

## City Council Regular Meeting Transcript – 05/11/2017

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[2:07:58 PM]

>> Mayor Adler: All right. Are we ready to gear this up? I want to call to order today's meeting. We have a little feedback up here. It is Thursday, May 11th, 2017. We're in the council chambers, 301 West Second Street. It is 2:08. We have an abbreviated, short council meeting today. Let's go through the consent agenda. Which is items 1 through 13. We have some changes and corrections. I'll read into the record. Item number 7 we are adding sponsorship in that item, councilmember Garza. Item number 8 is withdrawn. That was the drainage fee item. That is now withdrawn. My understanding is from calendar setting that we have an item, item number 25 is, which is the demo permit appeal item, which I understand staff is going to ask to be postponed. Today. But we did tell some community members apparently it was noticed informally to some community members that they show up at 4:00, and there's an out of town consultant who is here is speak to that issue. So it would be my intent and suggestion that at 4:00 that we wait until 4:00, we call that at 4:00, even though it's going to get potentially postponed, to let out of town people who are here today speak and then they can leave or-- so that that can happen.

[2:09:59 PM]

All right. We have no items being pulled by speakers except for number 8, but that number is being withdrawn. Mr. Pena, do you want to speak on -- since it's being withdrawn? >> [Inaudible]. >> Mayor Adler: Thank you, sir. Item number 9 is pulled. Mr. Flannigan, as is item number 3, pulled by Mr. Flannigan. 3 is alter. Are you also pulling that? I think it's being pulled by both alter and Flannigan are pulling item number 3. So again, the consent agenda is items 1 through 13. Item 3 is being pulled, item 8 is withdrawn. Item 9 is being pulled. Anything else? Is there a motion to approve the consent agenda? Ms. Houston, seconded by Ms. Pool. Any discussion? Those in favor of the consent agenda please raise your hand? Those opposed? It's unanimous on the dais. That gets us then -- let's go ahead and handle the items that have been pulled. -- Let's look at this zoning. Are there consent items here on the zoning agenda that we can dispense with? >> Garza: Mayor, can I speak on an item that was passed because we had many stakeholders and I see they're leaving right now. >> [Inaudible]. >> Garza: I know. I think this is a great move. Right you now we have an ordinance that doesn't allow smoking cigarettes in bars

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and restaurants here in Austin. And there's been a little bit after loophole that people can vape and even bars and restaurants have concerns about this because they feel like they can't -- they can't tell a customer that they can't do that because there's this -- seems to be this gray in the law. So I just want to thank councilmember Houston and her leadership through the health and human services committee and all the advocates, central health's equity council, for being here and not signing up to speak, but being here anyway. [Laughter]. And I'm glad we were able to accomplish this to make that clear for establishments that we don't like smoking in our restaurants and bars. [Applause]. >> Mayor Adler: Sounds good. Thank you. Do we have any consent items on the zoning? >> Thank you, mayor and council. Greg Guernsey, planning and zoning. We do have a couple of items I have offer under the 2:00 consent agenda items. I understand there might be a discussion on 22. , The item on Koenig lane. I'll skip that one. Item 23 and 24 staff is postponing a -- has a request for postponement on both items 23 and 24 to your June eighth meeting: And we could do that. >> Mayor Adler: Okay. Those are the items. So is there a motion to postpone 23 and 24 to June 8th? Ms. Houston makes that motion. Is there a second to that? Councilmember alter seconds that. Any discussion? All those in favor please raise your hand? Those opposed? It's unanimous with everyone on the dais. So thank you.

[2:14:01 PM]

Let's go get the pulled items. Let's first look at item number 3, which is the fire overtime funds issue. Councilmember alter. >> Alter: I would like to make a motion to postpone this item for a week. >> Mayor Adler: Councilmember alter moves to postpone this item for a week. Is there a second to that motion? Mr. Renteria seconds -- Mr. Flannigan seconds that motion. I'll let do you that since you both pulled it. Any discussion on that? You made the motion. You get the first chance to speak. >> Alter: Thank you. I'm making this motion and hopefully a week will be enough time. There seem to be a lot of unanswered basic questions with respect to over time and AFD. Mr. Flannigan had questions that were put into the Q and a that were not yet answered. I've had several questions that I've been asking for weeks that have not yet been answered with respect to the contract, I've been asking for a disaggregation of overtime as well. I would like to see those. And on top of that we have a number of basic questions that have not been addressed just in terms of basic data along with this rca. So we don't know the total number of hours of overtime being funded by this transfer. How many hours and what is the average hourly rate? How many hours and the dollar amount that this translates per person on the force? I'd like to know has this been a trend and for how long has this overtime been a trend? And perhaps most importantly is what are the opportunity costs of funding this? If you take a look deeply into the rca and the background material with the reserve there's about a 5.8-million-dollar reserve that has been added back in. Without that we would not be able to accommodate this overtime request. But what are the budget

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implications? We are making a budget amendment right now that has implications for our budget choices moving forward into the next cycle. And I think we need to dig deeper into what that means. And I would like to give the staff an opportunity to answer those questions so that we can really understand what we're voting on. >> Mayor Adler: Mr. Flannigan. >> Flannigan: I just want to concur. The couple of questions I asked in Q and a were answered with "We need more time to pull the data." That was the answer that was given, so in this case as reticent as I am to support postponements, I was supportive of this one. I think there's a lot of conserve to be had around this issue and as councilmember alter said, this is not just a decision that impacts the next few months of budget, but because this pulls from be very careful how we move forward. >> Mayor Adler: It's been moved and seconded to postpone this for one week. Is there any discussion? Those in favor please raise your hand? Those opposed? It is also unanimous on the -- I'm sorry? Okay. Is it 10-1, 10 to favor with councilmember Garza voting no. Postponed for one week. >> Alter: I would like to add that I will be submitting my questions into the Q and a so that they can be very clear what they are, and hopefully we'll have answers for next week. >> Mayor Adler: Understand. If appropriate those will be part of the briefing we have on bend. Let's pull up item number 9. This is pulled by Mcraven. And we have a speaker. Thank you.

[2:18:07 PM]

[Pulled by Flannigan. ]. >> Mayor Adler: Let's call the speakers. Mr. Pena, will you come up to speak on the issue of student commission? Paul Johnson is on deck, next speaker. Mr. Pena, you have three minutes. >> Thank you, Mr. Mayor. I'll keep it brief and short. I wrote a couple of comments on this item. We're agreeable to all of this. The only thing that we as a community -- you know, I'm president of veterans for progress. I'm going to give the title to somebody else next year. Item number 9 has to do with a resolution directing the city manager to create a student commission. The only thing that we have requested -- I taught at Austin community schools, I taught esl to incoming immigrants to be able to obtain their temporary residency and then also their permanent residency and eventually citizenship. I taught at ACC, I taught at the school district also, at Mike Johnson high school, and I student taught. And I'm a former federal educator with the united States Marine Corps also. But I want to say this is I'm always about including the youth in everything that they do. We have a student -- a group that's going to be made, and the makeup is college, university. I'd like to see if we could get some high school students involved in it, Mr. Mayor. And I think we have to be inclusive in that because they are going to be preparatory to entering the university, but this impacts also, and we tend to leave the students or young people out, 18 and under. And we have a very bright, articulate, smart students even at 14 years of age, maybe younger, but 14 to 18. And give them an opportunity to maybe also establish a commission for that age group also, preparatory to entering the university. So that's all I have to say about that.

[2:20:09 PM]

It's a good deal, councilmember Flannigan, but if you could do that. Also in the future include the teenagers also. They're very articulate and they could also give you advice what happened the needs are of the teenaged students. Thank you very much. Have a good day. >> Mayor Adler: Thank you. Paul Johnson? Is Paul Johnson here? What about Mickey wolf? Mr. Wolf? Santiago Rosales is on deck, next

speaker. You have three minutes. Welcome. >> Thank you so much. Well, thank you, mayor pro tem tovo for bringing this to the floor and Mr. Flannigan for your amendment. So my name is Mickey wolf. I serve as the student body vice-president at the university of Texas. Actually got to speak with mayor Adler at the tower awards to honor the service our students do at this university. I wanted to quickly speak on this I think this amendment is an important addition. I'm in 100% in support of creating this student commission. I think it's fantastic to be able to have student input into the city council and city issues definitely affect our students as well. Not only at the university of Texas, but at universities around the city. I think that what I would really like to see with this amendment is allowing for student input to be included in the process of developing what exactly what commission looks like. I personally in my role in student government created the improve UT challenge. And this allowed students to be able to submit ideas, kind of build out those ideas as ways to fix certain aspects of the university and to improve on different programming that we do. And the way that students work is they're very creative. They come to a problem-solving table and they bring new perspectives, they bring fresh ideas. I think when it comes to really representing their voice at the city council it's important to take their consideration in as we develop what exactly that looks like in how their voices are represented

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because they might be bringing perspectiving that just because of where they're at in their lives they've been able to think of that might not be taken into account otherwise. So I'm very much in support of this resolution and just would like to see this amendment be passed as well to we can be involved and collaborate alongside y'all as you develop what exactly the commission looks like. Thank you. >> Tovo: Mayor, if I may. >> Mayor Adler: Yes, mayor pro tem. >> Tovo: The intent of the resolution was to be very loose in terms of allowing a student -- as they did last time, allowing the students to define what subjects they would focus on and what areas of most interest -- what most interest they had. So I'm not sure -- >> I guess I'm -- >> Tovo: Can you help me understand? I think the biggest thing that the amendment would do is change the configure operation from representation from potentially from different universities to -- I haven't actually had an opportunity to talk with my colleague about what the amendment would do, but I want to assure you that the resolution as it's proposed is designed to allow the students who serve on it to really define their own purpose and what they want to concentrate on in terms of making recommendations. >> Yeah. And we definitely appreciate that. And again, we definitely are in support of this idea overall. We just would like to to be involved in terms of whether that commission is something that meets once a month, whether that meets once a semester, whether that meets once a year. And also is it meeting at different venues around the city? Is it something that's officially elected by student representatives or is it something that, you know, administration at the universities are choosing to appoint? So just being able to have a little bit more of the process of exactly how that representation is chosen and what the configuration is in terms of the practicality of the commission is kind of what we're interested in supporting the amendment for, but overall again we think we really appreciate and thank you for bringing it to the floor because we

[2:24:10 PM]

do think that the student voice should be heard. Anyway, we also would like to be included in the process of developing how exactly the commission is formed. >> Tovo: Okay, thank you. And we can talk maybe more about this. It sounds like maybe -- given what I'm hearing, I think maybe the best idea would be to pull it down because directing the city manager to go forward and do that and removing the direction that we've included doesn't really allow us to do more discussion on that front. In any case, we can talk more about that. >> Mayor Adler: Let's finish the speakers. >> Kitchen: Do we have an amendment? I don't have it in hand. >> Tovo: It was on the message board. >> Kitchen: But we don't have it in hand. Okay. >> Mayor Adler: Mickey, thank you. Mr. Rosales. And then andrina Guzman will be on deck. Next speaker. >> Once again, thank you, mayor pro tem tovo for bringing forward this resolution. I serve as the chief of staff for student government and I've served in student government for the past few years. So I've gotten to see a little bit of the dynamic that we have at UT and also seen some of the history that we have at the university as far as student activism, student involvement in the shared governance processes at the university level. And there's a quite a diversity of processes we're involved with. We work directly with administrators to solve issues. We speak directly with the president of the university through monthly meetings. We interact with other universities across the country in a coalition. Every other year dealing with state level issues. And we also have yearly conferences with other universities in the big 12 conference, specifically on student issues at the federal level. And the reason I mention all of this is because there's a lot of diversity as to how we involve ourselves, both locally in the city, but also more broadly in the country. And as a result of that we really do appreciate once again the fact that this is brought forward. Students not only are students, but they're also residents of Austin.

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They live here. They call this place home. And it's important to recognize that because we're students the way that we interact with institutions is different, depending on the particular issue. And opening up that process of how the commission is developed to students through the amendment is something that we're definitely interested in as well. Just as a student that's been involved in the reorganization of our own internal structures it's a process that we take very seriously and would definitely appreciate the opportunity to join. >> Mayor Adler: Thank you very much. After Ms. Guzman -- actually, Ms. Guzman will be our last speaker. >> Hi, everyone. My name is andrina Guzman. I'm the student body president at the university of Texas at Austin. I just wanted to expand my support on this amendment. Thank you so much for considering this, but I wanted to reiterate that the student voice is definitely important and personally for me being differently able, being Latina, being a woman, I have all these identities. And

making sure that students from different communities have that space to talk and interact with, you know, city councilmembers, you know, you, the mayor, but just to reiterate that it's really important to include the student voice. We are on the ground on several issues, and definitely want to collaborate with all of you throughout the process, like my vp Mickey said, whether that's once a year, once a month, twice a semester. Just being in that space is imperative because it will make all of our jobs easier to be able to contribute to Austin and the greater good of our society. So thank you so much again for considering this amendment, and thank you for your time.

[2:28:11 PM]

>> Mayor Adler: Thank you very much. Thank you for coming and joining us. Those were all the speakers. We had an additional speaker, Kelsey Mumford, indicating support, not wishing to speak. That gets us back up to the dais. Mayor pro tem? >> Tovo: Councilmember Garza, did you -- >> Garza: Well, I didn't know if someone wanted to formally move it and do all that. But I don't know how the amendment changes the -- >> Tovo: So mayor, I'm a little unclear how to move forward. The amendment actually replaces all of the action I've directed so in essence it changes it considerably. I'm not entirely sure how to proceed. Let me thank the student representatives from student government for coming down and expressing your concerns to the commission. It is definitely designed to give students a voice. And just as a point of history I would say former mayor pro tem Cole started the quality, brought forward the resolution, started a the student quality of life commission and it was organized in exactly the same way that we have brought forward this commission. And so after it -- after its time concluded they forwarded some recommendations because we were in the transition period, those really didn't get forwarded to council, or they did get forwarded to council, but we didn't have a presentation as we sometimes do from the task force. So one of the key recommendations that that group made was to continue the commission. And so when I was approached by a member, Ms. Suci sanderam, she asked us to consider bringing it forward a resolution, which we've done. We have talked with some other students who have been

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part of that who were supportive of having it continue and we have again organized it in very much the same way as the original commission with representation from all of the campuses that fall within the city of Austin limits and have suggested the same process that they used last time to select representatives to that end. Again, the same process -- it would be my expectation they would follow the same process in letting the student representatives who serve on that really direct what kinds of action they want to do. And so I appreciate -- again, I appreciate you all coming down here. It sounds

like maybe there's some more discussion to be had. Again, the amendment that's coming forward really just replaces the action I've directed, and I assume part of the intent -- I'm not sure what the intent is, but it would -- it would substantially change what I was trying to do, which was to ensure representation from all of the different universities, which was to organize a process or to suggest, you know, that the campuses themselves organize their own processes of identifying students. And it would also eliminate some of the subjects that I offered for discussion, but not to be directives. So I think again maybe the best course of action at this point is to pull it down, which is unfortunate, but I'm happy to -- if there are more things that we need to talk through, that's fine. >> Kitchen: Mr. Mayor? >> Mayor Adler: Hold on a second. Ms. Garza? >> Garza: You said it had been moved and seconded? >> Mayor Adler: There hasn't been a motion yet. We're still just talking. >> Garza: I mean, I don't think you need to pull it down. I think that -- I'm having a hard time understanding-- the message board post says your language is too prescriptive and I don't see your language as prescriptive at all. I understand there may be concerns about the composition, but the last be it further resolved says that there will be feedback from institutions and student bodies on the scope,

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process of this effort. So I guess I'm saying I'm willing to support it as is if you don't pull it down. >> Mayor Adler: Yes, Ms. Kitchen? >> Kitchen: I have a question about the provision about how the students are appointed. That's the provision that just had me ask some questions. I'm fully in favor of a student commission. All the language makes sense to me. I'm just curious about why we're having the university administration appoint the students instead of the student's city council and their own city elected body appoint the students. >> Tovo: I'm not clear on what the alternative would be? >> Kitchen: Why wouldn't you have the student body, the student body government -- these universities have student body government where they elect their president and et cetera. Why wouldn't you have that organization designate because that reflects a vote of the students themselves and a selection by the students themselves instead of the administration. >> Tovo: So again, we set up the committee in the same way that it had been done initially. And I was not involved in that resolution, but my understanding is that it allowed for a -- I think the intent was to make sure that we heard from a swath of students and that we were offering opportunities to students and student organizations that weren't necessarily automatically connected with the city. Student government I think has a good relationship with the city council. We have other organizations that are in good contact. And it was -- it was again -- we organized the method of selecting students in the same way that we did -- that the city council did in past. The Dean of students at each campus was -- it's my

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understanding was responsible for organizing their process and forwarding on those recommendations.

>> Kitchen: Okay. That helps me understand. It's still something that gives me pause. I would rather have the students designate themselves who they want representing themselves.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Thank you, Mr. Mayor. I pulled this item and I was hoping to get an opportunity to speak before we started to dive in. I fully support this commission and I had some questions as I posted on the message board about its nature and composition. So I felt rather than pull the whole thing down and require two votes in the future, one to pass a resolution and one to do the code amendments that we could move past the part of yes we agree there's a commission and there's debate about the composition. Have that debate as we pass the ordinance. So that was my whole intent. I didn't want to derail anything. I wanted to just instead of having the prescriptive two people by each university and only meets minimum two times a year. My hope is we all wanted to create, have a debate on its composition and have a debate later on as the city manager puts the code amendments together. That was really the only intent that I had here.

>> Mayor Adler: Ms. Pool? Then Mr. Casar, then Ms. Houston.

>> Pool: As far as the students indicating their interest, and this is in response to what councilmember kitchen was asking. I'm thinking that whoever makes that appointment, if it is the Dean, which I think is what the mayor pro tem was mentioning, the students are probably advised that this opportunity is available and do they notify or submit an application or otherwise identify themselves as being interested so they themselves volunteer for the selection pool is that how it was done previously?

>> I would have to ask our staff what they know about it. My guess is each campus handled it a bit differently, but I believe it was handled by the Dean of students at each of the

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campuses. And we certainly can add language that they do it in consultation with the student government and other student organizations that provide -- that provide stakeholder input, but most most --

>> Good afternoon, council, Chiquita, Eugene. I was the staff person responsible or involved with this committee. How the students were selected, we created an application and we submitted the application to the Dean of students at each of the five universities. We asked the deans to be sure that they could have no more than five to be fair across all of the campuses, and with that we wanted the students -- we want one of the seats that they selected or however they created their system to be from student government so that we could have someone from student government, so that we would have a vehicle to report this information back to the schools. And the other students we asked that the students that they selected through their motion would be representative of the student body. Therefore we would have A.D.A., we would have an ethnic portion, we would have a financial portion so that all students who typically would not have an opportunity to serve, but wanted to serve, they then could be considered by the Dean of students.

>> Pool: That sounds like it's really well thought out. And as far as the selection criteria, which I think was where I was getting with my question, was how was it handled before, and I think it also ensures that there's a really broad array in the selection and that would



[2:38:16 PM]

likely be boosted perhaps by students self-identifying that they would be interested too, but that goes to questions that we have about how would the choices be made. Thank you. >> Mayor Adler: Mr. Casar? >> Casar: This may not come to a surprise to many of y'all, but I would never have been selected by my university administration as a pretty frequent critic of the regents and the administration at my school. So instead of having the date right now, I guess I have like a legal question or I don't know if the sponsor or law would best answer this. I want to understand better the results of councilmember Flannigan's amendment versus the original language, do we have to process code amendments to create this commission anyways? So if the sense yes, then I guess I want to better understand from the mayor pro tem or others what is the reasoning for pulling this down as opposed to just starting the processing of the code amendments and then allowing not on a [indiscernible], but in meetings intervening for people to answer questions about best how to make sure that there is wide representation, and the best student voice, but maybe a thinking of different ways than the administrators or best have a debate about how many times this commission would be respecting or recognizing in the past to us twice a unique but I heard a couple of folks saying they wanted to maybe change that. Can we have those debates on another day while still initiating the code amendments and is there any objection to that? >> Tovo: Yes. I think that we need to have enough detail in here. We, one, are providing staff with some sense of what they're drafting code amendments for. I believe they have met at least quarterly in the past. Notice the language does not say that they're meeting just twice a year. It says a minimum of twice a year. One concern I have is if it's a monthly commission it's considerably more staff time and I'm not sure, I

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have spoken with our staff. They can support twice a year. They may even be able to support quarterly. I'm not sure they can, without having a fiscal impact, support a monthly committee. I think we do need to -- if we're bringing forward a resolution I want to be sure we know what we're asking staff to do and that I am sure that I'm not doing something that's going to cause a fiscal impact that we'll have to resolve later with the addition of an fte through the budget. So this is -- I'm comfortable with this level of commitment, understanding my conversations to the staff. I will say I'm happy-- we have -- five sound like a lot of representatives for a commission of this size. It's just a lot to manage. I'm certainly happen to change two to say three and say with the understanding that one of those be identified through an application process, I hope too, but that perhaps that application process could include that that one person student government or the equivalent body at each of these universities with the other two through the administrative process. But in any case, I think if there's a lot more discussion to happen, I

would prefer that we kind of pull it down and I'll talk with -- we again -- this came from some students who had been involved with the on original commission. That's why it's here on the resolution today. But if student government at UT has some additional feedback they want to offer, I'm happy to pull it down and see if we can accommodate that as we move forward before bringing it back. >> Mayor Adler: Ms. Houston? >> Tovo: Or I'm happy to pass it as it is today. But I do having brought this forward want to have enough structure in place that we know what's happening. So I can't support the amendment that's been brought forward. >> Mayor Adler: Ms. Houston? >> Houston: Thank you, mayor and thank you, mayor pro tem, for bringing this forward.

[2:42:18 PM]

I hope to know the young lady that served as representative at houston-tillotson the last time the commission was active. The young man from UT that talked about all of the things that they do at the university of Texas. And as I look at houston-tillotson that doesn't have that kind of statewide or national oversight, I would like us to be really thoughtful about how do we get those people who might not have been, like councilmember Casar, chosen, because it seems like they have the structure already in place to be able to supply five or 10 or two or one person to I believe able to serve on this commission and how do we get other voices into the play. And at under the circumstances houston-tillotson I've got both of those universities in district 1 and it would be very difficult to be able to -- the population is smaller. We've got the diversity, but we might not have those specific skill sets that the university have. I'm familiar with St. Edwards. I think the issue may be the same there, concordia. So to me it's about how do we not -- we allow the flexibilities for each institution to make those kinds of decisions which is best for them and those children -- I'm sorry, grown people, young people, students. I couldn't figure out what that word was. >> Mayor Adler: When you need an acronym, where is it? [Laughter]. >> Houston: If we can't do it now, I think it's better to pull it down so we can have those conversations. I'm willing to support it as it is because I think it gives each institution the flexibility they need to be able to look for those

[2:44:18 PM]

people that are not represented now and not the ones that are always the jocks or the kings or the queens, but some people who are very different to be able to give another perspective. So that's -- >> Alter: I'm supportive of this commission and I'm comfortable with that as it is. I was wondering what the plan would be for staffing it. It wouldn't be the similar staff as before. I just want to make sure that we don't set up a commission and have a process for staffing. >> Joy gentleman hays, human resources office. We haven't been in -- we have been in contact with mayor pro tem and we are committing the

same staffing to it. We would encourage you as identified by the mayor pro tem tovo, the internship programs. So we're very comfortable with what was presented in the resolution before you. >> Alter: Thank you. Toyo so mayor, I'm happy to make the motion that we move forward with it as is and ask the staff to draft an ordinance that instead says three. And given some of the ideas you've heard here describe a process that includes a selection for review from the student government or elected body at each of the campuses. But again, with an emphasis on identifying students who may not be part of formal organizations, but also represents stakeholders. And it sounds like the kind of criteria you used last time were very helpful. And if you have a recommendation for expanding it, when you bring back the ordinance we can talk about that too. But it seems like I think

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our smaller commissions tend to work more smoothly. >> Mayor Adler: Is there a second to that motion? Ms. Houston seconds that. My sense is that probably accommodates both needs because it now includes the coming back with the ordinance. There's some direction on how that should be suggested. It's going to be debated if it comes back for whatever reason the solution is insufficient or the numbers wish to be changed. So it seems to me that accommodates the concern because it sets out a framework, but it has an ordinance proposal. Mr. Flannigan. >> Flannigan: I would still like to move for my amendment. I'm not comfortable with the framework laid out in the resolution and I don't want staff to be constricted in how it brings back the ordinance language. And I also have an amendment that we write the resolution with the way I think it should go, but I don't think there's agreement with that either. So my preference is to have staff review this process, staff can come and talk to our offices, figure out where people are on their own, I'm going to amend -- given that replacing the be it further resolved as I've handed out on the dais. >> Mayor Adler: Ms. Kitchen? >> Kitchen: I wasn't clear on what language was to be changed you said take it from two to three, but I wasn't sure what other language was changed in the motion? >> Tovo: Was that a question directed to me? It was direction that the staff -- that the code amendment also include a mechanism for the student government to identify that third. >> Kitchen: I'm sorry, the last part -- for student government to? >> Tovo: Identify a third, of one of the three.

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>> Kitchen: Is that not language you would want to put in the ordinance itself as opposed to just direction? >> Tovo: I don't have that language with me, but I think it seems pretty comprehensible. I would ask the staff does that provide you with enough direction to help inform the resulting code amendment? >> This was a resolution asking the city employees to go back and work on drafting an

ordinance. So the language will come back to you, the ordinance will come back to you in whatever form we've drafted. >> Mayor Adler: So in the past we've looked at ordinances like this on these kinds of issues and to make it non-prescriptive we have asked staff to come back with the way it's been laid out by an author and we've also allowed staff to bring back to us as part of the ordinance process with different suggestions or alternatives if they wanted to make one. Would that be doing that here? I guess if we only ask for one thing this is what they would come back with? In other words, I don't have a problem with them coming back and doing it in this form under that structure. To further debate, is there discussion on this? >> Flannigan: Mayor? I believe I moved to amend and I don't know if you asked for a second. >> Mayor Adler: Mr. Flannigan on top of this motion has moved to amend to include his amendment. Is there a second to the Flannigan amendment? >> Casar: I would second it for discussion because I want to understand. >> Mayor Adler: So it's been seconded now. We're now discussing the amendment. >> Casar: [Indiscernible]. >> Mayor Adler: You made your -- I think the mayor pro tem made a motion that included the additional provision that there be three people named and that

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the third person be selected through a process developed by staff as they were developing the ordinance. That's the main motion. Jimmy moved -- Mr. Flannigan moved to amend that to include his language, seconded by Mr. Casar? >> Flannigan: By amendment changes the be it further resolves, it does not add a be it further resolved. It changes the be it further resolves to be less prescriptive. >> Mayor Adler: Okay. Mr. Casar? >> So I think my concerns that I heard from the students that seemed specific were meeting twice per year and the administration choosing the representatives, the mayor pro tem clarified that this says at least twice per year so there could be representation about whether the standards have changed so I feel comfortable with that. With the mayor pro tem's new motion of one student government, two administration, it would have seemed to have fixed that one if we could clarify that it's just three representatives from each of these, potentially from student groups or administrators. I think that would -- sort of catches your intent or I feel comfortable with that. So I think that addresses the two main things that I heard brought up. To I seconded Mr. Flannigan's amendment because if you have other issues or concerns of how this is laid out I would want to hear what those are, otherwise I would feel comfortable just going with the motion as its amended because I don't know what the -- what are the other potential concerns with this besides the administrator's choosing all of the members and the number of meetings. And again, we didn't really have an amendment on the floor to go from two to three because I was going to bring up clarifying that my preference is for it to not be two administration and one student government, but just three from each place and figure out how we should

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do that. But the second year amendment to understand do you have any concerns beyond those portions. >> Flannigan: It's my believe that commissions should be geographic. If we were going to dive into the details of the commission, I would want to see 11 appointed by council and plus one from each of those campuses. I think when we think about all the other commissions that we have, that's how they're appointed. I don't think that we should allow an entire commission appointed by outside groups. I don't think we have anything but maybe the HIV planning council that is done that way. Every other commission and board that we have is appointed by either us individually and then that plus, but there's no majority of that commission that's appointed from an outside group. Or we have task forces that are appointed by the mayor, but it's all selected by people elected by the city of Austin. So if we were going to have this longer conversation I'm happy to have it. I even have more motions I can hand out. Because this is the resolution and not the ordinance, I didn't feel like we needed to dive into that level of detail today. And I'm happy to just move forward and have this longer conversation when the ordinance language comes out. I'm happy to do that too. I'm getting the sense that that's where we're ending up. >> Pool: I'm not supportive the changing the language for many of the reasons that the mayor pro tem laid forth, and I would just urge that we let this pass and we can see what the ordinance looks like coming back. I think our staff have picked up very clearly what the interests are from the various folks on the dais. >> Casar: Mayor, I think I'm going to support Mr. Flannigan's and because this seems lightning it isn't baked enough across the dais and I would just rather

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figure that stuff out when the ordinance comes back. >> Tovo: So mayor, if I may, we're asking the city manager to go forward and create an amendment relating to the formation of an advisory board relating to the composition, function, duties and conduct without describing any of our expectations for what think of those things might be. I mean, I would guess I would just urge my colleagues if you have concerns about what's been laid out maybe just don't support it at this point and we'll keep working on it. But I think asking the staff to draft an ordinance that is without giving them any direction for how to do it is not productive action. >> Mayor Adler: This one is hard for me. It's hard for me because I read the first resolved clause that this amendment would strike asking the city manager directed to work with local higher education student government people, and like that language. And I think that language is constructive and good and would not likely get struck. The issue with respect to membership, if -- my general bent is to not be prescriptive in these and to set this up and people lay out ideas and they not be prescriptive. I think I've consistently voted that way. So I would like for the process to be able to daylight alternatives, if over the course of the process an alternative gets daylighted, if that is a more appropriate way to go. But even when we've contained motions that have said not be prescriptive, we have also said that we want you to come back with certain things that one or more of us believe is the right way to go. So instructing the staff to

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come back with something that says that should be three people, and some portion of that should be student government and then some portion of that would be administrators, is also a good option to come back with. So I wouldn't want to take this out. Rather than supporting Mr. Flannigan's amendment as a replacement for these, if it came back -- if the amendment was defeated as a replacement and came back as an addition which allowed for different ideas, also to be daylighted, I would support that as well because it would make it not prescriptive, but it would still give at least minimal direction for staff to be able to come back. Mr. Flannigan? >> Flannigan: I think the debate we had, I would feel comfortable that staff gets the message. I'm willing to pull down my amendment so that we can move forward. I'll vote no, but I support the commission as a whole and I feel like it will pass anyway. And I feel comfortable that staff knows that there's going to be some work ahead on the financial ordinance language. >> Mayor Adler: Okay. If there are suggestions that are -- so he would like to withdraw his motion, it belongs to the dais. Is there any objection to Mr. Flannigan's amendment being withdrawn? Hearing none, it's withdrawn. I would hope that if there are alternative ideas that those ideas get surfaced as part of the process of forming this ordinance so that they get to be considered or baked or discussed by whoever it is that's doing that because undoubtedly it sounds like it's going to be discussed on this dais when the ordinance comes back to us, so as much of that that we can make part of the conversation when it comes back to us, I think we're better off. Mayor pro tem? >> Tovo: And I appreciate

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that we usually do geographic representation for our commissions, but I do think this is a unique commission and that the representation really should be among the universities and I have students who attend -- I have constituents who attend UT or live in your district or live in councilmember Houston's. It's just less about I think if they're there representing their university and their experience here in Austin while their geography within Austin is relevant, it's really their affiliation with the university and their experience on those campuses that I think they bring to bear. All of that experience informs their opinion, but I think that is the kind of diversity that I was seeking. So that clearly is a conversation that we may need to have again when it comes back, but to me this does seem an opportunity to do a different kind of appointment system and not have it be the councilmembers determining who sits on the student commission. >> Mayor Adler: Ms. Houston. >> Houston: Thank you. Mayor, is it appropriate for me to ask Ms. Eugene to come up and talk about how that happened, how many years did the student commission immediate? >> Katy Eugene, hid. We met every month, and we had -- it was a large composition of students. It was the max, five from each university, but when you

talk about consistency and student schedules and what's going on with them in their world, we typically had maybe two or three from each of the universities. And we broke off into groups, and we had discussions within each of the groups to keep everyone engaged. Then towards the meeting, we had report-outs. And as we worked towards the

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five areas we were asked to work towards, each group selected the area they wanted to work on, and then they worked on recommendations from that particular area. But we had with the students and the students were engaged. I know there was concern about the size, but it worked out well. >>

Houston: Then I think the other question that I had is, did you think there was a diversity of thought in the representation that you had when there were five per institution? >> Yes. It gave an opportunity for students who wouldn't have northeastern direction had an opportunity to serve. We had a visual diverse group, as well as the non-visual diversity that was represented in the groups. We also had, that was not shared, or wasn't in writing, each university sent a staff person to come to participate as well. They participated in some of the conversations. They provided support for those students. Some of the students didn't have transportation. They brought the students here. So it was -- I feel like it was a very good opportunity for the students to come together and create recommendations to be presented to council. >> Thank you. >> Mayor Adler: Ms. Kitchen. >> Kitchen: I wanted to suggest some language that I think captures what we're talking about. So on that be it resolved that starts, the city manager is directed to request, if we can just change the words, the city manager is directed to request, strike those and replace it with, the city manager is directed to consider approaches to composition of the commission, including requesting, and then you keep the rest in. The reason I wanted to suggest that is, I know that we're giving council some direction, but I'm uncomfortable voting for something that is so

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prescriptive and, you know, if folks don't want to make the change, that's fine, but I'm going to have to vote against it. So that's why I'm suggesting that we just change that first clause to say the city manager is directed to consider approaches to composition of the commission, comma, including requesting that administrators, then it goes on from there. So I make that -- I guess I make that as a motion -- an amendment. >> Mayor Adler: Okay. Ms. Kitchen makes that amendment. Is there a second? Mr. Casar seconds that amendment. Mayor pro tem. >> Tovo: I guess I just have to voice a significant concern. If we end up with an ordinance that allows -- allows for all of the recommendations to come from one student organization, if we want the -- if we want the student appointees to come as nominations from student organizations, then I think we need to name several student organizations that are going to

come up with those nominations. But we're really aiming to get -- you know, again, the intent is really to try to get students who aren't necessarily linked with a formal organization, who don't necessarily belong to an organization that already has a voice in the process. We really are trying to achieve that kind of breadth of experience. And it seemed like a fair and equitable process on campus run by the Dean of students, would be one way to achieve that. So -- >> Kitchen: And I agree. >> Tovo: But I guess I'm not seeing enough distinction between what you're suggesting and what's here to understand what your intent here is. >> Kitchen: Okay. Can I respond to that? >> Mayor Adler: Okay. >> Tovo: Absent that language, why you wouldn't support the motion, is odd to me. >> Kitchen: Okay. The reason is that absent that language, the resolution on its face says that the city manager is directed to request administrators to identify two student representatives. So the language clearly says the way in which the city manager is directed to proceed, and I don't

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think -- I'm uncomfortable with just giving some verbal direction outside and contrary to the language that's absolutely here. So that's why I think that -- all I'm trying to do is make it clear from the language that the city manager can come back with other approaches. That's all. I'm not trying to say what they are or anything like that. >> Mayor Adler: And my sense as I sit here is, again, if not from not being (tive, I want them to come back with different alternatives, but I agree with the mayor pro tem this commission shouldn't be one that's decided on a district basis, just because it doesn't seem to me to be the right way to have that happen. But I don't mind laying this out and then having a process that can come and take a look at other things, or I wouldn't deny anyone the opportunity to look at that thing. Mr. Casar. >> Casar: And as it sits, my concern still remains, I don't think that a specific organization doing it necessarily is best, administrators doing it necessarily is best but I want to call Ms. Guzman down if you could, just to see -- I don't think folks are saying they just want their -- any one particular organization choosing folks. >> Mayor Adler: Ms. Pool. >> Pool: And, mayor, while Ms. Guzman comes down, I also wanted to just make a point that it's not only the university of Texas that we are interested in having be on this body, and while UT is here today, I don't see houston-tillotson and I don't see concordia and I don't see St. Eds but I think the mayor pro tem has probably had conversations with him and our staff had. So while we may be getting

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interpret from the biggest campus on our city, it's not the only one. >> Casar: Mr. Guzman, thanks for coming down today. You can say no but I wanted to ask to see clearly -- I think there's five universities listed here. You've got a big student body, but you have a very -- you're a very significant voice there on



campus, and so I just wanted to know whether you all, as this gets processed, could work to try to come up with creative solutions that we might be struggling figuring out just here on the dais on channel 6, if you all could commit to working not just within UT student government and not just within the UT student body, but amongst those campuses to try to come up with creative ideas that we may not have right now. >> Yeah, of course. Like I mentioned before, you know, we're very collaborative, you know, exec board and team, administration, I guess. Our main concern is just to involve -- involve everyone as much as possible, be inclusive. So I can definitely commit to that, being able to help all of you out, and as the process goes on. We do acknowledge we are a big campus, 51,000 students. But again, you know, we're not all of the student voice in Austin, so we would love to collaborate and work together in order to provide different ideas to help all of you out. >> Casar: Okay. I appreciate that, and just for me to be able to support it I would love to have creative ideas, thinking of my own, not so long ago, experience, maybe not being appointed by an administrator, maybe my sophomore year the student government didn't like me, but maybe junior year they would have. How do we make sure we don't make it so institutionally strict that students can't get in, and understanding that the district by district system is also maybe not -- a bit of an awkward fit for this. So if y'all can work on this,

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regardless what happens today would be helpful. >> Of course. >> Casar: Thank you. >> Always. Thank you. >> Mayor Adler: Yes. Ms. Troxclair. >> Troxclair: Mayor pro tem tovo, I think I missed, towards the beginning of this conversation, you said -- did you say that the commission on commissions recommended that this be continued? Or what was it that you said about a report? >> Tovo: No, I said it was created as -- it was created with a limited time frame, and it was called at that time the student quality of life commission. And they returned some recommendations to us and one of the early recommendations in their memo is to create a standing commission. So it was the group, but -- >> Troxclair: So it was the group that recommended that the group continue. >> Tovo: Exactly. >> Troxclair: Okay. >> Tovo: And as I said, I was approached by some students who served on it asking if I would consider bringing forward a resolution to introduce that commission. And, again, there are some differences. It met more regularly. In talking with one of my colleagues on this dais, as I was looking for sponsors, that person expressed some concerns about the fact that we do have a lot of commissions. There's been an interest in recent years expressed to reduce the number of commissions. There's been a concern expressed about the amount of staff time that's used to support it. So, you know, one of the reasons it talks about the minimum of two per year, it was in response to that concern I heard about the number of commissions we have, the amount of staff time that's required, and, you know, again, I think -- I think it'll be a balance between what the students who serve on the commission, if we do create it, want to do in terms of their time commitment, balanced with what we can afford to do with our existing resources, annoying that is in not going to be a year where we can afford to add to our resources to support a new commission. >> Troxclair: Thanks for clarifying that. And you touched on what we're --

what are my concerns about this. I just -- you know, we have so many commissions, and honestly, a lot of my commissioners have

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resigned or come to me and said that this is not -- this is just not a good use of my time. They're smart, dedicated people who want to make a difference, and they're finding that the city's board and commission system is not the best way for them to have an impact in city government. So I -- I guess not being familiar with how this commission was run before, what the impact was, I don't want -- I mean, we have some really smart, talented students sitting in the audience, and I know that they're -- they give already a lot of time and energy to student body governments or whatever else -- whatever else they're involved in, but if this isn't going to be a good, productive use of their time, I just -- I don't want us to just be creating commissions for the point of creating commissions because it feels good to appoint people to stuff. So I just don't know -- I don't -- I don't know that this is the best way for students to get involved in city decisions. >> Tovo: Mayor? If I could, I would just say, I think some of our commissions meet quarterly, and I think sometimes meeting more often does not mean that group is going to be more effective. And so, you know, this was, again, an attempt to balance between the fact that students are, you know, extremely busy with their work and -- both their work on campus and sometimes off campus, academic and otherwise, and other responsibilities. We also, you know, are -- I mean, when we say student, not -- we are hoping that the board will also have representation from non-traditional students who might have family commitments, child care commitments and other -- other responsibilities, so my hope is that they will, again, among themselves, come to a reasonable schedule, but that they won't be meeting -- meeting monthly or meeting quarterly if they're -- if that is not an effective -- if there's not reason to meet that is keeping them effective. But often enough that we get some feedback that's useful in our decision-making. >> Mayor Adler: Okay. I'm going to support that the administration be involved in

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some way, to prioritize students without voices, and against district representation, but also to support it not being prescriptive, so I would support Ms. Kitchen's amendment. >> Kitchen: Yes. And just to make it clear, I'm not supporting appointments by district. So just to make that clear. I'm just putting language in here that makes it clear that the city manager can consider other options. >> Mayor Adler: Okay. Any further discussion on the kitchen amendment? Ms. Garza? >> Garza: I've often voiced that I am not a fan of concerns with our resolutions being too prescriptive because I believe that that is our job as policy makers, to prescribe to staff what we want with regards to policy. So I feel that this puts staff in a

strange position to say, do this, but think of other things, because nothing in this resolution, without the amendment, precludes our staff from making a recommendation if they -- if they somehow heard from - if a student group reaches out to our staff and says, hey, maybe this is a better idea, I don't -- I'm not aware of anything that precludes them from saying, okay, this is what you told us to do, and also, here are some concerns that -- am I correct in that, that nothing precludes our staff from providing some additional input? >> When we get a resolution, we follow what the council has said from the dais. If you say go out and think of other solutions that provides that guidance, but otherwise, we try to stick with what language you all have done from -- in your resolution and from the dais. >> Garza: And I guess I often feel that that puts our staff in a really strange position, because go out -- do they go out and meet with every single council office? Is that a good use of our staff's time for every resolution we pass when we say, or whatever else you think is good? Does that direct them to have to sit down with every council office? And then what position are they in when one council office

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disagrees with the other council office? You know, so I am supportive of the resolution as is, and I am fine with the resolutions that we pass being prescriptive because I believe that's what we're supposed to do. >> Mayor Adler: It's been moved and seconded. Any further discussion? Would you read it again, please? >> Kitchen: Okay. Let's see, I pulled it up here. I'm replacing -- >> Mayor Adler: This is the second be it resolved clause? >> Kitchen: Yes. This is the second be it resolved clause. I am replacing the words, the city manager is directed to request, so you would strike those out, and then you would replace it with, the city manager is directed to consider approaches to composition of the commission, comma, including requesting that administrators, and then it goes on from there, and keeps the rest of it the same. So that's the only change. >> Mayor Adler: Okay. We've heard the motion. It's been seconded. Let's take a vote. Those in favor of the amendment -- >> Garza: Can I ask a question first? I'm open to this if the sponsor of this resolution is okay with that language, I would be okay with it, but I'd like to know where -- >> Tovo: I guess if I had my druthers, I would probably pause and try to draft some language along the lines what I have described, which described a balance of administration and student representatives selecting their representatives. But, you know, absent the time and the space to do that right now -- >> Mayor Adler: My understanding is that what you proposed is still the base motion.

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So the language that you proposed earlier where you said three, but two and one -- >> Tovo: But the two and one is not laid out in this current draft. I think that was the concern. >> Mayor Adler: My understanding -- >> Kitchen: Two and one is not in what she said. >> Mayor Adler: It was -- >> Kitchen:

I'm sorry. I think that that was verbal direction on your part; right? >> Tovo: Yes, it was. We had a back and forth about whether verbal direction counts, and we were told it does, but I think the interest was in having something in the resolution that -- that -- >> Mayor Adler: Okay. So what I thought was -- >> Tovo: -- Modified the language that's here. >> Mayor Adler: My understanding was that when you made the motion, you made the motion and included in the motion that you made was the change to this section that said three people, two that would be appointed this way, and one that would be appointed differently as the staff might be able to -- to propose, that then is the base motion. My understanding is, is that your change was just changing the first word so that the including, but not limited to, things that they would bring back would be what it was that the mayor pro tem had proposed. >> Kitchen: Well, that's fine with me. I had not understood that the mayor pro tem's amendment actually put the language in there, so -- >> Mayor Adler: That was how I received the motion. And when I was asked about that about 15 minutes ago, that's what I repeated. >> Kitchen: I understand that, but that's not what the mayor pro tem said. So I'm fine, whichever way you want to do that part of it. I don't have an opinion on that. >> Mayor Adler: Okay. The base motion is the mayor pro tem says she made it, that included three people, two people appointed as was said here, an additional person that could be appointed an alternative way by staff. Your change to that is to just change the first several words. >> Kitchen: Right. >> Mayor Adler: Mayor pro tem. >> Tovo: And so that there's no confusion, the language would then say -- well, I don't -- I

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don't know how to integrate it with what councilmember kitchen has proposed, but the language would say, is directed to request administrators at area colleges and universities identify two student representatives and the student government on each campus identify one. How about that? >> Mayor Adler: That's fine. >> Tovo: And I would just say again from the dais as direction that if staff -- staff in conversations with student representatives and others have options or recommendations that differ from this, please bring those back as well, or send them in a memo prior to returning the ordinance. >> Mayor Adler: Okay. >> Tovo: And we can consider veering course if we need to. >> Mayor Adler: Is there any objection to including the kitchen amendment and the language that the mayor pro tem just made? Hearing none, those languages are both incorporated into this paragraph. We're now back to the main motion as amended and changed. Is there any further discussion? Ms. Houston? >> Houston: I just have one -- I'm comfortable with staff going out and having this conversation, although I appreciate the young lady from UT's willingness to go and talk to all of those, I don't think that's her role. I think it's the staff's role to do that. So I would not support it if that was still on the table. >> Mayor Adler: Okay. Any further discussion? The motion please raise your hand. Those opposed? It's unanimously on the dais. Thank you very much for participating. All right. I think that gets us to item number 22. >> Mayor and council, Greg

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Guernsey, planning and zoning. Case c14-2016-0071, at 1301 west containying lane. The ordinance has been prepared and is ready for approval, as well as the covenant. There was some questions that came up, I think, in our earlier discussion and addressed at first reading. There is a question from council. If there; we could actually take this on approval of second and third reading of the action taken at first reading. >> Mayor Adler: Yes. Ms. Pool? >> Pool: I'd be happy, since this is -- this project, my staff and I, and the neighborhood and the applicant have worked really hard on, so I'd be happy to make the motion to approve on second and third reading. >> Mayor Adler: Okay. Ms. Pool moves the motion, item number 22 on second and third reading. Is there a second to that motion? Ms. Kitchen seconds that motion. Ms. Pool, do you want to debate it? >> Pool: I just wanted to thank everybody for all the additional efforts. There were some restrictive covenants that were worked out very carefully and everyone worked really hard, and I wanted to thank Mr. Hartman, he's out there in the audience, for working so carefully with folks at brentwood neighborhood. >> Thank you,. >> Mayor Adler: Okay. There are no speakers so we're discussing this on the days. Councilmember alter? >> Alter: I just wanted to flag something that I noticed in reading the tia, has nothing to do with passing this or not, and I would welcome some staff follow-up. It appears like there's an extremely large traffic issue related to sunshine drive and Koenig, which is right out of high school, and I would appreciate if someone might be able to follow up with me to discuss what's happening with that intersection, in the future. I don't think it's due to this proposed development, but it is

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of concern to me, and I would welcome that follow-up. >> Mayor Adler: Okay. It's been moved and seconded on second and third reading. Any further discussion? Those in favor, please raise your hand. Those opposed? It's unanimous on the dais. We're going to break now for executive session. We can come back here close to 4th, as we can, because we told people we would pick up 25 then. So we're going to go into closed session to take up four items. Pursuant to 551.074 of the government code, we're going to take up personnel matters, 15, city clerk, 16 city auditor, 17, municipal court clerk, then we're also going to, pursuant to 551.071, take up item 14, which is open government matters. If there's no objection, we will now go into executive session. It is 3:22. [Executive session]

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>> Mayor Adler: All right. We have a forum. We are now out of executive session. In executive session, we discussed personnel matters related to 15, 16, and 17 and legal issues related to item 14. It is 5:06 P.M. We have one item left on our agenda, which is item number 25, which is something that the staff has asked us to postpone for one week? Is that right? Postpone for a week? Or postpone for when? >> Mayor, the parties -- if the item could be taken up early next week, because some have to leave in the middle of the afternoon, they would ask for one week. >> Mayor Adler: We can do that. >> If it's taken up, as I said, as a 10 o'clock item and brought up early in the day. And the parties, I think, are all agreeable to that, understanding, you know, that is up to the council when you actually bring it out. If it went to the mid-afternoon, then all the parties would be here -- >> Mayor Adler: What time are we trying to have it done by? >> I think they're trying to have it done by -- >> 3 o'clock. >> 3 o'clock. >> Mayor Adler: 3 o'clock. All right. Let's set it for next week and see if we can have it done by 3 o'clock. >> Tovo: Mayor, it was my understanding there might be someone from out of town here today. >> Mayor Adler: Oh, I'm still going to call testimony on it. >> Tovo: Oh, I'm sorry. >> Mayor Adler: So, my understanding then is that we'll entertain a motion to postpone this till next week, early enough to be done by 3 o'clock. There are some people that are signed up to speak here on this item now, and we're going to open it up and take testimony, but not close testimony on this item. >> And we'll post that for a 10 o'clock agenda. >> Mayor Adler: Post it for 10 o'clock. That's right. Item number 25, let's call the speakers who are here to testify

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to it. But we're postponing this for a week. So the goal is not to get into the merits now. We're hold the merits for next week, with the exception being of the person who is with us this week that will not be with us next week, so we really are trying to give you a chance to speak. But anyone else who wants to speak this week and not next week can certainly do that, but it's not opportunity to speak both times. Okay? So Ms. Reese. >> Mayor Adler and councilmembers, my name is Olivia Ruiz. I'm the appellate in this matter. Thank you very much for taking my request. Thank you very much for taking my request that we take our out of state visitor here today. He's going to be the only one testifying on behalf of us. The rest of us will be doing it next week. >> Mayor Adler: Okay. Great. Thank you. >> Thank you. >> Mayor Adler: Sir. >> Thank you, Mr. Mayor and councilmembers, I really do appreciate your accommodation of my schedule. So I have prepared -- >> Mayor Adler: Why don't you introduce yourself, please. >> I'm sorry? >> Mayor Adler: Introduce yourself. >> I reside in Raleigh, north Carolina, I'm the owner and consulting principal for [indiscernible] At north Carolina. >> Mayor Adler: Okay. I have time being given you by Teresa bencarty, Mary Sanchez, and catarita, you'll be doing

your time this week instead of next week so you can speak today for 12 minutes. >> Thank you. In this case, a request for demolition was made and a permit was issued by the historic

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landmark commission. Our feeling is that that position was contrary to applicable law and regulations on two bases, procedural due process and substantive due process. I'm here to speak on the substantive side. Ms. Ruiz is an attorney and she was going to speak on the procedural. So in a perfect world, we would give you the procedural first and then we would talk about the substantive because the substantive flows out of procedural. So I hope that you'll be able to kind of understand that some of the groundwork isn't here for my presentation. In the staff report, as far as substantive issues, one of the things that I want to -- that I do in my training for preservation commissions is talk about the importance of procedures and how they -- if you have good procedures, good decisions naturally flow out of that because of the process. So with the staff report, as we reviewed that, we really found that it gave insufficient information to the landmark commission to make a decision on. The code requires citations to five specific designation criteria and there was no reference to those in the report. It talks about a brief mention that the building is in the 1984 citywide survey, but it doesn't talk about any of the broader information that is in that survey about these kinds of buildings. And there is no development of context statements. It's kind of best practice when you're evaluating a landmark that you figure out where does it fit in the story of the community, and what is the context within which you consider that property. So that really leads to a sense that there was insufficient research, that we didn't use the comprehensive survey to

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develop context for architecture for historical associations and for community value, which are three of the five criteria that are in the code. And interestingly enough, when this case happened, the east Austin report had not been finalized and completed yet. You now have a citywide context that tells the story of the city's development as a result of that project. So there's more information now than there was back in the middle of the summer. And also, the builder of the property, Larry bishon and his wife, there have been some additional research done, and there may be a sense that there -- they may have had broader real estate development interests in the neighborhood than just this property. So there's another question, what is the extent of their activity and development? There was a mention about the question of whether the stucco was original or not, and in that case, there is map evidence that says in one, it doesn't say what the exterior is, and then in 1961, it says it's got stucco on it, and we see today that it does, in fact, have stucco. Well, that can be resolved pretty easily with a site inspection. You can go to

the building and find south out, is that the original siding, has it been stuck over something else? Finally, a very important issue is integrity. So we can have all the historical wonderfulness we can possibly imagine to a property but if it's been remodeled, altered, or changed, that it no longer conveys those associations that it came to be known for its history, then it really doesn't do us any good and that disqualifies it for any kind of designation. So we didn't really fully assess that. We kind of said in the report, they were nice buildings and we liked them, but they were very simple and didn't feel they qualified for landmark designation. So Ms. Ruiz has kind of been

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doing a little bit of additional work. I have looked over some of the materials, and we really feel that three of the five criteria apply to this, architectural historical associations and community values. So the code says for architecture that the body has distinguishing characters of the style and unique example of the structure. That's language of the code. They mobilized their volunteers understand a neighbors and went and drove all of the streets that were in Austin in 1935. This building was built around 1930, so they went and looked at what was in the city that still stands today from that period of time. And what they found, quite frankly and surprisingly, is the Spanish eclectic style is rather rare in Austin, and you would think in the southwest you would have a whole lot of that. It's actually a pretty fine vernacular of the style. I would say that in the expiration of your diverse populations, your roster of historic landmarks is aligned a lot with the big house on the hill with columns and the very high style architecture, but much less representative to the diverse populations that have also worked to help build the city that you have today. So it's really a pretty fine, simple vernacular building of the style. And finally, the integrity question that we really think that they do, in fact, have enough integrity to convey those historic associations. So this property at 102 laurel lane is, in fact, a designated historic landmark. And it's in this style, it's pretty simple. The clean lines, the tile roof, the arches, the materials, the formulation of it, so there's the kind of mediterranean, Spanish architectural influence.

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And that's your historic landmark and it's circled up there, you know, kind of north of the area that we are. If you look back at this map, that oval is where these two properties are located. 116 laurel lane, just down the street, well, that's one that has had some alterations made to it, and I would say that its integrity has been compromised, and no longer do you get a sense of the small vernacular structure that was there. 701 sparks avenue, hears another example, but out of the 23 properties that the volunteers identified, only five or so have these vernacular -- it's a vernacular expression of it. This is across the street from the subject properties. The top photograph is how it was before they began a project to



make alterations to it. So even in this area, we are seeing that the number of these buildings that are available to us to tell the story of this architectural style are gone. Let's talk a little bit about historical associations, significant association with institutions which contributed significantly to the city. Well, the university of Texas is pretty big here. Had a lot of roles to play. Without it, I would dare say that probably your tech boom wouldn't be happening right now. So the question of how did this neighborhood, which developed to the west of the university, was really built to house professors and students, that was the development energy that brought this neighborhood into being, and then the question of the Shaw family real estate interest. What role did they play in developing this -- in the city? Was it a larger role in this neighborhood, broader across? We don't really know just yet. That research hasn't been done. And then, finally, community value. Unique location, physical characteristic, contributes to the character image of a neighborhood. And these are two uniquely

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located, side-by-side vernacular Spanish eclectic, stucco, complex residences -- boy, that's a mouthful -- with distinctive entry courts and a fabulous courtyard between the two of them that uniquely tell the story of neighborhood growth as the university of Texas grew. So what we are really asking is actually a very simple thing. We haven't been able to talk to you about procedural elements that we also believe kind of led to not a full record for the historic landmark commission to consider, but that we really would like the opportunity to explore these questions to give the property owners, as well as the neighbors that have an interest, an opportunity to speak to the issue, for the landmark commission to have a chance to review the full record on these buildings, so that we can just find out if, in fact, these are landmark eligible. So I thank you very much for giving me time to speak today. There's been a little bit of chaos. It took me two cancelled flights to get here. I was going to leave Tuesday night, and that one, they couldn't find another plane. And I got on the next one the next morning, and from Houston to here, that plane -- we had forced marks through the terminal and we got on another one. I got here just in the Nick of time to see you all. Thank you very much. I appreciate it. >> Mayor Adler: Thank you. >> I welcome any questions you might have. >> Mayor Adler: Does anybody have any questions? Yes. Ms. Pool? >> Pool: Thanks, Mr. -- thank you. Could you just talk a little bit -- you mentioned that these are duplex homes. Is that right? >> They were built as duplexes. They have since had had additions in the back. When you see the image of the courtyard, you can see the two-story additions that are to the rear. But when you view them from the street, you're barely aware they're there. Now, I know they're overgrown with trees and shrubs, but nonetheless, in

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my judgment, when you look at those, they really are -- they're not so obtrusive that they detract from -  
- >> Pool: Well, and I guess the point that was interesting to me was the era this was built and the fact that it was a two had of family home, and that it was connected to another two-family home by the courtyard, so this was an early example of multifamily housing in the city of Austin. >> It certainly is. >> Pool: Thanks. >> One of the things that I didn't mention was -- and I think you have examples up there, in Raleigh, our commission has a budget for research. And a community there, the method community was a reconstruction area -- era, African American community, that had then been swallowed up by Raleigh's grows and suburbanization. So there are two periods of development there. There were still some multigenerational landowners in that community, and they still had a lot of interest in recognizing its value. They came to the commission, and the commission commissioned a context study. Okay? So let's find out the story here. And in that context story, they said these are the registration requirements. If you can find buildings that meet these criteria, they would be worthy of looking at as a landmark. And then you see the designation report, for a very simple bungalow that came out of that that met those registration requirements. So really, you have to have the context before you can make a really sound evaluation for a property. >> Mayor Adler: Anything else? Thank you very much. >> Thank you. >> Mayor Adler: Is there a motion to postpone this matter till next week? As was said, in the 10 o'clock call. Mayor pro tem moves. Seconded by Ms. Pool. We have one more speaker who had signed up.

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This would be Ketter Joseph. Do you want to speak this week or next week? >> Postpone till next week. >> Mayor Adler: Postpone till next week. Sounds good. It's been moved and seconded to postpone till next week. Those in favor, raise your hand? Opposed? That's all the items we have. 5:22, we're going to stand adjourned.