Mayor Adler: Thank you. Elsbeth chaner.

>> Before I begin -- wasn't I next?

>> Kara was on deck to speak next, right?

>> Mayor Adler: Yes. Okay. I'm going back and forth. So Ms. Chaner next and then I'll call you up. The two in a row I just called was atypical and was a mistake on my part. I've been going back and forth. Sorry. I confused the room.

[3:33:09 PM]

>> I am Elizabeth chaner and I would like to ask how much time that I have and if I can be given an additional time because I'd like to add to a couple of points in reference to previous speakers?

>> Mayor Adler: So let me go ahead and you can have time consistent with the number of people that are here donating your time. So is John McElhaney here? Is Colleen Bearden here? Is Britney Woodley here? Is Aaron day here? Is Aaron day here? So I would have you with six minutes. If there are other people that want to donate time they can go down. That would get you to 11 minutes.

>> First of all, I'm Elizabeth chaner and managing director of Zach theater for the last nine years. I want to begin by going off script to comment on a few points that I think are important for people to hear both perspectives. First of all, I want to underscore there is not a labor dispute at Zach at this moment or else there would be enough signed cards and we would be in conversation because Zach fully supports open dialogue and communication from their employees. And that is at a core value of Zach and I would ask that the -- our technical and production crew that are here to stand up at this point and illustrate your support of my comments. So these are the employees that have made it very clear to us over the last year and a half that while they respect the union and they respect what the union stands for, that's not what is right for Zach.

[3:35:10 PM]

At the point that they tell us something different, we will listen. We believe in the rights of collaboration, the rights of open dialogue, but at this point that is not what our employees want. And that's what is the foundation of this argument at this point. I would say that when you have heard people speaking on behalf of Zach, only one of them is a current employee. Only one of them. The other individuals are wanting to be a part of the -- of Zach theater. If there are opportunities for them, that's fine, but not to be coerced into something that our employees do not want. Secondly, some of the information that was pointed -- that was up on the screen about the various salary rates, we have just done a salary study with one of the foremost experts in compensation for every single job at Zach. And we are in the process of looking at those positions, making sure that we are competitive and making sure that we provide opportunities for our staff to grow in development. Now, that's not something that shows up on a screen. I would also say that information and data is key. Those theaters that were listed, ballet Austin, Austin lyric opera, the theater alliance, those are theater venues of more than 1,000, 2,000 seats. That is very different from a 400 seat theater. I would ask that if you looked at regional theaters across the country, you would find that other than in Chicago and New York, the majority of those theaters are not union houses. Not because they don't support the union, but when it comes to the core values of collaboration and creativity it is not about a formulaic, here's the show that comes in and leaves. It's about a very different educational opportunity for people to grow in their positions.

[3:37:18 PM]

That said, I'm going to move on to the things that I came here to say, but I couldn't not make those points because you have to know the full perspective. Right now the amendment as it is written, we couldn't sign. I understand from what Ann kitchen said that yes, there's an opportunity for funding this year but it's about the future. I have to ask you if that's what you want to issue an ultimatum that threatens a non-profit organization's funding when we tell you loud and clear to listen to us. That there are several sides to a story. We're not telling you that an agreement is impossible, but we're saying that collaboration and communication takes time and after 85 years of serving this community we deserve that time, not a hastily written document that has verbiage that right now not only undercuts the democratic rights of our employees, but the current federal laws of the United States. Let me make one thing clear, we embrace the idea of peaceful labor relations. What we don't I am brace is being coerced into something and verbiage that doesn't represent our employees. The last things I will say is about my experience in this situation. On Tuesday, September 20th I received a call from councilmember kitchen with an amendment telling me it would just be a clarification and that she wanted to understand what our thoughts were? Despite the fact that I was on a 60th birthday trip in Peru, I took the call and I spent a long time talking with her and I appreciated Ann listening, but I needed to make it clear that we're talking about the life blood funding that we receive from Austin. She appropriately offered to postpone so that our board and staff could review the proposed language. So imagine our disappointment, our surprise and yes, our anger when the language wasn't a simple clarification, nor an agreement to discussion and collaborate over several months by instead a time ticking bomb.

[3:39:28 PM]

The fact that we received with so little time literally yesterday afternoon at 3:47 we got yet another update with new verbiage. You know as volunteers how hard it is to get people together to have conversations. How can we have conversations with our board members, with the other arts organizations in our staff when these things are happening in such short time? I believe that I was promised more by councilmember kitchens on the phone call during my vacation in Peru when she told me we would have time to review this and when we made the commitment about clarifications, not major changes that we can't live with. I believe that as a downtown resident and business manager that my city council needs to listen to the dozens of trustees, staff, production staff and employees that are here saying that they have a different perspective than what you're hearing from outside union organizers. Once again, let me make it clear, we embrace the idea of labor relations, but we are asking you to adopt the Gallo amendment and let us truly work towards a compromise that's worthy of the Austin values of democracy, listening to our citizens and the value of arts which makes all things worthwhile. I believe that if you take the time to do this right, we will get to a better place. If you force this amendment with language that we can't live with, then there will be strong repercussions that none of us want for Austin or for our community. Thank you.

[Applause].

>> Mayor Adler: Mayor pro tem. Hold on one moment.

>> Tovo: It may be for our colleagues. I think I just heard a reference to a Gallo amendment. Do we have any amendment here on the dais?

>> Kitchen: She said there isn't one.

>> Mayor Adler: Not at this point, no.

>> Kitchen: Mr. Mayor, I just want to say that, you know, of course we can talk about this offline, but I wouldn't characterize our conversation that way.

[3:41:37 PM]

I would also say that we've been talking about this for awhile, not as long as you would prefer, but -- and we had -- we did have a meeting on Monday, not Tuesday. So it really just doesn't -- let me just stop there. I would like to say that I will be happy to talk with you afterwards. We have had a lot of back and forth, a lot of responsiveness to the meetings that we have had and we don't need to go into it right now, but I just wanted to say that.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Just quickly, I just found out about -- I just found out about this a couple of days ago myself. So I guess I wasn't part of the conversations, but this material -- I just found out about it this week, just FYI.

>> So I respectfully ask to make one clarification to the Gallo amendment as well as to councilmember kitchen's comment if I could -- no?

>> Mayor Adler: We limit the amount of time and we have people on the list.

>> I have a question, mayor.

>> Mayor Adler: If someone asks you a question, then you can say.

>> Garza: I appreciate giving the opposite perspective. We often hear two sides and we're often working to understand -- I'm not saying anyone is lying, but where the truth is or where the best middle ground is. Can you address there was the young lady that I believe she's the one person that still works there said that her hours have been cut. And she was told not to wear a certain type of shirt. And can you address that? And then I have another question.

>> I can absolutely address that that is not accurate.

>> Garza: Her hours have not been cut?

>> With each production -- and we can certainly ask our production manager Paul who is -- Paul Flint who is the director of production at Zach.

[3:43:41 PM]

I would like to ask him to respond to that because he can respond to perhaps it's really about a different job because every show it a different show. So I'm going to ask, if I may, reference the expert as opposed to my -- shall I do that or should he address that during his time frame.

>> Garza: He can address it now. And the other question is I have heard about meetings that Zach has had with employees requiring them to listen to -- I'm not sure what, but it sounds like to possibly tell them not to talk to union people or to intimidate them? Can you address that?

>> Let me answer that with a simple answer. We have two board members, one of whom you heard from who are labor experts and lawyers and understand and have coached us very well in what we can and can't do. There is no way that either myself or the aircraft director Dave Stately would have done that because we know that to be wrong.

>> Garza: Have there been meetings with the subject matter of what appears to be a labor ambiguity dispute?

>> There have been meetings in which managers, not employees -- not -- contract employees, managers were asked to -- wanted to gain information about what was going on. And we also made it very clear what we can and can't say. So I would attest that the reason there have not been objections to date is because we know very clearly what we can and can't do and have followed those rules as closely as we possibly can because the last thing we want to do is do something that is inappropriate or illegal when it comes to union organizing and union recognition.

[3:45:42 PM]

>> Okay, thank you.
>> Did you tell us not to sign the cards?
>> Mayor Adler: No. Have you had your questions answered?
>> Our comments to employees was it was their decision whether they signed the cards or not. We cannot make that argument with them.
>> Mayor Adler: Let me go ahead and call the next speaker.
>> Hi. My name is Paul Flint, the director of production at Zach to answer your questions. What about the meetings? The meetings were called and that was because the employees themselves wanted to be heard because they felt they were being harassed, so we agreed to meet with them, listen to their concerns and I know there's a recording that exists and I would stand here in front of you and ask all those questions while that recording was played. Also to answer the question about Katie icener not receiving employment, she has been offered work on a consistent basis and has rejected it, and we have email documentation if you need to see it, and each show -- there are crew positions, each show has their own crew and the show she referenced, Charlotte's web, has no crew, so therefore there was no position to be offered.
>> Thank you.
>> Mayor Adler: Thank you.
>> Finally since I would answer --
>> Mayor Adler: Ms. Chaner I --
>> So I can't respond to --
>> Mayor Adler: No. Not unless someone wants to ask you a question.
>> All right.
>> Mayor Adler: I think you've answered it. I think we've gotten that answer, thank you. The next speaker that we have is Kara Sheehan.
>> Before I begin, I just -- I wanted to applaud the Zach theater employee that did have the courage to come up here and speak before you because in an issue like this it's really hard to speak out against the violations that you're experiencing and seeing. So I think we should realize that that could be why a lot of Zach employees aren't here speaking out in front of you.

[3:47:48 PM]

But my name is Kara Sheehan and I am with the Texas aflcio. I'm here on behalf of our workplace, but also to speak for John Patrick, our president, and Rick levy, our secretary/treasurer. Have a letter written by them and I'm going to read it aloud and I have copies to give you after. So good afternoon, council. The Texas afl/cio is a federation of labor unions in Texas that works everyday to improve the lives of people who work. We represent affiliates across Texas, but our officers and staff live in this community and take added pleasure when the city of Austin does right by working people. We are write today in support of this proposed 2016-2017 cultural services agreement with the added section addressing employer and employee relations. To its credit, the city council has demonstrated repeatedly that it will support decent labor standards at companies that do business with or receive benefits from Austin Texas pairs. By insisting on associating tax dollars with bedrock labor standards, the council ensures that workers will build prosperity not just for themselves, but for the city and community that they live in. We believe the council's record of championing labor standards and the city's business relationships should be extended to include amazingly talented and hard working Austin performing arts community members who help give our city its unique cultural identity. Whether workers are sweating in 95-degree weather to build a new downtown structure or painstakingly set up lights for a theater production, the same principles of fairness should apply. Austin is building a unique identity and taking on these issues. The provision of labor rights in city contracts is a clear statement that when it comes to economic

development a rising tide should lift all boats. The proposal add hand represents a variation on the theme. Your vote in favor of the agreement will protect workers sites rights to speak up voluntarilily for a better workplace and in doing so will encourage labor peace.

[3:49:52 PM]

We believe the proposal promotes the interests of workers, employers and the community at large. This vote gives Austin the chance to join several cities across the nation as well as in Texas that have passed similar agreements. We are not here alone. Community allies have asked us to join them in supporting the addition of the employee/employer relation section and we urge you to vote for this initiative and continue your leadership in building a solid foundation relationship for working community and families.

>> Mayor Adler: Mr. Casar.

>> Casar: Not a question for Ms. Sheehan, but I didn't want to interrupt the flow and I think bits G that we are hearing the the proposed language is coercive or rushed and I want to provide my perspective on why it isn't, and I respect folks that may think that it is, but ultimately we are not -- we are setting an expectation as a new council about what it is our values are and that labor management cooperation on city property is a value for us. So I think that this amendment, just to be very clear, is funding this year's cultural arts contracts at all levels, but we're a new council. We have new values and it's important for us to express those values and to express them as early on in the process as we can to people utilizing city property or receiving city funds. So I think this is the appropriate time. I know it may feel rushed to some people in the the community, but here on the dais we're at bat, 70, 80 times on a given Thursday, and I think this is actually the way of not doing it in a rushed manner, but as a matter of fact letting you know early if the majority supports these amendments, what the majority's values are and of those continuing discussion, and I hope that you will try to get to that labor and management cooperation, those of you who have not reached that point between here and the future viewpoint.

>> Mayor Adler: Okay.

[3:51:54 PM]

The next speaker is Dave stegley.

>> Hi. I believe a few persons may have also deemed time for me.

>> Mayor Adler: Yes. Is ranelle doll here? Is Craig Brock here? Is Jacqueline sendelar here? Is Eric copper here?

>> Yes.

>> Mayor Adler: Okay. So I have you with seven minutes.

>> I'm Dave stakely and I'm the producing artistic director of Zach theater. I'm currently in my it 26th season. We've been terrific collaborators with the city of Austin for 25 years and we value our relationship with the city and the parks department. I have been with Zach now for over a quarter of that legacy, which has included the development of two theater centers on that site since 1991. I know firsthand we have an extraordinary record of fulfilling our mission that builds and nurtures community while building excellence and integrity and also discipline. We are an arts leader in collaboration and inclusion. Over 300 Austin artists, actors, musicians, designers, directors, coring on ralphers, play writes, crafts persons, stitchers and technicians find creative expression and employment at Zach every single season. 97% of the artists on our stage are from Austin. Which is unusual for how most professional non-profit producing regional theaters work across our country. Who tend to bring in a large percentage of their cast from New York and Los Angeles. For the king and I, of the 52 asian-american adult and child artists on that stage, only six were guest artists from out of town. And of those six guest artists who have each been in countless productions of the king and I a miss saigon because those are the shows to

which asian-americans are relegated, it was the first time any of them had ever been in a completely asian-american cast production of the king and I.

[3:54:10 PM]

The very first time. And Zach made that happen in Austin, Texas. For the gospel at colonias, 35 Austin African-American artists brought the ancient story of Edpus to the page. It is unparalleled in our city in productions that have included all the way, ragtime, dream girls, twice, the book of grace by pull sit certify prize winner Laurie parks. Sophisticated lady starring Jennifer holiday. Let me down easy and house arrest biana Smith. Joe turner's come and gone and the piano lesson by August Wilson. Hair spray, and porgie and Bess with nearly 40 African-American austinites on stage. Zach makes that happen in Austin, Texas. A cast of over 30 hispanic artists will be bringing in the heights to dynamic life this season at Zach. Michael is a native of central Texas and he's currently staging Hamilton in Chicago. And our theater for families has been committed for the past five years to create and produce bill plays for every -- bilingual plays every year. Many of those in partnership with [speaking foreign language], including jj's arcade, which we are producing at the mexican-american cultural center in the spring, with Austin actors, designers, are playwrights and technicians. Zach is making that happen in Austin, Texas. Those who would seek to change the way that Zach works with its employees and our artists are completely outside of our organization. We are committed to Austin first and foremost. And frankly, all of our artists are hurt and offended by how the union organizers have been talking about Zach.

[3:56:12 PM]

And misrepresenting how collaboratively we create meaningful work together for our city. I appreciate your service to this city. And I appreciate your commitment to building a collaborative, creative community. Thank you.

[Applause].

>> Mayor Adler: The next speaker is Judy Cortez. Judy Cortez?

>> Casar: Mayor, as Ms. Cortez comes up, I want to -- I do want to thank Zach and the last speaker for the employment you provide the folks in Austin of all backgrounds and that's really important, and I guess what I'm struggling with is while we appreciate that, what if those employees and organizers choose not to boycott or strike, why those employees of all different backs, et cetera, why we would insist on if they offer not to strike to have the sorts of meetings that were described. That's what we're talking about. We're not talking about -- about the hiring of the folks here locally. That's a great thing. So I guess they just seem to be two separate issues. And if anything were to change at Zach, it would only be if a majority of the Zach employees wanted a change. So I guess that's the difference. And if they don't, then nothing will change.

>> Mayor Adler: Ms. Cortez. I will call Chris Wagner on deck next.

>> Good afternoon, mayor, city councilmembers. My name is Judy Cortez. I am here to represent the Texas AFL district 10. I serve on the executive board in that capacity. I'm also a proud member and president of ascme local 1624 and the first woman president of the central labor council which represents 24 labor unions throughout central Texas. I also served on the KLRU community advisory board for quite some time and I am a leadership Austin alumni.

[3:58:18 PM]

I come before you to stress the importance of this item, which from some of the comments that you heard today supposedly doesn't exist and why I may not be here speaking to you today as I am. I took time off from work as well. I agree with members of the Zach community that you have to look at all perspectives so you need to listen to labor's perspective as well. This item before you is an opportunity for a win-win dialogue. It is in this city and it is also in this nation that employees have a choice. That is a democracy. Choice is still a democratic option. They have a choice to be a union member or not. Without coercion or without fear of retaliation. Fear of losing their jobs or fear that they will have their hours decreased. As Progressive as this city claims to be, choice is not an option for these employees who work for these non-profit organizations, who collect our city tax dollars. My tax dollars, everyone's tax dollars behind me. And everyone else in this room. So city council members, the issue here again is choice. I love the arts. I frequent the arts. I go to the Zachary Scott theater many times. But the issue is not to be device sieve to -- divisive or sabotage or pit people against each other. It is about a fair dialogue of choice. The issue here is for those organizations who receive city dollars, they must, they must be allowed to have or to give their employees the democratic decision of choice. I respectfully urge you to support this today. Thank you very much.
[Applause].

[4:00:20 PM]

>> Mayor Adler: Chris Wagner and then Michael Murphy.

>> Mayor and councilmembers. I'm a fourth generation south austinite. In fact, I think that house that was stuck in the middle of east live oak was my -- might have been my grandfather's house when he was a kid. But I grew up just a few blocks from Zach Scott theater and enjoyed performances there my whole life, but I'm also president of the central Texas building and trades council and I'm extremely disappointed in Zach Scott's efforts to fight even the union talking to 'em. I stand in support of this item as amended by councilmember Casar and councilmember kitchen. And I applaud your efforts to support the working women and men of this city. Thank you.

>> Mayor Adler: Thank you.

[Applause]. Michael Murphy and then Anthony Marquart.

>> I'm Michael Murphy, the assistant business manager and local counsel with Abe here here in Austin. Initially I signed up to say I'm a supporter of the arts. I'm a member of Texas inner circle. Every so often I take in a show at Zach theater and to the extent that this agreement would make it more affordable for Zach Scott's employees to actually go to one of these shows, I'm in support of that. Not to mention a Peruvian vacation. But some of the things that I heard up here I just wanted to address. As to the question of whether or not there's a labor dispute, the company's general counsel and the manager said there's no labor dispute here because they confuse the beginning of an organizing campaign with the culmination of an organizing campaign. They say no petitions have been filed for election. There's been no demand for recognition.

[4:02:23 PM]

I practice frequently before the national labor relations board and unions don't tend to file petitions for election until they have at least 65% support of the workers because once the employer starts doing what Zach is doing here, conducting captive audience meetings, threatening and intimidation -- I heard the lady intimidate council here. She said if you make her sign this there would be severe repercussions that none of us would want. Now, can you imagine if she turns to her employees and says, if you sign the union authorization card, there will be severe repercussions that none of us want.

[Applause]. That that would not tend to intimidate workers and prevent them from organizing? So the labor dispute doesn't start with the demand for recognition a it starts with a simple conversation, one worker talking to another about how terrible their working conditions are. And apparently Zachary Scott employees are having that conversation. Thank you.

>> Mayor Adler: Thank you.

[Applause]. Anthony Marquart is the next speaker.

>> Hello, council, I'm president of the austin-travis county E.M.S. Association, local 6914. I came here to support the employees in their organization and I wanted to offer -- you know, we've been in this place before. It's not new. Management being very concerned, polarized over an issue as simple as, you know, labor neutrality or cooperative contract situations. It's something that I think is the history of labor versus management. But what we learned in our negotiations and over time is that this actually benefits both the management and labor in several ways. Civil management was also against that, also very negative and very emotional by the way in much the same way we're hearing now. But what we found is that we were able to get along when we were brought to the table.

[4:04:27 PM]

So council can approve that ability. I believe that relationship in any given situation between labor and management increases over time. Retrospectively it would be interesting to see what management thought of this in the future if you approved this ability. For the record I've been here all day to hopefully speak on item number 58, which is likely to be pulled off the agenda. This is for the annexation of esd 11 and the reason I bring this up is that is a revenue source that the city could have right knew that could offset the cost of this agenda item. So again, I support our labor affiliates. I thank you for your time.

>> Mayor Adler: Thank you. Next person to speak will be -- will be Nathaniel Miller. Is Nathaniel Miller here? On deck will be Sam Chesney.

>> Hello, my name is gnat Miller, the director of education at Zach Scott theater. I want to speak quickly because I think we all know what Zach does in terms of production and production value. The reason I came to Zach is because I wanted it to be a great organization that does good great work for young people especially in producing professional theater for families and schools that is of the same quality as our main stage shows. So you've heard this a little bit today, but we bus in over 55,000 kids each year. Over 65% are from low income skills who are seeing theater for the very first time. All of our shows connect to literacy or social-owe motion national learning, as Dave said we do one bilingual show this year and this year we're performing at the mexican-american cultural center, which I'm really proud to be directing and be a part of that show.

[4:06:35 PM]

Our productions for young people are of the same quality for what we do for adults. The only difference being is our ticket start at four dollars or less. We make a promise to all schools that we will not turn them away if they cannot afford the price of a ticket. Everyday I hear my staff talking to a teacher saying this is what it cost, but you tell me what you can afford and we will -- sometimes that means free, sometimes that means we pay for your bus. We don't turn anybody away. And this model of sustainable, professional -- I use the word professional because the quality of the work is really good. Professional theater for young people that can reach 55,000 kids with shows that can run for months and months at a time, is only possible at Zach. And I've experienced this at other theaters. I can only do this kind of work there with this incredible team that I have here. And I'm really, really grateful for that. The funding we get from the city of Austin helps us keep a promise that no child will be turned away

because they can't afford a ticket. It helps us ensure that all students have access to the arts, no matter the background. And it helps us ensure that Zach theater is as a cultural institution is a key player in making sure that all students are creative, confident and empathetic. Thank you.

>> Mayor Adler: Thank you. This side in favor now is one minute a speaker.

>> Mr. Mayor, mayor pro tem, council, I thank you for the opportunity to speak to you. First of all, I'd like to apologize. I've spent my entire career and life backstage, not upfront, so this is not particularly my forte. I've come to speak to you in favor of the amendment, both amendments, kitchen and Casar. And I do that as someone who is a proud union member, in local 205, someone who is a proud house employee of the long center operating under a collective bargaining agreement with local 205, proud former employee of the ballet and the opera and as a proud former employee of Zachary Scott.

[4:08:46 PM]

That's where I started. I began working at Zachary Scott in 2008. I left in 2010. I did not leave because I was miserable or upset. I left because it was time to move on. I cannot speak to the conditions there now because I don't work there. What I can speak to is the importance of union access. Of the importance of growing our careers --

[buzzer sounds] I apologize.

>> Mayor Adler: Okay. Thank you very much.

>> Thank you.

>> Mayor Adler: Next speaker --

[applause]. Paul Flint. Is Paul Flint here?

>> Mayor, mayor pro tem, councilmembers. My name is Paul Flint. I am the director of production at Zach theater.

>> Mayor Adler: Mr. Flint, before you begin, is Michael Assad here? And is Peter Martinez here? Okay. You have five minutes.

>> Thank you. I'm in my ninth year of employment at Zach. For the majority of that time I have been the director of production, which means I am the main hiring manager for all the employees in question. I'm really upset that this has made it to our cultural contract. Especially under false pretenses. I'm not a public speaker, but like the employees at Zach I started in the trenches and worked my way up. That makes me the biggest champion of employees that you are going to find. I did not prepare a speech. But I do want to talk a little bit about employee and employer relations at Zach. Notice I put the employees first. My door is always open. You will be hard pressed to find any employee of Zach that has not -- that has requested time of me that has thought received it.

[4:10:51 PM]

If they had problems, I've attempted to solve them. If there were problems I could not solve, leadership at Zach has run miles to make sure we can take care of these people. I did not ask any of these people to come here today. They rallied, they showed up on their own and they have their own reasons for being here. I can't tell you what's motivating the other sides, but I Carol Biedrzycki tell you I'll stand here -- I can tell you I'll stand here for the rest of my time and answer questions from the council about anything you've heard or anything from the last two council meetings where I actually presented. And before that I'd like to let you know that while I'm not a public speaker, while I am not an artistic director, I don't run companies necessarily, I am impeccable with my word and integrity is not lost on me. And I could leave this room and you could ask -- you could question every employee behind me and I would be shocked if anyone told you anything different. This is critical mass of our actual staff. Thank you.

>> Mayor Adler: Thank you. Is -- thank you for your time. Is Rob Baxter here?

[Applause]. Mr. Baxter, you have one minute.

>> Council, mayor pro tem, mayor, thank you for taking up this issue. My name is Rob Boxter, I'm a member of the local 205. My background is not necessarily union as well as management. I was the production manager at university opera and now a technical director for the broadcast performances they do. I don't really work in Austin, but what you're dealing with here is growing pains. It's fantastic that you're taking on this issue. I keep hearing it's a union issue and a coercion issue.

[4:12:54 PM]

It's really a management issue. What you've got here is the union did not set up a lemonade stand on the backstage door looking for the problem. It was employees who came to -- employees came to the union. So obviously there's division here. And y'all are having to parse through it. But as a manager I can tell you I manage all the time, I manage union labor all the time. And how you manage union labor --
[buzzer sounds]

--

>> Mayor Adler: You can finish your thought if you can do it really fast.

>> If I could finish the thought. And it was alluded to a moment ago. Union labor can actually cause better management because you have to deal with conditions and times. You have to organize.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Thank you.

[Applause]. The next speaker is Rachel Applegate. Is Rachel here?

>> Yes.

>> My name is Rachel Apple Gait and I'm the chief marketing and engagement officer at Zach Theater. I work to generate earned revenue for our theater, but more importantly to deepen our ties to the community serving both on and off the campus. Zach was recently recognized by the City of Austin A.D.A. Office as the most accessible arts location in town. The program should be applauded for the accommodation requests in 2016. The office continues to see Zach as an innovator for arts access and helps smaller organizations that use Zach space can benefit from Zach's example. We are committed to all of our audiences and our staff, but the misrepresentation of the work that we do and how we do the work and the alterations to the way we do our work would really jeopardize the impact that they have for the needs for accessible arts. I ask you to reconsider the proposed language so we can continue to provide for the arts accessibility programming. I thank you for your time and your consideration.

[4:14:55 PM]

>> Thank you.

>> Mayor Adler: Yes, mayor pro tem?

>> Tovo: Ma'am, I'd like to better understand the connection you just drew between the amendments and accessibility to the performances.

>> Absolutely. With the proposed language there's potential for the staffing to change. And some of these things be happening on the fly because we have things that happen the day of. If we get into some negotiation we have to provide additional time. We cannot provide those services. If we can't function in the immediacy of the moment. It is something that we are committed to doing and having the accessibility programs. In addition, any loss of funding that we have really jeopardizes this program.

>> Tovo: So the loss of funding piece is a clear connection for me. Can you help me understand the first point you were just discussing about -- about staffing levels. I think what you were talking about is staffing levels and providing accessibility to your performances. And I'm still not seeing the connection.

>> It is just about the process of how it happens. We had an issue last night that probably would have required additional people to be there to help break it down, but because our staff works with our management, we solved that problem. It's not something necessarily that would work under contracts to have those things set up. It really truly is about the funding more importantly, that if we change this language and there is funding at jeopardy we cannot provide those services, but it is also about the way we function too.

>> Mayor Adler: Okay. Thank you.

>> Kitchen: Mr. Mayor? Just to clarify again, this amendment does not jeopardize -- I want to make sure people in that this amendment does not jeopardize this funding. So it's clearly -- it clearly states that this round of funding will go forward.

>> Mayor Adler: Next speaker is Bob Wilson. Is Bob Wilson here?

>> [Inaudible].

>> Mayor Adler: I'm sorry, Brad Wilson. Sorry.

>> I can say I'm Bob if that will help.

[4:16:56 PM]

>> Mayor Adler: That's okay.

>> Good afternoon. My name is Brad Wilson. I'm a member of the local 205 and like many Austin stage hands I also worked at Zach theater. In my case during the mid '90's. I'm here today to urge the council to pass the cultural arts services contract with the kitchen and Casar amendments. I not only worked for Zach as a shop hand in the mid '90's and then as the assistant technical director in 2000 and 2001, I've also worked for ballet Austin and Austin opera for decades. Before and after those companies signed contracts with the union. So I can tell you firsthand that working under a union contract is better than working without one. Not only do I get paid better, I feel like I have a voice in my workplace. Hopefully this anecdote for my time as a sharp carpenter at Zach will help clarify why having that voice is so important. Not long after being hired I was assigned the task of grinding off hundreds of staples that were sticking through the wall of a piece of scenery. I was told where to find the grinder and extension cord, but no one showed me the safety gear or even suggested I put on protective eye wear. I hesitated thinking that it seemed risky to be inside a barrel with hot metal bits flying around my exposed balls, but activities young and didn't want to risk my job. So I squinted and climbed in and did what I was told. And that's why we need a voice.

>> Mayor Adler: Thank you.

[Applause].

>> Mayor Adler: Mayor pro tem? Okay. Next speaker is merrickll.

-- Mary Ruckel. Next speaker Paul arabolo. We already called him? Okay. Is Thomas Dodd here? Is Joshua Faulk here?

[4:18:56 PM]

You have two minutes.

>> Mayor, mayor pro tem, councilmembers. I am here to support this item with the amendments by councilmembers Casar and kitchens. This council has always supported the middle class and the working families. Y'all have done so on almost every issue that's come up. I really don't think -- if the Zachary treats their people the way they claim they're claiming they treat they're people there's probably nothing we're talking about here because there won't be any disputes. But again, I'm here to support y'all. I want to thank you for the hard work that you do for the working people and y'all have always championed us. Thank you very much.

>> Mayor Adler: Thank you. Next speaker is corrie baker. Then on deck is Samantha slate.

>> Mayor, mayor pro tem, members of city council, I'm corrie baker E president and CEO of the long center. We are fully supportive of labor piece and understand the important role of unions. The long center strongly values our relationship with local 205. We believe that our partnership can serve as a they will think model to show the mutual benefits of a cba under the direct circumstances. Again, we share with you the goal of labor peace and workers rights. While we share those goals and recognize the need for the crucial conversation about workers rights, we also believe that such a critical and nuanced issue deserves adequate time with all interested parties engaged in the conversation. The language being proposed has expanded radically from the original goal of labor peace. We are 100% behind our partnership with the union and labor piece, but don't believe that this language achieves that successfully and could potentially and unintentionally cause unrest. Rushing the process -- [buzzer sounds]

-- As we have done could have dire sequences.

[4:20:59 PM]

For -- consequences, for this reason we are asking you to decouple this issue from cultural funding and allow the appropriate time so all stakeholders can be fully informed and at the table and reach consensus on how to best move forward.

>> Mayor Adler: Thank you.

[Applause].

>> Kitchen: Excuse me, mayor.

>> Mayor Adler: Ms. Gallo?

>> Gallo: Just one quick question, please. Actually, two questions. So how long ago did you apply for these grants?

>> Months ago.

>> Gallo: And was the labor -- this labor discussion -- were you aware of this labor discussion when you applied for the grants?

>> No.

>> Gallo: Okay, thank you.

>> Mayor Adler: Next speaker -- Ms. Houston.

>> Houston: Excuse me. Could you -- you used an acronym and I have no idea what you were talking about, cba.

>> That is our collective bargaining agreement, our contract with local 205.

>> Houston: You've had that for how long?

>> How long has that been? 2014.

>> Houston: Thank you.

>> Kitchen: Mr. Mayor? I just want to make sure -- again, it's just a matter of information. I just wanted to make sure you understand that these amendments do not impact the funding for this cycle.

>> Yes, thank you.

>> Mayor Adler: Do you know how many -- ma'am -- [laughter]. Do you know how many organizations -- how many organizations would be covered by this?

>> I believe there was eight that was included that had this language included in the contract, but I'm not 100% certain.

>> Mayor Adler: But there were others, but some of those said that wouldn't be included if they had the labor contracts. Do you know how many in this universe -- are in this universe and do not have the labor contracts? Do you know?

>> Of the eight that are in there?

>> Mayor Adler: Do you know.
>> I wouldn't want to speak to that. I believe it's just one.
>> Mayor Adler: Okay, thank you.

[4:22:59 PM]

>> Anything else?
>> Mayor Adler: Thank you. Next speaker. >>
>> Mayor Adler:, mayor pro tem, councilmembers, my name is Samantha slade. I serve on the board of directors of Zach theater and I'm here this afternoon because I'm confused. I read the language, I have now read some of the amended language and I'm uncertain why we're having this conversation around arts funding that has been a very methodical process and then we follow that process with the reduce we received from our application to a great degree of excellence. I don't believe that any of us here wants to disenfranchise anyone who wants to be treated fairly and employed fairly. We comply with national labor relations laws and those laws are in existence and I'm confused as to why we're encountering this at a city council level in correlation with arts funding. If it is that significant and it is something that this councilmember wants to bring forth as its brand and as its position I would like to understand why that is and why it's something that is brought forward separately from an arts funding.
>> Mayor Adler: Thank you. Mr. Zimmerman?
>> Zimmerman: I don't want you to be confused. There is a power play here. You're witnessing a power play. Don't be confused. Thank you for coming.
[Applause].
>> Mayor Adler: Andrew fentner here? After Mr. Twinter?
>> It's unfortunate we all deserve the work we do and deserve the quality of wages and efforts. I want the Zach fees to know that you serve better than you currently receive and your work would be more adequately compensated at more professional theaters in Austin.

[4:25:00 PM]

As Zach claims to be a professional theater they need to start acting like it with doing right by their crew. Since 2001 sack Zach's executive compensation has tripled and their net income has increased tremendously, but the base wages for crew members has remained stagnant. We want their employees to have fair and honest conversations about working conditions. As long as Zach management continues to involve itself, the employees have no chance of their federal rights. And I also want to clarify that we brought this effort to iotsa. They did not seek us out. I was one of the founding people of this campaign. So -- I also want to say if anyone wants to hear the audio file of Paul Flint saying don't file the cards, I have it with me on my computer today. Thank you.

[Applause].

>> Good afternoon, everyone. I'm Taylor Novak and I am the stage crew chief at Zach theater, actively employed there. I have been for the past five and a half years going on six now. And I love T I love working there and love everything about this place. I'm going to read something that I prepared because just like most of these people I don't get in front of people often. I'm speaking today as a happy full-time employee at Zach as well as on the behalf of several other happy employees who are sitting right here behind us.

[Applause]. As well as those who couldn't be here today. Over the last couple of years we've had to witness and endure the push and harassment from an outside force, the local 205, who have been trying to bully their way into our organization. We didn't ask for this and we've repeatedly asked for them to stop. Zach is actively making improvements as Elizabeth told you, on wages, and has been the whole

time the union has been trying to intervene with the process. We don't need the help of a local whose members speak poorly of our place of work. Those of us who work at Zach have a lot of pride in our workplace and don't appreciate the defamation that has been strewn over the vastness of social media by this union trying to get us to join their club.

[4:27:06 PM]

[Applause].

>> Mayor Adler: The next speaker is Carmen

[indiscernible]. If we could hang on, please. Is Carmen levanus here? After Carmen we have joy selek. And you will be at the other podium.

>> Good afternoon, council. Thank you very much for this opportunity. I'm Carmen levanous, I'm a community relations manager at Texas gas service and also a member of the Zach board. And I began my service on the Zach board with the education committee. And I'm here to talk to you about their educational work. I am here to support their theater for families program. As nat Miller shared with you earlier, more than 55,000 students from the Austin area attended performances or classes or camps there last year. Of those 65% were from title I schools, which are majoritily economically disadvantaged. For me some of those students have faces, they're from Sanchez elementary school, our partner elementary school. And for the past three years Texas gas service has been one of the sponsors of the annual bilingual play in English and Spanish.

[Buzzer sounds] The children don't need to understand Spanish. To understand laughter and joy and sadness and silliness. So I encourage all sides to work together.

>> Mayor Adler: Thank you. The next speaker is joy selek, and on deck is Brad wheel.

>> Thank you. My name is joy selek. I'm a 12-year member of the Zach board, former board president, former chair of strategic planning, former chair of education.

[4:29:12 PM]

And on the finance committee. As you've heard earlier, Zach is a producing, not a presenting theater. This means every single show we do, whether it's for children or adults, starts from scratch. Zach is a learning lab. People can come in as beginners and can grow in their skills, grow in their talent, grow anywhere field. We're also a member of our national organizations of regional theaters called theater communications group. Every single year that I've been on the board we look at other regional professional theaters like ours. We compare our salaries. We compare our budget size. We compare how we treat our employees. We're vigilant in doing the best we can. Zach has had Zach has had tremendous growth as you know in the last ten years. Our budget size has grown dramatically. We've done every single thing we can do to try to keep up with our employees' needs as the budget grows. Thank you

>> Mayor Adler: Thank you. Brad?

>> Bradley Wong? Next person is Amy camp. Is Amy camp here? What about brandy Harris? Is Leslie fairmon here.

>> She donated her time to me, I believe.

>> Mayor Adler: You have two minutes.

>> Thank you. Good afternoon, councilmembers. I am also a Zach employee. I currently work there. I have worked there for the past four and a half years. When I started at Zach, I started at 15 hours a week. That's it. But I worked hard because that's what I believe gets you more pay, gets you a better title, gets you a better job, is hard work. So I worked hard at 15 hours a week. Then it was 20. Then it

went to 30 and now I'm a fuel employee at Zach. While I worked at Zach for 15 hours a week I also worked two other jobs because living in Austin is hard.

[4:31:15 PM]

Everybody knows that. So I worked two jobs and the reason why I went back to Zach over and over and over, I began -- because one of my jobs actually paid me more than Zach but I went back to Zach because I felt respected, because I felt accepted and because I was encouraged constantly to be creative, to embrace my skills and not only was I encouraged in the creative process but they were literally concerned for my well-being. They were concerned that I had enough money to go do the things I wanted to do. I want on a California vacation because I worked hard and saved my money. It had nothing to do with the fact that I get more money than other people or that I get less money than other people. The other point I want to bring up is that I am currently an inactive member of local union 260 out of Lake Charles, Louisiana. I spent two years traveling the country. I almost went to every state in the country, working with local unions, exactly like the one here at local 205. And let me tell you, I did not enjoy my experience. Working with them. I did not enjoy my experience. And so when I came out of that, and I moved to Austin, and I said, I'm gonna get a job, you know, in theater because that's where my -- I have a bachelor of fine arts in theater. I told myself, I do not want to work for a union.

[Buzzer sounding] I absolutely do not want to work for a union and that sentiment hasn't changed.

>> Mayor Adler: Thank you.

>> Mayor?

>> Mayor Adler: Yes.

>> Tovo: Can you explain what kind of work you do.

>> Yes. Assistant cost costume shop manager. I work with cost costume shop employees.

>> Mayor Adler: Thank you. Next speaker is Derrick Evans. After will be David King.

>> Hi, my name is Derrick Evans. I've been a patron and also on the board of Zach for many years. I'm a proud resident of district 1.

[4:33:15 PM]

And I lived in Austin close to 20 years. To answer a couple of the questions, the reason I'm here, I just heard about this 24 hours ago, and I know the good work Zach does. It was surprising to me we were trying to to fix a problem in my mind doesn't exist. I never heard of any issue. My first instinct was to see what's going on. Quite frankly, I smell a skunk because something is not right. I learned a long time ago when you look at something and you don't understand it, it's not because you're stupid. It's because somebody up to something and I sat here and listened to you, Mr. Casar, and you, Ms. Kitchen, and nothing you said made sense. You keep saying the amendment doesn't mean this. Well, take the amendment out? Why does it exist? I'm not an attorney. I'm not a politician. I'm a device -- I'm an engineer and I'm a pilot. We deal with facts.

[Buzzer sounding]

>> Mayor Adler: Thank you. Mr. King? We only have a few speakers left. Hang on. David King and then Nicole

[indiscernible]

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David King and I live in the Zilker neighborhood so Zach is a part of my neighborhood and I've attended several of those shows and they have great shows and I appreciate that but I also realize that there's a lot of hard work that goes on behind the scenes that, you know, many of the folks who do that work are here today. And, you know, we have seen that when you don't have the ability to have some kind of leverage in your working

conditions and your salary, that you end up losing over time. And that's what we've seen in this country, with the decline of unions. That's exactly what we've seen. So I support this amendment. I support this because many of these workers can't even afford to live in my neighborhood because we don't pay living wages here. So I applaud you for doing all you can and putting leverage out there to say we're serious about this.

[4:35:20 PM]

We want to do something about this. I know Zach wants to do right. I'm not criticizing them. They're a fine organization. But this is the right thing to do, and I hope that if they get this worked out for the good of our neighborhood.

[Buzzer sounding]

-- And them and our workers here. Thank you.

>> Mayor Adler: Thank you. Nicole spacik, and then after that, the speaker is [indiscernible]

>> My name is Nicole, I'm a resident of district 3. I did not anticipate speaking today, but I've heard quite a few sob stories so far from management so I'd like to give you perspective on this issue from a regular worker. I also support the arts. I've been to the nut cracker too. I go almost every year. I know these kinds of shows absolutely could not have happened without the fantastic workers at the theaters. You want to know why I am continually able to afford to go to such an expensive show year after year? Why I have time to enjoy the arts as a construction worker? Why I don't have to work three jobs to survive in this city? It's because I belong to a union. The international brotherhood of electrical workers.

[Applause] My brothers and sisters had to fight tooth and nail against these people who enjoy a political terrain that is entirely favor to be the owners and management of this city. The average worker cannot even afford to take off time to attend a meeting like this.

[Buzzer sounding]

>> Mayor Adler: You can finish your thought.

>> Thank you. It doesn't matter whether it's a nonprofit organization, a business that cannot pay its employees a living wage is one that needs to immediately redress its business model.

>> Mayor Adler: Thank you.

>> Especially if it uses city money.

>> Mayor Adler: Excuse me. Everybody just gets a minute at this point.

>> Thank you.

>> Mayor Adler: But thank you very much.

[4:37:22 PM]

[Applause] I think the next speaker is

[indiscernible]. And then the final speaker I have is John if I canners. Is John vicar.

>> My name is [indiscernible], national board-certified teacher and the vice president for certified employees with education Austin. We have 3,000 members in the Austin ISD and I'm here to speak in support for the amendments of councilmember Casar and kitchen. I believe that employees must have the opportunity to join a union. I appreciate and applaud the fact that the Zach theater has had 55,000 students visit their theater. I think the Zach theater has the opportunity to model respect and opportunities to make sure that their employees are treated with respect by allowing them to join a union. Thank you.

>> Mayor Adler: Thank you. And the last speaker is John Vicars. Mr. Vicars.

>> Good afternoon. Thank you. I'm John Vicars. I'd like to speak about long -- longevity. It was been mentioned that Zachary Scott is so many years old. I worked for Zachary Scott when it was known as act. In 1957, as a student, I was a technical loan, tech 2act. There was no pay whatsoever. I am now a very proud member of local 205 due to the fact that I started at act and in the '50s the local 205 had the paramount and Gregory gymnasium.

[4:39:23 PM]

It was the road house for Austin. It was the last time you could see ballet with the original producer. Thank you.

[Buzzer sounding]

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: I think those are all the speakers that I have. Which puts us back up to the dais. Ms. Kitchen?

>> Kitchen: At this point I'll just make a motion with the amended language that we passed out, a motion that we passed out.

>> Mayor Adler: Okay. And you also comfortable changing it where contractor and the third line --

>> Kitchen:.

>> Mayor Adler: Contractor and changing the date until February.

>> Kitchen: Yes.

>> Mayor Adler: Okay.

>> [Off mic]

>> Zimmerman: What page are we on?

>> Tovo: You're you're real familiar with the changes you're suggesting but I'm not.

>> Mayor Adler: There's a single yellow page handed out, page 5 of 16 of the larger document. In section D, which is an addition, on the third line --

>> Houston: Mayor, is the single page different --

>> No, it's the whole.

>> Mayor Adler: It's the whole sorry. Page 5 of 16, D, D as in David, third line, last word should not be contract. It should be contractor with a capital C. Continuing on in -- down below --

>> Kitchen: Page 6.

>> Mayor Adler: Page 6 of 16, section E. January 2017 would be changed to February of 2017. The motion is for the cultural arts contract with the changes that are shown in red.

[4:41:27 PM]

Is there a second to that motion? Mr. Casar. Okay. We're now in discussion. Mr. Casar?

>> Casar: I'd like to thank Mr. Evans for asking us to speak as plainly as we can. There's some complicated talking back and forth and so on to make it clear. There's a lot of people that have spoken on both sides of this issue who I'm friends with and I think part of it is just a disagreement and it's actually not a disagreement about whether or not Zach should be union or not. I believe it or not, I don't -- I'm not taking a side on that. My position is that ideally, the employees -- there's different positions, different employees who are here, could make that decision without the influence of a very, very powerful party, which is their employer. And that's -- that's my preference, and I think that that's what would be best on city-owned property through city contracts. That's kind of the core of it. And if -- and if -- and if a labor organization trying to organize those employees agrees not to interfere economically, interfere on city property, that Zach or whoever else is a contractor receiving a large contract on city

property also agree not to oppose the unionization drive and to just allow those workers and other folks to participate. And I understand. I think the disagreement is that we're -- that we're seeing today is that folks, several folks affiliated with Zach, would like to preserve the ability to be a part of that and be actively opposed to that drive. And that's okay. But we just have a difference of opinion in that matter, and I think that what we are doing today, if the majority supports this, is saying that the majority of this council values moving forward, not about this year's funding but about future funding is for there to be that kind of cooperative arrangement I've just described.

[4:43:34 PM]

I think it's just a disagreement. I'm happy to chat with you or anybody else about it offline but I think that's the core of the disagreement.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: And is, again, I would also thank you all for being here and I know that there's a lot of passion in the room, and I really appreciate that. So I want to also give a little -- get more clarity, as councilmember Casar has done. First, this is only abouts pretty simple does, and -- about a pretty simple ask P the language on page 5, section D is what we're talking about. We're talking about asking that the contractor, the arts organization in this case, make the best efforts to negotiate in good faith an agreement. And what is that agreement? That agreement is just an agreement which establishes the terms under which the arts organization and the labor organization representing the employees will cooperate. So it's an agreement about how they will cooperate. We have had a lot of discussion, and in recognition of the -- when we are dealing with this, this does not impact this cycle in the sense that we are not saying that -- that if there's not an ability to reach that agreement, that it impacts this cycle's funding. It does not. And you will -- all will see that. That's the last line of section D. Where it says that that's not a breach of this agreement if there is not ability to -- to in good faith make best efforts to reach this cooperation agreement. The last thing is that a lot of people have talked about wanting to have the time to talk about these issues and I think that that's very important also. That's what section E does. It says that the contractor, the arts organizations, will agree to work with us, with the city, to develop the kinds of standards and criteria that should be used when evaluating during the next funding cycle.

[4:45:45 PM]

And so that's very important, too, to have that conversation early on and that's what February is about. To come back in February and say we've had that conversation, and this is what -- this set of criteria is what we should have in the next funding cycle. So that's part of this also. And then I would just like to back up and say, you know, as a council, we have a response -- we have a responsibility with regard to how taxpayer resources are spent. We are talking about organizations that use city property and that are getting city funding. And as councilmember Casar said earlier, this is about carrying out the values of the city, and this one is very narrowly focused on the value of the city to have cooperation between the organizations that we are -- we are funding and the workers that work for them. That's what this is about.

>> Mayor Adler: Further discussion on the dais? Ms. Houston.

>> Houston: Thank you, mayor. And I appreciate everyone's being here today. You know what? I would be remiss if I didn't weigh in on this issue, especially about the lack of time to have a conversation regarding the resolution before we got to this point. That's something that sometimes I feel bullied about and feel coerced about, about making decisions without having adequate time. So I want to acknowledge that. But I also want to acknowledge the fact that most of our other arts organizations

have already gotten to a place with the employees that perhaps feel dissatisfied and have come to some resolution on that. And so I hear you say that most of your employees don't feel that way.

[4:47:46 PM]

But I hear some employees say they do feel that way. And so I'm not sure where -- how you define what's enough, what's a critical mass of people to say, you know, we're having some problems with the amount we're paid, some of the other working conditions that we experience. And this is not about how long you've been here or what good works that you do. It's about listening to the people who are trying to provide the services behind the house, in the back of the house, and how they're expressing their feelings are. And so even if it was one or if it was five and you have 45 people, it seems to me like y'all would have started having these conversations like the other arts organizations have had. I don't know what we can do at this moment to say give you all time to kind of sit down with the affected group, not the -- or maybe it's the disaffected group and not the affected group and sit down and have a conversation about that. It's probably too late now, but I do want to acknowledge I feel your pain because a resolution that's 16 pages long is hard to digest in a short period of time.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I too want to offer my thanks to all of those of you who have come down to our meetings in the past but also those of you who have emailed about this issue. I believe the changes that we have before us really reflect that input and reflect our responsiveness on the part of the sponsors of those amendments to some of the concerns they heard. For me, I evaluate this really in -- in terms of what is our practice at the city? Have we always required or put into our contracts descriptions that relate to worker provisions? No. But I think what you've seen over the last four or five years is an increasing -- an increasing willingness to do that or responsiveness on the part of the council to the community concerns about looking really carefully about how we spend taxpayer dollars.

[4:49:48 PM]

So to me this is very in line with the kind of changes that we made to our chapter 380 agreements when we put in there provisions for workers and wage requirements. We extended some of those requirements to our third-party contracts. This is, you know, as has been said several times before, we have a responsibility when we're talking about how we're spending taxpayer dollars to make sure that the contracts we enter into reflect the values that we hold ourselves to as a city. We need to [indiscernible] Entities we're contracting with. So to me this is very consistent with our previous practices. So, again, I appreciate all the conversation. I am not part of the labor pool at Zach Scott. It's very difficult to assess the different claims coming forward. I appreciate that we have employees here representing multiple viewpoints, as has been said. You know, this is an attempt to make sure that if the -- if the majority of the workers decide to form a union, that they have that ability and that there's not retaliation and so, again, to me that's very -- very consistent with our city practices with regard to labor. And thank you to the Zach for all the work you do. I'm a mom of a nine and 10-year-old of that gone to camp at Zach Scott, we go to see the family programs. You do great work and I want to see that continue. I'm hopeful that this is -- that the conversation we're having today is very much in the spirit of continuing to see you thrive here in the city of Austin.

>> Mayor Adler: Mr. Zimmerman. Then Ms. Gallo.

>> Zimmerman: Thank you, Mr. Mayor. I do want to speak against this, but before I do, maybe I have a Robert's rule question about what can be done. Because this -- the motion was made to approve this with the amendments, it's not possibly possible for me to divide the question as to the original contract not amended?

>> Mayor Adler: No. But you could move to strike the changes.

[4:51:49 PM]

You could amend the motion on the floor to strike the changes.

>> Zimmerman: Well, then that's what I'd like to do. I'd like to move that we consider the cultural services agreement with the changes struck.

>> Mayor Adler: Okay. It's been moved to amend to strike the changes that are highlighted in red. Is there a second to that? Ms. Gallo seconds that. Discussion on the changes? Mr. Zimmerman.

>> Zimmerman: Thank you. Now I can speak in favor. I'd like to speak in favor of strike these changes. I also appreciate the time everybody has taken to come down here and testify on this, and I appreciate the passion on both sides too. It's terrific. I have to say, just reading this analytically, it just looks overwhelmingly written to favor the union position. For the union to gain more power over the process. So just from an analytical point of view, the contractor is required to do this, the contractor is required to do that. And then the part in here about the cart chuck method, really a controversial thing from the nonunion point of view. If you're in favor of unions card check methods is great, if not it's terrible. I think it's overwhelmingly written to promote the ability of the union to advance its interests. And the people that are here today, I think there's overwhelming evidence that a majority of the employees don't want to do this and neither does the board of directors or the management. I think they've made a powerful case for why we should strike these changes. And a final note, I wish we could work on affordability and traffic congestion, but we can't because we're always doing this.

[Laughter]

[Applause]

>> Mayor Adler: Is there -- Ms. Gallo.

>> Gallo: I always enjoy following councilmember Zimmerman. You know, I'm really trying to understand. It feels very much to me like we're trying to fix something that's not broken but I've got a question because it was very clear, the employees on this side of the room that spoke, but I wasn't real clear how many of the people that were here that were speaking in support were actual current employees of Zach.

[4:54:03 PM]

If you are, could you raise your hand? So one person? Okay. Thank you. It was just hard to kind of figure out where everyone was. You know, it's -- my concern with this is it looks like we're trying to have a discussion and we're embedding this discussion into the cultural arts contract. And I just don't think that's the place that it should be. I think when the different entities, the eight entities, filled out the grant applications, there was not any discussion at this point about changing the labor portion of this and the employee-employer relationship and it just seems like at this point it's not the appropriate time to do that. If the council wants to have this discussion, then we should have it as a discussion but I think it should be absolutely separate from the cultural arts contracts. I appreciate, mayor, that I'm able to at least voice my support. I would like to ask the sponsors of this also, my other concern is why we feel like we need to replace the federal relations laws? And I just -- no one has actually talked about that but it's my understanding this would be so maybe the two of you more familiar with this type of situation could help explain that to me.

>> Casar: Certainly. This wouldn't be replacing any laws. But regularly, when the council does things, we are doing things that are beyond the law. So, for example, if we pass -- if we pass an environmental protection, that is going above and beyond usually the existing environmental laws. We aren't preempting federal environmental laws when we pass an environmental rule. Or, for example, when we

pass money for homestead homelessness services we aren't preempting federal grants. We're just going beyond that by providing city funding for homelessness or fair chance hiring Riles, we were not preempting federal laws about hiring and criminal justice.

[4:56:08 PM]

We just wanted to impart our values within our city and set those sorts of rules. So generally, I think, that Progressives across the country for decades have seen the existing balance between employers and workers as being off-balance within the national labor relations act and we're working to make sure we have a more balanced system to make sure that we have the best employer and employee relations on is city property as we can. So I think in the same way as all the other work that we do, we're not breaking any laws. We are doing our jobs.

>> Gallo: Thank you for that. So I'm just gonna go back to say that I think that if the council wants to have that discussion and wants to bring that forward, it should. But I'm very uncomfortable that it's been embedded in this cultural arts contract. Once again, I think we're trying to fix something not broken. There was only one current employee that spoke in favor of it where there were quite a few here that were employees that feel like what is occurring now is fine. And the answer to my question, which was have there been any violations to date, and the answer was no. So, anyway, I feel like this discussion should be somewhere other than part of this cultural arts contract.

>> Mayor Adler: Further discussion? Ms. Garza.

>> Garza: I would disagree that this isn't a conversation about affordability. This is a conversation about affordability. The reason it's so unaffordable for working families to live in Austin, Texas, is because the cost of living continues to rise while our wages stay stagnant. And what I'm hearing here is people saying I just want a seat at the table to be able to have that way, to be able to discuss my wages. It makes -- I'm really shocked at the level of anger, the level of -- I don't know what -- if you pass this there will be consequences means, if that means that -- and I want to thank -- I want to thank Zach Scott for the programs that they provide.

[4:58:25 PM]

And I'm sure many of those programs help my children in my district. But you know what else would help children in my district? If their parents were paid a fair wage. They wouldn't have to depend on free tickets.

[Applause] So I think with regards to the uncoupling this, this is where workers and people who don't feel like they have a voice get leverage, as a -- as a former Austin firefighter that stood at that podium for the first time, I don't remember what carrier it was, begging the council, please give us fair wages so we don't have to work three jobs to be able to live in this city that we protect, this is what gives these families leverage. I want to thank the one employee who had the courage to come here, as the one employee.

[Applause] And I think these -- these two things affect each other. We have to keep these two together. It's the same way with our police and fire contracts. When the city asks police and fire for certain things, that's where they have that leverage to say, okay, if you give us better wages and better working conditions, we'll give you these things that you want in the recruiting process. So I do not support uncoupling these two.

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

>> Houston: Well, a couple of things. First of all, I want to thank the one employee because having been the outspoken person and understanding that I had some fallback and some people don't, some people don't have the resources to be able to stand up and speak and be their voice, have their voices heard, so

I appreciate you taking that responsibility. And I think perhaps there are more people that would like to be here but for reasons of -- economic reasons cannot be here. So I do understand that it's just not you, but there are other people who are behind the scenes.

[5:00:27 PM]

The timing of this is controversial for me because, again, we didn't have time to have those conversations ahead of time so that everybody could either be at the table to make these amendments to this resolution, and so I guess what I'm hearing -- and I'll ask the two sponsors -- does this mean that the conversation could not be held without the resolution? That these -- this group -- these groups couldn't come together without having this resolution pass? Because what I'm hearing is that you need them to have a conversation. And what I'm hearing some people say, Zach Scott say, is we can have that conversation but we didn't have time to have the conversation because the drafts kept coming out and we didn't have time to review them. So are we using this as a leverage to make that conversation happen? Is that what I'm hearing?

>> Casar: Councilmember Houston, between the budget sessions when we heard some of these issues and now, I did ask some folks from Zach Scott to meet with folks from my office and the response was no.

>> Houston: That's good information to have. And on page 5 of 16, d3, can we remove [indiscernible] Because that seems to be something that's very obnoxious to some people and have some other way to -- if it goes forward, some other method of determining what the results of the election are? And I'm not a lawyer, but I did hear several lawyers speak. And so, you know, I'm not one of those, and I have only had a chance to read this just briefly. So I'm asking. That seems to be obnoxious to some people, the card check reference method. Is there some other method that could be used?

>> Kitchen: Yes. And the language allows for that. Let me show you the language here.

>> Houston: I see the language but it says card check method or designation of other system.

[5:02:28 PM]

I'm saying could we remove the card check reference?

>> Kitchen: Well, I think that it says or other system, that the labor organization and contractor agree results in a similarly fair result. So what this does is it mentions the card check as one method but it doesn't require card check. It says or other systems that a similarly fair result.

>> Houston: So the answer is no you're not willing to remove card check out of the amendment?

>> Kitchen: Well, I'm not sure that that -- I'm not sure whether that gets us because it is one of the -- one of the systems that could be used. So I think it's useful to have it there because it -- but the language -- this is one of the things that we did in order to respond to people's concerns. We said "Or other system that they agree results in a similarly fair result." So I'm not sure what we get by taking it out. Because we've already provided for the concern about it. If they agree on another result, another approach, they can use that other approach.

>> Mayor Adler: Okay. Further discussion on the dais on this amendment? I guess I'm gonna speak to it here because I think it concerns the amendments and then maybe I don't need to speak later. There's -- there are policy issues and process issues that are presented by what's happening here. The policy issue is whether or not it's appropriate in contracts that the city enters into to put in requirements that address labor guarantees. And if so, what are those provisions that should be put in? The process question is how this has come to the council at this point and whether there's been sufficient opportunity for stakeholders in the community to be able to engage in this, in this topic.

[5:04:31 PM]

With respect to the policy issue, I support the city putting into its agreements with organizations, worker protections and guarantees. I think that is how the city does this kind of work. And I think that this council has demonstrated, as mayor pro tem pointed out, we have done this in numerous other places in many different ways, both this council and the preceding councils. What is troubling to me on this one is that I think this is a big and significant issue, and it did not daylight in specific terms early enough for the opportunity to be able to engage in a meaningful way. With the initial drafts that came out. I'm going to support the amendments that were add. And therefore vote against what Mr. Zimmerman is suggesting because I think it's the amendments that were added here that provide the stakeholder period of time that I think is important for us to have. As I read this document with the amendments added, it first says that nobody's contract, that they have competed for under the rules that have existed up to this point is in any way changed. So none of the rules change with respect to the contracts that are now granted. What it does say, is that in January or February, what it does say, is that in February this council is going to get together at that point and decide what labor-related elements are appropriate to put into the agreement in a meaningful way. In other words, to what degree will they, if at all, count on the matrix that's set up for awarding money in the future. And which means that we are opening the door to that stakeholder process that I think is important for us to have because it doesn't get considered in the matrix going forward unless and until this comes back to the council in February because it's not set up that way.

[5:06:49 PM]

At that point in time, time between now and then for all the organizations to come in and say this is appropriate, this is not appropriate, it's appropriate to this degree or to that degree. It specifically allows arts organizations to come in and argue or this arts organization to come in and argue that there's something exigent about this arts organization, as we've heard the discussion, that would mitigate against this being considered or being considered to the degree that it might have otherwise be considered. So all that I think is -- is with the amendments that are presented put on the table. And this allows that conversation. It's my understanding that it may be that -- and I don't know because I don't know. But there may be more than just Zach that's taken by this. I don't know. I don't know and maybe you all know if the film society or tapestry or classical guitar, are they covered by this at all?

>> Kitchen: I have spoken with the film society and tapestry, and they are not.

>> Mayor Adler: They're not covered by this.

>> Kitchen: Correct.

>> Mayor Adler: That's because they're not part of the eight because they have labor contracts.

>> Kitchen: They have cbs.

>> Mayor Adler: They have labor contracts.

>> Kitchen: Yeah.

>> Casar: We've spoken with the classical guitar folks, and they are fine with this.

>> Mayor Adler: Anyhow, so I think the way that these Memphis are drafted analytics gives that stakeholder -- in fact gives that stakeholder period of time for engage to engage to have the conversation and it will come back to us in February with that work having been done. The amendment on the table is Mr. Zimmerman's to strike the amendments. There's no further debate, those in favor of strike the Memphis please raise your hand. Mr. Zimmerman, Ms. Gallo. Those opposed? Rest of the diet with Ms. Houston abstaining. That gets us back to the main motion at this point, which is the document with the changes in it.

[5:08:52 PM]

Is there any further discussion? Ms. Houston?

>> Houston: I'm gonna say one more time that we could say in that d3 their bargaining representative using designated methods or systems and remove that specific because that's the only specific you have in there, is the card check method. And so if we could just say any other methods of decision or systems that labor organizations agree, then I could vote [off mic]

>> Zimmerman: Mr. Mayor? If that's a motion or if I can make a motion strike --

>> Mayor Adler: Let me see if I can articulate that amendment.

[Indiscernible] Using --

>> Houston: Using methods of decisions or other -- designations or other systems that the labor organization and contractor agree results in a similar fair result.

>> Mayor Adler: So the amendment is to strike the words "The card check." And making it saying "A" in its place, using a method of designation or other system. So the amendment is to strike the words "The card check" in d3. And put in "A" in its place.

>> Zimmerman: I'll second that.

>> Mayor Adler: Seconded by Mr. Zimmerman. Is there discussion? Ms. Pool.

>> Pool: So what other method of designation would thereby if it were not a card check?

>> Houston: The authors of the resolution say there are other methods so if there are other methods, then that's what weekender have the expanse of the other methods and not designate one specific, and other methods.

>> Mayor Adler: Mr. Casar, then Mr. Zimmerman.

>> Casar: So to -- there's sufficient flexibility that if both parties agree there's a method other than card check they'd like to use, there's multiple methods that they could do so.

[5:11:01 PM]

Labor sort of neutrality or cooperation agreements oftentimes, it's pretty standard, the labor organizations agrees not to strike or boycott and the employer agrees to be neutral or use card check which is in my view and many folks' view a much fairer way for workers to choose whether they went to organize or not. It was a subject of bills back in 2007, which in my understanding the majority of the congress in both houses supported and in the senate the bill was actually sponsored by then senator Obama but Republicans kept it from moving forward and later they could not continue to provide support even if the majority was in both houses. In my view, many of our representatives believe employees should have a choice to do a card check election because it's fairer and I think that if the labor organizations that are organizing are willing to come halfway and not boycott or or strike that in your translate and card check are sort of a trade-off that is pretty standard practice.

>> Pool: Mayor? The reason I was asking that is if we leave it vague and don't specify, then who would then make the decision? I would rather have us make this -- have this direction in the language so that there isn't any question about what it is since it's already kind of a sensitive situation.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: And I would just writ rate, you know, I -- reiterate, I appreciate the concern councilmember Houston has, but the language is recognizing card check method of designation because of the kinds of precedent you have for that that councilmember Casar was talking about. But then it allows for or other system that the labor organization and contractor agree results in a similar result.

[5:13:04 PM]

So it's saying use card check or you can agree to use something else. So if we don't put the card check in there like that, it's not as clear that that could be used. And so I think -- I think we should keep it in.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: You all have been working on this far longer than I have and in much greater depth. It just seems if we're going to put something in there, we can put the other option that you put in as well so that people who do not understand the card check or something else will know what that other something else is. Because everybody won't have that information. But I'm -- I'm through with having the conversation. I call the question.

>> Mayor Adler: You can't debate and then call the question when you're done.

>> Houston: Oh.

[Laughter]

>> Mayor Adler: Is there further discussion on the dais?

>> Casar: Mayor --

>> Zimmerman: Sorry. I think I was next.

>> Mayor Adler: Yes.

>> Zimmerman: So I think councilmember pool pointed out that the purpose of having it in here is that it is a preferred method. That was the message, and I think what she just had alluded to. So the fact that this is intended to be a pro-union measure is very obvious. We could change that language to say a secret ballot method, but this is the opposite of secret ballot. Card check is the opposite of secret ballot. So that's why I agreed with councilmember Houston's point to take -- simply to take this out because we are showing a preference for something that's not secret ballot it's very well established. The supreme court commented on there too, that card check is not secret ballot and it biases the decision. So I think it's obvious what we're voting on.

>> Mayor Adler: Ms. Houston has moved to --

>> Casar: I had a potentially constructive suggestion because councilmember Houston said what were those other decisions be or other methods be? And so if you look here at the language, I would suggest as a friendly amendment to that amendment that the employees designate the labor organization as their representative using the card check method of designation or other systems such as a secret ballot election that the labor organization and the contractor agrees results in a similarly fair result.

[5:15:25 PM]

So it still favors the card check method as -- since it's standard practice in these sorts of agreements. But if they can agree to some other system, what you're saying is what could those other systems be, we could say or other systems such as secret ballot measure that the labor organization, the contractor agree on. If that's gonna -- if that change -- if that friendly amendment will make you more comfortable and secure your support for the whole thing, I think that's fair.

>> Houston: My support for the whole thing would have been to have the conversation with all the parties prior to having this brought before us today but that didn't happen. And I appreciate you helping me with getting some other systems in place so it's not the primary way is card check system. I appreciate that.

>> Mayor Adler: Are you okay with that.

>> Houston: I will accept that as a friendly amendment.

>> Mayor Adler: Is there any objection to that? Then that change is made. Let's vote on the amendment. Those in favor of the amendment please raise your hand. Those -- this is to make it so that it says using the card check method designation or other system such as secret ballot member that the labor

[indiscernible] Those in favor please raise your hand. Those opposed. Everyone is in favor. That change is made. What's on the -- now is the main motion. Any discussion? Those in favor please raise your hand. Those opposed. Mr. Zimmerman votes no. Is there any abstentions? Others voting aye. Ms. Houston abstains. This measure passes.

[Applause] All right it is 5:17. We have the 4:00 matter still in front of us. 5:30 we break. So I'm trying to figure out what on here we might be able to do in a short period of time.

[5:17:29 PM]

We have ten speakers on 55, six speakers on 56. One speaker on 57. What about 61, 62, and 63? What about those four items? If everybody could be quiet when you're walking out, please, we're gonna see if we can get some work done here before 5:30. We have the annexation staff. Do you want to talk to us about those still pending, 60, 61, 62, 63.

>> 63 is being postponed for one week to come back to your next agenda. If we could do that, the applicant has agreed. That would be a content of postponement.

>> Mayor Adler: There's been a motion to postpone item 63 -- been a request. Is there a motion to postpone? Ms. Pool. Is there a second? Ms. Gallo. Those in favor of the postponement, please raise your hand. Those opposed, all voting aye with mayor pro tem off the dais. That was 63, postpone one week. What about the items 60, 61, 62.

>> Good afternoon, mayor, council, Virginia Collier from the planning and zoning department. This is the first of two public hearings for the following set of full purpose annexation areas. Council will not be taking action on any of these items this evening but will need to close each hearing individually so we can take these items up next week and ordinance readings are ten tift exiled for November 10, 2016. In accordance with the city's annexation policies described in the imagine Austin comprehensive plan the city should annex areas in order to expand land use and development regulations, protect and expand the tax base, broadly distributing the cost of services that benefit city residents as well as the region, more efficiently deliver services and provide municipal services to developing and urbanizing areas.

[5:19:34 PM]

Copies of the plans for each of these carries are located over here at the entry. I've posted copies in the backup for each item and would be happy to send a copy to anyone not able to attend the hearing tonight. In compliance with the draft service plan for each area, there are three main components. The first is the early action program, which describes services provided in the area commencing on the effective date of annexation, including services such as police, and fire protection, emergency medical service, solid waste collection any operation of maintenance or infrastructure such as water, wastewater facilities, roads and streets, street auto lighting and public parks and playgrounds. The second section includes additional services which are those not required by state law but available city-wide, watershed protection, development review, use of city libraries, health and human services benefits, clean communities and

[indiscernible] Services and then finally there's a capital improvements program section where we would include any information about any campo improvements necessary to provide municipal services to the area. Real quickly I'll go through E items without speakers, starting with item 60, the more lapped addition, including approximately 34 acres in southwestern county, it's contiguous to district 5. This area is currently in the city's extraterritorial jurisdiction and adjacent on the another-northern, eastern, southern sides of the area. Previous annexations of adjacent tracts were completed in 2002, 2003, 2007. Annexation of the adjacent Smith field freight barker area next on our list this evening will result in this area becoming completely surrounded by the city's file purpose jurisdiction on all sides. Existing land

uses in the area, this area is fully developed and this area includes commercial, office, warehouse spaces wrestle approximately 40 single-family homes. Annexation brings residential and commercial development into the city limits, extending city services and regulations to ensure and improve public health and safety with&provides residents and business owners a voice in city elections and public processes impacting and shaping their community.

[5:21:37 PM]

Again, the city will provide full municipal services as described in the service plan, copies of which are available today and this concludes the staff presentation for item number 60.

>> Mayor Adler: We have no speakers signed up to speak on item number 60. Is there a motion to close the public hearing? Mayor pro tem moves to close the public hearing. Is there a second? Ms. Pool seconds. Thank you. Those in favor of closing public hearing, please raise your hand. Those opposed? It's unanimous on the dais.

>> Then item 61 is the Smith field fate barker area, also contiguous to district 5. This area is currently in the city's etj and adjacent to the full purpose jurisdiction on the north and west sides of the tract. Previous annexations of adjacent tracts were completed in 2001, 2002, 2005. This area is about 60% developed with commercial office warehouse uses and 40% undeveloped portion includes the Smith field condominiums, 2015 site plan, development plan for 97 multi-family townhomes. Annexation of this area brings residential and commercial development into the city limits, extending city services and regulations to ensure and improve public health and safety and provides residents and business owners a voice in public processes impacting and shaping their community. Again the city will provide full municipal services to the area as described in the service plan and this concludes the staff presentation for item 61.

>> Mayor Adler: I have no one signed up to speak. Item 61. Is there a motion to close the public hearing? Ms. Houston moves. Second Ms. Pool. Those in favor of closing the public hearing please raise your hand. Those opposed? It's unanimous on the dais.

>> Next on the list, item 62, upper east end subdivision area, 29 issues in Travis county at the northeastern corner of Howard lane and cantarra drive, 2 miles west of this intersection, contiguous to district 1.

[5:23:40 PM]

This area is currently in the extraterritorial jurisdiction and adjacent to the full purpose jurisdiction on the eastern side. Previous annexation of adjacent tracts were completed in 2005 and 2015. This area is also undeveloped and includes the proposed upper east end subdivision, a 2015 subdivision plat slated to bring 115 small lot single-family homes into the marketplace. Annexation of this area brings residential and commercial development into city limits, again, extending city services and regulations to ensure and above public health and safety. The city will provide services to the area as described in the service plan and this concludes the staff presentation for item 62.

>> Mayor Adler: Is there a motion -- there's no one signed up on 62. Is there a motion to close the public hearing? Mayor pro tem moves. Ms. Houston seconds. Those in favor of closing the public hearing please raise your hand. And that is unanimous on the dais. Thank you. It is 5:24. We have speakers that are signed up for each of the items that are -- that are left. Item number 57 has one speaker. Will that be here for a while, do we think? Is staff here? On item 57?

>> Houston: Mayor --

>> Mayor Adler: I'm sorry, yes?

>> Houston: Well, the applicant is here, but there's probably gonna be a few more minutes of discussion than we have before 5:30.

>> Mayor Adler: Then we probably should just stop.

>> Kitchen: I'm not sure what level of discussion we'll have on 59. We do have three speakers so I don't know if you want to take them now or not. But everybody is for this. There's no against speakers. So.

>> Mayor Adler: All right. So 59 we have speakers signed up but if we -- let's see if the speakers don't need to speak, if it looks like it's something we're gonna pass.

[5:25:46 PM]

>> Kitchen: We won't pass it. It's public hearing. I'm sure they want to speak. There's not a lot of back and forth.

>> Mayor Adler: Okay. Why don't you lay that out and then we'll speak.

>> Item 159 the Malone preliminary plan area which includes approximately 40 acres in southwestern Travis county, one half mile south of the intersection of west slaughter lane and slaughter creek drive. This is contiguous to district 5. This area is currently in the city's etj and adjacent to the full purpose jurisdiction on the northern and eastern sides of the tract. Previous annexation of tracts were completed in 1995 and 2008. This tract is currently undeveloped and includes the Malone preliminary plan, which is a 2015 subdivision including 166 single family lots. Annexation of this area, again, brings anticipated residential growth into the city limits, extending city services and regulations to ensure and improve public health and safety, completing file purpose Indianapolis provides the advantage to prospective home boys prior to purchasing a home in this neighborhood and again the city will provide full municipal services as described in our service plan. This concludes the staff presentation for item number 59.

>> Mayor Adler: We have 25 people signed up in favor of this, three of whom wish to speak. I'll call the people that want to speak. First is Leslie Mccullum.

>> Is not present, sir.

>> Mayor Adler: What about bill Meacham.

>> I'm present and waive my right to speak.

>> Mayor Adler: What about Patrick [indiscernible]

>> He's not here.

>> Mayor Adler: Anyone else wishing to speak on this item? Motion to close the public hearing. Those in favor of closing the public hearing please raise your hand and it's unanimous on the dais. What about item number 58? We're now past four. Are we gonna withdraw that?

[5:27:46 PM]

>> Staff is pressing withdrawal of item 58.

>> Mayor Adler: Staff is requesting withdrawal so that just happens. Okay. So council, it is almost 5:30. The items that are left for us, I think, are -- do we handle 62?

>> Kitchen: Mr. Mayor, just a question. I know it's withdrawn. We have, I think, one or two speakers on the item that was withdrawn.

>> Mayor Adler: I'm sorry.

>> Kitchen: I don't know how that works.

>> Mayor Adler: All right. So we have two people to speak. An on this Marquardt is signed up and Gus Pena are signed up. Are either here wish to go speak on this item, 58? Anthony? So staff is seeking to withdraw this item.

>> Thank you. My name is Tony Marquardt, press of the austin/travis county ems association and I want to speak in favor of I suppose the annexation of the esd11 area. This is something that staff is advising to withdraw from the conversation and extend by a year, which would forgo a revenue source. My overall concerns are the esd is providing alternative medical direction, lacks oversight, lacks transparency. For the record I'd like to read in the questions I had on this matter just moving forward. Number 1, does a potential loss of revenue projected by the actuarial studies impact the fy'17 approved budget? Does this create more deficit that will amount to more cuts? If not, is there a better investment that can be made to the unfunded needs. Ambulances and police body, for example, expired on the council's discussion forum. Number 2, was a risk assessment done to outline the concerns of the esd11 chief's plans to obtain alternative medical direction?

[5:29:54 PM]

It's my of.

>> Stated he had no reason to expect esd11's assessment of the impact was less than accurate. Has the city done any variation on the claims of the esd11 chief? Is there any documentation that outlines the details of said concerns? Does the esd chief's lack of -- does the esd's chief history suggest trustworthiness on important issues like public county.

>> If the city already is providing these services what exactly is the esd chief suggesting will be compromised outside his own budget? What of those talking points are verifiable tangible facts. We're not talking about the esd serving Austin. We're talking about Austin already serving the area without the revenue of annexation. And finally number 5, historically the esd's priorities for spending revenues should be of there. What do they intend to do with the revenue associated with the year-long extension? Do the investments if known serve the city's projected needs for annexation or will their choices and spending create more liabilities? Historically with esd11 with the former council at large, there was an annexation deal made with the f1 tract and I believe priority purchasing was placed on a ladder truck during that initiative. Which kind of negates the talking points of better serving the community and preserving the jobs of the firefighters involved. So overall you just wanted to get those things on the record.

[5:31:57 PM]

I really appreciate the ability to talk on the issue. I know this was something that wasn't meant to be probably discussed. I hope that for future annexation we'll be working closer with those involved to include emergency services in this factor.

>> Zimmerman: Thank you for being here. As you know we discussed this at the public safety committee in some detail and Bob nix from the firefighters association agreed with the chief Bailey esd 11 that this whole caterpillar outfit was about a third of their revenue in sales taxes. It would Tess mate the esd's -- decimate the esds that serve Travis county. That came out of the public safety committee we had. It would just decimate their finances and they wouldn't be able to cover it down there. But you're right. There's a lot of discussion to have.

>> Thank you. I appreciate that bringing it up. You know, as I ask these questions of assistant or -- city manager hart and it was suggested I address this to the esd 11 board of commissioners. What concerns me is you can't find out who the commissioners are for esd, where the minutes are, how they've spent things historically and it is said that the esd chief is also on esd board. These are not the standards of Austin's boards and commissions. When we talk about not having leverage in issues like this, it seems like this is a moment in time we could think back on and could have adjusted it better, take a little more time. Thank you.

>> Mayor Adler: Thank you. All right, council --
>> Kitchen: Could I have a quick question of staff in.

[5:34:05 PM]

I understood it's been withdrawn at this point, but am I understanding correctly that that's to allow some time to have some discussions about this item? It's not that we've made a decision that we're not going to move forward with annexation at some point in the future, right?

>> Correct, right. If you don't conduct public hearings you're not allowed to approve an annexation and the hearings have to be on a certain schedule, so withdrawing at this point we couldn't annex this year, which is why we suggested bring it back with next year's annual program, which would allow a full year for the esd to removal whatever issues they had.

>> Kitchen: Okay.

>> Mayor Adler: Further discussion? All right. Then council, when do you want to come back? We have three items, 55, 56, 57. We will now break for music and for proclamations. When do you want to come back? 6:30, 6:45?

>> Zimmerman: 6:45?

>> Mayor Adler: 6:45?

>> Houston: I don't care.

>> Mayor Adler: All right. Then we'll come back at 6:45. We'll now take a recess.

[5:43:34 PM]

>> Mayor Adler: Are you guys -- are you guys set? Joining us today is keeper. One of the neatest things about being mayor or a member of this council is that this is a city council of the live music capitol of the world that religiously stops at 5:30 or as close to that as we can get, on every meeting that we have. Like this. To stop to play and listen to live music. And I don't know if any of you have been watching the past four hours, but I want you to know how welcome this music is.

[Laughter]. So thank you. Thank you, keeper for being here. So keeper is a local vocal group. Genre best described as sense soul. Songs written by Dara, keeper operates as a trio adding singer Kate to round out the live performance. With the ambition to create a uniquely fluid sound, keeper writes songs that speak of love and desired and ultimately learning about one's self. Keeper has opened for such national touring acts as glass animals, young fathers, grammy singer song writer Anna wise. Keeper has played Austin festival south by southwest, the fun, fun, fun fest, and will be playing acl festival tomorrow, October 7th, 2016, has a brand new EP coming out. Dock is on that. Probably not what you're doing now, is it? All righty, then. This is going to be even better than we had thought. Please join me in welcoming keeper.

[5:45:37 PM]

[Cheers and applause]

>> You guys are the best. Thank you. Mrs. [♪Music playing♪]. Ler [music playing].
[Music playing].

[5:49:14 PM]

[Cheers and applause]

>> Mayor Adler: That was great. So what time are you up tomorrow?

>> So we play tomorrow at 11:30 on the Miller lite stage.

[Applause].

>> Mayor Adler: But isn't it true that we're also -- really if you look around, this is the capital of synth music as well, isn't it, Austin?

>> Yeah, there's a lot happening.

>> Mayor Adler: A lot happening here. I think so too. So if folks listening here or watching here want to find you, do you have a website?

>> We do. It's keeper.band.

>> Mayor Adler: Okay. And if they want to get some of your music, how would be the best way for them to do that?

>> You can actually have vinyl, of course, so you can get that at Waterloo records or juice land at 45th and Duval. Nice local record shops are carrying our stuff.

>> Mayor Adler: Okay, cool. And then other than acl when is your next gig on the area?

>> We're doing one November 1st. I think we're going to try to figure out what's going on after that. But that's your next.

>> Go listen to the music now.

>> Mayor Adler:.. So we have a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually all musical genre and whereas our music scene thrives because Austin audiences support good music, produced by legends and 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 capitol, do here by proclaim October 6th of the year 2016, as keeper day.

[5:51:19 PM]

Congratulations.

[Applause]. >>

>> Thank you, mayor.

>> Keeper!

[Applause].

>> Garza:, good evening, I'm Dell I can't Garza, the councilmember for district 2. Be it known that whereas safe, healthy relationships are the foundation of our community, it is our goal and our right to be safe inside our own homes. And whereas the problem of domestic violence affects all of Austin citizens regardless of race, gender, religion, ethnicity, sexual identity and economic status. One in four women and one in seven men will be victims of domestic violence in their lifetime.

[5:53:22 PM]

And whereas in 2015 there were five domestic violence-related homicides in Austin. In 2015 safe place served 5,296 survivors of domestic violence and sexual violence. And whereas the austin-travis county family violence task force victim service providers, criminal justice officials and concerned citizens work together to promote healthy relationships and strive for a violence-free society. Now therefore I, delaware,dellia Garza do here by proclaim October 2016 as domestic violence awareness month. I would like to thank all of you standing behind me and those in the community that do this important work to protect our families and to come to the aid of the men and women that are victims of domestic violence. Thank you all and I believe there's a couple that would like to speak.

>> Thank you, councilmember Garza. It's my pleasure to be here. My name is kirsha. I work for community justice planning. I am so pleased to be here with many of my colleagues from the A.P.D.,

victim services and A.P.D. Crash unit as well as safe place. And I think Emily leblanc would like to say a few words.

>> I'm seniority director of community advocate for safe place alliance. I want to thank the council and the mayor for the proclamation and Ms. Garza for sponsoring it. As she stated, the state of Texas saw over 158 murders through domestic violence last year, five of those were here in Austin. And so it's important that people continue to come together to bring awareness to this issue and to let victims know that there's a place you can go for help. You can call law enforcement by landfall 911, and -- calling 911 and if you don't feel comfortable doing that you can call the 24 hour confidential hotline at safe place, 512-267 safe.

[5:55:35 PM]

As a community we have to pay for the cost of community violence when victims can't go to work, we also know that domestic violence offenders are more likely to pose a threat to public safety. Perpetrators of is domestic violence are more likely to kill police officers, more likely to commit mass murders, so it's something for us all to think about, raise awareness about and continue to fight against so all our families can be safe. I'd like to introduce Lupita. Sergeant de la Santos also to speak from A.P.D. >>

>> Helly low, everyone. I'm a supervisor in victim services in the family violence unit and I'm very proud to say that this year as of this time we have not had any intimate partner family violence homicides. And hopefully we'll go throughout the whole year being able to say the same thing. And I believe that it is the hard work and all the efforts of all -- not only A.P.D., but all the partner agencies in the community that we are making Austin a safer place and having victims be able to come forward and feel safe doing so. Thank you.

>> And I'm sergeant Eric die la Santos with -- de la Santos with Austin pd's domestic violence unit. I'm one of the supervisors that goes supervisors the offenders of domestic violence. We're proud because I think we're one of the only cities in Texas that does some of the things that we do. We're very proactive on these offenders. But one milestone that I think we've reached was compared to may of 2015 of last year to may of 2016 of this year, we had a 34% reduction in domestic violence aggravated assaults and I think that's a huge achievement. And like Lupita said, it's because of the awareness that the council gives these sorts of things and also just all of our efforts combined.

[5:57:42 PM]

So we're going to continue to try to do that. Thank you for y'all's support.

[Applause].

>> Tovo: Good evening, I'm mayor pro tem Kathie tovo and I represent city council district 9 and I'm happy to be here this evening presenting the following proclamation on behalf of the entire city council. And I'm going to be presenting this proclamation to Mike Miller, director of the Austin history center, but he is joined by archivists from Austin and we're so delighted to have them with us.

[5:59:54 PM]

Somebody who spent some time in the world of academia, I have also spent many, many hours in archives both in the city of Austin and in other places. And as many of you probably know, these are places that have documents like diaries and letters, homework newspapers and books and lots of other really interesting information. So if you've ever had an interest in reading other people's mail, an archive is likely the place that you can do it. And I want to say that my staff and I have had occasion to use

archives in the work we do now, going over to the Austin history center to seek out meeting notes or photographs, to look through the old telephone directories, to check addresses on cases that might be coming here. So they're of enormous interest just for ordinary austinites as well as perhaps in some of your work. And we're really blessed in Austin to have lots of great archives. Among those at the university of Austin we have the Dolph Briscoe center for American history, we have the Texas state archives here in Austin and of course the city of Austin's own Austin history center. So again we're delighted that you can be here today and I'm happy to present the following proclamation: Be it known that whereas the archivists of central Texas in conjunction with the Austin history center, are celebrating archives month in October, which is a nationally celebrated, but locally sponsored and organized series of events to promote archival issues and trends related to the local community. And whereas the archivists of central Texas is hosting an Austin archives bazaar on Sunday October 16th, 2016 from 2:00 to 2:00 P.M. Providing an opportunity for the Austin community to come together in a fun, interactive atmosphere to learn all about the fascinating archival resources available in Austin and central Texas. And whereas these events work together to raise awareness of archives and their function in society. To highlight current local preservation efforts and to provide a free civic forum to discuss archival interests, issues in Austin, Texas.

[6:01:58 PM]

In recognizing and supporting the people and programs dedicated to documenting and preserving our cultural heritage for the enrichment of all Texans. Now therefore I, Kathie Kathie on behalf of Steve Adler, mayor of the city of Austin, Texas, do proclaim October 2016 as archives months in Austin, Texas. So thank you. Congratulations. And I would invite Mike Miller to tell us a lot bit more about archives day.

>> Thank you, mayor pro tem,.

>> Mayor Adler: I appreciate you taking the time to allow us to recognize the great work that archives do. Standing behind me represent members of different archives across the city of Austin as well as members of the Texas historical records advisory board, which is a statewide board that provides advice and guidance to archives across the state. They're actually having their meeting here in Austin tomorrow and they graciously came out to stand behind me and support this. Archives play a crucial role in our society, in our lives. Archivists and archives, our job is to identify, collect, preserve and make available the records that tell the story of our lives. We document the history of the governance, whether it be local, county or state level or national level. We document the stories of religious entities. We have religious archivists behind me. We document moving images, sports, you name it. And the items that we collect, make sure are available for future generations are critical for us to be able to understand our past, to help us plan for our future. And without archives we would not be able to do that. If you would like to learn more about the 25-plus archival repository stories that are doing this work across central Texas I would like to invite you to join us on October 16th from 2:00 to 6:00 at Segre Hall.

[6:04:06 PM]

We will have a fun day. Representatives from all the archives will be there. We will have an homework photo booth if you want to have your picture taken and make a 19th century [speaking foreign language]. We'll have speakers, films and of course we're having the event in a event in a biergarten during October. So thank you for archives month.

[Applause].

>> Mayor Adler: We have a proclamation. Be it known that whereas dyslexia occurs on a continuum of severity affecting up to 20% of the population according to the national institutes of health. And whereas the city of Austin honors the dyslexia parent network, the Texas chapter of decoding dyslexia,

friends of dyslexia and all organizations that provide services for learners who struggle with dyslexia and associated learning difficulties.

[6:06:26 PM]

These non-profit organizations render support to families experiencing significant literacy issues as a result of dyslexia, a specific learning disability that is neurological in origin and is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities. And whereas it is a local goal to raise awareness and understanding of dyslexia within the Austin community, to seek support for dyslexic services and to ensure that individuals with dyslexia are accurately identified and provided with appropriate services. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, in part because one of my daughters is dyslexic, do hereby proclaim October 2016 as dyslexia awareness month.

[Applause]. Do you want to say something?

>> Sure. Thank you so much. Thank you,.

>> Mayor Adler:, for having us again, we appreciate it. Just coming to really spread awareness on dyslexia awareness month, which is October every year. 15 to 20 percent of the student population, the population in general, is dyslexic and that's not always widely known by parents, students and teachers as well. We also want to thank the dyslexia parent network, friends of dyslexia, the Austin chapter of the international dyslexic association. And then also the Austin independent school district. Dr. Paul Cruz and Dr. Rachel Robleard have worked very hard with us to create additional programs and support for our students. And I hope that a lot of people will join us tomorrow for the annual central Texas dyslexia conference.

[6:08:27 PM]

Now I'd like to introduce, this is my son Ford and Waylon, and Tracy with 504 U and her daughter Hadley. Would you like to say something? Ford, would you like to say something?

>> Hey, dad, I'm on TV.

[Laughter].

>> Waylon, would you like to say something? How about thank you?

>> Thank you for everybody who came to see us. It's very hard because I have a friend that helps me with my dyslexia and learning and his name is Andrew, but he is not dyslexic. And he is probably doing something like playing on his iPad at home.

[Laughter]. And thank you very much for coming here.

>> Hadley, would you like to say something?

>> Yes.

>> You certainly can. Come occupy.

>> Hello. My name is Mary Hadley, I'm 11 years old and I'm also dyslexic. Everyday I have dyslexia. It's a fun adventure that I get to spend with all my friends at Ross and Saunders, and that school helped me with a lot ever since I came from Casis. Thank you.

[Applause].

>> I'm Tracy coffin. This is my fought, she's dyslexic and I'm dyslexic also. I hope everybody reads up a little identity on dyslexia and learns a little bit more this month during the awareness month. Thank you very much for doing this.

>> Mayor Adler: Thank you guys. Let's take a picture.

[6:11:25 PM]

>> Mayor Adler: I have a proclamation here that I get to present to Tanya winters. Who is the vice-chair of the mayor's committee for people with disabilities. And this is the proclamation: Be it known that whereas more than a million people with disabilities have entered the labor force since the passage of the Americans with disabilities act ins act. Enabling them to contribute to our society and to their own fulfillment of the American dream. And whereas disability mentoring day provides an opportunity for students and job seekers with disabilities to shadow an employee at their workplace and to gain insight into possible career options, while enabling employers to recruit new talent for internship and for employment. And whereas we commend the team of local organizers working with the mayor's committee for people with disabilities, and the American association of people with disabilities who arrange the mentoring opportunities for disabled citizens, thereby helping them to realize their potential and encourage their full integration into the workforce. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do here by proclaim October 19th of the year 2016 as the 14th anniversary celebration of disability mentoring day.

[6:13:29 PM]

[Applause].

>> Thank you, everyone. Mayor Adler, on behalf of the mayor's committee for people with disabilities, along with the disability mentoring day steering committee and all of the students behind me today from aisd, thank you for this proclamation. We are proud to live in a city that values a thriving workforce by recognizing disability mentoring day, Austin is supporting youth with disabilities in putting their dreams to work and acknowledging the unique impact they have on shaping tomorrow's economy. We couldn't ask for a better endorsement. Last, but by no means least, many thanks to councilmember Houston for agreeing to join us on October 19th for the disability mentoring day luncheon at the asian-american resource center. Thank you.

[Applause]. I think I have a couple of students who want to say a few words. >> Hi. My name is Kayla. I like playing the drum and I like working and I want my dreams to be big in the future. So thank you for us to go to the school we go to, and it's really nice and I love living in Austin. And thank you for all the support we got, and thank you everybody who support us.

[Applause].

[6:15:31 PM]

>> Mayor Adler: Anyone else?

>> I'm Miranda and I work very hard at working, and right now I'm working at the school district, and just thank you for letting Sondra help me find a job, and thank you just for us to come over here today and just thank you very much.

[Applause].

>> Mayor Adler: Anyone else want to say anything? Then let's take a picture.

[6:17:59 PM]

>> Mayor Adler: Now we have opportunity to issue a distinguished service award. We're going to issue this for her untiring service and commitment to our citizens during her 22 year tenure as a dedicated employee of the city of Austin. Kathie gerac is deserving of public acclaim and recognition for her loyal service to the city of Austin. And Austin Travis county emergency medical services as a mayor medic and commander. Her career has been marked by outstanding performance toward the best interest of our

community and the public safety of our citizens. This certificate is presented in acknowledgment and appreciation there of this 6th day of October in the year in, issued by the city council of Austin, Texas, signed by Steve Adler, mayor. Congratulations and thank you for your service. [Applause]. Thank you want to say something? We'll have a picture taken.

[6:20:33 PM]

Taken.

>> Mayor Adler: All right, we have another proclamation that I get to present, which will be accepted by Suzanne stone, executive director of the Susan G komen Austin.

Proclamation: Be it known that whereas in the united States one in eight women will be diagnosed with breast cancer. New breast cancers in the U.S. Are predicted to arise by as much as 50% by the year 2030. And breast cancer is the second leading cause of deaths in Travis county. And whereas komen Austin has invested \$11 million locally on breast cancer services and five million dollars in research for a cure in breast cancer. And whereas komen Austin has provided breast health services to over 73,000 people area wide since 2010. And whereas the race for the cure being the leading fund-raiser for komen Austin occurred on Sunday, September 25th 2016, now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim today, August 6th, of 2016 as Susan G komen day. You congratulations. And thank you for what you do. On September 25th we had over 6,000 people descend very early in the morning on to -- into downtown Austin. And they were there for lots of reasons. Of they were there because they wanted to honor somebody that they lost. They wanted to be with somebody who is going through the journey or maybe they just wanted to make a difference to make sure that women and men in our five county impact area have the opportunities to have the breast health services that they need and that Susan G komen Austin helps to provide.

[6:22:42 PM]

On behalf of the board of directors and my staff behind me, we want to -- and all of our donors, we want to say thank you for the city for allowing us to continue to provide such an amazing venue for our largest fund-raiser of the year to come every year and make sure that almost 2 million people that we impact are able to have the services that they need. Thank you.

>> Mayor Adler: Thank you. Thank you for what you do. Let's take a picture.

[6:30:36 PM]

[♪Music playing♪] >>

[6:58:30 PM]

>> Mayor Adler: All right, council. We have a quorum present. We're back at the dais. We have three things that are left. We'll take the ones that have the most speakers. Work back. Also happens to be the order that they're on the agenda. So everybody can begin with item number 55. Staff here for this? Yes.

>> Kitchen: I'm sorry, I haven't looked to see how many people have signed up. I was wondering if 56 might be faster because we have a few people here but if it's not --

>> Mayor Adler: We have seven signed up for that one.

>> Kitchen: Okay.

>> Mayor Adler: Item 55, who is staff here for this? Pull people in from the back. This is the carport and garage, the mcmansion. Take your time.

>> Mayor, council, David, assistant city attorney. I've worked with John McDonald on this item. He's here in the building. I think he'll be here shortly.

>> Mayor Adler: While we're waiting for him to come here let's start with the public testimony on this issue. The first person we'll call up will be Stewart Hirsch. I'm sorry, what? Let's hold on. Let's get staff to orient us first then. I know you've just kind of run in like this. Are you okay to talk -- to set this up for us, lay it out for us, tell us what's going on?

[7:00:35 PM]

>> Yes, John McDonald with residential plan review. I didn't get the original question. Sorry, I was outside.

>> Mayor Adler: Just set us up, tell us what this item is item 55.

>> Not to go into too much detail. It's a code amendment to get rid of an exemption for carports. It's a 450 square foot exemption from the 40% floor to area ratio that is prescribed for one and two family dwellings inside of the mcmansion ordinance boundaries.

>> Mayor Adler: Okay. Yes, mayor pro tem?

>> Tovo: Thank you, Mr. McDonald. I wonder if you can set a little bit of the context of how this came to us. As I understand the residential design and compatibility commission recommended to the council that they be disbanded because they were seeing so few cases but before they did it's my understanding they also made this recommendation based on several cases that had become problematic. Can you speak to how this arrived on our agenda?

>> So yes. So the residential design and compatibility commission made a recommendation to planning commission codes and ordinances to have this code amendment brought forward to take care of a problem that they were having in certain neighborhoods where buyers who bought a home that was already pretty much at their maximum F.A.R. Would end up buying a home that had a carport and end up putting a Drath door on it, effectively closing off one of the two sides that needed to remain open to get the exemption. And it would bring the home out of compliance at that point. So they brought it forward to PC codes and ordinances.

[7:02:40 PM]

It went forward to planning commission. It was denied at planning commission and it's arrived here for you guys, for the council's purview.

>> Mayor Adler: Do you know why it was denied at planning commission?

>> Not exactly. They couldn't get the votes. There was a recommendation to approve it, but they could not get the votes.

>> Mayor Adler: Okay. We ready to hear public testimony? Ms. Houston.

>> Houston: Did they deny it in planning commission or --

>> Mayor Adler: It was not recommended by planning commission.

>> Houston: Okay.

>> Mayor Adler: Mr. Hirsch, thank you.

>> Mayor, members of the council, my name is Stewart Harry Hirsch, and like most Austin seniors, I own my home.

[Applause] Please don't take that off my time. I agree that the city code should make it easier to enclose parking space for cars and create living space for homeowners. The proposed code amendment does not create the simplicity that Austin deserves. Please vote against the staff recommendation. Our discussion at the planning commission identified problems with making all single-family homes and duplexes built before mcmansion regulations were approved in 2006 either nonconforming or

noncomplying or making existing homes built to mcmansion standards having difficulty enclosing carports and garages. I heard the commission urging solutions by discussion at a commission committee like codes and ordinances, but despite our urging no agenda item has appeared to date. We should encourage people who want to enclose their garages and% rather than add more impervious cover as long as the property continues to meet on-site parking standards and setbacks. Please direct the planning commission and codes and ordinances committee to bring you back possible solutions by the end of the calendar year and invite stakeholders to participate.

[7:04:42 PM]

Some may urge you to await solution from codenext but saying no to code amendments that are needed now is approving as effective a strategy as saying no to drugs was as a federal slogan in the last century. Austin homeowners and renters need more living area without exceeding impervious cover limits and we can get a residential door that meets the residential code and wide enough for a person in a wheelchair, just don't allow it in the floodplain unless the foundation is elevated to floodplain standards. Please help us solve this problem sooner rather than later. There are a lot of us who testified. We agree it's a problem. We just don't agree this is the solution. Building permit revenue could increase as would sales tax revenue for building materials and I can tell you also furnishings in -- sales tax for furnishings would increase and then property tax revenue when the enclosure is complete because you're taxing an enclosed garage instead of unconditioned space on a slab. So please reject the staff recommendation. Tell your commissions and committees to do their work and get this back to you before Christmas. Thank you very much.

>> Pool: Mayor, I have a question for Mr. Hirsch.

>> Mayor Adler: Yes, Ms. Pool.

>> Pool: So tell us, where did you buy your house?

>> In councilmember Garza's district.

>> Pool: All right.

>> Garza: Hay.

>> Gallo: I'm so jealous. We need to work on that.

>> You've got to drive until you qualify.

>> Mayor Adler: So Mr. Hirsch, just to orient me, Mr. Hirsch, to orient me, so we had a long and lengthy stakeholder process that reached a compromise on mcmansion.

>> But most of us who were at the planning commission were not included in that discussion.

>> Mayor Adler: I understand. But -- and I understand. But back then, there was a lot of work. It was a compromise that was reached. And part of the compromise that was reached was that it allowed open carports to be built in a certain way, in a certain place.

[7:06:48 PM]

>> Yes, sir.

>> Mayor Adler: This is an ordinance that would say we shouldn't let those open carports be built, we should change the compromise and not bellwether them. And you're -- and not build them. You're saying not only should they be able to be built but we should change the compromise and allow them to be enclosed. Is that right?

>> No, that's not correct, mayor. My understanding is the staff accurately reflected the compromise that the stakeholders reached. A lot of us who were not proud of the process when we saw the results of that compromise appeared at the planning commission after codes and ordinances had already recommended the staff recommendation and said this makes no sense, here are the real problems

we're having. And the planning commission overwhelmingly said that makes sense to us. We need to go work on it. And so our assumption was this would go to the council because it was something --

>> Mayor Adler: What was it that I said that was not accurate?

>> That -- that somehow the compromise language changed.

>> Mayor Adler: No, no. There was a compromise.

>> There was a compromise.

>> Mayor Adler: That allowed for open carports to be built in certain place in certain ways.

>> As long as they met certain floor to area robberyees.

>> Mayor Adler: What we have before us is an ordinance that would change that to limit the construction of those carports.

>> That would create more flex -- staff says -- and they're right. This would create more flexibility than current code language gives. So people are limited and the amendment will give them a little more opportunity under current code language but I think --

>> Mayor Adler: I'm still just trying to understand the first two steps, which apparently I don't have right yet.

>> Okay.

>> Mayor Adler: Thank you. Mayor pro tem.

>> Tovo: I think we have some -- at least one individual from the residential design and compatibility commission who can probably speak to it but as I understand the staff recommendation it is -- the -- it was a extremely lengthy process of -- is that that did came up with the mcmansion regulations and the compromise was that if it's enclosed, you get an exemption of 250 square feet if it's not enclosed you get an exemption of 450 square feet.

[7:09:07 PM]

Then we had what I would consider to be a rash of cases coming forward asking for variances from council because individuals were suddenly enclosing those unenclosed carports and saying, hey, we didn't know or, you know, whatever the reason was, but they were well over their far because it was -- they were not allowed to build to enclose. People had maxed out the site, right? So if you enclose that carport it was over the limit of far. So there were a couple of cases, I thought we had heard one but maybe they were both on the previous council, there were at least two or three where homeowners came forward and said we were unaware and you had neighbors saying, no, I think you were. Anyway it was a loophole that our residential design and compatibility commission recommended addressing and then, you know, I think this is the -- what we have before us would give them the same exemption so that if anybody at any point wanted to enclose that carport they wouldn't be over the far limit.

>> Mayor Adler: So what it does, it -- what this would do, it would restrict the ability to build the same open carports that previously existed so as to make the rule the same for a closed garage?

>> Tovo: It would be a lower far, whether you enclose or not enclose your carport, it would be 200 -- you would get an exemption of 250 square feet.

>> Mayor Adler: The rule is the same for anybody building in a enclosed garage? That rule doesn't change? Is that right? The rule for someone who is enclosing a garage is the same.

>> Tovo: The exemption is the same.

>> Mayor Adler: That doesn't change?

>> Tovo: With this recommendation, yes.

>> Mayor Adler: With this recommendation.

>> Tovo: They would get the same exemption whether it's closed or not.

>> Mayor Adler: Closed garage. What changes is that someone who wanted to build a non-enclosed carport cannot do everything that they could have done before?

[7:11:08 PM]

In other words there were certain Rules for closed garages, other rules for open garages and if you do D an open garage you could build more than if you build a enclosed garage.

>> Tovo: You would get a larger exemption. The other rules are the same.

>> Mayor Adler: Right. But you get more and what we're doing now is we're saying because some people were enclosing the garages, the open garages, we should change the rule so that someone cannot build the same open garage that they could have built before.

>> Tovo: Yes. I mean, I view it differently, but --

>> Kitchen: Mr. Mayor.

>> Zimmerman: I agree with --

>> Tovo: I figured you would, councilmember Zimmerman.

>> Mayor Adler: I'm trying to understand the rules for an enclosed garage stay the same. The reason we're changing it is because people were taking advantage of the unclosed garage and doing stuff that was illegal and that's the issue that we're trying to address. Is the people are doing something illegal, doing something that the mcmanion ordinance doesn't allow them to do. What you're saying is not only don't restrict the compromise that was reached as for open garages, you want us to go in the opposite direction beyond the compromise to say we want you to be able to do more than what the compromise was?

>> Yeah. My remarks are called housing people instead of cars. So I think we should be encouraging people to enclose space that is designed for cars so they can live there. I think that's the Austin way for most of our history, and we screwed it up ten years ago and we should unscrew it.

>> Mayor Adler: Okay. So as people are talking, this is -- as people are talking, this is where I'm coming from, is there was a compromise that was reached that was brokered and done and I hear people that are contacting me both to change the compromise this way and to change the compromise that way, and I'm -- and I'm -- and there's part of me that's saying we should just stay with the compromise because people worked on it and it was reached and to address whatever the problem is that we need to address.

[7:13:23 PM]

That wasn't a question for you. That was just talking. Just to say that's what I'm wrestling with now.

>> Zimmerman: Thank you, mayor.

>> Mayor Adler: Thank you.

>> To get clarification on what you just said because I'm trying to wrap my head around this too, the compromise that was reached that you're referring to is what is currently the rule?

>> Mayor Adler: Correct.

>> Garza: Okay.

>> Mayor Adler: That's currently the rule. And I'm being -- suggested to me as I'm sure being suggested to you changing that rule, both -- in both directions. Yes, Ms. Pool.

>> Pool: Mayor, I see Mr. Burkhart is out there in the audience. He might be able to help a little bit because this happened previous to this council but there was a concern about the massing appearance of the garage and it was a design element and the idea was you could have a larger square footage if you didn't enclose it. For massing reasons. And what has happened is these homes are being sold and people don't understand because the opening is just the right width to put a garage door in, I don't know if they're being told by whoever is selling it to them or making some assumptions, they think they can put a garage door in there and then that is violating what the ordinance was. So in order for

everything to be clear and above board and show the intention, I think what staff is trying to say is let's just treat everything the same, which is my understanding about why they are proposing this code amendment, to remove the exemption from the far limit of carports and treat them just like garages. So is that history accurate, mayor pro tem? You were here. So it goes to design elements and the massing from the street. And I think, you know, it's not whether there's a car in there or there's a person in there. That doesn't have anything to do with it. You could still have that be a room. You could put a garage door on it and turn it into a game room. It doesn't have to house a car. And that's for Mr. Hirsch.

[7:15:24 PM]

Wherever he went.

>> Mayor Adler: Okay.

>> Pool: Thank you.

>> Mayor Adler: Ready for the next speaker? All right. Next speaker is David king.

>> Thank you, mayor, mayor pro tem, councilmembers. I think you got it right, councilmember pool, that bottom line is they can still -- they still have the choice of doing open or closed carport if they want to. They just don't get 200 additional feet on the house. That's what it boils down to. It's that simple. And you look at that, that relatively minor change compared to the impact that has had on neighborhoods and the impact I believe is well underestimated. If you ask the city how many of these mcmansions have taken advantage of this exemption that we're talking about tonight, they don't have that data. But in zilker where we've seen this issue play out, where a homeowner did get caught in this web and she -- and you probably heard from this homeowner, she makes a good case. It's unfair. They get caught in this loophole here and now they're in violation. So I think this would help if we stop that bleeding from happening and even though there may not have been that many come up recently, they're hidden. They're gonna come up. Something is gonna enclose their garage and they're gonna get extrapolate you're gonna be faced with this time and time and time again. So I think it's a one or two problem issue. It's something that's going to happen over and over and over again so we're gonna have to face that issue over and over again. That's why this is a simple solution. This is a way to stop that from happening. It's a good compromise, in my opinion. So I hope that you understand that that's really all this is about. We're not trying to deprive somebody of having, you know, a house if they want.

[7:17:24 PM]

And when you look at these mcmansions, they're called mcmansions for a reason. 200 square feet less? Really? In the scheme of things, that's not gonna impact affordability. In fact, the housing department, as I told -- as I emailed you about, neighborhood housing department, said that it's not gonna have -- it's gonna have a neutral impact on factor it's not gonna have a negative impact on affordability. So that's not at issue here. This really boils down to this incremental 200 additional square is among the most probable square footage in the house. That's really what this is about. It's about profit and this is not about more people. These are single families with few kids living in these houses. It's not about having more people live in these houses. That's a false -- that's a false hope and a false promise and it's not -- it doesn't play out in my neighborhood in zilker. So I hope that you understand that. This is just a problem that we're trying to keep families from getting caught into this going forward and really it does have these benefits, simplifies the exemption process, you know, and it keeps this problem from happening over and over and over again. So I hope that you will support this tonight. It's a simple change.

[Buzzer sounding]

>> Thank you.

>> Mayor Adler: Thank you. Glen Coleman. And Mary eningall is on deck.

>> Councilmembers, thank you for your service, Glen Coleman speaking on behalf of the homebuilders association. We ask that you not support this item. You know, this wasn't my item initially, but I remember watching it kind of out of the corner of my eye and during this long process of conversation with the planning commission, I know commissioner Tracy white had very good ideas, I know commissioner Shea had good ideas and I don't understand really how we arrived here tonight with this one, with the solution that effectively create a number of existing non-compliant structures.

[7:19:26 PM]

I think that's a terrible idea. What about the people who did build legally with the carport, now losing that exemption, what is the status of their houses? What are the implications of that for permitting? I think it's pretty inelegant solution. I don't think we should do anything. I disagree with Mr. King respectfully. 200 square feet, that's a bedroom and I don't think this is a time in our history as a city we should be doing anything that reduces the availability of square footage and, yes, most of these are all in zilker and somehow they were reported and another thing, to the point of what problem are we fixing that we heard earlier, you know, if your neighbor engages in this terrible behavior, call code compliance. If they -- remedy for this problem still exists if it's such an atrocity in your neighborhood. You don't have to make a change -- change the code to solve ten cases? I mean, this is not -- this is not a rash, I would argue. If you do send this back to codes and ordinances we would love to participate. If you kill this item and then take advantage of having this time that you have to reinstate the process, I think some good would come of it. I think there are a number of good solutions to this problem. This is not one, and we would ask that you would deny it. Appreciate your time. Thank you.

>> Mayor Adler: Thank you. After Mary ingall, Jeff jack is the next speaker.

>> Good evening. Communities like Austin suffer from building fads from time to time, and this community suffered from the big house that mushroomed in Austin and the -- in the early 2000s. This was what caused the need for an ordinance called mcmansion, and the -- the mcmansion ordinance did address its greatest challenge of massing and scale. It was a simple concept, but it was complex to solve.

[7:21:28 PM]

It was about equity to the property owner and to one's neighbor. I served on the rdcc, the residential design compatibility commission until its dissolution in 2015. We saw instances of gaming the system with mcmansion, with carports, and, by the way, exemptions are a gift so you can still build a carport today, but you don't get the exemption. We saw gaming, and people -- builders would install mechanisms for garage doors but not the garage door and then tell the homeowner you put in a garage door which would be then a problem and the homeowner would get called by code compliance and then there would be a lot of money to pay to rectify the problem. One case is one too many, and I don't know where Mr. Coleman gets his evidence about how many cases we had in Austin, but we had more than ten, and the city doesn't have a record of how many cases there were. These case -- these cases about what happens to a house actually are a buyer beware situation and people need to know that they have to pull a permit if they're gonna put in a garage door and then they might get some advice about whether that's legal or not and whether they can do it. This code amendment addresses the carport exemption violations that we sakes after case on the rdcc. It also will simplify the permit review process for the city staff. What's wrong with that? The permitting department has some issues with complex situations and mcmansion was one of those complex ordinances that we had. The opposition to this code amendment for the most part doesn't want any regulations to mcmansion.

[7:23:28 PM]

They lack understanding of the past and what transpired in our city. The mcmansion ordinance was one of our greatest successes as a city. And the success was due to the lengthy stakeholder process to educate the building community, including architects. So please support the effort to pass this simple code estimate that has been the subject of abuse. Its passage will --

[buzzer sounding]

>> Mayor Adler: You can finish your thought.

>> Thank you. Will benefit the community. Thank you.

>> Mayor Adler: Thank you. Bill Neil here? You have three minutes, Mr. Jack.

>> Mayor, councilmembers, Jeff jack from the zilker neighborhood. I'm here as a neighborhood advocate but also an architect, six year member of the board of adjustment and as a parent. We're here today about a very important case. The agenda says it's about fixing mcmansion and the carport exemption. Really this is about trust and responsibility. The mayor rightly pointed out that the original mcmansion ordinance was a compromise. But the success of compromises rests on people honoring those compromises. We probably wouldn't be here today if certain things had happened in our community that didn't happen. If the developers weren't trying to get every ounce of profit out of every lot in the city. If architects told their clients when they came to them you can't put a carport out there and then expect to close it in. If builders didn't put wiring in place to add a carport garage door and let the buyer think that they could do that later or if realtors actually informed their clients that there was a limitation on what they bought. How many fewer projects would be ending up before the board of adjustment?

[7:25:33 PM]

We saw many cases in the board of adjustment where the owner was ignorant of the rules, was led to believe they could do it and when they found out they got caught had to come to the board of adjustment to get a variance. They had no hardship other than ignorance. So who is responsible for this situation? And what do we do to solve it? Ask yourself, has American institute of architects ever had a session with its members to teach them about the mcmansion ordinance and the limitations on the carport exception? Has the board of realtors done the same? Has reca done the same. Has home builders done the same? No. They haven't. Because they're not trying to close this loophole by enforcing the code we have, they want to continue to be able to go around it and let the buyer be wear as it was said a -- beware as it was said a minute ago. As a parent if you set boundaries for your child and you don't enforce those boundaries, what happens to that child's behavior? They become willful. They believe they can get away with anything. We have a situation where we need to be very stern and if we're not gonna change it to make it easier and simpler then we must be very, very an mat about enforcing what the rule is and you can expect there will be much more board of adjustment cases or cases coming before you about this issue. I think what has been done here is a revision of the compromise, as the mayor has set, but with the intent of making it an even playing field for everybody, where there is not going to be the gaining of the system.

[Buzzer sounding]

>> Thank you.

>> Mayor Adler: Thank you, sir. Tyler Stowell. And lorraineage Lorraine Atherton is on deck.

[7:27:36 PM]

>> Thank you, mayor, monies, Tyler Stowell, local architect and tonight I'm speaking on behalf of the American institute of architects chapter in Austin. Aia fully supports amending the code by means of a

public process where the ordinance could be streamlined without affecting the overall intent. Our goal is to improve consistency and predictability and reviewability of the code. The proposed language relating to the carport exemption unfortunately does not provide a comprehensive solution to the issue. However, this call to action to amend the code language provides the city council with the opportunity to find a better solution. Over the past ten years, since mcmansion was adopted, staff's interpretations of the complex code have been consistently called into question, adding significant burden to the process for the city's boards and commissions, city staff, homeowners, builders, and design professionals. While the current exemptions for porches, parking, attics and basements are all well-intended, the complexity of the current code language allows a few bad players to exploit the exemptions. It is time to close the loopholes and find a comprehensive solution. Streamlining and clarifying all the exemptions can be a positive first step that will provide a clearer understanding for everyone. Staff, design professionals, and homeowners alike. We urge you to not approve the current language. Instead we recommend a working group, including stakeholders and staff intimately knowledgeable with these codes to address all of the exemptions comprehensively and return back to you with a better solution. Thank you.

>> Mayor Adler: Thank you. Lorraine Atherton. Is Bruce willmat here?

[7:29:37 PM]

Okay. Ms. Atherton, you have six minutes. Take your time. William Burkhart is on deck.

>> Hi, I'm Lorraine Atherton with the zilker neighborhood association zoning committee. I actually had to present most of these cases in -- beginning in 2013, 2014 to the board of adjustment, also to the rdcc, and I've sent you an email with a written presentation yesterday referring to Dave piper's email included in the public comment backup. For this item. Supporting the code amendment to eliminate the distinction between carports and garages in the mcmansion ordinance. When I presented -- when we presented these cases to the board of adjustment, the overwhelming response of the board members was -- was that the distinction between the garage and the carport was ridiculous. Could you show the okay. This is a carport. This is clarified as a carport. And it's a separate building in front of a house and it's obvious that it could be enclosed.

[7:31:44 PM]

And if the homeowner does what any Normal homeowner would think they would be allowed to do, they would at some time in the future think, oh, I'll just enclose this whole thing. And maybe, you know, if I only need one car I'll just enclose the whole thing. Well, they can't, so in 2014 the neighborhood association published the mcmansion buyers beware article that's attached to the email I sent you, warning people that these houses were being built out to the maximum, that they should not expect to be able to enclose the garages and convert them, they should not be expected to put a door on these doorless garages because -- because the builder had taken advantage of the mcmansion ordinance to max out the impervious cover. Could -- let me I've also Clyde in the attachment that I sent you a copy of an actual mcmansion worksheet. You'll see that they have their choices of garage and carport and each one attached or detached and then multiple choices of 450 to 200 square feet under that one. This actually got approved, shouldn't have been, but it's been approved, it's been built, and I could send out a call for a code enforcement tomorrow and we would have another case because this house is over its far.

[7:34:11 PM]

And I've also included what the new worksheet would look like. Note that there's now just the parking area. You can put down the square footage of your garage or your carport or a combination of them both, but you can take one or the other exemption and you get a legitimate total for your gross floor area, and that's what can be -- what's supposed to be included. And the person who buys a house that's -- that comes -- that's built to that standard can enclose or do anything that they want with everything except that 200 square foot exemption or if they want to take the legitimate 450 square feet exemption for a detached parking structure behind the house, which was the original intent of this exemption, was to allow people to build separate garage apartments behind the house where it would not contribute to the mass of the main house but instead we're ending up with -- could you go to the next photo? That's a carport. That's supposed to be a carport. That's -- next one. This is a house that's chosen to divide up what should be a nice big parking area, but they've divided it up into a little one-car garage with a little carport on the side.

[Buzzer sounding]

-- So they can get a double exemption. Next photo. These are -- and that's another one with a carport with a garage door on it.

[7:36:17 PM]

Another one. This is one under construction, a garage next to a tiny carport. And back to the beginning. These are all over my neighborhood. I've got them right next to my house. It's just a problem.

>> Mayor Adler: Thank you.

>> That's going to explode in the next few years. Thank you.

>> Mayor Adler: Thank you. William Burkhart. And then Mary sled is on deck.

>> William Burkhart, councilmembers. As you know, I was on the ai representative to the mcmansion task force. I worked on crafting the ordinance. I was appointed to the task force -- excuse me to the rdcc by wear Winn, was served as chair on the task force for the entire duration, chair of the rdcc for the entire duration of the rdcc. We saw several cases in 2013. We've been coming together -- we had tried to come together. The ordinance had worked out fairly well with one or two exceptions, and what we would ordinarily see would be, you know, carport cases like we're talking about tonight. And when the rdcc existed, it was possible to grant a waiver. Now, that's not possible. Now that the rdcc has dissolved, the only alternative is a hardship through the board of adjustment. And, you know, no matter who you are, it's you have to make a case for hardship when you get into a situation like we're talking about. So one compelling reason to pass the ordinance tonight or pass the language tonight is to alleviate a problem that is gonna create a lot of consternation among homeowners. The other situation, you saw my letter. I mean, the situation honestly is it simplifies -- it makes the rules the same for everybody.

[7:38:21 PM]

You don't have -- everybody is playing under the same rules when this happens. There's no attempt or no effort to play the system. It's easier on the review staff. There's no documentation provided, needed to be provided for permitting, there's no problem with transferring the house because everybody, again, is -- knows what to expect. It's easier on designers. It's easier on inspectors. It just makes everything more simple. There's no compelling reason to argue against this for additional square footage. It -- if we're all about mobility and we're all about density and we're all about transportation, it makes no sense to say that you have to have a second car -- a second car space or this will provide more affordable housing. The gist of this is, it's simple. It's a good move. It accommodates the situation. I think Mr. Hirsch had asked about the situation with respect to preexisting conditions, preexisting homes. There's an management that addresses as -- an amendment that addresses that as you know. It's an

easy thing, good thing to do and we should support it to make life easier for everyone in the city. It's very economical. Thank you.

>> Mayor Adler: Thank you. Mary sled.

>> Hello. My name is Mary sled. I am here to speak on the many ignorant zilker residents who unknowingly added garage doors to their new homes. This is a mcmansion. This is a mcmansion across the street from my house. It is absolutely lovely. I love everything about it. It is within 8 feet of the max floor to area ratio. In zilker, mcmansions are pretty small. It's a 2500 square foot house, not a very large house. Let's go to the next one.

[7:40:23 PM]

Unfortunate zilker resident who was the star of the buyer beware article. She did not want to be featured in the buyer beware article. She's a I had dough with two young -- widow with two young children, put to hell and back, really wants a garage door, now she has shower curtains, which are legal, I think, hopefully she won't get called in. It was so infuriating to so many people in zilker that we now have a new neighborhood association, the friends of zilker, about a hundred members. We really wish -- if there was some way to help our neighbors we would do or if everyone on the block was okay with it. This is hard to see. This person is putting up bull wire, trying to show how these people are trying to close off spaces. If you get rid of the carport exception I think what creative developers are gonna do next, this is a cantilevered second floor at the end of a driveway. Totally different than a carport. Next slide. If this is about -- yeah that's fine. If this is about massing and aesthetics, I think that with the current rules and the exemptions that the houses are so small that what's being called a mcmansion in central Austin is not really a mcmansion. I'm a third generation austinite. I'm a millennial, I'd love to have a garage some day, far of .5. I know that y'all probably recognize me because I purchased a house that was out of compliance and it has been the source of so much pain, so much financial hardship, so much strain. Jeff jacks has called me ight uw, I didn't know that it was against the Riles. I've been trying to make it right.

[7:42:24 PM]

It's still not right, you know, I have this easement I can't deal with. I know first hand what happens if you make a house out of compliance and it's like one of the questions when you try and get a permit, like are new compliance? You're about to put some people, nice people who built nice house that's in nice neighborhood out of compliance, and either them or some millennial like me who buys the house and then tries to do something is going to get --

[buzzer sounding]

-- Is going to get dinged by people who know the rules and just want what exists currently.

>> Mayor Adler: Thank you. Thank you. All right. I think that brings us back to the -- back to the dais. Mayor pro tem?

>> Tovo: I'd like to ask the staff to address the point that's been brought up a few times about what happens, what happens to the homeowners who currently have a non-enclosed carport that released on a -- relied on a 450 feet exemption? Are they suddenly going to have tear those down? My assumption would be know but if you could just allay that fear, that would be helpful.

>> Yes. If this code amendment passes tonight, those structures would be considered legal noncomplying.

>> Tovo: Thank you. Which means they can remain there until they fall down at some point in the future.

>> Well, they wouldn't fall down but yes.

>> Tovo: What I'm saying is no one will ask them to tear them down. They can stay there, be maintained, continue to be utilized.

>> Yes.

>> Tovo: On into the future.

>> Mayor Adler: Ms. Gallo.

>> Gallo: I have a follow-up question on that. So if someone's property is determined by the city to be a legal nonconforming use, what are they not able to do with their property? So if they had -- if they had a situation that the property had a Washington machine that flooded -- washing machine that flood the whole community had to be redone and repaired, would they be able to go in and do that?

[7:44:37 PM]

>> The only complication that might come up with a legal noncomplying structure were to be if you added square footage to the house. Just working within the same footprint or an interior remodel would be perfectly fine for a legal noncomplying structure if it was damaged in the manner that you were talking be.

>> Gallo: If they for some reason needed to make Ada accessible bathrooms or wider doors to be able to do that would they be able to do that?

>> Yes. We have provisions for reasonable accommodation that would help with the legal noncomplying structure to make modifications for someone that might be mobility challenged.

>> Gallo: Okay. Thank you.

>> Mayor Adler: Further discussion on the dais? Ms. Houston.

>> Houston: Thank you, mayor. And I want to thank everybody for all of the information. I'm gonna talk just a minute about how people game the system. With all the development pressures that I experienced in district 1, people know the rules and they disobey them anyway and it's hard to get code compliance out in a timely manner to respond to them. We're having a situation on round tree, converting a garage to a secondary dwelling, moved in a mobile home and put it in the front yard, and all for the sake of housing, as Mr. Hirsch said, more cars and less green space and more people. The other thing that I experience in district 1 is that people enclose their garages and that's where we have people with disabilities who live there with no supports and very squalor expenses those we used -- conditions and those we used to call unregulated homes and now we call them boarding and rooming homes because we have more than seven people living there but there's no air conditioning in the garage.

[7:46:52 PM]

It's unbelievable. So while you all are talking about zilker these things are happening in other parts of the city where garages are being enclosed and being used to house people that need support services more so than a secondary unit or an apartment. So we hope that people would be honest and would play by the rules, but as the development pressures in district 1 have increased, I'm finding that people don't play by the rules, and that's unfortunate. They can say, oh, we didn't know about it. But, you know, some people don't even go get a permit. They just do what they want to do and unless somebody reports it, usually to me then we have no way to stop it and no way to rectify it. So these are serious issues, and I hope that we will think about them and try to come up with something that's fair and equitable. As I read the amendment, the staff recommendation, that seems to be fair. It's pretty simple. Everybody can understand that. So those are just my comments now.

>> Mayor Adler: Further discussion on the dais? Ms. Kitchen.

>> Kitchen: I just have one more question. I think it was partially answered. This is for staff. A question. So if -- as I'm understanding this, what this does is addresses the issue of clarity for the future by just treating carports the same way as garages essentially, whether they're enclosed or not. What about those homeowners in the situation right now where they didn't know and they can't enclose? This doesn't change one way or the other the situation they're in, right?

[7:48:53 PM]

In other words, it doesn't do anything about that problem?

>> The code amendment itself?

>> Kitchen: Right. This is a code amendment about protections for the future and clarity and --

>> Sure.

>> Kitchen: Getting rid of a confusing exemption, right?

>> Exactly.

>> Kitchen: But it doesn't address the issue of the folks that may have bought in the past, thinking they could enclose some day but they really can't. Well, I'm not seeing how it makes any change. Is that right? I mean, I think it's a good -- let me clarify. I think it's important, and I support it for moving forward, because I think that way it's been in the code in the past has created this difficult situation. So I think we need to stop that going forward. I'm just wondering if we still have a -- have the same problem that we have for those folks that are still in the situation where they bought thinking they could enclose and they can't.

>> Prior to this code amendment pass.

>> Kitchen: If we pass this code amendment, we're not addressing that? Am I --

>> Mayor Adler: Yes?

>> Kitchen: Maybe I'm not asking --

>> Tovo: If I understand the question, I think if someone has purchased a house with an unenclosed expert is not aware of the mcmansion rules and not aware through their purchase that they are right up against the absolute maximum that can be built on that lot there's nothing about this code amendment that's gonna provide them with that information. But it's my assumption that most people who are buying a house, you know, have a pretty good sense of what they can do or not on their lot. I mean, if they've done due diligence they know their zoning. If they work within the and I they're working with professionals, they all should be well-informed about the mcmansion. I appreciate that there are homeowners who fell through the cracks in that piece of both, but -- piece of knowledge but I would hold out hope most of them were alert buyers.

[7:50:58 PM]

>> Kitchen: Yeah. I'm not suggesting that we're trying to solve that problem now. I think we're trying to solve the problem going forward. I'm just asking the question to make -- to clarify that. Okay.

>> Mayor Adler: Council?

>> David, assistant city attorney. In answer to councilmember kitchen's question, the people that you've described -- and I'm not sure if we could describe them as maybe having been misinformed or maybe they themselves applied an incorrect application of the law, but the short answer to your question is that they would not have any type of legal defense to this change in the -- that's being proposed in this code amendment.

>> Kitchen: So this code amendment doesn't impact one way or the other the situation they're in right now? That's really my question.

>> As I understand the -- their situation, is that they had one understanding of the law but their understanding for whatever reason is incorrect and and their understanding of the law, let's say if it's an incorrect application, would not provide them any type of legal defense.

>> Kitchen: Okay.

>> Mayor Adler: Councilmember Garza?

>> Garza: I'm trying to understand how this affects somebody with a carport that has no intention of enclosing it. And so if I have a carport and I have an exemption -- because I got of 450 far or square foot exemption and I still have an additional 200 on top of that -- not enclose my carport, leave the carport open, that allows me to build an additional 650 to my home? Does that not -- is that not how the math goes?

[7:53:00 PM]

Doesn't allow me to? How does this affect somebody who has a carport? Has no intention? Because my assumption was that the reason we did this exemption is because they're not gonna use that carport as living space. So we're gonna give them this exemption that that's not considered part of their entire far, and so how does it affect somebody who has no intention of enclosing their carport? Does it take away any ability for them to do something to their house?

>> If the code amendment were to pass?

>> Garza: Yes.

>> It would depend on where they were sitting, as far as their far was concerned.

>> Garza: Okay.

>> If they were close to the max, they would unfortunately have to -- they would not -- and they were to do an addition, they would unfortunately have to count the square footage of both the addition and the 450 square feet that they had exempted previously.

>> Garza: They would have to count that even though it was exempted?

>> Yeah, if they were to do an addition to the home under current screws this code amendment were to pass we would have to count the 450 in the carport area along with whatever square footage they would like for their exemption. If they would like the max it would be X amount for the addition plus 450 over if they were like at 39.9% over.

>> Garza: Explain that scenario to me. If it stays as-is, I have a carport, but I want to add an addition, I can add that addition because I had that exemption?

>> On an existing home?

>> Garza: Yes.

>> Well, it would be problematic if that existing home is already maxed out because you would be adding additional square footage past the 40% floor to area ratio limit.

[7:55:09 PM]

>> Garza: Okay.

>> If it was already at 39.9 and you were already receiving the 450 carport exemption, whatever amount you added on would evidently push you past the 40% far, which wouldn't comply with current regulations.

>> Garza: Okay.

>> Mayor Adler: But if you weren't at the max, you could have the scenario where someone owns a house right now, has the carport and has the ability to do an addition to their home and they can do that because they're not maxed out on far but if we pass this, that same person might not be able to

build the same amount of addition if that addition, given this ordinance, puts them over the max because now you don't have the full 450 exemption?

>> It would depend on how much -- how much they had left on the property.

>> Mayor Adler: The question is, though, is there a he does in which somebody would be limited in the addition they could do on their home after we pass this ordinance because of the passing of this ordinance?

>> Yes.

>> Mayor Adler: Okay.

>> Garza: Okay. Thank you, mayor.

>> Mayor Adler: I'll tell you where I'm gonna come down on this. I'm not going to support this and I'm going to tell the world I'm not going to support the changes to this that the other people want in terms of changing the mcmansion ordinance to make it more liberal with respect to building either. I think there was a group that got together, they made a compromise. I'm going to abide by that compromise and if in the codenext process there's a change to be made to this let that be. But to the world I'm saying I'm going to keep that compromise as it exists on the mcmansion ordinance now. Because I'm afraid that if we alter it one way, then I lose the ability to be able to say to somebody else, no, we're not going to renegotiate that at this point. We're going to just keep it the way that it is. Further discussion on the dais?

[7:57:16 PM]

>> Kitchen: Mr. Mayor, I respect what you're saying but I thought this problem came up after that compromise or it was recognized. It was an unintended consequence, I believe, of that compromise. And I think that what we're trying to do is address that concern. So that's what my concern is, because otherwise I would say, yes, it was -- otherwise I would agree with you.

>> Mayor Adler: What I'm wrestling with, there are two ways to do that, I can take the garages up or carports down.

>> Kitchen: Right.

>> Mayor Adler: Both of those would solve the issue, as would requiring people by ordinance to paint on the inside of the garage door it is illegal to put a garage door on this and make that a condition of selling a house in the city. It's an enforcement issue and I have a problem with after the fact, now, as we're heading into codenext, trying to move the dials on this because I'm invariably gonna be asked as I have already been asked to make other changes to the mcmansion ordinance, and I don't want to go there. I don't want to spend time doing that. So for me, I'm going to keep it and if we want to pass an ordinance that provides better notice for people who are buying homes so that they don't do something that's illegal or improper, pending other work, I would be supportive of that. But I'm just -- I'm nervous about changing the compromise that people reached. Ms. Gallo?

>> Gallo: And, mayor, I agree with the comments that you made. I think this is appropriate discussion for codenext. I, too, am concerned with changing compromise agreements that are already out there, and the planning commission did recommend denial on a 9-2 vote and I think that was a pretty substantial vote so I will also be voting against. Are and in celebration of Stewart's new house, taking his recommendation.

>> Actually, I think Stuart was recommending going farther the other way and also to Stuart I say I'm not going to do that either.

[7:59:18 PM]

>> Gallo: Part of his recommendation then.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I think I would like to get clarification from the staff because I think I heard two different things about whether the about whether foot exemption would actually be grandfathered to avail themselves of the properties. And I think what you saying, Mr. McDonald is in some ways it wouldn't be. It would be in some regard to the carport, but not in how the F.A.R. Is on that property. So since this was clearly a concern for some of my colleagues, I want to understand well what the provisions are regarding grandfathering in this issue?

>> Okay. I think earlier I had said that this structure become legally non-complying. What would be problematic is if this site was actually almost maxed out with F.A.R. Under provisions in the code for non-complying structures, there are no provisions for being over on your gross floor area. If a home were to come before us for review and that home had taken advantage of the 450 square feet and had built out to the max and they wanted to add square feet, we would have to calculate in 250 from the carport because they would be considered an attached parking area at that point and you would get a you would hundred square foot exemption, not a 450. So that additional 250 would be added in to whatever square footage they were doing on the addition. I hope -- does that make sense?

>> Tovo: Thanks.

>> Mayor Adler: Further discussion? Ms. Garza?

>> Garza: I guess we're trying to address an unintended consequence and I think it could be creating another unintended consequence for somebody who has a carport and doesn't intend to enclose it, and could use what was exempted F.A.R. To build an addition to their home or to build an Adu, to help finance and stay in that home, if I'm understanding it correctly that's what I'm sounding like.

[8:01:46 PM]

We could be creating another unintended consequence while trying to fix one of them. If someone could help me think through that, I'm happy to --

>> Mayor Adler: Further discussion? Mayor pro tem?

>> Tovo: Yes, I understand your point. And it is an interesting situation that would be created for those homes. We are talking about 200 square feet so I'm not sure that that would really ever be enough to create an Adu other than an extremely tiny one. And also homeowners would have an opportunity to reduce their carport structure and put that F.A.R. Back to their existing house. But I would -- I think that's consistent with what Mr. McDonald said. They would be able to alter their existing house, but they might need to reduce some of the size of their carport if they wanted to add more and they had maxed out the site.

>> Garza: I'm thinking of a scenario why they hadn't ha maxed out their site. Even in addition to having the carport they still have more on top of that. So they haven't maxed it out, so it wouldn't necessarily be a 200 square foot. It could be a 400 square foot because they hadn't maxed out that F.A.R.

>> Tovo: Councilmember, I understand what you're saying. Now it wouldn't be 400, but 200 because of the change. They might have had --

>> Mayor Adler: Further discussion on this? Are we ready to take a vote? Those in favor of this item, please --

>> We need a motion.

>> Mayor Adler: Does someone want to make a motion.

>> Zimmerman: I'll move approval.

>> Mayor Adler: Mr. Zimmerman moves approval of this item 55. Is there a second?

[8:03:46 PM]

Mayor pro tem seconds. Any further discussion? Those in favor of this item 55 please raise your hand? Kitchen, pool, Zimmerman, mayor pro tem and Houston, that's five votes. Those opposed? The others on the dais. It does not pass. That gets us now to item number 56. Do we have staff that wants to lay out 56?

>> Yes. Good evening, mayor, councilmembers. Matt Dugan, planning and zoning department. We have the 2016 Austan annual report. If you would like I can go over the proposed amendments or start the public hearing or whatever you want.

>> Mayor Adler: Do you want to give us some background on it first?

>> Sure. So per city charter every year we bring forward a set of recommended amendments or changes to the imagine Austin comprehensive plan and make sure the plan stays relevant and active and we're currently following it. This year there's five proposed amendments. How the process worked is did a briefing at planning commission, planning commission wanted a public hearing so we had a public hearing there. They also wanted to the comprehensive plan joint city committee so we did that as well and came back for the public hearing at planning commission. They recommended -- four out of the five amendments and then brought forth their own recommendation to council about examining the growth concept map for activity centers and activity centers of mopac. Then we came with the public hearing last month and that got pushed to this month. I'll go through quickly the five amendments for this year. The first one is for colony park master plan. We're taking what came out of the process to receipt create the colony park master plan and updating imagine with that.

[8:05:46 PM]

So that's adding a new neighborhood center to the growth concept map based on the colony park master plan. And then adding that master plan to appendix G as an attached plan. The second one is the south central waterfront vision plan. That came out of the public process and taking it and putting it into imagine Austin. That's adding a new regional center to growth concept map with the boundaries determined by the south waterfront vision plan and also adding that plan as an appendix -- as an attached plan to appendix G. The third amendment is the activity corridor on Guadalupe street from 29th to 51st. This is designating that segment of Guadalupe as an activity corridor. This is something that got missed during the creation of imagine Austin and actually a resident brought this to our attention and we decided we needed to fix the map. So on the growth concept map currently Guadalupe is an activity corridor except when you get to 29th street it drops off and then it kicks back up as an activity corridor when it gets to Lamar. So by designating this we'd be saying this part of Guadalupe should be the same as the rest of Guadalupe. It should be an area that accommodates additional growth and development and also connects important features. Currently Guadalupe acts as an activity corridor right now. It has a mix of uses, transit access, and it's already an existing core transit corridor based on the land development code. The fourth one is a vision or action plan. That is to take the vision or actions plan as an attached plan to the Austan plan as appendix G. And the fifth one are age friendly amendments and this came from the commission on seniors and this is adding both a policy and an action to imagine Austin for age friendly issuesfriend and Peter [indiscernible] With the commission on seniors has been with us every step of the way.

[8:07:51 PM]

So those are the five amendments for this year.

>> Mayor Adler: Great. Thank you. We have some speakers? I'll call them now. David king?

>> [Inaudible - no mic].

>> Mayor Adler: Mary ingall. And that means you have six minutes. Take your time. >> Thank you. I'll go fast. As a concerned resident from a neighborhood adjacent to the proposed Guadalupe street as an activity corridor, I want to explain what happened to this amendment. The planning department tried to slip this activity corridor through without a public hearing this summer. This part of Guadalupe does not have a corridor plan. From 29th street to 51st street. This was explained that it was a mistake and it was also listed as a briefing with possible action at the planning commission. So regardless of whether this was a mistake or not a mistake, there should be a consistent process in place, maybe in writing for the planning commission, about how to amend or correct the comprehensive plan. And then these processes need to be followed. This item was posted for possible action, as I just said, and fortunately there was some backlash by -- unfortunately there was some backlash by some residents, I was one of them, and this took some citizen effort to get a public hearing before it came to council. We went to codes and ordinances I think or the joint plan committee and then back to the planning commission. But it wasn't well advertised. But we did get that public input. So that it does not happen again, we need to make sure we have consistent processes in place because if we don't it doesn't foster trust or transparency in our government processes.

[8:10:06 PM]

The designation of the activity corridor does have some ambiguities and some concerns for our area. What will this mean to the adjacent neighborhoods along the corridor? Will there be an additional entitlements that creep into the neighborhood and affect the single-family structures that are adjacent? What will be extra legislation imposed on the surrounding areas adjacent to that corridor be? What does the designation really mean? My hope and the hope of the central Austin neighborhood planning advisory committee, the contact team for the area, and I'm a member of that committee. Around they sent you a letter early early about their recommendations. Would be that the designation of activity corridor would respect our neighborhood plans and be thoughtful about the context of the neighborhood fabric. We've already done extensive planning about mixed use and adding density, vmu, it's there. And this is densest part of our city with the university of Texas and the creation of uno, so we have done some very thoughtful planning already. There is a pros perspective of this part of imagine Austin because now we might get some respectable planning for the designation of this corridor, but we must have clear and consistent policies and procedures in place for changes to our ordinance and to the comprehensive. This item brought forward the need for a more transparent process. Now this is your conundrum. Thank you.

>> Mayor Adler: Thank you. Sally vensicle.

[8:12:11 PM]

Peter varesiana on deck.

>> Thank you, Mary Adler, council. My name is Sally vensicle, I'm councilmember tovo's appointee to the commission on seniors as well as part of the Austin work group. Through the work on the mayor's task force on aging, Austin gained a designation as an age friendly city from the world health organization. That designation was based on mayor Leffingwell's appointment of and support for that task force. We are now at a point with R the designation is up for review. We -- excuse me. In order to maintain that designation, we need have a strategic plan in place for Austin to truly become an age friendly city for all ages. Last September in alignment with our commission's mission statement, the commission on seniors set up a work group to G.O.P. An age friendly -- develop an age friendly Austin strategic plan. The participants include several of our commissioners, aar, Austin up and other community partners. Output from that work includes the two amendments to the imagine Austin plan

submitted to the commission on seniors. The vote from the commission to include these amendments was amendment-0 with all a-- 13-0 with all appointed commissioners in attendance. Since that June meeting we've gained endorsement for these amendments from the asian-american commission, the hispanic Latino quality of life commission, the joint inclusion committee and the mayor's committee for people with disabilities. Other key commissions are working to get the endorsement on their agendas. We would like you to ask -- we would like to ask you to vote today to approve putting these amendments in the imagine Austin plan. Thank you.

>> Mayor Adler: Thank you. Next speaker, Peter and then Jessica Lehman.

[8:14:11 PM]

>> Mayor, council, thank you for holding this hearing. I am Peter varesiana, currently vice-chair of the city's commission on seniors. I'm here basically to-- in the interest of time I'll be brief, but I'm here basically to inform you that the commission did consider working with the city, working with city staff and decided this amendment is the best possible way to have the age friendly amendments and the age friendly action plan passed to complement the age friendly designation we have with the city. So I'm here to that the commission has voted unanimously to support it and to request that you will pass this amendment to -- into the imagine Austin plan this evening. Thank you very much.

>> My name is Jessica lemon with the outreach and advocacy for aarp in Texas and I'm here to ask you to support item 56, specifically the age friendly amendment, part of that item. That as many of you may know our country is looking at a demographic shift to a much older population and Austin is no exception. In fact, the austin-round rock metropolitan area is the number one fastest growing population or has the number one fastest growing population for people between the ages of 55 and 64 and the third fastest growing community for people age 65 and older. And while some -- I've heard refer to this as a silver tsunami, I think this is an opportunity for the city of Austin to look at this as an opportunity to tap in to the vast experiences and the skills that come with having an older and more age diverse population. And we must also make sure that the city has an infrastructure in place that will support this population and allow them to age in place in Austin in their homes with independent -- with as much Independence as possible.

[8:16:21 PM]

And of course with dignity. So, you know, there is a requirement to remain in the network of age friendly communities that the city put forth an action plan based on that large community assessment that was done by the mayor's task force. And this is the first concrete step the city can take by adding this amendment to imagine Austin. So much work has been done over the past few years with the commission on seniors, the age friendly work group, to identify goals and tactics through thought leaders and through several public events. And so by advancing this work tonight, you know, again, this is -- the city can take all that data and all of these good ideas that we've collected and turn them into an action plan where everyone can reap the benefits of living in Austin regardless of their age or ability. So thank you so much.

>> Thank you. Kevin heyburn. Is Lori we hadlek here? You have six minutes.

>> Thank you, mayor, good evening, mayor, hearing impaired, councilmembers. My name is Kevin heyburn. I am the co-president of the Hyde park neighborhood association. Ms. Wide lick who is with me tonight is the former co-president. I'm here tonight to speak only to the third amendment to this part of the agenda, and to inform the council that the Hyde park neighborhood association is opposed to the designation of Guadalupe from 29th street to 51st street as an activity corridor. The term activity corridor, since it was first introduced in the imagine Austin plan, has changed in its significance from

being a descriptive term to a prescriptive term and the activity in the corridors impacts neighborhoods based on neighborhood characteristics such as size, density and homework zoning.

[8:18:24 PM]

-- Historic zoning. Zone codenext has not yet specified the implications of the term activity corridor and the prescribed use of the term activity corridor overrides the neighborhood plans of neighborhood plans adjacent to activity corridors. Corridors.corridors city of Austin and numerous individual neighborhoods, including Hyde park, have devoted significant time, energy and financial resources to the creation and adoption of neighborhood plans. Furthermore the Hyde park neighborhood was not provided with sufficient opportunity for public input and discussion of this designation. For this reason this past Monday the Hyde park neighborhood association unanimously passed a resolution opposing the designation of Guadalupe street between 29th street and 51st street as an activity corridor. If that designation will in any way serve as a tool for blanket zoning changes that override adopted neighborhood plans nccds that were created through a full public process. Thank you.

>> Mayor Adler: Thank you. Those are all the people that we have signed up to speak. We have two othereople that wish to register, one for and one against, but not wishing to speak. We're back up to the dais. Is there a motion? To approve this item number 56? Mr. Renteria so moves. Is there a second to that? Mr. Casar seconds. Discussion? First is there a motion to close the public hearing? Mr. Casar moves, Mr. Renteria seconds. Any discussion? Those in favor -- go ahead.

[8:20:25 PM]

On the motion to close the public hearing?

>> Tovo: I'm sorry, no.

>> Mayor Adler: Those in favor of closing the public hearing please raise your hand? Those opposed? Okay. So we have closed the public hearing. We have a motion and it's been seconded to approve item 56. Is there discussion? Ms. Houston?

>> Houston: Mayor, I have a question for staff. I'm not sure which staff. But the zoning and platting commission and the planning commission made a recommendation. When will you all address those, if not in this draft, when will it be addressed?

>> Greg Guernsey, planning and zoning. And it should be on the dais, I think the zoning and platting commission's recommendation, and also the planning commission's recommendation, that addressed the growth concept map with emphasis on centers and corridors west of mopac, in addition to other growth areas in preparation of the five-year plan. And this was forwarded to council without a recommendation, an affirmative vote on the second part of that. The zoning and platting commission's recommendation is on the dais. This -- staff would recommend that we actually look at this for the five-year update and not the current update, as suggested?

>> Houston: Isn't the five-year update due next year?

>> It's due this coming year, that is correct.

>> Houston: That's what I'm asking. When will you look at this --

>> That's what staff on would ask. I think the commissions were asking perhaps to take action on it now. Staff did not provide notice to registered neighborhood organizations or contact teams on these additional corridors and nodes as suggested by the commissions. I understand ANC would support them, even though notice had not been sent to these western neighborhoods or anyone.

[8:22:32 PM]

And I'll just leave it at that. So staff would recommend that we move forward, but look at them in the next update during the five-year update, and not approve them tonight. As recommended by the commissions.

>> Houston: And the reason I'm asking that is because as I've said earlier tonight, the eastern crescent is getting all of the development pressure. I mean, it's unbelievable. And very little is happening in -- west of mopac. And so I know about the environmental concerns that some people have, but they should share in this growth. So that's why I wanted to bring this up because I'm not sure this was in backup. So I just wanted to make sure that you're going to look at this for next year, but the -- both the commissions were asking for it to be done.

>> This year, that's correct.

>> Houston: This year. Okay.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Yeah. I'd like to make an amendment that we remove the activity designating I guess -- the designation of the activity corridor for the reasons that Mr. Heyburn from the Hyde park neighborhood association articulated.

>> Pool: I'll second that.

>> Mayor Adler: It's been moved and seconded by Ms. Pool to remove Guadalupe designation as an activity corridor.

>> Tovo: Just between those streets as designated from 29th to 51st.

>> Pool: And I have a question.

>> Mayor Adler: Moved and seconded.

>> Pool: I have a question for staff relating to that.

>> Mayor Adler: Ms. Pool?

>> Pool: My understanding is that Guadalupe is already designated as a core transit corridor, is that correct?

>> Yes, that's correct.

>> Pool: Okay. Thank you.

>> And maybe it would help to clarify. So designated, the imagine Austin concept map for the segment of Guadalupe would do nothing to any neighborhood plan. It wouldn't change any neighborhood plan. What it would do is change zoning and that's based on the accessory dwelling unit change that council passed last year where you can both an accessory dwelling unit and within half mile of a core transit corridor you don't need the parking space.

[8:24:48 PM]

However if you have an nccd, neighborhood conservation combining district, that nccd trumps the Adu ordinance.

>> Tovo: Mayor, I would just point out the difference in these amendments. I mean, typically we have amendments come forward for the imagine Austin plan. They're almost never that I can recall controversial. If you look at the other ones here, they're not changing zoning, they're age friendly amendments, they're talking about the master plan amendments. These are carefully vetted, more general kinds of amendments. This one, as we just heard from staff, would actually result in zoning changes. And I don't think that's appropriate for this process.

>> Mayor Adler: Mr. Casar?

>> Casar: You know, I think that as we move through the process of making land development code changes based on our growth concept map and the comprehensive plan, the comprehensive plan is going to become more and more a part of our -- of how we base zoning. And I think that's a good thing that's part of the planning process, that's part of what we're trying to do. Do and I think that the best

way to do it is to figure out what we want to be a corridor, what already seems to be a corridor, and whatever zoning it is that we start attaching to corridors and centers will come with it. So I don't think that -- I don't think that's inappropriate in my view. It seems to be what it is that we intend to do, which is why we put a map together. And Guadalupe, as the staff mentioned, not only did it sound like it wasn't -- it was accidental that it wasn't included, it seems to me that if we have a corridor, an activity corridor in central Austin, Guadalupe seems to be certainly one of them. The description of corridors in on you are plan is that they are connections that link key destinations to one another and allow people to travel through the city by bicycle, transit or automobile, and are characterized by a variety of activities and types of buildings along the roadway.

[8:26:53 PM]

That sounds kind of like if Guadalupe and that area isn't an activity corridor, I'm not sure what is. So that's why I won't be able to support your amendment, but I understand.

>> Mer adlmar : O pr tem?

>> Tovo: And I appreciate the discussion. I just want to say that, you know, during the time where people were talking about the imagine Austin plan, there were lots and lots and lots of discussions out there in the community about the fact that the imagine Austin plan would not trump neighborhood plans. And I think -- I think the conversation we're having today about the way in which -- I mean, because we tied certain things to activity corridors when we were making decisions about ads, this was actually have an impact on those surrounding neighborhoods. And again, I don't think this is -- I don't think this is the process where we make those kinds of changes. The amendments to the imagine Austin plan are usually more general. And we may have more discussion, I guess, as we start to talk about the codenext changes, but again, I think the promise of how the neighborhood plans would interact with the imagine Austin plan was different.

>> Mayor Adler: Ms. Kitchen and then Ms. Garza?

>> Kitchen: My question about this item, the Guadalupe item, is my question relates to the process. It appears to have not gone through a public input process. So -- I think that one of the speakers raised that concern. So -- if I'm -- more specifically that it was up before planning commission, but perhaps not allowed public comment? Can you speak to that?

>> Sure. So we had a briefing at planning commission. There's no requirement for a public hearing at planning commission. The pvc wanted a -- the planning commission wanted a public hearing so they had a public hearing. Notice was sent out to all neighborhood associations, I think there's 548 in the city, for that public hearing.

[8:28:55 PM]

So for these proposed amendments they were noticed twice two every only neighborhood association and then we've had two public hearings. And it's the same process.

>> Kitchen: So that was the public process. And we heard from the neighborhood association that had some concerns about it. Or actually was opposed to it. Thank you.

>> Mayor Adler: Ms. Garza?

>> Garza: What is the Normal process to change something to an activity corridor? Or to amend the imagine Austin plan. Did you already answer that? I'm sorry if you did.

>> So this is it. So each year we gather the set of changes or amendments that are proposed. We collect them together, take them to planning commission and then bring them to council. And that's done once per year.

>> Garza: And is that different from what we're doing right now?

>> That's what we're doing right now. That's this public hearing.

>> Garza: Okay. And you said that this doesn't change neighborhood plans, but it could change zoning. So is there -- could a neighborhood plan prohibit an Adu and us making this change still allows that to be the case?

>> Let's see. How it would work is this is going to be a designation in the plan. And so the code is kind of one of the implementation tools. So based on council's Adu ordinance it said if you were within a quarter mile of one of the activity corridors and corridors an Adu you don't have to provide that parking space. So that is a change. This would make a change to that zoning requirement. Like I was saying, however -- so for north university, Hyde park, north Hyde park, those all have nccds, so that wouldn't matter. That nccd trumps the Adu ordinance.

>> Garza: Okay. So this -- changing this to an activity corridor could change neighborhood plans.

[8:30:57 PM]

>> No.

>> Garza: No.

>> No.

>> Mayor Adler: Mayor pro tem?

>> Tovo: But in the neighborhoods around this piece of Guadalupe, it will change the parking requirements for ads if they do not have an nccd, and not all of them do.

>> Correct, correct.

>> Tovo: So if they do have, if they're Hyde park and they have an nccd, it won't change the parking requirement there. It will change the parking requirements for an Adu, I assume, in heritage neighborhood, in the other neighborhood associations that are along there.

>> The once west of Guadalupe.

>> Tovo: So it does affect a real change in the requirements for certain projects, and it's -- that's the kind of thing that typically gets considered in the neighborhood plan amendment or some other form or fashion. It's very different from the other amendments that we're considering in imagine Austin. Usually they're sort of more general in scope. They don't have an actual immediate impact on the

>> Sure.

>> Tovo: In terms of the requirements.

>> If council does an Adu from last year, what this would do is make this segment of Guadalupe the same as any other activity corridor with regard to the parking requirement not needed for an accessory dwelling unit built within a quarter mile of an activity corridor.

>> Garza: So just for clarification, all this would change is the parking requirement if you have an accessory dwelling unit.

>> Correct. But if you have an nccd it doesn't change. Clear as mud?

>> Casar: Mayor? And I think the point is that during that debate the majority of council decided that if you're on an activity corridor that's served by transit, we aren't going to have a minimum parking requirement. And it's based on what I've heard from staff, one would generally assume that Guadalupe is one of those, but in our growth concept map right now it's not.

[8:33:00 PM]

And it seems to me that that being near the Guadalupe corridor, which is our most frequently used transit corridor, if we're going to have no parking requirement, that seems to be kind of one of the places for that.

>> Mayor Adler: Ms. Pool?

>> Pool: I think the parking piece is that it extends off the corridor into the neighborhood. It goes like -- it's either a quarter mile or half Hyle.

>> Quarter mile, yes.

>> Pool: It's not the street itself, it's a quarter mile into the neighborhoods that is part of that no-parking requirement piece. I think that's what the communities surrounding this area, which is currently a core transit corridor, that's what they're concerned about. There's already issues with parking already. And this would exacerbate that. And I don't see that there's anything being offered to mitigate for the fact that already there are too many cars trying to be parked in an area that doesn't have sufficient room for them. Them.

>> Casar: Right. And I think we'll continue to have vigorous debate about paving space for cars or trying to utilize that space for housing. And I just -- and I just differ on that point.

>> Pool: Well, I think the parking is on the street is what they're talking about.

>> Casar: But it would require paving space on lots for parking. If you prefer the cars not to be parked on the street, then you will be paving something else.

>> Pool: I -- correct me if I'm wrong, but I think --

>> Mayor Adler: Hang on one second.

>> Pool: The parking piece is that we are not requiring the parking to be made available on the lot, which means if people have a car they will park on the street. And then there's a limited amount of street curb available for it, which is the problem, as I understand it, in the neighborhood.

>> Casar: Right. And my problem is with paving the lots instead.

>> Mayor Adler: Mayor pro tem?

[8:35:01 PM]

>> Tovo: And I would just say that a familiarity with -- if you're familiar with the area north of campus you know that parking challenges are real. And at the point where we have a real huge percentage of people actually getting on public transit instead of driving then these parking reductions might be more palatable to people who live in the neighborhoods, but they are real challenges right now for people in my district, which this is.

>> Mayor Adler: I'm probably -- I'm going to vote against the amendment. I begin with a threshold question of whether or not this is an activity corridor. This is what we have as activity corridors in our plan. That's what Guadalupe is. I hear Kevin say that he didn't want to designate it that way, Hyde park said, so long -- if it meant that it was going to trump the neighborhood plan. We're hearing that it does not trump the Hyde park neighborhood plan and that was the neighborhood that came in. So I think these questions ultimately are going to be looked at in the codenext process. I am of the belief that when we go through the codenext process I'm going to be governed by the belief that we need to protect the neighborhoods and the neighborhood character in our city. We also need to pick up supply of housing along the corridors. But there's not enough supply of housing to pick up in the middle of our neighborhoods to move the needle to be able to solve that, as I see the numbers. So I think that we -- for me I'll be governed by trying to get the supply along the corridors, but protecting the neighborhoods, so at this point I don't think I would be supportive of wholesale changes through neighborhoods in terms of the tools that have been discussed.

[8:37:06 PM]

And then ultimately we're going to be talking about what the transition is, and we need to, I think, work that process to be able to have the neighborhoods the ability to be able to be very active in what those

transitions look like. But I think that those are questions to be considered in the codenext process. And for this one I'm going to vote against the proposed amendment. Further discussion? Mr. Renteria?

>> Renteria: I'm also going to be voting against this amendment. You know, we're facing that all over town on major corridors and activity centers. And I think that it's important. So I'm not going to support it.

>> Mayor Adler: Further discussion on the amendment? We'll take -- Ms. Houston?

>> Houston: [Inaudible].

>> Mayor Adler: The mayor pro tem has made an amendment to take out of the changes the change that makes Guadalupe an activity corridor between 29th and 51st. Those in favor of removing that change, please raise your hand? Kitchen, pool and the mayor pro tem. Those opposed please raise your hand? Garza, Renteria, Adler and Casar. Those abstaining? Zimmerman and Gallo. And Ms. Houston is voting aye. I think those were five votes aye, the amendment does not pass. We are now considering the changes to the strategic plan. Any further changes? Discussion? Those in favor of -- we had a motion. We're now back to the main motion. Those in favor of approving the offered changes please raise your hand?

[8:39:07 PM]

Wait, did you have something?

>> [Inaudible].

>> So mayor and council, I just want to understand if you are including the commission's recommendation to include the corridors and nodes west of mopac. Those on other areas in preparation. And that those would be in the five-year update and not adopted now.

>> Houston: Do we have to do that in order to get it in the five-year update? Do we have to --

>> We will most likely the commissions have already given us direction of staff to do that. I think there's a question of whether some immediacy that the commissions wanted to do it now. Staff doesn't feel comfortable doing them now because I haven't done a notice to the different groups about the particular amendment. And we would -- staff would prefer to bring this back with a five-year amendments and take a look at it. And after we talk with those different stakeholders that are west of mopac.

>> Mayor Adler: Is it possible if we didn't do that now, if we didn't act to speed it up now, so the default scenario, the recommendation right now as it is part of the five-year plan as opposed to doing it more immediately. Is that correct?

>> Yes. I think it's a question before you.

>> Mayor Adler: But the recommendation of staff was for the five-year plan as opposed to now.

>> Correct.

>> Mayor Adler: If we keep it that way and don't make that change now, because -- would it be -- is there any reason why the council couldn't act as its next meeting or in another meeting to say we want you to move more quickly on that?

>> Yes. There's no reason. You could do that.

>> Mayor Adler: Okay.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes, Ms. Kitchen?

>> Kitchen: I just have a question. I'm reading the resolution that the zoning and platting commission had recommended you, and as I'm reading that, my question for you is what you're suggesting consistent with that?

[8:41:17 PM]

Because what they are talking about is directing staff to re-examine in preparation for the five-year update. So.

>> Yes, I see that too. It says -- maybe I'm looking at the whereas statements. Based on the current pace of growth we should not wait until the five-year update and we can encourage sustainable development patterns in corridors and centers in large areas that do not currently receive -- the be it resolved seems to be at odds with that because then it is suggesting relating to the five years.

>> Kitchen: The be it further resolved would be what we're waiting on it. And that is consistent with, I think with your --

>> That's correct.

>> Kitchen: Okay.

>> So I think if we're going off this language, then we would wait for the five years.

>> Kitchen: Yes. The recommendation -- this recommendation from the zoning and platting commission just suggests or actually directs the request that the council consider directing staff to re-examine the growth concept map in preparation for the five-year update. Doesn't mean make -- doesn't mean put it in the plan now.

>> Mayor Adler: How is that different from what they were otherwise doing?

>> Kitchen: Well, what he was saying that -- if I understood him correctly, he was recommending that they don't do it now. That they wait for the five-year plan. That's what this says. So if we include this language, we're consistent with what he's asking, right?

>> That's correct.

>> Kitchen: Okay.

>> Pool: It was just a matter of do it immediately or do it when we do the five-year plan?

>> That's correct. And as the language states on the resolution that's in yellow on the dais, although the whereas statement might be at odds with the be it further resolved, it looks like this would be recommending what staff is recommending. And that we would take it up with the five-year plan.

[8:43:19 PM]

>> Kitchen: So I don't know if we need -- so the original question was whether we were including this --

>> Staff would have no objection to waiting.

>> Kitchen: Staff has no objection if we include this amendment, if we pass this amendment.

>> Mayor Adler: Because it's consistent with what's already there. So do we need to change anything or do we just state very explicitly that it is the council's understanding and staff's understanding that the be it further resolved here is passed -- is already what is -- what we're approving?

>> Kitchen: Okay.

>> Houston: Is that everybody's understanding on the staff? I don't want to get back here next year and they have forgotten about it.

>> Mayor Adler: Would you say that that is staff's understanding as well?

>> Mayor and council, David surollo, assistant city attorney. I'll be tasked with the assignment afterwards to make sure that the minutes and the ordinance as passed by council are in correct form. I just -- with that in mind I just want to make sure that I'm clear. And as I understand it, is that essentially what council has before it in this main motion with the second is the -- of course the ordinance, and then just the exhibit a with the five amendments that are currently in backup. I just want to make sure that that's my correct understanding of what the motion consists of at this point.

>> Mayor Adler: That's correct. And does -- but does that include the inclusion -- and if we pass that as is in the main motion with the second, does that mean that the city staff is going to re-examine the growth

concept map with emphasis with centers and corridors west of mopac in preparation of the five-year update to the comprehensive plan?

>> The language in the resolution would be in addition to those five things. That are already in the backup.

>> Mayor Adler: Is that what you were planning to do anyhow?

>> Because of the language as it's written on the yellow sheet, we are in agreement and we would do that.

[8:45:21 PM]

>> Mayor Adler: Okay. So is there any problem with amending this to put in the be it resolved clause and making that a number six so that it's clear? Is there a motion to include that? Any reason not to do that? That's what you're going to do anyhow?

>> We would probably end up doing this anyway because we have direction to go look at these areas by the two commissions.

>> Mayor Adler: Do you have a problem with doing that? Would it be your recommendation to include this as well?

>> I see no harm, no foul of doing it now. And the commission's asking would just provide greater emphasis for the council for staff to go forward and look at that as well.

>> Mayor Adler: That's what you would have done in the absence of this anyhow in preparation of the absence of the fivefive-year plan.

>> Yes, because we had direction from the commission already. But if council is giving this direction as well, then we would still go ahead and go do that because we've got that direction from the commissions. I think the -- both the zoning and platting commission and planning commission are asking the council to give staff that direction.

>> Mayor Adler: But we don't have to give staff the direction because you're doing it anyhow, but we can give you that direction because you're going it anyhow. I just want to know if there's a difference there.

>> I think it's entirely up to council.

>> Houston: Mayor, can I make a motion to amend the resolution to add the zoning and platting commission's language?

>> Mayor Adler: Okay. It's been moved, seconded by Mr. Renteria, any discussion?

>> Gallo: Yes. I've got questions, please. So I just want to be very clear because it's my understanding that the initial notification of the original amendment, the original five, went out to all of the neighborhoods, but this language did not.

>> That's correct.

>> Gallo: So as someone that represents neighborhoods that are west of mopac, I want to be very careful that what we're doing -- I mean, I really don't understand why this doesn't say -- my suggestion would be that it says re-examine the growth concept map with emphasis on centers and corridors of other potential growth areas.

[8:47:31 PM]

I mean, I'm not -- I'm trying to understand why west of mopac has been singled out. Why are we not directing staff to re-examine the concept map with emphasis on potential growth areas throughout the whole city?

>> I don't necessarily want to second-guess my two admissions, but I think that the -- commissions, but I think that the areas that were west of mopac are designated differently on the growth concept map,

with a particular concern for environmental issues that relate to those areas that are west of mopac. Give then it was in the drinking water protection zone, for those areas that are west, they were designated with a green designation that were west of mopac as opposed to the maybe a red designation east of mopac to provide emphasis that there were some environmental issues for those areas that are this in that drinking water protection zone.

>> Gallo: And so what I'm understanding then by the direction is that you would just be re-examining the regrowth concept map, but you would not be doing anything to make changes to the update to the comprehensive plan until you did the five-year plan, which would be a year from now.

>> Correct.

>> Gallo: So what does re-examine mean? What would you be doing that --

>> Over the next year by the city charter, the planning commission, we would be working with the planning commission, we'd be looking at basically the entire comprehensive plan. It's not just an annual update, but we would be taking a comprehensive look at the comprehensive plan and not just making amendments to it. So this would suggest that staff would look in particular at those activity centers and growth corridors that are west of mopac.

[8:49:32 PM]

Basically we'd pay particular attention to those areas.

>> Gallo: Does that mean you exclude attention to the other potential growth areas in the rest of the city?

>> No, I don't believe so because we would be looking at the entire map. But there's a particular concern that's been raised by your two land use commissions to look at this area.

>> Gallo: Okay. Thank you.

>> Houston: And mayor, mayor? Mr. Guernsey, and neighborhoods would be noticed so that they would not be excluded from this conversation.

>> That's correct.

>> Houston: Okay.

>> Mayor Adler: So I'm we have a main motion in front of us. Do you still want to make your amendment?

>> Houston: I think I got a second. Mr. Renteria seconded it.

>> Mayor Adler: Renteria seconded. Any further discussion on this item? The motion is to include the language that came from the commission, to make it the sixth item in the plan. Any discussion on this? Those in favor of adding this inclusion please raise your hand? Those opposed? Those abstaining? Mr. Zimmerman, Ms. Gallo abstaining. That's our main motion. Those in favor of the main motion please raise your hand? Those opposed?

>> Zimmerman: Abstain.

>> Mayor Adler: Mr. Zimmerman abstains, the others voting aye. It passes. Mayor pro tem, can you take over the gavel for the last item? I can be back in probably about half an hour if I'm needed. I'll text you and see if I need to come back.

>> Tovo: Thank you. Before we move on to the next item, councilmember kitchen, would you like to talk?

>> Kitchen: Well, I think we may have -- with the mayor leaving I don't think that we'll be able to address it. We'll have to bring it up later. We are actually -- okay. There was actually an amendment that was proposed by -- to the item related to the garage/carport issue that was proposed by the rdcc that was missed in our discussion.

[8:51:39 PM]

And it was an amendment that would have addressed a lot of the concerns that were raised on the dais. So I don't think that people necessarily want to revisit this right now, so I suppose -- because it was a 5-5, we could put it on the agenda again in the future. Right?

>> Tovo: I guess I would look to our legal counsel as to whether or not we could do that. But it is my understanding -- in fact, we all were emailed with the amendment and I just -- I didn't understand it applied to the scenario that councilmember Garza was describing where that 450 would have been an exemption whether you wanted to enclose your carport or add on to your house. And apparently it came before the planning commission, it was supported by staff, but I'm not sure why it wasn't raised as an option for us in our discussion that we were having. But I guess it would require a reconsideration by people on the winning side or we would have to bring it back if we're able to do that.

>> Garza: So you could ask -- you could ask to bring it back at a future date.

>> You don't even need to reconsider it. You can just ask --

>> You can pull it up in a different meeting.

>> Kitchen: Actually, the language would actually be a bit different, too, because we would just add that amendment and see if that was -- answered the concerns that people raised.

>> You can reconsider is right now if you want to. If that's what you're asking me.

>> No, no. I'm asking if we can bring it up again.

>> At a different time?

>> Kitchen: At the next meeting.

>> Mayor Adler: I think anybody can put that back on the agenda to raise that again.

>> Let's do that.

>> Is there a problem with it?

>> No, ma'am. Or if the council wanted to, another option is just to postpone the item. That's just another second item.

>> But we already voted on it.

>> I believe we need to reconsider it to postpone it. So bringing it back at another time is probably the option that makes the best sense.

[8:53:40 PM]

Mr. Rusthoven.

>> Councilmember, what I would recommend is because each code amendment has to go through a process and since technically that one is already voted on, I would recommend that you reconsider the item and then vote again to postpone it and then we could just continue the next one without having to go through the whole notification and planning commission all over again.

>> Tovo: Thank you for that reminder. It would have to be a motion made by the prevailing side, which in this case was the side that voted -- voted against the amendment. Is there an interest in reconsidering that item? To reconsider the amendment that was -- that was proposed.

>> Houston: Do we need to do it tonight or at our next meeting?

>> Tovo: A reconsideration would need to be tonight.

>> Then a --

>> Tovo: Hang on a sec. Let's not speak out of turn. Our attorney?

>> You're correct. If you do a motion to reconsider tonight for one of the people who has to -- who was on the side that it failed, would be asking to reconsider it and then I think your plan is to re-- plan is to reconsider it and then postpone it. And that way you can postpone it until next week.

>> Kitchen: For clarification purposes, the amendment that we overlooked was a proposal from the commission that brought this forward in the first place that would actually have language that would

have exempted -- exempted the people who are already in this situation and have them whole. So we had a lot of conversation about how -- what -- we had a lot of conversation about if we voted for this, it would preclude people from adding additions because of their existing F.A.R. This was a way to correct that concern. It's almost like grandfathering. It was almost like grandfathering people in their existing situation.

>> Garza: So there's nothing on the table right now. Does somebody want to do a motion to reconsider?

[8:55:42 PM]

>> I voted with you.

>> Tovo: It doesn't appear that anyone who was on the prevailing side wishes to bring forward a motion to reconsider. Councilmember pool, did you have a question that's not going to --

>> Pool: Yeah.

>> Tovo: To not talk about the item that's not on the table yet? Much as I'd like to be able to have a discussion about it.

>> Pool: If we don't reconsider it tonight and postpone it, we can still potentially bring it back as an agenda item. But it's a notification issue that would cost the city time and money to do the renotification.

>> Yes. The item that was already initiated, went through the process, failed tonight. So if you wanted to reinstate it, you could, but he would have to notify everybody, we would have to take it back to the planning commission, the codes and ordinances subcommittee, et cetera. Whereas if you voted to reconsider it, to reconsider the failed vote and then postpone it, we wouldn't have to go through those additional four steps.

>> Pool: And then we could have further conversation about the fact that the amendment would maybe make whole the lady who was concerned and came and talked about her garage.

>> Otherwise it would probably take us at least two months to get it back to you by the time it went to codes and ordinances, newspaper notices, planning commission, et cetera. That's why I suggested the reconsideration.

>> Pool: Right.

>> Houston: So who was on the losing side? Mayor pro tem?

>> You were.

>> Houston: I was?

>> Tovo: No, you changed your vote. Unfortunately. Now. All right. Well, let me just say I wish that staff, who were discussing this item when they heard the concerns, had let us know about that amendment that had been discussed at the planning commission. I think it would have at least been a point of consideration here? Okay. Well, I guess we'll move on to the next item. And that is item 63, which is an annexation.

[8:57:43 PM]

>> I think we're on 57. That's the only one we have left.

>> Thank you.

>> Houston: Mayor pro tem? I need some clarification about procedures. I didn't receive innovation about this until October the untilth. And so I understand if we have the public hearing now then we have to do three -- two successive ones. So procedurally what are my options since I had no contact about the planned public improvement district that the county is looking at doing for this same tract? I can't speak to it, I don't know -- I don't know anything about it.

>> I can describe the annexation process --

>> Houston: I know the annexation process.

>> And tell you that it's unique that if we don't conduct a hearing this evening, then the count doesn't have the option to annex this area so you would preclude -- by postponing the hearing or not conducting going forward with the hearing this evening, which requires no action. It's just a public hearing. Then that means that the council does not have the option to annex.

>> Houston: So can I keep the public hearing open for the next time we're scheduled to look at the same tract?

>> There's a requirement that the city council conduct two public hearings, at least 20 days, but not more than 40 days, before you have an ordinance reading to consider annexing an area. So with the way that the council meeting schedule is set up for the rest of this career, these two dates, this week and next week, would allow you to consider an ordinance November 10th. So if you didn't do a hearing this evening and then another one next week, that makes a decision that the council does not want to annex this area. Without even having the hearing process.

>> Houston: Okay. I just want to make sure my colleagues understand. There was no communication with me between staff. I know about the annexation, but I did not know about the public improvement district that has been started with the county -- the Travis county commissioners' court. And I don't want us to end up in the same place that we ended up with wildhorse, having a public improvement district from the county inside something that we just annexed.

[8:59:46 PM]

So I think there are a lot of moving parts and I don't have the answer to it right now, and I need time to kind of help me understand what the unintended consequences might be. I know that we said that the last time we talked about public improvement districts that the -- there was some decision to put a moratorium on them until they could have a working group to do -- to try to figure out how that would work. For the city. And I don't think that -- I think Ms. Hart has established a working group, but they have not had any time to work on public improvement districts or how they would work. So I'm -- I'm at a loss as to how we manage the public hearing tonight.

>> Tovo: I would suggest we start with our staff talking about the annexation, that really is what is on our agenda for this evening, and I know we have at least one speaker that is affiliated with the pid, which is not a matter that is on our agenda tonight, so we may learn more. But why don't we start with the annexation hearing.

>> I'd just like to say there would be no need to leave the public hearing open, we could have a public hearing tonight and there's a requirement we have another public hearing. We will not need to leave this one open, we'll automatically have another one prior to a decision being made.

>> With all that being said, my name's Virginia Collier. I do appreciate you having the annexation hearings earlier where there were no speakers signed up. I'm glad they were able to get in and out. Thank you for moving forward on those. This is item 57, the entrada acre, 246 acres in northeastern Travis county, south of the wells branch parkway, toe intersection of Immanuel road and crystal bend drive and it's contiguous to district 1. This area is currently in the city's etj, adjacent to the city's full purpose jurisdiction to the southeast southeast and southwest sides of the tract. The area is currently undeveloped and includes entrada subdivision, a 2008 plan for small lot single-family home project.

[9:01:47 PM]

It's adjacent to the entrada subdivision annexed between 2007 and 2015 and dessau business mark annexed in 2012. Annexation brings anticipated residential growth into the city limits, extend city services and regulations, completing full purpose annexation prior to about the out provides the

advantage to prospective home buyers to an accurate estimate of property taxes purchasing home in the neighborhood, and as with the orinase, the city will provide for municipal services to the area as described in the service plan, copies which are available this evening, and this concludes my staff presentation for item number 57.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: I'm sorry, before you go, so what is the property owner's position on this -- who is the property owner?

>> My understanding is linnar just recently acquired this property and that's who's here to speak this evening.

>> Zimmerman: Okay. Thanks.

>> Tovo: Did I see some other hands of individuals? Councilmember pool.

>> Pool: They might be answered by the applicant. By the applicant's presentation. Yeah. Just to be clear. This is an annexation that staff have brought forward, but we do have one speaker and that is Mr. Metcalfe.

>> Thank you, mayor pro tem, councilmembers. Steve Metcalfe on behalf of the applicant -- or not the applicant, the owner of the property. Yeah. There's no application here for annexation. So we started talking to the county about doing a pid on this property, probably four or five months ago. We actually sent the notice of intent to file a pid petition on August 17th. That was sent to the city manager, the mayor, the county, county judge, maybe all the county commissioners, I don't remember who's all on the address.

[9:03:52 PM]

We have not actually filed the pid petition yet. That will be in the next few days. I think as you guys all know from the wildhorse experience, once a county creates a pid in the city's -- city's limits or the city's etj, the city has 30 days to object. We didn't want to go through that process. We didn't want to create a situation where you guys have a 30-day hammer over your head, so we started working with the city staff and with county staff, et cetera, to come up with a mechanism for the city to consent to the pid before it's created. So what I would envision, and we've been working with city staff and we've had a few meetings with staff, lots of meetings with the county, about a -- and this is -- and there's two other pids going through this process right now with the county as well. And we represent those other two as well. Our game plan on all three of them would be to get the city to consent to the pids before they're actually created so you're not sitting in that 30-day window you have 30 days to object and you have this hammer hanging over your head. So what the county pid would do, the two main gate keeper requirements for a county pid are affordable housing and participating in the better builder program. So if this -- if we can do a county pid on this site, we have proposals for doing long-term, sustainable, affordable housing, and we're working with county staff on that right now. We're also working with city staff, and right now our biggest challenge is coordinating county staff vision for affordable housing and city staff. But we feel like we'll get there, and then we will come back and have a presentation to council, through staff, of a consent agreement where, if the city consents to the pid -- now, remember, this is a county pid, so the city has no obligation to issue bonds.

[9:05:57 PM]

It's not a city financial issue. But the city does have a voice because it's in the etj, so the state statute says the county -- the city has the right to object to it. Again, we don't want to get there. We want to do a negotiation with the city and with city staff to come up with a way to present to council a consent agreement --

[buzzer sounding]

-- Do you want me to stop or do you want me to keep talking?

>> Houston: May I ask me a question?

>> Tovo: You can finish your thought.

>> And that's our goal. Our goal is to work out an agreement with the city before the pid gets created. And we have a huge opportunity here to create affordable housing and have a better builder program on this site that, if it gets annexed by the city, we don't have the ability to do. I mean, it'll just be a standard subdivision.

>> Tovo: Thank you, Mr. Metcalfe. Councilmember Houston. He answered the question. Councilmember pool.

>> Pool: So, Mr. Metcalfe, thanks for being here and waiting till the very end. So is what you all are asking, is you would like a delay, a postponement? You would like us not to take any action at this point so you can do some of the work -- continue with the work that you have discussed and then have it come back to us at a later time, or --

>> And that's basically correct. City staff will be able to answer the question better than me on the annexation process, but you have another public hearing, I think two weeks from now, and then there's a period of time after that second public hearing in which you have to act, you have a time frame to act on the annexation. I'm hoping that time frame that exists is enough time for us to work out the consent with the city staff, and come up with an affordable housing program and better builder program, et cetera, that makes the city happy and proud of this project. Now, again, city staff can answer better what that outside date is. But, yes. So I'm not asking you to postpone public hearings or anything.

[9:07:57 PM]

I just want to give us enough time to work out something that we can present back to y'all that -- and decide -- and you guys don't have to consent to the pid, but we want that. We don't want to put you in a position where you have to object to it. We want to work out something where you're happy with what we're doing and you consent to it before the -- before the county even creates the pid.

>> Pool: And you want to make sure that we don't do something that would trigger the 30-day time frame that would force our hand on making a decision before any sort of plan or further negotiations have been conducted, and we have an incomplete picture of what it might look like.

>> Exactly. I want you guys to have enough time to make an informed decision.

>> Pool: Right.

>> And have your voice heard, as opposed to having a 30-day window, which if dude anything, you, by default, consent to it, or you're forced to object to it without having adequate time to look at it.

>> Pool: Thank you.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Thank you, Mr. Metcalfe. You're signed up here, and you only get a choice against four against or neutral, but you're signed up for against, so couldn't we solve the whole problem by simply voting down the annexation demand by staff and allow this to be outside the city and just have it as a county project? We don't -- why do we even have to deal with this? Couldn't we just refuse the annexation and allow this development to be outside the city and it's the county's affair? It would be the developer plus the county, and we can take our hands off of it? That would be my preference.

>> And, obviously, that would be okay with us, but I want to -- I didn't want to disrupt the city's process of, if you determine that you really want to annex it, then continue on the process. But if we can work out an agreement where you want to consent to this pid, let's do that. That's what we want. I mean, we want -- we want the ability to create the affordable housing and all the benefits this project can bring if we don't get annexed.

[9:10:01 PM]

>> Zimmerman: So the answer to councilmember Houston's concern, and I have those too, I would rather see us go back to muds, because representation in muds, you can elect your own board of directors in a mud and just seems like a better way to govern a local development. Councilmember Houston, would you be okay, let's just not annex the area, just let them be in the county? Have not had time to talk about those options. The notification came so quickly. My issue is that if we go ahead and annex it, then we'll be -- the homeowners, when the public improvement district is developed, we'll be double-taxed. And so that -- that concerns me about how the houses are affordable. So maybe in these two-week period of whatever the next is, I'll have a chance to talk with staff and the applicant and see what's --

>> Zimmerman: Okay.

>> Tovo: Are there any other questions for this speaker? Ms. Hart. City manager.

>> No, I just wanted to mention that the public -- the next public hearing is next week, correct me if I'm wrong -- no, it's next week. And I believe the annexation action would be on November 3rd, is our schedule.

>> Yes, we have scheduled the next public hearing next week, and then right now we're scheduled for November 10th for the annexation. It would be possible for the council to take only first reading action on November 10th. November 10th would just be the last day that we could have first reading action because we started the process today. However, first reading did occur on November 10th, we would not have to have second and third reading for -- it would be possible to wait 90 days to have second and third reading. That would result in possibly a year's loss of ad valorem taxes to the city but that's neither here nor there.

>> Tovo: So I have some questions. I just want to make sure that I understand the staff's recommendation for annexing this portion.

[9:12:07 PM]

As I see in the rca, it is surrounded on what sounds like three sides by city of Austin property?

>> That's correct.

>> Tovo: And it is next to -- it's adjacent to the cantera single-family subdivision, which was annexed last year.

>> Correct.

>> Tovo: So this meets the qualification -- meets the criteria for annex because it's contiguous to city of Austin land, contiguous, sounds like, on three sides with city of Austin land that is undeveloped and will soon be developed.

>> Yes. It complies with the city of Austin's adopted annexation policy, and staff has reviewed the process, and from a fiscal, as well as delivery standpoint, we feel it complies with the policy, council's policy on annexation. That's why we're proposing it this year.

>> Tovo: If we were to decide not to annex it, and to do a pid instead, when would the soonest we would begin to collect taxes from this area be?

>> Well, the pid would be with the county. Let's say hypothetically the council decided not to annex it and the county went ahead and did their pid, Mr. Metcalfe, I anticipate, would be requesting that we delay annexation until such time as the pid bonds would be paid off, which would probably be sometime between 20 and 30 years, based upon our previous experience.

>> Tovo: So we'd be deferring taxes from this tract of land -- for 20 to 30 years.

>> And I believe about 800 single-family lots for about 30 years, yes.

>> Tovo: Yeah. Well, I'm going to have to -- I mean, obviously we'll have more discussion about it, but to me at this point, I think it certainly makes sense to continue the discussion about annexation.

>> Correct. We're not asking for any action tonight.

>> Tovo: Yeah. We're just having a hearing. Are there any other questions? Councilmember Zimmerman, I see you have something to show us but I'm going to see if anyone else has thoughts first.

Councilmember Casar.

>> Casar: Mr. Rusthoven or any of our staff that answer this part, the reason I asked you the question, you said that the timeline is, we have 90 days from the first -- from the first reading vote until a third reading vote in which we can still collect taxes for the upcoming facility.

[9:14:18 PM]

>> Right. So we have to have a vote in 40 days of today. That would be November 10th. If on November 10th we took first reading only, you can do all three but you can do first reading only. By law we wouldn't have to have second or third within 90 days of that. However, in order to check the taxes for next year, if the council did decide upon the annexation, we'd have to have it annexed by January 1st.

>> Casar: And so my next question is for Mr. Metcalfe. So it sounds like you're trying not to put us in a box, which I appreciate, and then at the same time we are potentially -- the fiscal impact to the city would be if we don't make this decision by the end of this calendar year, is that a timeline that is -- it could work for you to present the options to you?

>> I think the calendar -- I think the timeline of this year is workable if we get staff focused -- I mean, the deal is, there is no -- there is no process right now for reviewing a consent to a county pid. It's not like a zoning application or a site plan where the city has 30 days to respond. There is no process. So if there's some direction from staff, from council to staff, to work their process, then, yeah, I think it's totally doable in that time frame. I think the county would like to get it done in that time frame. One other thing to point out is, this land is -- is ag, so the amount of taxes the city would collect from it, if it annexed -- if it annexed it now would be like minimal. I mean a thousand dollars. I mean, it's -- it's not developed. There is no tax being generated from the property. So this year is not that key.

>> Casar: And having the number in front of us would be helpful so we all know what the cost versus benefit would be December versus January. But ultimately, I think as the mayor pro tem indicated, there's always benefits to it being inside the city, but also benefits to a strong agreement that provides other things, and so ultimately, I would just want to know what our two or three options are.

[9:16:24 PM]

And it sounds like you're working and hopefully our staff can work to finalize some of those options so the council can make a value judgment.

>> We look forward to having the opportunity to have that dialogue.

>> Zimmerman: I just wanted to point out, you see the pflugerville etj to the north of the property, almost looked like it was bumping into pflugerville almost as much as I guess Austin's etj, but I'd just love to have a way to not annex this property. If we're serious about affordability, we could contribute to that by not annexing the property and allow it to be in the county. That would help the affordability of the neighborhood, and we would have no obligation. I want to ask, quickly, on our information sheet, on the additional backup information, the very last sentence says: No capital improvement expenditures are required. So is this because of the anticipation of the additional pid assessment, you know, paying for what the city would be obligated to pay for? Is that why that sentence is here, so we can annex the property and we don't have to spend any money on it?

>> No, sir. It's because the property that's to the lower right on the map that you put up there was annexed by the city in 2015. It's being developed as we speak. And so the utilities will come right up to the property line. And so for us to serve this property, we don't have to go through the expense of bringing utilities to it. The utilities will be on the border.

>> Zimmerman: Well, there's more to it than that; right? There's also drainage, other potential capital expenses; right? Or not?

>> Yes. And we've had the different departments review that as part of the annexation review, and they've determined that there would be no unnecessary capital outlays.

>> Zimmerman: But somebody has to pay.

>> It would be paid for by the developer himself.

>> Zimmerman: Well, it's paid for by the public improvement district, for the assessment.

>> It would be the public improvement district. If the city were to annex it --

[9:18:25 PM]

>> Zimmerman: To pay for them. Developers pass their costs on to others. They don't pay. They pass it on to other people. So there would be a pid assessment to cover what the city would be obligated to pay for by law. I think that's why the sentence is correct.

>> The pid would pay for the improvements through pid bonds, which would require -- not the city not to annex it, or if the city were to annex it, the developer through traditional financing mechanisms would pay for the infrastructure within the subdivision.

>> Tovo: All right. Is there anyone else who would like to speak on this item? Seeing none, I'll entertain a motion to close the public hearing. Councilmember Gallo moves to close the public hearing.

Councilmember Zimmerman seconds that. All in favor of closing the public hearing? That's unanimous on the dais mayor Adler off the dais and councilmember troxclair off the dais.

>> Kitchen: Mayor pro tem? Before we adjourn, I have like a ten second question. I promise everyone. So this has to do with the minutes, and I apologize, I forgot it earlier. During the budget process, we adopted budget directions. They were actual pages that were budget directions. They're like amendments. They're not in the minutes, so I just need to understand -- I just -- where to find them. And actually what I need to understand is that I can address this later, that I don't have to address it tonight, so I don't have to use people's time to address it tonight. I voted to approve the amendments and I don't have a problem with that, it's just that I'm not saying where those budget directions are.

>> Casar: My staff reviewed --

>> Tovo: Councilmember Casar.

>> Casar: My staff reviewed the minutes and with the backup they sent me, I do see those budget directions ditches they're in there but the full language is not in there.

[9:20:25 PM]

>> Casar: Really?

>> Kitchen: The entire language of the budget direction is not included in the minutes, and that's what my concern is because some of them I brought forward had an additional level of detail that's part of the budget direction. If there's someplace I just didn't see them, that's fine, I just don't know where they are.

>> So Jeanette Goodall. I'll answer that question in two parts. All of the seats that were given, we have uploaded to the website so that they are attached as backup to that -- to the agenda item for the budget adoption. And so I e-mailed your staff.

>> Kitchen: Okay.

>> -- Yesterday because that's when the question got to me. So I think if we can just sit down so I can understand better what your budget writers were much more detailed than the other councilmembers, and so it was kind of hard for us to tell which was just kind of informational versus which was part of the direction. So I think if we sit down and go over that, I can better understand what needs to go into the minutes, and we can amend the minutes to include anything that you think was missing.

>> Kitchen: Okay. We can handle that later. Basically, the whole thing is direction. So it wasn't -- you know, those pages, all of it is direction, so again, I don't care if it's in the minutes, if we -- if we -- but when I pulled up that -- that meeting agenda, it doesn't show the budget directions that were adopted as adopted language. So, anyway, we can talk -- as long as we can talk about this afterwards and I haven't lost my opportunity to talk about it, then we can let people go. We can talk about it afterwards?

>> I can speak to that. I know that the budget staff is working on a summary of the budget riders to include in the budget document, along with the reconciliation from the proposed to the approved.

[9:22:37 PM]

Ed was out this week, but they have those virtually ready, and I can get Ed to get with the city clerk.

>> Kitchen: Okay.

>> So that we can get more detail. But we have a whole section that we plan on including in the approved budget document because we knew you wanted to of that kind of specific direction written out in the document.

>> Kitchen: Okay. I just want to clarify that that means not a subset of the language that was on -- on what we adopted, but all of the language that was on what we adopted.

>> I'll clarify with staff when Ed is back in. Diane and him are both on vacation, but I believe that's what we are doing.

>> Kitchen: Okay. That's what we voted on. Thank you.

>> And if we need to amend the amendments you approved today, we can bring those back as an amendment at any time.

>> Kitchen: Okay. Thank you.

>> Tovo: Thank you. I think your comments made this clear, but the way in which this discussion we've had relates to our agenda, this morning in our consent agenda, we approved the budget minutes, so I just wanted members of the public to understand how that relates to our posted agenda. All right. Seeing no other business before us, we stand adjourned at 9:23 P.M.