

City Council Regular Meeting Transcript – 12/07/2017

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[10:17:10 AM]

>> Mayor Adler: All right, council, are we ready? Let's begin with the invocation. Is pastor Jones here from the alpha seventh day adventist church? Sir? Please come down. Please rise.

>> We invite you to bow your heads with me in prayer. Eternal god and our father in heaven, as we've gathered in this time and space, we pause to recognize your sovereign authority on Earth as it is in heaven. We want to thank you god for all the bountiful blessings that we have received of your hand. We thank you for the ability to accept your sovereign authority in our lives or not to accept that authority. We thank you for the freedoms that we'll enjoy in this city, for those who have sacrificed time, resources, even their lives that we can have the ability to enjoy these freedoms, we say thank you. For those who have been granted the wisdom to put together a structure of government that we enjoy, the wisdom behind it, we say thank you. Now we turn our attentions to the proceedings of this day. We thank you for the collective wisdom in this room. We pray for the mayor as he presides over the affairs of this city. That you will grant him the wisdom of Solomon. You'll grant him the humility of Moses, the patience of job and the love of Jesus Christ in his heart.

[10:19:11 AM]

We pray for city councilmembers that you will grant them a keen sense of the welfare and true needs of our citizens and those who live, work and play here. We pray, lord, god, that they will have a keen sense of -- and a desire for justice and righteousness. That they will work harmoniously together. We pray, lord, god, for the decisions that will be made today that they will not be motivated and influenced by personal agendas or self preservation or self aggrandizement but they truly will be motivated by that which is benefiting and beneficial by all those who live, work and play in this city. Lord, we surrender the affairs of this meeting in your hand with the hope that one glorious day the affairs of this world will be surrendered to you who will be king of kings and lord of lords. In Jesus name we pray, amen.

>> Mayor Adler: Thank you. Personal privilege, an announcement, councilmember alter and then councilmember Houston.

>> Alter: Thank you. In light of the wildfires that our friends in southern California are experiencing, I wanted to share with folks an opportunity to learn more about the wildfire risk here in our own community. The Austin fire department is working with one of my neighborhoods, the Jester neighborhood, to do a live feed webinar this evening using their new 3D sim table. They will have related videos and a powerpoint. And the goal of this exercise is to encourage residents to take action to reduce their wildfire risk. There's much of this risk that is up to our residents. And so I wanted to share that url so you could participate tonight at 7:00.

[10:21:12 AM]

It will also be available afterwards for viewing at the same location. It's <http://www.jesterhoa.com/firewise-webinar.html>. I think this is the first time they will be doing this live on the web and I think it's a really important opportunity to understand some of the challenges we face as a community and the risks that we face with respect to wildfire. Thank you.

>> Houston: Thank you, mayor. I would like to thank the employees of watershed protection and public works departments as they announce a huge accomplishment in the north acre subdivision of district one. The reopening of bluff bend drive. On March 11th, 2016, the bridge which is the connection from the neighborhood to Graham elementary school failed and was closed because of safety concerns. The departments assumed the responsibility of repairing the bridge. They encountered challenge after challenge, weather events, the need to detour the water from the creek bed, the need to rebuild the creek bed with huge concrete blocks, rerouting communication equipment and meeting with and scheduling ongoing communications with the affected neighborhoods. I am so appreciative for the men and women of watershed and public works for making sure that the neighborhood was updated on a regular basis about the construction of this bridge. This bridge will open to -- is opening today and when I leave here tonight I will drive across it for the first time since March 11th, 2016. I want to thank all of our city employees for that effort.

[Applause].

>> Mayor Adler: All right.

[10:23:13 AM]

Let's go ahead and we'll call this meeting to order. It is Thursday, December 7th, 2017. It is 10:22. We are in the city council chambers here at city hall, 301 west second street. Let's look at some changes and corrections, which should be noted. Item number 15 is related to item number 36. Item number 30 and 52 are both postponed to December 14th. Item number 31 is withdrawn, and I would note that it's withdrawn because it is also on the agenda for next week, and it remains on the agenda for next week,

but it's withdrawn from this week's agenda. Item number 50 is also withdrawn. Item number 47 is postponed indefinitely. Item number 45 is postponed to February 1st. And item number 72 is related to item 101. So 101 remains on the consent agenda, is that right? Yes? Okay. So 101 remains on the consent agenda. Items being pulled... Item number 5 is being pulled by mayor pro tem and councilmember kitchen requesting a 4:45 time certain, which means no earlier than 445.

[10:25:13 AM]

Item number 25 is pulled by the mayor pro tem. Item number 26 and 27 pulled by councilmember Houston. Item number 29 -- and also on item 26 and 27, we noted that councilmember troxclair wanted that pulled until next week. Do you want to discuss that next week or do we just postpone that until next week?

>> Houston: I think we need to get a sense from the dais on whether they want to postpone it. I'm fine on postponing it, but I don't want to make that decision.

>> Mayor Adler: Let's pull 26 and 27 and we'll have that conversation. Item 29 pulled by the mayor pro tem and councilmember kitchen a no earlier than 5:00 time. Item number 33 has -- needs to be pulled because it needs to be heard after 99. Item number 58 and 61 are being pulled by councilmember Casar. Item number 59 is being pulled by councilmember Flannigan. And then also item number 57 is being pulled by me so that we can discuss that after our lunch/executive session. And then I have item number 9 being pulled by speakers.

[10:27:17 AM]

Item number 14 being pulled by speakers. Those two items being pulled by speakers. So let me go through them again. Yes, councilmember kitchen?

>> Kitchen: I think maybe -- I don't know if the mayor pro tem was going to speak to this, but item number 32 we had talked at work session about perhaps changing the date it was postponed to. So we may need to pull it for that. It looks like we need to pull it for that.

>> Mayor Adler: Pull item number 32, okay. Yes.

>> I misspoke on the addendum item 101, it's a zoning matter so not on consent.

>> Mayor Adler: Got it. So let me go through this. Yes, councilmember alter?

>> Alter: For item 31 being withdrawn I just wanted to point out that we will still be discussing the matter under item 70 in executive session today. And then I wanted to add \$200 to item 55 in support of the Turkey trot.

>> Mayor Adler: Okay. And I think my office is also going to support that and be handled directly. Yes, councilmember kitchen and then councilmember pool.

>> Kitchen: I also wanted to point out for item number 30, which is being postponed to December 14th, we are going to talk in executive session about item 69, which is related to that.

>> Mayor Adler: Okay. Councilmember pool?

>> Pool: I also wanted to add some waiver funds from my office to the Turkey trot. And we'll make sure that amount gets identified.

>> Mayor Adler: Okay.

[10:29:17 AM]

Councilmember Houston?

>> Houston: I have a question on 72. Is that staying on consent?

>> Mayor Adler: 72 is not on consent. Our consent agenda goes up to item 62.

>> Houston: Then I have a quick question on item number 21.

>> Mayor Adler: Okay. So we'll pull item number 21. Is Adam conn here? Adam conn? Okay. So let's go through this from top to bottom. Yes, mayor pro tem?

>> Tovo: Mayor, I'm just looking over item 55, which is the Turkey trot item. Thank you for your willingness to help support it. You are not an official co-sponsor, so it's my understanding if you wanted to add some fee waiver money in here, then the appropriate time to do it would be to specify the amount right now. If you want to think about it, we can get back to it. But anyway, thank you councilmember kitchen for adding to it. And if any other colleagues would like to, as Nikki Hupp on my staff indicated on the message board, you can add your name as an additional sponsor or contribute additional money if you're not currently a sponsor, but we need to do it before we pass it.

>> Mayor Adler: Okay. So hopefully I'll hear from my office here shortly to give me direction on that, but if not --

>> We can just pull it.

>> Mayor Adler: Let me see if I can get back an indication here quickly. I would also point out today that councilmember Garza is out on city business. And councilmember troxclair certainly involved, she did a message board post for us yesterday. Yes, councilmember pool?

>> Pool: I can specify \$200 for the Thanksgiving Turkey trot at this point. Thanks.

>> Mayor Adler: Okay. So going through the agenda here, I have item number 5 being pulled and no earlier than 4:45.

[10:31:19 AM]

I have item number nine being pulled for speakers. Item 14 being pulled for speakers. I have item number 21 being pulled by councilmember Houston. 25 pulled by the mayor pro tem. 26 and 27 by Ms. Houston. We'll discuss postponing that. Item number 29 being pulled to be considered no earlier than 5:00. Item number 30 on consent is being postponed to December 14th. Not being pulled. Item number 31 is withdrawn. Item number 32 being pulled by the mayor pro tem. Item number 33 will be heard this afternoon after we hear item number 99. Item number 45 being pulled to February 1st. Item number 47 being postponed indefinitely. Item number 50 being withdrawn. 52 being postponed to December 14th. 53, on 53 nominations, councilmember troxclair has requested that we remove Evan Autry's name from the nomination list. She said that she would communicate with other council offices about that, but that's her nominee. I think she wants to pull that. So Evan Autry's name I guess pulled from that item. Item number 57 is being pulled and heard later in the day. 58 pulled by Casar. 59 pulled by Flannigan. 61 pulled by Casar. Anything else before we talk to speakers on the consent agenda? Councilmember alter.

>> Alter: I just wanted to confirm that you said that 32 was pulled?

[10:33:23 AM]

>> Mayor Adler: Item number 32 is pulled by the mayor pro tem.

>> Alter: And I thought earlier you said you were pulling 55, but I didn't hear it this time.

>> Mayor Adler: 55 is the Turkey trot. Hopefully before I pull that I'll have a number -- I'll put in a number here if I don't hear from my staff. I'll put in a number and hope I haven't overspent my budget allotment.

[Laughter]. In fact, let's go ahead. I will contribute \$100 toward the Turkey trot. All right. Speakers on the consent agenda, are we ready? All right. So let's first call up Mr. Pena, Gus Pena. Is he here?

>> I am, mayor.

>> Mayor Adler: Okay. As the speaker is coming down, I just want to also announce that as of a few minutes ago Diane and I are grandparents for the first time.

[Applause]. Thank you. So I'll be flying out to new York in the wee hours of tomorrow morning so let's make sure we finish this meeting.

[Laughter]. Mr. Pena.

>> Good morning, mayor and council. Gus Pena, native east austinite, proud united States Marine Corps veteran. It's a shame that -- I didn't forget, but let's remember what December 7, 1941 is all about, the bombing of pearl harbor. And Franklin Delano Roosevelt, the president at that time, said a day that will live forever in infamy. My stepbrother, Lucio, number 2 there, there's four lucios, he is a Navy veteran,

and he suffered in pearl harbor. He was wounded so I want everybody to take a moment, we'll just take seconds, should be more, to remember the pearl harbor day that the catastrophic attack by Japan.

[10:35:34 AM]

And they're our allies now. But our veterans that suffered. And I think everybody has forgotten about what pearl harbor is and December 7, 1941, so I'll not forget that because my dad was a World War I veteran and he suffered because of his first son Lucio's wounds over there in pearl harbor. I hope no one will forget this because you non-veterans don't know what it like to suffer as veterans. I'm a proud Marine Corps veteran and I'll continue speaking. Number 28, it's a family loan to the renaissance project to the tune of -- not to exceed \$800,000. And so if this is the case, you know, I would ask why this much? There's five cafes. And people don't understand what it is all about. That's why I was asked to bring up this issue. Anyway, I'm going to leave it at that. 51, yeah, number 51 is regarding transportation, approve an ordinance amending whatever to correct speed limit 20 miles per hour on river place boulevard for students attending river place elementary. That's a no brainer around the elementary school. The schools particularly should be slowing down to 20 or less. Remember students' lives are at stake. Is it appropriate on 97? I'm sorry, she gave me the -- 58. Okay. Well, I'll wrap it up because I think that's all I had to do until the other items come up in the agenda. But please, please, you non-veterans and maybe the veterans that have forgot, I suffered because of my dad's suffering and my stepbrother died in 1953 of -- he had serious problems with lungs and they put him in a lung.

[10:37:38 AM]

We just want to remember our veterans who suffered catastrophic losses and the parents who suffered catastrophic losses in pearl harbor on December 7, 1941. Don't forget that. Remember our veterans and thank you very much.

>> Mayor Adler: Thank you. David king? And as he's coming down, for the clerk I have two pieces of paper. I don't know if I need to read them in the record. Would you tell me, please? They were two waivers handed to me. Do they need to be read into the record, one approving a waiver residency requirement. So waivers approving the waiver of a residency requirement in section 2.1-21 of the city code for the service of Bobby Johns on the building of fire code board of appeals and also approving of waiver of the residency requirement in section 2.1-21 of the service of Jennifer Stevens on the mbe/wbe program advisory committee. Also, approving appointment of Christina moon to serve as the city's representative to the southeast Travis county mud number 2's board of directors. Mr. King?

>> Thank you, mayor, mayor pro tem and councilmembers. And thank you for your service. And thank your staff too for their good work and hard work that they do. I know they do all the work behind the scenes to make y'all look good up here and I know they work hard and I want to make sure that they know that we thank them for their work here as well. I'm speaking on item 54 and I'm so glad that councilmember alter, you're sponsoring this, and mayor pro tem tovo, councilmembers Renteria, Garza

and pool are co-sponsor this item. It's really important to me personally because we know that without enforcing our laws against domestic abusers that have firearms that we're going to have more deaths.

[10:39:41 AM]

And I think it's important that we move forward with this resolution. I hope that we can include a component to this that would enforce existing requirements to ensure that abusers are registered properly. That that information is properly registered at the federal and state and local levels consistently so that we can hopefully avoid mass deaths that we've experienced. And I tell you personally, this is important to me personally. You know, I've told you about my father who served in Korea. And he got injured in Korea and he suffered for decades from his injuries. And he is one of these abusers that we're talking about. He was an abuser. He beat up my mother. And he would pull out his gun and threaten to shoot her. And we have seven kids in our family and we would all jump on him and try to stop him from doing that. As I relive those moments and tell you about that, I quiver because it's frightening to me, still today. And it's by the grace of god that none of us were shot by my father. He would pull out the sawed off gun and the bullets were, I'm not kidding, that long, five or six inches long. Scary. So this is important. It does matter. And I tell you what, even if it doesn't end up -- an abuser doesn't end up shooting somebody, at least taking their guns, their weapons away, will help those families like mine who lifelong thing that I'll never forget about. But I think it's important to share that with you so that you understand how important this is.

[10:41:44 AM]

And how much I appreciate this resolution and what you're doing here today. And I still forgive my father for what he did because I know he was sick. I know he was sick.

[Buzzer sounds] Thank you very much.

>> Mayor Adler: Mr. King, thank you for sharing that publicly. Councilmember alter.

>> Alter: Thank you, Mr. King, for sharing that. One of the things that this resolution adds to our legislative agenda are ways to close the loophole that allow domestic abusers to have access to guns. The connection between domestic abuse and gun violence is strong and there's more that we can do to prevent that kind of access. And thank you, Mr. King, for raising the importance, a big part of this resolution is to change the way that we think about gun violence and sort of to say enough is enough. So thank you.

>> Kitchen: Mr. Mayor, I'd like to add my name as a co-sponsor to item number 54. And thank you, Mr. King.

>> Mayor Adler: Is Michael Mendoza here? Actually, this item has been postponed indefinitely. Don't need to speak, okay? Thank you. Those were all the speakers that we had on. Is there a motion to

approve the consent agenda? Councilmember pool makes the motion. Is there a second?
Councilmember Casar. Again, the items being pulled are 5, 9, 14, 21, 25, 26, 27, 29.

[10:43:46 AM]

31 is withdrawn. Being pulled 32, 33,. 45 is being postponed. 47 postponed. 50 withdrawn. 52 postponed. 53 pulled. We had the name -- 53 remains on the consent agenda. 57 is pulled. 58 and 59 and 61 are all pulled.

>> Kitchen: Mr. Mayor, I think you may have forgotten to mention 30, which has been postponed to 12-14.

>> Mayor Adler: 30 was postponed to -- yes. Okay. Anything else? It's been moved and seconded. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais with councilmembers Garza and troxclair off. Okay. That then gets us to our agenda. Let's call up the abia concession agreement questions. We pulled 9 and 14. 9 and 14. So we have seven folks signed up to speak on item number 9. Do we want to call them up first before we start? Does staff want to lay out for us item number 9 before we go to speakers?

[10:45:46 AM]

What I'm going to do is call you here so you can kind of lay it out. We'll have the speakers and I'll give you a chance to come up again if you want to respond.

>> I'm Jim Smith, executive director of the airport. Item 9 is one of a series of packages that were put together on award the concessions. Number 9 specifically is proposed to be awarded to host, which would be the third large master concessionaire coming into the airport. It is actually three packages associated with item number 9. I think the issue that some of the speakers want to talk about is f-8, which was one of the subpackages in that number where we are recommending the award of those contracts to the 24 diner and parkside restaurant in the airport. And I think the speakers are here to talk about alternatives to that.

>> Mayor Adler: Okay. Let's call up the speakers and then we can talk. The first speaker is Kent black. Is Mr. Black here? And then Edwin Wilson. Katie Wilson will be on next.

>> Good morning, mayor, city council. It's a pleasure to be here. My name is Kent black and I'm the pit master at the original black's barbecue. And I'm also the owner of the original black's barbecue. And I'm here to speak in support of the parities PDF to have the original black's barbecue at the airport and Threadgill's at the airport. I'd like to tell you just a little bit about my company. We opened in 1932. We've been in business for 85 years and as far as we can tell we're the oldest barbecue joint in Texas always owned by the same family. We have locations in Austin at 3110 Guadalupe.

[10:47:51 AM]

We're also in San Marcos, we're in Lockhart and we are not affiliated with the black's on Barton springs road. We've had five generations of our family be in our family business and we are a family business owned by the same family since 1932. We work in the business ourselves. We are a -- we've had my grandfather actually started the business in 1932. My dad after he came back from World War II, New York the business along with my mother for over 60 years. I'm the third generation in the business. I have adult children who are in the business. My son Barrett black is here. Barrett, can you raise your hand? And so we're proud to be a long time business. Personally I've lived in Austin since 1991. My family lived over in Barton hills. And we've been just so happy to be a part of the Austin community. My kids went to the Austin public schools. They went to martin junior high and they're proud graduates of Austin high. I've tried to do as much volunteer work as I can. I've been president of the south Austin little league, started a boy scout troop in south San, volunteered at Austin city limits for 10 years, which was a big joy to do that. I go to church downtown at the methodist church here. And we own -- my wife and I own four properties in Austin. It would certainly be an honor to represent Austin at the airport with our food and our barbecue. We've been blessed with black's with a national reputation for the last 85 years. We're very custom to -- very accustomed to serving large groups.

[10:49:54 AM]

We were recently hired by apple to serve 3,000 people. We've served 4,000 people for Amazon and plus we do our small caterings and our day-to-day business at our restaurants. So I would ask you to consider us --

[buzzer sounds]

-- For the rfp and it would be a privilege and honor to serve Austin. Thank you. I'd be happy to answer any questions.

>> Mayor Adler: Thank you very much. Eddie Wilson? And then on deck is Darryl Benton. Mr. Wilson, you have three minutes.

>> It's been so long since I've been here, I feel kind of like the little kid that just wouldn't talk year after year after year until finally one day at breakfast he said "Who burned the damn toast"? And they said why can't you talk until now? He said "Up until now everything has been okay."

[Laughter]. This is what you call trying to buy time and I've got until now when the buzzer goes off and nothing else is for sale. Dire straits played the armadillo world headquarters and that's the theme song of why I need to be in the airport. I don't know if you saw the flare that I put up just recently in the newspaper. The property tax, rent and insurance has increased at our downtown location from just under \$6,000 a month to \$39,800 this month. It's not sustainable, but I've got to do the best I can. There are 190 people working there and I think we turn out some of the finest food in the world. At a very reasonable price.

[10:52:00 AM]

I notice the blacks' and I are the only people wearing work shirts with our names on them. I saw a lawyer southcross outside and he said you didn't dress up much for this. I said I wear this everyday. I'm proud of what I do. My stepfather got us to Austin in 1948 and I spent my first career at the armadillo trying to bring music from autism over the world to Austin. And the result was when we got to feed them they went back and told everybody "You really need to go to Austin." I don't have to go anywhere in the world again except New Zealand and they need our food terribly.

[Laughter]. But I do find it a real privilege to be able to cast my bona fides back to the armadillo and beyond. I'm real happy to be from Austin, Texas. It's the best thing my stepfather ever did for anybody to get them out of Mississippi and get them to Austin. Y'all come see me when you're hungry.

>> Mayor Adler: Thank you.

[Applause]. Darryl Benton is up and then after Darryl Benton, Rick Garrett is on deck.

>> Good morning, mayor Adler and city council. My name is Darryl Benton. I'm executive vice-president of business development for hms host. And we're very proud of your process. The airport advertised had several outreach meetings, our good friends from parities are being recommended for package 11 so our company hms host along with our avdv partner the Garrett group achieved over 25% participation. I think we doubled that of most of our competitors. And I would like to yield my time to our local partner Mr. Garrett and yield the other time to our brand partner SHAWN who is going to speak on behalf of 24 diner and some of our local brands if that's okay, mayor.

[10:54:09 AM]

>> You will each have three minutes.

>> Thank you for your time today. This opportunity for a small business owner such as my name, my name is Rick Garrett, and I'm a resident of the city of Austin. And this opportunity is tremendous in the fact that my partner and I Damon, he's the ugly one, he -- we've really been trying to get into the airport for a couple of years now. And it's been a really hard process to get into the airport because although we have food and beverage experience, the airport is a completely different animal. We don't understand some of the layout, the buildouts. And so for us to even compete in this space we've had -- we had to find a partner such as hms host to do a few things for us. Number one to help guide us through this process. Number two, to be a mentor for us to help us navigate the airport. Number three, to be a strong capital partner. It's expensive to build in the airport and they have been generous with their time and their leadership. They have also been very generous in terms of our partnership with the 25% equity partnership that they're allowing us. You know, a couple of things that I would say in terms of what they have allowed us to do with this process is be very involved in the concepts that we've decided to partner with to throw out to the airport. To be very involved in who we chose to partner with

in terms of the restaurants. And although I'm a fan of a lot of restaurants in Austin, and certainly I go out a lot with my family we only had a select few of options to choose from based on the rfp that was allowed.

[10:56:12 AM]

So you will hear from a couple of our partners here that we decided to select. A lot of those reasons was number one that we liked the food. And number two, did we feel like their brand would bring Austin to the airport? And we felt like we did a pretty good job with our proposal. We felt like we did a great job with choosing our partners, our local partners to come out and be a partner with us at the airport. And certainly, you know, we feel that this is a great opportunity for a small business, a small avbde certified business to get in the airport, get mentor ship and really develop our brand in the airport with the partner of hms host. Thank you.

>> Gus Pena is on deck after

[indiscernible].

>> SHAWN is also a speaker.

>> Mayor Adler: Yeah, yeah. After Mr. Sircule. I have SHAWN sircule. And then after him I was giving notice to Mr. Pena that he will be on deck.

>> My name is SHAWN sircule. I am the chef at

[indiscernible] On sixth street. The irony of life is my grandfather started Imogene's garage on airport boulevard in 1946. And in 1968 he spoke at council to move the airport from Mueller and downtown, and of course I'm here today to speak to move out to the airport, so the irony. Growing up over in 51st street and doing all my sports at dellwood and being a part of the community and being a part of Austin there's a lot of great restaurants and a lot of great people and we're just excited to have the opportunity to put a restaurant at the airport. The investment that we made in downtown and the opportunity to continue to invest in Austin and the future and for our staff and our team.

[10:58:16 AM]

So thank you very much.

>> Could you restate the name of -- your name and --

>> My name is SHAWN sircule and I'm the owner of parkside.

>> Thank you.

>> Mayor Adler: Thank you very much. Mr. Pena? And then on deck is Dan Willis.

>> Good morning again, Mr. -- I mean, mayor and councilmembers. Gus Pena. I've known Eddie Wilson for a long time, although for a United States Marine Corps veteran he tends to forget Gus Pena. I've known him for many years and also the black family because we used to go to Lockhart in the 50s and early 60s before our dad passed away. You know, there's no way we can get a contract for all three of these -- I wish we could. All three are good. But I didn't know about them otherwise I would have said something positive. I've known Eddie Wilson for many years and of course the black family also, especially on Barton springs road. This is tough for me. This is tough for me. Three good businesses. But I support Mr. Eddie Wilson and, of course, the blacks also. Had I known this was going to happen I would have said hey, let's try to get a contract for all three because they are all good. The gentleman who just left, I can't remember the name, but it's needed in Austin. We need good restaurants and good interaction and -- but I'm here to support Eddie Wilson and also black's. It breaks my heart because I usually go with the -- and I'm going to say it, I hope it doesn't seem disrespectful, the people of color. My black brothers and sisters, we're tight in east Austin and even in the Marine Corps, but I'm here to support my friend Eddie Wilson and the black family.

[11:00:26 AM]

I wish we could have three contracts so that this group that just left would be included also. Anyway, mayor, again, please, please, please, put this on your agenda. You are running for re-election. Don't ever forget December 7, 1941. It breaks my heart nobody mentioned it, nobody, not even the news. Anyway, you're a good guy, good leadership. Probably I would make a better mayor than you. Just kidding.

[Laughter] My wife would kill me. He's turning red. No, no.

>> Mayor Adler: Sounds like an election announcement to me.

>> I'll say it in Spanish if you want me to. You are a good leader. We need affordability. I know I'm not supposed to speak about affordable. We need affordability. Even losing good businesses. But anyway, Eddie Wilson, who is a United States Marine Corps veteran and black's. Thank you very much.

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

>> Good morning, mayor, council. My name is Dan Wheelis and I want to say congratulations, Steve, on this new young un. The best.

>> Mayor Adler: Thank you.

>> I'm down here because, frankly, Gary Keller, who you all know is a benefactor of music and live music in Austin, has asked me to step up and help Eddie and Threadgill's. We know there are winners and losers in this contract process.

[Siren]

[11:02:31 AM]

Okay. We know there are winners and losers in this process, and it's unfortunate. But in this case there are winners and losers for the entire city of Austin. Threadgill's and armadillo is bed rock, and Gary sees them and I know you all see them also as bed rock for music and the music history and heritage of this town. So we -- we want you to pay attention to the fact that essentially these two concessionaire contracts were tied. They both essentially have the precisely same score. I think it's .26 difference between the two. And so it is virtually a tie and we believe that enabling Threadgill's to stay downtown is such an important feature for our community that it's worthy of your support. Thank you very much.

[Applause]

>> Mayor Adler: Thank you. Those are all the speakers that we have signed up. Does staff want to respond? Close? Address the issue raised? And then we'll come to the dais.

>> There's nothing really to respond other than these scores were close; however, the 24 diner and the parkside were a little bit ahead and that's why the recommendation was made. I'd be happy to answer any questions.

>> Mayor Adler: How significant is the .26? Difference.

>> It's just the Normal purchasing process of scoring all applicants on a set of criteria and averaging what those scores are.

[11:04:36 AM]

In this particular case, the criteria used is prior experience, 15 points, management and operations plan 20 points, proposed concept 35 points, financial proposal 30 points. And the scores in each of those particular areas and added up the scores and you've seen the results in the information that we've given you.

>> Mayor Adler: Would you say the .26 is a significant material difference? If something was 10 points apart or 20 points apart, can you express an opinion as to whether or not that would be a material change and this is effectively the same, or is .26 a material difference?

>> .26 is a close score. Whether it's material or not, we have other examples, as a matter of fact the other one pulled for discussion, that's the difference between number 1 and number 4 and there's a substantial difference in scoring between those two. This one is a little different. The scores were very close.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I had some questions about the scores specifically, and I'm not clear on how appropriate it is to ask these in the context of the public hearing so I'll just ask them and if there are things we ought not to be talking about in open session, then I would ask that we talk about them in closed session. And I apologize that I didn't have an opportunity to reach out to you before, but this really just hit my radar as an issue yesterday when we heard some concerns from the public. But can you talk us through the

financial proposal? It appears to me that parides scored higher than hms host. What were the components? Was it revenue back to the airport?

[11:06:39 AM]

Was it other factors? If you could help us understand that. And I guess I'm going to have similar questions about the other areas of scoring, and I see someone rising to perhaps say this is better for an executive session.

>> Good morning, mayor and council, assistant city attorney. I can't speak to the contents of any particular scoring area. To the extent you are asking for the evaluation criteria, the components that made up what the review panel reviewed and looked for in each one of the proposals, that's certainly appropriate to be discussed here. I would suggest that there are always in a situation like this confidentiality concerns with respect to the contents of a proposal that confidentiality is protected under certain aspects of state law and that confidentiality belongs to the proposer. To the extent the proposer has chosen voluntarily to waive as to the contents of their proposal or has not designated confidentiality in their proposal materials, that information may be discussed to the extent it doesn't -- to the extent it contains confidential information. I can't specifically say what particular information may have been designated confidential but those are the considerations in your discussion.

>> Tovo: I have a related question. So we've heard some testimony about which businesses are included in which proposals. Is that information that can be made public here today or is that also part of the confidentiality of the proposers?

>> To the extent that may be designated confidential, I can't say categorically one way or the other what information was designated confidential and what was not. To the extent any of the proposers have voluntarily come forward and identified as being part of the concept, that's obviously in the public record at this point and that's open for discussion.

>> Tovo: Mr. Smith, do you know whether the businesses included within each proposal has been designated as confidential by the proposers?

[11:08:40 AM]

>> No, we have not asked them if they would give up their confidentiality for public discussion.

>> Tovo: So I think then you are saying the information about which businesses are in each proposal is confidential.

>> I'd be seeking help from the purchasing or the law department on whether that's accurate or not.

>> Tovo: I'm beyond confused.

[Laughter]

>> I think you have to look at the documents to figure out whether or not they would be marked as confidential and it would take time to do this.

>> Tovo: I think we're going to need more time on this is my guess. Can someone describe for me what components you were looking at to discuss the weight of the financial proposal? I mean, I see the criteria. It's not clear to me what kinds of elements were being reviewed as part of their criteria. Prior experience, management operations, proposed concept, financial proposal. If I could get some more information about proposed concept and financial proposal, those would be a good start -- well, all of them actually I'd be interested in more details about each of these components.

>> And after we checked and determined what we can release or not release, we'll be happy to get back to you.

>> Tovo: Okay. Thank you. Mayor, maybe it's appropriate to postpone this for a week. I hate to do that. We have a crazy week next week too, but I think we're going to need some more information about this.

>> Mayor Adler: I would assume that since we have two applicants that came up, you indicated that any confidentiality can be waived by that entity, right? And so we can talk about at least the two entities that -- that didn't win it because they have come up and publicly declared

[inaudible]. So that now is public and has been waived. Is that a fair inference?

[11:10:40 AM]

>> I think to the extent that the two were components of the second ranked respondent's proposal that is obviously -- that's been I'm not mistaken, the -- several of the speakers were for franchisors that would be a part or a component of the concept on the package but may not necessarily represent the entire package that was proposed.

>> Mayor Adler: So with respect to those two it may be broader than those two and they couldn't waive for the balance of the package.

>> That's right and because they are also not the proposers on the --

>> Mayor Adler: What the mayor pro tem proposes makes sense to me to be able to get the information out. Is there a problem with any prejudice or harm in delaying this with the question or request that would be given additional --

>> If we can get them back on the agenda next week it won't be an issue for the two you have pulled for speakers.

>> Mayor Adler: Okay. Mayor pro tem?

>> Tovo: I'm happy to make that motion or support somebody else's. I wonder if somebody from purchasing could remind us about the new contact solicitation. I've gotten email this morning and I

don't want to be sure we don't hear directly from everybody who shouldn't be communicating directly with us and thus disqualify that team. If you would remind us the provision of the no contact solicitation, that would be helpful.

>> It's my understanding that the no contact -- that the anti-lobbying ordinance was put in place for the solicitation. The no contact period is in effect. There is designated a contact person for the solicitation for any of the respondents. Any of the respondents who wish to speak on behalf of their proposal need to direct their communications through the contact -- the authorized contact person as designated in the solicitation and set out in the anti-lobbying ordinance.

[11:12:42 AM]

>> Tovo: Just sort of in regular ordinary terms, none of the affected businesses should communicate directly with council. Is that my basic -- is my basic understanding of that right?

>> That's right.

>> Mayor Adler: Thank you for making that public. Let's go to Ms. Pool. I'll come back to you for that motion, mayor pro tem.

>> Pool: I think the one caveat to that is they are all, of course, welcome to talk to us in this setting because it's entirely public so lest anyone go away with Mr. Wilson speaking has jeopardized his application, that's not the case.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I would just echo I would really like to understand these categories, in particular the prior experience. So I'm not understanding what all is looked at in terms of prior experience, particularly since it appears that two businesses that have been in Austin for eons have lower experience, if I am understanding correctly. But in any case, I think if you can respond to the mayor pro tem's question about the components of these areas, that would help us understand that.

>> Mayor Adler: And I understand the comments just made by councilmember kitchen in terms of experience. We have received some indication that because there's federal funding involved the fact that it's an Austin centric business is not something that can be taken into account as we discuss this from the dais so it shouldn't be a criteria we take into account. But I understand what you said to be very different from that and talking about experience.

>> Kitchen: Yes.

>> Mayor Adler: Councilmember Houston.

>> Houston: Mr. Smith, there are several different poems that -- proposals that we're going to be voting on so at some point in executive session or some other way to communicate this legally, how did you make those decisions about which proposal goes in which package?

[11:14:52 AM]

Because as I look through other packages, some people are scoring much lower than any of the proposed award person or the two offers. So I just need to know more information about how you decided which packages were which.

>> Since we'll be coming back next week, we can put all that together for you and get that to you in the coming week.

>> Mayor Adler: Mr. Casar.

>> Casar: I would suggest after there is some debate on whether to postpone this or not that we consider whether or not some of the stuff can be handled throughout the day for us to learn some of this information given that next Thursday's agenda is going to be so long that I don't know whether the law department is able to compile some of that information and help us out today considering we may be postponing other items. So I just wanted to raise the idea of this being something that if it's possible for us to get the information today and for folks to feel comfortable taking a vote, I would -- I'd be interested in learning that and figuring out for myself whether or not it's something I could handle today given how much stuff may be piling up for next week. But ultimately I'll leave that to the dais. It is important for me to understand the objective criteria the best we can because I probably speak for lots of folks on the dais we love eating at all the places and all the businesses that have spoken up today and I want to do my best to make the decision based on -- and I think all of us on the objective kareithi so that we are -- criteria so we are being as objective as possible. So that information once we get it, it would be helpful to figure out whether or not I can make that decision today considering how arduous next week might be.

>> Mayor Adler: The question is is it doable for you to get us the information during the course of the day or do you need more time?

>> No, we can do it today if you prefer.

[11:16:52 AM]

>> Mayor Adler: Should we get the information back and touch base this afternoon and see if we're ready? Okay. I'm sorry, councilmember.

>> Tovo: I would say we can certainly try. The challenge with trying to sort out a complicated issue on the day of a council meeting is that we're all here sorting out other complicated issues so whether we could individually get to an understanding of the material once they compile it is questionable, I think.

>> Mayor Adler: Why don't you go ahead and see if you can get that today and if we're not in a position to be able to do it we can punt on it.

>> Houston: Mr. Smith, how many proposals are we looking at today? The number for everything.

>> You've already passed everything but two, two of the packages. So the only ones you have left are 9 and 14. And you really are only talking about one component of 9. To host we awarded three different packages and you only have one under discussion. So you could actually pass the other two if you chose to or just wait on all three.

>> Mayor Adler: I think we want to focus on the third. Is there an objection to passing the other two?
Councilmember alter.

>> Alter: I just have a question. There's no [inaudible] Across these different packages where if we had a group that was higher ranking over here that you could somehow suggest maybe that should be over there?

>> Part of the procurement process, once we've defined the package, we can't modify it because that's what you are bidding against is the criteria we establish for that package.

>> Alter: Okay. And then either now or later for the bids in question that we're looking at if we narrow it down, I'd like to know if they've agreed to abide by the labor piece conditions.

[11:18:55 AM]

>> They have all. It's a requirement to be in the solicitation process.

>> Alter: Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: One quick question. Could you explain to us a little more about how you do packages? In other words, what's the difference between packages? Is it location within the airport or is it the size? In other words, I'm curious about the question that councilmember alter asked, why are you just not bidding across the whole airport. Why are they in packages?

>> Well, one, we're not doing the whole airport because two years ago the council awarded all the contracts for a new 10-year period to the [inaudible]. So we only have the new 9 gate expansion that will be open in a year, plus two or three smaller locations that exist today, but the contracts are up.

>> Kitchen: Okay.

>> So that existed what our playing field was. The airport makes a decision do you want a master concessionaire and put all the locations out for one entity to run them all which a lot of airports do. We chose to break ours up into 15 packages to maximize the opportunity for small players to compete with the larger players was the driving force. Then we tried to link them in a way we thought made some sense to those people who are going to be proposing on them so there would be synergy from a staffing and supply standpoint and things like that.

>> Kitchen: Okay.

>> So primarily to maximize opportunity for people to participate in the airport is why we had 15 packages total.

>> Kitchen: Okay.

>> Mayor Adler: Councilmember pool.

>> Pool: Building a little on councilmember kitchen's question earlier on the prior experience as you are assembling the information to bring back to us hopefully later today, could you also highlight whether the prior experience means out at the airport as opposed to just in the business.

[11:21:01 AM]

Because I could see where if prior experience is always going to be higher for somebody who has already had experience at the airport, it would be difficult for somebody to break into that to get a contract with the airport. So would you be able to bring us that level of detail?

>> We'll look at all of that stuff this afternoon.

>> Pool: Thanks.

>> Mayor Adler: Councilmembers, this will come back to us again. Questions we ask now might be helpful in terms of what comes back to us. We have some people that have signed up on item 14 and I would give them a chance to speak in case they daylight a question that staff can be responding to in material they bring back. Councilmember alter.

>> Alter: I just wanted to clarify. I had understood earlier you were saying .26, but it's a 2.6 difference. Is that correct? I'm looking at my backup and it says 81.84 for host and 79.24 -- I'm sorry, those are for the same one. That was my mistake. It just happened to be the same number. Sorry.

>> Mayor Adler: That's okay. Ms. Houston.

>> Houston: I'm not clear about what the difference between the different packages with host are. So you might need to help clarify for me what are the differences in package 2, package 6, and package 8.

>> We can get you that.

>> Mayor Adler: All right. So without objection we're going to lay on the table item number 9 and let staff come back to us and we'll touch base a letter in the day to see if we're going to act. I'm going to call up speakers on 14 in case they highlight issues we want to make sure staff responds to. Let's go to Rebecca Kahn. Is Alexis Sanford here? Thank you. And you also have donated time from Ted plasco.

[11:23:03 AM]

Is Ted here? You will have seven minutes. And on deck is Eric Smith. Is Eric Smith here? And you have donated time to Victoria Pennick. Five minutes and you'll be deck. Ms. Kahn.

>> I'm the owner of not anymore, LLC. I believe the recommendation of express spa is not an Austin first choice. We made this case to the airport advisory commission and they agreed with us and unanimously voted to make not anymore the recommended offerer. Please note on the recommendation for council action in your backup the line break at the bottom of page 1 cuts off the commission recommendation. You've got to scroll to page 2 to read the entire sentence recommending not anymore. Also is the national chain of airport spas. I'm here today to ask you to please confirm the recommendation of the airport advisory commission and award the contract to my company not anymore. Not anymore is an Austin success story. Since 2002 we've grown our business at the airport from nothing into the thriving small business it is today. We've had 15 years of proven year over year growth at the airport and increased revenue for abia every year. We've enjoyed a wonderful 15-year partnership with the airport with no city staff complaints. In fact, every contract extension we've received has been a validation of our good work. We embodied Austin values in our mind in six key ways. First, we create happy austinites. A third of our business are repeat local customers. Second, we have a second full, stable workforce. Many of our therapists have been with us 5 to 15 years. Third, we do good work. We get rave reviews from our customers, some of which you will hear shortly from another speaker. Over and over again we hear this is the best massage in the country and we get people to the airport well before flights to ensure they get their massage. We work to do good. From the thousands of free 15-minute massages we've provided members of our military from 2003 we understand our community and give back to it.

[11:25:14 AM]

The final way we embodied Austin values is we keep it weird. We're the only airport business in the country to offer acupuncture. We're a small, efficiently run authentic and stable business. We're on site and accountable. Our site manager has been with us since day one and forged deep relationships between other airport staff and management. We are 100% fully certified as an a cbde in a city of Austin woman owned business. 100% certified. We built this business at the airport. Wither the airport's eager partner in 2001 when they were looking -- 2002. With the airport's support and our creative ideas, we've built two thriving revenue centers on otherwise unusable concrete real estate wedged between a bank of windows and a staircase. This business model wouldn't exist at abia if it weren't for the love, care we've put it in. As a customer asked, why should someone less invested bear the fruits of your labors? We've steadily developed new concepts and services resulting in a now massively expanded footprint. We've not been idle these 15 years. I too share some concerns about the application of the scoring that's included in your backup and we were scored fourth. Number 1, previous experience, we were scored lowest for previous experience. The airport advisory commission was concerned about this and we are too. I would ask you to consider just how much experience this just formed express spa entity called express spa airport LLC has in running a chair massage business at the airport. Only one company on the planet has a 15-year history of doing just that and we were scored the lowest for previous experience. Second, the teeth of our proposal, truly the management and operations plan and the proposed concept were highly competitive. In fact, we had the second highest scoring proposed

concept, which is truly the teeth of this. 3, financial. We appreciate the importance of creating a strong financial return for the airport.

[11:27:18 AM]

Our financial proposal was a continuation of the upward trend of annual rent we already paid to the airport. A number that is currently 21 times the amount when we first began. An amount that seemed to be wholly satisfactory to the airport to date given numerous contract extensions over the years. We have increased rental revenue for the airport every year for the past 15 and our proposal showed a solid plan to do it for 10 more. Are the potential gains to the airport with express spa potentially higher revenue perhaps a more slick buildout, worth the erosion of customer good will. I would like to share words from David lauderstein. Many of our graduates have gone on to become therapists who work at not anymore. I have found no other massage employer in the Austin area with more good reviews from employees. Many have longevity unheard of with years of experience and still enjoy working there. I have received chair massage at the airport every time I travel. An expert chair massage can set one off on a journey with a remood sense of calm, adventure and health. This is lacking at my travels in other airports. The chains give perfunctory service that are rubs by mostly bored and not well trained individuals. The chair massage as well as the table massage and acupuncture are health care services. As such compromising on quality would be comprising on health benefits to the consumer. I have final thoughts. Does a massive market presence for a service business result in a better service? Unlike a retail business where economies of scale can produce a better product, a service business doesn't gain benefit from this phenomenon. Our particular success is our business is micro, not macro, tenacious, not top-heavy, and customer focused, not shareholder centered. What type of statement will the city make about what we value as a community, culture, airport?

[11:29:19 AM]

Does the city value a long-term partnership with a you a then tick Austin owned business? And has cultivated Lee Johns of grateful and repeat customers. Over the last few weeks I've been humbled buoy the outpouring of positive activity and love. From the many emails and calls from customers to unwavering staff to customers and friends who have taken time to come to city hall today. In fact, could everyone here for not anymore please stand up? In closing, I encourage council to uphold the airport advisory commission's recommendation and choose our city's very own home grown 100% acdbe women owned business enterprise not him for this contract award. Thank you.

>> Mayor Adler: Thank you.

[Applause] Hold on a second, please. Mayor pro tem.

>> Talking points?

>> Mayor Adler: Give to it the clerk. But you have a question from the mayor pro tem as well.

>> Tovo: I have just a couple quick questions. I think you included in your testimony how many employees you have.

>> We have a large staff. We have about 25 people working for us now at the airport.

>> Tovo: Thank you. And I want to just touch on something you said with regard to the financial piece. If I understood your testimony, you were saying that you now pay 21% more --

>> 21 times.

>> Tovo: I'm sorry, 21 times your initial revenue -- I mean rent and each year that rent has increased.

>> Sure, yeah.

>> Tovo: And in putting together your proposal you projected out increases for the next period of time.

>> Similar revenue, similar rate of -- rate of rents, exactly. It's just continuing what we've been doing essentially with the consideration that there will be increased profit coming into the the proposals we've made to our concept.

>> Tovo: Great. Thank you. And thank you for the business that you've created out there.

>> Thank you.

>> Mayor Adler: Next speaker, Eric Smith.

[11:31:21 AM]

You have five minutes. And Chelsea local is on deck.

>> Hello. My name is Eric Smith and I've been involved with not anymore at the airport since we started in 2002. I've been a massage therapist for 29 years and lived here since 1980. Not anymore is the recommended and qualified vendor by the aviation commission and I'm here to reiterate the points that helped them come to that conclusion. My role at not anymore is that of site manager and massage therapist. I handle all day to day responsibilities including staff, supplies, I.T. Equipment, maintenance and customer service. I also do massage three days a week. So I'm truly a hand on manager. Not anymore is a local woman owned company. We are not publicly traded. Share holds are the city of Austin, the aviation department, our customers and therapists. Ultimately we are held accountable by their satisfaction and all of our business decisions start there rather than from a stockholder's return on investment or market valuation. We're an iconic, long standing presence for a reason, we provide outstanding service. Customer satisfaction is the driving force for our business. We've served hundreds of thousands of customers and met their needs. We are very highly rated on yelp, mentioned in the surveys as a positive part of the airport experience, and wife had numerous testimonies provided by our customers. We go above and beyond by offering massages to flight crews, active military, repeat customers. The bottom line and the one that should count for something is that we serve our customers at the airport with unmatched quality and consistency for the last 15 years. Our relationships with the

airport community have been stellar. I make engaging with the managers and airline clubs, city services, aviation department and other vendors as part of my worklife.

[11:33:26 AM]

I come to the mayor of -- kind of the mayor of airport town. The airport is a working community that's like no other in Austin that affords opportunities to be part of something much bigger than ourselves and to be ambassadors to this great city, for this great city. Our relationship with the aviation department has been a partnership that has involved consistent and sincere communication and remained friendly the last 15 years. This relationship has always been based on trying to find the best way to serve our airport's need while at the same time grow our business. We have a history, not promises built into our proposal. We have a remarkably low staff turnover rate as well. Our present crew has an average tenure of over five years with us. We are not corporate, we are people. Massage services are not the same as making coffee or tacos or selling t-shirts. It requires an extraordinary skill set and an extraordinary staff. To be rated strictly on margins and returns is not take into account what makes a great massage company. To use a well known quote, not everything that counts can be counted and not everything that can be counted counts. If a local home grown highly regarded and well run business can't compete with the big pockets -- deep pockets and big promises of a national corporation what does that say about our city and what we truly value here and what we're trying to represent at the airport. The rfp repeatedly stated that local, quote unquote, matters. Yet in the end this process, particularly the scoring matrix and recommendation from staff failed to honor and adhere to this principle. The commission recommended the short coming and chose us instead. Thank you.

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

[Applause] Chelsea runkle. On deck Charlotte Keith.

>> Hello, Chelsea runkle.

[11:35:27 AM]

I've worked almost five years in January. When I joined the company I was 18, right out of high school, I had no idea the opportunities that awaited me at not anymore. I began as a greeter, but after I experienced and witnessed firsthand how awesome the company was, Rebecca was, the therapists, I fell in love with massage and went to school to become a therapist myself. As soon as I got my license they couldn't get rid of me. I transitioned from greeter to massage therapist. What I love most about my job is the people. Meeting them and working with them and being inside of an airport as unique as Austin's gives our business a huge advantage to interact with clients from all over the world. I've learned so much from people, I learned so much about people just by coming into work. Whether they are departing from our airport or arriving for the first time they can always get that Austin feeling just by walking through the terminal. I feel that sets us apart as an airport and I feel like not anymore is an

integral part of that. For some clients it's their first time, sometimes their first massage, but some make us a regular part of travel agenda. We strive to provide a level of customer service that is unmatched and our clients recognize that. There's no better feeling than being told you've made someone's day. It is so rewarding to provide that pickup for someone and know their day is better because of me and my team. I feel our business is so one of a kind I know I wouldn't have the same experience with any other company. Working at not anymore has allowed me to learn things about myself, Austin, massage in general and provided me, supported me and allowed me to follow my dreams and pursue higher education. The friendships I've made, the clients I've helped, the co-workers slash role models I looked up to and the things I've been able to accomplish because of not anymore have made me who I am today.

[11:37:31 AM]

I owe my success in massage therapy to not anymore. I can't imagine my life or abia without this company and find it especially can say with confidence I honestly love my job and there is nothing like it. Thank you.

[Applause]

>> Mayor Adler: Thank you. Charlotte Keith.

>> Hi. I'm Charlotte Keith and I've been a massage therapist with not anymore for 10 years and acupuncturist for one year. I'd like to share comments that we've recently received from our regular customers. I'm going to read pretty quick so to get it all in. I love not anymore and arrive at the airport early for chair massage before weekly travels. What I've been most impressed with is the consistency and quality of my experiences, always high caliber, always professional. I travel a lot but do not get massages at other airports. My experience with some of the chains at airports in New York and other large airports have been disappointing. I don't feel as if I got personal service, it felt rushed, haphazard and honestly I was concerned with the professionalism of the staff. I will be very sad if I can't get my regular not anymore massage as part of my travel routine in Austin. I've been a customer going on six years now. I'm a big fan of taking care of our small local businesses. It's what makes Austin so special. Our airport is sometimes the first and last impression the world has of our beautiful city. Not anymore represents it well. CARA campos. As a frequent traveler, I've had the pleasure of using not anymore services at abia over the years. I've always had a great experience and appreciate the big level of service the small local service provides. Not anymore is a feather in the cap of the airport and hope it can remain that way for some time. Elizabeth Christian. I've been a loyal customer of not anymore for more than a dozen years.

[11:39:34 AM]

As a frequent traveler, gold for life on American airlines, a list on southwest, I can state without question that the folks at not anymore provide far superior service to any of the chains. In fact, I rarely use massage services at other airports. Randall Larson. With almost 2 million airline miles, I can honestly say I've been to most major airports in the U.S. And have at times used different massage providers including express saw. While the various vendors provided decent service, they don't exceed the great service not anymore provides. Let's keep abia unique and home grown. Keep not anymore. Jeff Albers. Abia has created a bit of a-say cyst with just the right flavor of Austin. If the center of not anymore. I try to orchestrate every arrival with enough time for a 20 minute massage. Tucked away under the stairs little a beacon of breath and calm. I know now most of the therapists and consider them my personal relaxation team. They are masters of their craft and really good humans. I've watched not anymore expand over the years to a new gate with products that extend -- and into foot massage and acupuncture.

[Buzzer sounding] Thank you.

[Applause] Can I give this --

>> Mayor Adler: Give it to the clerk. Last speaker that we have on this, I think is Angela young. Is Ed Jankowski? You have seven minutes.

>> Good morning, mayor, city councilmembers and staff. We are here for number 14. I'm senior director of spas for express spa. Thank you for allowing express spa the opportunity to present to you today. I just would remind everyone we were number 1 in the rfp process and that we also have 14 years experience in airport.

[11:41:41 AM]

I would start by sharing a little about our culture. A little over a year ago we reinvented our culture as a team to represent care, connect, -- monthly expressions of gratitude to all employees. Each month they get a little something to remind how much we care about them. Years of service pins are given for years 1, 3, 5, 7, 10 years. Each is designed differently. Birthday cards are sent to each employee with a \$25 gift card. We add bonuses to our spa concierge along with spa and assistant manager. This creates a great team effort. Express spa is a good corporate citizen. Our benefits package certainly stands out. We offer health insurance, medical, dental and vision. Full tuition reimbursement for massage education, referral wellness to all employees, abilities to transfer within the company, opportunity for advancement. Many of our managers start out as therapists. Higher earning potential due to number of services offered at express spa. We also supply uniforms to all employees. In Charlotte, North Carolina we recently took over a former position. We promised a position to every person including our manager. We even promoted their manager to senior manager over our existing manager in the same airport. We partner with local massage schools for recruitment. In Houston, Miami, Orlando and Atlanta, due to hurricane Harvey and Irma, express spa was forced to close several locations in some case for up to a week. Despite this express spa continued to pay all employees for the time they worked and would have worked in services they would have provided had the spas remained open.

[11:43:44 AM]

Express spa received numerous thank you cards and letters from all their employees. Express spa is good for Austin. Express spa creates jobs. Express spa pledges to hire any current existing staff including managers who would like to work for express spa. We welcome them to our team. Express spa will have additional positions available by virtue of offering a greater array of services. Express spa will incorporate local elements into the Aus spas. Cash wrap inspired by Austin art cars, neon signage inspired by south congress street, large art wall inspired by sixth street mural, air stream super graphic to keep express spa a U.S., Austin weird. Light fixtures salvaged from Austin's past. Local retail partners would be 512 organics, essential oils and aroma therapies handcrafted in Austin. Milk honey, hair products by Claire Moses. Legal farms founded by Ellie who hand makes organic soaps and flowers and scents. Vito soaps and sea weed bath company by Jennifer Ellis. Community involvement. Free massages at keep Austin weird festival and 5k, partnership with spray tx Austin art collective, work with local artist truth. Express spa fits Austin's changing profile. Just like Austin express spa is dynamic and evolving with new and exciting plans for future growth. I thank all of you for your time. I am here to answer any questions as is Ed Jankowski. I would also like to add in the customer service aspect, we are someone that takes a lot of pride in customer service and we seek that on a daily basis.

[11:45:55 AM]

Recently our airport in dfw won two awards for best service in both high and local volume out of all the concessions in the airport so it is something we take great pride in.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Without objection, we're going to lay this item on the table and we'll bring it back up later today. Let's discuss quickly, if we can, the items number 26 and 27. This is the item councilmember troxclair asked to pop a week. Any -- postpone a week. Any objection to postponing this? Ms. Houston pulled this. I think she may have wanted to say something so let's hold off. The question I asked was whether there was any objection on the dais to postponing this for the week as councilmember troxclair had requested. You had pulled this item. I want to give you a chance to address it if you want to.

>> Houston: Thank you, mayor, for allowing me that privilege. There's some things that maybe we need to get on the record again so that when we come back that the -- the Texas facilities commission has an opportunity to address because some of the things we've asked for they are not in backup. So hopefully they will be able to do that. And my main concern is about the communication with the constituents to make sure that people have a way to contact the commission to -- if there are problems and also make sure that the commission will be able to alert constituents when there's going to be a road closure or

something so they can make alternate plans. I didn't get a real sense on Tuesday that they were willing to do that so I just need to make that public.

[11:47:59 AM]

>> Mayor Adler: Okay.

>> Houston: I think Mr. Gonzalez is our conduit so if he had take that back.

>> Rodney Gonzalez. Yes, councilmember, Texas facilities commission Peter moss is in the audience and so he certainly has heard your concerns and will get a response to council.

>> Houston: Before we vote the next time. Because we wouldn't have got it if we were going to vote today.

>> Mr. Moss understands the urgency of Thissen a I'm sure he will work on a response to council.

>> Houston: Thank you, mayor. I would like to move to postpone -- I'm sorry.

>> Mayor Adler: I'll come back to you for that motion. Councilmember alter.

>> Alter: Mr. Gonzalez, I just wanted to make sure for outstanding questions we've posted to Q and a those will be answered -- they may have been answered the last time I looked at Q and a right now, but last time I looked I had a few questions I would appreciate having answered before we vote.

>> Yes, councilmember, we're working feverishly to answer all the questions. Some came late but we're working to answer all the questions.

>> Alter: Thank you.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks, yeah, I see pending next to a couple questions I asked too. I did get information about the trees and the tree location and I just want to review this, put this out there since I am supportive of postponing and main we can get more -- maybe we can get more accurate information coming back on the 14th. So I did ask for information on the cost for the trees in the city and state -- the city right-of-way and the state property, how much -- what the species were, caliber size and estimated relocation costs. Because the dollar figure I had heard staff giving to the state sounded low to me. And I still have those concerns. So I wanted to raise a couple of questions that hopefully can be answered and in the interim maybe we can get a better cost estimate since the state is willing to -- to accept this item as part of the interlocal.

[11:50:11 AM]

The \$130,000 that was estimated to move three of -- to transplant three of the trees, my question is does the \$130,000 -- and it's divided into each of the three trees. Does it include changes in value over time? Is the state willing to agree to compensate the city of Austin for the actual cost at the time of the relocation? For example, we might say it's \$130,000 today, but the state may not or the city may not be actually moving to remove them for another significant period of time. And I don't want us to be stuck with a smaller amount of money. We need to be compensated fully for the cost for transplanting those three trees. And then I would like further definition on what transplanting is. Where are they going and does the cost include the state compensating the city of Austin to ensure that the trees live? It's one thing to transplant them, it's another to maintain and make sure they are sustained if we're going to spend the money to move them. And then I do have questions, there is a proposed 25 trees proposed for removal, two are heritage trees. I would like to know the status, the health status of those two heritage trees and where they are located. And get some better information about what -- what is recommended by the -- our urban forestry staff and city arborist as far as trying to save those heritage trees.

>> All right. Thank you.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: I make a motion that we postpone until December the 14th both items 26 and 27.

>> Mayor Adler: It's been moved to postpone those items. Any objection to that? Hearing no objection, that item is postponed till next week. Thank you for that. Ms. Houston, you had a quick question you said on item number 21?

[11:52:21 AM]

>> Houston: I just wanted to know about the purpose of the \$35,000 stone wall.

>> [Inaudible].

>> Good morning, mayor and council, councilmember Houston. I'll have the project manager address that specific question.

>> Good morning, robin camp, project manager, public works department. That was an item from the site development review. Just before we took it to bid. There's a water quality feature there that they asked for a higher level for fall protection, essentially. So we weren't sure exactly how tall that would need to be so we made an allowance until we cleared the comment.

>> Houston: I'm sorry, explain to me you made an allowance until you cleared the what?

>> So we needed to go to bid so we could move forward on the project and we haven't quite finished the site development review. So there was a question as to whether a retaining wall near a water quality feature was four feet or six feet so we put an allowance in the bid item so when we finished getting it past the site development and had a complete design it could be accounted for in the bid.

>> Houston: That makes sense. Thank you.

>> Uh-huh.

>> Mayor Adler: Ms. Houston. Okay. Is there any objection to passing this item number 21? Without objection, item 21 passes. Yes.

>> Tovo: Did somebody move approval?

>> Mayor Adler: I just asked for it summarily.

[11:54:24 AM]

Certainly somebody could move. I called it up and asked if there were objection to it. Does somebody want to move that? Ms. Houston moves that. Is there a second to that? Any objection to approval? Hearing none, it's approved. The next item, I don't know we have a couple minutes here. Mayor pro tem, on item number 29 -- item number -- what was it? It was the special events, number 32. I'm trying to do something we could do quickly.

>> Tovo: Sure. Yes. Mayor, we had a coverings about this. We may be able to have this quickly. So on Tuesday we had a lengthy discussion about the time period in which this would return and I suggested that we not -- that rather than the April date that the staff suggested, that we have this back at our first council meeting of the new year which I guess is scheduled for February. Councilmember troxclair did suggest that we have a conversation today. I think the staff are going to prepare a list of contentious points and we have a bit of a discussion today, but I'm happy to forego that and just get the information from staff via writing and postpone this until February. I would just make the additional point that as I said on Tuesday, it seems to me, I think one of the points of contention that has arisen is it involves the 20% -- involves the process by which impacted neighbors can -- can weigh in, and the staff ordinance has proposed changing that. As I said on Tuesday, that was the product of lots and lots of discussion and compromises as part of the street closure task force so if that stays in the staff recommendation, I'm planning on switching that back -- making an amendment to switch it back to what we currently have in the code. To me that wouldn't be a reason to delay for several months to hash that out.

[11:56:26 AM]

I think it's inappropriate to change it and I'm going to move that we amend the ordinance to keep it as it is. That was one of the couple things that was cited as points of disagreement around which we could have stakeholder meetings.

>> Mayor Adler: We have two speakers

>> Mayor Adler: Okay. We have two speakers signed up. Do we want to get to them, then citizen communication? Let's do the speakers that are signed up on this item. First speaker is David king. Do you want to speak on that? And then James Russell. Are you on deck?

>> Tovo: Mayor, are they speaking about the postponement?

>> Mayor Adler: Yes.

>> Tovo: The options for postponement?

>> Mayor Adler: Uh-huh. Mr. Russell, is he here? Okay.

>> Thank you, mayor, mayor pro tem, and I concur with mayor pro tem's point about the amendment she's proposing, to me, in terms of postponement, however it relates to postponement, if the council were to make that change today, I think that solves my major concern with the -- with the special events ordinance, although I understand there were other things that maybe event producers want to discuss. So I don't object to delaying it, but I do think the delay should be as minimal as possible so we can get this ordinance adopted. Thank you very much.

>> Mayor Adler: Okay. Mr. Russell? You want to speak to the postponement date issue?

>> I'll be super brief. I have kind of this unique perspective, I think, to offer. As a member of the zilker neighborhood association executive committee, and also as an event person. I do think that the notification process, as it pertains to the neighborhoods, should be back in at some level.

[11:58:28 AM]

Something that has been offered up and I've talked to David about this as well is perhaps the creation of a commission that would oversee or hear these things so that they don't always have to go back to council for approval or to handle some sort of disagreement. The other thing is, I think that the ordinance itself is really close. I think that there should be another stakeholder meeting with the folks just to hear some last few things I think can easily be worked out, so for what that's worth.

>> Mayor Adler: Could you get that accomplished and have it done by February 1st?

>> I think that that's possible. I've talked with Jason and Frances, and I feel comfortable that it can. Yeah.

>> Mayor Adler: Is staff here? Thank you. Is staff here? There was a memo where you asked for an April postponement. What do you think about the February 1st coming back to council?

>> We can make that happen.

>> Mayor Adler: Okay. Mayor pro tem moves to postpone this till February 1st. Is there a second to that? Councilmember alter seconds that. Any discussion? February 1st.

>> Tovo: And just to reiterate why I'm suggesting changing the date, it's been for years since the council passed the first and second reading of this, and it's time to get it done.

>> Mayor Adler: Any objection to postponing till February 1st? Hearing none, this is postponed. That gets us to -- thank you very much. That gets us to citizen communication. So we're going to talk about that. We have to make sure that we're back in executive session room by 12:30. That's a hard time for

us. Okay? So let's do citizens communication. Steve Swanson is first. After Mr. Swanson will be Karen Sironi.

[12:00:28 PM]

Mr. Swanson.

>> Good morning. I'm Steve Swanson. I hope to have a powerpoint available to me. I'm here as a grandparent. A new one, last six months, and 20-year volunteer in Austin and Texas public education. I'm here to talk about our opportunities to improve our governing of how we use land, our codenext process. The purpose of the presentation is to inform the council and the public of our opportunities and our responsibilities that existed in the imagine Austin plan since 2012. And the plan then was a plan for planning, and it's how we go about planning. And we're going to talk about how we are doing and how do we know how we're doing. Taking over opportunities and fulfilling our responsibilities. Then we're going to talk a little bit about opportunity to improve. From the imagine Austin plan, there was a lot in the plan that was written about leadership and the simple notion is, we're going to partner up, do this together. Government is transparent. There's a variety of quotes here. You can read them on your own, but it all led to, we're going to work together as a community to achieve this. And in one section, it actually pointed to the joint committee of the city and aid, as well as the county working together, and leading, actually being the leader in education. We're going to major and evaluate how we're doing along the way. This is mentioned in several parts, especially in the implementation part. We're going to monitor and evaluate to learn. And people matter. It spoke a lot -- a lot of quotes, a lot of comments about how we're going to value people, respect them, and actually overcome some of the -- those -- help those who have overcome opportunities in the past. And then in the implementation portion, it actually says that the elected officials are going to participate in detailed work plans.

[12:02:29 PM]

The work plans are to connect the community stakeholders, they're going to be regularly monitored process, going to be monitored to learn, and we're going to assure the effective use of community resources. How are we doing? Well, we're not doing well. How do we know? The aid school board resolution on codenext is an example, that they didn't feel like they were part of the process, and in the open records environment, we've obtained about 2,000-plus pages, and none of them revealed that any elected officials participated in creation of the plans. Measure and evaluate to improve. The same. Same. A lot of pages, but nothing that spoke to evaluating the use of our money and our time, or connecting the -- how well we're doing, connecting the stakeholders and how well we're doing actually following and implementing our plans. And then there's been lots of forms I'm sure you guys know about throughout the area. People matter. Not doing well. Actually, page that comes --

[buzzer sounds]

-- Out of the -- okay. Just look at this one. This is a big one. We need to know that the rejection of the impact of land on education in the code is not good. I'm sorry, I didn't realize I was taking so long. Please read the whole thing.

>> Mayor Adler: [Off mic] Karen sironi, and on deck is Jim nias. You have three minutes.

>> My name is Karen sironi and I have spoken to you before about speed cushions and how they hurt our disabled citizens. After the last time I was here, councilmember alter arranged a meeting with four managers of the Austin transportation department. Her aide, John Woodley and myself represent the community.

[12:04:35 PM]

You only see me because there are a lot of people who cannot come forward because of the way our health insurance system is kind of questionable at this point, so that's why I'm here. And to remind you, I showed you a picture of my spine. At that meeting, we gave a list of concerns. We offered other solutions that wouldn't be as painful to people with spinal injuries. We got absolutely no response. I was hoping that we were going to get together as a group with other people of my constituency and talk about it and talk about the other solutions that we could come up with, and there was no response. I asked Robert spillar three times in an email, after him stating that the speed cushions were Ada compliant, how did they determine that, what measures did they use, what tests did they run, because traffic logic had done none of that. After those three emails, he finally forwarded an email to the Ada coordinator with the city of Austin, and his response was, which I believe you have, stated that even though he tried really hard to find a lawsuit about the use of speed cushions, he could not, and, there was, deemed them Ada compliant. On what planet does a lawsuit determine the use of a structure that causes pain in people with disabilities, maybe not disabled, but people with musculoskeletal issues? As a card-carrying member of the disabled community, as deemed by the United States of America, I'm here to tell you these speed cushions hurt us. Anything with a vertical incline is going to hurt us. There are other possibilities. And we're not even looking at it. We're just pushing the speed cushions on the community.

[12:06:40 PM]

And I'm asking one of you, please, or all of you, step up, have a conversation with us, have a conversation with the Austin transportation department, because they've not looked at other possibilities. I can tell you that jester, who is represented here today, got more than 500 signatures, and their speed cushions are being removed. Why is my neighborhood not being treated equally? I had --

[buzzer sounds]

>> Mayor Adler: Go ahead and finish your thought.

>> I can go out and get signatures, but I have spent so much time on this, and how much money did that meeting cost the city of Austin with those four managers? So please, take this up and happy holidays.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Mr. Nias is speaking, and after Mr. Nias, we have Brian Seay on dick.

>> I'm Jim Nias, here on behalf of the Flower Hill Foundation, which is a charitable foundation which operates the Flower Hill Urban Homestead Museum in the Smoot House, it's both city and state historic almost and in the National Register of Historic Places. My purpose here today is to request the council to set a hearing on a rough proportionality appeal, under section 212.904 of the Texas local government code. On September 7th, just three months ago, I delivered to each of your offices a written request for this appeal and this hearing, and I brought additional copies with me today, which I'd like to hand out to the council if you'll accept them, or at least present one to the clerk for the record. But the concept of proportionality, just to give you a little bit of background, is that it's -- first of all, it's a constitutional concept, recognized by both the United States and Texas Supreme Court, and the idea is that when, in the course of obtaining a land use approval, public dedications or improvements are required, or fees in lieu thereof, are required, those dedications or fees should be roughly proportional to the need generated by the project.

[12:09:00 PM]

Earlier this year in the course of getting a conditional use site plan approval for the cultural services or museum use for the museum, they were required to pay approximately \$14,000 in fees for off-site sidewalk improvements or for a fund for that, despite the fact that they had reports from two transportation engineers from two very prominent engineering firms here in town, which gave these reports on an auto pro bono basis, they're not paid reports, and concluded that the museum use actually has a lesser impact on the transportation system than the uses that were being made of the property before. So there's no impact, there's a lesser impact, and certainly no rough proportionality to the \$14,000 in fees, which I know seems like a little bit of money to you, but it's a lot of money to the museum, a nonprofit struggling to provide this very valuable cultural service from the Smoot House to the city and the public. And so I'm here today to -- and there was no -- by the way, there was no temporary evidence from the city staff, so I'm here to ask you for a hearing on the mechanism provided by state law to have you review the fairness of this, and that's what I'm here to ask you to do. I don't know if you can do it, if you're posted to do that now, but I'd like you to consider what we're asking you for and, at some point, give us a hearing on this matter. Just let us be heard and make our case to you. You're probably going to hear from the city staff if they've deemed it -- deem it appropriate to talk at all, that --

[buzzer sounds]

-- We didn't follow the procedure for appeals under the land development code, but that's not what this is. This is not under land development code. We didn't want to appeal our approval. This is under a state law that provides for this mechanism. So, mayor, may I -- I don't know if council wants these or just --

[12:11:01 PM]

>> Mayor Adler: You can hand them to the clerk. We can hand them out, and manager, if you could have the legal department send us a memo or something to educate us on that or respond to that.

>> Tovo: Mayor? I apologize, I have a quick question for this speaker. So you were talking about a museum and cultural services use, and I missed the name of it. I missed which one you were talking about.

>> It's the flower hill -- it's the flower hill museum. It's kind of a new museum. It's in the old smoot house if you're familiar with it.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Thank you. Next speaker that we have is Brian Seay. Not here? Oh, I'm sorry. Not here, so then next speaker would be Shawnee Merriman, and on deck is pat valles-trelles.

>> Hi. My name is Shawnee Merriman. I live in district 10. I have three kids, age seven, for your recollection and almost two. They each have or hopefully will attend nature's way preschool in zilker park. Nature's way is a magical based school run by the city of Austin and staffed by city employees on the campus of the nature and science center. Classes are held in a small, historic limestone trail house, kids spend 80% of their time outside, rain or shine. They hike in the preserve, visit bobcat, owls, other creatures on campus. It's my son's favorite place on Earth, maybe my favorite too, and we're not unique in our zeal. Parents camp out to get a good spot in line at registration and there are currently more than 300 children on the wait list. There's one change that needs to happen at nature's way, though, and you all are the people who can make it happen. Please extend the school year. The current academic year at nature's way started on September 18th and ends on April 30th. For contrast, aid started almost a full month earlier on August 21st, and ends on may 30th.

[12:13:03 PM]

That's a full month later. Plus, students can go only for four days, so a four-year-old who signs up for the most possible days at nature's way will attend school just 113 days a year. Aisd preschoolers get 177 days. That's 36% fewer days at school. Our kids get 64 days less, or over three full months of school days less. Nobody would ask -- ask aisd to chop off three months' worth of school days from their academic calendar so we shouldn't do that at this school. I'm politically and civically active, so I know you all care about education and understand the value of preschool. You know the early learning positively affects brain structure, kids that go to preschool tend to go to college more and grow into healthier adults,

emotionally, developmentally, and socially. We don't want our kids to be just 64% ready for life in kindergarten. We want them to be 100% ready, just as prepared as their peers at other Austin preschool programs. Lastly, this is an equity issue. It's nearly impossible to secure child care for two random, non-summer months. There are no week-long camps in September once public school has started. There are few, if any, day cares that will take a child for the month of may. For families who do not have time or financial athletic, the months when kids are not in school are a logical nightmare. It excludes a lot of Austin families. These are gaps that are a barrier with two working parents or lack financial flexibility. Removing that barrier would be good for Austin as a whole. I know city council has made a commitment to improving excess and equity in city programs. Your hands may be tied for programs that run through the school district, but you have a wonderful opportunity here to do this -- to extend nature's way school calendar. I'm certain this is a budgetary issue, and I know we're a long way off from debating the next city budget --

[buzzer sounds]

-- Which is why I'm bringing this to your attention now.

[12:15:05 PM]

I and other nature's way parents look forward to working for you and your staff to make this change a priority.

>> Mayor Adler: Thank you.

>> Ms. Merriman?

>> Mayor Adler: So this is not noticed on this topic in our posting. It was "To be determined." So we can't pick up this topic and talk about it from the dais.

>> Alter: I just want to tell her someone's here to talk to her.

>> Mayor Adler: Okay. Do that.

>> Alter: Ms. Merriman, I just wanted to let you know that Kimberly Mcneeley, who's acting director of the parks department, is here to talk with you.

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

>> Houston: And I can't ask a question about this, either?

>> Mayor Adler: Not substantively, no.

>> Houston: It's just questions. I don't need an answer, but I didn't even know this school existed. I didn't know it was a city school, and I want to know what the demographics are of that school.

>> Mayor Adler: Okay. All right. Next speaker is pat valles-trelles. And on deck is Carlos Leon.

>> Thank you, mayor, councilmembers. My name is pat valles-trelles. I am here to speak about animal services and the term live release rate. That is a term that is used to measure success, and I believe it's inappropriate that it is the only term used to measure success. In 2010 -- 2010 when the no kill plan was passed we talk about finding homes for dogs and cats. Now we talk about live release rate. That hides the fact that adoptable friendly cats and kittens are returned to the street without a caretaker, and there's not even an attempt to find homes for homeless, vulnerable kittens and friendly, adoptable cats. Live release rate also hides the fact that the animal shelter closes intake, which they call managed intake, but which often results in someone having to make an appointment, and they can't get in for one month to turn in a cat or a dog they can no longer keep.

[12:17:20 PM]

I think that's closed interest, and that's wrong. In 2010 when the no-kill plan was passed, the plan did not discuss this, and since then, we haven't had a discussion, and since then, the only thing we discussed is the wonderful live release rate. It is wonderful that we're not killing animals at the shelter, but it's not wonderful that we're putting them on the street without a caretaker. It's not wonderful that we are telling vulnerable people who need our help because they can't keep their dog or cat that they can't turn them in. I would like you to make 2018 the year that we stop using live release rate as the only measure of success. The term "Live release rate" hides the fact that we are sending dogs and cats back to homes without getting them fixed, without appropriate screening, and very often dogs and cats are not walked while they're at the shelter, they're not given a break, something that the volunteers have been pleading with you to get done. It affects morale, and again, it's not right that the only measure of success is live release rate. And last but not least, live release rate covers up the fact that there is a lack of commitment to at the time to ethnic diversity and fairness to hiring, supervision, and promotion of staff. In many other areas of city services, you discuss our city's economic and ethnic and racial segregation, and animal services, you never talk about that. I think that's -- it's time to have that discussion. Again, I ask you in 2018 --

[buzzer sounds]

-- To look at these multiple measures and to not use only live realize rate as a measure of success. We have too many other things we would like you to address and look at.

[12:19:22 PM]

Thank you.

>> Mayor Adler: Thank you.

[Applause] Next speaker is Carlos Leon. And our last speaker, Julian Reyes will be on deck. >>

>> Carlos Leon. I [speaking Spanish] Thank you for letting me fight evil in Austin. Photo one on screen now. Work, coffee, companies, public sign on south Lamar

says: Happy f-u-c-k-l-n-g holidays. Photo two on screen now. Owner Noah Marion defended his message.

Quote: I don't feel like you're respecting my different perspective. Ingf-ing isn't a bass thing around here. We interstate that word. End quote. Camera on me now. To defeat his hateful attempt on holiday spirit that is good, clean, and right, I'll now use his f-ing connotation against him. Neither his f-ing feelings justifies his publicly cussing Christmas to disturb the peace for kids and families. To monument himself or his f-ing business. One solution is to starve him out of Austin asap by not purchasing an f-ing thing from him, shrinking his f-ing income to f-ing zero, because he is responsible for the consequences of his actions and free speech, which is poisonous.

[12:21:46 PM]

Another is to pray for Marion's healing, restoration, and salvation, to stop serving Satan and come to Jesus this Christmas. In fact, all who freely and genuinely accept Jesus Christ this holiday season, Jesus Christ as their lord and savior this holiday season, should be welcomed into our Christian family with open arms and true positivity where the F word and fornication are avoided because they go against god's word. Rock solid, timeless principles of the spirit trump temporary feelings of the flesh. Merry Christmas to all, and to all a good night.

[Buzzer sounds] In Jesus' name I pray, amen. Thank you, lord. God bless Texas, the united States of America, constitutional law, and truth.

>> Mayor Adler: Julian Reyes. Mr. Reyes, you're our last speaker. You have three minutes.

>> All right. Hello, council, mayor, and all of Austin's residents. I'm Julian Reyes. I'm a local journalist for the challenger newspaper. I'm a local house advocate too, and you guys know me, I've spoken to you before on these issues. Police profiling and homelessness campaigns are still in progress in Austin under your watch. Being born is not a sin. , Poor is not a sin either. Criminalizing the poor and citizens among us that are poor or disenfranchised is a crime and actually sinful. City legal recently did an audit and gave recommendations to the city council about getting rid of some of these ordinances like no sit, no lie down and other human occurrences that the doj has said are criminal.

[12:23:55 PM]

I don't know what the city has to say about that, but I'd like to hear what you guys have to say about the criminalization that we've spoken about before. We need the city of Austin to basically come and meet, the city of Austin's leaders to come and meet with a challenger newspaper. We've tried to meet with you guys before. Haven't gotten very far. We've met with staff and with Steve Adler out on the streets --

you know, I know Mr. Adler has seen our newspaper. We would like to invite you to come speak with us, the homeless -- I mean the houseless -- I prefer to call it houseless in person, and get our needs, because these other entities aren't speaking the truth, and they certainly don't have any equity at stake, and we do. And things are being done in our name. So there's been some words about a hundred -- 18,000 tickets were given away -- given out last year to the homeless and 75% of those ended up being warrants, so does that tell you you guys are in charge of some criminal things? We have some issues to look at in this fake city. So let's see here, let's look at some bullet points. Not only are these ordinances not useful to not ending homelessness, they're against the mayor's stated goals of ending gentrification and scoping the systemic racism. So this is part of the systemic thing. 81 black people were recently put in the paper as arrested at the arch and that was accoladed by the city and coronal and that's wrong. They keep the poor from getting access to jobs and long-term health, even housing. This will get the city in big trouble for deprivation of civil rights and warrants. These warrants are not actually real warrants. I've had several fake warrants on me. That's a matter of contention. The information I've asked for on the warrants got me a bill for \$8,928, the pr team sent me anonymously.

[12:25:56 PM]

They won't tell me who I'm speaking to anymore. They said as a member of the press, non-profit, I get a \$8,900 bill and a \$738 bill. We need more free information, we need you guys to start communicating with us. That's the only way we're going to be able to get this from going to a different venue.

>> Mayor Adler: Thank you.

>> Anything to say?

>> Mayor Adler: Thank you for coming down.

[Applause]

>> Mayor Adler: Those are all the speakers that we have. We need to get back into the executive session room quickly. We'll now go into closed section to take up four items burned to 551 as of the government code, discuss legal matters related to items 67, dripping springs application, item 69, the ethics review commission subpoena authority, item 70, the lake Austin collective versus city of Austin case, and pursuant to 501, 9071, and 501 074, government code, to discuss legal and personnel items, 68, search for appointment of new city manager. Item 66 has been withdrawn. Hearing no objection, we will now go into executive sessio

[1:56:30 PM]

>>> >> >>> >> >>>

[♪Music]

[4:00:18 PM]

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>> Mayor Adler: Hi. We have a quorum present in the room. It is 4:00. Out of closed session. In closed session we discussed personnel matters related to item number 68 and we discussed legal matters related to 67, 69 and 70. We are now back. Let's see some stuff we can clear out here so that people can go. I understand that aviation wants to be able to visit with principals and visit with the council offices. We're not in a position to be able to move those items forward today. I apologize that you had to be here so long, but we'll have more opportunity so we're going to postpone that until next week. Is there a motion to postpone that item until next week? Ms. Houston makes that motion. Is there a second to that? I need a second to that. Mayor pro tem. Any objection? So items numbers 9 and 14 are postponed until next week. Gives our staff time to be able to flesh out the information. And I think they'll be visiting council offices that have expressed an interest in that so if you want aviation people to come by and visit your office you should let them know that.

>> Casar: Mayor? I just wanted to -- I know you weren't at work session, but on item 58, reverend Horton can't speak later in the evening, so we talked about having him speak sometime between four and 5:00. So he's here. I wanted to bring that up. That's three minutes.

>> Mayor Adler: Let's do that and get to the consent calendar so we can let people go on zoning. Who is here on item 58?

>> Casar: Reverend Horton.

>> Mayor Adler: Reverend Horton, do you want to come down and visit with us.

[4:02:23 PM]

Reverend.

>> Good afternoon, good to see you mayor Adler, mayor pro tem and to all the council. Thank you so much for allowing me the opportunity to come and to share with you during this moment. As you know, item number 58 is an item that is special to a lot of people who live in the city of Austin, especially those who have connections to the St. John's community in Austin. And the reason why I'm here is as a native austinite, as a member of the faith community that belongs to the St. Johns district southern who has been in that neighborhood for over 100 years, I'm just coming to ask the council to give your support to this resolution because I think this is a valuable opportunity for you to make history not just in the city, but this is a valuable opportunity for Austin to set the bar high for other cities in the state and in the nation to recognize the importance of heritage and history of the people who live within the city. I'm sure all of you have received paperwork that you've seen the numbers, that you've seen all types of documents that talk about the great history of the St. John's neighborhood, but we know that with the

property that the city owns there now here is an opportunity for us to make a decision to do something meaningful, to do something significant with that property, but what I'm asking and encouraging to you do is to have a great process that will allow those who live in the community, those who have history, that have legacy in the community, to help lead you in the opportunities to do something wonderful with that property. I think we're having an issue in our society not just in Austin altogether, but we have a failure to understand that when you elevate anyone in your community the entire community gets elevated. So I think this is a great opportunity for you as the city council to stand tall and to show the St. John's community how much you respect and honor everything that has taken place there, everything that community means to the city of Austin, and I just hope that you will vote to go through the process, the resolution provides, and that is to help the community, to help the neighbors, to help the faith community who is in there to help us determine something wonderful to do with that property there that the city of Austin currently owns. So again, I thank you, mayor, I thank you, council.

[4:04:27 PM]

Thank you, councilmember Casar to find a resolution for that property there in the St. John's neighborhood. Thank you, mayor, I appreciate it.

>> Mayor Adler: Reverend, thank you. Greg, do you want to take us through the consent agenda.

>> Thank you, mayor and council. Greg Guernsey, planning and zoning. Let me walk through the items. Starting at 2:00, item number 71, this case can 814-0024, staff is requesting a one week postponement of this case to the 14th of December. Item number 72 c-14-2017-0042, I think I may have one or two councilmembers that would like to address this item so I'll skip item 72. Item 73 has been moved from the agenda and replaced by the addendum item, 101. I think we can still offer that for consent postponement. Staff was offering February 1st of 2018.

>> That's 101 being postponed to February 1st.

>> That's correct.

>> Mayor Adler: Item 73 is being withdrawn.

>> Item 73 is being withdrawn.

>> Mayor Adler: Okay.

>> February 1st?

>> February 1st. If there's another date of next week --

>> Flannigan: Can we take care of it next week? Let's take it off consent so we can have that discussion when we discuss item 72.

>> Mayor Adler: So 101 is off consent.

>> Item number 74 is case npa-2016-0016-.02, we have a request by staff to postpone this to February 1st, 2018. Item number 75 and 76, mayor, these are related cases and I only have people signed up in favor on these. So I'd offer the commission's recommendation and we could offer these on for consent on first reading only I believe.

[4:06:36 PM]

>> Pool: Mayor. If you could go back please to item 74, you said that was postponed to --

>> Mayor Adler: February 1st.

>> Pool: I have a note here that it was withdrawn by applicant.

>> Pardon?

>> Pool: So this is postponed, not withdrawn by the applicant.

>> I have it for postponement.

>> Mayor Adler: Okay.

>> Pool: I imagine your notes are probably more current than mine. This one had withdrawn. Thank you. Item number 75 is case npa 0016-01, staff would offer this for consent approval for first reading only. Item number 76, staff would offer this for consent approval for first reading only. Item number 77 is case npa-2017-005.03, staff is requesting a postponement of this item to your December 14th agenda. Item number 78 is case c-14-2017-0098. Staff is requesting a postponement of this item to your December 14th agenda. I just got a text from one of my staff on item number 74. I'm told that has been withdrawn and there's no action required. It's item number 74, case npa-2016-0016.02. I'll show that as being withdrawn on that item. Item number 79, case npa-2017-0015.03, staff postponement of this item to your February 1st, 2018 agenda. Related item number 80, case c-14-2017-0097, staff postponement of this item to your February 1st, 2018 agenda.

[4:08:38 PM]

Item number 81, case npa 2017-0015.01, this is for consent approval on all 3dings.

>> Item number 82, c-14--2017-0088, this is ready for consent approval on all three readings. Item number 83 is case npa 2017-0002.01. I have an applicant postponement request for this case for one week to December 14th. And item number 84 is case c-14-an 2017-010 a, I have an applicant request for postponement -- February 1st on item 83.

>> Pool: Thank you.

>> And also on item number 84, case c-14--2017-0105, postponement of that item to your February 1st, 2018 agenda. Item number 85 is case c-14-2017-0022. We have a staff postponement of this item to your February 1st, 2018 agenda.

>> Pool: Mayor, I have a question on that one.

>> Mayor Adler: Do you want to pull it?

>> Pool: I'm sure it's a quick question, but we'll pull it.

>> Mayor Adler: That was 86?

>> That was 85. Item 86, c-14--2017-0028. At the work session there was mention that there would be a council postponement of this item. I know the applicant has an agreement to postpone this for one week to December 14th. Item 87 is a staff postponement of this case to the February 1st, 2018 agenda.

[4:10:43 PM]

Item number 88 is case c-14--2017-0084, staff postponement request of this case to your December 14th agenda. Item number 89, this is case c-14-2017-0109, this is a staff postponement of this case to your December 14th agenda.

>> Pool: And if we could pull that too I will have a question on that as well.

>> Mayor Adler: Okay. 89 is pulled.

>> Item number 90 is c-14-2016-0111, this is for consent approval on all three readings, and I note you have a restrictive covenant on the dais in yellow that relates to this case. Item number 91 is case c-14-2017-0114 ready for consent approval on first reading only. Item number 92, c-14-2017-0116, mayor, I believe you have three speakers that would like to address you on this item so that would be a discussion item. And then item number 93, case c-14-2017-0118, I believe you have two speakers that would like to address council.

>> Mayor Adler: Let me have a council. We have people signed up on 97 who are in favor of it. Does Gus Pena want to discuss this item number 97? He's not here. Does George Lopez want to discuss this item if it would otherwise go on consent? No? Melissa fisher, do you want to discuss this if it would otherwise go on consent? Do you still want to discuss it?

>> No, we're fine.

>> Mayor Adler: Then we'll keep that on consent. 97 --

>> Kitchen: But mayor, we're on 92.

[4:12:44 PM]

>> Mayor Adler: I'm sorry, 92 will stay --

>> 92 was a discussion because I believe we have three speakers signed up that would like to address council. 93 I believe we have two speakers that would like to address council.

>> Mayor Adler: We'll have to pull 92 and 93.

>> Correct. 94 we could offer for consent, c-14-2017-0122 for a staff postponement for first 1st.

>> Mayor Adler: 95?

>> Item number 95 is case c-14-2017-0126, this is for a staff postponement of this case to your December 14th agenda. Item number 96, case c-14-78-220, this is a restrictive covenant termination. This is ready for consent approval. And then we had item 110 on addendum, which we mentioned earlier would be a discussion.

>> Mayor Adler: We'll pull that one. So the consent agenda on zoning cases runs from item 73 through 96. And within that --

>> I think councilmember pool wanted to pull item 85, 89 --

>> Mayor Adler: No, I'm going to go ahead and call the ones that are pulled in a second. So the consent agenda, the parameters of it, it goes from item 73 through item number 96, and the items I have being pulled within that framework are item 72, was that being pulled? It's in relation to 101.

>> 72 was a discussion item, that's correct.

>> Mayor Adler: So the ones being pulled from 71 through 96, 72 is pulled, 85 is pulled, 89 is pulled, 92 is pulled and 93 is pulled.

[4:14:59 PM]

And 101.

>> And one more.

>> Mayor Adler: I'll read them again. Did I miss one? 72 is pulled --

>> Was 76 pulled?

>> 76 and 75 were offered for consent on first reading only.

>> Mayor Adler: So the ones being pulled are 72, 85, 89, 92, 93, and 101 was within the parameters I gave you. Yes?

>> Kitchen: I have a question about 96.

>> Mayor Adler: So we want to pull that? Okay. 96 is also pulled. Okay. 73 is withdrawn. Abraham birgani, you don't need to speak on this item number 73? Because it's related to 101 and --

>> It was replaced by 101.

>> Mayor Adler: And you will have a chance to speak when we call 101. So you are signed up on that. 75 and 76 both have people to speak in favor of this that would otherwise be on consent. Milk kel Meade do you need to speak on this? What about Alex Gizinski. Donated time. No speakers on that then. 76, no speakers on that, you're okay to let it go on consent? Okay. Those are the ones that we had speakers on in this group.

>> Kitchen: Mr. Mayor, I can put 96 back on consent.

>> Mayor Adler: 96 is back on consent. Is there a motion to approve the consent agenda? Ms. Houston makes that motion. Is there a second? Mr. Flannigan -- Pio seconds that. Any objection to the consent agenda? Hearing none, it's approved. We have everyone on the dais with the exception of troxclair and Garza.

[4:17:07 PM]

That takes care of that consent agenda. Let's do the housing agenda as we have a consultant that would leave. So I'm going recess the city council meeting at 4:17 P.M. And convene the housing corporation meeting at 4:17 P.M. Today is the 7th of December, 2017, and we are in the city council chambers. Do you want to take us through this agenda?

>> Rosie truelove with the housing corporation. The first item is the approval of the minutes from our September 28th board meeting. The second is to approve an inducement resolution for private activity bond financing for the govalle affordability housing project located on shady lane within the think east pud. And the third item is to approve a resolution authorizing the issuance of Austin housing finance corporation multi-family housing revenue bonds for the housing first oak springs project located at 3001 oak springs drive. I offer these items to you on consent.

>> Mayor Adler: Thank you. Mr. Pena has signed up to speak on the consent agenda. Are you here? He's not here. Those are the speakers. Is there a motion to approve the consent agenda? Mr. Renteria makes that motion. Is there a second? Mr. Casar seconds that. Any discussion on the consent agenda? Yes, Mr. Renteria?

>> Renteria: I just wanted to make a comment that I really want to thank the housing staff for working with the think east development. This is something that we have been working on for over three years now, and I was really glad that we were able to get the money to fix up the street there so that we could have not only Cesar Chavez and haca to be able to build affordable Fuentes that location, so I really want to thank you for that.

[4:19:17 PM]

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

>> Houston: Yes, president, in my backup I have meeting approval of minutes for November 9th. We didn't do that, did we? We just did the September ones? I have September the 28th and November the 9th.

>> It should be just September 28th. I'm not sure, my agenda is only showing September 28th and I'm not sure how November 9th minutes got into the backup. I'm not showing them in my backup.

>> Houston: Here you are. That's fine if we don't need to adopt those.

>> Mayor Adler: I think we can only approve the minutes we're posted for.

>> We'll go back and confirm whether or not this particular set of minutes have been approved and post it on a future agenda if they need to be approved, but I am only showing that we need to approve the September 28th meeting.

>> Mayor Adler: And that's all we can do today, it's all we're noticed on.

>> Yes, thank you.

>> Mayor Adler: Any discussion on the consent agenda? We had the motion to approve. Is there any objection to approve the consent agenda? Hearing none it is approved. Those are all ours items. I adjourn the housing corporation meeting. I now pull us back from recess and here at 4:20 we go ahead and get back into the city council meeting. We haven't taken action on 63, 64, 65 yet.

>> Mayor Adler: Let's go ahead and do the city manager briefing item. Is our staff here, consultant?

[4:21:31 PM]

>> Good afternoon mayor and good afternoon city councilmembers. I am pleased to be back in front of you today. As the public knows on Sunday we interviewed five candidates from around the country for the city manager position. Subsequent to those interviews I had the opportunity to speak with each one of you with a number of references, along with members of your task force. Based on those conversations and based on the interest of the candidates, I here by recommend to city council that you bring back two candidates for a final review. Those two individuals, the first one is Spencer Cronk from the city of Minneapolis where he serves as city coordinator and the second is Howard Lazarus the city manager of Ann Arbor, Michigan. Our next session with these candidates we are recommending take place next week, and it would be a very public forum compared to those meetings up until now. And what we are suggesting to you, councilmembers, is

the following: On Tuesday they will both come back and they will each have meetings with the established groups and Joy will explain exactly what that entails. They'll spend the morning and the afternoon doing that. In the afternoon there will be a public meeting, each one will meet individually with groups of the public from seven to nine P.M. On Tuesday evening. And on Wednesday I would recommend that the city council meets a second or third time in this case with the two candidates for a final and last discussion with them to get any answers -- any questions answered that you still have on

your mind. That will be next Tuesday and next Wednesday after which you will have an opportunity to make a decision in the week that follows.

[4:23:34 PM]

>> Mayor Adler: So I understand the recommendation is we bring back those two candidates on Tuesday. They would be in town, they would be meeting with set programs that you would be setting up with staff and with associations and the like?

>> Yes. So on Tuesday the candidates will meet with four stakeholder groups that will be one, the executive cmo team. The second group will be the affinity groups, a representative from administrator in the affinity group and an operational person from those groups. In addition to that, the third group will be department directors. The acm's have identified two directors from each of their service groups in addition to the three civil service chiefs. And the fourth group will be the, I'm missing one, the associations, the unions. So we have three unions from the civil service and ascme will be associated with those.

>> Mayor Adler: That will be during the day on Tuesday. Tuesday night the public will be invited to meet people.

>> Tuesday night we will have a reception at the convention center and that will include both candidates. One will begin at 7:00 P.M. The other candidate will come in at 8:00 P.M.

>> Mayor Adler: Then on Wednesday before the city council?

>> We're proposing Wednesday morning to allow the council to meet with both candidates prior to 12:00 noon. We'll be working with your offices and with the mayor's office to schedule a special called meeting to ensure your opportunity to interview those two candidates that morning.

>> Mayor Adler: Make sure you get that scheduled. And then when would you propose that the council would get together to make a final discussion?

>> We're currently looking at the 18th and 19th, the week after next, Monday and Tuesday. We'll be working with your offices as we speak to determine the best availability for you to come in and meet with both candidates.

>> Mayor Adler: Okay, thank you.

>> We would be meeting to decide.

>> All those would be meeting on Wednesday.

>> Individual meetings, of course.

>> The week after next will just be a meeting for council to review and make a decision on the top candidates.

[4:25:39 PM]

>> Mayor Adler: On the 18th or 19th you're going to check with the offices and then we'll schedule a special called meeting for the council to meet to make a choice if we are able to do so. Got that. Questions from the dais? Ms. Houston and then Ms. Kitchen.

>> Houston: Thank you,. It's already been a long day. I want to express my concerns and I know that we're trying to get this done and do it right, but to notify the public and get them here on the 13th is that when the public meeting is?

>> The public meeting will be on Tuesday the 12th?

>> Houston: That's even more concerning to me because of the lack of time to get the information out to people and make sure that they understand it. I don't know what kind of flexibility that you have, but we're on the 7th and for my district they need more time to be able to get there, get a reminder, email blast out, tweet and everything to say this is what you have to do. So I don't know how we can coordinate that better, but it's going to be pushing my community to be able to get people there that quickly.

>> Sure. The public information office has articulated that we would like to give citizens as much as time as possible, however based on what we understood to be your desire to have that meeting on the week of the 18th and 19th to review the final candidates, we need enough time to capture the information from all of those who attend and get that information to you in enough time to review it. We can certainly look at the Thursday, the 14th, to host that reception, but we'll have to check the availability of both the two candidates and the convention center in terms of their availability. We have confirmed the candidates' availability on the 12th and 13th, so certainly if you want us to delay it for the additional dates, we can do that, but it will take us some more time to get that information.

[4:27:44 PM]

>> Houston: And I appreciate that conundrum that you find yourself in, but again, this is about the public being able to engage, this is not about us trying to make sure that the candidates are able to get here. It's about community engagement. So I'd be interested in some more suggestions on how we can do it and make sure that people get an opportunity to come meet both of these people.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: Two thoughts. First thought is a suggestion that you keep the stakeholder groups on Tuesday, you keep the council meeting with the candidates on Wednesday, and then try to do the community meetings on Thursday, but I'll leave it to you to see if that will work out. And then the second question is if you could just explain affinity groups. Some folks in the public may not be -- may not understand who we mean by that when we're talking about stakeholders.

>> Sure, if I could address your first point first. On Wednesday night you have a special called meeting as council to address issues and the concerns that were articulated to us from your offices --

>> Kitchen: I said Thursday night.

>> I thought you said Wednesday night.

>> Kitchen: So in other words, Tuesday would be the four stakeholder groups. Wednesday would be our interviews with the two candidates. Thursday would be the public meeting. And I understand that that's spanning three days for the candidates. We may have to do something else. But it's just a thought.

>> I understand. The second thing you asked is affinity groups. So as employees we have groups that are gathered representing our communities of color so we have an African-American heritage network, we have an asian-american network and we also have an hispanic network and an lbgtq group. So each of those have members who anticipate. They have annual events each year to bring awareness to their culture, but they also have other activities and training events and we've utilized these groups and opportunities to create diversity of thought.

[4:29:45 PM]

We include them in on many of our processes, our procedures and in this instances our process for interviewing. So those groups represent all communities of color that we try to incorporate into activities. We also have a group called women to women. They are not an official affinity group yet, but we have utilized them also in the process and we'll be reaching out and asking them to also have representation in that panel discussion. And Dr. Washington wants to remind you that on Thursday night you also have a very extended council meeting.

[Laughter]. So we are trying to go live with the reception so that those who cannot attend can also participate in that. So if council meeting is going that night we will not be able to also go live. So we will certainly continue to look at it, but I was reminded to let you know that you do have an extended schedule already on that evening.

>> Mayor Adler: And I think also didn't we provide notice a couple of weeks ago when we laid this out initially that the public's availability would be back on the -- would be on the 12th and 13th in that time frame?

>> Yes, sir.

>> Mayor Adler: So I think that for the last couple of weeks, when we laid out the schedule before we interviewed we talked about the different people and we said that the public would be meeting during that period of time. So I think there's already an expectation from the public that they're going to be meeting sometime over those couple of days.

>> Houston: Mayor? The assumption is that everybody pays attention to everything that we do, and that's not exactly true for some communities. So we have got to be more intentional about inviting them to this event. And people just don't watch channel 6 like we do.

>> Mayor Adler: I understand. Yes, mayor pro tem.

>> Tovo: I just want to thank our staff and our consultant for am coulding up with a schedule -- for coming up with a schedule that works within all the various constraints we're facing with regard to the upcoming holiday and other kinds of constraints.

[4:31:52 PM]

We have a pretty busy couple of weeks. My question, though, relates to how you will be capturing feedback and will there be an opportunity for staff and managers and others who participate in those conversations next week to provide their feedback in an anonymous way? How will you be collecting feedback from them and then how will that get transmitted to the council? And then the same would be true of the public meeting? Do you have a sense yet of how you will capture feedback from attendees at those meetings and how it will be passed along?

>> Yes, we do. So for the stakeholder meetings that will be take is place on next Tuesday we've been working with Pio to allow each of the participants, we haven't decided if they will have to log on to a link or we will be able to provide them all iPads. But there will be a link where they will be providing strengths and weaknesses of each of the candidates. That information will be documented in one document allowing us the opportunity to simply provide that to you in the exact way for which it's provided. That is the plan for the four stakeholder meetings. For the receptions, the staff has been working very closely with Pio and the plan is to provide a number for them to use as a text. Once they text that number they will receive a link that will take them directly to a survey that will allow them to provide strengths and weaknesses of each of those. We would like at least a day or two to clean that information up so it will be full public and we plan to provide that to Russell renails who will then provide that information to the council.

>> Tovo: And will there be also a paper option for members of the public who attend who don't want to participate on their phone or participate in a linked way?

>> Yes, there will be paper copies for the stakeholder meetings and the public meetings for those who choose not to use technology.

>> Tovo: Thank you. And will the staff who participate be named or can they participate in a way that doesn't link -- that will be where they can be anonymous?

[4:33:53 PM]

>> So if they're coming to the reception, yes, there is the opportunity to submit the information anonymously. We are selecting the people for the stakeholder meetings that will participate, but they also can put their information in to the system anonymously.

>> Tovo: Okay, super, thank you. And with the -- will we have an opportunity -- I appreciate that you will give us kind of a summary, but I think it would also be useful to have the aggregated data as well. If we wanted to plow through all the public comment.

>> You will have access to all the information that we have access to, and that's also why we've delayed the vote until the following week to give you plenty of time to access, read and interpret the information.

>> Tovo: That makes sense to me to have that space. Thanks again.

>> Mayor Adler: Councilmember alter?

>> Alter: Thank you. I, like mayor pro tem tovo, I appreciate you're finding an answer to this puzzle. I was wondering how much time we are going to have with each of the candidates on Wednesday morning.

>> So the schedule is for to you have an hour and a half with each one of the two candidates. Unlike the first two sessions when we helped formulate questions for you to ask, we would very much encourage -- this is time for you to ask your questions, not ours. So we very much want you to have questions for each candidate that you will be prepared -- in other words, it will be a completely open forum for that hour and a half.

>> Alter: And I know you're doing additional due diligence and references. When will you be reporting that additional information to us?

>> All the references will be completed before they return here for the second round of meetings. And those will be -- just to explain what those references look like, those will be 360-degree references meaning that of their bosses, peers and subordinates. We will also endeavor to do what we call soft referencing where we're talking to people who may know these people, but are not formally references.

[4:35:57 PM]

>> Alter: And who will that be conveyed to us?

>> That will be available to you early next week in writing.

>> Alter: Okay. And then for those people who want to watch online they would also be able to text in their question concerns or their thoughts, isn't that correct?

>> We're looking to go live on Facebook and live on atxn. The people who participate can also text and be able to provide that -- they're feedback on strength and weaknesses as well. Those who show up live we also have cards for questions. We'll have a facilitator who will take those cards and try to manage asking questions that are important to the crowd itself on the night of the reception as well.

>> Alter: And when will those types are available to watch after the fact, either for the public or for council.

>> As we set it up now, Tuesday night, because we're not in competition with another broadcast, we plan to have it taped and potentially shown again that week prior to your meeting the next week on the 18th or the 19th. Break on atxn.

>> Alter: We would be able to pull it up whenever we want to.

>> Yes.

>> Mayor Adler: Councilmember pool.

>> Pool: Mr. Newton, along with the additional information that we will provide on our two finalists now, would it be appropriate and an opportune now for us to release their full resumes instead of the shortened summary piece that had been provided to the community?

>> Let me check with our counsel on that point and get back to you. We are in a lawsuit as you probably know and part of it is about releasing resumes. So I will check with our -- our general counsel and get back to you on that question.

>> Pool: Great. I hope we get an affirmative answer on that. I think it's really important information for our community to see and I want to be really -- if they're withheld I really want to understand why that is.

[4:38:05 PM]

>> Mayor Adler: Ms. Houston?

>> Houston: One last question. Will we have demographic data on the people who participate in the public event so that we won't know whether they come from district 1 or all of them come from 9 or 10?

>> We understand you would want that information aggregated by district. The closest we could come is by zip code. In this period of time we're using a system to try to capture the information quickly. No, I will not be able to give it to you by district. We had not planned on having any demographic questions, we were simply asking strengths and weaknesses of both candidates. I can work with Pio to see if there's other data that we can obtain. We're trying to keep this as simplistic as possible to give you the feedback. Right now we have it by zip code, strengths and weaknesses.

>> Houston: And I can understand that with the short period of time, but you have to understand that there is an issue of trust in the community of who is making decisions and who is providing input to the decisions that will be made. And so if all of one part of town comes en masse and makes those decisions and we see there's an inequity or imbalance in other parts of town, I think that's important for us to know that.

>> So councilmember, I would share with you if that's the expectation of council to provide that level of information, we would need to delay having those receptions until such time as we could adequately work with Pio to create a system that could provide you the level of detail and input that you seek.

>> Houston: It may be that zip codes is enough, but I don't think it's going to be acceptable to parts of my community where we just say all come and we don't have any clue about what the --

[4:40:07 PM]

>> Okay. We're all working to figure it out as we stand here. Sorry about that. I was trying to listen out of both ears. I apologize.

>> Houston: I saw you and you were doing a really good job. I think that's critically important in this community as we are now. And with the diversity on the council that we have to determine how and where people are engaging. This is the biggest position we're going to look at and that we're going to look at as a council.

>> So I don't want to overcommit the technology. I will need to ask those questions appropriately. I will share with you that if the intent of the council is to move forward with the recommended plan of hosting these on next Tuesday night, I will do my very best to determine the best methods by which I could obtain key data of support for you, but I can't commit to what that would look like at this time.

>> Mayor Adler: My sense is we're delegating to you to do the best process that you can do, gather as much information as you can capture and please see what you can do. We're delegating to you the decision on when to do the public meeting, Tuesday, Wednesday, Thursday. Check with the candidates. You guys visit with each other and let us and the public know what was the best way for that to be worked out. Councilmember alter?

>> Alter: Once you have the information in terms of location, time, and how you would plug in, if you wanted to do it remotely, if you could share something from the Pio office or whatever that we could share with our list and through our social media, we can help to get the word out to folks to engage.

>> 'Em. We've worked with Pio already. We're optimistic that we can begin communication as early as tomorrow. So staff will connect with you as we connect with Pio to get you as much information as possible to execute it. I will also let you know we've already developed a list of potential entities.

[4:42:08 PM]

We'll send that out to. Certainly if council would like to see that as well in case we're missing key groups that you want us to reach out to, we could certainly do that. Staff will be committed tomorrow for communication if the plan is to go forward with it for next week. And we'll do our absolute best to engage as many groups as possible.

>> Mayor Adler: I think we're ready to move forward next week, it's just a question of visiting with the candidate and which is the best day to do that and let us and the public know.

>> All right.

>> Mayor Adler: Any further discussion on this? Without objection, we'll execute this plan. Yes, Ms. Pool?

>> Pool: I had one additional thought. About the resumes piece, which is a really important piece of information. We could simply ask the two finalists if they're fine with allowing the community in Austin to see their resumes? And that would save your legal counsel the effort of trying to figure out an answer.

>> Mayor Adler: Ms. Morgan, did you want to say something?

>> So you don't put Mr. Newton on the spot, we are in litigation as well. And you all are also fighting that issue.

>> Pool: That's great. I'm sorry to keep returning to it, but I really feel like it's an important element. Thank you.

>> Mayor Adler: All right. We'll proceed that way. Thank you very much.

>> Thank you, city council.

>> Mayor Adler: Thank you, Steve. Joya, thank you. All right. Let's go ahead. We have, I don't know, almost 15, 20 items left here. So let's see if we can move through things. We have item number 5, which is rename slaughter week. This was pulled by the mayor pro tem and councilmember kitchen. We have one person that signed up to speak.

[4:44:09 PM]

It's David king. Do you want to hear the speaker first?

>> Thank you, mayor pro tem and councilmembers. I will be very brief because I believe this is going to go unanimously. But I think this is a wonderful thing that we're doing here. I can't really channel her, but I bet she would be saying thank you for this honor, now let's get back to work protecting our trees and our creeks and our bike trails and greenbelts and preserves. Thank you so much for doing this.

>> Mayor Adler: Okay. And we have 20 items left on the deal. Mayor pro tem, you pulled this?

>> Tovo: Mayor, I would like to move approval and I believe councilmember kitchen had some additional information to offer, but I also just want to call your attention that staff were kind enough to bring mockups of the sign that would be installed were this item to pass today. And then I have a few things to say.

>> Mayor Adler: Mayor pro tem has made a motion. Is there a second to it? Councilmember kitchen seconds that. Councilmember kitchen, do you want to go first?

>> Kitchen: Yes, we just wanted to provide direction and I can't tell from the sign if it does it or not, but basically we had had some conversations and I know the mayor pro tem is interested in this also as are others, just asking -- proposing that the sign that's created to tell visitors who Mary gay Maxwell was,

her work, dedication, passion for the environment. And wanted to specifically also include her vision for this particular tract as a learning center on-site. And we're hopeful that the environmental commission and perhaps others who knew her well could help out watershed in terms of the language that's eventually put on the sign.

[4:46:14 PM]

So we would suggest that some feedback be obtained from those stakeholders. And then of course the sign be placed in a prominent place on the track where visitors can see it. So that's the kind of direction we wanted to suggest with we go forward. And I want to thank the mayor pro tem for bringing this forward.

>> Mayor Adler: Okay. Mayor pro tem?

>> Tovo: And I also wanted to add my thanks to the staff and to the environmental mission for really shepherding this effort, initiating and shepherding this effort through. This was, as councilmember kitchen said, a really -- a site about which Mary gay had -- Dr. Maxwell had real vision. She wanted to see it become a site of learning for students in our community and I hope that we as a council and as a city have an opportunity to realize that vision in the near future. Mary gay, for those of you who didn't know her, served on the environmental commission for about 15 years. For more than 15 years she served as its board chair and she was a tireless community leader in the city of Austin serving on save our springs boards, on the save our springs alliance board, also as its interim director. She was very active in her neighborhood association, the north university neighborhood association. She spearheaded the central neighborhood planning effort which involved seven neighborhoods and a really innovative and important compromise among those neighborhoods that resulted in some of the changes in west campus. And she really just generally made a very -- a very significant contribution here in the city of Austin. So again, I really appreciate the staff and the environmental commission for suggesting this way to celebrate her achievement and to really spur us on to further actions for the good of our community and for the good of the environment. I agree with David king's assessment, she would be here saying keep working, get to work. So this will help us all remember the tasks we have before us.

>> Mayor Adler: Honor well earned. It's been moved and seconded.

[4:48:15 PM]

Any objection to adoption? Hearing none, it's adopted. Garza and troxclair off the dais. Let's move on to the next item. We have two items that were set for public hearing that have no one to testify on them. Let's see if we can take care of those quickly. It's 99 and 100. 99 99 is the Lamar beach animal services public hearing. We only have one person signed up to speak on that. That's Mr. Pena. He is not here. Is there a motion to approve this -- we have to have staff here? So what about 100? Do we have staff here

for 100? Okay. If staff wants to work their way this way we could take care of both of those items. Let's pick up then -- 100 is rbj.

>> Mayor and council, Alex gale is here from the real estate office. I'm Sarah Hensley, interim assistant city manager.

>> Mayor Adler: Okay. This is on item number 99?

>> Item 99. Good evening, mayor and councilmembers. My name is Alex gale, I'm the assistant director with the office of real estate services. Item 99 is a public hearing in accordance with chapter 26 of the Texas parks and wildlife code. The request is by animal services for the permanent use of dedicated parkland known as Lamar beach at town lake metro park. The request is for permanent use to occupy and operate the future site of the town lake animal center.

[4:50:18 PM]

The legal fact finding for this item is that there's no feasible and prudent alternative to use the dedicated parkland which includes all reasonable planning, to minimize harm to the land. The dates of public notification in the "Austin american-statesman" were this fall. That concludes the presentation on item 99.

>> Mayor Adler: Is Mr. Pena here? He's not here. Is there a motion to close the public hearing and to approve this resolution? Councilmember pool makes that motion. Is there a second? Ms. Houston makes that second. Any objection to adoption?

>> Houston: I have a question. Sir, could you tell me if this is in the floodplain?

>> I don't have any floodplain maps. I don't know if anybody from animal services or parks might be able to talk about that.

>> Kimberly Mcneely, acting director for the parks and recreation department. So the the space being dedicated or being considered, that you're considering for this particular development is not within the floodplain. It is outside of the -- well, it is in a space that has been considered to be appropriate for the development with the -- with considerations and the development to ensure that it doesn't flood. It's not in the same space that it is, it's actually via the Lamar beach master plan. It has been pushed to a different part of that piece of property.

>> Houston: So the lower part of the property where they are now, which floods and we all know that, so in order to get to the new location will people have to go through the that to get there or is there another way that you see access to the site?

>> Greg upontag is here from our planning port and he should be able to explain your exact question.

[4:52:23 PM]

He should be able to answer.

>> Will afternoon, councilmembers. To answer your question, the proposed location for the animal service facility would be located outside of the floodplain. According to some maps that we have of the master plan I believe that the access, the prime access, would be outside of the floodplain. To the proposed new facility.

>> Houston: I didn't have that in my backup. If we could wait until the picture is up on the screen I would appreciate it. So let me ask another question, Ms. Mcneely while we're waiting. And so what is the relationship with this non-profit and the city parkland? How are they going to be building this facility on city parkland? What is our relationship with them?

>> So historically this particular group has been in this location and that historical relationship was established via council approval and council resolution. And I believe that that happened in 2014. I would have to look at the exact date. But it was an extension in 2014 that allowed that particular entity to remain in this space. And then through the Lamar beach master plan it was planned for because there was this allowable use that was approved by council so we planned into the Lamar beach master plan with many, many, many stakeholders to ensure that we were able to accommodate this particular use, which brings us to today with this action -- the entire council's consideration today with regards to this piece of property.

[4:54:28 PM]

>> Houston: So the terms of the agreement are three 25-year extensions, one 25-year extension and then two other extensions.

>> Correct. It's a 25-year term plus two 25-year extensions after that for a total of 75 years total.

>> Houston: Correct. So my concern is I know that the entity needs to do fund-raising and all that kind of stuff. So -- by why 75 years? None of us will be alive then. And we do this often with contracts. We make them so long that there's no way that the next council can have any kind of input into because it becomes kind of legacy at that point and it's cemented into everybody's mind that every 25 years we're going to get -- for two more years we're going to get extensions. Why can't we do it for one 25-year and then one extension for 25 years? Why do we go to 75 years?

>> What we thought about as part of that license agreement is each time that 25 years is up is written on into the license agreement to come back to council or have staff decide to come back to council and bring it back to the council and decide if they want to extend for the next 25-year option.

>> Houston: But we know that never happens. Everything gets extended. Everything we've got 99-year leases, and this one -- I just think we set yourselves up for people get it in their minds that this is going to happen and nobody ever says, you know, you've had this lease for 50 years now. It's time to think about doing something different.

>> So councilmember, it is the-- at the purview or pleasure of council to determine whether that particular set of terms is acceptable, and certainly it is your purview and your decision making if you would like to not have it be as long.

>> Houston: I'd like to make a motion to amend.

[4:56:29 PM]

To 50 years. One 25-year and then one 25-year extension.

>> Mayor Adler: I've received notice that the stakeholders in this thought this was coming up after dinner. And if there's going to be changes to it they've asked us to wait until they're here and able to speak to it. So given T councilmember's desire, let's hold this off until after dinner and we'll pick it back up again.

>> Just one thing. 99 is the actual chapter 26 and then 33 is the actual license agreement item.

>> Mayor Adler: Okay.

>> So they're tied together, but two separate items.

>> Mayor Adler: Right. So 99 needs to be done before 33 -- 33 needs to be done before 99. So we'll hold out of on 33 and 99 -- off on 33 and 99 until after dinner. Can we handle item number 100?

>> Alter: Mayor, can I just ask a question on that item? I know that this was adopted as part of the master plan. They've been there a long time and I know -- I understand chapter 26. Can you speak a little bit over why we can use this alternative use on parkland in this case?

>> If it would

>> If it would be acceptable, I'd like to take a little time put something together that would be a little concise, and when we come back, answer that question.

>> Alter: We have other questions about other parkland, and I think this is a case where it is appropriate, and I would just have to have you articulate why.

>> Yeah. I want to do that for you concisely. Thank you for giving me that grace.

>> Mayor Adler: Okay. Let's call item number 100. Go ahead.

>> Mayor and councilmembers, item number 100 is a public hearing in accordance with chapter 26 of the Texas parks and wildlife code.

[4:58:37 PM]

The request is by the Austin transportation department for the permanent use of approximately 1.763 acres of Nash Hernandez, Sr. Road as public right-of-way. The realignment and dedication of approximately .220 acres of existing public access and approximately .789 acres for temporary construction use of dedicated parkland known as Edward Rendon, Sr. Metro park at first of all beach. The legal fact finding for this item is that there's no feasible or prudent alternative to the use of dedicated parkland, which includes all reasonable planning to minimize harm to the land. The dates of public notification in the Austin american-statesman were November 12th, 19th, and 26, 2017, and that concludes the presentation of item 100.

>> Mayor Adler: Okay. We have one speaker, Gus peña. Is he here? He's not here. Is there a motion to approve this item number 100 and close the public hearing? Mr. Renteria makes that motion, seconded by councilmember kitchen. Any discussion? Any objection to passage? Hearing none, it passes with councilmembers troxclair and Garza off the dais. 100 is taken care of. Let's move to item 25, visit Iran marketing, moved by mayor pro tem. We have one person signed up to speak. Do you want to speak to it first or go to the public comment? Okay. Is Bobby Levinsky here?

[5:00:37 PM]

You have three minutes.

>> My name is Bobby levinskyky. I want to encourage to you look at the backup for this item. If you look at the comments that were made between the last version and this version, you'll see a lot of dialogue that needs to happen between the city and visit Austin, and I think that as we move forward with the items that are coming next week and beyond, we really should be having a conversation about how the city should be involved in these funds. So I would encourage you to -- I guess we'll just move forward, but let's move forward in a collaborative way where we can get both sides talking. I appreciate it. Thank you.

>> Mayor Adler: Thank you. That was the only speaker signed up to speak. Mayor pro tem?

>> Tovo: So I appreciate the revisions that were made, many of them. Some of them I would probably have made different choices about where and how to spend the money, but that's did you understand, that's not my job in this. But I will say, as I indicated to the representative for the ac -- for visit Austin, I do have concerns about our approving a document today that throughout, it talks about we are lowering this amount because of budget cuts. It just seems to me odd for a marketing document to continue to repeat that over then over and over again. And, you know, I think we're just going to have to agree to see this differently. The city council allocates hotel/motel tax dollars to different uses, including to visit Austin, and it's a matter of perspective whether one views those as budget cuts or as the allocation that was made in our budget process. And so my proposal is to strike references throughout the document to the budget cuts that were made. I'm trying to find -- earlier this morning I had it noted, and now I'll having difficulty finding it.

[5:02:39 PM]

But, for example, page 23, budget reductions will limit our efforts in marketing, new airlines. The top of that page activities, will be scaled back with less budget spent on consumer advertising. I mean, we see the changes in amended dollars. I'm not sure it's necessary to continue to repeat that budget's, we're scaled back. There was one page where it was mentioned multiple, multiple times. And, again, I just find that curious, and I'm -- you know, perhaps the way to handle it is to mention it once, that the allocation change from one year to the next, and this is the final amount. So, mayor, that would be my -- my suggestion. If there's a motion to pass this, I will make an amendment that the references -- the multiple references throughout the document to activities decreasing due to budget reductions be removed.

>> Mayor Adler: Let's get the motion out on the floor first. Is there a motion to approve this? Mr. Flannigan. Is there a second? Ms. Houston seconds that. Is there a motion, do you want to speak to it.

>> Flannigan: Yes. We're talking about a marketing plan, and when you're running an organization, and I've ran organizations when I used to run the gay and lesbian chamber of commerce, which is now the lgbt chamber of commerce, which receives funding from the city, if the city reduced, and it had over several occasions, you would absolutely include the fact your outside lessens decreased. Outside revenues haddecreased. I don't think it's useful for us to be discussion on the dais. It's a marketing plan. It's not copied and pasted into ads. It's nothing but the organization is acknowledging challenges it's facing. I don't think we need to be worrying about this. I believe we need to approve this marketing plan. There has been extensive discussion about visit Austin for -- for outside groups to claim that there hasn't been any conversation is laughable.

[5:04:47 PM]

We've been talking about it incessantly. I am ready to move on and allow visit Austin to implement the budget that we've allocated.

>> Mayor Adler: Okay. It's been moved and seconded. Mayor pro tem, do you want to make an amendment?

>> Tovo: Yes. My amendment is to strike the repeated references to budget reductions. I would be happy with one reference in the beginning, but on some of the pages, there are three and more references at each item, two budget objections, and in addition to objecting to the language, I object to the repeated references to it. I would certainly -- if my colleagues don't approve this amendment or they would like other options, I would be happy to Medina my amendment to say something like, to keep the budget reduction, due to budget reductions, if we add in language along the lines of "And visit Austin has determined this area of service to be a lower priority," or something like that, because that's really what, in effect, they've done. They've reallocated their funding based on what they regard as the priority. So if we're going to have repeated references to budget reductions throughout the document, then let's say, and those are due to assessments of about what's a higher and lower priority. So my amendment is to include a reference in the beginning and then strike all the repeated references throughout.

>> Mayor Adler: Mayor pro tem makes a motion. Is there a second to that motion? Councilmember pool seconds that motion.

>> Pool: And I'd like to speak.

>> Mayor Adler: Ms. Pool.

>> Pool: Thank you, mayor pro tem, for making that motion. I have actually met with the representative from visit Austin a couple times and passed along my concerns with the language that's in this document and asked that they be taken under consideration, and specifically to the point that you're making, it felt odd that a marketing plan would continue to press the point that this council had cut their funds.

[5:06:53 PM]

But they chose to leave it in. So it was pretty clear to me that we were going to have to take that action, or at least express our continued concern about that language from this dais. So I support that amendment. I have a couple other things that I would just like to point out. And I have a question for Mr. Noonan, I suppose. On page 48, the mention of the Texas film commission and Austin film society have been cut from page 48, and I wanted to find out why that was because I wanted to make an amendment to include that back in. It's in red with strike-through.

>> Mayor Adler: Mr. Noonan? You want to come on down?

>> Pool: So if you all pull that up, you'll see under strategies the first bullet, work with state and community film group, and then it says like the Texas film commission and the Austin film society, to cross-promote production in Austin. So I was curious why that was being eliminated because I think that specifically the Austin film society certainly, and the film commission, are important groups here in Austin, and I certainly want to send the signal that we're continuing to work with them. But it looks I can't you are not.

>> Good evening, Tom Noonan, president and CEO of visit Austin. We've actually absorbed those costs and put the dollars back in so they're not being cut.

>> Pool: I'm talking about the wording, Mr. Noonan. You crossed out the words like Texas -- the Austin film society. I'd like to have that deletion reinserted. Can we do that?

>> On that one item, absolutely. I'd like to express kind of the reason why we put this together, this document this way, if that's okay with the councilmembers right now. The idea was, on November 6th, we walked our board through where we make cuts in our marketing plan and laid that out for them in each of the individual areas so they would know where the cuts were being made.

[5:08:54 PM]

We wanted to do -- in all open transparency, do the same for you, so you would know where we made the cuts. This is an internal document that we use as our staff. We use it -- we don't publicize it at all, it's our daily planning document. So this is what it is. It's something that we keep internally, and it's how we guide ourselves in making our sales and marketing efforts. That's why we laid out for our board and for you where we made those cuts. This wasn't just to keep saying we were getting cut, getting cut, getting cut, we just wanted to lay it out and be completely transparent where we made those moves. That's why we put it together that way.

>> Pool: Mayor, I had a couple other questions.

>> Mayor Adler: Would you identify yourself though just for the record?

>> I'm sorry, Tom Noonan, president and CEO of visit Austin.

>> Pool: So I'm glad you brought up that this is an internal document because it was confusing to me to look at it, considering the glossy paper that it's on and the publication itself looks like this is a document that we would use to market visit Austin, the city of Austin and the convention center. It has a lot of photographs in it that I was curious, are they paid ads?

>> No. No. That document is produced completely in-house by our very talented arts team and our communications department. And last year when we put together the document, we actually got a few calls from councilmembers asking us, why there was a lack of diversity in the publication and could you add more faces of color in the publication. So we kind of ramped it up to show the faces of tourism. We had this last year. They're not ads at all. This is not an ad-driven document. We were just trying to show off those folks we celebrated earlier this week during tourism week and wanted to show the faces of people who work in the hospitality industry in Austin.

>> Pool: Okay. I'm curious how you chose those businesses, if they're not paying for the ad space, how you make those choices.

>> Well again, it's not -- the document -- the document that you see that we use internally, most people on the street are never going to see this document.

[5:11:02 PM]

So that's why we didn't consider it ads at all, it's an internal planning document, so we could have done without it. We were just trying to react, last year, what I heard from councilmembers when we put together our marketing plan, and actually one of the things we've done, it used to be bound, now we are not going to bind it. It'll be in a three-ring binder. We've actually cut costs in that area.

>> Mayor Adler: Okay. Go ahead.

>> Pool: That was the last thing I wanted to ask, I wanted to find out what the production run was and what it cost to produce it, since it was an internal document, because this would be beautiful out on the street, but if it's just for staff and the board and member councilmembers to see, it would be -- I think it would -- also, the information could easily be given to us in a less expensive fashion. So I would just

commend that to you for consideration next year and maybe not the full color on the heavyweight paper and all of the time and effort that it took to write -- to do the publications. Because it's a beautiful document. And when I found out that it wasn't actually an external document, it was confusing because it looked like it should be. I imagine we could probably communicate the same level of communication, but do it a little more simply, and then save the money and you can use that money maybe in some other ways other than putting it toward the production of a marketing plan that I'm advised is not external, but it definitely is a public document. Right?

>> There are probably 50 total copies that are produced for board members and council members and it's printed in-house on our printer, so --

>> Pool: Great. Thank you.

>> Mayor Adler: Mr. Flannigan, then Ms. Houston.

>> Flannigan: Thank you, Mr. Noonan. I appreciate the quality of the planning document. Having been someone who has developed marketing plans myself, I understand that a high quality marketing plan can help inspire your staff to follow it. A boring document with no relationship to their jobs becomes a document you don't want to have to open. But one that is beautiful may be one you reference as you do your job.

[5:13:06 PM]

So I'm sticking with my original motion. I'm passionate about my original motion. This is a good document, and I appreciate the work that you've done.

>> Mayor Adler: Ms. Houston.

>> Houston: Mr. Noonan, I want to thank you because in the years that I've been in Austin, your emphasis on the -- I'm not sure what the term you all use, not the ethnic communities, but the --

>> Diversity community?

>> Houston: Diversity communities, has been exceptional. It's the first time in my 70 years in this city that the city of visit Austin, or whatever it used to be called, has done something that targets people to say we're welcome to all kinds of people.

>> Right.

>> Houston: And this is a document that you can give to planners, convention planners in other cities and states to say this is what Austin is about. So I appreciate the work you've done to try to get us to this point.

>> Mayor Adler: Are we ready to take a vote on this?

>> Thank you. It's the right thing to do. Again, this is an internal planning document. We don't want this document on the seat. Our competitors would see it.

>> Mayor Adler: The mayor pro tem has made an amendment, it's seconding. Any further discussion? Those in favor of the mayor pro tem's amendment, raise your hand. Opposed, the balance of the dais with Garza and troxclair off. That gets us to the main motion, the original motion from Mr. Flannigan, discussion? All those in favor, please raise your hand. Those opposed? Those -- pool voted -- those opposed? Pool voted no. Those abstaining? The mayor pro tem. The others voting aye with Garza and troxclair off the dais. It passes. Thank you. All right. Let's get to the next item.

[5:15:14 PM]

63? 29 we could take up. Does anybody want to take action on number 29?

>> Pool: Can we see if there are any people who want to -- who want to speak?

>> 29? Against? Yes.

>> Mayor Adler: Okay. We have -- before we get -- does anybody want to make a motion on item number 29?

>> Pool: Let me ask a question.

>> Mayor Adler: Go ahead.

>> Pool: Let's talk a little bit about procedure. I think maybe that would be really helpful for the folks listening in. We can vote to approve or to not approve, or we can just not take action. Are any of our legal staff here available to explain to us with regard to the contested case, status where we would be?

>> You're posted to take action today if you want to. If you take no action, we will continue on to the contested case hearing.

>> Mayor Adler: So if there's no action taken today, the staff will continue on with their past direction to go ahead and file for the contested case. I want to give people who are here the opportunity to be able to speak if they want to be able to speak, but I want to first establish whether or not, even if there's no motion to be made, I want -- I want that to be known. Is there anyone that intends to make a motion on this? All right. So I don't think there's going to be a motion that's made, and I just -- so that the speakers know that, as they're approaching the dais, if they want to speak. Mayor pro tem.

>> Tovo: Mayor, so I don't intend to support -- to support this item and wouldn't if it came forward today or on another day, but I would like to establish what would be the procedure -- would there -- for this to get back on our agenda, who would have to bring it forward? Could it come forward as a staff recommendation on another date?

[5:17:17 PM]

Would it need to have -- come forward as an item from council on another date? I guess that's a question for legal counsel.

>> Well, you could postpone it to next week if you want to postpone it, if you don't want to take action today.

>> Tovo: Well, I'm saying I don't have any interest in taking action on it today or any other day because I'm not going to support it. But I do want to just, for the public's benefit, let them know that it's possible it could come back onto our agenda at some other point, and I would just like to better understand whether that could come from the staff or from -- as an item from council, or either one.

>> Mayor Adler: My understanding is, it could be either one, if it came back. So I think -- I think we all may want -- I want to talk about this, too, and I think we all may want to talk about it, but I just wanted to establish first that I didn't think anybody was going to be making a motion. That said, we have people in the public that want to speak, and I think people on the dais want to speak as well. Ms. Kitchen.

>> Kitchen: So just to clarify for the public, so if no one makes a motion, nothing happens on this, this particular item goes away. Mayor pro tem's question is a different question, about whether it could come back. But if no one makes a motion, we're not doing anything on it, and it goes away.

>> Tovo: Though as I see it, we could also make a motion tonight to reject it. I mean, there are multiple things we could do here today.

>> Mayor Adler: We could -- so let's do this. We're not going to have enough time for everybody to speak on this item. It's 5:18. We're going to stop here at 5:30, so let's hold on this item, since we wouldn't have a chance to be able to work our way through it. I think there's some one-off items we can do so people can leave in the time we have left.

[5:19:23 PM]

When you said there were other things, let's take up number 63. This is a non-consent item, franchise agreement, third reading, is there someone that would make motion for approval of item number 63? Franchise agreement? Mr. Renteria makes the motion. Is there a second? Mayor pro tem seconds it. Any discussion? Those in favor, please raise your hand -- I'm sorry.

>> [Off mic]

>> Mayor Adler: That's okay. Sorry. Item number 63, approving third reading of an ordinance renewing the non-emergency transfer franchise to acadian ambulance service. Okay? Ready to take a vote? All those in favor please raise your hand. Those opposed? It's unanimous on the dais with troxclair and Garza gone. So 63 is taken care of. 64 is done at this point. 65 is done at this point. What else looks like it might be quick for us to do? Is there going to do be time related to the blackfoot trail, item 72, are we going to consider that? What's the deal on that?

>> I have an amendment; my intention is just to approve on second reading and give direction for legal and do the final case next week.

>> Mayor Adler: Okay.

>> My intent is that it's a procedural vote today so we can have all the issues put together in a right way for a substantive debate next week.

>> Pool: Mayor, I think there's a valid petition on that and I have offered and passed around an amendment, too, that I'd like consideration for.

>> Mayor Adler: Okay.

>> Pool: Are we taking up this item now or --

[5:21:26 PM]

>> Mayor Adler: 57 is taken care of. There were two people signed to speak on 57. Is Adam or Gus here? Neither are here. 57 has been taken care of already. So that one's gone.

>> Casar: I just had a question --

>> Mayor Adler: 58? We have two more people to speak on that, Gus Peña and David King.

>> Casar: 58, we talked about three or four folks showing up after dinner, but 61 and 97, I just had two questions --

>> Mayor Adler: So you want to hold 58 for people to speak after dinner?

>> Casar: But 61 and --

>> Mayor Adler: Let's do that, 61. Are staff here to answer questions on 61?

>> Casar: So my questions had to do with 61 and 97 because these are 4% calculus credit projects. One, setting a public hearing, and the other one is actually a 4% project. The council passed a resolution asking for staff is to start doing a fair housing analysis of these projects, so I just wanted an update on where we're at to start having that kind of analysis.

>> Sure. On -- we actually have a stakeholder meeting set up next week to get some perspective on that, and would be happy to provide an update on where we're at with that following that stakeholder meeting.

>> Casar: Okay. That's a good update. Mayor, I'll move to pass both these items and just have a quick comment after we --

>> I think 97 --

>> Casar: 97 already happened?

>> Is a public hearing so we need to conduct the public hearing.

>> Casar: Okay. I'll just handle it with a motion on 61 then.

>> Mayor Adler: Mr. Casar moves passage of item 61. Is there a second to that?

[5:23:27 PM]

Councilmember alter seconds that. Any comment?

>> Casar: So my comment on this are two. One, the first part of my comment is that some of this may be null, depending on what happens with the tax bill in congress, may end up decimating lots of things being beyond the idea of a more equal society and health care, but affordable housing tax credit program, so everybody knows, they should be on the watch for that. And then second, this project doesn't have a fair housing analysis, but the staff did include that this is in a -- what could of opportunity area is it? I think in low or very low opportunity area? Very low opportunity area, which -- so I imagine that if we did a fair housing analysis of this, this would probably not do very well. I really don't like supporting and continuing projects -- other people have expressed continuously in these etj areas and very low opportunity areas, which I think really highlights the need for us to do a really significant affordable housing bond, in our bond discussion, so that we can help encourage these projects to stop continuously being in the etj and very low opportunity areas. So I just think it's important to stop and note that since we're sending in no objection to another project that is not helping integrate our city.

>> Houston: Mayor?

>> Mayor Adler: 61 has been moved and seconded. Any further discussion?

>> Houston: Yes, mayor.

>> Mayor Adler: Ms. Houston?

>> Houston: Councilmember Casar took my usual lines. Can you tell me about the transportation options on Mckinney falls state park?

>> Sure. Mandy, neighborhood housing community development. The Mckinney falls apartments is 312 units, and it is 1.06 miles from the nearest bus stop, which is the 333.

[5:25:34 PM]

And that should be in your backup documentation. We do an analysis, a development packet that profiles all different aspects of the project, including, as councilmember Casar mentioned, the opportunity index.

>> Houston: And what is the closest elementary school? Is it in the backup, too?

>> That is in backup. The elementary schools, if I recall correctly, all met state standard. School performance. It's hillcrest middle school, Ojeda high school, del valle, all met state standard.

>> Houston: So that's all in del valle ISD.

>> It is del valle ais -- del valle ISD.

>> Houston: Thank you.

>> Mayor Adler: 61 has been moved and seconded. Yes? 61 has been moved and seconded. Any further discussion? Those in favor, please raise your hand. Those opposed? Unanimous on -- Ms. Houston says no, others voting aye, councilmembers Garza and troxclair off the dais. Thank you. What was the other one that you had, Mr. Casar, that was associated with that?

>> 97.

>> Mayor Adler: 97. There are three people signed up to speak in this. Two of them are in favor of it. Does anybody have any questions or concerns about this item number 97? Some of them want to move to 97. Mr. Casar makes that motion, Ms. Kitchen seconds that two people to speak -- three actually, Gus peña is not here. Does George Lopez or Melissa want to speak if this is about to be passed? Do you want to speak?

>> Yes.

>> Mayor Adler: It looks like it's going to pass.

>> Okay.

>> Mayor Adler: Okay? It's been moved and seconded, this item number 97, to pass it and to close the public hearing.

[5:27:37 PM]

Those in favor, please -- Ms. Houston?

>> Houston: Same question about transit.

>> I was anticipating that question, so for this particular project, 280 units, 2.1 miles is the nearest transportation. It's the number 201. This property, however, is in what's considered a moderate opportunity area, based on the care one happening.

>> Mayor Adler: Okay. Further discussion? All those in favor of item number 97, please raise your hand. Those opposed? Ms. Houston voting no, others aye, councilmembers Garza and troxclair off the dais.

>> Houston: Mayor, just so people are clear, it's hard for me to vote for putting people further out into the etj and into the -- outside of the city when there are no plans to provide any kind of transit, and so in order for them to work or get to downtown or wherever they work, they're going to have to drive their cars. And so we keep doing this, and yet capital metro is not helping us address that problem to put transit where people are being forced to live because of the economics of living in Austin. In fact, some of those stops are being taken away. So I don't know why we keep doing that and then keep asking for a different outcome when we're the ones that are doing it. Sometimes we can say no and say, no, we're

not going to continue to do this for low income people. And I know people need a place to live, but we also need to get a transit to where they are living.

>> Mayor Adler: Okay. Thank you. Thank you very much. Councilmember pool, you brought what I think is a very good item, item number 59. I think we talked to each other about an addition, which I understand is okay with you?

[5:29:45 PM]

>> Yes. Your addition is helpful and I consider it friendly.

>> Mayor Adler: Okay. Councilmember pool moves the adoption of number 59. I'll second that. Any objection to including the amendment that was handed out? The amendment strikes the word "Consider," and basically asking the manager to return to council with analysis before potentially initiating the process of purchasing. Any objection to adding that amendment? Hearing none, it's added. Been moved and seconded. Any discussion on this item 59? Hearing none, let's take a vote. Those in favor, please raise your hand. Those opposed? It's unanimous on the dais with councilmembers Garza and troxclair gone. It's 5:30, so we're now going to take a recess so that we can do dinner --

>> Tovo: But wait.

>> Mayor Adler: Yep.

>> Tovo: Mr. Mayor, I'd like to go ahead and take care of 92 and 93 so folks can go home. I think we've reached an agreement for a one-week postponement on 92 to provide time for the neighbors and the applicant to have a conversation.

>> Mayor Adler: Okay.

>> Pool: So my understanding is there's agreement to do that on 92.

>> Mayor Adler: All right. There are four people signed up. So councilmember kitchen moves to postpone item number 92 till next week.

>> Kitchen: Right.

>> Mayor Adler: Is there a second to that? Councilmember pool seconds that. There are four people that are signed up to speak. Are the people who are signed up to speak okay with speaking next week? Looks like they are.

>> Kitchen: Okay.

>> Mayor Adler: It's been moved and seconded to postpone for one week item number 92. Any discussion? Those in favor, please raise your hand. Those opposed? It's unanimous on the dais with troxclair and Garza gone. What about item number 93?

>> Kitchen: I think we can move forward with 93 on consent. That's my understanding.

>> [Off mic]

>> Mayor Adler: So we have three people signed up to speak on that one.

[5:31:48 PM]

So we'll hold onto that one. Okay. All right? So it is 5:31. We're going to take recess for dinner, for music, and for proclamations, and then we'll come back. My guess is we're probably looking at about 6:45. With that, we're in recess.

[5:40:51 PM]

>> Mayor Adler: All right then. You know, if you have been with us since 10 o'clock this morning --

[laughter]

-- You would know why it is that this is my absolute favorite part of city council meetings in Austin, Texas. You know, we are -- this is a magical city, I think, and we are the live music capital of the world. And befitting that I think we're the only city council that regularly stopped every council meeting so that we can listen to a little live music. I've often found that when we have contentious things to discuss, have gone a little live music break is always a good. And because we're keeping Austin weird, we have all different kinds of music that come in here, and I am really excited that we have the Austin ukulele society here with us tonight. So the Austin ukulele society is all about enjoying the ukulele and having fun with people who share their affection for this wonderful instrument. The mission of this group is to provide a supportive environment to share and learn new songs and build playing skills. Also, to spread the word about opportunities to see and to hear musicians who play and compose for the ukulele. It promotes -- to promote ukulele in the live music capital of the world through performances and education, and of course to make sure that everybody has fun. The Austin ukulele society meets on the second Thursday of each month and is open to ukulele players of all levels, in case you're in here or watching on TV and want to join in, and as a fellow city of Austin employee, I understand that there are some city of Austin employees in this group.

[5:43:04 PM]

Would you raise your hand.

[Cheers and applause] Proud to have you in that group. And with us, please join us in welcoming the Austin ukulele society.

[Applause]

>> One. Two. One, two, three...

[♪ Music playing ♪]

[5:47:46 PM]

>> Mayor Adler: That was great! Thank you. So if somebody was here tonight or watching us and they wanted to find out more about you, do you have a website or someplace they would go to look?

>> We do. We do, mayor, we have a website at Austin.ukulele.society.com, and you will find all of our musical arrangements can be downloaded. Links to all of our songs on our YouTube channel. So anybody who's interested in learning about the ukulele and following along with us. And we have a following all around the globe of people who download our materials and watch us as far away as Australia, the uk, across Europe. Our YouTube channel is approaching 250,000 views for our music. So it's very exciting.

>> Mayor Adler: You've got to love this city.

>> Yeah.

>> Mayor Adler: So do you guys, like, do gigs? I mean if they want to come see you perform, where -- what's your next gig or two?

>> Well, the best way to join us is to come to one of our monthly meetings. The very next one will be the second Thursday in January. If you check out Austin.ukulele.society.com, you will find out where we meet. We meet at the united memorial methodist church at Cameron road and 290. What you see here is actually a very small portion of our group. At our monthly meetings we typically have 120 to 5:150 ukulele players and singers. I can tell you if you've ever been in a roomful of people with 150 ukuleles and 150 voices singing out, it's an amazing sound.

>> Mayor Adler: Very cool.

>> Yeah.

>> Mayor Adler: I have a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend is to virtually every music genre, and it thrives because Austin audiences support new music by legends, 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 December 7th of the year 2017 as Austin ukulele society day in Austin, Texas.

[5:50:05 PM]

Congratulations.

[Cheers and applause]

>> Thank you so much. We have a gift for you. And we have a gift for you, Mr. Mayor. It's one of our fabulous Austin ukulele society t-shirts. We do a new t-shirt design every year. This is probably one of our most popular ones, so a gift for you, sir.

>> Mayor Adler: Well, thank you much. Is it nice being mayor, or what?

>> Wear it proudly.

>> Mayor Adler: All right. Let's take a picture.

>> Yeah.

>> Mayor Adler: Can we do that?

>> Yeah.

[5:52:40 PM]

>> Mayor Adler: So we have a proclamation that's going to be accepted by danyale Bunton, who is the leaps board chair. Let me read this proclamation. Be it known that, whereas the leadership, education, and public safety service, leaps program, provides leadership enhancement training to city of Austin employees, and whereas leaps is a course of education that is available to city employees who are interested in improving their current and future effectiveness as city employees, its participants apply to the program to learn valuable skills and related to project management, team management, and public speaking; and whereas the leaps program is celebrating its 25th year helping city employees achieve the career successes that they aspire to, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim December 7th of the year 2017 as the 25th year of the city of Austin leaps program. Congratulations!

[Cheers and applause]

>> Thank you.

>> It's an honor to be able to accept this award in front of some people that I really admire, and I'm very honored to accept this.

>> Mayor Adler: Thank you. We're excited for this program.

>> Thank you.

>> Mayor Adler: Can we take a picture over here?

[5:56:00 PM]

>> Mayor Adler: All right. We have another proclamation. Be it known that whereas the Austin fire department has provided thousands of holiday meals to senior citizens at the Connelly Guerrero senior activity center in east Austin for the past 15 years, and whereas this event was the brainchild of the now retired Austin firefighter, Tim Lafuente, who secured donations from local businesses to cover all the costs while enlisting his family to help him personally took more than -- is that 500 meals each year? And whereas Austin fire department and retired fire feature Tim Lafuente have been supported by austinites, Austin businesses, and Austin leaders for the past 15 years in hosting this event, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim December 13th, 2017, as the Austin fire department and Lafuente family senior holiday luncheon day. Thank you so much for doing that for the community. Do y'all want to say anything? Describe the event?

[Applause]

>> Well, 15 years ago, we started this event. We served 120 seniors with a group of recruiting firefighters, about eight of us pooled our money, and the first year we served 120. This year we plan to serve over 650, with the help of many, many volunteers and incredible sponsors. The main anchor sponsor, amerigroup is here represented by Roger. Without all these folks and volunteers, this is not possible. I get to be the --

[applause] I just get to orchestrate chaos on the day of the event, and it's been wonderful and it's been a blessing and a pleasure, and we'll keep doing it as long as we can. So thank you for the Austin fire department, parks & rec arresting department for the facilities, it's a blessing to be able to do it.

[5:58:08 PM]

Thank you.

>> Mayor Adler: Thank you.

>> So I just have to tell you that it is probably the most fun afternoon that you'll ever spend, is serving at the senior holiday luncheon. I end up, and I wear what I have on right now; right? But I have an apron. I end up withography and sauce on my sleeves and shoes and all the old people go, "Honey! Honey! Can I have some coffee?" "Yes, ma'am. I'm getting that for you." But it is really an absolute labor of love. And I want to tell you just one quick story, my favorite story of all time, we're serving and it's getting time to dessert, I hear somebody saying something about sugar. I turn around and go, "Are you calling me sugar?" He goes, "No, I just want some sugar." I go and get him sugar, and I said to him, you know what I need some sugar for the sugar. He gives me a kiss on the cheek, and it ended up on the front page of the metro section of the paper. So my favorite story, I still look for my favorite little, you know, senior every luncheon, so this will be my ninth year serving at the senior holiday luncheon, and I just tell you, it is really a labor of love. And thank you to Tim and his family because his family comes and helps cook and you really -- you really need to see this. It's quite a process. So it's really a labor of love. So thank you very much for the honor.

[Applause]

[6:00:28 PM]

>> We have a proclamation. Be it known that whereas Kris keyz has provided opportunities and has hosted out a personal expense platform for musicians, artists and producers to be heard. And whereas his own accolades include iTunes sales and placement on the billboard top 200. And whereas in his success with that he brings to the live music capitol of Austin, Texas to share with local artists and to help them accomplish the same. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim December 7th of the year 2017 as Kris keyz day. Congratulations. Do you want to say something to us?

>> Absolutely.

[Applause].

>> Thank you very much. You know, there's a big wave of creativity and talent coming through Austin, Texas and I'm very excited to be part of it. I grew up being a giver so receiving an award today is very humbling and I'm very excited to receive it. Today, mayor Adler, it reminds me when I was 12 years old. My dad was a pastor at a little church in Alabama. He didn't have musicians there so he would preach at the piano and run to the pulpit and finally I got thrown into the fire. I got thrown in at the young age of field. My dad taught me feel, touch, how to learn songs very quickly. To my mom who is present today I want to thank you for supporting my every move. Without you our harmony and our family would not be complete. To my sister in Florida, I love you and thank you. When I first moved to Austin, Texas, I did a compilation and there was a lady that gave me confidence and bought two cds, that's my wife, Patricia Howell.

[6:02:35 PM]

Thank you very much. For every inspiring artist, musician, producer, let Kris keyz day be a testimony to you. When I first moved here I didn't know anything about the music industry, but I was hungry. I was determined and excited to learn my craft so I took my crappy beats, turned into okay beats. My okay beats then turned into good beats. I learned how to support local artists and local artists started supporting me back. I used my resources and built relationships. I snuck on every tour bus and every backstage during south by southwest. All those ingredients together have gave me the accomplishments of being recognized on the billboards number one records, but to be honest, my proudest moments still lie here in Austin, Texas. I will never forget the 70 shows I just did at Zach theater. It was special to me. I will never forget my greatest performance which was playing with local artists at one to one bar right after we got on tour. When I retired from basketball I told my friend Dennis in Dallas that I'm going to move to Austin and start doing songs for the radio. And last year we did a song called be the future, and it was played today on several radio stations. My biggest and proudest moment is feeding 200 people at Pease park for my community barbecue and pastor Jerry Edmund was always there to pray and say the grace. I have another proud accomplishment that I wanted to share with everybody here today and that

was a holiday compilation that I created that featured 20 of the finest artists, musicians and engineers I could find and it's called Austin Christmas because I dedicated it specifically for Austin. And just because it's Kris keyz day, everybody in attendance will be going home with a copy. And finally to the mayor, to all of my friends and family that came out today, everybody that is watching online, I want to say thank you to the city of Austin for the proclamation to commemorate Kris keyz, and it's an honor that December 7th is Kris keyz day officially.

[6:04:38 PM]

Thank you very much.

[Applause].

>> Mayor Adler: Will you know, this is why this city is magical and we are the live music capitol of the world. It is people like you, Kris. Thanks.

>> Mayor Adler: I have a proclamation. Be it known that whereas Christy Garbe has worked tirelessly to create a model healthy community that improves the health of all residents of Travis county. And whereas Ms. Garbe successfully spearheaded the passage of proposition 1, leading to the establishment of the Dell medical school. And whereas Ms. Garbe has recognized the need to expand the strategy of central health beyond the most expensive levels of care to consider more early prevention.

[6:06:43 PM]

And whereas she administered central health's planning work and behavioral health and whereas she has served on the boards of the community action network, the mayor's health and fitness task force, children's optimal health, and any baby can. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim December 7th of the year 2017 as Christy Garbe day in Austin, Texas. Well earned. Thank you.

[Applause].

>> It's been an honor and a privilege to serve the citizens of Austin and Travis county, especially those who are poor and vulnerable. Last year central health served over 143,000 individuals with health care services. And they're not done yet. I'm leaving, but I am leaving with them the passion that we have for caring, for providing health care for all no matter what. And none of this could have happened without this great team that's behind me, and has been behind me all the way. And I will be behind them and continue to support the work as we go forward. And I appreciate the support of the community during these last 12 years. Thank you. Thank you very much.

[Applause].

[7:02:54 PM]

>> All right. We're going to get back here. It is 7:02. We're in the city council chambers. The fire chief tells me at 9 o'clock tonight the warning starts with ice, so we need to try to book as best we can so we can get people home, to get through this agenda. Item number 29 I think we all want to that you have not doesn't look like there's going to be any action taken by council tonight. It is the one that has most of the speakers signed up on it. And I hope that -- Bobby, I don't know if there's a way for you to help us manage this so we can get people out of the ice.

>> Right now -- I'm sorry -- right now I'm taking a poll who actually wants to speak. I think we can probably get that to ten speech, I can't guarantee that because not everybody here is part of, like, the group that we've been organizing with, but we're doing our best to try to maybe do a speaker list for you.

>> Mayor Adler: Obviously going from 14 down to 10 would be better than nothing.

>> There was only 14?

>> Mayor Adler: Yeah. There was only 14.

>> We'll do our best to limit it.

>> Mayor Adler: If people don't feel the need to take the full three minutes, they certainly don't have to. Before the speakers speak on this item number 29, I want to give people on the dais a chance to speak because that might frame the conversation for some of the speakers on this item 29.

>> Renteria: We're going to be directing questions for the staff?

>> Mayor Adler: We can certainly direct questions for the staff as well.

>> Renteria: Okay.

>> Mayor Adler: In fact, we want to call, you know -- call the staff up first. Is staff here to speak on 29? Why two we let you guys make your presentation.

[7:04:55 PM]

You've made a recommendation. Why don't you lay it out.

>> I'm assistant city attorney. Item 29 is about the dripping springs wastewater discharge permit application. Staff is recommending that council approve a settlement with the city of dripping springs that will address the beneficial reuse program that they intend to have with their wastewater discharge plant, specifically that they will maintain a certain number of acres that can be irrigated, that they control, 25 acres of that, 174 acres of land controlled by others, and then effluent storage of 12 million

gallons. They would also maximize their beneficial reuse such that discharge would only occur if their land is frozen or saturated. Unplanned or unforeseen operational issues are an act of god. Dripping springs will be agreeing that it will not engage in commingling of effluent and other waters as part of their -- in their beneficial reuse infrastructure. The life of this agreement is through the life of the permit. In exchange for these things, the city of Austin would not protest their application that was filed in October of 2015. The city would agree not to provide financial or technical support to any person or entity that obtains standing to contest the application. However, it does include the language that if we are subpoenaed or if we have a public information request, that we can apply with the law. Dripping springs will agree that any contract will support this additional agreement, to use their wastewater for beneficial purposes, then they would also give the city a signed copy of any beneficial reuse contracts they approve after this, if council and the city of dripping springs agree to the settlement.

[7:07:13 PM]

>> Mayor Adler: Okay. Does environmental staff want to talk to us about why they're recommending this?

>> Chris Harrington with the watershed protection department. Effectively, we've been looking at the options available and considering all of them. We've approached this from a perspective that we've always established a scientific threshold that would tell us what "Yes" looks like. That is, effectively, that the algae in onion creek remind as they are now. That means that would allow some level of discharge, just not enough discharge that the algae would change their current conditions. So we're able to monitor that quantitatively. We've evaluated this settlement agreement in that context, and this agreement does allow some discharge at times when the city of dripping springs would be unable to irrigate that effluent on the acreage that was described. But that amount of discharge would not cause what we would call a change in the trophic status or a change in the condition of algae in onion creek. So given those considerations, given likelihood of our ability to be successful in a contested case hearing, given considerations that this is another city, a city that controls a substantial amount of the Barton springs zone, in fact, has a larger jurisdiction of the Barton springs zone than we do, that we're attempting to engage in larger regional issues to address the water quality challenges that we face, we support the settlement agreement.

>> Mayor Adler: Any questions from the dais for staff before we go to comments or public speakers? ?

>> Renteria: Yes, mayor. I would like to ask, what would be the procedure if we decided to go ahead and not approve the settlement and go through the process?

[7:09:15 PM]

What's our -- what's out there that -- what do you think, if we could be successful in this? Do you think it could be successful in this case?

>> The next steps after this, if the council does not approve the settlement, the city staff will be moving forward on requesting a contested case hearing. The commission will decide whether or not to refer the case to the state office of administrative hearings. They can also make a determination about whether or not we are an effective party. If the case is referred to the state administrative hearing officers, they will also make that determination about whether or not we are an affected party. If the commission has not done so. And then after that, we essentially, in turn, do full litigation, and we will have a -- we would have a hearing, and we would do discovery; we would have witnesses and testimony, experts, the whole -- whole thing. After that, the commission -- I'm sorry -- the administrative law judge will issue a decision about what they think should happen to the permit, and then that gets considered by the agency, and the agency can either agree with or they can essentially overrule the administrative law judge. And at any point in time, particularly with the affected person status, if we do not receive affected person status, then we would not be able to participate in the contested case hearing.

>> Mayor?

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: I have a couple questions on timing. I know we have a couple of deadlines, one on the 13th of December and one in January. Can you explain what those deadlines are?

>> It's actually December 8th, is our deadline to file a request for contested case hearing, and then January 24th is when we anticipate that the agency will take up this issue. Once the agency takes up the issue, then we are essentially kind of locked into whatever position we've taken up to that point.

[7:11:23 PM]

>> Pool: And the information that we will be submitting as part of the contested case, is that coming both from our science -- our scientific staff and also from law?

>> So, when we file our request for a contested case hearing and essentially responding to the executive director's comments, it will be a combination of work -- it's a combination of work done by the law department and watershed. It's actually submitted through the law department to the agency. And that is based on the work that staff has done in the past, and then also making sure that we have met all of the criteria that we need to meet in requesting a contested case hearing. As for the hearing itself, if the - if the city participates in the hearing, then we would be relying on city staff, it would be their work, their testimony, any other experts or witnesses that we need, and we would use that information to challenge the permit application.

>> Pool: And is all that information ready to go to be submitted by the first deadline, which is -- did you say tomorrow, not next week?

>> It is tomorrow, and it is still a work in progress.

>> Pool: Thank you.

>> Mayor Adler: Okay. Anybody have anything before we go to the speakers? Okay. Let's go to speakers. My sense, again, is that there's not going to be any action taken today. We've already asked people to do that. I would just tell everybody, you don't have to use the full three minutes if you don't want to. We have an ice warning that begins at 9 o'clock this evening. And there are about eight things still left to go after this. David King. On deck is Lauren Ross. Is Susan Litman here?

[7:13:26 PM]

Okay. Is Lisa Vivian here? Okay. So, Ms. Ross, you'll have seven minutes when you come up. David.

>> Thank you, mayor, mayor pro tem and councilmembers. I'll be very brief. I'm opposed to this permit, and I hope that you will vote against it. And I'll just leave you with this thought. If effluent is allowed to be put into Onion Creek, will you let your children swim in that creek? Thank you very much.

>> Mayor Adler: Thank you. Ms. Ross. Bill Bunch is on deck. Is Jake Harrell here? Mr. Harrell? Got you. And Robert Corvin? Got it. Mr. Bunch, you'll have seven minutes. You're on deck.

>> Thank you, mayor and councilmembers. This proposed dripping springs sewage permit would be the first and only permit ever to authorize an unrestricted discharge of treated sewage into any creek that provides recharge to Barton Springs. This permit would establish a precedent that would potentially and probably likely convert every single land application permit currently in the Barton Springs zone to a discharge permit. The reason why that conversion would happen is that there are currently hundreds of acres of very valuable land in the Barton Springs watershed that are being used for effluent irrigation and the developers have a strong profit motive to convert all of those to the same kind of permit that dripping springs is requesting. If this permit as it's drafted by TCEQ is approved, this will be the first time ever that there has been a discharge of treated effluent into a -- upstream from the Dove Springs and the Onion Creek neighborhoods and McKinney Falls.

[7:15:28 PM]

The residents in that neighborhood would be subject to being downstream from treated effluent. They would face environmental risks and health risks that no other person in the city of Austin ever in our history has faced in terms of being downstream from a permitted sewage discharge. Whether or not dripping springs intends to discharge is irrelevant, when the soils are saturated or frozen and the treated sewage storage is full, the only option that they have is to release the water into Onion Creek. There's no other feasible or legal option available to them. Onion Creek is unique. It's uniquely clear. The line -- the white limestone shimmers through the water because currently there are -- there is such low nitrogen and phosphorus in the creek. We have examples all over the Texas Hill Country of where there has been discharges into the San Gabriel River, into Bushy Creek, and the change is dramatic, it's profound, there is a lot of algae that grows. Settlement isn't always a bad solution, but this settlement is inadequate. It actually fully commits only 25 acres of land for almost a million gallons of effluent. By comparison,

dripping springs' existing land application system is 12 acres bigger for only a fifth of the volume of water. They are committing to only 12 million gallons of storage, and my very quick calculations, like between things in the last 24 hours, indicate that they'll be discharge as much as once -- on average, once every three days.

[7:17:29 PM]

This dripping springs sewage permit is, I think, probably the biggest threat that we have ever seen to maintaining onion creek and maintaining the quality of Barton springs that this community literally has done lifetimes of work to protect and preserve. And so I'm asking you to please reject this settlement. And I also want to say that we, the protesting parties, have been supported and have relied upon the work by Austin's watershed department staff, and particularly the work that's been done by Chris Harrington and the analysts that work with him. We ask you tonight to direct city staff to share with us the response to comments, this is comment in these contested case hearings, because we want to share the comments so that every contesting party can weave a -- I'm going to look at you, mayor because you're a lawyer; you know how this goes -- can weave the same net of issues so that if any party falls through the loops, the other parties get to hold that set of issues. Did that make any sense? I hope it did. Thank you very much.

>> Mayor Adler: Thank you.

[Applause] After bill bunch, then Roy while will be on deck.

>> Good evening, mayor, councilmembers, bill bunch, executive director and staff attorney with save our springs alliance. Y'all should have all gotten a joint letter from save our springs alliance, save Barton creek association and Sierra club earlier today, and I won't go over all the details. Dr. Ross went over some of those with them. I do want to touch on a couple of substantive points and procedural points. I do want to start out by apologizing to the mayor. We had put out a notice that he was part of developing this proposal in secret with staff, and that record -- we tried to correct that with our members.

[7:19:39 PM]

This came from staff. We are very disappointed because earlier in this process that's been going on now for well over a year, there was cooperation and collaboration; there was joint settlement discussions. We had no idea this was going on. We were not told until we saw it pop up, basically yesterday, and then were only given the document after we screened to be able to see it. We feel like this permit, and partly as what Dr. Ross said, is an enormous step backwards to open up the -- not just the Barton springs watershed, but the whole hill country to pollution, way beyond what the standard has been set in recently I should permits, at bell terra, for example, the city of Wimberley, and others. It's a horrible precedent. We need you to stay in there and cooperate, as she asked for. Sciences and lawyers, if some

point we split the blanket and y'all want to settle, we're not ready, we should have been consulted along the way. It should have gone back to your environmental commission to get their input as well. There's no rush on any of this stuff, and there should never be a rush where it's just slapped on the council's agenda for immediate action like this. We think the terms of the settlement are horrible, but even if they were really good, there's no means of enforcement. And without having teeth, monitoring, and enforcement, and consequences for violations, it's a wishful thinking document, is what it was. And that's pretty much what you have. This is showing -- you see the water bubbling up in the middle? This is the dripping springs irrigation field. If you show the next one, it sort of zooms up. I visited this place one time in the last ten years.

[7:21:41 PM]

One day. And this is what I saw. This is -- this is a violation. And this is what happens on these irrigation fields, where the wastewater is supposed to be spread out, and [indiscernible] Similar assimilated by plants and soils, it almost never happens that way. There's nobody on site, pipes breaks, the wastewater channelizes it, goes back into the increase, and we have abundant science that that's what's happening at all of these plants, and that's why we're seeing nitrogen increases at Barton springs and onion creek, bear creek, and Barton creek. That's why any settlement has to provide for -- you're talking about wanting to collaborate. Mr. Harrington, with dripping springs. We need to get there, where it's a were patently. Partnership. But it's a partnership where it's done honestly, transparently, and we're helping them make sure that we're operating this thing properly, because they're never operated. And if it's not us, it's a third party that we all trust that's in that role that we've agreed to. So we're in favor of a good settlement. This is miles away, and this is really, really dangerous precedent, if you were to have gone forward with it. We hope that you'll give better direction to your -- to your staff to collaborate, rather than to be on this sort of loan horse path. And if there's any questions that you have at all about standing or substance, we'd be happy to try to answer them for you tonight. Thank you.

>> Mayor Adler: Thank you. Ray whely, then --

>> Bobby Levinsky. Roy is stuck in traffic, he can't make it back, and I don't need my time so thank you.

>> Mayor Adler: Thank you Laura nice. On deck is Steve beers. Steve has time donated from Debra holingshed.

[7:23:44 PM]

Is she here? No? Oh, yes. Got you. Thank you. And then Savannah Remmick. Okay. When you get called, Steve, you'll have seven minutes. Go ahead. You have three minutes.

>> Thank you. My name is Lauren nice, attorney with save our springs alliance. I think I'm going to say something you're going to hear a lot of people say tonight, which is just how much Barton springs and the healthy and clean environment we have here in Austin means to me, and how important it is to the

quality of life that we've come to expect in our city and that we've come to really value here. I don't think I have to tell you guys that I don't think I have to tell staff that. I think everyone acknowledges that, but what I do want to say is that I hope that we will do more as a city and as a community to fight to protect it in the face of the proposed discharge that, you know, we're talking about tonight. So I'm here to urge you to fight and I'm here to urge you to urge staff to fight, that that's what the community wants. As bill mentioned, we also want the city to work with the stakeholders who have been heavily involved in these discussions over the past couple of years, to reach a better solution, a stronger solution, a more sustainable solution to how we deal with wastewater in dripping springs. And I'd also like to point out that the environmental commission are stakeholders who this process should have gone to them. It's something they asked for last night, to have this on their next commission meeting, so I understand that y'all aren't going to take action tonight, but I would also hope that this gets to go to the environmental commission and we get to hear their thoughts and let them have discussion. That's also an important voice, you know, on the future of onion creek and the future of Barton springs. So, so just real quick, there's no real -- there's no reason to settle, there's no reason to be talking about settlement at this point, from my opinion. As bill said, we're in favor of a strong settlement, but not one that looks anything like what's been proposed so far.

[7:25:45 PM]

So in closing, I'd just like to urge council and staff to be bold and to fight for what this community values, to really fight for the health of Barton springs and of onion creek. Thank you.

>> Mayor Adler: Thank you. Steve beers? On deck is Angela Richter. Mr. Beers.

>> Yeah. Am I main concern, I think, is to situate this in some kind of context that maybe we've directly experienced. Maybe not. Which is that this onion creek basin contributes more than a third of the flow to Barton springs. So I'm dumbfounded that it looked like we had 24 hours, 48 hours to review this situation. Then when I actually saw it, it was only three pages, so I guess maybe one could make a considered judgment; I don't know. But when I looked at it, it was like, well, it intends beneficial reuse. It promotes beneficial reuse. It maintains, whatever that means, existing drip fields. And then it has, you know, a certain amount of acreage and storage, but no real commitments to use it, nothing in there about what they do when they hit the limits of it. None of that. And so it doesn't seem to be any better than -- and actually worse than other draft settlements that have been floating around every year. And Icra already has a settlement that's binding and has more acreage and more storage than this flimsy thing. So I'm just wondering who it benefits, who negotiated it. There's another party in it, Alfreda Elbert, LLC.

[7:27:51 PM]

What is Alfreda Elbert, LLC, and why are they our partners? Who are they? I think it's self-defeating to soil our springs by blessing this sewage deal. It won't accomplish anything good. And this tag here says

no dripping sewage. And that's the campaign that we're going to push out because I don't think if you asked a thousand people in Austin today, that even five of the thousand would know this was going on. We've done a poor job -- the global "We" -- of informing people about this. But we're going to make sure everybody knows by the time this thing's over. And I think that we'll be able to get something good, not settle for something less bad. And I absolute the mayor because he tried, I'll give them credit for trying to get a rule change at the tceq that would give credit to more beneficial reuse so that we don't have this kind of crisis. And so while people talk about settlement, I think settlement implies something adversarial. We've kind of failed so far. I think what we really need is an agreement. We need an agreement outside of tceq that is a truly enlightened water policy, one that would have decentralized reuse. And I think that's pragmatic and practical. But even if we can't get that vision that would clean up the water before we put it on the ground, I still think there are many other alternatives. The city of lakeway is five times bigger than dripping springs is today, and they are under a strict no-discharge rule into a much larger water body, the highland Lakes. And somehow or other, they have managed to grow over 40 years without any direct discharge into a stream.

[7:29:57 PM]

This is 19th century, it's barbaric, and the only rationale I can see is, well, we're going to do this the very cheapest way we can. And I don't think that's good business. I don't think that's the kind of image dripping springs will want. I don't think -- I don't think this city will soil its brand, to use business terms. I think the springs are important, in and of themselves, but if some of you don't care, I just wish you'd think about the image of our city to the world. We promoted that we're a healthy, outdoor place, and we're going to go trash that? For what? For what reason? Anyway, I -- I think we shouldn't do this settlement, but I applaud you for sending it back to boards and commissions. Thank you.

>> Mayor Adler: Thank you.

[Applause] After Angela Richter, bill Oliver is on deck. You have three minutes.

>> Thank you. I'm Angela Richter, the executive director of save Barton creek association. Like everyone has pointed out, we got this very last -- last-minute, and it was really confusing to see, I think, from my perspective and a lot of our perspective, why city staff would make such a weak recommendation for the protection of our water resources when, historically, we've committed extensive resources to protecting Barton springs and the Edwards aquifer. It's just not in line with who Austin is culturally and previous council decisions. As many of you may know, several parties are going forward in the contested case hearing, and the application deadline is tomorrow. It's looking like the two aquifer districts will be moving forward. The landowners are having forward and we really need the city, a major stakeholder, to go forward with us.

[7:32:04 PM]

The city not only has the interest of Barton springs, but it really has extensive resources, more resources than a lot of these individuals and landowners, and small non-profits like ours. Scientific resources, legal resources, and we really need y'all to stand -- we need to stand together and ask for no direct discharge of wastewater into our creeks. So please reject this settlement, and I really don't want to see another one of these weak, maybe slightly better settlements in front of the city council until, you know, it's a direct -- it's no direct discharge that we're looking at. So, yeah, please reject the settlement, and thank you.

>> Howdy, folks. I'm bill Oliver. Excuse me. And first I'd like to thank the council for supporting our little mother Earth day at the springs festival, 16 years now, and lady bird lake fest. Thank you.

[Guitar strumming]

>> So we first sang this song at dripping springs at a very large really. Half of the people were there for the rally, the other half was for the rodeo. Hundreds of people packed this thing and scores spoke in dripping springs. Not a sole was in support, in their own town. Maybe a few people on the dais were, but -- my -- okay.

[7:34:06 PM]

My thanks to smoky Robinson for the help of this song. Join right in, if you'd like.

[♪ Music playing ♪]

>> Maybe you've got some sludge in dripping springs. Relief a million gallons a day down onion creek
♪♪

♪♪ it's easy enough to plush it all downstream.

♪♪ But it comes up to us in Barton springs. He ♪♪

♪♪ in that case, we don't want no part. That would also break our park. So, if you feel like sending us your secondhand pollution, we pooh-poohed that solution.

[Laughter].

♪♪ Oh, if you feel like sending us your second land pollution, we poo-pooed that solution.

♪♪ No one likes the cent of algae bloom.

♪♪ Phosphates and nitrates are cruel perfume.

♪♪ This is how you make an onion cry, when's aquifer and fish try to survive.

♪♪ In that case, we don't want no part. I do believe, that would also break our park. Oh-oh, if you feel like sending us your secondhand pollution, we pooh-pooh that solution. Oh, if you feel like sending us this secondhand pollution, we pooh-pooh that solution.

[7:36:15 PM]

[guitar strumming]

[Cheers and applause]

>> Thank you. Thank you. Pooh-pooh.

>> Mayor Adler: Ms. Monsivius?

>> Talk about the luck of the draw, getting to follow bill Oliver.

>> Mayor Adler: Come on, Roy, sing to us.

>> Hey. You know, I'm Roy Whelan. I'm the conservation chair for the Austin regional Sierra club. And when someone asks me, do you think that the city of Austin, the city council would ever take a chance even remote chance on doing something to harm the aquifer and Barton springs, I say, yeah, sure, maybe when hell freezes over. It's snowing outside tonight.

[Laughter]. And I heard on the way over here that they're issuing a freeze warning, that we have to go home. So I guess -- I guess we've gotten there. I'll be darn. We ask that you reject this, that we actually get a solution that fits everybody. I think -- I deeply think Dr. Lauren Ross, who I think we all should listen to. This is -- we have spent how many millions of dollars to protect Barton springs and the aquifer? How many millions of dollars have we spent? How much time? How much blood? How much effort has gone into this? And we're ready to just say, well, best we could do. And, Chris, you know I appreciate you and respect you, along with all the other folks.

[7:38:20 PM]

But we can do better than this. And I believe --

[applause] I believe that there are people in every department of the city that believe we can do better than this. I believe that there are people in the legal department that are ready to take this on, that believe that this can be done. And I would hate for us to look back on this and see this as finally the straw. The straw that breaks the back, the beginning of the final degradation of the aquifer and Barton springs. Please, please, please, go forward with a contested case hearing. Reject this solution. Do it for those of us that have been here for a long time, those of us that have just gotten here, and those of us that haven't gotten here yet. Continue to protect and preserve Barton springs eternal. Thank you.

[Applause]

>> Mayor Adler: Louis monsivius. Okay. Nelson gooda? On deck is Sarah fost.

>> Good evening. Thank everybody, council, mayor, staff. So first off, I just want to say thank you to the watershed group. We respect what they do. However, I have a lot of problems consistent with everybody else's discussion about this proposal. My background, I'm former founder and associate director of the environmental science institute at UT. I'm here speaking on behalf of the friends of Barton springs pool and Barton springs conservancy, and as a citizen.

[7:40:21 PM]

So I understand the city's desire to avoid a contested case. That's totally understandable. But I think that this sets a terrible precedent. The precedent is legally important because this will set a place for others to do the same thing in an uncontrolled way. And one particular thing that is an issue in this permit is that there is no end-stream monitoring. So you can do all the modeling that you want to try and predict what's going to happen, but when there's no monitoring of a system like this, it's very easy for there to be an accident and nobody knows that it's happened. Oops. You know, we spilled you know 5 million gallons of untreated waste. But nobody was monitoring it, so the only thing we see is the downstream effects at some point. That is really critically important. Also important are the other groups that have contested this and are going forward with the contested case. The Barton springs Edwards aquifer conservation district, Trinity conservation district, the city of Buda, they're all contesting this. Why are we not contesting it? Also, currently the city of Austin staff has an ongoing project to study the connection between the Trinity aquifer and onion creek, just downstream from this discharge site. That study is not finished. Why are we going ahead with this when we don't even have the results of that study yet? I know the people that are doing that study. They're still working on it. At a minimum, the council needs to wait for its own studies to come back and, you know, say what -- what is actually -- might happen with this. And then it should be put forward to the joint environmental committee to talk about, at a minimum. So I pose this, and thank you for your time.

>> Mayor Adler: Thank you.

[Applause] Nelson gooda.

[7:42:24 PM]

Fost. Clark Hancock is on deck.

>> Good evening. I'm Sarah Faust, an environmental attorney, and Austin resident. I'm here, I represent a group called protect our water. They're based in dripping springs. They're a group that was organized to work to protect the crystal clear waters of onion creek from wastewater discharge. And it's community members and it's landowners, it's people who live along onion creek. We're the stakeholders. And so I'll say, first, that the process, as you've heard, was pretty shocking. I mean, we found -- we got this settlement agreement 24 hours ago, basically, and to try to analyze it and really give any feedback is impossible in that amount of time. So we hope that, moving forwards, we can go back to

something that's more collaborative, and at least get a heads-up or some notice, here's what we're working on. The reason I say this is, I think that there's been some architects made that a settlement by the city of Austin is a good thing for the community groups, but it provides some kind of base, baseline that people can go on and fight for more. That's not our perspective on this settlement agreement at all, and if anybody had asked us, we would have said no, this is not helping; this is the exact opposite. So if a settlement is brought back to you in a rush, again, and you're given arguments about how it affects the other groups, please contact us and ask us because we may have a very different perspective than staff and your legal department. On the specifics of the settlement, I just wanted to address, you know, this is a two-page settlement, and it -- all it really does is talk about how much discharge will be in the creek. There's -- the whole other side of what's in the effluent, Austin -- you know, the city of Austin filed 60 pages of comments on this application, and a lot of what those comments point out are, there's problems with the way this plant is designed, there's problems with the design regarding allowing -- when there's a malfunction at the plant, where is that wastewater going to go, is there going to be redundant, there's a lot of issues going to be addressed in a settlement to make sure the plant puts out the effluent it's supposed to.

[7:44:48 PM]

That's a common thing to address in a settlement. So it was, again, very surprising that only looks at this one parameter, what's the volume going in the creek. Another example, there's issues about how to measure phosphorus. There's issues about the design of the plant. So these are just a couple of things that come out of the city of Austin comments. And I would finally just say, you know, as the other speakers have alluded to, this is a million gallons a day. It could become more. This is a huge regional wastewater facility that's directly upstream of Barton springs, tons of locals.

[Buzzer sounds] And this is the fight. We're not waiting for a bigger one. This is it. So thank you very much for your time.

[Applause]

>> Mayor, councilmembers, my name is Clark Hancock. I'm president of save Barton creek association. Thank you all for listening to us tonight. We have a serious issue here. It comes down to an agreement that you all are considering that is based on wrong assumptions. The assumption that it's based on is that any -- that discharge into onion creek is acceptable. And our point is, no discharge into onion creek is acceptable. No discharge into any of the waters that contribute to the Edwards aquifer is acceptable. And the reason for that is this right here. This is limestone. This is the rock that is downstream of where the effluent is going to be discharged. When that effluent reaches this rock, it is channeled underneath the ground and comes out at Barton springs. Anything in that water will go into this rock.

[7:46:50 PM]

Within days, it will appear at Barton springs. And that which does not appear at Barton springs will stay in this rock until its washed out months, years, decades later. If we enter into any agreement that in the end result will allow onion creek to be part of an effluent discharge system, we are condemning our community to an environmental and economic hell. It's simple as that. I'd like you all to think about something that happened back in 1990 -- 1986. January 28th. You all saw this if you were alive at that time. It was on the TV screens all over the place. It was a big, fiery ball in the sky above the ocean east of Florida. The challenger blew up, destroying a beautiful technological wonder and killing everybody on board. When they studied the reasons for that, the cause of that disaster was a little rubber ring that failed. That points out the point that every mechanical system will eventually fail. It's not a question of if, it's a question of when. We've already seen pictures that bill bunch supplied us of what is already being looked at as mismanagement of that -- of that system. Whether it is a faulty rubber ring in a seal, whether it is a switch that malfunctions, a valve that stays open, or, god forbid, operator error, there is going to be a disaster at some point if you allow a wastewater real-time to connect to onion creek.

[Buzzer sounds] Thank y'all very much.

[7:48:51 PM]

One thing I'd like you to keep in mind when you're in your consideration, no discharge. No discharge.

>> Mayor Adler: Thank you.

>> Thank y'all very much.

>> Mayor Adler: Andrew Harrod?

[Applause]

>> Mayor Adler: Then after Andrew Harrod, Jeff Shaw.

>> How's it going? Yes, I'm here to say thank you for pausing and listening to us and considering the testimony of experts and scientists in these fields. I grew up fishing onion creek, and I take issue with the modeling mentioned because I know there's no steady flow in onion creek. It can be a trickle for months at a time, and upwards of millions of gallons of treated sewages, to cause huge spikes and nitrates, phosphates, and that will call algae blooms and trouble for us, so thank y'all.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Jeff Shaw, then James Casey. And then Sarah Collin.

>> Thank you, mayor Adler and Austin city council. I'm Jeff Shaw, managing director of protect our water, or pow, a grass roots organization at dripping springs has sprung up because somebody had to do something right at dripping springs I'm landowner in onion creek, seven miles down from the planned sex of onion creek. I will fate this tooth and nail. My kids swim in this creek that should be require a tier 1 and 2 review. Talks have been with the city of dripping springs. People turned out for a public meeting

and of all the people that spoke, one person, a local developer spoke for this discharge. Every other person spoke against it. Every one. The people of dripping springs are against this discharge. Last year in the elections, two of the three city council members up for election were replaced.

[7:50:53 PM]

This next year this mayor is also up for election. Do not settle with this weak -- this is the craziest part. Lcra's settlement. It's a good starter settlement. It does some goings. Here's our settlement, protect our waters, in current talks with dripping springs city council, including the water table that Dr. Lauren Ross included. It takes into consideration the endangered salamanders in the creek. The wells that we all drink out of. Here's the nine sentences, nine sentences. Whoever actually sent this in should be ashamed of this, to send something like this to the city of Austin? The city I grew up with? The I grew up in and called home? I'm embarrassed for whoever sent this in. Please do not settle. Dripping springs do not want this. Give us some time. Elections are coming. We're counting on you. I'll be in this thing till the end, both as individual and as managing director of protect our water. Thank you very much for your consideration.

[Applause]

[Applause]

>> Thank you, mayor and council. Everyone as discussed --

>> Mayor Adler: Your name, please?

>> I'm sorry, James Casey, with the group, undoing white supremacy Austin. Everyone has discussed the other reasons not to pollute the Barton creek and the aquifer. I want to reiterate one thing that was said earlier. This is a huge -- if it were to go through, this would be a huge racist move on the part of dripping springs that we would be complicit complicit in. Sewage discharged into upstream of our entire southeast Austin neighborhoods is horrible.

[7:52:54 PM]

I mean, it's another -- it's one more thing. Next time it floods, what's going to happen to that sewage? You know. It's something you really need to consider from the perspective of racial equity in the city, and I hope you'll do so. Thank you.

>> Mayor Adler: Thank you.

[Applause] Sarah Collin? And then David hicksson.

>> Hello. My name is Sarah and I'm opposed to this. I'm here on behalf of myself as a citizen of Austin and for my friends who couldn't be here, people who couldn't be here. But I'm opposed to this. I go to

Barton springs all the time, and I've also just seen what this type of settlement will do to an area. My father lives in new Jersey on a creek, and settlements like this have passed, and people can't -- you can kayak, but I can't swim in that water because you'll get sick, you know. And I just don't want to see that happen to Barton springs. And I am opposed to this. Thank you.

[Applause]

>> Mayor Adler: David Hickson, then Christina Rodriguez is on deck.

>> My name is David Hickson. I live in district 5, and I am a licensed professional counselor intern. I work on east mlk, capital area counseling. I've been in Austin for ten years. I grew up in San Antonio. Barton springs, Barton creek, represent an incredible gift, a natural gift that we have at the city. It's -- people call it the soul of our city. I feel that. You go to Barton springs, you see people from all over the community at Barton springs. It's \$3 to get in. Everybody can go and enjoy it. We allow this discharge, we're threatening that, we're threatening what makes this city so special, and I think it's an outrageous idea to be dumping almost a million gallons of sewage into a creek. The idea is -- it's reckless and it's terrible, so I oppose this. Thank you.

[7:54:56 PM]

[Applause]

>> Mayor Adler: After Christina Rodriguez, then it's mate pector.

>> Good evening. My name is Christina Rodriguez, and I'm a resident and healer in Austin, Texas, and a resident mermaid of Barton springs. And I say resident of bartonsprings, I know I'm not the only one. Many in this room, we live there, swim there daily, it is our life blood, the lifeblood of this city. Like the gentleman before we said, it is the soul of this city. I heard about effluent coming in through onion creek and going into Barton springs back in may. I heard this from a friend of mine. He was reluctant to go to the springs with me because of the imbalance in the water that he could sense, and from what he had heard of effluent already traveling from onion creek into Barton springs. And I was appalled that I hadn't heard about this before. And it made sense because when I would try to open my eyes under water, my eyes would start stinging like it would in a chlorinated pool. Now, since hearing that, over the summer, would swim in the water and noticed tremendous algae bloom in Barton springs where -- I swim with a monofin. I am a mermaid, and that will kick all the algae and make it not visible, not easily visible. Right now, not many people go because it's winter, too cold, and the algae has settled and it seems like there's a balance that's being held. I know that over the years that I've been swimming there, that there's been significant shifts in the life in the water, the algae. Whenever it floods, all that -- all the bodies of water are connected to each other, so a drop of effluent will go through all -- all of Austin.

[7:56:57 PM]

It'll affect every one of us. I have a question, something that came to me. I was like, what shall I say? Would you still use a toothbrush if it fell in the toilet? Or would you use it to scrub that toilet? Would you actually put that back in your mouth? Would you allow any drop of effluent or any -- a drop of toilet water into a glass of water and drink it, with the knowledge that any type of bacteria could affect you? Whether now or days down the road, years down the road. You, your children, anybody that wants to visit Austin, do you want anyone to come to Austin and say, oh, we used to be able to swim here. It was really beautiful. Look at these photos of how it used to be. We have an opportunity to keep that from happening. The one thing that really keeps Austin alive, the soul of this city, if -- Austin would not be Austin without Barton springs. And many -- I would suppose that most people in this room would agree with that.

[Buzzer sounds] I know that I do. So I implore you to reject this and find a real solution. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> My name is Mate Pector. I'm here as a citizen and on behalf of my campaign staff for Joseph Copester who couldn't be here, but we are opposed to this agreement and the settlement because this settlement reduces the ability of the creek to do its job, which is be an ecosystem, sequester carbon. It sends the message to your voters and the people of Austin that you are not concerned with their public health or the quality of their water, and it will ultimately devalue something very clearly valued by the people of Austin.

[7:59:01 PM]

Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Those are all the speakers we had. That gets us back up to the dais. Does anyone want to say anything on the dais? Councilmember Pool.

>> Pool: Thanks, mayor, and I wanted to thank everybody who came here tonight, at really short notice. Speaking just for myself, I was as startled as you were to learn that we -- that our staff was going to be offering a settlement. I only learned about it, myself, on Tuesday, and expressed my deep alarm over the fact that I was just hearing about it and we were going to have to make a decision two days later; and then more to the point, that the community stakeholders that I'd been part of the meetings over the last year and more on this issue were not aware; and that was a huge breach of trust, huge breach of the community trust. So I so I thank you all for turning out in such order and for your he will consequence tonight -- he will consequence tonight. From the music of Bill Oliver, what would we do without Bill and his guitar? And the great analogy with hell freezing over and my staff's children brought us some snowballs for Roy Whaley, to the very eloquent comments from this young woman just here. And I missed your name, but ask you thank you, all talking about the soul of the city. You are reaching

my soul, Barton springs is our soul and onion creek is really important too. And that's the drinking water that flows north actually from this site and we can't be soiling and despoiling the waters that keep us living here.

[8:01:06 PM]

So I actually would like to reject the action of the settlement. I don't know if we are simply not going to take action here tonight, but I agree with all of you coming to testify saying we should flat out reject the settlement. It is way too weak and it is embarrassing. Thank you.

[Applause].

>> Mr. Renteria?

>> Renteria: Thank you, mayor. As someone who learned how to scuba dive in imagine Austin and unfortunately y'all never get to see what I saw down there. You could see up to 25 feet up there in 30, 35 feet. You will never see that again because it's so dirty you can't even see in lake Travis. But I tell you, I'm not going to approve this settlement but I just hope -- because we're not making the final decisions, we're just going to stay in the lawsuit, but I hope we can convince the state because they do not like us, period. They wanted us to give them permission to cut all our trees down and luckily we were able to stop them. But you have a fight on your hands and I hope y'all come out to that hearing, when we do have our hearing, and come out as passionately as y'all did today.

[Applause].

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

>> Tovo: I said it earlier, but I'll just reiterate, I intend to vote against this settlement, if it ends up back on our agenda. And I thank you for coming out and for your powerful testimony about why we should not reach a settlement in this case, but should continue to fight it.

[Applause].

>> Mayor Adler: So I got here in 1978 and as I have frequently said, I ended up in Barton springs within 45 minutes of arriving in Austin for the first time.

[8:03:20 PM]

And I agree with everything that everyone said about Barton springs being the heart of this city and Austin wouldn't be Austin without Barton springs. When staff came and put this on the agenda and I learned a week ago that the staff would be presenting a settlement and expecting or giving the council the opportunity to vote on it, I said that I couldn't vote for it, that we needed to have the opportunity to take a look at it and the community needed to be able to vet it because the suggestion that we could

have something to come out and you turn it around in a matter of days, much less a week, two weeks, isn't right. The issue that we have here is we have staff telling us that the greater harm to Barton springs is to risk the permitting situation with the state. That if we're really concerned about preserving Barton springs, what our staff is telling us is that the greatest risk is to risk the permitting process. And I think that's the issue. I think that everybody here your primary concern is to protect Barton springs and we need to make sure that we do that. I need to take you up and I will take you up, bill, on the offer that you've made to address the issues that the staff has raised. And what happens if we win or lose, not right now, but I really want to spend time with you.

[Laughter]. Because I need to understand -- I need to understand it well.

[8:05:20 PM]

My understanding is to creek a total ban on discharge in that creek and river system and what we're being told is the best way to ensure that we get the ban addressed administratively or legislatively with what we're being told by staff is different. I need staff to help me too. There have been a lot of really specific things that have been raised. I would really like for you to go through each one of those points individually and respond to them. I was told that the discharge would happen when the ground couldn't receive the effluent and that's going to happen in situations where the ground is wet and therefore it's not going to be received, but that would be the same time that if it's wet that you have the most run in the creeks, and that if it's dry and there's not run in the creeks then the land is dry and it takes it. But I had not heard the question that Lauren raised I think, or bill, about frozen ground, and I don't know how that plays into the argument. If it's frozen it could be dry and frozen and still not receive the effluent. To me. The discharge, you've said that the discharge doesn't happen in your model except in a really rare occurrence. And Lauren says that it's going to happen every three days. I want to understand what is the basis for that extreme a difference in the modeling. This has been compared to belterre, but has also been explained as wildly different than belterre and I need to understand that better.

[8:07:21 PM]

I need to understand better what the enforcement mechanism is. I need to understand better what it is that either really good about the lcra settlement or deficient about the lcra settlement. I need to understand better lake Travis having the ban and how those cities work in an environment where they don't have the ban. And then the issue that some of the other people raised too, the question of volume versus content and whether the settlement just speaks to volume and doesn't speak to the makeup of that volume. You know, we speak a lot about what happens in this city and I don't know that any of them are more important than Barton springs. We have the trustees of Barton springs and people have gone before us sitting at this dais and have protected Barton springs. And if we screw this up you can't go back. And it is this question that keeps me up more than almost anything else that we do on this dais. So I would really like to be able to go through, bill, this with you, these issues, these strategic issues, the

legislative issues, the standing issues, what happens if we lose issues so that I can understand the relative risks, and I need for staff to come back. When you indicated to us that the first time that we would face a risk is if we're in the contested proceeding on January 24th, if they were going to rule on the 24th.

[8:09:32 PM]

I don't know how likely it is that we would rule on the 24th and I don't know if we would get an indication that is a possibility or if between now and the 24th that we would get an indication that that is not a possibility by the way they would set it or what else they would do. But if there's any change in whether or not the 24th is a risky day, I would like for the council to be told that right away. But I would like to have this assessment from staff and, bill, to sit down with you as quickly as I can and then to get this assessment back so I have the opportunity to be able to share it with bill and with Lauren as quickly as you can so that I can learn. Councilmember alter.

>> Alter: There's an ice warning coming at 9:00, so I'm going to really try to be brief. As my colleagues know we've been working on our strategic planning, and one of our outcomes is health and environment. Enjoying a sustainable environment and a healthy life physically and mentally. And we've been having some conversations about how we move forward with our environmental legacy and the role this plays in our three to five-year plan. And this is kind of in our three to five-week plan that we need to be paying attention to this. So I'm very concerned about all of this and I'm glad we're able to have this discussion tonight and I think we will keep having this discussion and moving forward in the process to protect our waterways.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I too will be brief. I will just say two things. You know, as you one of the original members of the S.O.S. Steering committee I want you to know that you can always, always count on me to fight for Barton springs.

[8:11:43 PM]

And I want you to also know that I have the utmost respect for all of you. Those of you who have been around forever that we very much love and appreciate, and those of you who are joining the fight now. So I will leave it at that and say thank you for being here.

>> Mayor Adler: Anyone else? Anyone else want to speak before we move on? I want to thank everyone for coming out tonight. Thank you. We'll now go to the next item.

>> Alter: Mayor, can you remind us how many more items that we have?

>> Mayor Adler: 10 or 11 items. We don't have a lot of speakers associated with them, but we do have that many items. Some things I think we might be able to postpone. Ms. Kitchen, you had one that was going to be postponed?

>> Kitchen: Yes, we reached agreement between some neighborhood folks and the applicant on 93ing, so I'd like to make a motion to postpone it until next week, the 14th.

>> Mayor Adler: Okay. A motion to postpone item 93 to 12-14. Is there a second to that?

Councilmember alter seconds that. Any discussion? Is there any objection to postponing? There are no objections with councilmember Garza and troxclair off the dais. Councilmembers, with respect to item number 57, that's where the manager selection, we had the recommendation. I asked if there were any objections from the dais to them proceeding as was recommended. There were none, and I announced that. The attorneys wanted me to come back and touch that again on item number 57. Are there any objections to us proceeding with those two candidates with the direction that we gave to staff?

[8:13:47 PM]

Hearing no objection, that is unanimously the view of the council with councilmembers troxclair and Garza off the dais. Okay. Get us there?

>> Casar: Mayor --

>> Mayor Adler: Now let's talk about the fire issue. Is that something that is disputed or not disputed at this point? I think there's no dispute as to that. I have a message from councilmember troxclair who posted that she wanted that postponed. Michael Sorrels in her office -- number 98. On number 98, councilmember troxclair's office has let me know now that she is fine with it moving forward, that we are concerns have been met. Is there a motion to approve 98? Councilmember pool makes that motion. Is there a second to that? Ms. Kitchen. Councilmember kitchen. Five speakers. So it's been moved and seconded. 98, I have three speakers speaking. Are they here still and want to speak on this, 98? John McGraw, Chad Williams, David shott, liane Hendrix, Mateo barnstone? Does someone want to speak on item 98? No? Do you want to speak on 98? Come on up. Please introduce yourself.

>> Thank you, mayor and council. My name is Mateo barnstone. I'm the director of the local chapter of the congress for the new urbanism. I wanted to thank staff, fire, transportation, economic development for agreeing to move forward on the fire code without making changes to sections 503.2.1 and 503.2.2 and leaving them for a larger public engagement process.

[8:15:54 PM]

Those two sections have to do with what limitations the city will place on itself to design streets for public safety and who has the authority to resolve conflicts when there is an honest disagreement between city departments about what constitutes a safe condition. How we resolve these questions will

directly impact projects underway at Mueller, highland redevelopment, projects soon to enter construction off as the grove at shoal creek and colony park. And it will also have impact on the redesign of our corridors as a result of the recent mobility bond and codenext with the associated adoption of the transportation criteria manual. Ultimately this issue will have operational impacts on the fire department in terms of spacing and staffing of stations and purchase of equipment. This is all to say that these two small sections of code will have very far-reaching consequences. It's worthwhile for us all to get educated and into the weeds on this and your action tonight gives us the community a six-month window to come to a consensus about what kinds of neighborhoods and streets we want to permit and encourage. Street design is critically important to emergency responders. It impacts their charge to keep the public safe, to rapidly deploy personnel and equipment to emergency situations and allow them the room to work when seconds can mean the difference between life and death. Street design is also critically important to the health, safety and welfare of pedestrians, cyclists or motorists who use our streets everyday and street design also has far reaching impacts on the liveability and loveability of our neighborhoods, the economic resiliency of the city, the health of our populous and the vitality of local businesses. I believe that as this conversation evolves we're going to find that there's no one size fits all solution and that we're going to have to be sensitive to context and use a variety of design options to achieve the best interests of the public.

[8:18:03 PM]

And through greater collaboration between emergency responders, transportation planning, health and public safety departments and citizen and community stakeholders, we can work together to maintain expedient emergency access while designing healthier, safer and more liveable streets. Our organization that I'm with, cnu, has been involved with this discussion in the communities across the nation.

[Buzzer sounds] We can draw on expertise locally and nationally and we're here as a resource to your offices. Thank you so much.

>> Mayor Adler: Thank you. It's been moved and seconded, this item 98. Any discussion? Those in favor please raise your hand? Those opposed? Those abstaining? Ms. Houston abstains. Others voting aye. Councilmembers troxclair and Garza off the dais. That passes. Mr. Casar, do you want to call your item? Speakers? What was the number? 58. Was it 58? Gus Pena is not here. David king, do you want to speak on this? He's not here. Thelma Bettie Taylor? And Thelma Williams. Thank you. I'm Thelma Williams. I'm vice-president of St. John's neighborhood association. And what we're concerned about is the Home Depot that's on the corner of I-35 and St. John's that's been vacant now for over 10 years. And basically what we would like for you guys to do is to turn that property back over to the St. John's community so that we can use it for more positive things.

[8:20:18 PM]

Since our taxpayers, of course, paid for the property for the police department, and since that didn't work out then we're sitting there with an eyesore with a whole bunch of trash cans on it right in front of St. John's. St. John's have had enough negative stuff going on. I'm one of the original members of St. John's. Moved there when I was seven years old. So I've gone through everything. So we really would appreciate you -- I can't remember the technical term. I keep having these memory glitches. But to turn it back to our communities so that we can utilize that. And I know unless you release it there's nothing we can do with the property. So that's going to be up to y'all. And I want to, for the people that don't know anything about St. John's, I want to leave you with -- I'm a poet in addition to being vice-president of the neighborhood association, and I've worked very, very hard. So I want to give you a really quick summary of what St. John have gone through over the years. And this is a poem I wrote and it's called "St. John's, past, now and future." We were domestic laborers, hard working farmers with no land. We needed help and had no money and nowhere to live and no plan. A vision from a preacher made a deal with no fuss. The beginning of a community to help black families because no one wanted us. Looking back at the beginning, what a meeting ak black had. He wanted to buy this community, what a joke.

[8:22:19 PM]

The kkk looked at this dumb black man wanted to buy this no good worthless land without hope. They call me grandma wisdom and I live in this community at the age of 72. At seven I moved to St. John when it was considered a place of no use.

[Buzzer sounds] I'm mostly fighting from the bottom looking up and from the top looking down, hoping for a better future for our children to be found. Our past through the years getting educated from school life, went to college, a counselor, giving advice. I now live in St. John in the year 2013, I'm fighting for the right to be. I want to leave a legacy of love and pride, featuring hard-working people for the whole world to see. Every race, color and creed live around me unified. We're trying to take a stand. We must put hate down, lift love up and keep hope alive in this community and this wonderful land. Thank you.

>> Mayor Adler: Thank you very much.

[Applause]. Is akeen McClendon here? And Hector sanding a go will speak last.

>> I'm a member of the St. John neighborhood association. I'm also chair of the neighborhood plan contact team. Sadly I haven't prepared any lyrics or poetry to bring to the council.

[Laughter]. But I would like to voice support on behalf of my neighborhoods of redeveloping the plan most commonly known as the old abandoned Home Depot. As many of you are aware that land was originally purchased as part of a city crime and safety bond. Instead it's become a hot bed of crime and a black eye in the community for the last 10 years. It's one of the most visible and large pieces of land in our neighborhood.

[8:24:20 PM]

And it's remained vacant and overgrown over the last couple of years. However, we not only in the St. John's community, but the city of Austin as a whole see opportunities to have a positive impact not only in the local neighborhood, but the city in general. On a more local neighborhood level, there are efforts to redevelop the adjacent park next to the land, however there are obstacles with it being surrounded by the overgrown Home Depot area, but on a more macro city level the aquatics, the department's aquatic's task force, as part of their aquatic's master plan over the last two years it identified the St. John area around this region as a great part -- great place to build a potential indoor aquatics facility and natatorium. It's one of the things that would be the first of its kind around Austin and provide a lot of opportunities in the central area to have people not only swim year-round, but have -- address some of the cost issues with water evaporation and much better run than a lot of the outdoor neighborhood pools. But again, for the local community level, we've been working on developing the St. John's park on the adjacent land. This will definitely help towards our efforts, a large challenge that we've faced is getting people excited when they are surrounded by an overgrown, unused piece of land that's ultimately owned by the city. It's been worse even recently with the decision to store trash cans in the area. It doesn't look good. And it also sort of demoralizes a lot of the neighborhood.

[8:26:24 PM]

Again, I think there is a large opportunity. As I recently found out it's 20 acres of land and so we're very optimistic about developing into something that is useful for the whole city, but we look forward to your decision to repurpose that land to use for something better. Thank you.

>> Mayor Adler: Thank you. Hector Santiago is the last speaker.

>> Good evening. Thank you for taking my -- I guess my spiel. I know it's freezing so we need to get out of here like real fast. I just moved to Austin like a year and a half ago. We moved there because my wife wanted to be close to her work. She's actually a fourth grade teacher at J Jake pickle so we've always been into the public servant world I guess if you want to call it, a church in south Austin. And we believe that -- I live behind the Home Depot actually. We moved there like a year ago. And I can see the home Depot, the back of the home Depot everyday. So as I walk my door through the neighborhood. So I would love to see that being developed into something other than just a structure that is just sitting there, something that actually would be good for the community and for Austin as a whole. We think that there's a lot of use to it. It's a piece of land that is just sitting there like mama Thelma was saying, I don't like to see those trash cans as I drive into my neighborhood. I think the neighborhood has a lot of potential. It's growing. There's new people moving in to it. And it's good for the community just to get something new to -- to make it pleasant to the eye, if you want to call it that way, instead of a structure just sitting there. So thank you for your time and have a nice evening.

>> Mayor Adler: Thank you.

[Applause]. Mr. Casar, do you want to move passage of item 68?

[8:28:27 PM]

Mr. Casar moves that item. Ms. Houston seconds that. Any discussion on that item? Mr. Casar?

>> I would like for the council to see a couple of photos of the spot we're talking about because it's such a huge site and really important. I will -- I really appreciate community members coming out. Thank you for the poem, grandma. This is 20 acres of land. There you can see a photo of the Home Depot and the compost bins as they discussed. And then the next couple of pictures just so that you get a sense. We own the old Chrysler Dodge dealership next door that you can see here that is adjacent to that Home Depot site. And then next to -- on the back of the Home Depot is this pocket park that you can see has pretty much just open land and a swimming pool that has barbed wire around it and no water and hasn't been in use since -- for quite some time. My friend Ross who is my age, thinks the last time it was open is when he was lifeguarding there and he was in high school. And there you can see the swimming pool. So we own all 20 of these acres. It was purchased with public safety bonds so we have to find some way to continue to have some level of governmental facilities there or pay off some of those bonds, but it really is a huge opportunity for us to do something generational and important here for a neighborhood that currently needs it and has so much history as Reverend Horton stated and as did Grandma Wisdom, this land was purchased, land from the Highland Mall all the way to the St. John neighborhood was purchased in the late 1800's, right before 1900, and then sold off after the Great Depression to Black homeowners. So I don't know exactly what the right thing is to do here, but I appreciate the city staff working together with community members who came forward today and along with us today to do something great here.

[8:30:30 PM]

I think clearly since there's parkland there should be recreation and there's a lot of gentrification impacting the neighborhood so finding ways for there to be housing and other great things here I think would be something really special. And I'm glad that we can be kicking that off tonight. Hopefully when we finally take the last vote on this it will be better weather. Thank you guys for staying out late.

>> Mayor Adler: Thank you. It been moved and seconded on item 58. Any discussion? Ms. Houston? Mount --

>> Houston:, I just want to thank councilmember Casar for bringing this resolution forward. Not only do they store compost cans there. You can see the green cans for miles and miles. But it's also becoming a hotspot for people who don't have anywhere else to live. So it's becoming a gathering place for those folks right across from the Burger King. And so I'm hoping we can through a community stakeholder process find something that we can use that land for. Beneficial use.

>> Mayor Adler: Okay. It's been moved and seconded item number 58. All those in favor please raise your hand? Those opposed?

>> Houston: There's a police officer here. I wondered if he had something to say?

>> Mayor Adler: We're going to freeze over here. Do you want to -- did you have a question?

>> Houston: He just looked like he wanted to say something.

>> Mayor Adler: Did you want to say something?

>> Houston: Were you going to say hell is going to freeze over or we are going to freeze over?

>> Mayor, Austin assistant chief [indiscernible]. I wanted to say the intent of it was to build the north Austin substation. The department still needs a northeast Austin substation. We need a northwest substation as well. We actually had a bond to acquisition land and build a northwest substation.

[8:32:30 PM]

So the north station is currently housing three patrol sectors in which it was housed to only hold one. One was to go to the northeast substation and the northwest substation when it was built. We still have the need for those facilities but they haven't been developed because of lack of funding, but we still have a need.

>> Mayor Adler: Did you identify yourself? Thank you, sir. Those in favor of item number 58, please raise your hand? Those opposed? It's unanimous on the dais with councilmembers Garza and troxclair gone. I think that gets us here potentially to item number 33 which is the Apa town lake animal center matter. When last we were here, Ms. Houston was about to make an amendment to shorten the lease --

>> Houston: To 50 years.

>> Mayor Adler: 50 years rather than the -- what was it 25 with two 25-year options. So you would make it 25 with one 25-year option? So the amendment is to make it 25 with one 25-year option. We have a speaker that's signed up. Gus Pena is not here. Is Ellen Jefferson here? Do you want to speak to this matter?

>> Yes, sir, mayor. Dr. Jefferson, just one second. Item 99 needs to go first, the public hearing. Can we just repeat that? We started it earlier, but didn't finish it.

>> Mayor Adler: Okay. So number 99, I'll call again for speakers. Do you want to speak on number 99?

>> [Inaudible - no mic].

>> Mayor Adler: I'm looking at 99. I don't see that, but do you want to come down and give your name and Dr. Jefferson, you might want to speak to this issue too now. So why don't you speak and then Dr. Jefferson will speak? And identify yourself for the clerk, please.

[8:34:34 PM]

>> It's about the animal shelter remaining on town lake, and I'm against the animal shelter remaining there.

>> Mayor Adler: Would you introduce yourself, please.

>> Robert Corby. I'm presuming y'all will vote to allow it to remain. This is the result of the city adopting the expensive hypocritical policy known as no kill. Believe it or not, I was willing to give it a chance. A woman many years ago asked me are you in favor of no kill? I said what's that? She explained it to me and how it was going to save the city money and there was eventually going to be a lot fewer dogs that needed to be saved. And she said it was only going to cost maybe two or three hundred thousand dollars more the first year and actually expenditures were going to go down. And I said yeah, okay, that sounds reasonable. That's not at all what we got. What we got is every year they come back and ask for more and more and more money, and instead of one shelter we've got the two shelters and adding on to shelters, et cetera, et cetera. So her prediction turned out to be totally false and no kill has become a horror for our parks and open spaces and our taxpayers. I know no kill is supposed to be kind to animals, but it's been a horror for them also. You want to be kind to animals? Here's how we can educate our citizens and actually become the most animal friendly city in the country. And probably very soon have very animals to save. Education. How about educating the people on keeping my animal, hamster, bird, turtle, fish, et cetera, caged up is cruel. Keeping a cat as an indoor cat is cruelty to the cat. Keeping a cat as an outdoor cat is cruelty to birds and other outdoor wildlife. It almost always results in torture and murder. Feeding murdered animals like a cow, chicken to a dog is like issuing another command that another are killed and another raised in often cruel conditions. Feeding a cat or dog also means that natural lands like rain forest are being destroyed resulting in the loss of habitat for many unique species.

[8:36:41 PM]

Our close relative the orangutan is one animal in danger. You could also write laws that in Austin for the animals that we have that pet type animals that are presently here are held -- that are held for sale or kenneled or day cared be Karen Teed a minimum square footage of space, say 100 square feet for every small dog, three hundred square feet for a large dog. Go and look at these doggy day care centers and see the cages that they keep them in. Driving down the cost of treating sick animals by allowing people with a year of specialized education to be caregivers. I'll give a personal example. When I had my dog, the dog needed a dentist or needed to have his teeth cleaned so I thought, okay, they can do it for me and everything, give me a checkup for 140. How much is that going to cost? \$550, she tells me. So \$550 for a small dog to clean their teeth? I don't understand. I said how long does it take? An hour. Well, if you could train a person, a specialized person --

[buzzer sounds]

-- To do that, there's many -- to me the vets are almost like vampires in this city. You take your vet to them and see what they charge and there's no way it should be that way. There should be other alternatives that people can get their dogs' teeth cleaned, et cetera, et cetera.

>> Mayor Adler: Thank you.

>> I think you get point. My name is up. I could go on for three more minutes, but --

>> Mayor Adler: All right. So this item 99 which we're doing first is just the one that says if we were to do a lease we would be able to do it on the parkland. We have nobody else signed up to speak on that issue. So let's go ahead and take the vote on that issue and then we'll discuss the lease.

>> Director gale already made the statements about the reasonably prudent --

>> Do you want my to do it again?

>> Mayor Adler: It's already in the record. So is there a motion to pass item number 99?

[8:38:45 PM]

And to close the public hearing? This is to allow parkland to be used.

>> [Inaudible - no mic].

>> Mayor Adler: Your amendment was to shorten the lease, but before we can even talk about the lease, which is item number 33, we have to first handle item 99, which is to give us the authority to discuss any lease on this property.

>> Houston: And I still didn't get clarification. Even if the boundaries are moved, the proposed development area, would people have to go through --

>> Mayor Adler: Floodplain.

>> Houston: No. Flood zone to be able to get to the new place. So that's the part that's never been answered about the flood zone.

>> So this is acting director Kimberly Mcneely. We're putting the map up on. There's another map that we believe will help. So the space that we're moving this particular -- this particular facility to will be moved out of the floodplain. With regards to access to it, we have not designed the space, we haven't designed the access, but in the long-term plan of how the Lamar beach plan lays out this particular parkland, there is a relocation of Cesar Chavez which would actually allow the entry off of Cesar Chavez to go directly into this piece of property. You can see where Cesar Chavez has been relocated which would take that out of the floodplain. But until that -- until that space has been -- until that road is permanently relocated, which is part of a longer term plan, we have not at this particular point in time finished the design of what that space would look like to tell you exactly where the access could come. I can tell you that there may be the possibility on the back side of the ymca, but this would be all part of the development of this space.

[8:40:48 PM]

The back side of the ymca, the western edge of that, does butt up to the new space that the facility could go, which would mean that you could have access through that parking lot up through there. But that design has not been completed.

>> Houston: And I appreciate that. That is good. But the concern is that we will go ahead and approve this tonight and then Cesar Chavez doesn't get moved up, there's understood flooding. We all know that Cesar Chavez floods and we've got something in a flood zone, which is the problem we have now, except the building may be moved up because they're going to be doing a whole lot of fund-raising to be able to move that up. But how do we get there? It's still one of those catch 22's. We'll move the building, the land at some-- the roadway will be moved up, but we don't know when.

>> You're right, that's part of the long-term plan.

>> With this proposed footprint that's moving the Austin pets alive area further north, we're changing the actual fingerprint that we just -- footprint that we just held on the item number 99, which actually moved the footprint from the current location to the proposed footprint that would move it to a more northern location on that site, which should be out of that floodplain area.

>> Houston: Okay. I'm not going to be around when it happens.

[Laughter]. So I'm going to vote for it!

[Laughter].

>> Alter: I was just wondering if Ms. Mcneely had a answer to my question from earlier.

>> I will give you a quick answer and then ask the law department to give you any details. The mechanism which is actually -- we're actually talking I believe about item 33, is that --

>> Mayor Adler: No, we're talking about item number 99.

[8:42:48 PM]

>> I know, but your question pertains to item 33. As a point of order --

>> Alter: It applies to both. I wanted to better understand the rationale why in this case we could use dedicated parkland for something other than parks.

>> I'm going to allow the law department to answer the question for you.

>> Mayor and councilmembers, assistant city attorney. We're not -- the point of the chapter 26 hearing is that we are changing from a parkland use to a non-parkland use. So what you're voting upon is our ability to use this as an animal services facility as a non-parkland use.

>> Alter: But then explain to me the chapter 26 that allows us and under what conditions we can do that.

>> So under the chapter 26 provisions, the staff member has already said that they have determined that there is no feasible and prudent alternative to the change in use of a dedicated parkland and all reasonable planning has been done to minimize harm to the parkland. So that allows you to use it. This is a license agreement which is an allowed use of the parkland.

>> Alter: But in this case we have gone through, how long has the Lamar beach master planning process -- this is not something that somebody pulled out of a hat and said we want to use this parkland. This has gone through a very large community process over years and has been planned. Is that correct? Before we got to this point?

>> Correct. So dating back all the way to October 2007 council voted and took action to keep the building that we formerly called the Davenport building, but keep the building that we're talking about as the town lake animal center. And there were subsequent, and I could read this entire thing, but I know there's ice. There are subsequent actions that were taken in 2011 and again in 2014 and there was a chapter 26 hearing also done in 2000 and in 2011 that allowed us -- has -- shows you the historical path by which how we got to this particular point. So at each step of the way, these requests for alternative uses of parkland have been brought to council or have been approved either via resolution or ordinance or via the chapter 26 process.

[8:45:20 PM]

And so because we are at a point now where we need to do that again, we are here to ask for that allowable use via item 99 and then we are going to be talking about via 33 talking about the license agreement.

>> Alter: But, I mean, in my mind we are moving -- able to move forward with this under chapter 26 because we've done the planning to say that there is no other use that makes sense at this spot. Is that a feasible interpretation?

>> Yes. We've gone through a significant planning process with a number of stakeholders who have said they've come to the conclusion that this is an appropriate use and that there are few alternatives or no alternatives in this particular case.

>> Alter: And we are already using this space or adjacent space for this use.

>> And this proposal that we're asking to you consider tonight is consistent with the Lamar beach master plan.

>> Alter: Thank you.

>> Mayor Adler: Ms. Houston.

>> Houston: Ms. Neck Neely, I'm now confused because every time I try to use a piece of parkland for something they say you have to have an election. So please explain to me why an election is not necessary or has never been necessary except the city was on the property I guess so the city wouldn't sue itself? So why is an election not necessary in this instance? To alienate parkland.

>> We're not alienating parkland under these circumstances. The agreement that is proposed to be entered into with Austin pets alive is a license agreement, which is terminable by the city on 90 day's notice for any reason or no reason. So it's not a case where we were transferring a property interest and we would have to evict Austin pets alive. The license agreement just like any other license agreement that the city would enter can be terminated city on 90 days' notice for any reason or no reason.

>> Houston: Thank you so much.

[8:47:21 PM]

This is yet another example of the inequities of how we do things in this city with parkland. Thank you. You're brand new and I didn't mean to put you on the spot, but thank you, you did a great job.

>> Mayor Adler: Okay. Is there a motion on this item number 99? Ms. Pool makes a motion. Is there a second to the motion? Is there a second? Councilmember kitchen seconds. Any discussion? Those if favor please raise your hands? Those opposed? Ms. Houston votes no, others voting aye with councilmembers troxclair and Garza off the dais. Did someone abstain. Did I miss a vote?

>> Alter: I hadn't quite decided but I'm voting yes.

>> Mayor Adler: The note as I said it is correct. We've closed the public hearing and we've now taken that vote. Now, that gets us to item number 33, which is to enter into the license agreement that has initial term of 25 years plus 25 year option plus 25 year option. That is terminable as the council just told us. I think that was moved and seconded -- no, we didn't get to that place. Let's do the motion and then we'll get to the amendment. Is there a motion to approve the lease? Ms. Pool makes that motion. Is there a second to the base motion? Mayor pro tem seconds that. Morning you want to amend it to --

>> Houston: I'd like to amend it to one 25-year option.

>> Mayor Adler: Ms. Houston moves to amend it to remove the second 25-year option. Is there a second to the amendment offered by councilmember Houston? Councilmember Flannigan seconds that. We have some people that have signed up to speak.

[8:49:24 PM]

So let's bring them in to speak. Dr. Jefferson.

>> Hi. I'm Ellen Jefferson, executive director of Austin pets alive. Thanks very much for tabling this so we could be here to discuss it. The -- as Kimberly said, the plan went through a really lengthy public process with all the stakeholders that are on the Lamar beach property, the ymca, Wai, Austin pets alive and the city of Austin. And so we came to an agreement of the property, but also it went through a really lengthy public process where there were lots of polls, there were multiple public meetings, the master planners spent a ton of time talking to the public about this and getting their read on it. So it's been met

with a lot of public support as well. We obviously are in support of it. I wanted to point out a couple of things. When -- the land is smaller that we're talking about for our license agreement than what we're currently on. And we're being moved to the part that's closest to the railroad tracks so it's not very usable land for the city. It's under big power lines. The animal shelter has always been under those. They're as big as they get in Austin for power lines. I don't know what that means, but they are -- cost a million dollars a pole to move them. And so we want to make use of this property. We absolutely have a plan. We've been talking to the city about trying to be in line with sunshine camps and wiai with their license agreements which are 50 years with 50 year extensions. I believe that's true. I was trying to look it up. I believe that's what sunshine camp is because it ends in 2110. And so -- and the reason behind that is that we need to raise a lot of money. The cost of this is all on Austin pets alive. The city of Austin doesn't have any burden at all with renovating and rebuilding the property for animal care.

[8:51:24 PM]

And in order to get people to give us millions of dollars, we need to show them that we're going to be there long enough to have a building that's worth their money. The -- I think that there's -- this is a really unique time in animal welfare and Austin is right at the center of it. You probably have seen the economic impact report that came out because of the partnership between the city of Austin and Austin pets alive. We're seeing \$157 million being pumped into our economy because the no kill decision was made by city council in 2011. And we have just launched a training academy where we are working with the city of Austin and Austin pets alive to train every other city in America how to do what we're doing here and hopefully they can become no kill cities too. Austin is still the largest no kill city in the country, which is kind of a shame because more cities should be saving all of their animals. So this property is really important because the Austin pets alive has not been able to find another neighborhood that will allow an animal shelter to be in it that's inside the city of Austin. So our only other option was to move out.

[Buzzer sounds] I don't know if you want me to --

>> Mayor Adler: You can finish -- conclude.

>> This is really important to us. We've spent a lot of time working with the parks department and Sarah Hensley trying to find other properties, and it really comes down to this. We think we can fit on what we're being offered. We're excited about it and we're looking forward to a really long partnership with the city of Austin to keep Austin great.

>> Mayor Adler: Okay. Thank you.

>> For animals.

>> Mayor Adler: Thank you. Ms. Houston's amendment has been seconded. Any discussion on Ms. Houston's amendment? Ms. Pool?

>> Pool: I just wanted to ask maybe Dr. Jefferson can answer this. I know that it's key to your fund-raising. If you could quickly walk us through what it is that Austin pets alive is doing at this new facility,

the amount of money that you are needing to raise and the responsibility that you have adopted here and why the longer lease is something you were looking for.

[8:53:36 PM]

And then is a on shorter lease something -- where would you be with the shorter lease?

>> So the property as you know is in pretty ill repair. So we are looking at a total rebuild. And we have worked with a couple of architects for building shelters that are just nicer, but the same -- holding the same number of animals that we currently have. And they're in the 20, 25-million-dollar range. So we haven't settled with any of those architects or obviously built -- have contractors or anything like that. And we'll be shopping that around, but it's a significant amount of money. Rusty tally is our board chair and he has a lot of experience with capital campaigns. He was the board chair for the long center when that property was built, and raised something like \$60 million. But that was the same problem that they had. If you don't have a long enough lease for donors -- I've never gone through this process before so I can't answer your question as good as he could, but he couldn't be here. But it's -- I can understand that if people are leaving their estates and legacies to us they want to see something that's going to be around. And we're not going to be on the radar as a place for people to give us those kind of funds if we don't have a longevity that they're looking for.

>> Pool: So you need the longer lease?

>> So what we had originally asked for was working with a similar construct as sunshine camps and wiai with the 50 year lease and 50 year extension. And what we came up was the three 25-year intervals so there could be a check-in point every 25 years. And obviously we have every intention of continuing to do what we're doing with the city and taking close to 20% of their animals. So that would all be part of our license agreement that we work with.

>> Pool: Thank you.

>> Mayor Adler: Any further discussion on Ms. Houston's amendment? Let's take a vote. Those in favor of Ms. Houston's amendment please raise your hand?

[8:55:39 PM]

Ms. Houston, Mr. Renteria, Ms. Kitchen and plaintiff. Those opposed please raise your hand? Mr. Flannigan. Alter, pool, me, Casar and mayor pro tem. The amendment does not pass. We're now back to the main motion. Further discussion? Those in favor please -- of 33 please raise your hand? Those opposed? Ms. Houston voting no, the others voting aye. With councilmembers Garza and troxclair off the dais. It passes, item number 33.

>> Houston: And mayor, just a personal privilege. I appreciate what Dr. Jefferson and Austin pets alive does for the community, but I think that when we -- and I know that they have to have the fund-raising,

but 50 years is a long time. And what that does is lock everything in to a 99-year or 100-year cycle, which is what some of our lease agreements are now. And instead of looking at them on a 50-year cycle, which is a lifetime for some people, and then renegotiating that. It just doesn't give the city a lot of bandwidth, and again, it's the lack of parity.

>> Mayor Adler: Okay. Let's now discuss item 72 -- I'm sorry?

>> [Inaudible - no mic].

>> Mayor Adler: We did the base motion. It passed with one no vote, two people off the dais. It's late for you too. I'm now going to call up item 72 and item 101. Do we have to handle one of these before the other? Okay. I'm going to call those up together. Mr. Flannigan, do you want to address it? We have six people that had signed up to speak. I don't know if they're still here.

>> Flannigan: My hope is that we can handle this pretty expediently since we are at 9:00 and of course my fellow district 6 residents and I have a very long, scary drive ahead of us tonight. I wish I could laugh at that, but it's actually not funny because we actually do.

[8:57:42 PM]

So on item 72 this is the blackfoot case. We already passed this on first reading. My intent tonight is just to pass on second reading so that we can move forward to third reading and the final decisions made next week so all I want to do tonight, and I have some language I will read in, all I want to do tonight is pass on second reading the same thing we passed the first time, and provide direction to staff to complete the restrictive covenant agreement that will restrict vehicular access to blackfoot as was always discussed during first reading, but apparently we didn't give instruction from the dais. This is a procedural vote, second reading only, and then we will have our final decisions on this case next week. I know Ms. Pool you have a motion sheet out as well. I still want to find a solution to the alcohol question. I've got a few details left to solidify with my staff and with city staff on how -- what my preference would be to solve that problem, but we will absolutely address that next week. So mayor, if you would like me to read my motion I can or --

>> Mayor Adler: Anybody have

>> Does anybody have an objection to Mr. Flannigan reading his base motion in? First, let's begin with -- first, we need a motion to approve item number 72. So we need a motion on the floor. Okay.

>> Flannigan: I will move approval for ordinance prepare by staff in the backup, second reading only, item 72, and when the ordinance returns for third reading, staff should include a new restrictive covenant for vehicle traffic associated with non-residential use on the property to blackfoot trail, bring back this organs to council for third reading on December 14th.

>> Mayor Adler: Okay. It's the motion on this item, seconded by Mr. Casar. We have some people that want to speak on this. Do you want to speak on this first?

[8:59:44 PM]

>> Mayor, the public hearing closed on item 22.

>> Mayor Adler: Okay.

>> I think it's item 101, you probably have speakers that have signed up because that's restrictive covenant amendment, but I understand there may be a motion to postpone that item after this one.

>> Flannigan: That's right. So the intent is to make the decision at the same time, make the main decision, so we're postponing that, provided the main motion passes.

>> Mayor Adler: Do we pass 101 if 72 does not pass?

>> Flannigan: If 72 doesn't pass, none of it matters.

>> They're separate matters. So you can take an action to approve 72, and the action on 101 can be a separate item. It's a previous existing covenant.

>> Mayor Adler: So it makes sense, if it is --

>> They're not related; they are speaking to the same property. It would make sense to handle both at the same time when final action is occurring.

>> Mayor Adler: That part I got. Does it make sense to do 101 if we don't approve 72?

>> That's up to the owner, I guess.

>> Flannigan: Mayor, if I can say, if 72 doesn't pass, I would still postpone 101 because we'll have to figure out how we want to move the entire project forward, restrictive covenants notwithstanding, I wouldn't be comfortable and I don't think the property owner would be comfortable or that the neighborhood would be comfortable taking other action. The assumption here as I've communicated to the neighborhood, tonight all we are doing is approving on second reading, postponing 101 till the next week and have the final conversation next week. It's not complicated.

>> Mayor Adler: Okay. All right. So we have a public hearing on item number 101. Does anybody object to 101 being postponed till next week? Any objection to that? We had people signed up to speak to 101, but it looks like it's going to get postponed till next week. Are you okay waiting till then or do you want to speak now?

>> [Off mic]

[9:01:45 PM]

>> Mayor Adler: You will wait till next week. Okay. Mr. Flannigan moves to postpone 101, keep open the public hearing till next week on 101?

>> Flannigan: Yes. That would be --

>> Mayor Adler: Is there -- any objection to the postponement for one week? Hearing none, 101 is postponed till next week. Public hearing is kept open. That gets us then to item number 33. Mr. Flannigan has made --

>> 72.

>> Mayor Adler: I'm sorry, 72. You're right, 72. Fill Flannigan has made a motion on 72 that's been seconded. It is now in front of us. Ms. Pool.

>> Pool: So the issue that continues, and there is a valid petition on this, is the liquor sales. So I passed out a motion sheet where I would move to approve staff recommendation of Ir-mu for food sales use, restaurant use, and liquor sales as an accessory use to commercial sales. So at some point, I will not make this today, but I am committed to ensuring that there will not be liquor sales on this property right next-door to the stepping stone school. I had numerous -- my staff and I have had a number of conversations with the owners of stepping stone, and they don't mind Mr. Begoni operating the shop, the store that he wants there, but they just don't want liquor right next-door to their school. So that's why there is a valid petition on this, because they're concerned about the uses. So this is out there and we'll take this up next week, and I hope to find a way to prohibit liquor sales as an accessory use to commercial uses, that that would be prohibited, and that food sales and restaurant general would also be prohibited on that property.

>> Mayor Adler: Thank you for the notice that we'll hear that next week when this comes back, if it comes back.

[9:03:48 PM]

What is before us is the approval on second reading only as you read it. Mayor pro tem?

>> Tovo: I guess I have a couple questions. It's my assumption, number one, that you were actually going to make these amendments. I'm not going to support the case.

>> Pool: I was originally but we were trying to telescope the time.

>> Tovo: I see. Okay. I would just signal I'm going to vote against it and it would need a certain amount of votes to move on to the next reading, and so we are -- we are missing did you understand, we are missing several councilmembers, so I just -- I would probably support it with that, with a different handling of the issue I'm about to raise here. It is not -- I'm trying to think about any other cases where vehicular access has been handled through a restrictive covenant. It seems to me the typical practice is to handle it in a zoning ordinance as part of the conditional overlay. Can you speak to that, about Mr. Guernsey?

>> Greg Guernsey, planning and zoning. I think generally it has been done through a conditional overlay. I don't think we're precluded from doing it in a public restricted covenant, but I think it's probably more common that you'd see it in conditional.

>> Tovo: And my concern about handling it in a way that we don't typically do it is that it just makes it more challenging to find, when people are going back and trying to see what is part of the zoning ordinance. It's not in the zoning ordinance, it's in a restrictive covenant. And it seems to me we always use restrictive covenants to -- or at least more commonly to handle things that can't be handled in a zoning ordinance. So I have no -- other than -- other than a new concern about conditional overlays, I don't know why we would be doing it in this way, and I'm not going to support veering from our typical practice. I think it belongs in a zoning ordinance as we typically handle vehicular access and issues of that sort, and perhaps between now and next week -- and so I'm actually going to make a motion right now that we remove that from the restrictive covenant and put it, instead, in a conditional overlay and maybe between next week and -- between now and next week, you can give us some sense of how -- how these -- how issues just like this have been handled in past city practice.

[9:06:14 PM]

But anyway, that's the motion I'm going to make, that we move it into a conditional overlay.

>> Mayor Adler: Okay. Does anybody want to discuss before we come back to the mayor pro tem for her to make her amendment? Okay. You want to go ahead and make that amendment? Okay. Mayor pro tem moves to take the restrictive covenant and turn it into a conditional overlay. Is there a second to that? Councilmember pool seconds that. Any discussion on the amendment? Councilmember pool.

>> Pool: I have the same concerns that the mayor pro tem raised. Restrictive covenants can get lost in the shuffle. It's not necessarily intentional, but over time, with the creation of additional pages, those items can get lost, particularly because they are not in the zoning ordinance. So if you want to make sure that the roadway is handled in a particular way, the most sure way to do that is to have it be in a conditional overlay.

>> Mayor Adler: Okay. Mayor pro tem's amendment is in front of us. Any further discussion? Those in favor of mayor pro tem's amendment, please raise your hand. Mayor pro tem, pool, Renteria, and alter. Those opposed, please raise your hand. It's the other five on the dais with Garza and troxclair. The amendment does not pass. We're back now to the main motion, which is to approve this on second reading as was handed out on the motion sheet from Mr. Flannigan.

>> Tovo: Mayor, I would just reiterate my request that between now and next week, Mr. Guernsey please provide us with some examples of other zoning cases where things such as vehicular access have been handled in restrictive covenants and some rationale for doing so in this case versus the way we typically handle it.

[9:08:15 PM]

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: In the interest of not repeating, I want to be clear that I can't support councilmember Flannigan's motion as currently written today or on third reading. There is a valid petition on this case. I would be able to support councilmember pool's motion on the third reading, or tonight, including -- you know, I'd like to see the conditions that mayor pro tem mentioned as well, the proximity of the school to the liquor sales is really something that's important to me, and I think that what councilmember pool has in mind would address that, and until it's in there, I will not be able to support the zoning case.

>> Mayor Adler: Okay. Further discussion? Let's vote on the motion. Those in favor of Mr. Flannigan's motion, please raise your hand. Motion -- Ms. Houston, kitchen, Renteria, me, Casar, Flannigan. Those opposed? It is alter, pool, and mayor pro tem. That's 6 to 3, councilmember Garza and troxclair off the dais. It passes on second reading to next week.

>> Can I say one thing?

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I just want to thank councilmember pool for allowing us to have that full debate with the full council next week. And I assure you that we are -- my office is in agreement about wanting to restrict the alcohol sales. I think we're just in a procedural difference on how we want to get there. We'll get there. We'll get there next week. Even if it takes things I don't normally like to do, we will get there next week.

>> Mayor Adler: Okay. That gets us past -- one, that gets us to 85 and to 89, the last two things we have. 85 pulled by Ms. Pool, the bluff springs question.

>> Pool: Oh, yeah.

[9:10:16 PM]

Thanks. It was so long ago. So this and the other item that I pulled are the same question, and it just goes to the timing of our commission hearing item, and coming to us from council, and when we have council agenda items, we like to have at least a week or two weeks now, the way we've been doing our protocols with our agenda items, and this is two days. So I recognize that there are some instances where that's unavoidable, but do you acknowledge that situation, and can you talk to us a little bit about how you all try to avoid this happening?

>> Yes, councilmember. Actually, there's a provision in the code that would prohibit us scheduling a commission and council hearings the same week. We do try to get that week more, given that you have a two-week time -- time turn around. We would typically try to accomplish that, and in the Normal course of business, I think we would normally say an item that would be postponed would not make a recommendation to be postponed to next week, but given we do have cases, and this is at the end of the year or sometimes just before your summer break, where we have people that are trying to close a property or settle negotiations, staff may ask council, and it's certainly at your discretion to defer a case as you did tonight, to next week. In the case of item 85, the zoning platting commission actually postponed this case to their January 16th meeting, and staff was requesting a postponement of this

item to February 1st. So that would certainly provide that window of time. On the other case, the commission has already taken action on Tuesday.

>> Pool: That's item 89.

>> Item number 89.

[9:12:16 PM]

They noted to approve on a 9 to 0 to 1 vote dinged we have one vacancy, one abstention, nine in favor, to approve csc zoning and we want to make sure there's a little bit of time. This will come back next week, and with staff's suggestion, item number 89 was a staff postponement to December 14th. And we'll have the details of -- I think there's several prohibited uses that were recommended by the commission. We'll have those details for you when we come back.

>> Pool: I guess what I would ask is thank you for that, and I know that you -- because it's in code, you do this very infrequently, could you all kind of flag them, though, for us, to make sure that we notice that there is that just two days in between? Like these two cases, where that happened?

>> Uh-huh. We can. I think we can probably do a little better job in just letting you know.

>> Pool: Right. Okay. Thank you. I really appreciate that.

>> Mayor Adler: Is there a motion to approve items 85 and 89? Ms. Pool makes the motion to approve those two. Is there a second to that motion to approve those two? Ms. Houston. Any discussion? Those in favor of approving both of them, please raise your hand. Those opposed? It's unanimous on the dais, with councilmember alter, troxclair, and Garza gone.

>> And that concludes your zoning item.

>> Mayor Adler: That completes our zoning, it completes our agenda. Those are all the items that we have. I would point out for the -- anybody that's still watching us, that the -- that there's some late closings tomorrow because of the ice. The city, the county, ACC and UT have decided to delay opening by two hours. For the city office here, that means 10 o'clock. Aisd has cancelled school tomorrow. So there are no classes at all. And if you'd all join me in hoping that the plane leaves tomorrow morning early to head to New York, I would appreciate that.

[9:14:21 PM]

>> Mayor, was that Travis county?

>> Mayor Adler: Travis county.

>> Do we know about energy school districts?

>> Mayor Adler: I don't.

>> Okay.

>> Mayor Adler: I don't know.

>> Renteria: Mayor? I just want to remind people that even though don't you see the snow on the ground, the bridges are very dangerous. I've lived here all my life, and I've lost control a couple times on those, and it's not really a really fun feeling at all.

>> Houston: And one last thing, on the 13th we have a special called meeting at 3 o'clock. The capital metro board meets at noon. The health and human service commission meets at 2:00, and we're praying if the capital metro board moves fast, we can get a quorum so we can have our meeting. We've got three things on the agenda, we're through and ready for 3 o'clock. So I just want to know it's capital metro that's going to hold us up. All I need is two.

>> Mayor Adler: All right. With that, our meeting is adjourned.