

City Council Regular Meeting Transcript – 09/28/2017

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[10:16:00 AM]

>> Mayor Adler: Before we start the meeting today let's go ahead and do an invocation. Today we have pastor Brad highum from the abiding love lutheran church. Everyone please rise.

>> Mayor Adler, members of the council, staff and all who have come together this day, greetings and god's peace for you from the people of abiding love. My name is Brad highum, I serve as their pastor. Let us pray. God, our truth, our wisdom, our light, establish now the work of our hands. We give thanks for this place of peace to gather in fulfilling our calling to serve the people of our community and to maintain the balance and beauty of the natural environment given into our care. May justice be our guide. Strengthen us to protect and advance the rights of all people, especially the needful and the disadvantaged, the suffering and the powerless. In times of disagreement, temper the boldness of our convictions with the humility to compromise in pursuing our common interests and goals. Open our minds and hearts to hear the voice of the other, to reach towards understanding with empathy and compassion. Spark our imagine nations to confront old problems with innovation, to engage new challenges with creativity. Keep us focused on our calling, to poster the well-being of our people, our community and the beauty of creation that surrounds us. Amen.

>> Amen.

>> Mayor Adler: Thank you.

[10:18:12 AM]

Why don't you come up and join me. Please come up and join me. Before we begin our meeting today I want to welcome a delegation here from two cities in the Dominican Republic. Santo Domingo este and boca chica. They are here as part of a program of the international city and county managers association to help central American countries develop innovative violence protection -- prevention programs. This

program seeks to establish networks that share best practices and lessons learned and crime prevention and violence reduction throughout the region. The formal objectives of this program are to promote comprehensive, municipal led violence prevention strategies and programs and faster the development of sustainable peer knowledge networks and to use the international city and county managers' association city links model to provide training and technical assistance to local governments and community groups in coordination with police and other local level programs. It is -- I had the opportunity to meet with the delegation and also to thank assistant city manager Arrellano and the folks in our police department for the work that they -- in mentoring and hosting that they've done, and thank you for that.

[10:20:22 AM]

But we have six guests with us today here. Mrs. Jacinto is the mayor and we have the secretary of public health for both cities. And Ms. Castillo is the secretary of the municipal council of boca Casey chica. And we have an 18-year-old student from Santa Domingo este and is the youth mayor in the city. And Joaquin Della Cruz works for the international city council managers association. It is great to have you here. We hope to be able to learn from you as you learn from us. And I have some -- I want to by way of appreciation and invitation, I want to bestow on you on behalf of the city council in Austin, the title of honorary Austin citizen. Thank you very much.

[Applause].

[10:22:26 AM]

>> Mayor Adler: All right. That said I'm going to go ahead and call to order today's meeting. City council meeting on Thursday, September 28th, 2017. We are at 301 west second street, city hall. The time is 10:20. We're going to go ahead and begin this meeting. We have some changes and corrections to note. Items 5, 6, 8 and nine on September 26th of 2017, they were recommended by the utility commission on a 7-0 vote with commissioners fathe, real and ray absent and one vacancy. Item numbers 7, 100 and 102 have been withdrawn. Item numbers 46 and 51 have been postponed until October 12th of 2017. Item number 58, the event is going to be held at Ramsey park, and the spelling of Ramsey has been corrected. On item number 61 this item -- excuse me. The suggested date to set the public hearing in this case is going to be October 19th, not October 5th of this year. And item number 98 when we can do that item at its 4:00 set time hearing, item number 98 is request to withdraw will be offered.

[10:24:32 AM]

The consent agenda today goes from items 1 through item 63. Auto it has a-- it also has addenda items 101 and 103, is that right? We have some people here to speak on the consent agenda. Is Mr. Pena here? Mr. Pena. As he's coming down I want to tell you which items have been pulled from the agenda. Items 11 and 15 have been pulled by councilmember pool. Item number 16 was pulled by councilmember Garza. Item number 18 is going to be discussed after the briefing, so that's pulled. Item number 19 has been pulled by councilmember Garza. Item number 25 was pulled by councilmember Houston. Item number 44 has been pulled by councilmember pool. I pulled that as well. Item number 50 pulled by councilmember Flannigan. Item number 52 is going to have a 4:00 time. We told people we would call people both if they were here in the afternoon as well as this evening. So we could call them - in other words, we're not going to vote on that until after dinner, but we may call people this afternoon. As we have opportunity to be able to do that. And item number 6 there's been a request by councilmember Casar and Garza that it won't be called any earlier than 6:00 P.M.

[10:26:36 AM]

-- That's 55, rather. And item number 56 there's been a request for an 11:30 time certain so we can handle that this morning. So that's pulled as well. Mr. Pena?

>> Alter: I want to ask item 89, the AIDS walk, you want to add another \$350 in fee waiver.

>> Mayor Adler: Okay. So noted.

>> Ready? Okay. Thank you, mayor and councilmembers. Gus Pena, welcome back from an arduous budget. We appreciate your hard work and I hope you took a lot of aspirin and a lot of minerals and everything to keep your stamina. Thank you very much for the hard work, and your staff. Mayor and councilmembers, there's a lot of items I want to speak to, but let me kind of lump them together. Indigent funding. I want to thank judge Gary statman, the presiding judge of the indigent court on the indigent funding. It's still unclear what the parameters are. I spoke to her. Outstanding, mayor, councilmembers, judge statisticman at the municipal court and I believe it's judge king at the drug diversion court. We have a lot of problems with veterans with drug issues, alcohol issues and they've been doing a great job of not judging the people, but helping them to get back on their feet. Any funding for homelessness. Mayor, I heard some horror stories about this stuff and we cannot comprehend exactly what's going on because you have the whats, IFS and buts. It's like codenext. It is very, very arduous. And do you know what? I already have PTSD, I don't want to get it worse. But y'all need to do a better job of teaching and community the community.

[10:28:36 AM]

There are a lot people that have master's that don't even know what's going on with this stuff, codenext. Michael Gerber, Louise harka, I want to thank you for leading the leadership that y'all have taken to help the homeless veterans. One of the things I want to mention, mayor, it is having to do with housing. It's relevant to one of my issues. Is that the westside, some apartments will not accept the voucher. Mayor, councilmembers, the hud vouchers, the veterans supported housing is a federal document, housing document, and you are not supposed to reject it. Three sessions ago at the capitol, we fought, senator Troy Frazier, who lead the battle not to accept the vouchers, we went day and not, we won the battle, but we find the battle is still here to win again and fight again. Vouchers you have to accept it by federal statute. Look it up. It's federal statute. Let me see. We support the ems issues. I want to collaborate with the can county. And I support the firefighters in their efforts to get the rights and benefits that they deserve. Bob nix, I don't see him around, but thank you, Bob, for your leadership with the firefighters association. Work with them, get them the best that they deserve. They put their lives on the line just like APD, ems. I love ems. Ernie is a great chief. I appreciate his leadership. And I appreciate the hard work that y'all do, but sometimes you have to do a better job of educating the public. The public is not getting hot, but also the other issues that are very, very key and crucial for the low ses people.

[Buzzer sounds] Judge on -- mayor, I promoted you.

[Laughter]. Thank you very much for the hard work. Thank you very much. We need to fight for the rights of the people who need help, women and veterans. Thank you.

>> Mayor Adler: Thank you.

[10:30:36 AM]

Is John Ruiz here? Couldn't make it? Is David king here?

>> Thank you, mayor Adler, mayor pro tem and councilmembers. I am speaking on item 51 regarding plaza saltillo transit oriented district, expanding that to incorporate calmer's court. There was no information on the backup for this item to help us understand what impact would that have. The way I see that is by including that in the tod, now it can take advantage of having density bonus opportunities which would involve market rate units being part of that publicly owned land that's supposed to be dedicated for subsidized housing. So I hope that someone will ask that question to get it on the record. Will Chalmers court now be able to have a mixture of market rate -- and when I say market rate, I mean 80% or above -- units involved in any redevelopment of that site? Or will it be dedicated to subsidized affordable housing only? So I hope we can get that on the record on item number 51. We know that the

density bonus programs we have today are ineffective, so why incorporate this into a tool for that purpose and to participate in a program that is ineffective for low income families. And the public deserves to know this before you vote on this. And I'm speaking also on item number 101, small area plans. I think this is an important item. I hope that we will use the small area plans as an opportunity to create strike forces to help our neighborhoods that are being redeveloped right now where we're seeing displacement, where we're seeing things happen that we don't want to happen to our city and that we allow that small area teams to focus on these areas as a priority.

[10:32:38 AM]

People are being displaced now as we sit here and talk about this and debate these issues. And we say that we care about them. But we're not using all the tools we have to really help them now, so I hope that we will use that -- this opportunity for these small area plans to put these teams together and focus on these neighborhoods that need help now and not prioritize them for areas of redevelopment and new development. If we really care about families that are being displaced, if we really care about losing diversity in our neighborhoods, if we really care about equity, we will use all of the tools we have in our toolkit. We won't just use those that are redevelopment and new development. Thank you.

>> Mayor Adler: Thank you. Okay. Those are all the speakers that we have to speak on items. I'm showing item number 7 is being withdrawn. Being pulled are 11, 15, 16, 18, 19, and 25. Forty-four. I show 46 being proposed and item 50 being pulled, 51 being postponed. Fifty-two being pulled. Fifty-five being pulled and 56 being pulled. Also item number 41 is being pulled by staff because they need to make a correction. For the record, I would point out that I'm recusing myself on -- recusing myself on item number 27 and not voting on that, an interest in the property.

>> Tovo: Mayor, I will be abstaining from the creative action portion of item 20 and I also just wanted to introduce the sweet animals that are joining us -- joining us today.

[10:34:51 AM]

They're here because we have several items for animal services, 2 and 3, and -- 3 and 4. And item 4 is to negotiate and execute an interlocal agreement with Travis county for the fostering of kittens and incarcerated animals -- oh my goodness, animals on the brain today. This is a partnership wherein Cass rated individuals will be fostering kittens. So thanks to our animal services for all their great work and they're innovative programs.

>> Pool: And then item 3 is the same. And that's for puppies. An interlocal agreement to foster puppies with incarcerated individuals. It was an opportunity for us to have a little bit of therapy ourselves with our furry friends. Thank you.

>> Mayor Adler: Thank you. Any other items to be pulled? Any other announcements or notices? Yes, councilmember Garza.

>> Garza: I don't have to pull 19 if there's no opposition to postponing it to October 12th. And also during the stakeholder process there has been the request to include additional amendments to city code section 2-10 regarding fines, alternative sentencing and imprisonment. That's based on stakeholder feedback. That was a part of the resolution. So if there's an opposition to adding that direction or postponing until October 12th, I don't need to pull it.

>> Mayor Adler: Okay. Do you want to postpone this to the 12th? What do you want to do?

>> Garza: Yes. With that further direction and I have one other item I want to speak to.

>> Mayor Adler: Is there any objection to this being postponed to October 12th? Hearing none, that is postponed to October 12th.

>> Garza: Item 12 is an item I am sponsoring regarding childcare. I want so thank my other sponsors.

[10:36:52 AM]

We're going to do a needs assessment if this passes on consent about determining where we could help provide childcare. For many young families childcare is the second largest cost driver for young families. This conversation came up during discussions of our dsd building that will be at the highland campus, ACC highland campus, and there have been some conversations, informal conversations with myself and ACC trustees, as well as my office and ACC administration. I want to be clear that this is a city-based initiative and this is a city building. And the point is to prioritize being able -- if we can -- help with high quality, affordable childcare for our employees, for our citizens where it's needed. There's very -- there's a shortage of high quality childcare in our city. I would love for ACC to support this effort. I think it works perfectly at that campus, but whether the ACC board chooses to support such a center is beyond our control. I want to be clear to city staff that this is about what we do at one of our city facilities. There's been some conversation during this about whether childcare is the bread and butter of a community college, is it the bread and butter of what a city should be providing? You could make the same argument about whether the city should be involved in housing and whether the city should be involved in funding parent support specialists and we've decided to make those priorities. And that is what our job is up here to decide what a priority is for our city. And I think supporting young families should be a priority for our city and I look forward to the data that this study brings back and how our city can support young families so they can stay here in Austin.

>> Mayor Adler: Okay. Thank you.

[10:38:53 AM]

Any other notes on the consent agenda?

>> Renteria: Mayor, I just want to say that the Chalmers court resolution has been postponed to October 10th, I believe, or 12th, our city council meeting.

>> Mayor Adler: Which number is that?

>> Renteria: It's number 51, I believe.

>> Mayor Adler: Yes. Fifty-one has been postponed to October 12th.

>> Renteria: So if anyone out there needs more information on this, it has to do with Chalmers court, they can contact my office.

[Indiscernible].

>> Mayor Adler: Okay. Any other comments, questions? Yes, Mr. Casar?

>> Casar: First I do want to thank councilmember Garza for her work on the childcare resolution. I think that's really important and I agree entirely. I also wanted to double-check with either councilmember Garza or city legal that with that direction does that mean that that posting language will be adjusted so that it can address all of those things when it comes back?

>> Yes. That was the point of councilmember Garza, giving that good direction.

>> Casar: I just wanted to be sure. Thank you.

>> Mayor Adler: Is there a motion to approve the consent agenda? Ms. Garza makes that motion. Second? Mr. Casar. Those in favor, raise your hand? Those opposed? All are voting aye with councilmember troxclair off the dais. Ms. Houston?

>> Houston: I am so sorry, mayor. I need to -- I'm voting no on 20 and 32.

>> Mayor Adler: Okay. Any other announcements or notices? Ms. Kitchen?

>> Kitchen: I had a revised backup for 101, which I am not seeing. It was supposed to be on our desk as a yellow sheet. And I just want to make it clear that that's the one that we're voting on. But I don't see it here from the clerk's office.

[10:40:54 AM]

And I don't want to pull the item.

>> Tovo: Mayor, I believe it may have been posted -- I believe it was --

>> Kitchen: It was posted --

>> Tovo: I think I read it last night.

>> Kitchen: All right. Then we're fine.

>> Mayor Adler: And the items that I have with late backup are 13, 15, 18, 21, 27, 28, 29, 45, 49, 50, 55, 57, 71, 77, 78, 94, 95, 97, 100 and 101. Anybody want -- did -- I have the vote showing as 10-0 with Ms. Troxclair gone. Any changes to that? Okay. Mayor pro tem?

>> Tovo: Mayor, if I could just have a two-minute item of personal privilege. I just wanted to bring up a photo and make a quick announcement that relates to some previous action if we could bring up that photo. I wanted to let you know that this morning that public toilet was installed at I-35 and sixth street. This is something that our council has initiated and it is finally there. This is the pilot program so this restroom will move around the downtown area. It's going to be in this location again at I-35 frontage road and sixth street for about four weeks with and then it will test different locations. This is in anticipation of purchasing a model that's more permanent and designed for an urban environment. And so I just wanted to say a quick thank you to the downtown Austin alliance and bill Bryce, they have been great supporters and advocates of this and have done everything from research it to go out there and actually do some measuring and things. So the downtown ambassador were out there making sure this got installed. I want to thank David from public works as well as Tyler from public works. But there are lots of other city staff who have been involved through the last couple of years. I think I sent Stephanie Hayden probably 100 emails about the subject and she's always been so gracious and our staff have really made sure that this happened.

[10:43:01 AM]

So thanks again. This is really a very important amenity to have downtown and I hope it's just the first of many public restrooms in our downtown area for visitors and others who need them.

>> Mayor Adler: Okay. We've dispensed with the consent agenda so now we'll move to the briefing this morning on fire. Yes. Middle school?

>> Pool: As they're coming up could I really quick on item 11, which I pulled, I don't know how many else on council got the request, it's simply a postponement for one week, so that stakeholders can talk with

staff about an oversizing of a water line near the community college. So that would be a one meeting postponement.

>> Mayor Adler: Does anybody object to postponing item 11 to October 5th? Hearing no objection, it is postponed until October give -- October 5th. There's been a request -- we have this briefing and there's been a request to go into executive session for this item. We won't act on this item until we've had a chance to go back into executive session.

>> Houston: Mayor? If you would put your mic up just a little bit, I think we could hear on this end of the dais.

>> Mayor Adler: All right. Just let me know. I can also speak up.

>> Houston: Thank you.

>> Mayor Adler: All right.

>> Thank you, mayor and members of council. Ray Arrellano, assistant city manager. And this morning item 19 is on your agenda which requests council approval of a resolution ratifying the collective bargaining agreement between the city and the Austin fire association on wages, hours and terms for Austin firefighters. Staff has prepared a presentation to highlight the major aspects of the agreement. Leading off the presentation will be our labor relations officer Larry Watts, who will cover the administrative terms of the proposed agreement.

[10:45:05 AM]

He will then be followed by Chris pistol from the financial services department who will cover the financial aspects of the proposed agreement. I would like to ask council if you would to hold your questions until we get to the end of the presentation. But before I hand it off I would like to acknowledge the work of the negotiating teams on both sides of the table. So in particular I would like to specifically recognize Larry Watts who stepped in after the untimely passing of our former labor relations officer Tom Stribling. Larry along with Doyle Denton led the negotiating team. I would like to acknowledge Bob nix and the Austin fire association in their effort in negotiating the agreement and obtaining a favorable vote of the association that has allowed us to bring the agreement to council for your consideration. So with that...

>> Thank you. I'm Larry Watts. This is Chris behind me. And he will take over in just a few minutes. Our objectives during this negotiating cycle was to reset the base wages to bring our fire department closer in alignment with the city's list of comparable large city fire departments in the state of Texas. And to gain more control of the fire department's overtime cost. And finally to gain concessions on the hiring procedures for AFD. We reached a tentative agreement on September 7th through the mediation

process and the association conducted a vote last Thursday or it concluded last Thursday, and 75% of their members voting voted to approve the agreement. So one of the issues that we changed in this agreement is that vacation time is no longer considered as hours worked and is non-productive for overtime purposes.

[10:47:12 AM]

There is a special leave provision in the contract for the first year that insent advises firefighters not to participate in a early buy back of vacation and sick leave. That's funded up to \$5,000 for the first year. If at the end of the first year the city manager believes that it has been effective in reducing overtime costs, she unilaterally, of course, with council budgetary approval can continue that program for other years of the contract. The hiring process that was in place when we began this process remains in place except that the city now has the ability to select firefighters who are on the list and they're already certified as firefighters to attend a 14-week academy as opposed to the 28-week academy that is normally conducted. That's this proposal is expected to put firefighters on the trucks much sooner. Did we meet the objectives? We did reset the base wages. At the end of this contract that senior firefighter who was 18.2% above the highest of the comparable cities will be at 11 and a half percent above those firefighters based on the projected rates of pay over the next five years for those other cities. Control of our overtime. This eliminates vacation as productive overtime.

[10:49:15 AM]

It allows shortened academy classes from 14 weeks and eliminates the vacancies much quicker and provides incentives, as I just said, not to use vacation and sick leave with a buy back program in the first year that will eliminate the need to backfill with overtime. And I believe that brings us to Chris' part of this. Let me say one thing about that. I view -- what I view this agreement to do is to balance the concessions that were made against the economic package and I believe that this agreement does that. Thank you.

>> Good morning, mayor and council. My name is Chris with the budget office and I'm also on the city's labor and negotiating team. I'm going to discuss with you over the next several slides the financial impacts of this agreement. The total projected five-year contract cost, this contract agreement is through fy2022. It includes costs for base wages, step pay, overtime vacation being non-productive. The one-time vacation sick leave buy back program for a five-year cumulative cost of approximately \$23.8 million. There will be an incremental cost each year. Bfi 2022 we participate the fire department's budget will be \$10.5 million higher than the fy17 budget. Again, the cumulative five-year period will be 23.8 million. The base wages for fy18 would be a .25% increase for 290,000.

[10:51:17 AM]

The second year of the agreement, .5% base wage is 582,000. The third year of the agreement, one percent at 1.2 million. The fourth year of two percent, an annual cost of 2.4 million. And in the final year of the contract, 2.5 million -- excuse me, 2.5% at approximately three million. As you can see in the far right-hand column, the cumulative increase is 15 million for base wages. Moving on to step pay. For this agreement there's no change to the step pay structure. The second column shows the step increase by year for the projected annual incremental cost of 625,000. Now, you may be asking why 625,000? This is the annual amount the budget office use for the step cost projections. As in past years the amount needed has been as high as 800,000 and in other years 400,000. Again, these are all estimates, based on the number of firefighter employees receiving a pay increase in a given year. These costs do vary from year to year based on the distribution of the employees within each step and the net impact of retirements and new hiring of firefighters. The five-year cumulative costs is projected to be \$9.4 million. Items added to the new agreement, the first item creates a saving of 1.1 million in year 1 of the contract and classifies vacation as non-productive for the purposes of calculating overtime. I would like to note that this savings has already been reflected in the fy18 approved budget.

[10:53:18 AM]

The second item is a vacation/sick leave buy back program also in the first year of the contract and will be evaluated by the city management on its effectiveness after the first year. The fy18 cost impact would be capped at 500,000. Moving on to the specialty pay. These items reflect no changes from the previous contract. The current annual amount for assignment and special stipends is 1.1 million. Longevity remains at \$100 per year of service up to 25 years at an annual cost of 1.5 million. Education and certification pay remain at one million dollars. Again, there's no increases or changes to these amounts and they're currently in the base budget. My final slide on the financial impacts, I want to show you the final -- the financial impact for the fy18. Base wages of 290,000, step pay 625,000. Vacation non-productive savings of 1.1 million. As a reminder this savings is already reflected in the fy2018 budget. Vacation sick leave buy back at 500,000 for an incremental cost of three hundred thousand. I'll turn it back over to Larry Watts.

>> Mayor and council, I just have a fewments to make. As you know, negotiations begin with each side coming to the negotiating table presenting what their interests around then a series of compromises are made that result in an agreement that has value for both parties.

[10:55:20 AM]

Neither party ever gets everything that they want. This proposed agreement is presented to you with my strong recommendation for your consideration and approval. For the following reasons: This contract that's proposed reflects a lower annual increase in pay than any five-year period, including -- beginning with fiscal year 1999. And that five-year period included three years of zero increases. So there are significant savings for the city over the next five years in approving this contract. It also includes a number of provisions that the staff has presented to you. Vacation pay will no longer be included as productive pay in the calculation of overtime. It allows for a sick and vacation buyback that will pay the voluntary firefighters who participate at a lower rate than they would be paid when they terminated their service. And it also allows for a modified cadet academy that will allow for those with double certifications to come in with a shorter cadet class, a shorter cadet timeline, so that we can get firefighters on the trucks and in the stations faster, which will again contribute towards eliminating and reducing the overtime. This contract represents one of the best contracts that we have brought to the city council in recent history, and I thank you for all of your time that you and your staff have spent on it. I know that a number of you have had staff attending the negotiating sessions and we really appreciate your input. And we're ready for any questions if you have any.

>> Mayor Adler: Okay.

[10:57:20 AM]

Councilmember alter, do you want the executive session before we begin questioning?

>> Alter: I mean, we can have some questions, but I will probably refrain from my questions until after, but I would leave that to my colleagues on their preference.

>> Mayor Adler: Okay. Does anybody have any questions before we would go to executive session? Okay. Let's hold off then for right now until we go to executive session. Thank you for that presentation. Okay. So council, we can either go to executive session now or we could have executive session during lunch and then we could bring it up after lunch so that we do those two things statement. That probably would be my preference and we continue to hit some of the pulled items. Is that okay? Yes, Ms. Kitchen?

>> Kitchen: I have a different clarification I need to make. On an item we just passed.

>> Mayor Adler: Okay.

>> Kitchen: Should I go ahead? On item number 101 the backup actually did not make it into -- the latest backup. But it's just direction to staff so I don't think we need to reconsider. We just added direction to

staff to -- to present to the small area planning joint committee for comment. That's an existing committee of the planning commission and the zap. So it's an existing committee that looks at small area planning. And so this is just -- so if the city manager can accept that as just direction, then I don't think we need to reconsider it.

>> Mayor Adler: Okay.

>> Kitchen:thank you

>> Mayor Adler: Sounds good. We had the one item we said we would call up this morning. Let's call up the item number 56, which is the Negro school.

[10:59:22 AM]

I think we have some people here to speak on that. David king, do you want to speak on this? Is Fred Mcgee here? Hang on a second. He wanted to speak so let's not pull that one yet.

>> Okay.

>> Mayor Adler: Okay?

>> Houston: Mayor?

>> Mayor Adler: Yes.

>> Houston: I thought we said time certain 11:30.

>> Mayor Adler: I said or this morning so he's not here so we're going to hold that now. Okay? So we'll call it up at that time. We have some speakers here on item number 16, the cultural arts contracts. Ms. Garza, you pulled this one -- we have four speakers, two speaking.

>> Garza: I pulled this because of the Zack Scott funding, and this was an issue that came up I guess about a year ago, concerns from the labor union about I guess the administration's Zack Scott's management, not allowing union activity. I'm sorry that I got the information late, but I believe the speakers are actually going to speak to what my concerns were, so why don't we let them speak and then if there's any questions afterwards because it's my understanding some of the union folks are still experiencing some issues there.

>> Mayor Adler: Let's have the speakers speak. Rachel Mcgee? Rachel Mcgee here? Come on down.

[11:01:23 AM]

Up people who donated time. Is Katie Anderson here? Is John Vicars here?

>> Nes the lobby. I'm sorry, I have laryngitis.

>> Mayor Adler: That's okay. So do we have him? Okay. You have six minutes.

>> Good morning, mayor, mayor pro tem, and city council. My name is Rachel McGee and I'm president of local 205. The union has been representing Austin stage hands since 1911. I'd like to start by thanking y'all for making changes to the cultural arts funding contract last year in an effort to establish labor neutrality at Zach so that workers could feel safe, discussing the protects of organizing a union in their workplace. Unfortunately I have to report to you today that following the city council's actions, Zach employee Katie Anderson saw her average 30 hours a week cut to offers on occasional load-ins and strikes. Show calls she used to get were no longer offered. The fear caused by the extreme reduction of Katie's hours undermined any confidence gained by achieving labor neutrality. Sadly our victory here at city council did not revive the Zach organizing campaign as we hoped. This despite card signers and stage employees from union families still working there and knowing things need to change for better. After the city demonstrated its support for the union, Zach management did agree to start meeting with us. During those meetings, we asked for Katie to be reinstated. They responded she had not been terminated but could not explain why she was no longer receiving show calls.

[11:03:27 AM]

We asked that employees be allowed to post organizing notices on their call boards an activity that is protected by federal law. They responded with a solicitation policy prohibiting such an activity. It became clear that to seek resolution and properly replicate, the -- represent Katie the union would have to take series measures against Zach. In April we filed an unfair labor charge against Zach theater for terminating Katie Anderson and refusing to allow employees to post union notices in the workplace. In July, the labor board issued a complaint. A hearing is scheduled for December. It is our sincere hope that Zach theater will choose to settle with the union prior to the hearing. Just like it is still our hope that Zach will step up to become a good community partner like ballet Austin and Austin opera, also nonprofit producing companies who receive less city funding, generate less net income and yet choose to pay area standard wages and conditions. Unlike Zach theater. We believe Zach stage employees deserve to be treated with respect and dignity, have a safe working environment and earn a living wage, and local 205 will stand with them as long as it takes to see they do. Thank you.

>> Mayor Adler: Thank you. Next speaker is Monica combs. Monica combs.

>> That is all we have to say.

>> Mayor Adler: Okay. Thank you. That gets us to this item number 16. Is there a motion on number 16?

>> Houston: Excuse me, mayor, I have a question of staff.

>> Mayor Adler: Yes.

[11:05:34 AM]

As y'all are coming forward, as councilmember Garza said, this has come up before. So could you tell me about the amount of funding that Zachary Scott gets from the cultural arts division and what is the additional \$60,000 for?

>> Kevin Johns, director of economic development. While staff pulls the exact amount they get, a little background. In 1987 Zach signed a 99 year lease with the city and part of that lease was there would be a 1% paid of hots tax for the maintenance of the facility. That was amended in 2005, I believe, to a flat rate of 60 thundercloud a year. So -- \$60,000 a year. It is a separate coincident of the actual amount they receive, but I will tell you what the amount is. They receive \$215,500 -- 212, excuse me.

>> Houston: And so y'all were here when we had the conversation last year about employees and having the opportunity you to unionize. Do you all enter into anyizations with Zach about how that happens or do they keep getting that money year after year after year, kind of I guess flooring what we talked about?

>> I believe since there's a lawsuit pending, I think that will kind of resolve whether they're in violation.

>> Kitchen: As a reminder, my understanding of what we passed last time was we asked staff to put in place for the next cycle of -- the next cycle of selection of entities to fund, to put into place a mechanism to look at labor peace agreements as a criteria related to the funding selection.

[11:07:51 AM]

And I know that y'all are in the process of doing that. Those are on a two-year cycle. So that would come back to us in a year or so, at your next selection. So that's -- but we also did suggest very strongly to Zach that they right now work with the union, and it sounds from the previous testimony that that's not happening in the way that the council had asked for.

>> Just to clarify, Megan wells, cultural arts division manager. We did insert language based on last year's council action that addressed labor neutrality and peace into those contracts. Last year was the first year it was inserted into the contracts. It is still in effect this year and you're correct next year it

could be revisited but it is still in effect for those cultural contractors entering the second year of their contract funding from us.

>> Kitchen: Question? So does that mean that it's in their current contract and is that what you mean?

>> Yes.

>> Kitchen: Is that what you mean when you said the results of the hearing would be determinative of whether they were in violation of their contract? Is that what you meant?

>> Yes.

>> Kitchen: Okay. So I see some questions down there. So --

>> Mayor Adler: Ms. Garza.

>> Garza: Just a clarification on the funding portion. So we're approving 212 and 60,000. Is that right?

>> Yes.

>> Garza: So we're approving 270 with this vote?

>> Yeah.

>> Garza: Okay. And I have the contract with Zach Scott and I don't know if this is an executive session question, but if there is a hearing scheduled for December that could determine that there was a violation of labor laws, does it hurt to separate the question for Zach Scott, vote all the other contracts, and not vote on this one because in the contract it says they agree to comply with all federal labor laws concerning protection of employee rights and it also says that unfair labor practices committed by the contractor involving employees performing work under this agreement shall constitute a breach of this agreement.

[11:10:08 AM]

So can we separate the question with Zach Scott and wait to see what happens with the hearing in December?

>> I'd like to consult with law on that and have another conversation about where they are in the process and how it applies to the contract.

>> I don't know as a practical matter whether it makes a difference in the contract but you certainly can separate the question. I don't know for the purposes of the work if that will make a difference.

>> I mean, they would not receive funding for their cultural contract period pending this delay so it would certainly have an impact on them. But I'd like to find out more about the situation that we heard today, too.

>> Garza: I'd like to learn more about the impact it would have because if it in fact -- my guess is we're going to hear back, this is going to impact us. But it need to be something that impacts them if they are not -- if it's found that they are not complying with federal labor laws. So that would be my desire, to separate and not pass the Zach Scott portion of this contract, and there may be other questions but I'll make that motion when it's appropriate.

>> Mayor Adler: Is it also possible for us -- this is a tricky one for me because there's an allegation of wrongdoing and if it's true then they should be found guilty and there should be a sanction for that. If they're not found guilty there wasn't a violation and they shouldn't be punished. Can we put in a provision that awards the funds but requires the funds be repaid if there's ultimately a determination that they were in violation? Can we do something like that?

>> I manage the cultural arts funding program. Whenever you all as a body approve these award amounts, you are approving for us to enter into the contracts, but part of their contractual requirements for instance is that they have insurance in place so we don't actually enter into the contracts and execute them until they are in full contractual compliance.

[11:12:10 AM]

>> Mayor Adler: I'm saying if someone has brought a charge and filed a suit and it's going to be determined, if they're not guilty of anything, I don't want to disrupt them getting their funds. If they are violative, then I don't want to pay them the money and I'm wondering if one way to handle this would be to give them the money but it's subject to recall. My question is can we affect that?

>> I don't have the contract right in front of me but it sounds like that is in effect, they have to be in compliance with all federal laws. There may be a determination made later -- I'm happy to look at the contract and table -- if you wanted to table this for a minute?

>> Mayor Adler: We can table it so you can take a look because we don't know whether they're in violation and if we withhold the money then we impact potentially an organization's budgeting issues and I'm not sure that it's fair to do that based on an allegation. At the same time, if they're guilty-that, I don't want to have given them money if they were in violation. We don't know the answer. The specific question would be can we award the money but get that money back if they're in violation? I want to know if that's a remedy for us to be able to consider.

>> Kitchen: I have a question.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I have another question related to this, had but how are the funds actually paid out and when? Is it a lump sum payment at the beginning of the contract? Or is it over time? How are they done?

>> So it's over time. The different funding programs have different payment schedules, but organizational support, which animal services is in, it's -- Zach Scott 30% upon processing the contract, 30% -- the 212,000. The maintenance is separate. For their core cultural contract, organizational support, 30% when we contract the contract, 30% in January, 30% in March and final 10% whenever they complete a final report and we see they were in compliance with what they contracted to do.

[11:14:12 AM]

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Okay. Any question -- further questions before we lay this on the table? Yes.

>> Kitchen: What I'd like to do is go ahead and separate it, go ahead and vote on the other ones, and then lay on the table the Zach Scott part while we're considering how we might -- what our options are for handling it. Regardless of what we do, it sounds like we handle it a little different even if he it's direction along the lines of what the mayor said.

>> Mayor Adler: Let's do that. It's been moved to approve the cultural arts save and except Zach Scott. Is there a second? Ms. Garza seconds that.

>> Tovo: If you would note my abstention to creative action.

>> Mayor Adler: Noted. Those in favor of that divided question please raise your hand. Those opposed. It's unanimous on the dais with the recusal by mayor pro tem, troxclair abextent -- abstaining. Mayor pro tem abstaining. And the Zach Scott being laid on the table. We'll pick that up after lunch after legal has a chance to tell us what our options are.

>> Tovo: May I ask a couple additional questions about this?

>> Mayor Adler: Go ahead.

>> Tovo: Just to clarify, it was just an abstention on the creative action piece. With Zach Scott, I'm sorry, I missed the dates of contract.

>> The original contract was signed in 1987, February 1987 --

>> Tovo: I'm sorry, I didn't state my question clearly. The one that we're approving today. When would their contract -- when would their renewal begin and when would they expect to get the funding?

>> So the contract runs through the city's fiscal year, October 1 through September 30. Traditionally they would -- they have to do the contractual paperwork I was mentioning earlier so typically the payments probably go out in around November or so once they get all of their paperwork in place to enter into the contract.

>> Tovo: So then it really they probably would just be delayed by a month or so in terms of getting their funding if we decided to wait on this decision until the results of the case?

[11:16:21 AM]

Okay. Thank you. And then, as you said, it goes through October 1, so they would have -- regardless of when they get their funding, and I imagine some organizations get their paperwork in a little later or may have some issues that they need to go back and forth about, so is it pretty typical that some organizations would get their funding later in the -- later in the calendar year or even as late as the beginning of the next year?

>> Some do sometimes, yes.

>> Tovo: Okay. Thank you. And then they have until the end of the fiscal year to spend it? Okay. Thank you.

>> Mm-hmm.

>> Mayor, I'd just like to recognize the cad staff. They do over 500 contracts every year and they do a really great job.

>> Mayor Adler: Thank you for that. One question to follow up on what mayor pro tem said, is the hearing -- do we know it's over with the hearing? Can either side appeal that?

>> Just to confirm, you're talking about the labor hearing that happened? Has not happened.

>> Mayor Adler: It has not happened yet.

>> Yeah. I'm not aware of that --

>> Mayor Adler: One question I want legal to take a look at as a general practice what the policy is if we're awarding contracts when someone has a pending hearing that has not had a final judgment, what do we do, I think is the broader question?

>> Garza: And the first question you asked as well, I understand why we wouldn't want to, but if we passed the contract, they are found to be -- to have breached it, are they required to pay us back that money?

>> Mayor Adler: Or can we write that in?

>> Garza: Yes.

>> Mayor Adler: Yeah. Okay. So we're going to lay that question on the table. Councilmember pool, date of birth we have one that we can postpone?

>> Pool: Item 44. Is that the one you're thinking of, mayor.

>> Mayor Adler: Yes. Anti-lobby ordinance.

>> Pool: So we talked about this in work session and of course my papers are dropping all over the place, so let me just talk off the top of my head.

[11:18:24 AM]

This is the anti-lobbying ordinance. We wanted the ethics review commission to have an opportunity to review it. They will meet I think the second week of October. I think the 11th. We also -- we're pulling this down and not taking any action on it today. I don't know if October 12 is date to put it on our agenda because that would only give us -- that would give us less than 24 hours to look at any responses. The ethics review commission might make. And in fact once they get it they may want to spend a little bit of time. So I just want to right now just not put a date on when it comes back but it will come back as soon as possible. And then as far as the biosolids contract, there was concern with Austin water utility about moving forward with the planned biosolids bidding process and we indicate -- I signaled to them on Tuesday to proceed with that process.

>> Mayor Adler: That was my understanding as well, and then we could proceed on that contract because initiating it we could still get these answers back and if there was some change we needed to make we could still do that and it didn't conflict with what the language was, as I recall.

>> Pool: That's right. We don't want to unduly delay the work that we've been trying to move forward with on the biosolids.

>> Mayor Adler: Then we've also gotten other emails in the meantime from people participating in this. Mr. Date of birth sent in an email asking us to consider additional changes. This would provide an opportunity for those stakeholders to surface or bring those questions.

>> Pool: That's exactly right, yes.

>> Mayor Adler: Okay.

>> Renteria: Mayor?

>> Mayor Adler: Yes. Manager, did you want to say something.

>> We recommend you bring it back on the October 19 agenda, which would be after the ethics review commission.

>> Pool: That sounds good to me.

>> Renteria: That was going to be my recommendation.

>> Mayor Adler: Okay.

>> Pool: Great.

>> Mayor Adler: Mr. Renteria is suggesting we postpone this until October 19 with the instruction that staff can still proceed with the biosolids initiation. Is there a second to that amendment?

[11:20:25 AM]

Any objection? Hearing none that's added. Ms. Houston.

>> Houston: Thank you, mayor. My concern was at work session and again today is that it seems the anti-lobbying is broader than we started out with, so I would like to ensure that other individuals who do business with the city have an opportunity to look at it and make sure that the changes that have been suggested are in fact agreeable to them or if they have additional agreements because this has started out as waste management and now it's broader than that. It's everybody that we contract with.

>> Pool: We are, and we are in touch with the various people who would be bidding on contracts, but we'll make sure that staff alerts everyone that these changes are being proposed.

>> Mayor Adler: Okay. And best I can tell, I think I've received emails from four different people or entities asking for other changes. This provides now those folks the opportunity to surface those and to speak with council about them. Councilmember alter.

>> Alter: In some conversations we had, I understood that it's possible to have some Alo language in place in the rfp in case we keep extending our discussion of the Alo. So that if we have the rfp go out and we continue to have this discussion about Alo, I want to make sure that we have a mechanism for having some version of the Alo in place when that biosolids contract is coming back. I'm not exactly sure of legally the best way to proceed with that, but I understand that there's a way in event that we have a need to postpone it beyond the 19th that we could assure that.

>> That's correct. Our office is working on that to make sure we have language in the rfp to clarify that it may come back to council.

[11:22:30 AM]

>> Good morning, council. Councilmember, that's correct. We will -- in discussions with staff we're contemplating issuing the rfp with a suggestion that it may be subject or will be subject in the future to anti-lobbying or some modified version. If necessary Austin water may need to come back to council and request a modification of the prior ordinance that waived anti-lobbying wholesale for biosolids contracts.

>> Mayor Adler: By the 19th we'll have either -- one you're going to put in the rfp. Second on the 19th when it comes back you'll have us prepared either to approve something on an interim basis or to approve something permanently, depending on what the council wants to do at that point. It would be helpful. Mr. Flannigan.

>> Flannigan: Am I to understand what we're initiating is reissuing an rfp with no anti-lobbying provisions whatsoever?

>> Councilmember, the proposed revisions to the anti-lobbying ordinance start the no-contact period at the close of the solicitation. If that is ultimately accepted by council and put into place, that would be the net effect of issuing this rfp or any other rfp without a current Alo in place because the Alo would not be applicable until the solicitation closed. So all those out on the street, they would not be subject to the no-contact period, just as the staff-imposed recommendation for revisions.

>> Flannigan: Okay.

>> So the idea is that there will either be a revision in place at the time that the -- by the time the solicitation closes or that staff will come back to council and ask for a modification so that an anti-lobbying ordinance or a modified version of the anti-lobbying ordinance is at least in place as of the close as it comes to council.

>> Pool: I think maybe my colleagues will remember that we had suspended the anti-lobbying ordinance only for the Austin resource recovery contracts, of which there's been one that was -- that came through a couple months ago and then this one is the second one, simply so that we could target the concerns that bidders were making, vendors were making about various provisions in the apparent ordinance so the suspension is literally only for those contracts Teed up for Austin resource recovery, in this case right now we just have one bid, rfp, rather.

[11:24:56 AM]

>> Mayor Adler: Okay. Yes, councilmember alter.

>> Alter: I'm seeing puzzled looks, I want to say what I was asking for was to make sure there would be some sort of Alo provision in there at the point that they were coming back with the vision so we would not be in that situation regardless of whether we pass the Alo on the 19th or not.

>> Mayor?

>> Mayor Adler: Yes.

>> Casar: Could I ask further clarification?

>> Mayor Adler: Yes.

>> Casar: When you say some sort of Alo do we just mean the Alo we've all been used to, just the standard Alo? Or are we talking about any modified format? I'll state my inclination is to stop having none Alo -- non-alo contracts until there's been deliberation on the Alo. If there's some way we can make sure that biosolids contract goes out like a Normal one that would be my preference but I'm interested in what your take is.

>> Alter: That's essential what, I think, we're asking for. It's just through the period until the solicitations come back it would not apply because it's part of this wastewater exception -- this waste exception that we're operating under right, and so when the solicitation came back it would be under the Alo. Is that correct?

>> Robert Goode, let me clarify what we're suggesting to do is to go out with the rfp without an Alo in place and then coming back hopefully before submittals are due to add the amended Alo. Right now, you're right, we're going out with an rfp without an Alo per the previous council's direction that solid waste services, which is biosolids, are exempt from Alo. So we will go out right now to get the rfp in the street with the intention of coming back and having an amended Alo adopted by council that would take effect before this solicitation are due.

[11:27:02 AM]

That hopefully clarified what the intent was to go out on the street today.

>> Alter: And that procedure matches what is in the proposed Alo in any case.

>> That's correct.

>> Alter: So if we were to accept what's in the draft, it would have the effect of matching for this contract. It just prevents us -- keeps us from having to delay this contract any further.

>> That's correct.

>> Mayor Adler: Okay.

>> Pool: Last thing. On Tuesday I asked if staff could pass along the comparison matrix to the anti-lobbying ordinance revision, this chart, and it shows what the current recommended changes are with the discussion that staff has provided. I don't know if that's in backup or not, but I'd like to make sure that everybody gets to see what the recommended changes are. And the piece that the ethics review commission will be responding to.

>> Mayor, James Scarborough, purchasing office. We are posting all of these documents on to the purchasing office external website, and are currently completing a notice that will be sent to all registered vendors with the city of Austin. So this will be a very large communication that will occur in the next day or so.

>> Pool: And then you'll send the comparison matrix to the council.

>> We will certainly do so. But we'll be glad to share it.

>> Pool: Okay, thank you.

>> Mayor Adler: Yes, councilmember alter.

>> Alter: Mr. Scarborough, I want to make sure you'll make sure the rfp goes out with the necessary Alo language to the extent legal has worked out what is legally appropriate to make sure that we're covered in the event that the Alo -- the new Alo is not in place for this contract moving forward?

>> Councilmember, that's correct. We've already had discussions with our colleagues at law. Given the review of the proposed ordinance and the possible inclusion of that ordinance while the solicitation is underway, we're going to include language in the solicitation that anticipates the addition or application of either the current anti-lobbying ordinance, revised anti-lobbying ordinance, or some other version of the anti-lobbying ordinance added to the solicitation at some point while we are underway.

[11:29:25 AM]

>> Alter: Thank you for the clarification.

>> Mayor Adler: Okay. All right. The motion is to postpone this until October 19 but to go ahead with the biosolids contract with all the conditions and comments and directions that the council raised. Is there a motion? Councilmember pool makes it. Is there a second to that motion? Mr. Renteria seconds that.

Any discussion? Those in favor please raise your hand. Those opposed. Mr. Flannigan votes no. Others voting aye. Troxclair off the dais. Thank you very much. Let's go ahead and do the Negro school. Before we break for lunch I'm going to give Mr. Nix an opportunity -- he signed up to speak. I'm going to take that public testimony before we go into executive session. So let's call up item number 56. I apologize. There were some people signed up to speak on number 44. Do they need to speak -- want to speak on this issue? Gus Pena? Steve Shannon? Andrew bossinger? Michael whellan? You're fine. Thanks. Then that gets us to item number 56. Mr. King, David king? What about Mr. Mcgee? Sir? And Susana Almanza is on deck.

>> Still morning. Good morning, mayor, council.

[11:31:26 AM]

My name is Fred Mcgee, author of Austin's montopolis neighborhood. I would like to say thank you for what I hope you are about to do unanimously with item 56. Which I hope will start a process of something that sometimes is elusive in our city, which is politics and morality merging, in other words the right thing happens, not just the politically expedient thing. And the right thing here would be for this property in toto to be preserved as a park and museum. I also have I must confess selfish reasons for speaking this, and that has to do with my three children ages five, eight, and ten, who I hope will be able to attend tutoring sessions and other educational programs and community programs at the site of this historic school. It's one thing to take classes or to read a book about history. It's another thing for your own children to attend a historic school that their great grandparents might have been able to attend. So history here is important. It can communicate in ways that no -- no book can. So thank you very much. I do also want to quickly, in little time that I have left, ask you when this comes back to you for approval to look out for the taxpayer interests in the spending of this hot tax money for this property. Mr. Stovewell has consistently refused to furnish us with a number. As a matter of fact, we have been asking for a number from the beginning. We tried to handle this situation privately. It didn't happen because one party would not in good faith negotiate.

[11:33:28 AM]

You have done your duty as elected officials, and I hope you will use, if necessary, eminent domain and buy this person out at fair market value. What's good for the goose is good for the gander. He will not loose money. The fair market value was established in the reverse transaction that the city was about to enter into with him and the basis for those numbers in that appraise are sales price that he purchased the property for. So if any numbers in the high six digits are being considered or even into the digits, we could use that money to fix up the school property. So, please, hold your feet to the fire, eminent

domain was used to see this right-of-way 30 years ago in an act of monumental injustice, why not now? Nobody will lose any money. Remember this, this property has never been on the tax rolls. There is no loss here. It was public property and then it was a church so that's something to consider as well. Thank you so much.

[Applause]

>> Mayor Adler: Susana Almanza. Austin Stowell is on deck.

>> Good morning, mayor, councilmembers. Susana Almanza, chair of the Montopolis neighborhood plan contact team and the Montopolis neighborhood association. I, too, want to say thank you so much for helping to save a very historical site. The African-American Negro school in Montopolis. That's very important that we preserve the history of communities of color and especially African-American community which we now are down to 5%. We want to make sure that it's known that African-Americans did -- were part of Austin. When we began this process in 2016 as Dr. McGee state add, we -- when Stowell first came us to we said we'd like to work with you on purchasing that site, we'd like to begin the process but we need to know more or less what is your asking price.

[11:35:43 AM]

We could never get that asking price. He purchased the facility for \$262,000. That's what he purchased. That's what is on, \$262,000. And we've gone through another plan like this when we purchased the -- the city purchased the oak spring preserve behind church's chicken on oak springs and airport. What we were able to work out, that plan, was a real fair deal. But not only, that the owner donated back some of that funding so we could put in the first leg of the trail system there at that site, and we used that money to higher American youth works to help us in that particular project, and I think that, too, that the owner, which is not doing it on his own, I can tell you that at the planning commission they held a demolition on top of everybody's head, that they would use that demolition if they did not get what they wanted to. That demolition permit has been hanging over our heads of the historic landmark commission also, which did not even abide by its own rules, zoning it historic, because they were under the threat of demolition. I tell new 2016, when we first met with Austin Stowell and began that process that we wanted to purchase it he immediately went down to get that demolition permit so he was actually not in -- working with the community. He might have changed his tone or what he's gonna say just recently, but -- he has not been a friend of the Montopolis community and of the preservation of Negro history. He has not been a friend, only when he saw the writing on the wall and the planning commission voted united States of america to rezone the entire site historic, not just the building and not a 25-foot buffer, but the entire site historical. He saw the writing on the wall that now he says, okay. At that moment, his agent even said we will not sell to the city at that planning commission.

[11:37:45 AM]

You can go watch it and they say that.

[Buzzer sounding] So I ask you to make sure that you don't overpay. If you have to use eminent domain, use it, preserve the Negro school, have him make a donation back to the community. Thank you.

>> Mayor Adler: Thank you.

[Applause] Austin Stowell Mary ingall is on deck.

>> My name is Austin Stowell, owner of keep investment group and the property at 500 montopolis drive. There's been a lot of misinformation spread on this case and I just wanted to clarify my position and wanted to go on the record and be explicitly clear that the structure is not at threat. The demolition permit, though it exists, my intent has never been nor is it to demolish the school. Our goal originally was to preserve the structure privately via a mixed-use commercial historic zoning category, under staff initiated case. At this point there's obviously a strong desire from the community to make this a public asset, and I look forward to working with staff and council and the community to make that a reality. And I'm available for questions if anybody has any.

>> Mayor Adler: Have any questions on the dais? Thank you. Mary ingall? And then Georgia

[indiscernible]

>> Good morning, councilmembers and mayor. I'm Mary ingall, president of the Austin neighborhoods council. I want to go back in history a little bit and talk about the comprehensive plan. Austin neighborhoods council wasn't all that supportive of the comprehensive plan because there were layers of data missing, and one of them was a layer of data about archaeological places, and we need to have that layer so that situations like this will not occur again.

[11:39:46 AM]

I urge you to support purchasing this property. I urge you to support doing the right thing. Thank you.

[Applause]

>> Georgiastein? And then Dave Cortez?

>> Good morning, mayor, councilmembers. My name is Georgia sfein. I grew up in the montopolis neighborhood. My husband and I currently live in the montopolis neighborhood and I'm also a former

student of the montopolis school for Negro children. My siblings also attended the school, four sisters and two brothers. Many of the former students who attended the montopolis school for Negro children currently live in the montopolis community. The school function not only as a place after education but also aye as a social and cultural center for the montopolis community where beautiful blue bonnets grow and families throughout the montopolis community and the city of Austin come during the Easter holidays to take pictures of their families and loved ones. It is important to save sites of African-American heritage such as the montopolis school for Negro children. The significance of the historic culture and values of the African-Americans in the montopolis community two often has long gone unnoticed. Therefore, there must be more awareness and appreciation of the importance of African-American history in the montopolis community. Because of the historic significance surrounding the montopolis school for Negro children I strongly support preserving the entire property as a historic landmark to use as a museum and community park.

[11:41:48 AM]

I want to thank mayor Adler and the city council for supporting the montopolis neighborhood. And supporting us to make the montopolis school for Negro children a historic landmark and I appreciate whatever you can do in order to help us preserve this school. Thank you.

>> Mayor Adler: Thank you.

[Applause] Last public speaker, Dave Cortez.

>> Thank you, Mr. Mayor. Good morning, city council. Dave Cortez, resident of montopolis, organizer with the Sierra club. I want to be real, you know, sincere about the last year and how much it's taken to get to this point. You know, how hard I work in the community, and this is some of the hardest work I've done my entire time in Austin, supporting these folks who just spoke which are neighbors to get to this point. And it's somewhat even ironic at a point where we set up a person who has treated us with disrespect every step of the way to make a ton of money. I want to be clear with each of you that that is not just and in no way reflective of my values as a member of this community and -- active member of the community in Austin. I implore you to do everything you can to give us more bargaining leverage and to negotiate on our behalf and to direct real estate services to do the same. We have taken care of this land ourselves. We have walked this land. I've picked sticker burrs with my own hands and neighbors and friends so people can go out there and take pictures with their children in the boubonnets. We've walked and talked to neighbors for years about this land.

[11:43:50 AM]

This wasn't until this happened that everybody started to be really concerned about what the future would be. Thank you for being responsive. I'm sorry we flood your in-boxes with emails, but you see how responsive the community has been to this issue, and that's just the tip of the iceberg. We're committed to seeing this through until it's in the hands of the people and we will use this land once it's back in our hands for great good and community building for many years to come. Thank you.

[Applause]

>> Mayor Adler: Up to the dais.

>> Mayor?

>> Mayor Adler: Yes.

>> David king.

>> Mayor Adler: Ah, Mr. King, sorry. You came back into the room. I'm sorry.

>> Thank you, mayor, mayor pro tem, councilmembers. I'll be real brief. I'm obviously here to support this item, hope that you will pass this resolution. I'm also asking if you could include direction to the city manager to ask, specifically ask Travis county commissioners court and the Austin ISD board of trustees to ask if they can help. They should step up and do their part. And we should be willing to ask them to do that. And I will do my part. I will be going to the commissioners court and the board of trustees meeting and asking them to do the same thing directly and I will be asking my commissioner and my trustee to do the same thing and I hope earn else with. Everybody who had a role in creating this situation should step up and take responsibility to help make it right. Thank you very much.

[Applause]

>> Mayor Adler: We're now back up to the dais. I put this motion on the table. Do one of my sponsors want to make the motion? I certainly can. Someone want to make the motion?

[11:45:51 AM]

>> Houston: I'll defer to councilmember Renteria. It's in his district.

>> Mayor Adler: Mr. Renteria --

>> Houston: I've been told it's not my business because I don't live in Montopolis.

>> Mayor Adler: Mr. Renteria making the motion. Is there a second to this motion. Ms. Houston seconds that motion. We're now for discussion. Ms. Pool?

>> Pool: I wanted to see if we could take Mr. King's recommendation that we contact Travis county and Austin independent school district to ask what role they would like to also play in the rehabilitation and preservation of this land, given their historic -- the -- their ownership of in previous decades.

>> Manager, would you just accept that direction if this passes? Thank you. Discussion. Just as an aside by way of context, I had the opportunity to visit Prague which is an incredible city, a really young city and it's a beautiful city. While I was there I went to the jewish cemetery in Prague. There was a point in time as late as the 1930s where there were almost 400,000 Jews in czechoslovakia. At one point in history a quarter of the population in Prague was jewish. Today there are 4,000 Jews estimated in the entire country of czechoslovakia and there are none in Prague I was told. I don't believe there are actually none, but I can remember what it felt like to be standing at that place in Prague which was an old building that was a synagogue in a cemetery that remained.

[11:47:57 AM]

I think it's just really important to mark history and peoples, so I'm proud to be available to vote for this. Any further discussion? Mr. Renteria.

>> Renteria: Yes -- no. I bought my first house in 1971 in montopolis on car nation terrace and on Sundays we used to drive down to fifth street to get our breakfast and came back and we always used to see the church service that were going on, people were having a great time. It was an African-American church, so -- but people really use this, and I was kind of disappointed that -- a lot of these churches, especially in the east Austin area, the population is dying out, and this is what happened to this church too. So it got boarded up. No one else paid any attention to it, and I want to thank the community for coming out and bringing that up. We did try to negotiate with the owner and we tried to come up with a compromise but it didn't work out. So when we saw the opportunity when we were looking at finding extra funds for historic preservation, you know, that was -- when that came up that was an opportunity for us to purchase that. And we're going to try to work our best to make sure that we get a fair return on our money for that location and not pay as much as -- and make sure that we get a good equitable deal, and that's what I would like to instruct our manager to negotiate a good contract out of that.

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

>> Houston: Thank you, mayor. I am the only black sitting city councilman here so when things come up I'm offended that I can't weigh in on them because it's not in my district.

[11:50:07 AM]

I've lived in Austin for over 70 years now, and anything that has to do with historic value and fabric of Americans of African descent in this community I can weigh in on. And so that's why I stepped forward when this became a logjam and said let me see if I can work with the owners who live in district 1 and see if we can come to some kind of reasonable conversation. When you negotiate, it's not either/or. It's everybody gives a little bit so that everybody can win something. And it started off very negatively. Hopefully we're at a place now where we can, as a community, come together and see the benefit of valuing a historic school in the Montopolis area where for so long there has been no indication that Americans of African descent even lived in the Montopolis area. And so I hope this is a beginning for us to be able to heal and be able to come together and support this project in a meaningful way. You know, sometimes it's not nice to always be on the aggressive side. That puts people off. It put me off when I was accused of being a -- let me see, what was I called? I don't even want to say it. I think it was something like a shield for the white development community. That doesn't get us anywhere. Those kind of negative connotations and the name calling gets us nowhere. So I would like to encourage people to be civil and be respectful, and I hope this, as I -- I hope this, as I said, will turn the page on this particular -- we'll have other times this is going to come up but it's the way we approach each other and way we respond to each other that I'm hoping we will pay attention to. So I'm gladly in support of the motion.

[Applause]

[11:52:07 AM]

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: I just wanted to really quickly thank the community members who have worked so tirelessly and so hard advocating for the preservation of this important historical site and so thank you, Mrs. Stein, Susana Almanza, Dr. McGee, Dave Cortez, other neighbors and community members who, been a very long and difficult process, as one of the newspapers said, you're the true giants here, so thank you for your hard work and your advocacy for this issue. And I just wanted to very quickly say, you know, we are in the position of being able to potentially purchase this tract today because of the decision we made a couple weeks ago, and so I just want to reflect back on that. There were many in community who expressed concern over our reallocation of the hotel/motel tax -- the hotel/motel taxes and, you know, I'm extremely glad that two weeks later we have some money in that reserve to be able to, I hope, come up with a very fair, what I hope will be a very fair price for that tract. But we are in a position because of that choice that we made, and I appreciate that. So the other item I just wanted to mention is that later in the day, not to be too pen and ink, but later in the day we'll have an opportunity to change the criteria of the historic landmark commission, what is currently a two-thirds majority to a simple majority. When this council considered that resolution last year that I brought forward with councilmember Houston and others, it was specifically as a response to several cases of import, including the Montopolis school, so we will have an opportunity. You know, this was widely supported at

the landmark commission but can be I believe there was one vote against. The majority of the people there were in favor but it failed to move on from the landmark commission and a demolition permit was released because it didn't get the two-thirds majority so we will have an opportunity this afternoon to fix that what I regard as a real glitch in our code, and I hope that we will take that -- I hope that we'll remember this case as we're taking that vote and support that code amendment but, again, thank you, community members.

[11:54:30 AM]

>> Mayor Adler: Thank you. It's been moved and seconded. Ready to take a vote? Those in favor of this item please raise your hand. Those opposed. It's unanimous on the dais. We have councilmember troxclair --

[applause]

>> Mayor Adler: I understand that staff wants to postpone item number 41 to be able to post fiscal. Do we know when we're postponing that to? October 5. Is there a motion to postpone item number 41 to October 5? Staff has asked to do this because it wasn't a proper posting so they're asking October 5, to be postponed. Ms. Houston makes a motion to postpone this item to October 5. At staff's request. Seconded by Mr. Renteria. Questions? Councilmember alter.

>> Alter: I just wanted to clarify if that had been on consent that we already voted it or not?

>> Mayor Adler: Okay. So I guess we need to reconsider it so we can postpone it. Ms. Houston moves to reconsider. Second by Ms. Pool. Any discussion on the motion to reconsider? We're reconsidering in order to be able to postpone because it wasn't properly posted. Those in favor of reconsidering --

>> Mayor?

>> Mayor Adler: Yes.

>> You had originally pulled it from the consent agenda.

>> Mayor Adler: Sure enough we did. We don't need to reconsider. All right. So the motion is to move this -- postpone this until October 5. Any discussion? Those in favor please raise your hand. Those opposed. It's unanimous. This is postponed until the fifth so you can repost. And we have that done. Okay.

[11:56:33 AM]

Council, I've handed out here today, something called substitute resolution for item 52, has "Draft" in the upper right-hand corner, following from the conversation that we had yesterday. This is pretty much -- begins with most all of what the mayor pro tem had suggested in terms of whereas clauses and the initial be it resolved clauses with some minor nits and then an expansion of the third to last resolved clause that I think is in keeping with the changes that mayor pro tem had made. After discussing this issue with councilmember kitchen, rather than having a work group on it, just put in a be it resolved clause asking staff to be responsive to questions or concerns that would be conveyed on this matter and then the last resolved says talk to us about policies or options for actually distributing money if we were to do this. I tried to make it really clear in answer to the questions raised by several councilmembers, including councilmember Garza and Ms. Houston, to make really clear that this was not acting on anything, but just asking for additional information and analysis so that we can answer the questions that we and community are asking and that there's differing answers out. So I gave this -- I wanted to give this to mayor pro tem to take a look at so she could give me additional changes, but she's not in my quorum so I can't give it to the mayor pro tem unless I give it to everybody. And I wanted everybody to be able to see it any how in case other people had suggestions or edits. Yes, Ms. Kitchen.

>> Kitchen: And

>> Kitchen: And I would like to echo also I am in the mayor's quorum on this one.

[11:58:35 AM]

And I would like to echo after our discussion yesterday at work session that I believe that this amendment does capture the discussion we had, and that's why I pulled down my amendment related to the work group because it really wasn't necessary. And I think the language that the mayor pro tem has put forward and the way in which the mayor is incorporating that, I really think we're on the same page. So I think people will have time to look at that and read it and then we'll have our discussions later. But that's why I did not proceed with my motion is we really don't need a work group at this point. And I felt like the language that the mayor pro tem put forward and that the mayor worked with in this draft gets us where we need to go.

>> Mayor Adler: Yes, Ms. Pool?

>> Pool: Mayor, in your substitute resolution for 52, what I would be looking for a clear language that severs the work of the waller creek tif temporal expansion and I see you have that listed here so that that can proceed before the end of the year.

>> Mayor Adler: And in that regard this is the mayor pro tem's wording from her amendment yesterday.

>> Pool: Yeah. And I'll just run down the issues that concern me the most just to make sure that I -- I here from y'all. And as far as the mexican-american cultural center, as soon as the master plan is

completed that we look at an array of funding possibilities for that expansion. That doesn't delay that funding so that we would -- which this tourism public improvement district might. So that we're looking at certificates of obligation, whether we should use those. Putting this on the bond election, which would be in November of next year.

[12:00:39 PM]

And any other appropriate financing methods.

>> Mayor Adler: I've taken the mayor pro tem's language here on number 2. And certainly don't have to wait until the final phase in order to discuss funding options. So we could have that conversation as we move forward on that.

>> Pool: Right. And my goal there is not to delay finding that funding so that it's both quickly established and also has a real sense of certainty as well as urgency. And the other piece I talked about yesterday was having a presentation so that we could -- the dais and the public, our community could understand what the various recommendations are to address homelessness in our community because I think that's definitely something that I've been waiting to get the presentation on. And whether or not we're able to use hotel occupancy tax monies, I understand that our legal staff is looking for ways to make that happen. I want to be dead certain that it's squarely within the law before committing to that because I also don't want to lead anybody on or make some promises that we can't keep. So we need to make sure that those funds can in fact be committed for that. And I think we need to look at other sources of funding in the meantime for that as well.

>> Mayor Adler: I'm going to recognize mayor pro tem. I've been admonished that it hasn't been called up for debate until 4:00. I just wanted to identify what it was. Mayor pro tem?

>> Tovo: Mayor, I appreciate that and I think this accomplishes a lot of what we talked about yesterday and I don't want to get into the nitty-gritty. There are probably some changes I will suggest, but it looks like with just a couple of changes, the amendments that you and I had worked on and councilmember Garza had worked on are in here almost verbatim with just a few exemptions. The one thing I will think about between one on oak and 4:00 -- and I thank you for your openness for considering those.

[12:02:42 PM]

I was hoping you would see that they were in sync with what you had done. Thank you for giving them a look and doing that. The one thing that is, again, different, but I think we should think about, we had talked about a couple of different ways of deliberating on the convention center expansion.

Councilmember kitchen as you mentioned a work group was your idea. I had brought forward a suggestion from one of our community members about engaging UT. The resolution before us doesn't go in either of those directions. That's something I'm going to think about between now and this afternoon whether we need -- what our process should be like for deliberating on that piece. But anyway, thank you, mayor.

>> Mayor Adler: And my thought with respect to that amendment was that may very well be an important type of programming element, but if we did this work we would know whether to even do that or whether to program a renovation or whether to program an expansion. So it might be questions we would need before we could enter into that process in a meaningful way.

>> Tovo: I appreciate that. Thank you for saying that. I'll think through that piece too.

>> Mayor Adler: Ms. Houston?

>> Houston: Thank you, mayor. And I also appreciate your willingness to be inclusive and to continue this conversation. And of course, there's not enough time to go through this with a fine point, but as I review it generally, there's no mention of the spirit of east Austin. There's no mention of Walter E long metropolitan park and no mention at all of the expansion of the inclusion of the Travis county heritage center. Those have all been included and talked about in prior -- where is that?

>> Kitchen: The Travis county expo center is the other [indiscernible].

>> Houston: The expo center is where? I'm sorry.

>> Kitchen: D on the last page.

>> Mayor Adler: It's in here.

>> Houston: Travis county expo center is in there. But it does not speak to the other issues that I brought up. The spirit of east Austin was majority one because under that a lot of these other things could be captured.

[12:04:44 PM]

So I will be bringing some amendments forth to try to clarify that.

>> Mayor Adler: I was torn between the mayor pro tem saying don't put in a list of things versus that so he put in limitation. But if people want to put in a list of things that were addressed, please bring that sort of amendment.

>> Houston: The spirit of east Austin was one of your main initiatives and if we do that we can get the spirit of east Austin and the Walter E long part.

>> Mayor Adler: You bring that amendment and I'll second it. Anything else? Okay. It is just after noon, then we're going to go to citizens communication. Mr. Nix, I'll ask you to speak after lunch. Karen Flanagan.

>> That's me.

>> Mayor Adler: And then Rick Hernandez will be on deck. Is Mr. Hernandez here? Mr. Hernandez? Okay. So then on deck then would be Cynthia Valadez. And I don't see her. Jill Ramirez. Don't see her. Oh, there you are. You're behind the chair. Okay. Please proceed. You have three minutes.

>> Okay. If I can have everybody's attention. This is crazy. This is my third time to do this and sometimes it just bothers me when people don't listen. Anyway, this is what's going on in our neighborhood. We have large lots, we have development going on, so this is across the street from my four acres, which I have a little farm on. So this is now -- this was a couple of years ago.

[12:06:47 PM]

Go ahead. So now we've got redevelopment going on. They've split it into three homes. We've got this house. You can do it. This is the rain garden that they had to put in because we flood. Go ahead. This is house number 2. And then house number 3. None of them are affordable. I mean they're over 800,000 apiece. So you've got your density. But while they were building this and dealing with the wastewater lines and everything, I got to deal with people parking on the easement, okay? Flannigan, I called your office. Often I've called the police and all that kind of stuff. You all expect us to maintain the easements and yet when you don't have barriers, people take over. I've had dump trucks, I've had trees damaged, I've had all this stuff since November. So this is one of them. I mean, and it's going on today. I've even had city of Austin. I've called the water department and said can y'all park on the street, not on the grass? Because when you mow it after a rain you get these divots. It's been a real pain. There has been nobody to talk to. Go ahead. So again, another city truck on my property. Go ahead. And again. And the thing is, we rent the house that's with this property and one night the tenants called and said Karen, I can't get in. We had four feet of dirt on the driveway. The problem that I've had from all along is there are only -- there's only me across the street from this development. I never knew when the street was going to be closed, when anything was going on. We have Davis elementary school on the other side. 800 students. Their principal never knew either. So while they were trenching, we have kids riding bikes, we have trenchers going on, we have parents driving. The street is wide open. It is total chaos. Nobody had a plan. Nobody communicated anything. Go ahead. So this is what I also get with. This is my easement after I mowed it. I have quit mowing it.

[12:08:48 PM]

If you all are going to allow them to park on it, I'm not maintaining it anymore. I've quit on the outside. So what I'm asking you all is some help. Our neighborhood is going to be hit because we have big lots. We have big lots. We have a lot of areas that are not curbed. There is no physical barrier. And I had one of the guys that I asked to move off the grass, I said, will you quit parking on my grass? And I said, we don't have curbs. And he said where are your curbs? And I said well, that's a really good question. I don't know where they are, but don't park on the grass.

[Buzzer sounds] So anyway, go ahead. This is what I've got now. Go ahead. And I mean, it just continues. I mean, today we've even got people parking there. Go ahead. So what I would like, I would like you all to set up a retainer. This developer should have had a million dollars for all of us to go to to seek damages. I have nobody to contact. I've called the police, I've called you all's development environmental specialists. I have nobody. This is untouchable. And the developer is getting away with it. So I'm going to have to go to court, all right? Right now I'm getting my court fees in line and all that kind of stuff because I am not doing anything to the easement with my money or my time. I have spent enough time on this project and it's not fair. And the problem is I see this continuing in my neighborhood because we have a lot of uncurbed areas. Put somebody in charge of the whole project, all right? I've written this down so you can see.

>> Mayor Adler: Go ahead. You've had your three minutes. You've made your points.

>> [Indiscernible]. Okay. Thank you all.

>> Mayor Adler: Manager, can you have someone on staff reach out to you? Someone on staff will reach out to you. Thank you. Please. Ms. Valadez.

>> Good afternoon and thank you all for being here and acting to do what is best for our citizens and the city of Austin.

[12:10:56 PM]

As a former member of the league of united chicano artists board of directors, I am proud to have participated in a robust community assessment of the needs of our chicano, Latino residents, and in particular their desire for a repository of their art, cultures, language, history of our population and contributions to this site now called Austin, Texas. There was never a doubt that what we wanted and needed most was to be respected as equals. And to have our vision for a mexican-american cultural arts center fulfilled and sustained as a showcase for Texas and beyond. I was fortunate to have also served as the only which I chicano on the original town lake task force and waterfront advisory board that studied the city ordinance for appropriate approximate development on both sides of the Rio Colorado from one side of the city to the other. The entirety of that tract of land. In our original documents, the

mac site was identified and unanimously supported in the 1980s. That was about 35 years ago. And to this date we are still waiting for this promise, this commitment to our community to be realized. Today we have the opportunity to stop waiting and to have sustainable funding committed to the completion of our mac. We support the mayor's puzzle that would ensure funding for the mac, protection of our historic palm school site for Mexicans, okay, and other projects impacting the native American tejano culture in Austin. Lulac district 7 was proud to have been an initial supporter of the puzzle concept because there were no other viable options put forth that includes this as a priority. We are here to support all who choose to support the visitors task force, which studied the puzzle and recommended its implementation.

[12:13:00 PM]

If convention center expansion is the only way to ensure that our Latino residents finally get their macc, then do it. We challenge all city councilmembers to put our money, our taxpayers' money where your vote is. In supporting what has long been denied us. We have long-awaited equity and consideration of the commitments and the history of our population to this community. And it's time that we have our mac funded. And not necessarily on the possibility that voters are going to report self-respected bond package that they might not do as they're looking to being out-bonded by other governmental entities that will tax citizens.

[Buzzer sounds] We want your commitment to be realized. We have been waiting over 35 years for that. For those of you that haven't even been here that long, I have been. And I would like for you to please, please put your vote in support of that and not force us to wait one more year for this vision, for this commitment, for our heart to be fully realized. Thank you.

>> Mayor Adler: Ms. Ramirez.

>> Good afternoon, honorable mayor Adler and distinguished city councilmembers. First I'd like to start by thanking you for all the work you do so diligently everyday. I watch you and I am amazed of your energy and your passion. My name is Jill Ramirez. A few weeks ago I addressed you as the chair of the Latino quality of life. At that time our commission voted to support the mayor's proposal as a part of any process that would give the mac the resources it would need to complete this master plan under the hotel occupancy tax.

[12:15:09 PM]

Today I speak to you as the widow of the artist el Coronado whose main gallery is -- whose main gallery is named after. I know Sam and many of his artists that he worked with for 20 years for this area project would want to have any mechanism that would allow the mac to complete phase 2 and three and become a world place to display our history, our culture for everybody and all to appreciate. So with that in mind, I'm here to support to include and not limit to any combination of what I'm going to mention next, the downtown puzzle, a G.O. Bond program voter approved or issuance of certificates of obligation non-voter approved. Being part of the waller creek tax increment finance expansion, but this should not go forward unless they agree to incorporate the palm and the macc school. We are also open to any other historic funding options that would support Latino's institutions such as the mac, palm school and mexicarte. And any of the money incurred from all those mentioned be distributed in an equitable manner among all the entities that would benefit. So in closing, please support this proposal. A lot of our Latino hearts are really at the center of this and we have been waiting, as Cynthia mentioned, for many, many years. So we look forward to working with you to see how that can be achieved. You know, this proposal not only addresses the macc, but our beloved mexicarte, who you know you have enjoyed the Della las murr toss for many years and of course the palm school.

[12:17:22 PM]

>> Mayor Adler: Thank you. Is near kidman here? Is Jeffrey Pease here? Mr. Pease. David king is on deck. And then Paul Robbins.

>> Thank you all for being here and taking the time to listen to the things that we have to speak of. When someone becomes an eagle scout they make an oath to uphold the values of scouting. Being active in the community are what brings me here today. I was lucky in that the scouting troop that was a part of had catamarans available and it made me want to own a sailboat and in addition to that my long-term plan was to get to a point to financially have the boat and become an adult leader. To that end for what has been almost a year I've been working with a contractor to establish a method with which I could store my boat without violating city code because city code dictates it be behind a fence. I haven't found any negative reviews about my neighbor or his everybody company. I decided to get a curb cut and approach my backyard so I could get it in the backyard. He started the project and then he blamed delays on the city of Austin permitting process. That wasn't something I found suspicious given the amount of stories I heard about how slow the permitting process can be. I asked him to alter my already existing fence that I had a fence facing the front yard and when I similarly started getting delays for this I grew suspicious. Unfortunately that revelation came too late. Of the house that he was renting beside me is rented by someone else. I called his phone and his service is turned off. I looked into things and over the last couple of months he had been delaying the project, there were other citizens in Austin that had similar experiences to myself in that he would start a project, delay the project indefinitely and then left town with their money.

[12:19:28 PM]

In calling the Austin police department and reporting the issue, they said that there's nothing that they could do to pursue criminal charges for this. In speaking a small claims court they state they're not able to pursue anything without knowing where he is located. Personally I am well enough established that I can absorb the loss without it causing financial burden, but at this point citizens have been deliberately robbed of their money and the city seems to be unable to take steps to protect its consumers. Austin frequently likes to encourage people to keep Austin weird by supporting local businesses, but after an experience like this, at least with regards to local contractors, I will not be doing so because I feel that the city of Austin does not have the ability to protect its citizens in the event that a contract runs off with their money. Now, it's easy to make complaints about things that aren't working in someone's favor. It's more difficult to come up with a solution. And while I am definitely not a banker and I don't know everything that goes into investigating fraud, the solution that I at least could think of with regards to this would be to make incompleteness of a project that is paid for with currency methods that do not have fraud protection such as checks, money orders or cash, making the incompleteness of the project be a very minor criminal offense so that in the event that the person --

[buzzer sounds]

>> Mayor Adler: You can finish your thought. You can finish your thought if you want to.

>> So in the event that Austin police department does manage to get ahold of the person, that the small claims court would in turn know where the person is located and if the person that has the grievance would like to they can then pursue further small claims court action.

>> Mayor Adler: Okay. Thank you.

>> Thank you.

>> Mayor Adler: Mr. King?

>> Thank you, mayor, mayor pro tem and councilmembers. Last week a member of a pro density neighborhood group tried to shame me to moving out of my home in the suggest Kerr neighborhood so it could be made way for new residents who want to live in our urban neighborhoods.

[12:21:39 PM]

Yes. It caught me off guard a little bit, but I did reapply and say I hope to live out the rest of my life in my home. But you know, this question strikes at the heart of codenext. Codenext should be about people, but I wonder if it really is about people. And which people is it really about? It's one of the most

important initiatives in Austin's 178 year history. It will establish land development regulations that will affect every person, every property, every business and every neighborhood in Austin for decades to come. Codenext will grant tens of billions of dollars' worth of entitlements to property owners throughout the city. It will increase property taxes and generate billions of dollars in new property tax revenue for local municipalities. Codenext is framed as the implementation of the imagine Austin plan. Imagine Austin has values, goals and priorities for Austin. It essentially describes the kind of city we want Austin to be. What kind of city do we want Austin to be? I want Austin to be an egalitarian city where families of all colors and all incomes can live wherever they choose in whatever type of home they want. Data from demographer Ryan Robinson show that low and middle income families and families of color are being displaced from urban neighborhoods primarily by white, affluent high income new residents. If this continues to happen Austin will become a city where primarily affluent cities live in the urban core while middle and low income families primarily live in the surrounding suburbs with fewer public amenities and services and very little mass transit. Austin's urban neighborhoods are effectively being recolonized by primarily white, high income families. This recolonization has been enabled and facilitated by a creative class of urbanism with neo liberalist land development policies.

[12:23:40 PM]

These policies include economic development incentives to accelerate growth as well as upzoning and density bonus programs that primarily benefit developers and provide minimal community benefits. Codenext continues and expands on some of these policies. So it's likely that displacement of long-term residents and demolition of older affordable homes and commercial properties will continue unabated. One codenext consultant indicated da demolitions will increase under the latest version of codenext. If we really care about displacement of long-term residents and local businesses we need to implement economic policies and utilize zoning tools to help stabilize families and neighborhoods that are experiencing rapid redevelopment and displacement.

[Buzzer sounds] Codenext should be about people, not just people who want to live here, but people who have lived here and raised their families here. Thank you.

[Applause].

>> Mayor Adler: Thank you. Last speaker we have is Paul Robbins.

>> Good afternoon, council. And before I start, thank you for passing the customer assistance program repair. Council, during deliberation on Austin energy's generation plan in August, a crowd of people demanded that the utility switch to 100% renewable energy to do Austin's part to stop global warming. While many of these people were sincere, they were also uninformed. Few of them realized that renewable energy that Austin is purchasing now is not dispatchable on demand. No study of the Texas ercot grid has been done, it is my informed opinion that it cannot come Ada more than 25 or 30% of its -

- cannot accommodate more than 20 or 30% of its total power of slower and wind energy without economic and tech Dell problems.

[12:25:48 PM]

While dispatchable technologies appropriate for Texas exist, they are currently more expensive than most ratepayers will accept. One such technology is concentrating solar power, which concentrates high solar heat to boil a working fluid to turn generators. Storing the sun's heat next to generators for use when the sun goes down is frequently done. In one concentrating solar power unit in South Africa they base-loaded it for 24 hours straight. There are few domestic -- there are a few domestic demonstration projects in our country, but overall we have market paralysis. The cost is too high so no one will buy more, but you need more to create economies of scale and bring the cost down. The real leaders in renewable energy today are trying to solve the dispatchability problem, and I'm proposing Austin assume a leadership role. We should exact a small surcharge on the electric bill to subsidize concentrating solar power and other dispatchable, renewable technologies and invite partners around the southwest to join us. If we were to cobble together a group of utilities, state and city governments and non-profit organizations with the same goal, we could create a learning curve and compress the time needed to make commercialization a reality. To borrow from the phrase Austin could fire the shot heard round the world --

[12:27:48 PM]

[buzzer sounds]

-- I hope to explore and explain this proposal more in-depth at future meetings. Thank you for your attention.

[Applause].

>> Mayor Adler: Mr. Hernandez. Anybody else here to speak? Anyone else here to speak? Then those are all the speakers we have then. We're now going to break, go into executive session. We're going to take up one item, pursuant to section 551.071 of the government code we're going to discuss matters related to item 18, the collective bargaining agreement between the city and the Austin firefighters association. Without objection we will go into executive session. It's 12:30 now. It will be 1:45 or 2:00 when we'll be back. Yes, councilmember Garza?

>> Garza: Mature, you mentioned Bob speaking. Does he prefer not to speak now? Okay. Thanks.

>> Mayor Adler: Let's go into executive session. It is 12:28.

[1:54:43 PM]

>> Mayor Adler: All right, council. We are now out -- back, we are out of closed session. In closed session we discussed legal matters related to number 18. It is 1:53. We are now back out, council. Let's call up item number 15.

>> Pool: Mayor, item 15 is the approval of the marketing plan and budget for fiscal 18 for the visitors bureau, and I've been working with that staff and my staff and other staff in order to accumulate information to answer questions that have arisen in particular as a result of some really good investigative reporting by our friends at KXAN, and so I'm looking to postpone that item until we can get some clarity. Because if we need to make some changes, this would be the appropriate time to do it. And I had some things I wanted to pass out on the dais and I'm waiting for my staff to bring them down.

>> Mayor Adler: Let's go ahead and give the folks signed up in the public a chance to speak on this item. The first speaker is Gus Peña. Is he here? Okay. Is Drew McQuaid here? You have some donated time. Is Sergio Vela here? No? Is Julie Chase here?

[1:56:49 PM]

She's outside? Yeah, have her wave in. So with Julie here you have six minutes.

>> Okay. Thank you, good afternoon, Drew McQuaid, general manager at the Austin hotel. I'm here in full support of item 15 approval of the Austin budget. Put it simply the entire hotel and tourist and community depends on visit Austin. They are a primary generator for the hotel community and they help our industry thrive. And the tourism industry drives significant employment, over 125,000 people in tax revenues for the city of Austin and its residents. As well our industry is a key driver of employment and other industries, construction, restaurants, bars, music venues, retail and the list goes on and on. I've had the direct pleasure of working with the visit Austin team since arriving here in 2010 and I can honestly say they do an absolutely incredible job marketing our city as a destination, better than any I have worked with in previous locations in my career. And they do this with significantly smaller budget than the large majority of cities we compete with for convention and tourism business. Let me give solid examples of the work they do. We have sent various members of our sales team on several sales missions organized by visit Austin over the past years. In each case our sales managers come back glowing with compliments with the quality of the programs and the new business leads that they were able to generate as a result of these trips. And keep in mind that our entire team also has worked across

the country in other markets both large and small and without fail they are all amazed at the job visit Austin does in not only creating these opportunities but in selling the city, selling its hotel partners, music, industry, arts, parks, unique local shopping and all aspects that make our community so special. Number 2, pma.

[1:58:50 PM]

In January as a result of the direct efforts of visit Austin we were selected as a host city for pma, the super bowl for all meeting planners large and small. The program visit Austin was able to orchestrate with the city and hospitality industry literally blew the pma attendance away. As a direct result we are at our hotel alone working numerous substantive leads for our business and I know same results from the pma convention. X games. Before X games came to Austin our hotel partner would visit Austin and the avvb and cod. Our demographics align well with the X games and we put together an incredible site visit for the decision makers at the W hotel and theater. Through this partnership helped secure the piece of business for the city of Austin. That alone provided our hotel with over 600,000 in revenue. This is one example. We're working with visit Austin on a large piece of business for next June, a time historically slow for the city and when we can use year was flying back in April on the nonstop British airways flight that we have been able to secure for our airport. Interestingly I was surrounded by a large group of people all talking about and coming to Austin for the first time and how they had heard such great things about our city. When I inquired what was bringing all of them to Austin they told me they were coming for the scrd convention, society for research and child development. I spent over an hour answering questions about our city, recommending places to eat, music venues to try out, cool local stores, including Waterloo records, by the way, and the Ann and Roy butler hike and bike trail. These were tourists visiting us from Europe on a nonstop flight that did not exist when I was here, and making plans to return when not here on business.

[2:00:57 PM]

And the only thing bringing them here for the first time was attending a convention booked by the convention center. As a side note my hotel was not even in the citywide block, but that weekend ended up being one of the best of the year for us. So in conclusion, the great success our city has experienced as a major tourism destination doesn't happen by luck and it doesn't happen by accident. Tourism is now the third largest industry in our city, again, employing over 125,000 people and supporting thousands more in other businesses. This happens in a large part due to the dedication and hard work of visit Austin team of professionals. I would ask that the target not only support a full budget for visit Austin, but the

full needs that the organization will have in future years to continue driving our robust tourist industry and the tax dollars that it drives. Thank you.

>> Mayor Adler: Thank you. The speaker took five minutes, which is the three and two. Ms. Pool?

>> Pool: I just wanted to raise the question, the procedural question, if we're going to postpone this and if we are going to hear people today. I think we had 37 speakers or more signed up. Do you know how many speakers we have?

>> Mayor Adler: Five more people to speak.

>> Pool: Okay. Thirty-seven minutes, I guess it is. At any rate, if we want to see if these folks would rather come back when we bring the item back, but if they're speaking today they may not be interested. We may not need to hear from them a second time.

>> Mayor Adler: We could do that, we could pause the speakers for a second and ask questions about the postponement and discuss that. Councilmember pool has indicated a desire to postpone. Do you think how long you wanted to postpone it for? And then I want staff to come up and speak to any impact about it.

[2:02:58 PM]

>> Pool: I don't right now know how long. I don't have a date, although I think we could probably land on one. We're trying to work out the elements of how to handle the 200,000-dollar grant that was to come from acvb funds for local small business and we don't have a decision on that. We're trying to give -- I'm trying to give staff some clear direction on that and I'm working with the maker of the motion and her staff. So councilmember troxclair and the mayor pro tem and I are trying to work through that, what the intention was there. So we need to do that. There are significant questions about the spending of tax dollars by the visitors bureau. That's the reference to the investigative reports that are being aired that week on KXAN. So I need to have kind of an understanding about how this money is being spent when it's tax money. And other issues along those lines. So my thought for the -- that it would be best today simply to put this off until the many questions that currently exist get some resolution and we also find out if there are any other questions that are -- that haven't yet been asked.

>> Mayor Adler: Is the issue of the 200,000 who is it that administers the grant program? Whether is this group or a different group? That's the issue, isn't it?

>> Pool: Do you mean who within the city of Austin? Yeah.

>> Mayor Adler: We had asked the manager to take a look at that incident to the conversation that we had had before and the manager was going to come back with a recommendation on who it is that would be best to spend that.

>> Pool: Right. And the maker of the motion and the rest of us that I named are trying to come to some agreement on if we think that was the intention that we had.

[2:05:06 PM]

>> Mayor Adler: Whether it's the visitors bureau does it or whether somebody else does it?

>> Pool: Economic development department.

>> Mayor Adler: But that's a decision that could be made regardless of moving forward with this --

>> Pool: Yes. And I'm not willing to move forward with the marketing plan and their budget today.

>> Mayor Adler: For the other reasons?

>> Pool: Right. That was just another unanswered question that I thought we might as well answer that along with the other things. Does anybody want to speak to the issue of the --

>> Mayor Adler: Does anybody want to speak to the issue of postponement, city manager, I would like you or someone to speak to in a?

>> Good afternoon, mayor and council, mark Washington, assistant city attorney. Our convention center director can speak to it. Since the contract expires at the end of this month, depending on when the matter will be taken up again, we would not have that marketing availability with the visit Austin, and we need to hear from them on what are the pending matters that they have on our behalf and how that might affect their operation. So I believe there are people from visit Austin here today to address the council if the council would so choose.

>> Mayor Adler: I'm sorry, mayor pro tem?

>> Tovo: I have a question for Dr. Washington. I wanted to be sure I understood what you said. So you're saying that their contract expires at the end of this month and they wouldn't be available to do any marketing?

>> I'm sorry, let me allow director tester to clarify that.

>> So the fiscal year -- mark tester, director of the Austin convention center. So the fiscal year would be ending and be approving their budget for this year. After September 30th the money would end, if you will, until the budget would be approved because we're going into a new fiscal year.

[2:07:08 PM]

>> Tovo: I'm really well aware of that. We spent a lot of time on that issue recently.

>> Yes.

>> Tovo: I guess what I'm saying is Dr. Washington was saying they wouldn't be available to the convention center to do marketing. I guess what -- I assume they have reserves and things that would take them beyond the end of the month into the next month if we delayed this for a couple of weeks.

>> I do believe they probably could sustain a couple of weeks, sure, off their reserves. But I can't speak for that.

>> Tovo: Thank you.

>> Mayor Adler: Do you want to speak to a couple of week delay?

>> Yes, sir. Julie Hart for Visit Austin. So if there was a delay there obviously are impacts for our organization. Kind of like any family, if you miss a paycheck it's concerning. We do have some reserves. As we've talked about previously our reserve numbers are under what they ideally would be in terms of industry standards. We're also concerned about kind of the ripple impact this would have with our staff. I can assure you that our staff is watching this very eagerly and may be even a little anxiously to find out what happens. I think they are concerned about the long-term -- their long-term employment. And we don't want them to be, but obviously if there's an interruption in our budget, that's a concern for them. It would also be a concern for our vendors. As we've talked about we're in a long-term business. We look many years down the road for commitments for advertising, for what we're dining with our don't, so that would be a concern on our vendors' side. There would also be a concern on our clients' side. In Chicago a few years ago they paused the funding for their CVB as they were going through state issues. They lost dozens of staff members during that. They ultimately reinstated the funding for the original amount but they lost dozens of staff members. They had clients who didn't book and they had long-term implications for just what and to be a minor blip in the budget. So we would have concerns about a delay. We're also happy at this point if we could to answer questions about the expenses that have come up.

[2:09:12 PM]

We would love to be able to give you the context of our activities and the results of those activities. Is that acceptable?

>> Mayor Adler: Okay. Additional questions? Yes, councilmember.

>> Pool: My motion would be, and this was with some consultation with councilmember kitchen, she's suggesting October 19, which is -- I think that's did you say the 12th or the 19th?

>> 19th.

>> Pool: That's two weeks. And I think we can proceed with that. And I really want to get to the bottom of understanding their spending protocols and policies.

>> Mayor Adler: So did you mean two weeks or three weeks?

>> Two.

>> Mayor Adler: Two weeks would be the 12th.

>> Pool: We could try for the 12th, but the 19th would probably be better.

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: I'm going to support a postponement today because I think that's a relatively short amount of time to postpone. And I think what's important is for us to -- I do appreciate the offer to talk with us about -- to explain the kinds of expenditures that we're seeing, but I think -- and that's important. But we also need as a council to think about what kind of -- what our responsibilities are in terms of the contract that we have and what we have built into the contract with regard to oversight. And that may be -- and that's not to suggest that there's necessarily any ill intent in terms of how the expenditures were made. I understand the argument that that's what the industry does, but that's not really the question from my perspective. My perspective is in the city of Austin what do we think is appropriate for the use of those public dollars. So that's a discussion that we need to have and we need to provide guidance to you. Because we have a contractual relationship with you.

[2:11:12 PM]

And I think we can't do that right now on the dais. So I think that's why we need have a conversation and then postpone for a relatively short period of time while we work out what language we might need to put in the contract, for example, or just give us time to think about that.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: I think it's really important that we talk about this in the right way. This is not property taxes, this is not sales taxes, and I know my colleagues know this. But when we say things like tax dollars or public money, this is a fee that the tourism industry charges on hotel rooms. This is not property taxes. And the intent under state law is that it go to do the very things that the visitors bureau does. That same KXAN article if you read it all the way to the end says this is how every convention and visitors bureau operates. If Austin says there's a better way to do visitors bureaus and there's some new way to

do it and it can be more effective which generates more tourism and generates more sales taxes, I don't think three weeks of a delay is going to be time for us to solve that puzzle. And use that word intentionally. We are talking about a number of things as relates to hotel occupancy taxes all at the same time. So come in two days before a budget cycle and want to delay the whole thing knowing, I think as a practical matter, we are not going to come up with some new way to do convention and visitors bureaus. Everyone in every major city does it this way. It even says it in the article. This is not public tax dollars. These are taxes on hotel rooms. It is a substantively different animal. I do not support postponement, although I would support a public conversation about visitors bureaus. It could be a very cool thing and maybe there's a better way to do it. No other city seems to do it differently, but maybe we could come up with a new way. That would be a really interesting conversation, but delaying a budget two days before it expires and delaying it into now dipping into reserves, which is something that we all seem to be willing to do for some reason, this is not a good way to do policy.

[2:13:27 PM]

And I don't think it's fair to the staff of the visitors bureaus and I don't think it's fair to budget office and I don't think it's fair to a lot of folks who have worked very hard over many years in a very transparent way to have a visitors bureau that is one of the most successful in the nation. If we wanted a visitors bureau in a different way let's have that can conversation, but delaying it three weeks is not going to put us in a different position three weeks from now.

[Applause].

>> Mayor Adler: It councilmember Garza?

>> Garza: I wanted to give you a chance to respond to the story because it has -- as part of the rebuttal that you sent, and I'm trying to go through it again. I read it a couple of days ago. I believe it did say something about the private dollars that you get. And so can you respond to the concerns as well as of the questionable expenses, were those paid for by private dollars?

>> Absolutely. Thank you so much for the opportunity to explain the expenses that you've seen. I think it's important that we see these things in context and that we understand what they're about because obviously if things are seen out of context there can be misperceptions and confusion of on what they are. So some of the things were travel. We went back and looked at exactly what travel we had in that time frame. Out of the airfare they had, 50% of the airfare cost was to take Austin musicians on the road with us to our clients. 50% of that cost. Forty% of that cost was for us to bring clients to Austin. So as we've talked about we go to see them, we get them interested in Austin and it's important we get them on the ground here so they get to their meeting. Forty% was for clients to come to Austin. I want to be clear. I know I kind of gave the impression that all of that was staff travel. It wasn't. There was also something that caught my ear in that report and I thought it's really interesting.

[2:15:29 PM]

I don't know why we would go to Jordan. That's interesting to me, it's not one of our targets for tourism. That was actually an Austin musician, Gina Chavez. We asked her to accompany us to Australia when we were presenting our bid for the gay games with our sports commission. The gay games is an enormous piece of business. We made it to the finalists,. We had to go to Australia. Gina went with us as part of that. She had another obligation in Jordan immediately following. Our agreement was come to Australia with us and we'll fly you to Jordan. The reason I found this out is because she sent us a postcard from Jordan. She said I meant to send you a postcard from Australia, but figured that Jordan might be more fun. Thank you so, so much for vying me along to bring the gay games to Austin. Sending you hugs from the lost city of Petra. So that's the story of the travel portion you've heard and I hope that puts context into how the money is being spent. It is to promote the city and focused around musicians. Concerts. There is a lot of talk about concerts. I really do want to put this in context. At visit Austin, we book about 150 Austin acts a year. We pay those Austin musicians directly \$288,000 a year out of our budget. So when we're thinking about let's take music on the road, that's always our first thought, how can we take musicians with us to get them in front of our clients. To that end, 150 acts, \$288,000 a year that we spend. There's another 56 acts that we facilitate -- about 50 that we facilitate that then gives another 56,000 indirect spend to Austin musicians. Occasionally it does not make sense for us to take a band, fly them up there, put them in a hotel, provide them meals, transportation, venue, when that doesn't allow us to do it, we're the live music capitol of the world so we are going to live the brand of live music and we will take people to concerts.

[2:17:29 PM]

Our first look if we can't take a musician musician is is there an Austin musician in the area that we can use. Sometimes we can do that, sometimes we can't. They don't always tour where we are and when we need to be there. If they're not we go to someone else. That's the story around the concerts and the spent there. We're living the brand of the live music capitol of the world. We want to put that in front of our clients and when we're at those concerts, imagine how much fun it would be to be in Austin. And again, we have to get out to where our customers are. They don't always come to us until we've gone to them. There was also some information about jewelry. I think this one deserves a lot of context and I hope that y'all will all agree with me that Kendra Scott is one of our best Austin success stories. She started what is now an internationally known brand out of her garage. And has built that into a multi-million-dollar business that is iconic with Austin. So when we go on the road she has stores in other areas. So what we'll do is we'll provide a credit for our clients because we do promotional gifts and amenities. That is absolutely a legal and authorized use of hotel occupancy tax. We'll provide a credit to

our clients so they can go and make a purchase at Kendra Scott. They also have the opportunity to buy up. So they can spend more with her to generate more money for her stores that comes back to Austin. The really neat thing about our relationship with Kendra Scott is our relationship says that 20% of all those sales come right back to haam and to Simms. We've raised over 8,000 for those two organizations by leveraging our promotional materials in a unique way because we couldn't give them a notebook and pen, but that doesn't have the same lasting impression. So we've used Kendra Scott and we think that's a great way to use the money and a great way to promote Austin. Gift cards. I know we've talked a lot about gift cards. Why are you giving people cash? Well, just so you know we don't just hand people cash. It's not increment 98. There were a few categories of gift cards we had. The majority of them were used whenever we brought clients to town and they said hey, we read and hear about your food trucks, your food trailers.

[2:19:35 PM]

We know that's an iconic part of Austin. They're small independent businesses. If we go to a food trailer park we've asked the owner is there a way we can streamline this into one building? He's like these are all small independent businesses, but if you give them gift cards they can go there and make their purchases. That's why we use gift cards. Food and beverage. It's an integral part of client entertainment. It's dinners, drinks, it's what we all do. So yes, when we bring people here we're proud to highlight Antone's. We're proud to bring them to the restaurants that have the Austin brand. When we have them here we also have Austin musicians at those events so it's not just about the food and drink, it's about experiencing Austin. So I hope that gives a little context to those expenses. We're more than happy to discuss any of those in additional detail. Now, to get to your question about private dollars. We have a partnership program that is participated in by our hotel community. You heard drew talk about his staff will come to us on a sales mission. Our partners pay in for that sales mission and that's what generates private revenue. The expenses that we've talked about here were paid for out of hotel occupancy tax, a lot of our expenses for these events are paid for out of private revenue that are paid by the partners who participate with us. So that's kind of the distinction between those two buckets. Does that help you?

>> Mayor Adler: Thank you. Further discussion? Mr. Renteria?

>> Renteria: What I've just heard, I also believe that we should be deferring -- I think we should go ahead and vote on the budget and then bring up those policy questions later on at a later meeting. I would hate to think that -- that some people might be laid off, some of our -- also, we might lose some contracts that might not happen if we delay this and they have to dip into their reserves.

[2:21:38 PM]

I'm very uncomfortable with doing that. I would prefer to vote on their budget and then work with them to get down to the bottom of all this handout that was given to us today.

>> Mayor Adler: Thank you. Councilmember pool.

>> Pool: I think there's some folks from the community who would like to present their perspectives on this. And since we're giving the visitors bureau the opportunity to answer questions, I think it's only fair to allow the folks who were trying to get the information that led to the investigative report out into the community and answer some of the questions. So if there's some people here who --

>> Mayor Adler: We can certainly do that. You had earlier asked that we didn't have discussion on it -- and I'm fine asking the people who signed up to speak. There's like five of them. I have a question. If we were to -- this is a legal question. If we were to approve the contract today, would we still have ability to engage in the immediate future on issues like transparency of reporting if we wanted to -- one of the issues that I think came up is making sure that we're real transparent about how money is spent so that the public can see that. Or if we wanted to discuss a different policy with respect to how money is spent, would we still be able to do that if we approved the contract or would we be stopped out from being able to do that?

>> Pool: If I can just jump in and clarify. We're not approving their contract. We did that back in November of 2016. This is their annual approval for their marketing plan and their budget for fiscal '18.

>> Mayor Adler: Thank you for the correction. If we approve their budget and their marketing plan, are we stopped out from having those two conversations?

>> Lela fireside for the law department.

[2:23:39 PM]

No, I don't think you are stopped out from doing that. And we have amended the contract periodically. And for example, we'll be amending it to reflect a revised budget so I just want to say yes, we have flexibility. I think we have worked well with the visit Austin and I'm happy to work on that as we go forward.

>> Mayor Adler: Okay. Councilmember alter?

>> Alter: Ms. Fireside, could you explain a little bit nor what that might look like? I was looking at the rca and as councilmember pool said we're not approving the contract, we're approving the market plan and the proposed budget. I'd just like to understand a little bit better what those options might be that you were just responding to the mayor with.

>> Well, there's a requirement in the statute that annually the governing body approve the marketing plan and the budget, and so that's what you're doing. But if there are amendments that need to happen that is something that you all can have a conversation about, and if it's appropriate and lawful and they have an attorney and will negotiate, then we can bring that back certainly before council.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Apologies if I missed you saying this. Both parties, I would assume after today, both parties would need to agree to any changes that happen midyear, is that correct?

>> Yes. And I think we're seeing some of those issues right now. For example, council has an interest in having the visitors bureau be the entity responsible for handling this particular grant that you have talked about. They have some legal concerns relating to that, and so their draft budget that they've proposed does not include that 200,000 that council appropriated into the tourism and promotion fund so they're basically working on that, just like you are, and we are all trying to figure out how do we make those grants happen the way council intended if they're not necessarily the right entity to have this grant program in their business.

[2:26:03 PM]

>> Tovo: Right. I guess I'm just thinking if we were to adopt policies about transparency and really making clear that we want to know more than just the salary line, we want to actually be able to make the salaries, we want to see more than just expenses. We want to see actually what that break down is. It seems that if we sort that out after today I would think we would need to have to come back and renegotiate this case it's the marketing plan.

>> I think the marketing plan is still the marketing plan. Those actually sound like things that will come back in the form of a contract amendment.

>> Tovo: Okay. Though I think we have -- I don't know how to say this any way other than candidly. As we're doing the budget, we have -- when we're doing the budget seems to be a time to try to negotiate contract amendments rather than after we've just approved a budget. So now is our opportunity to make changes if we need to. And I would say I just want to get back to a comment of my colleague. I really appreciate your being here and walking us through some of those changes. That's very helpful information. For me it continues to be a conversation not about what -- not just about what we want our visitors bureau to do in partnership with your convention center and our city, but also what is the very best use of our hotel motel tax dollars? And I think that just really continues to be something I want to look at. We have been looking at it for the last couple of years. We looked at it very closely in this year's budget process, and that's not -- for me that is an iterative process and what is the best use of our hotel motel tax dollars, having visit Austin entertain clients in the way they are and I appreciate that it's

part of your business structure. Cutting back on that allows us to do some different things here in the Austin and for visitors.

[2:28:05 PM]

So that's -- those are the kinds of choices on balancing. Because my colleague talked about what our model is for the visitors bureau, I want to center us back on on for me it really is about how we use the hotel motel tax dollars in the most appropriate, most efficient, very best way to support the tourism industry here in Austin and certainly our partnership with you is a part of that, but as we're seeing and able to act on it includes and should include a broader variety of things as well.

>> Mayor Adler: Councilmember kitchen, did you want to speak?

>> I just had a question. I'm thinking in terms of a postponement of a few weeks would allow us to have more time to think through the kinds of questions we're raising. Without harming the budget. I can't imagine that we would have to lay off people if we're just postponing budget for two weeks. And I hear what councilmember Flannigan is saying, but I think that there's a middle ground and I do think it's appropriate for us to be asking these kind of questions right now when we're reviewing the budget.

>> Mayor Adler: Okay.

>> Mr. Mayor, mayor pro tem, city councilmembers, I'm CEO of visit Austin. We appreciate having this conversation with you today. We handed out a few minutes ago our partner brochure. In the last two years we raised \$800,000 in that partnership publication for events that we do. So that is the partnership revenue that we're bringing in. You can see that we do this proactively in advance of the year so these items are clearly laid out as part of our sales and marketing strategy. It's working. We booked 700,000 room nights this year for the first time ever. Record sales for the city. These activities resulted in 217,000 of O those room nights worth millions of dollars of economic impact. The activities are working. There's been a comment today about the grant program that you want to establish.

[2:30:08 PM]

We're happy to be involved in that grant program. At the end of the day with the grant program, we just want to have clear direction, we want to reach your goals, we don't want to disappoint you, make sure you meet your expectations just like we did with heritage grants last year and diversity marketing. We're not sure what our direction is on that and we'd like to be, and if you want us to do that we'll fill that role for you, but we just don't know what that direction is clearly yet for us and where those dollars are flowing from. That's our concern. And probably legal concerns with it as well.

>> Mayor Adler: Okay. Let's have the people who signed up have a chance to speak. The next speaker --

>> Thank you very much.

>> Mayor Adler: Thank you. The next speaker is bill bunch. Is Mr. Bunch here? You have someone who has donated time to you. Is Megan here? You have three minutes.

>> [Inaudible].

>> Mayor Adler: You have five minutes.

>> Thank you, mayor. Councilmembers, I want to -- bill bunch here speaking in support of the postponement, as an initial postponement for some short-term investigations, especially around the KXAN reporting based on some limited record disclosure that came from information requests that we filed. Much of which is still being withheld and litigation continues. Acvb is still doing anything but being transparent in their business. In the alternative, I'd ask you for you to approve a reduced short-term budget with a direction for a comprehensive audit looking under every rock over the next 180 days with an amendment to the budget for the rest of the year. For -- one other request before I forget, this marketing plan has in it at least two places to lobby for the expansion of the convention center.

[2:32:16 PM]

Those have to be taken out. You cannot be paying somebody to lobby you, to rally the community for a policy decision that in my view is utterly irresponsible and a waste of a billion to \$2 billion of taxpayer dollars. And yes, Mr. Flannigan, these aren't property taxes, these aren't sales taxes, but they're our taxes. You control them. You assess them, you collect them, you disburse them. They're city of Austin tax Perry funds. When restaurants collect their sales taxes at the restaurants, they don't get to tell us how to spend that tax dollars to benefit restaurants. And hotels don't have the the right or a handful of downtown hotels don't have a the right to tell us how to spend this money? The backup was very misleading. They said a starting balance was almost zero dollars. Then the amended backup now says they're sitting on \$2.7 million of reserves. Now, in their consolidated financial statements from the end of last year, September 30, 2016, they were sitting on about five million a one-year, two million increase. That's our money that they compiled rather than spent providing services under the contract. I'd like to know what the real amount of money they're sitting on is, but whatever that number is, it is plenty for them to continue doing the work that as a non-profit they're committed to do with our money for the next month or two months or however you need. Certainly two or three weeks is not unreasonable. The private money, the bulk of their reported private donations is in kind services.

[2:34:17 PM]

There's almost no actual donations there. The other chunk of it is sponsorship sales and other kinds of marketing of materials and services. And the budget proposes those to go down to even less than they are. If you take out the in kind we're talking less than 10%, seven percent, eight percent or less. If their private sector contributions are going down, if the private sector is not giving them a vote of confidence, why should we? On the marketing. \$20,000 for lady gaga tickets in four other cities, and they're arguing that that's somehow related to promoting Austin tourism. To me there's no connection whatsoever, and that's just the cost of the tickets. What about the airfare tickets and the hotels and the meals that went along with that? Who got those tickets? And seriously you can't find Austin musicians playing gigs not just here, but around the country if you're really doing your job rather than just partying on the public dime? That's outrageous. Giving away cash? Credit cards? And gift cards? If it's not illegal and indictable, it should be. But we need the answers to those questions. And Mr. Flannigan, again, I'm sorry, their answer is everybody does it? The whole acv industry is corrupt and that's okay? And when we keep giving them our money to throw crazy parties that they cannot document has anything to do with delivering the services that they're contracted to provide.

[2:36:17 PM]

[Buzzer sounds] Please, the voters are not going to like this if you rubber stamp this business. Thank you.

>> Tovo: Mayor?

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: I have a question for Mr. Bunch. Mr. Bunch, you referred to two places in their marketing plan that are specifically about advocacy related to the convention center expansion. And I wondered if you could point us to those.

>> I don't have it right in front of me. I think there's one line sentence and I think it was on page 12 and then there's two paragraphs with a headline and I think that's page 21, but my memory could be failing me. And there might be some further back. I was skimming further down.

>> Tovo: So these were within the marketing plan text?

>> In the marketing plan that's in front of you to support, yes.

>> Tovo: Okay. Thank you very much.

>> Mayor Adler: Bobby lavinski. Scott blavek is on deck.

>> I'm with save our springs. I'm not in favor of brandishing pitch forks when someone makes mistakes and I'm not here to point fingers or chant lock her up. But I think the recent news article raises questions

about good governance. Sometimes we hear that government should act more like businesses and I think this is an example where it doesn't work. I think back to my days as a city employee and I remember a lecture by the city's then chief integrity stakeholder he says that the number one product that the city gives to the citizens is integrity. When you're in charge of the public's money, you're held to a higher standard and you're not going to be able to do things that people do in a Normal business. It's just a fact of being in charge of the public's trust. I certainly R. Personally love lady gaga. I'd love to see her in concert, but I can't imagine a scenario where I could be a city employee and advocating that I should be able to go spend public tax dollars to go see her in concert.

[2:38:23 PM]

I think we need to take a step back and assess the purpose of these monies and what direction we the taxpayers are giving to visit Austin on how to spend these dollars. It kind of goes broader than this issue. We recently reviewed a pir where there was indication that they didn't believe that it was in their charge to promote local small businesses that and they should instead be promoting regions instead. I don't think that's in line with the community's values. I was also concerned to see a dialogue between visit Austin and the hotel lodging industry about defeating a bill filed by one of our local representatives to use our hot tax dollars on parks. These are conversations that are occurring within visit Austin and I think council should have some say in. So I would echo bill's comments that we should take a step back, perhaps do an audit, get the city auditor involved, get some ideas on how we could take a look at how they're operating. And how we can restore the public trust in how we're using these dollars. I appreciate it. Thank you.

>> Mayor Adler: Thank you. After Scott Blalock, then Scott joslov is up here. You have people who donated time. Is Fernando here? Is mark Underwood here? You have three minutes.

>> Thank you. Good afternoon, Mr. Mayor, members of council. My name is Scott Blalock. I'm the general manager of the jw Marriott and I work for white lodging. And we operate not only the jw Marriott, but 23 hotels in and around Austin here. And several weeks ago I was here to share how important convention center business is to our hotels and the hotels outside of downtown where we operate 18 hotels that aren't even in downtown. And I shared with you that looking back at 2016, for example, of the 1 -- we looked at all the days in the convention center where there was a thousand room peak group using the convention center, and I shared with you that there was 114 days like that, and on those days our occupancy in our hotels around the city ran 87.4%.

[2:40:44 PM]

And on the days that the convention center was not busy, we ran an average of 73.8%. And it just wasn't the same. The convention center sends business not just to downtown hotels, but all around. And the importance of marketing our city lies on visit Austin. And we need their budget to be approved so that we can continue this. If we don't market and sell our city, the hotel taxes are going to decline. That's just the way it is. It's very, very competitive out there. These big convention centers don't just show up. It takes years sometimes to close on this business. It's relationship building. It's doing things that build trust with the people that we're working with, and we have to continue to market the city to bring these big groups in. And I can tell you that a busy convention center that's marketed by visit Austin means a whole lot to the city and to the hotels, restaurants, community outside of downtown and all around as we see happen in our own hotels. So I'm here to support item 15 today and visit Austin's budget. Thank you.

>> Mayor Adler: Thank you.

[Applause]. Scott Joslov.

>> My name is Scott and I'm president, CEO of the Texas hotel and lodging association. I'm also a board member on the Austin hotel and lodging association. I'm here because I wanted to share information. We were very concerned about misimpressions that may be generated by the KXAN story --

>> Mayor Adler: Mr. Joslov, before you continue, you have people who donated time here. I want to see if they're here. Is Jeff stump here? Is Fernando terio here? You have five minutes.

>> Thank you. The expenditures in the story involved about \$500,000 in visit Austin funds over a two-year period.

[2:42:51 PM]

That's about \$250,000 per year. That's less than two percent of the visit Austin budget. I will tell you that it is traditional. I've worked for 17 years in this industry. It's traditional not only for convention and visitors bureaus in Texas, but across the Austin to expend money, especially major cbvs, to spend major money to bring vendors to an event. When you're meeting, trying to get meeting planners in Chicago or Las Vegas or any other location and major trade associations that come to our event, you're competing with every other major city that has that type of convention center and that hotel segment. So if it's a lady gaga concert that will get them to all come to your event and be able to focus on Austin and Austin as a destination, is an incredible use of money and incredibly economic high return to the city. When you talk about roi it's important that we know, 1, it is true this is hotel occupancy tax and the statute says expenditure of the hotel tax must be spent to directly promote tourism and the hotel and convention industry. That's the purpose. And they're doing that expenditure exactly to meet that purpose. So it's not only traditional, it's also legally within the intent. And I think it's important, and it really bothers me that this misrepresentation while restaurants generate revenue and sales tax and they

don't have any role in how the sales tax is paid, but the sales tax and the property tax are not dedicated taxes. And bill bunch knows that. There are state status that dedicate how that money can be spent. It's completely different than the role of the city council in looking at sales tax and property taxes. Hotel tax requires that every expenditure needs to meet that statutory test. Sales tax can be used for any general purpose. It's still within the discretion of the city council, but there is a dedication on how that money must and can be spent.

[2:44:54 PM]

When you look at those expenditures, that 500,000, 150-million-dollar economic impact. That's an 86 to one roi. O'me another city program that we have that kind of roi on. It's \$43 million in room nights. That is -- I'm sorry. The 150-million-dollar economic impact is a 300 to 1 roi. The 43 million of that in room nights is an 86 to one roi. And that generates 3.9 million in hotel occupancy tax for the city. That's 451,000 in additional funding for the arts. So I just wanted to emphasize that nothing that the cvb or visit Austin was doing, was a, corrupt, it was not against the law enforcement it's completely within the intent of the law, it's what those monies are engendered by statute to try to accomplish and for the purpose that is there, and to represent otherwise I think is misleading and unfair. The prior testimony talked about the private sector must lack confidence. If we lack confidence in the visit Austin budget or in the visit Austin performance, the hotel industry would not be apologizing or covering for them. We would be asking you for another way to market Austin. We have complete confidence and the Austin hotel and lodging industry has so much confidence that's why we would even look at a tourism public improvement district proposal to try to augment their competitiveness and their ability to proceed. When you talk about lady gaga and whether or not that's an effective way to promote Austin, I trust visit Austin knows what they're doing. Their numbers are record. They're better than they've ever been. I'm not going to tell you how to promote Barton springs or what's good conservation. I wish bill bunch would not try to suggest that he knows more about marketing than visit Austin or folks who have produced incredible marketing results for the lodging industry.

[2:47:03 PM]

This is not a lack of integrity. This is competing in a global environment. If you want to know how to compete and how to promote tourism, we need to look at what is Chicago doing? What is Las Vegas doing? What is New Orleans doing? And how do we compete to get in front of meeting planners and to have an opportunity to win their business? We're talking 150-million-dollar economic impact. 43 million in lodging revenues. And this is all over 500,000, less than two percent. I think it's 1.7% of the budget. I think they have a wonderful story to tell, and --

[buzzer sounds] And I'm honored to end.

[Laughter].

[Applause].

>> Mayor Adler: Robert Watson? Thank you. Robert Watson? Is Jill vertuna here? Jill? You have three minutes,.

>> Okay. Good afternoon, councilmembers. I'm Robert Watson, general manager of the Hilton Austin. I'm here today in support of item 15. I've worked for Hilton for 30 years and for 23 of those years I've been general manager for the Hilton in several markets. Visit Austin is the strongest convention and visitors bureau that I have partnered with in my market that I have worked in. In addition, under the visit Austin leadership they have developed one of the strongest sales organizations that I've been exposed to. Every year this sales department exceeds their sales goals. They are a primary lead generator for the hotel community. And help our industry thrive, which in turn creates significant hotel tax revenues. The entire hotel and tourism community depends on visit Austin and at the Hilton Austin, 40%, 40% of our business mix is generated from the convention center, which is about 95,000 room nights.

[2:49:07 PM]

The budget for Vaughan is already small -- for visit Austin is already smaller than our competitors and creates a strain on a growing environment. Several levels are already difficult to maintain and are spread thin towards servicing the Austin market, which we know continues to grow at a rapid pace. I'm very proud of the team at the visit south Austin. I'm very proud of the leadership that we have. I'm very proud of Tom knew Nan and what he's been able to accomplish in a short period and to be able to keep our visit Austin strong. To Scott's point, our hotel community is a partner to visit Austin, but at the same time from an accountability perspective, we would be there from an accountability if we felt that we needed to, but I know today what visit Austin does is on par with most of the convention centers, if not all, that I've ever been associated with. I'm here to also talk to you about please approve the item today and allow visit Austin to keep doing its great and necessary work. Thank you.

[Applause].

>> Mayor Adler: Thank you. Gene mcmahonman.

>> I'll yield my time because I don't think I can say it better than Mr. Watson.

>> Mayor Adler: Thank you. We are now back up to the dais. I think that's all the speakers that I had. There's a motion to postpone on the table from councilmember pool. Is it two weeks or three weeks?

>> Pool: I think two weeks to October 12th.

>> Mayor Adler: Okay. The motion is to postpone to the 12th. Is there a second to that? I don't think I asked for a second. Ms. Kitchen seconds that. The motion to postpone is in front of us, Ms. Pool?

>> Pool: I had a couple of comments after the folks from the community -- I wanted to acknowledge that I think we are clear that this is why the hotel and convention center industry do their business. We're really clear on that concept and I think that's been the case for a long time.

[2:51:12 PM]

That doesn't make the spending of tax dollars right, but I will also acknowledge that it is let and the reason it's legal is because the lobby for the hotel and lodging industry is exceedingly active at the state legislature governing the state laws and seriously constraining the use of the tax monies that come in from the hotel tax. We have an opportunity to shine the light on all of this and really understand it so that everybody knows what -- how this all works. Specifically how restrict active the law is and the hotel occupancy tax conversation we've been having the last few weeks is a real indication of how difficult it is to operate within the restrict active nature of those laws. The state law is regularly amended and updated and bat 10ed down even -- bat end down even tighter with each ensuing legislative session and I understand why that happens. It's because this source of revenue, this free flowing source of revenue is a huge benefit to the hotel and lodging industry and the hospitality industry. My point on all of this conversation is to understand which portions of the public dollars are going for receipts, which I've provided to my colleagues on the dais, but which are also available on the KXAN investigative report. You will see that a significant portion of this money is spent on alcohol. When I worked in state government we were severely restricted on if we were traveling we could ask for reimbursement for alcohol dripping springs. If I wanted to have a margarita or a class of wine that needed to come out of my own pocket.

[2:53:17 PM]

I would suggest in this situation against the visit -- since the visitors bureau brings in private dollars that they manage their books and raise sufficient funds so that if they want to spend almost \$2,000 on sangria and mojitas, that it come from the persist sector, not -- the private sector, not the public sector. I had a conversation with assistant director mark Murray earlier this morning and it was his suggestion and I think it's a good idea and it's been repeated here already that we have an audit of the contract. That is something that the city does regulated its city contracts and this is one. It's also something that I did talk with our city auditor about yesterday. I want to make clear on the sources of the funds we

talked about and I think some of the conversation did correct it. Hotel occupancy taxes are not a fee. They are taxes and they are the public stewards of those monies. I want to give a shout-out to visit Austin for traveling with local musicians. That's not my focus. In fact, that's what I want you to do. I want you to do more of that. What I don't want, what my focus is is questioning why lady gaga, why Elton John, why Paul McCartney? Why weren't we taking more musicians like Gina Chavez to Chicago or to some of these other cities where you went? That's what these taxes and these funds should be used for. This is for promotion of our local economy. It's not to potential visitors or clients to come to Austin who are now in Toronto to lure them to Austin because you paid for a high dollar concert ticket and a preconcert party and reception in order that maybe that will lead them to coming to Austin to have additional parties along those lines, which I would support if they were with our local musicians and artists.

[2:55:40 PM]

So I'll just close by saying this isn't how we use our tax dollars across the board. We are really, really careful stewards of our tax dollars. You saw how difficult our budgeting process was. Last month, we take the expenditures of the tax dollars very seriously. With that responsibility comes tremendous requirements for transparency and accountability. So my thinking is that delaying it even for two weeks, I and others of my colleagues may get additional clarity. We definitely need answers to the questions and I want to make sure that going forward we're really clear with our various contractors on how the public dollars are expended. Thank you.

>> Mayor Adler: Further discussion? Councilmember Garza.

>> Garza: I definitely never thought we would have such a lengthy discussion on lady gaga on this dais, but that's been kind of fun.

[Laughter]. I was trying to get in a poker face joke.

[Laughter]. I'm feeling very neutral on this issue. I agree on one hand I don't know with the two-week delay if we're going to get to some of the real concerns here. But I'm open to a delay if other colleagues think that that's going to be helpful and if it's -- and if there's assurances that this doesn't affect anybody's pay. The past two weeks if people are going without a paycheck that would be a big concern of mine. So I just want to clarify that we could go these two weeks and it not affect folks' paycheck.

>> Good afternoon, Julie hart, chief financial officer, visit Austin. We can do a two week delay. We would prefer our approval today.

[2:57:43 PM]

We welcome an audit. We've had 10 years of flawless audit. We would welcome a city audit. We are doing our absolute best to be transparent. If there are things that we can do differently we will welcome that direction. So we welcome the audit. We would like a vote today, but we can live with two weeks if that's necessary.

>> Garza: Okay. Thanks.

>> Mayor Adler: Councilmember alter?

>> Alter: Ms. Hart, I think I have a question for you. So through over the years visit Austin spun off from the city as a non-profit. You get 80 to 85% of your money from the city. As a non-profit you're required to have a certain levels of reserves.

>> Yes.

>> Alter: So where would you get the money for your reserves if it wasn't from the city?

>> It's a combination. There's some of the money from our reserves from the hotel occupancy tax and some of it from private fund-raising. Thank you for kind of clarifying that we are an independent non-profit. I do think there's been some confusion that we're not a city department and part of the reason the city made the decision years ago for us to be an independent non-profit was to avoid some of the restrictions that city and state employees have. And we also to that end don't have the same benefits as the employees have.

>> Alter: I was trying to find the part about advocacy for the expansion of the convention center. I'm trying to understand if -- of what's going on is that visit Austin is advocating the community for the expansion of the convention center or what you're doing is work that once that decision is made you would be taking the next steps because once we would make a decision like that, there would be a role to play for knowing when that was filled to be marketing that. And I'm a little bit confused from what I'm hearing as to which of those two things you're actually trying to accomplish or maybe it's both, but I'm more uncomfortable with the advocacy role and you're a non-profit than I am with the idea that if we approve that decision that you would be thinking ahead for a few years as is the norm in the industry.

[2:59:57 PM]

The norm in the industry.

>> I don't have a hard copy of the marketing plan and I wanted to look up those references. Our intention obviously we want to support the industry. What limits our ability to bring more business is the size of the convention center and the availability. So we would of course like to see that building

made bigger. If it isn't, then we completely understand that and respect that decision. We are in a four to five-year window on business so we're always looking down the road so it's helpful to anticipate what our industry is going to look like so we can market it. If it's bigger that opens up a whole other and we would change our marketing plans.

>> Alter: I would benefit from clarity what's in the plan with respect to that.

>> It's going to take us a minute to find this, it's not on page 12.

>> Tom, it's on page 21. Left column, bottom side.

>> Thank you.

>> So obviously one of the things that's been talked about a long time in our community is expansion. So when hotels chose to relocate here, specifically the Wj Marriott, when they chose to build the Marriott and the Mother Mont, -- Fairmont, that decision was made years ago. Now we have more demand, more hotels, an ability to put it in the convention center. Yes, to support our convention center and support our hotels that have made that investment and created jobs, paying property tax, sales tax, hotel occupancy tax we want to superintend that expansion.

>> Alter: Does that mean you are doing advocacy on its behalf or you are --

[3:02:00 PM]

>> We're saying that's a good thing.

>> Alter: Thank you. I would like to ask the city manager, I'm trying to understand if there are some options with that two weeks. We haven't seen this kind of case before us in terms of the timing. Is there a way to do kind of a two-week extension of an old budget or something? Because we're still going to have visit Austin no matter what we decide at the end of this. It just is going to have perhaps different parameters if that is the will of council. So I'm just wondering for this period of time is there a way forward that is somewhere in between what we're talking about?

>> I need some legal help. We do on purchases normally, not particularly this contract, but we do have holdovers or carryovers, but that continues with an appropriation in funding. In this particular case I'm not clear how we would carry over the funding. Or the appropriation.

>> This is Lela fireside for the law department. I don't think you have anything in front of you today to be able to do that for one thing, and I also don't know legally how you do that.

>> Thank you. Thank you.

>> Pool: Mayor?

>> Mayor Adler: Mayor pro tem.

>> Tovo: Well, I suppose we could -- we could probably come up with a short increment of time and just approve -- approve the service agreement -- approve the marketing plan and budget for three months or something along those lines. Three months, six months. I mean that takes us longer than the two weeks we were talking about wrapping it up in, but seems to me that would be an option.

[3:04:04 PM]

We can scale back the length of those items.

>> Mayor Adler: I'd be interested to know and I don't know if three weeks would be better or the three months or the two weeks would be better. At a high level on this, the city contracted with a private entity to do a job. They seem to be doing the job really well. I don't feel like I can step out and tell them how to do their job. That said, I think that there should be as much transparency as we could possibly have. Doing an audit I think is very good so people can see what the issues are. So I would both support going forward at this point, but if there's a way for them to be able to be funded to have the broader conversation, then I would support that. But I would vote to go forward if that was what the council wanted to do. I don't know what the uncertainty does, if it's a three-month extension versus a two-week carryover extension. I'd like substantively to get the question decided too, so I don't know.

>> I think for us the uncertainty is really kind of concerning so if we're looking at a three or six-month budget that creates uncertainty in our budget with our staff so I would be concerned about the impact on staff and ability to retain staff than if we went with a shorter budget. Please know we want to be as transparent as possible. I'm the weird one because I'm excited about the audit so we welcome that. We welcome the feedback. We want -- we've tried really hard to be good partners with the city, that's our goal. We want to create jobs. We want to bring tax dollars into the city and create economic impact. If we need to do a better job of partnering with you to do that, we're very, very open to do that.

>> Mayor Adler: Councilmember pool.

>> Pool: I would like to find out from -- I don't know if our auditor is here, but I would be willing to do a three-month extension while the audit was underway if we knew the audit could be done in that amount of time.

[3:06:16 PM]

Otherwise I'm going to stick with the two-week delay to get some of my questions answered and also to set up the audit and the other things that we need doing. I just -- there was so much that came at us with this contract. We spent a lot of time the last few months on everything else. I think somebody brought up that this didn't come through the standard budget process and maybe it should have because we're approving a budget. But it came to us when it came to us and the issues arose when they arose. The fact it's sort of at the last minute, that's right. I mean, this was on our agenda for today. We didn't delay bringing it. It was -- this was the date it came. So I can't do anything about that. And it also doesn't help me have any clarity or comfort with the fact that it has been very difficult to get answers. I know that Ms. Hart says she wants to be transparent and I want to give her the opportunity to show me that because so far it has been difficult to see that.

>> Mayor Adler: Would your motion to postpone to October 12th include carrying over the existing contract to make any funding on par with what we did before to carry that two weeks?

>> Pool: Well, again, we're not touching the contract. The contract was arrived -- so it's the budget and the marketing plan.

>> Mayor Adler: Right. So my question is would you -- is part a of your motion -- we're asking them to go from October 1 to October 12 without a budget. Postponing but carrying over the budget with a prorata so they are not left not funded.

>> Pool: Yes.

>> Mayor Adler: There's a motion to postpone two weeks with a carryover --

>> Pool: And I say that very reluctantly.

>> Mayor Adler: Or not.

>> Pool: I would like the on whole dais to join on this because we're going to benefit from this additional work.

>> Mayor Adler: Okay. That's the issue. So there's funding for the next two weeks. It will be resolved in two weeks. Any further discussion?

[3:08:17 PM]

Those in favor of the two-week postponement, the caveat please raise your hand. Those opposed? Mr. Houston, Mr. Renteria, Mr. Flannigan vote no, the others voting aye. Okay. Postponement for two weeks, it is approved. That gets us to the next item. Ms. Troxclair was off the dais on that last vote. I think that gets us to item number 25 -- actually that gets us to the firefighters contract, number 18.

Number 18 was the firefighters contract. I'm going to call the speakers to speak on it. John Ruiz here? Bob Knicks? Donating time to Mr. Knicks is Mike Duffy.

>> Present.

>> Mayor Adler: Is Christine Jones here? Mr. Knicks, you have seven minutes.

>> Mayor, mayor pro tem, councilmembers, thank you for your time today and thank you for considering the proposed cba.

[3:10:23 PM]

I wanted to echo some of the comment I heard from Arellano and city manager hart. It was a very productive conversation. Not everybody gets what they want, but I think actually both sides behaved very well at the table and we did get a lot of good work done so I appreciate what the city was able to work out with us. The fa tried to blend the paritys we heard in councilmen a we reduced overtime cost, reduced time to train qualified cadets and we leveled salary increases by promoting a cost of living contract for a maintenance level agreement. And we did this in record time. I don't think the fire association or maybe any association has reached an agreement so quickly. The agreement didn't change a lot of the articles. We have 33 articles altogether, five changed. I'm not going to go over a lot of details of changes because I think the city team did a very good job of detailing that. One thing I did want to talk about is the hiring process. And if you remember, when the first 10-1 council came here, besides councilmember alter and councilmember Flannigan, it's the first order of business you guys took on was a hiring resolution that basically allowed the fire association to be part of the hiring and training article that was in the contract. And I wanted you to know because we made you a promise we're going to work hard to make sure we were successful that we didn't just sit around and take that for granted, but we've been working hard to try to make sure we could increase our diversity at the department. The graphic I have on the board shows that progress. So if you look where it shows row 5 and below, there's kind of a line there, that's before the last hiring article that will be approved in the 2015 contract. There was flexibility provided for the city but not a the look of details worked out in some of those years tore that 10-year period.

[3:12:29 PM]

Above the line, row 4 and above, is the last three classes. If you can move it over so they can see the far left-hand side, please. These are all the classes that we've hired under the consent decree since that article has been put in place. The numbers in yellow on the 10-year averages before the consent and

articles and the yellow items above are after the 2015 hiring articles put in place. So you can see female recruit stayed about the same at 10%. The good news about female recruitment, there's no if 8% apply, 8% get in the class. We just have to get more females to apply and that can be problematic in our industry. When you look at caucasians, we had a 10-year average about 71% getting into our cadet classes. Under the due process we've helped developed we're down to 56%. A 10-year average of African-Americans the old process about 4%. Since the new process over 12%. And hispanics, the 10-year average was 17% before the new process and 26% with the new process. And I want to really opponent out it's not just because the consent decree. We're using the exact same vendor and process before we had this consent decree. We are producing good results going forward. There's been some question about how successful our involvement has been with the hiring process. I want to point out we've been very good stakeholders and our involvement has made the numbers get better. All we're doing is looking at the industry that does this best, we're trying to impose the best professional criteria we can and make sure we have professionals doing it. It's no mystery what we're doing. We're just trying to do best practices. The other thing that I know council has been interested in, and we have not been able to achieve at the table, is an internship program.

[3:14:32 PM]

Now, there is a provision in the contract that talks about we can negotiate an interim program during the term of the contract. We need to give each other some time to do that. And I'll make this commitment to you guys here today is that we're not trying to broker or leverage anything for the hiring article or the internship program. We think we should be involved with these because we can add value to the output. What I'm saying to you today is we would be willing if we approved this contract or internship program, we want to know the details, the selection process, we want to make sure it's appropriate -- legally appropriate and gets the type results we want. But we're not looking for extra money or extra things to get it. We think it's important thing that we can offer up and we can work reasonably together during this period. And I hope management will work with me on that. Now I would just like to stand and see if there's any questions for anybody at the dais.

>> Mayor Adler: Any questions? Thank you.

>> Thank you.

>> Mayor Adler: We're now back up to the dais. Is there a motion? Councilmember Garza.

>> Garza: Move approval of the contract.

>> Mayor Adler: Seconded by Mr. Renteria. Any discussion? Councilmember alter. Then Mr. Flannigan.

>> Alter: Thank you. First of all, before I make a few comments, I would really like to start by thanking the negotiators and all of the staff who have been involved over the last several months in working on

this contract, in addition to the labor negotiations team, the people from H.R. And budget and law, city manager's office and AFD, the union have also been there to answer my office's many questions.

[3:16:33 PM]

Also I want to thank my staff members who was at most of the negotiations so we did have a lot of questions and we really appreciate your help helping us to navigate and understand what was going on with the contract. I want to start by acknowledging that we made a lot of gains in this contract. I don't feel like we got everything that I would have wanted, but I recognize that there was a lot of hard work, a lot of effort and good will that went into getting to where we are today. Nonetheless, I believe that the contract is too long at five years, given the uncertainty regarding the consent decree length and how many times we budged on -- how little we budged on hiring. I continue to believe the concessions that were made on hiring do not -- are not commensurate to the financial concessions that the city made. And this matters because the reasons we have the consent decree is because of the hiring processes we have in place. And we need to recognize this. Part of the reason I've been so engaged with this is not just the fiscal elements, but if we're going to solve our vacancy problem, if we're going to achieve diversity, the hiring procedures that are in this contract matter. And while I'm happy to see that we've moved forward in a small way, I think there is more to be done. This is in keeping with the conversation we've had keeping diversity and equity forward and I think we could have achieved more in this contract. In addition I think it's really important as we approach our public safety contracts and public safety departments in general that we recognize that the fiscal decisions that we make with respect to public safety impact our opportunities to pursue other opportunities we have.

[3:18:37 PM]

So for instance, there are other city employees who are not getting higher wages. They do not benefit from a bunch of stipends and step pay and they are not recognized at being at the top of the pay scale for their jobs. The fire are at 18% and by some measures at 27% above. And the contract while it moves us in the right direction there still does not allow us to do what I might like to see us do for wages for other members of our city workforce. In the event that my colleagues choose to approve, I would ask that as written in the contract we provide direction to the city manager to exercise the option Mr. Knicks mentioned to create a memorandum of understanding for the internship programs. That would improve the diversity of the force. Such programs could provide extra points in the process for those who completed the internships. Since we can only vote to approve or not, I think the appropriate way to do this is provide direction to the city manager in that regard and I would hope that my colleagues would go along with me in supporting our ability to exercise that element of the contracts. I also want to thank

my colleagues for bearing with all of my questions in executive session. These contracts are extremely important. They are very complicated. They impact lots of people's lives both inside the force and out and they are really important because they set the stage for our physical environment for five years if we sign a five-year contract.

>> Mayor Adler: Further discussion on the dais? Mr. Flannigan.

[3:20:39 PM]

>> Flannigan: I want to thank councilmember berr for working closely on this issue. For me it is mostly about the sustainability of our budget and it's not just the fire department, although the fire department is a big part of it. But when we look at the cost of delivering this service and the end of this negotiating we're still nearly 12% higher than any other fire department. I feel like we have failed the community made it clear they wanted the city to operate in -- they wanted the old way of doing things to be revealed and I don't think we've gotten as far as we need to get. There are things the city does we didn't do before and certainly we struggle and succeed for what district representation means, but ultimately what is meant is there are a lot more needs this this community we want to pay for. That's what it's meant. Every budget this council has seen has been harder than the one before and -- one of the most difficult they can recall requires a lot more vigilance in how we proceed as a community and how we are stewards of the actual public's money. When we approve a five-year contract that barely moves the needle on the outsized pay that some segments of our family at city hall are getting, I don't think we have fulfilled the public's request that we do this business in a better way. I'm not going to support the contract, but I do want to reiterate councilmember alter's comments and thank the staff and thank the union for your hard work. It's not your job to get every councilmember to vote for it and while I think you'll probably see a contract approved today, it's not going to stop my vigilance to try to make sure the fiscal position the city occupies today is going to be improved as we move forward and I don't think that this contract puts us in a better place tomorrow than we are today.

[3:23:04 PM]

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

>> Houston: Thank you, mayor. I've been on this council for three years and some months and some days now and ever since I arrived I've had conversations with the fire department and the union about how can we be more welcoming to members of our community who are in the minority. The legacy culture in the fire department here and in many other cities stands in the way of that. Members of the fire service in Austin have tried to create pathways for diverse members of the community through two

different programs who without -- who without prior family influence have the ability to participate in this great career in public service. I'm extremely disappointed that the Austin firefighters have once again refused to support these opportunities. They should sign a contract that gives our city manager and chief the right to design a hiring process that includes the flexibility and the latitude to include graduates of the pass the torch academy and the Lyndon baines Johnson academy. We are in need of more creative approaches that will make a real diversity in the fire service. The current testing process under the consent decree is just not enough. Because the willing is win to even consider the inclusion of the very diverse candidates who participate in both of those programs, to participate in the current hiring process under the consent decree, I will be voting no on this contract.

>> Mayor Adler: Further discussion on the dais? Councilmember Garza.

>> Garza: I wasn't intending to speak on this issue. It's obvious I'm probably biased in that I'm the daughter of a firefighter and a former firefighter, but I don't want our firefighters to take away what has been mainly unfortunately negative comments about their service to the city.

[3:25:07 PM]

And I also think it's unfortunate to pit city employees against city employees and compare what one is getting over the other. I have to disagree that approving this contract is a failure to our 10-1 system. I think it's important to remember that collective bargaining was a hard one -- it was a hard fight and it was the citizens of Austin who voted to have -- to give our firefighters the ability to collectively bargain. Not everybody is getting what they want. I respect differing viewpoints on what this does. I disagree that there have not been attempts to try to increase diversity. I as a firefighter was asked to be at more events than I could attend trying to recruit women and trying to recruit people, minorities. And so, you know, I just want to thank the men and women who are our front line, who are there not only to protect our community when we need it but go off and protect and help other communities when they need it.

>> Mayor Adler: Ms. Kitchen. Councilmember alter.

>> Alter: Thank you, councilmember Garza. I too would like to thank our firefighters. I really spoke about the fiscal implications and the need for diversity and I believe that that is a good part of the question that's before us today. I did also want to just clarify that the direction that I was giving to the city manager about the memorandum of understanding would help to accomplish if it's followed through on and agreed to by the unions would help to accomplish getting extra points for those cadets who would come through the lbj program and the torchs program. They would be getting extra points in the process.

[3:27:07 PM]

What it does not do is get them automatically into the program which might have been something we had hoped, but it is a step in that direction. So I just wanted to clarify that. I didn't name the specific programs because that's part of what would have to be negotiated, but I know that in talking with the fire department that would be one direction would be including those specific programs. Thank you.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks. I wanted to ask councilmember alter, there was a piece when you first spoke you said you hoped the dais would agree to give direction to staff on. Can you remind me what that was?

>> Alter: Sure, I'll be happy to. So at the end of my remarks I referred to article 17, section 7, which is a portion of the contract that allows the city, I assume it would be AFD, to create a memorandum of understanding for internship programs. That they would identify through that process that could improve the diversity of the force. And that's an opportunity that's built into the contract as something that can be exercised, but it needs to be I think from mutual agreement between the union and the city. And I think that was the same program, if I'm not mistaken, that Mr. Knicks was referring to in his remarks or the same article and memorandum of understanding opportunity that exists within how it's - how it was framed and how it was negotiated.

>> Pool: Thanks. I wanted to see if we could maybe see if that would be amenable to all parties and have that be included.

>> Mayor Adler: As direction to our staff.

>> Pool: Yeah, as direction to staff because we're looking at -- we're not trying to change the contract, this would be an M.O.U. Outside of that which is my understanding which is what councilmember alter is saying.

>> Can I speak to that?

>> Pool: And also the fire department.

[3:29:08 PM]

Thank you.

>> So good afternoon, mayor, council. We would definitely be amenable to that. In fact, I had four points I was going to bring forward that I thought were positives in that would be a benefit for us with the approval of the contract. And one of those was the 14-week pre-certified class which will allow us to get individuals out and in the organization and help us start to cut back on that overtime. The sooner we can get them out in the organization. The other the is my ability to appoint division chiefs and that will

help me also work on improving the diversity of the organization. And finally I think the other part is the assessment center that's part of the promotion at process for battalion chiefs and that -- as on supposed to a straight 100 question written test. And finally that opportunity we've just been talking about on article 17, section 7, that we can discuss together, and I'm very willing and open to creating an internship program, and I don't want to define it looks like it's the lbj academy or it's the pass the torch. It could be a combination of many things that we can do that will give advantages to some of our individuals that are in the hiring process, but not really high enough to get hired and those additional points will help do that.

>> Mayor Adler: Mr. Knicks.

>> I'm not going to change an offer I made, but it can't be an M.O.U. It has to be ratified to the membership. And I can tell you right now that the membership will be pretty insulted looking at some of the comments made by three councilmembers today. It's ridiculous what was said at the dais considering all the good work we did to bring diversity to the point it did and to act like we didn't do that is pretty insulting. I'm not going to pull my offer to do -- to the -- internship program because I made the offer.

[3:31:13 PM]

But I am -- but this has to go to membership vote and doesn't bode well to lamb blast firefighters at the dais when we bring you a reasonable contract that we worked on very hard that's actually going to lower the costs in time going forward and the city manager told you that and the budget office told you that and you're going to insult us like that and then expect us to give you something reasonable outside of the contract? I've already -- I've already made my word I'm going to try to do it. It's difficult to do when I have to take that to a membership vote. I hope we can reset and be more reasonable about the way we look at things. I still want to abide by the promise I made, but the firefighters watching us are not going to be very happy with what they saw.

>> Mayor Adler: Further discussion from the dais? Mayor pro tem.

>> Tovo: I just wanted to thank Mr. Knicks for his support in the past. I know we've had discussions about the lbj fire academy. I think that's a real value and I appreciate the support for that.

>> Mayor Adler: Councilmember pool.

>> Pool: I just wanted to clarify, I appreciate all the work that's being done too. I wasn't by suggesting -- I don't know if the M.O.U. Is improper or not, which is kind of my question, but if there is some question to be gained, if there is a way we can accommodate that, that would be great, but I'm not at all interested in changing elements of your contract and I think that the work everybody does in the

community is extraordinary and you are -- the appreciation is well deserved and also Mr. Knicks for your leadership.

>> Mayor Adler: Further discussion?

>> Houston: And Mr. Knicks, I've always been very appreciative of everything fire service does in the city of Austin. I've never demeaned them or anything.

[3:33:13 PM]

And I don't appreciate the tongue lashing that you just gave us because what we were doing is trying to look out for the things that are important to our community. And our community has to do with a lot of things. Part of that is about the diversity. If I'm not mistaken, I think we have 41 black firefighters in service -- well 53, oh, that's great. So anyhow, I will continue to fight to get those young people that give up their Saturdays for nine months to participate in pass the torch and those who are also participating in lbj. We've had this conversation for three years. This is no different than when it started.

>> Mayor Adler: Further discussion from the dais? Councilmember alter.

>> Alter: I would just like to ask legal if they could clarify the path. I got the term memorandum of understanding from talking with staff and so I was just wondering if you could clarify the path if we wanted to pursue that. Thank you.

>> Councilmember, the -- if council approves the bargaining agreement today, that will set the terms and conditions. And typically a memorandum of understanding is what the parties would enter into if it was left open or ambiguous or there was some question and then the parties can enter into an understanding, an agreement that a particular term that was approved by the firefighters association, by the council has a particular meaning. Typically that comes up to resolve an ambiguity or uncertainty about the meaning of the existing agreement. It's not a new agreement.

>> Mayor Adler: Thank you. Anyone else? I'm going to vote in favor of the contract. As you were going through the public discussions, I said there were three things I was looking for in the contract. One of them was the conversation we had earlier about productive pay.

[3:35:16 PM]

That was something that was addressed in a concession by the association with respect to vacation pay. The second thing was movement toward diversity. And I think that the numbers demonstrate that there's movement in that direction. And then last thing I had talked when was that -- you know, we are

one of the safest and strongest communities in the country and I think that's because we pay our first responders well. We pay our first responders more than -- than peers get in other cities in Texas, but I had wanted us to -- we were doing so well, we were at 18% higher than number 2, and I wanted us to move closer to number 2. We didn't have to have that big a gap, and this contract takes it down from 18 1/2 down to 11. I understand from talking to the association they run the numbers differently. They take into account specialty pay when they do their analysis and the city's numbers I understand we begin at 11% above number 2 and this contract takes us down to 5% above number 2. And I think that's in a range that that makes sense to me. And is a contract that I can support. I'll be voting yes. Any further discussion?

>> Garza: Mayor, I want to add one more piece of context. The firefighters weren't always the number one paid. In fact, they were paid significantly less than much of the state and it's taken a while to get here and maybe we are in a position where we need to even it back the other way, but I don't want people who are new to this conversation to think that Austin has always been -- Austin firefighters have always been the number one paid in the state because that is in fact not true.

[3:37:17 PM]

>> Mayor Adler: I just don't want us to lead the pack.

-- I said I still want us to lead the pack. Are we ready to take a vote? Those in favor of the contract raise your hand. Those opposed? Houston, alter, Flannigan voting no. The others aye, troxclair off the dais. The contract passes. Let's go to the next item. Is there a consent agenda on land use cases that we could do?

>> Yes, mayor, I think we can do just about all the cases or very near all the cases. Jerry rust haven. Consent 68, we're offering this on second and third readings. Item 69, consent on second and third readings. Item 70, as well as 71, these are the Bouldin creek items. In response to emails I received a little while ago seems there is no opposition to indefinitely postponing these two items and allowing us to work on this issue with codenext. Item 72 and the related item, item 73, these are the 500 montopolis items. Staff recommending indefinitely postponements based on action take earlier today.

[3:39:19 PM]

Item 74, relate item 75, staff is recommending -- requesting postponement both these items to November 9. Number 76, staff recommendation of postponement to November 9. Item 77, staff requesting postponement of this item to your August 19th agenda. Item 78, staff is recommending

postponement to October 19th agenda. Item 79, staff is requesting postponement to October 19th agenda. Item 80, staff is requesting postponement. Item 81, staff is requesting postponement of this item to November 2. Item 82, staff is requesting postponement of this item to November 2 agenda. 83, staff recommending this for approval on all three readings. Item 84, staff is requesting postponement of this item to November 9th agenda. On item 85, on this case we have -- mayor, we have three speakers signed up. They are all signed up in opposition. It does have a valid petition so would you like to pull that for discussion?

[3:41:21 PM]

>> Mayor Adler: Yes.

>> Item 86, staff recommending approval on first reading only, one that the site being limited to a single cell phone tower and two that the height of the cell phone tower be limit to 70 feet. Item 87, staff is recommending postponement to November 9th agenda. Item 88, staff is -- this one is ready for approval on all three readings. , If item 89, this case recommended for approval on all three readings. Item 90 ready for approval all three readings. Item 91, mayor, we have a single speaker signed up for this item.

>> Mayor Adler: We'll let him speak on the consent agenda.

>> Okay. Item number 92, this has an applicant questioned postponement to October -- I'm sorry, October 12. And case 93, this case is ready for approval on all three readings.

>> Mayor Adler: Okay. Council, I'm recusing myself on item 69. I filed an affidavit associated with that. And then I am going to abstain on item number 85 as I did the last time this property came before us. I don't believe I have a conflict of interest on that case, but in any event I'm abstaining because I worked on this case when I was an attorney and to avoid the appearance of my impropriety.

[3:43:28 PM]

>> Can't hear you.

>> I said I don't believe I have a conflict of interest in this case but I worked on this property when I was an attorney and I'm abstaining so as to avoid any appearance of impropriety. Ms. Pool.

>> Pool: I just wanted to check, did you say that 92 is postponed? Because I was looking at -- it looked like it was a discussion.

>> That changed this morning. We had a postponement request this morning to postpone that to October 12.

>> Pool: And which party?

>> The applicant.

>> Pool: Thanks.

>> Also, mayor, council, I misspoke on 97, that's to October 19, not August 19th. That would be impossible.

>> Mayor Adler: I have on the items being pulled, the consent agenda runs from item number 68 through item number 93. The items I have being pulled are 85 and 91.

>> Yes. And 91 --

>> Mayor Adler: Someone wants to speak on the consent agenda. The only thing being pulled is 85 and it's being pulled because we have two or more speakers signed up. Is there a motion to approve the consent agenda? Ms. Houston makes that motion. Is there a second? Mr. Renteria. Asking for a speaker to speak on it. First mayor pro tem.

>> Tovo: I wanted to speak about the item that came forward from the Bouldin creek neighborhood planning team. As Mr. Rusthaven indicated, both agreed to that request, but I wanted to thank that neighborhood planning team. It's been a long planning process. The small area plan joint committee which we talked about also worked on the item so both of those groups really spent a long amount of time working on this item and this issue and, you know, I appreciate their gracious -- their graciousness in saying they were comfortable with the indefinite postponement.

[3:45:39 PM]

I believe that, you know, many especially in a neighborhood like bold in creek are concerned about the demolition, I share that concern and I'm in the process of bringing forth policies related to that. I believe this could be a part of the solution but I'm comfortable with allowing the process to take place through code next.

>> Mayor Adler: Further discussion on the consent agenda? Mr. Casar.

>> Could you tell me why we're postponing 77? It's just the zoning of a park to park -- or to public.

>> Mayor, can we just pull it.

>> Mayor Adler: Also pulling number 79. 79, 85 being pulled.

>> On 91 before you vet on the consent agenda, -- vote would you like to hear from the speaker?

>> Mayor Adler: Yes.

>> That's on all three readings.

>> Mayor Adler: Sir.

>> Hi, I'm the chairman of the [indiscernible] And we are unanimously supporting this particular change and -- because it adds value to our area. But I just wanted to use one slide. The owners came and they explained everything to us extremely well. They showed us the footprint and they showed us the value proposition. So we -- and they gave us the detail of what they are going to do, all the activities. So that's why we all agreed. But what I really wanted to show is one slide.

[3:47:40 PM]

And this kind of involves your district. When you see Travis county exposition center, you

[indiscernible] And in the middle there the music thing is coming up. Marked in green. And you see there is Mueller on one side marked in red. If you see a lot of activities are moving to Mueller because of all the activities available in Mueller. So all the people from our area, they go to Mueller and we have -- we somehow have to go there. We need our trails and walking ways to Mueller. Somehow we don't have it. So I am very -- I'm advocating for those things, but all the guests who come to the city to visit all these places, even the music places, they come to our parks and this is actually how our parks look like. And this is not the exactly place where lady gaga would sing.

[Laughter] But I had my daughter is here. I had my daughter to also go and play there. So my only request is we are building all these things, we are all agreeing to all these things, and this is a little rundown city in France where I took my daughter in the summer and this is a rundown city in France and compared it to our parks. My only request is we are agreeing to everything, the high density and everything. Just give us our little parks, the little funding we need from the H.O.T. And everything from our hike and bike trails and parks along with these things. Thank you.

[Applause]

>> Mayor, I have an answer to councilmember Casar's question on 79. The reason it's postponed, we have -- it's not coming till the 19th. I need the mpa to catch up to it.

>> Casar: I'll put it back on the consent agenda if there is not objection from the mayor or anybody else.

>> Mayor Adler: Okay.

[3:49:43 PM]

Any further discussion on the consent agenda? Those in favor of consent agenda please raise your hand. Those opposed? It's unanimous on the dais with Mr. Renteria gone, troxclair gone. I'm sorry, what?

>> [Inaudible]

>> Mayor Adler: You are for it. Yes. Okay. That's the consent agenda. Let's now go to the -- the one pulled item, item number 85, and mayor pro tem would you take the gavel?

>> Tovo: Sure. May I -- may I also ask our city attorney a quick question about another matter. Mayor, thank you. I see you just passed out another draft.

>> Mayor Adler: I did. It says draft 2 in the upper right-hand corner and it was trying to respond to the issues that I had heard mid-afternoon.

>> Tovo: Great. And I really appreciate that. I had -- so I had been reviewing your earlier draft and made some additional amendments and I wanted to ask the city attorney if it's possible in this open meeting to request -- to request a digital copy of one of my colleagues without

[inaudible] For him. So I've been working on -- we scanned in the earlier one and I added in some suggested amendments. Let me say scanning in creates a world of trouble because it fouls up the formatting. So -- but now I have an additional challenge in that there's a new version and my amendments should be to the new version rather than the old version. I'm not sure what the best -- what the legal mechanism is, but I didn't know if asking and making it clear in a public forum that I would like a digital copy could help.

>> Mayor Adler: How about if I ask my office to post on to the bulletin board the word version.

>> Tovo: Thanks.

>> Mayor Adler: If my office is watching, and I hope somebody is, please go ahead and post the most recent version that we had.

[3:51:43 PM]

Thank you.

>> Tovo: Thanks. Mr. Rusthoven.

>> 85, property located at 4920 spice wood springs road. I believe many of you here will remember this case. This is one of the first zoning cases the new 10-1 council worked on when they approved this case,

they approved a multitude of conditions. I'm not going to go through that list. It's a long paragraph. However, one of those recommendations was that the square footage being limited to 12,000 square feet. The applicant in this case is requesting that 12,000 square foot being increased to 18,500 conveyor feet. The zoning and planning commission recommended denial and there is a valid petition against this request of 36.44% which means it would need nine votes to pass on third reading and we have all speakers in opposition and no speakers in support of this case.

>> Tovo: Thank you. So since we don't have an applicant who is present, I guess we can forego the applicant presentation. Okay. Any questions for staff before we go to our speakers? All right. Mr. Otto, you are our first speaker. Signed up against. You will be followed by Russell zears. Then our last speaker would be Dennis Watts. We also have Brad parsons signed up against but not wishing to speak. Welcome, Mr. Otto. Three minutes.

>> Thank you. I rep the spice wood vista homeowners association and I was here two years ago and I know many of you remember, but just to make sure your memory is better than mine, I can't remember what I had for breakfast this morning.

[3:53:45 PM]

When this case first came forward, the developer was asking to move to -- sf-2 to G.O. With lots of things he wanted to do including a 18,500 square foot I would abouting. Our membership then and now unanimously rejected that or was opposed to that not because we're anti-development, but because we felt the building was way too big for our community and for the traffic problems that exist on spicewood springs road. If some of you think of that as the four-lane divided highway east of Mesa, that's not what we have. We have a very poor country road with two lanes that goes up a very steep hill right where the overlook was going to be built. Traffic is already bad and this would have made it worse. What I wanted to point out was negotiations that went on two years ago because we had a valid petition then as well. And our member Gallo at this time asked us to negotiate with the developer to try to come to an agreement. We negotiated in good faith and we think he did too. We agreed on all the ancillary issues like building height and setbacks and some of the environmental issues, but we did not agree on the size of the building. He at that time also wanted 18,500. We initially offered 7500 as something we would agree to. And at that point we were willing to give up our valid petition rights because we thought we were knowing something that would last -- negotiating something that would last a long time. During the negotiations he came down to 14,000 square feet, we came up to 10. Member Gallo presented 12,000 and the council unanimously passed that 10-0 with the mayor abstaining. Now, he is coming back now and asking for the exact same thing he initially asked for and we have given up much during the negotiations ourselves.

[3:55:49 PM]

In my point of view, it would be like us coming back at this point in time and saying we would like to go back to sf-2 zoning. I think you would laugh at us if we did that. This negotiation was presented in good faith and it was agreed to. There have been no material changes in anything other than his desire simply to go back and try to get what he negotiated away previously. And as one of the members of the zoning commission stated, I think I couldn't say it any better, it's like his position is this. I feel like you didn't get what you wanted from one parent and now you come back and ask the other.

[Buzzer sounding] It's disrespectful to the council and disrespectful to the people who signed that petition initially. Thank you.

>> Tovo: Thank you, Mr. Otto. Our next speaker, please. And just as a reminder, that was -- sorry, I've lost the window. Mr. Sears. Russell sears. You have three minutes.

>> Hello, my name is Russell sears. I appreciate the opportunity to appear before you. I will not try and get into the substance of the discussion. My friend Bob Otto has done that already and I'm sure the other speaker will do it, Dennis will do it much better than I could. I have a concern that has to do with the process. It seems to me that it was pretty clear what the community wanted. It was pretty clear what the council wanted, and the zoning changes were approved on the last reading, the last time the council voted. It is unclear to me why staff would recommend the same change that was rejected last time.

[3:57:54 PM]

That disturbs me. It wastes people's time. I do not -- and money. And I do not understand why we are back here again. The second thing that would -- I would like to raise is that the proponent didn't even show up today. The motion that is being presented has been presented before. Is there no mechanism for control of this sort of thrashing of resources and waste of time and energy at this council's time, the community's time in trying to set valid petitions and do all the work necessary to defend their position and that of the zoning and planning commission and all the other people that are involved in this process. It seems like if -- I mean if there had been some substantive difference in the proposal, I could understand the staff and the rest of the process being directed at trying to evaluate whether that process needed to be done again. But without a substantive difference in the proposal and with a clear statement of both the people and the -- and the council before, the only thing I can think is is is -- is the proposer believes you guys are all just whimsically deciding by the flip of a coin and that he's going to get a different response this time. I hope that's not the case, I'm sure that it isn't an

>> Tovo: Thank you very much. And your last speaker is Dennis Watts. Mr. Watts, you have three minutes.

>> So much for my speech. These guys were so good at explaining my stand, I feel a little foolish being up here. We were all involved early on in this effort to allow business development in our neighborhood with restrictions from input by the surrounding neighbors.

[4:00:04 PM]

The interesting thing about this case is that the bulk of the signers of the petition are commercial property owners themselves. And we had no trouble getting close to 100% of them signing. We were represented by the northwest Austin civic association which has -- represents 4100 households. Multiply that by two or three. All the hoas are surrounding this. We were baffled that we would have to come back here after we got a 10-0 vote. I know the process doesn't work that way, but it doesn't seem quite proper that you guys should be put through the mill again as well as all the property owners surrounding this proposal that was passed so unanimously the last time. So we're back here again and we'll be back here again and again, I guess, if it happens again, but we would like to think there would be some process that once the council decides that the people involved, including yourselves, would not have to come back and be pounded on again by a new request. That's all I have to say. Do you have any questions? Thank you so much.

>> Tovo: Thank you, sir. Any questions for our staff? Councilmember alter?

>> Alter: I don't have a question for staff, but I have a comment. So first of all, I'd like to thank you gentlemen for coming down and being engaged. I know this feels like ground hog day. And I'm sorry that you're having to experience that. When I get the chance after I speak for a second, I will request denial of this zoning change as recommended by the zoning and platting commission.

[4:02:16 PM]

The gentleman that just spoke really said most of what I was going to say. This was decided by pretty much everyone on this council with the exception of Mr. Flannigan and myself. It was all agreed to and now again without any substantive changes the community is having to engage again and relive something that was already a problem last time. And they were willing to come to the table and negotiate and this council made a decision and we need to respect that. So when recognized again I will be happy to make that motion. Again, thank you to the neighbors for being engaged and vigilant. We really appreciate that. And hopefully we won't have a repeat of this.

>> Tovo: Councilmember alter, feel free to make the motion.

>> Alter: Sure. I would like to move to deny the requesting zoning as recommended by the zoning and platting commission for item 85.

>> Tovo: Thank you. And councilmember pool seconds that motion. So the motion is to deny the request. Any further discussion? All those in favor of the motion on the table signal by raising your hand. That is councilmembers alter, pool, kitchen, Flannigan, Casar, Garza and tovo. So that motion -- and Renteria. Thank you. Any opposed? Any abstentions? Mayor Adler abstains, and councilmembers Houston and troxclair are off the dais.

[Applause].

>> Mayor Adler: Okay. Thank you. Two items after 4:00. Item number 95, fire code issues. Staff is requesting this be postponed until November 2nd. That would be item number 95. Is there any objection to that? That matter -- there are two people that are signed up to speak, Eric Goff and Mateo barnstone.

[4:04:17 PM]

Are they here? Do they want to speak on this issue? Okay. They're not here. Any objection to this being postponed to November 2nd? Hearing none, it is postponed. Item number 98, as we announced earlier, is withdrawn. We're announcing that now that we're after 4:00. That gets us back to our agenda. Ms. Houston, you pulled item number 25?

>> Houston: Yes, sir. Hold on. And then next we're going to call the housing issues. Ms. Houston?

>> Houston: Thank you for allowing me to get to 25. This item also relates to with the Austin housing finance corporation, items number 7 and 10. There have been some concerns from the community regarding how the grants have been distributed and the amounts of the grants, and I just think publicly we need to know how that process occurs, and I think we have some speakers signed up. Am I correct?

>> Mayor Adler: On this item 25 there's one person waiting to speak. It's John Ruiz and he hasn't been here today. Is Mr. Ruiz here?

>> Houston: Did Simone flowers sign up.

>> Mayor Adler: There are some people signed up for the housing agenda, but not number 25.

>> And number 25 needs to come before we convene the Austin housing finance corporation because it needs to go before we take that agenda up.

[4:06:18 PM]

>> Houston: That's why I called that first. Could I ask Ms. Simone flowers, do you want to sign up for 25 and speak first or do you want to wait until the Austin housing finance corporation is called?

>> I believe she's signed up on number 10, which is the repair contract for Austin housing finance corporation.

>> Houston: But we're going approve 25 before we even get to the other two, the 7 and 10. I think you want to do it now.

>> Mayor Adler: Come on up. And introduce yourself for the clerk so the clerk can show you signed up on this item number 25.

>> I'm Simone tommyflowers and I'm with interfaith action of central Texas. Good afternoon, mayor Adler, mayor pro tem tovo and councilmembers. Thank you for the service that you provide to this community. I serve as the execute director of interfaith action of central Texas. Our mission is to cultivate peace and respect through interfaith dialogue, service and celebration. We were founded in 1998 when two organizations, Austin conference of churches, and metro ministries, dissolved and put their assets together to form the new service organization. They knew to transform people's heart to one another we have to serve. And what better way to do this than to repair homes? Bringing volunteers from faith communities throughout Austin to work in east Austin. To cross the divide and connect with the elderly. To repair their homes and make it safe. Our housing repair program, called hands in housing, is still our flagship program to this day. Because we understand the need for people, especially the elderly and people with disabilities, to age in place in the homes and communities they know and love.

[4:08:27 PM]

Iac has been part of the go repair program since 2010. This program has allowed us to provide substantial repairs to the many beautiful and deserving homeowners we serve. We are very proud to be a part of this program. It's one of the best services the city provides. Because it's one of the best programs, I bring to you a concern I have. For the past couple of years I have seen a drastic reduction of funding allocations to some of the recipients of the go repair program. Iact included. This reduction is not due to a lack of performance or capacity to do the work because iact has always finished our work on time and there's an additional home -- build a an additional home as funding allows. Yet our funding has decreased. My belief is the process used to allocate funding is unfair and inequitable. I also recently met with Rosie truelove and her staff to express my concerns. We had a productive meeting and we all agreed the current process should be improved. With input from program participants and staff,

working together to repair more homes and serve more residents. I stand here to say that I support and I'm willing to participate in a process to evaluate and revise this program. I served on the mayor's task force on racial injustice and systemic inequities. And the biggest lesson I learned is to speak up and speak out when you see these inequities. Silence is complacency. Doing the right thing is not always timely or convenient. Thank you for your time and service to our community.

>> Mayor Adler: Thank you. Do you want to address this item number 25?

[4:10:27 PM]

>> So number 25 is authorizing negotiation and execution of a 12 month -- I'm sorry. Of the service agreement with the Austin housing finance corporation to manage and operate various housing programs on the city's behalf for fiscal year 2017-2018 using funds from the city and from HUD in addition to local funds in an amount of \$17,782,983. There will be a companion piece on the Austin housing finance corporation agenda to enter into this agreement, and then the piece that the -- the contract that Simone was speaking to is number 10 on the Austin housing finance corporation agenda, which is relative to the go repair program for the next year.

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: Ms. Truelove, I would like for you to address some of the concerns that she spoke to regarding the request.

>> Absolutely.

>> Houston: It seemed to me when she contacted the office that they needed to increase the amount that they asked for in order to and that wasn't clear. So can you explain how we ask people to go above what we are able to provide?

>> Sure. I just have a question on order of events, mayor, since that's relative to an item that's posted under the Austin housing finance corporation, if we want to take action on number 25 and then convene that meeting so that we can address those questions relative to the go repair contract, which is not posted on the city council agenda. It's on the ahfc agenda.

>> Houston: And the go repair is not included?

>> It's a separate contract, councilmember Houston, that is posted under the separate called meeting for the Austin housing finance corporation. So I'm just concerned that I want to make sure we have the discussion under the appropriate meeting premise.

>> Houston: And that's fine with me as long as we get the answers to what's going on.

[4:12:30 PM]

>> Absolutely.

>> Houston: Okay.

>> Mayor Adler: Is there a motion to approve this item number 25? Mr. Renteria makes that motion. Is there a second to that motion? Ms. Garza seconds that motion. Any discussion? Those in favor of 25 please raise your hand? Those opposed. It's everyone on the dais with Ms. Troxclair and the mayor pro tem off. Let's go ahead and recess the city council meeting here at 4:12.

[4:31:38 PM]

We will now go back and reconvene the city council meeting. Today is still the 28th of September. It is 4:31. We have some items on the agenda to work through. Are we ready to take a vote on the Zachary Scott issue? Ready to bring it back? Let's go ahead and do that. Zach Scott. This is item number 16. As you recall we divided this question, we had the cultural arts contract and laid on the table the Zach Scott matter. Staff is going to take a look at that issue.

>> So we took a look at the contract and Cindy crossby is happy to work with the economic development department to maybe explain exactly what happened here and have a discussion for going forward.

>> Mayor Adler: Thank you. Please.

>> Good afternoon, mayor and council. Cindy crossby, law department. The current contract in effect currently has a provision that if there's a violation of the agreement then the city can request a refund. And so we can craft similar language and agreements going forward and we would just need some guidance on how to quantify what that damage would be to the city.

>> I think the problem that we're facing is we're giving a grant. If there's a problem, if the contract is breached, and so I think you would want to see if there was a final adjudication of this occasion that the nlrb is hearing now, if there was a final eye Judy indication and Zach Scott was found to be in violation of the contract, then you would want something in your future contract to say this is what we would get back because we don't have any damages. We're simply giving a grant of money. So we would suggest that you ask us to go off and to negotiate this contract for the future and to come back with an executed one that has those terms in it.

[4:33:41 PM]

>> Mayor Adler: That makes it a little bit hard because you don't know what the extent of the violation might be that would be determined at this point. Councilmember Garza?

>> Garza: Contracts wasn't my favorite subject in law school -- [laughter]. In fact, it was my least favorite. I'm trying to understand what you just said D that affect a future contract and not this one? Are you saying we can amend this one with language to say there are consequences if there is an unfavorable ruling by the labor board?

>> So the current contractually expires September 30th of this year. So what the request is for a contract for fiscal year '17 and '18. So it's a future contract that has not been executed yet. It is still subject to negotiation. And the proposal would be to add language in that new agreement going forward October 1st to the next fiscal year, language that if there is a final adjudication, meaning we have similar language already in the contract, if it goes to an administrative law judge and the appeals are final, then we would know if there's a breach of the agreement.

>> Garza: So had this not been brought up, we would probably have mirrored last year's contract to this year's contract and that's what we're approving. But you're saying we can add in this year's as part of the contract that a breach constitutes this and this is what the damages are.

>> Yes, correct. We try to make it as explicit as possible as well as pin down a number demonstrating what the city's damages are or the harm to the city because this term was not complied with.

>> Garza: Then that's what I was --

>> Mayor Adler: What I was raising is the issue of there could be a spectrum of violation. And the sanction that we I was asking was would we want the sanction to relate to what the violation was?

[4:35:46 PM]

Yes, councilmember kitchen?

>> Kitchen: I think that direction is good and obviously it's the -- the amount that we would want to be paid back is the issue because other than that you can just-- I would be specific that a final adjudication constitutes a breach of the contract. So that part of it is clear. So my inclination is that we're giving them a grant based on compliance with our requirements. If they didn't comply and a finding finds so, then the entire grant would be subject to giving it back to us. Now, I don't know -- but I don't know how this particular board works, if there's a range of sanctions that they apply or not as opposed to an up or down compliance or noncompliance. Yeah. It actually could go to court after nlrb.

>> The national labor relations board it could go to court so it could take an awfully long time to resolve this.

>> Kitchen: That's right.

>> Mayor Adler: Councilmember pool.

>> Pool: It seems when we were approving the contract last year this issue came up, right? Is that the timing? Am I remembering the timing when we had this discussion? So the --

>> Megan wells, cultural arts contract division manager. Yes, it came up, but there had not been a complaint filed that we have learned has since happened since your discussion last year.

>> Pool: But the community, the people who work at Zach Scott who were hoping to unionize were really clear about the things that were happening to them in the workplace that they then came here to council to raise our awareness of. Am I remembering that right too?

[4:37:47 PM]

>> Yes. That prompted the language we put in last year.

>> Pool: Okay. So you do have language in there based on that.

>> Yes.

>> Pool: Okay, that was my first --

>> That was inserted last year, fy16 -- fy17, sorry, and it's been in effect for this current fiscal year.

>> Pool: Do you happen to have it there?

>> It's not terribly short but I can try to find the excerpt that you're referring to.

>> Pool: The reason I'm asking this question is we were really clear a year ago with Zach Scott management that we were concerned about how they were treating the employees who wanted to unionize and we were pretty explicit I think in our direction that that union busting or whatever it would be called type activity didn't sit well with us. Hence the language that was put into the contract which I guess goes to that point, Ms. Crossby.

>> Yes. In the contract under section 17 we included several provisions regarding labor relations. So one of them is of course complying with federal law, making sure that a final adjudication would mean after it's affirmed by the federal court of appeals. We also included language regarding a labor piece agreement requirement and different things that Zach Scott would do as well as what the workers would do.

>> Pool: And I remember the concern raised by some of the workers that they were afraid that they would be harmed through the assignment of their hours and then today it sounded like that may be exactly what was happening. So this is a huge concern for me because labor relations are important. We had this issue in front of us a whole year ago and it was an element of the contract.

[4:39:54 PM]

>> Mayor Adler: Could we if we wanted to put in the same language about a violation is a breach and then leave it to the discretion of the manager to assess what the appropriate damages would be? Just because I don't know how to do it absent that. Ms. Kitchen?

>> Kitchen: It sounds like the same language could be carried forward because it seems like we were pretty specific in terms of what constitutes a breach. So the question is did we not determine when we wrote that language what the remedy would be? It sounds like we didn't put a remedy in a contract, did we?

>> The contract allows us to exercise the remedies within it which include termination, a refund of fees and there's other issues that could be resolved and cured. So we did not quantify at the time what a specific damage would be. I liken it to a liquidated damages clause. The city has X dollars per day. We weren't explicit about what the city was receiving in return.

>> Kitchen: But we did have in there a range of options, all the way from termination to I think you said a fee or -- there's a range of options in there. Can you read me again what the damages section says?

>> It's in several different places. If I could give a little bit more factual background.

>> Kitchen: Sure.

>> The contract was to 210,000. Up until this day 90% of it has been paid. So the city still is holding on to 10%. We're withholding 21,000 until a final report is submitted. So part of the remedies would be withholding those funds until we know that there's a final adjudication. The hearing is in December. We may not know until next year what the final outcome of the complaint would be.

>> Kitchen: I'm not suggesting that.

[4:41:55 PM]

What I'm asking is what are our remedies once we have a final adjudication. I was thinking that I heard you say that there was language -- that there's language that we've used in previous contracts about what our remedies are for a breach.

>> The remedies do include termination to also offset and withhold funds.

>> Kitchen: Is that the language it says, to offset or withhold funds?

>> Yes. And there's also language about this will impact your future awards.

>> Kitchen: So I think that we have language in the contract now and I assume that what the mayor is suggesting is that that's what would happen normally if -- if a contract was breached is that one of those options would be -- one of those options would be put into play. So I think that I would want to be notified as -- perhaps the council would want to be notified if there was a breach. You may want to take that action.

>> Mayor Adler: Councilmember -- it makes sense to me the clause I think we have works. I think we would want it to come back to us so we know it, but I don't know that we would want to be the deciding body in that because I don't think we're set up to do that as a council. So otherwise if we just use the language that we had before and just carry that language forward, then it's going to be ultimately in the staff's discretion, manager's discretion ultimately to affect it, is that right?

>> Yes, it is. However, I think it may be clearer and much easier to enforce if we had a firm number, maybe something as you suggested right now. It's up to the discretion of the city manager up to the total value of the contract.

>> Mayor Adler: Councilmember Garza?

>> Garza: I would prefer to have stronger language.

[4:43:56 PM]

I understand there's a range of what they could have done wrong with regards to what the federal labor law is. I think any violation of the labor law of an organization that we are helping fund should be taken very seriously and I would prefer to send a clear message that if there is any violation found regardless of the degree that there are strong consequences to that. So I mean, I don't know if that is -- you give back what you were given in this contract term. I mean, that's what I would prefer.

>> Mayor Adler: Can you give us a feel for what the range of violation could be?

>> I can tell you what the current complaint says if you like.

>> Mayor Adler: I think we have a retaliation complaint that's alleged. So will the decision either be yes or no, there either was retaliation or there wasn't retaliation? If that's the full range...

>> It's been a long time since I've had an nlrba case but I think they have the retaliation and then time to craft a remedy.

>> Mayor Adler: Okay. Ms. Kitchen.

>> Kitchen: I would agree with councilmember Garza in terms of once there's a final adjudication and that will be clear if there's adjudication and there's been a violation, then I think I would -- I would be interested in specifying that the entire amount of the grant would need to be refunded. I think that's what I heard you suggesting.

>> Mayor Adler: Mayor pro tem?

[4:46:03 PM]

>> Garza: I'd like to make that motion.

>> Mayor Adler: Councilmember Garza would like to include the language that was included in the last contract in this contract and that the final adjudication by the board upheld on appeal would result in the return of the remainder of this year's contract. Is there a second to that? Councilmember Kitchen seconds that. I'm uncomfortable voting for that because I just don't know enough. I don't know if there's a violation that the appropriate punishment wouldn't be \$250,000 or something like that? I just don't know enough to know. So without knowing that I would leave it to the discretion of the manager to decide, so I would vote no to the amendment. Councilmember Kitchen?

>> Kitchen: I understand the concern. I think the principle here is not a damages principle, per se, because damages are usually you look at some proration. It's not that. It's more the way councilmember Garza character raised this. We're giving grants to people, to entities that --

[laughter]. Doesn't apply on this end of the dais.

[Laughter].

>> Mayor Adler: It used to be over here and I think I successfully pushed it down that way.

[Laughter]. That will teach you guys. Just in a moment I may call the killer fly to head over this way. Just saying.

[Laughter].

>> Kitchen: As I was saying -- no. I just think that the principle is different here. The principle is and the principle we talked about last year is that we're going to make grants to organization that -- to organizations that meet the values of this community as expressed by the council.

[4:48:07 PM]

And the value that we were expressing is compliance with labor laws. So that's why I think this is appropriate.

>> Garza: And mayor?

>> Mayor Adler: Further discussion. Councilmember Garza?

>> Garza: I understand your reservations and if this is the first time this had come to us and we really didn't know anything about it and we wanted it to be neutral and fair, I would totally support what you're saying, but this is not the first time this has come to us. This was a situation that labor union brought to us and there was plenty time to correct it and now we're here. I think we should send a strong message about how we use our funds and that we support working families and organizing it and the organizations that they fund and they respect an organization's ability to organize.

[Applause].

>> Mayor Adler: Would you consider saying -- because we're talking about a past act as opposed to a prospective act. Does it make sense to put this act and this violation in discretion but say the penalty, so that you know going forward, is going to be the loss of full funding. Because we're talking about an incident that arose as I understand it after we entered into the last contract and it's already happened. So it's almost like a retroactive assessment of a sanction. And again, what makes me uncomfortable with that is I just don't know -- I don't know how that works.

>> It's my understanding from the comments that were made is after we had this discussion last year it continued. The labor union -- we were in a good place. The employer was going to be fair and allow organizing and not interfere, but they didn't.

[4:50:09 PM]

So it's not -- it was after we've already had this discussion.

>> Mayor Adler: And I understand, which is why it's important that there be a sanction. If in fact they're found in violation it's just the -- but the amount of the sanction or the extent of the sanction was not

known. So if I commit an offense where I pay a sanction on it and most of the time you know what the sanction is ahead of the time. There's not a retroactive penalty for a sanction and that's what this feels like to me. And it makes it -- I want there to be a sanction. We did talk about it. I just don't know what the range is, which makes me uncomfortable. But if I was doing it prospectively and saying any violation no matter how slight, understand that you're being subject to full return of money. But I don't know even if saying however slight makes any sense in this context. I don't know if there is such a thing.

>> Garza: How about we vote on my motion and if it fails we vote on yours?

>> Mayor Adler: Sounds good.

[Laughter]. Ms. Pool.

>> Pool: I was just going to say that we have that type of phrase, that clause in the contract. It says that if you fail to comply then there are consequences to that. And so we've noticed that and the issue as we know was before us very distinctly a year ago. And it's disappointing to find out that that whole effort seems not to have actually borne the fruit that we were hoping it to.

>> Mayor Adler: Yes, counsel.

>> Yes. In addition to the item that's a part of the motion, there's a separate line item that the resolution addresses, whether or not council authorizes payment in the amount of \$60,000 for Zachary Scott theater for maintenance and operations per a separate operations agreement.

[4:52:12 PM]

So we have a separate agreement with Zach Scott where we're obligated to contribute to the maintenance and that amount is 60,000. And then the other contract, what we're discussing, is a cultural arts funding contract.

>> Mayor Adler: I understand. Okay. So I think that -- Mr. Renteria?

>> Renteria: So where the Zach theater is at, who owns that property?

>> It's city property, long-term lease.

>> Renteria: So we've got a long-term lease. And what would happen if they didn't meet their lease? We would just recover that building and take over that?

>> I don't know.

>> Yes, I believe so. We would have to look it up, but that would be a common remedy for the city to then go back and take it.

>> Renteria: Thank you.

>> Mayor Adler: Ms. Houston.

>> Houston: For our edification, can you tell us what the lease payments are on that space?

>> I apologize, I don't have it with me.

>> Houston: Can you get back to us? I don't think it would be a big problem. I mean, it's like a dollar a year or something. Could you get that to us, please?

>> Mayor Adler: Ms. Garza moves to put into the cultural arts contract the provision we have before with the stipulation that final adjudication would result in the return of the cultural contract amount. That's been moved and seconded. Is there any further discussion? Ms. Pool?

>> Pool: Did we also want to include the maintenance agreement, the \$60,000 that's on the additional contract that we have?

>> Yes. It may be added to this motion or acted upon separately, but that's the second portion of action that would be applicable to Zach Scott is authorizing a 60,000-dollar payment.

>> Mayor Adler: Sorry? Ms. Garza intends to leave it as it is.

[4:54:14 PM]

>> Pool: That's fine, thank you.

>> Mayor Adler: Moved and seconded. Any discussion? All those in favor please raise your hand? Those opposed? Those abstaining? I vote no. Alter abstains. Others voting aye. It passes. Okay. Thank you.

[Applause].

>> Mayor Adler: We divided the question so I took this as entering into the contract with that provision. So that was the final vote on the divided question. Okay? Thank you very much.

>> [Inaudible].

>> Mayor Adler: Let's take the vote on the 60,000 contract. I thought that was to approve both contracts with the stipulation in the one contract, but if that was not what people understood then let's take another vote. I had thought the motion was to approve both contracts, but in the cultural arts contract to contain the same language with the sanction liquidated.

>> And to confuse it further, the 60,000 isn't a new contract that would be going forward. It's already existing contract so it's not for the approval of negotiation and execution, just authorizing the payment.

>> Mayor Adler: Authorizing the payment of a prior existing contract. Does anybody understand is differently than what I just described the vote to be? I think we understood the vote we've took we acted on both. Thank you. Okay. Item 50, you pulled that, let's see here.

[4:56:14 PM]

Mr. Flannigan, why don't you go ahead and do that.

>> Flannigan: Thank you. I brought this up in work session, but I wanted to include a citation about geographic distribution of affordable housing. I handed it out at the beginning of the day, so it's probably buried under a stack of papers. I handed out my amendment. It has all of the base language and my additional bullet point red lined. It references the previous council resolution from 2011 that details our intent to do geographic distribution so I've cited that resolution and I just thought it would be important to include that in this document.

>> Mayor Adler: Okay. Mr. Flannigan moves amending --

>> Tovo: How about -- may I move since it is my resolution, and I actually had distributed on the dais today the resolution with an amendment that I had hoped would capture your point. So I'll move approval of my resolution and then we can talk about that point.

>> Mayor Adler: Okay.

>> Tovo: Just saying --

>> Mayor Adler: Mayor pro tem moves approval of item number 50 as handed out on the dais. Is there a second to that? Councilmember kitchen seconds. Mayor pro tem

>> Tovo: I wanted to say a few words to talk about this. This was an item suggest by the Austin housing strategic blueprint to consider whether we had the ability and would like to create a tax exemption for multi-family properties that are willing to enter into an affordable housing restriction. Councilmember Flannigan, I thought you raised a good point. It was certainly the intent to encourage and to comply with the council's interest in geographic administersial and making sure we have affordable housing in all parts of town. I suggested putting that reiteration into page 4 of 5.

[4:58:19 PM]

So after a metric that prioritizes multi-family developed dwellings near bus stops, grocery stores, employment centers, underenrolled public schools and medical facilities in gentrifying and high-

opportunity areas, I think you have suggested putting it into a different section. And that was really the section that was talking about how to develop the tax exemption. And so I -- you're shaking your head, no. In any case, I believe it's more appropriate in the area where I've put it.

>> Flannigan: So the amendment that I handed out as a bullet point under the bullet point that you've amended I believe is what I've done. So instead of appending in both gentrifying high opportunity areas, instead of doing that I'm adding a bullet point that references a prior council action.

>> Tovo: Anyway, you know, it's not worth arguing about at this point. It's in the same -- I mean, that's fine.

>> Flannigan: Yeah. I'm not sure that there's much of a distinction, but that's fine. If it's important to you to have a separate bullet point rather than integrate it into the previous bullet point, we'll leave it to that

>> Flannigan: What was more important was reference to the prior council action I think is more complete and representative of the city's position on geographic distribution as opposed to two phrases added in and original action in 2011 is broader about how we measure geographic distribution

>> Tovo: I understand that. Again, that was certainly the intent

>> Mayor Adler: So I understand that the mayor pro tem accepted the amendment offered by Mr. Flannigan. Any objection? Hearing none, that's accepted. Mayor pro tem do you leave in, then, the language in both gentrifying or high opportunity areas or do we strike that language

[5:00:26 PM]

>> Tovo: I think it becomes are you Duncan at that point

>> Mayor Adler: We'll take out those seven words. We have the mayor pro tem's motion. It's been moved and seconded. It's been amended. Any discussion in those in favor please raise your hand. Those opposed. Unanimous on the dice with troxclair and Garza off. Okay. We have some people -- some children, I think, that would like to be able to leave and go home so they can do their homework. If on item number 103 there are children who will be leaving this chairman as soon as they speak I want to give them a chance to come to the microphone. They maybe out of the room right now. If they come into the room I'll give them a chance to speak. We have a public, items 94, 96, 97 with limited speakers. Let's go ahead and call item number 94.

>> Good evening, marries, councilmembers. My name is [indiscernible] I'm the building official for the city of Austin. Item 94 is the adoption of the 2017 national electrical code. This code is the one that affects all electrical installations for the city of Austin and what we're doing here is actually complete the cycle of adopting all the

[indiscernible] Codes. Earlier this year you adopted the residential code, plumbing code, mechanical code so this one actually completes the cycle of adoption. What you have in the ordinance is the result of several stakeholder meetings and also as recommended by the electrical board.

[5:02:28 PM]

So if you have any questions I'm here to answer.

>> Mayor Adler: Okay. We're going to go ahead and open this public hearing on this item 94. We have signed up to speak one speaker, and it is Stewart Hirsch. Mr. Hirsch, you have three minutes.

>> Thank you, mayor arbitration members of the council. My name is Stewart Harry Hirsch, and as the son of an election I'm going to speak on the electrical code because it would make my late father happy, although he might not be happy with what I said.

[Laughter] I'm pleased the 2017 edition of the electrical code is being adopted in 2017 because this means installations meet latest safety standards. I'm disappointed that local amendments do not allow builders of single-family homes, duplexes, multi-family housing, fixed-use development and small business to always wire their respective buildings to the published code because of more restrictive local amendments. However, I'm not naive and like the plumbing code and mechanical code earlier this year, interest groups trump housing affordability goals so I decided in the building business we call meps, mechanical, electrical and plumbing, we ought to call those codes the trump codes because whatever the board recommends, even if it negatively impacts affordability for housing and in businesses, the boards always get their way and that was true when I was on the staff and that's true now, so I'm glad you're adopting it, but I'm -- continue to be frustrated that the nationally and internationally recognized standard for electric wiring, which is the electric code is not good enough and we keep having to amend it to have wiring methods recognized as safe across the board.

[5:04:32 PM]

That's all I have to say.

[Applause]

>> Mayor Adler: Any other speaks to speak? That's all I see. Is there a motion to approve this item number 94? The code? Mr. Casar makes a motion. Is there a second to it? Ms. Pool seconds that. Any discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais with Ms. Troxclair gone. Okay. Go ahead, let's call item 96.

>> Jose, building official with city of Austin. Item 96 is the adoption of the 2015 international building code, 2015-2016 international building code. Again, this completes a cycle of updating the codes. One item that I want to bring to our attention is that we worked really hard to actually minimize amendments but there's always that -- we have to amend some of the items in the code. This time we actually adopting the '16 building code that could also be used for single-family houses. We didn't do that before. We also -- we actually are leaving the session on the animal permits, which is something that we actually succeeded with the stakeholders, I think that actually will help multi-family development to actually do work. We also expanded the exemptions for permits. So we made some changes there that are really good for community. And we also have a recommendation from the building and fire board that was done in October 27 of last year. If you have any questions I'm here to answer any questions.

>> Mayor Adler: Okay. Public hearing. Mr. Hirsch, do you want to address us again?

>> Thank you, mayor, council. Again, happy to be positive this time.

[5:06:33 PM]

Adoption of the annual permit provisions of the international existing building code creates an opportunity for simpler and more affordable ways for upgrading existing single-family homes, rental properties, small and large business. Whether affordability is achieved is dependent upon whether rules are adopted that improve customer service while preserving internationally recognized standards for safety and sanitation in our older buildings. I provided you a sample list when you set the public hearing date a few weeks ago, and I hope that development services will move towards adoption of fair checklists and applications mirroring our successes in the last century. I want to thank development services for all the hard work, for a very long period of time. They've done with stakeholders and taken into account our suggestions, and those are reflected in the draft. So I urge you to adopt the recommendation that's in front of you. Thank you very much.

>> Mayor Adler: Thank you. Is there a motion to approve this item? Ninety-six? Ms. Houston makes a motion. Is there a second? Ms. Garza seconds it. Any discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais with Ms. Troxclair gone.

>> Houston: Mayor.

>> Mayor Adler: Yes.

>> Houston: Could you tell me the date that 95 was postponed to? I said November but I don't remember the date.

>> Mayor Adler: November 2.

>> Houston: November 2. I see some people in the audience that might -- are here that might want to know it's been postponed.

>> Mayor Adler: Item number 95 has been postponed. Okay. We have four young folks we're calling them out of turn here. We have people we also want to call on other matters they're going to have break during -- does a minute each of these work? I have Lauren breach, Kelly Kissling, Cheyenne Morris and [indiscernible] Rogers. Are they here? These are four children. Come on down.

[5:08:47 PM]

>> Hello, everyone, I'm Lauren and I go to the Ann Richards school in district 5. Today I want to talk to you about the curfew. I ask you to not bring back the curfew because it affects disproportionately lower and high income youth. Additionally disabled youth and youth of color are more affected. I am X you get rid of the curfew because it also criminalizes homeless youth and working youth out during curfew hours. As a whole it does not help anyone and just makes it harder for the youth. Thank you.

>> Mayor Adler: Thank you.

>> Hi, my name is Kelly, part of ayc, go to Austin high just down the street. I'm against the curfew act because I believe it does not help at all. If anything it just hurts the youth population because by giving them a ticket it can affect them and their future careers, make it harder to get jobs and into school although and I believe that replacing it with a new act -- not a new act but a new -- sorry, first time up here, little nervous.

>> Mayor Adler: You're doing good.

>> By replacing it with a new policy we can end up helping kids a lot more by setting up areas they can go at night if they need help such as if they have family problems or so on in other ways that we can help them, we'll probably go over later. Thank you.

>> Mayor Adler: Thank you very much. Yes?

>> Hello, I'm Cheyenne. I would like to start off by introducing myself, Cheyenne, 17 years old, juvenile displaced in the Austin area. Sorry, I'm a little nervous. I understand that everyone thought about in the 1990s, everyone needs to understand we live in the 2000s. I honestly believe that Austin should not have the curfew. But we also have to take under consideration that many children do -- try to stay out late or away from homes because of stuff going on in homes and scaring to home and see what will happen.

[5:10:56 PM]

I was one of them. I tried to stay away from home when I was younger. I never got into trouble and I understand the group of adolescents that get into trouble, then the authorities should step in and do something. If nothing happens, why bother. Yes, we fled to watch out for the youth of the city. Also, anything could happen, but if nothing illegal is going on, then nothing should -- everything should be okay. Also why make them pay up to \$500 in fines just for being out? What if something happens in their home and there need to be safe -- you're saying we are going to fine a child for getting out of a dangerous situation. I personally think that is ridiculous. I would be -- I would not fine anyone for getting out of a dangerous situation. I personally think there should not be no curfew, adolescents should be able to do what they have to do if it means to leave their house at 3:00 in the morning just for a walk. Not everyone can just call someone -- oh, my gosh. Okay. To call someone to pick them up. Not everyone has phones. Many people do, but not everyone. What would y'all do for the children without the ability to call someone for help? Y'all are going to open up a place for adolescents to go at night. But did y'all think about transportation or the ability to find the places? Okay. Yeah.

[Applause]

>> Mayor Adler: Thank you. Good job.

>> Good afternoon. Mayor Adler, fellow councilperson, I'm here on behalf of the political action committee of the naacp at houston-tillotson university.

[5:12:58 PM]

I have the pleasure of working with a doctor in excellence in advancement. I stand before you today not only as a student but a son, brother and uncle. Working with the children that I work with, familiarizes me all too well with the effects that this ordinance can have. I myself am not too far removed from their age group. I believe that this ordinance will only serve to further marginalize minority and low-income children. I believe this order -- ordinance seeks to criminalize our youth at an early age and give them labels that they have not earned. My own sister is a single mother of three children, one daughter and two high school aged young boys. The thought of them being placed in the system based on circumstances beyond their control is divisive and I believe it's ludicrous. I beseech you to propose noncriminal alternative to the juvenile curfew ordinance and to continue to give our children a fighting chance. Thank you.

>> Mayor Adler: Thank you very much.

[Applause]

>> Mayor Adler: Thank you.

>> Casar: Very briefly, thanks to each of y'all young folks for coming and speaking to us today. We'll be -- I want to ask y'all something right before you go. Thank you all for speaking today. We're going to be taking a vote on this and I hope we'll vote to end the curfew. In a few weeks. Also we'll be bringing forward a resolution to work on the school's prison pipeline and how to bring alternatives for young folks in our community and I hope each of y'all will participate because y'all's voices were really important for us today but we need to continue to have your help to shape better policy here. Thank you all for coming.

>> Mayor Adler: Thank you. Let's turn to 98 so the code staff can leave -- 97. This is a public hearing.

>> Is this an open public hearing for the curfew?

>> Mayor Adler: It's still open.

[5:14:58 PM]

We'll pick that up again after dinner. I just wanted to let the kids so they could go home. Yes.

>> Good evening, mayor, council, director for Austin code department. Item number 97 requests adoption of the 2015 international property maintenance code as it applies to building electrical, plumbing and mechanical systems. This comes after an extensive amount of work that has been done in taking these particular provisions through the building and standards commission and having what I would consider a robust stakeholder input process. So staff is requesting adoption.

>> Mayor Adler: Okay. Now we're on item 97. We have four speakers to speak if they wish to speak. Stewart Hirsch, do you want to speak on this issue?

>> Adoption of the latest version of the international property maintenance code with fewer local amendments will allow us to finally define adult for overcrowding purposes as an 18-year-old. Forty years ago we decided a 2-year-old was an adult in this code, and 40 years ago I came to work at 301 west second street and it's taken this long to fix the definition. So government runs slow sometimes.

[Laughter] Western -- we figured out an adult was over 18 when we adopted adult oriented business regulations in the '80s and now we're finally doing it in the property maintenance code. I can't say enough good things about the code staff. Paul will talk to you later about something I missed probably a senior moment, but they work with us. We were very far apart when we started the conversation 18 months ago, and by time the building standards commission took its final action we were -- all of us who are physically still around were standing shoulder to shoulder together and that's an extraordinary amount of staff work but a lot of hard working people in Austin code and -- they dealt with the recommendations and sing their praises for all the work they've done.

[5:17:20 PM]

Thank you very much.

>> Mayor Adler: Thank you. Paul Cadoro. Julianna Gonzalez is on deck.

>> Good evening, mayor, members of council. Paul Cadoro with the Austin apartment association. I signed up neutral on this item because we're certainly not against the international property maintenance code but there are two professions in here that are problematic and I think I've raised this to your attention in some correspondence. I didn't get a whole lot of feedback so I thought I'd raise it again. The issue at hand is carbon monoxide detectors. This requires carbon monoxide detectors in every home and apartment, not just newly built. The apartment industry needs more time for this to be implemented or enforced. As it stands it will be effective January 1. Apartments are just like many businesses and just like the city many have a budget that goes into effect October 1. They have not budgeted for this. By my estimates this will cost over \$3 million to the industry and that's if they just need one detector. Some may need more. And the problem is apartments want to be in compliance, so as soon -- soon as this goes into effect they feel compelled to do something about it and it kind of leaves the second point. There's an item in the code, page 22 of 28, that talks about what the responsibilities of a landlord are to a tenant when complaints are filed. There's no definition for complaint. And there's -- the landlord is prohibited from certain actions if a complaint is filed. And once this goes into effect, you have, again, by my estimates 125,000 units that are in noncompliance. That's 125,000 ready reasons to complain. So I ask for some clarity on what is a complaint and especially as it relates to carbon monoxide detectors in a house and ask for delay enforcement for carbon monoxide detector requirements until at least January I say 2020 but we would accept January 2019.

[5:19:30 PM]

Thank you.

>> Mayor Adler: Andre

[indiscernible] Is on deck.

>> Good evening. I'm Juliana Gonzalez, with the Austin tenants council. I'm here today to talk about two parts of the proposed draft, which are the overcrowding clause and occupancy clause. The Austin code department asks for our input on this section because we had been dealing with clients and residents, tenants in Austin who were being told by their landlords that they could not use their rental unit for the family size that they needed to put into it, in particular we had a case in district 10 last year that we worked with councilmember Alter's office and also mayor pro tem's office to resolve. And where we

came to at the end of that was that the landlord was willing to allow the families who needed more space to put additional children in the bedrooms if the size was appropriate to do that or families of a larger size into a unit if it was appropriate to do that. The landlord was happy to do that. The tenants were -- thought that was suitable for their needs, and the property code was what stood in the way of us being able to do that. We were able to negotiate that in the past but we're very happy to see the code department proposing these revisions to the occupancy section and the overcrowding section to allow that to be a legal option moving forward. So neutral on the draft as a whole but wanted to note that the code department did ask for our involvement on the occupancy and overcrowding sections and from both the fair housing perspective and also just the affordability perspective, we think it's a good idea, the changes that they've made. Thank you.

>> Mayor Adler: Thank you.

[5:21:34 PM]

>> Good evening, mayor, council. My name is Andre

[indiscernible], I'm here with the Austin board of realtors. We represent more than 12,000 realtors in the central Texas area. Happy to come before you tonight and offer our support for the update to the international property maintenance code. There's two small items I would bring to your attention. The first is that we would like to work with the Austin code department who has been very responsive through this whole process just to create some very simple explanatory material that would be -- that would simply explain what the new requirements are for carbon monoxide detectors specifically and that's based on the point Stewart -- or Paul brought up that this will affect all homeowners and renters in the city of Austin. So that's 350,000 properties so that's a big scope of impact and so we just want to be sure that the new requirement is clear to people so they can be sure that they're meeting that requirement. The second part is just that we would join with the apartment association in asking for a clarification of the complaint provision under the retaliation section of the ordinance. Basically it was set up to help protect tenants from retaliation in the event that they -- there was an issue with the property. So we think that maybe specifying that as a verified complaint or tying it to a notice of violation or some kind of action by code enforcement -- by code enforcement personnel would help sort of clarify that part. Of the code. So that's all.

>> Mayor Adler: Great. Thank you very much. Can staff come up and respond to the comments? I think the first question was --

[5:23:37 PM]

>> Assistant city attorney.

>> Mayor Adler: I think the first question was if this was a significant change does there need to be a phase in opportunity? The second is the ability to be able to work I guess together to do materials or get their input, which I imagine would be fine. Then I think the third question related to clarification on the complaint element. Retaliation.

>> Starting with -- pa Trish it, assistant city attorney, starting with your third question about the complaint issue and retaliation provisions this is current code and the complaint is filed by the tenant with the code official complaining of violations of this code. What it does is it protects the tenant if they make a complaint with the code department about a violation of the property maintenance code. If -- when code responds, if the landlord retaliates, it's a violation of this code.

>> Mayor Adler: Okay.

>> Second question of the working together, I think I would leave that to the director.

>> Again, Cora Wright director of code. We'd be delighted to take the information pertaining to carbon monoxide and apply to to plain language so they can apply it in single-family homes as well. Not a problem.

>> Mayor Adler: Get the input from them. The other question was whether or not this was an abrupt change, a lot of units, and whether it required any measure of phase in period.

>> Staff would not recommend a delay in implementing this simply because of the potential Danker and what we're trying to address is a minimum standard. So I would say at this point we would recommend that it would go into effect at the same time the rest of the code would be in January.

>> Mayor Adler: Okay. So the phase-in would in effect be between now and January.

>> Yes, I'm sorry, would you --

>> Mayor Adler: The phase-in in essence would be between now and January.

[5:25:38 PM]

>> Yes, yes.

>> Mayor Adler: Okay. Questions from the dais?

>> Renteria: Mayor.

>> Mayor Adler: Mr. Renteria.

>> Renteria: And this is -- can be in the home repairs and stuff like that, isn't that correct? The carbon monoxide detectors and all that. You already have enforcing this already, aren't you?

>> That's correct. This makes it clear. The particular section on the carbon monoxide is a new edition and it is to clarify that, one, they are required where they're located, the source of power to ensure that there isn't an interruption. If you know, I know you do, councilmember, carbon monoxide is a dangerous gas so it's important enough for us as a minimum requirement and so, yes.

>> Renteria: I was wondering also do y'all have -- are there any funds set up for low-income people when they would like to have these kind of carbon monoxide detectors in their rental houses or units?

>> Let me check behind me and see. We can get that information for you, sir.

>> Renteria: I'd sure appreciate that. You know, they do run anywhere between \$20 to \$35 apiece and some San Francisco these other rental low-income people might not be able to afford those kind of detectors.

>> I'll be sure to get that to you.

>> Renteria: Okay. Thank you.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: I have a question. I don't have a working mic.

[Laughter]

[Off mic] I've been silenced. I'm sorry. Yes, it does work. Okay. Director Wright, I had a question about the insect screening. It's my understanding that it is contained within the code but that we have exempted it out, and I wanted to talk through that a little bit.

[5:27:46 PM]

It looks to me as if the stakeholders had provided some comments in support of having that insect screening be a requirement so that, you know, among other things for places that are -- it's my understanding that the bathroom ventilation requirements can be satisfied if there's a window in the bathroom but yet if you don't have insect screening and you're raising your window, you know, that would of course let insects through. And so it seems like a very good idea to have that insect screening clause contained within our code, and I'm concerned about its exemption.

>> Let me have Moses Rodriguez come forward and share with you the information. In the ipmc code book but we did amend it where we didn't adopt it. We had some contents by the stakeholders, the cost of all these apartments. One of my battles was always Zika virus, but as the stakeholders brought up it

was going to be a very costly for them to start bringing it by January and installing all these window screens but I think for the 2018 it can be something we can put on the table again and maybe by then we'll have them all agreeing on all the stakeholders. But it was taking their points and their values to adopt the screens. I always bring up the scenario of an elderly in east Austin, she just wants to open up the window, no screens. We don't enforce it. Other cities do. Even though in this city you can build a house without screens. So irc is the basis of construction. It's not required by code to build one. But it is an ipmc. We just at this time -- we're not putting them in or it's not being adopted.

>> Tovo: Were there any stakeholders who argued for its inclusion?

>> There were some that wanted it.

>> Tovo: It was my understanding --

>> It was a controversial thing and it did start that. We start this in about August 26, 2015, and here we are today in the midst of all that it did get kicked out.

[5:29:52 PM]

>> Tovo: I certainly think it's in the best interests of the residents to have -- to have screens be provided, and so it's -- I'm a little concerned about moving forward with that exempted out.

>> I told it in the building standards commission, I was going to die on that hill but I got overturned on it, so, you know, you pick your battles.

>> Tovo: I understand that.

>> Carbon monoxide was the biggest for me. I really wanted that and addressing, it's always been a big problem since I've been here 12 years working, you go to certain areas and you cannot find it. So I think it can be put back, at least for 2018.

>> Tovo: What is the process? If we pass this today without it, can we bring forward an amendment in interim if we didn't want to have the discussion about it today but could we bring other means?

>> Council could pass a resolution initiating the code amendment process to address this.

>> Tovo: But rather than -- but today here on the dais we could add it back in?

>> Correct.

>> Tovo: But if we pass it today without it, it would be necessary to go through the process, the boards and commissions, et cetera?

>> Correct.

>> Tovo: Are we scheduled to hear this on all readings today?

>> Yes.

>> Tovo: So another option would be to hear it on one reading today and continue to discuss this issue and have this -- have it come back?

>> Correct.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Is there any downside to doing that? Is there a time limit on this?

>> Only thing that would change would be the effective date. Staff by practice puts an effective date on a model code 90 days out, so right now as it stands before you it would be January 1, 2018. If it was passed today. If council passes it on third reading at a different time we would adjust the deadline or the time line accordingly.

[5:31:55 PM]

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: I wonder if that's really necessary if we took it up in a week or two weeks, if we could still have the effective date be January.

>> You can.

>> Mayor Adler: Okay.

>> Tovo: That would be my proposal.

>> Mayor Adler: Okay. You want to make your motion?

>> Tovo: Sure. I move that we approve this on first reading only with to look at the issue regarding insect screening.

>> Mayor Adler: Okay. And this matter comes back in two weeks that the public hearing be closed?

-- Two weeks and that the public hearing be closed?

>> Tovo: That's probably appropriate. I suppose we may have people that want to provide testimony about the insect screening part so it would be okay with me to leave the public hearing open for that purpose.

>> Mayor Adler: Closing the hearing except with respect to insect screening. That's the motion from mayor pro tem. Second to that motion? Mr. Casar makes that second. Any further discussion?

>> Renteria: Mayor.

>> Mayor Adler: Yes.

>> Renteria: Would that also include housing just like a Normal single-family house?

>> It's across the board. Our ordinance is based on commercial, residential, condominiums, across the board. It would be --

>> Renteria: The only reason I'm bringing this up is I hope they don't use this against low-income people that, you know, have a couple screens broken out or are not there and then they start calling code inspection on them. Because we have a history there in east Austin where, you know, there are new people moving in and doesn't like the way these houses look like or how they are upkept and start calling code inspections to harass these people. So I just hope we don't get to that point and if we do implement these kind of -- that we provide some kind of funding for people that cannot afford to go out there and hire a carpenter to put in a screen on their windows.

[5:34:04 PM]

>> An affordable impact, what we did bring up was address, carbon monoxide, and that was the two things that were costly effective. We did not put on screens but that was one of the biggest factors, as people being fined for not having screens and not being able to provide them, because that was another thing we talked to historic also, they would have to go through, if it is a historic home, go through their review.

>> Renteria: That's what I'm afraid of. Because, I mean, I went through a repair and \$34,000 later yes I'm finally getting to the point where once they come in and look at something you've got to upgrade everything up to code and I can afford it, but, you know, I'm just concerned there might be people that, you know, are low-income and cannot Ford those kind of service -- you know, the costs of putting these kind of screens on their doors and windows.

>> Yes, sir.

>> Renteria: But that's all I'm just concerned of. I mean, I approve -- I agree with all should have screens. I make sure all my houses have screens, but -- and all of the I believe in it. But there is a cost associated with that.

>> Mayor Adler: Ms. Houston.

>> Houston: Yes. I have a question about the carbon monoxide detectors. Does the -- does the fire department have any or are there any grants that we could to kind of help with the placement of the carbon monoxide detectors?

>> So I looked into it. The fire department already has in every station, every truck carries about 40 detectors. We're talking about I think the number was about \$40,000 a year that's allocated for low-income when they don't have accessibility to smoke alarm --

>> Houston: Not smoke alarms, carbon monoxide.

>> They provide smoke alarms so one of the things I was trying to sell is they provide a combo, there's a combo existence where they provide a smoke alarm and a courtroom.

[5:36:11 PM]

We looked at whether we'd be able to afford and we'd have to sign just like the fire department does that they leave us out of liability, there's plug-ins, battery operate, different types.

>> Houston: I have one but I think the -- being able to get all of that done in a timely manner by January first I think is almost impossible. So what are the enforcement mechanisms? Do you get a call from somebody saying we don't have a carbon monoxide and then you come out and investigate?

>> Yes. I'll always give out the story about some years back we had a garage apartment that was rebuilt, remodeled without a permit. We do not -- we did not enforce right now in the code carbon monoxide, fire released it. Another person died the next day. So there was two people that died that could have saved a life. When you look at a \$40, \$50, I'm thinking about lives being saved and right now I have no tool to enforce it. It is enforced by fire code, irc code when it's rebuilt, remodeled, 2012 it's been in existence. But for property maintenance, when we go in and do -- we're there for the toilet not working, now there is a gas burner or a stove, we would ask for that. And we're okay, it doesn't have to be hard wired.

>> Houston: Okay. Thank you.

>> Yes.

>> Mayor Adler: Okay. Mayor pro tem has made a motion, it's been seconded. Any further discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais with councilmember troxclair gone.

>> Mayor, so I can clarify two weeks is October 12, correct?

>> Mayor Adler: Correct. Thank you. Council, we have reached now 5:30. So we're going to take the dinner break. 5:37. I would suggest that we come back at 6:45.

[5:38:12 PM]

It's my intent at that point to ask -- first item I'm going to call up is number 52 but I'm going to give people the opportunity at 6:45, if they're speaking on one of the others and want to limit their time to a minute, I will call and let them speak. Otherwise, we'll take their item in return. So I'm going to give people the opportunity to speak for a short period of time and then leave. If they want to have that opportunity. That said, if there's no objection, we'll now break for dinner. Mayor pro tem.

>> Tovo: Just to clarify, at 6:45 they can speak on any item for which they're scheduled later in the session? Is that the idea?

>> Mayor Adler: Or, yeah, hopefully they would also consider grouping themselves. In other words rather than waiting for the hour and a half or two hours it's going to take to call that item, if they want to limit themselves to speak quickly -- and I would make that opportunity open to items number 99 and 103. Ninety-nine and 103. Councilmember alter?

>> Alter: I just wanted to confirm which items we have left so that we're all on the same page.

>> Mayor Adler: We have 52, 55, 97, 99 and 103. I'm sorry? Not 97. That one was taken care of, that's right. Fifty-two, 55, 99, 103 when we come back at 6:45, I'll ask anyone on 99 and 103 if they want to speak for a minute, I'll let them speak, not decide those questions. Then I will call item 52. So 52 will be called about 7:00. Okay? That said, it is 5:59. We're now going to take recess until 6:45. .

[5:41:16 PM]

[♪ National anthem ♪]

[Dinner break]

[5:51:38 PM]

>> Mayor adler:all right. So we are now to my favorite part of city council meetings. If you've been here -
- you know, this is the live music capitol of the world, and I think the only city council I'm aware of in as we can to 5:30 every council meeting so that we can bring a little live music into the room. If you have

watched me and the council over the last will hours, you know why this is our favorite part of council meetings

[laughter] We'll investigator back up when this is done -- we'll gear back up when this is done and feel a little better.

>> Mayor Adler: We have a group today that has groupies with them joining us today is will Dupuy. Will Dupuy is a native austinite who has played music professionally for 20 years, a in-demand musician who plays multiple instruments. He has a personality as big as his signature upright base and as bright as his wide smile. Will has enjoyed local success playing music for preschool children and their parents in a variety of setting, averaging some 300 engagements a year.% a founding member of the south Austin jug band, will has also performed with Bruce Robinson and Kelly Willis. Please join me in welcoming will Dupuy

[applause]

[♪ Music ♪]

[5:56:25 PM]

>> Y'all give drummer some. That's lefty on the cahone.

[Music]

[Music playing].

>> Thank you so much.

[Applause].

>> Mayor Adler: Thank you. So if anybody is watching this on TV or here tonight and they want to find you, do you have a website or something like that?

>> I D it's -- the address is mrwillmusic.com.

[5:58:30 PM]

>> Mayor Adler: Okay. And if they want to come hear you play, is that -- are your gigs open other than at schools? Where can people find you?

>> We play all over town. We do a series of library shows. A lot of the h.e.b.'s. We've got a very busy fall coming up, really all over town. You can go to that website and get all the updates on where we'll be. And of course Facebook and Instagram and all that stuff.

>> Mayor Adler: And if they want to get you guys playing is there a place they can get recordings, the music?

>> Yeah. We actually have three kiddo CD's we've made so far and working on the fourth one. We did the drums and bass just last week. So moving right along.

>> Mayor Adler: 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 supports good music produced by legends, our local favorites and newcomers alike. And whereas we are pleased to showcase and support our local artists. Now therefore I, Steve Adler, mayor of the live music capitol, do hereby proclaim September 28th of the year 2017 as will Dupuy day. Congratulations.

[Cheers and applause]

[6:00:34 PM]

>> Thanks so much.

[Applause].

>> Mayor Adler: All right. If I could have everybody's attention, please. We have another proclamation. This one is for Susan Janek. She's going to accept this proclamation. Be it known that whereas Austin is one of the most flash flood prone regions in the United States. And whereas Austin has a nationally recognized program for flood, early warnings and whereas Susan Janek was the lead engineer of Austin's flood early warning system for more than 12 years.

[6:02:42 PM]

And whereas the national hydro logic warning council has recognized Susan with the 2017 outstanding service award. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim September 28th of the year 2017 as Susan Janek. Congratulations. Do you want to say something?

[Cheers and applause]

>> Thank you.

>> Mayor Adler: Thank you. We'll take that. Yes, go ahead.

>> Thank you, Mr. Mayor. Representing and on behalf of the national hydrologic warning council board of directors and membership, I would like to present this award to Susan for her outstanding service not just in 2017, but for many years before then. Thank you so much.

[Applause].

[6:04:51 PM]

>> Mayor Adler: Okay. Councilmember alter and I want to present another proclamation be it known that Dell technologies is thrilled to partner with the PGA tour to bring the 64 top ranked professional golfers from around the world to its hometown for the third year in a row offering an incredible experience to all who attend while also generating significant charitable proceeds for charities dedicated to promoting youth development in underserved communities of Austin. And whereas the world golf championships, Dell technologies match play tournament, has generated more than two million dollars for charity in its first two years of Austin, benefiting the Austin parks foundation, the boys and girls club, first tee, helping hand home for children and keep Austin beautiful. And whereas tickets go on sale to the public this week for the world golf championships Dell technology match play taking place between March 21st to 25th, my birthday, on 2018. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, together with councilmember alter on behalf of the full council year 2017 as Dell technologies match play day. Gentlemen, what would like to say something?

>> Thank you very much, mayor and councilmember alter. And all the council. And in particular the city staff. We're very grateful for the police, the fire and the ems folks on the special events team. This is our second year in 2017.

[6:06:52 PM]

We're looking forward to the third year as the mayor mentioned a whole lot of folks have been involved and we're getting to bring a lot of charitable contributions back to the community to five wonderful youth non-profits and they're reflected behind me today. We also want to thank the Austin country club for hosting the event. We have a host committee, the PGA tour represented by Jordan Uplinger here today, all the volunteers, local food vendors. We don't have music yet. And the sponsors who have all helped make the event so successful. We love our town. Since Michael Dell founded the company three decades ago in a dorm at UT, Dell technologies has grown to 140,000 folks around the

globe. Our nearly 16,000 folks here in Texas dedicated more than 200,000 volunteer hours last year and they donated more than \$13 million to local charities. We're very excited to be the sponsors and look forward to next year and look forward to seeing y'all out there. Thank you.

[Applause].

[6:09:08 PM]

>> Houston: I'm Ora Houston, I'm the city councilmember for district 1. And I'm also a survivor of economic violence so it is a pleasure for me to present this proclamation. Be it known that domestic violence is a serious crime that affects people of all ages, genders, economic levels, and whereas domestic and sexual violence is an immense problem in our city. In 2016, safe served 5,058 individuals, including 3,627 people who experienced violence and 1,732 people who experienced sexual assault. The Austin police department victim services had 7,784 initial and follow-up contacts with victims of domestic violence. And whereas in 54% of mass shootings in the United States between 2009 and 2016, the perpetrator shot a current or former intimate partner or family member, and only a coordinated community effort will put a stop to and prevent such heinous crimes and whereas domestic violence awareness month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to that end we urge all citizens to participate in the activities planned by the Austin/Travis County Family Violence Task Force, Austin Police Department and the Safe Alliance and community organizations during this month. Now therefore Steve Adler, mayor of the city of Austin, proclaims October 2017 as domestic violence awareness month in Austin, Texas. Please come -- where did you go?

[Laughter]. Please come forward and accept this proclamation.

>> Thank you, thank you, councilmember Houston, thank you, mayor Adler.

[6:11:08 PM]

My name is Kirsha Havelah and I'm the chair of the family violence task force and it is an honor to be here among my distinguished colleagues from the Austin Police Department, from the Safe Alliance and from Travis County Juvenile Probation. Cynthia would like to say a few words. Thank you.

[Applause].

>> Hi. Thank you for giving us this time. So the seventh annual Lawyer Rights Safe Up for Families Parade is hosted by the Austin/Travis County Family Task Force. We invite the community to come out to this

free, fun, family friendly event. We encourage y'all to wear purple, come out and join us. Let's come together as a community. Speak up and speak out against domestic violence. Let's show all individuals they have a right to save families and relationships. We hope to see you there October 10th from 5:30 to 7:30 at the Texas rowing center. Thank you. And now presenting detective Barger.

>> Good evening. I'm detective Barger with the Austin police department family violence crash unit. I'm joined by our crash team officers and our sergeant and chief of police chief Manley and some of the victim services counselors. Some of our service goals are to provide an increase in awareness about family violence. Proactively work to reduce violence and to provide each victim with the maximum protection available under the law. In addition to that, we collaborate with our victim services counselors who work to provide and inform victims about available resources and develop safety plans to stay safe. Thank you.

[Applause].

>> Hi. My name is Kelly white, the CEO at the stave alliance. I want to say a potential thank you to our -- a special thank you to our officers here from APD and I want to say a special thank you to councilmember Ora Houston who spent years serving on our board of directors, answering our hotline and standing up for survivors of domestic violence.

[6:13:13 PM]

Thank you.

[Applause].

>> Domestic violence is real, it is too often deadly. It has repercussions across generations and services are available here in Austin. In 2016 safe provided direct care for 6,268 youth and adults. We answered 13,000 hotline calls, provided 112,465 nights of service in our two 24-hour shelters and 96% of the people that we served told us that they had an increased sense of safety. That's what we are about. Safe is open to everyone regardless of legal status, regardless of gender identity or anything else. Call. You can call our safe line or go online to chat 24 hours a day. Our safe line, 512-267-safe. And you can chat at safeaustin.org/chat. Thank you.

[Applause].

[6:15:50 PM]

>> Mayor Adler: We have another proclamation. Be it known that whereas Austin energy is a customer-driven and community focused public power utility which brings low cost, safe and reliable electricity to community homes and businesses just as it has since 19 -- since 1895 when the utility was created to serve all the residents of Austin, Texas. And whereas we the residents of Austin, Texas place high value on local control over community services and therefore have chosen to operate a community owned not for profit electric utility and as customers and owners of our electric utility can have a direct say in utility policies and practices. And whereas Austin energy is a valuable community asset that contributes to the well-being of the local citizens through energy efficiency, customer service, environment tall protection, economic development and safety awareness. And whereas our community joins hands with more than 2,000 public power systems in the United States with this celebration of public power. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim October 1st through 7th of the year 2017 as public power week. Now speaking for Austin energy our manager, director Jackie Sargent.

>> Thank you, mayor. Safely delivering clean, affordable, reliable energy and excellent customer service is a 24/7 job. Day or night, rain or shine, our employees are making a difference and making sure the lights stay on. Austin energy proceeds more than electricity to the communities we serve. Because as a public power entity we are customer driven and community focused.

[6:17:52 PM]

For example, we provide assistance for low income customers, we provide tools and programs to help customers manage their electricity usage and we are committed to reaching our goal of 65% renewable energy by 2027. All while keeping electric bills affordable. Austin energy is staffed with dedicated employees who care about our customers and take pride in serving this city. Our employees show this commitment to Austin day in and day out. I am so proud of their continued hard work and dedication. Public power week is about you. Our recent example of the great work our employees do is safely reconnecting power after tropical storm Harvey made its way through Austin. Our crews restored electricity to over 79,000 customers, replacing numerous power poles and reinstalling downed power lines. They helped customers with broken tree limbs and vertuna just service issues -- and various service issues. And our crews made the repairs and quickly and safely as possible. And during the storm our team answered thousands and thousands of calls. Because we are community owned, because we are public power, we are committed to providing superior customer service. Thank you for taking the time to celebrate public power week 2017.

[Applause].

[6:20:12 PM]

>> Mayor Adler: And we have a proclamation. Be it known that whereas the city of Austin recognizes that it has a vital role in identifying, protecting its citizens from and responding to cyber threats that may have significant impact to our individual and collective security and privacy. And whereas critical infrastructure sectors are increasingly reliant on information systems and technology to support financial services, energy, telecommunications, transportation, utilities, health care, emergency response systems. And whereas maintaining the security of cyberspace is a shared responsibility in which each of us have a critical role to play and awareness of computer security essentials will improve the security of the city of Austin's information, infrastructure and economy. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim October of the year 2017 as national cyber security awareness month. Important week. And here to talk about it and to accept this award is Kevin Williams.

>> Thank you.

[Applause].

>> Hi. Man, I'm so excited for this I came in from vacation. So I'm Kevin Williams, I'm the city's first chief information security officer. Started about a year and a half ago and nobody had my job before then, so I've been striving for the past year and a half to increase the standardization of how we do security operations and policy and procedure and what you have at the city. And as we start implementing large scale projects such as like our smart cities initiative, topics such as security risk and privacy will become more important and relevant. I hope this will be the first of many conversations I can have with you and council of how we can strive to secure the great city of Austin.

[6:22:12 PM]

Thank you.

[Applause].

>> Mayor Adler: This is a fun one and an important one and it's closing out our proclamations this evening. We have a proclamation be it known that whereas the city of Austin through its small business program fosters job creation by providing education and assistance to aspiring entrepreneurs and established local business owners. And whereas in support of this mission the city partners with the UT at Austin's professional development center to offer expert cost effective training to area small businesses. And whereas the city and the university of Texas jointly recognize participants who complete a series of classes to build a core set of business skills. And whereas the purpose of the business skills certification is to encourage further success of existing and aspiring business owners in the city of Austin, Texas throughout the year. So now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby officially recognize the 2017 business skill graduates on this 28th day of September in the year 2017.

[6:24:25 PM]

Congratulations.

[Applause]. So tonight the small business program, which is a division of the city of Austin's economic development department, celebrates the 12th graduating class of the business skills certification. It is no surprise that Austin is consistently ranked amongst the top cities for small businesses. It's due in part to these local entrepreneurs who we're about to honor who make Austin unique. The city of Austin values the important contributions small businesses make towards job creation and economic sustainability. Tonight's recognition is offered in partnership with the university of Texas center for professional education. This collaboration demonstrates a commitment to helping business owners develop critical skills for both expansion and growth. We have with us tonight 12 individuals who have completed six business education classes in 2017 to achieve their building skills certification. Congratulations to all the graduates. We celebrate each of you and will share your success as a shining example of the entrepreneurial drive for which Austin is known. So now I want to invite joy Miller, who is the program manager for the small business program, up to honor these graduates.

>> Thank you, mayor. I was going to have you take pictures with each one if that's all right.

>> Mayor Adler: That would be great.

>> Good evening. On behalf of the economic development department I want to thank you all for being here tonight. Congratulations to our graduates on this accomplishment.

[6:26:25 PM]

Graduates, you've worked hard and now you have more tools to take your business to the next level. Is a division that serves Austin entrepreneurs. Our partnership with the university of Texas center for professional education supports the growth of new and existing businesses with classroom education. We cover in-demand topics like accounting, marketing and writing a business plan. Over the last eight years the business skills certificate program has served over 7700 entrepreneurs with knowledge and skills to grow their small businesses. As mayor Adler just stated tonight's graduates have taken a minimum of six classes to get this far and we know it will help them better manage their small businesses. So congratulations. Now I'll present our honorees. And if there are family members in the audience when your honoree is called please join the picture with the mayor. All right. We're going to start. Colleen Daugherty. Bryant evangelista. Don't go too far. We'll do a group picture too. This is Bryant Evangelista. Sonya Hamilton.

[6:28:49 PM]

Calder cayman. Giving you a little aerobic exercise. Wendy Meyers. Andrea Rodriguez. I think we have some budding entrepreneurs with her tonight. We know that building a small business takes a family, right? That's the way it works. We're supporting families. Rebecca Rodriguez.

[6:31:18 PM]

Sharon sparrow. Tammy Williams hill. Sky Yeary. Are there any graduates that came in late that we didn't get to talk to? Okay. I wanted to say special thanks to our mayor and council who consistently provide support for the small business program. They allow us to do for our businesses what we're doing tonight amongst other things. Our department director, Kevin Johns, our program manager, Vicky Valdez, and the small business program staff who consistently strive for excellence as they work with Austin area entrepreneurs and small businesses. They're a wonderful team. Now if we could have just the graduates come up for a picture with the mayor as a group.

[Applause].

[6:34:08 PM]

[Applause].

[7:10:29 PM]

>> Mayor adler:all right. We're back from lunch -- dinner, music. It's 7:10 we'll reconvene this meeting. We're going to try to reclaim some time here on items 99 and 103. Are there people that want to speak now for one minute as opposed to the three minutes that are allowed to them? On item 99 or 103. Yes? Come on down. Tell me your name and which number you're speaking to.

>> Whitt Featherstone, item 99, I'm opposed to it. I'm a third generation austinite and also a architecture. It says no other advisory board requires a super majority and I think that's for a good reason. You're talking about taking away people's priority rights. A lot of times that's the investment of

their entire family. I think that that super majority is appropriate in that manner. Also I think we need to maintain the interpreting of the historic landmark commission. The mission is to preserve, enhance, perpetuate the properties of historical, cultural, architectural and archaeological merit, lot of big words, and that is appropriate if we're going to put historic zoning against a property against their will.

>> Mayor Adler: Next speak.

>> Item 99, my name is Jeff Munoz, I live in the east Cesar Chavez neighborhood. Part of district 3. I'm here to urge you to vote no on agenda 99. I want to start by saying that my family has lived in the neighborhood of east Cesar Chavez since my great grandfather built the house in the 1930s. Which still stands today.

[7:12:31 PM]

Although I appreciate the value of conserving the cultural heritage of our neighborhood, it is more important for me and my family to preserve the ability to self-determine what is best for our property. Many people rely on their homes and their increased value as a, quote-unquote, 401(k) Retirement plan, and you severely diminish that value when you deem our property historic because of what it does to the property value. The responsibility is yours to prove beyond reasonable doubt or a simply majority that the historic value.

[Buzzer sounding] Is more important than our ownership's rights especially as a single residential family level.

>> Mayor Adler: Thank you very much. Next speaker?

>> Mayor, council, my name is Scott Marx, with the old west Austin neighborhood association. I'm here in support of 99. I really urge you to vote in favor of this. I didn't think I'd ever stand before the city council and argue that we should make Austin Normal, but this should -- that's all this really does, is it just normalizes our code to make our code like our peer cities. That was a question that councilmember alter asked, and that was the answer that our peer cities do not have a super majority requirement. Unfortunately what's happened with the super majority requirement over the past couple years is that buildings are being demolished like potential the montopolis Negro school. Based on a technicality of who shows up. And you and I might disagree about which buildings should be preserved but hopefully we agree these buildings should be -- they should be -- their fate should be decided based on the merits of architecture, community value and associations between buildings and people that are in our preservation ordinance.

[Buzzer sounding] So I urge you to vote yes for 99.

>> Mayor Adler: Four of the young adults I think that wanted to speak?

[7:14:34 PM]

For -- that want to come up and speak for a minute?

>> My name is

[indiscernible] Garcia and I'm here to speak about 103. Gap. I'm here today as a young Latino leader to represent families impacted by sb-4 and my community. As a child I went through challenges I would not wish on anyone. When I was ten years old my father got deported. We got kicked out from our house, lost all our belongings and all we had left was a car. We will be out on the streets late at night driving from one end to another to go to a aunt's house or seek help from churches. During that time I had to be late out at night past the juvenile curfew time, not because I chose to but because I had to. Now, the question I impose for y'all is what would you do if you were in my shoes? What would happen if because I got stopped because I was outside pass the curfew time I got a -- a class C misdemeanor and how would that affect my family and me and as a senior today who is going to go apply for college?

>> Mayor Adler: Thank you very much. Thank you. Next speaker.

[Applause]

>> Good afternoon. My name is Kevin Alvarez and I'm from the youth rise organization. I'd like to start off by asking all of you a question. How are you protecting us by giving us a class C misdemeanor and exposing us to the criminal justice system when most of our parents work really hard day in and day out trying to stabilize themselves so they can pay their bills and also support us? Problems in Texas are rising and we should start by you being able to understand that not all of us are able to just go to school, come out and be good to go. Most of us have to go to work. And instead of assuming that we're going to do something wrong, we should be able to properly communicate with us. And I can't stop thinking of how important it is that the minors that are here today working are going to make up 100% of our future.

[7:16:43 PM]

And if we want to make our nation stronger, we should start by not giving us a class C misdemeanor and changing for us all the bright and intelligent youth that is out there and fix the world for a better nation.

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

[Applause] Next speaker. Good afternoon, my name is Garson, I'm from youth rise Texas. I'd like to apologize for bringing myself in soccer gear because I came from practice. Let's talk about the class C misdemeanor if they are out by the police at a certain time of night. I believe it is unnecessary to expose

the child to a criminal system for what could have many possible back stories. I myself have had friends who have gotten these misdemeanors and ended up in harder situations to get jobs or into their dream schools. Which saddens me and just makes me think it's deeply unnecessary to renew this law that punishes underage people for what could be things as coming back from work or maybe even trying to attempting abuse at home. Thank you for your time and I hope you take this into consideration.

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

[Applause] Thank you, all. Okay? Thank you. Come on down. We'll alternate sides here. Fred, auto F you'd come up to want podium too.

>> My name is Allison McGee, on the board of directors of preservation Austin. I'll be brief. We are in support of this code amendment change as has already been mentioned, none of our peer cities in Texas require a super majority of their landmark commission to start that process and we haven't found any other equivalent city in the United States that does. This would still leave a super majority vote requirement by city council in order to finalize designation against owner consent, but it makes our landmark commission the same as our peer cities.

[7:18:49 PM]

So thank you very much.

>> Mayor Adler: Thank you. You speaking on 99 or 103?

>> Ninety-nine. I'm in favor. Basically, we affect people's property rights. Y'all do all the time. Their taxes, what's funded, and is you don't use a super majority requirement. There doesn't seem to be my real reason to have it in this instance. And the other thing is if we hadn't have had it for the historic preservation commission, we wouldn't have had this drawn-out fight over the Montopolis Negro school, which was really unnecessary, should have been taken care of a lot easier. Thank you.

>> Mayor Adler: Thank you. David.

>> Thank you, mayor, mayor pro tem, councilmembers. Speaking on 99. And I'll just say ditto to what Fred just said so I'm not wasting your time but I also want to point out that the -- even if the historic landmark commission votes to approve zoning, historic zoning on a property against the owner's wishes they can still appeal that to you. You still have the final say on that. And I think that that's -- gives them the protection that they need to make sure they have a full hearing to protect their property rights in a way -- to weigh that against the community's interests in preserving historic sites. Thank you very much.

>> Mayor Adler: Thank you.

>> Hi. Adam Kahn, speaking in favor of item number 103, though before I start very strong plus one on the two opponents to 99 that I've heard so far. As far as 103 goes, I was shocked when I learned that this was even a policy in Austin. This seems like the type of thing, restrictions on just the free movement of citizens that haven't done anything wrong that should not be done in the United States as a matter of general principle. So I'm very glad that you guys are addressing it. I, again, was shocked that this was even an issue before, but by all means let's get rid of it.

[7:20:50 PM]

This is frankly absurd and somewhat creepy. You know, in Houston they had curfews after the hurricane for I believe, what, two or three days. That might be an appropriate case for using it, but certainly not as a general ongoing regular policy. So thank you for your consideration of this issue.

>> Mayor Adler: Thank you. Please.

[Applause]

>> Megan [indiscernible]. I support item 99 also and think it will make our historic landmark commission function much better than it has been. Thank you.

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

>> Andre [indiscernible] With the Austin board of realtors and I'm here to register our opposition to item 99. We believe that it's important for potentially historic properties to receive a fair hearing, and we support the Austin -- planning commission's recommendation to adopt a system of alternates to ensure that there's a full body present at the historic landmark commission to hear those cases, and we're concerned about lowering the bar for protection of people's value and their life savings and their property. Thank you.

>> Mayor Adler: Thank you.

>> Good evening, mayor, council, my name is Ken president of education Austin, employees' union for aid. I want to clarify I'm speaking against 103 I put in for but it's against the renewal of the policy. It's very important, as I dealt with and worked with children and young people for 12 years, as a medical school teacher at Burnet Medical School in north central Austin, it's important that we don't enter our kids into the school prison pipeline. It's very important that we don't do things needlessly and to have a curfew needlessly puts them into that pipeline. We need to think about how we deal with children, what the grownups coming into an engagement with children, what baggage they're bringing to that relationship that exacerbates problems.

[7:22:59 PM]

We don't believe that a curfew solves problems, actually data shows it doesn't solve any problem. We need to actually get at what the issues are and be willing to address it with services, supports, and education of grownups so that these engagements.

[Buzzer sounding] Aren't so negative. Thank you very much. Please vote against 103.

>> Mayor Adler: Thank you.

[Applause] Council I'm now going to call up item number 52. I think that there are going to be amendments from both the mayor pro tem and from Ms. Houston. I'm going to lay out draft two at this point so there's something laid out and I'll address it just for a second before we go to public comment. I make that motion. Is there a second to the motion? Ms. Kitchen second the motion.

>> Houston: Mayor?

>> Mayor Adler: Yes.

>> Houston: I would like to move a substitute motion.

>> Mayor Adler: Do we want to hear the public testimony first?

>> Houston: No. I want to do it now.

>> Mayor Adler: Okay. Ms. Houston moves a substitute motion. I think it's been handed out on the yellow pages. Is there a second --

>> Houston: No. My substitute motion is to postpone.

>> Mayor Adler: You're just moving to postpone.

>> Houston: Moving to postpone.

>> Mayor Adler: Okay. Ms. Houston moves to postpone this item. Is there a second to the motion to postpone? Ms. Garza seconds the motion to postpone. Is there any discussion?

>> Houston: If I may, mayor. Y'all have done a wonderful job of listening to all of the concerns people have had regarding the various parts of this puzzle that we've been dealing with over the last -- intensely over the last couple of weeks and days, and we get amendments and different amendments, and so I appreciate you trying to encapsulate all the things that people are asking for, but there's still a lot of questions that I think people in the public have about what this really means and the pieces of the puzzles.

[7:25:08 PM]

People have suggested that we break up the puzzle in different pieces so that we can vote on that. That may be an option. The other concern that I have is that councilmember troxclair is not here and would want to participate in this conversation. I'm still not understanding, mayor, what is so urgent that we pass it tonight? And I don't know that you've explained it to the satisfaction of the public. You certainly haven't explained it to my satisfaction, why we cannot postpone for a couple of weeks and then give everybody time to understand the process to look at all the different resolutions and amendments that have been handed out so that we can make some informed decision. So that's why I'm moving to postpone.

>> Mayor Adler: Okay.

[Applause] I guess the way that I would respond, Ms. Houston -- well, I'll let Ms. Kitchen talk first.

>> Houston: Well, I would really like to hear why it's so urgent why we do this today from you and it's your motion.

>> Mayor Adler: Okay. I'd be happy to. The motion that is presented is a motion that doesn't commit the council to anything and it doesn't make any decisions. It asks for information. And that's all that it does. We're finding that in the conversation that the community is having, there are a lot of questions that we have on the dais. There are questions we have in the community. There are people that are answering the questions in the community in very different ways. So we have part of the community believing one thing and part of a community believing a different thing, and it's really hard to have a conversation at all about whether or not there's a tool to get us \$325 million for projects if we don't have answers to the questions. So what was intended by this was just to say, let's get some answers to the questions so that we can in fact actually have a conversation about the different choices that are presented.

[7:27:12 PM]

It's just asking for information. And any councilmember who is not here today, councilmember troxclair is not here today, there's a provision that lets her add questions that need to be answered, if that's something that she wants to do. So because this is just saying let's get information and answer questions, I think it's appropriate for us to move forward to this conversation -- this conversation has been going on for a long time. It's taking up a lot of time or a lot of people in the community and otherwise. It's a simple request to get more information so that we can answer questions.

>> Houston: Mayor, I certainly understand the need to get more answers to the questions that all of us are posing. The question that I asked you was why is the urgency to pass it tonight? Why can't the same questions be discussed in two weeks?

>> Mayor Adler: Because we can't really discuss any of the questions now because we don't know any of the answers yet.

>> Houston: It's the pieces of puzzles that people are confused about.

>> Mayor Adler: But at this point we're just -- the goal is just to answer all the questions that all the people have. Ms. Kitchen.

>> Kitchen: I certainly appreciate people's concern about wanting time, but I think the time -- the time that we're -- that we want is time to talk about the information. And so what -- the way that I think about it is is that our staff needs our direction that we want them to go forward and spend the time it takes to get us this information. So that's one of the reasons why I'm ready to move forward. The second thing is, is there's at least one -- one of these items that I want to make it really clear that we need to get moving on, and that's the one related to the waller creek tif. So I just think that as we -- if we -- I don't see that continuing to delay making a statement to our staff that we want them to go and gather information to help us vet these different potential projects and that we want to be really clear that we need to move forward with the vetting that they're doing and the information gathering they're doing for us with regard to the waller creek tif, I just think that's important and so I'm prepared to move forward today.

[7:29:41 PM]

>> Renteria: Mayor.

>> Mayor Adler: Mr. Renteria.

[Applause]

>> Renteria: You know, when I see there's over 200 citizens that are for this right here in this chamber here that had signed up, whether they're wishing to speak or not, I think we should give them the courtesy and give us the direction that we're looking for. And I think they're saying that they want us to continue this and bring that information back so we can make a decision on this very important project that, you know, we can fund a lot of different -- we can do our historic preservation funding, we can do a lot of -- help the homeless, the creative art, red river. There's a lot of possibility, and if we don't know what to do or what the right answer is, then if we don't ask the -- our staff to go and research this information and come back to us, then I think we're doing a disservice to this city.

[Applause]

>> Mayor Adler: Further discussion? Further discussion on the motion to postpone? Councilmember Garza.

>> Garza: I signaled support for a postponement at work session, and so I'm happy to vote for that and vote yes to that. I don't think it's going to get postponed. I think we are -- I feel better about the place that we are. I think there's been significant changes, thank you, mayor, for the changes that you've agreed to, but I do have to say a lot of the discussion around this issue I feel has been really unfair to our community because it has been presented in a way -- different ways depending on which group you talk to. In an all or nothing kind of way. I think it has set up some false expectations. There's these very complicated issues of financing and what's allowed by our bond counsel and whether we can fund something from this bucket to that bucket, so I support moving forward, but I also think it's important, as we have these really complicated discussions that we are very transparent with our public and it is presented in a way that says these are some options, but this is really complicated and there's a lot of different buckets of money and whether we can use that or not.

[7:31:55 PM]

And that's just -- as this discussion continues, I hope that we can agree to be -- come from that place of transparency and not setting up false expectations because I know every single one of us supports doing everything that this might be able to do, but we're not sure if it can. Some of us weren't ready to commit to things without that uncertainty, but I do think we're in a place where it is just getting more information and I do support that.

>> Tovo: Mayor, I just couldn't agree with my colleague councilmember Garza more, and I at some point hope that we can talk a little bit about the process and what we might learn from it. But I want to say to the folks who are here, we have -- we did have a work session yesterday, and several of us proposed some amendments -- thank you again to the mayor for incorporating those into the document, and we've had a few more discussions and more amendments throughout the day, but you can see these online if you go to the council message board, you can see both the mayor's most recent draft and then some proposed amendments I and a couple others of us have made to that draft. So if you want to follow along sort of where we are, I believe, in the conversation now, that might help frame your remarks. In terms of councilmember Garza mentioned that there are still quite -- and maybe the mayor did as well, there are still quite a few questions. When we started this week we had a resolution that was really quite directive and I know we may disagree about whether or not that was the case, but it is the fact that the resolution was directing our city manager to come back with documents that would help execute certain things, even though I'm not sure that our staff would have known what to do somewhere W some of those directions because there are so many questions, for example, around a potential geographic expansion of a tif, whether it can be framed in a way that it would actually fund housing. And then every piece of -- every piece of the -- that we've been discussing really generates those kinds of questions.

[7:33:56 PM]

So I would also just suggest if you're here for this item that you take a look at the questions and answers on our council agenda. If you go to the page that has our council agenda you'll see some of the questions that have been submitted with relationship to number 52 and you'll see a couple dozen about the T pid, a dozen or so about asking really particular questions, most of them I think I've submitted about different funding options for the mexican-american cultural center and how those would work and which might be the best. I mean, we have, I think, as a council in the last week or so, you know, submitted some good questions. We had about a seven hour work session. We haven't begun to answer the questions that I think we would need to to make good choices about which funding options are best for which projects. So, you know, I would -- I guess I, too, would just ask for your -- ask you to understand that we are, in my opinion, really trying to exercise due diligence on these issues and make sure that we have the information we need to make the best decisions for this community. But I also am really glad that the resolution draft we're working with states some real firm commitments to expanding the mac, to finding designated funding streams for homelessness, perhaps a conservancy expansion will play a role in that but we are also now directing our staff to look at some of those other alternatives we know are out there, certificates of obligation, some of the other things. So I also had requested a postponement but we've I think at this point, with the changes that the mayor accept, I'm comfortable moving forward today because we are not, you know, at the end of the day, making a decision about whether or not to expand the convention center, which I have to say is going to require some conversation. We have really not talked about that as a council. And so I would -- I would -- I can't in good conscience make a decision that will be \$590 million of anybody's money, even if it is hotel-motel tax hotel occupancy tax dollars without having a really thorough conversation as a council.

[7:36:01 PM]

I think that where we are now is good and that's a long explanation, but I just feel it's necessary to explain to the community. I know some of you expected and hoped that we would have all of these pieces moving forward and decisions on all of these issues by the end of August, and that just -- in my opinion, didn't account for a conversation among council. Because we have only just started that conversation. And so thank you.

>> Mayor Adler: Any further discussion on the motion to postpone? Councilmember alter.

>> Alter: Actually, I have a parliamentary procedure question.

>> Mayor Adler: Mm-hmm.

>> Alter: So I'm open to having the discussion tonight and seeing where we get. I think we've made some progress. But I don't want to -- I don't want to foreclose the opportunity by parliamentary procedure we could go back to postponement if we don't feel we end up at the right place. I just -- I'm just wondering if we vote no on postponement does that mean that we cannot postpone tonight if we don't feel like we've got renew to where we want -- we've gotten to where we want or can we have another motion at a later point tonight? Does that make incidence.

>> Mayor Adler: I think if there's -- usually you have a motion to postpone, you only have one. If there's a change of circumstance, I would say now would be the time to postpone it if we're going to postpone it.

>> Alter: Is that ruling from --

>> Mayor Adler: That's my ruling.

>> Alter: -- Legal department? Or from. . .

>> Mayor Adler: She says we can make it later.

>> Alter: Thank you.

>> Mayor Adler: I'll call for that motion later if someone brings it.

>> Alter: Okay, thank you.

>> Mayor Adler: Any further discussion on this motion to postpone? Those in favor please raise your hand.

[7:38:01 PM]

Garza and Houston. Those opposed please raise your hand. It's the balance of the dais. Okay. The motion has been moved and seconded. Before we go to the public, I want to address it myself. And give other comments on the dais the opportunity to be able to do that and then let's get into the public testimony. This is the first item we have, item 52. The first 20 people will get three minutes to speak. Everybody after that gets one minute to speak. If you have borrowed time from somebody, it's at a minute time. That's our rules. I did call some items out of order, 99, I think, and ten three, but those were just for people who wanted to not get three minutes and were willing to take just one minute. Now we're back to the Normal order and that's why we're back to number 52. This conversation associated with number 52 is one that is being discussed in many parts of the city. For me it's a question of the staff made a presentation that indicated that there was \$325 million that we could spend on finding a dedicated funding stream for homelessness. Finally getting a dedicated stream for music scene in city, the money for historic preservation in addition to whatever other money that we would find.

Money for the mac potentially in addition to whatever other money we could find, money potentially for mex mexicarte or genealogy museum at the carver or one of many different things that we could look at, money for possible expansion of the expo center.

[7:40:08 PM]

The only way -- however much money we can find for these things is separate and apart from whether we also want to access whacked be we were told by our staff 325 mislead of additional money that doesn't come from taxpayers. When I ran for this office as I'm sure all us did, we hear from constituents and from people that want things done in the community and all too often in this job we're having to say we can't find the money to be able to do that. We have the potential to open up access to \$325 million. And I would like us to be able to consider that. But it was apparent in the conversation that there were a lot of questions that we didn't have answers to. So before we can that I can vote to decide whether or not this is something we want to do we need to determine whether or not there's money here that can be used for -- for homeless, capital money, all the questions that we're hearing different answers to, we need to answer those questions so that we can in fact have a a full-time conversation and that's why I would appreciate my colleagues' support in elect us get that information so we can have that conversation so we get the questions answered. So the motion today is with the assistance of the mayor pro tem and councilmember kitchen, is to get us to that place without deciding any of the questions, but just to get us as much information as we can while expressing an intent to move forward on things as the mayor pro tem said. Does anybody else want to say anything before we go? Okay. Then let's start.

[7:42:08 PM]

Gerard Kinney first up. Peter Mullin is up next.

>> Thank you, mayor and members. I had no idea I'd be the first person to speak. Well, as you all know because you heard me say it, I'm an enthusiastic supporter of the idea of expanding the consequence, which -- convention center, I should not necessarily make this a part of that but in my mind it's a very important part of this. And the one thing I want to say tonight and I'm happy to see some language in the revised resolution that does address some of my concerns and you've heard them before, that when we expand the convention center, we need to keep the waller grid open, we need second and first street to continue through, we need to have active pedestrian uses at the street and the expansion needs to be above that, not blocking off the streets the way our current convention center does. And a part of it should be a remodel of the existing convention center that allows it to be more pedestrian oriented at its ground floor. So I think those urban design principles are the part of it that I'm

addressing. Others will address all other parts, but those parts of it, the urban design issues, are very, very important to the success of the -- of an expansion of the convention center. So I hope you'll keep those things in your mind as you go forward. Thank you.

>> Mayor Adler: Thank you. Peter Mullin. You have donated time from John Rigdon here and Melissa Aiella. You have five minutes.

>> Great, thank you. My name is Peter Mullin, CEO of the Waller Creek Conservancy. Thank you for your time. I want to first thank the mayor for initiating discussion and for the council for engaging in it.

[7:44:13 PM]

This is not easy stuff. This is really complex, complicated set of issues, but on the other hand, there's the opportunity for us to do really tremendous things for our community broadly and I think we -- it's great and important that we're taking it on and that you are taking it on to try to solve them. We are in -- the Waller Creek supportive of the resolution, both in its draft form and also I think in the form in the amendment that I've seen. In part because it represents a path forward for -- to fulfill the vision of the Waller Creek chain of parks. This is something that we've been talking about for a long time, and the current proposed extension of the Waller Creek TIF would enable us to actually fulfill that vision. So it's a huge opportunity for us, and we think for the city, and we want to take advantage of that. I will also say that we are supportive of the resolution also because of all the other important community needs that the resolution proposes to address. That are consistent with the conservancy's mission. You know, the funding for homelessness in particular is something that we desperately need. It's a crisis in our city, and we need to solve that. But also all the other things, historic preservation, parks, our cultural heritage assets, all these things. The fact that we have the opportunity to provide dedicated sources of funding for them is crucial. And you'll hear later tonight I think from someone who will read from a joint letter of support for the resolution, we are signatories on that joint letter, and one thing that I will say about this process is that we have had the opportunity to work with stakeholders from -- and advocates from all these other areas, people who are focused on homelessness and parks and historic preservation and we have found incredible connections and found ways to work together and to me that's been an incredible byproduct of this process so far.

[7:46:27 PM]

I hope it will continue as this process moves forward. It's just a demonstration of what we can accomplish if we all work together and build consensus so I really hope that the council votes to move this package forward so that we can work on it together. Thank you.

>> Mayor Adler: Thank you. Next speaker is Marty Mccullough is Marty Mccullough here? What about Rodney cibis. What about forest priest? Adam Kahn? Mike canati is on deck.

>> Hi. Adam Kahn, testifying in opposition to this item for a number of reasons. When this was discussed about a month ago, I laid out several issues that I have with this project. They haven't really changed but they've kind of shifted a little bit in the focus. One thing, you're going to hear a lot of testimony about why expanding the convention center is a bad idea. I'm just going to plus one on all that for most of the same reasons you're going to hear from other people. But when I testified a few weeks ago, I said that the -- one of my biggest -- big concerns was increase in the hotel occupancy tax and the impact of that. When I testified then, I was not -- didn't remember that this was actually going to make the -- the tax under discussion the highest hotel occupancy tax rate in the country. I remembered that since then. And I actually think that that is very concerning. I mean, people make decisions about where they're going to go visit for a weekend based on the cost of everything.

[7:48:40 PM]

If we raise taxes on hotel occupancy and all of a sudden here adding 50 bucks to the cost of a 3-night hotel stay and Denver or pick a city at random doesn't do that, that's going to discourage a lot of people from coming. I have ongoing just vigorous vehement concerns about the use of tax increment financing as a mechanism for paying for any of this. I mean, it's ironic because I think the waller creek aspect of this is probably the most single aspect that has the most merit on the underlying components but I'm deeply, deeply concerned about increasing tax increment financing. It basically taxes the politically unfavored to subsidize the politically favored and that's not a road I ever want to go down and frankly I think, mayor pro tem, you raised a lot of good concerns just in your remarks a couple minutes ago when you were talking about everything we're doing right now, we're not even sure if the buckets of money that we're using are lining up with the projects as we want them to do, and I -- what, the third or fourth time this has happened in the last month, but I want to -- I agree.

>> Tovo: Becoming a pattern.

>> Wait until the next item.

>> Tovo[off mic]

>> All right. Thank you.

>> Mayor Adler: Thank you. Is Mike canati here. You have donated time from J.J. Langston. Is J.J. Here? What about Steven

[indiscernible]? Is Steven [indiscernible] Here? You have four minutes.

>> I'll try to speak fast. Greetings mayor, councilmembers, Mike with the Barton springs conservancy. I want to start off thanking you for all your work in this issue, not only tonight but previous years. Come to has been leading the charge on increasing preservation funding. We thank you for that. Councilmember troxclair appointed the --Ed to get the visit tore impact task force appointed and we appreciate that effort and more recently council approved some significant increase in historic preservation funding.

[7:50:51 PM]

We all greatly appreciate that in the community. And at the Barton springs conservancy we're -- there have been many efforts leading up to tonight with folks from all over the community over this past year. I bet most folks would be surprised there's so much difficulty in agreeing how to spend \$325 million but I guess it's harder than it looks. Actually, a group who knows first hand about the complexities of this is going to be the visitor impact task force. Y'all appointed them to look into these issues and I'm going to sound a little defensive on behalf of the task force but having attended many of their meetings I got to see first hand about their hard work as they really worked to reach a census recommendation for you. It was really impressive achievement. You had members from -- diverse stakeholders being represented and from what I saw at the meeting they answered many of the questions that have been raised about the wisdom of the convention center expansion. I think they've delved into these issues on your behalf and I hope you'll get a chance to consider their report. Personally having served on the mcmansion task force I can really appreciate the challenge of finding compromise census because competitive groups and I think it's important they did this work on your behalf. We are pleased to be moving forward now with the proposal that apparently is -- has been worked out with the council and with mayor. There may be outstanding questions going forward but I hope this resolution will allow the council to get the questions answered that they want. I do want to just underscore there are some very real costs. If the process is derailed and stopped, if a study is conducted and we have to wait another year to get going again, there's significant costs, by my calculation, that would be \$20 million in hotel fees that could accrue under the scenario C proposal that would be lost if we have to wait a year to get moving again so I'm hoping you'll move forward.

[7:53:01 PM]

Every day the puzzle isn't implemented we have desperately needed money for projects not being met, including homeless services, cultural arts, historic preservation, so I hope we'll be moving forward as quickly as you can. In short there are significant benefits to our city of going down the path that you're apparently going to go down and there are significant costs to derailing the process. I hope you will trust

the visitor impact task force that you appointed and their work. Not a single member voted against the recommendations. And I think they worked very hard to reach a consensus. I did want to point out on behalf of the Barton Springs Conservancy that with all the discussion of the task force's recommendations on using hot funds in these interesting areas there's one of the task force recommendations that also merits your consideration, and namely using hot funds for a welcome center concept. This is -- fits into the state's law for visitor information centers. We think a visitor welcome center at Zilker Park, near Barton Springs or any other qualifying tourist park in the city would be a great way to expand the benefits of hot taxes. At Zilker Park, a visitor center could orient the visitors, educate them and the tourists and visitors about our commitment to the environment, which is our city's most important asset, while also providing information about water quality, environmental protection, these are the values that embody our Barton Springs. That is all. Thank you very much.

>> Mayor Adler: Thank you.

[Applause] Next speaker is Mary Ben Ramsey.

>> Casar: Mayor, as Ms. Ramsey comes down, I'll let the community I'm stepping off the dais but I'll be watching on the screens back here. I'm still here just won't be sitting here.

>> Mayor Adler: You have four minutes.

>> Mayor, if I may pass out copies of --

>> Mayor Adler: Give it to the clerk.

[7:55:01 PM]

Go ahead.

>> I am Mary Ben Ramsey and I was vice chair of the visitor impact task force and many years ago I also chaired the city's homeless task force. And that was before the arch was created and after the city had created the sleeping and camping ban in parks that created some hardships for people who had no place to go. I stand here today representing 120 people who signed the letter that I just passed out with regard -- we are here to encourage you to support item 52 regarding the downtown puzzle. Austin is known for our parks and open spaces, cultural arts, historic places and vibrant communities. The current proposal provides funding to save, promote, build on the identity we all hold so dear. It empowers many local nonprofits to advance their missions and raise private funds to maximize city investments. Action on item 52 lays the ground work for the comprehensive funding plan to address some of our most pressing needs quickly and effectively without incurring any increase in property taxes. The proposal sets out innovative fiscally responsive strategies that allow meaningful action on community priorities that we represent. It allows us to better respond to the needs of our neighbors experiencing

homelessness and to seek housing solutions. It promotes and sustains Austin's vibrant cultural arts community, provides funding needed to complete the Ms. Mexican-American Cultural Center, it supports the Austin music industry and its creative especially center in the Red River district. It promotes funding needed to complete the Waller Creek Chain of Parks, protects and enhances Austin's iconic parks and open spaces with funding for historic preservation and a visitor center welcome center such as the one in Zilker Park -- could be built in Zilker Park near Barton Springs and other qualifying tourist destination areas.

[7:57:24 PM]

It preserves the architectural heritage of Austin with funding to protect our unique history and the historical collections that protect -- the collections that protect our unique history and our -- that are recorded at the Austin History Center. Individually, each of these needs is pressing. And yet we can do this together, and each of this -- this -- our solutions include working together where one actually helps the other. You know, this is -- this is one example of where the whole is much greater than the sum of its parts. So downtown puzzle also reflect recommendations from the district task force and we acknowledge the hard work. It compromises and -- and compromise it reached during its extensive public process. It's rare, it is really rare in Austin, that such a diverse group of stakeholders can come together with a single voice on such a complex issue. The diversity of organizations represented here shows that we are collectively committed to addressing the important interconnected challenges we face as a city. We recognize there is more work to be done, but the current proposal outlines a path forward. Let us be the city we aspire to. By acting on these important community needs.

[Buzzer sounding] Please keep this ambitious and vital plan moving forward by voting in support of item 52. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Alter: Mayor?

>> Mayor Adler: David King.

>> Alter: I just wanted to thank Ms. Ramsey and the visitor task force for all your work. This is definitely informing our discussion tonight.

[7:59:24 PM]

So just wanted to thank you.

>> Mayor Adler: Thank you. David king? And Tom Stacy is on deck.

>> Thank you, mayor, mayor pro tem and councilmembers. I really appreciate the discussion about spending more time to do due diligence on the different components of this complicated plan. It seems like it has lots of good merits and we have lots of important needs that could be funded by this plan, but it is very complicated, so I do appreciate your desire to spend more time and get more information that you can consider and then decide what you want to do. You know, when I step back and look at what's going on in downtown, I see millions and millions, potentially even billions of dollars that have been invested in downtown Austin over the past decade. And for what purpose are we making this big investment? We're talking about the waller creek project there to make improvements there and tax increment financing to take the increased property tax revenues and invest them back down, back into downtown. But isn't part of the plan to have a downtown that generates so much property tax revenue that that revenue is used to help other neighborhoods, that it's not just used for downtown? That it's used to help other neighborhoods that need investments, that have been deprived of investments for decades. So I think some of the data that we need to see that comes back to you is how does that look? What does that look like? How much investment have we made in downtown? How much of the increased future property tax revenue has now -- will be locked into being spent only in downtown and cannot be spent elsewhere? We need that data so we can look at the broad picture here to see is this investment really going to help affluent people who live downtown?

[8:01:29 PM]

Wealthy visitors who come to downtown? And I'm not against either one of those groups. It's fine that they're here. We need them. But who is really going to benefit from this investment, from these decisions we're making. So I think we really need to look at the big picture here and not just at the individual components, and see. I believe that if we're going to make all these investments in downtown that there should be a return back to other parts of our city. After all, if we're making the investment here we're not making the investment there in these other parts of our city. We're making that choice. So if we're going to make the choice to spend all of this money downtown, invest all of this money downtown, lock in future property tax revenues to enhance downtown, then I think it's important for the public to see that other parts of our city are going to benefit from that. And I think the data that you should ask for is to show you how that's going to work out and play out over the next decade or so if we implement this plan. Otherwise are we just going to have a really nice playground for very wealthy people to come to in downtown? I hope that you will take my suggestions and provide that additional information, additional perspective for you to consider. Thank you.

[Applause].

>> Mayor Adler: Why don't you go ahead and give it to the -- you had some donated time. Is Liz Walton here? Liz Walton? Is mark Bedford here? You're going to have three minutes.

>> Mayor Adler, mayor pro tem tovo, councilmembers, thank you for letting me speak with you this evening and thank you for your dedication, your service to our community. We know how much care you have about the community.

[8:03:30 PM]

I'm Tom Stacy with cap ridge partners. I've been fortunate to spend most of my career in downtown Austin, primarily on congress avenue. I've been honored to serve as the chairman of the downtown Austin alliance twice in the last two decades. And president of the preservation Austin as well as president of community parks for the homeless, now green doors. The revitalization of downtown has come from the hard work and forward thinking public officials and civic leaders. It began when then mayor Kirk Watson put these six blocks where we stand today in play back into the private sector and got it back in play. We must continue to look decades ahead in order to achieve what can be and not be satisfied with what we have today. The Austin convention and tourism industry is a great success story. The convention center currently has the ability to pay its debt off seven to eight years on a 30-year note due to the rapid growth of hotel occupancy tax collection. In this slide, if if you can get the slide up. During the last 25 years we've seen the hotel occupancy tax grow from 7.6 million in 1990 with 13,500 rooms in the city, to an estimated \$100 million from 36,000 rooms in 2017. After the opening of the convention center in the early 1990s, the hotel tax grew by 340% to 24.7 million over the next 10 years and hotel revenue -- hotel inventory grew by 9,500 rooms. Additionally after the expansion in 2002, the hotel occupancy tax grew by 400% to an estimated \$100 million this year. Hotel room inventory increased from 24,400 rooms to nearly 36,000 rooms today, with an estimated to thousand rooms in 2019. And what's caused this growth?

[8:05:31 PM]

We became a meetings and events destination. Thirty-six% of our market is event driven according to star data. We host 30 to 40 citywide meetings a year that pushes occupancy growth downtown. Our festivals have seen tremendous growth. In today's paper, south by southwest stated that their growth is tied to convention center and hotel growth. Large hotels have strategically been developed around the convention center. Hilton, jw Marriott, fairmont and the new Marriott that will open soon are now flourishing with the market. Whether you're a developer, investor or social service provider, the mayor's puzzle plan makes sense. I think it's remarkable that we've had the success that we've had in spite of the fact that we're the 47th largest convention center in the country.

[Buzzer sounds] And 20th out of 20 of the cities that we compete with. To put it simply, the convention center is the water sprinkler that waters the lawn that grows our expanding convention center and I hope you will keep that growing and support number 52.

>> Mayor Adler: Thank you, sir. Next speaker is Joe Katherine Quinn. On deck is Sylvia or aszco.

>> Thank you, mayor, mayor pro tem, councilmembers. I appreciate the opportunity to speak with you tonight. Having a dedicated funding stream for homelessness is something we've needed for a long, long time. I've been doing this work either as a volunteer or professional since 1981, and our country has accepted homelessness as a necessary social ill and we don't have to accept that in Austin, Texas and we should not.

[8:07:35 PM]

In 2011 we did the 100 homes campaign where we went out and we surveyed people living on the streets, and we interviewed them with a few questions that helped us determine who was the most likely to die on the street. And we sorted that information and we took the top 100 people who were on that list and dedicated ourselves to finding the 100 homes that we needed to find to instantly house those 100 more vulnerable people on that night. That night I met a man who was living between centennial liquor store and the el patio on the drag. His name was Kevin hawk, a native American who preferred to go by hawk. Hawk and I became instant friends, an incredible person. And he was one of our top 100. The next week a va person went out to talk to him because hawk had been there since 1968 when he returned from Vietnam, a veteran who had never been able on his own to connect to veteran benefits. My friend Molly batchlett did an assessment with him, got him all connected to his benefits and then went back the next day because she had found the housing and was getting -- was ready to move him into an apartment. She touched hawk, who was laying under his blanket next to centennial liquor, and my friend hawk was dead.

[8:09:43 PM]

This is urgent. Hawk was somebody's son. He was somebody's brother. He was somebody's cousin.

[Buzzer sounds] Please move forward with item 52 so that no more Kevin hawks have to die on our street.

[Applause].

>> Mayor Adler: After Ms. Orasczo will be Larry graham.

>> Thank you so much for your evening and your time and for helping the Austin community. I am the executive director of mexicarte museum. This year mexicarte will be celebrating 33 years since our founding in 1984. Mexicarte has been a pioneer institution in the museum field as one of the few Mexican and mexican-american art museums in the United States. When one visits a city as tourists, one visits museums. For example, in Washington, D.C. Today we can visit the national museum of African-American culture and history. Mexicarte is Austin's museum for mexican-american and Latino art and culture. The museum preserves arts for enjoyment and education. Today we hold over 6,000 items. Our audience is a community, but also the visitors of Austin. People walk in the door to learn about Latino culture. We receive thousands of people through our doors every year. On Austin museum day we had lines going out the museum, 1400 people to see our new exhibits. We are a local asset, we are an Austin anchor. Mexicarte preserves the Austin Latino narrative. We complement the Emma Barrientos mexican-american cultural center. We are a sister organization for the growing Austin community and visitors. Mexicarte is known throughout the country for our work. In 2016 we received an award from the president's committee for the arts for our education programs.

[8:11:49 PM]

Throughout the country Austin is known for conventions and they hold conventions here. Organizations like the Kennedy center, the national organization for arts and health, the national performance network organizations, non-art organizations like insurance tech, have held receptions this year because they wanted to have a taste of Latino culture while they're in Austin. They say we love mexicarte museum and it's walking distance from our hotel. And we can buy a souvenir from Austin. People are coming to Austin because of its diversity and uniqueness. Mexicarte is one of the attractions that make Austin unique and special. We support the expansion of the convention center that will help downtown Austin, that will provide funding mechanism no mexicarte, the museums and the mac. It will provide a solution for many homeless people that also come in their doors of the museum and are always welcome. It is a great concept. Let's work together to make the downtown puzzle a reality and let's call it the Austin solution. One more thing, please at the mexican-american cultural heritage corridor that runs from republic park to saltillo plaza. We support resolution 52, the downtown puzzle and the downtown solution UT for your work.

[Applause].

>> Mayor Adler: After mr.graham, Nick barrienari.

>> Good evening, Mr. Mayor, members of council. My name is Larry graham. I work for Texas gas service and I'm proud to serve on the board of both caritas and mexicarte. And I'm here to say that I very much am in support of this resolution 52. I don't need to spend much time.

[8:13:49 PM]

You've just heard from both of our very wonderful strong executive directors, Joe Katherine and Sylvia. As you know, caritas, the mission of caritas is to work to end homelessness in Austin. And I think that the creation of a tourism public improvement district to create funds for homelessness would be a wonderful thing and caritas would stand with the other service providers to have additional resources to help solve homelessness. It would be a wonderful thing for our community. And you just heard about Sylvia about mexicarte and the wonderful things it does in our community and the wonderful resource it is. And we are pleased that it was added to the list of organizations that possibly could receive funding. So I appreciate the mayor's leadership. I appreciate the members of the council for working on this issue. The work of the visitors impact task force. And again, I'm in strong support of this and I urge you to move forward. Thank you very much.

>> Mayor Adler: Thank you. The next speaker on deck will be David Quintanilla. Sir.

>> Mayor Adler, councilmembers, my name is Nick barrirei and I'm a very proud board member on the mexicarte museum. And as my fellow board members have just stated and as many of you already know, mexicarte is an incredible resource for not only our city, but it attracts domestic and international tourism. In addition to serving on the board of the mexicarte museum, I also work with the Austin sister centers international. I have a very strong connection with our sister city and the community of saltillo, Mexico.

[8:15:50 PM]

Something I would like to point out regarding the influence of mexicarte museum is that folks all over Mexico in our sister city and cities all over Mexico, they inquire constantly and regularly about the museum. I'm confident that it is not only a great resource locally, but it puts Austin or it increases Austin's status internationally. If moving forward with items like this can lead to further resources for organizations like mexicarte, then that greatly increases -- it's going to speed up the pace in which Austin becomes not only a great city, but a global city. And -- additionally, I also want to point out I am very appreciative not only of your service and dedication to the city, but something was talked about greatly earlier, transparency. When I came in and I am very much in support of this item, but I have to say that I didn't know a whole lot about it. And seeing what I saw prior to the public announcements here, the transparency that not only you have with the public, but obviously amongst yourselves, I'm going to go home and I'm going to research the heck out of that 52. But I have to say from what I know, if this can lead to potential resources for organizations like this that put us on an international map, then do 52.

[Laughter]. Thank you.

[Applause].

>> Mayor Adler: Is David Quintanilla here? Is Armando Ariandez? What about Elizabeth Caples Rogers?

[8:17:52 PM]

You will be at the other podium.

>> Good evening. Thank you for the opportunity to address the council. I'm one of the 100 plus newly daily arrivals who moved to Austin so my perspective and commentary is that of a new transplant from Chicago to this vibrant city. And one of the reasons I would look at Austin was I was looking at a city that had cultural destinations that were important to me. And especially the one that celebrated the Latino and Mexican-American influence such as the Mexicarte Museum on Fifth and Congress and the MAC. Prior to coming to Austin and Chicago, I had the privilege and opportunity to serve as a trustee and board member of the National Museum of Mexican Art so this is something very close to my heart and I have a passion about museums and the resources it brings to cities. A determining factor in considering Austin was whether it had the diverse cultural landscape and in particular did it recognize the Latino Mexican-American community within the cultural framework? I was pleased to find the Mexicarte Museum centrally located in the hub of the tourist and business area and within walking distance of my new residence. It really is a gem of an institution. The exhibits are first rate and it offers a general public and tourist alike. A culturally rich and unique experience. It also serves as an important resource also to the school district for its students, teachers and parents. As a former school administrator and consultant, I cannot stress enough the importance of having relevant museum experiences for students and the communities in which they live.

[8:20:08 PM]

This museum provides that as well as ongoing opportunities for lifelong learning and supports cultural awareness. So critically important in the education of a global student. So it is my hope that an increased funding stream can be provided to impact not only the projects that I heard so much about today and that I'm very interested in as a new resident of your city, but also support those cultural tourism projects such as the Mexicarte Museum and the MAC. Thank you.

>> Mayor Adler: Thank you. Next speaker will be George Cofer.

>> Good evening, Mayor, Councilmembers. My name is Elizabeth Rogers and I am on the board of the Mexicarte Museum. The museum voices support for the downtown puzzle resolution and in particular item 2-d to preserve Latino culture and increase the tourism that the Mexicarte Museum offers as one of

the mu mexican-american art museums in the united States. I was drawn to the mexicarte museum in part because I heard my grandmother's Spanish whyserrings, telling me that I better get involved or else. After having lived in three of the largest and most diverse cities in our state with large hispanic populations, moving to Austin gave me the first opportunity to do so. In addition to our national recognition, many other reasons make me proud that I'm involved. On a state level in 2003, the legislature designated our museum here in Austin as the official Mexican and mexican-american fine art museum of Texas on a local level the museum contributes daily to the cultural quality of life for downtown business owners and residents.

[8:22:11 PM]

We all know that where locals love to go so do the tourists. And because we are the official mexican-american art museum of Texas, tourists come to Austin for our unique events. For example, this year will mark the 34th year of the annual viva la viva fest. Talent from Houston and the valley will be performing and staying in our hotels. We need support for the museum also as somewhat of an anti-gentrification move. Given the gentrification of east Austin, which has historically been Latino, a proactive preservation of the Latino culture and voice fiercely needed. I am also chair woman of the ninth annual Katrina ball. The annual Katrina ball highlights the bridge of the iconic artwork of the past with the mexicarte museum's accomplishments and visual mexican-american and art of the present. I hope to leave you with this visual of the role of the bridge that the mexicarte museum plays. Blame it on the whispers of my grandmother again who walked across the Juarez bridge with my grandmother to flee Pancho via. That bridge was her future. The museum desperately needs the support of the city in order to have a bridge into the future of 34 more years at least of Mexican art exhibits and educational programming. In a time when we need to be building bridges and not walls, your support for the museum is critical.

[Buzzer sounds] Thank you for your consideration.

>> Mayor Adler: Thank you.

[Applause]. Is George Cofer still here?

[8:24:13 PM]

Is Rachel Mcghee here? You have time donated from Michelle. Thank you. And John Vickers.

>> He's not here. How much time does that give us?

>> Four minutes.

>> Four minutes total?

>> Three plus one is four. If you have two more people they want to sign in?

>> I'm Nikki Cole signed in. Can I donate my time to her as well?

>> Mayor Adler: Yes.

>> If I sign it can I donate my time.

>> Mayor Adler: Yes, you can donate your time as well. Now you have five minutes. No, six minutes. Okay. The pressure is on. All right, mayor, mayor pro tem and city council. Thank you for the opportunity to speak this evening. My name is Rachel McGhee and I am here to speak in support of the downtown puzzle plan which includes expanding our convention center. I am the president of IAC local 215 and our union represents many stagehands, unions and decorators who work at the convention center, including all of the riggers who are responsible for hanging trusses, technical equipment and scenic pieces for every trade show and convention center that comes to Austin. IATSE riggers work to make sure everything is rigged professionally and safely. And I'm also proud to say that the labor that was done at the PMA event that the Austin Visitors Bureau mentioned earlier today was our labor. And our riggers are currently installing the rigging for video and audio equipment at the Fairmont hotel that was just mentioned as well. That is also our labor. As a stagehand myself, I frequently work at the convention center either as a steward or as a technician, bolting trusses, hanging lights, building video screens, assisting exhibitors with their AV needs and more.

[8:26:16 PM]

I am paid area standard wages. Sometimes as much as \$26.25 per hour. And my employers contribute as much as 25% towards my health insurance which covers myself and my family. Like many other trade show and convention employees I count on my work at the convention center to make a decent living. Regarding the wisdom of expanding our convention center, from my work in the industry, I should say from our work in the industry, I can tell you that there are many large annual conventions that tour the nation who would love to come to Austin, but can't because our convention center is too small. Although that bog else my mind especially when I'm logging more than 14,000 steps or six plus miles a day loading in an event, the fact is Austin's convention center is roughly a quarter of the size of those in Dallas, Houston and San Antonio. The locals in those cities turn over-million-dollar payrolls. Those payrolls represent area standard wages plus benefits for hundreds of workers. So I am convinced that expanding our convention center will create good jobs, not only for stagehands, trade show and convention workers, but also for construction workers who will need to build a larger center. Union representation and state adoption of the Davis Bacon act guarantees our citizens jobs with wages that

can sustain families. Housing the homeless, creating living wage jobs and bringing in more tourism dollars, how can we not support this resolution and the idea of expanding our convention center?

[Applause]. Let's not delay any further. Trust the visitors impact task force recommendations that -- and the hard work they've done.

[8:28:20 PM]

As we've heard, not a single member voted against the recommendations. We have urgent needs in our community. On behalf of myself, my union and the workforce I represent, I ask you to adopt resolution 52 so that we can begin improving the lives of so many in our city. Thank you.

[Applause].

>> Mayor Adler: Is Katie Anderson here?

>> No.

>> Mayor Adler: Thank you. What about Tom Sherr. Cindy low.

>> Good evening, mayor Adler and city council. My name is Cindy Lowe and I'm not here actually to speak on how to spend the money. Rather I want to specifically speak from the perspective as a female business owner as this is one of the few industry sectors that has a higher percentage than others with not only female employees, but also female business owners and why I am for the convention center expansion. I'm the owner of red velvet events a creative events agency that started in Austin in 2002 and I've personally called Austin home since 1994. Our firm currently employs 25 full-time employees in Austin and in 2016 last year we paid out more than a million dollars to Austin independent contractors to help us with our larger events. And we are currently on trend to repeating this this fiscal year. We are forecasted to experience steady growth over the next five years and we're a prime example of another Austin women owned minority business that has grown and lived since we started 15 years ago and it's all due to Austin growing, what we commonly refer to as group business. This is why we're asking you to vote in favor of the convention center expansion because if the expansion is voted down you essentially put my small business and others like it at risk and you also put our entire Austin hospitality industry at risk.

[8:30:28 PM]

I'm a member of the international live events association, often referred to as ilea Austin in our industry, where we have 314 company members. We actually have over 450 individual members, in our Austin

chapter alone. And these are all small to midsize business owners like myself. And out of the 314 members -- companies, 64 of them are female owned businesses that live and work in Austin. Think about it. 314 companies like myself doing business in and around Austin in the name of just special events. When I first joined this industry 15 years ago we barely had 35 company members. So you can see there's clearly a demand for Austin. And for those that had spoke a month ago at the city council meeting saying that the convention center was being flat, I'm living proof that that is not the case. In fact, I've been actively selling Austin as a destination to corporate groups to bring their conventions and meetings here over the last five years and we are consistently the top two destinations of interest, but unfortunately because our current convention center size is too small as the previous person mentioned, we can't entertain the larger client businesses. We have a capacity problem, not a lack of interest problem. More corporate groups brings in more spend, not just for the hotels, but at the restaurants, the retail stores and even small businesses relocating to Austin. There are real ancillary benefits as well. I believe what has led to Austin's increase in number of small businesses moving here is not only CEO's attending vents that are here, but also hosting their own events here. So it's more than just a hospitality industry benefit. Tourism isn't a dirty word so please stop treating our visitors as unwelcome guests. People love our city because of how we treat our local businesses and they want us to use local food trucks, local vendors, local bands, et cetera. But if we can't welcome them lyingly, the convention center is at a max capacity, that's a triple threat. Vote yes for the convention center expansion as I am just one of 120,000 employees, hospitality workers here in Austin.

[8:32:33 PM]

Thank you.

[Applause].

>> Mayor Adler: Bill bunch. Mr. Bunch has time donated from Barbara Macarthur and from Megan misingbach. You have five minutes.

>> Thank you, mayor, councilmembers, bill bunch with save our springs alliance. I regret this isn't being postponed for councilmember troxclair's participation, but generally speaking I am encouraged by the direction you're moving in. I think it's mostly correct to say this is gathering information rather than committing a particular course of action, but there are some exceptions there and some background of that that I think we should be careful about. Specifically on the convention center and the visitor task force, from the beginning a lot of the arts groups, culture groups and parks groups were sold the basic idea that the convention center was a roaring success throwing off enormous cash if we simply expanded it, it would throw off more cash for everybody else and that's why they supported it and got on board. The truth is the opposite. And now that's coming out. The convention center is using 85% of our tourism dollars while generating only two percent of our visitors. Tourism is booming in Austin because of the people and the places and the activities that we all love. But which we're not supporting

and it's time to get our priorities straight with this money. The convention center if we expand it will consume literally a billion to two billion dollars of funds that could and should be going directly to hire priority community tourism related needs. And I'm glad you're moving in that direction to get some honest and reality information on the table for that.

[8:34:37 PM]

I want to object to a couple of the changes in the mayor's version, if it's still there. It calls for actually reducing the 15% that was committed during the budget for heritage preservation down to 3.2 million. That's taking away money from heritage preservation. It's taking away money from live music because we could do -- pursue cultural preservation including our heritage music venues with that money. I want to speak against committing or suggesting we do a tpid at two cents because that second cent, and this is critical, would directly displace what we could provide for expo center, Walter E long projects or other projects that we might cooperate with on the county. So don't leave that hint that you're committing to that. I'm also concerned about moving forward on the tif, there's no money figure there. But to me \$110 million for a 34-acre park that doesn't add any parkland anywhere in the city or increase access to neighborhoods that are park deprived, that's a misplacement of priorities and very unfortunate, especially when we're closing our historic swimming pools and we're told we don't have money for parks. Noose improve waller creek, but at a reasonable budget. I'm glad to see that we're pulling these pieces apart and looking at them separately and it's now well understood that we can fund homelessness, the mac, and other community needs that people care about separate and party from wasting literally a billion plus dollars on a convention center expansion that lost \$30 million last year, whereas two years before it only lost 15 million, and that's not counting debt service. This is a black hole for cash.

[8:36:40 PM]

It is not generating jobs. It's not generating revenue for the other community needs. It's taking and would take literally hundreds of millions of dollars from those interests. So thank you for stepping back, realizing that we need some real due diligence, some real information on the table rather than smoke and mirrors and unfounded claims that the convention center center is our friend. Thank you.

>> Tovo: Mr. Bunch, I'm not sure if you were in the room when I indicated some of the processes going through, but I wanted to just make sure that you were aware that the amendments that I've proposed to the last batch of amendments that the mayor made does revert back to the 15% for historic preservation. So if you look at the council message board you will see that correction made.

>> Great. Thank you very much.

>> Tovo: To the historic preservation. And I do think -- yesterday we were talking about a resolution -- about an amendment that had sort of a fuller study that we might do in conjunction with UT and that was one of the questions I had hoped an independent third-party could help us tease apart, the question you said about the tpid. That are certainly from my perspective some advantages to the tpid, but I do understand what you're saying about the opportunity costs there with regard to the county, the county's ability with regard to the expo center and other things if we're trying to keep that tax at a minimum -- I'm sorry, at a certain maximum. Thank you for raising that. I think that is a question that the council needs to consider. And notice -- I do want to call your attention to fact that the language from yesterday to today, because the mayor incorporated some of those changes, has changed to it had started out the week as accept the city manager's directed to accept the tpid application to considering a tpid, the council is interested in -- affirms its interest in considering an application.

[8:38:44 PM]

So some of that wording has shifted a bit.

>> Mayor Adler: Just to be clear, the \$3.2 million mentioned was the full three percent for historic preservation on the additional two percent. So it was trying to make sure that we didn't only get the 15% for what was the current funding, but if we were to get an additional two% we would get an additional full 15%, which is what the \$3.2 million was. And it was the intent -- I'm happy that we had the conversation because the original intent was not to instruct the manager to enter into a tpid, it was to find out what the terms of a tpid would be and what it would look like so that we had that information. So I was happy we were able to clear that up. Thank you.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: I was wanting to clarify. I can see where the language perhaps was not clear, but there was never an intent to go below the 15%. With the amendment being proposed now it's crystal clear.

>> That helps a lot, although I still don't see how we can get under the statute that says money only for construction to translate into music promotion. I hope we can. I'd love to see that. But it's a big concern.

>> Kitchen: Okay.

>> Mayor Adler: My hope is that in 315-101-a, the construction element was the part one of that, but part 4 and 5 spoke to the historic preservation and also to the arts. And what we've been asking for is whether we could do that under the arts. So it's certainly music, industry is arts that brings in towards. So that's the section we'll be trying to use.

[8:40:49 PM]

Kirsha I'm still not sure I'm clear on that. I thought we were going under 351.365, which is the only authority you have to go over seven he cents under 351.

>> Mayor Adler: I understand. Mr. Louis? You have three minutes.

>> I'll try to be quick. I'm in favor of the steadying approach, but I do want to say I have some process questions. In Austin we sometimes study things and it's not done so objectively or fairly. And it's with a bias and it's a bias towards whatever the staff or the powerful want. We're going to study it. It needs to be studied fairly with all alternatives in a way in which it presents you all the facts, and I don't have to tell that you that isn't done often enough in this city. The second thing is this is complicated matter. Everything needs to be disaggregated and looked at separately. Look at each one on their merits with the assumptions on each because we don't have a good record of coming in on cost or making predictions. Almost everything comes in way over cost. So if you add five or six items and you mesh them together and then expect it to work out that way in the future, that isn't going to happen. So they need to be looked out separately rather than as rubric's cube.

And let me say this: Let's be real clear. There are some things the community has a consensus on and wants. The community wants its mac. It's been 40 years. We should be ashamed. Okay? We have deatherred on that for years. We are the 11th largest city.

[8:42:52 PM]

We have a large and vibrant hispanic community and heritage and yet here we are still arguing about the funding about it 40 years later. There is a consensus, maybe not exactly how, but we have to address our homelessness issue. But let's be clear. There is no consensus about waller creek. A lot of us think we should be worrying about our swimming pools and our parks and the things that everyday people need rather than the grandiose 200-million-dollar park downtown. And the convention center, we barely talk about the expansion of that. It's all the other things. And the case has not been made for the convention center. They will probably end up costing a billion dollars and suck a lot of revenue. So let me be real clear and I don't mean to be disrespectful, but Austin has a habit of putting liberal lipstick on a pig. My suggestion is that you look at the lipstick, what people want, and make sure that gets funded and taken care of. The mac, the mexican-american heritage, the homeless center and not ball it all up with stuff that a lot of us don't want. Thank you.

[Applause].

>> Mayor Adler: Next speaker is Bobby Levinski. You have donated time from Larry van Buren.

>> I don't need it. I'm going to be very quick. Bobby with is a save our springs. I'm going to focus just on this resolution. This is the way it's drafted. The one concern that I have is that there's a lot of conversation about the funding, but the initial decision that council has to make or one of the decisions council has to make is not to expand the convention center and how that looks, whether it's going to be presentation, where it's going to go and I don't see that in this resolution. And I thought that the study that was suggested, councilmember Alter had some really good statements at the meeting yesterday where the business school from the university could be used to help us decide that question.

[8:45:02 PM]

I thought that was a really good point. I think that needs to be reintroduced into this resolution. So I'll leave you with that. I still have concerns about the Waller Creek TIF, but we can talk about that another day. It's eating up another \$110 million of our general fund revenue which I think is a really important point. We can talk about that later, though. Thank you.

>> Mayor Adler: Thank you. Next speaker is Monica Combs. Then Thomas Hezinski. Is Thomas here? What about Scott Lalac? Scott Blalock? What about Scott Joslov. You have donated time from Julie Chase. Is she here? No? Yes, I got you. Sorry. Lance Stump? Okay. You have five minutes, Mr. Joslov.

>> I'm Scott Joslov, president of the Texas hotel association. And I'm a board member of the Austin hotel and lodging association. I wanted to provide some information on some of the testimony that was indicated. One, there was testimony that the convention center only represents or impacts two percent of the visitors that come to Austin. That's a very misleading statistic. I would point to the fact that there's unanimous support amongst the lodging industry in terms of the convention center's impact on visitor activity and hotel activity. Mr. Blalock testified from White Lodging, one of the largest lodging components in the city, that it represents over \$90 million every year in impact to hotels and over 50 million of that impact is in non-downtown hotels. Over half of it is non-downtown.

[8:47:03 PM]

There's a huge annual impact on not only hotels, but on restaurants, retail and jobs throughout the city. I would also note that as far as the tourism and public improvement district, it would not affect whether you do one percent or two percent or any percentage, it would not affect your ability to do an expo center. The tourism public improvement district is not a tax, it's an assessment and it's referred through a fee generally and it does not affect your taxing authority under chapter 351 or under the venue tax.

law or any other law in Texas. I would also note that there were statements about the hotel occupancy tax and the convention center and talking about the convention center losing \$30 million a year. That ignores the reality that every convention center and virtually every city facility that is funded by public dollars, you don't fund a facility for public dollars and expect that the revenues from renting it out or admissions will ever pay the full tab. That's the purpose of having a public asset. It's a loss leader to create the benefits and the programs and the services that are essential to that type of facility. When you add in the hotel tax that every convention center has, there is no loss at all. There's no use of property tax, there's no use of sales tax, there's no use of alcohol tax, there's no general fund dollars that have to come to the rescue. It is not only a huge success, it creates alcohol tax and sales tax and property tax and all these revenues that can be used for all of your programs. So it just seems so misleading to me to suggest that it's a loss -- that it experiences a loss when it's funded like every other convention center and every other public facility. Then finally as far as the question about the 15% and if you expand and do the hotel tax for two% for a convention center or whatever you do, that increases our local rate and the arts get 15% of your local rate. So if you have a seven percent local hotel tax, the arts would get 15% of that seven percent number.

[8:49:15 PM]

If you raise it to eight percent to do a convention center expansion or nine percent to do a convention center, then arts and potentially historical would have the right to get up to 15 percent of that amount. That would be within your legislative discretion as a city council. So that's how that works under the state law. And I'd be glad to take any questions.

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

>> Mayor Adler: Mr. Joslov, you said that no public --

>> Pool: Mr. Joslov, you said no public facility finishes its year without a deficit?

>> No. I said generally when you have public facilities that have admissions and whether -- if you took Barton springs or if you took any sort of facility that the cost for what we pay for tickets or admissions, whether it be an auditorium or a civic center or a museum or any of our arts facilities, any of these facilities that we that you receive from admissions or general operational revenues are never enough to fully pay. If question judged our public facilities by saying gosh, there's a loss, we wouldn't have many public facilities that are on an admission basis or a programmatic basis in terms of the arts or historical or things like that.

>> Pool: Thank you.

>> Or our parks.

>> Tovo: Mayor, I have a quick question for Mr. Joslov. I have a question that's still pending so since you're here and I know you've done a lot of work on tpids, I'll ask it of you. Do you know what the process is for amending a tpid?

>> Yes. Basically a service plan -- I would like it council, mayor pro tem, to doing a bond program. And when you do a bond issuance you have in essence a covenant with the voters.

[8:51:16 PM]

So the terms of the bond are basically what you can work within. A tourism public improvement district or any public improvement district is very similar to that.

>> Tovo: I'm very familiar with the downtown public improvement district.

>> That becomes our covenant. We can't do beyond what the service plan provides. It has to fit into those categories. Now on an annual basis under the service plan, the district brings it back to the council and they say under these categories for expenditure this is what our proposed budget is and then the council has to review that and determine whether or not they will approve that. And it can vary within those service categories that are under that service plan, but you can't put a new categories, you can't put in different categories, you can't amend the categories that are part of the service plan. That's what the petition included in the original, and if it's a 10 year district, it would be a 10 year service plan with categories that we need to stay within.

>> Tovo: I see. So if it's a 13-year renewal process, a 13-year period you could really just make major changes to that service plan at the end of the 13-year period.

>> Yes. You couldn't amend it within --

>> Tovo: Or suggest a different category.

>> So you could have to work within the categories of the service plan, but what you spend under each category you would have authority to amend based on that service category.

>> Tovo: But the percentages, for example, the percentage concession could not change within that 13-year time period or whatever has been identified as the period.

>> Correct. If it's an identified amount or percentage, that would be your contract with the -- because we do a petition that they sign, they're signing that they're agreeing to this type of outline.

>> Tovo: Yes. Okay, thank you.

>> Pool: And mayor, I just wanted to say one last thing, Mr. Joslov used Barton springs as an example of a facility that loses money. It actually doesn't. It comes really close to either breaking even or actually breaking even.

[8:53:19 PM]

And we have golf courses, some of which actually make some money and then as an enterprise fund we use that money to support the golf courses that maybe are not making money. So the city works really hard to make all of our facilities actually pay for themselves. That's part of what we do during our budget procedures. So I just wanted to make a correction to your assertion that Barton springs loses money and doesn't pay for itself because it's my understanding that's not the case.

>> I think my statement was that the money that Barton springs or another entity. But again I'd like to defer. I'm never going to be an expert on Barton springs. But I can tell you that usually those types of facilities, most public programs, the revenues you get from admission are generally never enough to pay for the cost of operating it.

>> Pool: Thank you, Mr. Joslov.

>> Renteria: And let you know we did have to dip into our general fund money for last year for \$500,000 to support the golf enterprise.

>> Support the what?

>> Renteria: Golf enterprise. One of our -- our golf course didn't make enough money so we had to end up supporting it and putting in \$500,000. So that's an example of what you were using.

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

>> Thank you.

>> Mayor Adler: Next speaker is Susan --

>> Alter: Excuse me, mayor. Did we suspend our rules? I thought we had a rule change on public comment?

>> Mayor Adler: Which rule are you talking about?

>> Alter: I thought that after 20 speakers.

>> Mayor Adler: I did. I listed the speakers by number and that was -- we have one more speaker to have 20.

>> Alter: I just have kids at home so I'm trying to figure out --

>> Mayor Adler: I'm trying, but I'm keeping track.

>> Alter: I'm trying to figure out the timing here.

>> Mayor Adler: So our last three-minute speaker is Susan Mcdowell.

>> I made the three-minute cut.

>> Mayor Adler: You did.

>> Mayor, mayor pro tem, council. I want to begin with a heartfelt thank you for your dogged persistence with this really complex issue.

[8:55:27 PM]

And I am here tonight to talk about one of our opening questions, which is the urgency of this whole process. My colleague Joe Katherine from caritas -- I'm southcross San mccowell -- Susan Mcdowell, executive director of lifeworks. My colleague spoke to you earlier and passionately about 2011. I'm here to talk to you about today. Earlier this week a young man was found in a south Austin drainage ditch, dead. He was homeless. He was waiting for housing. This is a young man who had had a lot of trauma, a lot of challenge. This was not a young man who was some youth who fell through the cracks. He was well-known and well-known to many of us because he did what he was supposed to do. He reached out for services. He engaged with lifeworks, he engaged with other agencies, and most importantly he engaged with the system we have all worked together to create for housing. He went through coordinated assessment and received a very vulnerable score, but the score he received didn't put him anywhere close to the top of the list for housing. In hindsight it's almost difficult to believe that there could be individuals and families more vulnerable than him. But as a point of fact there were and there are tonight. You know that there are people literally dying waiting for housing. I don't need to tell you that. However, I do want to impress upon you with respect for the complexity, respect for all of the moving parts, yes, let's study, let's move forward, but let's do so with all deliberate pace.

[8:57:29 PM]

Because we need your leadership to scale solutions that we know work. We are beyond the point as a community, three, four, five years ago we were at the point of talking about just providing more services. We're past that. We have worked so well together as a community. What we're talking about is scaling what we know works to provide solutions. Like we've done for veterans homelessness. But we cannot do that without the funding mechanisms to scale. You guys, you have an army of lifeworks, of

caritas, of integral care, of dozens of non-profits and faith-based entities and volunteers who are ready to scale, and we await your leadership to make that happen.

[Buzzer sounds] Thank you so much.

>> Mayor Adler: Thank you.

[Applause].

>> Mayor Adler: All the speakers here on out have one minute to speak, not the three.

>> Houston: Mayor, could I ask Ms. McDowell a question right quick, please. I'm sorry, you were really trying to get back to your seat.

>> I didn't think I would get the three minutes.

>> Houston: Just for my information, do you all have these same kind of passionate conversations with senator Watkins -- Watson and the people at the legislature and the county?

>> Absolutely. And not just about homelessness in and of itself as an isolated issue, but this past session in particular with youth homelessness, which is my -- my area, and the work that the legislature did around child welfare issues, the intersection there, child welfare is one of the chief feeders into youth homelessness. Youth homelessness is one of the chief feeders to chronic homelessness. So this session engaging with our delegation around the CPS reform issues, but also within -- doing work with some of our state networks around homelessness and trying to create more dedicated streams of funding, particularly for youth homelessness.

[8:59:38 PM]

>> Houston: So for people who

>> Houston: For people who deal with youth homelessness, are there conversations around the justice system level where many people come back from the prison system, end up on our streets, and those who have behavioral health disorders leave the state hospital here and come onto the street, are the adult systems having those same conversations with our legislative group?

>> I would say so. I couldn't comment on the level of engagement and success of those conversations, but they happen.

>> Houston: Appreciate all you do. Thank you.

>> Thank you. Any other questions?

>> Mayor Adler: Thank you very much. Is John Howard here? Ann Howard is on deck. Come to the next podium, please. Yes, Ms. Pool?

>> Pool: I just wanted to add to what councilmember Houston was saying. I remember when the state and federal government abdicated the responsibility to people who had mental illness issues and homelessness issues and the spectrum of concerns and it's now on the local entities at the municipalities and counties' doorstep, and that's not really fair. So I hope that we can add this element, this layer of conversation into the briefing that I'm looking forward to having on a strategy to address the homelessness question, because I think we -- I know that there's efforts to try to reengage with the federal and the state governments, and I want to make sure that we're doing everything we can to assist and amplify that effort because that's got to happen, too. Because the city of Austin can't do it -- cannot do it all, because there's a never-ending flow of people who will need these services. And I think that's also part of our level setting, with regard to how we address the homelessness issue, is, we need to have -- it's a noble effort, and we need to have a really robust and comprehensive approach and push toward a goal. That goal will be ever shifting.

[9:01:39 PM]

So we need to bring all partners to the table, and that's at every level of government, try to assist in that effort.

>> Mayor Adler: Ms. Houston.

>> Houston: I agree with you. All hands on deck. I think that's where we are now.

>> Mayor, mayor pro tem, and councilmembers, my name is John Howard, and I'm a director of public policy at Dell. With nearly 140,000 employees globally, 16,000 employees here in the state of Texas, and a \$10 billion economic impact to the state, we love to show off our home town. We're proud to sponsor the Dell technologies golf tournament here and we'd love to have a bigger convention center so we could be able to hold our Dell world customer show here again. Thank you for all the hard work on the diverse set of issues that the visitor impact task force has worked on and provided you with unanimous recommendations. We support the editorial from the statesman and many others that now is the time to move forward, recognizing these complexities and answering these questions. Please support resolution 52.

>> Mayor Adler: Thank you.

[Applause] Before Ms. Howard speaks with her one minute, is Katelynn Whittington here? Yes? Okay.

>> This is sort of fun, it's our first time for John and me to both speak before you in the same night. My name's Ann Howard and I work every day to end homelessness in this community, and I thank you for

dealing with these issues. I thank you for the budget increases. You know, time is of the essence because it's so important. So let's get to work. If you need some volunteer lawyers or something, let me know. We know all of them and we'll get them helping the city staff to get these questions answered.

[9:03:39 PM]

Councilmember Houston and councilmember pool, I'm eager to talk with you more about how the city -- how the state and feds are helping Austin. Half of the echo staff is paid for with a state grant. It's money for mental illness to get the folks who are suffering from mental illness and homeless housed. So when that state grant runs out, I'm really in trouble. But we now have about 22 staff and 10 of them are hired and paid for with that state grant. In this last year, we have doubled our funding from the federal government by earning that youth demonstration grant for \$5.6 million.

[Buzzer sounds] We've secured \$1.3 million from the feds to compliment that pay for success thing. It's a thing. We're going to do it. And we're working hard with the criminal justice folks to work on the issues you and I have been recently talking about.

>> Mayor Adler: Thank you.

>> So I'm all for what you're telling us today and we're doing it as hard as we can. So let's keep it going.

>> Mayor Adler: Thank you, Ms. Howard.

>> Houston: And I appreciate all that you do and your staff do. I was talking about funding for things like transitional housing that the state could help us with, because the state has a lot of land that we don't have, and they can help us do that. But I think on many areas, we're on the same page. But I'm not talking about who pays your staff, I'm talking about services that used to go with the person into the community that are no longer there.

>> And we can talk to George P. Bush about land. So I'm with you. Thank you.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: It's okay. I just want to say that, just quickly, that we really were excited about the opportunity during our budget cycle to work with echo on identifying some additional efforts that we could help fund. And so we're looking forward to carrying those out with you.

>> Thank you.

>> Mayor Adler: Okay.

[9:05:39 PM]

Yes, mayor pro tem.

>> Tovo: And, mayor, since, Ms. Howard, you're at the podium, I want to be sure that you're aware of that we have altered the language a bit and have indicated our interest in having a presentation of the action plan. So I hope -- I should have

-- should have consulted with you first.

>> By December 15th, you want a lot of answers, so we'll be --

>> Tovo: I know you and a lot of providers have been presenting that and preparing it. That will be interesting for us to hear.

>> Thanks very much.

>> Mayor Adler: Thank you. Was there someone donating time?

>> I'll donate an I time.

>> Mayor Adler: Okay. Billy Carter is donating time to Katelynn Whittington and Denise also. Three minutes.

>> Mayor pro tem, members of council, my I'm a visitor of the impact task force representing the music industry. I commend you all for continuing your focus and your attention on these important interconnected issues. The task force created a balance set of recommendations that addressed the needs of all the stakeholders that were at the table and involved in assessing the use of the hotel occupancy tax. Our recommendations were created to facilitate legal uses in a way that makes sense to Austin tourism. After hearing input from various stakeholders and from various groups that had it. These recommendations sought to create single funding mechanism commercial, music, and historical -- the only way identified by the task force to find new music, from the hotel occupancy tax, by leveeing the occupancy tax under chapter 351 as set forth in the task force recommendations. These proposed uses as set forth in the mayor's downtown puzzle plan encompass the task force recommendations, but more so by working with the hotels to establish a tourism public improvement district.

[9:07:47 PM]

This plan also creates a framework to help address the issues of homelessness. More so, a future convention center expansion will undoubtedly be a boom for Austin. Read through the list of events that utilize the current meeting space at the convention center. Scientists, architects, programmers, trade

and professional associations, from the fire and stem sectors, this is not casual tourism. These events bring a much deeper benefit to Austin than heads and beds. The effect of hosting these continues to keep Austin at the forefront of conversations that are driving future of industries pervasive throughout Austin's broader economy. At the moment, if I may put on my hat as a planner with south by southwest, south by southwest's mission is to help creative people achieve their goals. We feel that these recommendations lost to the creative sectors of music and arts enrich Austin's community while supporting the hospitality and special event sector that continues to provide benefit for austinites throughout the city. Yesterday, south by southwest presented our annual impact analysis finding of \$324.8 million into the economy just this year. It is worth reiterating my colleagues' statement by south by southwest might not be around today and might not be generating these millions of dollars of economic benefit for Austin if city hall hadn't%ed to build a queens center in 1992 and its subsequent expansion? 2002. To this end, south by southwest supports the recommendations of the task force, the mayor's downtown plan, and the expansion of the convention center, not just because it benefits existing big events, but because it is a visionary solution to a complex set of problems.

[Buzzer sounds] Thank you all for your commitment to Austin tourism and the community and cultural events to make Austin a great place to live, work, and visit. Thanks dis, and visit.

[9:09:57 PM]

>> Mayor Adler: Thank you. Lewis, drew McQuaid. Denise, she donated her time, iceman. Allison Mcghee. And then Ralph Webster will be on deck.

>> I think somebody was going to donate time to me, to have two minutes.

>> Mayor Adler: Who's donating.

>> Carolyn Wright.

>> My name is Allison Mcghee and I'm on the board of directors of preservation Austin and also served on the visitor impact task force. I really appreciate all of these discussions about ways that we can utilize funds for -- to benefit historic preservation and preservation Austin is in support of moving forward with further discussions around the mayor's downtown puzzle, and how those -- how use of hot revenues and tpid revenues can be used for historic preservation to the maximum amount allowable by law. However, we do ask that as these discussions move forward and plans are implemented, that there be some considerations. First, to maintain existing general fundal indications to parks & recreation department and other city departments in lieu of using hospital revenues to offset that funding, has been proposed with funding this year, offsetting almost \$2 million of pard if you think the with historic reservation. Also make changes to the existing heritage grant program as recommended by the visitor impact task force, those funds can be distributed more effectively and efficiently. And we ask that that be done in cooperation and with input from preservation Austin and other cultural heritage interests.

We think that these entities are unique qualified to identify and recommend policies and models that are based upon the needs of historic sites in Austin, and on programs, similar grant programs in Texas and from other states.

[9:12:00 PM]

We also ask that you allow for equitable funding of culturally significant historic sites that have been underrepresented and this was discussed in length by the task force, and preservation Austin believes the best way to ensure that is robustly fund the heritage grant program and revise rules to favor projects and properties to impact culturally significant sites that have been underrepresented. We take pride in our organization, we're collaborative and work closely with our partners, and we hope that as the downtown plan moves forward, there will be timely discussions with all the groups so that funding decisions are done in a way that's mutually beneficial to all. Thank you.

>> Mayor Adler: Thank you. Mr. Watson. And on deck is Ralph Webster. Webster? Is Robert Watson here? Is Ted Siff here? Is Steven Stout here? You'll be up next. Sir. One minute.

>> Mr. Mayor, council, thank you very much. My name's Ralph Webster. I'm on the board of directors of the Barton Springs Conservancy. First of all, I'd like to thank my city council member, Mr. Flannigan, for your support of this item. I want to just -- just briefly, I want to encourage you all to please look at the letter that Mary Binn handed out just a few minutes ago. Please note the impressive list of supporting signatures. We are very proud of our conservancy chairs, Lucy Buenos Johnson, Marianne Bell, and Will Wynn. Those signatures are on back of that letter, support, and the many, many other supporters listed on this resolution. There are 120 signatures from parks, arts, homeless, historic preservation, and chambers groups. Thank you all very much.

>> Mayor Adler: Thank you.

[9:14:03 PM]

[Applause]

>> Mayor Adler: Thank you. Mr. Siff, you'll be at the next podium.

>> Thank you, mayor and city council. My name is Steven Stout, executive director with the Texas Society Association of Executives. We are the association for associations based in Texas. Yes, that is a thing. So we serve more than 1,000 members representing 268 associations of local, state, national, and even international scope, with a majority of them headquartered here in Austin, Texas. Based on a

recent recent impact study we discovered more than 7.2 million medium attend events in Texas annually. Austin is continually identified on a number of top ten lists, for hotel, walkability, and our industry's way of calling us weird, as a city, Austin was created an incredible convention footprint in downtown, without the secret is out about Austin. The space of the center is a challenge. It is so precious that if a large group booked a majority of the building, there is no opportunity to host other groups at the same time, like state associations. And expansion cannot only answer the call to big groups anymore, space can answer big business, two or three groups in the building at the same time. With that, I urge the city councilman to vote in favor of item 52. Thank you.

>> Mayor Adler: Thank you very much. Mr. Siff will be at that podium. Is Jean mcminimin -- thank you. Is Ricardo here? You'll be up next.

>> Thank you, mayor and council. My name is Ted siff and I do chair the shoal creek conservancy. I mention that primarily because it illustrates the strength and breadth of the coalition that supports item 52, that shoal creek conservancy is supporting an item that will largely benefit the waller creek conservancy. And the other puzzle parts, as others have described, will benefit each other, creating a sum that's greater than the parts.

[9:16:05 PM]

My comments primarily are that the item before you is really a procedural item. It's not a substantive item, although I commend all the speakers who have spoken substantively about different puzzle parts. You're simply voting to direct staff to continue a process. It doesn't give staff or you're not feeding any authority in terms of the speed of that process by voting for this item.

[Buzzer sounds] And so I would just commend you to continue the process by voting for item 52.

>> Mayor Adler: Thank you.

[Applause] After Rick, the next speaker will be Kathie Castillo.

>> Mayor and councilmembers, first let me apologize for not being able to be here this afternoon, and thank you for the opportunity to speak to you this evening. I'll cut it short and first off invite you to mas Mack, the next public open house that will be held Saturday, October 7th, 2017, from 10:30 to 12:00 at the Mack. We hope that you come and participate, let us know what you think, and hear what your constituents' hopes and dreams are for the Mack. To discuss the downtown puzzle, the board unanimously resolved to support the downtown puzzle, with the understanding that we would not support any action which dramatically deviates from the max' mission or could cause harm to the Mack's facility, which is represents. We understand it's not going to be a single assister that will ultimately allow us to complete the Mack.

[Buzzer sounds] Therefore, I would just say very quickly that we will support the downtown puzzle, gold mine program, issuance of certificates of obligation, inclusion of the Mack and school in the waller creek increment district, the establishment of public/private partnerships, and/or philanthropic engagement.

[9:18:19 PM]

Thank you very much.

>> Mayor Adler: Thank you. And after Ms. Castillo, Jill Ramirez.

>> I'm donating my time.

>> Mayor Adler: Donated your time. Okay.

>> Good evening. My name is Kathie veil Castillo. I've lived in Austin since 1981 continuously. I currently reside in district 5. And I'm standing before you as a private citizen. I've -- I'm also on the advisory board for the Mexican American community center, and I'll just get right to it, that I am an equal opportunity employer of any plan, any proposal that will ultimately result in identifying funds to build out the Mack. I also want to say thank you to all of the various speakers who have come up here in support of and with questions for item 52. I don't think the Mack has ever had this much public support for our mission and for the future of the Mack.

[Buzzer sounds] I am -- go on record strongly in support of item 52, moving the process forward, getting the answers we need. Our community needs that Mack built out. Thank you to all of you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Ms. Valadez and then you have time donated to you so you have two minutes. The next speaker will be

[indiscernible] Jackman.

>> Many organizations and individuals have been the beneficiary of many years of tourism based hot funding. Some of these groups and individuals are now denying the ability of the Mack to also be funded with those hot monies.

[9:20:22 PM]

Although there are many that may not have been enamored with the convention center expansion, it does offer a way to generate a stable funding source for the Mack and other projects through its expansion. Especially when property taxes would not be affected and tourism dollars could be used to fund other community priorities such as homelessness, music, acquisition of palm school, the fifth street Mexican American cultural heritage corridor, our own tejano projects. It is interesting that some of the convention center expansion were in support of such an initiative when mayor Watson agreed to designate the eastern CBD and our east Austin neighborhoods as the designated preferred development areas, which led to further displacement and target of our Latino Mexican American and poor people in east Austin areas. To preserve the non-human species over the aquifer -- over the aquifer, at the expense of humans living in east Austin. That 1990s convention center expansion generated additional monies and expanded pie for the arts and other projects, which we consider contributing to our quality of life. Today, we are calling for the completion of the Mack and for the support of so many projects impacting our Latino and Austin community. We view this expansion as a long overdue reparation for being forced from our homes in the downtown and the another one sector of Travis -- of the city of Austin. If tourism dollars can help us achieve these long overdue projects, then please pass this resolution now. We do not want to wait another ten years for the completion of the Mack. Thank you very much. And I thank you all for being here tonight and listening to us. Thank you.

[Applause]

>> Mayor Adler: Is defertiti Jackman here?

[9:22:24 PM]

Is David Christopher here? You're up. Is Robert Calder here?

>> I am. Thank you all so much. Music is love, and the ecosystem of a community, the artist plays an important role. They offer the rest of us an escape from the insanity of our world and an opportunity to return to our hearts if only for a few hours. There's a tremendous value to that. We are asking that the entities that are profiting off the annual \$2 billion annual music tourism industry to get back to keep the heart and soul of Austin intact and thriving. The music community has many needs. One of the most important for the artist is discoverability outside of Austin. Musicians need to reach new audiences and win fans so they can profit from their work. We created Austin music live to serve this purpose. Austin music live is a truly live, interactive, hosted music show that features the very best of the Austin music scene and the keep it weird culture with a positive, feel-good message. Each show is captained live and broadcast through digital platforms throughout the world. Austin music live has its own channel, reaching 20 million U.S. Households alone. It's a service to the artists and city of Austin as we export our culture out to the rest of the world, and the advances in broadcast technology allows us to produce a show at a per-show cost that is less than Austin city limits' first show 40 years ago. But there is a cost. We're asking the city of Austin to grant 52 and give us a grant to allow us to continue to produce these

high quality shows, which have been said to go toe-to-toe with late night television. I'd like to share with you a little bit right now. Hit it.

[Applause]

[Video playing.]

[9:24:25 PM]

>> We are the show that celebrates the local

[indiscernible] That makes Austin the live music capital of the world, watch it live on Austin music live [indiscernible]. We are music for your eyes.

[Buzzer sounds]

>> It's short. I promised you guys.

[Laughter]

>> Mayor Adler: It was a teaser. It was a teaser. But we know where to find you.

[Applause] Robert Corbin.

>> Pool: And you can send us all the link so we can watch it ourselves.

>> Send the link? Absolutely. I'll invite you to the show on Wednesday night.

[Indiscernible].

>> I don't think I can be as funny as him, but --

>> Mayor Adler: But you do have one minute.

>> But, you know, we've heard a lot about different problems the city has tonight, lots of problems, I mean, there's homelessness, affordability, lack of money for music, culture, historic preservation, and more. And I kind of wonder, maybe it's a result of the fact that a few years ago, we actually built a convention center. Maybe if we hadn't built that convention center, we wouldn't have some of those problems to the magnitude that we have today. Now, I started off as a real liberal, years ago, and I thought, man, the government owning something, like Austin energy or a convention center, that was good. That was my convention center. My utility. I don't feel like that anymore. And I think -- I'd like to propose that we take the convention center and we actually sell it to private interests. We got Dell here. We've got deep pockets. Maybe they can get together with some of their friends and they can buy the convention center.

[9:26:28 PM]

If they want to expand it --

[buzzer sounds]

-- They can expand it, buy a block, expand the convention center. But I think the city should not be in business, and the convention center, to me, is essentially a business, as is Austin energy. So I'd also like to propose that we sell off Austin energy. Thank you.

>> Mayor Adler: Angela. Angela Benavides Garza. Those are all the speakers that I think that I have signed up. Am I missing anyone? We are now back up to the dais. I had laid out a draft which was draft 2. Mayor pro tem, do you want to make a motion? Do you want to substitute into that?

>> Tovo: Sorry, I didn't think we were done with our speakers so soon. I'm sorry, mayor, I sort of missed what you said. You were asking if I would like to substitute --

>> Mayor Adler: Your -- substitute ifc for number 52 for -- I had introduced draft 2. It had been seconded and entered.

>> Tovo: Well, I hate to make a resolution when it was your resolution. Would you like to make a resolution, and I'll just amend it?

>> Mayor Adler: I've made the resolution. So that's on the floor. So now would be the time --

>> Tovo: Oh, I see what you mean. Got it. Yes. I would like to do that, or we can talk about the amendments one by one. The challenges that councilmember Houston has made, and in some cases, her rewording may actually be better than mine. So I'm not sure what the best path forward is.

>> Mayor Adler: My suggestion would be that we go to yours. I want to ask one question about that.

>> Tovo: Sure.

>> Mayor Adler: Then we go to Ms. Houston, and then -- because we just have to pick one or the other.

>> Tovo: Okay. That makes sense. That sounds great. So then, yes, I would like to make a substitute resolution, and it is in front of you.

[9:28:31 PM]

And so the -- it preserves the mayor's edits, the mayor's revisions to draft 2 in blue. Mine are in orangey red. It gets a little funky at the paragraph that I moved because it may not capture every one of the mayor's marked changes, so I would just suggest looking at that closely. And that's the paragraph about the convention center. And then at some point, there were a couple passages, mayor, that I would like to talk with you about. I didn't suggest changes, but I also needed to understand what they were --

>> Mayor Adler: We can do that --

>> Tovo: But we can do that after.

>> Mayor Adler: Right. In terms of this, there was -- first, I want to thank you for bringing these things forward and clarifying the language, because I appreciate you doing that. And then also for agreeing to let this move forward so we could do that. I appreciate that. The one question I had was, on page 3, the -- on all these, we had said December 15th, 2017. I think the intent is to make sure that waller creek happens this year because I think that might very well be the time sensitive one. But on all the others, I think the understanding is, we've set December 15th, we want staff to come as close to that as they can and to give us information as they have it. I had asked you about keeping back in the last four lines of that paragraph, so to say by December 15th provide council with analysis and recommendations, and that things should be studied both as renovation and then as an expansion. Are those lines okay to keep in?

>> Tovo: So I think I need to talk about December 15th for a minute, and then I want to talk separately about that other line. So I want to say, when I was drafting my amendments, really our amendments, because, again, as I mentioned yesterday, councilmember Garza and councilmember pool are both involved in the thought process behind those, but I really -- I came up with December 15th without talking to staff. So I'm not sure at all that those are reasonable.

[9:30:32 PM]

I wanted to be sure we had a report back date because as I may have mentioned to some of you, I have sometimes brought resolutions forward without one and realized that's not always the best measure because then you don't have a clear understanding of when it's coming back. So I put that in, really as a placeholder. I'd like to invite our staff to talk about -- and now may not be the right time, but I think we need some feedback about what is reasonable. I agree and one of the reasons I really wanted to make sure waller creek was moving forward is, you know, if it doesn't get done, as we talked about yesterday, if it doesn't get done by the end of the year, it has to wait a whole additional year. So that's my feeling about December 15th. We need guidance from staff about when -- about whether those are realistic. We have already initiated the staff work, for example, on identifying additional -- telling us what other financial stream -- what other funding streams might be available for ending homelessness. That is -- I think the report back date was actually today, and because of the budget and everything else, they

weren't able to complete that work, so December 15th might be realistic for that, but it probably isn't realistic for these other things. And if we want to prioritize getting waller creek done, because that's the shorts time frame, we'll likely need to give them more flexibility on the other issues. One of the reasons I suggested, though, with regard to that other sentence, it wasn't entirely clear to me what the city manager would be providing council with an analysis and recommendations about, in your line, and the next piece, individual projects can be studied, evaluated, returned to council separately, I thought we had accomplished that with our -- by moving -- with the amendments about -- one about waller creek, one about the Mack, and funding, one about -- you know, we separated those out independently. So I'm not sure that we need to restate that the projects are moving independently because we've already accomplished that. So that was one reason why I was suggesting eliminating that line.

[9:32:33 PM]

It wasn't clear to me what we were talking about with regard to the individual projects.

>> Mayor Adler: So help me understand. We had --

>> It's on page 3.

>> Mayor Adler: -- What I had thought was the intent of the amendments that you made, was to take a look at these various projects and say, just look at this project, without regard to a convention center expansion.

>> Tovo: Right.

>> Mayor Adler: What can you do? Then we got to then the be it further resolved, we were saying, okay, now with regard to the possibility of a convention center expansion or renovation, take a look at these, but look at it both ways. So that's what the intent -- I had thought the structures of yours was to first raise these things independently, without regard to the convention center, either renovation or expansion, and then this was to say let's look at those in that context so we can answer those questions. And I wanted to make sure that they were answering the questions both with respect to renovation and expansion, not one or the other. And then the letters a through E then, on the next page, then give rise to some of the legal questions that you have asked on your list of 50 questions to staff. So that's all that was. And I thought that followed the organizational pattern that you had laid out.

>> Tovo: I'm sorry, I'm still not completely clear. Okay. So when you said the city manager should provide council with an analysis and recommendations --

>> Mayor Adler: What I mean is answering questions. If analysis and recommendations is the troubling word, just answering the questions relative to, can you -- is there a way for us to do east 6th street or the red river cultural district --

>> Tovo: Okay.

>> Mayor Adler: You know, with convention center monies, either with an expansion -- it's those questions, can you do Mack, can you do the mexic-arte with that money.

[9:34:34 PM]

>> Tovo: I think that that's the same -- I think, if I'm understanding your point, I think that that's the same as the be it further resolved that says the city manager shall consider and respond as part of the analysis, legal, practical, other questions submitted from councilmembers. Is that the same --

>> Mayor Adler: That was kind of my catch-all, but no one reading that would know that we were, in fact, asking for the legal questions or practical questions associated with a through E up above. So I thought someone reading this, rather than hiding --

>> Tovo: Oh. Oh. I understand. This sentence refers to -- I'm sorry, this is really --

>> Mayor Adler: Yes.

>> Tovo: -- Very tedious to the audience, but because we're in different quorums, I need to spline this is sort of the way we have to conduct this work.

>> Mayor Adler: Sorry.

>> Tovo: Okay. So that sentence refers to a through E.

>> Tovo: Yes. Because that's --

>> Tovo: I didn't understand that. Okay.

>> Mayor Adler: So putting aside a second how we deal with the date, which we're going to need to do in a second, I'll accept all of the changes -- I'll accept the substitute if we can just add back in those four, but then come back and have a conversation about --

>> Tovo: About the dates 1s about the dates.

>> Tovo: So we're talking about the projects below, so it's the individual projects below can be studied, evaluated, returned to council separately. I'm still not think and should consider both a renovation and expansion. I think I would suggest, can we strip that out? It's not clear to me what --

>> Mayor Adler: We could strip it out because it speaks here to expansion and renovation in the first seasons. I was just trying to be clear adding belt and suspenders, we weren't making a recommendation to renovation or expansion. I was doing that because the question had come up in our work session is to whether or not I was trying to push to one or the other, and I was just trying to reemphasize I wasn't.

But it certainly says that in the first sentence. So I'm fine taking out and should consider both a renovation and expansion, because I think that is repetitive of the first sentence.

[9:36:41 PM]

So I'm okay keeping that out. And they can come back separately with again a question that had been asked in work session, we didn't want to hold up any concepts, if they have stuff, they should bring bank account.

>> Tovo: But just to be clear, the individual projects you're talking about are those below identified in a through E.

>> Mayor Adler: Yes.

>> Tovo: We're not talking about stuff earlier in the resolution. So is there a way just to -- yes, I'm fine with including that, but maybe we could adjust the language so that our staff understand and the public understands what projects we're talking about. I think we're talking about the individual projects identified below.

>> Mayor Adler: I have the following -- just before that, for projects mentioned earlier in this resolution and the following projects, without limitation.

>> Tovo: Okay. So how about this, for projects such as those mentioned earlier in the resolution and the following projects without limitation, we need to run those together somehow. For a project such as those mentioned earlier in this resolution and following projects without limitation --

>> Mayor Adler: And by December 15th, city manager would provide council with an analysis and recommendation, individual projects can be studied, evaluated, and returned to council separately.

>> Tovo: Okay. Let's leave it for the moment. I think that's fine. I just think we need to somehow -- somehow, we need to get the language in there that explains that we're talking about the ones below, but I can't -- it's very awkward trying to do it here on the fly.

>> Kitchen: I have a suggestion.

>> Mayor Adler: I could say the following projects a through E.

>> Tovo: That accomplishes it.

>> Mayor Adler: Okay. Following projects -- the following projects a through E, add parentheses or whatever, a through E.

>> Tovo: Can be studied, evaluated, returned to council separately.

>> Mayor Adler: Right. . >> Tovo: Okay. Perfect.

>> Mayor Adler: Okay. So I accept that. We're not going to include the -- we're going to put back in the strike on those four lines. We're going to -- except for, and should be considered both renovation and expansion, that stays out, and we're adding a 3.

[9:38:43 PM]

With that, is there any exception to that substitution being added? Hearing none, that is now what is on the table. Councilmember alter.

>> Alter: I know you guys are trying to go through this. I just wanted to ask a very basic question that seems like a piece of the puzzle is -- like sort of stated, I just want to make sure somewhere it's stated they're going to come back to us with information we need about the convention center. It sort of seems to skirt that, like they're not -- I'm just trying to figure out which sentence says that so I can be clear, since there's so many --

>> Mayor Adler: Well, we could in the very first sentence, where it says this resolution should not be viewed as a decision or an inclination to expand or renovate, we could add, but does request information relevant to that decision.

>> Alter: I'm sure if Mayor Pro Tem Tovo had a spot where she felt like that was already addressed. I don't want to be adding pieces, but because I think part of what we're observing is that there's agreement on, like, 70% of this document, and then the question is how to handle moving forward with the convention center and having information we need on that. I don't want there to be confusion that we're somehow telling them not to come back with the information we need on that. And so can you tell me where in your version it says that?

>> Tovo: So I think that that's actually a point where we need to talk. So we talked about a couple different openings yesterday, opening options yesterday and talked about the UT sustainable development as one option. I think there was concern about the time frame. The mayor has incorporated that as an option, the manager should consider, but I think we -- I think we need to spend some time here this evening talking about what is our process for deliberating on the convention center piece. And I've been asked a couple questions by staff and by the community, are we -- what is -- what is the -- you know, what is the university's role in this, based on this sentence.

[9:40:46 PM]

And is that work happening after or before the decision from council. So I think I would say that if there's -- where we need to clarify is in this very section, but we have to talk about it. It's not entirely clear at this point what our process is going to be. But thank you for raising that.

>> Alter: That's fine. I think there's a lot of agreement here, I! I just want to make sure that at some point we resolve that --

>> Tovo: I agree with you that it is not resolved right now.

>> Alter: Okay. Thank you.

>> Mayor Adler: Mr. Flannigan?

>> Flannigan: I have a similar concern to councilmember alter, the be it resolved on page 4, it implies we'll only know if the convention center can minimize the street grid impact or have innovative options, we only know that if we vote to renovate or expand and I'd like to know it before we vote to renovate or expand. I think that's one place I would like to see a little bit of tweak.

>> Mayor Adler: What were you saying?

>> Flannigan: At the bottom of page 4, says if the city council votes, all these things we get to know but I'd like to know those things before we vote. You see what I'm saying?

>> Mayor Adler: So help me -- so to the first question that you asked, which is to say we're asking for this information for a purpose, or what we're trying to do is put ourselves in a position where we can actually deliberate and make a decision, I think that's a really good point. And I think with the changes that concept may very well have been lost in the -- in the going back and forth. So I would propose we just say that, that does request information relevant to that decision. Because the purpose of this is just to get information. And mayor pro tem, it's not proposing at this point a process ultimately to make that decision because I thought that went beyond the scope of what we were doing here, which was to say, let's just get information back relevant to that decision and then we can figure out how to do that.

[9:42:51 PM]

And Mr. Flannigan, I didn't -- I read the be it resolved at the bottom of page 4 to basically be saying if we were to do that, these are the things that there's consequences that we would want, if we were going to do a convention center expansion, we would want to preserve the grid, we'd want to have active street space, we would want to add ad valorem tax value. The manager should explore innovative collaboration and design doesn't mean that he has -- that the decision has to wait for that, although that may be what staff comes back and says. We can answer these other questions first. Don't get us into design questions until you give us a little more direction. But that was just -- the first line of that was -- I think was just stating a consensus that was on the dais. If we're going to do that, these are three things -

- and they were the recommendations that came from the task force. If we were going to do it, that's what we'd want, and then the second sentence was, we want staff to take a look at design.

>> Flannigan: And I'm perfectly fine not overly word missing this process, I think staff gets the point and we'll get all the information back we're looking for, but just in the sense of daylighting -- it seems like there was all agreement across the dais, we all want these things before a decision is made, but we don't have to place commas and semicolons and stuff, we can move forward.

>> Mayor Adler: Are people okay with adding that line, but does request information relevant to that decision? Anybody -- I was saying in the first sentence, on page 3, this resolution should not be viewed as a decision or inclination at this point to expand or renovate the convention center. I'm going to propose adding the words, but does request information relevant to that decision.

>> Pool: I have a question about that. The piece about this, we're still talking about the street grid system and so forth, is that part of the work that the university -- that would be part of the university of Texas process?

[9:45:00 PM]

>> Mayor Adler: No, I -- I think that happens -- that was out of the task force. I was just saying whoever does the design work --

>> Pool: I understand that's something the visitor impact task force talks about, but I was wondering, because it's in the paragraph where we talk about working with the center for sustainable development with university of Texas, if that was a piece of that work.

>> Mayor Adler: So I think what this is saying, there are three things we want to make sure we have.

>> Pool: Can I just ask the mayor pro tem to tell me?

>> Mayor Adler: Okay.

>> Pool: Because she was the one that had the study piece.

>> Mayor Adler: Actually, that was my change but the mayor pro tem can answer that question. That's okay. Let the mayor pro tem answer the question.

>> Tovo: So I think -- I just -- I need to be clear that yesterday the amendment we looked at with regard to the UT was -- was fairly directed. Right? It was directing -- it was directing the city manager to go forward and negotiate and come back with a commitment to do that study. And I believe, as I understood the discussion about that study, that it would be -- it would be looking at physical configurations and financial -- it could look at a range of things, and it could include something like its position and its context within that area of downtown, which could talk about the street grid and

whatever. I mean, as I understood the description of the study and how it would help us, it would be less directive than kind of, to use a word somebody just did, it would daylight some of the decision points we need to make and provide information for helping us make those decisions. So I think it could certainly include that piece. But it's not -- we do need, I think, to have a conversation, if that is the direction we want to go in in initiating a study like that, we would want to figure out, I think, how that plays into this. At this point, it sounds like we're going to leave it to the staff whether or not they believe that would be a useful -- a useful piece to do. But it's fairly -- it's fairly involved and I'm not -- you know, that we would need to -- we would need to be aware of that.

>> Pool: Thanks for that.

[9:47:00 PM]

The reason I was asking was, I don't want to assign the -- assessing the impact of the street grid system to our staff if, in fact, we decide to do the study, and that would be a piece that would be appropriate for the independent study to do. So that was my hesitation with the placement in this paragraph. I think it's fixable. But I would like to resign that to the sustainable development center if they're going to do that work.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I think -- I think that that certainly could be considered, but I think it's important at this point that we don't -- that we don't assign anything at this point to the sustainable center. Because we're not ready for that. I think that's why I like the language that's here that just says, ask our city manager to explore the option to work with the center for sustainable development. And I think that's the intent of the language because there's a whole -- I mean there's a whole long discussion about -- that has to occur before we even get that far. And if we did get that far, then we'd have to understand the scope, we'd have to understand what their expertise is, how that expertise fits with what needs to be done, et cetera. So I think at this point in time, I think it's well placed here as an option that's worth considering, but I don't think that we should go any further than that at this time. So -- and then, mayor, you had asked earlier, back on page 3, about adding the language to clarify, but does request information relevant to this decision. I think that that would get -- I think that would get at making it clear that we do want information to come back to us. So -- and that would be the place to put it, I think.

>> Mayor Adler: Any objections to that inclusion? That's included. Other discussion? Mayor pro tem.

[9:49:02 PM]

>> Tovo: Mayor, I need to understand what rfi is. Is that a request for information?

>> Mayor Adler: Yes. Yes. That was saying -- I just wasn't comfortable at this point knowing that we wanted to go for the center for sustainable development. While I think that is a great group, and -- I just was asking staff to look at that.

>> Tovo: I just needed --

>> Mayor Adler: More broadly.

>> Tovo: I just wanted to spell it out. So I also want to be clear about how this -- what this paragraph actually directs the manager to do. So it's my understanding the manager would not, based on this paragraph, be able to go out and enter -- and do a request for information for interested designers to come work on the convention center, or program the space or anything that is -- I would assume that is much further down the road. And when we talk about requesting information, we're really talking about getting answers to some of the questions that are already out there. Okay. Thanks. And then, mayor, I did have another question about the last be it further resolved. I think it would be fruitful to have a conversation about exactly what -- what we anticipate would be in the analysis. It wasn't clear to me whether it's a separate analysis or just sort of responses back as we've already asked for throughout the rest of the resolution. And then it talks about the tpid and the tif and various other things we've addressed earlier in the resolution. So, again, I think that I need some help understanding kind of what we're exactly asking for from the manager with regard to this paragraph. And whether we have asked for that information elsewhere in the resolution, in which case then this may become a little confusing.

>> Mayor Adler: Well, I added it intending -- when I look at the questions people are asking, they're asking questions about -- legal questions, what can we legally do, and for certain things or in certain situations. Some of the questions certain logistics or financial questions.

[9:51:05 PM]

But some of them also might relate to policies or -- or options for the tpid, different -- you know, I don't -- there were questions that related to the substance of the agreement about tpid, but they were kind of premature because there hasn't been a negotiation for a tpid yet. Or what the tif would be. So I wanted us to -- this staff to be able to talk about those things from a policy level. So it was again just trying to make sure that we wouldn't find ourselves in December with potentially questions that were -- that were unanswered, that people would want to have information about in order to be able to make a decision. So these things might be included in -- the B isn't. The B goes to the question of, if we were to get money for music, how would we distribute that money. What are some -- and we're not asking staff to decide that, we're asking them to come pack back with policies or options that would be useful information for us to have if we were actually deciding this question and decided we wanted to have a music fund, how would we distribute the music fund. That's a question that people ask. And some

people, I think, are going to want to know the answer to those questions before they vote to do one of these options. So it was making sure that if those questions were there, they would be answered. But these things go primarily to the kinds of questions that are in that list of 40 that you have and the related questions to that. It's not asking staff to decide any of these questions, but just to put us in a position where if we were to make decisions on that we would have some information or data to do that.

>> Tovo: So B I understand, and then a, I think, again, relates back to stuff we've talked about earlier in the resolution.

[9:53:13 PM]

So as the city manager is analyzing, for example, whether a geographic expansion of the waller creek tif is a useful thing for the council to consider --

>> Mayor Adler: I'm fine dropping a if you think that's already covered in the earlier language, and staff would know that this is -- we're pulling this out because it's already covered in the earlier language. I'm fine with that if you want to -- if that would look better to your eye.

>> Tovo: Let me think about that because I just want to understand -- I want to understand because it may be that it's not -- the options for policies related to any tpid agreements --

>> Mayor Adler: Whichever way you'd rather go, I'm fine with.

>> Tovo: Okay. Thanks. Let me think about that for just a second. It helps me for you to talk through how you envisioned it. I think it is a bit different than what we may have elsewhere.

>> Mayor Adler: Okay. All right. That would get us to Ms. Houston, if you want to go through your amendments.

>> Houston: Everybody should have a yellow sheet. And so I'd like to amend -- I'd like to add a whereas clause that expands the geographical scope beyond the downtown core, and highlights other community initiatives that deserve attention. So for those who -- in the audience, it says reserve our initiatives, whereas other initiatives have identified important priorities outside of the downtown core that merit investment, including, but not limited to the spirit of east Austin initiative, which was created to address historic inequities and the lack of financial investment in the eastern crescent, and a path forward to reserve the impact -- to reverse the impacts of generations of neglect.

[9:55:24 PM]

>> Mayor Adler: Is there any objection to that whereas being added? Hearing none, that is added.

>> Houston: And then I think that the mayor pro tem has taken care of the next two where we strike eastern downtown and we have added core west of I-35.

>> Mayor Adler: Okay. So you want to offer those two.

>> Houston: So it's one, two -- three places.

>> Mayor Adler: Okay.

>> Houston: And whereas -- whereas clause 6, we're going to change "Realize" to "Identify" where it says require immediate stable funding sources to be identified.

>> Mayor Adler: Any objection to that change? That's incorporated.

>> Houston: And then we talk about the next whereas, which -- huh? What happened? Okay. The next whereas at the bottom of page 1, which talks about whereas all parts of the city have areas that are frequented by tourists.

>> Mayor Adler: Any objection to that being included? None. It's included.

>> Houston: On the top of page 2, we add the resolution that talks about the city manager giving a report to city council on options to include Travis county exposition center as a venue funding, with hotel occupancy tax revenue, all other revenue.

>> Mayor Adler: Any objection to that being included? Hearing none, that's included.

>> Houston: And then it gets kind of -- on page 3, I think that's in the first be it resolved clause. It removes the mention of expanding the geographical boundaries of the tax increment by district.

[9:57:28 PM]

>> Mayor Adler: Okay. This one, Ms. Houston, I would like to have questions I have about that answered. Since we're not making that decision now, one way or the other, I know that some people in the community have questions about that. And I would like the council to have answers to those questions so that when we do make the decision, we have that information.

>> Houston: So some people in the community, which is most of the community east of I-35, are concerned that the geographical boundaries of waller creek will be expanded to include those parts of east Austin, and that will become another part of downtown. And that's -- people don't want to be a part of downtown across I-35. And so that's -- it's a legitimate concern because we've seen it happen in the city before, where all of a sudden we became part of the urban core, all the way to 183. So this is

something that is a serious concern about how we co-op parts of the city that are not engaged -- or don't want to be co-oped.

>> Mayor Adler: I would join you, if what you were saying is let's look at geographic extensions that are west of I-35.

>> Houston: I can do that.

>> Mayor Adler: I'm fine with that.

>> Houston: I can do that.

>> Mayor Adler: And I want the staff to be able to look at different boundaries west of I-35, but have to be west of I-35, but the staff can look at different boundaries.

>> Houston: And it also could be south of -- south of I-35, to pick up Rainey street district and all those other -- the Mack and all the way down to the river.

>> Mayor Adler: Okay. So secure through expanding the geographic boundaries of the waller creek tif, we could add the words, west of I-35.

>> Houston: Okay.

>> Pool: Can we

>> Pool: West of the access western road just to make it really clear

>> Mayor Adler: West of the I-35 access road, that's fine.

[9:59:29 PM]

>> Pool: And then south to include the --

>> Speaker1: Rainey street district.

>> Pool: So I think right now the tif does not -- does it not go south of congress avenue?

>> Kitchen: You mean Riverside, right?

>> Pool: I'm sorry, Cesar Chavez. I said congress. It's late. I don't think it goes south of first street and we want it to wrap into the Rainey street historical district because if this is going to be a piece that would pay for the expansion of the mac then it would be good to have that tif move into that area

>> Mayor Adler: I want to be able to look into that now but I don't want to decide that

>> Pool: Right, we're not deciding it

>> Mayor Adler: If access road picks up everything downtown west of the I-35 road

>> Houston: Okay. As long as we're clear

>> Mayor Adler: We're clear, west of I-35

>> Mayor Adler: Mayor pro tem had something

>> Mayor Adler: And the manager suggested it says secured through a new tif or expanding the geographic boundaries of the waller creek tif, both west of I-35. Any objection to that inclusion? Mayor pro tem

>> Tovo: No. I think that's a very good inclusion. Can I pause here though and just ask our staff. There's been a lot of confusion I think about whether the new downtown tif identified in the staff memo is a consideration of the geographic tif. It was my understanding it was, but I think we've had different -- different people read that differently. Mr. Can can -- Mr. Canally can when you estimated what a new downtown tif could generate in terms of revenue was I correct in thinking that was the geographic expansion of the waller creek tif

>> Greg canally, interim cfo, mayor pro tem, yes, in responding to the resolution from February about looking at downtown initiatives, we had looked at a variety of funding sources.

[10:01:38 PM]

One of those was -- really predates the resolution when we were working with the conservancy look at the time and as well as the expansion. When we presented in July and in August kind of as a proxy discussion, we did look at looking at the boundaries around the existing tif. The only existing tif we have downtown from an actual boundary perspective so we did look at that going west a few blocks and then south a -- little blocks. We haven't done too much analysis on it but it was a general approximation. There would be still a lot of work to do on it.

>> Tovo: Sure. Again, there was confusion I think in the community and even maybe among some of us about whether a new downtown tif was the waller creek geographic expansion, so it is. Thank you.

>> It started off that and just from a -- because of where we had -- where we were looking at the original numbers and looking at where we could get, there's a separation, but in essence they would be the -- the boundaries would be together.

>> Tovo: Thanks very much.

>> Mayor Adler: Okay. Any objection to including of the words "A new tif" and then adding words "West of I-35." Hearing none that's included. Ms. Houston.

>> Alter: I wanted to just ask a question on that same paragraph if I might.

>> Mayor Adler: Okay.

>> Alter: When we say "Such as participating in the downtown Austin alliance funding mechanism, is that the downtown P.I.D.?"

>> Mayor Adler: I think so. Yes.

>> Alter: And that would include the possibility of extending that geographically or applying that to residences if that were a reasonable option? Okay.

>> Mayor Adler: Makes sense to me. I'd like to know the answer to those questions. Ms. Houston.

>> Houston: The next one is on page 3, section number 4.

>> Mayor Adler: In fact let's say that "Such as participating in or expanding."

[10:03:42 PM]

The downtown Austin alliance funding mechanism. Any objection to that being included? Okay. Then that's included. I'm sorry, Ms. Houston.

>> Houston: Okay. Page 3, section number 4, states that the city should get at least 40% of the tpid revenues but I've heard tonight that we can only get 20% -- no?

>> Mayor Adler: No, no. He said it was 40% and there was an answer to a question that had it coming in two different buckets, a 20% bucket and another 20% bucket. But I do like the changes that you've made to this where you take out the detail on the friendship.

>> Houston: Okay.

>> Mayor Adler: Because it may not be through 2029 and whether it's 1% or 2% might depend on the answer to the other question, so I like your change on that.

>> Houston: Okay.

>> Mayor Adler: But keeping in there that it has to be at least 40% to the tpid, keeping that part in. So that part I like. Next part of it, though, where you say -- the language that says right now that it would be exclusively used, that 40%, for homelessness, you're adding in other community priorities, and I would like to keep that as being homelessness.

>> Houston: I think we're waiting to get information back from the manager to find out what other community priorities there are. I, too, feel that we need to use the bulk of that money, but I don't think we're making that decision here. I think we're saying homelessness is our priority for this council and has been, but there may be some other community priorities that pop up, like we had the old Negro school pop up. So we need to have flexibility there and all we're doing is asking for --

>> Mayor Adler: I think your point is well-taken.

[10:05:45 PM]

We should examine whether or not the tpid can be used for other purposes.

>> Houston: I'm perfectly committed to homelessness as the number 1 priority for the use of that.

>> Mayor Adler: Okay. Any objection to the changes in section 4? Yes.

>> Tovo: Mayor, I agree with you. I like the change to -- I think the changes councilmember Houston are really very good on the 40%. I will say did I get a question back to the -- an answer back to the 20 and 20 and I don't understand the additional 20 at all. At some point, maybe that's not tonight, we really need our staff to walk us through that mechanism and how it works. We do have other community priorities, no doubt, but I would prefer to leave the language committed to services and housing for those experiencing homelessness.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: I would also prefer that. And the reason is that I really want to make a statement here that we're committed to homelessness. I know that councilmember Houston is also, and I understand what she's trying to do, but I would feel more comfortable if we kept the language that focuses on homelessness.

>> Mayor Adler: Okay. I didn't want to be the only one. Ms. Pool.

>> Pool: What I like about allowing us to look at other community priorities is that we have other community priorities, and I don't want us inadvertently to tie our hands in some way that would then be very difficult to amend. So I think part of the information that I'd like to find out from our staff is, if we were to commit entirety of the money that would come to the city through the tourism P.I.D. To one particular topic, would we ever be able to change that? And I think that is a question that needs to be answered before we can eliminate or so narrow down this decision, so we don't get tied into something.

[10:07:45 PM]

That we later can't get out of.

>> Mayor Adler: Part of it is that in conversations we had and the testimony we've heard, we're getting four to five times as much as anybody else is getting on per capita allocation because it's homelessness. So as a practical matter, I'm not sure that anything else was -- is available. And since it's practical based on what we've heard, nothing else is available, there's part of me that wants to be really specific about what it is that we're doing. Ms. Kitchen.

>> Kitchen: The other thing I would just point out, I hear the concerns about having some flexibility, but if you'll look -- but from my perspective, when I look at the language, it says "City council affirms its interest in considering." So to me we're making a statement that we really want to consider this dedicated -- not dedicated, but we really want to consider this funding in the context of homelessness. So that does not prevent us from having other conversations. It doesn't tie us down. It doesn't make a final decision. But it makes a statement. And that's the statement that I would like to make, and that's why I'd like to keep it with the homeless.

>> Houston: Mayor, as I said, I agree with that, but what about our porta potties that we want to place around? That could possibly fit into that as well, to provide public safety health and sanitation purposes in and around town. We might be able to use some of that to provide the -- they're not called -- what are they called Portland allows around throughout town rather than just downtown. We've got people experiencing homelessness in all grade quadrants and there's no funding for those Portland loos, which also directly relates to people who experience homelessness. But that's not something I'm going to die on. I just thought it was something that would be an option.

[10:09:48 PM]

Because we have some that fit into the category of homelessness that we're not addressing anywhere else. But I can remove that.

>> Mayor Adler: Okay. We will keep the amendment, though, with respect to deletions that you made about 20, 29 and the 2% but keeping in the language that it would provide at least 40% would be for the city. For the homelessness. Next item?

>> Houston: And the -- item number 5 is just reaffirming the willingness to create dedicated funding streams to address the historic inequities and they're all outlined there, including all different kinds of financial option that's the city manager might come from -- might --

>> Mayor Adler: Any objection to that being included? Hearing none, that's included.

>> Houston: And then the last one --

>> Mayor Adler: Hang on one second.

>> Tovo: Sorry. This looks great to me. I think we just need to say the city manager is directed to identify financial options.

>> Mayor Adler: Good catch.

>> Tovo: I think we dropped a few words there.

>> Mayor Adler: Adding the words is directed to "Is directed" is added. No objection, that's added. Ms. Houston.

>> Houston: Okay. And page 5a we just added east 11th street, 12th street and Walter E. Long park.

>> Mayor Adler: Any objection to that being included? Hearing none, that's included.

>> Houston: D, we made a -- it's almost 10:00 y'all. In fact it's after 10:00.

>> Mayor Adler: Ms. Houston reminds us that is we need to make a vote to extend past ten. Is there a motion to make that motion? Mr. Flannigan makes that motion, seconded by mayor pro tem.

[10:11:48 PM]

Any dissent? Ms. Alter dissents. The others not dissenting, we're extended.

>> Mayor Adler: Ms. Houston.

>> Houston: And then the last one is part -- we don't have anything about partnering with Travis county regarding the renovation and expansion options of the Travis county expo center, and that partnership should be the city manager was directed to partner with Travis county. That's E on page 5.

>> Mayor Adler: So any objection to the changes in D? Hearing none, that is included. And then, Ms. Houston, did you have a word change in E?

>> Houston: Yeah. Partner with Travis county regarding the renovation expansion options of all part of Travis county expo center.

>> Mayor Adler: Okay. So could we say renovation and expansion options including partnering with Travis county?

>> Houston: Actually, the city manager needs to partner with Travis county because it's a Travis county facility. It's on city land.

>> Mayor Adler: Okay. Partnering with Travis county to -- on -- for renovation and expansion, on renovation. Partnering with Travis county on renovation and expansion options. Okay. Any objection to that? That is included as well. Thank you, Ms. Houston.

>> Houston: Thank you, mayor.

>> Mayor Adler: Thank you for your work on this as well. Yes, councilmember alter.

>> Alter: This may be a little bit nitpicky, but I am just wondering if we might change the order of some of these be it further resolved because it seems like on page 3, before we start talking about all the other things we would do if we considered renovating or expanding that are part of that discussion we ought to say that we want the information back on that so we can make that decision.

[10:13:57 PM]

So what I'm suggesting is that we take the be it further resolved that's at the very bottom of page 4 and put that before that other be it further resolved and start that be it further resolved that's moved from part four to say the council requests information on whether or not to expand the Austin convention center -- to expand or renovate the Austin convention center or -- whatever the wording would be to adopt another venue. And then you'd have that sentence from before that said this resolution should not be viewed as a decision or inclination at this point to expand or renovate the convention center. Then we would say if the city council were to renovate or expand the design should minimize impact to the grid system, work to restore the street grid system, et cetera. I know that's complicated but I'm having trouble making sense of the way that we had this order and I can try and repeat that if you want.

>> Mayor Adler: Would you --

>> Tovo: Councilmember alter, my pages must be differently numbered.

>> Alter: I'm sorry. I wrote it on --

>> Tovo: I was working with the yellow.

>> Alter: Yeah [overlapping speakers]

>> Tovo: If you would consider kind of numbering yours and then showing it to us on the overhead --

>> Mayor Adler: So we're all looking at the same page, we've incorporated certain changes from Ms. Houston let's go back to the mayor pro tem's document as the base document we're all looking at, even though it doesn't show the changes we made in Houston, that's the base document we're looking at now. Okay? So what were the changes that you were suggesting?

>> Alter: Okay. So I'm suggesting that we move the portion that starts at the bottom of page 4 of mayor pro tem's that currently reads "If the city council votes to renovate or expand," I'm proposing that we move that to page 3 on mayor pro tem's to be above where it currently says "The resolution should not be viewed."

[10:16:04 PM]

And this would be -- we would be moving the whole be it further resolved thing.

>> Mayor Adler: Okay.

>> Alter: And that would start with the council requests information relevant to make a decision on whether or not to expand or renovate the Austin convention center or to opt for another venue allowable by law, another -- whatever we call that kind of venue, allowable by law.

>> Mayor Adler: Okay.

>> Alter: Then we would take the sentence that was at the top of page 3 that says "This resolution should not be viewed as a decision or an inclination at this point to expand or renovate the convention center." And then we would go back to part that's at the bottom of page 4 and then I would actually say the manager should explore innovative design options and collaboration such as the use of of a public-private partnership, construction of residential and office towers above any expanded convention space and explore options for -- including working with the center for sustainable development at the university of Texas and fri process or other process and then go back to the sentence if the city council were to renovate or expand the Austin convention center, the design should minimize impact to the street grid system, work to restore the street grid system where possible and activate as much as possible -- and it looks like we have an extra prudent there, the street level experience and retain or advance add very lore recommend tax view. Then on page 3 we would simply start it by saying if the convention center is renovated or expanded and the hot tax corroborate increased the city council commits the taxes would be used as allowed by law and otherwise available and desirable for projects such as those mentioned earlier in this resolution and the following projects and then you have the projects and then you continue to the city manager shall consider and respond as part of the analysis, legal, practical or other, questions submitted by councilmembers and we end with the be it further resolved as you guys amended it before, if that makes any sense to anyone else.

[10:18:21 PM]

>> Mayor Adler: I think it does. You're not making -- you're not omitting any language.

>> Alter: No.

>> Mayor Adler: You're just reordering the existing language.

>> Alter: I reordered the existing language and added the sentence "The council requests information relevant to make a decision on whether or not to expand the Austin -- expand or renovate the Austin convention center or opt for another venue legally allowed under the hot tax regulations" or whatever you call them. Otherwise I just reordered.

>> Mayor Adler: Okay. Is there an objection to that? Will you be able to follow the tape on this and get that done?

[Laughter] I mean, I think she laid it out --

>> I think councilmember alter will just write it with instructions we'll follow that.

>> Alter: Okay.

>> I'm sure you can edit that just the way you said it.

>> Alter: I know there may be some reservations but I think we have to make a decision at some point in time about the convention center. I don't know what that decision will be. I don't have the information to make that decision. But we need to have the information we need to do that. You know, there -- it doesn't have to be December 15, but we do need to have that information, however the community and we deciding to. We have to have information to do that.

>> Mayor Adler: Any objection to the change proposed by councilmember alter? Hearing none, that change is made. Anything else? Mayor pro tem.

>> Tovo: A couple things. I have to find it again, but somewhere we've directed ourselves to negotiate for the palm school. Yes. In number 5 it says the city council is directed. It should be the city manager city manager is directed to negotiate the acquisition of the palm school. And then I think we should have that conversation with our staff -- okay.

[10:20:24 PM]

And then I think we need to have the conversation now with our staff about the report backdates and, mayor, I want to return to that last be it further resolved. Thanks for talking me through that. I think I better understand your intent. I think it would work for me if we said analyses because we've asked our city manager to do a variety of analyses and rather than leaving open the suggestion that there's kind of one report coming back to oust I think that didn't analyses makes better sense. The one question did I have --

>> Mayor Adler: I'm fine with that change.

>> Tovo: Great.

>> Mayor Adler: Any objection to the change? Analysis becomes analyses.

>> Tovo: I want to ask our staff if they could come up and address the time period in all of these but also it seems to me like these two pieces would be -- would happen much later in the process, like we would -- we would be down the road a bit before they might come up with procedures for how to distribute the money among different social service providers and things so I think I'm comfortable leaving it as long as the intent is that this isn't something we're asking information for by December 15 or January 19th or whenever we come up with a date for any of these things, but that it would be later. It would be as relevant. I mean, if they're providing us with a report back on a tpid then I would say if it makes sense to incorporate other policies related to the tpid, then do it in that circumstance. If we're talking about options for distributing money among the music industry, I would expect that to happen much later than now. Is that your understanding of how those things would unfold?

>> Mayor Adler: Yes.

>> Tovo: Then I think I'm comfortable with that language. Mr. Canally, can you talk to us about the time frames in this? Again, I really just created that out of thin air so I -- knowing that we needed to talk about kind of what was realistic.

>> Yeah. Good stretch goal. I think to address that not individually each of the items are listed out here because I think we now see these are kind of separate attack items.

[10:22:31 PM]

I think there is the -- certainly the possibility that some of the research and kind of basic information, whether legal facts or kind of pure funding opportunities, I think we can get, we can work on those and have an objective to get those back by December. But I think some of the elements in here that are more -- that are deeper in terms of recommendations, I think necessarily will most likely go beyond that date. But as we've -- in the past I think -- like we've done in the past, I think we would update you on that. I will touch on one thing. I think we'll take from the council's substitute resolution the fact that the waller creek expansion of time is listed first. I think we'll read into that as a priority. I think a lot of our time and effort will be looking at that to go back to the staff work that we had already been working on last fall. And so some of these other elements that are the same type of research may necessarily have to kind of slow down because of that other priority.

>> Mayor Adler: We certainly understand that and I think the priority is the time-sensitive issue, which is waller creek, especially if that has to be done by the end of the year. Okay? Any other changes? Ready to vote? Yes.

>> Pool: I just was concerned about the possibility that we've reintroduced lobbying, staff lobbying for the expansion of the convention center back into this and I don't think that's appropriate for staff to lobby to expand the convention center. So our job is to assemble the information and make a policy decision. I want to make sure if the language that councilmember alter rewrote that, we're really clear that we're not opening the door for staff to lobby to expand the convention center.

[10:24:32 PM]

>> Mayor Adler: I certainly want to hear what staff's recommendations are.

>> Pool: Completely fine to get recommendations and factual information. I draw the line at staff lobbying.

>> Kitchen: But I'm not clear what -- what language are we concerned about? I don't think that it was councilmember alter's intent to say --

>> Pool: I agree.

>> Kitchen: -- That staff would alter -- we don't ever -- I mean, staff doesn't -- I think we're okay I guess is what I'm trying to say.

>> Pool: And that may be because I'm bringing it up and being really explicit that we would not look for that and remittances are

>> Kitchen: -- Are not lobbying.

>> Alter: I think part of having the possibility for rfis and center for sustainability provides some suggestion that we're interested in some objective information and that in order to make our decisions we need that -- that kind of information. So I think that was captured. I appreciate the clarification.

>> Mayor Adler: Mayor pro tem.

>> Tovo: It still -- kind of my remaining question. It's clear to me -- I mean, there are clear directives on most of the other things. It's not clear to me how we're going to approach the convention center piece any differently than we already have. We have a master plan that the staff have done. They've made some recommendations. We have some financial information. We've asked for questions through the q&a, but I'm not sure that we're -- I'm not exactly sure sort of what our next step looks like in terms of our decision-making process with regard to the convention center. And so I just leave it there. We can certainly, you know, as I said yesterday, I'm not sure that we need to arrive at how we're going to make

that decision today but I do think we -- I'm not sure we've set up a process that's different from what we've been kind of engaged in these last six months.

[10:26:38 PM]

We got the presentations. We got the financial information about it. We have more questions about it. But we're not fundamentally changing our notion of a convention center as a UT study might especially us do. You know what I'm saying? I don't know what our next steps are with regard to this other than the staff answering the questions we've submitted.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I hear that concern. I think that that's a good question and so let's put that -- let's put that aside and keep thinking about it. We started to have some of those conversations earlier in the week, but I think that's something that we need to think about some more. I think what this is focused on is getting us the information. And then we can talk about the process for making a decision.

>> Mayor Adler: Maybe ultimately we set it for a work session topic at some point.

>> Kitchen: Right.

>> Mayor Adler: When we're further down the road to say, okay, how should we make this decision.

>> Tovo: I think that is appropriate. And I'm not sure it should be a work session terribly far -- you know, if the staff don't have a lot more information to present, then I think we maybe should schedule it and say is this still the path we want to be on? If we wanted to do something like the UT sustainable center for sustainable development, I think councilmember Renteria you said it very well, it would be a long process but it would be even longer if we don't sort of start on that journey here soon.

>> Mayor Adler: And I think the community is asking for us to make a decision and goodness knows --

[cheers & applause]

>> Mayor Adler: All right. Are we ready to vote? Councilmember alter?

>> Alter: I just want to point out that the language that we have about the convention center had both the center for sustainability, which I will point out we would want to have lined up so they could start in January, otherwise we'd have an enormous delay if we were doing that. But there's also, you know, the rfi process allows us to go out and take advantages of kind of the hive mind of developers as I understand the process.

[10:28:45 PM]

They won't give us all of the information that we want about some of the civic approaches that we could take, and that's one of the benefits of the UT study, but there is -- there are some mechanisms thereby which we could go out and be getting some of the information that's not just hearing from the convention center themselves about what this looks like. I also -- we have a proposal that's in the visitors impact task force and we've never seen anything written up as far as I know of what that looks like since that came out after the master plan, so I think there's some directions forward, but I would also agree with councilmember tovo that we're going to have to flesh that process out. I don't think that has to be tonight.

>> Mayor Adler: Good. But I agree we need to do that as well. Let's go ahead and take the vote. Those in favor of item 52 please raise your hand. Those opposed. It's unanimous on the dais with Ms. Troxclair --

[applause]

>> Mayor Adler: Thank you, everyone, for being here. Thank you to those people that are still here because we're going to continue on. If you could leave quietly. We still have other items to attend. I'm now going to call up item 65. 55. Mr. Casar, you want to lay this out? What? Go ahead and take the speakers. All right. Everybody could be quiet, please, because we're -- why don't you go ahead --

>> Casar: The city attorney wants me to make the motion. I make the motion to pass 55.

>> Mayor Adler: 55 has been moved. Is there a second?

[Applause] Mr. Renteria seconds item 55. We're going to go ahead and call speakers on item 55.

[10:30:48 PM]

Fifty-five. Adam Kahn. And, mayor pro tem, can you take this? I'll be right back.

>> Tovo: Mr. Kahn, you have three minutes.

>> Thank you. I'm calling Adam Kahn, third item I'm testifying in tonight's meeting. I think you all know me. Unfortunately, I have to testify against this measure. Raising the costs of hiring people means fewer jobs. There are a number of reasons that, frankly, I don't like this proposal at all, but it ultimately all comes down to the fact that the higher mandatory costs you place on every single new hire in this city will result in less hiring. And it will result in less jobs and less opportunity for the citizens of this city. Now, I know that this has been sold -- or has been presented to the public in -- as something that is being done for the service industry take in particular. I know that I work in the service industry, and there is nothing that I see in this proposal that helps me personally. You know, if you want to give

mandatory sick leave, well, so I make, what, somewhere between 70 and 100 bucks on any given particular shift? I have to take one shift off but all-a sudden then have to go and get a \$200 doctor's appointment? I'm going to come out behind at the end of that process when you know what? Maybe I have to sacrifice 70 bucks one day. It's not going to be the end of the world. That \$200 doctor bill, that's going to be a whole bunch more. Then you look at frankly what it would mean for smaller companies in this town. Take examples of, you know, plucker's, Amy's ice cream, P Terry's, these are all companies that at this point are fairly well known around town and typically tend to pay better cash salaries, better benefits, better wages than the average company in the industry, but that's because they're ten years old now.

[10:33:08 PM]

When they were starting they couldn't have done that. Think about how many people those three companies I just listed -- and I'm just using them as examples. You could probably name 15 more in this town and they're all very similar. Finally, I just want to comment that I think in some of the public presentation this issue up to this point it's been presented as sort of a, you know, anti-mcdonald's thing and I just want to point out that McDonald's, whatever happens, whatever y'all decide to do on this issue, McDonald's is gonna be just fine. It's gonna be the next plucker's, the next Amy's ice cream, next pick whatever local food -- local vendor you like, those are going to be the ones who are ultimately unable to compete with this. So McDonald's is going to be fine no matter what and I just really think this is a deeply misguided, very disturbing proposal.

>> Tovo: Thank you, Mr. Kahn.

[Buzzer sounding] Or next speaker is David king. After David king is Rhonda Rutledge. If you're the next speaker, feel free to come up to the next podium. You have three minutes.

>> Thank you, mayor pro tem, councilmembers. I have a decidedly different perspective than the last speaker on this. I think this is important that we do this. And I think there are going to be positive benefits from providing this benefit to employees. Positive results from providing this benefit to employees. And, you know, when there's -- when you're sick and you need to take off but you can't because you have no sick leave, then you're going to work when you're sick. Which is not a good thing. And you're going to spread it to other workers. There are down sides when you're forced to be at work when you're not feeling well, when you're sick. So there are consequences, down sides to this -- with not having this benefit available to you. And, you know, there are other ways. This could be scaled in.

[10:35:09 PM]

It could be -- so that it minimizes the impact on smaller businesses, on newer businesses just getting started. It doesn't have to be, you know, one size fits all. So I think there are ways to implement this program in a way to get it started and scale it up. It's something that we need to do. To me it should be a basic right that employees have sick leave available to them. And, you know, it's not fair when you have folks in a particular industry that don't get that benefit but if you're in high tech or if you're in one of these other fields you get those benefits. That's inequity right there. That's not fair. And we need to fix that problem too. That's part of what we have such in we can wit in our city, we have such a divide and those who make lots of money and have lots of good benefits and those who did not, and I think this is important and that we need to move forward as quickly as we can. I appreciate the stakeholder process that we're going to go through here to learn more about this, to understand the consequences, and to come out with a program that's really going to work and be a success. Thank you very much.

[Applause]

>> Tovo: Thank you, Mr. King. Ms. Rutledge. Is Rachel McGee here? I believe she's left. So you have three minutes.

>> Okay. Thank you. Mayor pro tem and councilmembers, and I really want to express my appreciation to everybody who is helping sponsor and cosponsor this bill, Delia Garza, Ann kitchen, mayor Adler, and Greg Casar for I believe originally sponsoring it. I'm here wearing two different hats. I'm the chair of one voice central Texas this year. You guys know what one voice is. A representative group of over a hundred health and human services organizations in central Texas. And I wanted to let you know that we stand at the ready to participate in the process. There have been several members of one voice who have expressed a lot of interest in being a part of wanting to explore this for the city of Austin.

[10:37:13 PM]

I'm going to put my other hat on now as the executive director of sustainable food center, and I cannot say how much -- I can't say enough about how much I am in favor of mandatory sick leave for employers in Austin. This is a social justice issue. This is a social justice issue. And in our industry it's a food justice issue. So when you look at all of the food workers in our community, food access workers, food service workers, everybody working in the food industry, it affects those folks actually probably more than any other industry in Austin. And so, you know, you bring -- you have your best employers, when they're able to bring them -- their best selves to work. They cannot bring their best selves to work if they are sick or kiddo is sick and they can't take time off to take that kiddo to the doctor or be with their child at home. I'm a mother. I cannot even imagine not having time off to take my sick child to the doctor or to pick up my kid from school. So I'm really, really glad this is being brought up and I just want you to know how much sustainable food center is in favor of of this and anything that we can do and anything that one voice central Texas can do to be a part of the stakeholder process, please do include us. We're very happy to be a part of it. Thank you.

>> Tovo: Thank you.

[Applause] Our next speakers are Jose Garza, Jose Garza. How about Rebecca este? And at our other podium will be Laura Rosen? Is Laura still here? Let's see, Rebecca este. I'm not seeing her. You have three minutes, sir.

>> Good evening, mayor pro tem, members of council. Working families in Austin are the backbone of our city's economy.

[10:39:14 PM]

But too many working people are struggling to pay their bills, struggling to pay rent, and to provide for their children. The people who build our city, who work in restaurants and who greet travelers at the airport risk losing their wages and even their job when they or a loved one is sick. Austin is becoming less affordable by the day. But you have the power to change that now by taking action to start this conversation, you can begin a process that improves the lives review a quarter of a million working people here in Austin. The facts are simple. One in three Austin workers don't have the opportunity to earn paid sick leave when they or a member of their family is sick. So if you or your family member gets sick or if you're injured on the job, you're forced to make a choice. You either take care of yourself and your family's health or you take a pay cut. These choices have real consequences, particularly in the Texas construction industry. I want to share the story of one of our members who was working on a construction site near mopac. One day he fell 14 feet and injured his back. The doctor said his injury was to severe to work but his employer didn't have workers' compensation or offer paid sick leave. As the sole provider for his family, he felt an obligation to work and help provide for his wife and two daughters. Austin's affordability crisis pressured him to continue to work. Despite his injury. His condition steadily worsened and finally reached the point that a metal plate had to be surgically inserted into his neck. His 15 year construction career came to an abrupt end. His injury disabled him and left him without the ability to do his life's work. But he is not the only one.

[10:41:17 PM]

Another one of our members, Carlos, is a single father who works in construction and he has two daughters. When his girls are sick, he can't take care of them. He can't take the day off to take them to the doctor because he can't afford it. He has to take them to school sick. And I will tell you just this afternoon my wife and I got a call from our day care provider to let us know that our baby, that our 11 month old baby had a fever, and it breaks my heart to think about a world in which we would have to choose between going to pick her up from school or taking a pay cut. That is not right. And we can do

better. I am so grateful to the cosponsors of this resolution, to mayor Adler, to councilmembers kitchen, Garza and Casar.

[Buzzer sounding] Clearly you think that Austin families can do better too. Let's get this started and show Austin families that you want them to do better as well.

[Applause]

>> Tovo: Thank you.

[Indiscernible] Winfield? You're going to have three minutes in just a minute. Mr. Erik Gough? Is he still here? Anneliese? Beaudell, you'll be our next speakerrality this podium.

>> I'm a policy analyst at the center for public policy priorities. I want to thank the mayor, the council, and especially the cosponsors for taking up this item. I'm testifying in support of it. All workers should be able to care for themselves or loved ones when they're sick. Unfortunately, as you've heard, the 37% lack this minimum job standard. To especially sure that all austinites have the ability to earn sick days, it's important that you pass this resolution to start this public input process.

[10:43:20 PM]

And it's important that the process include in December -- conclude in December and that you keep to the time line to pass the policy in February. We have been having a community conversation about the urgency of passing this policy and have been studying best practices of existing policies with a lot of the stakeholders here for over a year. Paid sick days policies have been implemented in over 40 local jurisdictions and states, and Austin is in a great position to benefit from all of the learning to craft a policy that will work best for our city. Fortunately, there are a number of studies examining the impact of paid sick days policies after they have been implemented. They find many positive impacts and generally no negative impacts on business. I want to share the findings of some of these studies which were done in Washington, D.C., Jersey City, Seattle and Connecticut. These studies find that a paid sick days policy generally leads to no or negligible increases in cost for business. In Seattle, the study found that the majority of surveyed employers have said that the policy had no impact on profitability. They found that this policy does not cause businesses to shut down and it does not inhibit the creation of new businesses. In that it is supported by a majority of businesses after it has been implemented in these places. A few of the studies show businesses reported increase employee productivity and reduced turnover such as in Jersey City. It's important to note that businesses are already incurring costs when they do not provide paid sick days through reduced productivity and reduced worker turnover. Studies have found that workers that have sick days are 25% less likely to leave their job.

[10:45:26 PM]

That concludes my testimony. Thank you.

[Applause]

>> Tovo: Thank you.

>> Kitchen: Mayor pro tem.

>> Tovo: Councilmember kitchen.

>> Kitchen: I wanted to ask the last speaker to send those statistics to us. That would be helpful to have. You may have already sent them.

>> Tovo: Is Wendy caltoff here? How about Samantha Robles? Samantha Robles? You have three minutes.

>> Great. Hello, my name is Bo Delp, lobbyist at the workers defense here at the city of Austin. I'm incredibly excited about this opportunity to get mandatory paid earned sick days here in the city of Austin. As our executive director Jose Garza previously mentioned, one in three workers in the city of Austin would stand to benefit from this ordinance. What we know is that a lack of access to paid sick days disproportionality affects low-income workers here in this. 70% of construction workers and those working in maintenance do not have paid sick days. 65% of those working in the service industry here in Austin do not have access to paid sick days. We also know that it disproportionality affects people of color living in this city, and so we have a unique opportunity to address our affordability challenges in this city by starting tonight with the stakeholder process that will conclude in December. Now, it is very important, I think, as we begin this process to remember something very specific. Over 40 jurisdictions across this country have passed mandatory paid sick leave policy, Seattle, Portland, New York, in addition the state of Arizona, and Massachusetts, Boston, cities and states across the country.

[10:47:36 PM]

So it is very important when you hear from those who are skeptical about paid sick leave and the impact it could have to remember that those cities and those states and those counties that have passed paid sick leave, they're doing just fine. In many ways, there are ways that we could improve to match the success of some of those cities and states. And so before we go down a path of these businesses and associations talking about how awful paid sick leave could be, I want you to remember all of the great cities and states that have already passed this. Now, it is very, very important that we stick to the deadline in the resolution and get this done by December. We need to get this ordinance passed by

February. So I want everyone to remember tonight because it's very important, when you hear from folks industry associations and other that pretend this is a brand-new concept that they have never heard before, as if paid sick leave has not been a statewide conversation and a national conversation for over a decade, I want you to remember that many of the associations you will likely hear that from are not here tonight. We are ready, here, late into the night ready to have a conversation about paid sick leave and they are not here. So when they say we need more time, I hope you will ask them, why weren't you there when we were here ready to talk about paid sick leave? Thank you.

[Buzzer sounding]

[Applause]

>> Tovo: Thank you, Mr. Delp. Our next speaker is Paul arabelo. Is ashkahn here? How about ciao ingo? Left. Okay. So you have four minutes.

>> Thank you. Mayor, mayor pro tem, and members of city council, my name is Paul arabelo.

[10:49:36 PM]

I'm a member of the young active labor leaders here in Austin, a constituent group of the work strong coalition and a proud member of iatac local 205, the even for Austin stage hands and entertainment workers. I'm also a constituent of district 9. I'm here to express my completely and total support for item 55. As a stage hand in Austin, I work at venues such as the convention center, such as the long center and the bass concert hall. I work alongside a team of exceptional professionals in order to safely and efficiently set up, run, and strike an event, be it a trade association a symphony orchestra or broad way musical. In all cases safety is paramount. When I feel 100%, all is well. But when myself or others in my profession feel less than up to the task, we all take on a risk. When I feel 90%, there's a 10% risk. 80%, 20% risk, and so on. The risk increases. The risk of accident to myself or others or to the attendees or the entertainers or the audience. Many in my field must choose whether to go to work slightly impaired by injury or illness. Many stage hands do not have insurance or workers' compensation. Many must choose between going to work or losing their jobs and their pay, and with that their ability to cover their rent or child care or other debits. Today I'm here to ask you to vote for the paid sick leave resolution as-is, to convene the stakeholder process, and to support a policy that will provide for all workers in Austin. This open discussion could help working families in my industry and in my community. And keep our already difficult jobs safer. Thank you for your time.

[Applause]

>> Tovo: Thank you very much. Next up is Lewis Conway junior and at the other mic is mark Mckim.

[10:51:38 PM]

Is Lewis Conway junior still here in how about mark Mckim? Chip Harris? Lauren Ross? Emily rothbower. Darnell Franklin? You have three minutes. At the other podium will be Jose flores. He left. Okay. Amelia mixster.

>> So sorry, sir. You have three minutes.

>> All right, thank you. First of all, I'd say good evening, mayor, city council, and those who support us. My name is Darnell Franklin, a work at alsg sky shelf and I just want to tell you within the first few months I'm a care take he shall for my brother -- caretaker for my brother who has cancer because of running him back and forth to the doctor. Also I want to talk about the 15 to 12 people that had to leave that work at alsg sky shelf. These are women that work in a cold room, 32 degrees, have several kids, and can't afford every time their kid gets sick to take off work. With that in mind, I just want to say thank you for your time and I wish you pass this bill for not only me but for my coworkers. Thank you and have a good night.

>> Tovo: Thank you, Mr. Darnell. You have three minutes and next up is Andrew James. Welcome.

>> Hi. Thank you very much to everyone who -- the council and everyone who has come to support this testimony. My name is Amelia, I work at the airport as a server and I'm also a member of the local 23. I came in here for full support of this legislation.

[10:53:40 PM]

At the moment I only have one paid sick day, which is -- I'm much more fortunate than a lot of workers especially in the service industry here in Austin but one paid sick day is definitely not enough. Much people need much more time to recover. I work with a very -- I work a job with people who have kids, with people who have family members who look after, people who are old, people who have chronic health conditions and so on. The work we do is not easy. It's often very physical on our feet all the time. We're serving food to people. So just generally it's something that we need in -- every worker in Austin I think could benefit from so I suggest that wholeheartedly endorse this legislation. Thank you.

[Applause]

>> Tovo: Thank you. After Andrew James will be Philip Fletcher. Is Philip still here? Okay. Jessica wolf. Briden Mcnealy.

>> Greetings to the council. So every day it's already been mentioned that every day in this city people have to -- there's a dilemma that people have to face and it's whether they're going to take care of

themselves when they're sick or whether they're going to take care of their kids or they're going to put meat on the table. And besides this being a basic moral issue, it's also a public health issue. There's plenty of scientific evidence to support this. An economist at Cornell has estimated that 7 million infections of the H1N1 could have been prevented by people staying home from work. So I encourage the council to seriously look at this. Workers may also use it for preventive care. One study has shown workers with paid sick leaves are much less likely to experience on-the-job injuries. Another study has estimated that lower production of sick workers cost employers as much as their medical care. Children benefit as well from paid sick leave. So I encourage the council to put this through as quickly as possible.

[10:55:44 PM]

Thank you.

>> Tovo: Thank you.

[Applause]

>> Hi, my name is Jessica Wolf, with workers defense, and I have a video to show on behalf someone. Thanks.

[Video playing]

[Inaudible]

[Applause]

>> Tovo: Thank you. So our next speaker is Briden Mcnealy and after Mr. Mcnealy will be Megan

[indiscernible] Who I don't see present. Before you start speaking, Mr. Mcnealy, is Sultan

[indiscernible] Here? Thank you. You have four minutes.

>> Thank you. Good evening, Mr. Mayor, city council. My name is Briden Mcnealy. I am a city of Austin employee. I'm here tonight speaking as a private citizen, but it's important to know that because in my job I do have paid sick leave. And so I'm able to see what that does for the people that I work with every day.

[10:57:47 PM]

Because of having earned sick leave, and I do want to emphasize this is earned. You know, we get a few hours with every pay period, and that's what this resolution is about, earning that time. But I see the benefit of that every day with myself and my coworkers. When people know that they are able to take time off when they're not feeling well, they're happier when they come to work. When they come to work they are healthy, more productive, we're able to do a better job for the citizens of Austin. We talk about how Austin is supposed to be the most livable city in the country or at least that's our mission. To me, this is a livability issue. Making sure that people are healthy, making sure that particularly the service industry is healthy when they're serving folks that live in Austin. That's a livability issue. When we talk about people not needing to worry about paying their bills or their rent because they need to take a day off because they're sick, that's a livability issue. So I believe we have a great opportunity here to put something in place that's going to make this a more livable city, which I know is something you all support. I just want to say that if it's important that city of Austin employees have paid sick leave, I think that that goes to show that it should be important that everybody in the city has paid sick leave. So I want to strongly urge you to pass this resolution as soon as possible, by December. It would be great to have this ordinance in place so that in February people can enjoy this. And I want to make sure -- or emphasize this this should be for all workers, we shouldn't carve any out of this. Thank you so much.

[Applause]

>> Tovo: So sorry. Okay. Megan meisenbach we've determined has left. Nicole Stasik. Bradley Debois.

[10:59:49 PM]

Mr. Debois? Julie Ann niche.

>> [Off mic]

>> Tovo: Very good. You donated to somebody else. We'll remember that when that speaker comes up. Bradley crowder. He left. Charlene gill. Emily rathbar? Sam Davis. Sam is our last three-minute speaker so every speaker after this will be just one minute unless you have donated time.

>> I'll change it up and stand on the right. Good evening. And thank you for your patience. I'm always kind of amazed that y'all can stay up this late. I'm a big believer in public works and the importance of government, which is why for nine months I was one of the rare Texans that had the privilege of serving as a national staffer on the Bernie Sanders campaign. And I'm here in support of item 55. All of the councilmembers present here tonight identify with being on the left. Naturally, you represent all of Austin, but this is a kind reminder that the left wing wins here. And it's voice was heard last March in the presidential primary, loud and clear. A few of us here today had a direct hand in Bernie winning Travis county. Texas is a known incubator for right wing idealism. Because what happens here in Texas is spread to the rest of the country. Austin needs to lead. 30 cities in seven states across the country have already pad sick leave legislation like the one we're supporting tonight. Paid sick leave is the only ethical

and moral choice. Sick people having to work is a serious public health issue when it comes to controlling the spread of infectious disease.

[11:01:53 PM]

Sick people forced to work with a cold or flu have nearly killed me before, landed me in the hospital, so I can't even imagine the effect on more vulnerable populations than I. Austin must lead Texas. We cannot afford to leave our working class behind. We all know that when the working class succeeds, society succeeds. So please do not leave behind those we depend on the most. We need your leadership. Thank you for your time and your consideration.

[Applause]

>> Tovo: Thank you. Sam Davis is our next speaker. I'm sorry, Sam, thank you. Sarah is next up. After Sarah is Jody. Actually, we had a slight glitch in the counting, so you also have three minutes. We have more three-minute speakers.

>> Good evening, city council. My name is Sarah Swallow. I am a state employee, and also a resident of district 7. As a state employee, I get one day of paid sick leave every month, and I also get one day of vacation leave every month. That works out to two days every month, which is actually about one hour for every eleven hours that I work. It's very generous and very awesome to have such great benefits, and I really think that all Austin workers should get this. Even though we're such a position-rich city, we have so many people, so many workers in this city who don't get any benefits at all, so top of earning low wages. And so I really hope that we can vote to start the stakeholder process on this item and please understand that we have a big movement of a lot of people who really want to see this happen in Austin and who want to see it with all the teeth that it should have, and we want to see it for all workers.

[11:03:57 PM]

And we're definitely going to stay on top of this and make sure that everyone in our community is aware of this issue. Thank you.

[Applause]

>> Tovo: Welcome, Ms. [Indiscernible]. You have three minutes and the next speaker will be Dan.

>> Hi, everyone. Thank you for having me. My name's Jodiey, I'm here today representing Black Star Co-op, public and brewery, one of the first self-managed brewpubs in the world. We were at the for her

front of wages in an industry notoriously known for subsidizing its employees wages. While the larger percentage restaurants leave the responsibility of workers' income to the consumer, black star prioritizes fair wages above all else. From our opening day in 2010, black star has offered a fair living wage, health benefits after 30 days, and a very Progressive paid time off accrual. However, as with any business, it has been a struggle to stay relevant in an incredibly competitive and oversaturated market. It is challenging to present a clear manage of our values and the importance of our democratic structure and fair wages to potential and established consumers. However, our commitment to a healthy, sustainable and fair environment for our workers is unwavering, and we feel pretty good about that. As democratically managed workers, we're proud of what we do, how would he do it, we've voted again and again to retain our no tipping policy and continue to offer benefits and wages at all dedicated workers deserve. The city council is a great opportunity to ensure Austin is providing quality jobs and fair practices to residents of our beautiful city. As part of today's resolution, we'd like to express our support of paid sick leave policy. As a small medium size business that's created an environment of care and trust in its workplace, we're happy to offer any guidance, support, or of course beers to any businesses interested in learning and understanding the effects of providing these types of benefits will have on your employees, your workplace and your business. Paid sick time is just the first small talking point and much larger conversation about workers rights and what it means to treat employees fairly.

[11:06:02 PM]

We thoroughly understand any hesitance I that might come from struggling business owners and empathize with your concern. The bottom line can be difficult in finding room in an already tight budget for a line item that doesn't seem to have cost benefit. I assure you this is the first step toward a healthier work environment, visible not only to staff and business owners but also to your valued patrons. Thank you.

>> Tovo: Thank you. David, is David Durbin -- is David Durbin here? So you will have three minutes. Tracy Dunlap, you're at the next podium, please.

>> Hello. I'm Dan, chief executive grocery at a grocery here in Austin and proud district 4 member. Thank you for being here and the work that y'all do. It's really important stuff. We've been offering earned sick pay for a long time. Even when we were very small, one store co-op grocery, we've done it because we can do it because we care about our coworkers and their health and their well-being, as well as the health of our shoppers. Frankly, we also do it because we think offering earned sick pay is simply the right thing to do. As a cooperative, we have end goals for the kind of world we're trying to make real with our co-op business. One of our ends is a thriving community, centered in hospitality, kindness and generosity, that helps us have more happy people and earned sick policy is one way we deliver on that for our community. Having an earned sick pay policy allows staff to stay home, get well, not get other workers or customers sick. It's made sense for our store for decades. I think it's the right thing for all

businesses in Austin. I strongly support the resolution and encourage the council to work on the timeline to make it so. So thank you for your time.

>> Tovo: Thank you, Mr. Gilatti.

[Applause] Prince horns by? Is prince Hornsby still here?

[11:08:03 PM]

How about Rosa

[indiscernible] --

>> Casar: Mayor pro tem, since I see the folks from black star leaving, I want to thank them for coming out, and I think the restaurant, thank you for sticking it out, too. We know you're running businesses and we appreciate you sticking it out.

[Applause]

>> Tovo: Welcome, Ms. Dunlap. You have three minutes.

>> Okay. Good evening, mayor, and city council members. My name is Tracy Dunlap, and I'm a kindergarten teacher at an east Austin elementary school, and leader with education Austin. I'm going to try to be articulate, but it's been a really long day with 25-year-olds, since about 7 o'clock this morning. I'm also a constituent of district 2. "Here to give you the teacher's perspective on this. I, as a teacher at a public elementary school, have earned paid sick leave. But many of my students' parents do not have that. So I routinely have sick children in my classroom. A classroom full of approximately 20 kids. When I have a couple of kids like I did today that are sick, then my attention has to be directed toward taking care of sick kids and not toward teaching my class. The students that are coming sick are uncomfortable, they're not ready to learn. Their parents feel terrible. They feel guilt over having to take their kids to school when they're sick. They know that they'd rather keep them home, of course, but they have to make that choice because they can't afford to miss work. And in some instances, they may even risk losing their jobs if they do come to work for a day. Those kids come to school and they get other kids sick. Five-year-olds are little germ factories, basically, and they get sick all the time. So when they come to school sick, they get everybody else sick, including me.

[11:10:05 PM]

So then I have to take my earned paid sick days and have a substitute teach my class because I can't be there with my own students. They take those germs home and then the rest of their family gets sick, and it just continues. So it's a health issue. But it's also an equity issue. Because we all know that lower income people in this community are the ones who don't have this earned paid sick leave, and it also disproportionately affects people of color. And those are my students. And I don't think that any parent should have to make a choice between their job and the welfare of their child. I think that that's dehumanizing, and I think we can do better in Austin. So I want to say that I urge you to support this measure. I urge you to support the resolution as it is, and so we can move forward with the stakeholder process, and take that first step in making Austin a better community for the working people here. Thank you.

[Applause]

>> Tovo: Thank you.

[Cheers and applause]

>> Tovo: Jordan Stewart? Is Jordan Stewart here? Welcome. You have three minutes.

>> Thank you. Mayor and councilmembers, my name is [indiscernible] Rosa. I'm a member of district 6, and I also volunteer for the fight for 15. Something that Tracy said that just rang very true with my experiences was, you know, this issue of parents being sick and having to choose how to take care of their kids and whether to go to work, and it just brought up memories of talking to one of my friends who works at a pop eyes, as a Latino worker, when I asked her how she was doing the last time, she said I am just sick and tired all the time. And I wasn't going to say that, but just what she said brought back memories of that. And I feel that a paid sick ordinance would really just be the bare minimum of what working people in this city deserve.

[11:12:13 PM]

I actually would have benefited from paid sick leave when I worked at a big major grocery store chain last year and had a car accident. I couldn't go to work for several days and missing out on wages, as well as having to go to a doctor's visit required by my employer to keep my job, meant I was behind helping my parents pay rent, and for food. And you can imagine that people who have children are in an even tighter spot at that point. We're in a housing crisis in the city, and if, you know, one paycheck could be the difference between keeping your housing or not, this is something that absolutely needs to be a priority in order to deal with that housing crisis. Also, my story actually addressed what the Orange guy was talking about. You know, that issue of having to go to a hospital and you're -- you know, that putting you back even more. Those are the kind of details that would come up in a stakeholder process, and allow this policy to reflect what people need. So the policy could make it so that the employers cover the hospital bills if they require you to take a doctor's visit and bring in a note. And, you know,

there's so many people who came tonight and weren't able to share their stories, and, you know, had their very precious time and energy that they were ready to give, and had stayed for hours sitting out there, and so they deserve to tell their stories, and that's why we need to have a stakeholder process as well. So, yeah, I hope you will all consider that and young people in Austin, working people in Austin, immigrants, all of us are looking to you guys to help us out and make this happen. Thank you.

[Applause]

>> Tovo: Jorge Lopez? Jorge Lopez? Olivia Hirsch. Olivia is our last three-minute speaker. Amanda Weems, is she still here?

[11:14:16 PM]

How about Gabriel Rodriguez? Gabriel Rodriguez. Thank you. You actually have five minutes, and, mayor, I'll turn the chair back to you.

>> Okay. When do I start? Oh, now?

>> Tovo: I'm sorry. Whenever you'd like. Thanks.

>> Hello and thank you for the opportunity to include my thoughts in tonight's discussion. My name is Olivia Hirsch and I'm here in support of the workers defense project and to share my experiences in Austin worker, in petition for council passing an ordinance requiring citywide earned paid sick leave. For the past three and a half years I've been employed as a city of Austin lifeguard in the aquatics division of the parks & recreation department. Although all city of Austin lifeguards are hired as temporary or seasonal, the aquatics division, in fact, operates year-round facilities requiring without disruption a lifeguard mistake of to work through the fall and winter. This relatively small group of predominantly adult employees are critical to ensuring public safety, the good maintenance of Austin's beloved pools, and every year smoothing the city's transitions into and out of its busy summer season. Most of us have several payroll codes because across the years we've been trained to fill multiple positions. In addition to my basic lifeguarding, I'm also an American red cross lifeguard instructor, a water safety instructor, as well as an open water lifeguard, a head lifeguard, and a pool cashier. The city of Austin requires many employees with these flexibilities in order to train incoming staff in the spring and summer, and also to provide the public with opportunity for swim lessons, swim teams, and other desired water recreations. In August 2015, my spouse and I learned we were expecting our first child. Our son is affectionately named lifeguard baby or more grandly the prince of Barton springs. This is because Alex and I met and fell in love while working in Austin aquatics. Through the fall and winter of my pregnancy, I continued lifeguarding in Barton springs.

[11:16:17 PM]

I researched the American red cross's position on pregnant first responders, and was also in constant discussion with my obstetrician. In order to work at Barton springs, lifeguards must demonstrate a set of physically rigorous skills as a safety requisite. The majority of Austin lifeguards are not capable of passing these. The last time mine were acid pregnant, I was almost five months along and it was late November. Of my own initiative, I ceased lifeguarding just short of my third trimester and before I lost confidence in my capacity to perform my skills. If the city of Austin was willing to provide accommodations for my pregnancy, none were offered, and I did not ask for any to be made. Perhaps by virtue of my temporary or seasonal status, there seemed to be no protocol already established for employees in my condition, and I hesitated to inquire from apprehension that my general suitability to work would be called into question and no longer be a matter of my private prerogative. My spouse is now employed as a full-time firefighter but at the time he'd recently completed fire academy and volunteered for unpaid 24-hour shifts to improve his eligibility for fewer hire, meaning my income from the city was indispensable for our household and growing family, especially at this time Austin lifeguards were excluded from the livable wage measure adopted for city employees. One of the accommodations that would have been personally and quantifiably valuable for me as a pregnant worker is earned paid sick leave. This would have alleviated the anxiety of lost wages and also eased the interpersonal stress of calling in to work absent by normalizing the notion that occasional lapse in wellness occur in all workplaces. The present proposal is quite modest, to provide one hour of earned paid sick leave for every 30 already worked. This would ensure for all Austin workers, regardless of the technical details of their hire or employment, proportionate access to a benefit that all of us inevitably and legitimately need at some point.

[11:18:25 PM]

I trust that you'll appreciate the inherent fairness and necessity of such measure, and I thank you in advance for your support in its full and complete implementation.

[Cheers and applause]

>> Tovo: Thank you.

>> Mayor Adler: I'm sorry. Andrea flores. Andrea? You have some donated time. Nicole stern? Is Nicole here? No? Is Taylor Atkinson here? You are in fact our last three minute speaker.

>> Okay. Wonderful. Mayor, mayor pro tem, and city council members, good evening. My name is Andrea flores and I'm a resident of district 3. I am here to speak in favor of item 55. I remember being a child. My father was a single dad of three. And I can still vividly see the look of panic on my dad's face when one of us would get sick. He'd have to scramble to find someone to care for us, and when he

couldn't, he'd have to take the day off, forfeiting the day's pay that he desperately needed to take care of three kids. His ability to make that choice, however, was certainly a luxury. There are hundreds of mothers and fathers in Austin who cannot care for their children when they get sick because they can't afford the lost wages or they're too afraid to lose their jobs. Workers often go to work sick themselves for the very same reason. Don't just take my word for it. This is what science and research tells us. Research done at the Cleveland state university demonstrates that workers without paid sick leave days are more likely to go to work sick and more likely to delay needed medical care. This leads to prolonged illness and expensive er visits, which are more costly to our society in the end. Another finding shows us that sick workers has infectious diseases to others. In fact, more than half of all virus outbreaks, which causes vomiting and stomach pain, can be traced to sick food service workers.

[11:20:34 PM]

In contrast, studies show that flu rates declined in U.S. Cities where paid sick leave laws were implemented. That's why we're all here this Thursday evening to say it loudly and with confidence, paid sick leave is a public health necessity. Paid sick leave levels the playing field and helps to reduce the already rampant and economic health disparities. It is the humane thing to do, prevents illness and will save lives. Texas claims to have strong family values. Is this just empty rhetoric or something this council is willing to stand by? The only way I believe that you're excused from supporting this bill is if, in fact, you've never been sick before. I want to let the council know I am deeply appreciative of Casar and kitchen and Garza and Adler for supporting this, and I hope that the rest of you all will vote in favor of commencing the stakeholders process for this resolution that would sincerely improve the lives of many, many austinites. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is Matthew botachelli eh? And is Jason Evans here? Can you come to the other podium? Mr. Botahelli, you have one minute.

>> Hi. My name is Matt. I'm one of the co-owners of botachelli south congress. It's an Italian restaurant. I just have a minute. I want to say that we would be 100% behind proposition 55, and we'd love to implement paid sick days for our employees, simply for the fact that we consider ourself a family restaurant and that extends to both our staff and our guests, and we don't want that to be empty rhetoric and we want to stand by it and we want to improve the lives of our employees and make it a more enjoyable working environment. Thank you for your time.

[11:22:39 PM]

[Applause]

>> Mayor Adler: I love your restaurant, by the way.

>> Thank you.

>> Mayor Adler: Mary hardick, is Mary here? Is Luis Alvarez here? Is Laura Alvara here? Okay. Sir, you have one minute.

>> My name is Jason Evans. I'm here in support of item 55. Ms. Houston, I live in your district, and I believe that everyone should have the right to paid sick days. Unfortunately, people with low income are affected first, and within that, women and people of color are affected even deeper, especially in a city that in the past had an issue with, you know, segregation and is still dealing with systemic racism. I think that small steps forward in alleviating that, you know, small things like paid sick days, and I think that this is, you know -- this is, like, a bare minimum. It's easy -- it's easy -- an easy thing to do, so I'd like to thank Adler, Garza, and Casar for supporting this.

[Buzzer sounds] Thanks a lot.

>> Mayor Adler: Thank you.

[Applause] Introduce, please.

>> Okay.

[Speaking Spanish]

>> Good evening mayor Adler and councilmembers. I'm Luis Olivares, a construction worker and member of the workers defense project.

[11:24:42 PM]

First I want to thank the mayor and councilmembers for supporting working families with this resolution.

[Speaking Spanish] My story, like that of many construction workers, is that many times when we are injured or sick, we still have to go to work because we have to provide for our families.

[Speaking Spanish]

[Buzzer sounds]

>> I'm here to support the ordinance for paid sick days --

>> Tovo: By the way, I'm doubling the time because it's being translated, so take your time.

>> Thank you. I'm here to support the ordinance for paid sick days because no worker should have to decide between paying the rent or caring for a child or themselves. My power employer allows me to take sick days when I need them, but I do not receive wages for those days. So many times I think of going to work, even if I am sick, because I will not have that income.

[Speaking Spanish] The women and men who built this city deserve to be able to take care of themselves and their families. Construction workers who face several barriers in this industry, such as being victims of wage theft or workplace accidents, in most cases, we have to return to work injured or sick because we do not have workers' compensation or access to medical care.

[11:26:43 PM]

And this seriously increases the possibility of suffering from a workplace accident.

[Buzzer sounds]

[Speaking Spanish]

>> For all of these reasons, I urge the city council members to vote in favor of the resolution, since voting in favor is a vote for all working families in Austin. Thank you so much for your time and all the work you do for the community.

>> Thank you very much.

>> Mayor Adler: Thank you.

[Applause] What is your name?

>> Laura Olivera and I'm interpreter for Mr. Maier.

>> Mayor Adler: Is MARIA morales here?

>> She left.

>> Mayor Adler: One minute, but since you're translating, it'll be two minutes so we don't lose time. Is Jacob Branson here? Is Angela Benavides Garza here? What about Paul aribalo? Aribello? Okay. What about -- I think we already had Luis Oliveras. Jacob? You'll be up next. Take your time. Please proceed.

>> [Speaking Spanish] Good evening, Maryland, councilmembers. My name is Laura. I'm member of workers defense project.

[11:28:44 PM]

On behalf of workers defense and my family, I want to thank councilmembers Casar, kitchen and Garza for supporting families with this resolution. As a mother, I thank you all.

[Speaking Spanish] I am a mother of two young children who depend completely on me and whom I love with all my heart. I work in a restaurant day and night and I do not have paid sick days.

[Speaking Spanish] As a mother, it is very difficult for me to have to decide between being able to provide food and shelter for my children or staying at home with them or taking them to the doctor if they're sick. Councilmembers, no mother should have to be in this situation because out of necessity, we have to put work first when our kids need us.

[Speaking Spanish]

[Buzzer sounds]

[Speaking Spanish]

[11:30:55 PM]

>> So on behalf of my children, Elizabeth and Janelle, and all working mothers? Austin who sometimes have no choice between working or being with our kids, I ask you all to vote in favor of this resolution and that we can start this process as soon as possible. Thank you so much for giving me the opportunity to speak.

>> Mayor Adler: Thank you.

[Applause]

>> Hello. Mayor, councilmembers, thank you all for taking the time to hear discussion of this item, and for just being here today. As a member of young active labor leaders and a district 1 constituent, I'd like to urge your support not only of the item, number 55, but of the policy in general going forward. Young active labor leaders and others look forward to being part of the stake holder process if y'all deem it appropriate. And, yeah, we stand in support of the item itself and we think that it's important that this day on the that I know established moving from now through February with a vote in February, I just want to keep it short. Thank you been fourth for your

-- thank you for yourtime and support. I look forward to having a dialogue with you.

>> Mayor Adler: Thank you. I have that as all the speakers I see signed up. That brings us back -- anybody else waiting? That brings us back up to the dais. No, he was waving. Not at me. Mr. Casar?

>> Casar: I just wanted to make sure everybody had the newest copy. There's no changes from anything anybody has seen except with the additions that my colleagues think you made during work session and put on the message board to add as stakeholders the Austin resource management association, Texas society for resource management, Texas association of staffing, Texas workforce commission, and aid.

[11:32:58 PM]

We're also adjusted during work session and posted on the message board. Those have been added and councilmember alter's recommendation that one of the questions a stakeholder should be looking at is how to fund proper enforcement of the ordinance. I think this is a really powerful opportunity to create a more free and a more just city and economy. I think we can vote yes today, and then just one more vote in February, we can improve the lives of hundreds of thousands of working families here in Austin. I want to thank the coalition that brought this forward, that's been working with the community for so long on this. Thank not just my co-sponsors but the entire council for working on this, along with the local businesses and employers that were here tonight, the purple fig here by video, sustainable food center, the restaurants and so much others that have sent us notes of support. I think that by passing this ordinance, we can show that we are not just a place of resistance but also a city of progress, and we can be a great example of how local government in the south can stand up for everyday people.

>> Mayor Adler: It's been moved and seconded. Is there any further debate from the dais? Mr. Renteria.

>> Renteria: Yeah. I'm going to be supporting this. I just briefly went to a restaurant, I was talking to the waitress, and I was kind of disturbed as she was telling me that she was making \$2.45 an hour, working as a waitress, and she only had one day, sick day leave that was given for her all year long. And, you know, I looked up the federal minimum wage for waiters, and it's \$4.25 an hour.

[11:35:01 PM]

Now, that is very sad. It's -- you know, I had the privilege of working for a company, international company, and we had -- you know, we had sick leave. We didn't have sick leave; when we were sick, we were entitled to take off, and take care of our illness with no questions asked, if we stayed after three days sick, then it would require that I go to a doctor so I can get -- or else just call they will up and tell them, hey, I'm still sick, I've got the flu, or a cold, and I can't come in. You know. But this is -- this is something that, you know, I just can't believe that, you know, there's employees out there that say they

can't afford to pay sick leave. This is just a disgrace, you know. It's -- I mean 7.25 an hour? That's just -- that's slave wages almost. You know. And so that's why I'm going to be supporting this.

>> Mayor Adler: Any other discussion before we take a vote in Mr. Flannigan.

[Applause]

>> Flannigan: I can't remember which councilmember wanted to include aid in this. Was this councilmember alter? Can you help me understand? Obviously, this is a point for me on many issues, since this is focused on private employers, I'm curious what the inclusion of aid is hoping to accomplish.

>> Alter: I'd be happy to invite other school districts. It was that the school districts, a, they can speak to some of the consequences of not having sick leave, which is an important part of the conversation, and it's my understanding that the school districts also have various levels of employees, and they do not necessarily offer sick leave for all of them. We can't control them, but I think it would be useful for them -- we can't control their policies, but it would be useful for them to be part of the conversation to learn about studies and information so it's inviting them to participate.

[11:37:02 PM]

So there's two parts of that. I just put aid, but we can put any school districts. Doesn't have to be aid, specific.

>> Flannigan: I'm not going to -- I'm not asking to add more school districts, and I'm not going to ask to remove the one that was included, so that we can move forward since it's 11:37 at night. Just wanted --

>> Alter: It wasn't specific to aid so I have no problem --

>> Flannigan: Not just aid around here.

>> Mayor Adler: Got it. Any other further debate on the aid? Garza?

>> Garza: I just want to thank all the speakers for telling your stories. I'm always so inspired by hearing your story and your passion for these very important issues. Thank you for sticking around and telling us how this would and could affect you.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I wanted to say thank you also. I also think it's really helpful to, as we talk about this, to talk about the public health aspects of it. That's something that many people don't stop and think about. And it's -- it affects all of us when people go -- when people are forced to go to work sick. And that's a discussion that we need to continue to have as we move forward with this.

>> Mayor Adler: Further discussion? Let's take a vote. All those in favor of item number 55, please raise your hands. Those opposed? It's unanimous on the dais.

[Applause]

>> Mayor Adler: With Ms. Troxclair not here. All right. Let's go on to the next item.

>> Mayor and council, I'm with the planning and zoning department. Item 99, case C 202-01-7001, code amendment, it's in reaction to an amendment, resolution the council passed in January, directing the staff to negotiate a amendment to city code which requires an affirmative vote of two-thirds to rezone the property as historic landmark, if the department files a written statement in protest of the zoning.

[11:39:17 PM]

Staff recommends approving of this. The landmark commission also recommended approval of this commitment. The planning commission did not recommend approval of this amendment, instead recommended an alternative, that the membership of the landmark commission be extended to include alternate members similar to what we have with the board of adjustment. I'd like to point out if this amendment passed, and a case were to move forward from the landmark commission from a majority and had, it would require a three-quarters majority of the city council to approve. Any questions.

>> Mayor Adler: Okay.

>> Pool: Mayor?

>> Mayor Adler: Yes.

>> Pool: Earlier tonight I -- I don't even know when the earlier was, but it was some hours ago, I passed out a chart. My staff had done some pretty good digging around with different cities around the country, and whether they had a simple majority or a super majority. There was a gentleman who came and spoke a little bit -- well, hours ago, and he made some statements about how others -- how Austin needed to do this because to stay competitive in the state, but actually San Antonio is a simple majority, El Paso is a simple majority, Dallas county, Houston, and then we've got an array of other cities like New York City and Philadelphia and Miami, Florida, Indianapolis, Denver -- anyway, I wanted to put this chart up on -- I think it's up on the message board, and I want to display it so that it's also available to the community because it's just a simple accounting of what kind of votes are needed to recommend on landmark designation reviews. And we're the only one on this list that's anything other than a simple -- I'm sorry, there was one other, Boston, Massachusetts also, for landmark designation authority, has a two-thirds majority, and they have other requirements that support that effort, and you know Boston has quite a lot of really beautiful historic structures that are still there.

[11:41:35 PM]

So we're kind of behind the times on this. I'm glad we're moving forward, and it's also interesting because of the vote we took earlier today on the Montopolis Negro school. So pass this out. Put this out down here.

>> Houston: He's got it.

>> If I could add two things I want to mention also, one was that I just want to point out that in the past it was just a simple majority requirement. At one point there was

[indiscernible], it was raised to a three-quarter majority requirement. Another point, there was another task force created, lowered from three-quarters to two-thirds, which is where it is today. Also we went back and looked at how many cases in the past year or so, or maybe couple years, had achieved a simple majority, but not the two-thirds majority needed to pass, and we found four or five cases that would have been forwarded on to you that would not -- that were not forwarded because of this regulation.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I just want to point out that other cities doing it one way, I'm sure doesn't mean there's any corruption or any other challenges or any other things that those cities are doing. I'm sure that other conversations we've had where we've used other cities as examples that were dismissed summarily have no relevance in this case. It seems to be challenging to me that sometimes we think other cities do it one way, therefore, it must be the right way, and other times we say other cities do it one way, therefore, it must be corrupt. And in this case, I'm willing to support this change because it is so infrequent that we've already spent more time than we need to be spending on it, given how infrequently this problem occurs. To make that point.

>> Mayor Adler: Any further discussion before we go to speakers? Let's go to speakers. Some people chose to speak earlier in the one-minute round.

[11:43:36 PM]

We're now to Bobby Levinsky. On deck will be Suzanna Amanza. Jeffrey, you'll speak at this podium. You have three minutes.

>> I'll take one minute. I'm in support of this change. The only request that I have for you today is to make sure whatever is adopted at the end of this, that it get incorporated into Codenext. This is an area within Codenext that there is an error that was incorporated into the first draft. We pointed it out. It has

not been fixed in the second draft, so I think just whatever you pass today will fix that error, and I ask that you give that directive to make sure it gets incorporated into the third draft. Thank you.

>> Mayor Adler: Okay. After Mr. [Indiscernible], the next speaker will be Megan Weisembach. Is Megan here? David Glenn. No? Rosemary Miriam? Mr. Tawala.

>> Thank you, mayor, mayor pro tem, members of council, for allowing me to opportunity to testify. My name is Jeffrey Tawala, I'm here to behalf of the real estate council of Austin. We're comprised of over 1900 commercial real estate professionals throughout Austin and represent the mayor advocacy organization for the central Texas commercial real estate industry. I'm here today to speak against the proposed amendment to the city code that would remove the super majority requirement, currently required at the historic landmark commission when a landowner opposes the historic designation. Before you make a decision, you must ask yourselves, what is the problem that we are trying to solve? While we see the value in ensuring that historic zoning cases get a fair hearing, we believe the issue at hand is not the voting requirement, but rather an issue of attendance. We support the recommendation put forth by the planning commission on June 13th to permit the historic landmark commission to select alternates.

[11:45:38 PM]

The recommendation of the planning commission preserves the integrity of the historic zoning process. As you'll note in the letter we submitted on behalf of our organization and others, the super majority requirement was not developed overnight. It was developed as a result of dozens of meetings and the findings of the historic preservation task force. Removing the super majority requirement would ignore a critical recommendation of that task force and create a potential unpredictable process for a homeowner when their property is being designated historic against their will. We're requesting that you not support the proposed amendment and instead support the recommendation by planning commission to create an alternate system. Thank you and I'm happy to answer any questions.

>> Mayor Adler: Any questions? Thank you. After David Glenn speaks, the next speaker would be Nick Kiano. Okay.

>> Hi. Good evening, mayor, mayor pro tem, and members of the council. My name is David Glenn and I'm here on behalf of the home builders session of greater Austin. We are against the removal of the two-thirds super majority requirement of the historic lam economics when the property owner opposes the historic designation. It was thoughtfully deliberated and put in place and the deliberations should be taken into account during tonight's discussion. We believe the issue is an attendance issue, not a procedural issue. During work sessions on the issue there were concerns about commissioner attend dabs at these hlc meetings and the challenges these absences can create for the operation of the commission. Of course, it is difficult to run a commission without participation from the commissioners.

That's why we support the planning commission's recommendation to allow for alternates. I like to think of it as a soccer analogy. If you have eleven players, have nine show up, what do you do as a coach? Make the field shorter or goals larger? You go back out and try to find players who will participate. With that, the hba recommends you do not support moving the super majority threshold at the hlc and we do support the proposal allowing for alternates at the hlc.

[11:47:47 PM]

Thank you for your time and service at the city of Austin.

>> Mayor Adler: Thank you. After Mr. Kiano speaks, the next speaker will be Dan day. Is Dan day here? Mr. Kiano, you are our also speaker.

>> Good evening. Am I name is Nick kiano. I'm project manager with David Weekley homes. We've been building homes here in Austin for over 30 years. I'm here urging you to vote no on item number 99 and just wanted it to be known that as a home builder and member of the community, I appreciate the fair assessment and the predictable process that's in place today, with the historic landmark commission. I believe that we have a system that is working. I've been through the process myself, several times, but it is working. We can predict what's going to happen, and if I could offer the solution, I would agree with planning that perhaps you mirror the board of adjustments where there's alternates are appointed, but that's for you all to decide. Thank you for your time.

>> Mayor Adler: Thank you very much. Did I miss anybody? We're back up to the dais. Is there a motion on the days? Mayor pro tem.

>> Tovo: I move approval of this item.

>> Mayor Adler: Is there a second to this item?

>> Pool: I'll second and I want to see if we can also add the language to incorporate these -- this recommendation into the codenext process. Based on what Mr. Livinsky mentioned earlier. I think it would be anyway but in order to make sure it does not get lost.

>> Mayor Adler: So is there -- let's take this in pieces. Is there a second to the motion? You second the motion. Okay. It's been moved and seconded. Mayor pro tem.

>> Tovo: I'd like to incorporate that direction -- I know that Mr. Error Mr. Livinsky is talking about and incorporating this would be resolve a wording error and procedural change.

[11:49:52 PM]

>> Mayor Adler: It's moved to amend it to include issue with respect to codenext. Is there a second to that? Seconded by Ms. Pool. I'm uncomfortable putting something in the code from the dais. I just think we've avoided that at this point, and I don't know what happens if we start opening up the door for us making -- I think that staff would take the direction from what we do here. I just think it's a bad -- it would be the first time we've actually given a policy directive to -- it just doesn't feel right to me.

>> Mayor, if I could, I agree with you. I think that the best thing to do right now is incorporate the ordinance language as we already have prepared. We understand the direction, and of course we would take something like this and roll it into codenext, but I don't think that should be a part of the ordinance, I think that should be a separate thing, but we understand the direction.

>> Pool: Well, I think that's the main point, especially if there is an error in the writing now, that needs to be corrected.

>> It is a draft, so we'll be working on that.

>> Pool: Well, the entire code is a draft, so putting this in to correct an error that's in codenext really isn't different from what we've been doing all along when we're taking in comments from the community online and through our offices. We're making corrections to elements of both the written draft and the maps on a daily basis.

>> Mayor Adler: We just haven't given direction as a council to the middle of the process, because the process comes to us at the end, goes to planning commission to make recommendations first. I'm just -- I'm sorry?

>> I just think you're posted to do one thing for this ordinance change and I don't think you're posted to do this other thing concerning codenext. Everyone clearly understands the direction that you're giving them.

>> Mayor Adler: Manager?

>> Councilmembers, I have heard the comments. I've made a note already on my rca, and I'll will be getting Joe follow up and we'll make sure that the change gets made in codenext draft 3.

>> Pool: Okay. That's -- if it's fine with the maker of the motion, that's fine with me.

[11:51:55 PM]

>> Tovo: Sure. Yeah. Absolutely. I think the intent is, we certainly don't want to make -- go through this year-long -- almost year-long process of making a code change, then have it get left out of codenext.

That would make no sense at all. I didn't really intend for it to be part of the ordinance but I would intend to find it in the codenext draft.

>> And if I could point out too, obviously I think we're about to do -- there's been several code amendments made in the past year as drafts come out that have not been in the drafts because at the time the drafts were written, the amendments had not yet passed. So before I anticipate having a sweep of all the amendments that have passed between the time that we were looking at the old code to write the new one and the interim, so --

>> Tovo: And I think, though, the interim problem is that there is -- there is an error in your draft code right now that doesn't reflect our current process, so again, incorporating this sooner rather than later would fix the error that's in there. And mayor, I just wanted to speak to the resolution for a minute -- I mean the code amendment for a minute.

>> Mayor Adler: Go ahead.

>> Tovo: While there have been just, you know, as you see, it won't result in a huge number of cases coming to council, and though there were only four cases,ish, four cases in the last year, that fell -- that were -- would have -- would have moved on to council had it been a simple majority, and instead, there was a demolition permit released, you know, those were four pretty significant buildings, one of which we've talked about a couple times today, 500 montopolis, which was the montopolis school. Another was the Ben and Maude house. It was noted in a presentation as notable for the plastering on the exterior that had been done by a master craftsman. It was a really, really unusual house, demolished, now something I see every day, what's going in its place, which is very -- well, let me just say it's very different from the original.

[11:53:59 PM]

And then there was a very interesting structure over at 1403 east 6th street, which was the [indiscernible] Ariaga house, notable both for architectural and historical associations. It was occupied, its first family was an early Italian American family who lived in there, they lived next-door to their grocery. While there aren't very many cases, there have been significant enough ones where I'm really glad we're making this change. I suggest to my colleagues if you're interested, Mr. Sadowsky did a nice presentation before the planning commission, highlighting some of those houses and the pros and the constant for adopting this change. So I hope we can move forward with it today.

>> Mayor Adler: Further discussion on the dais? Councilmember Garza?

>> Garza: I'm sure this is going to pass. I will probably be the only no vote, but on the spectrum of property rights, I -- the one issue I've often said I lean towards is property rights. And so I support historic preservation, but it concerns me when we're telling a landowner against their will what they can

and cannot do with their property. And with regards to this list of cities that we got, you know, if any that we would really -- I would say is most like us, I would argue is Portland, Oregon, which by state law requires owner consent for historic designation. So I will maybe be the loan no vote, the Ellen on this one tonight, to honor her absence, maybe. I don't know.

[Laughter].

>> Mayor Adler: Anyone else on the dais? I'm going to vote in favor of this. This ordinance came up and was discussed a half year ago, I guess, whenever it was. We discussed at the time that it was an attendance issue that we were having clear will of the people who were present to take some structure, to declare them to be historical, but the vote wasn't there.

[11:56:12 PM]

That was not the intent of the ordinance to have -- to have that happen. We didn't take the action at that time. We said we would take a look and see if the attendance issue could be fixed. It wasn't. So I'm going to vote for this. I do want to note that if it turns out that there's a rash of cases that come to the council on majority votes that clearly are going to have the two-thirds vote when they get to the council, then at that point I would entertain a suggestion to fix the problem with alternates. But let's see if that challenge happens. Any further discussion in we'll take a vote. Those in favor of this item 99, please raise your hand. Those opposed? Ms. Garza voting no, troxclair gone, the others voting aye. It passes. Gets us to our last item on the agenda today, which is completing item number 103. This is also one where we had some folks come in and speak. Someone -- let's call the speakers, see who else is here. Is Rachel gandy here? And is Nakia Winfield here? Is Nakia Winfield here? No? What about David king? You'll be the next speaker if you want to speak. Go ahead.

>> Thank you. My name is Rachel gandy. I'm a policy specialist with disability rights Texas. And since July I've been working with the many stakeholders that you appointed to study the juvenile curfew and to consider non-criminal responses to youth behavior. Over the past few months, the entire work group has met about ten times, two hours every Friday without fail, and smaller groups often met in between. Dozens of groups were invited to participate and each brought a different lens through which to view our assigned task.

[11:58:15 PM]

We also heard from many outside groups that included victim services -- the victim services division, the homeless outreach street team, lifeworks and other experts in innovative service delivery. Overall, this

has been a wonderful experience and not because we always agreed. Actually, we had some very challenging debates about race, disability, education policy, and policing. But when it came down to it, we shared a common value set. One that's described on page 6 of our report. And we had two core goals. We wanted to decrease juvenile crime, and we wanted to keep our kids safe. And after looking at the evidence, the group's determination was a rather simple one. Data show that the curfew doesn't decrease juvenile crime, and more important, it doesn't decrease your use of victimization, it doesn't keep our kids safe. Instead, it does just the opposite. The curfew unnecessarily pushes kids into the justice system. Study after study over the past 50 years shows that this only increases their risk of dropout, later justice involvement and poverty, the economic and human costs here are substantial. And predictably, these negative impacts hurt some kids more than others. APD data showed clear disproportionality in who gets ticketed for these violations, students on the east side of town, students of color are more at risk of being stopped and ticketed and their families have to deal with the collateral consequences that follow. Kids on the west side simply don't have the parenting on the westside is left to parents, not police and service delivery left up to the community rather than the justice system. We can and must do better by all of Austin's kids. Recommendations for how to do that are in a report. We describe 18 different ideas. And we have them in six different categories, and so I'll read through those. We have general recommendations like ending the curfew, youth focused training for law enforcement and other agencies, data and assessment recommendations, connecting youth and family to services, youth focused and youth led initiatives and finally recommendations straight from youth that primarily talk about mental health issues.

[12:00:19 AM]

Moving forward we hope to continue working with you to implement these strengths-based ideas, ideas that come straight from Austin youth but tonight the choice is rather clear, we can stick with the status quo, something we know is unproductive and harmful or we can consciously start investing in evidence-based practice that supports success and well-being. After looking through the data and talking with experts the work group including A.P.D. came up with a unanimous decision. The curfew is not data driven, doesn't support our communities and it's time to start listening to the youth asking for support.

[Buzzer sounding] I'm open to questions if you have any.

>> Mayor Adler: Thank you very much.

>> Thank you.

[Applause]

>> Kitchen: I just want to thank you and thank the work of the group. It was a lot of work and we very much appreciate it. Thank you.

>> Thank you. We hope to continue.

>> Mayor Adler: Great. Thank you very much. After David king speaks, the next speaker will be Ellen stone. Is Ellen stone here? Why don't you come on down.

>> Thank you, mayor, councilmembers, I'll be really brief. I hope you repeal this ordinance based on the recommendations from the stakeholder group here, but I just want to tell you that it's so fulfilling to see this council addressing these issues of inequity. So many of these issues that y'all have addressed through this past year or so, that's what we need to do. We need to continue to look under every rock, to look at every process, every procedure. And every policy that we have. And see where we find inequity and injustice. So I'm so proud that we're here at this point and trying to fix this injustice and this inequity, but we know there are more. And I just applaud you for the work that you're doing and the leadership you're providing here to -- and I encourage you to continue on. Thank you very much.

>> Mayor Adler: Thank you.

[12:02:24 AM]

After Ms. Stone speaks is Lewis Conway here? No? Is Erik Byrd here? You'll speak at the other podium. Come on down. Please go ahead.

>> Evening, my name is Ellen stone, director of research at Texas appleseed and we're part of the stakeholders for the work group looking at recommendations for ending the juvenile curfew. And I'm here testifying against renewing the juvenile curfew ordinance. We were really excited to work with the organizations and individuals in work group who really care about the safety and well-being of Austin's youth and I fully believe that -- that the recommendations that were developed by the group will eliminate barriers for many youth and position them for success. We were to happy to be working with youth rise Texas, and many of whom you heard earlier today and I'd like to note if they did stay to give their testimony would be in violation of the juvenile curfew ordinance if they had decided to stay. So in addition to working with these youth we have distributed a survey to a number of youth and we've been working with aid to have the survey distributed to all district high schools, to all the aid district high schools. The survey sets youth perceptions of the curfew, asks for feedback on some of the recommendations that we had and asks for their own recommendations. Youth are overwhelmingly supportive of parks, recreation centers and other areas open late at night for young people and apps that list services, meeting opportunities and jobs to help youth, free rides for young people out at night and training for young people to know their rights. 70% of youths we surveyed reported that these recommendations would be useful to them. These analyses are preliminary but an important step in making sure youth have a voice in the policies that affect them. Lastly and perhaps most importantly ending the curfew ordinance will mark a paradigm shift in the way we treat our young people. I hope

moving forward we can continue to think about and implement policies that support instead of criminalize Austin youth and backed by youth voices.

[12:04:29 AM]

Through this work we can ensure that all of Austin's youth are safe. Thank you very much.

[Applause]

>> Mayor Adler: Thank you. Let's see here. Before Mr. Byrd speaks, is Chaz Moore still here? Okay. What about Jacob Branson? You'll be our last speaker. You have three minutes.

>> Good evening. My name is Erik Byrd, chief of staff for measure Austin and I've worked with foster youth and youth with disabilities for 13 years. I'm here to show pretty much part of the work that the task force did. One recommendation is that we're giving is that we perform a community need assessment. We believe that anything going forward should be based on the need of the community and the community's opinion as opposed to the opinion of a few. So since July I've been a participant in curfew ordinance task force. As a native austinite one of the most fulfilling parts of this has been to have my opinion out there and to directly contribute to my growing community. Oftentimes we feel our voice and opinions are insignificant and we can do nothing to indicate course of law and -- change the course of law and pressurement. For example, I stood earlier with a young lady and she had no idea before this she could even be heard in this manner and could make an compact in the way she did. In order to move forward in a manner that's equitable and represents all parties affected we should directly assess the needs of the community. The recommendation highlights the importance of using a needs-driven assessment to identify, analyze, and prioritize the impact of youth-related laws and ordinances. Similar study was conducted by the center for promise. It was conducted on five major U.S. Cities. It was partially developed and distributed by youth.

[12:06:32 AM]

And then the youth were assisted in the analyzation process. It resulted in the following findings. Young people are under stress, young people feel unsafe, fear and mistrust the police, observing and suffer from a lack of community resources. Young people feel stereotypes and racial bias as a reason they feel unsafe and unwelcome and that young people are engaging in risky behavior in order to cope with the stress. Recommendations in that study include having youth serving organizations, educators and local political officials create safe, healing spaces for youth of color who have experienced traumatic events. It also recommends that all youth associated with the criminal justice system activity actively examine

their personal biases about youth. In reference to our recommendation to perform a community needs assessment, we believe that potential partners could be measure Austin alongside of houston-tillotson, St. Edwards and university of Texas to develop and analyze the measurement tools. Also grass roots leadership and Texas appleseed for the community outreach volunteer organization.

>> Mayor Adler: Great. Any questions? Thank you very much.

[Applause] We're now back up to the -- we're now back up to the dais. Did I miss anybody? We're now back up to the dais on this item 103. Is there a motion? Mr. Renteria.

>> Renteria: Mayor, I'm going to make a motion, and I just want to give a perspective and a little piece of short Hoyer about how we -- history about how we got into this. You know, it was a time with when there was people coming out of prison that was bringing in a lot of drugs to this community, we were having killings and shootings and there was a lot of gang activities going on. And even -- we seen a lot of loss of life with young people.

[12:08:33 AM]

So, you know, things are changing, and we really need to adjust to the change in the times. And what I've seen now that Austin is becoming a very safe city, and I'm seeing that -- I don't see the activities like I used to see when they were -- that was going on in the '80s and '90s here, that -- and so we got to give a lot of credit to the community and the police working with each other, and we have worked real hard to make this into a safer town. So, you know, I for one just do not like the idea that we were creating a bunch of young criminal criminals with criminal history without -- just for them being out at night in the streets. So I think it's time to, you know, really give it a chance, to really look at it, and I hope that, you know, the groups that are out there working with our young kids to really keep on working with them. You know, they need a lot of guidance at that age, and but it seems like we're in right direction and, you know, I don't like seeing teenagers, especially in their 13, 14, you know, being cited and given class C misdemeanors for violating the curfew. It's on their records, you know? And it stays there. You have an arrest record. So I just hope that this is -- really works out, you know, for the sake of our young kids being out there in the street and -- but I really trust that, you know, your guys are doing an excellent job working with our children, and I think that it's time to do away with this curfew.

[12:10:38 AM]

>> Mayor Adler: Is there an objection to Mr. Renteria making a motion to -- is it to approve this item 103, the ordinance, or is it -- it's the other way around, right? So what -- if Mr. Renteria wants to move

not to have that happen, what is the action that he takes? Is it that we just don't take action because this dies on its own? Or do we take action to not approve item 103? Move to deny 103. Thank you. It's a little after midnight here. That would make sense. Move to deny. Is there a second to the motion to move to deny? Mr. Casar seconds that. Ms. Houston.

>> Houston: Mayor arbitration before we take a vote I would love to hear from the interim achieve regarding his experience.

>> Mayor Adler: Chief, thank you for being here after midnight.

>> Absolutely, mayor, council. Brian Manley, police chief. Thank you for giving me a few minutes to talk about that. As you know there was a lot of work that went into this. I have to thank the members of the community that you've already heard from just a few minutes ago and then I've got chief Gaye here with me as well as who led the efforts for me within this work group. There was a lot of work that went into the report that you have in front of you. But what I'll focus on is the reasons behind why we are comfortable with and why my recommendation is to not move forward with the curfew at this point. When we look at what has happened since we made the changes back in June, the data as of yesterday was there were 14 incidences where we handled youth that involved a curfew infraction. In and every one of those -- it's actually eight incidences that had 14 youth involved.

[12:12:41 AM]

In each and every one of those the initial reason for interacting with that youth was not the curfew violation itself. It was either a traffic stop or a 911 call that they were a part of or the fact that we found them to be engaging in activity that gave us a concern that there might be some criminality involved. So the ordinance did not have any impact on our ability to handle those incidences opinion what we will do, as we go forward -- and I've stated this I believe the last time I was in front of you, is to ensure that we do not see an increase in either juvenile crime or juvenile victimization is we're going to be looking at the statistics monthly. We're going to be looking at all incidents where we have juveniles that are listed as either a suspect or arrested and we're going to track those and then we're also going to look at all incidences where we have juveniles that are listed as the victim and we're going to track those. We'll be comparing those month to month as well as same month this year to same month last year so that we can make sure if we see any indication that we're having increases we'll look at that one of two ways. There's a lot of work that the curfew task force put together in the report that you've been submitted. A lot of outreach efforts that they want to do. And some of those might be effective in those areas. However, it also might be if I think it is getting to the point to where we're seeing significant problems and the curfew would assist, then I stand ready to come back before you and have that conversation. But from what we understand now from the research that's been done, from the work group that put a lot of effort into this and then from our own experience over the past three months with only having these 14 individuals out of eight incidences, none of which originated from the curfew being the reason

for the stop, I'm comfortable making that recommendation tonight with the understanding that we are going to pay very close attention to what the data tells us and I've also had conversations with many of those that were involved in the stakeholder work group ensuring that this is going to be an ongoing process, that the goal was not to end the curfew and everybody is going to walk away but in fact we all want to stay, continue to work together, continue to work to implement some of the recommendations in this report, again, all working towards the two goals of reducing youth involvement in crime while also keeping them safe.

[12:15:13 AM]

>> Mayor Adler: Thank you very much. Any questions?

>> Houston: So, chief, is there a threshold? I mean, you said if there's a spike in -- how would you define -- how would you define. You know, you've got 14 today. What would that threshold be when you would say, okay, I see something changing?

>> Councilmember Houston, I haven't set an exact threshold. When you deal with small numbers they yield small percentages. What I'm going to focus on is if we see an increase in either youth crime or victimization then digging deeper into it, what type of youth crime is being involved? Is it the lower-level property crime type offenses or the more violent type offenses and then looking at whether or not a curfew ordinance would help remediate that.

>> Houston: Thank you.

>> Mayor Adler: Okay. There's a motion to deny. It's been seconded. Any further discussion? Councilmember alter.

>> Alter: I just wanted to ask whoever is the appropriate staff to make sure that we have clear communication with the school districts. I have a child in aid, and we got a form that said that the curfew was in effect and you couldn't go out to lunch because the curfew was in effect rather than it being a school rule that you couldn't leave the property. So I just want to encourage you to make sure that we have clear communication with the affected school districts.

>> We will coordinate effectively this ordinance would cease on October 1 and I will personally reach out and make sure that they are aware because actually the daytime curfew as a council you all took action in June so that part actually has been over. It's just the nighttime portion that will actually come to an end on October 1 pending your action tonight.

>> Alter: But they're still sending out material that says it's in effect for whatever that's worth.

[12:17:16 AM]

>> Houston: And I support that because the aid trustees did not know that we had voted to -- let's say some of them because we got emails that said they were not aware that we were taking that action so I think it's imperative that we let them know that the nighttime curfew is also going away.

>> We'll make notification later on this afternoon.

>> Mayor Adler: All right. Any further discussion? Yes, Mr. Casar.

>> Casar: Thank you, chief, for answering our questions and for dedicating your staff to the process. Thanks to all the stakeholders for what was really intense and important work. So thank you all so very much for the work that you have done. We I think -- it's no secret we incarcerate more folks in this country than anywhere necessarily the world. I think that's just an important thing for us to acknowledge as we take this vote. I don't think it makes us any safer. It's a real crisis happening in our midst all the time and I think it takes every level of government addressing that issue for us to do something about it. From arrest all the way to judgment. And so I'm glad that we're taking this one small step and one critical way to do that work is to look at the school to prison pipeline and juvenile justice issues and so the stakeholders had actually also really unanimously in their report asked to be able to continue their charge for the next year to come up with more ways that we can work on these really important issues and so two weeks from now we'll be bringing a resolution forward to continue the really important work that was started here so that we keep on -- keep it on. So thank you all.

>> Mayor Adler: I want to add, chief, that it's significant to me to note and reaffirms my respect for you personally that you started this process in a different place and participated in the conversations with your staff, looked at the data, and came back to us with a revised opinion.

[12:19:20 AM]

And I just want you to know that I appreciate that you have that capacity when it's appropriate.

>> Thank you, Mr. Mayor.

>> Mayor Adler: Thank you. Any further discussion? Let's take a vote. The motion is to deny item 103. Those in favor please raise your hand. Those opposed. Unanimous on the dais with troxclair gone. It is 12:19. We've taken care of all of our work. This meeting stands adjourned.

[Adjourned]