

# City Council Regular Meeting Transcript – 10/19/2017

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[10:15:47 AM]

>> Mayor Adler: All right. Before we begin today's meeting, we're going to do an invocation. We have reverend Madelyn Hawley here, who I knew from being at St. James episcopal church, but apparently you have now gone to be pastor at St. Christopher's church. Would everyone please rise.

>> Thank you, mayor Adler and thank you councilmembers for this honor to guide you in prayer. As we say in our episcopal tradition, may the lord be with you.

>> And also with you.

>> Let us pray.

[Speaking in foreign language]

[10:17:58 AM]

Holy one of blessing, send your spirit to be with the leaders gathered here. Give them wise and discerning hearts that with steadfast purpose they would honor the dignity of every human being. Be with them in their listening, in their deliberations, in their disagreements and in their decision making. We all must account for our powers and privileges and grow in them the hearts of servant leaders. Be with citizens, staff and elected officials. Empower us all to eliminate poverty, presently and oppression so peace may prevail. Guide our entire city full of people from diverse cultures and abounding gifts that we may discover in one another the fulfillment of our common humanity. All this we ask through god,

the source of everything true and good and beautiful. And I ask in the name of your son, Jesus Christ, amen.

>> Mayor Adler: Thank you. I'm going to go ahead and convene today's meeting. It is Thursday, October 19, 2017. It is 10:18. We are at city council chambers here at 301 west second street, Austin, Texas. Councilmembers, we have some changes and corrections I want to read into the record. Item number 2 is postponed indefinitely. Item number 6 is withdrawn. Item number 13, the contract match should not exceed 96,875 dollars.

[10:20:03 AM]

That number should be there. Item number 19 is being postponed until November 19th. Item number 20 is a duplicate so there will be no action taken on item number 20. Item number 31 was posted in changes and corrections to be postponed from the 2nd to the 9th, but we can't do that today because it's been noticed for the 9th 9th -- I mean the 2nd, so on the 2nd we can postpone that to the 9th. Item number 57, the word medical should be added so that this is the first reading regarding renewal of a nonemergency medical transfer. And in the housing finance corporation, items number 1 and 5 are withdrawn. We have some items that have been pulled. Items number 8 and 9 have been pulled by the mayor pro tem. Item number 18 has been pulled by councilmember alter. Items number 25 through 28 do not need to be pulled. These are -- I'm going to fill in some blanks though in these resolutions. Which will reflect these city employees receiving the same 2.5% increase that all of other employees are receiving. For the acting interim city manager, it's effective November 26, 2017, the annual acting salary, the number is \$306,233.

[10:22:11 AM]

For our city clerk, also effective on November 26, 2017, it's a salary of \$136,510. For the city auditor also effective November 26, 2017, the annual salary is \$163,030. And for our municipal court clerk, Mary Jane grub, the annual salary is \$133,286. And in part 3 the effective date of the ordinance is also November 26, 2017. Those items remain on the consent agenda. Item number 58 is going to be pulled for a brief presentation. That gives us then a -- let me see here. The consent agenda is items 1 through 34 and also the addendum 58 through 62. I'm sorry, 61. Is that right? 61. The consent agenda --

>> [Inaudible]

>> Mayor Adler: 62 is a nonconsent so 58 through 61. We also have an item that's pulled for speakers and that's item number 23. Is pulled for speakers. So the items I have being pulled are items 8, 9, 18, 23, and 58.

[10:24:15 AM]

We have some people to speak on -- yes, Mr. Renteria.

>> Renteria: When we come up to the zoning matters, I'm going to be requesting postponement of item 46 and 47. The occupant wants to postpone to either November 2nd or the 9th.

>> Mayor Adler: You're going to ask for postponement of which numbers?

>> Renteria: 46 and 47.

>> Mayor Adler: Okay.

>> Renteria: They still need to do a little more negotiation.

>> Mayor Adler: Until when?

>> Renteria: Preferably November 9th.

>> Mayor Adler: At 2:00 P.M. We'll handle that later and can discuss that. I would also point out that there is a late addition to the nominations and waivers, item number 22. Councilmember kitchen wishes to nominate Juliana Gonzalez to the anti-displacement task force so that should be part of the consent. I'd also point out that we had appointed five people to the judicial committee, but the ordinance that I presented last week said that there were four members and not five, so I am going to take my name off of the list with the intent to come back and amend that ordinance so that there would be an odd number of people to make it five and then to put my name back on. So the action today is to appoint the other four consistent with the ordinance. Okay? Does anybody have anything before we ask the speakers who are here that want to speak on the consent agenda to speak on it? Okay, let's begin. Mr. Peña, are you here?

>> I'm here, judge -- mayor.

>> Mayor Adler: And I think this morning we handed you a list of the items that you had pulled.

>> I think you are ready for that.

[10:26:16 AM]

>> Mayor Adler: We aim to please here.

>> You might not be pleased with what I say but I'm here. Just clowning around. Come on. Why don't I just sit down and let you carry on.

>> Mayor Adler: I don't know.

>> The reason I called you judge I attend the county commissioners court meetings and lovely judge Eckhardt is my friend. I am co-founders of veterans for progress and it's growing every month membershipwise. Thank you forgiving me the list. I know I have -- my wife says memory issues. She says it's something I just put up with 29 years of being married, anyway, first and foremost I don't want to break protocol or preach protocol but I want to say this to Elaine hart, I've seen her working hard and we support you for permanent position if you are willing to serve our city and we need you. Anyway, let me go ahead and go on the agenda before the mayor cuts me off. Number 12 is having to do with intergovernmental relations. We have representation, mayor, and why do we have to spend \$174,000 for legislative representation? Don't we have staff for that? This is our money, funding come from the city of Austin coffers. Don't we have staff? Nonresponsive, please. We just don't agree with it. The Reagan national advertising issue, I understand that also and I work with municipal court in criminal district courts, sometimes I don't know why this money is being spent on appeals, 44,000, contract not to exceed -- item number 13. Law, deal with it. I'm not going to touch that. Number 14, neighborhood housing and community development, I know the gentleman who is executive director of tchda and we spoke about the need for affordable housing and also the funding that comes from -- the tax credits coming from tdhca and I told them it is essential and crucial because we have a low shortage of housing in austin-travis county and we need as much funding as we can to built amounts, but mayor, make sure - when they use the verbiage affordable, define affordable.

[10:28:46 AM]

It might be affordable for you and millionaires, not for the people making 12,000, 15,000. We have a lot of low socioeconomic status individuals. They can't make it here in Austin. People are going back to San Antonio. It's more cheaper over there. Anyway, foundation communities having to do with provision for health insurance related services, this is something that's mind boggling. It doesn't explain as to who is going to get the health care with this funding. It's coming from public health and Stephanie Hayden, I know her, she is a friend of mine.

[Buzzer sounding] I'll wrap it up. Some of these expenditures are mind boggling and I wish you would explain to the community exactly what this funding is going for. Sometimes, a lot of times people and the taxpayers don't agree with it. Thank you for allowing me to speak.

>> Mayor Adler: All right. To speak on item number 7 we have Ryan Garrett. And while Mr. Garrett is many could go down here, council, I want to introduce a guest today, Anthony Precourt is with us today, happens to own a major league soccer ball club and looking at the city. Welcome. Welcome home.

[Laughter]

>> Thank you, Mr. Mayor, councilmembers. My name is Ryan Garrett and I'm the general manager of stubs barbecue and a board member for the red river America chances association. I'm here today to advocate for a six-month steps for the red river culture pilot program. I am optimistic an extension will lead to permanent resolution prior to expiration of the six-month extension. Since the pilot program was passed in January of 2017, the red river cultural district has seen an increase in revenue for local businesses and musicians alike.

[10:30:55 AM]

From bartenders to sound technicians it has created jobs and more work for employees within the local music industry. I will advise the rrma has had significant success in working with community leaders within the Austin neighborhood council, downtown Austin neighborhood association, the north university neighborhood association, and local hotels in establishing open lines of communication to collectively work together in preserving live local music, music venues and quality of life for local neighborhoods. Sound mitigation efforts are a priority within the district and immediate feedback from surrounding neighborhoods has been extremely positive. Stubs is proactively worked with local sound purveyors big house sound to strive for the best and most contained sound mix possible. We have made significant progress in Mitt gaysing bass frequencies and monitoring sound levels. The deaths -- decibel levels at stubs have remained in parameters since late January. Stubs like the rest of the red river cultural district is committed to remaining compliant. I would like to thank Brian block with the music and entertainment division for his diligence [inaudible] Wrangling a bunch of venue operators into getting organized which is not an easy endeavor. Finally I would like to thank the mayor and councilmembers for making this program a possibility. We heard you clearly when you set forth objectives to be met and I'm proud to stand before you today and say tremendous strides have been made to fulfill those responsibilities. Thank you for your time.

>> Mayor Adler: Thank you very much.

>> Casar: Mayor, a quick question for Mr. Garrett. Mr. Garrett, thanks for you all's hard work at stubs and your continued work with the community on these issues.

[10:32:57 AM]

One thing is that this program is expiring shortly and so I've heard -- I haven't heard from stubs in particular, but I've heard from other folks on red river that it's created a bit of uncertainty about how late to book shows for next month, for example, if you are working them yesterday, as we give you the six-month extension, how soon during that six months should we consider a future extension or a permanent extension in order to not cause that -- I don't book big shows, I sit up here, and so how can we avoid that gap in the future? When should we be considering this? January or February?

>> I would love to see it at the latest in February. You know, as I referenced in my statement, we're working diligently with neighborhoods. It's about compromise and resolution and working with sound purveyors. For the benefit of the music district, the further out we can book to create jobs and sell more concert tickets the better off we'll be. My objective and I know in talking to Brian block and other stakeholders within the district that we would like to get this wrapped up as soon as possible. So I would shoot for February.

>> Casar: Right, because if we're extending this for six months, that gets you through April so a decision in February can help you plan for may.

>> Absolutely.

>> Casar: Thank you.

>> Mayor Adler: Thank you. Mary Engle.

>> Good morning, mayor and council. I'm Mary Engle, a resident of the north university neighborhood directly impacted by the red river music district. I'm here today to say that it was unlikely that this was going to work, but I'm happy to report that I am in favor of extending the pilot program.

[10:34:57 AM]

Ever since it went into effect, the decrease in noise trespass has been noticeable. It's not perfect, but we need to keep working on it, and we have -- Ryan Garrett and I have joined hands, unlikely hand holders, but we have joined hands to make this work. So I just wanted to point to this as a successful project. There's more work that needs to be done. We really need to get the dbc wading into the ordinance when chapter 9 is rewritten so that anybody who violates this has a real penalty because right now that doesn't work. There are other stakeholders that need to come to the table such as neighborhoods cited in the resolution such as eastwoods, hand cock, Hyde park, with north university. And for the most part - the other thing that needs to happen is the smaller venues need to have some financial help with mitigating sound. So these are things that we are all working on and we want to just say please keep the pilot program working and in place and I'm very happy to keep working on this project. Thank you.

>> Mayor Adler: Yes. Councilmember alter.

>> Alter: I don't know if this is necessarily a question, I know this is on consent so I just wanted to say how pleased I am that the process that we set in motion is working for the community, both the business community and the neighborhoods and hopefully can be a model moving forward for this kind of cooperation.

>> Mayor Adler: I just want to say real fast that this is real good -- this is a key component of the music omnibus resolution we passed as a council and we were talking about the pilot program initially, there was great apprehension for it.

[10:36:57 AM]

So it's really good to see that everybody has been working so hard. We received an email from Steven Tomlinson who I think is president of the north university neighborhood association that said that the collaboration between the red river venue owners and the north university neighborhood association, the downtown Austin association has at every stage been a great experience in the email he sent us supporting it. These are difficult issues and it's going to take working through and there's still additional work to be done and I just want to say thank you to everybody that's been involved in this. I have the next -- yes, mayor pro tem.

>> Tovo: Yeah, I also wanted to comment on this. Most of the businesses we're talking about fall within my council district, as do the neighborhoods we're talking about who are impacted by this. And I too just want to add my thanks to all the stakeholders for your hard work and to our staff because they held true to their commitment if we pass this pilot program they would make sure that all of the parties involved had the resources, would receive the response from staff they needed to make sure it was working well for the neighbors as well as the businesses. So thanks again.

>> Mayor Adler: Okay. Mr. Casar.

>> Casar: And I'd like to see if the plan is or add the direction if the manager would take it to bring back any further decisions on this at the beginning of February so we don't wind up with a potential gap. We can just make the decision. Thank you.

>> Mayor Adler: Manager says she will do that. Yes.

>> Tovo: I'm fine with adding that direction, but, you know, I'll make a decision in February whether or not it's the right time to do that. I think that really makes it I think a four-month pilot rather than a six-month and what the stakeholders have agreed to is a six-month pilot not a four-month pilot. It takes a lot to have that level of consensus and I'm concerned about the fact I haven't had a chance to vet with some of the people we reached out to and if we leave that direction it's with the understanding in

February when it comes back, I'm going to evaluate that request and determine whether it's better made in April.

[10:39:10 AM]

I understand the position that stubs is in, but they and other groups, but they've made it work under this scenario and so it's got to be a balance.

>> Mayor Adler: Thank you. Carol, and while she's coming down there's people signed up for items postponed or withdrawn. Bobby Lipinsky on item number 2. Do any of those people want to speak on items that have been postponed or withdrawn?

>> I'm here today primarily as a board of the Austin tenants council and I'm speaking about item 29 which is a resolution to look at Austin energy's credit security policy. And I think that this is a good idea. I believe that the way the resolution is laid out that this is something that's helpful to the average consumer because we need to make electricity easy to get, not hard to get because people need it. And I believe that our utilities should be held to standards that work with people. One of the things that is not included in the resolution, which I think we might need to take a look at, is the procedures that Austin energy follows whenever there are, like, forced evacuations and emergencies. Now, in the past I have to say that Austin energy has always worked very well with the groups that I'm family with and they have taken the steps to transfer people's security deposits and to transfer balances if they had balances. And we do have a lot of situations here in the city where people have been forced to move because of floods or just safety issues.

[10:41:18 AM]

And it might be nice to just have this written into the code, that when certain circumstances occur, that these steps will be taken. Now, they are outlined in the relocation plan that's in effect at code and those are all good standards and that's a good plan. But sometimes people are forced to move in large numbers and that relocation plan does not go into effect. So I'm just asking that while you are looking at the security deposit issue if this could be added to the list so that when certain circumstances occur, it's clear to everyone how these utility accounts will be handled. And thank you very much.

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

>> Tovo: Thank you very much. I think that's a very good point and you and I have discussed this in the past and I would be happy to take a look at making sure that gets embedded in ae's policies.



>> Thank you.

>> Mayor Adler: Thank you. Those are all the speakers. The consent agenda is items 1 through 34 and also 58 through 61. The items that I have being pulled, 2 is postponed indefinitely, 6 is withdrawn, 8 and 9 pulled, 18 is pulled. 19 is being postponed to November 9th. 20, no action because it's a duplicate. 23 is being pulled. And also 58 is being pulled. Any comments or notations to make? By anyone? Yes, councilmember troxclair.

>> Troxclair: Do you want a motion first?

>> Mayor Adler: We can or someone could read into the record if they were wanting to make comments, they can do that now.

>> Troxclair: I would like to be shown voting no on items 3, 11, 12, 13, 59, and 60.

[10:43:25 AM]

And abstaining from item number 16.

>> Mayor Adler: Okay.

>> Troxclair: Thanks.

>> Mayor Adler: Is there a motion to approve the consent agenda? Mr. Flannigan makes that motion. Is there a second? Ms. Houston. Further points? Mayor pro tem.

>> Tovo: Yeah, I do want to make a couple points about the committee assignments. And I want to preface them by saying I have absolutely no interest in serving on the judicial committee. I'm delighted by the selection of the councilmembers. Thank you for stepping up to serve on that committee and thank you for councilmember alter for serving on the audit and finance committee. I have to note that we have gone from a situation -- we had a rather lengthy conversation about how committee appointments would be handled and it was the council majority's will to have the mayor make those appointments. But we have gone over the evolution of the last few councils from a situation where council committee appointments were discussed together and somewhat agreed to together and affirmed by city council to a situation that we're in today where these weren't even discussed at all and we're hearing today on the dais what those council appointments are. I would like to request that we in passing today's consent agenda, I'm again, I think these are terrific appointments, I'm happy to affirm them, but I want to request that in the future that these be made a point of discussion. If there are going to be committee appointments or new committees started and membership created these be added to work session for a conversation among council. I continue to believe these should be done more collaboratively and at least we should have a conversation before it appears on our agenda.

>> Mayor Adler: And I'm fine doing. I have no problem with daylighting those earlier so the whole council can discuss them and change them or do whatever it is that the council would like to do with them.

[10:45:26 AM]

And in fact, it's on the agenda today and if we wanted to pull those and discuss those today, we could certainly do that.

>> Tovo: Mayor, I have no interest in pulling them. I'm satisfied with the points but as a matter of process, I think this is a point I would like to -- I would like a different process next time.

>> Mayor Adler: We'll daylight them earlier so people can pull them to talk about at work session. Ms. Troxclair.

>> Troxclair: On the same topic, we are still -- we are still looking for someone to fill my vacancy on the aid joint -- city-county joint subcommittee so if anybody is interested in serving on that committee please let the mayor know.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I agree with the mayor pro tem in terms of having these conversations. I also think we need to revisit the conversation about the number. As long as we're under a quorum, I think there's not a problem with having five on a committee, but we can talk about that at work session.

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

>> Tovo: Mayor, that brings up two questions and I guess is somebody leaving audit and finance? Has anyone resigned from audit and finance? Okay. Councilmember troxclair, I wasn't aware that you were resigning from the joint subcommittee and that may pose an issue with our quorum for next week. So if anyone knows they would like to serve on that committee, I think it might be appropriate for us to revisit this item during the course of the day so that we have had some difficulties the last couple meetings achieving quorum, so I would like not to put our partners in that situation. If anybody, again, knows today, maybe we could reconsider this item and affirm that appointment during the day.

>> Mayor Adler: Okay. And in this case with audit and finance, I was approached by councilmember alter who asked to be able to serve on that. I think that was consistent with what we had done the last time around so I was happy to make that nomination for the council's consideration.

[10:47:37 AM]

Councilmember pool.

>> Pool: Mayor pro tem, I might be interested in filling councilmember troxclair's slot. I would need to look at when the meetings are held and so forth, but you can consider this a tentative offer to join that group.

>> Tovo: You'll have to let the mayor know.

>> Pool: And also to the mayor. Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I have a quick question. I don't understand what the mayor pro tem was taking. Will this make five on audit and finance? This will make five on audit and finance?

>> Mayor Adler: I think it does.

>> Kitchen: I think we were told earlier we couldn't have five so I think you are going to see a couple more come forward because I had requested a while back to be included on the housing committee. And so I'm just going to tell you right now, as had mayor pro tem, so we'll talk about it, but I think we're going to request some additional appointments to the housing committee.

>> Mayor Adler: Okay, so I'm going to withdraw the nomination of councilmember alter so we can have that larger context conversation about that and I'll set it for a work session. Okay. So I'm withdrawing that nomination. Yes, councilmember alter.

>> Alter: I just want to point out one of the reasons I was stepping up to be on audit and finance there's quorum with the people who are participating. I was not aware of a limit of five.

>> Mayor Adler: We'll have a longer conversation at work session. Councilmember.

>> Pool: I'll just return to a suggestion that I made when we were talking about committees and numbers on committees. Since we post them anyway, I don't -- I don't know that we need to have a limit. I would like to suggest we could have six people on a committee if there's that much interest just to allow that to happen. It doesn't change anything technically about -- and logistically about how we manage our committees.

>> Mayor Adler: We'll have that conversation at work session.

[10:49:37 AM]

Okay. Councilmember troxclair.

>> Troxclair: I just wanted to point out that we do have our next audit and finance committee next Wednesday and I believe the mayor is unable to attend so I was excited to hear councilmember alter will be joining us and I guess if she's not I pointed today --

>> Mayor Adler: She can certainly participate.

>> Troxclair: And the other members will attend. Thank you.

>> Mayor Adler: As all of us have been invited to attend any of the committee meetings.

>> Kitchen: Mr. Mayor? I have no objection to appointing councilmember alter today.

>> Mayor Adler: I understand, but I think it should be done in the larger conversation given the issues that you've raised. Okay.

>> Alter: Do we have a quorum for next week's audit and finance that will be present?

>> Mayor Adler: Is answer to that looks to be yes. Please participate if you would like to. Okay.

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: I wonder if you can also put on record, I know we're going to discuss item 23, pulled by speakers, but I also want to be a sponsor. Put me down as a sponsor.

>> Mayor Adler: Okay. It's been moved and second odd the consent agenda. Any further discussion? Those in favor please raise your hand. Those opposed? Thank you. The consent agenda passes. Good job. We have two items that are being pulled. Items number 8 and 9. Mayor pro tem, together or separately?

>> Tovo: Together would be fine.

>> Troxclair: Which I note for the record the consent agenda passed with the notations made earlier. I just want to make sure that's captured in the record.

>> Mayor Adler: Solution. There are no people signed up to speak on items 8 and 9.

[10:51:38 AM]

Mayor pro tem, do you want to --

>> Tovo: Sure. Thank you, mayor. I guess I need to ask staff some questions and I'm not sure -- in thinking through this issue, I'm not sure we're going to be able to resolve some of the questions I have

today. It's my understanding the staff are able to extend the existing contracts so we can have further discussion. When I saw these on the agenda, and I apologize, I had questions I failed to submit through the Q and A for this so I apologize asking at the last minute, but these are parking greenbelts. The backup doesn't have the actual agreements or terms of the agreement, and I guess my general question is they've been extended -- these were relationships that were entered into in 2005 when downtown was pretty different than it is now. And the parking arrangements we made with -- with some of the businesses that came down here were intended to entice them to locate down here, as I recall. And given the changes that we've made in our parking and our parking charges in those intervening 12 years, I really have to question whether -- I don't want to issue a decision on it, but I'm just questioning whether we still need to incentivize, help subsidize the parking for some of the commercial businesses in our area at a time when we have expanded parking meters throughout the downtown, we're charging just about anybody else who comes down here to use other businesses. So that's a substance of my concern. But beyond the concern I really would like the information about whether there are -- what the financial arrangement is here. So thank you.

>> Good morning and thank you, mayor pro tem, for the question. Margaret Shaw with economic development department and manage these agreements in conjunction with the transportation department. Obviously the law department will be happy to answer the questions. You are correct that these parking agreements originated in 2005 when the city was developing these six blocks in central downtown.

[10:53:41 AM]

And affordable, accessible parking was a critical element in a vibrant retail district. We bring these agreements back about every five years for renewal and there are certain components administrative operations, the hours of the garage, rates of the garage, who can use them and security around who can use them. Today is that renewal for the next five years. The second street district is slightly different in that we are here to support as part of the community benefits of the city's efforts from the original is to support local women owned and minority businesses, and I'm proud to say our ali partner has overexceeded 30%, usually at 50 or 60% of local and minority owned businesses. The statesman just wrote an article about the strengths of the women owned businesses, the diversity of them, the longevity of our women owned business in second street. We as a district frankly compete in a very competitive retail market in Austin with more suburban locations that have free, accessible, conveniently located parking. So we continue to try to strive to make the retail district successful and part of that comes with the two hours of free validation which is included in these parking agreements. I have the gentleman from our parking department to answer more general questions about garage and public garage, if that answers your question of the retail component.

>> Tovo: So I guess I need to understand -- and again, if it makes better sense, it's my understanding you can extend -- if we postpone this until the 9th, for example, would that throw the contract into jeopardy or would you need to renew it for six months?

>> We are very open to postponing it and yes, ma'am, that will be fine. These agreements expire on December 31st and we would be happy to work with you on that postponement.

>> Tovo: Because there may be some other factors here like the ones you just mentioned that make this a different -- a slightly different paradigm than what we're talking about, but there was so much consternation among people who work downtown when we started charging for parking meters on different days and putting them in other places.

[10:56:01 AM]

We're charging people who come down here to work at -- in restaurants and other places, we're now charging them to park, and again, I'm still struggling -- I'm struggling with how that philosophy syncs with this one and I'm going to need to understand Earth about. There's any financial remuneration for those two hours for customers? Are we receiving any money for businesses to provide that for customers --

>> They are for people who are shopping and eating downtown for those -- when there's a -- the ones that come through the ali partner and the Snyder building which is Lambert's is the original tenant, those are for the city is getting sales taxes and other revenue associated with that. But if they stay one minute past the two hours, they pay for that.

>> Tovo: Okay, but there is no -- it's not an arrangement, and I think the rca sort of hints to this, there's not an arrangement where those businesses are paying a bulk rate for those validations or reduced costs. It is truly two hours of free parking --

>> Yes, ma'am, just to encourage people to use it again. When you think about the suburban or retail hubs in the city where folks can pull up and walk into different malls, this is a way for us to be more competitive in the retail market.

>> Tovo: The other thing I would like to see between when and now we postpone this to are the numbers. How many people we have flowing through our garage who are using that validation. And then I think there was a question you were going to ask.

>> All I was going to qualify too is if it's at the will of the council, the attorney, we can do language where we can take six months if a week or two is not enough. I know you have agendas in November and December that are quite busy. If you want to extend six times we are happy to do that.

>> Tovo: We can probably answer those questions between now and the 9th. I guess too I would be interested for you hearing what -- what the response would be of the businesses if we fundamentally altered that relationship.

[10:58:11 AM]

Because again, I just think that should be a conversation we had for the reasons I mentioned. A whole lot has changed about downtown in the intervening years and our attitude as a city toward parking and free parking has certainly changed.

>> Jason, do you want to speak to some of the affordable components?

>> Jason Redfern, Austin transportation department. We've established the affordable parking program and so for evening hours at city facilities we have established a \$35 per parking space charge at the waller creek garage facility and we will start selling spaces at the one Texas center at 505 Barton springs.

>> Tovo: I'm delighted to hear that's up and running. How can people who work downtown find out about that. What's the fastest way to get information from the website?

>> We have the information listed on the city website, you can call 311 or our office directly.

>> Tovo: Great. Thanks. I appreciate that. That comes out of long conversations about parking meters and the impact especially on low-wage workers working in the downtown area so thank you for making those options available. And I look forward to receiving some of the information I mentioned and continuing this on I would suggest on the 9th. Mentioned, I would suggest on the 9th.

>> Okay.

>> You mentioned that you compete with suburban retail that has free and accessible parking. If you're forced to drive on 183 to get to lakeline mall to my district it wouldn't be accessible and the lack of transit access to any of those suburban retail spots maybe short of tech ridge makes them inaccessible. Downtown has all of the transit options. I would encourage you to be more precise when you talk about your competition, especially in a public forum, because it's clear to me we cannot continue to build retail in the suburban model because it's not as affordable and accessible because of the sprawl required to support it.

[11:00:23 AM]

Representing a lot of suburban retail like I do in my district, you know, the value of the market and splic and demand when it comes to parking is something that I know the council is discussing on a number of fronts so I'm just wanting to put a pin in it. Don't talk about retail as if it's the most ideal model.

>> Thank you, sir. I apologize if I mist spoke. I meant proximity to stores. That's it.

>> Mayor Adler: Mr. Casar?

>> Casar: I don't remember well what -- what money can and can't be spent on in our -- under the law and model. The idea is getting people easily to their jobs or shopping or eating downtown, if there's something we can subsidize other than parking for the transportation needs if we up want to encourage folks to utilize other methods of getting here. So just as you answered those questions, think creatively. If we're moving to that model of not trying to encourage people to drive places and they're encouraged by themselves when it's feasible, then maybe we can subsidize other types of behavior with that.

>> Mayor Adler: Council member pool?

>> Pool: I would like to have the list of the stores with the free two-hour vouchers and what they did to alert their customers if its's available, what that looks like. The other thing as far as what council member Casar was saying about getting to downtown locations, we used to have through cap metro, the circulator through downtown and it was free and you could jump on anywhere and go from the far end of downtown from one end of the other and working south, it's popular on congress.

[11:02:25 AM]

And I think it contributed a lot to moving workers at lunchtime and at the tend of the day and to different locations and I have long hoped that we could have the dillo come back. I realize that's the capital meted row initiative with the downtown Austin alliance, but I would offer that up here if we can get people to some of the shops. We could through bringing the dilo circulator back.

>> Mayor Adler: Mayor pro tem moves to move this to November 9. Is there a second in councilmember Casar seconds. No, if you signed up, come on down. I didn't show that in my record.

>> Showing the kiosk.

>> Mayor Adler: Come on down. Gus Pena, native east austinite. Mayor, councilmembers, this is one of the frequent -- frequent points for low socioeconomic status, people who want to park downtown. It's not affordable. They don't make a good living wage, an affordable wage. I'm glad that you allowed me to speak on this issue because a lot of people have been complaining and I say talk to your different representatives, talk to the mayor. Call the city manager or their associates. It's a -- I shouldn't say -- it's



a very crucial issue to the people that have vehicles and not able to pay the high premiums of parking. I can't do that. I won't do that. You know? I park over at 1 Texas center and take the bus.

[11:04:31 AM]

Someone mentioned the dillo. I don't know if capital metro runs on congress. I don't know if they do it because of traffic problems. It would be a good idea, wise point, councilman pool. Mayor, councilmembers, let's make it more affordable for the people who can't afford to pay the high premiums. I can't do it. Inwalk everywhere. Do it for the people who are really affected by it and they don't get a good Salvi or a wage. And this being wise and prudent about this and is a crucial issue, key issue for the most socioeconomic status people. Thank you for allowing me to speak. If you can have someone look at the kiosk. Sometimes you don't call my name and I diligently signed up for it on Tuesday and Wednesday. Okay? Thank you, sir.

>> Mayor Adler: Postpone these two items to November 9th, any further discussion? Those in favor, raise your hand. Those opposed? Two items, 8 and 9 are postponed to the 9th. That gets us up to item 18. Councilmember alter?

-- Councilmember alter?

>> Alter: Councilmember pool asked us to postpone this 50i tell to the November 9 meeting because of the need to look at this. And as I mentioned on Tuesday and I mentioned back on September 28 when we looked at it last time, I'm concerned about having it particularly when the offers come back. I understand that the solicitations on the street are ready. It has a provision in rfp that allows us to supply some sort of Alo in it. But when it comes back on November 7, if we do not act, it will have no Alo in place.

[11:06:31 AM]

Of any kind. So what I would like to propose is that I would move to direct the city manager to bring an item back to council to modify council resolution 20170406 item 023. That waived the anti-lobbying ordinance from always management solicitations to allow for a modified version of the current ordinance to be applied to the current situation for the use of biosolids. I'm asking that the modified version of the anti-lobbying ordinance include the following changes. The no contact period shall begin on the date and time when the proposals are due, and the penalty shall not apply. So, as I have had some discussions with purchasing over the last couple of days, we cannot apply the current Alo because that starts when the solicitation goes on the streets. So we have to -- in order to apply the current Alo,

we have to modify it. So that it applies when the solicitation comes back, which is part of the proposal in the proposed Alo which we may or may not choose. And then in understand that the key concerns of the folks involved is a concern about debarment if they are engage in the process. I have been working closely with purchasing and have been working with law and it's my understanding that that is legally what we would need to be doing if we want to have an Alo in place. This would come back on the second, the solicitation is due back on November 7.

>> The record is clear. You're asking the manager to take this action and bring it back. It's not a motion, it's a request for you all without objection.

>> Okay. So there wluuz -- I had language that was prepared for me. I move to direct. But I'm perfectly fine to just provide the direction to come back.

[11:08:32 AM]

Thank you.

>> Pool: I wanted to say, councilmember alter, thank you for the sentiments you've been raising for the last couple of weeks. I don't support the additional direction to insert a modified Alo. If you look at our work group recommendation on the last page under other recommendations, it states the existing anti-lobbying ordinance should remain suspended until Choun sill approves proposed provisions staff from law and working on language identified in the discussions with stakeholders and the revisions to the Alo may require continued participation from stakeholders. And just yesterday, my office had good conversations with two representatives of groups of stake holders. And we are achieving really good progress for a number of items that were identified as having disagreement and yesterday, a lot of progress was made and there are still some discussions to be had. I'm very optimistic about the work that is happening with the representatives of the stakeholders. And I don't want to do anything that would get in the way of that. Lastly I would say the ethics review commission on Tuesday took in the natives on Wednesday. Anyway, I was there to lay this out to them and to ask for this input and that commission has formed the -- the item to the worker that they promised and called a special meeting in order to take formal action on November 1 so it would be ready with the recommendations to act on on November 9. So I respectfully do not agree to the additional direction that's being offered.

[11:10:40 AM]

And if I could have an opportunity, I'll make a motion to postpone this item two. That would be great. Thank you.

>> Call them down to speak unless you want to say something first.

>> Councilmember alters' proposal.

>> Mayor Adler: Anything before we go to speakers? Mr. Pena. You ear up first. Michael, you're up second. Michael Whalen, you uh want to speak?

>> I think there's a solution here to what we're talking about. The vote on the revised Alo will be November 9. The solicitations are due November 7. I think if we just ask purchasing if they can back up by two days or three days, the solicitation due date, I think that solves all of our problems. Changing the past Alo on the fly doesn't solve the problem. It will leave people in a choice where they won't be able to bid on this biosolids contract because there isn't the protections, the working group specifically identified were need in the Alo such as third party review of any disqualifications. So I would encourage perfectly logical solution which is having the biosolid solicitation due on November 10, the day after your November 9 meeting as a way to manage this rather than changing the Alo on the fly. I think that solves the problem. So I think that's a question not for me, because I'm not in charge. City attorney is in charge. Thank you.

>> Mayor Adler: Thank you. Did Adam Gregory want to speak? Mr. Pena?

>> I'll make it brief again.

[11:12:41 AM]

I support his position and verbiage. We've been studying this also. I know Gregory also. But I support Mr. Michael Whalen's comments to a tee and work on it. Thank you.

>> Mayor Adler: Thank you. I think those are all of the speakers we have signed up for this item.

>> We have Mr. Dobbs is also signed.

>> Mayor Adler: Okay, I see you now. Come on down. Thank you.

>> Sliding into home plate here. Good to see you all. Now we -- I appreciate the suggestions that councilman alter has made and I think it's an improvement over putting the -- the basic point I want to make here is we can't put the old Alo on this contract because that would literally be doing the same thing again and hoping for a different result. We've got two commissions that will be used for the proposed provisions. Some good suggested changes were put out last week, I know I the commission is going to be looking at it too, and they have a chance to go ahead and bless the proposed revisions as they stood and decided not to do that and instead take a deeper look at it. So I hope they would take that time. Mr. Whalen's suggestion, I hope, if it's possible, that's a good idea if it is. And the other possibility is let the process move forward as it stands and once the new Alo is put into place, impose it

at that point. Both of those are good ideas. I think the thing I'll say is one is if we do the old Alo, I think we end up with more lobbying, and not less. End up with the same scenario we had last time which is where some parties don't bid so that they can lobby. I don't think that's an ideal scenario. The best way to keep the lobbying to a minimum is to fix the Alo.

[11:14:44 AM]

And the last thing I want going to say is just to flag this as one of the key topics that we've been pressing on in this process, which is to make sure it's also the rules, it's not just the ordinance, it's also the rule us. The rules of the ordinance may be more important in some ways than the ordinance itself and we need to make sure that the rules are brought back to you for final authorization and for relative commissions also for review before -- before they are adopted. I'm happy to answer any questions.

>> Mayor Adler: I guess there are two things that were proposed. Three things, one is postponing, one was postponing it with the direction of councilmember alter eh and the other was asking that and the timing for the response.

>> The efforts comes with the rules postpone the consideration of this item and to wait and to not add this Alo to the revisions. That's -- I would say it comes from councilmember pool's suggestion. These are all things that can be combined, pieces of each of them could be adopted. Mr. Whalen's suggestion of keeping it open a little longer to put the new Alo adopted and considered by this council on the 9th. If that's a possibility, that's a good idea also. Just to kind of avoid these problems. I think that when I was walking in here, I was understanding what the proposal was to put just the old Alo as it stands on there. And I think councilmember alter's proposal is better than that. But the best thing is to make sure we've got an ordinance that's fleshed out and ready to go. And use that.

>> Mayor Adler: Thank you, councilmember alter?

[11:16:47 AM]

>> Alter: I don't have a question.

>> Mayor Adler: Any questions? Thank you.

>> Thank you.

>> Mayor Adler: Those are all of the speakers that we have. Back up to the dais. Councilmember alter?

>> Alter: I appreciate Mr. Whalen's suggestion. That's the first direction that I tried to take with this. The times that we have, because we've been postponing this multiple times, is that rules have to be promulgated with the new Alo for it to go into effect. And there are the rules that they created the rule us and that process itself will take at least 30 days. This change doesn't just apply to waste management, it applies to all of our contracts. At the same time, we have been saying for months we need to move forward on this contract. And I'm not getting to the point of where the offers come back and not having an Alo in place so the decision on the contract could result in a few lobbies more. I think we should have a fair process. Although I would love to have an opportunity to do it the way Mr. Whalen suggested because we kept postponing and postponing, I've yet to find another alternative because the rules need to be promulgated. The way we set this up, it will come back in two weeks with the direction -- with the ordinance that would allow us to waive that section to waste management and if there are one or two additional tweaks to what I proposed, it might make it more powerful. Those could be added at that point in time. My fear is we get to November 9 and we're not done with the Alo because the groups haven't agreed or other groups who are part of this process chime in. Then we never have it done or we have it going forward without the Alo in place.

>> Mayor Adler: Councilmember Casar.

[11:18:51 AM]

Then member pool?

>> Pool: Just going to make a suggestion.

>> Casar: Councilman Alter and Mr. Whalen seem to be making sense. If it's just that logistical -- we're talking about the biosolids issue, is there a way that we could ask for something to be posted on that day, the 9th, that could help us. Because I think part of the challenge is if we're being expected to sort out on the night the whole Alo because we have one contract before us, it looks like we're trying to solve a global issue because of a timeline on it, just one very particular pesky thing, which is the disagreements about the protections for the Alo in this one particular contract. So is there some way that we could have the -- submit over the 9th, handle the Alo on the 9th, and have something posted on the 9th as similar direction or ordinance that helps us deal with the very particular issues with one contract? You may have already thought about this.

>> Alter: That's where I started and ended back on the second at the advice of the staff. Maybe Mr. Scarborough or legal can share their perspective on what options they have on what we discussed or their thoughts on what we have discussed.

>> Mayor Adler: I think that would be helpful.

>> Good morning, mayor, councilmembers, councilmember alter? So of the options that are being contemplated, first, staff is prepared to proceed before the association went out to the anti-lobbying if that's the desire of council. We're also prepared to proceed with the solicitation to include a version of the anti-lobbying ordinance so that your concerns regarding any lobbying that may occur after the offers are received and we're in evaluation and prior to council authorization of the ward, we're prepared to do that as well.

[11:20:53 AM]

There's a logistical element as councilmember alter eluded to. If -- if a version of the -- of the anti-lobbying ordinance comes back to council on November 9 and council authorizes that version, it would not be a simple matter of putting that version on the anti-lobbying board solicitation immediately there after and closing and opening up the proposals. One we would need to do an emergency so we could implement the order immediately. Two, reduce it without the benefit of any new or revised rules as was commented on earlier, a lot of feedback we received from the work group did address the contents of the rules. So we imagine it will be a fair amount of work with the rules as well as time necessary to address the rules. So contemplating this kind of middle way approach, some of the most hotly debated elements of the current anti-lobbying ordinance would essentially be waived for this one solicitation so this one could proceed under -- under a modified version of the current ordinance while giving councilmember and interested parties and staff time to work on a remainder solution for the remaining ordinance. That's my interpretation of the proposed approach is to allow for a solution for this solicitation and to address the most debated elements of the or to wave the most debated elements of this.

>> Councilmember, to your point, we can post to allow you -- if that's your choice -- to address both the overall city lobbying as they applied to every solicitation they applied to as well as to address this particular solicitation for which the ordinance is litz.

[11:23:00 AM]

They could both be posted.

>> Is it your recommendation that we will do as recommended by councilman alter?

>> Based on the feedback -- not feedback, based on the discussions I've observed, I believe there's some interest? Having some of the protections of the current anti-lobbying moredy nance. The discussions that we observed at the ethics review committee, centered on those elements of the current ordinance

that were going to be removed from the revised ordinance, the no contact penalty and the ex-clues of the department penalty. Most of the association wassing elements back in. Given the variety of discussions of the recommended version but also some of the desire that we've seen from the discussions from council and from the commission, we believe that -- that the proposed approach from councilmember alter would fix those concerns. The

>> Casar: Would councilmember alter restate one more time her direction.

>> Alter: Sure. I want to bring an item back to council to modify 2017-0406 item 023 that we add the anti-lobbying ordinance to allow for a modified occurrence of the ordinance. Specific cliff I ask this modified version of the current anti-lobbying ordinance include the changes. No contact period begins on the date and time when the proposals are due. The debarment penalty shall not apply. And the first one of those has to happen sort of by default because it's on the street and you wouldn't change that mid process.

[11:25:07 AM]

The only time you could buy it is when it came back due. And addresses one of the key concerns with respect to that contract.

>> So the idea that -- essentially what I said we should brainstorm is what you have laid out here already which is we could sort out the global issues related to the anti-lobbying ordinance. And we would not have the ability for members to lobby us after the propose sales have been submitted and the objection that Mr. Dons raised which is if we have a provision, it could have extra lobbying because people wouldn't bid, that would no longer be an issue because we would not have are a department clause? That seems to make some sense to me and I'd be interested in hearing what the -- what everybody sees as the downside to that approach.

>> Mayor Adler: The Ms. Pool?

>> Pool: No down side. That's the direction anti-ordinance is moving in. You'll remember how I described it the past few times, we have waived debarment. Though there were some issues around that that needed to be settled. As far as how long the -- you know, contact period would last, we moved it to be a shorter one to start later and end sooner and there were some issues around that. So the very two pieces which when are the hallmarks of what we were going to put in place, the councilmember alter is talking about, are the very ones that the disagreements occur on. And I just urge everyone to allow -- continue discussions to happen. I think we put Mr. Scarborough in an awkward position to have to choose between the two approaches because he indicated that both proceeding as not requested with a straight postponement or a more modified version, he would be fine with that.

[11:27:14 AM]

I think that's a bias for purchase officing O'er to be. He's not making this decision here. I say please allow the sticking points that still exist to have time to work out and we can get reports back from the ethics review commission. Have a look at the rums to see what we have to do there. As far as Mr. Whalen's suggestion that we push the -- issuance date back a day, I think that was also addressed by our attorney. We have to have at least, what was it? Ten days before an ordinance takes -- is enacted unless we put an energy clause on it. So, I've been waiting to make a notion simply to postpone this to the 9th of November.

>> Mayor Adler: That would take eight months to make it through an emergency situation. Councilwoman pool, can you help me understand. I don't understand. What is the issue of the problem with what councilmember alter is proposing.

>> Pool: It puts in place two of the specific issues that are at question with the stakeholders. And I was hopping though get the disagreements resolved. If there are other things that are happening that I'm not aware of, maybe we should put it on the table so I can get better briefed on it. But that's my understanding.

>> Mayor Adler: I'm not sure I understand you. Councilmember Houston?

>> Houston: Mr. Scar brow, I'm not sure that -- I have concerns about removing the anti-lobbying forces, period. And putling me at risk. But I want the biosolids to go through. We've been dealing with it for a while. Now I have a concern including everybody that have, response to our solicitations.

[11:29:19 AM]

How long is it going to take to make sure that all of the stakeholders are comfortable with what we're doing. Is there a think that is what is being contemplated with the discussion here. I don't think we're discussioning council making a decision on this now. Rather, it's for a staff to bring back an item for council to then make a decision if you, indeed, want to allow some version of anti-lobbying to be applied to the bio solid solicitation. The bio solid solicitation is on the street now. Lobbying can occur now. It can occur after the offers are received. It can occur after we make an award recommendation prior to and after council authorization. So if that is what council wants, then we can proceed on our current track. If there is a desire to have some anti-lobbying ordinance applied to that particular solicitation, then we would need something from council to lift the -- or to apply the anti-lobbying ordinance or a version of the anti-lobbying ordinance to that solicitation. Now, the timing of the due date for the offers is subject to our control, and we can push that back a little bit, if that assisted the conversation, but there is a downstream timing compression that will occur. The current contract does expire in the spring. We



need to receive the proposals, evaluate, negotiate, if necessary, make the award recommendation, and then go back through the posting and getting your authorization for the resulting contracts. So all of that will have to occur between the time that we close and receive the offers, and the current contract expires.

[11:31:21 AM]

Thus, the urgency with the closed date. We can push it back a few days, but the more we push it back, the more we compress the remaining things that have to get done before the current contract expires.

>> So that I understand, council member pool's motion is just to postpone this. Council member alter's suggestion is when this comes back, to come back with an action that we could or not take on the ninth. Isn't that right? And if it's just a correction to come back with something, then the decision we're making here today is to postpone it, and then give ourselves an option to either adopt an interim thing or not because we're not adopting that today. We're saying bring that back to us, which would give us, then, the intervening period of time to consider that further about whether we were ultimately going to want to do that. Do I understand that correctly?

>> The one piece you didn't get correctly was the direction was to bring it back on the second because the solicitation currently comes back on the 7th. So one could postpone the solicitation to the 9th and have us come back on the 9th. My fear is this Alo will not come back for the decision, and we'll be in thised a nauseam like we were on the other.

>> Mayor Adler: On the one hand, it's to postpone it and the other is to come back with a decision. We can decide on the 2nd, whether we want to do that.

>> Council member alter: Right.

>> Mayor Adler: Council member Flannigan?

>> Council member Flannigan: We're deciding to have no provisions or some provisions. There's no decision option. Either move forward under no anti-lobbying or move forward under some modified, as council member alter has laid out.

[11:33:24 AM]

That's why I support what she's talking about. The no-decision is actually not a no-decision. It's a let bio solids move forward with no anti-lobbying. That's not where I want to see it go. I agree with council member Houston. We want to see it move forward. And I want to move forward, that we can have the

contract executed and the broader Alo discussion is not being distracted by a single contract dominating the conversation. We can have a broader conversation. That's why I'm supporting the proposal that council member alter has laid out.

>> Mayor Adler: Council member kitchen?

>> Council member kitchen: I prefer to stay with the motion that council member pool is bringing forward. This has been, you know, a long and involved process with the stakeholders at the table. I think we should honor that process. I think giving direction today is more than just giving direction to come back. I think it is -- it's actually making a statement about what we want to see happen. I'm not ready to do that. I want to wait and honor the process that has been occurring. And so that process can include discussing what the action that's being considered today can be discussed in that process. And so I think we're short circuiting the process that we set up if we don't move forward. I understand council member alter's concern about, you know, her concern about delay and concern that perhaps the process won't produce the results in time, but I think we can deal with that at the time, if that doesn't happen.

>> Mayor Adler: Further discussion on the dais.

>> Is it that they want the Alo to be stronger than what is proposed, and those are the pieces that are of the most sticking point for this particular contract, and so we would be able, in this case, to modify them for this contract without having to make changes ad nauseam for every contract in the city if we decide that we are uncomfortable making those changes.

[11:35:49 AM]

I was not able to -- because we were not posted for this, I was not able to make this as a motion. So I'm not sure procedurally how this actually plays out. But we do need to have this posted at some point so we have the option to make that decision, whether it is the 2nd or 9th. If it's at that time -- I frankly do in the believe when we come back on the 9th that the Alo will be ready.

>> Mayor Adler: My sense is I'm still missing something here. I am not prepared to vote on the recommendations that council member alter is making because I haven't had them ahead of time. They weren't posted for me to be able to see or discuss, which is why we have those posting rules. So I hear what you're saying as an intent to ask the council to do something in the future. I would support your ability to be able to ask the council to do something in the future. I would support anybody's ability to ask the council to support something. And I support council member pool's request that this item be postponed and we not take action on it now. Jong that giving council member alter the chance to ask the coup toll consider something is an indication, at least for me, of the substance of it because I'm not prepared to consider the sub answer the of it.

>> Council member Casar: Are we able to be posted on the 9th if the submittal date is on the 9th. If we can't handle the whole Alo, is it possible to make a decision on the 9th about what we would like the rules to be governing related to this one contract.

[11:37:50 AM]

>> I believe I have a solution for you. Since you don't have consensus to give to staff, postpone the Alo, whichever everybody agrees to because the ethics reviews commission needs time to work through it. And then an ifc could come forward, directing staff. It's going to be a little bit of a delay, directing staff to bring forward a revision on the Alo for the bio solids. So since you don't have consensus to give direction to staff, you're going to have to approach that with an ifc. We're going to need direction. You can't vote on it, like suggested. So have a vote and discuss it and have a vote amongst yourselves on whether to give direction to staff or not.

>> And could we adopt rules governing anti-lobbying on a contract mid-contract processing?

>> Via the ifc, I would assume you could direct staff to implement the revised -- exactly what council member alter is trying to do today, you could do via ifc on the 2nd.

>> And you could do it on the 9th, or at any time. This contract as it concerns behavior going forward, these are the rules. So we wouldn't be stopped out from being able to say, these are the rules that should exist going forward regardless of when the submittals were received.

>> If I could clarify your point, mayor? Speaking just for clarity, speaking of rules and ordinances consistently. The rules are a process. I don't think you mean that. What I think you mean to say is however it comes back to council, council could, for this particular solicitation, make a determination as to how anti-lobbying should apply, in whatever form council decides on a basis for solicitation.

[11:39:58 AM]

The answer is, yes, you can. The solicitation contained a notice when it went on the street that council was considering the anti-lobbying ordinance and there may be modifications or modified anti-lobbying ordinance put in place by the time the solicitation closed. The practicalities of when the solicitation closes, when the solicitation needs to close, that's certainly an issue there.

>> Mayor Adler: Okay. We're at the dais. Further discussion? Council member alter?

>> Council member alter: Mayor, even if we do the ifc and put things in place, but there would be no rules if we adopt a new one on the 9th, we can't impose that on this contract without rules. Unless we're saying that there's no --

>> You wouldn't modify the existing, which has rules.

>> Council member alter: Right. So we have to modify the existing rather than taking anything that we had passed for the new one on the 9th. I would be perfectly happy to work on an ifc, however, I would need to have a request to staff to move the due date to the 10th or after. Otherwise, you know, there is a value in having -- if we were to go down this route, there is a value of having it apply when the offers are back as opposed to the offers being back for several days and it applying. It's just not particularly neat from a legal standpoint. I don't know if the date would be the 10th or the 14th.

>> We would do the 14th, a week.

>> Council member alter: And then I would be happy to bring it on the 9th as an ifc. Then it would be on our agenda, if that is the will of the council rather than providing the direction today. I would be more than happy to do that. If any of my colleagues are interested in participating in that, it would give us the way, which is what I've been looking for, to make sure we have an Alo in place for the bio solids in the event we don't pass it on November 9th and given the fact that if we do pass it, we can't apply it to this contract.

[11:42:12 AM]

Midway without delaying the contract further.

>> I would be supportive of that. I just wonder procedurally if there's consensus on the dais and we're not voting on it. Sounds like the mayor's objection was he didn't want to make a decision today. Is there not consensus on the dais now that we would like the staff to post this decision on us on the 9th as a decision we should just make on the 9th? I think there might be a consensus -- or there might not be consensus that we even want to take this question up. It seemed clear to me that there wasn't a consensus about making a decision today. But if it has to go ifc, I guess it could be that way.

>> If I may clarify, I think there's consensus on the postponement of the action today for the Alo. I'm not hearing a consensus on the subsequent direction on bringing something back for bio solids. That's what we're not hearing consensus on. There's consensus for the Alo, the item before you. There's not a consensus on direction.

>> Council member Casar: And the fact that we have to make a decision about bio solids and we have to make that vote, but if the manager doesn't want to post it, then the council can get sponsors to do so.

>> Council member pool: That's what will happen on the 9th. We'll have, I hope, a recommendation for changes to the anti-lobbying ordinance that will then result in it going back into effect, and then the administrative rules making process would flow from that. As our attorney pointed out, that's not council's action. That's an administrative process. So the ifc that council member alter is talking about and the assistant city manager Goode is talking about is the same thing that's going to happen on the 9th. This is going to come back with the recommended changes to the ordinance. Unless I'm completely missing it.

[11:44:13 AM]

>> Yes, but bio solids went be in the 9th action unless you tell us to bring something.

>> Council member pool: That could be an action we take on the 9th. I agree. The problem is the modified Alo that could then be applied to bio solids would be coming back on the 9th.

>> The rules wouldn't be in place.

>> Council member pool: They wouldn't be in place anyway, Mr. Goode, because they operate on a separate timeline from what we do here. So there isn't any way.

>> The new Alo, there's no way that could take effect for bio solids. You're exactly right. So what we're talking about, do you want to keep it waived?

>> We're not posted to make that decision today. Council member alter, you can bring an ifc on the 9th to do that. So the question in front of us, bring your ifc, don't bring your ifc. Bring your resolution, don't bring your resolution. Whatever is brought to us and posted, we'll deal with it.

So the only question is: Are we going to take the solicitation and require it to come back on the 14th? Are we going to say come back on the 14th as opposed to come back on the day --

>> On the 7th. Solicitations are due on the 7th.

>> Mayor Adler: Is there any harm in saying bring it back on the 14th rather than the 7th.

>> That's when solicitations are due.

>> Mayor Adler: Is there any way to change the solicitation due date from the 7th to the 14th? Any harm in that? Does anyone object to that? Then go ahead and change it to the 14th, and we'll deal with on the 9th whatever is set before us and comes to us.

>> Council member alter: That works. I just want to clarify that we were not able to have the conversation today because it wasn't posted. If we don't have the ifc, we don't be able to discussion it and the Alo will apply.

[11:46:20 AM]

I didn't realize having the option to have a decision in a few weeks was going to create such concern, so I will be happy to do it in the alternate way. If any of my colleagues are interested in joining me in that ifc, please let me know.

>> Mayor Adler: So to change the 9th, is there a second to the post to postpone to the 9th. Council member kitchen seconds that. Any further discussion? Those in favor, please raise your -- go ahead.

>> I just want to state -- you know, I want to say -- I want to apologize, really. I get kind of insulted when somebody tells me that some lobbyist is going to come lobby me and make me change my mind. I'm always looking out for the city and what best benefits the city. To get these contracts going so it won't cost us any more money than it's costing us now, you know, I don't know why there's such a big fear over lobbyists. I listen to them. If I don't believe what they're saying to me is right, then I don't vote for them. To me, I feel like, you know, I'm mature enough to make a decision that's going to be right for the city. I'm not going to be lobbied and they're going to make me change my mind. I don't work that way.

>> Mayor Adler: Gotcha.

>> Mayor, I would just say that council member Renteria, if all council members in all the future had the integrity that I've gotten to know from you, I would not care if we had this law at all. Unfortunately, our governments are not composed, forever, probably of folks that are like you.

[11:48:20 AM]

That's what I'm -- that's why I think these sorts of laws are really important, but it's totally a compliment to you.

>> Mayor Adler: Moved and second. Any further discuss? Those in favor of the postponement, please raise your hand. Those opposed. Those abstaining? Everyone voted aye. The vote is postponed. Okay. Let's take up item no. 58. Take your time. You don't have to run.

>> Good afternoon, mayor and council. Megan Riley on behalf of the law department. I'm here to recommend that you approve payment of a judgment up to \$226,000. This is a payment of a judgment and not a settlement in the Reagan versus the city of Austin lawsuit. We're appealing the registration fees. However, to avoid the continuing accrual of post judgment interests, we recommend a payment of the judgment while we pursue this legal action. If we are successful in the appeal, we fully intend to recoup the registration fee damages that are paid.

>> Mayor Adler: Okay. Is there a motion to approve the payment of the judgment pending appeal in the amount of \$226,000 in item no. 58. Council member Renteria makes the motion. Council member pool seconds the motion. It's unanimous on the dais. We've taken care of 58. I think that gets us to item no. 23. Is the last item that we can take up here.

[11:50:23 AM]

I think we have multiple people in the community that have signed up on this item no. 23. Ms. Houston, do you want to speak on this first? We have three people that have signed up to speak.

>> Council member Houston: Well, I would really like to hear the people that signed up to speak. Just a brief background. 28 years and 8 months ago, in 1996, the council under Bruce Todd passed the ordinance that created the central urban redevelopment combining district, which is commonly known as cure. The idea was to revitalize downtown and include east 5th street, east 6th street, and east 7th street from interstate 35 to is that can. It included east 11th, 12th street, rosewood avenue, and martin Luther king boulevard and I-35 to pokito street. This would recommend the city something to remove the applicability of the urban revitalization district in east Austin. Council member Renteria mayor, I would like to offer an amendment, if it's possible. On the second resolve clause. After east avenue, the rest of that language be deleted because I'm also wanting to be included

--

>> Okay. Great. We'll include your properties as well.

>> Mayor Adler: Any objection to that amendment being added? Hearing none, that amendment is now incorporated into the matter in front of us.

[11:52:28 AM]

>> Council member Houston: And then, mayor, now that we're may recollecting an amendment, I have another amendment that's being passed out. It's to add that the city manager is directed to bring the code amendments back to the city council by the last city council meeting of January 28th. I couldn't give a specific date because we don't have those dates yet.

>> Mayor Adler: Okay. Manager, you're okay with that timing?

(Off mic)

>> Mayor Adler: Okay. Manager is. Is there any objection to adding this amendment? Hearing none, it's incorporated. Council member alter?

>> Council member alter: I just want to make sure I understand the amendment from Mr. Renteria. Is that making sure cure doesn't apply to further properties?

>> Council member Renteria: What was that again?

>> Council member alter: I wanted to make sure I understood that amendment. Originally we were talking about removing cure from properties along east martin Luther king boulevard --

>> Council member Renteria: We want to include everything east.

>> Council member alter: Everything east of I-35.

>> Mayor Adler: That's what is in front of us now. Should we call the people of the public to speak? Jerry, did you want to speak on this?

>> No, mayor. I just wanted to clarify council member Renteria's intent. I think I got that. Thank you.

>> Mayor Adler: Okay. So let's called people who signed up to speak. Gus Pena, David king is on deck, and then Bobby levinski.

>> Good morning, mayor, council members. I want to thank council member Houston. I remember very well, I remember the old city council chamber. I was present on that. I'm glad that east Austin is finally getting a little bit of due diligence on this issue.

[11:54:33 AM]

They've been hardly pressed on it, but I support the resolution. I support the people in east Austin. I grew up in 2327 east 5th street. It's (foreign language) In east 5th street. That's where we grew up. So we played on the tracks. I never saw Renteria over there playing on the tracks, but I hope he was there. We were sure there. I support the issue. Thank you, council member Houston for remembering the administration. We were hot and heavy at that time, not only combatting crime, but this type of discriminatory issue. I brought it up. I'm on tape. Somebody showed me the tape last week that I had spoken to regarding this decision. I was less gray hair, a little bit slimmer, still ugly, but we want to advocate for the people in east Austin. A lot of them have been harmed. You know, they deserve better. And, anyway, thank you very much. I fully support it. Thank you.

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

>> Thank you, mayor. Council members. I think this is an important step to use this tool. I call it downzoning. I'm glad council is willing to look at this to help us with our displacement and



redevelopment that has some down sides that we don't like in our neighborhood. So I think this is important. I hope you will continue to look at this downzoning in other areas of our city where we're seeing the same situations. We're seeing displacement of longtime residents, low and middle income residents and residents of color from our neighborhood, not just in east Austin. It's happening in other central Austin neighborhoods. So I hope you will consider applying this strategy in other areas of the city. You know, it's interesting that when we see the potential for a new major league soccer team or 50,000 jobs from Amazon coming to the city, how the city mobilizes rapidly to respond to those.

[11:56:46 AM]

But how long has it taken to respond to displacement? It's been going on for many years in our city. Why we don't have a strike force already in place, mobilized to help these neighborhoods, it's beyond me. I don't understand that. So I've been advocating for a strike force that's focused on these neighborhoods where we're seeing gentrification displacement, loss of longtime residents and businesses, small businesses that have been here for decades. And, yet, we're not doing anything. We're letting the market have its way with these neighborhoods. I think we need a strike force that's targeted at these neighborhoods, multiple disciplines, the folks that are barely hanging on, help them persevere through this. Provide funding for rental assistance, for helping them pay their mortgage, for making repairs to their homes. Apply downzoning to tell the market to back off a bit, to take the pressure off appraisals that continue to go up and up and up every year. We need multi-pronged strategies. I hope we will establish that. We need planning focused on activity centers so we can have alternates for development to occur. And we need planning and zoning expertise to help these neighborhoods develop complete communities so they have health care, healthy food, transit. If we have a more intentional approach to small area planning in these neighborhoods, we can help complete communities that we need in east Austin and other areas of our city. I think the council will also move to implement the right to state policy as recommended by the mayor's tasks for to systemic inequities. I think those are important. They're sitting on the shelf. I think it's important to apply those policies as soon as we can. Again, I appreciate that your action -- that you're willing to use this tool, this strategy to help these neighborhoods.

[11:58:51 AM]

And I hope that you will consider it in other neighborhoods in our city.

>> Mayor Adler: Thank you.

>> Thank you. This is one of those situations where I wish if we were just to sign in favor, it could just go on consent, but I just want to offer support for the resolution and thank council member Houston for her leadership on this. It's an important item that's long overdue. Thank you. We're here to offer support as this goes through the process. Thank you. Thank you.

>> Mayor Adler: Okay. We're back up to the dais. Ms. Houston, into -- I want to thank you for doing this. I'm supportive of this. I don't think we should give away height and density without taking a look at whether or not we can use those as tools for driving increased affordability, and permanent affordability. And I look forward to that part of the conversation continuing on as part of codenext or otherwise. I just want to make sure that your resolution isn't precluding that kind of conversation about how we use height, density, or other entitlements.

>> Houston: It does not. It would be my hope that as we look at codenext and codenext 2, under the general provisions for citywide affordable housing bonus program, that we will be able to have rigorous conversations about where those are, what's applicable, how we use them, other things that could be used, for example, how do we assist community development corporations who already have housing in the neighborhoods. How do we keep them to ensure that it's maintained at 99 years so that those don't go away as well. So I think that once we get this over -- the conversation is open to talk about any number of possible options of how to create and maintain affordable housing in areas.

[12:00:59 PM]

>> Mayor Adler: Thank you for your leadership on this, Ms. Houston. Thank you. Further conversation on the dais?

>> Renteria: You know, care was implemented. It wasn't always in place in east Austin. It was implemented so that, you know, there would be a tool to redevelop parts of east Austin that was underutilized and really, a depressed area. And I understand why they did that. But, you know, even though we have -- you know, we have gotten in the area 140 units of affordable housing, we have 1.5 million transferred to the housing trust fund, and millions of dollars of revenue for capital metro, which is to build a more reliable and frequent transit service for our Austin family. You know, it wasn't curic that did that. It was the hard work of our community members, and the council here, and the capital metro board. And I think that we lost a lot over the past by having that there, because they didn't give us anything back in return. So, I really want to thank Ora Houston for bringing that up. That's why I was a cosponsor. It did help capital metro, added height in there. But we also heard from the community. And we listened to them and said they really don't want this there. So we want to apply. We need to do something that will, you know, cure the problem. And I think it's getting rid of that is that cure.

>> Mayor Adler: Okay. Councilmember Casar.

[12:03:01 PM]

>> Casar: I'm supportive of this as well. I think I shared most of my thoughts during work session. There's certainly, in my district, some of the denser housing over time has provided some of the most affordable places for folks to live in my district, and some height and density variances we've given have produced, for example, an apartment complex that's going to provide affordable housing for seniors. But there can't be one rule that fits all here. And I think that downtown levels of zoning without affordability requirements doesn't make sense and hasn't made sense for at least as long as I've been paying attention to these streets. And I think that we can and should do much better on cure, and also on looking at where it is that we want to drive growth, especially when we were talking about communities vulnerable to gentrification. I think we need to be really careful with how we handle entitlements there. And my view is that we should really think about ensuring that population growth is not directed especially towards or on top of existing low-income multifamily housing.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: And I've said many comments at work session as well. And I do support councilmember Houston's efforts here both for historical reasons, but these decisions have to be made as a system. And that is the endeavor we are undertaking under codenext. And the conversations we will have around that are going to be so valuable as we think about not just how can three streets in east Austin solve a citywide problem, but how can the whole city solve a citywide problem in every neighborhood, in every district. And that's why I'm happy to support this motion today and to continue that conversation.

[12:05:04 PM]

>> Mayor Adler: Okay. Anything else? Been moved and seconded. Those in favor, please raise your hand. Those opposed? Unanimous on the dais. Okay. It is 12:05. Let's do citizens communication.

>> Houston: I'd like to thank my colleagues for their support.

>> Mayor Adler: Okay. Let's do citizens communication. We took care of all the items we could other than the audit report. I don't know how quick that is. If not, we can take that up first thing when we come back after lunch. Let's --

>> From my perspective it'll be quick.

>> Mayor Adler: Let's take it up first thing after lunch. Citizens communication we have three people that are signed up. Let's begin with Shirlene justice, and on deck will be Olivia Overturf. And then frank Harren.

>> Good afternoon, mayor, councilmembers. Thank you for being here today and letting me be here today. My name is Shirlene Justice and I represent, along with my colleagues, learn all the time, formerly known as the central Texas after-school network. We believe that high-quality out of school and summer learning programs are a critical strategy in helping kids do really well in school and staying out of trouble. Next Thursday, October 26th, is national lights on after school day. It is also lights on after school in Austin, as indicated by this proclamation signed by the mayor. Thank you very much. And this is a day when we celebrate our partners, or supporters, our families, and our kids that participate in our out of school and summer learning programs. It's also a time when we highlight our programs, we invite people to visit the programs so that we can demonstrate to everyone the good work that we're doing and the outcomes we are getting with the kids in our community.

[12:07:10 PM]

But right now I would like to celebrate the city of Austin and city council by giving you a little history lesson -- a short one. I think it was in 1993 the city council decided to fund eight east Austin schools, fund some after-school and summer programs. That was -- we were the first city in the state to actually fund school-based enrichment programs outside of the Normal parks and rec kind of programs that we usually have. So, Austin was pretty cutting edge. I remember at the time we were all very, very excited. Well, Austin continues to be a leader in the state in funding school-based programs. Your commitment and your investment has grown from eight schools in 1993 to serving 35 school-based programs now with a budget of over \$1.6 million, serving about 5700 kids. And that doesn't really include all the programs you fund that are outside of school-based programs, community-based programs. So you guys are doing a good job. But our work isn't done. The need still exceeds the supply. And that's including all of the different funding sources we have in this community. So working together, we hope that someday that we'll be able to make sure that the need is met. I would like to invite you to visit a program in your district on lights on after school day, next Thursday, or anytime that's convenient for you. All you need to do is call learn all the time, visit our website, and we'll arrange a visit for you to visit one of your programs so you can see where your investment is going and the good that's happening with the kids in this community. So on behalf of all the kids, the families, the providers, I want to thank you for your support and hope that we have your continued support.

[12:09:17 PM]

Thanks.

>> Mayor Adler: Frank Harren is on deck.

>> Good afternoon, hi, mayor. My name is Olivia Overturf, I am not a native austinite, but I do live in Ann Kitchen's district. I've lived here about 26 years. I am chicana and a small business owner. My family is from Mexico and I do have an artist in my family. I like to consider myself an artist. Anyway. I'm no rapper like you, though, mayor. I had to throw that in there. Sorry. I'm here to talk about cultural art funding and equity in the cultural arts division and grant funding policies and procedures. Several months ago I witnessed a mural on 12th street created by an artist painted over without warning. Councilmember Houston was in attendance to one of the several community meetings we had about this mural. The community was devastated. I personally got involved. I didn't know the artist, but it was a well-loved mural. It made me open my eyes to how could we protect these things from happening, specifically on the east side. We fought, we met, we rallied. That's where my journey began. And unfortunately that's where I realized a huge inequity in a lot of departments within the city, and commissions and boards. I reached out to the arts in public places under CAD -- Cull Curl -- cultural arts division -- to find out how we could prevent this. I spent several hours of my own time to find answers. I'm not part of an organization, although you may see me in every CODENEXT meeting. I am not part of an activist group. I don't run any programs. But I knew something was wrong.

[12:11:18 PM]

We needed to address the way the city dealt with art, history, and culture. What I found out was disturbing. I began noticing a trend in several of the hot funded art pieces throughout Austin deemed to be labeled as cultural appropriation art. I struggled to find one city who pays for cultural appropriation art. The nation as a whole has absolutely turned away from supporting cultural appropriation art, specifically when it comes from tax funding.

[ Clearing throat ] I'm sorry. I lost my place. I also found out that nonminority artists were getting paid to make these cultural art pieces, with the exception of the city of Austin, there's not very many major cities in the United States that still do this. We pay a lot of money for this. With the downtown puzzle coming in, the city needs to address this immediately. I met with C.A.D. About a specific piece known as the blackbird. They told me this is how the city has always done it, that they talked to people and it was voted on. It was even passed through city council.

[ Beeping ]

>> Sorry.

>> Mayor Adler: You can go ahead and finish your thought, but you need to wrap it up.

>> They said they had specific grant money for a category artist. They took the time to explain how the process worked. It sounded simple but it wasn't. I asked some of my friends how hard it was to apply for the grants, and they said what grant. I began researching and meeting more and more to hear that they were doing the best they could with community outreach engagement. I asked for allocated funds

divided by race. They told me that list didn't exist. They quickly flashed a piece of paper at me that showed that 85% of funding went to white artists. During meeting with them, I asked again to make sure it was 85% and they said it was not completely accurate because some people did not note their race on any of the reports. I'm completely appalled that for cultural arts funding, the majority of the money goes to noncultural or minority artists.

[12:13:22 PM]

I decided to try to apply for a grant myself, and this is where I noticed the bureaucracy between the paperwork and everything else included made it very difficult. I can't imagine any artist whose working two or three jobs trying to support themselves going through the same thing. I was told repeatedly that there's extra funding.

>> Mayor Adler: You need --

>> I offered to help any way I could and augment many times with different artists in Austin. We even went to C.A.D. For some of their meeting, held during the daytime when most people work.

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

>> Kitchen: I just wanted to invite you to contact us. I'd like to talk with you some more about this.

>> Sure. Thank you.

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

>> Good afternoon. Codenext -- Albert Einstein once observed what is popular is not always right, and what is right is not always popular. What's not right with the proposed code is not the consultants, it's the policy upon which the rewrite is based, keeping inner city neighborhoods low density and unaffordable. Under the new map, two thirds of the residential area allows the same or lower density than in 1931. The other third would allow one more unit per lot. The 31 code was intended to and successfully did implement written city housing policy that was explicitly racist. Today we're continuing to implement essentially the same policy. Perhaps it's not our intent to be racist, but the policy and the results are the same, perhaps even worse. Most economically segregated in America, and the only one of the top ten fastest-growing American cities that is losing its black population. What bothers me the most is that we don't seem to mind. We excuse our policy by claiming we're following it in order to protect neighborhood character. And we're willing to, in exchange for such protection, give away neighborhood affordability, give away economic and racial diversity, and give away the ability of the majority of our citizens and their families to live where they want.

[12:15:34 PM]

Neighborhood character is not just a single way of living. It's not just suburban density detached housing. I challenge you to consider in the privacy of your own minds what neighborhood character should mean, when we call upon our best selves, what should it look like? You can put it in religious terms. What would Jesus do in terms of housing and neighborhoods? What would be most important to him? That we all be able to live among one another, or that the rich be allowed to live in separate neighborhoods that look a certain way, and everyone else has to fend for themselves? Remember cactus rose? Bottom line, lots in central Austin cost half a million dollars. The final sales price of whatever new gets built on those lots will have to cost a minimum of 1.5 million bucks in order to pencil out and actually get built. It's easy to calculate required density to produce whatever level of affordability we target for Austin's neighborhoods. 300,000 per unit requires five homes per lot, but some very loud people are only willing to tolerate two or three homes per lot, so the beginning price point of a new unit in central neighborhoods will be 500 to \$750,000. That's what passes for housing policy in Austin, Texas. And that needs to change now. It's discriminatory, it's causing massive segregation, and it's wrong. So, what would Jesus do with respect to Austin's neighborhoods? Thanks for your attention.

>> Mayor Adler: Thank you. Those were all the speakers that we have, council. It is 12:17. We have one item to take up in executive session. It is item 43, which is the labor negotiations concerning employees in the ems department, pursuant to 551 of the government code. We're going to go into executive session to discuss the legal matters associated with that.

[12:17:37 PM]

Without objection, we'll go ahead and go into executive session.

[1:18:33 PM]

.

[1:46:11 PM]

[2:49:21 PM]

>> Mayor Adler: All right, so we're going to go ahead and reconvene this meeting. While we were out, we were in closed session, and we discussed the item

[inaudible] On the labor negotiations involved

[inaudible]. We are out now at 2:49, we're reconvening. Two items we need to take up, I think, would be the audit and then let's take up the Austin housing finance corporation items. Can you take the chair for just a second? Thank you.

>> Tovo: I'm sorry, mayor, that I missed --

>> Mayor Adler:

[Inaudible]

>> Tovo: Okay. Could you councilmember alter.

>> Alter: Should we hear from staff first or should I make my motion?

>> Tovo: If you would like to make your brief presentation, then we'll recognize the councilmember for her comments.

>> Sounds good. This is -- I have in front of you a proposed audit, post-work session. On it some changes and also the details of the changes, but just to highlight a couple. We added the traffic audit as discussed in work session as a possibility. So added to do a risk assessment of human resources. Topics that came up for a -- we felt we could do a risk assessment and identify additional topics for future there. We also added -- changes at the -- both from an audit last year, complaint process as well as the review panel recommendations.

[2:51:27 PM]

Those are on the list. Then we moved a project as did the work session was one where a lot of work is currently underway and also a project on downpayment assistance. That was actually on the list, cleaned up the project list to reflect those changes. That's the short version of what you are looking at. We'll take any questions.



>> Tovo: Good. Thank you. Any questions for our auditor? Councilmember alter.

>> Alter: I would like to move the audit plan as in backup and if I get a second, I'll just --

>> Tovo: Councilmember Houston seconds that motion.

>> Alter: I just wanted to thank miss stokes and my colleagues for joining me looking at this plan. We made some positive changes in moving us towards focusing on some of our strategic planning outcomes in a different way. I'm excited for the traffic safety audit included. I just want to highlight that that is looking at police department's enforcement efforts and whether they are effectively promoting safety on our city streets and looking at the level of enforcement, what they have in other departments such as APD and the court. Thank miss stokes to find a way we could get resource government questions to the audit but to set up in a way that we were using our time wisely. What they came up with is this idea of doing assessment.

[2:53:43 PM]

[Lapse in audio] Dive more deeply into individual ones, those and/or those can be on the audit plan in the future, but we're set up to be able to use this effectively and that's a prior step for moving forward with that.

>> Tovo: Anything to say? I didn't know if you wanted to --

>> Mayor Adler: Any further debate on this issue? Has a motion been made? It's been seconded. It was the revised that you proposed.

>> Alter: Correct.

>> Mayor Adler: All caught up. All in favor of the plan raise your hand? Those opposed? Unanimous on the dais. Could we do the housing corporation?

>> To adjourn us.

>> Mayor Adler: I want to recess the meeting -- the city council meeting and let's go ahead and convene the Austin housing corporation meeting. It is 2:54, October 19. We're in council chambers, 301 west second. Take us through our agenda.

>> Rosy truelove, president Austin housing finance corporation. There are posted items as noted a 10:00 meeting, items 1 and number 5 are withdrawn from the -- from the agenda for the corporation. Items 4, 7 and 8 offered on consent. 7 and 8 from the addendum.

[2:55:45 PM]

Item 4 a resolution appointing interim city manager to a number of our partnership organizations and filling vacancies left by city manager Bert Lumbreras. Bonds to be submitted to the Texas bond review board and item 8 is setting a public hearing to receive public comment on the issuance of those bond dollars to be set for the 9thment I offer those three items on consent and then we have three public hearings to work through.

>> Mayor Adler: Okay. Which items are you offering on consent?

>> 4, 7 and 8. 7 and 8 coming off the addendum.

>> Mayor Adler: Okay. 4, 7, 8. Do we have any speakers signed up on any of these, 4, 7 and 8? Anybody speaking? Is there a motion to approve the consent? Councilmember kitchen, seconded by the mayor pro tem. Discussion? Ms. Houston.

>> Houston: I just have a quick question. I'm having a hard time finding my paper. Can you tell me where exactly they are located?

>> Located on the addendum posted to the agenda.

>> Houston: So can you just tell me area of town they are located in?

>> Oh, okay. 7 and 8 are -- it's 3300 oak creek drive.

>> Mayor Adler: These are district 7.

>> District 7. Thank you. I appreciate that. Do you need a copy --

[2:57:45 PM]

>> Houston: No, no, I'm fine.

>> Mayor Adler: Those in favor of the consent agenda raise your hand.

>> [Inaudible]

>> Mayor Adler: Items 4, 7 and 8 on the consent agenda. It was posted.

>> [Inaudible]

>> Mayor Adler: Okay. I understand. We're about to have a public hearing on the hearing posted items. Go ahead and take the vote. Those in favor of the consent agenda raise your hand. Those opposed? Consent agenda approved. Take us through the public hearings.

>> The first one is number 2, which is a public hearing and receive comment regarding issuance of up to \$20 million of multi-family housing revenue bonds to be issued by the Austin housing finance corporation, a development by Austin DNA housing, LLC, for affordable , multi-family development known as night even gale located in the good night planned unit development.

>> Mayor Adler: I'm sorry, this is what?

>> Number 2.

>> Mayor Adler: Let's go ahead and convene the public hearing. Mr. Peña, do you want to speak?

>> I do, mayor. Which is the item we're speaking to?

>> This is a public hearing on multi-family revenue bonds for dma housing project known as the nighten Gail and goodnight ranch P.U.D. In district 2.

>> One quick question, where are they going to be located at, the goodnight.

[2:59:55 PM]

>> District 2, 5900 Charles drive.

>> One of the things I want to make perfectly clear --

>> Mayor Adler: You can go ahead and sit down.

>> One of the things I want to make perfectly clear is this, is that you know we have -- you -- and I'll get to the point, is that Austin sues state over housing. Some of these apartment units are going to be I guess offered for veterans or it could be for anybody that has a housing voucher. They're not accepting vouchers at this time. This is one thing -- I'm going to educate you all very much right now. The secretary of government affairs and had you had secretary chief of staff are working on this issue because a lot of landlords are not accepting H.U.D. Voucherrers, that's a veterans affairs voucher, a federal voucher, you're supposed to accept, that you don't deny it. I want to educate y'all on this, it might not be applicable to this, but maybe it is to others but they're refusing vouchers and to me it's a criminal offense and the senator's office, chief of staff, I spoke with him to let him know what is happening. It might not be applicable to these items or this item on the agenda but I have to go, but I want to let y'all know that this ain't kosher, this ain't good so we have a lot of people that might have been able to access or renter these properties but it is -- rent these properties but it is a highly discriminatory process and I want to make absolutely sure to every one of you all veterans don't deserve this type of slap in the

face. This is supposed to be open to everybody. Is it just some people in some areas? Can you tell me? Can the young lady tell me.

>> Mayor Adler: This is your time --

>> I understand that. This is something to think about because this is what you wrote about, Austin sues state over housing because they don't accept vouchers. I want you to be abundantly clear about this, it is highlight discriminatory.

[3:01:57 PM]

I don't care what part of town it is, by federal statute you're supposed to accept these and it ain't happening. So I'm leaving it up to you to educate yourself because I'm tired of educating y'all, I'm tired of going around this issue of not accepting vouchers have my veterans are out there homeless. You dig?

>> Mayor Adler: Yes, Mr. Pena while you're up threw, we can queen the public hearing on items 3 and item 6.

>> Please.

>> Mayor Adler: I don't know if you want to have the testimony you just gave incorporated in all of those.

>> That's all I wanted to say. I need to go. The issue is this. We have too many homeless veterans, too many homeless people I want you -- you're an attorney. I ran for justice of the peace. I lost by 200, I got the enforcement of the Austin police, dps, sheriffs, whatever, but this is illegal for them not to accept the vouchers on any type of housing initiative the city of Austin has or federal-wise or otherwise. Make it abundantly clear because the feds are going to come down on y'all.

>> Mayor Adler: Got you. Thank you.

>> I'm not through yet. I have a couple of time. I just want to make sure right now on the air, open -- open public air because that ain't kosher. I don't want a heart attack, I don't want cancer but I'm sick and tired of my veterans being shafted. Thank you.

[Buzzer sounding]

>> Mayor Adler: Thank you. We're currently concurrently the public hearings on items 2, 3, 6. Item 3 was the \$50 million revenue bond in district 3. For the Rebecca baines Johnson property and item 6 was the resolution to be submitted to tvhc, Texas department of housing community, concerning the property located at 5900 Charles Muir drive. Anybody else wishing to speak? Is there a motion to close the public hearing in those three matters?

[3:04:00 PM]

Councilmember pool makes the motion, seconded by councilmember Renteria. Any objection? Those in favor please raise your hand. Those opposed. Public hearing on those three items is closed unanimously. Do I have the address wrong on which one?

>> Number 6.

>> Yes?

>> Number 6 was \$413 million of housing revenue bonds for the housing first oak springs development for a permanent supportive housing at 3,000 oak springs drive.

>> Mayor Adler: I was looking at number 5. Thank you for that correction. Thank you. We've closed the public hearing in those three things. Is there action that you need us to take?

>> No.

>> Mayor Adler: Is that all the business we have?

>> That is all the business we have.

>> Mayor Adler: At 3:04 I adjourn the meeting of the Austin housing finance committee. And I reconvene the meeting of the Austin city council. Is staff here, want to take us through the consent agenda on zoning matters?

>> Yes. Greg Guernsey, planning and zoning. Our 2:00 zoning neighborhood plan amendment items, public hearings and possible action, first item is 44, npa-2017 h0026.01 for consent approval on all three readings. Item 1910c14-2017-0089, this is ready for consent approval on all three readings, item 46, npa-2016-0016.01, applicant postponement to November 9, related zoning case is item 47, case c14-2016-0079, applicant postponement to November 9. Item number 48, c14-2017-0022, staff postponement to December 7.

[3:06:05 PM]

And I believe item 49 will be a discussion item.

>> Mayor Adler: Okay. So the consent agenda items is 44 through 49. 49 is being pulled. That's the blackfoot trail property. The others are on consent. We have no speakers on those items. Is there a

motion to approve the consent agenda? Councilmember pool, seconded by councilmember Renteria. Is there any discussion? Ms. Houston.

>> Houston: [Off mic]

>> Mayor Adler: Can't hear you.

>> Houston: Item 48 postponed until what? 12 what?

>> December 7.

>> Houston: Seventh, okay.

>> Pool: D day.

>> Mayor Adler: Councilmember alter.

>> Alter: Repeat the recommendation for 46 please.

>> 46 is for postponement to November -- or November 9, number 46.

>> Mayor Adler: November 9 at 2:00 P.M. And 12/7 is also 2:00 P.M. Those in favor of the consent agenda please raise your hand. Those opposed. Consent agenda is adopted. I think that gets us up to item number 49.

>> Item 49 is case c14-2017-d 42 for the property located at 12602 blackfoot trail, right at the corner with Mcneil drive. The zoning changes requested as amended by the applicant is for cs-mu. It's a general commercial services mixed-use district. The staff's recommendation is for lr-mu, which is neighborhood commercial mixed-use combined district zoning and the zoning and planning commission's recommendation was split to be sf-2, single-family residence district zoning for tract one, gr-mu-zo combined for tract two.

[3:08:10 PM]

On that particular tract with the gr-mu-co is it would prohibit a little over 15 uses to blackfoot trail. The property right now is vacant, consists of an existing commercial structure that you can kind of see from the exhibit that's up on the screen. That's the area that's in the front, towards Mcneil road that -- larger road in front. To the rear is a regional structure. That's -- residential view, residential structure. The property was rezoned back in 1999 and established the supervise-two zoning to the rather -- sf--2 to the rear and lr with conditional overlay that had some requirements for fencing. That kind of splits the two zoning districts along that east line of the sf-2, limited heights to about 20 feet in height, prohibited 17 uses and also prohibited pedestrian and vehicle access to blackfoot trail. As you're looking to the photo, that would be to the right. Mcneil is kind of to the bottom of that photo. I think I'll pause. There was a

petition that was filed by the neighbors that would keep the Ir-co zoning and the sf-2 zoning on the property. It did not exceed -- did not meet or exceed the 20% requirement. This is only ready for first reading today. That significance wouldn't arise until third reading if they were to achieve a valid petition that requires 20% of the vote. I'll also note that transportation staff did recommend that access to Mcneil be prohibited for safety reasons and to require the access to blackfoot trail, which is different from the zoning platting commission's recommendation, which said no access to blackfoot trail but keep the access to Mcneil.

[3:10:21 PM]

And I have transportation staff here if you would like to address questions to them.

>> Mayor Adler: Okay. Council, does anybody want to say anything before we go to speakers that have signed up on this? Okay. Thank you. Let's begin with the applicant. Michael shaman. Is Sam samar here? Is Eduardo Guterrez here? Okay. You have nine minutes.

>> Okay. Mayor Adler, distinguished councilmembers --

>> Mayor Adler: Sorry, I called the wrong names. Is Pedro here? Nine minutes.

>> Tovo: Before we begin it was my understanding from one of the staff notes before meeting that there had been a postponement request on this item. Is that -- has that been withdrawn or is there still a postponement request? I apologize, Ms. Garza, if you mentioned this and I missed it.

>> My error. Actually, there is a postponement request from the neighborhood. It's their second request, and I think that was in response to a action taken by the zoning and planning commission Tuesday night, which they acted to recommend on a -- I think a 6-2 vote to approve the -- restricted covenant. That item is not before you today and that would come back to you my guess probably on December 7. We're working with the law department to create the language to terminate the restricted covenant on this property that exists. But that's not part of the case before you today.

>> Mayor Adler: Mayor pro tem.

>> Tovo: So help me understand, though, there is a pending request for postponement on the case that is before us today.

>> That's correct.

>> Tovo: Because of the action that the zap took on Tuesday?

>> That's my understanding. I'll let the neighbors actually probably speak to that as you call them up.

>> Tovo: The reason I intervened like that and I apologize for doing so, especially the speaker, but it's our custom to talk about the postponement piece of that first.

[3:12:27 PM]

>> That's correct.

>> Tovo: Before we start having testimony about the case itself.

>> I'll step down.

>> Mayor Adler: Yes, I think that would be right. So on the question of postponement, do we want to hear from the neighborhoods that requesting that? I think one person on each side? Yes, Mr. Flannigan.

>> Flannigan: As you recall, we discussed this last time so that we could just do first reading today, and I still think that's the appropriate way to move forward. I won't go into the details of the case but that is what we decided to do last time, is to postpone it to this meeting, do the first reading, and then we'll take up second and third and based on other things that I'm hearing it might be another month or two before we get to second and third but it is decidedly my preference we take care of first reading today.

>> Mayor Adler: Okay. So let's ask -- is there anyone that wants to speak in favor of a postponement today? You'll have three minutes. Please introduce yourself.

>> Good afternoon. My name is Bob king. I am a neighbor in the neighborhood at Indian oaks. And I think I was the one that spoke last time when we were talking about trying to get it a little bit later than what we have now. And you may have received our two official spokespeople, our president of the neighborhood association, as well as Jake will have endenon who has been actually the public speaker on this and I believe he did send all of y'all recently an email with his comments. He can't be here. And they had been concerned about that. I just didn't know what their exact schedule was when I was being asked would it matter if we waited -- did it sooner than later?

[3:14:33 PM]

So that request, including the fact that we're going through this restrictive covenant removal, termination, it's complex and it really needs to be considered well. So that was our request, if we could come back next month and when maybe all of our guys can be here and we can be prepared to have full discussion about changes that are being approved.

>> Mayor Adler: Thank you. The response to the motion to postpone? To the request to postpone.



>> Michael shaman again, distinguished councilmembers, mayor Adler, we verimently oppose a postponement. This is their second request. They represented to this council that they'd be ready to proceed today. Accommodation was made for that. I spoke to Jerry regarding the restrictive covenant termination case. He said that case is not dispositive and would have no effect or bearing on a first reading. I think it's, you know, a false assertion that somehow that issue needs to be resolved today. This building has been vacant for 14 of the last 20 years because of a probe just and overall restrictive zoning imposed. The property owner needs relief. We need to guess this bus on the road. Legal has ample time to get the appropriate documents regarding the restrictive covenants before this distinguished body, which can be visited at the second and third readings, plenty of time to do it. It's no basis whatsoever to delay or postpone further the first reading. I think we need to proceed today and the neighborhood folks in opposition are present and fully capable of making their opposition known to this body.

[3:16:38 PM]

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

>> Flannigan: I think to be fair to the neighborhood folks who have attended in the past -- you can sit down -- they wanted postponement into the first meeting in November, which I think we all know was what was requested last time. And the council decided that we would take up first reading today so it's not -- I just want to be clear what we're talking about. And, again, today we're just doing first reading, which I'm happy with because I feel as the councilmember for this district prepared to lay out what I think is appropriate zoning for this site and what I think is appropriate path forward for this location and I'm happy to explain that to my colleagues so that we can move forward on first reading only and we can get rid of first reading done today. Again, that is my preference.

>> Mayor Adler: Okay. Is there any motion to postpone? Okay. So let's go ahead and move forward with the case. Go ahead and open. You have nine minutes.

>> Yes. I appreciate giving -- having an opportunity to get my exercise. May we have the powerpoint? Okay. It is important to understand the history of this property. I think a grave injustice has been perpetrated on the applicant because of this history. And I think this distinguished body has the opportunity today to resolve some of the past injustices and grant a zoning, which is appropriate use for the community, respecting the day care next door, and respecting the concerns of the neighbors. In support and understand the property consists of one building, front part faces Mcneil and the side extending onto blackfoot trail located in Williamson county, commercialized since 1985, the owner purchased it in 1989 without any restrictive covenants, the existing building was basically enhanced, reconstructed on a project from '90 to '92 and completed until it was annexed by the city in January of 1998.

[3:18:43 PM]

Prior to annexation the owner had all the permits and site plans approved by the city, including the parking lot, as of December 31, 1997, before the annexation, including a line of drainage and parking structure. This is important because this was a \$300,000 structure because this property exists in the ratan watershed and built at great expense and it actually impede any possibility of entry to the property from blackfoot trail. So the owner didn't know anything, you know, been -- in March '98, rather, unbeknownst to him, they revoked his site plan and rezoned it and red-tagged him. There's a sensitivity issue. The owner is originally a farsi speaker, didn't have good command of the English language and understand what was going on. At this point he's faced with completely being shut down. The city drew an artificial boundary line through the property and zoned the front portion, which consists of 1416 square feet as lr and the back portion consisting of about 2380 square feet as sf-2. This was imposed on an ordinance. The ordinance was extremely restrictive. The worst of which it shut him down Sundays but limited business hours of operation on Saturdays 8:00 to 12:00. As a result he's basically been stuck with this vacant building and I think it's an eyesore for the community. Here you're shown a picture. It's important to note the area, the 16 -- the 12602 blackfoot is the property subject to the zoning application. The property next to it, to the left, is the owner's personal house, not subject to the zoning. It is essentially -- essential acts as I buffer.

[3:20:44 PM]

The next shows what the city imposed on him. I like to quote Abraham Lincoln, a house divided shall not stand. They divided this same house into tract one, tract two, the first house in front 1460 square foot was the gr and back was the house. Basically there was nothing he could do. He tried to have a beauty salon but that didn't work out because of the restrictive covenants. Who can run a beauty salon when you shut out noon on Saturday. If you look at the neighborhood it shows 12602, shows his personal residence, not subject to this zoning application, across the street you have two neighbors who do not oppose on the other side of Mcneil its lights -- light industrial. There are no adjacent property owners that oppose the rezoning of this property. He asked for cs-mu the entire building on tract 1-2, to ask this body to please do away with the artificial boundary line. There will be no liquor stores or cocktail lounges under the cs, but there's an alternate request for gr and I'm going to get to that. There will be no access or commercial activity on blackfoot trail considering this distinguished body approves a waiver for access along Mcneil because he only has 161 feet. If you have driven down this, as some folks from mayor Adler's office have, and Mr. Cortez has driven down it, I know many distinguished councilmembers have, it is residential in appearance, it's nice, and if he has money to develop it, it will look prettier, nicer and be a benefit to the community. Okay. On April 11, the owner filed his application

for cs-1. May 14 he met with neighbors and heard their concerns about liquor sales which is basically going to be out. That's why he amended his application to cs. Doesn't allow liquor sales and cocktail lounges but as councilmember alter's office educated us, it would allow the packet sale of alcohol and wine from a convenience store and a restaurant to sell it.

[3:22:59 PM]

But it's next to the day care, so in reality, even if this body were to grant some sort of waiver for limited sales, I don't see how the licensing body would of grant a permit under those circumstances. So I think that's substantially off the table. He cannot accept the staff recommendation. It doesn't allow for -- and this is a extremely limiting clarification. Doesn't allow for paraservice, assembly sales, semi conductor, auto options. The only viable options are restaurant, convening store and this is not commercially viable because of the restrictions on alcohol sales because of the day care next door. You can have a convenience store without a gas station, without sale of alcohol, will not be a viable business. Who is going to do that? A restaurant without sales of alcohol will be extremely -- will be less viable and we have a real estate he expert who who wants to address that. And it's a standalone building. It's not like it's in a strip center where people will say, golly gee, we'll go to the convenience store and then stop for a specialty store. The zap recommendation is even worse because at the zap recommendation August 15th, they maintained the division of the property so you got 1460 square feet front gr, then you have the back half that's residential. Well, who is going to rent a residential property with commercial in front of it? Wants it next to -- it's neither fish nor foul. You also have another problem. When the city came and divided this property, before they divided it because of the water district you have 65% impervious restriction on it which he complied with but when they divided it now it puts the lot -- the front portion of the property, the entire front portion of the property, which the entire building is contained, up to 92% impervious.

[3:25:15 PM]

That means he's going to have to limit his parking by 27%. There's a right-of-way request from transportation, eat up another 7 feet. And then you have the 25-foot perimeter, did landscaping perimeter, basically leaving him with five parking spaces, inclusive of one handicap and cost him, I would say, 400,000 is a minor number to comply with that recommendation. Here were some of the other zap prohibitions. We're not opposed to them all, but, you know, a lot of them, for instance, you know, medical office, I don't know why there's a restriction on that. They said traffic. Already we say we don't want blackfoot access. That's the thrust of the complaint of the neighbors. Interesting to note that there is a storage facility that has access to the neighborhood. And also there's a conflict in the staff

recommendation. They say no vehicular traffic or associated access from blackfoot, but then they want to stop us on Mcneil so they want to choke us off. I think that can be resolved. And then there's additional right-of-way requirement. Interesting to note here there's an environmental aspect too because when the city initially approved the site that it delayed a vote on, it calculated the square footage of the parking lot to be an overflow area for the water drainage system because if the water drained out at a fixed rate on 6-inch --

[ buzzer sounding ] I'm out of time. So I'm going to turn my time over to Mr. Dobbs who will speak on the infeasibility recommendations of zap and the staff recommendations.

>> Mayor Adler: Thank you. So Mr. Dobbs, Peter, obda.

[3:27:18 PM]

You have, then, five minutes.

>> Hi, good afternoon. Thank you very much in advance for your time. My name is dabs. I work with wk realty as a commercial realtor. I have been in Austin my entire life, fourth generation and I love the opportunity for growth and business expansion that we're experiencing here. The opportunities that are provided through meetings just like this are what provide our community with a growth of jobs and with entrepreneurs that make all of us a more profitable and beautiful city. The request for the property at 6610 Mcneil, the blackfoot property as well, to be zoned wholly commercial is essential to the success of any business or investment in this land. As Michael recently mentioned, the division between one building from single family to commercial makes not only the business aspect of it to be unviable but also the residential aspect. Indeed it would be very hard to rent out a business land to a home buyer -- or home renter. The front half of the building I began my relationship with Mr. Birgani while trying to provide a tenantable space for one of my clients who was in insurance sales and because of all the zoning processes that are going on, the property is indeed in almost a Der lict state and has been unrented for the majority of the years of its existence. The current zoning of the property sf-lr as proposed by zap, with all the restrictions laid out from that August 15 meeting provides very limited usability due to that split in single family and commercial.

[3:29:19 PM]

The offering of lr zoning for the entire property is a great step in right direction for the usability of this awesome location. However, under lr there are numerous limitations that still affect satisfactory usage and feasibility. Such as Mr. Birgani's own use of the property for his business. General -- sorry, gr as

defined as community commercial, is a designation for office or other commercial use that serves neighborhood and community needs and generally is accessible from major trafficways. That's the definition laid out from the city of Austin and the zoning and planning documents. This business -- or this property perfectly conforms to that, in that it is accessible from a major traffic-way. The fact that Mcneil is asking for an extra 7 feet of the property from Mr. Birgani shows what a major thorough way this is and his willingness to comply with such a request by offering his land limits his viability with this property. So we are asking for the full property to be zoned commercial for the numerous reasons that I've laid out and that Mr. Michael Schwartz has laid out as well. With the zoning being gr, it offers a wider array of available offerings, most notably the ability to offer facilities for medical offices such as dentist and pediatricians, counselors, and also the business support services, which is vital to Mr. Birgani, as he owns a commercial appliance repair, where they repair such appliances as mris, x-ray scanners, things that provide services to commercial entities. The neighborhood has five access points that were -- that are all going to the same background.

[3:31:21 PM]

There is Corpus Christi drive, ca coat Ta -- Dakota, blackfoot, as well as San Felipe pay and all have commercial frontage on Mcneil as they enter into the communities, all are zoned gr or co with none of this single family division between the buildings. The storage center that recently opened on Mcneil is a wonderful facility that serves the community and does indeed have access inside the neighborhood further down the road. And so the opportunity to provide services on Mcneil with no access to blackfoot gives us an opportunity to operate but at the same time having little to no negative impact on the neighborhood. By making the full property commercial, there's only future growth and service options for the full neighborhood, with minimal impact, again, to the residents currently thereby making the whole property commercially viable and thus encouraging tenants, the exterior and visible appearance of the building will improve making the whole neighborhood come up in value and desirability while at the same time being able to make the neighborhood have the walkability score that increase the values of the homes.

[Buzzer sounding] Thank you very much.

>> Mayor Adler: Next speaker is Abraham birgani. And you have seven minutes.

>> Abraham birgani. Honorable mayor, distinguished councilmember, I would like to walk you through the -- some of the property. Would you, please? It's not working. My property is located in Indian oaks subdivision. In 1985, all these four lots has been converted to commercial.

[3:33:23 PM]

There's no deed restriction on them. They can be used for any lawful purposes. Lot one is mine. Lot two also is mine, which is right now for rezoning, lot three is a day care lot, lot four is [indiscernible] Recently you rezoned it. If you look at around the property, there are seven properties around adjacent to the property, one of them either they support it or no opposition. On either side of those seven, there is two properties, one is rezoned recently cshco and the other wl-co. As there are five entrance to the -- from westbound after Mcneil to the neighborhood. Corpus Christi, Dakota, Los Angeles, and San Felipe pay. I'll walk you through each one from Corpus Christi. Two piece of properties, second one is gr auto shop and second one is the Dakota, again, two houses converted, houses not divided, just converted to gr right in middle of the neighborhood which is opposing to my rezoning. There's major storage, car away gate right in front of their houses and, again, the 6514 you can see where my property is located, that would be also cs-gr, about 200 feet away from my property. That actually is property which is divided unfairly from tract one and tract two by lot one which still has value of commercial, 12604 is the buff for it and this one divided with this division, really I cannot use the property so far for last 14 years. If you look from the east, you can see on Dakota, on blackfoot, and nothing by the commercial side.

[3:35:30 PM]

There's only two residential, 12603 and 12604 which is opposite or across from blackfoot. They both support my rezoning for cs. This is a 64 feet within 200 feet away. This house is still

[indiscernible] Put additional in the back for his storage room and w-l is just below the cs and above gr. Next recently you gentlemen and ladies V has rezoned this as gr and begin just about a few weeks ago, few months -- ago, all of it went to commercial as gr. Next one is cs-co 7200 Mcneil, again cs property not divided. All of these has larger area but not division. We go to San Philippe pay, across from gr -- cs and gr and still none of those properties divided in two tracts. I was singled out. I don't know why. I'm hoping this mayor and councilmember, please do just after 20 years of unjust. Appreciate it.

>> Tovo: Thank you.

>> I'm sorry. I cannot hear. I need to ask Mr. [Indiscernible] To help me.

>> Tovo: I just said thank you, Mr. Birgani. I don't see any questions. Mike zarki. You will have three minutes and you'll be followed by Bob king.

>> I'm not going to take a lot of your time. I don't have that much to say. I'm -- my name is as you said, Mike.

[3:37:32 PM]

I'm a neighbor across the street from blackfoot at 12603 from Mr. Birgani's house. And I live there over 20 years, and I see a lot of --

>> Renteria: Mayor pro tem? Excuse me, sir, could you speak into the mic? It's very hard to hear you. Thank you.

>> Well, I'm here to say that I fully support what Mr. Birgani is actually signed up for, or whatever he asked for. The prior speakers talked enough, and I'm not -- this is not my field, but what I think -- I mean, he deserves to have whatever he asked for at this time because everybody is around us is commercial and gr or cs so he's kind of singled out. Thank you so much.

>> Tovo: In beginning of your testimony, you described where you lived in relationship to this. I'm not sure that --

>> Yeah.

>> Tovo: We all heard it.

>> Just a house across the street from Mr. Birgani's property, actually, on the other side to the left.

>> Tovo: I see. Are you on blackfoot?

>> That's right.

>> Tovo: Thank you very much.

>> You're welcome.

>> Tovo: Bob king, you're our next speaker. Is Scott fare here? Linda trentholm. Mr. King, you'll have nine minutes. Possibly seven minutes.

>> Thank you.

>> Tovo: Just catching up on the numbers. I'll turn it back over to the mayor. Thanks.

[3:39:35 PM]

>> Well, as the neighborhood, obviously, we have a difference of opinion. The viability of the property for the last 20 years is hard to comprehend that it wasn't commercially viable. I don't know the facts of the leasing problems. I know that when it was first zoned and during -- and it's my understanding Mr. Birgani had intended to operate a beauty salon and a persian rug or carpet sales business, which he established those businesses and I'm not sure what happened to -- why they didn't last, but he had,

under the zoning he currently has, the opportunity to carry out his business. And the changes in the use to increase it from where it is now, Ir, is not nearly as simple as just making a decision seeing it from above. If you are at street view, you'll realize that the original house that he bought, which the deeds did get changed. There was no restriction. He made sure that was done before he purchased, so I understand his expectation. And he decided to add to property. That decision wasn't -- the neighborhood didn't have anything to do with that. What did happen was that he built a structure and then he moved to building a parking lot, and that caused annexation into city ordinances and rules. It was not a neighborhood decision.

[3:41:38 PM]

So the council and I was not living there at the time. The council at the time made a decision about rezoning half the structure to Ir and leaving the residence a residence. And that in some discussions was how we heard the applicant had already planned it. So all these years later, we have this need to move to a level of zoning that is really, really high for any place, especially a neighborhood. And I know Mcneil is busier. Blackfoot does intersect Mcneil. The other intersections he was referring to, there are restrictions along those areas. Known of those have homes that sit as close to this property or to the intersection. I think we are probably 200, 300 feet from the intersection to where houses start, and the other properties that he pointed out, either front on Mcneil have no access from any residential street, or if you take loss indios or San fill Lee pay, those have a commercial nature to them. I think the zoning change for the nursery that was there was to provide I believe it's a gr zoning, and that was to work out the use of the property where they shared with the retirement center, but if you drive that street, their first residence is -- residential property is probably 800 feet.

[3:43:41 PM]

The access that is mentioned from the storage building from lieu, I believe if you looked at the records, the fire department required that. It's a safety issue. It's not an access. It's locked. The -- can you put the blackfoot photo up? I don't know how all this works. I think what you're seeing here is just a quick sense of where some of the properties I was mentioning -- the los indios property which was recently zoned -- I can't see it well on this monitor but it has a depth a lot deeper, so if you can go to the 12602. And this - this one is -- shows new image salon at Dakota and Mcneil. That business has been there for years and is very successful. I don't know their hours of operation or restrictions, but I know that it has been successful. Here we're at a property -- the property we're discussing, and if you can see, you'll see the layout from the ground, from the street of how the commercial building faces Mcneil and is attached to the single family. It was a house, and it got added onto. It started out as a house. It was residential. I



know that the deed didn't require it to be residential, but the zoning did. It was on septic. I don't know if the septic system was updated to accommodate the additional structure.

[3:45:46 PM]

But for sure it couldn't work now if it wasn't in the city of Austin. Because it has our services provided. Financial viability of any property is the risk of the owner. The city, the neighborhood doesn't take on that burden, and it's not right to want to change what is truly a street of houses that were houses in the beginning --

[buzzer sounding]

>> Mayor Adler: You can finish your thought.

>> That were houses in the beginning. And I would say that the neighbor that just spoke, I believe he doesn't live there anymore but rents that house.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Is -- hang on a second. Mayor pro tem.

>> Tovo: I have a quick question for Mr. King. Mr. King, in this image that you're showing us -- and I'll look in the staff report map, too, but I imagine you may know. The zoning -- what is the zoning of the single-family house, what looks like a single-family house here with a moving van in it? Do you happen to know if that's single family?

>> One with the U haul truck in the driveway? That's sf-1 I believe and that's the second house Mr. Birgani bought just recently.

>> Tovo: I see, ah, thank you.

>> Mm-hmm.

>> Mayor Adler: Okay. Last speaker we have here is Pam Roberts. Ms. Roberts, you'll have three minutes. Take your time. This is our last signed-up speaker.

>> My name is Pam Roberts. I live at 12607 blackfoot trail, so it is in the same block.

[3:47:51 PM]

And we have short blocks. They're only three houses deep. So the access to -- off of Mcneil on to blackfoot is extremely important to the first block. It's very short. The next block is just even shorter than that. It's only two houses deep. So we're concerned about the traffic coming in, the parking that will come in, and the ramifications of the foot traffic that will result of that. It's a very -- the blocks are very short and there's not going to be a lot of access for anyone coming and going. So we are greatly concerned about the zoning and what will be available for the traffic created. We are -- there's only -- there's -- as I said, there's only three houses. I live on the corner. I live one house away from the gate of the storage community. In seven years that I've been there, I've never seen that gate open except for some access and some of the emergency vehicles. That's the only thing I've of seen that thing open for. We are city of Austin, round Rock schools, and Williamson county. We are a small neighborhood. There's only 108 house in the hoa but that's why this is so important to us. We a tight knit place. The kids run up and down the street, go see other neighbors, the dogs even look out for the other dogs. It's an awesome little jewel that we have and it's very different from all the access off of Mcneil on the other streets, Dakota encroachment, all these little things. It's a little jewel tucked back there and we'd hate to have that changed. The last thing, I'd like to thank you councilmember Flannigan, appreciate you all.

[3:49:58 PM]

>> Mayor Adler: Thank you. Gets us back to the dais. Applicant gets to -- thank you. Applicant, do you want to close? You can have three minutes to close.

>> Thank you very much. In respect to the last speaker, we're asking this distinguished body -- we wholeheartedly accept a restriction on blackfoot to allay their concerns about pedestrian access, commercial activity, vehicular traffic on blackfoot providing of course we're not landlocked and have reasonable access from Mcneil and I think that's workable with respect to that. Furthermore, regarding the first speaker, I'm sure he bought into the neighborhood when it was commercial and this property, Mr. Birgani's property, was commercial. And regarding the addition, he did apply to the city. They required the site plan. He had to comply with the impervious regulations. He had to comply and construct a \$300,000 retainage facility and that was all approved site plan and it's the ordinance and the permit is all cited in our presentation. Thereafter, when the -- you know, after city annexation, they revoked it and that's when they imposed the division. So he was fully in compliance. He has been in compliance. I think he was the victim of some perhaps bad advice and some [indiscernible] Perhaps in on the past city staff regarding the overly restrictive and unjust limitations and restrictions imposed on this property. We're fully willing to work with this body regarding any recommendations for conditional overlays to protect and allay concerns of neighbors. Regarding the cs, if taxicab it can be worked out that some of the intended purposes for small appliance repair and medical device repair can be fashioned in a gr zoning we'd be open arms and wholeheartedly accepting of that.

[3:52:05 PM]

But we are certainly sensitive to the neighborhood. We have vowed against the liquor, the alcohol sales, and the blackfoot traffic there. And I think that -- and most of the neighbors that are complaining bought into the neighborhood when it was fully commercial. So and I commend them on being a tightly knit community. We have tried to reach out. We have made concessions and we'd be open to -- willing to accept any conditions that would address those concerns. And I want to, again, thank each and every councilmember, their staff for working hard with us on this case. It's a small case but it's a very, very big matter to Mr. Birgani. He worked for motorola and this is his life savings.

>> Mayor Adler: Thank you. That then brings us back up to the dais. Mr. Flannigan and then Ms. Pool.

>> Flannigan: So thank you, everybody, for coming out to speak today. I know that this won't be the last time because we'll come back for second and third reading, hopefully will pass on first reading today. So it is unusual and I know I often take this privilege to do, but it is very unusual to see so many district 6 residents in the chamber and I truly appreciate the effort required to come from the most distant part of town to come all the way down to city hall hall so thank all of you for making the effort to do it and for those that will do it when you have to come back for second and third reading. This is an artifact that is all too common in district 6. These are properties built before the city existed in that pastor town. You would not see this combination of commercial under any city code. It is an unusual location in terms of its construction. And accordingly in district 6 a very strange hodgepodge of zonings in all corners because some areas that have been developed still have interim rural residential zoning, including the storage facility.

[3:54:08 PM]

So the mapping of Zones in district 6 is also very difficult to look at when you talk about one zoning triggering another zoning. It's just not that clear that that's how we need to move forward. I think the best thing is to look at the property and the location and figure out what is appropriate, given the infrastructure, and given what the community and how the community lives both on the other side of Mcneil, up and down Mcneil road, and I also don't think it makes sense to continue dividing the property between two Zones. I think you have to have single zoning for the entire property. When you look at properties fronting Mcneil road, there is a lot of variation, but it is almost all commercial or large multi-family. This is a property that fronts Mcneil road so it is my expensive I will make a motion to this end, I want to -- I'm making a motion to zone this entire property gr-mu, both tracts entire gr-mu on first reading only. It will actually not be that different from Ir zoning in terms of what you can build should the site be rebuilt because there is both a watershed restriction in terms of impervious cover and

compatibility restrictions because of the single-family homes. So by the time you put in all the restrictions, you end up with very similar height restrictions, setback restrictions, impervious cover restrictions. There's a little variation on the building coverage, but it's fairly nominal. Ultimately we're talking about a list of uses that are different between gr and lr. And as I look through the list of uses on gr it seems very appropriate given the other uses that go up and down Mcneil, including the highly industrial and commercial uses on the other side of Mcneil road and to the applicant's specific request for what he wants to do with the site, the business support services category under gr seems to be the thing that will allow the applicant to do what he wants to do and repair small equipment for other businesses.

[3:56:14 PM]

So my motion, mayor, is to zone the entire property gr-mu. I also want to include direction that it not come back until we are ready to also vote on public restrictive covenants. I want to do them at the same time. I think it makes the most sense so the result of the zap recommendation for removing all the restrictive covenants I will be requesting a public restrictive covenant to prohibit access on blackfoot, and I know that transportation staff would prefer access on blackfoot, but development staff is not particularly concerned about it, and I think in that case it makes sense for council to say we'll let this property do the Mcneil access and we'll do a public restrictive access on blackfoot and we'll do all of that at the same time on second and third reading. My motion is to zone today first reading only gr-mu for both tracts.

>> Mayor Adler: That would be a speaking motion so I'll come back to you on that. Additional speaking? Yes, Ms. Pool.

>> Pool: I had a question for, I guess, the representative or the owner of the property. I just wanted to confirm, you were saying, sir -- and are you Mr. Shaw?

>> Shulman.

>> Pool: Thanks.

>> Councilmember pool, I just want to comment, we did try to reach out to you but were unable to meet with you.

>> Pool: That's fine. That's fine. I just have a question. You spoke toward the end of your remarks about the liquor license piece, and you said that you were amenable to not having liquor sales, cocktail lounges, or package sales on this property.

>> Well, even with the co, which is not on the table and we're in concurrence with councilmember Flannigan's request for gr-mu, with the conditional overlay no access from planning commission even

with the gr, we would be -- blackfoot, even with the gr we would be restricted from liquor or cocktails so that's completely off the table.

[3:58:23 PM]

Even in cs it's off the table, okay? So the only other question is alcohol sales in a restaurant or in a convenience store. Well, the problem there is that we have to be sensitive to the day care facility next door, and I don't think, you know, that's certainly something that is not viable in terms of doing that. Which is why we wanted more -- you know, an upgrade so to speak in the zoning to afford us to do other things. We've been in discussion with the day care about the limited possibility of sale of wine and beer after hours, at which time the day care would be closed. That's open for discussion. But realistically --

>> Pool: Okay. That's fine. I was really just looking for a shorter answer.

>> Right.

>> Pool: And you have confirmed that you do agree and Mr. Birgani agrees that there would be no liquor sales or cocktail lounges at this property.

>> Absolutely not.

>> Pool: And you are also in agreement because of the concerns that have been expressed by the stepping stone schools about having package sales. And so I think this is a really important condition approval on the this zoning case, and I know you said that the cos were off the table but they aren't necessarily off the table. I mean, the motion doesn't include them, but I think that some conditional overlay prohibitions would be really important to ensure on the property. So --

>> If I could --

>> Pool: Excuse me? Yes, I just wanted to hear you again reiterate your support for not having liquor sales, cocktail lounges, or packaged liquor at this site. And then I did have another question -- there's some concern about what the property will be used for, and I have a note here that there's some concern that this might be used to operate a manufacturing business, possibly computer manufacturing.

[4:00:37 PM]

>> That's unfortunately a engineer by trade and he has a personal business contract relationship with medical equipment companies to repair certain medical devices like x-rays, ct scans, medical devices like

that. This is low impact. It's not manufacturing. It's just off-site, you know, repairing piece of equipment. There's no -- it's not -- there's no large equipment used. There's no loud equipment used.

>> Pool: Okay. So when the zap reviewed this zoning case, they recommended prohibition of these items in addition to piece that I was talking about that you agreed about liquor sales. Alternative financial services? Is that all right with you or the owner, property owner?

>> I'm going to have to let Mr. Birgani address that. I think clearly the ones that -- the major objection we had was there was a zap recommendation prohibited medical offices. And we didn't understand that, and I think advice commissioner dun vice commissioner Duncan had posited it created more traffic on to that property and we just didn't understand how a medical office with people attending medical appointments, for instance if it were dentists or --

>> Pool: I think their exclusion was if the medical office was more than 5,000 square feet.

>> That wouldn't apply because we're not more than 5,000 square feet anyway.

>> Pool: Okay. So I think it's important to acknowledge the list of prohibited uses since there is some concern that has been I think clearly indicated by the people who live off blackfoot to reinstate the prohibited uses in the conditional overlay that came out of the zap recommendation, and that would be alternative financial services.

[4:02:44 PM]

So I would move to amend to put the additional conditional overlay on the zap recommendation, that the zap recommended, including liquor sales, outdoor lounges, and packaged sales of liquor.

>> Mayor Adler: After we hear the motion I'll come back to you so you have the ability to do that. Mr. Flannigan, do you want to go ahead and make your motion.

>> Flannigan: So moved.

>> Mayor Adler: Is there a second to that? Mr. Renteria second that.

>> Pool: I thought he had made his motion. He talked and everything --

>> Mayor Adler: The rules say you're not allowed to talk and at the end of talk make your motion.

>> Pool: I know that. But it sounded like he was being allowed to do that. >> Mayor Adler: Ms. Kitchen.

>> Should I go back to my seat?

>> Mayor Adler: That would be good. Thank you.

>> Give you some more exercise.

>> Kitchen: I just wanted to -- I know you may have said this before, but just to get clear, I wanted to understand, the staff had recommended to Ir, Ir-mu.

>> That's correct.

>> Kitchen: So, could you tell us the difference between that and the grmu we're talking about right now? >>Grmu is a more intensive district, it allows restaurants, like general restaurants by right, and also allows furniture stores, auto repair, auto sales, those are typically uses that I don't necessarily cater to a neighborhood. We saw this at the entrance of the neighborhood as being more neighborhood oriented.

>> Kitchen: Okay.

>> That would be more compatible. The residential uses that are in the subdivision are closer to Mcneil than we find elsewhere down the street.

>> Kitchen: So from staff's perspective, the Ir-mu with the conditions was more indicative for the neighborhood than the grmuco.

[4:04:49 PM]

>> Yeah. And actually, staff didn't recommend --

>> Kitchen: What did you say?

>> Staff didn't recommend conditional overlay for the property, just Ir-mu, to allow residential or allow those neighborhood oriented uses.

>> Kitchen: So what zap was doing was putting the conditional overlays on.

>> They were on part of the property to recommend the grmu with that list of conditions -- list of prohibited uses, but they were also more restrictive for the back half of the property.

>> Kitchen: Yes, with the sf-2, yes.

>> With just the sf-2.

>> Kitchen: All right. Thank you.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mr. Guernsey, I have another question. Thanks. And it looks as if a lot of what they were restricting -- what they were putting into the conditional overlay were uses that are in gr but not in lr, as I'm reading it, other than were carlosh, there are others that are loud in gr that are not allowed in lr, by way of explaining, I haven't been able to line it out here on the dais.

>> I would note that the lr would not allow the business support services use. I think that would ascribe to repair, I guess the medical equipment that was discussed, that go district would allow business support services, but would not allow to the ranger retail uses. I think that he envisions that might be used on the property in the future.

>> Tovo: I see. That wasn't actually -- that that was part of my question, but the other part of my question was this. It looks like in the zap discussion, there was some exploration of how this came to be, and some assertion that part of what happened and the reason that it ended up with zoning in two different zoning categories was that the front part was actually built without a permit.

[4:06:50 PM]

Is that accurate? I believe one of your staffer -- it sounds like the report I heard was that one of your staffers confirmed that it was a single-family house and had been built onto in front in an unpermitted way but is that an accurate statement?

>> I think there was certainly some work that may have been done without a permit. I don't know all the details on that. I think there's some information. Certainly, I don't believe there was a parking lot, I think that was constructed, and I think that's what really came in and started triggering the need for a site plan. And, hence, the construction of the pond associated with that parking lot.

>> Tovo: So I guess what I'm -- we've had testimony here today about how it ended up with two different zoning categories in it, and I want to understand whether it ended up with -- I guess I really want to understand, did it end up with two zoning categories because there was a business use added onto a residential use?

>> Or -- yes.

>> Tovo: Absent the zoning that would have allowed for that to happen.

>> I believe that to be true. We can go back through and probably look in a little bit more detail at some of the history. I know my staff put together a chronology of the uses in here and how that had taken place. I think Mr. Birgani and actually one of his consultants, Mr. Shaw Hamilton, I think may have some additional knowledge of that property when he worked for the city.

>> Tovo: Thank you. Is the chronology that you just described in our backup?



>> I think there is a chronology that I saw in the backup that kind of gave a little history to the property.

>> Tovo: Do you happen to know which attachment that is? Is it -- we have three that are listed as -- no, four, additional correspondence, additional information -- anyway, I'll open them all and take a look. I didn't see it in this staff report.

>> Okay. I'll take a look as well.

>> Tovo: Okay. Thank you. And so I have another question -- well, I'll allow Mr. Birgani if he wants to respond, but then I have another question for you, Mr. Guernsey.

[4:08:53 PM]

>> I have all the documentation --

>> Mayor Adler: Why don't you step on up to the microphone, please.

>> Sorry?

>> Mayor Adler: Step up to the microphone, please.

>> Okay. I do have all the documentation in here from the day I purchased this property, the day I come to the city of Austin, I requested a permit. When I purchased the property, I were in etj, extraterritorial jurisdiction. That was in 1989. I immediately approached the city of Austin. Couple of people, one is retired, one is still there -- I asked what I needed to do to put a parking lot in. My building was finished, started immediately when I purchased the property in 1989 and finished in 1992. That was six years before annexation. City did not want to do anything with this except two things, because I was in etj, plumbing and also -- I believe electrical and plumbing, that's the only things. The rest, they gave me emgs, to go ahead and build what I want, because I had to deal with Williamson county. Later on, I needed the parking lot and two businesses. You have a recording to show that, I have two businesses prior to annexation, and when I come and I said I need a parking lot, and they asked me that, because your impervious cover is going to be a lot, you need to submit a site plan. That was before annexation. I went through the site plan, and the site plan was approved December 31st, 1997, as SP 970439b. That was the number. And three months later, they revoked that after annexation and forced me to another one, SP 99-721721c, which took me five years delay in order to get an added permit. So all these right here, I have a hard copy. I'd be more than happy to submit them.

[4:10:54 PM]

>> Tovo: Thank you, Mr. Birgani. No need to submit the hard copy, but if you don't mind following up with an e-mail about those site mail numbers, that would be helpful.

>> I'm going to ask him what he said, because I don't hear --

>> Tovo: I'm sorry. I said no need to submit, at least to my office, the hard copies, but if you could follow up with these site plan numbers, that would be great.

>> All right. Thank you.

>> Mayor Adler: Thank you.

>> Tovo: Mr. Guernsey, if I could follow up with my additional question. So I think I'd like to understand a little bit better, if we're -- since the motion that is before us is not treating those two properties separately, and one of them -- one of them is really adjacent -- I mean seems very much within a residential area, can you talk through, from the staff perspective, how often it happens that you would be rezoning a property to gr that's next to single-family zoning?

>> Well, you do have this in different parts of the city. The city strip annexed down Lamar and going up burnet road, historically, and did a lot of -- back when it was annexed, probably C commercial, first height and area zoning, and then as property came into the city on either side of those, you may have said this more intensive C district zoning backing up -- right up to residential uses, actually splitting some of those properties that you might see as well that may add commercial going even further back into those neighborhoods. So it's not necessarily uncommon to see commercial and residential splitting. This certainly happened much later than those two examples I was showing, but we do have cases where you have properties that split where there's two different zoning that may have residential in the back, because it was annexed maybe a little later than the gr in the front.

[4:12:57 PM]

I did notice in the site plan that Mr. Birgani was speaking of, from attachment B, I think, on here, the current site plan -- it's right behind the covenant, and before attachment C, it does list back in 19 -- looks like '99 on the site plan, that the real -- the property that's currently zoned sf-2 shows an existing residence with some sort of business use combined, and I don't know if that was actually used formally as a business or kind of more like a home occupation. But it also speaks to the existing retail use on the side without the parking lot. So the site plan that came in at least at that time reflected there was still an existing residence to the rear in that building, I guess in '99, with some sort of office or business use, and then retail in that front part that is currently zoned lr.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Councilmember Garza.

>> Garza: I was wondering four transportation and, I guess, our zoning staff can explain their positions on the road, where the road --

>> Yes. I think Andy -- I think he's coming up.

>> Good afternoon, I'm Eric with the Austin transportation department. The comment about the 200 feet required that comes from the land development code says the property needs that much frontage on the major roadway, in this case Mcneil is a major arterial.

[4:15:06 PM]

That speaks to access management. We have concerns where closely spaced driveways are placed on these higher speed roadways. We should mention we can't landlock the site, so the possible recommended closure on Mcneil would only happen if access in blackfoot is possible and the entire site is redeveloped.

>> I did actually have -- another exhibit, hopefully it helps. So as has been stated, the property has only 160 feet of frontage, and from the edge, the eastern side of the driveway on Mcneil to blackfoot is only about a hundred feet, and is approximately 50 feet from the stepping stone. So the transportation criteria manual also has requirements that on a major arterial, spacing a driveway should be 200 feet. So we could see this driveway being activated on Mcneil within 50 feet or so. That allows for maybe two or three cars. For example, if somebody is in the left -- center turn lane heading eastbound to try to turn into the school, perhaps another car pulling in front of it to get into this site, those are the types of things we get concerned about in terms of public safety. We actually did -- it wasn't necessarily a question, but if I may, the future right-of-way line is also shown on there. I know there's some comments about where the 57 feet would lie. This isn't exact. It's not based on survey, it's just a simple offset from the center line, but it does fall in front of the existing parking spaces and the water retention pond. And the city is requesting that dedication to build it up to standards, get a curb, a sidewalk, and a possible bike lane for a possible future project. What looks like a sidewalk there is actually people walking the grass and -- or not the grass, we do know there's pedestrian activity.

[4:17:15 PM]

And we did look into the a.p.d.'s crash database. We did find several crashes, at least on the block fronting this property. We weren't able to go into details, but -- for this reading, but we did not find any at the intersection of blackfoot or the street itself, so --

>> Garza: So the transportation recommendation is to not have the driveway on Mcneil? Is that --

>> If there's an opportunity to close the driveway on Mcneil and give the access onto the side street where substantially less volume and speed of traffic, we would -- we'd recommend that, in our engineering opinion, that would be a safer option.

>> Garza: And zoning department's does not align with that recommendation? Is that right?

>> I'm not sure if I can speak to that or not.

>> Garza: What is the staff's -- zoning staff's recommendation?

>> I'm curious on what -- we don't want to contradict him, but we generally did not prefer access from commercially zoned properties onto residential streets, so I guess from a land use perspective, we would not recommend access to blackfoot. Mr. Ballik is speaking from a safety perspective. Of course it's complicated by the existence of the detention pond as well.

>> Garza: Okay. Thanks.

>> Mayor Adler: Motion has been made and seconded. Further discussion or amendments? Ms. Kitchen?

>> Kitchen: So the motion on the table is -- I wasn't sure -- did you make a substitute motion, or what's on the table?

>> Mayor Adler: Grmu.

>> Kitchen: Okay.

>> Mayor Adler: On first reading.

[4:19:16 PM]

>> Kitchen: Okay.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mayor, I was quite interested in the amendment that it sounded like councilmember pool was going to make to restrict some of the uses as per the guidance of the zoning and planning commission.

>> Mayor Adler: Ms. Pool?

>> Pool: I wanted to let everybody talk. I felt like I probably got out there too early with the amendment. But, yes, I would like to --

>> Mayor Adler: Add some conditions?

>> Pool: Right, amend to add the conditional overlay that was offered up by the zoning and platting commission. The one item they did not include was the liquor sales, and I wanted to make sure that was included. So that's my amendment.

>> Mayor Adler: It's been moved to add the co from the zap, with the addition of the prohibition against packaged liquor.

>> Liquor sales is not allowed in the zoning districts we're talking about here, so that's not necessary.

>> Pool: What about the packaged liquor with the commercial corner store?

>> Are you talking about the liquor store?

>> Pool: Yeah, or a convenience store.

>> Okay. Convenience store, it is allowed as a part of a food sales use.

>> Pool: Right. So we were -- that was --

>> So you want to prohibit liquor sales, I guess, even as an accessory use.

>> Pool: Yeah. I was saying package store, but that may not have been the appropriate -- okay. So say again --

>> So what you would say is to add an additional condition, liquor sales may not be permitted as an accessory use to food sales.

>> Pool: And does that capture cocktail lounges and --

>> Cocktail lounges and liquor stores are not allowed --

>> Pool: Nod allowed at all. So liquor sales as an accessory use to food sales.

>> Right.

>> Pool: Okay. Thank you.

>> Mayor Adler: Is there a second to that? Mayor pro tem seconds that.

>> Tovo: And if I may, mayor, I just want to -- I'm looking for it, but I believe that addition is consistent with the letter that we received from stepping stone, indicating that they're opposed to liquor sales -- they're opposed to liquor sales in restaurants, but they specifically call out in their letter, it was the fact that their understanding that the applicant is in agreement -- or did not intend to open up a convenience store, and sore, again, when I find the letter here, I'm going to read exactly what they did say, but I think prohibiting convenience stores is consistent with that letter.

[4:21:58 PM]

>> Pool: And I have the letter handy. And what it says is, the applicant also indicated -- and this is from Wanda paver, who is one of the owners of stepping stone school -- also indicated to the stepping stone school that he's not interested in having a convenience store at that location, so we would encourage a prohibition or condition that would not allow any type of gas station or convenience store. And if we can get to the point of the liquor sales as accessory use to food sales, I think that serves that purpose. Hope so.

>> Councilmember, so the gr zoning would allow general restaurant, which does allow alcohol sales, you know, by the drink, or beer and wine. That is allowed in the gr, just to --

>> Pool: But does your language about liquor sales as an accessory to food service then prohibit that?

>> No, it would prohibit a convenience store from selling beer or wine. If you want to prohibit a restaurant from being able to sell beer, wine, or liquor, I would say you need an additional prohibited use to the zap list, that would be no restaurant, general restaurant. A general restaurant allows alcohol.

>> Pool: I'm going to hold off on that piece because the stepping stone letter specifically talked to convenience stores, and leave it to the language you gave me previously, which is accessory use to food service.

>> Mayor Adler: Which is the restriction to stop a convenience store sale.

>> Yes. It would allow convenience store, but not one that sells beer or wine.

>> Mayor Adler: Okay. There's been -- the amendment has been moved and seconded. Discussion on the amendment, which is adding the co? Councilmember alter.

>> Alter: There's a distinction between liquor sales and alcohol here, and I want to make sure that we're clear because it's -- can you clarify, please? Because I don't want us to put liquor sales when we really mean alcohol sales. This is a school that is right next-door. If it was a private school -- if it was a public school, they would have to get a waiver. It's not a public school, it's a private school, so under our current process, they don't have the same process, but state law allows it to be prohibited.

[4:24:06 PM]

So can you, first of all, explain if there's a difference between alcohol and liquor sales that we need to be cognizant of to accomplish what we're trying to accomplish here?

>> Well, what you are to accomplish with this, you're not allowing a convenience store to sell beer or wine. You would be allowing a restaurant to sell beer or wine, well, by the drink. Within the code, we have a definition called liquor sales, which we most often think of it as a liquor store, which means cs 1 zoning, closed on Sunday, et cetera, we have liquor sales, accessory to food sales, which allows a convenience store to sell beer and wine but not liquor, which is an additional state requirement. Would this be --

>> Pool: If it was a public school, the restaurant would trigger it.

>> Yes.

>> Pool: Okay. So my staff is bringing down a letter from Stephanie's school that says they do oppose the restaurant alcohol uses. So we specifically asked them -- am I correct in assuming that the school is also opposed to alcohol sales in a restaurant, and they say thank you very much, yes, your assumption is correct, the first paragraph is intended to encompass all alcohol sales in whatever form used, et cetera, and I can pass copies of these down, so I'm concerned about the alcohol sales being so close to a school. I'm willing to consider the upzoning for the commercial uses and getting that straight across the various readings, but I am concerned about how we're handling the alcohol sales with this being a private school, we do have the authority under state law to do this and I think it's important. Most preschools are private because of the way our city functions, and otherwise, we would be in this situation quite often.

[4:26:14 PM]

Am I right, from legal, that we have a state law that has provisions that would allow that for a private school?

>> Am I on?

>> Mayor Adler: Go ahead.

>> The city has opted to use the distance requirements for public schools, but we have not opted to extend that to private schools, so we do not have the option to require the distance requirement for a private school.

>> Alter: So that means that in a private school situation, they would have to go through -- or in a public school situation, they would have to do a waiver and we could be confident that this could not happen if the public school objected, but in the private school case, since we don't have that option, the only way we can prohibit it under our current practice would be if it were in a co or the uses were not allowed --

>> Right. That's correct. That's correct. And I just want to be clear that the preschool is adjacent -- we saw lots of different maps, and they are opposed to that portion of the zoning.

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

>> Flannigan: I think it's important to be clear that it's a preschool with a pre-k. It's not a private school like people traditionally think of private schools. But I think the issue is the same, day care or not. Day care or private school. But I think it points to the larger issue of trying to solve this problem case by case when really we should be thinking about maybe relooking at how we have liquor close to, you know, uses that have children, you know, thinking about this at a broader level. As you all know, that's my preference for how to handle these types of issues. I -- it's very clear to me that both the applicant -- that the applicant is not interested in doing any kind of liquor on the side, that the school is only concerned -- or that the day care is only concerned about liquor sales, it's not concerned about any of the other requests or uses, and councilmember alter, thank you for acknowledging that part of it.

[4:28:28 PM]

If the maker of the amendment were to limit her amendment to just the alcohol portions, I would support it because I think it would be great to consider solving this problem as city wide, and then it would kind of clean up those elements. If you want to stick with all of these restrictions that were provided by zap, then I won't support the amendment, and that's just where I'll be on this particular amendment.

>> Alter: Can I just comment?

>> Mayor Adler: Councilmember alter.

>> Alter: I just want to clarify, I would be happy to pursue with you making this better in the code so that it doesn't apply across the board so then we don't have to put co'ses in cases when we have private schools and things like that. I don't know if we could get that done before third reading, in which case we could not have it in the co if we could do that, but it's -- we don't zone -- we can't zone for the alcohol use. We can only zone for land uses, and some of those allow for alcohol. So we can't actually prohibit alcohol use, as I understand it. We can only prohibit restaurants and whatever in terms of the instruments that we have available to us today. So I'm not sure what your amendment to her amendment would actually do because I don't see how we can --

>> Flannigan: And I would be fine if an amendment to the amendment is the process we want to follow. Any of the uses that would allow alcohol sales, that be the co I would support, so that would be restaurant and convenience store --

>> Food sales -- liquor sales as an accessory to food sales.

>> Flannigan: A restaurant which would allow liquor and -- it would be accessory to food sales.



>> If I can clarify, I was shown the code section, which is a different section of the code. It doesn't include day care. The day care of the public school portion is true, it does make a distinction between public and private school, but for a day care, it just says a child care facility within 300 feet.

[4:30:35 PM]

So alcohol sales within 300 feet of the day care, which this property obviously is, would trigger an additional trip to the city council for waiver.

>> Flannigan: There we go. So I think, magically, it was already fixed. So I will stick with my original -- opposing councilmember pool's original motion because, clearly, the code already affords if anyone wanted to sell liquor of any kind, or alcohol, to be specific, on any site, would have to come to a waiver from city council. Is that right?

>> Yes. Yes.

>> Pool: So if I could, why didn't that come up in the conversations that the stepping stone school folks had previously? Why was that answer not given to them when they have been so clearly concerned about it for some time?

>> The only conversation I had with the stepping stone school, I had to speak to my case manager, was the letter they sent saying they were opposed to the sale of alcohol on the property. So we did not -- I did not have a discussion with them about the waiver process.

>> Pool: Wouldn't a response back to the pavers have been that our code prohibits those sales, because you are within the 300 feet?

>> Well, it doesn't necessarily prohibit it, it just requires an additional step of coming back to the city council.

>> Pool: Okay. Well, what I would like to do today is just go ahead and withdraw my amendment and just restate the piece about the liquor sales so that no one has to come back to council again to get that waiver. I think a lot of the effort has already been expended and the concerns have been amply expressed.

>> Mayor Adler: Ms. Pool wants to change her amendment to just talk about the exclusion of all liquor sales on the property, as I understand?

>> Pool: Saying it in the popular way --

-->> Would not allow a convenience store to sell beer or wine, therefore, they would not need to come get a waiver.

>> Pool: Thank you.

>> Mayor Adler: Any objection to that amendment being made? Mayor pro tem?

>> Tovo: I have a follow-up question for our staff, but I also -- if the amendment is being changed so that we are no longer excluding some of the things that zap wanted to exclude, such as pond services, then I have an objection to that change.

[4:32:48 PM]

I think the original -- I support the original amendment as councilmember pool made, and I think I seconded it, and then I have a follow-up question about restaurant sales.

>> Pool: And what I would say is maybe we need to do this iteratively here today, but I absolutely want to get the liquor sales prohibition locked down and nailed down. I don't know if the day care description of stepping stone is necessarily in place. I think that was the piece that may have been missing. So I think if we can vote that piece, and then if there are additional amendments, we can go through -- we also have second and third readings.

>> Tovo: So, mayor, I guess to clarify then, councilmember pool, you're shifting just to the alcohol says -- why don't we just take it in two separate batches.

>> Mayor Adler: So I have a question on that. The way the ordinance is drafted now, if, at the time they want to do liquor sales, there's a day care next do they're not going to be able to do that unless they come back to the council. It seems to me the way we've set the ordinances might be best because if, in the future, the day care is not there, then I'm not sure that we want to have restricted the use. So if we just restrict it as a matter of zoning, then if there's not a day care there, they couldn't do it, but so long as there is day care there, it has to come back to city council.

>> Pool: So I need to confirm that the stepping stone school qualifies as a day care center on that property.

>> We've been having this discussion. We've been communicating with the case manager back to the office, and she said that the stepping stone considers themselves to be a private school, although I don't think really, to be honest with you, what they consider themselves matters as much as we consider them, the city, and we consider them to be a day care facility. I used it myself when my children were younger. So I think that I would consider them to be a day care, and, therefore, they wouldn't trigger the requirement.

>> Pool: I appreciate that, and that seems like a really slick way to handle this here today, but if the owner of the property has a disagreement with that, I don't know that we can override that.

[4:34:49 PM]

>> Well, again, we're going on first reading. We can work on that before second and third.

>> And if it helps, I just googled stepping stone school at Mcneil, and it says the programs offered include infant, early development, six-week to 18 months, toddlers from 18 months, preschool to three years, I'm reading stepping stone school at Mcneil.

>> Pool: I think there's a difference generally between a day care center and preschool as far as curriculum and the services that are provided.

>> Mayor Adler: Okay. So the amendment in front of us still then is the amendment as councilmember pool originally made it, it's to add the co from zap --

>> Pool: No --

>> Mayor Adler: -- Together with the prohibition against liquor sales as accessory use. Is that right?

>> Pool: I withdrew my original amendment.

>> Mayor Adler: Oh.

>> Pool: And -- although the mayor pro tem had been the second, and she didn't agree with that, then she said maybe we should divide it into two pieces.

>> Mayor Adler: We can certainly take a vote on each of those, as dividing the question on the amendment, then I'm fine with that. So let's take those -- each separately, if there's not objection, first a vote on the cos from zap, then to decide the alcohol question. Is there objection to us taking those two amendments that way, in order? Okay. Then we're going to take it that way. So let's focus first on the co with zap. Councilmember alter, then the mayor pro tem.

>> Alter: So when this was up before and was postponed, we had asked a question specifically about this point about the alcohol sales, it's under number 88 -- when it was number 88 on an agenda, and it seems to indicate that it is 300 feet of a day care center, so that would mean it would be from -- where would you be measuring that?

[4:36:51 PM]

Because can they just put the entrance of the restaurant on the other side and then effectively they can still have the restaurant on the property?

>> My recollection was that for a day care, it was from property line to property line. The church, it was from door-to-door.

>> Okay. It just says the distances will be calculated under some code sections. It doesn't --

>> The day care was property line to property line, since property lines touch, it's 300 feet.

>> I'm still concerned about them being able to just put it on the other part of the property. We've seen that in some other cases in the city, so --

>> Pool: Right.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: So my question, Mr. Rusthoven or Mr. Guernsey, I'm looking at the statute or the section of the code that talks about minimum distance from certain uses with regard to alcohol beverages. So it says a person may not sell or engage in the business of selling alcoholic beverage, et cetera, et cetera, church, public school, public hospital, then the second one says a permit or a license holder under chapters 25 of the Texas alcohol beverage code who does not hold a food and beverage certificate may not sell or engage, and that's the passage that talks about child care facilities. So I just want to be sure I'm reading this correctly. So a restaurant would still require -- a restaurant next to a day care would still require permission from tabc?

>> Yes, or require permission from the city council because it doesn't meet the 300-foot space.

>> Tovo: The 300 -- but it falls into the -- I'm sorry, so you're saying it does not meet the within 300 feet?

>> I'm saying the annexation of 495, waiver minimum distance, says the council may consider written consent for waiver from the section for each church, public school, public hospital, day care center or child care facility within 300 feet of the applicant's proposed place of business, et cetera, et cetera.

[4:39:00 PM]

>> Tovo: Okay. Can we just talk about the restaurant scenario? I'm I'm sorry, I guess it's getting late in the day and I'm getting fuzzy brained, but under gr, they can have a restaurant. What's the process for getting the alcohol portion of that? Will they have to go to tab if they're next-door to a day care?

>> Yes, they have to go to tab anyway, because they need a license, obviously.

>> Tovo: Right. But they need to come here for a waiver, because it's next-door to the day care.

>> Yes. If a person from tab would come to us, we'd say you need a waiver, take it to council, decide whether they got the waiver or not, then they'd go back to tab.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Okay. We divided this question. We're going to first take the vote on the co portion, the zap co restriction uses, and then when we're done with that vote, we're going to take a vote on the alcohol related use. Any further comment on the co restrictions? For me on this, this is tied to where the access is. If the access is going to be out to Mcneil, it seems to be more neighborhood oriented -- I mean to the neighborhood, it needs to be more neighborhood oriented. If it's to Mcneil, it seems it should be gr. Then there's the planning criteria versus the other criteria. Not knowing what's going to happen on that, it makes it hard for me to know what to do, because depending where the access is would probably dictate what I think the appropriate use is. But since this is on first reading, I'm going to -- I'm going to support this to go forward either way, with the understanding that between now and when it comes back on second and third, we can maybe work through some resolution of that issue so that I know how to vote on uses. So the amendment in front of us is to add the zap uses, as the coo.

[4:41:02 PM]

Any further discussion on that? Then we'll take a vote on the amendment. Those that would move to add the zap restrictions, please raise your hand. Tem, kinks and pool. Those against, please raise your hand? It's the balance of the dais. Councilmember alter, how are you voting? To include the zap? Against the zap restrictions. Okay. So only those three voting against. Now let's vote on the alcohol issue. The restriction now is on the alcohol.

>> Alter: I just wanted to clarify. I was voting against the adopting of the zap, so --

>> Mayor Adler: Yes. You voted -- yes. There was -- okay. Now it's the alcohol issue, and the question is, are we restricting this property for no liquor sales as accessory use, is the question. Councilmember pool.

>> Pool: I just wanted to make one additional comment, that stepping stone school does not consider this location to be a day care. They do consider this to be a private school.

>> Mayor Adler: Okay. Mr. Flannigan.

>> Flannigan: But I think it's important that the city definitions of what things are are the things -- are how we proceed. And I can come up with a lot of really terrible and humorous examples of what that might look like, but I'll refrain from doing that. I think planning staff has made it very clear that it would be considered a day care through the staff process, and I don't think it makes a lot of sense to further complicate the zoning when it clearly would come back before council, it's clearly next-door to a child care facility, a day care, and it would clearly be denied by this council or any future councils, so it is still my preference to add no restrictions, especially on first reading.

[4:43:05 PM]

>> Mayor Adler: Councilmember pool.

>> Pool: And I just respond that the staff doesn't make that decision by themselves. It is an agreement between the property owner, the business owner, and the staff, and I get the idea that this question hasn't been settled, so maybe by the time we get to second and third reading, we should lay the issue to rest. But since our decision here is being determined by how to classify the stepping stone school, I think it's really important that we take this very carefully and -- I'll just leave it there.

>> Mayor Adler: It's been moved to add the language --

>> Flannigan: Not to belabor it, but the way that councilmember pool laid that out, it actually makes it less likely that the alcohol sales would ever be approved because if the designation of what they are is in negotiation with the property owner, and the property owner is told, if you call yourself a day care, you can belong the alcohol sales, they'll call themselves a day care. So I'm not at all concerned about that. I think it's very clear how that will go.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: So I've been very quiet about the alcohol sales. As far as I can remember in the two years and a half, nine months, that I've been here, if it's next to a place where children are, I've never voted for a waiver, and I don't intend to vote for a waiver. And that was my understanding when staff came up and said there were children next-door. Whether they call themselves a religious school or a private school or a day care or a fifth through seventh grade private -- you know, it doesn't matter; that's too close for any kind of liquor sales. And so I don't see this council giving anybody a waiver that close to any child care facility that has a license, whether it's public or private. So I would like for us to just take this vote on first reading, and then they can deal with this later of the it's coming back to us, so it's not something that we need to belabor.

[4:45:05 PM]

>> Mayor Adler: Okay. Ms. Pool makes her amendment. Any further discussion? Those in favor, please raise -- councilmember alter.

>> Alter: I just want to clarify that whether or not they come up for a waiver depends on how they measure the distance, and so whenever this comes back for second reading, we need to have clarity on

how they're going to measure that, so we can see if a waiver were to happen, to be the case, that it would actually trigger a council vote in this case.

>> Mayor Adler: Please have that information when you come back. Those in favor of this amendment, please raise your hand. Alter, pool, mayor pro tem. Those opposed please raise your hand. The balance of the dais. That was 7-4. We're now back to the main motion, grmu, for discussion. All those in favor please raise your hand, first reading only. Those opposed? Alter, pool vote no, mayor pro tem votes no, the others vogues aye, it's 8-3, that item passes. Council, staff made an error on the postponement of item 19. We had said November 9th but staff would really like it postponed till December 7th. We need a motion to reconsider that and then to change the postponement date to December 7th. Will someone make that motion? Councilmember Garza makes that motion, Mr. Renteria seconds it. Is there any objection to that? Hearing none, it is reconsidered, and the date of the postponement is changed. Okay? That gets us then to our public hearings. I think that one of these public hearings is being postponed. Is that true? Item 51? Why don't you go ahead and take us through these.

>> I'd be very happy to do that. Thank you, mayor. I'm assistant director of development services.

[4:47:07 PM]

Item 51 is the interlocal agreement with Austin independent school district. Staff is asking to postpone that to November 9th agenda. We did go to environmental commission last night with a unanimous vote. We're planning to go to the planning commission at the next meeting. We'll be back before you with something that I think everyone can support.

>> Mayor Adler: Okay. Any objection to postponing number 51 till when?

>> November 9th agenda.

>> Mayor Adler: November 9th. Is there a motion to do that? Motion to postpone? Ms. Houston makes that. Is there a second? Mr. Renteria seconds that. Any discussion in hearing none, that item is postponed. Thank you.

>> Thank you.

>> Mayor Adler: We have -- we have 40 minutes before we break for music. I don't know if we can blow through and see if we can hear things before then, but let's go ahead and try. For scheduling purposes, I just point out to the council that next week, on the -- we don't have a meeting -- we're going to meet on the 26th to do the strategic planning meeting. The following week, we're going to be involved in interviews probably off site on the manager, on both Tuesday, the 31st, and on Thursday, the 2nd, location to be determined. It'll probably be a special-called meeting posted on that, but that's the schedule next week. And we have a council meeting that will be called for the afternoon of November

2nd at 2 o'clock to take care of the few things that we have to take care of if we have to take care of anything. Yes, councilmember pool.

>> Pool: I heard that the meeting on the 26th was going to be at the aviation department. Where is that?

>> Mayor Adler: I don't know. We'll find out.

>> Pool: Is that at the airport?

>> Mayor Adler: I don't know. We'll find out. Let's go ahead and see if we can get through this in the next 40 minutes.

[4:49:07 PM]

The first thing we have is item 50. We have two people to speak on this. Do you want to come on down and give us a quick, high level view, then I'll call the speakers.

>> Good afternoon, I'm with the Austin transportation department. I'll give you a brief introduction to the public hearing this afternoon on the development of the street impact program for the city of Austin. This afternoon is related to land use assumptions and service areas that are required to be developed as per the local government code, chapter 395 for the development of impact fees. A reminder that the study was funded in our fy16 budget by council, and this is our first step in a three-phase process. So our goal with the impact piece -- impact fee study is to develop a system that is equitable, predictable, and transparent, equitable in terms that every develop the is contributing to the street network based on the same calculations, predictable in that a development and the community can formally understand the street network mitigation that would be required up front, and transparent in that the amount is known up front as well. At the end of our project, our desire is to have a fee that is fair and reasonable so that developers can contribute to the auto capacity that is associated and needed with their new development. Is the presentation up? Sorry. So definition of what impact fees are, they're a one-time fee for new development and a specific calculation to determine the cost of growth specific to street infrastructure. So the way that we are going to develop the cost is by doing -- projecting new growth over a ten-year period, so I'll talk about that in a second.

[4:51:11 PM]

We are doing a ten-year projection, 2017 through 2027, and then we're also developing corresponding capacity needs to accommodate that growth with regards to new capacity on our roadway system. So



this is the first step in a three-step process. So the public hearing today is to look at the service areas we've developed, consistent with state law, and the land use assumptions we've developed. The next step will be bringing the roadway capacity plan, which will be later in the process, after the strategic mobility plan is completed, because those projects will be a subset of the overall project that we develop to support a preferred scenario in the Austin strategic mobility plan. The third step will be a discussion of the policy related to the technical analysis in determining a maximum allowable fee in each of the districts, based on the growth and based on the needs. So that's a three-step process. It's going to be about another year to a year and a half before we're through with the entire process. So what is a service area? It -- it's an area by which the funds are collected within and funds expended on roadway capacity infrastructure within the city. It's important to note that the funds that are collected need to be spent within ten years of them being collected. We have been doing -- we've been doing impact fees for water and sewer since the '90s, and it's important to note that for water impact fees, the service area can be the city as a whole, and it is, with regards to our water impact fee. The state law requires that for street impact fees, that the service areas be much smaller. They can't exceed six miles. So what's before you this evening is our staff recommendation on service areas for Austin.

[4:53:16 PM]

Here they are -- also in your backup.

>> Mayor Adler: Hang on one second, please.

>> Pool: Would you like me to wait or ask questions as we go through?

>> Mayor Adler: Why don't you wait, then ask questions.

>> Yeah, a few more slides. The approach to what you see on the screen is 17 service areas, our approach is consistent with the interpretation of state law and how to build these service areas that other cities in Texas who have impact fees have taken. And that is considering trip characteristics, as well as geography. So geography includes clear divisions like the Colorado river or different geographies such as the hill country that might have different travel characteristics. Then when it comes to travel characteristics, we looked at understanding that areas within our urban core or the 360, 183, 71 loop, have different travel characteristics than do areas of the city outside of that core. We also felt that downtown had a very unique -- has unique travel characteristics, so we carved out downtown as a specific service area. With regards to the land use assumptions, we worked with the water utility, who is also updated their impact fee program, as we speak, state law requires that an impact fee once implemented be updated every five years, so they're doing their update. We coordinated them on our assumptions and this is a rollup of assumptions with regard to units, residential units, and also with regards to employment as measured by square feet of commercial development. We do have language in the resolution that's before you this afternoon that would allow staff to react to any changes that

would need to be made to these assumptions in order for us to bring them back to you in subsequent steps. I mention that we will bring -- we will be bringing the roadway capacity plan to you as a next step, as a public hearing, and then the policy ordinance itself as a third step.

[4:55:18 PM]

And at either of those steps, we can adjust these land use assumptions based on any information, for example, coming out of codenext that we would have to adjust. Lastly, chapter 395 of the local government code has a check and balance section that there be an impact fee advisory committee that assists with the development of assumptions that go into the technical analysis. We are using or sharing the impact advisory committee that's existed serving the water utilities impact fee program, over the last several years, these are the dates that we've met with them, and it's important to note that on July 25th, they recommended the service areas in the land use assumptions that are before you this afternoon, as did the urban transportation commission at their October 10th meeting. And with that, I'll be able to answer any questions. I do have Jeff Whitacre here from our consultant team, as well as Leanne Miller, project coordinator.

>> Kitchen: I have a question about service areas. So the service areas, am I correct that they were drawn with the six-mile radius requirement in mind?

>> Yes.

>> Kitchen: Okay.

>> We looked at not exceeding six miles from point to point in the service area, as per state law.

>> Kitchen: Okay. Could you put that slide back on?

>> Sure.

>> Kitchen: So that's -- so these all accomplish that. They're all a six mile radius.

>> Correct.

>> Kitchen: Okay. So is there an opportunity -- is there an opportunity to change the service areas at a later date in the process? And the reason I ask that is because in some ways, it's a little bit of an iterative process, when we get to -- if I'm understanding correctly, when we get to the point we're actually determining what the impact fees are, that will give us a better idea of understanding what -- what the impact is on geography. And the reason I'm asking that, if I've got this correct, is, so if you can only expend the impact fees within these areas, how does that relate to areas that don't have -- if they're areas that don't have as large a dollar amount in terms of impact fees, what does that -- what is the impact on their infrastructure, I guess is what I'm asking.

[4:57:38 PM]

But that's a question that I think we'll be delving into that later when we come back with setting the fees, so that's why I wanted to be certain that we were able to adjust these service areas later if we needed to.

>> Yes. The service areas can be adjusted, as can the land use assumptions at any point in the process.

>> Kitchen: Okay. And did my question make sense?

>> Yes.

>> Kitchen: Because there is a relationship there; right?

>> Right.

>> Kitchen: Okay.

>> Mayor Adler: Okay. Let's hear from the public speakers. Stewart Hirsch, and then David king.  
J.A.M.O.N.,

>> Mayor, members of the council, stu from district 2. I always get nervous about these studies because they generally assume we're going to fail on our affordable housing goals so I specifically am asking you today to adopt as part the assumptions the chart that you adopted as part of the imagine Austin amendments for the strategic housing plan. Clearly sets out that we're trying to do 135,000 units over the next ten years, of which 65,000 by my calculation are supposed to be income-restricted and I know there was a lot of debate when we did that, but a lot of us want to see us exceed for the poorest among us, working class, middle class, and more affluent among us. I'm particularly concerned that we get these in there as part of the assumptions, what we're trying to produce and how that affects our transportation system. And as a resident of district 2, I've been going to stakeholder meetings relative to improvements on William cannon-related to the \$740 million bond election and I'm here to tell you that the mapping I've seen so far won't necessarily reflect the planning efforts we're doing on the bond side when you talk about improvements on William cannon all the way from Mckinney falls parkway near the airport to southwest near mopac.

[4:59:50 PM]

So those of us who travel east-west on slaughter or manchaca -- but William cannon I'm concerned we get this planning effort making the proper housing assumptions and proper east-west assumptions

because we've always been challenged trying to get from the eastern to western parts of south. North-south seems to be a little better. I would ask you when you adopt the resolution which seems fine to me that you add this map because it doesn't appear to be in the backup, but I am old so maybe I missed it, and that they take this into account in terms of the nexus between transportation and housing goals, and that's the only reason I showed up today. Thank you.

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

>> Thank you, mayor, mayor pro tem, councilmembers. I hope you support this item. I think this is really important. In building on Stewart's point about including other important information from our other strategic plans@, I think this is really strategic to codenext and I think we need to get this nailed down and firmed up before we put the switch on codenext. And this is crucial, is codenext going to be informed by this map? We're going to lay down the zoning and then roll this out, and then, what, go back and change codenext ah we do this? So I think this is a critical dependency on codenext. This needs fob firmed up, and -- to be firmed up and then we need to look at what to do in codenext in terms of the mapping. This is really important, a good step in the right direction to make sure that development, small, medium and large, pays for its impact open our transportation infrastructure. I know in the overview of the project -- of the resolution here we're talking about vehicle -- automobiles, but really this is also about bicycle and pedestrian characterization access, not just about adding capacity for vehicles so I think this is important that we have multiple modes of transportation that can be supported by these fees.

[5:01:58 PM]

And I think this gives you a strategy tool -- additional tool that you can use to say where you want to steer growth in redevelopment. You can set the fees and set the service areas based on your priorities and where you want growth to happen and where you want grown to maybe slow down a little bit so I think this is important and gives you the tools you need. I hope you will support this and thank you for your service to our community.

>> Mayor Adler: Thank you. Those are all the speakers we had. Is there a motion to approve this item number 50? Councilmember alter.

>> I have one question and then you'd be happy to make that motion. I just wanted to ask if you could speak to what happens when you're at the intersection of Zones and you have a tia in a particular instance that is suggesting that a development needs to make improvements that cross the zone and then how that gets calculated into how much they might owe with respect to the fees?

>> Sure. When a policy is adopted, if there's a development that is required to pay the fee or make an improvement that's outside of the service area, it would be credited. They would be allowed to do that

and it would be credited against their fee. So their fee would go down if they're making an improvement outside of their service area. Does that answer your question?

>> Alter: Yeah. But then if they were making a contribution to the impact fees and there was not a specific improvement that had been identified it would only be able to be paid for -- pay for an improvement in that service area?

>> Correct. That's correct.

>> Alter: Thank you.

>> Mayor Adler: I'll go ahead and make this motion. Is there a second to it? Councilmember alter seconds it. Discussion on the dais? Mr. Flannigan.

>> Flannigan: Can you help me understand how land use assumptions were created and how should we interpret this in this iterative process that -- that is being discussed if -- what we're approving today in terms of the impact areas and land use assumptions, if we're also saying that we might change them in phase two, what do you need us to approve?

[5:04:23 PM]

Does approving it today give you that waiting until phase two would not?

>> Well, to answer the first question, the assumptions were developed using imagine Austin and trends in -- thank you -- and trends in development to look at what's realistic in next ten years with regards to future development. So we assumed changes in land development code in our assumptions. So whether or not they're adopted by resolution here is not imperative to moving forward with the project. The public hearing is the important part that we've discussed this publicly is what the statute requires. So that's -- you know, we're here to -- wanting to move the project forward weapon we feel confident in our assumptions, but we do have a lot of other planning processes going on within the city right now, and if we need to react to those, we can change them. We'll be coming back anyway with the roadway capacity plan and we'll be coming back with a policy ordinance. So there will be two opportunities for us to react technically to any changes that might warrant us to change these assumptions in the future.

>> Flannigan: So I -- thank you. And I'm not comfortable moving forward on the data that's included in here. It sounds like maybe it's not necessary that we approve those today because we just need to make sure we've had the public hearing that this process is initiating. We can have that conversation further. I dug into a lot of this information. I don't think it's necessarily consistent with what we're trying to accomplish as a city when you start looking at numbers applied to certain areas. And it makes me doubly uncomfortable that a -- an analysis is being done assuming some change when there is still much debate on what change to land use code and those types of data points.

[5:06:39 PM]

I support the concept of this program, but I'm not prepared to support the data that we're -- that's included in backup. I'm not prepared to support that today.

>> Mayor Adler: Councilmember Garza.

>> Garza: I don't know if this is the direction councilmember kitchen was headed in with her concerns and I know you said we could change service areas later but I just want to voice what seems like an arbitrary split along 35 for the majority of these service areas and would caution against continuing the arbitrary split that happens right at 35 because there could be an argument made if there's a development right west of 35 you could be creating lots of traffic or whatever coming east to go to that and then that means we couldn't use that money for that development east of 35 because it's not in the service area. So I just ask us to maybe rethink that. I mean, if you look at F, that service area goes west of 35 and then continues west of mopac. So if the idea was, well, we know we're using these major corridors as a stopping point, that doesn't apply for some of -- some of these service areas going west of 35 continue going west of mopac as well. But very few of them go east. So I just -- that's just a little concern which seems like an arbitrary boundary right at 35 when we have a really bad history of splitting things right at 35.

>> Mayor Adler: Okay. Further comment? Councilmember kitchen.

>> Kitchen: Yeah. Because these service areas -- the point I was trying to -- you know, as we've talked about before, the service areas have a financial impact on where we can spend money in city, and they also are related to where we're growing. So I'm -- like councilmember Garza, I don't feel comfortable that I know what the impact is to vote for this now.

[5:08:44 PM]

I really want to give you what you need to move forward because this is a very important study, and I'm really looking forward to the end of the day when we're ready to put the street impact fees in place. I think it's critical. But I need to understand that we're not setting these in stone because I don't -- I'm -- I don't feel like I understand all the impacts to say that this is necessarily the service areas that I would want to go forward with. So --

>> Mayor Adler: What approvals do you need today in order for your process to continue?

>> Garza: Yeah.

>> We need -- we wanted to have the public hearing. That's the important part of the item this afternoon.

>> Mayor Adler: Okay. In that respect I would withdraw my motion so we can have the public hearing and get feedback and comments. Is there any objection to that? The motion is withdrawn. We can get further feedback. Councilmember pool.

>> Pool: I was curious, just theoretically on that map, the service areas, why you would divide the city up into so many discreet areas. Wouldn't it be helpful to have fewer?

>> There's a six-mile -- so this is somewhat the minimum. I could ask Jeff to come up and talk about -- there's an art to adhering to the six-mile limit. So they can be smaller. So we could have more, but we couldn't have less.

>> Pool: And so --

>> I'm going to ask Jeff, our consultant, who really did multiple versions of this that were discussed through our internal steering committee.

>> Pool: Okay.

>> With multiple folks and he can give you more background on how we landed on this version based on some other versions but, again, we are limited to that 6 miles, which is by state law.

>> Pool: So when he answers, when you answer, if we were to subtract out defining -- the I-35 as a defining line would you be able to redraw these with the other restrictions that you have in ways that would provide equity across the city?

[5:10:57 PM]

>> We looked at two different things. We looked at trips characteristics geography, 28 square miles is what we were targeting. We can redraw this forever. We didn't necessarily use the highways. It was fifth on our list and it just so happened in this iteration four it turned out that way. We looked at [indiscernible] But we can relook at I, J, F, how those are drawn as we the projects come out. A lot of the times one of the benefits of having a highway as a boundary we can actually use two service areas to fund that boundary so there are benefits of having the boundaries as major investments. That's another thing to keep in mind when looking at your boundaries because it can have two service areas funnel money.

>> Pool: Thank you.

>> Houston: I have another question, and I thought I asked this question, not for you, thank you. I thought I asked this question the other day when we had a briefing on this. I'm still wondering who is on

this impact fee advisory committee and whether it's representative of demographics or is it the same people that usually are on the advisory -- I mean, transportation committees?

>> I believe the -- what we talked about at work session was the multimodal community advisory committee, which is the advisory committee for project connect by capital metro and the Austin strategic mobility plan.

>> Houston: Thank you -- I'm still looking for that one and I'm now looking for the composition of this impact advisory committee.

>> Correct. The impact fee advisory committee is on the city boards and commissions. You can go to the boards and commissions website.

[5:12:59 PM]

There's seven appointed -- seven appointed members. They're all appointed by the mayor, I believe, and that was because of the requirement of this by state law rather than city code is the difference in the makeup and how those are appointed. So there's seven appointed members of the committee. Some are very long standing.

>> Houston: Thank you. Can you tell me what the diversity looks like of your committee so I don't have to look it up on the website.

>> Mayor Adler: I cannot offhand. I'll get you that information.

>> I'll add one piece the state law requires there be certain makeup of the committee with regards to I believe an engineer, there needs to be an engineer on it and Jeff is going to tell me the other one.

>> 40% of the committee has to be from the development community. So that's one of the requirements.

>> Pool: Is that one of those no more than 40%?

>> At least 40%.

>> Pool: At least 40%, okay.

>> Mayor Adler: Any further feedback on this? Yes, Mr. Flannigan.

>> Flannigan: I'm curious and kind of to reiterate councilmember Garza's comments, I was thinking somewhat of a similar thing about did we consider kind of travel sheds as a way to organize -- you know, like a watershed? Because we've had that conversation with transportation department before about that's one way to think about how you might group areas of town facing similar transportation issues,



and using the highways as the dividing line would kind of be the opposite way to do it. I understand the consultant's perspective on it kind of gives you this other benefit but might allow you to pull fee revenues into these other investments but I think it kind of begs another policy question around how likely it is we're spending city fee money on a mopac or I-35. I think those get funded through other mechanisms anyway, not necessarily the funds that would come out of this program. So was the travel shed thing considered?

[5:15:00 PM]

>> Yeah to the extent we looked at the travel characteristics is consistent with looking at a travel shed. And Jeff can speak to that as well, but I feel that we did in how we looked at the different patterns.

>> One of the things that we looked at is the loop thing, and there's not really a loop around Austin but when you look at the map there is. There's distinctive characteristics from outside of service area F, L, J, I, that's why those were kind of the dividing line, almost two travel sheds inside and outside the loop. After that we were tied by state law with how to divide these up with the six-mile radius.

>> Flannigan: I understand. Thank you.

>> Mayor Adler: Ready to move on to the next step? To it here, we'll ask questions as well, we have citizen communication at 5:30. When we're done with this I'll call up item 53, the Moreland addition annexation since we have people here to make sure we get that done before we take our break.

>> Mayor, I think you have to vote to close the public hearing on this one. Ms. Kitchen.

>> Kitchen: I wanted to ask about the consideration of the affordable housing goals as part of the process. So I just wanted to ask you all if you -- I mean, I know you're collaborating with a lot of different aspects of the planning that's going on, but Mr. Hirsch's comment was well-taken I thought and I just wanted to make sure these goals were being considered as part of your assumptions.

>> Well, ours is a forecast so we don't consider goals in our forecast. We're just forecasting what do we believe -- we would consider that there's goals that the city has with regards to how we want to do those assumptions. So in that case, yes, the same way we made the assumption that there would be changes consistent with the imagine Austin growth concept with regards to our land development code. We could consider assumptions being made with the need for the 135,000 units.

[5:17:02 PM]

So in that case, yes.

>> Kitchen: Well, I guess what I mean is wouldn't we want to -- I mean, I would think we would want to align our assumptions around growth with the other -- I mean, we have a lot of -- several different areas in when we're talking about what our assumptions are, and the housing plan is one of those. So, I mean, these are goals but they're not just goals. They're -- I mean, they're not goals in the abstract sense. We are also working towards our projections or forecast of where we're going to have housing so I would be concerned if we were -- if we had a whole different set of assumptions about housing goals -- about housing in this -- in this study as we have in codenext or as we have in the bonus program or as we have in affordable housing. They really need to align. So okay.

>> Mayor Adler: Okay. Is there a motion to close the public hearing? Mr. Flannigan makes that motion. Is there a second? Ms. Houston seconds that. Any objection? The public hearing is closed. Without objection. Councilmember alter.

>> Alter: I just wanted to thank Ms. Pedot and her staff who have been working on this. I had a chance to talk with them in detail and I'm excited about the opportunity this will present us to make important policy decisions about how we want to grow and how we fund our transportation infrastructure and I think that part of what is going on is a technical process and you have to make certain assumptions and once you have the models you can tweak all sorts of pieces in this. And I think that they're really moving towards setting us up to make some of the policy choice that's we've been talking about but it's a very technical process that has to happen sequentially along the way and then you can change the variables but you have to have them. You have to make some assumption along the way to begin making the model.

[5:19:03 PM]

So I just wanted to thank you for the process.

>> Mayor Adler: Okay. Anything else? Then let's go on to the next item, to the annexation, 53, because we have speakers signed up for this one.

>> Good afternoon, mayor, council, Virginia Collier from the planning and zoning department. This is the second of two public hearings for the following three areas. Council will not be taking action at these hearings. Ordinance readings tentatively scheduled for November 9. Staff is recommending these areas for your consideration based on -- which reflects the community's values on annexing land which is advantageous the general public good. Accordingly the city should annex areas in order to expand land use and development regulations to properties located in the etj, protect and expand the tax base, that benefit both city residents and residents in the surrounding areas, such as page and safety, recreation, facilities and programs, libraries, municipal courts and provide municipal services to developing and urbannizing areas, especially areas already receiving some services where full municipal services can be easily provided without negative impacts to existing city taxpayers 37 as part of our standard practice

city staff and multiple departments reviewed these areas and provided feedback that allows us to recommend all for annexation at this time because they can be served with existing infrastructure and services. Upon annexation the city will provide full municipal services to each of the areas including services currently provided by other entities such as the county and collect city taxes and fees ask residents will be eligible to vote in city elections. A copy of the service plan for each area is available online and I brought extra copies this evening and you'd be happy to send a copy to anybody who might not be able to attend today. Starting with item 53, Mooreland additional area, 34 areas in southwestern Travis county, surrounded by Austin's full purpose jurisdiction and district 5.

[5:21:06 PM]

This area was considered for annexation 2016 however, city council agreed to delay to 2011 at the property owners request. Existing land uses in this fully developed area include commercial, office, warehouse spaces along manchaca road with approximately 35 single-family homes. Annexation provides residents and business owners a voice in city elections, public processes, impacting and shaping their community. Annexation also brings commercial development into city limits, and approves public health and safety. The city will provide full municipal services to this area. Copies of which are available today and this concludes the staff presentation for item 53.

>> Mayor Adler: There's no action to be taken today. It's just the public hearing. So I'm going to call the public hearing speakers. And before we do, I just want to say because you -- many of you were here before and you asked question what would be the purpose of an annexation. And I don't think you got a response to that when you were here last time so I want to respond -- speak to that today before you speak in case it's something that you want to address. I think that the -- that the justification for doing an annexation in an area like this is that the folks in your neighborhood, when you leave your immediate neighborhood, travel on city streets, there are city traffic lights, and as a community we all pitch in to pay for those things, and everyone who lives here, that travels on those streets, uses those traffic lights pitches in. We as a -- as a community we pitch in together to hem with the homeless, generally speaking, in community. And we do that collectively. We build parks in the city that are available to everyone that lives here, including the folks that are in your neighborhood.

[5:23:10 PM]

We participate collectively to help provide affordable housing in the community and health and human services for people that live in community, libraries, municipal courts, and those are the kinds of things that don't happen unless collectively a community joins to pay for the things that we all use and probably even though you fully an unincorporated area, you probably travel outside of that area in the

city and have those things that are available. So I think that is one of the justifications for saying that everyone who lives here participates or helps to shoulder those things. Okay. I'm now going to give everyone here a chance to speak that has signed up. And the first person to speak that's signed up is John hanachsmi. Sir, you have three minutes. The next speaker will be Diane rice, and is Blaine Todd here? So you'll have donated time, Ms. Rice. Sir.

>> Hi, my name is John hanachsmi, I live at Sues street. Thank you for your time. I just wanted to bring up a couple things. Y'all said you would put together a study to see how much money you were making off us. Can I see that? You were going to put together something to see what benefits you were really getting off our 35 homes, and I don't have to see it right now but I'd like to be able to see that.

>> Mayor Adler: I think there was a staff memo prepared.

>> Thank you.

>> Mayor Adler: That was posted as part of the public record for this item.

>> Okay. When -- I don't know what her name was but when she came up and said why we're annexing that, it's for all the benefits we reap, for all the wonderful things we get from the city.

[5:25:10 PM]

We don't get any of that. We got the same -- I got a sewer in my backyard that's not going to change. I get the same water that I get from where I get it, pec electric. Nothing is changing but last week you said the one thing we could get was recyclable garbage. I can get that already from waste management myself. You had mentioned that we are surrounded by Austin in order to get out of our neighborhood we have to go on Austin street. We pay for taxes to Travis county when that was county for the last 25 years. The only reason we're surrounded by Austin is because you guys came in and surrounded us via land grabs because you needed more money. I just feel it's completely unnecessary. Are you going to start taxing everybody in Kyle because there's only two roads to get north, 2020 and 1626 through, you know, mismanagement and not building roads for the '70s and '80s in Austin we shouldn't have to operate -- pay the effects of that. Unless you plan on Kyle, beauty da, everyone has to go up 1626 and north on Manchaca. We shouldn't be affected on that and, again, we're not gaining anything from y'all, anything I can see that's a benefit. Annexation should be wrong and I think you all agree because after December or whatever it's changing to where we get to vote on it as opposed to taking things from us and charging us for it. I hope you give us the time to at least wait until that is so we can vote on it. That seems like the fair and right thing to do. I appreciate your time. Thank you very much.

>> Mayor Adler: Thank you, sir. Diane rice. And you'll have five minutes, Ms. Rice. After you the speaker will be Carmen [indiscernible].

>> Hi. Thank you. I live on 11507 Sues Street, and I'm opposed to annexation along with other people who contacted me the other day, I wanted to read their names really quickly because they wanted to be here but couldn't because they're working or dealing with families.

[5:27:13 PM]

William Bills, Jay Frasier, Amy Ward, Joshua Ward, Gilbert Viejo, Michelle Day, Ken Greenwood, Tracy Brewer, Yvonne [indiscernible], Joy Greenwood, [indiscernible], Rachel, and Robert, my neighbor, who called me. I want to mention they were opposed to the annexation. One of the reasons I was -- I'm -- actually, I really appreciate what you said. I'm pro-- kind of pro taxes. I work for American Youth Works and I'm paid by taxes and I appreciate that we do pay for our community and I work in Austin. However, I really wasn't able to afford a house that we liked in Austin. So I felt like I'm being pushed out. I'm not sure if the taxes that we would be paying really allow us to live the quality of life we would like to. So -- and thinking about the people I work with, a lot rent and can't afford to buy a house in the city of Austin, a lot come from San Marcos, Kyle, in my building, who work with me. I guess that makes me sad in expectations that we do pay for each other but yet city I work in I can't really afford to live in in the way in which I'd like to. So I just don't think that -- I could probably afford it but I don't want to afford it I guess and I think there are some in my community who are elder summary genuinely can't afford that and I'd be sad to see that that -- we're very new to this community but this community has been around a long time and it's a family. I've already gotten to know a lot of people through this process, so thank you for that, but to see that maybe broken up or people selling their properties and it really changing, that makes me a little bit nervous and sad and maybe the way that other aspects of the Austin is going.

[5:29:18 PM]

Yeah. Anyways. So what else? And I would say -- I would agree with who just spoke, Robert I think, right? John? That, yes, we used Austin roads and services and so do people in Kyle and San Marcos, et cetera, and I'm not sure if it's fair just to put that on us if we don't want to be annexed. I do agree that we should -- we all do pay for those things but I don't think our community wants to be annexed and not receive those other services. I don't think we want that. So I guess in closing I would like -- I would implore you guys to postpone this until we have a vote on December 1. I think that that might be the most fair way for our community to have a say in what happens to our community, Lamar Boulevard you're opposed or against the annexation so that would be -- at least one --

[indiscernible] Opposition to the annexation. Thank you.

>> Mayor Adler: Thank you. The next speaker is Carmen arisbe. And on deck next speaker will be Robert Salgado. Mr. Salgado will be our last speaker. And you have three minutes, ma'am.

>> Good afternoon, city councils. I'm Carmen arisbe. I've been resident for more than 54 years. I love our community. I agree what John says. We've never had this. And I was going to read my speech, but I don't want to be annexed. And like you heard other people say, they don't want it either. We pay taxes just like everybody else does. But I just want to say that I'm against annexation. Very hard. I mean, I've been there for years. It's hard to change. But I am willing to change, but it's -- it's a burden.

[5:31:21 PM]

It is a burden. When you're used to paying less water. We pay very cheap water bills. Less -- we pay reasonable price electricity. Taxes, everything. But like I said, finally I just want to say that just to leave us alone. We're fine. We've had everything working fine for us for years. Why all of a sudden the changes? You know? We've been good citizens. We pay taxes and everything just like everybody else does. So I thank you for hearing me out.

>> Mayor Adler: Thank you. And last speaker is Robert Salgado.

>> Good afternoon. I live on mayo street, the last street on that subdivision and across the street from me is a city of Austin neighborhood. They tore up our streets to put a sewer line and waterlines on my street, which is the last one, like I said. I've seen what they do. It's a big mess and I don't think they'll be able to do it again with sewer lines and waterlines through the whole subdivision. They can't do it. There's no way they're going to do it and you all aren't going to give us sewer lines anyway. I'm a plumber and I travel Austin all day long, and when I get home I like to stay home because Austin roads are terrible. So I get home, I quit my job at 3:30 just to get back home because of Austin traffic. Like I said, y'all aren't going to give us those utilities anyway, so we're just -- we're just there. We love our spot. I've been there -- when they came to put that neighborhood in across the street from me they took out all the cows across the street and they put this neighborhood and all I hear is fire trucks and ambulances going through those neighborhoods they added on when it use to be real quiet.

[5:33:37 PM]

They come and ask me if I had permits to put my patios they've front and back of my house. We don't do trash work. We put stuff up that's going to last because we're proud of our neighborhood, and they're asking for permits and it's -- I'm still county. But anyway I just don't want to be annexed and like I said, I'm a plumber and I seen what they did and they didn't give us no -- they're not going to give us

that stuff anyways so I don't know why we have to pay for all that because you all aren't going to do it anyway. I guess that's all I have to say.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Thank you for coming down. Those are all the speakers we have. Is there a motion close the public hearing today? Mr. Flannigan makes that motion. Is there a second? Ms. Houston seconds that. Any objections to closing the public hearing? Hearing no objections the public hearing is closed. Thank you very much for coming down today. Forecouncilmembers, we have -- supposed to do proclamations today. Doesn't look like there's any music. Is there music? Just didn't show up on my chart. Oh, good. We have 12, three, four, five, six, public hearings still to go. Only one of them has a single speaker signed up to do it. Do we want to just break for proclamations and then not for dinner? Pardon? The one speaker is not here? Okay. We can try and below through these. All right. Bring it back up.

>> Thank you, mayor. Item 52 is the river place out parcels area, 212 issues in northwestern Travis county adjacent to river place mud and city's full purpose jurisdiction contiguous to district 6. Majority is parkland and preserve land with the exception one single-family home. This annexation is scheduled to coincide with the under the terms of the strategic partnership agreement between the city and M.U.D. And again the city will provide full municipal services to the area as described in the service plan, copies of which are available today and this includes the staff presentation for item 52.

[5:35:48 PM]

>> Mayor Adler: Call for pebble speakers now. Anyone want to sneak no public speakers. Motion to close the public hearing? Ms. Houston makes the public hearing. Marriage none, public hearing is closed unanimous with Mr. Casar off the dais. No action required, right?

>> Correct. Item 54 includes approximately 27 acres in southern Travis county along I-35, south of slaughter lane, surrounded by Austin's full purpose justification in district 5. Staff recommended delay of the consideration in 2016 based on concerns raised by Travis county esd11. This area includes the existing holt cat commercial you're welcome approximately 32% of the development is located in the city's full purpose justification and future land uses include anticipated commercial and industrial development. Annexation of this area brings future anticipated commercial growth and light industrial development into city limits, resolves split jurisdictional issues and ensures delivery. Again the city will provide services as described in the plan for this area. Copies are available today and this concludes staff presentation for item 54.

>> Mayor Adler: I have no citizens signed up to speak. Anyone want to speak on this? Motion to close the public hearing? Mr. Flannigan makes that motion. Is there a second to that motion? Ms. Garza seconds that. Any objection to closing the public hearing? Hearing none, public hearing is closed. Unanimously with Mr. Casar off the dais. Next item we have two items that are -- public hearing to consider -- these next three we actually have to take a vote. Item 54, you want to take us?

-- 55 rear.

>> 55, yes.

[5:37:49 PM]

>> Mayor Adler: Sorry.

>> That's okay, 55, number 56 are related to the tax credit public hearings necessary to consider resolution for the items that the two developments that the Austin housing finance committee considered earlier in the day. 55 is for Austin dma housing for the senior development known as the nightingale in the goodnight ranch P.U.D.

>> Mayor Adler: To approve a resolution.

>> Correct.

>> Mayor Adler: I don't see anyone signed up to speak. Anyone want to speak? Ms. Houston.

>> Houston: I have a question, the usual question. How far is this development from transit?

>> Do you know the answer to that, David?

>> Dma folks have left so I don't have that information right in front of me.

>> Garza: Part of connections 2025 there will be one very close.

>> Houston: Next time I want to be on capital metro board so I can get some of those transit stops in my area.

>> Mayor Adler: Is there a motion to close the public hearing? Have we done that yet? Mr. Flannigan makes that motion, Ms. Garza seconds. Any objection to closing the public hearing? If we haven't already closed it, it is now. Without objection. Mr. Casar is off the dice. Is there a motion to approve the resolution? Ms. Garza makes the resolution, seconded by mayor pro tem. Any discussion? Any objection to the resolution being approved? Hearing none, it's approved. Unanimously with Mr. Casar off the dais. That gets us then to the next item, was it 56.



>> And number 56 is to conduct a public hearing and consider a resolution for the application to be submitted to the Texas department of housing and community affairs by the Austin geriatric center or affiliated entity for the Rebecca baines Johnson semester and development of additional new affordable senior housing at the site located at 21 waller street.

[5:39:55 PM]

>> Mayor Adler: Okay. One person signed up to speak on this item 56. Is Mr. Pena here. Anybody else want to speak on this item? Is there a motion to close the public hearing? Mr. Renteria makes that motion, seconded by Mr. Flannigan. Any objection to it being closed? Hearing none, it's close unanimously with Mr. Casar off the dais. Let's now take a vote on 56. The resolution supporting the application. Is there a motion to be made? Ms. Garza makes that. Mayor pro tem seconds that. Any discussion? Hearing none, any objection to approval? Hearing none. It's unanimous on the dais with Mr. Casar gone. That gets us to last thing on our agenda, item 57.

>> Thank you.

>> Good evening, council, Carey Lang, assistant director not the austin/travis county ems department. This public hearing is required by the city code each time there is a nonemergency franchise granted for the first time or renewed. Acadian ambulance service has held a franchise since October 2007. They timely applied for renewal and all required applications were submitted and they are in good standing in their current franchise agreement. In August the austin/travis county ems advisory board unanimously recommended approval of acadian as a franchise renewal and austin/travis county ems department recommends the approval of their renewal.

>> Mayor Adler: Okay. Thank you very much. We're going to conduct a public hearing. I have no one signed up for this. Anyone want to speak? Hearing none, is there a motion to close the public hearing and to approve the application? Ms. Houston makes that application. Is there a second? Mr. Flannigan. Any objection? Hearing none, hearing is closed, resolution is approached. Unanimously with Mr. Casar off the dais. That takes care of all the business that we have as a council.

[5:41:57 PM]

We now get to move into music. And I think there are about a half dozen proclamations.  
Councilmember alter?

>> Alter: If I could just make a point of personal privilege. My son is in the ham and it's its -- hall and it's its birthday and I wondered if we could wish him happy birthday.

>> Mayor Adler: Happy birthday.

>> Alter: It's his 13th birthday. Happy birthday, Zachary.

>> Kitchen: Stand up. You can't hide like that.

>> Mayor Adler: Yeah, he can. He couldn't get any lower. All right. Happy birthday.

[ Applause ]

>> Oh, to be 13 again.

>> Mayor Adler: With, that mayor pro tem can be.

>> Tovo: Mayor, I just wanted to let you know the band that's playing, I handed you the name.

>> Mayor Adler: You did. And I've lost it. It was like Indian and the joneses.

>> Houston: What is it?

>> Tovo: We'll have to have these introduce themselves.

[ Laughter ]

>> Mayor Adler: I've been up here looking for it, and -- the band is Indian and the Jones. All right. With that, it is 5:43. And this meeting, subject to proclamation/music, is adjourned.

[5:52:15 PM]

>> Check, check.

>> Hello, hello.

>> Check, check.

>> One, two.

>> Mayor Adler: For us, you know, if you've been watching today since 10:00 you know why this is the absolute best part of city council meetings. We are the live music capitol of the world and the only city council I think that actually stops and spends part of every city council pretty much session with some live music. So it's a treat that you would come here for us. So thank you. Joining us today is Indian and the Jones. Indian and the Jones are comprised of tanner Evans, Jesse Schaeffer, Sarah dosey and one other whose name I don't have.

>> Billy sadderwhite.

>> Mayor Adler: Combining sounds and elements of American folk music, bluegrass, old-time music, country music, and modern folk song writing, Indian and the Jones crafts a fresh sound that hashing inns back to the -- harkens to the deep illustrious music traditions of America. With Evans deep knowledge of traditional fiddle tunes and folk tradition, Indian and the Jones beautifully marries their collective love of crafting great songs with their foundation in Texas music. These three -- four know how to write songs that are fun, sometimes heart break, and catchy to the core. Please join me in welcoming Indian and the Jones.

[ Applause ]

[ ♪ Music ♪ ]

[5:57:31 PM]

[Applause]

>> Mayor Adler: That was great! Thank you. So somebody was watching out here today or watching on TV, and they wanted to find your music, do you have a website?

>> We do, yeah. Indian and the jones.com. We've got some music on there as well.

>> Mayor Adler: All right. That's where they would go if they wanted to get some of the music?

>> Yes.

>> Mayor Adler: If they want to come listen to you play, any gigs coming up?

>> Yeah. We're playing next week -- actually, Monday we're playing the ray Benson stage at the airport, but the next public one where you don't have to buy a plane ticket to come see us is on Friday up in Leander at a brewery called red horn.

>> Mayor Adler: Okay. Well, great. You guys have an interesting name. Where did the name come from?

>> My wife, several years ago, nannied some kids, and they had a Nintendo Wii game that was Lego Indiana Jones, and all the kids thought it was called Indian and the Jones. I thought, that's a great band name, so I held onto it for several years.

>> Mayor Adler: That'll work. What does it mean to be an Austin musician?

>> Oh, so being an Austin musician is really special. I think that we love being part of a community that is so strong and encouraging. There's not really anywhere that I know, or that I guess you guys would know, in America that has such a strong, like, family atmosphere. I know all of us also play in several different projects as well, that are not necessarily folk music, and we would have an opportunity to play

every night of the week, and sometimes do. So, yeah, that's the difference, I think, between any other place. Maybe even on Earth -- is that we can just, you know, play all the time. There's a community, and it's super strong and supportive.

>> Mayor Adler: Well, great, and there's a lot this city is trying to do to create the environment and the infrastructure and the vertical so that our musicians can survive here and flourish here and grow old here.

[5:59:47 PM]

So, to that end, we have a proclamation I want to read. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talents extend to virtually every musical genre; and whereas our music scene thrives because Austin audiences support good music, produced by legends, 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 capital, do hereby proclaim October 19th of the year 2017 as Indian and the Jones day in Austin, Texas. Congratulations!

[Cheers and applause]

>> Thank you so much!

[6:03:12 PM]

>> Mayor Adler: All right. We have a proclamation, and at the end this proclamation is going to be accepted by apostle John Horne. I think we may have a video or a clip to see? Is that right? Last? Okay.

Proclamation: Be it known that whereas the city of Austin is proud to post-humannously honor its son, J.A.M.O.N., Horne, also known as J.A.M.O.N., an undeniable imprint in Austin's history, skilled as a bass guitar, drum, vocals, and production, in his passion to create, shined in everything he touched, including his role as a barber and a hair stylist; and whereas J.A.M.O.N. Will be remembered as the godfather of house music in Austin, when he transitioned to house music in the late '90s, after spinning and producing hip hop with his brother's group, the disgruntled seeds, creating a significant impact on cultural excellence here in the city; and whereas J.A.M.O.N. Is incomparable, house music career is remembered by other musicians, his family, relatives, and most especially his son kimon. His passion for life was an inspiration to the people he touched, artists, fans, friends, and his loyal clientele at the hair salon. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim October 20th, of the year 2017, as J.A.M.O.N., godfather of Austin house day.

[6:05:17 PM]

Congratulations, and thank you.

[Cheers and applause]

>> First of all, I would like to thank mayor Adler and also Ms. Everhahdt, the assistance for allowing me to play a special song that's really dear to us. But first I want to thank the house industry that's here tonight, that's representing the house industry. I don't want to start calling names, but we're grateful for you being here. My son is looking down, and I know that this is what he would want. While he was here on Earth, he worked hard to be a great musician. We moved to Austin in 1985, and his passion was music, and I should have known we'd name him J.A.M.O.N.

[Laughter] And he lived up to the name, you know. He was good at what he did. And I'm so proud to be able to receive this award for my family, for my son, and I'm also proud that he's received another award. J.A.M.O.N. Is in heaven right now, and we're so grateful that god has taken him in, and he's in a much better place than where we are. I heard someone say this, and I'm just going to borrow it, and they said that when you bury a parent, you bury your past. But when you bury a son, you bury your future.

[6:07:18 PM]

But I'm grateful that one of our greatest achievements, my wife and I, one of them, was J.A.M.O.N. Our greatest achievement. Our other two greatest achievements are John and Jeremy. And Jamon's greatest achievement is his son, kimon. Kimon is our future, and I'm just grateful that all of us are here present to be able to witness what's taken place here today because Jamon strived to be the best at what he was doing. And the turnout today and the proclamation proved that he made it. Amen. And we thank you so much for coming. I want to give my wife just a few minutes to say something, and then I want to play a song that was so dear to us as a family. It was my request, and I want you to hear it, but I want to let my wife say a few words.

>> He said it, but I just want to say I'm grateful for all of you being here, and as a mother, this feels so wonderful, but I would also like to acknowledge the house music community and thank them, but I do have three very important people in the house music community I would really like to acknowledge because he was in a group with them, and they were called four jacks. I told him I should have put the four jacks shirt on that I had at home because I didn't know they were going to wear theirs. But this is the accrue he was with and Erin Millington, she's in the middle. Dustin Kenny, and of course mark

Denham, they were toke and they were part of the four jacks house music community. But I tell you, I'm listening to the community, and I tell you, it touches us.

[6:09:20 PM]

There's some songs in there that really touches us so much, and he left so much. And one other special person I would like to thank that's here today, you know, when you call names, but Todd, toddy B. Was very important to my son also. So I thank you. I thank everybody for coming, from school, from the ministry, wherever you are, we thank you for coming and helping to acknowledge this day, because my son was music. He just loved music, and I tell you, he was good at it. So I'm just grateful for everything.

[Cheers and applause]

>> Right before the song, I would like to thank my daughter-in-law and kimon, Jamon's son, for organizing this, you know, what they're doing. I really appreciate you for doing it. Thank you so much. This song is going to bless you. I hope it blesses you like it has blessed our whole family.

[♪ Music playing ♪]

[6:13:27 PM]

[Applause]

>> Houston: Deaning. My name is Ora Houston and it's my privilege to serve the good people of district 1. And tonight we're honoring one of those legends. Many people know bubba Stewart. Most people don't know that he has a real name, Roosevelt. And I had forgotten that until this proclamation. This is -- he's been around for a long time. My son is 51, and he gave my son his first haircut. So I've known him that long. So this is a proclamation from the mayor and the city of Austin. Be it known that whereas the barber shop has always been an integral institution in the African American community, often serving as a right of passage for black males across the country; and whereas Roosevelt bubba Stewart has practiced the avert barbering the art ofbarbering over 60 years and is Austin's most prestigious and longest serving barber, and whereas the doll house barber shop on rosewood avenue recently celebrated 50 years of service on July 18th, 2017, and whereas Roosevelt bubba Stewart is a native of Austin, an honorably discharged army veteran in metropolitan African American methodist episcopal church trustee and east Austin con, on behalf of Steve Adler we proclaim October 29th, 2017, as Roosevelt bubba security day.

[6:16:17 PM]

Bubba Stewart Stewart day. There you go, Mr. Stewart. Come on up here. Do you want to say something? A little something?

>> A little something?

>> Houston: A little something.

>> Not too much?

>> Houston: Not too much.

>> I'm Bubba Stewart. That's the only name my daddy knew. But it's actually Roosevelt Stewart. And we -- I come out of a family of nine, four sisters and -- five sisters and four brothers. And it wasn't the best of time, where we come up, and conditions. I told them that we were so poor, our rainbow was black and white. , In that time, you know. But I appreciate my grandson, Terron Jones. I love him. He loves me. But I always wanted to be a barber, and he used to love to cut -- comb my mother's hair, and I got the big broom -- I mean the big comb in her hair and got it hung in there. She said, boy, you better get that comb out of my hair and I don't want to see one strand of hair on it. That's the way we grew up, you know. But I loved them all. And they'd always come by and harassing me, and don't bring no money.

>> Houston: Okay. All right. That's enough.

[Laughter]

>> But we had a wonderful English teacher, wasn't she?

>> Houston: Ms. Frasier.

>> Yeah, Ms. Frasier. She stayed right across the street from our church, and she brought me a program from the -- from the funeral, and I had me a good shot of [indiscernible] --

[6:18:26 PM]

>> Houston: All right.

>> Let me finish.

>> Mayor Adler: No, no. Come on, we've got more people they've got to do. We're going to take a picture now.

>> Okay. Oh, lord have mercy. Treat me like a stepchild.

[Laughter]

[Indistinct discussion.]

[Applause]

>> Mayor Adler: We have a proclamation here. This is going to be accepted by Arthur J. Padilla. He is chairperson of the city of Austin deferred compensation committee.

Proclamation: Be it known that, whereas the United States congress has designated the week of October 15th to the 21st as national retirement security week, and whereas social security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by congress to be the sole source of retirement income for families; and whereas national retirement security week will educate the population about the importance of participating in employer-sponsored retirement plans, and highlights the importance of active employees and retirees to manage their retirement resources prudently; and whereas the city of Austin employees can benefit from developing personal budgets and financial plans that include retirement saving strategies, taking advantage of tax preferred retirement savings vehicles offered through the city of Austin deferred compensation 457 plan; now, therefore, I, Steve Adler, mayor, city of Austin, Texas, do hereby proclaim October 15th to the 21st, year 2017, as national retirement security week, and you want to tell us something about it, please?

[6:21:47 PM]

Thank you.

>> Well, retirement is a lot closer than you think. It's never too soon, or actually never too late to start saving. The city of Austin's deferred compensation plan is a great tool for city employees to take advantage of. It allows you to defer some of your paycheck, either as a flat dollar amount or as a percentage to have in your retirement and build your nest egg. It also allows you to defer that money, either tax -- either paying taxes now or you can pay taxes when you take the money out, so you can take the tax advantage now, savings when you're younger, or older in retirement. This is something that is not unique to cities in the united States, but it's unique that we have a defined benefit and a 457 plan. This is a great tool for city of Austin employees to take advantage of, and I highly encourage you to go to D.C. Austin.com to learn more or sign up. Thanks.

>> Mayor Adler: Thank you. And thanks for your service.

[Applause]



>> Mayor Adler: Thanks for being here. All right. We have another proclamation. Be it known that whereas Austin reuse day promotes and celebrates we use, including reselling, upcycling, repairing, sharing, borrowing, and swapping goods; and whereas the city of Austin supports reuse year-round, through it's recycle and reused drop-off center, shop zero waste initiative, and Austin material's marketplace, and the new reuse directory; and whereas reusing goods and materials furthest the city of Austin's zero waste goal, economic goals, and creating jobs and investment in reuse, and social equity goals by filling material charitable needs, now, therefore, I Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim October 19th of the year 2017 as Austin reuse day.

[6:24:47 PM]

Congratulations! Thank you all.

[Applause]

>> Mayor Adler: Thank you all for your service. You want to come up here and say something?

>> Hi. I'm Isadora Mckin, executive director of Austin creative reuse. With me here tonight are others who represent programs, organizations, and businesses working towards the mission of reuse, including Austin assistance league, Austin econetwork, Austin resource recovery, goodwill industries of central Texas, habitat for humanity restore, recycled reads, Salvation Army, state of Texas for where he cycling, treasure city thrift, and the U.S. Business council for sustainable development. We're so pleased to accept the city of Austin's proclamation more October 20th as Austin reuse day. We use is about extracting the highest value possible from a product or material. It's about and that things we consume today have a lasting impact on the landscape of tomorrow, and it's about using our imagination, our creativity and our thoughtfulness to help shape a sustainable future for our city. Reuse is about car sharing and bike sharing, donating to and shopping at thrift stores, it's about repairing rather than replacing, reupholstering that old couch, using rechargeable batteries, and bringing your own coffee mug to the coffee shop. It's about sharing yard tools with your neighbors, checking books out from the library, and making robots from discarded computer parts with your kids. Reuse offers us a challenge and a chance to learn a skill, to make a friend, and to engage the world around us in a more connected way. We're really proud of Austin's commitment to the zero waste plan, and we know that reuse is an important component of achieving those goals. We're grateful for a growing network of individuals and organizations working to promote the reuse mission locally. We're really excited that Austin econetwork, with the support of Austin resource recovery, is launching the Austin reuse directory next month.

[6:26:53 PM]

It's a powerful online resource that helps austinites find a second home for their unwanted items. You can find that at [AustinResourceDirectory.com](http://AustinResourceDirectory.com) starting November 6th. In addition to the importance of reuse as a critical part of our city's conservation plan, we know that reuse in the sharing and repairing economy create jobs and investment in the community. We know that reuse supports our cultural arts and education systems, and we know that reuse helps austinites save money and meet materials needs for clothing, furniture, building materials, food, and school and art supplies. We use makes our community stronger, more accessible, and more creative. We invite all austinites to get involved in our collective mission. One way to do that is to join us for the reuse council meetup next Tuesday, October 24th, 4:30 to 6:30 P.M. In the links center behind the ACC highland campus. There you can meet your reuse community and get a tour of our center, Austin creative reuse. Together we look forward to widening the community of conservation and creativity in Austin. Thank you again to the mayor and the city for this proclamation and recognition of the value and power of reuse.

[Applause]

[6:30:28 PM]

>> Mayor Adler: All right. We have another proclamation. Be it known that whereas the city of Austin supports all efforts to build a sustainable local food system that provides nutritious food for all austinites; and whereas the Austin independent school district, the city of Austin convention center, and the university of Texas at Austin office of sustainability are committed to applying good food purchasing program guidelines, to increase the amount of food that is produced sustainably, humanely, and locally; and whereas these actions taken by the Austin independent school district, the Austin convention center, and the university of Texas at Austin office of sustainability will provide nutritious food for the people they serve, improve working conditions for food workers and producers, improve animal welfare and the environment, and benefit Austin's local economy, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim October 19th of the year 2017 as good food for Austin day. So congratulations, and Edwin Marty, you want to come understand a say something?

>> I'm actually going to turn the mic over to [indiscernible] From the Austin independent school district and let her give --

>> Mayor Adler: That'll work.

>> Hi. I'm the executive director of nutrition and food service for Austin ISD, and we are very humbled to be part of this proclamation today. We are working to bring healthy, tasty meals to all of our students in the city, and this collaborative between the city, the school district, UT, and the convention center helps us set benchmarks and goals for bringing higher quality food, local sustainable and humanely raised food to our city and help create equity through food access.

[6:32:31 PM]

And so we're just very appreciative of the city's support, and I'm very happy to be part of the proclamation today.

[Applause]

>> Mayor Adler: We'll take a picture over here.

>> Mayor Adler: And last, but certainly not least, our

proclamation: Be it known that whereas food waste is a global issue, with high economic, social, and environmental costs, and whereas the United States spends \$218 billion per year growing, processing, and transporting food that is never eaten, up to 63 million tons of perfectly edible food ends up in landfills each year; whereas roughly 49 million Americans live in food-insecure households where they don't know where their next meal is going to be coming from; whereas Austin resource recovery, the central Texas food bank, keep Austin fed, and the Austin chapter of new leaders council have partnered to create delicious solutions to keep excess, edible food out of the landfill and redirect it to hungry people; now, therefore, in support of that work, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim October 19th of the year 2017 as feeding the 5,000 day.

[6:35:35 PM]

And then Gina McKinley, of the new leaders council, do you want to come and say something?

>> Thank you, mayor.

>> Mayor Adler: Thank you.

>> Thank you all for sticking it out for the very last proclamation of the day. We're very excited and a little tired. We hosted feeding the 5,000 today on the south lawn of the Texas capitol. We rescued about 3300 pounds of food that was otherwise headed to the landfill, and we're still doing the math, but we think we served about 2,000 meals, and never fear, even though we didn't hit the 5,000 mark, the rest of the food that we produced does have a home. And keep Austin fed, who is one of our partnering -- one of the partners in the -- creating this event, they are working to find homes for that food. But just a huge thank you to the city for recognizing this event. A thank you to all the partners that worked to put it on. I represent the new leaders council. We also have Lisa, from keep Austin fed, from Austin resource recovery, and Tyler from the central Texas food bank, and we also want to really thank the chefs from up the road, they took random food we got from various places in our community to create a delicious

meal that was served today. A big thank you to our volunteers. We have some of them in the audience. We had about a hundred volunteers out to dedicating their time to making this dream of ours come true, so a big thank you to the community for this effort.

[Applause]