

City Council Regular Meeting Transcript – 06/08/2017

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 6/8/2017 6:00:00 AM

Original Air Date: 6/8/2017

Transcript Generated by SnapStream

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[10:12:56 AM]

>> Mayor Adler: All right.

>> Mayor Adler: All right. Today is June 8th. We're going to go ahead and begin with -- before we start the meeting we have an invocation here with rabbi Mendy levertov of chabad Austin if everyone would please stand.

>> Oh mighty god. Look favorably upon the mayor and honorable members of the city council of our great city of Austin, and bestow upon them the joy of life and good health, of peace and prosperity. Bless these distinguished individuals that have been chosen to make laws and decisions for the citizens of our city with wisdom and understanding in their noble pursuit of justice and equality. Just last week was the jewish festival, the jewish community celebrated the anniversary of the great divine revelation at mount sinai 3,329 years ago. During that climatic event, foundational for all three abrahamic religions, god recorded the 10 commandments. These contained lofty and theological messages from the word of god, as well as prohibition against murder and theft. They are included in one log because they must inform one another. That faith in the all mighty is truly genuine only when it is evident in our everyday behavior and it is the constant awareness of the divine and supreme being that can truly motivate a life of morality and purpose.

[10:15:08 AM]

Give this honorable council guidance so that they will always be conscious of your presence and will strive to enact laws with honesty and integrity in accordance with your will. May our city serve as a beacon of light for people of all faiths and all walks of life. May Austin help achieve the goals so powerly stated in our pledge of allegiance so that we truly be one nation, under god, indivisible, with liberty and justice for all. And let us say amen.

>> Mayor Adler: Thank you. All right, council, let's look -- I'm going to go ahead and call this meeting to order. Today is Thursday, June 8th, 2017. It is 10:14. We're in the city council chambers here at 301 west second street. Let's take a look at the consent agenda and the changes and corrections. Items number 10 and number 36 are going to be postponed until June 15th. Item number 14 should be an amount not to exceed \$1,120,083.07. Item number 28 is a contract with Hensel Phelps construction company. Item number 58, there's going to be at its 4:00 time certain there's going to be a request to postpone this item to June 15th. And item number 59 at 4:00 P.M. It's time no earlier than 4:00 P.M., this item is going to be withdrawn. When that gets called.

[10:17:08 AM]

We have late backup in items 8, 13, 14, 15, 32, 34, 44, 47, 48, 60 and 61. And then we have some items that have been pulled. We have item number 4 being pulled by alter. We have item number 7 pulled by councilmember troxclair. We have item number 11 pulled by pool. Item 15 is pulled by Flannigan and Casar. Item 16 is pulled by Casar. I'm sorry, 15 is pulled by Flannigan and Casar. 16 is pulled by Casar. And item number 32 is pulled by Renteria. So the items that I have pulled are 4, 7, 11, 15, 16 and 32. Is that right? I'm going to ask for speakers on the consent agenda. Is Jose ojeida here? Okay. Then I call first then Gus Pena? And there's a buzzing up here. Mr. Pena, I have you marked on 5, 8, 23, 31 and 36, which 36 has been postponed.

[10:19:09 AM]

>> Okay. Good morning, mayor, councilmembers, Gus Pena. And y'all are really pushing it. Today is my birthday. I didn't want to be here, but my wife said go do your dual diligence so here I am. Anyway, item number 5 is having to do with the montopolis recreation and community center solicitation of construction. And the reason I came over here before y'all to speak is because it's about time that this was addressed. We brought it up to a prior councils also because they are -- the rec center, community center were deteriorating. So we're very thankful for that and hopefully it goes forward as a resolution. And item number 8 is the item from economic development aerospace, this is a program and we support anything that has to do with positive issues for the community, and this is one that we are supportive. Number 23 is the funding for mexicarte museum and creative action. And this organization I've known the director for many years and it's outstanding program to provide intervention programs also for the kids. Item number 31 is having to do with the kazi radio. If anyone doesn't know about them, they telecast this through their radio, 88.7. They have done a lot of good for community to educate the community, so I think this is a worthwhile expenditure and the community is all for it. And as far as the number 11 and election, I'll wait for that when -- for number 11 and 36 I'll wait for the

council and speakers. I want to say this, mayor. We need to do a better job of helping out community. All of these fundings are good and proper and appropriate, but some of the community has been left out. There have been some programs that are worthwhile also and they don't know how to approach the city council or the -- whatever department it is at the city of Austin.

[10:21:19 AM]

So maybe they could post something on the channel six and tell them and educate them where to go for funding. Anyway, I'll wait for the other items to come up for it. And thank you for allowing me to speak.

>> Mayor Adler: Thank you. We also have a speaker to speak on item number 24, which is on the consent agenda for approval. Rebecca Lightsey, do you still want to speak?

>> Thank you, mayor and council. I'm Rebecca Lightsey, executive director of American gateways. You are probably familiar with American gateways. We are one of the prominent legal providers for the immigrant community and been in Austin for about 30 years. I wanted to thank you for applying for the Vera grant, safe cities grant, and ask you to make one change to that. But before I do, this is a great opportunity for me to thank you all in person for filing the lawsuit on behalf of sb 4. For all of those that we serve, we know that your stance will help them feel much safer living here in Austin. So thank you for that. The safe cities grant is through the -- that is up for submitting an rfp proposal is through the Vera student and we at American gateways have been working with Vera for many years and we want to let you know they're an outstanding partner. They provide great training and support to their partners. They did let us know that they think that the city's proposal would be greatly strengthened if it was put out for an rfp instead of having it go through the existing contract with catholic charities. And that's because catholic charities, they're a great partner. My friend Justin and I work together a lot, but they don't do deportation defense work, which is what this contract is in large part to do. So we ask that you just modify this item and instead of having it be modifying the existing contract with catholic charities, that you open it up for an rfp.

[10:23:30 AM]

So I'm happy to answer any questions. That's my request to the council. Thank you.

>> Casar: Can I ask the health department? My understanding is they are the ones in charge of whether or not this item would -- would meet the request of [inaudible]? We're going to clarify whether or not we actually have to change anything in order to be as competitive as possible with the grant.

>> Good morning. Stephanie Hayden, interim director, Austin public health. So what is your question, sir?

>> Casar: So the question that was brought up by Ms. Lightsey was she had concerns that if we don't do an rfp process for deportation defense work that we might be less competitive for this grant. Looking at the item it just is asking for us to be able to approve of submission. So I guess my question to you is that if we ultimately you're correct. What we are asking is consent of the full council and mayor to put the application in. We had a conversation with catholic charities prior to us putting the rca, my staff did, and they spoke with me about it, and ultimately we were going to, as we listed in the rca, we were going to work with catholic charities on this work. They talk to us about their ability to hire an attorney to do the deportation work.

[10:25:33 AM]

We do have the flexibility to just do a solicitation, and that typically takes on the four to six months before we're going to be able to get a contract on the streets. So we were going to just work quickly and work with catholic charities to be able to get those services out to the community. But we do have the flexibility to do a solicitation. We would need to put that in the rfp that is due tomorrow.

>> Casar: In the application you mean?

>> The application, yes.

>> Casar: So no matter what, we need to vote to let you put in an application.

>> Yes.

>> Casar: And our vote doesn't determine whether you do an rfp or whether you directly contract it, but for the application you need to put which one you're doing.

>> Yes.

>> Casar: Okay.

>> So your permission -- you give us permission to submit the application. That's what we're requesting.

>> Casar: Okay. My gut on this is that -- I'm happy to hear from my colleagues. I didn't know that this was going to be an issue that needed to be decided so quickly today. So my request might be to pull it off consent so maybe some conversations can be we need to vote for this today so you can submit an application by tomorrow for this, but I wasn't aware until now that this is something that we needed to decide and figure out today.

>> Mayor Adler: And what we're approving now would allow the flexibility to go either way and we could even have conversations outside of the council meeting with staff on that issue today, tonight, tomorrow morning, if that was a conversation that we didn't think was necessary on the dais.

>> Casar: I agree.

>> Mayor Adler: And we could just approve it. Councilmember pool?

>> Pool: Well, I want to get to that point to make sure that that is in fact what's happening.

[10:27:37 AM]

I'm looking at the rca document and that's not my understanding of how this is written. It says the funding in the public health department has been encumbered for the city's grant agreement with catholic charities of central Texas and would serve as the match of public funding required for this grant. So are you planning to use catholic charities' match to then pay another entity? Be it American gateways? Or was that money going to go to catholic charities for them then to subcontract?

>> Currently the process that we were going to take, and that was the other rationale of why we were going with catholic charities, is that if the grant does require a match --

>> And you already have the funds.

>> We could use the current funding that we already have for catholic charities for that match. If we do a solicitation, then we have to look for other funds to be the match in the application.

>> Pool: Does catholic charities do depore ittation work?

>> -- Deportation work?

>> What they have informed our staff is that they are going to hire an attorney to do that deportation work. Ultimately, you know, if we're in a contract with catholic charities, they can and they have in the past with the previous funding, they did provide some of that funding to American gateway, and they have that option as a contractor to do another pass through to American gateway. So they can contract these grant funds if they were provided to the city as a pass-through.

>> Pool: Mayor, I think I agree with what you and councilmember Casar are saying. Let's pull it off and take a little bit of time to just confirm how the money would go and ensuring immigrants services would be direct -- the funds for that would be directed to an entity that is actively pursuing that so that we get the best bang for the money.

[10:29:42 AM]

And maybe come back and vote it and pull it off.

>> Mayor Adler: Mayor pro tem?

>> Tovo: It sounds to me, if I'm understanding the conversation correctly, it sounds like there are two options. One would be for catholic charities to contract with another attorney. The other would be for them to pass the money through to American gateways. So I'm not sure what the utility is of pulling it off. It sounds like there are two very good options. It sounds like the staff are committed to making sure that that piece of the work happens, and again, I'm not sure that I understand the rationale for a delay.
>>

>> Mayor Adler: Mr. Casar.

>> Casar: Because the grants are for a deportation defense, we are most likely to get a grant that there is a clear intention that this will be successfully matched with and for deportation defense work. And I guess -- since I'm just not hearing and understanding this is something that has to be decided now, not upon receipt of the grant, I would just rather not walk through the pros and cons of either of those two options and whether we should decide either of them here on the dais if we can take a minute.

>> Mayor Adler: What I had actually proposed was just approving this. That gives that same flexibility still and then we can engage in conversations off the dais or some of us that are interested in recognizing that decision has to be made tomorrow, but by approving this we would be giving the staff the flexibility to handle it either of those two ways, pending the conversations.

>> Casar: Since this is an item, can I not just pull it? I can just pull it because it's a consent agenda? I'll just pull it then.

>> Mayor Adler: Okay. It's been pulled. Yes.

>> Tovo: I guess my only thought is if the grant is due tomorrow and the staff have more work to do, I would rather just approve it, let them go off and do the work of figuring that piece out so they can get -- they can have the maximum amount of time.

[10:31:45 AM]

I'm happy to support -- I'm happy to support a delay of a couple hours. I just again am trying to understand. We're going to pass it regardless, right?

>> Casar: We're going to pass it regardless. The question is whether or not there needs to be any additional direction.

>> Mayor Adler: So we're going to go ahead and pull it right now and we'll pull this and bring it back up to the dais just as soon as we can approve it. Let's work through the consent agenda. So we're going to pull this item 24. Okay. The next speaker that we have is on item number 32, will mccovey. Oh, that's been pulled. 32 has been pulled. Those are all the speakers that I have speaking on the consent agenda. Again, the items we have pulled are number 4, 7, 11, 15, 16, 24 and 32. Yes, councilmember alter?

>> Alter: I wanted to verify again for 19 through 22 on the mud that we are voting on the staff's recommendation. So an affirmative vote is in favor of what the staff is recommending in the case of the mud.

>> Mayor Adler: On 29 -- on 19 through 22.

>> Alter: 19 through 22 which has to do with the mud, I want to confirm that an affirmative vote means that you're supporting staff's recommendations with respect to the mud amendments.

>> Mayor Adler: Let's make it that way. So 19 through 22 would be approval of the staff recommendation.

>> Alter: Thank you.

>> Mayor Adler: Okay. Any further comments or notes that people want to make on the consent agenda? I would like to note that mayor pro tem tovo pulled item number 7.

[10:33:46 AM]

Councilmember troxclair, did you also pull 7? Mayor pro tem pulled that. And would you like to make some comments on the consent agenda?

>> Troxclair: Yes. I would like to be shown as voting no on items 2 and 3. On item 2 the rebate is paying for the full cost of improvements even though I've previously supported rebates on multi-family units and opposed those for businesses. And then number 3 is a rebate is supposed to incentivize having that wouldn't otherwise be done. This is an 83,000-dollar rebate on a million-dollar project. I'm not sure the project wouldn't have been done without that rebate. And item number 9 is issuing certificates of obligation and I feel uncomfortable passing voter supported debt. I want to be shown abstaining on item number 13, just because I have some unanswered questions. And then items 34 and 35, which are fee waivers. Thank you.

>> Mayor Adler: Thank you. Is there a motion to approve the consent agenda? Somebody? Mr. Flannigan. Is there a second to that? Councilmember alter. Thank you. Before we take the vote I want to

point out that there are two members of the council that are not on the dais today. Councilmember kitchen is representing the city of Austin associated with her work on the board of cap metro at a conference. And I misspoke earlier on Tuesday about why councilmember Garza is not with us then and today. I had asked councilmember Garza and she is participating in Washington, D.C., representing us on an equitable economic development fellowship program. And I had asked her if she would represent the city at that, and she is, and we thank them both for the work they're doing out of town.

[10:35:55 AM]

Any other comments on the consent agenda? Mayor pro tem.

>> Tovo: Mayor, I'd like to abstain from the portion of 23 that relates to creative action.

>> Mayor Adler: Okay. Noted. Those in favor of the consent agenda, please raise your hand? Those opposed? It's unanimous from those on the dais with councilmembers Garza and kitchen off. Mayor pro tem?

>> Tovo: And I should have explained. I've in the past recused myself because my family had a financial relationship to creative action. I believe we're beyond that point, but just out of an abundance of caution I'm abstaining, but not for any other reason. I think it's a great program.

>> Mayor Adler: Okay. Sounds good. All right. Let's go then to the consent agenda. We have item number 4, which is the weatherization issue. I think this was pulled by you, councilmember alter.

>> Alter: Yes, thank you. So I wanted to get some further clarification and we did try to get this answered before this morning, but weren't able to. I'm trying to understand why this money on weatherization was not spent in the first place.

>> Mayor Adler: Would you state your name again please.

>> The money was in the various stages of being spent. Last year we had a budget for the weatherization program inclusive of carryover from the prior year of three and a half million dollars. We spent two and a half million dollars weatherizing home and these were predominantly for cap customers. In the summer of 2016 it was a long summer other than a mild June, it got very hot. Contractors can't work for extended periods of time in an attic that is very hot, so a weatherization job takes long 13 it normally would.

[10:37:55 AM]

So those funds were expended in 2017. We close our books, however, at the end of every year and so those funds basically will be spent this year. And we'll do the same thing again this year if we have any unexpended funds. I will say that last year we had pretty much a record year. We weatherized 778 homes in our weatherization programs and this year we're on target to hit 850 homes. So we have every intent of trying to avoid the potential of carryover in the future.

>> Alter: Thank you. So my concern was to make sure that we were actually doing the weatherization.

>> Absolutely.

>> Alter: As you dive into the details here then you're saying that the timing of the process is just it's a matter of timing, but that money has been spent. That weatherization has been undertaken and you are continuing with that program.

>> Absolutely.

>> Alter: Thank you. That was all I wanted to make sure.

>> Mayor Adler: Is there a motion to approve item number 4.

>> Alter: I motion.

>> Mayor Adler: Councilmember alter makes the motion. Councilmember pool seconds. Discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais. Kitchen, Garza off. That gets us up to item number 7. Mayor pro tem, you pulled this one?

>> Tovo: So councilmember troxclair and I asked very similar questions in the question and answer about why hotel-motel tax dollars were not being identified for this project because it seems to fall squarely within the statutory requirements of hotel-motel tax allowable expenses. And I know the parks department did identify just under a million dollars' worth of renovation and restoration work on different venues that fall within the statutory requirements for hotel-motel tax dollars. This one isn't one. It's proposed to be paid for through bond funds. I wanted you just to explain why. It's my understanding generally from the Q and A that the answer is sort of because we've spent all of the hotel-motel tax money or we've allocated it, but in part -- so I want to verify that.

[10:40:06 AM]

And then I had a couple of comments.

>> Kimberly Mcneely, acting director for the parks and recreation department. And you are correct, the department was allocated a certain amount of hot tax funding that was provided on May 4th. In preparation for that approval we put together a very comprehensive report that explained, for lack of a better term, shovel-ready projects that met the very specific criteria by which that money could be

spent. So we selected based upon the criteria that we were given and fact that those projects were underway at the time that the tax was being allocated to spend it at Mayfield, at o'henry, Susana dickenson, at the Mayfield cottage and at the oakview -- oakwood cemetery. I knew I was saying it wrong. And those were because those projects were already underway and that money could supplement that project from happening. We identified Barton springs as a potential project in the future that could be eligible should that money be able to be allocated to the parks and recreation department in the future. The 2012 bond named this as a specific project. It was part of a future improvement project. It was a specific named project that voters had given us consent to go ahead and spend the bond money on. So we are starting that process today or with your approval today.

>> Tovo: Thank you. So as -- since it is a need that you identified within that longer kind of look at what projects could be eligible for funding, I'm assuming that the staff concur that it likely is -- concur with my assessment that it likely is an eligible expense for hot tax funding.

>> We concur that it's likely, but until we go through that process in the future, I couldn't confirm that, but we think it has the great potential for that opportunity in the future.

[10:42:11 AM]

>> Tovo: Are all of our parks bond funds -- let me say it this way. If this money were not going to be spent at the zilker bathhouse, do you have other needs that were identified -- do you have other needs within the park system that could benefit from that bond funding?

>> Well, this is a particular named project, so it would be a process that we would have to go to to unfund this project and then reallocate those funds. But I can tell you that the Barton springs bathhouse is part of the more comprehensive Barton springs master plan. So there is no shortage in things that need to happen in that space. And so should future hot tax become available to us, I believe firmly that there will be projects that we would be able to utilize that funding to improve that space in accordance with the master plan.

>> Tovo: Right. And I'm assuming the same is true of our bond projects even those identified that there would be -- that there's no shortage of need within the parks system for projects that could benefit from bond -- from bond funding that are -- that fall within the contract we made with the voters.

>> True. We're spending the bond funding as quickly and in accordance with what we've been -- what the direction that we've been given through that process. Correct.

>> Tovo: And I'm mentioning this because we're moving into budget. Last year we actually made a decision -- this was a long history of talking about hot tax in the context of the budget and there were some years where we actually got back answers about they could only identify 15,000 dollars' worth of eligible projects or something like that. But this year we did something different in the budget process

and initially held back I think two million dollars. One million of it did flow back to the Austin convention and visitors bureau and we held back about a million, all of which was allocated to eligible projects within the parks system.

[10:44:12 AM]

But this item I think shows us that there are certainly more needs at the city that are eligible for hotel-motel tax funding, and when we spend that funding to support those needs, we open up possibilities for other needs that are currently not being met. And it's my sense of the conversation we just had in just knowing the demand for repairs and other things within our park system that we would not have a problem finding another project to use the bond funding for if we could offset it by hotel-motel tax. It appears we don't have a possibility of shifting that funding here today because there's no more hotel-motel funding that's allocating. As we move into the budget process I hope we'll remember this example and also some of the other projects that are out there that would benefit from hotel-motel tax funding and we think about that before making this for any other organization or for any needs. And today I'll just mention because I believe we just passed it, the red river cultural district was another project we talked about, probably being eligible for Hyatt funding and that's why -- for hotel-motel tax funding and that's why there was a clause for the staff to do that too. I would ask the city manager as you all are preparing the budget I know this is a consideration, but if you could look in each and every budget for what are things that we would otherwise fund through the general fund or through bond dollars that are eligible expenses for the hotel-motel tax, certainly the parks department has identified a lot and I think the red river cultural district and the work that economic development in collaboration with the police department and others are contemplating doing are also eligible funding -- are also eligible projects. Anyway, thank you for your work. I'm glad to see that we're moving forward at the bathhouse. I sure wish we were using hotel-motel tax dollars, but in any case I'm happy to see the work moving forward.

>> Mayor Adler: Any further discussion on the consent agenda? Ms. Troxclair?

[10:46:13 AM]

>> Troxclair: I want to understand what our options are if there was a will on the council today to make a decision to use hotel occupancy taxes for this expense. I would think one option would be to potentially not approve this today, but approve it within the -- within the budget and fund this project. I know that that would probably mean delaying whatever the next step is by three months, but I think that that would also mean that there would be an additional almost \$500,000 that would be available to the parks system to spend in another area. If we decided to not move forward on this item today, but

rather instructed the city manager to look at this for inclusion in the budget and pay for it through hot occupancy taxes, would that -- hotel occupancy taxes, would that be --

>> My colleague from the law department has graciously decided to help me.

>> Lela fireside for the law department. And we are working with the parks department and also obviously the city manager's office as far as looking at projects that might be eligible for hotel tax. I am not sure that this one actually is. I don't know the timing of this construction project to know whether delaying it would cause any delays in the project, but if you want to delay it so that we can look at that, I'm happy to work with them to do that, but I am not sure that this is in fact an eligible project.

>> Troxclair: So yeah, that seems to me that --

>> If I could add, there are multiple things that need to happen at Barton springs, of which we have identified those through the master plan process. And if future hot tax came available, certainly we would be willing to accept that or we would desire to accept that and use it for those future projects.

[10:48:16 AM]

So this named project in the bond program will allow us to get started on this particular portion of that, but we have an entire master plan associated with that space that has projects that could be considered in the future for hot tax. So while I respect the fact that we're trying to figure out how to fund it differently, I want to make sure that you all understand that there's no -- there's no shortage of things that need to happen in that space. And if we could move forward with this, we could consider what other things in the future might be eligible.

>> Troxclair: And yeah, I'm certainly interested and I think there are several others of us on the dais who are interested in looking at that possibility, but I don't want to bypass a chance to allow the parks department to have an additional half million dollars to spend on something that was -- another project that was outlined in the bond. So help me understand if there was -- if we decided to postpone this to budget, what kind of delay would that cause this project?

>> The first thing I want to make sure that maybe I didn't explain very well, is that this is a named project in the bond program. So it's named Barton springs bathhouse, 1-point some million dollars specifically for that bathhouse. So I don't --

>> Troxclair: And I think why mayor pro tem tovo asked

[lapse in audio] To that is to find out -- yes, it's named and yes the voters have approved moving forward with the project, but if we can find a way to fund that project through other means that also doesn't cost us to expend those funds and allow you to expend funds on other projects that were also named within that bond because I know that was 2012 and it's 2017. I'm sure that costs have gone up. I'm sure

we're looking at overruns, et cetera. And I thought the response was that yes, there was no shortage of projects within -- that were also named within that bond that this money could be utilized for.

[10:50:24 AM]

>> I think the way I interpreted the question is there's no shortage in projects that money could be used to -- money could be used to support. I didn't specifically mean in the bond project.

>> Mayor Adler: Let me recognize [inaudible].

>> So council, I think our strong recommendation is that you go forward with this matter as you planned today. I will look at the issue. I don't think that the hot tax is really going to

[lapse in audio] This. I'm happy to look at it more, but that's our recommendation for today.

>> Mayor Adler: Okay, mayor pro tem?

>> Tovo: And as I understand the situation -- and I don't want to delay it either, but as I understand the situation, hot money wouldn't be available because we've already allocated it anyway. There's no more hot money to allocate. So again, I think it would have been a good project.

>> One thing you might want to consider is this is only for design. If money were to become available there would be the opportunity to apply hot funding to the actual development or the construction of that.

>> Good morning, law department, capital contracting office. I wanted to provide some perspective in terms of the process. What we're asking for today, mayor and council, is authority to begin negotiation and execution of the contract with the architect. Staff's recommendation, proposed budget of \$480,000 to the scope and fee. It's about a two month process right now, maybe longer with the workload of all the other things we have going on with the capital improvement projects. If there's a delay, maybe for consideration of August -- excuse me, June 22nd council meeting or even August 3rd council meeting, we can probably keep this contract on hold, advise the consultant and ensure that they're still interesting in pursuing this work. If you want to delay it any longer than that, I would advise against that. If you do that we might have to start the process from the very beginning and that's four to five months process. So I just want to advise you of that time frame. Again, all we're asking for is approval of the negotiation and execution of the design services.

[10:52:25 AM]

There's plenty of opportunity for the construction side. If we're looking at 10% design cost for a construction project, you're probably looking at three to four until dollars for construction cost for this project. So I think there's a plethora of opportunity in the future to provide any of that hot monies for other projects down the road. I just wanted to provide that perspective.

>> Mayor Adler: Based on the recommendations of council, because it doesn't look like we can use the money for this because it doesn't look like there's other money we can currently apply and with great appreciation for the issue that was daylighted by both the mayor pro tem and Ms. Troxclair, I hope somebody moves to just move this forward. Mayor pro tem makes that motion. Is there a second motion? Ms. Troxclair -- councilmember alter makes that second. Is there any discussion? Those in favor of this please raise your hand? Those opposed? It's unanimous on the dais with Garza and kitchen gone. Thank you. Let's move to the next one. This is the city manager task force plan. Ms. Pool, you pulled this one.

>> Pool: I did. I know we had the opportunity to talk with the task force chair, Laura Huffman on Tuesday, but I think we were all actually sort of focused on other topics that have been taking up a lot of our time. And this is really important. And so I appreciate Ms. Huffman being here today to answer some questions that I have about the timeline. I have some concerns about how constricted it is. And I think we are supposed to be approving the work plan so I think we need to take a breath and think about how much time we are giving the task force to accomplish a significant portion of the work. So Ms. Huffman, thanks for being here. Could you just walk us through the phase 1 and the phase 2 that's discussed on here and the general scope of time for phase 1 in particular? And what the work plan entails.

[10:54:27 AM]

And also what expectations are for the councilmembers and the mayor.

>> You bet. Thank you, councilmember. Mayor and councilmembers, my name is Laura Huffman. And what I'll do is quickly describe the three phase process that we are involved in. So -- and this is about selecting the city's next city manager. And the process that you all have designed is phase 1 you established a task force back in April. And I'm chairing that task force. Our job is to create an outward-facing process to develop the candidate profile. You asked us to come back to you with a proposed work plan, which is what's on your agenda today, to describe just exactly what that outward-facing process would be. All of that will culminate in a candidate profile which your recruiter Russell Reynolds will use to build a candidate pool, which is phase 2 of the process, based on the profile. And then phase 3 of this process will be the process that you used to reduce that candidate pool to a set of semifinalists, finalists and ultimately your next city manager. So our timeline in the proposed work plan that you have was based on bringing you all being in a position to make a decision on your next city manager in September or October. So that is why you see this public-facing project happening mostly in June and July because

that would then give the recruiter an opportunity in August and September to both build a candidate pool and then also to bring some candidates forward to you to make a final decision in the fall. If you want to extend that timeline that's purely up to you. Our timeline was based on an assumption that you were interested in making a final decision sometime in September or October. The only caveat that I would add to this whole thing is that I think in order to ensure that you get the best candidates that you can in this country, some clarity around the time frame would be very useful for people who are watching the process and who are beginning to develop an interest in becoming applicants.

>> Pool: Okay, thank you. I'm looking at the proposed meeting schedule, and in the phase 1 we have June 9 through June 30 district feedback meetings.

[10:56:32 AM]

And that is task force members coordinating with each of our offices to host meetings -- to receive feedback on the city manager profile. Now, is that where the coordination with the offices happens during June or is that the coordination and the hosting of the meetings for the feedback are within June?

>> It's both. So there are four pieces to this process as you see it in the proposed work plan. One is that each of the task force members that you have appointed has -- is proposed to have an in-district meeting. So one meeting will happen in each of your districts. And what they've been asked to do is to coordinate with you all who got email lists and venues and things like that to help coordinate those in district meetings. We've given task force members from June 9th to June 30th to do that. And then we're also hosting four citywide public hearings. We've invited testimony from stakeholder lists that are developed at the city. Those are happening at a variety of times a day and days of the week. We are also developing a website so that people who don't want to come to a meeting can provide feedback electronically. And then we've got 311 is going to be made available for people who either don't have access electronically or who may have language barriers that prevent them from interfacing with the city. So councilmember pool, the piece that you're asking about is the in-district meetings. There will be 10 of those. And I think different task force members are working with each of you differently. I think in some cases you are adding Thi on to an agenda for an existing town hall or in district meeting that you have, and in other places I think you all are helping to enable that task force member to have a standalone meeting. That is purely up to you all.

>> Pool: What happens if we don't have the ability to schedule either a town hall or an indirect meeting in the next three weeks?

>> That's up to you all. If you want to extend this timeline to provide another month for public input, our timeline is based on the direction that you've provided to your consultants. So if you want to extend that, then we can relax this schedule a little bit.

>> Pool: There may be some effect that I would need to talk with our staff on the contract.

[10:58:41 AM]

And I don't even know if there's any time limits or timelines involved in the contract. So mayor, I'm concerned that public meetings -- I think we're looking at 14 public meetings in the summer months, may not be as effective a tool to establish and collect public input. So I'm thinking we need to have a little bit of time to think through the plan as it affects our offices. Also clarify the expectations of our offices. I know I won't be able -- I had a town hall meeting in May and then I'm having one in September. I do two a year. And then we have lots of other smaller meetings throughout the year, primarily with neighborhood groups and -- but I don't have another district-wide meeting planned. And it being summer, I think it would be -- well, it wouldn't be effective I think to capture all of the input from all of the people who would like to participate. So mayor, what I would like to do is pull this item 11 for now and have some additional conversation since I wasn't myself able to have them after realizing the actual import of this. And then maybe we can postpone this to next week's meeting and maybe have a better sense of expectations for each of us on the dais. And maybe provide a little bit more oxygen and air in the timeline so we can get people aware that we are doing this, give them the time to put it on their schedules, think about what it is they want to say to us, and then bring it back to us. So the phase I, I think is what I'd really like to focus on.

>> May I ask a question of clarification? Right now we're scheduled to have a citywide public hearing on Monday. So are you asking us to delay all aspects of this plan, or do you just want us to delay the in-district meeting aspect of the plan? Because we've got rooms scheduled for the citywide public hearings.

>> Pool: I guess a quick assessment of that is, go ahead with that.

[11:00:45 AM]

I think the piece that affects us directly is maybe what we need to think about a little bit more. But I'll see what -- what folks on the dais think about that. Continue with the posted, expected public hearing on Monday, and come back next Thursday with some clarifications and a better sense of what the schedule would be for the public hearings.

>> So we'll continue with organizing the website, 311, and the citywide meetings. And if you want to extend the in-district time frame through, that would be perfectly okay. All that will do is that will

extend the amount of time that of the task force has to have those meetings, and then we'll have a citywide meeting regarding the final profile.

>> Pool: Right.

>> So I don't think that would be a problem. And to the extent the task force members are having a problem setting up those meetings, they'll need the time.

>> Pool: So mayor, I think what I'm saying is let them proceed with the public hearing on Monday, and then let's delay our approval of the proposed meeting schedule until next Thursday. So that would be my motion.

>> Mayor Adler: Okay. That would be a walking -- so if there's no further discussion yet on the dais, I'll recognize that, but go ahead, Ms. Holder.

>> I'm going to respectfully disagree with councilmember pool. Thing process is going on way too long, and we need to get moving, and we have ample opportunity between all of the districts for people to come and share what they want for the criteria. I think that this committee has put together lots of opportunities where people can come and voice -- councilmember, two weeks ago we were actually holding a town hall meeting specifically so we could have this discussion. If you would like to piggyback on that, we have the room. It's not that far from you. It's right at the beginning of our 2001 hall.

-- I'd citizen that to you, if that would be helpful.

[11:02:52 AM]

There's a worry I have here that we are going to -- that the longer this process takes, the more we scare certain candidates away. There is a timing issue. We've already missed the opportunity to have our city manager in place for September with the start of school, should they have children. If we miss -- if we don't have them in place by the end of December to start in January, we miss another window for a slew of candidates. So I think we need to move forward. I think there's plenty of opportunity for people to voice their input on the criteria at this point.

>> Mayor Adler: Okay. Ms. Houston?

>> Thank you, mayor, and thank you again for your -- I see your vice chair is here, too, so thank you all for coming back two days in a row. Sometimes summer is the best time for folks to come to meetings, and so we have four town hall meetings a month, and we've already scheduled one for the month of June, so that people who -- you know, kids are out of school, so they can bring them. And it's sometimes easier for them to come to school when school is out rather than when school is in. So we're already scheduled, and I would hate to delay the process.

>> Mayor Adler: Did you come up to see something?

>> Yes, I did. My name is Erin are, representing roughly Reynolds, partnering on this search. What we would like for you to keep in mind is the overall difference between the process and timeline with our search in general. Every time we go to potentially delay the timeline or move it back or move it forward, you derail the overall process and you lose momentum for the search in general. And it would be best at this point just to -- if we do move forward, to extend the timeline, then it's saying we need to, in good faith, commit to today, that we won't keep extending it over and over again. We have to start building momentum and we need to stick to a plan so that this can be a compass for our search and find you the right city manager for the right time frame.

[11:05:06 AM]

>> Mayor Adler: Thank you.

>> I want to concur with councilmembers alter and Houston. I do a monthly town hall. We changed to accommodate a topic for June.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I wanted to ask the chair or vice chair, I think one challenge we are having right now is that we're doing codenext -- you know, we just rapid up kind of codenext district meetings. The animal center did district-based meetings, and so, you know, I'm just mindful that we're asking people to come out. Now, this is very critical, and I think they will come out, but did you discuss maybe combining districts isn't the way councilmember alter suggested? Would that be something you would think would be in concert with what the task force envisions for these meetings?

>> I do. I think there's a lot of flexibility in whether or not you attend the meetings with task force meetings, whether or not you do combined district meetings. The concept and the philosophy here is to reach people in the community and not just create citywide public hearing opportunities. That's why you see the 311 opportunity. That's why you see the website. So, yes, there's flexibility for what works for you all as councilmembers and the task force members.

>> Tovo: Great. And I really appreciate the range of options you've provided. I think you've provided. I think that is responsive to community needs. I'm comfortable with the work plan, understanding that in some areas they may want to team up and share responsibilities for a district meeting, you know, two districts, as the animal center did -- excuse me -- animal services, and the ama decided not to do district based but it made more sense to team up. So that may be an option for some was, if it goes in that detrimental so I'm comfortable moving forward today with the understanding that some of those meetings may be combined.

[11:07:08 AM]

>> There's one of the things we're launching if delay action on this, and that is surveying city staff, specifically, to determine what they see as the needs of the organization itself, and so that will be a survey versus a public hearing, although we will extend an invitation to all city employees to attend one or all of these public hearings.

>> Mayor Adler: We have two people to speak in the public. We want to call the speakers up. Let's go ahead and do that Mr. Peña, would you like to speak?

>> Pool: And, mayor, while Mr. Peña is coming up, I just want to reiterate, I think that those offices that have plans to hold a public hearing or a town hall should absolutely proceed with that. I'm not talking about delaying any of that I just want to make sure that expectations that have been laid out in this work plan can actually be met.

>> Mayor Adler: Okay.

>> Pool: Which is why I've raised the question because I think it needs to be clarified.

>> Mayor Adler: Mr. Pena, you have three minutes.

>> Mayor, good morning. Gus Peña again. I was involved in the city manager process when Jolene Burley was vying for the position. You all engage in what I see as the politically active people, and community people, normally for your -- you know, that have their community organizations, but the ones that are going to be left out of the process is being left out of the process, the poor people that are really going to not be affected by whom is selected. One thing I'm going to say, y'all have already done it, I remember Laura, she was assistant city manager, I've been doing this for years, but the issue is -- the non-engagement of the people that really is going to be impacted is not there. So when y'all are talking about let's postpone this, do this, town hall meetings, the people that are most affected by it are not going to be attending these.

[11:09:13 AM]

How are we going to be educating them about the process? That's very, very important, as I see it. I ran for council twice and justice of the peace once. You know, I can tell you, I engaged the people, but the issue -- it has to be a better process, and I was not -- I was not engaged in who was going to be the makeup of the -- of the advisory task force, but I see some that I know, but the issue is, it should have been a broader range of people that are brought to the people to educate y'all and be part of the

process. And I've seen this for many years, that it is not a good process. You can disagree, who this you want to, I just don't care, but I care about the people being engaged, it's a process from A to Z, not from D to Z. And myself, I'm going to say this and I'm a formal investigator. It's very discriminatory for my people and other people. I know I have a lot of African American citizens wanting to comment. I told them, you need to come over here and talk to council, not just me. It's better coming from you. But there are a lot of people concerned about the process and who was selected on the advisory task force. That's how I see it. And I see a lot of verbiage here that is really compromising the process. Let's get on with it. Let's have a better process. I'm very, very sad about the process itself, very sad. And you know what? I -- I cry. I'm a Marine Corps veteran. I'm tough. But I cry about the issues that's going to be affected out there in the community, the needy and have-nots. Not just the educated who come into the city. It's going to be the poor that are not really educated about this process. Maybe I'm rambling on but I hope some of it you understand.

[Buzzer sounding]

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: David king.

[11:11:15 AM]

Not speaking, I understand. Thank you. That gets us back up to the dais. Did you have something else?

>> I was going to make a comment that the task force is very committed to making sure all voices are heard in this process, and to that end, affinity groups are being identified, also publishing all of these notices in six different languages, making sure there are opportunities for people that don't have access to either meetings or electronics, so they can pick up a phone and make a call. So there has been thoughtful consideration to make sure that people who want to participate in this process have a whole variety of ways to do so.

>> Mayor Adler: Okay. Citibank to the dais. Councilmember alter.

>> Alter: Thank you and I appreciate the hard work of the task force. Maybe we can add to the list, if we are putting on meetings in our district, those can be publicized so if people in our district don't see it from us or from other districts, if they want to attend and are available for those, they have that opportunity to provide input that way. One other clarification I wanted on the process, my understanding is that you guys will vote in July on what you think is the criteria of working with Russell Reynolds, then will that come back to us at our August 3rd meeting for a vote of the council?

>> Yes, it will.

>> Alter: So there will also be a potential for a public hearing --

>> That's right.

>> Alter: -- At that point, if people wanted to have input on the criteria?

>> It will.

>> Alter: Okay. So that timing also means that, you know, we can't -- the longer we delay it, the longer it takes for that vote, we'll be in budget, we'll be -- you know, there are a lot of things here. And -- that could delay it further. And so I strongly feel like we need to be moving forward. If I had had my druthers, this would have been done two months ago.

>> Even after we deliver our recommended profile, there's a whole other process. Russell Reynolds has to produce a ever candidates. You're going to have the reduce the pool to candidates to interview, so there will be a couple months of process after that recommendation comes to you.

[11:13:17 AM]

>> Mayor Adler: I do like the idea of publicizing all of the district meetings for the community to be able to attend. Ms. Troxclair.

>> Troxclair: Is there going to be a difference in the weight given to input that is given at an in-person meeting versus versus online? I ask because a lot of my people are out of town for the summer and they're meeting out for the summer. I've asked them to go to codenext and bond meetings and things circuits might be -- for a lot of people, my district might just prefer for a lot of people to do input online.

>> No, we'll treat all input equally. We've gone to some lengths to create a standardized set of questions to guide how the feedback is given, instead of it all being a free for all. The questions that each of the task force members will tee up during in-district meetings will be the same questions we tee up during citywide public hearings and will be the questions that are in the written -- in the boxes that people can respond to then similarly, how the 311 operators are trained to take feedback.

>> Troxclair: Okay. Yeah, I may choose to either partner with another councilmember that's of an adjoining district or publicize the -- all the citywide ones, as well as the survey. So -- I think that it's important that we keep this process on track so I'm not going to support the delay.

>> Mayor Adler: Councilmember pool.

>> Pool: So Ms. Huffman and I also wanted to note the vice chair is with us. Thanks so much for leading this effort. I know you're putting a lot of time and effort to try to fit it within the fairly narrow scope of time that the council has given you, and I think I am personally just now really understanding what that means in relation to all the other work on our schedule. Ms. Huffman, could you tell us a little bit about

what you will expect of council and the mayor during the interview process? I think is that the phase III or phase II?

[11:15:18 AM]

>> It's phase III. That is purely up to you all as a city council.

>> Pool: But the interviewing, there's a short list and then it's refined, then you talk about the interview process?

>> Yeah. I'll ask your -- Russell Reynolds consultant to, you know, but the way it's been described to us, once the profile is developed, they will begin putting together a candidate pool, and hopefully you get hundreds of people interested in this job. That will be in part because of their recruiting and in part because people have an interest and are paying attention to what's happening in Austin. Then they will narrow that pool down to some manageable group of semifinalists that will come to you all for interviews. Then you'll probably reduce that to if you finalists, and handle -- and you all will need to develop a process, and the task force has talked about extending its efforts to help you through either introducing those finalists to the community or participating in interviews or some sort of touch point at the end of the process. But that is generally how it will work. How you guys want to design that, specifically, in terms of the number of semifinalists and finalists you want to see and interview and introduce to the communities, that's up to you all.

>> Mayor Adler: Well, the current direction of the council at this point is, your job is to help with this outward looking approach, and then the conversations we had, the council would then take it from there, with respect to narrowing the group down and then interviewing the finalists, and then ruling. If we wanted to expand the -- the work of the task force, we certainly could do that, but that would be a change from where we are right now. As you'll recall, we discussed this on the dais and gave them direction. So right now, your task just goes to that point, then, that, then after that everything is just council. What this is concerning is that's your part of the outreach, then if we want to extend to get help with those panels, we can certainly do that. But that's not the direction that we have set thus far.

[11:17:21 AM]

>> And it is clearly understood by the task force that at this point, we are only involved in phase I of this process.

>> Mayor Adler: And that's all we're voting on here.

>> That's right.

>> Pool: And to that point, I would like to get a little better understanding of the time frame for that last phase with the interaction with just the council, and if you all could -- not here today, but if you could provide with us some specifics on what that looks like, because we'll have to start calendaring those dates and setting aside the amount of time that will be necessary for that iterative process to be conducted. So the earlier we know, the better, so that we're not, at least in my office and for me, caught up short, feeling that as I feel like I have been with regard to setting up a town hall or a districtwide meeting in the next three weeks. So what I would like to do, mayor, you may want to talk to somebody else, but I'd like to just make some adjustment, amendments. I think we're going to approve this meeting schedule but I'd like to make a couple of amendments to it before we vote on it.

>> Mayor Adler: Why don't you go ahead -- I'm sorry, councilmember --

>> Alter: I just had a question of clarification. Do you have ready the online survey url, or is that something that can be provided shoulder?

>> Julia Hays, human resources director. The survey that will be online, we've already got the website increased. Russell Reynolds will work with us. We've got the established questions, so we're ready to go live with that on Monday if approved today for the online piece. There's a secondary survey of employees, that Russell Reynolds will be doing. We'll be providing those e-mail addresses directly to Russell Reynolds so they're receiving that information directly.

>> Alter: My office will be sending out an announcement for our town hall probably tomorrow, but will include the city manager. Is it possible to get the url, then we can state, like it will not be live until Monday, but that if people are not able to go, we don't have to bottom board them --

[11:19:24 AM]

>> Yes. We can provide you that url.

>> Alter: Okay. Great. Thank you.

>> Mayor Adler: Councilmember Pool.

>> Pool: One specific change that affects us here on the dais that I'd like to make is the second item that's on the proposed meeting schedule, and it says currently July 9 through 30, 2007, district feedback meetings, and then the purpose is stated. I would like to make that a little bit less specific as to date, and either July through August or summer months or something to that effect, so that if there are people on -- if there are some of our officers who aren't able to do it in a jiffy, that we haven't done anything to violate what the meeting schedule is.

>> Mayor Adler: Of course it would look like for this that the work would have to be done prior to July 12th, because that's when the task force is intending to meet and synthesize, if I'm reading this correctly, the input. So I think what they're asking for is for the district offices to get back to them prior to that date so that can be synthesized at that time so they can complete their work.

>> Pool: I agree this is a very difficult schedule with not much room for margin. I don't quite know what to do about it.

>> Mayor Adler: Does it help to extend the June 30th deadline for another couple of weeks, give you more opportunity to solicit information, or to --

>> Pool: I think what I'd like to do is pull it down and think about it a little bit. I'm seriously concerned over the timeline. I'm happy to vote this at some point in the meeting today but I want to give it a little bit more private thought.

>> Mayor Adler: Okay.

>> Pool: And consult with my staff. Because they're the ones that are going to have 20 actually do 20 -- have to actually do the work to get the word out and effect this action.

>> Mayor Adler: Is there a motion on this item?

[11:21:26 AM]

Mr. Flannigan?

>> Pool: Mayor, I'm asking to postpone it, to table it.

>> Mayor Adler: Okay.

>> Pool: And bring it back later in the day.

>> Mayor Adler: Councilmember pool moves to postpone this for one week --

>> Pool: No. To table it and bring it back later today.

>> Mayor Adler: Later today. Okay.

>> Pool: As I said, I need to consult with my staff because they're the ones --

>> Mayor Adler: Let's just go ahead and do that, let's pull this up later in the day.

>> Pool: Thank you.

>> Mayor Adler: Thank you. You guys are doing great. Let me be the third person on the dais to thank you, Ms. Huffman, also, you and Sondra are doing great work with the panel and we all appreciate this. Thank you. All right. Let's go to the next item on the agenda, which is the parkland events recommendation, item number 15. Mr. Flannigan.

>> Flannigan: So I ask that a motion sheet -- we may just incorporate this in the base motion, but I want to have longer discussions with council about the limiting of days and how those days are calculated and how we might treat different parts of the year differently or weekdays versus weekends. I think we can be a lot more nuanced. Councilmember troxclair made a very good point in work session about if you go down to 24 on zilker and if you still have 14 days for the trail of lights and six days for acl with only four events left, four event days left. But given a councilmember kitchen, who is adjacent to zilker, is not here, I'm not -- I want to can continue the conversation about those days with her present. I'm willing to approve the rest of the ordinance, so the motion sheet that I've handed out generally moves part 7, so we can have that decision later with the full council.

>> Casar: Mayor, I'll second it.

[11:23:28 AM]

>> [Off mic]

>> Flannigan: I was just describing possible ways to move forward.

>> Mayor Adler: What I'm trying to do -- what I want to do is I don't want to lose this item as it's been posted and listed on the agenda. So perhaps we could divide the question and we could postpone till next week, section 7, and then take a motion the balance, which would be the balance of the issue. Would that get us there?

>> Flannigan: We talked with law about both directions.

>> Mayor Adler: Okay.

>> Flannigan: And it seemed to be no different. There's not a substantive difference between those two options so the motion sheet we prepared we thought was a cleaner way, just to be clear about what we're approving, we can have the day's limitation as an agenda item separately. But we were originally going to divide the question either way so I don't think there's a substantive difference.

>> Mayor Adler: I don't think there's a substantive difference either regarding posting, but I guess we could do this. It dispenses with the item which would then need to be rehosted then to be back on the -- on the agenda. Mayor pro tem?

>> Tovo: Mayor, I would just, number one, say we have speakers here, several who were on the -- I almost called it the visitor -- I did the resolution that created it but I can't remember its name, but the parks task force, and I would like to hear from them. I mean, they did -- I'm not sure that I'm really prepared to support this amendment. I support the ordinance as it is. We had -- you know, we had a very good group of people. They worked very hard on this process. If they're recommending -- if they're in favor of the staff's recommendation, then I'm really inclined to move forward with the recommendation as it's posted here today. And so I would just ask that perhaps we can hear from our speakers, at least one of whom served on the parks task force.

>> Mayor Adler: Okay. We have one speaker signed up to speak, ingred, which we can certainly hear from.

[11:25:28 AM]

I personally would support postponing any changes in this per councilmember kitchen's request, since she's not here, and rather than have a debate on those issues, so I like the -- that issue, so for me, the choice would either be to postpone it all for a week or to postpone all but the section that would be -- or to approve all of it, but not the part that would potentially be subject to changes. Yes, mayor pro tem.

>> Tovo: Mayor, I don't understand what's going on. I think you're the only one who heard from councilmember kitchen. Perhaps somebody else on the dais. So can you just walk us through? We have an item on the agenda.

>> Mayor Adler: Right.

>> Tovo: Am I understanding your comments to mean that councilmember kitchen asked if there were going to be changes to the ordinance, that she be present to vote for it?

>> Mayor Adler: In fact, I was told that there was also a message board post, but I haven't seen that.

>> Tovo: There may be. I haven't looked at it since last night. That's fine, I just want to understand -- if that's her well, I'm happy to consider that and to support -- to support that, unless there's support to pass today's. But there are just all these pieces happening that are very complicated.

>> Mayor Adler: So councilmember kitchen has asked that if there's going to be a discussion of any substantive amendments to the ordinance, she would like to be here for that. That was her request.

>> Tovo: And it would appear that one way or another, we're going to have a discussion of substantive amendments, today -- I mean were we not to postpone that.

>> Mayor Adler: If we were not to postpone the question of dates and the use of dates, it looks like there's going to be a substantive conversation. So for me there are two choices, either we postpone the

whole thing or we approve everything but the section that there's going to be substantive conversation on, and then we go to approve that, except for that section, bring that section back.

>> Tovo: Okay.

>> Mayor Adler: Those, I think, are the two choices. Let me call the person from the public to speak.

[11:27:34 AM]

>> Alter: I think there's a third choice, to approve it it is a.

--Approve it as it is.

>> Mayor and council, I'm a little bit unsure because I was prepared to address the event days, fiesta gamble my name is Ingrid. I had the pleasure serving on the task force with mayor pro tem tovo. We spent a lot of time talking about the lintel and the reason we did, this is for public events that can be joined for people who live in Austin, who visit Austin, and also the residents of the city of Hahn. As all of you know, we have more and more people moving into apartments, et cetera, homes without green spaces of their own, they look to public parklands as a place to go. When you talk about events, I'm using auditorium shores as the example because that's close to where I live, currently there are 22, the current being '16 numbers, 22 event days. But with the set-up and tear-down, auditorium shores also blocked off, it comes to 51 days. So that's 51 taste where auditorium shores is not available for regular use. The other thing you have to take into account is that the events always happen during the desirable times of the year, in the fall and the spring. So in the summer when it's basically too hot, except for the dogs by the water to go out and enjoy the park, nobody wants to hold an event there. They all want to hold the events in the fall and the spring when the letter is beautiful. That's also the time when we feel that residents should have a chance to enjoy it. So the task force was made up of event organizers, neighborhood representatives, and -- I forgot what the last one, but those were the two big blocks and we all had agreed that putting a limit on these events or reducing the current limits would make since in view of the fact that citizens should have a right to enjoy their green spaces and not be limited by mostly professional events taking place.

[11:29:43 AM]

I know there is a long list of events. There are commercial events. There are non-profit events. There are pushing open events. Public open events. We initially talked about creating buckets, so many non-profits and public, so many closed-off ticketed commercial events, and we just could not get our heads around

how to put that in a manageable list. And that's why we came up with numbers for each of the three major parks. So I would ask that you please go forth with the major recommendations. Thank you.

>> Tovo: Thanks for being here and for all your work on this issue and really for the years before the task force. I just want to be sure I understand. So the task force recommendation is what is reflected in today's backup. .

>> That is correct.

>> Tovo: Thank you. And thanks for sharing the deliberative process and how you all came to consensus on that.

>> Mayor Adler: Mr. King?

>> Thank you, mayor, maintenance, councilmember. You know, I didn't sign up to speak because I thought we were going to be called since we're co-chairs and would have a discussion, but just to make sure we have an opportunity to provide some input, you know, I just echo what you just heard from Ingrid. In temples zilker park, the events that we've been talking about are the major events. But when you look at all the events at zilker park, there are 71 event days at zilker park. 71. And the setup and take-down days, 96. So when you look at the total impact in terms of limited access to regular folks who want to go to the park, that's 167 days in the year. So it's important to look at the whole perspective here so that we can see what we're dealing with. So that's request we thought it would be reasonable to come -- to reduce the limits and then you need to consider that between the large events, the great lawn has to rest.

[11:31:49 AM]

They have to actually close it off so it can recover from the use. And so that's important to have rest days. And when you factor all that in, then the parks are being loved to death. And so that's one reason we thought it would be important to back down the number of event days. And then, look for alternatives so folks can have these opportunities closer to their neighborhoods. And I think that's really an important part of what we recommended. So they don't have to drive all the way down here from their neighborhoods to go to events, or to enjoy the park. They can have those same opportunities and amenities in their neighborhoods. So that's the important part of what we recommended. So -- and then as Ingrid said, the nature of our urban city is growing more and more, and consider them to be their park, too, they want to go down there and use their parks. I think you can confirm that with the parks department, we're seeing increased regular day-to-day use of those parks, and then when you add in the events that are growing -- you know, more and more folks are coming to those events, then that does give you, I think, a different perspective on the total impact on those parents so parks. I really appreciate your consideration. I hope you will support the ordinance as recommended today. Thank you very much.

>> Mayor Adler: That again brings us back up to the dais. Before we have a conversation about the merits of the days that are in this ordinance, I think it would be appropriate for us to take a vote on whether we want to postpone this per councilmember kitchen's request, since it looks like we're going to have substantive matter on that. I don't see the difference between what's in backup and the yellow sheets -- the yellow sheet that has been handed out. I don't know if that's -- if there's -- that's what I don't have, I think.

>> I'm assistant district attorney. It added the ice cream festival as one of the days.

[11:33:50 AM]

>> Mayor Adler: The ice cream festival. But this doesn't have things from Mr. Flannigan. Okay. Mayor pro tem?

>> Tovo: Mayor, I didn't know if the other co-chair -- I think there was a potential misunderstanding about whether they should sign up. I just wanted to invite the other co-chair before we started discussing, to add any additional comments, if that's all right with you.

>> Mayor Adler: Okay. We could. If we're going to postpone it, we'll have those additional comments next week as well.

>> Tovo: Okay.

>> Mayor Adler: Come back to talk, as will everybody be back to talk. And I want to maybe -- what I would say that, if you want to speak to the postponement, speak to the postponement, and if it doesn't get postponed, I'll give you another chance to talk.

>> Tovo: Perform the thanks for being here.

>> Mayor Adler: Then you don't have to repeat yourself twice when we have a full dais.

>> I'm fine with that. I gave everybody a chance to see my socks as I came up here, so you're all welcome.

>> Mayor Adler: Thanks.

>> Alter: I have one question. If we do decide to postpone, can we be very clear on the enzyme so if we're doing codenext

-- I want to be very clear, if we do codenext at 9:00, next week can we maybe have a time certain on Tuesday that they're there to answer questions at our work session so they don't have to think that they have to be there at 9:00 if we're not -- if we're doing codenext from 9:00 to, I don't know, 10:30 on

Tuesday, that they would be 10:30 at the beginning or something, since these are citizens that are asking multiple times, they've already put in --

>> Mayor Adler: I don't see them coming back on Tuesday.

>> Alter: Well of, I'm assuming we might have some conversation in work session to work things out for next Thursday so they might want to be there to answer questions.

>> Mayor Adler: They could certainly, and they could also be here on Thursday. We're going to do codenext from 9:00 to 10:30 on Thursday.

>> Alter: Right. What I'm saying is could we be clear we're going to do codenext from 9:00 to 10:30, then maybe have that item either come up first at 10:30 or at a particular time so that they don't have to, you know, lose more of their valuable time for us to be able to have these conversations?

[11:36:09 AM]

>> Mayor Adler: We could. That would be good, because we don't usually bring members of the public to the work session to speaking. I haven't look at --

>> Alter: I'm talking about the task force chairs.

>> Mayor Adler: The task force chairs.

>> Alter: It would be, you know, the equivalent of -- you know, of the staff in this case. Also, Jason would be there, but I just think it would be more respectful of their time if we could be clear of these -- if we are going to have that discussion.

>> Mayor Adler: So I would agree to sit and talk to them between now -- I haven't had a chance to look at the rest of the agenda, so that they're not sitting there all day. I'd certainly do that. Ms. Houston.

Houston. >> Houston: Thank you, mayor. I need clarification. Is councilmember kitchen asking us to postpone if there are going to be substantive changes? If it's not substantive changes, could we vote on that today?

>> Mayor Adler: Yes.

>> Houston: Okay. So why don't we lay out councilmember Flannigan's as an alternative, and then if that doesn't pass, then we go ahead and vote. We're taking a long time to do this it seems to me if his motion fails, we go ahead and vote on the main motion, to pass it today as is.

>> Mayor Adler: Let's do this. Let's do this. I understand. Let's do this. The problem is, if we do that and pass this, then we're going to have a discussion about the amendments and councilmember kitchen

won't be here. But I think we can achieve exactly what you're saying. Let's see if there are six members of the council -- I'm sorry?

>> Four. Four people.

>> Mayor Adler: What?

>> We don't have eleven members, so if we have four people that want it postponed, then --

>> Mayor Adler: The other way to be to say six people who want to vote for it as it is. If there are six people who want to vote for it as it is, we could do that. Right? So I think that might be the way to do it.

[11:38:14 AM]

I think the thing to do might be to put it to a vote and see if there are six votes in favor of the document the way that it is, and if there's not, then we could have a vote on whether or not to postpone it. Does that work? Ms. Pool?

>> [Off mic]

>> Mayor Adler: Ms. Pool?

>> Pool: So in vans taking a straw poll, I just want to indicate my strong support for the task force report as written. We've had lots of conversation during the extent of the task force meeting, representations at the open space committee, which doesn't exist anymore, but that was good work that was done, and I fully support the careful work that the task force members went through in order to try to figure out how to both acknowledge and respect legacy and some newer events that are happening in these spaces while trying to shift the community's focus away from zilker and auditorium shores onto and into other parks. So I will not support pulling out part 7. I will vote to support the work that has been done by the task force. And I thank them for this effort.

>> Mayor Adler: So the request that I got from Ann kitchen was to be present if there was going to be discussion of any amendments. I'm going to support postponing this without regard to whether it would be approved as it's written because I'm concerned about having a conversation about these amendments without councilmember kitchen present. Because I'd like to have her be able to discuss them. What she told me was, is that she supports it as written, but if there's going to be substantive amendments, she would like to be able to be part of that discussion. She's not clear about whether she wants to be part of the discussion if it looks like it's going to be passed as it's written after the discussion, and I can't tell from what she told me.

[11:40:18 AM]

So I'm going to be supporting having the discussion on the contested matter when Ms. Kitchen is here without regard to whether it would pass or not if she was here. Mr. Casar.

>> Casar: And I, for one, think the task force has done great work and it wouldn't -- I'm not held-bent on any particular changes. I had questions about free and open events and to figure out ways we could further incentivize those. Instead of dabbling in figuring that out today, because zilker is a significant part of that and councilmember kitchen isn't here, I would rather deal with it then, so my vote for postponement isn't because I want to remove all the caps on the events, it's just because if we have people missing here today who have requested --

>> Mayor Adler: Okay. Is there a motion to postpone this item one week till next week? Mr. Flannigan Meeks that motion. Is there a second? Mr. Casar seconds that motion. Discussion on whether we should postpone for one week? Mayor pro tem?

>> Tovo: Is there any -- I just -- is there any ability to get in touch with councilmember kitchen and see if it passed -- I mean, we're just not -- I'm just a little concerned because we're not making tremendous progress here today on several issues, and next week is pretty thick. And so if we can -- if there are six votes today for it as is, perhaps we can communicate with councilmember kitchen about whether it was, she wants us to postpone it if there's going to be a substantial discussion, or if there's going to be a reasonable chance of a substantial change happening.

>> Mayor Adler: Well, as I recognize people on the dais, the people here who wanted to discuss the question of the number of days section of this issue -- we'll do a straw poll here. I want to try to figure out if there are six votes on the dais right now to -- what?

[11:42:20 AM]

It needs six.

>> Pool: It still needs six, even though there's only nine of us on the dais?

>> Mayor Adler: That's correct. So the only concern is, if there are six people on the dais that want to do it, then we can try to reach Ann to ask. Are there six people on the dais that would approve this the way that it looks right now? Okay. I don't think the numbers exist to be able to do that. It's been moved to postpone this one week, it's been seconded. Those in favor of the motion to postpone, please raise your hand. One, two, three, four, five, six. Those opposed? Houston voting no, abstaining, mayor pro tem is no, piles voting no. The others voting aye, kitchen and Garza off the dais. This matter is postponed for one week. Thank you for the time you spent, but we're going to let Ann be here as well. Thank you. And

we can talk about setting this on Tuesday at the work session because undoubtedly we'll discuss it. Okay? Let's go to the next item that we have on the agenda.

>> Pool: Scenario.

>> Pool: Scenario.

>> Mayor Adler: Yes.

>> Pool: I have suggested light wording editing changes to item 11 if you'd like to return to that item --

>> Mayor Adler: Can you post those to the bulletin board? Because we just postponed item 11 -- no, no, I'm sorry, oh, I see, 11.

>> Pool: Yeah, 11 is the one that we tabled.

>> Mayor Adler: All right. What would you be proposing on that?

>> Pool: So the chair, Ms. Huffman, worked with my chief of staff, Amy Smith on two small edits.

>> Mayor Adler: Okay.

>> Pool: That should work. If you look at the yellow sheet, page 3, the third bullet at the top says district meetings, we're changing the word meetings to input.

>> Mayor Adler: Okay.

>> Pool: Then the first sentence deletes in the second line the words "Host meetings to," so that the first sentence reads, district input, task force members will coordinate with the respect member's office to gather input for the city profile.

[11:44:32 AM]

>> Mayor Adler: To gather input, okay.

>> Pool: Page 4, the second item under the proposed meeting schedule, which was the June 9 to 30 he 2017 meetings which I had concerned with, we're getting the words feedback meetings and inserting input, so again, district input.

>> Mayor Adler: Okay.

>> Pool: Then in the purpose statement we are again deleting the words host meetings to, and so the purpose -- each task force member will coordinate with their respective councilmember's office to receive feedback on the profile, so both those statements are similar with the same changes.

>> Mayor Adler: Got it. Any objection to making those changes? Seeing none, those are incorporated. Is there a motion to approve this item number 11? Councilmember alter makes that motion. Is there a second to that? Mayor pro tem. Let's take a vote. If there's no discussion, all those in favor please raise your hand. Those opposed? Everybody on the dais, Garza and kitchen off. Thank you very much.

>> Thank you.

>> Mayor Adler: Councilmember

>> Mayor Adler: Councilmember pool, thank you for that work. That is number 11. 15 has been postponed. Item number 16, are we ready for that? I'm sorry? Republic square.

>> Tovo: Mayor, I know we talked about this Tuesday and there were some different proposals being offered, some suggestions to staff of some additional conversations we wanted to have, and I believe there's a couple amendments coming forward. It's my understanding, though, that the parties are amenable to a postponement, and so I would just confirm that. It seems like that may be the most efficient -- time-efficient way to deal with this today.

>> I'm Kimberly, acting director of parks & recreation, that is correct, all parties are amenable to postponing to work some things out before we bring it back.

>> Tovo: Thanks. I'll make a motion, if I move --

>> Mayor Adler: That. It's actually a talking motion. Walking sounds good, too.

[11:46:33 AM]

But if there's no objection on the dais, mayor pro tem moves to postpone, seconded by Mr. Casar. Let's have discussion on the motion to postpone. Any? Mr. Casar.

>> Casar: I'm glad that folks are willing to postpone on this. I agree with some of the concerns the mayor pro tem brought up as far as making sure that it's not just all the weekends in desirable months, figuring out a way to level those out I think makes good sense. I appreciate folks working on that. I brought up concerns during work session about figuring out ways that we could potentially have a certain number that are set for a lower cost events during those times that it's fenced off, and in my conversations, asking about lower cost events, I learned that some of the events being contemplated are not events open to the public at all, like private wedding ceremonies. And while I understand and respect that we do fence off areas of town and public spaces for private events that are not open to the public, I -- I think that it's a real concern for our historic public square and our major downtown bus stop to be -- to be blocked off for events that have zero accessibility to the public. And so I hope that both of those concerns can be worked on and see what folks can come up with to be creative in order to generate the revenue necessary to keep that renovated park maintained and operational. But I think it's a real

concern for there to be multiple weekends which there's zero public access because it's a totally private event.

>> Mayor Adler: Okay. Thank you for pointing that out, maintenance, because this is clearly not something we should be drafting or trying to draft from the dais. As staff goes around to different offices and talking to people on what they want, please touch base with mine as well.

[11:48:36 AM]

There's been a motion to postpone, it's been seconded. Any discussion? Postponed until it's ready to come back, I think. Just put it back on the agenda when it's ready.

>> [Off mic]

>> Mayor Adler: It could be as early as next week, just whenever it's ready, put back put it back on the agenda for us to do. All those in favor, please raise your hand? Those opposed? It's postponed. That gets us to -- what do we do on item number 24? We tabled that. So it's been pulled but we haven't discussed it yet. Mr. Casar, you pulled this item. Do we want to -- more time --

>> Casar: I think if it stays tabled till after lunch, I think there will be a resolution by then.

>> Mayor Adler: Okay. Let's keep that tabled till after lunch. That gets us to boards and commission item 32. Mr. Renteria, you pulled this one.

>> Renteria: I pulled this item because I'll be voting no to Michael's election to the bond task force. I'll take a brief moment to explain my reasoning. I believe it's healthy for our local government to include a board diversified -- diversity, but it helps us consider the issue more carefully and result in better policy making. On this council, we must make sure that all the austinians are taken into account, and I'd also like to make this very clear. I disagree with Mr. [indiscernible]'s extreme political view. I think it would lower our quality of life. But this is not the reason I'd be voting against this appointment.

[11:50:38 AM]

I have served in my past on several advisory boards and exists. I can tell you that just [indiscernible] In collaboration, Mr. Carsdale has approved he's not capable of that. He describes himself as a troll. This is someone who takes action that is deliberately offensive and provocative in upsetting someone and getting an angry response. This kind of disruption is not something we want on our boards and commission. If we expect to bring them -- bring us productive recommendation. It goes further than that. The task force will have a very important job and members of that task force need to feel safe and

supported as they do their work. This is why I don't believe it's possible if Mr. Cargill were part of that task force. You know, in an interview, there was a conspiracy, Alex Jones, you know, he made a comment, you know, that my model is when they come for your guns, give them your bullets. You come for my firearm, you knock on my door, I'm going to give you the bullets first. This is a man that has walked into a citizen task force meeting carrying, and in a church, carrying an ar-15. You know, he has filed suit against the city of Austin for not allowing him to have guns in this chamber. You know, I'll be voting against the Cargill nomination because -- and I have received many complaints from individual constituents for his -- about his aggressive behavior, the threat he has made and his stated intention to be disruptive. I believe his appointment would be an obstruction to the work that we're asking this task force to take on. So I'll be voting no.

[11:52:43 AM]

>> Mayor Adler: Ms. Houston, do you want to speak before or after the public sneaker.

>> Houston: After the public, yeah.

>> Can I make a motion to identify the question?

>> Mayor Adler: We'll get there in a second. Is will Mccoy here some will Mccoy? Those are all the speaks we have. We're back up to the dais. Is there any objection to any of the nominees other than the one mentioned by -- no? So let's divide the question then. Is there a motion to approve all of them other than the one Mr. Renteria named? Made by councilmember alter. Is there a second to that? Ms. Houston makes that second. Any discussion in all those in favor, please raise your hand. Those opposed? Now let's turn --

>> I'm sorry, so the record is clear, the approval was to approve everything on there because there was a bylaw change.

>> Mayor Adler: That's correct, everything that was on there, other than this gentleman, Mr. Cargill. Ms. Houston, do you want to speak to that nomination.

>> Houston: Yes, I do, mayor. First of all, I want to acknowledge all the e-mails that I've received of regarding my appointment to the bond election advisory task force. And I want to thank everybody for sharing their concerns. My initial question has been, have you ever even met Mr. Cargill? Or is the objection to his stance on gun rights or the individuals he associates with? Mr. Cargill lives in the for northwestern section of district 1, has lived in Austin for a long time. It's a successful small business owner, a homeowner, and I'm confident that he has the capacity to work within the rules and regulation of this particular task force. Over the years, I have found him to be thoughtful, solution-oriented, though, and willing to give back to his community. I met Mr. Cargill when nine individuals offered themselves for different reasons to represent district 1 and the city of Austin.

[11:54:48 AM]

I knew of him but I didn't know him as an individual. Too often, we compartmentalize others and view them only through a specific lens, more than what makes headlines or who we associate with. I'm recommending Mr. Cargill to represent the interest of individuals who live in the district and in the city because I believe he has the skill sets and the willingness to work for the best interest of the haves and the have nots. I like him as a person. I trust him with or without a gun, and, yes, we have very different ideas about gun rights. However, this task force is regarding the bond election advisory task force, and one of eleven other members. This is not the gun advisory task force. I stand by and ask my colleagues to support my recommendation. And regarding someone's associations, far be it from me to insert myself into who people associate with. I've talked with Mr. Cargill, and he assures me that the community and the council -- he assures me and the community and the council that if he is nominated, he will abide by all posted signage in city hall as it relates to not carrying guns. When I indicated that I was going to run for council, I stated that all voices should have an opportunity to be heard and have a seat at the table. The reaction to my recommendation to appoint someone who thinks differently, even sometimes than I do, approves to me that I still have work to do in this community and on this dais. And I ask you all to please support my nominee, Michael Cargill.

>> Mayor Adler: Is there a motion on the dais?

[11:56:54 AM]

>> Houston: I can make it?

>> Mayor Adler: You can because there's no one asking to speak right now.

>> Houston: I move that we appoint Michael Cargill to the bond election advisory task force.

>> Mayor Adler: Is there a second to that motion? Ms. Troxclair seconds the motion. Further discussion? Mr. Casar.

>> Casar: I concur with councilmember Renteria's comments and will be voting his way.

>> Mayor Adler: Okay. Ms. Pool?

>> Pool: I concur with councilmember Renteria's comments as well and will be voting against this, and I should note after the murder on the UT campus, Mr. Cargill took to social media to disrespect her death and her family, and just on the basis of that I can't support him to a position of influencing leadership on one of our important commissions.

>> Mayor Adler: Do we have any further discussion? It's been moved and seconded -- yes, Ms. Troxclair.

>> Troxclair: As I have with other controversial nominees, I just -- I have to say that the refusal to respect or listen to or even give someone who has a differing political viewpoint a voice on our city commissions is just baffling to me. I have supported countless numbers of commissioners that each of you have an opinion that I don't agree with. I don't need to know their personal stances on every single issue that may relate or may not relate to their work on a board. We -- yeah, I think councilmember Houston did a great job of outlining why Michael -- why she trusts him to be a responsible member of this commission, and I just think that this council not approving someone because they don't agree with you on one specific issue is incredible intolerant.

[11:59:13 AM]

>> Mayor Adler: Further discussion? Mr. Casar?

>> Casar: When I mentioned that I concur with councilmember Renteria's comments, I especially want to highlight his point, which I think is shared by many, by several of us here, that it is not what my colleague mentioned related to the political viewpoints that this has nothing to do with political viewpoint on particular issues. And many of us have constantly, almost every council meeting, probably voted for many people who we disagree with vehemently. My vote no does not have to do with his political stances, it has to do with the issues outlined by councilmember Renteria so eloquently.

>> Mayor Adler: Further discussion? Let's take a vote. Those in favor of the motion, please raise your hand. Ms. Houston, Ms. Troxclair. Those opposed? The balance of the dais with kitchen and Garza off. The motion does not pass. I think those are all the items we're going to take up now. Those are all the pulled items except for item 24, which we will take up after lunch. We can't convene earlier than 2:00 on any of the other items other than item 24. So do we want to come back at -- try to come back at 1:45? Give us finish minutes to take up that last item? 150? Insurance let's say 1:50 we'll try to come back. Oh, citizens communication. And it is exactly noon. So is Susana Almanza here?

[12:01:15 PM]

And Daniel Llanes is on deck.

>> Good afternoon, mayor and city councilmembers. I'm Susana Almanza with poder. Will communities have codenext out of their neighborhoods. We must address racism in the land development code. The land development code has protected communities in west Austin all locating industrial and polluting facilities along with unwanted facilities in east Austin. We cannot allow codenext to continue racist land

use policy towards low income and communities of color. We need to review gentrification and the process and the policies that allowed it. The truth must be disclosed. Density does not equal affordability. The current codenext land development recommendation will bring more gentrification to east Austin. Property taxes are not based solely on housing development, but mostly on the value of land. By designating properties in east Austin in transects 3 and 4, which allow for a variety of housing such as small house, wide house, duplex, side by side, duplex stack, cottage house, cottage core and accessory dwelling unit, will only increase the speculation of increased development in our neighborhoods.

[12:03:30 PM]

This land speculation of a variety of housing types with no safeguard for current residents will only further gentrify our neighborhoods. Codenext does not review community character through an equity lens. That includes the history of our communities. Codenext needs to have the foresight of addressing unintended consequences of codenext. For instance, the density bonus program does not address the issues of affordable housing for the working poor families. There is talk about housing for the missing middle class, but not for the grassroots missing class. Those that are academic workers, hotel maids, custodial workers, cashier, construction workers, et cetera. Here are a few questions to be taken into consideration. How will residents qualify for home equity loans when they're no longer living in homes designated as single-family zoning? Will lending institutions be made aware of the new zoning lmdr, mdr or hdr that now replaces single-family? How will residents qualify for federal housing, such as housing rehabilitation, when they are no longer single-family. Will codenext abide by the neighborhood plans. What about the zoning notification process? If the current properties are now zoned for a variety of housing types, how does that -- what does that mean if there's no public participation process? What is the objective of codenext and for whom is it for? Codenext is complicated and resources for educating and informing the grassroots communities and others must be provided. We need to slow down. As you see here members from our young scholars of justice that are here looking, they want to make sure where is our community in codenext?

[Buzzer sounds] Don't X us out of codenext? And where is affordable housing in codenext?

[12:05:31 PM]

Thank you very much.

[Applause].

>> Mr. Llanes.

>> Thank you, good morning, mayor and council. Do y'all have this that I just handed out? Okay. I'd like to wait a moment for y'all to get that before I start. I'm Daniel Llanes, and I'm giving you this input about codenext as an individual, but I do want you to know that I chair the river block neighborhood association. I co-chair the govalle neighborhood contact team. I'm part of the round table, poder and I also serve on the executive committee of the Austin neighborhoods council. So I want to give you an idea of the breadth of involvement that I have and where these statements come from. First of all, codenext has to address equity. You heard Ms. Almanza talk about the historical context of our development process. Codenext and imagine Austin need to recognize the historic use of zoning initiatives as tools to maintain systemic racism and the control of populations of color. I want to break that history. I want all of us to break that history here. So I have some questions for you to ponder as you develop codenext. By what mechanisms will codenext protect east Austin residents and businesses of color from accelerating displacement due to continue gentrification. What mechanisms will be in place for that? How will codenext avoid displacement of low to medium income populations by which elements. By which mechanisms will codenext preserve the character of existing neighborhoods that everybody in the country, in the world is coming to be part of? How are we going to keep those people from trampling the very thing they're coming to.

[12:07:34 PM]

How is codenext protecting the very definition of east Austin? When S.O.S. Was adopted east Austin was made the preferred adopt zone, so that accelerated the displacement of people of color in east Austin. And I point to the taxing inequity. How is codenext going to deal with the tax inequity? Each of I-35 this year if you own properties east of I-35 your taxes went up 2 to three hundred percent. West of I-35 your taxes went up less than 20%. Where is the equity in that, Casar? How is codenext correcting that? How will you correct that? We need to see that in codenext. If not, in imagine Austin. By what mechanisms will codenext -- this is really important because in all of the planning processes we plan for the future. How will codenext address the repair and the maintenance of our current infrastructure? Let alone adding more to it. We cannot add more until we have our current infrastructure solid, you know? Now I'm going to talk about flooding.

[Buzzer sounds] And impervious cover. I beg your indulgence for another 30 seconds maybe because --

>> Mayor Adler: I can't give you 30 seconds.

>> When we saw the new lists of the zoning categories, the first three zoning categories have '90% impervious cover. We cannot have that. That's a mistake that has caused flooding in onion creek, has caused flooding in shoal creek, and has almost destroyed Colorado river park. Thank you for indulging

me in this. I will say that there should not be anywhere in codenext with 60% -- over 60% impervious cover.

>> Mayor Adler: Thank you.

>> Thank you so much. I appreciate it.

>> Mayor Adler: Dr. Koo-hyun Kim? And then next is Andrew wood.

[12:09:40 PM]

>> Afternoon.

>> Mayor Adler: Why don't you step to the microphone, sir. That one or at the podium, whichever you prefer.

>> Good afternoon. Great to see you again. Elaine hart, raise your hand. Who is Elaine hart?

>> Mayor Adler: She's not here right now. The assistant city manager is here.

>> Elaine hart is not here? You see the paper right now I give you, case number 4-17-blah, blah, blah, and criminal trespass notice, officer Garcia, 4631. Is this criminal notice lawful? Raise your hand if you think this criminal notice is lawful, legal, raise your hand. All right. Perfectly denied. This was given on may 18th and I asked the police department to cancel it. They send me to the police monitor. Police monitor send me go to the court, block policy department. Stalin's police, hitler's police. The police department has no supervisor. The first -- before police departments, Acevedo, I took it to the court. They dismissed it. Nine years he was here. And your office, law department took this case, they refused to see me just one time, delay to June 21, and then they have time.

[12:11:51 PM]

Law department. Who is Ann Morgan, raise your hand? Ann Morgan. An Morgan is not here? And all of you received my resolution request more than one month ago. What did you do? You did not respond. All of you received it. You didn't respond. If we do not respond, my request is admitted without court order. All of you violated the court law -- no, violated the law, federal law. All of you. You treated me very badly. And how much money do you receive from federal government?

[Buzzer sounds] 30 seconds?

>> Mayor Adler: Finish your thought.

>> You received my letter so many times, you did not respond. Why you did not respond?

>> Mayor Adler: Thank you for participating.

>> No, why did you not respond?

>> Mayor Adler: We need to go to the next speaker who signed up, and it's Andrew wood. Is Mr. Wood here to speak? Thank you, sir. The next speaker up after Mr. Wood is carolannrose Kennedy.

>> There's a lot of a animals on the Barton creek greenbelt --

>> Mayor Adler: Can you pull the microphone closer to you and give us your name.

>> Andrew wood talking about the environmental impact of climbing on the Barton creek greenbelt. You can see a bird nest on what has been established as a climbing route so there's contact between climbers and birds.

[12:13:59 PM]

There is no reference to birds' nests or the ethics involved in what to do when you encounter a bird's nest while climbing. There are 20,000 unique visitors to one of the local climbing you gyms recently. This is not -- no longer a small, tight knit community that was founded in the 1970s. The amount of birds that I see flying around has drastically decreased, no longer comparable to Hamilton pool road as it used to be. And the whole roof, which is a natural bird's nest, with all the ledges, is now considered jugs for the hands that feed the climbers. There's no signage, so when a climber goes up there that's never been there before there's no warning there's a bird's nest, so when they knock it down, it's ignorance. It's not their fault. All I'm asking for is a sign that says there's an active bird's nest in this location, please be aware, please use a different route, like everywhere else in the nation. I find it kind of hard to believe considering how hard we fought for this land that we would allow this climbing community to degenerate to the point where the rest of the greenbelt is complete anarchy, drug use, alcohol use, violence, loud music. It's no longer a nature preserve, a mixed use nature that's -- is how it's explained by the park rangers who say they are having threat of having their six active duty members defunded. There's no law enforcement, there's no accountability. And that'sty much all I have to say. I've provided a lead shot that I found when picking up trash that cost \$200 to throw down by the climbing community. I pick up that trash every time I go climbing next to joint roaches and the beer bong. I found another one of those life shots yesterday and I gave it away.

[12:16:04 PM]

I hope the council can find a place for that. I found it at seismic wall. Based on what it is, I believe it's about 150 years old. I find them every time the rain comes, they wash it down from the top of the cliff. There's a lot of history, a lot of nature and I think we need to continue to understand how to co-exist properly. Thank you very much.

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

>> Tovo: Mr. Wood? Just a quick question. You mentioned that some other communities do have signage, letting climbers know about bird's nests and others. Can you give us a couple of examples of some communities that you believe handle it well?

>> No, I can't give it offhand.

>> Tovo: If you think of it can you email it.

>> Yes, ma'am.

>> Mayor Adler: Thank you. Carolannrose Kennedy?

>> Good morning. And thank y'all for having me and thank you for serving. An intra national anthem.

♪♪ Jose can you see past the

[inaudible]. We're not trying to keep y'all out, we're just containing our right. Jose, we love you and your kids, and your momma who is hid in a country that's foreign, just look what we did.

♪♪ So I'm learning espanol, but it's taking a toll on my tax bills and mortgage, but I can still say let's roll.

♪♪ And the tempers they flare, but you're doing your share cause there's proof day and night that your flag is still here!

[12:18:22 PM]

♪♪ Jose, did your freedom turn into a grave... In the land of debris... And the home of our graves? Play ball!

[Laughter].

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Our next speaker is osayekeme ebomwonyi. Kathie Mitchell is on deck.

>> Mayor Adler: Either one. And I hope I came close to pronouncing your name correctly. Please introduce yourself. You have three minutes.

>> My name is osayekeme ebomwonyi. You can call me Patrick. I am from the royal family in [indiscernible] Kingdom, one of the biggest --

>> Mayor Adler: Can you move the microphone closer.

>> I'm from the royal city, one of the biggest cities in Africa. What I came to address is in this community there's a lot of gang violence. And I work in the ministry so I have to be careful of all the devil and devil programs and the works of evil in this society. Also as I progress day-by-day I put god first in everything. What I'm just telling people to keep in mind is jail. Law enforcement and not be too easy on that. I noticed since I was out and watching the community, watched all the different people in this community, it's a lot different from where I'm from. I'm from Africa, I was born out there. And it's a nice place, but ultimately the law enforcement and the way that y'all handle yourselves -- way that we handle ourselves here needs to come to a place where we -- regardless of what we are, our lives, mindset, everything is in safety, we are completely safe doing all this.

[12:20:40 PM]

That's one of the biggest points. I have a list of individuals. I've been in the past, I know the police need to address them. I'm doing my best to work with police, church, christianity, that life combines and grows and ultimately guides us in everything. Simple as that. I have a big list of people, pastors, I have names, -million-dollar drug dealer playing basketball. Still hasn't gotten caught. Police need to get a hand on this thing.

[Listing names]. All these people are troubled individuals. So our society need to do something about that in this city. I've been here before, I talk about the same thing, police helping out children, helping out kids. Start with the police officer from the beginning and working your way up so ultimately when the issue comes about that a police officer is there guiding, watching these kids, directing these kids, helping out these kids, showing them right way to go N trouble they have somebody to go to. Ultimately what I'm saying is just there's too much evil, too much corruption of pastor's, police officers, officers. Police should be involved in my life and the lives of others. We need law enforcement and protection and make a way for the future. We could see the future. We could see many good things happening, but if there's no law enforcement, there's no progress. It's that simple. That's what --

[buzzer sounds] To reach out to you guys.

>> Mayor Adler: Thank you very much for your time.

>> Thank you.

>> Mayor Adler: Kathie Mitchell and then Scott Henson.

[12:22:42 PM]

>> Hi, I'm Kathie Mitchell and here on behalf of the Austin justice coalition. Most of you remember a year ago approximately. We were here because during the budget process we wanted to make the point that we needed a better police department, not necessarily a bigger police department, and then in fact it needed to get better before it got bigger. I'm here unfortunately today to say that not a whole lot of actual progress has happened in the past year. There was a budget rider that you all passed that required the staff to support a stakeholder process to review recommendations from the matrix report. I know it's been a year, but if you can remember all the way back they had some very significant recommendations for the city in terms of actually creating a real community policing system. Defining what those activities would be and having metrics for outcomes. We also -- that budget rider also recommended a number of riders from the justice coalition that we put together and asked that the community coalition accept those recommendations. We didn't expect to get everything, but we expected a process by which they would be considered and possibly implemented in part or in whole. That process hasn't occurred. In lack of that process, there was a moment when the Austin justice coalition reached each other, had a meeting about a particular draft of changes to the use of force policy, the primary use of force policy in the APD manual. We presented a draft at that meeting. That's as far as that went. And during this period it there had been additional recommendations for change. The institutional racism and systemic inequities task force completed its work and produced a report that specifically recommended several changes at APD.

[12:24:54 PM]

So now we're in the position we have the matrix report, we had the Austin justice coalition recommendations, now we have the recommendations from the institutional racism and systemic inequities task force. And it is really time to see something move forward in a concrete and structured manner so that we can actually reform APD where it needs reform. I'd like to point out that we are about to start another budget process. And at the same time we're in the middle of the meet and confer negotiation, which just started up. This is a unique opportunity for the city to consider the cost associated with our current police department and its structure at the same time as we're considering all of the other costs and budget items that we have in the city as part of our process.

[Buzzer sounds] If I could just complete one sentence.

>> Mayor Adler: Finish your thought.

>> As we look at how to do better policing more efficiently as opposed to more policing there are a number of things, including a recommendation from the institutional racism task force about using our police time more efficiently and one of their recommendations was to reduce arrests for non-jailable offenses.

>> Mayor Adler: Thank you.

>> And there are a number of other things we can do along these lines.

>> Mayor Adler: Thank you. Scott Henson and then Ashley Avery is on deck.

>> How are y'all doing. Scott Henson, I'm local director at a group called justice deliverly and I have a book called gets for breakfast. I was asked today by our friends at the Austin justice coalition to come visit with y'all briefly about some Austin pd budget issues and maybe some things that we might be considered doing differently as you head into the budget process and meet and confer this go round.

[12:26:56 PM]

As always, every year I can remember Austin pd comes forward and says we need more officers, we don't have enough people, and you have folks like the gentleman you heard earlier saying we have unmet needs out in the community and we need police to meet these needs. There's more than one way to skin a cat. In this case Austin pd is spending about 10 to 12 percent of its patrol responses on false burglar alarms. This is an issue that has been raised in the media before, but the city council has never addressed it. But it's a significant amount. There are cities that have put in place something called verify response that makes the companies verify there is a burglary before the police are called out. And if this was done as those 10 to 12% of false burglary alarms is eliminated, that's a lot of time to free up the officers that we heard about earlier. What are we losing if you do that? The statesman a couple of years ago in 2014 had an analysis that said -- let's see. At that time -- I'm sorry. At that time they said the APD didn't keep records. They didn't know how many arrests they had based on the burglar alarms. However, in 2007, which is the last data I've seen published, there was an internal APD analysis done by an APD lieutenant and they found that that year there were only 11 arrests out of 39,354 burglar alarm calls, 11 arrests. That same year there were only 7,764 burglaries. And so we have many, many times more responses to false alarms than you do actual burglaries and all of this is just wasted officer time. The city should study verified response.

[12:28:56 PM]

The best model I would suggest looking at is in Salt Lake City. You should know ahead of time this would be a big political fight as all battles against corporate welfare are. This is basically a situation where a handful of companies are using city services to profit and really not having to provide very much in services themselves. So you will see a big fight because they have all this extra frost and nothing to snow it. But it will be worth it. For starters, this is a big subsidy to the wealthier districts from the non-wealthier districts.

[Buzzer sounds] But even the wealthier districts are not actually gaining that much from this when you think of 11 out of 39,000. I will probably email y'all a few other suggestions that I've gotten related to other ways to reposition staffing to help with budget. But thank y'all, unless you have questions.

>> Casar: So Mr. Henson, what you have looked at, and I will ask the city manager to verify your work here, you're saying that 10 to 12% of our officer time is going to these alarms.

>> Yes.

>> Casar: And we've had 11 arrests related to those?

>> That was in 2007 is the last time that APD has had data. Chief Acevedo said they did not gather that data. The analysis in '07, just to go to the last year, 11 arrests out of 39,354 burglar alarms. There were 7,467 burglaries that year, so it was four times as many false alarms as there were actual burglars and only 11 arrests were made based on that. And as an addendum, almost all of those are commercial burglar alarms. The home alarm numbers are much worse.

>> Casar: So based on the 2007 data that you got, which again you're not the city so I appreciate you putting together what you can get, based on what you got in 2007 your gut is we spend 10% of our time to get 10 or 11 arrests.

[12:31:10 PM]

>> This was produced by an APD lieutenant back then. Second, the police executive research forum did a staffing analysis a few years ago. They did not come up with a number of how many arrests, but what they found is that in 2011 there were 34003 dispatches for false alarms, so that's over time pretty consistent within the high 30s basically is where the burglar alarm numbers seem to be coming in overtime. And that -- according to both the perf numbers and the 2007 had the 10 to 12% range. That's where those numbers come from.

>> Casar: Okay. I appreciate you bringing that up. I think I will submit, so the councilmembers know, is try to see what those numbers might look like for -- based on our own data for today because that would be a pretty significant savings. Time we spent arresting folks for non-jailable offenses, that might be another useful way to look at those efficiencies as we go into the budget. As far as that budget rider

goes that Ms. Mitchell brought up, I know that councilmember kitchen and I drafted that and we've brought it up at a couple of work sessions. So I'll include that as a follow-up too.

>> On the non-jailable offenses, real quickly --

>> Casar: [Inaudible].

>> In Harris county we have an analysis of how many arrests it was. It was much higher than anyone understood. 11% of arrests county wide where for those class C non-jailable offenses. So that could be a big savings as well, the officer time you make on the street when they make arrests for failing to signal for a lane change, is significant. Thank y'all.

>> Hi. My name is Ashley Avie.

[12:33:11 PM]

I've been working downtown at sixth and neches for over a decade. My name may sound familiar thanks to a string of angry emails, mayor Adler and Kathie tovo. Everyday people are smoking K 2 outside of our shop. This didn't always happen, but it's been consistent for the last three months. That poison is entering my body against my will and I don't know what else to call it except for health rape because that's basically what it is as far as I'm concerned. We know that K 2 causes brain damage, death among other things so tell me do I have to continue to just take this or what are you all going to do about it? I regularly call ems when there is someone who had been smoking K 2 passed out around the entrance of my building and in fact one of the days I left angry voice mails there were six different ems responses between fifth and seventh street on neches in six hours. I would like to know how much money this kind of response to K 2 is costing the taxpayers? It's something that we really need to be talking about. I would much rather see that money going to tiny homes than, you know, a thousand dollars every time ems responds or maybe much higher. I don't know because the city's not actively talking about those numbers, which is absolutely wrong. So one of the people that I saw on the day where there were six responses was responded to for K 2 the very next day. And I don't really understand why the city of Austin isn't giving people pis after ems responds because often times ems responds and they get up and they move away, so we need to be giving those people pis so that we know who repeat offenders are so we can deal with that. And I think actually deal with that as in a denial of services because I don't know how else to get through to these people. And when we're talking about community court, you know, if they get a pi then chances are they go get it dismissed in the community court and we just have this like cycle going over and over and over again, which is negatively impacting me.

[12:35:23 PM]

And the police have to deal with it and other people like see it, but the workers of sixth street are the ones that are like really affected by everything that happens in this city because that's the hub, that's the place where we make all of our money for the city. And with all these big events we've already lost at least a couple of conventions due specifically to the homeless issues that we're facing downtown. And I don't really see that you guys actually care about what's going on down there although you have made some statements on the issue. Definitely no one has come and talked to me and I've left, you know, many voice mails on the subject. Also, I find it absolutely appalling that the arch gets to play hero while giving resources to villains, on the subject and on the segue to the next speaker --

[buzzer sounds] Basically I've been assaulted by people as have many of my co-workers and the arch provides services to these people. I've been stalked for months by someone who is getting services from the arch and this is something that we need to talk about. Thank you.

>> Mayor Adler: Thank you. If you want to wait three minutes until the next speaker is over I'll come talk to you. Last speaker we have is Danielle [inaudible].

>> My name is Danielle Wilson. I'm going to follow up with what she was saying. I'm the general manager of the museum of the weird downtown on sixth street. I've been the general manager there for seven years. The business has been there for 12 years. Over the course of those seven years we've always had an issue with the homeless, but it has seriously become noticeably worse the past year or two. I think that isn't due to the K 2 use. We regularly have to call ems and police to come and get people who are coding literally in my shop.

[12:37:26 PM]

I came here today -- it's always been an issue, but I came today because on Sunday, May 28th, had an employee that was attacked leaving work. She was a brand new employee, she had only been there for about a month. She was first groped, and then she was physically assaulted. She wasn't mugged, she was just assaulted. I now fear for my safety. I have a crew of about 12 to 14 people. I am here today for their safety. It's not safe downtown. Not only for the employees, but also for tourists. I regularly have tourists ducking into my business trying to escape possible attacks from homeless. They're very aggressive. And it's honestly scary. I carry mace with me everywhere. I work 9:00 in the morning until 5:00, and I never know what's going to happen next. I have a five-year-old daughter who just came to visit me at 2:00 in the afternoon on a Saturday, which is prime business for us, and she was scared. And this is somewhere I've worked for seven years. This is my livelihood. A lot of the times when I call police, even though the police station is three, four blocks away, I've waited sometimes up to an hour for an officer to come into my business. I've had people come in literally trying to stab each other. And a cop came 30 minutes later just to tell me he couldn't do anything about it. I'm not sure exactly where to go

from here, but I'm kind of tired of feeling helpless and like I can't do anything. Something that another business owner had said when I was talking to them about it is we've become fish in a barrel because predators are allowed to congregate. The k2 is definitely a huge issue and has been for the past year. I would like to find a solution to it because I'm not going to quit my job.

[12:39:28 PM]

I've been there for seven years. And I'm just scared that something else is going to happen, not just to employees, but to tourists. Sixth street is where Austin makes a lot of its business, south by southwest, all of the holidays. It's busy down there. And tourists don't know what they're walking into.

[Buzzer sounds] Thank you for your time.

>> Mayor Adler: [Inaudible]

- no mic]. ... As we talk about the things that are happening downtown, waller creek, convention center, use of the hot tax, is a -- to see if this provides -- this collection provides us the opportunity to actually change the existing function of the arch or the load that it has so that it doesn't create these challenges and problems downtown, but still provides whatever it is that the appropriate services are for the folks down there that need that. And I think that's a direction that has real high potential for us.

>> Thank you.

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

>> Tovo: Mayor, I just wanted to thank both of the speakers for coming down. I think there was a comment earlier about nobody having spoken. I know from -- and I just confirmed with my staff that they have spoken to you several times. I understand that this situation has not been resolved and I appreciate you coming down here to really articulate the ways in which it's impacting both you and your colleagues. Pleased in it is a priority of the council -- please understand it is a priority of the council, it is a priority of the council to respond to this k2 epidemic and you may be aware of the recent resolution that the mayor sponsored and several of us co-sponsored and passed at the council to make sure that our city staff and city departments know that they have our support in identifying other ways, other funding, if that's what they need to respond.

[12:41:33 PM]

So again, thank you for -- thank you for being here and for your active collaboration to let the police know when there's criminal activity taking place. And know that it is a priority of this council to address all of the elements of this situation that you've described.

>> Mayor Adler: All right, thank you. Council, we're going to now recess, go into executive session. We're going to take up one thing. If we could all get there quickly it won't take us a long time to do this. Then we can have some break and then be able to come back. But we're going to go up in closed session to take none item pursuant to 551.071 of the government code. It's for the interim city manager. Without objection we will go into executive session. It is 12:42.

[Executive session].

[2:00:14 PM]

.

[Executive session]

[2:08:08 PM]

>>

[2:12:57 PM]

Is that correct.

>> Yes.

>> Thank you.

>> Mayor Adler: Okay. Yes? Ms. Pool?

>> Pool: On 48, since that's on consent, I want to be seen voting against.

>> Mayor Adler: Okay. Yes?

>> Pull 55.

>> Mayor Adler: Pull what?

>> No. 50.

>> Mayor Adler: Okay. 50, so we're pulling 44 and 50. The rest is on consent. Ms. Troxclair?

>> Troxclair: Is there -- on the item -- which number were you requesting

(indiscernible) On?

>> Mayor Adler: 49.

>> Troxclair: Is there a requirement that the applicant show up to --

>> No, there's not a requirement, but the staff recommended denial of the case, you know, before this became an issue.

>> Troxclair: You did?

>> Yes, and so did the zoning and platting commission and we haven't heard from the applicant since then.

>> Troxclair: Okay, so it's not -- we're not denying the -- the recommendation to deny is not because they didn't show up to the meetings.

>> Right.

>> Troxclair: That was the recommendation previous?

>> Yes.

>> Troxclair: That you.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Mayor, I'd like to pull item 42, please.

>> Mayor Adler: Pulling 42, 44 and 45. Is there a motion to approve the consent with those items pulled? 42, 44 -- and 50, I'm sorry, 42, 44 and 50 being pulled. The consent agenda goes from 42 to 53. Is there a motion to approve the consent agenda? Mayor pro tem makes that motion. Is there a second to the motion on the consent agenda?

>> Tovo: I shouldn't because I want to vote against one of them.

>> Mayor Adler: Mr. Renteria makes that motion. Is there a second to the motion? Mr. Flannigan? Thank you. Any comments before we take a vote?

>> Tovo: Do we have any speakers? I don't have my speaker system up right now but we don't have any speakers on 48?

>> Mayor Adler: We do not.

>> Tovo: I would also like to be shown voting against that one. It is a property that is operating commercially. That would be my preference given that it is in an area with an under-enrolled school.

[2:15:00 PM]

I think the current zoning is better over the long run.

>> Mayor Adler: Noted in the record. Those in favor --

>> I'd also like to vote no on (indiscernible).

>> Mayor Adler: Noted. In favor raise your hand? Opposed? It's unanimous with the notations made, Garza and kitchen off the dais. Let's go the items that have been pulled. The first item pulled is item no. 42.

>> Item 42 is c14-2017-003 for the property at 33033 pond springs road. To change it from l-rr to gr zoning. Staff recommended gr-mu. The zoning and platting commission recommended crmu zoning. The last case this was before the city council, on may 4, there was a discussion about the necessity of the conditional overlay that the zoning and platting commission recommended, and the city council voted to approve the case on first and second readings without the conditional overlay, and with that I'm available for any questions.

>> Mayor Adler: Okay. Mayor pro tem, you pulled this?

>> Tovo: I did, and mayor, as I said at the last hearing, I wanted an opportunity to go out and see the site and understand whether a conditional overlay would be appropriate, and I do have some photos from that visit that I'd like to show my colleagues. But I would also just say -- so it's my preference, and I'll make an amendment to move instead the zoning and platting recommendation which was one to which the applicant had agreed. Again, it was the will of council -- could we go back to the beginning and I'll walk us through what we're seeing? So the front building is the property in question. You can see the proximity to the apartments in the back. Next, please. This is a view from the property. The building in the distance is a charter school. I've suddenly forgotten the name of.

>> Challenger.

>> Tovo: Thank you, challenger. Next, please? Again, this is another image of -- let me just make sure.

[2:17:02 PM]

Another image of the property in question in the foreground and then again immediately behind it the apartments. Next please. Same. And that's to the side of the property. Is that the last one?

>> I have two pictures to show.

>> Tovo: So again, I was trying to capture the proximity of the rental apartments behind this commercial property. I believe the conditional overlay is appropriate given its proximity to residential apartments, and again, since the applicant was in agreement, that would be my preference to adopt something that offers a little more protection for the nearby residents.

>> Mayor Adler: Okay. Let's get a motion up and we'll come back to you for that amendment. Mr. Flannigan, do you want to make a motion?

>> Flannigan: My motion would be to approve it without the (indiscernible).

>> Mayor Adler: Mr. Flannigan moves to approve it as we had on first and second reading. Is there a second to that motion? I'll second that motion. We now have the motion in front of us. Do you want to make an amendment so as to --

>> Tovo: I'd like to make a substitute motion that we approve the zap recommendation, which again was agreed to by the applicant and includes the conditional overlay.

>> Mayor Adler: Okay. It's been moved to -- to include the conditional overlay on what we had earlier approved. Is there a second to that? Ms. Pool seconds that. Discussion on the amendment to add the conditional overlay? I'll let Mr. Flannigan start, then Ms. Pool.

>> Flannigan: So I think it's important to differentiate between cos that were added by a zap commissioner that the applicant did not ask for and did not fight. It was passed on consent. This was not something that was negotiated. It was not something that the community came out and asked for. This was not something that was relevant to a site plan or an intended use.

[2:19:08 PM]

Also, the properties on all four corners of that intersection lack these cos. There's gr-mu-co zoning, but the cos on those properties refer to drainage requirements that have subsequently been adopted in the main code, is my understanding, but none of the use restrictions save for the school, which had a pawnshop restriction, which is as much about the size of the property as it is about the use itself. So given that none of the surrounding properties have these use restrictions, given that the neighborhood did not substantively ask for, if there was one -- one resident complained about noise, but there was no site plan that was talked about to do that. It is not compatible with the gr-mu zoning that is immediate

adjacent to this property. I don't -- I don't see the need for the cos. I think it unnecessarily complicates the zoning, and -- which is why I have moved -- my main motion, to approve this just gr-mu, which is consistent with the surrounding Zones.

>> Mayor Adler: Ms. Pool?

>> Pool: I have three slides to show, and I think one of them is up, and I just wanted to demonstrate the distance from the back of the property to the existing property, which is one reason why the conditional overlay is important. So you can see it's 5 feet there, and then the next one is about 13 feet. And that's the -- that's another one of the edges of the property, to existing properties, there's 13½ feet, and then as to whether there were cos on other properties, we show co -- there's a trip limit and a use limit, trip limit and height limit, on on-site detention, on-site detention for commercial, on-site trip limit, use limitation, so there's significant -- surrounded by parcels that have conditional overlays on them, and so I support the zap recommendation.

[2:21:33 PM]

>> Mayor Adler: Further discussion? Yes, Ms. Alter?

>> Alter: I was just wondering if that

(indiscernible). Thank you. I just wanted to give you an opportunity to explain whether this conditional overlay -- or how this conditional overlay would strain you or whether you're comfortable with it.

>> Thank you, Vince with Vincent Gerard representing the owner. A zoning commissioner asked for that based on his thought process. He called us. He said that he had the email from the noise situation. We put in those things to get through the zoning, but it was annexed into the city, the setbacks weren't really as capable an issue that I guess would be brought forward today. We don't have a problem with all the cos except for one, because there's a gun safety class that has -- may be in conflict with the trade school. We talked to Greg and Jerry about that. They didn't feel it was necessary, but we would be okay with the cos except for that one, and that's not a noisy type situation. That's it.

>> Mayor Adler: Yes, mayor pro tem?

>> Tovo: Thank you, sir. I had forgotten that you mentioned that last time, but I would amend -- amend my substitute motion to have the co not include trade schools.

>> Mayor Adler: Okay. Is there any objection to changing the amendment to add the co to specifically note that it's a co without the trade school limitation? Hearing none, that's the amendment offered by the mayor pro tem. Any further discussion? Mr. Flannigan?

[2:23:33 PM]

>> Flannigan: The cos on the surrounding properties do not include a height restriction, only one of the cos has a trip limit. It's on a sanctionly larger -- substantially larger property than this one and the co receipt be proposed on this site, much less the property adjacent which backs up to the same property, and it is gr-mu. I don't see a need for the co. It was a single commissioner who asked for them and moving for the process it was not debated but I think we have a responsibility to think how we're doing things at a higher level and is why I have asked to have these cos removed. They are unnecessary. They are not being asked for. The applicant was not asking for them. It was not a negotiation with the neighbors and there was one singular person who emailed about noise with no single underlying reason why they were emailing about noise. So I don't think it's a good practice to pass cos just because people think that the cos are nice. There's no substantive issue that's being addressed here. There's no substantive concern that's being addressed here. So I'm -- this will be the last thing I say on it on this case. Obviously I won't support the mayor pro tem's substitute motion, but I guess with two colleagues off the dais we'll see how it goes.

>> Mayor?

>> Mayor Adler: Further discussions? Ms. Pool?

>> Pool: I just wanted to reiterate that the co would prohibit outdoor entertainment, and this is why the 5-foot setback and the 13-foot setback are examples of why that's important, including outdoor sports and recreation. Pawnshop services, a service station, hotel/motel, exterminating services, funeral services. We've dropped the business or trade school piece and then dropoff recycling collection facilities. This was a consent item for the zoning and platting commission on April 4 of this year, and it passed 10-1. And it looked like Ms. Greenberg made the motion and Ms. Aguirre the second, so this was a unanimous recommendation from the zap commissioners.

[2:25:46 PM]

>> Mayor Adler: Okay. That he further discussion? Mayor pro tem?

>> Tovo: And I guess I just -- you know, I agree with my colleague that, you know, we do have an opportunity to kind of look at things globally and as I looked at that property and thought about what would be the uses that would make -- that would really impact my quality of life in this complex, certainly after a sports and recreation and outdoor entertainment are ones that would. And as I sit here and make zoning decisions and use our discretionary zoning capacity, I really do try to think through how some of these is within these categories could impact the people living around them, and especially when -- when it -- it doesn't sound as if it will impact the business plan of this property owner at all and

they're willing to do it, it's a -- it's a protection that we can put in place, even though there weren't people who are renting in that complex who came forward and asked for it, I still think it's in their best interest to have that conditional overlay, that's my rationale. As I look over the staff report it does include similar kinds -- you'll see when properties back up to single-family there are conditional overlays prohibiting commercial services that could have an impact on residents living nearby.

>> Mayor Adler: Okay. Further discussion? Let's take a vote. Those in favor of the mayor pro tem's amendment to include the co without the noise limitation use, please raise your hand -- without the trade school. Without the trade school use.

>> We adopted her amendment. This is the vote on the substitute motion.

>> Mayor Adler: It's --

>> Tovo: (Indiscernible).

>> Flannigan: Right. So this is the vote on the substitute motion.

>> Mayor Adler: It would be --

>> Flannigan: Including the --

>> Mayor Adler: I said she's amending your motion to include the co. So this is a motion -- this is an amendment to include the co.

>> Flannigan: I thought we did that.

>> Mayor Adler: No, what we did was -- it was an amendment to include the co, and it got changed to be an amendment to include the co except that it doesn't include trade schools.

[2:28:00 PM]

>> (Indiscernible).

>> Mayor Adler: Yes?

>> Tovo: I think there's just a little bit of confusion. I thought I was making mine as a substitute motion, which I then subsequently amended to remove the business or trade school, which --

>> Mayor Adler: The problem with doing it -- and I heard you say that.

>> Tovo: -- That's fine. Whichever way you want to handle it is fine. I just think there's some confusion on the dais exactly what we're voting for.

>> Mayor Adler: When you do a substitute motion you have to debate and you vote on both, which is why in this kind of situation you don't do a substitute motion. She agrees with what you want with the exception that she wants to add in the co. Now, her amendment to add in the co was then changed by agreement to say we're going to add in the co except for the prohibition against trade schools. So the amendment to your motion is to add the co, and now we're going to take a vote on that amendment to add the co. Everybody okay? Go ahead, Greg?

>> So, for example, if I wanted to support the original motion and vote no on --

>> Mayor Adler: Vote no on the amendment and then we'll take a vote -- we'll either amend it or we won't and then we'll vote on it as amended or not. Okay? First we're voting on the amendment. Do we change the main motion? Those in favor of the amendment please raise your hand. Ms. Houston, mayor pro tem, Ms. Pool, Ms. Alter. Those opposed raise your hand. It does not have six votes. The others voting no, Garza and kitchen off the dais. Now we're back to the main motion as it was originally proposed. Those in favor please raise -- any discussion? Yes, mayor pro tem.

>> Tovo: Given that we have two colleagues off the dais, are we voting on this on second and third reading or can we take it up just on second?

>> (Indiscernible).

>> Tovo: We did first and second. All right. Thanks.

>> Mayor Adler: This is on third reading. Right? This would be on third reading. Those in favor please raise your hand.

[2:30:00 PM]

Those opposed? Ms. Pool voting no, the others voting aye. Garza and kitchen off the dais. %-@Ms. Houston?

>> Houston: (Indiscernible).

>> Mayor Adler: Abstains. This motion passes, two off the dais, one abstention, the others aye. Let's now move to item no. 44.

>> Item 44 is case c14-2016-0134 known as the pioneer at wall news creek. This is for the property located at 11126 sprinkle cutoff road. The requested zoning is from l-rr to mf-2. The staff recommendation was to grant sf-6 and on first reading, the city council voted to approve the sf-6 zoning on a motion of 10-0. I stand by for questions.

>> Mayor Adler: Who pulled this?

>> Houston: I did.

>> Mayor Adler: Ms. Houston?

>> Houston: Before you leave, Mr. Rusthoven, I have a couple questions. One about there was a risk covenant. Can you explain to me what that is because that was late.

>> Sure, the property required was called a neighborhood (indiscernible) Analysis because it generated over 300 trips a day that was on a street zoned at least 50% residential zoning. And the nta, the restrictive covenant is to tie the case to the conditions that are in the nta and we do have transportation staff here if you have any questions related to --

>> Houston: Okay, yes, I'd like transportation staff to come up.

>> Eric (indiscernible) Austin transportation department.

>> Houston: Thank you so much. Has there been any coordination with Travis county regarding this road? And just for our information, could you put up item no. 44, the picture of the most recent crash and the size of the road? The next one. Well, that one is good.

[2:32:01 PM]

Okay. That's it. That's the result. Now, put the small road back again. So has there been any coordination since the last time we met with the county regarding the -- this road and the number of trips that it's already carrying?

>> Specific to sprinkle cutoff, no I believe this part is still win the city of Austin limits. We did get more information about the extension of Braker.

>> Houston: Could you give us that information?

>> Sure. There are two concurrent projects for Braker lane, that's one from Daisy and you so Samsung. That the Austin department of energy is leading the design. It's about 30% design stage. They anticipate that the design would take at the most till the end of calendar year 2018. At the same time the county is leading the design from Samsung all the way to Harris branch parkway and they have a similar timeline for the end of 2018 for a completion. And the end result would be a four-lane divided arterial more or less the extension of what Braker is, just east of dessau.

>> Houston: Just east of dessau.

>> It extends a little bit and provides access only to the single-family houses at the moment that are off of Braker.

>> Houston: And do you think that based upon your traffic analysis -- what do you feel like the impact is on the number of cars that are currently -- I think it's over 3,000 trips a day if I remember correctly.

>> That's correct.

>> Houston: That's going down this road today, and with the addition of the development, how many additional trips would that add?

>> It's estimated to add approximately 1600, so at the end of this case in question it would be approximately 4800 cars a day.

>> Houston: 4800 a day.

>> That's right.

[2:34:02 PM]

>> Houston: Okay. Thank you.

>> You're welcome.

>> Houston: Mr. Rusthoven, I have another question for you. And the recommendation from the -- was it planning commission?

>> Yes, the request was mf-2. The staff recommended sf-6.

>> Houston: And how many units does that add to this development? How many --

>> Let's see. The -- the zoning and platting commission recommendation was to approve the sf-6 zoning. There was a motion

(indiscernible) Mf-1 with 200 units. I dejuan know what the maximum -- I do not know what the maximum number of units with the sf-6 is but I think Eric has a

(indiscernible).

>> So the nta states that at least what was analyzed was 248 low rise dwelling units.

>> Houston: For the sf-6?

>> It says mf-2 actually, but that's the only information I have, what was included in the nta.

>> Houston: Okay, and is the developer or the agent here today?

>> Yes, it's the same from the previous case.

>> Houston: All right.

>> Yes, ma'am, Vince Huebinger.

>> Houston: Nice to see you again.

>> Good to see you.

>> Houston: Can you tell me what it is that you're proposing now as far as the number of units on this very extremely narrow road with no signalization at all?

>> Yes, ma'am. We have proposed mf-2 to planning commission. Staff recommended sf-6. The mf-2 was generating about 248 units. We actually changed our request to mf-1 and a limit to 200 units, with the conditions we talked about, for instance, the deceleration lanes, the additional right-of-way, the parkland trail in the back, keep some of the pedestrian traffic off that.

[2:36:11 PM]

Keep in mind if we develop this or when we develop this we would have to improve over 400 -- approve over \$400,000 worth of road improvements on our side, so anything that happens on this, councilwoman, would have to include the expansion of that roadway for development purposes. So that single car accident on wet road probably wouldn't happen if it is expanded and help in the safety of those things. So we're still asking for mf-1 with 200 units, because we think the conditions are good and of value to everybody out there. The project was filed for an sewer request years ago before it was annexed for 250 units, the owners at least want to get something close to that, because the staff recommendation and planning commission recommendation and your motion last month was for sf-6, which is about 165 units, so we're talking about maybe 35 more units that may add -- I don't know how much traffic, but minimal traffic on that road, again with the improvements that we would have to propose.

>> Houston: The last time we were here, sir, we were talking about my concerns about access to the development and to enter and, you know, you talked about you would be able to have a slip lane to go north on Sprinkle Cutoff Road, but then there's a -- how do you get -- turn left into the development from the -- that very narrow road? And I'm still not hearing how that -- the management of that particular intersection is going to be handled.

>> We would -- we would propose, if we get that mf-1, to widen the road there and have a right turn in - out -- acceleration lane. There wouldn't be any change in the left turn out. That would have to yield to oncoming traffic, but at least within 3 to 400 feet you'd have a wider right-of-way, and wider pavement way to be able to navigate that.

[2:38:19 PM]

We also have a traffic consultant here that can answer some of those difficult questions that I can't answer.

>> Houston: So what I'd like to propose is that we approve this and -- can I talk now some I would like to make a motion that we approve this for sf-6 on the second reading only and then we will come back, because I'm still not -- I'm still not convinced that this is not dangerous. You may not be developing this anytime soon, but until I get some real clear understanding about the traffic impact and the widening of the road and the times when that's going to happen, we've already got 3,000 trips a day on a very narrow road that's built for, what, 400 trips or something? 1200 trips a day. So it's already overpopulated with cars. Is that not right? What is the current trip per day count? There's 3,000 trips a day but what is the road regulated as?

>> That's right. Currently there are about 3200 cars a day. Going by the land development code, section 25-6 does prescribe, if you want to call it desirable operating levels 40 feet or wider, the street would ultimately be 40 feet so it would fall under the 4,000 per day.

>> Houston: And we're there now pretty much?

>> Projected with this development it would cross that 4,000 threshold. That's correct.

>> Houston: So that's my motion, that we approve it on second reading at sf-6, which I understand is 145 units.

>> I think it's 165 in that --

>> Houston: 165, and then that will give us time to talk about what do you mean by affordable units? Because that's the first time I heard that was in the restrictive covenant.

>> It's not qualified to be filed since it's a newly annexed as an affordable housing project with a certain percentage.

[2:40:23 PM]

What we're talking about there when we discussed that earlier is it is more affordable because of the additional units that can be put in play from a market condition. So less.

>> Houston: Okay.

>> Mayor Adler: Is there any discussion on the dais before we go back to council member Houston to make a motion? Okay, Ms. Houston makes the motion to approve sf-6 --

>> Second reading only.

>> Mayor Adler: Second reading only. That's the motion.

>> That's the motion.

>> Mayor Adler: Okay. Is there a second to that motion? Council member alter seconds that motion. Is there any further discussion on that motion? Those in favor of the motion please raise your hand. Those opposed? Unanimous on the dais with kitchen and Garza off. We're go on to the last of the zoning matters now. That passes. Now to item no. 50.

>> Jerry rusthoven, planning and zoning, c14-2017-0015, at 9701 spectrum drive. This is a request from cs to cs-mu-co. It was recommended approval. The co would predict the property to mf-4 site development regulations. And with that I'm available for any questions. It's ready for all three readings.

>> Mayor Adler: Who pulled this? There Flannigan?

>> Flannigan: This is another case that I think the co is unnecessarily complicating the actual underlying case. I handed out this document that compares the actual development regulations in all three scenarios. What would happen if this property was zoned as just mf-4 straight up. What would be it under cs-mu and then under the proposed cs-mu-co. Subsequently the only difference is a little bit on the setbacks and the floor to area ratio but it has the same height restrictions, same impervious cover.

[2:42:24 PM]

In this case the impervious cover and building cover end up being the same number, it's related to watershed restrictions. The lake creek watershed is what sets that impervious cover limit. I think moving forward for this property it's much clearer to just be the cs-mu given that is nearly identical to mf-4 and the applicant has requested that they retain cs-mu. The context of this property is next to an existing office use. It's adjacent to a surface parking lot on one side, green field on the other. It's across the street from a multi-family development and it backs up to the red line and the freight tracks. It seems straightforward that even given it's adjacent to an office use on spectrum drive that it's just much simpler given that the co just said do mf-4. If you look at cs-mu it's about the same. I'm looking to approve the case just doing cs-mu dismiet.

>> Mayor Adler: Any discussion on the dais before I go back to there Flannigan for the motion? Mr. Flannigan moves adoption without the co. Is there a second to that motion? Mr. Casar seconds that. Discussion? Mayor pro tem?

>> Tovo: I'd like to ask our staff why they recommended the co.

>> The applicant offered the co.

>> Mayor Adler: Can you pull the microphone closer?

>> The applicant offered the co when they filed the case, and we did not have any objection to it. As council member Flannigan said cs-mu basically translates to Ms 4 density -- mf-4, but with the unit cap that the density would give you you'd still have the same number of units. The difference is without the co the building capacity would be bigger but the number of units would still be the same. So when the applicant offered it we didn't see a reason to -- had to take him up on it.

[2:44:27 PM]

>> Tovo: Is the applicant here?

>> Yes, he's in the back room.

>> Mayor Adler: So Jerry, you said it doesn't change the number of units, it just changes the size of the units?

>> Right, because mf-4 and cs-mu have the exact same density limitation, so the number of units were not changed between cs-mu and the co, that we essentially apply mf-4 regulations. They are one and the same. Height is the same as Mr. Flannigan said. The height is affected by the impervious coverious cover and not by zoning. So really the difference is 2-1 far but because it's an apartment project and use are capped by the density limitation, it could be a larger far, in other words, the building could be bigger but the number of units stays the same. So that would be the only difference.

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

>> Tovo: So with the ability to create larger units, do you think that will change your bedroom count at all?

>> No, we're going -- I'm Greg griffin, griffin engineering. It's going to be at 62.

>> Tovo: I guess I'm just curious about the bedroom count on those 262 units. If you had a sense how many would be 2 bedroom, how many would be 3 bedroom. It may say in the staff report. I'm just not immediately finding that info.

>> I'm not sure -- I could barely hear you.

>> Tovo: Oh, I'm sorry. Yeah, let me, aha. Do you have a sense of how those -- what the bedroom count will be? Do you have a sense at this point of what your bedroom count will be? How many will be one bedrooms, how many will be two bedrooms, how many --

>> Most all of it's -- there's almost no threes. And with the zoning app I filled out the little data form, I don't have that with me.

>> Tovo: Okay, thanks.

>> It's mainly ones. And we're okay with the cs-mu but no co. We're okay.

>> Tovo: Yeah. I mean, it would allow you to do bigger units, which you'll either do or not, depending on your --

>> Yeah.

[2:46:27 PM]

>> Tovo: -- Decision. And I guess my last question for staff, did they -- was there an educational impact statement done on this project?

>> That's what I filled out, an educationallal.

>> I don't think it crosses the threshold of the need for one.

>> Tovo: Okay. And it's also Round Rock. My colleague just reminded me and I think we don't yet have an arrangement with them though we do have council arrangement to craft --

>> (Indiscernible).

>> Tovo: I know. Okay. Thanks. But anyway, I guess I'm asking those questions about the unit bedroom count because one advantage of removing the co is that you can have larger size units so you could actually do multiple bedrooms where -- but it sounds like the intent is not to do family-friendly units anyway, primarily one bedrooms.

>> Mayor Adler: Is there further -- further discussion? The motion is to approve this without the -- without the co. Been moved and seconded. Those in favor please raise your hand. Those opposed? Those abstaining? Alter votes -- vote no. The others voting aye, with Garza and kitchen off the dais. This passes. And Houston off the dais. It passes. That takes care of all three readings on item no. 50. That takes us to our 3:00 agenda. It's not 3:00, so we will stand in recess for a little over ten minutes here. We'll pick this back up at 3:00.

[2:53:14 PM]

[Recess]

[3:03:13 PM]

>> Mayor Adler: All right. It is 3:02 and we have a quorum so we're about to recess the council meeting. We are going to convene the Austin housing finance corporation meeting. Today is June 8th, 2017. We are in the council chambers. It's 3:00 P.M. We might want to consider setting these meetings for no earlier than 2:00 P.M.

>> Or 11:00 A.M. Even.

>> Mayor Adler: We might could do that. But here we are, we are a quorum present. We have three items on the agenda.

>> The first item is approval of minutes from the April 6th meeting. The second item is authorization of a loan to Austin habitat for humanity for 1.25 million for assistance with the development of the scenic point subdivision phase 2 that will provide homeownership for low and moderate income households. Item number 3 on the agenda for consent is to authorize negotiation and execution of a loan in the amount of 810,000 to the life works affordable housing corporation to assist with the development of the works at pleasant valley phase 2 that will provide affordable rental housing for life works clients located at 2800 lions road.

>> Mayor Adler: Thank you. Those would represent our consent agenda. Is there a motion to approve the consent agenda? Mr. Renteria makes that motion. Seconded by Ms. Houston. Any discussion? Yes, mayor pro tem.

>> Tovo: I had a couple questions about the habitat project.

>> Sure.

>> Tovo: So it's my understanding that the median family income is set at 80%; is that correct?

>> I believe that's correct. I actually have folks from habitat here that can come and answer questions specifically on that project.

[3:05:13 PM]

>> Tovo: Great.

>> [Inaudible] With Austin habitat.

>> Tovo: Thanks for being here and I'm certainly supportive of this and intend to vote for it, but I was surprised to hear -- is that correct that it is 80% median family income?

>> It's the funding sources is conference cdbg so can go up to 80%.

>> Tovo: Is juror intent to fund -- your intent to fund families below that?

>> 30% to 60%. That's what we aim at.

>> Tovo: That was my understanding just based on previous projects that habitat has built.

>> Yes.

>> Tovo: But I'm not necessarily seeing that commitment in the -- in the materials.

>> That's what we typically build for, but the cdbg funding that is the funding source allows for 80% of median income and habitat can also serve up to 80%. Although we typically serve between 30 and 60.

>> Tovo: I guess I would look to our staff and I have another question for you, but if our staff could --

>> So that is correct. The funding source does allow up to 80% mfi and that's why we listed that as the backup that it would be up to 80%. If habitat wanted to amend that and commit now, we can reflect that as a change in the minutes or reflect that in the minutes of the meeting if that was the entire of habitat. The funding source allows for it so that's why we listed it that way.

>> Tovo: I assume we would want a mix, 80 and some other levels.

>> Yes.

>> Tovo: My interest is making sure you will serve at other levels within that same development.

[3:07:14 PM]

>> That is correct.

>> Tovo: Do you have a sense that might break down?

>> I do not because we have a list of -- as family clients come in to habitat, there is a waiting list so we just go with -- with approving whoever is in line first and then whatever their income is, that's what we go with.

>> Tovo: Okay. Thanks. And I -- I wanted to ask you sort of a more general question. Can you help me understand why habitat, at least here in Austin, is primarily looking to single-family products? I've just been doing a lot of thinking lately in the context of codenext there have been some assertions perhaps there shouldn't be a single-family zoning in some areas. So I've been thinking a lot about single-family -- single-family neighborhoods and multi-family neighborhoods and I wondered if you could speak to habitat's philosophy for creating primarily -- I know from doing research habitat is doing multi-family, but what is -- what are some of the reasons, which again I support, of moving forward with a single-family development on this tract?

>> Mainly because it had already been platted as a subdivision. So all the entitlements were in place regarding platting as a single-family development.

>> Tovo: And again, you have a waiting list so there certainly are lots of families that you serve.

>> Yes.

>> Tovo: Whose dream it is to live in a single-family house.

>> Yes.

>> Tovo: Thank you very much and thanks for all the work you do in the community.

>> To add on to that just a little bit, so this thankfully was given to -- I'm sorry, Greg Anderson, Austin habitat for humanity. We were fortunate to have been given this land and that sf-4 a was already there. As far as where we're going in the future, just for the simple fact you can't build new single-family products especially affordably in or near the city.

[3:09:27 PM]

We have a couple of projects that are all multi-family in the city right now that are -- in district 3, district 2. We reached out to other affiliates and they have gone this route because it's much more affordable price per square foot. But we're not going to step aside from what we've done in the past which is a typical single-family, single-story detached especially when that land is donated to us.

>> Tovo: But I think even in cases where habitat has not had donated land they have chosen to move forward with single-family because there's still a demand for that type of housing in those types of communities.

>> Right. We used to buy lots for 5, 6,000.

>> Tovo: Thanks.

>> Mayor Adler: Mr. Renteria.

>> Renteria: Question. Is that going to be -- are you all going to be able to retain the land [inaudible] Land trust or --

>> Yes, councilmember, we anticipate doing that.

>> Renteria: Okay. I'm always concerned when that happens because of the rising value of land in Austin and we didn't want to have the same situation that happened in Mueller where we [inaudible] Affordable units and now they can't afford it because of increased taxes. Glad to hear that. Thank you.

>> Mayor Adler: Further discussion on the consent agenda? I think that was moved and seconded. Is there no further debate? Those in favor please raise your hand. Those opposed? Unanimous everybody on the Diaz, Garza and kitchen off. Those are all the items we can take up at 3:00.

>> Thank you.

>> Mayor Adler: So we will stand -- first we're going to adjourn the directors meeting here at 3:11. And we'll stand in recess until we can pick back up the city council meeting at 4:00 P.M. For the public hearings.

[3:11:33 PM]

Recess]

>> Mayor Adler: And that's because our calendar won't let us pull up anything before 4:00.

[Recess]

[4:12:50 PM]

>> Mayor Adler: All right. We have a quorum back again, so we're going to pick back up this meeting. It is 4:10. And we might be in the -- in the home stretch. Let's call up first item number 55.

>> Mayor, I have a couple we can do for withdrawal consent and postponement if you'd like to get those out of the way.

>> Mayor Adler: Let's do those.

>> The first one will be item 57, to conduct a public hearing and consider an ordinance amending the city code 25-1-804 relating to the neighborhood plan amendment process. We can offer this for all three readings. This is just that the developer just pay a fee. No controversy on that one. That's ready for all

three readings. Item 59 is withdrawn and no action is required. Item 62, which is considered to conduct a public hearing to consider an ordinance amending city code 25-t-355 relating to voting requirements applicable to historic zoning cases, staff is requesting a postponement to August 3rd.

>> Mayor Adler: And we also had item 58 which councilmember Casar wanted postponed to June 15th. Is there a reason not to do that?

>> Rebecca giello, director of neighborhood housing and community development. Staff is fine with that and the postponement.

>> Tovo: And when we come back and talk about that, I was interested in knowing whether the terms of affordability -- whether the length of affordability would be able to be adjusted or lengthened. So I'm not sure if you're prepared to answer that question or if we could be ready to have that conversation next week.

>> Sure. We will work with the developer to be sure that we're prepared.

>> Tovo: Thanks.

[4:14:52 PM]

>> Mayor Adler: To that end we have some people signed up to speak on item 58. If it's going to be postponed I will give those speakers a chance to either speak today or to speak next week when it comes back. You can pick either of those two, but not both. So on the consent agenda we would have items 57 -- what was it, 57, 58, 59 and 62. Is that correct?

>> And item 59 is withdrawn.

>> Mayor Adler: I'm going to look at the speakers that are signed up here to speak on item number 58 and I'm going to ask if you want to speak this week as opposed to speaking next week when it's being proposed. I'll give you that ability. Zenobia Joseph?

>> This week or next?

>> I can speak now.

>> Is Mitzi Wright here?

>> [Inaudible].

>> Mayor Adler: If she's here next week you can use it. But you can only speak this week or next week. You can't speak twice. So this week you would speak for three minutes because Mitzi Wright is not here.

>> [Inaudible - no mic].

>> Mayor Adler: Okay. David king? And Richard Franklin. So you would be the only one to speak this week. And you certainly can.

[4:17:24 PM]

Go ahead.

>> Thank you, mayor and councilmembers. I'm Zenobia Joseph. I wanted to make my comments this week as opposed to next week in hopes that you will take into consideration the need to have an agreement with capital metropolitan transportation authority as it relates to the item in before you as it relates to the 969 project. Specifically I've given you some examples of why it's important to have an agreement in advance of putting forth the item for a vote. Specifically I gave you the strategic plan information as it relates to the metro rail station. If you look at the item when it went before capital metro, it says that it does not directly support a capital metro strategic goal or objective. So my point in showing you that is even though the city agreed on this particular item, the six million dollars or three million up to half of that project, according to them it had nothing to do with their strategic plans or goals. If you flip your page over you will see the metro rail station information. And if you look towards the bottom, just push it up, if you look towards the bottom you will see the asterisk and it actually has language. And you've seen this before from me, 4-20-17, specifically as it related to the metro rail. It gave the city the burden of paying for that [lapse in audio]. So it specified any public restrooms that are constructed in the public plaza has been designed and maintained by the city of Austin or at the city's expense. You can remove the document. My point in showing you that is when the item went before cap metro's board, may 22nd, 2017, they basically struck that language. So I asked the board chairman Mr. Cooper to ask you to amend the agreement here at the city, and he said my testimony was enough. But you're a lawyer, mayor, I think you understand that what's in writing is what's going to prevail. So I just want the developer to know, and I did testify on this item when it went before the Travis county commissioners' court on may 30th, 2017, that he, meaning the developer, stated he would give \$50,000 towards a bus stop, but as you are aware, the city owns the right-of-way and cap metro provides the service.

[4:19:39 PM]

And unless there's an agreement with cap metro with an ongoing cost of a bus route in that area, those are just empty words and a nice promise. So I'm simply asking you from your perspective to reach out to cap metro and see to what extent they would actually be willing to commit to putting a bus route out there or to having some type of alternative service for these people that will be in this affordable housing development. So I commend the developer for saying on the record at commissioners' court

that he would put \$50,000, but looking at the connections 2025 plan and the way that they have not given resources to the transit dependent riders, I am skeptical unless it is in writing. And specifically I do not want us to start a precedent where we agree on an item, vote in advance and then negotiate afterwards. So I thank you so much for your time. If you have any questions I'll gladly answer them at this time.

>> Mayor Adler: Thank you very much.

>> Mayor Adler: Is there a motion to approve the consent agenda, 57 and 62 which is postponed. Is there any discussion? All those in favor please raise your hand? Those opposed? It's unanimous on the dais. Kitchen, Garza off. Thank you. That gives us still to handle, 55, 56, 60 and 61. Okay. Let's go ahead and call up item number 55.

>> Good afternoon, mayor and councilmembers, I'm Rondella Hawkins. The city charter requires city council to hold a public hearing prior to taking action on any -- any action on a rate change of the grass franchise holder.

[4:21:47 PM]

Texas gas service made its annual gas reliability infrastructure program filing with the city, and with the other cities it serves in the central Texas service area to recover capital investments made in gas utility infrastructure and related expenses in the amount of 33,627,885 -- \$620,885,000 made from January the first, 2016 to January 31st of 2016. And the Texas utility code authorizes gas utilities to recover these capital investments in the interim period between formal rate filings. We took the lead to coordinate, review with the other cities in the central Texas service area. And after review of the filing our rate consultants have indicated that the Texas gas service proposal, it complies with the grip statute and the schedules accurately compute the revenue requirements and the rate design to the customer classes that was approved in last rate case last fall in 2016. And the current fixed residential monthly customer charge of \$15 and 28 cents will increase by 1 dollar and 21 cents, which is a 4-point one% increase. And the commercial fixed monthly charge increases by five dollars and 79 cents. So if these grips -- if approved the rates would become effective for meters read on or after June 16th, 2017. And staff does recommend approval of the proposed ordinance and the accompanying rate tariffs. Thank you.

>> Mayor Adler: Is there a motion to approve item 55? Ms. Pool makes a motion. Is there a second? Mr. Renteria? Any discussion? Those in favor please raise your hand? This is also to close the hearing and to approve the item. There are no speakers signed up. Those if favor please raise your hand? Those opposed? It's unanimous on the dais with the mayor pro tem, councilmembers Kitchen and Garza off.

[4:23:53 PM]

That passes thank you. That gives us three things that are left. We have no citizens that are signed up on 61. Is staff here for 61? Staff may be in the back room. We have items 55 and 56, they both concern potentially plumbing codes. Is Mr. Hersh here? Why don't you come down and speak on item 56. You're the only one signed up for that.

>> Mayor and members of the council, my name is stu and I live in district 2. On April 20th, 2000, the city council adopted the following requirement in council resolution 040115-44. No city department may propose an ordinance, rule or process that impacts housing affordability unless nhcd has prepared an affordability impact statement for the proposed regulation prior to the initiation of external stakeholder discussion. If the affordability impact statement shows a negative impact on housing affordability, the proposed change may only go forward upon approval by the city manager. City boards, commissions and subcommittees may only offer recommendations to the city council on issues affecting housing affordability after nhcd has prepared the affordability impact statement. This ordinance adopted this language in ordinance form to replace the resolution. The backup for today's agenda item for item 56, and we'll talk about it later on item 60, demonstrate that the law was not followed.

[4:25:55 PM]

On March 1st, 2016, I asked the mechanical plumbing and solar board to recommend to council what state law has allowed since the international codes were first published 20 years ago, and that is that mechanical and plumbing installations can comply with either the international or uniform codes. Please allow property owners, design teams, general contractors, and their licensed subcontractors to choose either code that state law allows. Please direct city staff to follow the resolutions and ordinances you and your predecessors have adopted. Please reject the staff recommendation to adopt the 2015 uniform mechanical code only. Please adopt that code and recognize the 2015 international mechanical code as equivalent for multi-family and commercial development. So my ask is to do what staff is recommending with one amendment, and to ask them to follow the rules on affordability impact statement from this point forward. Thank you very much.

>> Mayor Adler: Inch we need staff to come speak on this. It looks as if, Mr. Hersh, someone has heard this or -- we have late backup that has affordability impact statement that's been handed out on the dais here. It might be in backup. One that -- three pages that relate -- five pages that relate to item number 60 and something that says 57, although that may be something that is not numbered correctly. That might be number 56. Is that right?

>> Sir? Maybe, council, my name is Carl wren, assistant director of the development services department. We do have an ais --

>> That is an affordability impact statement?

>> Yes, sir. We do have an affordability impact statement for the mechanical code. It was determined by nhcd, the neighborhood housing, to be neutral.

[4:27:56 PM]

We don't have a formal presentation on this code. There's very little real difference between the international mechanical code and the uniform mechanical code. And staff did not have a particular problem with the recommendation of the board to use the uniform [lapse in audio]. There is no significant technical difference between the two.

>> Mayor Adler: Okay. Is there a motion to approve the uniform code here on item number 55?

>> That would be 56, mayor.

>> Mayor Adler: 56, rather, I'm sorry. 56. Ms. Pool makes the motion. Is there a second to the motion? Mr. Renteria seconds that?

>> Before council votes we do need to change the effective date in the ordinance instead of the Normal 10 day it will actually be September 6, 2017.

>> Mayor Adler: Okay. With the change in the effective date it's been moved and seconded. Is there any discussion? Ms. Troxclair?

>> Troxclair: Was this the item that we talked about at work session and public hearing?

>> Mayor Adler: This is as it relates to the solar installation.

>> There is a change we didn't tell you about. We changed the board's name. Solar is almost all pv now, photovoltaic, you were thinking 60 on Tuesday.

>> Mayor Adler: Yes?

>> Alter: I was just wondering on how they go through the process of doing this affordability impact statement, what factors into that. I understand that nhcd does it, but -- and I understand that it says it's all mutual, but where do those processes come from and how do we arrive there?

>> Staff provides a description of the changes in the code between the previous addition and the new addition. And those changes are evaluated by nhcd.

[4:29:56 PM]

>> Alter: Is there anyone who does that kind of work involved in saying whether it matters?

>> I don't do them for the neighborhood housing. I don't know how -- their procedure, I'm sorry.

>> Alter: Okay. Do we have any way of asking someone?

>> They were here earlier, councilmember, but I don't think they're here at this point.

>> Alter: Okay. I think for the future it would be helpful to have some kind of understanding of how you arrive at these affordability impact statements. I doubt I would have the votes to stop that this evening, but I think -- I'd be a lot more comfortable having that information and also knowing that somebody actually does the actual mechanics was involved in assessing that.

>> I would have to ask the neighborhood housing to help us with that. But I do know, councilmember, that we do give them a description of the differences between the two codes, between what's currently on the books and what we're proposing to adopt. I don't know how they use that information. I can't -- I would be speaking out of school.

>> Housing is here now.

>> Rebecca giello, assistant director of neighborhood housing and community development office. We do have staff who is charged with the affordability impact statement analysis. And they work directly with the staff of the respective departments to basically go through a process by which if there is a methodology or changes in the code, if there is actual construction cost, we typically don't get into the process by which we're analyzing something that's more philosophical in nature.

[4:32:03 PM]

But if there is an actual cost to construction -- sorry, I ran back here with my heels on. That allows us to get to an actual value of whether something would be an impact to the affordability. An example of that, for example, is the heritage tree. So something of that nature would be we could calculate that and we could get to a value and to an ais that makes more sense. So I would have to take a look at the actual information related to this, but from working with the staff on this issue, we saw that it was neutral. And we're happy to share with you the analysis that went into that. I don't have it right now.

>> Alter: Thank you. And in case you're getting out of here, I was just wondering on item number 60 when we get to that, we have one from you, but it doesn't indicate whether this is a statement for the staff recommendation or for the board recommendation. Or if it applies to both of them.

>> That is correct. We have -- I think I understand what you said, we have only an ais on the staff recommendation.

>> Okay. I apologize. Our legal representative is saying we do have an ais on both.

>> Alter: Okay. But the late backup that just came was for the staff recommendation and --

>> The late backup is the board recommendation. Ais and the one that was already in backup earlier this week is for staff's recommendation.

>> Alter: Okay, thank you.

>> I do want to recognize, however, that when your stakeholders do bring forward the timeliness of the affordability impact statements, I want to give credence and I do want to recognize that comment and to say that we continue to coordinate with the departments and we try our best to do due diligence there.

[4:34:16 PM]

But we can improve.

>> Thank you.

>> Mayor Adler: Okay. This item 56 has been moved and seconded. Ready to take a vote? Those in favor please raise your hand? Those opposed? It's unanimous with Garza and kitchen off the dais. That gets us to our last two items. Let's go then to item number 60. We have citizens here to speak on this item. If it's okay I'll call them to speak. Stuart Hersh is the first speaker.

>> Mayor and members of the council, still living in district 2. They didn't follow the rules on this one either. I recommend that the city council adopt the 2015 international plumbing code and the 2015 international fuel gas code as standards for buildings other than one and two family dwellings, and recognize the 2015 uniform plumbing code as an alternate method of compliance. I recommend that the city council adopt the plumbing provisions of the 2015 international residential code, which I discussed with you in April and understood you were going to consider seriously at this hearing. These actions are consistent with the Zucker report, which supposedly is supposed to be driving our business in this town. It's not clear that it is. These actions are consistent with the actions of the Texas legislature and opinions of Texas attorney generals since the international codes were first published in 1997.

[4:36:22 PM]

There were those in the state of Texas that try to make it illegal for cities to adopt the international codes and they fail to get legislative approval and governor's signature. So now those two options remain. These amendments create the opportunity for reducing the number of vent stacks making holes in residential roofs. And other cost-saving measures that can contribute oh housing affordability. It

makes more sense if you put more holes in a roof you have more expense initially and you have the likelihood of maintenance problems down the road. And we've been fighting about this for 20 years. And the time has come to do what the legislature allows us to do if we care about the housing affordability. But if we don't care about housing affordability, then do what your boards have been doing for 20 years and change the affordability impacts statements in saying that the plumbing and mechanical board is exempt from applying with the law since that's been their behavior since the rules were adopted in February of 2000. Thank you very much.

>> Mayor Adler: The next speaker is Glen Coleman. And a reminder, council, when we talked about this in work session we were going to take the public testimony today, close the public hearing and deliberate next week. Okay.

>> Council, I'll be brief, Glen Coleman with the housing association. I'm seeing this for the first time the backup on the affordability impact statement on the uniform plumbing code. I guess I'll just have to figure that out later. I want to start with the sharing emission on the home builders association. The mission of the home builders association of greater Austin is to advance the practice and professionalism of the home building industry in our community. So we're very concerned about this. I want to encourage everyone to take a deep breath on this item and remind everyone that the plumbers are also part of the development community and we in turn rely very heavily on our plumbers and the quality of their work.

[4:38:32 PM]

So we're all austinities here and I'd like to keep that in the tone moving forward. I'll be very brief. There's some very talented speakers here and I'm going to get out of their way pretty quickly. I want to stress that this previous item was about the mechanical code, where we don't ourselves perceive a great cost differential between the mechanical codes. But the plumbing code on the other hand is where we start to see that big cost differential. As has been pointed out to you, the international codes are a family of codes, fire, electric, mechanical, solar, energy, and they all fit together like a set of legos. But in Austin, Texas, like virtually no other city in Texas, we borrow from another family of codes and we try and squeeze that in. The reason I think has been elaborated at length, but there's definitely from our side of the perspective a cost differential between the old uniform plumbing code and current residential plumbing code. We're asking you to follow your staff's recommendation and adopt the international codes consistently throughout the development process. Why? You will have some experts here in a few minutes that can tell you, but there's less pipe, more flexibility of design, fewer hours required to operate under the ipc, have a smaller water meter, which accrues to the savings of the end customer later on. Helps lower the water bill, and there's a substantial difference when it comes to remodels, which we hope some of you will think helps to disincentivize demolitions. And I know that's important to some of you. I'll be brief here. There's some environmental benefits as well that are here and as well as smaller pipe that allows water to move faster so you don't stand under the water minutes for minutes

waiting for the water to finally get hot. You have a smaller pipe that moves the water faster. Flexibility of design helps with things like solar ready, which you will see next week. Solar panel installation.

[4:40:32 PM]

Gray water reuse is much easier under the international residential codes, the plumbing code and the flat water use in general. I heard the water utility this morning spending money urging austinites conserve water on NPR this morning so I know it a priority for this city. What is benefit to the consumer? What is the benefit of staying on the uniform plumbing code to the customer? There is none. Is there any evidence -- I wish --

[buzzer sounds] I could tell you that one of these codes safer. It's not. And last and closing statement I want to say there's a viable solution. Next week you can adopt the international residential code and still leave the uniform plumbing code as a form of alternative compliance. Problem solved, all parties should win, and that's an option that you should have under this posting language. Thank you for your time and we have some great speakers coming up.

>> Mayor Adler: Thank you. Lee Clifton here? Thank you. Come on down, sir. Is John laycock here?

>> Thank you, city councilmembers for allowing me to speak to you today. Thank you very much. My name is Lee Clifton, I'm with the government relations department for the international code council. Prior to joining the code council I worked with the city of los Angeles for 21 years and retired as a principal plumbing inspector. I'm also a second generation plumber that has installed plumbing to meet both the upc, international plumbing code, and the international residential code. Why am I here today? The reason is to help explain why adoption of the international residential code plumbing provisions are the right direction for the citizens of Austin, Texas. You may be asking yourself why use international residential code plumbing provisions. The irc allows for its plumbing code provisions to be distinct and tailored with the structure.

[4:42:37 PM]

The user of this code need not navigate through a multitude of code provisions that do not apply to residential construction in order to relocate that which is applicable. The city of Austin would then be consistent with the majority of Texans and the majority of the United States. The international residential code covers trenchless technology that gives contractors and engineers and necessary tools, allowing the rehabilitation and replacement of an aging sewer infrastructure while still being environmental friendly, by reducing negative impact to property and infrastructures. The rehabilitation

and replacement of an aging sewer infrastructure with the least amount of impact on the consumer is a good thing. The upc has no coverage. The irc allows the fill stack at five feet for testing waste and piping systems, which enables both the installer and the inspector to visually observe the water level inside the pipe during testing without the use of a ladder. Less labor and time required to perform the test lowers costs without sacrificing safety. The upc maintains at 10-foot. It requires a flow velocity -- there we go. The irc requires water flow systems to be required to reduce the water hammer as does the upc, there has been much debate over what constitute a quick closing uvalde and because other methods can be used to reduce water hammer, they do not request that a water hammer be installed where quick closing valves are utilized, there by utilizing cost savings without sacrificing safety.

[4:44:41 PM]

We got off track here. The slides are all messed up. I apologize. Something happened. Councilmembers, please look at the differences on the amount of pipe -- there we go, right here. On the amount of pipe and the drawing above and the cost analysis example in the next slide is quite clear that the use of an air emit tense valve can reduce the cost as much as 50%. Having a variety of plumbing designs available in the irc gives a toolbox of design options for the builder to reduce costs. As you can see, if the following slide here, the number tells the story, a savings of \$839, one sink installation, 50%. The allowance of horizontal wet venting in combination with longer trap arm links, any combination of fixtures in bathroom groups provides more cost savings than any other model plumbing code in the country. As you can see here in this slide, the upc eliminates the second bathroom group. This is all about design. Opportunity to design and have options, what we call tools in the toolbox. It gives you this type of opportunity, this code does, not just one standard design method. The location requirements of water closets unnecessarily limits to design option and the layout of this bathroom here. We don't have that with the irc. This section here provides a logical approach for examining existing building sewers and building drains under the concrete slabs when the entire above ground sanitary drainage system is replaced.

[4:46:47 PM]

Internal examination is required to verify the size, slope and condition of the existing building. Picture this, when a building is destroyed, a tornado hit, a building is gone, but the slab is there and you have plumbing underneath the slab, under the upc right now you would have to do an air test on this and through all kinds of hoops. What we would allow is a video camera inspection of that plumbing so it wouldn't have to be done unnecessarily. These are things -- the innovation, we're six years ahead on technology. That's why manufacturers come to the irc, come to the icc's codes to introduce the new

technology because they know that it's going to become code or law within six years ahead of any other model code.

[Buzzer sounds] This is the reason that you need to take a serious look at our plumbing provisions that should never have been restricted out of the code. Thank you very much. Appreciate it.

>> Mayor Adler: Thank you. Is Lee -- thank you. Is Lee Clifton here? I'm sorry, is mark Roberts here? Is Brindley young here. Mr. Roberts, you have six minutes as well.

>> Good afternoon and thank you, mayor and council. For allowing me to speak today. I'm mark Robertson, the senior regional manager of government relations for the international code council. I serve the code council as liaison to the great state of Texas and to the city of Austin.

[4:48:47 PM]

The international code council or code council is a membership association dedicated to building safety. That's our primary goal is building safety. We develop the codes used to develop buildings across the United States and Texas. We produce 15 model codes. All of our codes are available for free for you to view and review any time online. The code council has 63,000 members nationwide, three thousand 812 of those members are members in Texas. We have 18 active chapters in the state of Texas. One of those chapters is local to Austin as the capital area building officials association as well as we have a statewide plumbing chapter known as the association of plumbing inspectors. The code council has strategic partners that include the national association of home builders, the building owners managers association, the American institute of architects, the American society of heating and refrigerator and air conditioning engineers, and the U.S. Green building council. Icc code development leads the way for developing code that addresses safe, advanced technologies. Historically icc and its legacy organizations were the first to include many safe innovative products and plumbing code. Items such as pvc, cpvc, Pax piping, ductile piping, even waterless urinals. We also have advanced vending systems that include air admittance involves, horizontal wet venting, stack venting, many of these are still not allowed in the uniform plumbing code.

[4:50:49 PM]

But your city staff regularly approves many of these technologies on the compliance that they have to review over and over again. But they do this on a regular basis to introduce parts of our code into the upc. The irc is the only code that contains a complete set of code provisions covering all aspects of construction in a single source. That means cost savings to the building owner, to the developer, the

contractor, and then the end user, the consumer. Each of these are correlated with one another. The upc doesn't correlate with any of the codes, including the other parts of the ircs used by the city of Austin, building planning, energy conservation, mechanical and fuel guides. All the codes number one mission is to ensure a safer built environment. Our code development is a fair process that allows new plumbing technologies to be evaluated and adopted and if approved -- if approved. Correlated codes actually reduce design problems and lower construction costs. The code has built in green provisions for water conservation and efficient use of hot water. The code provides safe, advanced cost saving plumbing for consumers. So concerning our adoption of our codes, all 50 states adopt the international codes, one code or another is adopted in all 50 states. The upc is graduated in 46 notes. The irc adopted in 49 states. The circumstance plumbing provisions are adopted in 34 states. Houston -- in Texas, by comparison, Houston and la Porte use the irc plumbing provisions for one and two-family dwellings while using the upc for commercial installations.

[4:52:52 PM]

Austin, cibola, Pasadena, are the only jurisdictions statewide that use the uniform plumbing code for one and two family dwellings. All others use the irc plumbing provisions as required by state statutes. By the Texas local government code, the irc applies to all construction, remodeling, additions, repair of residential structures within a municipality. Local amendments can be made to the code. The local government code specifically excludes irc electrical provisions, but there is no language to exclude the irc plumbing provisions. It doesn't exist. There's been two attorney general opinions. One, very simply, it veryphize that the international residential code plumbing provisions are the uniform plumbing code for residential construction in Texas. The second ag opinion, the question for that particular opinion simply asked if jurisdictions could adopt less stringent amendments than the code itself. And the attorney general found that they could in fact adopt less stringent amendments. The question was asked whether the uniform plumbing code could be adopted and the irc plumbing section deleted. The local government code allows amendments to the irc as code, but not the wholesale deletion of the entire plumbing part --

[buzzer sounds]

-- And replacing it with the upc. Thank you and please consider the adoption of the irc plumbing provisions. Thank you. Councilmember alter?

>> Alter: I wanted to see if we could get a copy of that presentation.

>> Mayor Adler: Can we have a copy of both those last two presentations?

[4:54:55 PM]

Would you get those out to the council? The next speaker is Chad Thornton. Is David Moore here? Mr. Thornton, you have six months.

>> Thank you, mayor and council. My name is Chad Thornton and I'm a third generation Austinite and a third generation Austin plumber. And a proud resident of district 5. I currently serve as chair of the council appointed mechanical plumbing and solar board. I emailed each of you this presentation I put together just this morning addressing the adoption of the city's plumbing ordinance and I hope to have enough time to touch upon the high points of that presentation. And I'm not one of those talented speakers that Mr. Coleman referred to, by the way. The uniform plumbing code has been Austin's plumbing code since 1974. It is a prescriptive code that covers all plumbing installations within the covers of one book and it is a book that your board recommended to adoption to you. This recommendation did not come lightly. It was the result of many months of comparison and the recommendation of a working group that consisted of board members, city staff and external stakeholders. Why does the board recommendation differ from the staff recommendation? I don't know if I have a good answer to that, but your board consists of several licensed plumbers, a mechanical engineer, a plumbing contractor, and solar contractors. There is a tremendous amount of technical expertise on the board. The board looks at what provides a safe, complete system to the citizens of Austin and will provide the best performance over the life of the structure as well as addressing affordability impact to our citizens. And for the record, this is not a union thing. This is not a contractor thing and it is not a labor thing.

[4:56:55 PM]

Your board has three union members out of its 11 positions and three contractor members out of those positions. That's not a majority of anything except a majority of the folks that understand the plumbing system. Staff has a standpoint that by using all international code council publications it will be easier. Upc has been around for a long time, before icc was formed. The upc worked with building codes prior to icc publications and they continue to work with the icc codes and building codes that are prevalent today. Staff points out that everyone is doing it that way. Hey, this is Austin, we're different, we are weird. Why do we childhood neisid to change something that has worked so well for so long just because other communities have? Affordability. Affordability is huge. It will [indiscernible] Except for health and safety. Let's take a real high level look at what staff has brought you regarding pipe sizing and water meters. Several of the documentation that staff brought as supporting stuff states that, you know, if you add a bath on to your house you will have to increase your water meter. Water meters are based on minimum and maximum values in gallons per minute. That's how they're sized. Too much water through a meter will shorten the life of that meter and too little will not register on that meter and the water utility loses income. Staff states that the upc have a higher fixture value compared to values stated in the irc. You can't argue with those numbers until you look at what those numbers represent. What in

the heck is a water supply fixture unit anyway? Both the irc and the upc had definitions, but what it boils down to is that they are both arbitrary code specific values assigned to the amount of water needed for a specific plumbing fixture to operate, and we use this number to determine pipe size. So does a upc fixture unit and irc fixture unit have the same value? No, they do not. Without getting real technical, I use data from both codes to compare what a fixture unit is compared to gallons per minute.

[4:59:03 PM]

Out of the -- and by the way, a five-eighths water meter, which is your standard residential water meter, the maximum flow through it is 20 gallons per minute. Under the irc tables if you hit that 20 gallons per minute, and in the table it was 19.6, that's as close as I could get, that is equivalent to 20 water supply fixture units. Using the upc that same 20 gallons per minute is equivalent 30 fi. What does this mean? You cannot compare a upc fixture unit to an irc fixture unit. We're talking apples and Oranges here. Sizing a water system, including the meter, is a complex process. The chart that staff has in this proposed ordinance is the same chart for water meter sizing that has been used for years in the upc ordinance. You can't do that because the supply -- water supply fixture unit values are not the same between codes. Utilizing the chart that the irc if you take the 35 water supply fixture units and convert it to gallons per minute, it actually exceeds the maximum 20 gallons per minute you can have in a five-eighths meter. That's the chart that's actually in both ordinances. Staff states that there will be a cost savings due to smaller piping systems. In my opinion, and I couldn't get anybody to write this down, but talking to residential plumbing contractors, there won't be a reduction in the cost of a plumbing system if the irc plumbing provisions are adopted. Those contractors use a matrix based on the area and on the labor rate and not to which code is going to be installed. It costs the same, according to my sources, to install a plumbing system in pflugerville as it does in Austin. The upc mandates the mallest allowable water piping one-half-inch. As you saw in the other presentation, irc does allow for three-eighths piping under very specific allowances, a maximum length and a maximum psi of flow.

[5:01:06 PM]

Both codes require a minimum three-quarter-inch service pipe. There's a minimal difference of price between three-eighths and half-inch. I tried to get that number and found it on a Home Depot assignment it was just a few cents difference between three-eighths and a half. Homes in Austin have been built utilizing horizontal west [indiscernible] --

[buzzer sounds] Mayor and council, please consider what your board recommended to you. Thank you.

>> Mayor Adler: Would you also please make that powerpoint available to council?

>> Actually, he's got a copy and I e-mailed it to everybody around noon today.

>> Mayor Adler: All right. Thank you.

>> Pool: Mayor?

>> Mayor Adler: Hang on a second, please. Ms. Pool? Sir?

>> Pool: Mayor -- were there any -- were you done making the specific points that you wanted to make, or did you have something that you wanted to say at the end to close?

>> Probably this slide right here, why the upc over the irc? It's a prescriptive code that install yourself and inspectors can reference. There's not as much room for interpretation. There's one code, all plumbing installations from the simplest one-bath home to the tallest hotel in the largest hospital. It provides simple piping as well as alternate and complex methods when needed to maximize potential use of the system. We have a long history of installations under this code that stand the test of time. We want our plumbing systems to last as long as our homes in which they're installed and give us as little maintenance as possible.

>> Pool: Thanks so much.

>> Thank you.

>> Mayor Adler: Yes.

>> Alter: Thank you for your service on the board as well.

>> Thank you.

>> Alter: I wanted to you explain a little bit, if you have another slide, I have a printout from what you shared, there's another slide advocate and that seems to be one of the areas where there are statements made about differences among the codes in terms of the number of pipes that need venting and whatnot, so I was just hoping you could walk UT through that.

[5:03:10 PM]

>> Okay.

>> Alter: And also, if there are implications for that through solar.

>> All right. As far as venting, from what I know and have read, that's one of the biggest differences between the international residential code and the ipc and upc. The I recognize requires a vent through the roof to be one-half the size of a plumbing drain going out. The upc has a requirement for the vent through the roof being the same size. There's nothing in the upc that says you have to have multiple

vents through the roof. You know, if there are multiple vent pipes within a home, they can be combined in the wall, they can be combined in the attic, but you only have to go out the roof one time. The irc does have an allowance for a smaller vent, but the upc -- nothing says you have to have multiple vents. The irc does have the allowance, they talked about for the [indiscernible] Does this save on the length of piping? Yes. But you do have additional cost and maintenance of the air emittance valve itself. It's going to fail. If it fails in the closed position, your drain system doesn't function properly. If it fails in the open position, the homeowner is exposed to dangerous sewer gas. But everyone else is doing it. Why is Austin different? Not enough time has elapsed to know the long-term effects. People may be getting sick without realizing what is the source. There are jurisdictions out there that have adopted the international plumbing code and international residential code that have amended the error for these valves and taken it out.

>> Alter: You also made a statement that there was sort of the same price for some sort of plumbing action in Austin versus like in pflugerville. I don't know if pflugerville has --

>> I had a conversation -- I tried to get this guy to put it in writing, but I had a conversation with a very large residential contractor that does work in central Texas, and I asked him, I said, it does make any difference to you whether you install under the international residential code or under the uniform plumbing code?

[5:05:23 PM]

And he told me, no. He said, they have a price matrix for the central Texas area, and it doesn't matter to him if it's pflugerville or Austin, it's going to be that certain rate, was his statement to me. But I couldn't get him to put it in writing or come down here and tell you that.

>> Alter: That is similar information that was shared with me by my board member who's the engineer.

>> Okay.

>> Alter: I was just trying to understand your perspective on that thank you.

>> Okay. Thank you.

>> Mayor Adler: Thank you. Is Scott turner here? Is Steven cox -- come on down. Is Steven cox -- you'll be speaking next.

>> Good afternoon. I'm Scott turner. I am the chair of the infill builders council at the home builders association and I've also been an infill builder here in Austin for the past 16 years. Frankly, when this first came up, to be honest with you, I didn't know the difference between the upc and the irc. And all I knew was that the plumber built to the code. And our plumber is a great guy. He's a critical member of our team and I don't know if he's a member of the plumbers union, but he should be because they do a

great job of representing their trade and helping the community at large. But what I found out is that the difference between the two is about \$500 to a thousand dollars a house. I don't have an exact number on it. Seems like that number is kind of hard to come by here today. So I'm just assuming that it costs more, in part because it looks like there's more pipe involved, there's more vents, there's more pipe, and that equals more cost. How much, I really can't say. Regardless of the cost, it really made me think, this is a good example of how affordability here in Austin, particularly as it pertains to housing, has sort of died the death of a thousand cuts, where you have small layers of code changes, permit changes, and new ordinances that, over the course of literally decades, just add incrementally to the complexity and the cost of every home that's built, to the point that we are now -- you know, to get a residential building permit, I've got to have an engineer, an arborist, a surveyor and a consultant, and it just seems like -- you know, something is wrong with that so today, I think it's an opportunity to take a small step in the right direction and reduce the cost, even in an increment manner, because I don't think anybody here would say that a few hundred dollars one way or the other is going to make a dent in our affordability crisis.

[5:08:15 PM]

But these small steps add up, particularly over a long period of time on every house that's built. That's why I'd encourage you today to support the change to the irc. Thank you very much.

>> Mayor Adler: Thank you. Is John Mata here? You'll be up next. Sir.

>> Thank you, mayor and council. I am also one of your advisory board members on the mechanical plumbing board. We took great precedent in making sure that we went through the process of vetting both these codes. I am one of the contractors on the code. I've been in the business for 30 years. I'm a third generation plumbing contractor and a third generation austinite. Been here a long time, got a lot of roots. I do work all over the state and I do work codes, both international and the uniform plumbing code. I'm going to tell you it's a supply and demand issue, not a plumbing issue, when it comes to the codes. The price is being driven by supply and demand. You are in a hot area. There are a shortage of plumbers. The guys are going to get what they can get. And that's the bottom line. The codes relatively are significantly different in how they're used to be used in the field -- excuse me -- to be used in the field. What happens is, we go out and we have an issue with the plumbing code and we go to which one is more descriptive. Chad did a great job of just doing the water work on the utility slide and plumbing side and go through the vertical. We understand making sure the lines are big enough, water sizing is proper, everything is installed correctly. The uniform plumbing code has done that for many, many years. We work with the other city offices, with Austin water utility, with the industrial waste, with Austin energy, conservation, with housing, we've had everybody come to our board. We work diligently with them. We made sure we were one of the first before one-gallon flush commodes were even required, one of the first ones.

[5:10:16 PM]

I sat right up there in one of those chairs and had the manufacturers come here to make sure they could supply the demand and make sure the cost was reasonable to make sure we got those low conservation fixtures in place. So your board does a really great job. They're made up of great folks, people that care about the citizens of Austin and the community first. There are some significant issues with the code. One of them is the air emittance valve. It's a mechanical system. It will fail. Other cities have written them out. The uniform plumbing code will stand on its own when you're working outside of the city's building jurisdiction, you get out in the etj where water and sewer lines extend. The plumbing contractor need a descriptive process of how that works and easy to interpret without subjectiveness. I will say the irc, the international plumbing code, and their codes are catching up with the upc. They are getting better. We worked diligently through our work group to look at the differences and look at how it would impact how ordinances are written today with the many years of the uniform plumbing code, and we went through that process, and the conclusion came over and over again that the uniform plumbing code was still the one to stick with. And that's what your board recommended, and that's the one I recommend that we stay with and that we continue. And when we go through this process in two years again --

[buzzer sounds]

-- We evaluate it and maybe we write the ordinances to fix the international code. Thank you for your time.

>> Mayor Adler: Thank you. Monte Lowell will be on deck, sir.

>> Thank you mayor and council. My name is John Mata. I'm the regional manager for international association of plumbing and mechanical officials. I'm here today to speak in favor of the 2015 uniform plumbing codes. It's a prescriptive code that has been around for over 85 years and has been adopted not only in Austin, of course they mentioned some of the other cities, Houston, La Porte, Bryan, I'm in Houston since the early '70s.

[5:12:32 PM]

I heard a lot of debate about the air emittance valve. The family of codes put up before us. Nobody really talks about the electrical code, just a little, quick education, the electrical code is promulgated by the national -- by national fire protection association. Not the international code council. So there's not one code body out there, from top to bottom, that develops codes. None of us do. Now, the iatmo, the

international association, we do not claim to be. We are plumbing and mechanical officials. Have been here for years. I'm a 30-year plumber myself and the code that's best -- I believe that would be best for the citizens of Austin. If we ask ourselves, what's the biggest investment we're going to make in our lifetime, citizens of Austin, it would probably be our home. We've got to ask ourselves, what code would we want it to be built to? We wouldn't want to be smelling sewer gas or having -- I heard less pipe, less pipe creates turbulence in pipes which will create a pit hole in pipe, can be and will be. Who pays that bill? Who does it fall on? Citizens. I want to talk about the -- our partners that we have. It's the united association. The plumbing, heating, and cooling contractors, the mechanical contractors association, and the American society of sanitary engineer, all from the plumbing/mechanical industry. With that, I'll close unless you have any questions, I appreciate your time. Thank you.

>> Mayor Adler: Thank you. Monte Lowell, and then our last speaker is andrei magott will be on deck. You'll be on deck. >>

>> Thank you, mayor, and city council for allowing me to speak today. I worked for the city of Austin for 28 years and retired from the plumbing inspection department.

[5:14:37 PM]

I've been teaching the continuing professional education for the Texas state board of plumbing examiners with the plumbing, heating, and cooling contractors association for the past 24 years. I want you to know that I've studied every national code that has ever been written. I've been involved with every plumbing code process in the city of Austin for the past 30 years. I've been involved with this plumbing code process from the very beginning. I support the adoption of the 2015 uniform plumbing code for commercial and residential. I'm very disappointed with the actions of the city of Austin staff, with this plumbing code adoption process. For example, at one of the city of Austin mechanical and plumbing and solar board meetings, a couple of the individual building officials expressed their desire to the international plumbing code and the international mechanical code. Other people expressed their desire to stay with the uniform plumbing code and uniform mechanical code. I spoke up that day and said, why don't we just cut the politics out. Let's get the two code books out, do a code comparison analysis of the two codes. Carl rend, which is a very good friend of mine, building official, assistant director, he agreed to do a code comparison analysis, and it was decided that day that we needed to break into a workshop committee. And in that workshop committee, there would be plumbing board members, there would be city staff, and outside public members involved in this code comparison analysis. The city of Austin residential -- one of their residential supervisors, Tony Hernandez, was given a chapter 5 to do a code comparison analysis.

[5:16:45 PM]

It came to the day that we were supposed to share that analysis with the committee. He was a no-show. After the workshop had finished their code comparison analysis between the uniform plumbing code and the international plumbing code, Tony Hernandez had sent an e-mail to the plumbing, heating, and cooling contractors, who I teach for, and sent me an e-mail, to do a code comparison analysis on the international residential code. He actually set a date for us to get together to compare that analysis on chapter 25, 26, 27, and 28 --

[buzzer sounds]

-- That I have here. And much to my surprise, when I showed up, Tony didn't have any kind of comparison analysis ready. He had local amendments prepared. And I told him I was highly disappointed that he wasn't following his boss's instructions to do a code comparison analysis. Then, Tony went to two different building code board meetings, building and fire code board meeting, to have the building and fire code boards outvote our plumbing and mechanical boards. And I told that fire and building code boards, I said, you know, we don't really need a plumbing board and a mechanical board and electric board, if the building and fire code board has the ability to outvote those trade boards like that. And, again, he prepared local amendments and he has never shared these local amendments with our city of Austin plumbing board, still to this day. They have never seen these local amendments that's been prepared for the irc.

>> Mayor Adler: All right, sir.

>> There's 30 years worth of local amendments here that needs to be considered. And when these people get up here and say it's a staff recommendation, it makes me sick. Because I know every one of the commercial inspectors, every one of them have a master's license, there's not one of them would go against code.

[5:18:47 PM]

I know half of the residential inspectors.

>> Mayor Adler: Sir, go ahead and finish your thought. Time is up.

>> When it came to the holes in the roof, I have proof of it, evidence of 904.1 of the code, it says that --

>> Mayor Adler: All right, sir. Thank you.

>> Okay.

>> Mayor Adler: Thank you very much.

>> That only one vent is required and these people that say that you can save a lot more money with the other code --

>> Mayor Adler: Thank you. So next speaker that we have is andrei magott.

>> Thank you. I've been a plumber here in Austin since 2008. Before that I was a general contractor for the previous ten years. Real briefly, I just want to express my strong support for the uniform plumbing code as it being the most cohesive and comprehensive book on plumbing for the plumber out in the field, for him to just look at and get a clear definition of what he needs to do. And these other codes just don't provide a clear interpretation. And sometimes you're left just with a big vagueness, which is never good in plumbing. Basically, I ask you to please make an informed decision based upon which code book exhibits superior plumbing practices and what ultimately serves the public better. I've heard, you know, people talk about, well, it's cheaper, and it's easier, gray water system, and cheaper venting and cheaper piping. But cheaper is -- you know, obviously has nothing to do with the best interest of the public, the best interest of houses and functioning properly, and it definitely does lead to big maintenance costs in the future for them. And I don't really know what the savings, as far as someone who works in the field, I don't think I would change my pricing at all, if going from half-inch pipe to three-eighths-inch pipe.

[5:20:59 PM]

Yes, it would be cheaper to put an air did emittance valve to a kitchen island but it would be very detrimental to the homeowner and not in the public's best interest. So I implore you to please listen to the plumbing board recommendations, the experts who know the code, who interpret the code and study it for over 30 years, especially monte Lowell, who knows the code backwards and forwards, you know. These experts have done code comparisons and are offering you their expert opinion on the uniform plumbing code and how far superior it is. So I thank you for your time, and I hope you listen to the experts and plumbing contractors here. Thank you.

>> Mayor Adler: Thank you very much. Those are all the speakers we have. Is there a motion to close the public hearing? Ms. Pool makes that motion, seconded by Ms. Houston. Those in favor of closing the public hearing, please raise your hand. Those opposed? Unanimous on the dais with mayor pro tem off, also kitchen and Garza. This will be set on the agenda for us to consider and discuss next week. We have one more item.

>> Houston: I just wanted to say something.

>> Mayor Adler: Yes.

>> Houston: Mayor, the acronyms almost blew my brains out.

[Laughter]

>> Mayor Adler: And I realize that even if they spelled out what that was, I'd have as much -- just of the gist of the testimony, I think, we got.

>> Just to the record is clear --

>> Mayor Adler: Is there a motion to postpone this till next week? Any discussion?

>> I don't have a question about the voting, I just did have a request for information that would be provided by either the legal department or --

[5:23:01 PM]

>> Mayor Adler: Go ahead.

>> Alter: -- The city manager's office. There was a comment made about some legal issues, which I didn't fully understand, and I'm just wondering if you can provide a briefing on any of those legal implications that we should be aware of.

>> Trish link is working on it as we speak and we'll have a memo to you before next week.

>> Alter: A memo would be great. Then also, if nhcd could let us know, I don't have both the affordability impact statements, but I don't know if they [indiscernible] There's no difference across them. I only have one of them that says they were --

>> Mayor Adler: That is a positive affordability impact on number 0, for the international.

>> Alter: For the international. If it would be possible to have some idea of what's underlying that assumption and where that information is coming from, because I believe that what we heard today in the hearing was that if by demand is going to determine the pricing, yes, you might use a little bit less piping, but it's not necessarily going to translate into an appreciable difference, and/or that there may be no difference between the pricing in here and, say, pflugerville, assuming pflugerville uses the irc. So I'd just like to understand better the basis for -- for that understanding. So I can make an appropriate decision. Thank you.

>> Mayor Adler: We have a motion and a second to move this item till next week. We'll take a vote. Those in favor of the postponement, please raise your hand. Those opposed? Unanimous on the dais, Garza and kitchen off. Thank you. This gets us to the last item on our agenda, which is the -- item number 61. Why don't you go ahead and take us it there.

>> All right. Thank you, mayor. Council. My name is Carl Macarthur with the watershed protection department. This is a floodplain variance for community del rey for fm 6404, 969.

[5:25:12 PM]

You can see the site is about a 7.7-acre site outlined in blue, located on fm 969, also known as webberville road about a mile east of Ed Bluestein, 183. It's located partially in the floodplain of walnut creek. This is near the bottom of the watershed, about 54 square miles of drainage, draining to this point. Zooming in a little bit, looking at the site, the applicant proposes a 10,000 square foot church on this site, kind of at the top of the hill. The issue is the floodplain down along fm 969 that covers their access driveway. So this is --

>> Mayor Adler: If I could get the folks in the back of the room. Gentlemen. Thank you. Please continue.

>> So the issue with this variance is primarily safe access. As I mentioned, safe access is the one variance request they're bringing today, allowing the building without the access it required to an adjacent right-of-way. Is it going to play? I don't think the video is going to play. This is the video that you've seen before, the flooding on wild dunes road. To go over the safe access criteria, our code requires that a development have safe access from the building to the right-of-way, a minimum of one foot above the 100-year floodplain elevation, that protects both the occupants of the building that might need to get out during a flood, and any first responders that might need to get to the building during a flooding event. Let me talk from here. So we've worked with the applicants on this issue.

[5:27:15 PM]

They've made some efforts to try to get that safe access. They've talked to the properties around them, been unable to get access from those neighboring properties. As you can see, you've got a residential development to the west, difficult to get access there, and their neighbors to the east have not been willing to provide that access. We've also talked about moving that driveway as far to the east as possible, to minimize the flooding depths. The depths in the hundred-year event at this location, at the end of the driveway, forward to intersection 969, are about six and a half feet and the velocity is on the order of three to four feet per second, to moving along fairly significantly there. This crossing of fm 969 has closed at least three times over the past few years. In 2007, it was overtopped, according to the Texas department of transportation. This is a txdot road. It was also closed in the Halloween 2013 events, and also as recently as June of 2015, due to flooding from a tributary to walnut creek that overtops in this area. So summarizing the findings, the building, as I said, is way up on top of the hill. Doesn't cause any adverse flooding impacts on any other properties. Primary issue is that no safe access. Finished floor elevation, you might have looked at your -- at your backup material and wondered why we were even bringing this. It's 80 feet above the hundred-year floodplain. Like I said, the issue is the road, where it -- the driveway where it intersects with fm 969. We've determined that a hardship condition does exist for this site. From this picture, you can see that it's only frontage on a right-of-way,

is in the floodplain, without the ability to get that extra -- that safe access through another property, they're forced to access from fm 969.

[5:29:20 PM]

A couple of quick points about fm 969, it is on the monthly bond agenda for improvements, so in the probably not terribly distant future, that road will likely be improved. That may significantly improve this situation. You have a draft ordinance in your package. Hopefully you have a yellow sheet. So prior to issuance of the certificate of occupancy for the site, if you approve the variance and pass the ordinance, we've required that the applicant provide some education to their occupants and signage, saying that the road is subject to flooding. Structural certification, saying that the driveway is not going to wash out during a flooding event. Dedication of drainage easement to the 100-year floodplain, the yellow sheet should have the last one, elevation certificate removed from it since this building is so high above the floodplain. And with that, I'll take any questions that you have. I believe the applicant is here to speak, too.

>> Mayor Adler: Okay. You want to hear from the applicant first? Let's go ahead and do that. This is an appeal. So we have an applicant making an appeal.

>> Good evening, mayor and council. My name's James

[indiscernible], here representing the applicant and owners on this project. They're proposing to obtain a permit and build a church on this site, as the drawing showed, they have no access to the site, so any use of the property would require this variance. So it's not -- I think we have met the prerequisite number one, that it's due to the characteristics of the site.

[5:31:21 PM]

And then the other prerequisite that the watershed protection department sent that we weren't meeting was number 3, granting the variance would result in adverse threats to public safety expense, or create nuisances. I talked to the owners of the -- they've stated that this church has service on Sunday and on Wednesday -- or Thursday evenings. So it's not -- it would be used twice a week, so it doesn't have like a day care or any school associated with it. And if the weather forecast was for severe weather, they would -- could easily postpone or cancel these events. We've all lived in Austin long enough that at least once a year there's a, you know, severe weather forecast, and they cancel schools and they cancel concerts and they cancel public activities, when there's a threat of severe weather, so this would be similar to those situations, so there wouldn't be any occupants of the building if there was a severe

weather situation that could result in flooding. And for those reasons, I believe that we -- that the variance should be approved. We'd appreciate your approval of this variance to allow the church to be constructed. I'm available for any questions.

>> Mayor Adler: Did you say that this was where the bond -- we're sending money to be fixed?

>> Yes. From 183 to Decker Lane, I think, is in the bottom plan. It's also in the Campo 2035 plan and there's been a study for FM 969 from 183 to Webberville.

[5:33:24 PM]

>> Mayor Adler: Okay.

>> As that -- in the future.

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

>> Houston: Thank you. Thank you both for your presentation. There's actually no way to get access through Sendero Hills, which is to the northwest, the development on that --

>> I believe they explored that possibility and were not able to. And there's a couple of -- back on the map that I was showing, there's a couple of empty lots that front onto that church property, but apparently they weren't able to get access through there. The road access between two houses in a single-family subdivision may not be desirable, too, so --

>> Houston: Right. But access through this hundred-year flood is not desirable, either.

>> No, it's certainly not.

>> Houston: So if they're not going to be using the facility that much, then that, to me, is a reasonable possibility because they'd be coming through on -- I think you said Wednesday and Sunday? I've not talked to the purchase -- the owners of the agent, so I'm asking for clarification.

>> That's correct. They would use it twice a week. You know, if it's a state road, it's a state road, and built to handle the hundred-year storm, so the owners have no control over that. And as he stated, within the next few years, there will be improvements made to eliminate those low water crossings.

>> Houston: So I'm not sure you understood what I was asking. Sendero Hills is right to the northwest of you all?

>> Right.

>> Houston: And did you look into seeing if you could get some access through Sendero Hills to Agave, then you could go to the back to -- I'm just trying to see how you can get out.

>> Yeah. They investigated whether those lots would be for sale, and they did not -- did not -- were not able to buy them.

[5:35:29 PM]

>> Houston: So did the owners know that this property -- or not the property, but the hundred-year and the 25-year floodplain was there on 969?

>> Well, they purchased it in 2004. I didn't check the floodplain maps from 2004 to see if it was in the floodplain at that time. But they've owned it for 13 years, and I don't --

>> I'm fairly certain that the road would have been in the floodplain.

>> Houston: Thank you.

>> Mayor Adler: Ms. Pool.

>> Pool: Mr. Schissler, you said something about there won't be child care on the property. How do we know what's to prevent a child care from being put there in the future?

>> Well, it's -- the facilities aren't -- are designed to be a church, and it's not designed to do anything else but be a church. They won't have weddings, funerals, it's just for services two days a week. And if they come back and want to do that, they would need an additional permit from the city to do that, at that time. But at this point there's no plans for that.

>> Pool: And then I have some questions for staff. The flood levels that are on that map that we're looking at, how -- how old are they? Are these the most recent FEMA maps?

>> These are our most recent fully developed condition floodplains. They were updated when we built pond G in the upper walnut watershed, so five or six years ago.

>> Pool: Okay. And how old is the church?

>> There's no -- nothing on that site currently. It's a proposed new building.

>> Pool: So it's an -- okay. So it's open property at this point?

>> Yes.

>> Pool: Okay. I don't know how I missed that piece. I guess because the photographs show a building there, or the renderings show a building there, of the church.

[5:37:38 PM]

The other, if you pull out and look at 969 to the west, there's significant neighborhood development on either side of 969. How old are those neighborhoods? Do you know?

>> I'm not sure of the age.

>> Pool: Okay. So what I was wondering is, what -- if those developments had caused the flooding that is now affecting 969.

>> No. This is near the bottom of walnut creek watershed, so it's got 54 square miles of drainage upstream that are contributing flow to this location. It's kind of a complicated flow situation. It splits and goes around the wastewater treatment plant that's right on the other side of 969.

>> Pool: So has this area been flooding at that point for decades or maybe longer?

>> Most likely.

>> Pool: Most likely? Okay.

>> Houston: Councilmember?

>> Pool: Yeah.

>> Houston: I can't speak to decades, but it's been flooding as long as I've been going up and down 969.

>> Pool: Okay. That's good to know. So 969 is in the bonds, and there's some conversation about whether improvements to that road will raise it out of the flood level. Is that actually anticipated through the bond? Do you know? Or --

>> That I'm not sure. Txdot doesn't necessarily bring the roads up to the -- to our standards, where they would pass -- safety pass the hundred-year, but they would get it to a point where it would pass the 100-year without too much overtopping in that event.

>> Pool: All right. Thank you.

>> Mayor Adler: Did we approve something similar to this on a church in oak hill?

>> Last February, St. Catherine's church, they were tearing down a building and replacing it. Their issue was safe access.

>> Mayor Adler: Similar kinds of facts.

>> Similar.

>> Pool: Except that in that case we were able to insist that a concrete pathway be laid down, or that they walk through through the greens, that was to the back.

[5:39:39 PM]

It was not in the floodplain, to a cul-de-sac that I think was part of the neighborhood, so there was a direct access along a fence line.

>> They have a pedestrian access, not improved, but pedestrian --

>> Pool: Right. So I think that's the case you may be remembering. And so we were pretty specific about ensuring that there would be safe egress. And there's also the issue about, since it was a church, they could cancel their meetings or whatever was going on there, and hopefully in enough time, or at least shelter in place, should the water levels rise while they were in the building.

>> Yes.

>> Mayor Adler: Okay. Councilmember alter, then mayor pro tem.

>> Alter: Thank you. I think I have a follow-up to one of councilmember pool's earlier questions. I just want to confirm what the zoning is for the building so that it can't be something else once it has that egress.

>> The zoning is single-family currently, and churches are allowed --

>> Alter: No, I'm totally fine with it being a church, but it does worry me a little bit if it could -- you know, they could get this variance and then sell the property and then it becomes something else, and then we have a totally different situation that we've enabled.

>> It's zoned single-family, too. They haven't changed the zoning for this application.

>> Alter: And there --

>> That would mean if they wanted to do something besides a congregational church, it would of to come to city council to get it -- to get the appropriate rezoned for any other uses on the site.

>> Alter: I did not understand that as what the gentleman from watershed said.

>> That's my understanding, they would have to come Mr. Council to rezone it.

>> Alter: If a church isn't allowable, maybe one of -- councilmember tovo is shaking her head. So I'm comfortable with this if it's a church that's not having, you know, residents who are going to be -- you know, huge volumes of traffic and people who are stranded there and whatnot, but I'm uncomfortable if

it can change its use easily by selling the property and letting them do some other -- there's some way out of this.

[5:41:56 PM]

>> Mayor Adler: Can't you build a church in a single-family zone property?

>> Yes.

>> Alter: My church is not whether you can build it in a single-family zone, it's that if they were to decide to sell it, then it could become something else, I'd be worried about this --

>> Mayor Adler: It could become a single-family house.

>> And that's all.

>> Mayor Adler: Yeah.

>> Alter: But can it only become one single-family house or could they come and say they want to build -
-

>> Mayor Adler: No.

>> If it became a multifamily building, if they sold it and somebody wanted to make it an apartment, they'd have to rezone it. If somebody wanted to make it a commercial use, they'd have to rezone it. So right now, you can only put a single-family house on it, but the exception is for religious assembly, which is what this falls under. So that's the only use right now besides a single-family house.

>> Alter: But the only use means actually only one house on that big property. Okay. Thank you.

Have seen mayor pro tem. >> Tovo: I just want to clarify. Were somebody to use this as a single-family residence, would they need to come back for another floodplain variance because of the language of the one that's before us?

>> Yes, they'd have to come back with a different application.

>> Tovo: Okay. Then I have some additional -- and why? Why is that? Would that be triggered by the floodplain requirements, or it would be -- would it be triggered by the change of use requirements that we currently have?

>> The philosophy ever floodplain variance is the floodplainvariance is approved for a specific site plan.

>> Tovo: We have change of uses in the code and I want to be sure this wouldn't get caught up in that. Floodplain variance is for a very specific site plan. Any other site plan other than this church would require them to come back.

>> That's correct.

>> Tovo: Then I have some additional questions.

[5:43:58 PM]

So Mr. Schissler -- I'm so sorry. Would you help me with your last name?

>> Schissler.

>> Tovo: I've known you for years and apologize I can't quite get it right. You talked about two times a week for services and I heard you answer councilmember pool's question that the building itself will not accommodate any kind of child care program.

>> Correct.

>> Tovo: And no kind of school program.

>> Correct.

>> Tovo: And why is that, exactly? Is it basically just a sanctuary with a couple of ancillary classrooms or -
-

>> Yeah, it's -- so it's only a 10,000-square-footing sanctuary. They bought the land 13 years ago and it's taken them this long to raise enough money to build a building on it, so it's going to be a small sanctuary.

>> Tovo: And I guess then my next question is for staff, just to verify that if they do decide to start a child care program on site, would that require coming back, if they didn't need at raising alterationsto the building?

>> If they don't alter the building, no, it wouldn't.

>> Tovo: No, if they did additional buildings, that would require coming back.

>> Yes.

>> Tovo: But they could alter the interior space such that they could have a child care program, and as long as they go through the licensing program and whatnot, that's allowable.

>> If they remodel to the level of substantial improvements, over 50% of the value of the structure, they have to come back to us.

>> Tovo: But if not, if that financial level of renovation is not triggered, they would not lead to come back, if it's all interior to the structure.

>> Yes. That's correct.

>> Tovo: Okay. Are there -- are there any provisions that could be put in place that would restrict them from having that kind of use within this -- within this structure, without coming back? Yeah, I think I said that correctly.

>> I don't think from our perspective, we could apply that, to come -- I'm looking to Kevin back here to see if he has any opinion on that.

[5:46:05 PM]

>> Tovo: And this is your first time, I think. Is this your first time?

>> Yes, it is.

>> Tovo: You're doing a great job.

>> Chad Shaw, law department. Your question is, is there something we could add to this ordinance to restrict use? And I don't think with this particular ordinance, that's an available option at this point.

>> Tovo: Okay. Thank you, Mr. Shaw.

>> Mayor Adler: What about the permit to get -- they would have to come to the city to get a permit to do child care. No?

>> I think we're about to say the same thing. I am not familiar with our permitting process for child care, so I really can't --

>> Mayor Adler: I think that comes to us. Mr. Casar? Ms. Pool?

>> Pool: So the backup says that watershed protection department recommends denying the variance, but the ordinance number that was prepared is to approve it. Am I -- my reading this correctly?

>> Well, the draft ordinance is always going to be in case you approve it. But, yes, staff -- I did forget to mention that. We take the safe access very seriously, so -- almost exclusively, we recommend denial.

>> Pool: I think generally speaking, except maybe in one really narrow instance, I have voted against allowing variance because of safe access issues, and so that's where I'll come down on this one as well. I would support denying the variance because of safe access. And I appreciate staff's work on this.

>> Mayor Adler: And it looks like day cares are licensed by the state. Ms. Houston.

>> Houston: The other thing is that this particular area, and with the elevation, has a great view of downtown, as agave does, and would be a wonderful place for weddings and receptions. And so although I'm hearing you say that that's not -- would be not one of those uses, that they would get married or have their funerals someplace else, which is odd for me, if you belong to a congregation, you usually want to have your funeral and your wedding at that facility.

[5:48:31 PM]

That's kind of odd for me. It's a gorgeous view of downtown, so I would want to rent it out to make some additional money to pay for my building. But that's not what we hear about. I'm not going to be able to support this because although I appreciate the -- the congregation's move to that location, I know how that road floods. And it doesn't take a whole lot of water. And it is coming from upstream. And it collects right there between the railroad tracks and, you know, the outer -- the eastern edges of where the map is showing it. So I would be concerned. And I didn't vote against the last one, and I'm inclined not to vote for this one. I will be voting to uphold the staff's denial.

>> Mayor Adler: So I'm confused. I'm looking at the map of the one we did before, which was near [indiscernible] Road, and I think that there was a way for them to walk out and get them to another lot that would get them to a street.

>> There was an easement in the back of the church, actually two, that provided a path through the neighborhood to the adjacent road. The neighborhood wasn't willing to let them pave that path, but they can use it for access.

>> Mayor Adler: Did the church try to get an easement that would not be paved, but would only be used in an emergency situation? Something like that from one of the other -- from one of the neighbors?

>> I'm not aware that they tried that approach. I think they tried to purchase the lot, properties. There's a vacant lot or two.

>> Mayor Adler: So we have a precedent here, the council approved a church in a similar situation, that they could walk out without a paved way out, and it was an easement way out, but at least if someone got hurt or whatever, there was a way out.

[5:50:47 PM]

I wonder if that's something that the church might be able to get a property owner to do in the event of an emergency.

>> I can talk to them and request that they approach them again. Sure.

>> Mayor Adler: If that happened, it would fall under the same circumstances of the one we've already approved.

>> I understand.

>> Mayor Adler: Mr. Casar.

>> Casar: And, mayor, I would -- I would be more comfortable potentially -- obviously, if we had a non-paved path, I would be more comfortable with it. I'm still not sure if that necessarily gets me to a yes, because in the other case -- this is still not equivalent because in the other case there was already a church there, so if we didn't approve it, we weren't reducing the number of people -- whether we voted "Yes" or "No" on that one, we would still be sending firefighters and police vehicles and ems vehicles potentially into floodwaters to get to a church. It was really about remodeling a church and I think they were even adding a second story or something like that, if I recall, that was safer than the bottom floor. So it's still not exactly equivalent because this would be adding people on the other side of no safe access, and the other one was a preexisting church. Not to say that potentially having that other easement would make this a better case, but I don't think that it would make it equivalent to the same kind of case.

>> Mayor Adler: Yes.

>> Alter: I was wondering if you could pull up the map. It looked like there were two lots that perhaps might offer an alternative.

>> They'd have to go essentially three lots over to the east to get access. I think you were mentioning there's a couple of -- and this is 2015 aerials. There may be a house on one or more of those two lots to the west by now.

[5:52:48 PM]

>> Yeah. I checked the Travis county appraisal district and there's no structures on those two lots at this time. They're owned by an individual in Houston, and we could go approach him and see if he'd be willing to do some kind of easement.

>> Alter: I would feel more comfortable with the alternative space, or exit. >> Mayor Adler: Mr. Renteria

>> Renteria: Yes. I was looking at the map, and it's almost the second lot that's empty, there's a little trail that goes through there. Have you actually seen that? I mean I'm looking at the Google map, and it seems like there's some tracks, like -- some kind of utility or some kind of vehicle that drives through there. I'm just curious, is that an access for the -- for the electric line, utility line there?

>> I don't believe either of those are easements. I think they're legal lots for single-family houses.

>> Renteria: I was just wondering, because here on the Google map, it shows like maybe a well-traveled four-wheel type trail there. I'm just curious.

>> Mayor Adler: Would you want this matter to be postponed to give you a chance to --

>> I'd appreciate postponement to further investigate.

>> Mayor Adler: Have a chance to talk to the other officers to see whether or not that would have an impact. Is there a motion to postpone this until the applicant brings it back? Ms. Houston brings that motion.

[5:54:50 PM]

Is there a second to that? Mr. Renteria seconds that. You need a date or you'd have to renote? Why do you need a date?

>> How long do you think --

>> Probably two weeks.

>> Two weeks?

>> Mayor Adler: You want to set it for June 22nd? Let's postpone this to June 22nd then. Motion to postpone to June 22nd. Is there any discussion? Those in favor -- those in favor, please raise your hand. Those opposed? It's unanimous with everybody on the dais, with kitchen and Garza gone, to be postponed. Thank you.

>> Thank you.

>> Mayor Adler: Council, those are all the items we had on the agenda. I appreciate the patience of everyone else who came, but that saved everybody from having to come back in an hour and a half. We're going to adjourn the meeting, subject to some music and some proclamations. It is 5:52.

[5:58:21 PM]

>> I apologize in advance I have no songs about plumbing.

[♪Music playing♪].

>> Mayor Adler: As you can see why this is my favorite part of city council meetings, after you realize we've been doing this since 10:00 this morning. So I look forward to these moments, and it is entirely fitting that as the live music capitol of the world this is what we would do at all of our city council meetings when we have artists that are embrace us the way that David messier has done. So thank you so much.

[6:00:22 PM]

Joining us today, for those of you watching, is David messier. David is a song writer, a multiinstrumentalist, artist, record producer, owner of same sky productions. He currently serves as president of the Texas chapter of the recording academy -- that's grammys, and prior to that he served as a governor of the academy. His music has been described as a sound that blends americana and folk that brings up similarities with Tom petty. David is a leader, a volunteer sponsor, patron in the Austin community, including the Simms foundation, ham, dark music international, an organizations that support musicians in our community, and David is performing tomorrow night June 9th with his all-star band at the Townsend where he will celebrate his 39th birthday.

[Applause].

>> Oh, thanks!

>> Mayor Adler: Is that real? 39th? Because when people say they're celebrating their 39th, they're not really sure.

>> It's the real one. No funny numbers.

>> Mayor Adler: Please join me in welcoming David messier.

[Applause].

>> Really appreciate it. It quite an honor. Thank you.

[♪Music playing♪].

[6:04:31 PM]

[Applause].

>> Mayor Adler: So that was really good. Thank you. If somebody is here or is watching us and they want to find you, how would they do that? Do you have a website?

>> You can go to davidmessier.com. It's fairly accurate.

>> Mayor Adler: All right. And if they want to buy any of your music is there a way to do that?

>> Yeah. In the usual suspects, but I would always encourage people to shop local, Waterloo or any of the fine record stores in Austin.

>> Mayor Adler: And you told us your next gig celebrating your birthday is tomorrow.

>> Tomorrow night at Townsend. That show is sold out, but you can see necessity again Saturday the 24th as part of the music experience

[indiscernible].

>> Mayor Adler: Cool. I have a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually every musical genre. And whereas our music scene thrives because Austin audiences support good music produced by legends, local favorites and newcomers alike. And whereas we are pleased to showcase and showcase our local artists, now therefore I, Steve Adler, mayor of the live music capitol, do hereby proclaim June eighth of the year 2017 as David messier day. Congratulations. Thank you.

[Applause].

[6:07:19 PM]

>> Mayor Adler: So I have a proclamation here that is going to be presented to be accepted by Michael Barnes H who in a real sense for as long as I can remember has been the chronicle of Austin culture. Where you can go and see over time where we are and what's happening in this city and where we're being pulled and how we're being pulled. And it's real fitting that an award, a proclamation that's going to two journalists that generally reflect that in a city, and it's such an important part of our civic being? It's good too. So I have a proclamation here. Be it known that where is 25 years ago this year Michael Barnes, John buston, Barry con, John per on, met at Katz deli and decided to start the Austin critics table, hosting an annual ceremony where awards could be handed out collectively and the talents of Austin could be toasted. Whereas several thousands of nominations, several hundreds of awards and

dozens of Austin arts hall of fame inductions have related from the personal sacrifice, valor, many arts critics attending approximately 11 teen billion arts events in this city.

[6:09:33 PM]

And whereas a cocktail should be made that fills a cocktail glass with ice and stirring- until chilled, strained into a chilled martini glass and garnishing with three olives on a toothpick and whereas one night each year artists of all disciplines and their loved ones gather together in one room and the arts writers can come out from behind their screens and tell them face to face how valuable and vital their work is to the entire city. Now therefore I, Steve Adler, mayor of the city of Austin, Texas. Do here by proclaim June 5th of the year 2017 as Austin arts critic day. Congratulations.

>> Thank you, mayor. I'm no longer an arts critic. So there won't be a review of this meeting and -- boasts a co-founder of the critics table. And I was asked by the critics to come and accept this and I'll deliver it to them because I have an event next door at the four seasons actually so it was convenient for me to come. It's odd honoring a bunch of media types who sit around drinking martinis and picking their best artists and shows, but in fact they work very, very hard. I know they do that and every night they go out and every night they celebrate the creative clash in this city. So it's an honor to accept this for them. Clap last .

[6:11:58 PM]

>> Good evening, my name is Alison alter and I'm proud to represent district 10. I'm joined this evening by my colleagues, Leslie pool and mayor Adler and this is fitting to be my first formal proclamation in the chambers that it's for the Austin parks foundation. So we have a proclamation to recognize the 25 years of service in the Austin parks foundation. This honor will be accepted by Colin Wallis on behalf of apf. We're also joined by Kimberly Mcneely and Sarah Hensley who have been very involved with the parks department.

The proclamation: Be it known that whereas the Austin parks foundation was founded in 1992 and is committed to ensuring the future of Austin's parks, trails and green spaces by providing resources, programming and funding to ensure access to parks for all and whereas the Austin parks foundation envisions a community in which the lives of all people are enriched through access to well maintained public parks, trails and green spaces and whereas the Austin parks foundation engages thousands of people in our parks each year through the city of Austin's adopt a park program and through hundreds of volunteer work days, including it's my park day, and whereas the Austin parks foundation is celebrating 25 years of partnering with the city of Austin and the community to improve your public

parks, trails and green spaces through volunteerism, programming, advocacy and financial support. Now therefore I, Alison Alter, along with Steve Adler and councilmember Pool, do hereby proclaim June 12, 2017 as Austin Parks Foundation Day.

[Applause].

>> Thank you very much. Monday is our birthday and our team will spend it in Zilker Park mulching some trees that are badly in need of being mulched.

[6:14:00 PM]

Huge thanks to Sarah and Kimberly and the entire Parks Department staff as well as everybody at City Hall that we work so closely with throughout the years. Obviously we couldn't do what we do without everybody's help. Thanks to Michael and our tireless board member who came. And others who came just to chronicle my social life, which is amazing. And he's a wonderful person. So anyhow, thank you, every. We're very honored to be here and to be celebrating 25 years of giving back to our parks.