

City Council Regular Meeting Transcript – 12/14/2017

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[10:25:44 AM]

[♪Music♪]

>> Mayor Adler: All right. Are we about ready to start? Are we about ready to start? Before we -- before we begin with the meeting today, we have an invocation. And the invocation this morning is coming from father Curtis widenfield of St. Thomas more catholic church. Is the father with us? Would everyone please rise?

>> Thank you, esteemed mayor Steve Adler and this council for this invitation to lead us in prayer. A short reading from the Christian scriptures. Set your mind on the higher gifts, and now I'm going to put before you the best way of all. Though I command languages both human and angelic, if I speak without love, I am no more than a gong booming or a similar balance clashing. And though I have the prophecy to have all mysteries and knowledge and I have the faith necessary to move mountains, if I am without love I am nothing.

[10:27:52 AM]

Though I should give away to the poor all that I possess and even give up my body to be burned, if I am without love, I will do me no good whatever. Let us pray. Divine love we ask that you send upon the Earth the fire of charity as you may renew the face of the Earth. We ask that you keep ever before us. That all that we accomplish by decree, by acts of science, engineering and industry, is empty and futile if we do not hold before ourselves the spiritful goods, the fire of love, mutual respect for each other, dialogue and the good of our neighbor, especially those who are without power. We ask that you renew us in that resolution, amen.

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

>> Houston: Mayor, I'm going to be asking that you slow down this morning. It takes our brain cells some time to rejuvenate and I've not had that time so don't go as fast as you usually do.

[Laughter].

>> Mayor Adler: But it hardly seems like we're beginning a new meeting, feels like we've recessed our last meeting.

[Laughter]. But this is actually a new one so we're going to call to order today's council meeting on Thursday, December 14th, 2017. We are in the city of Austin council chambers here at 301 west second street, Austin, Texas, and the time is 10:28.

[10:29:58 AM]

So we'll go ahead and begin. Let's take a look at our agenda. We have some changes and corrections to read into the record. Item number 14 is to approve negotiation and execution of an agreement with the university of Texas, the word interlocal being stricken. Items -- we have several items that have been withdrawn. Item number 18 is withdrawn. Item number 29 and 30 have been withdrawn. And item number 50 has been withdrawn. Item number -- item numbers 25 and 45, I think -- is that right, being postponed to February 1st, and 92 is February 15th? So items 25 and 45 being postponed until February February 1st, and item 92 is being postponed to February 15th. Okay. Item number 82 is to be reviewed February 6, 2018. Does that mean that's being postponed to February 6, 2018? It says to be reviewed February 6, 2018. Does that mean it's going to the planning and zoning commission then?

[10:32:10 AM]

I see. It going to be postponed by staff to February 15th, the item. And now we're giving notice that it's going to be in front of the planning commission zoning and platting on February 6, 2018. Item number 83-- I see. In the backup it says that the zoning commission going to review that on December 15th, 2017, and that is being changed. It's going to be reviewed on February 6, 2018 and on our agenda we're going to postpone it today to February 15. Sorry. It's going a little slow for me this morning too.

[Laughter]. All right. Item number 83 similarly, rather than being reviewed December 5th, the recommendation is to deny the zoning request for general commercial services, conditional overlay, the cscso combining district zoning. So the recommendation on item number 83 is modified that way. Item number 99, Ms. Houston is adding her name as a co-sponsor. Then on the housing finance corporation, item number 1, we're approving minutes only for 9-13 and 10-19. We are not approving minutes for 3-23 and 8-3 of 2017. With respect to our schedule this morning, we're going to take the morning briefing at 11:30 on the sick pay resolution update because we have an out of town consultant who is calling in so we'll handle that at 11:30. Mr. Casar, if you could remind me to make sure that we don't miss that time. And now let's talk about the items that are being pulled.

[10:34:15 AM]

The consent agenda today begins at item number 1 and goes through item number 68. And then on the addendum, items number 87 through 99. That's our consent agenda. From that agenda you would remove the things that we've indicated are being postponed and withdrawn. And the items being pulled are items 3 being pulled by speakers. Item 5 being pulled by speakers. Item 13 being pulled by Ms. Houston. Item 14 being pulled by speakers. 17 being pulled by alter. I'm sorry? 17 being pulled by alter.

>> [Inaudible]. Yes, there is no action before 7:00, although if we are able to take speakers late afternoon because we've got to that point, we'll take speakers, but there will be no action taken before 7:00 P.M. Item number 19 and 20 have been pulled by councilmembers alter and Houston. Bless you. Item number 26 being pulled by Ms. Houston. Item number 28 being pulled by period. Item number -- by speakers. Item number 43 pulled by councilmember Flannigan. 46 by councilmember alter. 54 by councilmember Houston. Item number 61, I'm pulling that and asking that it come up at 3:30 today.

[10:36:22 AM]

That's 61. 56 pulled by councilmember pool. Thank you. Then item number 67 pulled by councilmember Flannigan, 68 pulled by speakers. And then 87 and 88 -- 87 and 88 also being pulled coming up at 3:30. 89 and 90 pulled by councilmembers troxclair and Houston. No earlier than 2:00 P.M. And item number 92 is being postponed to February 1st so there's going to be no discussion today on that item. That's the soccer item, as we announced on the message board. And item number 93 has been pulled by speakers. 99 has been pulled by speakers.

>> Kitchen: Mr. Mayor? I have a note that 91 was pulled by staff?

>> Mayor Adler: Yes, pulled by staff. Thank you.

>> Casar: Mr. Mayor?

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: I would like to pull number 95. And in your reading I missed it, number 66 pulled by Flannigan.

>> Mayor Adler: Yes, 66 pulled by councilmembers Casar and Flannigan. ING okay.

[10:38:23 AM]

Mayor pro tem?

>> Tovo: I have some pulled and I'm sorry, I'm also running slowly and having trouble aligning these. Did you say that item 98 is pulled? If not, I would like to pull it.

>> Mayor Adler: 98 pulled by the mayor pro tem.

>> Tovo: Item number 62 is that pulled?

>> Mayor Adler: Item 62 has not been pulled. Do you want to pull that?

>> Tovo: Yes, thank you.

>> Mayor Adler: 62 pulled by the mayor pro tem.

>> Tovo: 44 is pulled by speakers, correct?

>> Mayor Adler: 44 is not pulled by speakers. They signed up after the pulled time.

>> Tovo: I'm pulling that.

>> Mayor Adler: 44 pulled by the mayor pro tem.

>> Tovo: Let me regroup and double-check my notes. That may be it.

>> Mayor Adler: Okay. Councilmember troxclair.

>> Troxclair: I would like to pull item 37 and item 59.

>> Mayor Adler: 37 and 59. We don't have much of a consent agenda today.

[Laughter]. Okay. So the ones I'm seeing being pulled now, and I'm not going to call out -- well, the ones I see being pulled are items 3 and 5 and 13 and 14 and 17. 18 is withdrawn. Pulled is 19 and 20. 25 is being postponed to February 1st. 26 is being pulled. 28 is being pulled. 29 and 30 are withdrawn. 37 is pulled. 43 and 44 are pulled. 45 postponed to February February 1st. 46 is pulled.

[10:40:24 AM]

50 is withdrawn. 54 and 56 are being pulled. 59, 61, 62, 66, 67 and 68 are being pulled. 87, 88, 89, 90, 91, are being pulled. 92 is being postponed to February 1st -- no. 92 is being pulled to February 15th, I think. 93 is pulled. 95, 98 and 99 are pulled. Okay. Mayor pro tem?

>> Tovo: Mayor, I have a quick question on 22 so if it's possible to leave it on consent, or maybe we could pull it and I can see if staff with resolve my question. Because of our meeting schedule I haven't had a chance to read the response and it generated another question.

>> Mayor Adler: Let's pull 22.

>> Tovo: If I can resolve it I'll let you know.

>> Garza: In the interest of time, item 62 I'm willing to postpone. To the next council meeting.

>> Mayor Adler: So we'll postpone to February 1st. Item 62 being postponed to February 1st. Councilmember alter.

>> Alter: I wanted to request a postponement of 46 so that we could review it. I don't know if that is acceptable to people.

>> Mayor Adler: So let's pull that for right now and call it later.

[10:42:26 AM]

>> Kitchen: Yes, because I would have a concern for postponing that one.

>> Mayor Adler: We'll pull that and call it up. So I'm now going to call up people to speak on the consent agenda. The non-pulled items. And we will begin with Gus Pena. Is Mr. Pena here? No?

>> I'm sorry, mayor, my wife called so she's first before you.

>> I understand that.

>> I love her. Don't call me again after 12:00 please honey. Mayor and councilmembers, Gus Pena, president of veterans for progress. We've grown about 100 more members since I last talked to you. We're 7,850,000. First and foremost, and thank you Ms. City clerk, for getting me the items I can speak on. I believe -- I'm going to run it real quickly, 31, foundation community for permanent supportive services, all these I support front steps and everything, but mayor, there has to be some sort of audit for the money that's going to direct services. I have had people or clients from those agencies that are concerned about being disrespectful and services not being met by staff at caritas and front steps, et cetera. And they have been very disrespectful. And the clients leave. So F it, I don't want your services. So anyway, Salvation Army, item number 36, Austin shelter, women's shelter, outstanding, as much money as we can pump into their coffers, they're going a great job and we're seeing a lot more homeless people, even though they moved a lot of homeless people from the arch and Salvation Army, they're still around there, my veterans.

[10:44:43 AM]

You have to pay 112 amount for the rent and equal amount for the deposit. It ain't affordable. The amendment agreement with Austin independent school district increase funding for after school enrichment services, we need more money for that because a lot of kids are failing and this is something that is very, very crucial and very positive. Number 40, I already spoke about caritas. I want to speak about 49, authorizing an amendment to existing [indiscernible] With consulting companies to provide continued community engagement. Don't we have staff already doing that already? Why do we have to spend up to \$450,000 for this type of service? It ain't acceptable to the people that I spoke to. Number 60, adopting goals for the municipal court of the city of Austin, directing the judge and clerk to develop metrics to develop those goals. I know judge Sheri statman, she's an outstanding presiding judge. Judge statman, I know you're going to be -- I love you for what you're doing for the people. You go the extra mile and thank you for that. Item 97, waiving certain fees for the Salvation Army women's shelter as much as we can do to help out the single women and children who are homeless, I'm all for it. Mayor, before the bell rings I want to wish everybody a merry Christmas and a happy new year. The heck with saying happy holidays. It ain't happy to me. It's the birth of baby Jesus. I'll say it out loud and it's

supposed to be merry Christmas. Another thing also, mayor and councilmembers, I want to thank interim hsc director and I'll wrap up. Stephanie Hayden has been an outstanding person. I'm hoping that somewhere down the line -- I've known here for 25 years, she gets promoted to permanent. Thank you, merry Christmas.

>> Mayor Adler: Thank you. The next speaker is David king.

[10:46:57 AM]

>> Thank you, mayor, councilmembers. My name is David king and I live in district 5. And high pressure to speak on item 50 regarding the body cameras for the Austin police department. I think this is an important item for accountability and transparency and I want to thank you for your action last night to send the meet and confer contract back for further negotiations to help lower the cost and increase accountability and transparency. And this is part of that, I think, these cameras are a critical part of that. So I hope there will be policies associated with how the data collected by these cameras is used and made available for accountability and transparency. Regarding item number 60, metrics for the Austin municipal court, I think this is really important. I'm glad you're moving forward. It shows that you're serious about holding the court accountable for your strategy to eliminate the incarceration of indigent and low income people simply because they can't afford to pay their fines. This is really important. This is a high community value. Thank you for doing this. And item number 66, a resolution to initiate code amendments relating to testing and abatement of lead and asbestos during the demolition process for residential properties. I think we have inequity here. If it's a commercial property then there are regulations to protect the community from asbestos and lead paint, dust and materials that come from the demolition of commercial properties. Those same rules should apply to residential properties, but they don't. And I've heard from my own neighbors in the zilker neighborhood, the concerns they have with the demolition of older homes, and the exposure that their children -- the exposure that their families have to the asbestos dust and lead paint, dust that flows from the demolition, and rainfall that occurs and washes those contaminants down into the neighborhoods and homes where their children play.

[10:48:59 AM]

This is critically important. And the state of Texas purposely refused to provide any regulations at the state level for residential properties so I'm glad this council is moving forward and stepping forward to fill in this gap to do what's right for our community. How many children and families have been exposed to asbestos and lead paint from the demolition of thousands of residential homes in our city already? So this is a very important resolution and I hope that we get a code amendment back as fast as possible, as strong as possible. And implement it as soon as possible to protect our families. Thank you very much.

>> Mayor Adler: Thank you. Billy Carter. Is Mr. Carter here? What about Jan gunter?

>> Mayor, I really intended to sign up. I really don't need to speak on this since it's on the consent agenda. I intended to sign up in support so I surrender my time.

>> Mayor Adler: Thank you very much. Those are all the speakers we have speaking on the consent agenda. Which number are you speaking of? 93. 93 has been pulled for speakers.

>> Kitchen: Mr. Mayor, so Mr. Collins, if -- I think it's pulled for speakers because it has two speakers, is that correct? Mr. Collins, if you wish to not speak it can go on consent.

>> I'll speak now

[inaudible].

>> Kitchen: You need to speak on the consent agenda?

>> Mayor Adler: In other words, it looks like it's going to pass without anyone speaking.

[10:51:01 AM]

>> [Inaudible - no mic].

>> Mayor Adler: We can pull it off contingent and then when it comes up you with speak. Pulled from the consent agenda. So --

>> Kitchen: Can't he speak on consent?

[Laughter].

>> Mayor Adler: No, because this is -- we'll end up doing that on every one of these. So what's being pulled is items 3, 5, 13, 14, 17, 19, 20, 22, 26, 28, 37, 43, 44, 46, 54, 56, 59, 61, 66, 67, 68, 87, 88, 89, 90, 91, 93, 95, 98 and 99. Yes, Ms. Kitchen?

>> Kitchen: I'm sorry, I didn't notice but did you show item 63 as withdrawn?

>> Mayor Adler: They are withdrawn.

>> Kitchen: That's the parks one that we talked about at work session.

>> Mayor Adler: 63 is withdrawn. Mayor pro tem?

>> Tovo: Mayor, I'm going to put 22 back on with the comment that I appreciate the answers that we got back from real estate, but would just encourage our staff to continue to looking to health south as a potential as we have these space needs. Though I hope we have a really exciting different plan going forward in light of councilmember Houston's resolution, but in the interim it may be a good place for some of our staff needs.

[10:53:08 AM]

>> Mayor Adler: Okay. Is there a motion to approve the consent agenda? Councilmember alter makes that. Councilmember kitchen seconds. Any discussion? Those in favor of the consent agenda, please raise your hand? Those opposed? It's unanimous, everyone on the dais.

>> Troxclair: Sorry.

>> Mayor Adler: It's passing with certain notes. Councilmember troxclair, do you want to give us some of those notes.

>> Troxclair: I would like to be shown voting no on item 6, 8, 23, 41, 49 and 55 as well as 53.

>> Mayor Adler: Okay.

>> Troxclair: Thanks.

>> Mayor Adler: All right. Anyone else making any other notes? Okay. The consent agenda passes unanimously with those notes. Let's now get into our agenda.

>> Kitchen: I know you don't want to take them in order, but I would put 93 up somewhere at the top.

>> Mayor Adler: Okay, noted.

>> [Inaudible].

>> Mayor Adler: Let's look at the things we can handle quickly on this agenda. Does anybody have anything on here that -- that doesn't require anything? Speakers, do you think we could handle quickly? Councilmember troxclair?

>> Troxclair: I pulled item 59, boards and commissions, because I was hoping to appoint Matt layman to the Mueller menu plan advisory commission, but I was reminded that the appointees need to live in the immediate area and I do not believe he does.

[10:55:12 AM]

So I need to withdraw his names from the boards and commissions.

>> Mayor Adler: Which one?

>> Matt layman. Item 59.

>> Mayor Adler: From the airport. So Matt layman from the Mueller municipal is taken off. Also the appointty Susan bond. Ms. Kitchen is appointing David gugen on to the Mel -- to the mexican-american center advisory board. Councilmember troxclair is appointing frank ward to the parks and recreation board. Mary bell to the water and wastewater commission. With those changes is there a motion to approve the boards and commissions? Councilmember pool makes that? Flannigan seconds. Those in favor please raise your hand? Those opposed? It's unanimous on the dais. That takes care of 59. Councilmember Flannigan.

>> Flannigan: Can we take up item 43, the student commission. We discussed this briefly at work session. I would like to -- there are causes in here for exempting commissioners from training requirements, exempting them from open meetings, exempting them from attendance requirements. So my preference is to still have them follow the same rules as other commissions and approving this ordinance by striking those sections. And I can make a motion to that end.

>> Mayor Adler: Okay. Who's motion.

>> Flannigan: I pulled it.

>> Mayor Adler: And say again what your amendment is?

>> I would move to approve item 43, striking sections E, F and H.

[10:57:17 AM]

E, F and H.

>> There's a revised version in the backup.

>> Houston: The college commission.

>> Flannigan: I'm striking the items that exempt training requirements, exempt attendance requirements and differently letter them.

>> Mayor Adler: So it's not going to be exempted from open meetings? The commissioners have to go through training and they have the same residency requirement.

>> Flannigan: Residency is still waived. Open meetings will be required, training is required, attendance is required. But they're still waived for residency.

>> Mayor Adler: Is there a second to the changes? Mayor pro tem seconds the changes. Is there any discussion? Hearing none, those are added to 43. Does someone move passage.

>> Flannigan: I moved passage.

>> Mayor Adler: That sounds good. So the motion in front of us is 43 with those changes.

>> Flannigan: Yes.

>> Mayor Adler: It's been seconded. Does anybody want to discuss it? Mayor pro tem.

>> Tovo: I just want to thank the staff who worked on this. This was a resolution I brought forward last year and I'm glad to see it going. I think it's going to be a value to our community and I'm in complete agreement as my vote reflected on the amendment, for the reasons I suggested on Tuesday. I think it's appropriate that it operate like any other board that we have.

>> Mayor Adler: Alex Meade is signed up to speak on this. Do you want to speak on this?

>> Sure.

[Laughter]. Looks like it's going to pass with those changes.

>> I'm aware. I just wanted to say a few words about why I think this is important. Thank you, Mr. Mayor, thank you members of the council. As you know my name is Alex Meade, I'm a student at UT Austin speaking in support of this.

[10:59:17 AM]

Clearly it's going to pass. I'm not here to oppose it. I just want to speak to y'all and my extension to everyone here about why I think it's important that the college community have representation in the policy making process in the city. And I want to make three points that I think emphasize the importance of make three points. A lot of us don't live in the city of Austin. I personally live in pflugerville so having a commission that can advise on student issues is important to allowing us to have a voice in policies that affect us. Second, many of us don't have a level of engagement in city issues that y'all have. I am family in some ways with things like state politics and state legislature, but I haven't followed the city council and I think it's important there be a group of students devoted to following what that body does so they can help students other than themselves. Finally, we don't have much time as others do to advocate for city council. I brought my business law textbook. This is a demonstration of the scheduling requirements that we have. This is for my final at 7:00 P.M. Today. I'm studying for it throughout the day and it's one of the many things that's a demand on my schedule throughout the semester and breaks which means I don't have time to speak about issues that matter me. It gives the students a chance to come and directly advocate on these issues in ways many students can't. I hope that was somewhat brief and I once again offer my support. Thank you.

>> Mayor Adler: Thank you. Any further discussion on this item? Mr. Casar.

>> Casar: I'm going to support the item and I appreciate the hard work that's been done by the staff and thank you to the mayor pro tem for sponsoring the original resolution. I expressed some original concerns with -- with university administrators selecting the names because I believe that troublemakers being appointed is a good thing and sometimes university administrators might not pick a slate of troublemakers, but since the council has the opportunity as councilman Flannigan reminded me to reject any slate if at some point we feel like we're not getting students that may have -- that may have an adversarial perspective, which I think is a good thing and has proven useful throughout history, as long -- I think this works okay and if it stops working okay, we can change the ordinance.

[11:01:58 AM]

>> Mayor Adler: Any further discussion? Councilmember troxclair.

>> Troxclair: I am going to vote against this item but I want to say thanks to the student who came and spoke. I'm more than happy to appoint college students to the existing I think 60-plus boards and commissions that we already have in the city. I think the better way to incorporate student voices is to

have them be a part of the rest of the work that we're already doing, not necessarily to have a separate commission. We do all the time waive residency requirements for people who don't live inside the city so I welcome your input on any students who want to serve, but I don't think creating a separate commission is necessary.

>> Mayor Adler: Thank you. Any further discussion? Those in favor of this item please raise your hand. Those opposed? Ms. Troxclair no, others voting aye, it passes.

>> Houston: Item 13.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, mayor. Is someone from parks and recreation here?

>> Mayor, when they are done, I have a quick comment on that.

>> Mayor Adler: I'm sorry?

>> Alter: When councilmember Houston is done, I have a quick comment.

>> Mayor Adler: Okay.

>> Good morning, my name is Laura Esparza for the parks and recreation department.

>> Houston: My question is on the way we capture demographic data with parks department. How is that done?

>> The demographic data is captured in registration processes when we register students for --

[11:04:01 AM]

>> Houston: I'm talking about 13, about cultural arts, the cultural centers. The use of cultural centers and people attending programming.

>> Oh, I see. We have not made an effort to capture specific demographic data in the application process for that program.

>> Houston: So in backup it does talk about demographics will be -- hold on. I can't find it now. Anyway, it does talk about demographics someplace. And the issue for me is that traditionally you all only capture the data via zip code.

>> Correct.

>> Houston: Which doesn't tell us very much. With the amount of gentrification I'm experiencing in my district, saying somebody is from 78724 doesn't tell me anything about the ethnic diversity that we are using city funds to support. Programming. And so I want us to find a better way to be able to identify when I'm asking for demographic data. It's the diversity of the ethnicity, what are we using? And so we have the same problem with west Austin youth association, we've got a lot of those things that -- well, they come from these zip codes. That doesn't tell me about the ethnic makeup.

>> Thank you. Zenobia holt ray informed me the applicants accepted into the program will have to report on that in their final evaluation.

>> Houston: Zip code doesn't make it -- that's what I'm wanting people to understand that just capturing somebody's zip code does not give me any idea what the ethnic diversity is.

>> Good morning, extent director economic development. We do request that information is captured by the cultural contractor and reported in the final reports.

[11:06:05 AM]

So not only by the zip code but your ethnicity.

>> Houston: That's what I need. Thank you.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. I actually just want to -- this item provides -- for creative arts came from a budgeter that councilmember pool and I put forward. The staff in their diligence in helping to create the

[lapse in audio] To make it happen. I'm really proud we're going to be able to have these expanded hours for our community, our community to enjoy. I want to thank economic development staff and anyone else who was involved in following through and I appreciate -- [lapse in audio] With this first step. Thank you.

>> Mayor Adler: Councilmember Renteria, then councilmember pool.

>> Renteria: [Lapse in audio] And I know how -- after the performance is over to put up all the equipment. Sometimes it takes -- [lapse in audio]

>> Mayor Adler: Councilmember pool.

>> Pool: I wanted to build on what councilmember Houston said and additional as far as addressing accurate information that will only -- a way to maybe measure the process, make sure that we're reaching the possible demographic --

[11:08:45 AM]

>> [Lapse in audio] The various communities to expand --

>> Pool: Okay. So we actually maybe have a bench mark and that would be prior to expansion. We could maybe use that as a starting -- audience.

>> [Lapse in audio]

>> Pool: Then my last question goes to the missions of the various cultural centers are overseeing and in large part determined by the boards that oversee the cultural centers. What role will it play in the artist residence program?

>> I'll let miss Esparza answer that.

>> The boards and commissions associated with

[lapse in audio] Involved in the development of the program from the get go.

>> Pool: Great, and then they will also -- I really appreciate staff the balance to put forward the hours at the cultural centers. I appreciate -- additional resources to keep the doors open. But I think this is a great opportunity to [inaudible]

[11:10:45 AM]

At the same time and that makes sense. So I thank you for that work and please -- various boards of each cultural center that they are -- in the last couple of years. It's just a small step forward in that effort. Thank you so much.

>> Houston: Move adoption of 13.

>> Mayor Adler: Councilmember alter seconds. Discussion? All in favor raise your hands. Those opposed? Unanimous on the dais. We have the housing corporation here. We have a lot of staff here -- let's see if we can move that on consent. With no objection, I'm going to recess the city council meeting here at -- and convene the finance corporation meeting here on December 14, 2017. It is 11:11. Consent agenda.

>> Good morning, treasurer of the Austin housing corporation. First is is is -- is approval of the minutes -- increase to Austin habitat for humanity to [lapse in audio] Include permanent support to serve extremely low income residents to -- 3300 creek drive.

[11:14:40 AM]

And the last item, number 7, authorizing in the amount by \$1 million, negotiated and executed with life works for a total of not to exceed

[inaudible] To assist for the development of -- to provide affordable housing located at [inaudible]. Again, I offer all these on consent.

>> Mayor Adler: Is there a motion? Mr. Renteria makes that motion. Ms. Houston.

>> Houston: I have a question. I'm sorry. Just starting.

>> They are already.

>> Houston: Are all these in the Austin city limits?

>> Yes.

>> Mayor Adler: It's been moved and seconded on the consent agenda. Those in favor raise your hands. Those opposed? That passes unanimously.

>> I appreciate it. Thank you.

>> Mayor Adler: The meeting is adjourned. I take us back into the city council meeting. It is 11:16. Councilmember Renteria.

>> Renteria: I want to say thanks to the -- department.

>> Mayor Adler: Staff has indicated they would like to postpone number 37. So item 37 unless there is objection is going to get postponed. No objection, that item is postponed. I think we have a couple items that do not have speakers signed up we might be able to handle quickly.

[11:16:47 AM]

Item number 69. Item 69 is Ms. Houston.

>> Houston: Thank you, mayor. I'm moving slowly here. Sleep that you get last night.

>> Mayor Adler: Not much interchange.

>> Houston: The health and human services subcommittee is recommending to the full council that we appoint

[inaudible] Smith. Health and human services council committee five individuals with different skill sets who are willing and wanting to -- to assisting the sobering center local government corporation. We want to thank them for their interest and anticipate that they will continue to be involved in the important work of the center. Mr. Reginald Smith is being recommended to fill the vacancy because he has been actively involved with the recovery communities in Austin and San Antonio for many years. He has a proven track record at coordinator of outreach and advocacy activities for the recovering and reentry communities he has served. In addition he has broad experience with working with mental health systems and supportive housing. So if one of my members will make -- mayor pro tem has a motion.

>> Mayor Adler: Without objection, we'll let Ms. Houston make that motion seconded by the mayor pro tem. Mr. Casar.

>> Casar: I would like to thank the members of the committee for nominating Reggie. The share of the committee listed his qualifications and I think he is an outstanding person who will serve the city.

[11:18:54 AM]

I have tons of confidence about how well he will serve the city and move this forward. So thank you guys.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: I concur with everything that's been said when Mr. Smith. I think he's going to be a dynamite addition. I wanted to also take this opportunity to let you all know this week the sobering center announced the hiring of its first founding -- it's founding executive director Rhonda Patrick so she will begin in January. The board is now at full capacity and the executive director will come on board soon and it's all moving along very well.

>> Mayor Adler: Congratulations to the council. Generally -- but mayor pro tem, mostly to you for taking leadership and helping realize this concept. Congratulations.

>> Tovo: Because I think my last comment was cut, I will just say one slight thing is that there's a bit of a delay with the facility, but everything else is fabulous.

>> Mayor Adler: Okay. Did we vote? No. Those in favor of this motion please raise your hand. Those opposed? It's unanimous on the dais and we can move forward there. We have a couple folks that signed up to speak on item number 93. Was this the one you thought would be handled quickly?

>> Kitchen: Yes.

>> Mayor Adler: Mr. Peña, do you want to speak on this issue?

>> Kitchen: Not here.

>> Mayor Adler: 93. Ray Collins. Do you want to speak to this?

>> Yes.

>> Mayor Adler: Okay.

>> My name is ray Collins.

[11:20:55 AM]

I just want to say a word of thanks to councilmember kitchen, my district 5 representative, for her part in bringing this service to my neighborhood. And thanks to council as a whole for your approval. There is such a service about a half mile from our house at sunrise community church. This past Tuesday they raised like \$12,020 for that and their other programs. I do admire a church with a mission. The needs are great and the dollars are few. The \$650,000 you have appropriated to help fund another nearby locust for this work will be a big help in fulfilling the needs of our area and take some pressure off the much smaller privately funded effort at sunrise church. Thank you.

>> Mayor Adler: Thank you.

>> Kitchen: Thank you, Mr. Collins.

>> Mayor Adler: Ms. Kitchen moves, councilmember alter seconds. Discussion? Those in favor? Those opposed? It's unanimous on the dais with councilmember pool off. We're booking into 11:30 here. What else do we think we can handle quickly? From these items. Item number 26, something that you pulled, Ms. Houston, nominations for the rosewood community corporation. Ms. Houston.

>> Houston: Mayor and council, I move to amend the resolution that you have in backup to replace position number 3 of the appointment of Richard Scott on the rosewood community development corporation with Ms. [Inaudible] Expireing

[inaudible].

[11:23:04 AM]

>> Mayor Adler: Okay. Explain -- is there any --

>> Houston: Would you explain what's on here? Then I'll explain why we'll be -- another person.

>> Acting director of the parks and recreation department. So as I understand the situation, the particular individual it's not 100% sure whether this individual resides in Austin. The qualification to be a part -- development corporation must reside in Austin. And also a great desire to make sure that we have community representation and with the individual who would be replacing this particular position, that individual has a proven community stake or a more proven -- a more proven --

>> Houston: She's

[inaudible] And the -- sits in the middle of a cultural heritage district for African-Americans. That's why I thought it was important to appoint her.

>> I wasn't up as late as you so I have no excuse for not being able to get that out.

>> Mayor Adler: Is there a second? Ms. Houston makes a second. Is there a second to that? Mr. Casar seconds that.

[Lapse in audio]

>> Mayor Adler: It's on the top of page 2, place 3.

>> Position 3.

>> Thank you.

[11:25:05 AM]

>> Mayor Adler: Those in favor raise your hand. Those opposed? Unanimous on the dais. That takes care of that item. Thank you. Do you anticipate -- councilmember alter, to be long?

>> Alter: That depends.

>> Mayor Adler: That's the housing issue.

>> Tovo: My comments are not long. We could see -- why I brought it up and see whether people want to make it longer.

>> Mayor Adler: Go ahead and make your comment.

>> Alter: Item 46 is hiring a consultant. I'm concerned about this item because I think it's extremely important that we get this done well. To be honest, I have not had enough time to review this with this week's agenda and I'm concerned that there was only one respondent to the rfp. This firm is obviously qualified enough that recommending them, but I wasn't able to compare their work to any one other applicant and that concerns me. It may be that after additional discussion that I'm fine with this, but being on the dais today and whatnot, I will not have that opportunity. Ideally this type of request would have gone through the planning and housing committee, but it's been some time since we've met. I would like to ask my colleagues for a postponement for one meeting and if anyone else is interested we could meet in the planning and housing committee to discuss how this -- I know there will be concerns about delaying this work, but with the holidays and stuff I don't think it will delay it very long. Some of my most basic questions is maybe we should be hiring in-house rather than hiring a consultant.

[11:27:08 AM]

We have a lot of work to do on the blueprint. I hope that -- I know that nhcd has chosen this route but they were not given enough -- I'm concerned this is really important and I'm not sure that consultant is the most cost effective and most appropriate way forward and we only had one bid in this particular case. I'm simply asking my colleagues to support a postponement until our next meeting. I think we're all in the same boat today that we have a lot of things on this agenda that we came too late ordinarily we would have vetted this sooner. You all know how busy we've been.

>> Kitchen: Mr. Mayor, could I speak to this?

>> Mayor Adler: Okay.

>> Kitchen: I appreciate the concern about wanting more time, I understand that. I have a bit of a different concern. This is in response to a resolution that I brought and we passed asking for an implementation plan, but the due date on it was October 31st. And so we are now at the end of December, and my understanding from staff, and we can ask them to come up and explain, my understanding from staff is after really looking at this process and what needs to be done, they really need the assistance of a consultant. My concern with delaying this is same concern everybody else would have is that we're talking about February 1st before we can even move forward with getting a -- getting a consultant. And one of the reasons for the -- in my mind, one of the reasons for moving more quickly than that is, you know, first, I mean this is obviously a key issue that we need to move quickly on

and we're already two months late. But the other issue is that this work needs to align with the work that we're doing on the mobility bond and the corridor planning. Which it will come back to us in the spring. And so I'm really concerned if we delay to February and tell our staff that they cannot even proceed with going forward with the consultant.

[11:29:14 AM]

>> Mayor Adler: Okay, so it is apparent this is not going to be solved quickly. There are other members on the dais that want to speak to it. We have item 28, pulled by speakers. There are lots of speaking -- a lot of people signed up in favor of this. There are four speakers that signed up to speak. That's a lot of speakers and we're not going to have time to pick them up, but because there are so many people here for this, if there's one person that wants to speak, if we want to do that in favor of this, then we can take it now. Otherwise we -- we will hold it and give everyone a chance to speak later. I have Gus Peña here to speak on 28, Mimi Stiles, Eric Bird and Robert Hendricks. Those last three people, does everyone need their full three minutes? No? Why don't you come on down and speak to it quickly and let us know what it is so we can pass it and you don't have to be held up.

>> Good afternoon -- good morning. I'm the president and founder of -- I'm really excited to be in front of you to talk about the proposed river project. Our organization has been working with Austin police department for the last few years. We've done a lot of -- we've produced reports on community policing. This gives an opportunity to go out into the community and to create that community policing model. It's a much needed research and advocacy and public organization that simply elevates evidence based data to address social problems.

[11:31:22 AM]

Our interest in partnership on this project is rooted in our passion to allocate resources to under resourced people and marginalized neighborhoods. As the coordinating team, we will go into the space ready to listen to the voices of those that live in those subject neighborhoods. Our measurable intentions are to, number one, decrease criminalization. In partnership with the U.T. Research team, we'll conduct research assessments to thoroughly get to the root of issues and hold several community meetings and only after listening and learning about the issues. Some of our goals may include connecting public health services to address public health problems. The development of a trauma informed policing response to vulnerable communities. Working with nearby schools to address juvenile crime. Breaking down reasons for high crime areas whether it be streets that are too dark or code issues, so we probably will be back in front of you during the course of the next couple of years. We plan to let the community lead with us as the facilitators. It's really exciting for us to be able to help create the narrative there. Through community advocacy, resilience and evidence, that's how we hope to go forward in this project.

>> Mayor Adler: Thank you. Anybody else need to speak?

>> I would just like to quickly introduce -- this is Dr. Meg Warren, chief of development and statistician with measure and also Eric bird who will be serving as project manager for the project.

[11:33:22 AM]

>> Mayor Adler: Thank you very much for the work and thank you for the work measure has done in moving us to a more metric based goal system within the justice work that we do. Is there a motion to approve this item? Ms. Houston makes that motion. Mr. Renteria seconds. Discussion?

>> Houston: I just want to say thank you for all that you are doing and have done for the city of Austin and we can share with our other public safety groups. Ems has to listen, fire department has to listen, so it's just not for police, it's for all public -- I would hope it could be broad enough you could use it for all of our public safety groups.

>> Absolutely.

>> Houston: Thanks.

>> Mayor Adler: Thank you. Those in favor of this item raise your hand. Those opposed? It's unanimous on the dais. Thank you. That passes. Next item we're going to call up is the paid sick day resolution briefing.

>> Kitchen: Mr. Mayor? I was thinking that 91 may be really quick.

>> Mayor Adler: We have an out of town consultant. We said we were going to stop at 11:30, someone was calling in so we're going to handle that first. Yes, councilmember alter.

>> Alter: I just wanted to say that for 19 and 20, the ems, I would like to request executive session.

>> Mayor Adler: So noted and I've passed that to council. Mayor pro tem, can you take the chair for just a moment?

>> Thank you. Doug Matthews, chief communications director here at the city of Austin. Just here to give you an overview of the feedback that we received pursuant to your resolution relative to paid sick days. To be clear on the front end, you know, we had a very discreet requirement based on the resolution in terms of the question that we were to ask and the feedback that we were provided back to you.

[11:35:25 AM]

So that's what we're presenting today in terms of specific recommendations or ideas on policies either for the city or for the community at large, that's not part of the scope of what it is that we're presenting. This is strictly the feedback that we provided, kind of a rundown of that. To give you a general overview of the participation that we had -- if we can -- there we go. We had two pieces to the engagement, an

online and digital component and an in-person component that consisted of three meetings in November. Online we had about 3800 visits. What we would consider 1,165 informed participants. Those are people that may not have directly contributed but downloaded information, viewed Moore than one of the forums and otherwise got informed during the process. Of that we had 183 people that contributed directly, and in addition to that we had 80 individuals participate by a text survey. A series of three community discussions, we had about 125 participants over the course of those three meetings. Some of those came to multiple meetings or came to all of the meetings. And that really in both cases there was pretty broad representation of perspectives that included employee associations, worker associations, employer and human resource associations, as well as a number of individual employers from throughout the community that chose to participate. And I just wanted to express my own appreciation for them taking the time to be a part of the dialogue. What I can say before I get into the overview is that in general this -- these were great discussions.

[11:37:27 AM]

I would say the online discussions were probably a little bit more robust and direct than some of the in-person discussions, but all of the sections were productive, they were respectful regardless of the perspective people came to the table with, and I think it was a great representation for us at least of what engagement ought to look like. So in relation to the questions that were outlined in the resolution, the first asked who should be covered by a paid sick leave policy were it enacted. You'll see here that there's a category called employer choice, and just for context, as we worked our way through the comments, and if you saw the report that we sent out to you, the comments were pretty voluminous, there were a number of comments that really all resolved around the idea that employers ought to have the prerogative to make these decisions. Some of those may have simply said the city shouldn't be doing this. Some of them said whatever it is that the city decides, we should still have the prerogative to decide how best to implement things. So that's the roll-up of all of those comments because we felt like that would give you a better sense of the overall conversation that was taking place. The blue on the left are the comments that we received online. The red, which is on the right, are the comments we received in person. You'll note as we work our way through the presentation, it seems that employers were more likely to participate online than they were in the in-person discussions. In fact, one of the things that we saw was the employer participation seemed to -- seemed to wane as we worked our way through the in-person discussions as well. The other thing I'd want to note is the other category there included a number of ideas like defining minimum hours, specifically offering this to food service or health care workers, having exclusions for short-term temporary workers and a number of other things, but they weren't items that received a preponderance of votes.

[11:39:43 AM]

This is a roll-up. The best way to get an overall sense of the conversation is to really dig in and read the comments themselves. We also asked under what circumstances folks should be covered. And I want to

note as we work through this list, when you see items like legal issues, parental leave, domestic violence, people weren't necessarily restricted to answering one time. So some people may have said domestic violence and also said parental leave. So these are not exclusive of one another as we roll them up. But again, visually give you a sense of what the feedback was that we received throughout the course of the activity. The next question was at what rate would sick leave be accrued. You see here employer choice, and then there was a pretty clear distinction, some folks would answer that it ought to be 10 days per year, 12 days per year, others said it ought to be a proportional rate. If I had to say a prevailing proportional rate is probably around the one hour per 20 hours worked. The next question was on timing, should it be immediate, a probationary period, at what time should employees start to accrue. At what time would employees be able to utilize any leave provided and that was pretty will provided throughout the commentary, as you can see here, between use post-probation, use upon hire, as well as the accrual numbers. Going back to accrual, there was a fair number of comments on this. In the community reads, again, about the establishment of a floor as a provision is part of the process.

[11:41:50 AM]

Meaning there's a minimum number of hours whether it's annual. Then we asked about carryover options. Should sick leave carry over from year to year, should that be limited in some way. The feedback here seemed to be largely yes. There was also, as you'll see throughout the course of these responses a fair number of responses that said employers ought to be able to make that decision. Then the last question was regarding enforcement. If the city were to apply something like this how might it be enforced. And there was a wide diversity of opinions on this. This is where we saw what appeared to be a little bit less participation on the employer perspective. This was the final conversation that we had in our in-person meetings. But you can see that there's a pretty wide diversity here of opinions on how we might be able to do this, if you all chose to. I also think from an employer perspective, if you look at the last number there, if you look at none, that's really where we got most of the employer perspective was that if we're going to do this, that it ought to be voluntary. I just wanted to move on to some general observations here. At this point I wanted to turn it over to somebody that you probably know, which is Larry schooler. He's the contractor, the consultant that we hired to help facilitate these discussions, and we felt he was uniquely positioned to do so given his work that he did on the fair chance hiring ordinance. So I'm going to turn it over to Larry at this point to talk about some of his observations from the engagement in general.

>> Doug, thank you very much and hopefully my audio is coming through okay. It's good to be with you all virtually. I just wanted to add a couple of other observations as the facilitator of the meetings. One of which is to say that I think that despite the division in the ranks of the folks who participated in the meetings as to whether or not a paid sick leave policy is something that council should adopt, there did seem to be a widespread agreement that for one thing no employee who was sick or caring for someone who is sick should lose their job over that and in general the notion of taking care of employees who find themselves in that predicament is important to employers and employees and advocates therein.

[11:44:25 AM]

And I wouldn't say that employers on the whole were entirely against providing sick leave or even potentially all against a policy that set minimums, but I think there were sharp differences as to whether or not an ordinance itself should bring that about. There also I think were concerns shared around how a paid sick leave policy might impact the local economy, how some businesses would be able to absorb the added cost, also on the other side of the equation concerns about how the lack of paid sick leave could have impacts on food service and other ways in which employees who were sick and felt compelled to go to work could impact the work that they were doing. There also were comments made around how paid sick leave policies might intersect with negotiated agreements between employers and employees. The question as to whether the city should be putting out such a policy or whether it should be handled by a different level of government, and there certainly were members of the business community who suggested that if the city were to pass an ordinance like this, that they would take their case to the state legislature. So that's something that we heard on a number of different occasions. The other thing I would say is that the employers were concerned less about providing paid time off for someone who is sick or take care of someone who is sick but more concerned about required to provide a specific form of leave within a defined amount. That's something we heard a lot about the food and restaurant sectors of the economy. I also think for a lot of folks there was the notion that paid sick leave was a basic human right and there were many employees who attended the meetings and shared first-person accounts of cases in which they felt they were in humely treated when they or loved ones were sick, but at the same time I think some felt while no one should lose their job over being sick or having a sick relative to require a paid leave seemed infeasible to some and there were some who suggested the paid sick leave could be tailored either to the size of the business or the type of employee, that is to say temporary, part time or full time, or some other as effect of the business' identity.

[11:46:55 AM]

To Doug's point, I think employers also wanted to see some flexibility in thousand they went about providing an employee sick time. For example, someone in food service could pick up future shifts in place of shifts that they missed in order to care for themselves or a loved one in order to ensure they didn't lose income. From their perspective, that would be a way to ensure a form of paid sick leave, though not perhaps in the way that we might imagine or the way it's done at the city of Austin. So those were the additional pieces of context I wanted to share, I wanted to thank the city and Doug and the city council for involving me in this important work.

>> Thank you, Larry. One item too that's up here that we didn't touch on is this discussion of pto versus sick leave. That came up in employer conversations fairly often, which is restricting the conversation to sick leave with some of these employers who offer paid time off that is -- that doesn't differentiate between sick leave and other leave, they felt like that may be tying their hands as well and I think that's an important part of the conversation. That was in particular with the startup in the tech community

where that's a more prevailing practice. With that we're open to questions or clarifications you might have.

>> Houston: I got it myself. I have one question.

>> Sure.

>> Houston: Oh, I knew that would get you back. Mayor pro tem, I have a question.

>> Tovo: I'm sorry, yes, councilmember Houston. I'm sorry.

>> Houston: Thank you. Was Austin independent school district included in these conversations? Because it seems like they have a lot of people that are not covered.

>> Aisd was invited. The note that we got back from aid was that they had some other -- the individual that we invited had some other obligations.

[11:48:58 AM]

They had intended to send other representatives. I would have to defer to Larry on what that representation looked like.

>> I would say there was someone from aisd who signed in. It wasn't someone that I recall having any personal interaction with or hearing comments of, but most of our work at the second and third meeting when we delved into the details was in small groups where I was floating between the different small group discussions and that person may or may not have participated in that context.

>> Tovo: I would ask Mr. Matthews to get some more -- additional information for us and report back to councilmember Houston. Councilmember Casar and then I'm going to turn the chair back to the mayor.

>> Casar: So just to speak to that question, my understanding from law is that we are able to govern the city and private employers operating within the city, but we are not the governing board of other governmental entities so we wouldn't be regulating the state or aid. That would be issues for the aisd board and the state and central health and others to handle. So I think that when people bring up how should aid handle its employees, that wouldn't be an Austin city council question, that would be an aisd school board question. So I appreciate the presentation and I think that the stakeholder meetings were really robust. I had the chance to attend multiple of them. You know, from what the survey said about employer choice, I think it's clear employer choice is what we have now, which is that workers don't have that choice in many situations and we as a city council don't have that input and so while I appreciate many of the concerns that you brought up, I just wanted to replay some of the stories I heard when I was at some of the stakeholder meetings were, you know, a constituent of mine that I had never met talking about how she works at a major corporate bookstore in town and was being stalked and couldn't take a day off work to deal with that.

[11:51:03 AM]

Hearing from actually some of the aid teachers that were there talking about how their kids all get sick in class when parents send them to school sick because they can't take a day off work. And we saw a lot of that input happen -- obviously your slides showed primarily the online input, but I want to convey how important those in-person meetings were because when employers and industry leaders sat across the table from people that were facing those sorts of situations, that can't be shown on a slide, but there was real conversations happening around what could an ordinance look like, what would the details have to be to be able to address some really serious public health problems, public safety problems, and basic workers rights issues. And so I think that that part I would encourage you guys to get into the memo to read about that nitty-gritty stuff because we didn't conduct the stakeholder process as a poll. Those first slides would be a game -- we aren't trying to say who can send in the most online comments T idea was we wanted to get real input, but I think in-person conversations were really important because it's not supposed to be a numbers game, there was just a lot of meat to the individual conversations, and I've gotten a lot out of speaking with over 40 business leaders, business owners and industry associations along with community groups, and so I would just encourage you guys to get into that 200 and something page memo.

>> If I could add really briefly, councilmember, there were interesting comments made by businesses both, quote, unquote, for the record, meaning they were taken in the notes, and some that spoke to me kind of off line where I wasn't in a position to take notes in which they said we would like to figure this out. We would like to ensure our workers that they have the means to take -- to take leave for the various reasons that are outlined in the resolution, but we need help to figure out how to make that work.

[11:53:06 AM]

There are also businesses at the face-to-face meetings who said point blank we offer it, we intend to keep offering it and think this is a good idea. To your point there was a wide array of perspectives shared.

>> Casar: And I recognize when we put an ordinance up, people may be just for and against generally, but I think that the place where people came together and said, well, this is what I would like in a policy if there were a policy, that that's very helpful and meaningful input. I think that if there was a poll, we would probably find just like when they do polls across the country, the vast majority of people are for this. Small business owners, working people, folks of conscious that carry about this as a rights issue. We were trying to get that input and I think that was really robust. I guess my one parting question here is I just saw community impact, Mr. Matthews, that Larry was quoted saying that this is one of the most robust discussions they've ever seen but that it was not a consensus building exercise. Can you sort of speak to us about sort of of the many public processes you and Larry have done, you know, I think it is a testament to saying this is one of the most robust processes I've ever seen. Can you talk us through the process? It seemed very -- much more robust than just confrontational comments.

>> Absolutely. And I think that's a fair way to describe it. Also, from our perspective, there -- this is fairly unique. And we had to spend some time with some of the participants on the front end to articulate what our role was in the conversation because it wasn't a question of do you want to do this or do you not? And some folks feel disenfranchised by not being able to have that vote.

[11:55:07 AM]

Once we were able to get everyone in the room and the level of participation that we had and the diversity of that participation, people that were genuinely interested in this subject, I wouldn't say is unique to our processes but was certainly one of the best examples we've had of getting all of those stakeholders to the table for the conversation, number 1. But then bringing the diversity of opinions to a single table to have a meaningful discussion. And I do think you're right. It's hard to put all of this into a quantifiable report. Because everything was provided back in narrative form. So the only way to get into the details of what it is that we've brought forward today is to really spend some time with the report itself. I don't believe that solely these bar charts are representative of what it is that you would need to be able to be informed to have an opinion or make a decision about something like this.

>> Mayor Adler: Councilmember troxclair, and then councilmember kitchen.

>> Troxclair: Help me understand the paid sick leave versus paid time off. I know you mentioned really briefly, but it seems like, when I'm thinking about this issue, if the city is going to be impose this kind of regulation on private employers that the best way to do that would be through paid time off, not through paid sick leave. Because you think about -- I mean, paid time off. And it seems like the advocates would have that same idea as well because if you -- paid time off gives you a lot more flexibility to do whatever. You don't have to be sick if you need to take a day off because your nanny cancelled on you last minute or because you want to go out of town with your family, any other reason.

[11:57:12 AM]

Whereas sick leave makes you feel like you have to wait until the last minute, call in the day -- maybe you are really sick, but then maybe if you're not sick and you want to use your paid time -- your paid sick leave that you call in at the last minute, which is not ideal for you or for the employer. So why is the conversation not about paid -- and it seems like a lot of our small employers already offer paid time off. So why is it restricted to sick leave?

>> Well, in short, because that's what was articulated in the resolution. I would agree with you that, as we got into the discussion, there was some intersection between what employees wanted to see and what some employers -- not all employers -- were offering, which is a bank of time that you get to use as you choose. And there were -- and there were people on both sides who felt like, well, that is an accommodation for the list of items that we have here. But there were just as many that said we need to be discreet because this is a discreet issue that we have, as well as employers who worried if we went

too far on the pto side that there was the potential for abuse of that system. So to get consensus around this, would or is going to be a challenging prospect for sure.

>> Troxclair: Okay. So unions are -- would be included in this?

>> Well, there were also --

>> Troxclair: Or not.

>> -- A fair number of comments in regards to existing contracts between unions and employers and questions about how that might affect those contracts and agreements. That is an unanswered question.

>> Troxclair: Okay. That seems like an important question to me.

>> I would agree.

[11:59:12 AM]

>> Troxclair: So I guess -- I mean, IFS a good policy across the board, then why would it not be a good policy for the unions? I guess I don't understand that. Okay. You know, I have major concerns about this policy in general. Data and statistics and just kind of common sense of thinking about what kind of employers can afford to offer these benefits, offer benefits to their employees, it's bigger employers who have the ability to do that. I think these kinds of policies disproportionality affect small businesses who are normally just trying to make ends meet to begin with and putting these kinds of policies in place may restrict their ability to stay in business, provide jobs in the first place. So I mean I think as an economic policy, putting in place something that is going to disproportionately negatively impact small business, the backbone-our nationwide economy, as well as a important part of our local economy, I think is a poorly guided policy.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I have a question and then a comment. But the question first. So can you talk to us about your -- Mr. Schooler, can you talk to us about the range of participation of employers and of health professionals or public health individuals?

>> I can.

>> Kitchen: Okay.

>> I asked Larry to send over an updated list of the participating groups.

>> Kitchen: Okay.

>> I can send that to you. Otherwise, I would be reading the list. But I would say --

>> Kitchen: I'm sorry.

>> No no. I was going to say I would say that you had a pretty even distribution between those representing workers groups, those representing employers groups.

[12:01:19 PM]

And then, you know, just for instance individual employers that you had, you had folks like countyline, you had hoovers, professional janitorial service, thundercloud subs, quality seafood, as well as nonprofits like the ywca who participated.

>> Kitchen: I guess I can dig into the report, but there's really -- there's a lot of different types of employers -- or sizes of employers is usually the bigger issue. Types is part of it too. I'm just curious the extent to -- extent to which I appreciate and understand we had small business participation. I'm curious about whether we had participation from chains or larger companies, you know -- that whole range or was that more -- that voice more present from the associations?

>> In terms of this discussion, it was more present in terms of the associations.

>> Kitchen: Okay.

>> I can only say from my perspective, the only direct outreach that I got from a major -- what we would consider a major employer was a major airline whose representative reached out to know how they could engage.

>> Kitchen: Okay.

>> Outside of that it was mostly associations who were participating and articulating those arguments.

>> Kitchen: What about government employers?

>> We had aid -- sorry, I'm just --

>> Kitchen: That's all right. I can look at the report. If you're not sure, I can go back and look at the report.

>> Yeah, the state employees unique.

>> Doug, we also had a couple of represents from other unions with large memberships like the state employees union, I believe, the overall aflcio, ibew, sorry about the alphabet soup for councilmember Houston, but I'm just trying to get through this quickly.

[12:03:19 PM]

I don't recall large employers other than aid. The people's community clinic did participate, I remember.

>> Kitchen: Okay. And that answers part of my question. What about the health care community? It sounds like you had peoples. Did you have a range of health care professionals participate?

>> Not that signed in, indicating that affiliation. Not -- no, I didn't see any sign-ins with Seton or St. David's or the like.

>> Not in terms of providers. You had groups like Latino health care forum and some of those who participated but in terms of the local health care providers, not much.

>> Kitchen: Okay. Thank you. I really -- I think this was a very -- I look forward to digging into the report. I think it was a very useful discussion to have about how we might do this. My takeaway from it is -- my takeaway from this and having worked on health care issues is that employers -- most employers, I would say, recognize the importance of their workers being healthy. It makes a huge difference in terms of productivity, in terms of the business' ability to make a profit, and to stay afloat. And all of those types of things. And I think most businesses recognize that and want to do that, and I'm hearing that reflected in the information that you're giving us back. The difficulty is how to do it. And so I think that this discussion is very helpful, and difficulty -- there's no denying that it can be difficult for small businesses but it's also a huge benefit for them. So I think that our challenge is to look through this work and continue to have conversations and figure out how we might do that. My experience comes from the health insurance perspective, you know, the importance of having healthy employers ranges from their ability to have access to health coverage or health insurance to paid sick leave.

[12:05:26 PM]

That's all akin -- that's -- all of those things -- both of those things are important for an employee to stay healthy. So as with the health insurance issues, from my perspective it's a matter of figuring out how so I look forward to continuing to be part of that conversation and thank you for bringing this forward. I'm sure there's a lot of interesting, good ideas in the report.

>> We're certainly happy to help. If I just needed to make one follow-up point to what you just brought up. Another point of discussion as you work your way through this was about whom -- let's say that you require a sick note in order to provide that leave. Who is responsible for paying for that visit to the doctor in order to get a sick note? There's so many underlying complexities that you'll find in the conversation that a 12 slide presentation simply couldn't bring forward.

>> Kitchen: Well, do I believe that it's a very complex issue in terms of the how, and I think that -- I think we all recognize that. I think it's important to -- that moving forward we do it in a way that recognizes the difficulties that some businesses have but also recognizes the importance and helps figure out a way to make possible for them to do this.

>> Sure.

>> Kitchen: Because it's critical for our workers.

>> Mayor Adler: Okay. Councilmember Garza.

>> Garza: Thank you for this process. I heard a lot of positive about the discussion. I just want to continue to beat my drum about what I believe is an inherent flaw in public engagement, which is not your fault. It's that the people that need to engage most because they need the most help are the hardest to engage. If you look at the -- those of us who represent the lowest-income districts also are the districts that have the lowest voter turnout.

[12:07:35 PM]

It's hard for families who are struggling to pay the bills, to keep the lights on, to go to work, to engage in the process like this. So I know for every one person that showed up to these meetings to say they need paid sick time off there were probably a thousand other austinites that would have liked to have been there and think the same thing. So it's important to have this process. It's important to have this information. But it's also important for us all to know that income and equality, all kinds of equality is widening in our city, in our country, and it's policies that we need to -- like this that we need to implement. And I understand the concerns from our small business, and I hope that we can get to address some of those and discuss how we can address those concerns because at the same time we don't want to hurt our small business as well. But thanks for this process, and I look forward to seeing how we move forward.

>> Mayor Adler: Ms. Houston is next.

>> Houston: First of all, I want to thank Mr. Schooler for being on beline in his virtual -- for being online in his virtual world, whenever he is. With Austin independent school district I know we can not dictate for them or most of Travis county but most of the calls I'm getting are about substitute teachers that don't have any kind of paid sick leave and issues in their families that cause them to miss out on their work. If you all could make that clearer perhaps the calls won't go to me, they'll go to the school board.

>> Okay.

>> Mayor Adler: Mr. Renteria.

>> Renteria: Thank you, mayor. I had the discussion -- my concern is and I wonder -- I'm pretty sure you all brought that up, on the food service. These people are just getting two dollars and, what, 40 something cents per hour?

[12:09:36 PM]

Did y'all have a discussion on that item?

>> There was discussion on that item?

>> Renteria: Is it also in the report?

>> There were some discussions. Again, I want to reinforce from our perspective as kind of the community engagement practitioners this was pretty unique for us it's unusual for us to get such a prescriptive resolution that says here's the questions that you're going to ask. So we felt that our role was to engage that discussion but not take that be next step, which is let's pull people around some consensus ideas here around -- let's explore that issue, let's explore -- we felt like we just needed to get all the issues on the table relative to the resolution. I apologize we don't have more answers or consensus on those things but that's more than a six-week process.

>> Renteria: Yes. I seen the people that turned out. I was amazed that you got this far.

>> Appreciate that.

>> Renteria: So quickly. I really want to thank you for doing what you did.

>> Thank you.

>> Mayor Adler: Anything else? Mr. Casar.

>> Casar: So I want to take this moment to give the dais a sense of where we're headed to next. And I think that that might address some of your questions from some of the councilmembers. I'm going to work together with cosponsors after pouring through -- I managed to flip through the entire report and I'll probably do it again, to bring forward an ordinance that will actually be publicly posted in January so that all -- so that we can figure out how to make the compromises and address many of the issues that were brought up around -- because there's over 40 cities and states that actually have already done this and figured this out so that we can figure out, to your question, councilmember Renteria is the sick time paid out at the restaurant server maximum wage or actually at the federal minimum wage of -- how do you calculate tips into that.

[12:11:45 PM]

There was a lot of input into that. Depending on which policy you look at you could pick a different starting point for that. To councilmember troxclair's question, how do you handle pto investor sick time? How do we respect those businesses going above and beyond and letting you take off for a really wide variety of reasons? So those sorts of questions will put an ordinance out there publicly having taken in this stakeholder input so that way when we have the debate on the dais in February everybody will have had the time and the opportunity to be able to look back at all the stakeholder and I want see how it format formulated this ordinance so we can make those choices. I appreciate that there were a lot of businesses who I met with or employer associations I met with who up front said they were opposed to an ordinance but once we get into the nitty-gritty of but if there's going to be something on the dais what would your preferences be? That we got that input to be able to come up with possibilities. I would note we did get a letter from well over 20 small businesses and local businesses supportive of this, including, you know, one of my favorite little restaurants that has, like, four staff and they all -- and she gave us -- it's a tiny little restaurant and she gives all of her staff over a week off whenever they want for whatever it is they need. And I just believe that's just a core value thing, and if we want to spread that value as a norm, that we just need to come up with the best policy having listened to all this

input that we can put on the dais and then really it would be up to the dais to do their best work on that. So I'm happy to answer any more questions about that process but just want to thank you guys for taking the time today.

>> Mayor Adler: It's a little after noon so we need to get to citizens communication. I appreciate Mr. Casar posting this in January, giving folks a chance to be able to react to it. All too often on these kinds of things, some of the business community comes in and says that they weren't able to participate in the drafting process and they raise process issues.

[12:13:50 PM]

I've been telling people consistent with the calendar that you laid out that they would in fact be able to see something a month ahead of time, that there would be opportunities for them to be able to weigh in and make suggestions. Many of them I think are anxious to be able to do that, are biting at the bit but can't until there's a draft for them to be able to react to so I appreciate you getting that out early and I will again urge the business community to do that because I would anticipate, as you do, that something is going to make it to the dais in February and I want to make sure that they have the opportunity to participate and no one would be objecting at that point because they didn't have the opportunity to participate in the process.

>> Casar: And they've heard you, to answer some of the questions I've gotten and spoken with AT&T, St. David's, Seton, all the way up to your local vegan ice cream store, all those people, they are hearing that and I imagine emailing lot of us but I'm fielding a lot of phone calls to be able to craft a policy that at the outset shows some level of listening to everybody even if in the end there's no one policy that everyone is going to agree with.

>> Mayor Adler: Councilmember alter and then councilmember pool.

>> Alter: Thank you. I'm really pleased that we were able to have a robust discussion at the sessions and online. I think we can all agree that everyone benefits from paid time off. I'm a little concerned about the notion that we're going to have an ordinance ready in fib, that everyone is going to be on board. I think this is a worthy goal but we have a lot of details to make this work for small businesses so people can still stay employed. I know other cities have accomplished that and moved forward with that but most of those have happened after a very much more lengthy process.

[12:15:54 PM]

I just want to signal that I'm going to need to be really -- really to understand those issues that really get into the nitty-gritty of how businesses make this work get addressed and then there's another piece that I haven't heard discussed is, you know, what does it take for the city to implement this? Seattle has had to create an office. So I appreciate the enterprise. I think it's great that we have the discussion, but there are a lot of loose ends, and I do feel that February where an ordinance is going to be -- there's no

working group. This wasn't a working group. This was a bunch of discussions which were valuable and important, but we need to have those operationalized and I think there's value in that for bringing more of the business community on board. And in the absence of that, it will be less successful in the long run should we decide to move forward.

>> Mayor Adler: Anything else? Councilmember pool.

>> Pool: I appreciate councilmember Casar bringing this forward? As a long-time union member, it has concerned me for a long time over the imbalance between labor and management, especially people are at their most vulnerable when they happen to be ill or someone in their family is ill or they just have to take their child for a vaccination something like that. So my initial questions hovered around whether we could -- we had the standing as a municipality to require this. So I really appreciate delving into that question. Because hasn't always been clear to every employee that they could demand this sort of thing. So one of the things I'd like to possibly work on in the ordinance, an element of it, a detail of it that concerns me is the ability of an employer to possibly veto an employee's desire to take a sick day or a paid time off without any -- without any good reason or just flat out say, no, you can't take off.

[12:18:24 PM]

So I think along with this -- providing this benefit, we also need to look at the protocols and procedures around it to make sure that while we may be helping employees get this benefit, we also need to ensure that they have a clear avenue in order to take advantage of it. Does that make sense?

>> Casar: Mayor, just because I know we have a long day and just had a long day, I would just respond, councilmember alter, I think those loose ends are really important, and my staff has been working really hard as up so a February time line makes sense. I don't want to take time walking us through that so hopefully the staff can catch you up on what we've done it it's up to your comfort. Councilmember pool, I think some cities have done that better and others have done worst so we'll do our best to take the better ones.

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

>> Thank you.

>> Mayor Adler: Thank you. Let's go ahead and do citizens communication. It is 12:18. First speaker is Steve Johnson --

>> Renteria: Mayor, I really want to apologize to the people that couldn't see the caption on this presentation. I know it was very important to a lot of these people. Not all people can hear clearly. I have to wear hearing AIDS in order to hear and I'm very disappointed because I know we had this discussion in the past years about having that system where people can listen and be able to understand what's going on here in the council instead of seeing a blank page that says question on it. You know, I'm very disappointed to see that.

>> Mayor Adler: Okay. Thank you. Mr. Johnson, you have three minutes.

>> Thank you. Hi, my name is Steve Johnson. And I'm here to urge you to vote in favor of the aquatic master plan recommendations.

[12:20:27 PM]

I know you're not voting today, but Austin's public swimming pools face historic crisis. After -- as an example, northwest pool, which is in my neighborhood, allandale, Leslie pool's district was built in 1956. It's 61 years old. The expected lifetime of a swimming pool is approximately 25-30 years. Many of these pools, older pools are aging out and have to be replaced. It's kind of like that old car we've all had. Got you through your first kid, got you through college, graduate school, whatever, you put money into it, got you a little further, put more money into it, got you further, but at some point it just makes no sense to put more money into that old car. Now replacing a car costs a few thousand dollars. Replacing a swimming pool like northwest could cost 10 to 15 dollars. Which is part of the reason why the price tag was so high. But the fact is, Austin's pools are worth it. We have 51 aquatic facilities, including 35 pools. That's more than any other city in Texas. And these are worth -- they're worth keeping. It's part of what makes Austin what it is. Now, I wanted to take a minute to respond to a couple of things I heard on Tuesday. Somebody compared swimming pools to dog parks, and that if you had commissioned a study of dog parks that they would recommend building a bunch of new dog parks. That's probably true. But the fact is, as an animal lover, I mean, I have no problem with dog parks, but you didn't commission a study of dog parks. You commissioned a study on pools. Because part of the Austin aquatic master plan was recommending closing permanently ten pools to save money. And y'all heard and the aquatic master plan task force heard, nobody wants their public -- nobody wants their neighborhood swimming pool closed. Nobody.

[12:22:29 PM]

Secondly, you might not be aware, but in families of 50,000 a year or less income, about 70% of the children don't swim. And the number 2 leading cause of death among children under 14 is accidental drowning. You gonna teach your kid to swim in a dog park? Dig a hole in the backyard, fill it with water and hope for the best? No. We need swimming pools. Secondly, someone said that the master plan task force is a bunch of swimming enthusiasts who just did the easy thing by recommending 124 million in bonds. No. Not even close. The easy thing, members of the council, is nothing, which is exactly what councils in decades past has done, nothing. The hard thing is to do the right thing. In anything, the hard thing is to do the right thing.

[Buzzer sounding]

>> Mayor Adler: Those are your three minutes.

>> Is that a fire alarm?

>> Mayor Adler: That's three minutes. You can finish your thought.

>> Thank you. I've here with a group called love Austin pool, lap, we'll be back when you vote on this. We're talking about to the bond election task force. We want to be here when you vote on the final bond package. You urge you to do the right thing for our Austin and our pools by approving the bond for the pools.

>> Mayor Adler: Thank you for being here.

[Applause]

>> Mayor Adler: Thank you. Our next speaker is Joshua green. And Shea little is on deck. Mr. Green, you also have three minutes.

>> Hi, how are y'all doing today. My Josh is Josh green, I'm the director of pump project art complex, where -- an arts venue, a nonprofit. We have 15,000 square feet. We have 34 studios, two galleries and serve about 50 artists. And we are most likely going to be closing in a few months because the building is now for sale at a very, very high price and just basic math shows us we would not be able to afford the new rents.

[12:24:34 PM]

Our mission has been to provide low-cost spaces to Austin artists here since 2005. We wish to continue Doi that, and we're not the only ones in danger here. There's a slew of galleries and studios over -- mostly on the east side that are in danger of shutting this next year, and I know that it's been on the city's radar about the arts venue crisis happening since the last couple years. And I just want to urge you that we are in crisis mode now, that we really need to focus in oncoming one actual concrete solutions. If we cannot -- if these arts venues, if we can't really establish a permanent base for ourselves through purchasing a property or being leased a property, this is just going to keep happening again and again and again. I've been looking diligently for the last six weeks for new spaces, and there's jugs not much out there right now and it doesn't take

[indiscernible] We have kind of built this space up over the last 13 years and we'd have to start all the way from scratch. One of the biggest problems we have is access to capital. As a nonprofit it's much more difficult to get access to capital. And we urge the city council to meet with some of the arts leaders of the studios and gals are like myself, Shea little, and others, to kind of form a kind of a really permanent solution to this problem so we don't have to keep having this conversation. Because we just feel like Austin is really losing its kind of creative soul. We know a lot of companies and people have moved here because, you know, Austin has this, you know, keep Austin weird and all those kind of factors, and we wish to continue that. The biggest disappointment for me is I'm having to tell 50 people we're going to lose our space and I don't know what to tell them. It's very stressful for me and the artists as well.

[12:26:39 PM]

And I just urge you to keep this on the top of your agenda. And I guess I'll yield the rest of my time to Shea little.

>> Mayor Adler: We'll call on her in just a second to come and testify. I think this is a priority for a lot of people on the council. I think it's going to be addressed in the context of codenext as we try to help facilitate arts spaces and arts communities. The council passed a creative arts omnibus resolution. That group is coming back to council with their implementation plan after we asked for that, and it has got a lot of specific steps on that. So I think there are multiple council offices working together on this. It's a priority. Ms. Kitchen.

>> Kitchen: Yes. I would say that -- and I would ask you to contact my office and of course as well as mayor's and other councilmembers, but we are hoping to take more concrete action in January, and I like your offer to sit down and talk in detail about some -- the specific issue of space for arts venues. So I look forward to talking with you more.

>> Okay. Thank you.

>> Mayor Adler: Thank you very much.

>> Thank you very much.

>> Mayor Adler: That brings us to Shea little. You also have three minutes. Glenn towery is on deck.

>> Thank you. Good afternoon. I'm Shea little, executive director of big medium, also the board share of the Austin creative alliance, and big medium produces the east Austin studio tour, west Austin studio tower, gallery space that exhibits artists year-round, two

[indiscernible] And we are currently part of the -- this historic crisis of space in the city. Our space at balm studios is going to see a 60% increase in its rental come this April, and it seems foreseeable that we will have to move out of the space.

[12:28:44 PM]

Like y'all have acknowledged and I think we're all on the same page, it is a crisis. The music and creative ecosystem omnibus resolution, the imagine Austin and create can Austin master plan and the creative needs sector needs assessment study done by the cultural arts division have all pointed to this and it's been a long standing issue the city has been struggling with, is space for artists to create, perform and exhibit what they do. And it's critical for the city and the culture of what has made Austin Austin. So I know that this isn't news. Many of our spaces is being added to the list of lost spaces. And there are initiatives and ideas in place, and I'm just here to keep it in the forefront of y'all's thinking. And to also add my name to the list of willing individuals to be a part of that conversation and help find solutions. We all are an inspired leadership of the city and I know that we can do this and I encourage you to fast track solutions so that more spaces don't get lost. Thank you for your time.

>> Mayor Adler: Thank you.

[Applause] Glenn towery and then after Mr. Towery, Paul Robbins will speak.

>> Hello, mayor and Austin city councilmembers. My name is Glenn towery. I am the founder and chairman of the veterans suicide prevention channel. What I came to talk to you about today is a veterans art festival that we are working to create here in the city of Austin, not just for the city of Austin, but a national veterans art festival for veterans. What we're discovering is, there's a lot of information on this, is that art is a great way of healing veterans who are suffering with PTSD and this being used for that and other things.

[12:30:49 PM]

Now, our festival isn't only just designed for veterans. We feel that we have to include veterans' family members in this. So the Ada fest, is designed to incorporate veterans family members with veterans and to do all types of art, not just exhibits, but exhibits and poetry and theater and dance and card shows, many different things that veterans are interested in. But underneath all of that we look at it as a great opportunity to be able to get much needed services and information to veterans and their family members. We have been given four spaces for the date that we have selected to do this. By city manager Laura Esparza, very graciously did that for us. And so we -- the dates are October 18-november 17 that we plan to do this, and we are looking for several things from the city council. One thing we would like to be added to your action for your next meeting, for some action on some things. We will be applying for fy19 funding. We would like to ask also at that time that you waive some of the city fees for those four places that we've been given right now. And we would like to have a letter from the city council so we can get support from other cities and other places for this festival. Right now, we have 22 veterans a day committing suicide. That's 8,000 veterans a year. In a ten-year period of time, that's 80,000 veterans.

[12:32:51 PM]

That's an army. And it's time -- we're hopeful that Austin will become the tip of the spear in saying that this is a crisis that must be managed and step forward and host this Austin veterans art festival.

[Buzzer sounding]

>> Mayor Adler: Thank you very much.

[Applause] And if you reach out to my office, I'd like to help.

>> Sir?

>> Mayor Adler: If you'd reach out to my office, I'd like to help with some of the things that you mentioned.

>> Thank you. I will reach out to your office.

>> Mayor Adler: Thank you.

>> Thank you very much.

>> Mayor Adler: Mr. Robbins.

>> Council, the natural gas utility that supplies Austin Texas gas service is required to operate a conservation program by its franchise. Unfortunately, this program is mispending a considerable percentage of its money on efforts that are not cost effective. Overall, the company's 2018 budget will mispend about \$1.2 million. Just as you would not drive a car from Austin to Dallas to get gas, energy conservation programs should strive to save energy at a cost below the price to purchase energy. Almost all the energy efficiency programs operated by our municipal utility, Austin energy, have a positive benefit cost ratio. However, 43% of the gas company's 28 budget for resident customers saves gas at more than it costs to purchase. One of their programs saves gas at about four times its cost. Unfortunately, the utility's conservation program is supervised by Austin's office of telecommunications and regulatory affairs. The office has no expertise in conservation and has taken a very timid approach to making these programs cost effective.

[12:35:02 PM]

The office has administratively approved the budget for next year. After several years of trying to educate this office, I have reached a level of exasperation that has led me to file an appeal of the gas conservation rate with the Texas railroad commission. I am do this pro se. I do not have a legal background but this mispending has to stop one way or the other. The plea hearing on this matter is tomorrow. And council, you will be paying city staff to defend a program that you did not vote for. And is against a long standing policy of Austin energy, the utility that you directly govern. If I get standing tomorrow, you may be paying for expert witnesses to defend this program as well, even though you did not vote for it. I am asking you to place this issue of cost effectiveness of gas conservation programs on your agenda for next year. The conservation budget comes up for renewal annually, and he can implement policy so that does not reoccur. Appreciate your attention. Particularly after last night.

>> Mayor Adler: Thank you. And then the last speaker we have is carolannerose Kennedy.

>> Last but not least, I hope. The last speaker?

>> Mayor Adler: Last speaker.

>> Last but not least, I hope. Y'all have been working way too hard. I mean, really. I'm serious.

[12:37:02 PM]

I don't know how you do it. But feel freeing to take a potty break while I'm hear. It's for three minutes. You won't miss anything. I have to sit down. All right. For today only, my name is Carolann rose from the dead kennedys. I was diagnosed with thyroid cancer in September, had my surgery October 23, and the surgeon Roy lerof, awesome guy, he told me before the surgery they took the whole thyroid in a lump

and everything out. He told me there was a risk of nerve damage in my throat by taking out the stuff. A risk. It was smaller but it was a risk. And if there was nerve damage, there's a possibility I couldn't sing anymore. I'd talk like this. And I couldn't eat whole food. Solid food. It was just a risk. And getting cancer is scary enough, but not being able to sing anymore was terrifying, absolutely terrifying. So I have a song for y'all.

[12:39:06 PM]

And I'm so grateful, thank god and Dr. Roy I'm able to sing. I'm a little rusty, but I think I'll stand up.

♪♪ I'm dreaming of a black Christmas just like the ones we've never known.

♪♪ Where the black girls glisten?

♪♪ And the white boys listen.

♪♪ While building a big man out of snow.

♪♪ Ho, ho, ho, ho.

♪♪ May your Christmas be merry and bright.

♪♪ White.

♪♪ And may all your snowflakes remain white?

[Buzzer sounding]

>> There's just two more. Please bear with me. Thank you.

♪♪ I'm looking for a blue Christmas.

♪♪ Just like the one you never heard.

♪♪ Cuz you spend your money on the rich and the funny.

♪♪ Then you run to the midnight mass to spread the word.

♪♪ Ho, ho, ho, ho, ho.

♪♪ May your Christmas be over tonight.

♪♪ And may all your snowflakes remain white?

♪♪ Faladidali.

[12:41:07 PM]

♪♪ I'm scheming of a brown Christmas.

♪♪ Just like the ones we have never seen.

♪♪ When we work together?

♪♪ And we play with whomever.

♪♪ We keep our homeland so serene.

♪♪ Faladidali.

♪♪ May your Christmas be merry and -- merry and bright.

♪♪ And may all your snowflakes remain white sleigh bells.

>> Mayor Adler: That was citizen communication.

>> Go have lunch. Please don't come back until around 3:00.

>> Mayor Adler: So the city council -- the city council is now going to into closed session to take up two items pursuant to 551.071 of the government code city council will discuss legal matters related to items 19 and 20, which concern the ems contract. These items were asked to be discussed in executive session by councilmember alter. Without objection, we will now go into executive session on these items, and --

>> Troxclair: Mayor.

>> Mayor Adler: Yes.

>> Troxclair: I have a resolution dedicating a park in the district to first responders. Did you just say that? No.

>> Mayor Adler: No. I had us just going into -- I thought you had a proclamation.

>> Troxclair: A proclamation, yes, if you don't mind letting me do that. I guess everybody doesn't need to be here for it, but we have our fire chief and other first responders here for it, so I'd love the ability to do that really quickly.

>> Mayor Adler: Okay. We're going to recess for executive session.

[12:43:09 PM]

And the first thing we're going to do is a proclamation for those that want to stay for that. Before we do a recess, we have a 12th member of us on the dais here right now. Did you want to say something?

>> Well, the mayor pro tem and I just wanted to remind everybody that this is another Thursday and I'm going to really make a name for myself having kittens on the dais. I did adopt the last one I held up here. I'm pretty sure I cannot do it again, but, mayor pro tem, there's also puppies outside.

>> Tovo: Thanks. It's not an official furs-day. It comes to us thanks to our city clerk, the top winners of the city's combined charity campaign and the award they received as part of that was to have a puppy kitty party in conjunction with the animal shelter. That's what's going on outside and we welcome the public, in addition to councilmember pool taking home the last kitty because the puppy I was holding already had a family I then started going to the animal shelter and within two weeks had my own puppy. You never know what's going to happen when animals show up at city hall. We encourage you to wander outside and meet some of the great animals that are here.

>> Mayor Adler: Diane tells me I'm not allowed to go see any of the animals.

>> Tovo: Well, we need to take your picture out there though.

>> Mayor Adler: We'll do that.

>> Tovo: If you happen to fall in love while you're out there with a kitten --

>> Mayor Adler: We'll go into now recess.

[2:33:53 PM]

>> Mayor Adler: we're continuing and we are out of closed session. While we are in closed session, we discussed two items pursuant to 551.071 of the government code. We discussed legal matters related to item 19 and item 20, both having to do with ems employees and contract. We are now back, quorum is present. Let's see what we can work on in this budget. I think we can move quickly, Mr. Flannigan, on an item. Which item do you have?

>> Flannigan: 19.

>> Mayor Adler: 19, okay, let's do that.

>> Flannigan: On item 19, I move to approve item 19 and to change the end date to February 18, 2018, with direction to the city manager to resume contract negotiations with the austin/travis county ems employees association and return to council with a new negotiated meet and confer agreement that retains all of the provisions from the 2013 to 2017 meet and confer agreement that expired October 30, 2017. If I have a second I'd like to speak to my motion.

>> Mayor Adler: Is there a second to the motion? Ms. Houston seconds that.

>> Flannigan: Thank you. So this is intended to clear up confusion. The intent behind my understanding of the intent behind the original direction from council was to maintain the agreement we had, pay all of the provisions contained in the existing agreement while we continued to move forward through our next meet and confer negotiation. That is the intent of this motion. And so I think that -- and, again,

importantly the intent was not to harm our ems employees as they move through this negotiating process.

>> Mayor Adler: Okay. So that we Nona second we're going to do item 20. Can you describe what's going happen on item 20?

[2:35:55 PM]

>> Flannigan: I will be moving to approve item 20 as-is.

>> Mayor Adler: The understanding is that while item number 20 will be approved and doesn't have an expiration date, as a council we're expecting for parties to negotiate something that would replace that document as part of what we are seeing in mid-february.

>> Flannigan: Yes. I think item 19 and 20 as presented are partial to -- are parts of the original agreement and the intention is to have the entire original agreement move forward. So what is brought back to us by February 18th should include all of the provisions of the existing meet and confer contract that ended on October 2017. That includes what's in item 20. It includes what's in item 19. And it includes things that were left out.

>> Mayor Adler: And with respect to number 20, then, that would require an would replace item 20 that would do a better job of preserving the overall prior existing contract from 2012 to --

>> Flannigan: Yeah. I don't want to get too confused. What I am proposing in this motion is that the manager come back with a meet and confer agreement that contains all of the provisions from the one that expired on October 30. Period. That includes all of the things that are on item 19, all the things in item 20 and things that were left out of this half measure that we're presented with today.

>> Mayor Adler: Okay. We have one person that's going to speak before we get to Mr. Marquardt at the dais. Ms. Kitchen.

>> Kitchen: I just want to reiterate, I think you may have said this, councilmember Flannigan, but I want to be clear. That maintains our original direction, which is to go back to the table and negotiate a new contract.

[2:38:03 PM]

So we are not negating that direction to our staff.

>> Mayor Adler: My understanding is that, yes.

>> Kitchen: Okay.

>> Mayor Adler: Although that doesn't necessarily and probably won't be negotiated by the time they come back in mid-february.

>> Kitchen: No, no. I don't -- I don't recall if we put a -- if we put a deadline on that. Are we sure we didn't with the resolution?

>> Mayor Adler: If it did, it's whatever the date was -- we're not changing any prior dates for them to do the negotiations.

>> Kitchen: Right. Just for clarity purposes because we had some misunderstanding before, I'm just making that clear that that's still part of the direction. So okay.

>> Mayor Adler: Yes, councilmember alter.

>> Alter: I just wanted to ask staff to clarify in executive session it was mentioned that item 20 expired on June something. Could you just point out where in resolution that it says that?

>> Michael -- actually, number 20 is the meet and confer agreement that just has the red circled employees. I believe within the paperwork that you have it specifically says I think June 30, 2018.

>> Alter: Okay.

>> Or if we have a new agreement earlier than that, whatever the earlier date is.

>> Alter: Okay. So the expiration date is in the meet and confer agreement, not in the resolution?

>> If we have a new agreement before June 30, then --

>> Alter: It will supersede that.

>> That will die, so to speak. If we don't have a new agreement, then it will automatically expire June 30.

>> Alter: Thank you.

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: I have a question for staff as well.

[2:40:03 PM]

Could you just speak to the administrative business league? I had been seeking to have that retained during the sequence of the negotiations.

>> I think chief brown may be more qualified to speak to that since it's an administrative issue.

>> Pool: Thanks.

>> Jasper brown, chief of staff, ems. So we are staffing administrative leave for the association as we did for -- when we did this process for this mini contract and for their ability to go out and meet with their

employees and to do the vote, and that's what we've provided is administrative leave for individual instances when it's required to do association business.

>> Pool: Okay. So we don't have the same status of business leave with the administrative leave, but there is the opportunity for the negotiators from the association side to be present and active in the negotiations?

>> Yes.

>> Pool: Okay.

>> Yes, ma'am. At any negotiations we'd have their entire team on administrative leave or other leave that would be required for them to be there.

>> Pool: Okay. Thank you so much.

>> Mayor Adler: Even beyond that we want those negotiators to be put back into the position, whatever it was or however close we can get it to be, the position they were in under the contract that expired. Is that right?

>> Correct, sir. So with your direction for the February 15th, that would make them completely as they were before and they would have the abl bank they had before the association would be off the truck and be able to do association business completely and then it would be extra hours for meetings and others that others could then take off of.

>> Mayor Adler: Thank you.

>> Pool: Thank you.

>> Mayor Adler: Councilmember alter.

>> Alter: Just to avoid any repeat his motion?

>> Flannigan: Happily. So I move to approve item 19 to change the end date to February 18, 2018, with direction to the city manager to resume contract negotiations with the austin/travis county ems employees association and return to council with a new negotiated meet and confer agreement that restrains all of the provisions of the 2013 to 2017 meet and confer agreement that expired October 2017.

[2:42:28 PM]

>> Mayor Adler: That's been moved and seconded. We have public testimony. Mr. Marquardt, do you want discuss this?

>> Thank you, mayor, my name is Tony Marquardt, president of the Travis county ems association, also been a paramedic in Austin for nearly 18 years and paramedic for over 25 in general. As far as what we're talking about today, we're talking about the interim agreement and going back to a status quo agreement. This is something management has wanted to do from the outset, even as earlier as our

conversations to extend the contract because we are not under a permanent city manager, which we were willing to do. The price that have was the status quo agreement. For history, we were negotiating. We had one extension. We met under mediation. We asked for a second extension through November, which was denied and then the contract went away. How much planning was done before that happened I'm not sure, but after the contract went away, necessitated by means of which after the resolution city management, ems management decided that there was a couple of things that wouldn't be could have had by the resolution. Those had to do with pay issues for people called red circles. These are people that were owed the pay scale to begin with, to bring them back in. The other issue was association business leave. They believed that the 2,083 hours we accumulated on the previous contract is dissolved and gone. We challenged that on a legal spectrum and that's something we're asking. So when they address association business leave they refer to a full-time position with the association under a new contract as the necessity for moving forward with that. Our ask is simply if you already have the association business hours leave banked, based off of, you know, sick time of the previous contract, that's how the Austin fire department, I believe, navigated through their impasse under similar circumstances.

[2:44:28 PM]

So we disagree on that issue overall. For clarification, today was based on what we were able to agree on. This is simply -- there are a lot of fundamentals that we do not agree on with ems management. Priorities of paramedics on our -- you know, the value of what we intend to do with the community health elements, with paramedics, et cetera. So what we could have come to on short notice when we were asked to meet the day before Thanksgiving on short notice is that we would be willing to work on all these issues. We were able to agree on the red circles as our means of moving forward. That's what you're being asked I believe to deal with today. I accept councilmember Flannigan's proposal to bring us back early. That's admiral and I really appreciate that because it sounds like it keeps us intact and gets us back into the process of these discussions which we are willing to do. The reality of the situation, as I understand it, is we will still need a majority vote to move forward with the status quo agreement. Our challenges with that are having to recognize that we're below market for paramedics, which we didn't disagree with in the study. We believe that's something that was relevance given we're waiting on another compensation analysis to move forward with the same company with police and fire that was undisputed. And so we feel like there is some challenges with ems. We feel like we're not at the top of our pay scale in a lot of critical categories and we're behind the -- our fellow public safety organizations and in key areas where it counts. So in order to move forward on this issue, we're glad to go back and redress it, still has to pass with a majority vote. So that's going to be our challenge moving forward. .25% offering for base wage increase is a different story with the Austin fire department than it is with Austin and Travis county ems medics if you're already below market. If you are in a 30 year versus a 20 year retirement system and you a workload exponentially higher so that's still going to be a challenge. We're willing to work on it. I know that I've received other questions on these matters, so I'm glad to answer any questions y'all might have.

[2:46:31 PM]

>> Mayor Adler: Anymore questions? Mr. Casar.

>> Casar: Thank you for taking the time so close to Thanksgiving to try to come to the agreements that you could come to. I think councilmember Flannigan's motion makes expense I'm glad it makes sense to you to buy more time to get us back to the status quo before we do that new pay study. Speaking of things that everybody can agree to, the -- we spent a lot of time yesterday, I'm sure, I had a brain fart there because we spent so much time yesterday talking about chapter 143 and in particular how hiring on a hundred point test has a disparate impact on folks of color trying to become a part of the city of Austin family. Is that something that you have looked at the research on and also concur that that's a problem?

>> As we discussed -- and I shared -- we would have to look retrospectively at the performance of management. Before the four years under civil service contract, which we had, we were a right to work state. Management maintains its entire hiring and promotional managerial rights intact without any interference from the sobers. The last four years of contract we did not hang on to hiring or promotions so we'd have to look at what's been done so far under their complete authority underneath this. What I can remark on in the spreadsheet we've sent you we've been conchronicly short, I think that's a managerial metric we need to pay attention to. I appreciate what Ms. Styles had to say earlier and I appreciated a lot of what people are saying into the early hours yesterday, is we need to focus on what we are intending to do as a jumping off point. Metrics of performance are something that have before you all and the public safety commission on. So to understand the performance of managerial performance, we have to get away from simply recognizing that we have the highest survivability in the nation for cardiac arrests and we're on top of our game with stroke and trauma.

[2:48:37 PM]

Those are the front librarian staff metrics and they're great. We need to understand what managerial rights gets, what we all agreed we want to work towards. Is taking a straight civil service exam going to negatively impact something we haven't takener measurements on to begin with? I don't know.

>> Casar: I hear you. I understand and believe you can have full managerial practices that aren't good for folks of color or for ones that are better. What I'm asking, because we're trying to find common points of agreement, is whether or not you have done any research or heard about the challenge -- regardless of what management is doing, the facts that there is science that shows that these hundred point tests scientifically time over time have this disparate impact. Is that something you, regardless of what management is doing, is that something that you generally agree is not the best way of doing things?

>> I see. Yes, I agree with what you're saying. The challenge that we've looked at, we've looked at it with public safety commission, commissioner Gonzalez, because it's an important issue. One of the things we have to recognize in addition to straight civil service testing in state code for ems we're the only ones also state code 157, which is the health department. When we're looking at these issues we have to look

at them together. The eligibility of our pool is based on the people that are eligible by certification to come and work with us and we need to do everything we can to build in diversity and to build in inclusiveness but at the end of the day we have the people that are certified in our region, you know, essentially to deal with -- we're talking about the state. On a national level I think we need to be more competitive with paramedics to bring people in from other cities and share that value. I absolutely agree with you. I don't think it's the best way moving forward but for ems we have the credentialing element. It's such a big element that is the point of difference for several days in a row where management said they absolutely would not be able to entertain the credentialing issue without understanding it.

[2:50:40 PM]

It took a year naval negotiating and navigating through the issue to understand the relevance of the credentialing issue to what we're trying to achieve.

>> Casar: Okay.

>> If we have a pool of people that are eligible we need to look at that and we need to look at what we can do to enhance our goals but identify them beforehand so we understand the performance-based metric and then we can evaluate how we do it. I agree with you. I just don't know that the impact of having a straight civil service exam when management can go and get a mandate from the civil service commission to have at least emt and paramedic be the jumping off point, it's only a difference between having a medical exam and an assessment center. So whether that has an impact or not really depends on the type of question you're asking and also that goes back to medical direction. People still have to credential. We should -- medical-oriented exam at the beginning of hiring, that's a great idea, but it's still going to be done either way. I'm not sure that these issues can be separated to the extent that we have a certain pool that we have right now and we'd like to enhance our ability to make that more diverse, we'd like to shore up our vacancies and do all those things as soon as possible. I don't know that agenda items 19 and 20 today with the mandate to come back in February with the majority vote to maintain the status quo agreement is going to deliver those things.

>> Casar: I understand and I guess what -- the point I was trying to get to, since you do have to communicate back to your membership what it is that is trying to get done between now and February, even though a new agreement may not solve all those diversity issues, you know, there is a pretty significant lack of diversity at ems, which is no secret to you or I or anyone and that that is one issue that we need to consistently be moving forward on and the hope is that that is one of the several things that hopefully we can move forward on before the next hiring process starts.

[2:52:41 PM]

>> Definitely agree with you, councilmember Casar.

>> Mayor Adler: Ms. Pool.

>> Pool: I also -- thanks, Tony, for being here and for your resilience in this process. I kind of just as -- on a personal note, I kind of feel bad for what has happened with ems because when we took up all three of the first responder contracts, we did fire and then police and ems came in at the end, and, you know, when we got to you there wasn't any money left, right?

>> Right.

>> Pool: I mean, that's what it looks like to most people. We understand there's a lot of complications and nuance and additional detail behind all of that and that's what we're working on here to try to get the kind of contract that your medics and paramedics deserve and the city of Austin deserves. But just at a really high level it looks like we ran out of money so we're going to try to fix that.

>> Thank you for that observation. And we are 4.2% of the general fund net so when we're looking at that overall, I know we started off our journey earlier in the year to talk about the 67, 68% of public safety spending that is part of the general fund. Ems doesn't reach those same numbers that were discussed last night, and that's why we felt like having a -- what we were offered in October of 11 of 2017 with the negotiations was still within the means of the fy18 budget for ems and we felt like that would be a mechanism that we could pass. Because at the end of the day we still need to pass this if y'all want the status quo agreement back in place we definitely need to work on that so staying within that would have been, in my belief, and in our team's belief, something we could bring forward for a status quo agreement. We have to recognize what our team has been through when we're told we have nothing to sell. It's like a used car sales when we're dealing with traditional negotiations, which is the reality of what we have. If you watch the tapes you'll see that. We ask how come, you know, police with move forward with the contract the way they have and ems is stuck in the world they're stuck in and we're told that that's because you have nothing to -- we have nothing to sell.

[2:54:44 PM]

And I feel like if we're really paying attention here, what ems is doing as the only civil service entity within the code 143 is making this work for the first time ever, for ems and something that was designed over the last hundred years to be exclusively police and fire issues. We feel like that has incredible value and that's where I think we would demonstrate in addition to the compensation analysis, which we're waiting on to get back to a true negotiation for a success sore agreement. You know, being able to realize value in a true sense is something we felt also would have value moving forward. So we'll do everything we can to pass this through as directed in February. We still meet majority vote. What would help with that is being at least able to have the dollar amount given to us for fy18 to be included in that conversation and to realize we have value. It is valuable, I think, to recognize in the long-term we can accomplish much more by recognizing the metrics we expect from the dais. That could also help with, you know, transitions of city management. It really makes a difference. We're willing to work on all these things, and I appreciate y'all. And what you've done, councilmember Flannigan, I -- what you've done is -- doesn't take away from anyone. That was a concern of ours. So we definitely appreciate that.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Gus Pena.

>> Good afternoon, mayor, councilmembers. Gus Peña. I've been union all my life. I worked for the department of treasury, irs, as supervisory investigator. I worked for the veterans administration before, a cabinet level position. I worked also with the city of Austin as officer bailiff at municipal court and also at parks and recreation.

[2:56:49 PM]

I was a bailiff, officer of the court at criminal district courts Travis county. I have been union all my life. Even though as supervisor, department of treasury, irs, I still was allowed to become a union member and I was a union rep and proud of it. I share Tony ma rquart's concerns. I have said it before, chief Rodriguez is a friend of mine, Tony is a friend of mine. And I'm going to be -- I'll divulge -- bridge confidentiality here. I've been going back and forth to St. David's hospital, Brackenridge, spoken to emt techs, how do you feel about this, about that. They give me the information and I keep it confidential, but my concern is this, is the rank and file. Rank and file, you know. They are saying what's going to happen to us, you know, we don't have an agreement, do we have an agreement. I think Tony is a darn good union chief and chief Ernie Rodriguez is top notch so I'm in between both friends. All I want is the best interest of the employees that they don't have to say, oh, darn it I'm not going to work tomorrow because ems doesn't have a contract or we're not being paid what we deserve. I am asking you respectfully, and I'm looking at me, you don't have to look at me, I know I'm ugly, this is something we have to do for the best interest of ems, the city of Austin, but the patients. Are we going to have ems tomorrow, are they going to strike. They call me, guess what, I ain't got an answer other than what you all tell me. I think councilmember Flannigan what you did today and according to Tony is workable, but I want what is in the best interest of the employees because it trickles down to us. Every time they transport me to the hospital, can't you do something, I'm a lonely mexican-american.

[2:58:55 PM]

I have the power, I have the lord. I'm hoping each of you would do what's in the best interest of the community and bring body sides together in amicable situation and get done what is best -- in the best interest of the ems employees and, Tony, I challenge you and I challenge Ernie Rodriguez to get together and staff, Elaine, whomever, city attorney, get it done for the best interests of the employees, but also for the best interest of the patients that are transported by ems. And I leave it at that but thank you very much. I know you work hard and listen to Tony, chief Ernie Rodriguez. I'm in the middle, man, they are both friends of mine. Anyway, let's get a good contract on board so that everybody is happy instead of, well, I guess I'll quit ems and go somewhere else, we're not valued as an employee. Thank you.

>> Mayor Adler: Thank you. There's been a motion on item 19, seconded. Further discussion? Those in favor raise your hand. Those opposed?

>> Flannigan: Move to approve item 20.

>> Mayor Adler: Councilmember alter seconds. Those in favor? Those opposed? Unanimous on the dais. It passes. We had set for 2:00, then we have senator Watson's office here for item -- items number 89 and 90.

>> Kitchen: Mr. Mayor, I've got a very quick one, which is 91, if you want to get that out of the way.

>> Mayor Adler: Let's do 89 and that one next. 89 and 90, we can call those up. We have two people to speak on 90.

[3:01:08 PM]

Let's a call the two people to speak to it. David king.

>> Thank you, mayor Adler, mayor pro tem and councilmembers. My name is David king, I live in district 5, and I think this project is going to be a great project for our city and I look forward to it. A large part of my career was working right in the capitol complex and I really look forward to the fruition of this project and the nice green space we're going to have there in that area. I do have a concern, though, about the request to waive \$6.8 million in fee waivers -- in fees for vacation of public right-of-way for this project. And I wonder, are there going to be more fee waiver requests. I think it's important we get the lay of the land before we start marching down this road here. And then come more requests come forward. So I hope that we -- someone will ask a question about what -- what the future holds in terms of potential additional fee waiver requests. And I bring this up because we know how much of a struggle our city is having with affordable housing. And I'm talking about subsidized affordable housing. Particularly in the context of a state legislature that takes away tools that we've so badly need. And I've been warned don't poke the bear. Don't make the bear mad because it will come back and be even worse. Well, you know what? If the bear is eating you alive, are you going to sit there and let the bear eat you alive? I'm not going to do that. And I don't think we should. I'm very worried about this. \$6.8 million, how much affordable housing could that provide for our families that are being displaced and are about to be displaced.

[3:03:13 PM]

\$6.8 million. And then the governor vetoes the homestead preservation district that we so badly need. How much more do we take before we step up and say we need a better deal. We really need to be treated respectfully here and we need tools that help our city and help the council address the bad -- the serious problems that we have in our city. So I'm not poking the bear here, I'm not. I'm just saying that this is a serious concern to waive this amount of fees. I hope that we really -- you ask questions

about what do we get in return for that that's going to help our community. I'm talking about the community that -- the communities that are not going to necessarily benefit from that project there. Which communities are going to benefit. Are the communities going to benefit, the same ones that are not going to benefit because we're going to give \$6.8 million away that we would otherwise get. If you had that \$6.8 million, you could go direct it to these problems. So I hope you all ask questions about is this the only ask for fee waivers and what else is down the road on this project and what do our communities that need it most, how do they benefit from this project. Thank you.

[Buzzer sounding]

>> Adam Kahn, also testifying against item number 90. I could almost just plus one what David king just said except substitute lower -- substitute the phrase lower the tax rate for spending it on affordable housing. I don't think it's a secret that any -- when the council ends up in conflicts with the state, I typically tend to be more on the state side.

[3:05:16 PM]

Guess what? On this one I'm on the city's side. I do not think for as much conflict we have seen between the city of Austin and the state of Texas that the city should be rolling over and playing dead on this one. Frankly, Greg Abbott is coming to you guys with hat in hand asking for special treatment. Why are you just going to give it to him? If nothing else, it's bad negotiating. You should be at least extracting something, not that I would probably support what you would extract for it, but it is -- you should at least be doing this. I am not one to give free political advice to the majority on this council, but I'm going to do it here. I think you could be having a field day at Greg Abbott's expense if you really wanted to play this issue the way I think you should be playing it. So we shouldn't be giving fee waivers really for anyone, but especially for the state of Texas. So please vote no on this. Please go ahead and just don't give them a fee waiver. Thank you.

>> Mayor Adler: Thank you. Is staff here to speak to this?

>> Mayor and council, Rodney Gonzalez, director for development services department. Staff is here to speak to the various issues regarding the project, as well members from the Texas facilities commission as well.

>> Mayor Adler: Okay. Is there a motion to approve this 89 and 90? Mr. Flannigan makes that motion. Is there a second to that motion? Councilmember Garza seconds that. Thank you. Any discussion or question on this item? Councilmember pool. Actually hang on. Mr. Flannigan, you made the motion, I'll come to you first.

>> Flannigan: We've all been working on this very hard and I've asked very hard questions about the numbers behind this project both of our staff and of our representatives, our Travis county delegation in the state capitol.

[3:07:27 PM]

There are fee waivers involved here, but all of the costs, any dollar figure that is related to a cost, something that our staff has to do, is being reimbursed by the state and I think that's an important distinction. It's very easy to get lost in what a fee waiver is when it's just in this case a use of right-of-way. But when we're talking about review, inspection, permitting, all of those fees where our staff is applying some work, those are being recovered. Mr. Gonzalez, if you could confirm that for me because that is my understanding of what I moved to approve today.

>> Yes, councilmember, that is correct. Any review time associated with staff will be fully charged to the Texas facilities commission. As a reminder also, more importantly is the utility relocation cost for water and wastewater. The Texas facilities commission is going to pay for that as well.

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: When this came to us on first reading I abstained. I had numerous questions that needed answered particularly about the amount of money the city was going to be reimbursed and whether we would ever see reimbursement for the dollars that were being placed on the ledger. The answers that we've gotten about the ledger were pretty vague and unsatisfactory but by all counts it looks like we won't ever -- the citizens of Austin will never be repaid for the amount they are receiving in waivers and the debt the state does owe to the city. I have to acknowledge how Austin has -- has fared at the hands of the statehouse. It's not senator Watson or representative Howard that's doing it. The Travis county delegation is stellar and they know how much we appreciate their partnership and the relationship that we have with them. I'm going to cast another abstention vote on this.

[3:09:30 PM]

It's a protest vote. It's a small message, but I have to -- I have to remain true to more values on this one.

[Applause]

>> Mayor Adler: Discussion? Ms. Houston.

>> Houston: Thank you, mayor. The mall is in district 1 and in my role as a neutral arbiter, there are a couple of things to share with the public. We owe it to our constituents to be clear about whose project this is. It's not the city of Austin's, it's not Travis county, it's the state of Texas. And in order to be clear about that, we've got to make sure that there is communication with the public so they know who to call when they have problems with issues of congestion, which will be. As many of you know, 15th street is at the southern edge of the mall and it's -- according to our transportation department, it's congested at peak, peak times, whatever that means, and Martin Luther King Jr. Boulevard is on the northern side of the mall and it's also congested at peak, peak times. So the addition of the mall is going to make those two thoroughfares extremely difficult, and so one of the things that I've asked is that we devise a way to keep constituents informed and a way for them to have their concerns addressed. I want to thank representative Howard for calling about this situation and for attending the work session last Tuesday -- my days have gone, it's been a long week. I want to thank the staff of the city of Austin

for their work, diligent work on this. The staff of the Texas facilities commission and, of course, our legislative team. When I met with the state staff in April of this year, they made it very clear that it was their way, period.

[3:11:34 PM]

But because of the relationship that you all have formed with our city staff, I want to thank you all for your willingness to be collaborative and give a little bit more in this process. You have to understand that this mall is going to be built regardless of what we vote, how we vote today. The money has already been allocated and I think representative Howard says, we can build the mall. So the mall is going to be built. I just want us to be clear who it is that we need to talk to. I want to thank the members of the Travis county delegation for a letter that they sent to the Texas facilities commission asking them to develop a community engagement plan, which is one of my major concerns. How do we keep the community, the constituents of this state and this city notified about what is going on so that they can make alternate plans if there's going to be some construction on the area. So we also got a letter about the ledger. And the state's willingness to file a bill in the 86th legislative session to find a way for the city to use the approximately \$8 million that will be included on this ledger. I have confidence in our legislative team and confidence in our delegation, but I don't really have good faith that this will happen. And so the money on this ledger at this time to me is akin to monopoly money. It's there in name only, we can't use it for anything and we may or may not be able to get a bill passed in my life time that says the city will have an opportunity to use this. So because of that thing, that one thing, they've agreed to having a community engagement plan, but the ledger, \$8 million that's -- that's kind of stashed there that the city has no way to use to do any of the things we need to do, even if it's parks or land to build a bridge over to the grove, nothing.

[3:13:49 PM]

We have no way to access in a money, I'm going to be voting no.

[Applause]

>> Mayor Adler: These items 89, 90, have been moved and seconded. Are we ready to take a vote? Those in favor raise your hands. Those opposed? Ms. Houston voting no, Ms. Pool abstaining, the others aye. 89 and 90 pass. What was the number, Ms. Kitchen, you said was going to go quickly?

>> Kitchen: That was 91, yes. I have a motion which I passed out because I think that's what we needed was a motion.

>> Mayor Adler: Okay.

>> Kitchen: And I'm looking for it. I'm sorry, I thought I had it right here. Yeah. Okay. I'd like to move -- shall I go ahead?

>> Mayor Adler: Go ahead.

>> Kitchen: For my colleagues, I passed this out, I know we have a lot of yellow sheets, but I passed it out. It's item 91 and this has to do with the ethics review commission. So my motion is that I move to affirm the council's intention that allegations of a city code violation may be submitted to the city auditor anonymously and the identity of informants, witnesses and their statements should remain confidential in order to maintain and continue to foster an open environment for reporting allegations, and as such the ethics review commission subpoena power is limited by the city's practices to withhold information as may legally be permitted by the public information act. In the pending erc case regarding Margo Frazier, council directs the identity of the informant and witnesses and their statements should not be released to the erc or third parties. Further staff is directed to return to city council in February with potential amendments to the city code regarding the erc's subpoena power.

[3:15:54 PM]

And I'll just state that that last statement has to do with coming back to us in February with ways in which we can align our city code on the subpoena power with our -- with our policy to keep confidential and maintain the ability for people to report allegations anonymously to our city auditor.

>> Mayor Adler: Let me get a second. Is there a second to this resolution? Mayor pro tem seconds this. And the city attorney confirms that she's reviewed this language. It's been moved and seconded. Mayor pro tem. We have one person wishing to speak.

>> Tovo: I believe that councilmember kitchen's language captures this, but I just want to emphasize that it's my understanding this is current policy of the city that informants be able to report anonymously. That has been city practice for some time. I just wanted to ask our city attorney for that confirmation.

>> That is true, and this case use raised that issue to the forefront so that's why we need you all to make a decision.

>> Mayor Adler: Ms. Pool.

>> Pool: I was wondering if it might be useful for us to have additional training for those commissions that have subpoena power on the legalities and the eliminations and how properly to use a subpoena. And within the policies the city has, which may be different from what they do professionally and how they use subpoenas professionally.

>> Be happy to help out with that. In February if you all make amendments, we can

[inaudible]

>> Mayor Adler: Ray Collins is here to speak on this. Do you want to speak?

>> I pass.

>> Mayor Adler: Thank you. It's been moved and seconded. Ms. Kitchen's motion on 91. All in favor say aye?

[3:17:57 PM]

Those opposed? It's unanimous. Item 91 passes. Greg, do you want to take us through consent and let's see how many of these things will disappear.

>> Greg Guernsey, planning and zoning department. Starting off --

>> Mayor Adler: Hold on a second. Hold on. We're ready.

>> Thank you, mayor, council. Greg Guernsey. Item 74, case npa-2017- 0016.05, staff is offering this for P.

-- Postponement to February 1 of 2018. Item 75, c14-2017-0106, staff is requesting postponement to February 1, 2018. Item 76, this is case npa-2016-0014.01, staff is requesting postponement of this case to February 1, 2018. Item 77, staff is requesting postponement of this case to February 1, 2018. Item 78, npa-2017-0029.01, staff is requesting postponement to February 1, 2018. Item 79, c14-2017-0086, staff is requesting a postponement of this case to your February 1, 2018 agenda.

[3:19:59 PM]

Item number 80, this is case c14-2016-0135, staff is offering this for consent approval on first reading only. Just first reading only.

>> Flannigan: I would like to pull 80.

>> Item 81, c14-2017-0050, staff is requesting postponement of this item to February 15th. 2018. Item number 82, staff is requesting postponement of this case to February 15th , 2018. Mayor, I think you have one speaker signed up on this item.

>> Mayor Adler: On 82, that's correct.

>> Staff is requesting postponement.

>> Mayor Adler: I understand.

>> Item 83, c14-2017-0067, staff is requesting postponement of this item to your February 1st agenda, 2018. I think you might have a speaker as well item 84, the planning commission did recommend the cbdh historic zoning and staff would offer this for consent on all three readings. Continuing to the addendum, item number 101, this is case c8-14-2017-0024, this is the holdworth center pud, and I believe councilmember alter has a tempt and Jerry rusthoven has some changes that he would like to read into the record.

[3:22:02 PM]

>> I handed out the staff motion sheet as well as councilmember alter's motion sheet so they are in front of you. Summarize them briefly.

>> Alter: Hold on one second. Legal had had one issue. Does this have that resolved?

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

>> Alter: I was told there was an issue from legal and I don't know if it was resolved.

>> No, I think everybody has been worked out. One thing clarifies the use of the property to allow for sleeping quarters and clarify the visiting faculty included in the maximum number of people. Second clarifies may be taken down hazard to life or property. Another clarifies use of easement, one clarifies what a trip is, the other clarifies the measurement of the trips or monitoring of the trips. The other clarifies the transfer of the tdm to a future owner. One clarifies the lighting needs to be facing downward and the other where the fencing may go. I believe councilmember alter also had a motion she wanted to hand out. One part deals with noncompliance with the tdm program, the second outdoor amplified sound be limited to no March than 30 days a year and occur between 10:00 P.M. And A.M. With those changes we can offer for consent.

>> Alter: I want this to go on consent, but we were told by legal they have a wording change.

>> There was a change, there was a period inserted in your motion in the sentence that was --

>> Alter: I just want to clarify because I don't want us to pass the wrong thing.

>> Alicia, assistant city attorney. We actually are working on one small change so I do apologize for that. We are working on it right now. If you can give us a couple minutes.

>> Mayor Adler: We'll pull --

>> Alter: If we can go back.

[3:24:04 PM]

>> Mayor Adler: Pull 103 right now. 101, rather, I'm sorry.

>> Item 102, this be will a discussion.

>> Mayor Adler: 102 is pulled, you say?

>> Yes. Item number 103, case npa-2017-0005.03. We have a neighborhood request for postponement to February 1. Mayor, I think there are numerous speakers.

>> Mayor Adler: Let me check on these and I should be doing this as we're going through. Earlier as we were going through the agenda, item number -- one of the consent items that you recommended was item number 82.

>> That's correct.

>> Mayor Adler: Roy Whaley signed up to testify. Is Roy here? Is Roy here? Okay, so that can proceed on consent. Also had item number 83, 83 has bill bunch and Roy Whaley. Either of them here?

>> Bill is. I'll find him.

>> Mayor Adler: Would you? This would be his time to speak on that item. Take your time. We're not quite there yet. And then the -- that gets us to 103, and that's offering to be postponed until February 1st. There are eight people signed up on 103. Is there anyone here that wishes to speak since this matter is going to be postponed to February 1st? I'm sorry?

>> Renteria: Request a postponement and that's -- they were here to make sure it was going to get postponed.

[3:26:04 PM]

>> Mayor Adler: So the speakers don't need to speak. That can stay on the consent agenda, being postponed until the 1st. Mr. Guernsey, continue.

>> Item 104 is the companion zoning case to 103, so the same people councilmember Renteria spoke about, I wanted to make sure that was postponed. It's a neighborhood request for postponement. Item number 105, I believe there is an amendment --

>> Mayor Adler: We're going to pull 105.

>> 106, it's a neighborhood request for postponement to November 1st of 2018. My understanding the applicant and the neighborhood are both in agreement to the postponement.

>> Mayor Adler: I have a lot of people signed up for this one. Is there anyone signed up for 107 that wishes to or needs to speak on this since it's going to be postponed?

>> That was 106. But 107 is the same group of people.

>> Mayor Adler: Are they both being postponed?

>> Yes, both to November 1st and -- both the neighbors and the agent agree to postponement.

>> Mayor Adler: February 1st.

>> February 1, 2018.

>> Mayor Adler: Any of those people need to speak on 106 and 107? That's going to stay on the consent agenda.

>> Item number 108, the applicant has requested postponement of this case to February 15th. I think you have one individual.

>> Mayor Adler: We have two people signed up to speak on 108. Is there anyone here that wishes to speak on 108 since it's going to be postponed? Hearing none, that will stay on consent.

[3:28:09 PM]

109, the applicant has requested postponement of this case to February 1st. Of 2018.

>> Mayor Adler: 109 has two people signed up. Do you need to speak since this is going to be postponed? No, great. 109 stays on consent for postponement to February 18th, did you say?

>> February --

>> Mayor Adler: February 1st.

>> February 1 of 2018.

>> Mayor Adler: February 1, 2018, postponement of 109.

>> 110, case c14-98-0146rct, this is restrictive covenant associated with 102 and that is also part of our discussion with that item. Item 111, staff would offer this for consent on first reading only.

>> Houston: Mayor? I have an amendment when we get there.

>> Mayor Adler: Ms. Houston pulls 111. So on the consent agenda, which goes from -- begins at 74 and goes down to 84, and on the addendum it goes from 101 down to 111, that's the consent agenda. The items being pulled within that universe are numbers 80 and numbers 101, 102, 105, 110, and 111.

[3:30:19 PM]

Is that right?

>> Yes.

>> Mayor Adler: Okay. Again, anyone here wishing to speak on the consent agenda? No? Is there a motion to approve the consent agenda? We need a motion, please. Thank you, councilmember Garza, seconded by councilmember troxclair. Any discussion? Those in favor of the consent agenda please raise your hand. Those opposed? Unanimous on the dais with the mayor pro tem also voting with the unanimous dais. That takes care of that agenda.

>> Mayor, that was to include the closing of the public hearing.

>> Mayor Adler: And close the public hearing in each of those cases, that's correct.

>> [Inaudible]

>> Mayor Adler: I'm sorry?

>> I think we could do 80 I'm trying to do the things handled quickly. Everything is equal place. So let's do 95. Mr. Casar, you pulled this one.

>> Casar: I did, and councilmember Garza has a motion that I agree with. I can move it and she can hand it out. I move passage of 95, just striking the addition of possession in all the sections.

>> Mayor Adler: It's been moved to pass this item 95 striking the word "Possession" seconded by councilmember Garza. Do you want to explain that? Councilmember Garza? Do you want to hand it out too?

>> Garza: Sure. It's coming down. I'm not handing you all pages, I'm just handing you the first page because that's the only page that it's on.

[3:32:27 PM]

It's just -- it's just taking possession out of part 2, subsection a. As an offense that would not allow a driver or would limb in a it a -- eliminate a driver from being able to become a driver.

>> Casar: It also eliminates possession from part 3, subsection 8 on the back side of the first page.

>> Garza: The main concern is that these kinds of crimes, minorities are just -- there's a despair rate effect. We've done some things for -- that affect different communities more than others.

>> Mayor Adler: Any objection to this amendment being included, striking the word "Possession"? Hearing none, motion to approve this item 95.

>> Casar: I think, mayor, I just made the motion. My base motion is approve with that strike.

>> Mayor Adler: Okay. Any further discussion?

>> Casar: There were two speakers signed up.

>> Mayor Adler: Two speakers signed up in favor of this, Billy Carter and -- Billy Carter is the only one signed up to speak. Do you need to speak on this?

>> I don't. Thank you very much. Ten years later.

>> Mayor Adler: Those in favor of this item please raise your hand. Those opposed? Item 95 passes unanimously and that's now taken care of.

>> Casar: And I just think it warrants some acknowledgement we should be careful with these sorts of things because if we passed it as recommended we probably would have had a bunch of drivers out of a job right before Christmas.

>> Mayor Adler: Let's take up item number 3. This is something that was pulled by speakers.

[3:34:36 PM]

A lot of people speaking in favor of this. While we're waiting for staff to come, this Austin energy item, did you have comments you wanted to make, councilmember alter?

>> Alter: I just wanted to say this is a very exciting opportunity for us as a city to advance our renewable energy goals. I think it's a good example of how we can achieve sustainability in both our environmental and our economic goals, and I particularly appreciate that this contract has a impact of lowering the psa adjustment and so I wanted to thank our staff for moving forward with this and I think this follows very much from our resource generation plan goals and our direction that was given. I understand it passed unanimously in the commission so I just wanted to commend you for bringing this kind of contract forward. I wish that at the national level we weren't having restrictions that were going to make renewable energy contracts like this more difficult in the future, but I am glad that we are able to do this today.

>> Mayor Adler: Okay. Staff, do you want to say anything before we go to the public?

>> Vice president, strategy technology and markets. We're just here to answer questions. We had detailed presentations to the commissions and it did pass unanimously and I think the rca has the detail necessary, but we can answer any questions. Erika here can --

>> Mayor Adler: Did I read in the report that says we actually start decreasing costs?

>> So we project that when the contract comes on line that it will actually benefit the customer bill.

[3:36:41 PM]

>> Mayor Adler: Okay. That's what I heard. Good news. Thank you.

>> Houston: Could you tell us who you are?

>> I'm sorry, Erika, interim director with operations Austin energy.

>> Mayor Adler: We have some folks to speak. Give them a chance to do that. Cyrus reed. Do you want to speak on this? Kieba white is on deck.

>> Thank you for the record, Cyrus reed, lone star chapter of the Sierra club. I think it's already been said, I said on the rmca approve it 7-0 and I wanted to reiterate what councilmember alter said. This is the first solar contract that we've done, utility scale solar contract where we estimate in the first year of operation it will actually save us money. This is really a watershed moment and so I want to salute the city council for the generation planning you did and for making the decision to actually delay a few years this particular purchase to look at those lower prices because we're now seeing the results of those prices. And my understanding is that Austin energy is willing to next spring do another rfp to look and

see this particular contract has the ability to go up to 180 megawatts, to see if they are going to get that additional 30 megawatts or whether there might be even better prices on the market. This is very exciting because it's good for our environment but also good for ratepayers. That's a change and one that we're very excited about so I'll just end it there.

>> Mayor Adler: Okay. Thank you. Kieba white. Is she here? Paul Robbins. You have donated time from David king. Is Mr. King here? Great. You have six minutes.

[3:38:42 PM]

>> Good evening, council. I support this solar purchase. It is clean energy --

>> Mayor Adler: I meant five minutes. I'm sorry. You have five minutes.

>> Hi, council. I support this solar purchase. It is clean energy at an affordable cost. However, I regret that Austin was not as strategic in its thinking two years ago. To remind you in 2015 Austin energy had originally proposed to buy 200 megawatts out of a total of 600 megawatts that they would get eventually. Several environmental groups challenged this. They said that the bids that Austin received in 2015 amount to go 3.8 cents per kilowatt hour were so low we should buy all 600 megawatts. I remember the debate well because I was one of the only environmentalists here to urge caution. The environmental activists said that the federal tax credits might go away even though congress was actively discussing their renewal. The credits were reinstated three months after the 2015 solar contracts were approved. The activists said we may never get solar energy at such a low cost again, even though solar Friday experts were predicting even lower costs in the near future. The council compromised on buying 438 megawatts, 238 megawatts more than staff recommended. If you applied this new lower price to this 238 megawatts, and this is a rough estimate, Austin would pay as much as \$156 million more over the next 15 years than it needed to. That is a difference between about 3.8 cents were kilowatt hour in 2015 and about 2.1 cents today.

[3:40:49 PM]

Put another way, had Austin waited two years, it could have purchased as much as 184 more megawatts of solar with the same money that it contracted to spend in 2015. That's enough for as many as 55,000 households. Now, there are people who will refuse to admit the misjudgment. One advocate claimed that if Austin hadn't been buying so much solar, the price would not be as well as it is today. Such arguments might have had more merit five or ten years ago, but by 2016 this extra 238 megawatts that Austin purchased amounted to three-tenths of one percent of the world's solar cell market. Austin's 2015 purchase simply did not have that much influence. The 2015 debate was typified by simplistic black and white dramatic theater events. Some of the activists were self-righteously acting like Austin energy was the evil empire. They exaggerated debate -- the debate as solar plant versus gas plant, even though a gas plant was not discussed. They exaggerated the benefit of the economics of the solar contracts.

And we have 156 million, as much as \$156 million more in costs because of these exaggerations. There is a teachable moment here. It is not that the activists in 2015 are always wrong, it is not that Austin energy is always right, it is not that I am always right. It is that every decision needs to be merits -- needs to be made on the merits of the argument and not who makes the argument. I have often criticized Austin energy, many times in fact, and will do it again when necessary, but like it or not, they were right on this issue.

[3:43:00 PM]

I also want to reinforce another point which is that while I support this purchase enthusiastically, electricity from solar cells is not dispatchable demand. The real leaders in renewable energy today are dealing with the challenge of dispatchability and Austin has yet to meet this challenge. How far would this \$156 million have gone towards dispatchable technologies such as concentrating solar power and compressed energy storage. I leave you with this thought again, that though global warming is an all-consuming problem, one of the greatest the civilized world has yet known, strategy, not stridenty is the better path.

>> Alter: Can you send a copy of your remarks to my hours. I'm not able to follow all the numbers and would like to have them later.

>> I'll do that.

>> Alter: Thank you.

>> Mayor Adler: Next speaker is Adam Kahn. Robert Hendricks on deck.

>> Adam Kahn. I'm sure everyone on this dais is going to be shocked to learn speaking against item number 3. I think spending 150 to 180 million dollars and telling us that this is going to save money is far fetched at best. I think that this is a mandate. I think it's going to over time drive up the cost of everyone in town's electric bills, and that is why I am opposed to it. That being said, I do want to address some of the climate change concerns I've heard other people bring up.

[3:45:04 PM]

And I just -- if you have real climate change concerns and you really want to do something to reduce carbon emissions in this town, the game is codenext. Now, I may not see necessarily see eye to eye on climate change with the majority on this dais, but I do believe that making it easier to streamline residential construction in the urban core of this city is not only going to lower housing costs and shorten commutes, but that is also the number one thing we can do in this town to reduce carbon emissions. I think that this is an expensive, complicated work-around for the fact the political courage does not exist on this dais to do that and I'm disappointed. Furthermore, I think the ten-year commitment you are making with this is way, way, way, way too long. If this were a two to three-year

commitment, it might be something worth investigating and coming back to at a later date, but I think this is a deeply misguided approach to the problem you are identifying, and I think it's going to raise everyone's electric bills so I'm disappointed and urge you all to vote no.

>> Mayor Adler: Thank you. Mr. Hendricks, do you want to address this? No? Thank you. That gets us back up to the dais. Motion to approve item 3? Ms. Houston, seconded by Ms. Garza. Discussion? Those in favor please raise your hand. Those opposed? It's 6-1 with councilmember troxclair -- 7-1, I'm sorry. 8-1.

>> [Inaudible]

>> Mayor Adler: Troxclair voting no, the others on the dais voting aye with councilmember Casar absent and -- councilmember Casar absent.

[3:47:13 PM]

So it's actually -- everybody is here voting in favor of solar except councilmember troxclair and Casar is absent. That makes it 9-1-1. Thank you. Let's pull up item number 44.

[Applause]

>> Mayor Adler: It was a good deal. Item number 44. Mayor pro tem, you pulled this item. There's some people here also to speak on it. Speak first. Staff, do you want to lay this out? 44. Do you want to lay that out?

>> Yes. Is this on?

>> Mayor Adler: Yes.

>> Sorry. Good afternoon, councilmembers, Richard Mendoza, director of the department of public works. The purpose of this council item is to amend a Ila with the Texas department of transportation. And what this will do is authorize the city of Austin to provide additional funding for their adjustments and relocations of water and wastewater lines related to the txdot loop 1 roadway improvement project between Davis lane and lacrosse in an additional amount of \$587,162.61. And this was previously approved in a prior Ila on may 19, 2016, and the reason we're having to come back now is for additional fund ING is that the bids that were received for this contract work to adjust the utilities of which the city bears responsibility came in higher due to a number of factors, but we believe primarily market conditions.

[3:49:33 PM]

And in order for this construction project to proceed, these utility adjustments have to be made at this time in order for them to meet the construction schedule. I have other members of my technical staff

here as well as staff from water and wastewater and also from the environmental community to address any questions or concerns you might have. And we recommend approval.

>> Mayor Adler: Thank you very much. Let's call the people in case they want to testify. Is bill budge here?

>> Troxclair: Can I ask a clarification question from staff?

>> Mayor Adler: Yes.

>> Troxclair: I heard at the end you recommend approval, but before that you said that we have to approve it in order for the construction to proceed. My understanding is that the construction is proceeding regardless of whether or not this item is approved and that it's -- so can you clarify that?

>> Certainly, councilmember, you are correct. The utility -- txdot has already issued the notice to proceed for the utility adjustments. I misspoke slightly. The wastewater and water utility work has to proceed prior to the roadway construction, in that order.

>> Troxclair: Okay. But whether or not council approves this funding item will not affect either of those things because --

>> That's correct, txdot is proceeding with the utility adjustment work.

>> Troxclair: Thank you.

>> Mayor Adler: Before you leave, you just sent out an email indicating that a void was found out in that area.

>> That's correct.

>> Mayor Adler: Would you discuss that?

>> That's correct. What we were just notified and it's because we're the permitting agency is a private developer in the vicinity of this project installing some wastewater extension lines has encountered a void, and they are undergoing all of the required protocols and permit requirements to make sure that is mitigated and monitored closely.

[3:51:39 PM]

We do have our environmental regulatory folks here from the city to address more specific information. But we certainly just wanted to make you aware of that, that that work was underway, but we are addressing it.

>> Mayor Adler: Thank you. Mr. Bunch, do you want to testify? Is Roy Whaley here? Mr. Bunch, you'll have three minutes.

>> Thank you, mayor, council, bill bunch, executive director of save our springs alliance. We're asking you to vote against this item or alternatively to not just vote against it, but instead choose to do this

utility work yourself. So that you can make sure it's done carefully and so you can monitor exactly what's done out there. This area is riddled with caves. It's extremely vulnerable area. You just heard a brand new one was found. When they tried to move a cable line under this they lost the drilling bit and -- into a void. It's an incredibly vulnerable area and it's a direct line of pollution to Barton springs and to blowing sink. A direct threat to the future of the springs. I can't overstate how important this is, even though it might look small. I'm extremely disappointed and actually offended by the memo from Mr. Personnest, he completely misrepresents and leaves out science that applies here. You have a letter last night from Dr. Lauren Ross that addresses that, making clear that the science that is attempted to be summarized and suggested in Mr. Personnest's letter basically conflicts with 20 years of scientific publications and research and policy by the city staff.

[3:53:48 PM]

It completely fails to mention the August 10, 2015, official letter of comment that Mr. Personnette signed which sets out what needs to happen. His first bullet point, community standards of nondegradation of water quality should be adopted for design of storm water controls. That didn't happen. He doesn't mention it. The thing repeats over and over how critical it is that they cooperate with city of Austin experts so the experts can be on site, can watch, can make sure there's a defined protocol for what happens when you hit a cave or void. We met with them after this was postponed last month and they admitted point blank even though they said over and over we've got to coordinate, there was never a single meeting, there was no coordination. Mr. Personnette's memo reference the U.S. Fish & wildlife's finding of concurrence of not likely to affect adversely affected salamanders. That is trump administration junk science. That was directly contradicted by the service itself in detailed statements when it listed the Austin blind salamander as endangered --

[buzzer sounding]

-- And specifically identified these highway projects and the construction and pollution that comes with them as the reason for listing the salamander as endangered.

>> Mayor Adler: Thank you.

>> You need better information on this. They didn't even look at the pipeline designs themselves. They only looked at the road project. There's nothing in the backup whatsoever that shows that your staff even looked at how they are going to go about moving these utility lines.

>> Mayor Adler: Mr. Bunch, thank you.

>> Don't let it happen. Thank you.

>> Mayor Adler: Thank you, sir.

[3:55:53 PM]

Ms. Levinsky three minutes.

>> Thank you, save our springs alliance. Just to follow-up, when we were able to review the highway project designs, but it didn't include the plans for the actual relocation of the waterline which is the subject of this sum. That's what his point was there. I think bill highlighted the environmental concerns well. I would like to maybe raise this conversation up a little bit to a broader just policy discussion on these types of projects. It's our understanding that these waterlines are going to have to be removed because txdot is proceeding with this project, but I do think it is the city of Austin choice a whether or not we proceed with the project ourselves or hand it over to txdot to do with their own contractors. I think this is a broader concern maybe for a number of policy areas. Environmental concern. Any time that we're dealing with contractors, we actually -- I think that the city of Austin does a pretty good job of reflecting our values through those contracts. It could be anything from safety standards to minuter owned business goals, maybe we're talking about sick payer how we're moving forward with that or something I worked on when I worked in council was get nondiscrimination policies for city contractors. I think that's a broader policy concern that I would like to maybe have that go on in the future. But with regard to this one, I think bill did highlight environmental concerns. The discovery of the cave today just kind of reiterates our point that this has happened now twice in the last two years that new caves are being discovered. There's going to be some problems with this project and I would really prefer for it to be in city of Austin hands. So thank you.

>> Mayor Adler: Thank you. Those are all the speakers we have. It gets us back up to the dais on item number 44. Is there a motion on this item number 44? Troxclair moves passage of item 44.

[3:57:54 PM]

Is there a second? Mr. Flannigan seconds. Up to the dais for discussion.

>> Houston: I have a question for staff. I'm not sure how difficult this job is or whether we even have the ability to do that, but I know it took a year and some months to get bluff bend road repaired, that bridge repaired and reconstructed. Do we have the expertise to do this utility -- what is it called?

>> Mayor Adler: Relocation?

>> Houston: Relocation. Thank you. Do -- does staff have the ability to do utility relocation? And would txdot even allow us to do that?

>> Yes, councilmember, txdot would allow the city to conduct their own utility adjustments. In this case we're looking at about 500 feet of wastewater adjustment line with the sleeves, and over 3,000 linear feet of waterline. City of Austin and the capital delivery group and public works conducts these types and completes these types of projects all over the city every year. However, we felt in our conversations with txdot we would be able to realize some savings and costs effectiveness as well as schedule if we had just one contractor mobilize under their contract and let them facilitate the procurement of these contracts. I do want to add that the water adjustment designs were done in-house with city of Austin public works engineers, within coordination and review with the water utility, as well as

watershed and txdot, so we did have design review meetings on a continual basis to move this project forward. Yes, ma'am.

>> Mayor Adler: Further discussion? Yes, mayor pro tem.

>> Tovo: Yes. I'd like to ask our watershed staff to address some of the comments that were raised both by the speakers and in the memo by Dr. Ross.

[4:00:09 PM]

>> Mayor, mayor pro tem, members of council, Mike Kelly with the city of Austin watershed protection department. Did you have specific items that you wanted me to start with, or I could go down my list of what I noted from Mr. Bunch?

>> Tovo: Sure. If you'd start with that list.

>> The three elements that I had noted, and I'm open to correction, if I missed some were, first, the item of community standards. There have been discussions between city of Austin, txdot, as well as ctrma, on increasing the standards that they treat their permanent and temporary construction face stormwater to. City of Austin in the recharge zone, our standards are sos standards, which is higher than the state standards of 80% removal of tss. Those discussions have occurred on previous projects like state highway 45. In any event, they are -- it's a voluntary agreement, so staff will put forward what we would like to see if this were a city of Austin project, and then we aim to get as much agreement as possible from txdot or ctrma state highway 45 resulted in standards that approached that but did not achieve that, and likewise, this project came further from the state standards, but did not meet our "Save our springs" standards. So at the end of the day, there was discussion. It is a voluntary compliance from txdot. What we got exceeded what they had to do. Didn't go all the way to what we would have done on one of our projects. So that was item 1 that I heard? Item 2 was coordination with txdot. There has -- I believe Mr. Bunch stated that there wasn't any coordination between city staff and txdot, and city staff and txdot did coordinate on this. The most recent conversation that I was involved in happened on -- shortly after this was first on the agenda item back in November, and it was at that meeting where we were able to confirm our readings of their construction plans and specifications, and also to get them to agree to include city of Austin staff, our geologist and our spills response folks, in the construction team.

[4:02:32 PM]

So when there's preconstruction meetings, our staff will be on site to look at erosion, sedimentation controls. Our staff will be on site to help them guide with down hole boring, which is a method, once they start drilling, to look around to see if there's going to be additional large voids. So our staff -- that's not something txdot typically does, so we believe that was above and beyond that we were able to get in our discussions with txdot. The third element that I heard addressed was fish and wildlife and junk science, and I just -- I'm not really versed enough to comment on fishes review on that, to address that

particular element. If there's anything that I missed, I'm happy to be amended and to comment on those.

>> Tovo: Sure. Thanks. With regard to the last point, then I'll work backwards, Dr. Ross's memo, which I hope you've gotten a copy of -- have you?

>> I have not.

>> Tovo: Oh. Okay. I'll read you the passage. The memorandum, speaking of the staff memorandum repeats the U.S. Fish and wildlife service concurrence that txdot's opinion that the project may affect but is not likely to adversely affect the golden cheek warbler, Boston salamander, is quote well supported, end quote. The city staff memorandum does not, however, state whether city staff concur that txdot's opinion is well supported, and it talks about the fact that city staff has spent decades of experience evaluating their own water equality data and that it's a relevant question whether the city staff concur with the analysis submitted. The impression is made in Dr. Ross's memo that the concurrence from fish and wildlife was only made after a new administration. So I wonder if you can talk about whether fish and wildlife's assertion jives with all of the research that our city staff have done over the years, include the dye tracing which showed a direct and quick convection between this area and its ability to reach -- pollutants to reach Barton springs and endanger -- potentially harm the endangered species in the area.

[4:04:49 PM]

>> Okay. The short answer is yes on general concurrence. We reviewed fish's evaluation and their letter, and in general, concur with that. That being said, I think every agency that has looked at that recognizes the sensitivity of the area and that there is a direct connection between the flow paths, aquifers and Barton springs. The issue, whether the project, both before construction and after, would reduce the likelihood of impact. The agencies, which would include fish, city of Austin, Barton springs and Edwards aquifer conservation district, are all in concurrence that the methods that are proposed by txdot on this project would not adversely impact.

>> Tovo: That's a little surprising to me, based on some of the conversations we have had here in the past about sh 45. But I think I'll leave that for now and just ask the question that I think one of our speakers did, which is, would we be in better shape if the city of Austin did this work, rather than txdot, and then could do it to the standards that we currently would require of other -- of parties other than the state where we don't have the ability to require them.

>> Is that question in relation just to the utility line relocation?

>> Tovo: For starters. Since we would be able to chief higher standards, some of the environmental standards that we currently require of others.

>> I'm going to have to think on my feet on this one. So that would be a component of this larger project. The project itself, like if this were a roadway project, it would be subject toe sos standards, and

you would have things like permanent controls in place that would meet sos standards, so that typically looks like something like a retention irrigation pond.

[4:06:55 PM]

But what we're talking about here is really the utility relocation, which is almost a maintenance element of a project that it typically wouldn't be subjected, itself, to a set of permanent controls; it would be the larger roadway configuration that would be subject to those controls. So I don't believe that the utility relocation itself would result, if the city did it, in implementing those permanent controls.

>> Tovo: And so the project more generally, though, would be a different matter, but you're answering specifically about the limier location.

>> Yes.

>> Tovo: Okay. Thanks.

>> Mayor Adler: There's a motion to approve item number 41. It's been moved and seconded. Is there any further discussion?

>> Kitchen: Yes. I have a question.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I have a question, and just to understand the parameters, so -- so did I hear you correctly that txdot's standards that they apply are voluntary? Correct? And that they have not agreed to apply the same standards that we would? Is that what I heard?

>> Just to clarify that the standards they have to meet are governed by the state of Texas.

>> Kitchen: Right.

>> What they agreed to do is above those minimum requirements.

>> Kitchen: Right.

>> What we would say are minimum requirements for the state of Texas.

>> Kitchen: Right of the but not up to the standards that we would apply.

>> Correct.

>> Kitchen: Okay. So is there any -- in terms of moving forward with additional dollars that are needed for this particular project, is there the opportunity to suggest that, along with additional -- along with funding comes the request or requirement for meeting additional standards?

>> I would have to defer to public works and potentially to the law department to answer that contractual question.

[4:09:03 PM]

>> Councilmember, we have been in discussions with txdot.

>> Kitchen: Uh-huh.

>> Regarding the sensitivity of the environment this project is going to be working in. And they have taken the unprecedented step to allow a city representative on site to monitor the construction work from an environmental perspective on a daily basis. That's not something they typically have done. In fact, in reviewing their work plan, that was cited as one of the exceeding minimum state requirements. It's our intent and our goal, working with txdot, from public works and our inspectors, and as well with our environmental compliance permitting people, to effect and aspire to the same standards as we would if it was a city-managed project. They have been continual discussions with txdot on that. While they're not required to do that by landmarks or contractually, they understand the interest this has for our community, and our plan going forward is to, first, accept their willingness to allow us to have that closer monitoring and oversight over the project, but then also ensure that every possible mitigation has taken place, in the event that we do encounter challenges.

>> Kitchen: Okay. So if I'm hearing you correctly, the thinking is to reach our standards in a voluntary manner?

>> In working collaboration together with our on-site daily monitor.

>> Kitchen: Okay. And is there an option for us to attach that either contractually or as a condition of the funding?

>> I don't -- that's more of a legal question, I think.

>> Kitchen: Okay.

>> I don't know whether we can require the state --

>> Kitchen: Okay.

>> -- Working with their right-of-way, to adhere contractually to the work practices of our -- only to accept their willingness to work with us to gain those.

[4:11:06 PM]

>> Kitchen: Okay. I understand that. I'm thinking more as a condition of funding. But perhaps legal can answer?

>> Yes. Assistant city attorney MARIA Sanchez. At this point, I would say that we wouldn't be able to negotiate that. I think that would be something that we would have brought up when we entered into the original Ila, or the advanced funding agreement. But at this point, we've already entered into this advanced funding agreement, and the agreement itself addressed how we would -- you know, if there

was additional money owed, that we would have to pay it within 45 of the date that we received the bid.

>> Kitchen: Okay. So our existing agreement already speaks to us paying additional amount.

>> Right.

>> Kitchen: Okay. So any kind of amendment to apply conditions would require a mutual agreement.

>> That's right.

>> Kitchen: So -- but -- is it the kind of provision that could have been put into an Ila?

>> We could have explored the -- you know, that notion, but in this Ila, there's nothing addressing that issue.

>> Kitchen: Okay. And so it would be the kind of provision that we could explore, understanding that we have no way to require them to agree to that. Is that right?

>> That's right.

>> Kitchen: Okay. But I'm hearing -- I'm hearing our staff, from your perspective, that you think you might be able to get that from a voluntary standpoint? Is that what you're saying?

>> Yes, councilmember, just by virtue of their agreement to allow us to have our environmental expertise on site on a continued basis. There's also another potential that we can visit, and that's the water protection action plan that was approved, and perhaps looking at that work plan to incorporate measures that would gain us a higher level of oversight and control from an environmental perspective.

>> Kitchen: So in other words, you could capture in the work plan the standards that we're talking about?

[4:13:07 PM]

>> We can start those conversations with them, yes, ma'am.

>> Kitchen: And I guess we would have the ability to say that we would agree to additional dollars, but we want to see this reflected in the work plan? I would assume so, based on what we just heard the answer on the legal. Okay. Thank you.

>> Mayor Adler: I understand this is a continuation of a preexisting interlocal agreement, and now we're providing our work. Putting aside this one for a second, in the future, because there's going to be additional work that we do with the state out in this area, if the way that we do the work protects Barton springs more than what the state does, I think it would be really helpful if every time this came up, we had that option considered and reviewed, just as a matter of course, so that we got to make that choice or that decision, I think would be -- would be helpful, going forward when we're negotiating these. Councilmember pool.

>> Pool: I don't know if you can answer this one, Mr. Mendoza. Maybe Ms. Sanchez can. But isn't there a state -- doesn't state government code put a cap on how much a contract can exceed the original estimate? It looks like this contract exceeds the original estimate by more than the 25%. The Texas government code caps that at 25%.

>> No.

>> Pool: No what?

>> There no cap. We have to pay 100% of the costs for relocating the water or, you know, wastewater lines.

>> Pool: So the local government code reference to a cap, that's when a cost exceeds by 25% what the cost estimate is, doesn't apply to --

[4:15:09 PM]

>> Right.

>> Pool: -- A government utility location?

>> Right. This particular statute regarding relocation of lines is what we look to, and it says that the city is responsible for paying all the costs associated with relocating waterlines.

>> Pool: Is that the same as local government code 252.048?

>> I believe --

>> Mayor Adler: While you're looking, counsel, do you want to add anything?

>> Councilmember pool, if I could just jump in.

>> Pool: Sure.

>> You're correct, chapter 252 of the local government code does have a provision that if it's over 25%, it comes back to the governing body. In this instance, it's not necessarily a contract that the city solicited for. So we can check the interplay between that section and the section mentioned by Ms. Sanchez, but I don't believe the 252 would apply in this instance.

>> Pool: I'd be interested in understanding why it might not apply. I realize you might not be able to answer that right now but I would like to understand that.

>> Councilmember, if I may add, I believe those types of caps apply to an already contracted amount, like for a change order. In this case, we did not have bids yet. The bids just came in higher than the engineer's estimate.

>> Pool: Is there a difference between a contract amendment and a change order?

>> This contract -- the contract amendment would change the contract amount.

>> Right. It's only to reflect the amount of the bid that was received.

>> Change orders --

>> It's not a change order.

>> Typically within a contract, you have a contingency. If you're still within that contingency for unknowns that you discover in a contract, add another valve, or that valve is 10 feet over there, it needs to be 10 feet over here, that's the process by which we administer and manage those.

>> Pool: And there's two different things I'm asking questions about.

[4:17:12 PM]

One is whether we've exceeded the 25% cap and whether that's permissible, and the other is the difference between how one treats in a contract a change order and an amendment. And I'm trying to get a sense of which one this is because it seems to have a direct effect on how we're operating.

>> Right. But it's not a change order.

>> Pool: So you agree that this is not a change order.

>> Yes.

>> Pool: You agree this is an amendment to the contract.

>> It's -- we are just asking authorization to amend the amount, the cost of the total project.

>> Pool: So then that means if it's not a change order, the 45-day requirement of deadline doesn't apply. Is that correct?

>> It does apply because we agreed to, in the --

>> Pool: But it doesn't under state law. So we agreed to that, but we didn't need to agree to that. Is that correct?

>> That's correct.

>> Pool: So why did we agree to that?

>> I don't know. I didn't -- I was not involved with the initial advanced funding agreement.

>> Pool: Okay. You know, this is just really bad. And I don't -- I wish that we had approached this differently. I wish that we had thought about it more creatively where the city would have done, decided, taken the steps to do the work itself. It would have been less expensive, and we would have had a heck of a lot more control over what's happening here, unless -- if there is an amendment to this, so that the city can take this over, I will be voting against this.

>> Mayor Adler: Any further debate on this item? Let's take a vote. Yes, councilmember.

>> Alter: Yeah, I guess I would just say -- reiterate the points that the staff has already made, that txdot has to meet environmental -- certain environmental requirements. They've gone above and beyond to invite the city of Austin in as a part of this process when they didn't necessarily have to.

[4:19:15 PM]

This is a choice between either paying for this now or having txdot bill us after the work is already complete, and as the director stated just a couple minutes ago, we're seeing -- the city is seeing cost savings by -- by having txdot do the work as part of a larger project and not undertaking it as a city of Austin project, so I just ask for your support on this project so that we don't spend any more time on it.

>> Mayor Adler: Mr. Casar?

>> Casar: So did we come to the conclusion that we know how much more -- that we would even have the option of us doing it ourselves and how much more that would cost, or what our estimates are? I know it was briefly discussed, but I was sprinting down from my office.

>> Mayor Adler: My understanding is --

>> Pool: I've got the numbers here. You're talking about how much more the amendment to the contract is?

>> Mayor Adler: I think the question is if we went to the state and said we wanted to take over this construction project, could we do that, or is that something we had to raise earlier, and if we could do that, do we know what the incremental cost is.

>> We would not know that, mayor. Txdot has already issued the notice to proceed for this work to the contractor. They would have to cancel that contract. I don't know what those ramifications would be, or mean if they would be willing to do that. On our side, we would have to start from scratch and readvertise and rebid, go through the procurement process. There's no guarantees that the bids that we would receive would be for this price; could be lower, could be higher. It would also incur additional staff's time in terms of our procurement officials and our legal folks writing up the documents. We'd have to come back to city council to award a new contract, and we would probably be looking at further delay and possible increased cost.

[4:21:22 PM]

>> Mayor Adler: Been moved and seconded. Any further discussion? Those in favor of approval, please raise your hand. Those opposed? The mayor pro tem voting no, Mr. Casar voting no, kitchen voting no, pool voting no. The others voting aye. The matter passes. We had some things that were noticed at 3:30.

>> Can we go back to 101? Would it be possible to go back to --

>> Mayor Adler: We have some people that need to get out, so I'll come back to that let's pick up item number 40 -- let's do the concession contract issue.

>> Tovo: Mayor, just as a head's-up, I'm pretty sure 14 is a short one. My guess is the concession will be a longer one, but...

>> Mayor Adler: We could do 14. We're kind of bouncing bar. I'm trying to get this through while we can have a whole group of people that can leave, rather than keeping a whole group of people here during that period of time.

>> 101 would only take two minutes.

>> Mayor Adler: All these will be really fast. Let's work through these really fast and go to these other two that we can do fast before we go to dinner. There's no good way to do this because we can't do everything before we go. I'm saying 44, and then I want to also get 14 before we go to dinner and 101 before we go to dinner, so I want to work as quickly as we can on these items. 44 is the concession contract. I mean -- 87. Let's do 87 and 88. We'll call both those up and resolve those. Is staff here for these?

[4:23:28 PM]

Jim?

>> Mayor and council, I'm Jim Smith with the airport. Item number 87 is a recommendation to award several venues at the airport as part of a concession solicitation to host. And that is three of the fourteen packages that we were advertising. And listed in your materials, it's F 468, f-2, and f-6.

>> Mayor Adler: Okay. This included one option that had the Threadgill's part of the concept that was ranked number 2? Is that correct?

>> Yes. There were three proposes. Delaware north submitted a proposal, paradeez submitted a proposal, as well as host. In the scoring, host finished with the highest score, paradees finished they could and --

>> Mayor Adler: Paradees included the thread gills content?

>> Yes.

>> Mayor Adler: That was .25 behind in point total?

>> Will the 84.84 for host, 84.58 for paradees.

>> Mayor Adler: Okay. If we wanted to have the airport have that concept in it, would it be okay for us to make a motion to approve it with the second-place finisher approved?

>> Yes. The council can do that.

>> Mayor Adler: Okay. Does that work with your operations out at the airport?

>> Both -- all concepts are very good concepts.

>> Mayor Adler: And does the proximity of the closeness of the contracts, first and second -- I recognize there's a .25 difference. I'm trying to figure out if that is a material or substantial change in quality or standard. I recognize it's a .25 difference.

>> There was slight variations and different criteria, but overall, all those concepts work.

[4:25:31 PM]

>> Mayor Adler: Okay.

>> Houston: So mayor, are you saying that the minority contractor who was the one that is in this packet gets pushed aside for the other two? Is that -- I'm just trying to make sure I'm hearing what you're saying.

>> Mayor Adler: That's what that would be. It would be replacing number one with the number two issue, if we went that way. That's correct.

>> Houston: I would be opposed to that.

>> Mayor Adler: Okay. All right. Is there a motion on number 87?

>> Houston: I move that we approve the host contract for the airport.

>> Mayor Adler: Okay. It's been moved to approve the host contract, which is number 1. Is there a second to that motion? Ms. Pool seconds that motion. Any discussion on the dais? Yes. Councilmember alter.

>> Alter: So this is a really tough decision, and I'm trying to understand exactly how this works at the airport. So both of these contracts have a multinational corporation that's acting as the umbrella, and then they would be contracting, if you will, with various entities. In both cases, they're local restaurants. In the case of the proposal before us, there is a minority-owned local business that a key part of that one. Is that correct so far?

>> Yes. The host corporation proposal had a 25% dbe representation. The paradees proposal had a 12% representation.

>> Alter: So if the multinational corporation is running this, then it has representations of 12% and 25%, when we want to think about what threadgills is getting or

[indiscernible] Is getting, what are those percentages? It's not like they're getting 100% --

[4:27:34 PM]

>> We're not a party to that negotiation. We actually do the lease arrangement with the host or parades. They have a contractual relationship with the local entity in a license agreement, and the terms of that agreement and how much revenue they share is between the corporation and the local entity. Basically, they operate with a license agreement, and many times, for example, DNCs at the airport have 14 venues at the airport. You may know them as salt lick and book people, but those are really run by DNC. Parades has the second bar and kitchen and cloud subs, but those where residence agreements.

>> Alter: And these would be license agreements as well.

>> And these are proposed to be license agreements as well.

>> Alter: So it's not that they're the same management going there, they're just using the same concept and food and immunes there. Menus there.

>> In this case the host and entities they'd be dealing with realize I understand, but normally if it's a license agreement, would they be the ones running it or --

>> It depends, but in most cases, the bulk of the ones at the airport, it's the employees who are actually operating the facility, employees either host, parades, or DNC.

>> Alter: Okay. Thank you.

>> Mayor Adler: Okay. Further discussion on the dais? We have speakers to speak on this issue. Let's get speakers. Is bill Casey here? Is Rosa Lynn alafont here?

[4:29:38 PM]

Okay. You've donated your time to Mr. Casey. That's what I'm showing.

>> I think I'm going to take it back, if that's okay.

>> Mayor Adler: That's fine. Do you want to speak before Mr. Casey?

>> I'll speak after.

>> Mayor Adler: Mr. Casey, do you want to speak? You have three minutes. First of all, do you want to move to the other microphone? You'll speak after he does. Then on deck at this symposium podium is going to be Eddie Wilson. Go ahead, please.

>> Thank you. Good afternoon, mayor and councilmembers. My name is bill Casey. I'm senior vice president of the food and beverage. In addition to our great local partners, Eddie, Kent, and Rosa Lynn, we're an important part of the Austin community as well. We employ over 160 employees today in Austin airport, have paid over two million dollars in payroll to these associates, and it's an important part of our being part of the community to give back. We participate in no kid hungry, so we donate 25% of the proceeds of all of our kids' meals back into the community, and for the last few years that's been over 60,000 meals for children. We also participate in treat our troops, so over the Thanksgiving break,

fourth of July break, any retired or active military personnel eats for free in any of our restaurants, including here. So I would hope you would give consideration to our bid and our partners. Thank you.

>> Afternoon, council.

>> Mayor Adler: Mr. Wilson, would you come down to this podium, please, if you're going to speak? Ma'am.

>> I'm Rosa Lynn alafont, director of the Austin African American book festival. We've been hosting the festival for 12 years now in collaboration with the Austin public library and the George Washington carver museum. And I'm here today. I have been a joint venturer partner since 1999 with this organization, and we're real printout of the work we're doing as an employer out at the airport.

[4:31:43 PM]

We have hired many people and worked to be a good employer since 1999-2000 when adia opened. We're real proud of our work with the food rescue program. We have people coming from shelters out to the airport three times a week picking up food, and we also have been a proud sponsor of the flight honor for veterans. So we hope that you will expand our work out at the airport to include Threadgill's and black's barbecue. Thank you.

>> Mayor Adler: Thank you.

>> Tovo: Mayor? May I just clarify with this speaker? So you are part of -- you're part of the bid package that is not the motion on the table.

>> Right.

>> Tovo: Okay. Thank you very much.

>> Uh-huh.

>> Mayor Adler: Okay. Is Rick Garrett here? Rick Garrett, would you come down to the next podium. Is Eddie silva here? Yes. You'll have five minutes when you speak. Mr. Wilson, you have three minutes.

>> Well, I really didn't come prepared to speak at all, so I probably don't need more than 10 or 15.

[Laughter]. Y'all know me. I've been representing Austin to the rest of the country since 1970, and so far it's been going pretty good. Rent keeps going up, but I haven't figured out what to do about that. I really only came here to see what happened and to see please. It's the first time I've ever really needed anything that I had to stand up and ask for, but with what has happened to us in the way of property tax increases in a neighborhood of 500% in the last five years, we really need this concession at the airport to make us a little bit more solid.

[4:33:45 PM]

I hope to be here the rest of my life doing what I've been doing most of my life, and I thank you very much. Come see me when you're hungry.

>> Mayor Adler: Thank you.

[Applause] Coming down, is Sean circle here? You'll be at this podium. Mr. Garrett. Five minutes.

>> Thank you, mayor Adler, city council. My name is Rick Garrett and my partner is Dana Garrett. We own D. C. Garrett group. We were extremely excited to find out a few weeks ago that our proposal scored the highest points on this contract. It's been a long time for us. It's been a very long process. We started this process trying to understand the parameters of the airport, trying to understand the rules and regulations. And three years ago, we were shut out of that process when the city decided to extend the contracts of parades and Delaware north without contention. They had ten year leases. Those leases did not go well for rfp and my cousin and I did not get a chance to bid on those specific contracts. So when we heard right after those contracts were extended that the airport it was going to be shooting out another international terminal with nine Gates, we were going to finally have our shot. Our shot to operate and to be operators at the airport. And we found a local -- we found a national partner by the name of hms host. Host right away saw our passion, they saw our vision and our strategy, and they said, you know what? The minimum requirement on the rfp for acdbe participation is 11%. Because we want you to grow your brand, we want you to learn, we want you to mentor, we're going to give 6:00 25% so at the end of ten years, you have enough capital, if you want to be a player and be 100% at the airport, you can do that. So we decided as a team to come together. We spent two years on the ground looking at all the great Austin brands, and we wanted to bring something to the Austin airport that, a, they didn't have, B, that they were going to actually be able to represent Austin's culture, and then C, be able to provide a culinary experience that Austin has given so much of us.

[4:36:02 PM]

And we selected a group of partners. Those partners are 24-hour diner, parkside, Hugo fresh, Austin beer works, sushiagogo, torch's tacos, noble sandwich company and hardy's fresh foods. So it was very interesting to me and surprising when I realized last week that although we'd got the highest points, we got the recommendation from the airport experts, we also got the recommendation from the airport advisory committee, and to find out that ours was one of the only packages that was pulled, we were pretty shocked. So the airport is very competitive. I don't think the airport did a good job of explaining how competitive these packages are. Yes, we won this package by a fraction of a point. We lost the package by a fraction of a point. F4 we lost by .52 points. And as a team, we decided we were going to come together and we were going to congratulate those folks that beat us. We're going to look them in the eye and say, we'll see you in ten years. We will make another run at you. Congratulations. We did not challenge the system or the merits of the rfp process. We decided that we won something. We were happy. This is our chance to get in the airport. We couldn't go into the airport because we had no opportunity. And so to me, you know, when I look at this process, it's about transparency and fairness. We didn't have a shot three years ago at this. We wanted the shot. We felt like this was our opportunity.

We put together the best package with the best brands, and the airport experts agreed. They agreed with us. And the airport advisory commission, they agreed.

[4:38:03 PM]

So I ask, who's going to speak up for me? I don't have a 70-year legacy in this city. I'm in the process of building my legacy. I can't tell you that I earned -- that I'm more Austin than anyone else in this room. But I can tell you that I earned this. And with all due respect to parades, but they have options. They have brands in the airport right now. Why now? Why Threadgill's now? Why is it on my watch? They're already in the airport. They got a ten-year extension. And so I look at their partner, their job partner, they've been there since 1999-2000. This program is designed to help job partners get up and running in the airport. This is about a long-term strategy. We just want a shot. And that's all we ask the city. Thank you for your time.

[Applause]

>> Mayor Adler: Thank you. Is Scott Henshaw here? Scott Henshaw? You'll be at the other podium. Please be seated.

>> Hi. My name is Sean. I'm the chef at parkside here in Austin. As a third generation businessman from Austin, growing up in the shadow of the old airport, I'm very excited for the opportunity to share the hospitality and sense of community that we share down at parkside. Throughout the years, we've been approached by parades, by Delaware north, as well as out of state operators at the airport, and we've always declined. We never thought it was a good fit, and meeting with the local partner, host, and then nationally has really given us a lot of thought and made us excited to do something different and have an opportunity out at abia. When we first opened at parkside ten years ago in 6th street, everyone thought I was crazy to put a fine dining restaurant at 6th street in the middle of it all.

[4:40:08 PM]

We've been very, very successful. We're now sought out as a shining example of what happened with hard work, with teamwork, and a sense of community, and we really just want that opportunity to share that out at the airport. So thank you.

>> Mayor Adler: Thank you. Is Mike Ripka here? Go ahead, sir.

>> Thank you. I'm Scott, I'm a partner in elm restaurant group and we opened 24 diners seven years ago. And our goal was to provide the highest quality local farm-to-table chef-inspired comfort food. The coolest craft beer and curated wine selection and service. I think we've done a pretty good job. Our chef drew and beverage guru lead the 24 diner team, and we serve breakfast, lunch, and dinner, anytime you want it. Under chef drew's leadership, 24 diner is a leader in supporting farm to table movement and in supporting local farms and growers and we've spent hundreds of thousands of dollars buying local

produce and products. We're very excited and proud that city staff has recommended this great team to be at the new airport terminal, and 24 diner at the new airport will continue to highlight this dedication to the highest quality culinary and service standards, reinforce the support of farm to table efforts for local farmers and growers, and showcase the vibrant spirit of Austin to everyone traveling through the new airport. Thank you.

>> Mayor Adler: Thank you. Is Kent black here? You'll be at this podium. Sir.

>> Yeah. Thank you, council. My name is Michael Ripka. I'm the found of torch's tacos and vp of marketing and culinary.

[4:42:15 PM]

I really appreciate the opportunity to speak. As was mentioned earlier, you know, from our partner with host, about having a shot, Austin gave me a shot. I started out as a trailer, just me and a cook in 2006. I mortgaged my house. I maxed my credit cards. I worked my tail off, and, you know, today, I employ well over a thousand people here in Austin, Texas. I'm one of the few success stories that can happen in the restaurant business. I feel truly blessed and humbled by the success I've had and what I've been able to do and participate in Austin. I don't know who doesn't want a trailer park when they're walking through the airport. Who doesn't want a bowl of queso when they're walking through the airport. Our food is very portable, easy to go, it's affordable, carries very well to go. I think we're a great fit there. You know, we've been approached before by other companies to go into the airport, and we found a good partner with hms host, and, you know, we have a good agreement with them, and we've got a lot of training teams that can come in and support severity thateffort so we give great quality food and service and a good experience when you come to our establishment there. And I'm proud to be in Austin. You know, torch's has been a huge part of this community since we've been in business. We give back tremendously. We go down and help clean out Barton springs, we help clean out Bouldin creek. Just this last month I personally wrote a check for the kids of Phoenix house, which is a treatment center that helps adolescents from drugs and alcohol abuse stay off the streets, and I wrote a check so they could have some Christmas presents.

[4:44:28 PM]

You know, we do things for the community. When Harvey happened, we sent our taco truck and we fed people in Houston. We went to Beaumont. We supported the local efforts here in Austin to help those people take care of the people that no longer had homes. So I would appreciate if the council would consider this and, you know, the airport wants us there. I think the community wants us there. And I'd be a proud -- a proud restaurant owner to be able to serve torch's tacos in the airport. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is --

>> Houston: Mayor?

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: I'd like to say we're very proud to have torch's world headquarters in district 1.

>> Mayor Adler: Is Kao sazu? You'll be at this podium in a moment. Sir.

>> My name is Kent black, I'm the owner of the original black's barbecue. I'm the third generation fit master with them. It's a privilege to be here today. I'm here to speak in support of the parades package and ask that you support them to have the original black's barbecue and Threadgill's at the airport. I had the joy of being in Austin in the '70s and going to the arm a dill oh world headquarters and to Threadgill's, and I'm just so excited to be a part of something with Eddie Wilson. Let me tell you a little bit about black's barbecue. We've been in the business since 1932, been around for five generations. We're fortunate to have our brand be here for that long, and it would certainly be an honor to represent Austin at the airport. We have a location in Austin. We have one in Lockhart, and we have one in San Marcos.

[4:46:29 PM]

We do our best to support the community. One of the things we're especially proud of is, for many years now, all veterans eat free on veterans day, and we would hope to continue that. We have five generations of my family that's been in the business, and we have my son Barrett is here. Barrett, can you wave your hand? Barrett? A little bit about my family, we've lived here for 26 years. We live in about Barton hills. My kids went to the Austin public schools, graduated from Austin high, but we've had the pleasure of volunteering at Austin city limits. I had a joy of being able to be part of the south Austin little league as president and coach, got started as boy scout troops in south Austin, we go to church downtown at the first united methodist church, and my wife and I own four properties in Austin. So there's no place in the world we would ever want to live, and I just consider myself so lucky to be able to be here. The other restaurants are wonderful. I give my respect and kudos to them. They are some very good operators. But we would ask that you consider the parades bid to include us, along with Eddie at the airport. It would be a privilege to represent the community out at the Austin airport and continue doing what we do. Thank you very much.

[Applause]

>> Mayor Adler: All right. Is Anthony aeese here? Is Nina algret here? You'll have five minutes at this podium next. Please proceed.

>> Hi, council. My name is Kao. I'm the owner of [indiscernible] Kitchen and also represent sushia-go-go today.

[4:48:31 PM]

Austin has been my home for the last 20 years. My husband and I met here, raised our family here, and it's our true home. We are part of the DC hms host team. It has always been a dream of mine to contribute to the Austin dining scene in a way that would make significant impact. My husband and I got our start at the farmers market. We would stay up all night cooking and assembling the pintobox so we could sell fresh next day. To help us open sushi a-gogo, at the Bergstrom airport, we were able to open with the restaurant

[indiscernible] Kitchen. Since then, had we have been in the top ten Asian restaurants in Austin and one of the best new sushi restaurants in 2012. In the past ten years, we have developed a very loyal following with regulars that travel from San Antonio and even from Dallas and Houston, to enjoy our food. Being able to represent the brand in austin-bergstrom Strom airport and share not only Japanese cuisine but also our culture means achieving our dreams. Being dynamic to the airport means that our hard work all these years has paid off. We are excited to be able to give our loyal customers who have gone from us to the farmers market to the [indiscernible] A good experience at the airport. Greater Austin is a place you call home or destination, we have been told by guests many times that we are [indiscernible] In Austin.

[4:50:33 PM]

Other times, we have been told they are the last stops on their itinerary before heading to the airport. Being part of the airport is the gateway for us to fully represent our passion. We will now be accessible to anyone and everyone that comes to Austin, giving nourishment for their journey head. We are honored to be part of the airport, to feature from locals and afar, as we represent Austin as a city embraces diversity and supports local business. We have 100% approval from airport advisory committee and are excited to find our approval from city council. We know that we will represent Austin the best way we know how, by feeding them.

[Buzzer sounds] Thank you.

[Applause]

>> Mayor Adler: [Off mic] Is

[indiscernible] Here? Okay. Please proceed.

>> Thank you, mayor, maintenance, members of city council. My name is Anthony. I'm vice president of business development representing the hms host DC Garrett group. You've heard from our 25% equity partner, DC Garrett who lives here in Austin and has looked for this opportunity for many years. We're a world class operator. We have 114 plus years of experience in airports in the travel industry. We are recognized in our industry by every airport peer as the restaurant operator with the best regard for customer service and the best Austin operator for over eight years in a row. We know restaurants, we know food, and we're talking about a lot of restaurants today. That's the hardest part of our job, choosing where to go eat. Right? We gave you some facts today. We competed hard. We competed in

the process. We were not awarded a ten-year extension, but we were told this opportunity would be here for us. We put a team together. We studied your market for over three years.

[4:52:34 PM]

We came up with some great local Austin restaurants that are really part of our package. We received airport committee recommendation, received unanimous airport advisory vote, we brought some great local restaurants here. I don't think anyone can deny any of these restaurants, they're all great, but our restaurants are Austin, I think I used Austin. Max I believe started in

[indiscernible], while they have some great restaurants here, they're Lockhart. Our restaurants are Austin. As you heard, parades received the ten-year extension. Eddie Wilson could find a home in any of their current locations in that airport. They have several. So parades could help them out in that manner. We'd be happy -- we have a food hall where we're going to have a stage. Why can't we incorporate Eddie Wilson in our stage? We'd be happy to talk to him after that we went through the process, bid competitively, received recommendation by both airport and airport advisory committee. It is also important to note that staff mentioned that we, all us large operators, license and franchise different restaurateurs, because restaurants are complicated. We partner with them.

[4:55:19 PM]

Chefs are all involved in our business but the expertise is airports and crazy environment of fingerprinting, badging, TSA, late flights, 365 days a year. That's what we do. We're connected locally, we're committed to the city, and we'd like the city's business. Thank you for your time today.

>> Mayor Adler: Thank you. And then is brake Reynolds here? Please go ahead.

>> Thank you so much. Mayor, mayor pro tem, and the city council, my name is

[indiscernible] And I work for sms hosts. So what's clear to us today, with everything we've seen so far and what we will continue to see, is that the remarkable culinary scene that is Austin is as diverse as the people that it serves. And, you know, all of these brands together are just a traveler's delight. They really are. And we are lucky to be here and have this partnership, especially with our -- with Rick and his partner, DC Garrett. So for us, really, we are the best at bringing in local concepts and making them succeed. And that's like something that I think we haven't really talked about. We have, for the 10th consecutive year, received the highest honor for the best food and beverage operator. So what that means is, any of these local restaurants that come into the airport can only be successful because we're the operator. Right? So they can only be successful if we operate them right. And we are the ones that are recognizing this industry for giving the brands the -- not only the essence, like bringing the events of their community and what they've done in their life's work into the airport in a respectful way, but making it successful and, therefore, making them successful. So I wanted to make that point. We're all really proud to be here. I think, you know, we're kind of honored to be here as well, and maybe a little

scared. But, you know, we're really hoping that your constituents that are in the room, that were part of our package, that worked so hard with us for the past three years, these incredible local creative culinary geniuses and restaurateurs get their shot at coming into this airport and bringing Austin into the airport. That was our guiding principle, bringing the most of Austin into the airport. We do have factually the best, the most local participation, and that was really important to us. So that's really what I wanted to say. We really appreciate your time today. Thank you.

>> Mayor Adler: Thank you. Is Dennis O'Connell here? You'll be at this podium. Ma'am.

>> Good afternoon, mayor and council. I am here in support of having a Threadgill's location in the airport. I say that as an advocate for music venues, but I also say that as a child of the '70s in Austin. It is possible that Eddie Wilson is a significant reason we live in the live music capital of the world. I don't mean that as a marketing slogan. Also, I used to live here. This culture is the reason that other local businesses thrive here when they can't in other cities the size of Austin. Threadgill's is a name synonymous with Austin and a name people recognize as soon as they see it.

[4:57:26 PM]

This is an instance which I believe it matters. The circumstances with the original armadillo, due to the boomtown economy he helped create. If an airport location would allow for him to find stable footing, I allow that we please grant him that.

>> Mayor Adler: Thank you. Is Elizabeth Hyman here? You'll be at this podium. Sir.

>> Mayor Adler, council, my name is Dennis o'colonel, I own the white horse honky torching. I worked for Eddie Wilson. We have a lot of great options for you guys. They're hard working, amazing. The airport has done a really good job of showing what it is authentic and special about Austin and not homogenized throughout the country. I'd like to talk about a couple of qualifiers and what I've learned that sets threat gill's apart from other options you guys have to put in this airport. I had the pleasure to meet Eddie Wilson and be one of his friends over this last year. He's part of a partnership and family that's been part of Austin since the '30s that gave a woman to become the biggest rock star, Janis Joplin out of Austin, Texas. I'd like to suggest that Threadgill's is already in the airport. You walk in the airport, you can see pictures of musicians, the greats that played here. He served Austin and helped facilitate that spark, that created this to become a music town. I look up to him as a bar owner and that provides local music, that he achieved goals and a level of quality entertainment with that group than anybody has ever seen. It's really a corner as to any and has had a hand in changing Austin's culture almost greater than anything else.

[4:59:29 PM]

If our metrics of measurements and the qualifiers are to bring somebody into that airport so that when somebody from out of town walks in and they want to see what Austin is about, I think Eddie Wilson has

had some of the greatest influence on making this a music city. I moved that wasn't the case before the '70s and the magic those guys helped put into the city. Like I said, there's so many great options over here. I would just hope that you guys give them a chance to continue their legacy and show all of our visitors here into this wonderful city what's special about Austin. Thank you for your time.

>> Mayor Adler: Is Larry Kelly here? You'll be at this podium. Please proceed.

>> Hello. My name is Elizabeth Hyman, I'm the director of operations for

[indiscernible] And I'm also a homeowner in district 2. I moved to Austin ten years ago and have led the team for the past five. I've seen both our city and our restaurant evolve in that time. And I am so excited to see that evolution continue as we grow our airport and embracing our diversity as a city while still remaining true to our local spirit. I'm elated and so very, very proud to be involved in this project, and I look forward to our growth together. Thank you.

>> Mayor Adler: Thank you. Is John bates here? You'll be at this podium. Sir.

>> Cool. My name is Larry Kelly. I live in district 9. I appreciate the opportunity to speak. I was born in Austin and have lived here 39 years now at this point. I've seen a lot of changes, as you can imagine, and some of you have along the way. Good and bad. What I will say is that I've always been optimistic about the growth of this city, mainly because you get to see people that grew up in the city start businesses and get to see these people, some of them who I worked alongside, watch their dreams come true.

[5:01:47 PM]

So that being said, I am very proud of working for

[indiscernible] And everything they've done. They're truly a family to me and I think we would be very excited to have the opportunity to represent some of the cultural diversity that Austin has to offer in the airport. Thank you for your time.

>> Mayor Adler: Thank you.

[Applause] Mr. Bates.

>> My name is John bates. I opened up noble sandwich company with my partner Brenda Martinez in between. We opened up our restaurant with hope, dream, couple shoestrings, and a lot of really hard work. We're very proud of the work that we put into restaurant. Every day is, you know -- for us it's a daily moment sharing our values and things that are important to us with our friends and family and our customers. You know, the opportunity to go into the airport is a huge deal for us. We've never had very much financial backing. As a restaurant, we've done it the hard way. It's been very rewarding but it's a lot of hard work and this is a big opportunity for our restaurant as well. We started this process over two years ago with host, and we were approached by other companies as well about the possibility of moving into the airport, and the only one that really felt like a good fit for us was host. They cared about our proud, our people -- our product, our people, how we do things. They felt like the right kind of partner. Along with that they partnered up with great restaurants, chefs and restaurateurs that I admire,

the kind of restaurants I go to. They're the kind of people we'd love to see alongside with us in the airport. The restaurant community is tight. It's a small community. We all know each other. It's tough to see choices coming down between long-time restaurants and restaurants that are newer. We all give. Restaurants have very little to give but most restaurants on a daily basis if not every day, weekly, monthly, give to charities.

[5:03:52 PM]

We've partnered up with mobile loves and fishes so it's a tough decision before you. We feel like, you know, process has been fair and that we'd like our opportunity to get into the airport and do what we do best, you know, serve great food, treat people right, and have a good time. So we hope you would vote to honor the airport agreement and we look forward to working with you guys.

>> Mayor Adler: Thank you.

[Applause] This is a really, really, really hard call for me. I love all these restaurants, and I eat regularly at them. You know, if there was any way for everybody to get awarded this, that would be the direction that I would go. In this particular case, I think the numbers are almost on top of each other, closer than anything that you normally see. The host proposal, which prevailed by .25, scored higher on prior experience because it is an operator that is in many places and has that experience. The other proposal, the paradise proposal, scored higher by three points on the financial aspects of the proposal, which means makes more money for the airport and that's where its strength was. To me, while so many things are changing in this city, there are opportunities to try to hold on to some things that are part of our culture that are endangered. And I think that having the thread for gills concept at the airport for me would be important enough given the concept for visitors that are coming into this airport, as well as the scoring on the better return for the airport that I would make this impossible choice in favor of the paradise proposal, which is not the one that's moot.

[5:06:12 PM]

But if I'm the only one who feels that way, I won't press it, press further. Mr. Flannigan.

>> Flannigan: I have spoken at length on many occasions about my frustrations with procurement processes that end in political debates, and I appreciate I mayor's comments, but I'm going to support councilmember Houston's motion. I feel that if you set out a process for the public and for vendors on how you're going to select a vendor, you should finish that process to the end and if as a council we don't think the process is working, we should change the process. I don't think it's appropriate or right for us to be changing vendors at the last second, even if the scores are close. Especially if the scores are not close, which telegraphs my vote on the next item. But nonetheless, I think it's important that we continue the work that my office is doing and several offices are doing on evaluating how we do purchasing and how we ensure that the community's values are represented in -- when we go out to the

community for vendor contracts. So I'm going to support the motion and to complete this process the way it was laid out to the vendors in the beginning.

>> Mayor Adler: Any further discussion? Ms. Kitchen.

>> Kitchen: I would just say that I have to share the sentiment that the mayor expressed. I think this is an impossible choice, but I'm also very concerned with the process. I think a process that does it -- in a community that is experiencing the difficulties that we are experiencing right now with maintaining affordability for our restaurants and for maintaining what has a history in Austin, I think that we need to do something else about our procurement process because this procurement process doesn't allow for a scoring that relates to the businesses that are included.

[5:08:21 PM]

So I think there's no good answer here, but I will -- I'll fall down on the side of what the mayor is saying, although I understand we may be in the minority so there may not be a motion. But. . .

>> Mayor Adler: Further discussion? Councilmember alter.

>> Alter: I have a question for the small minority business resource staff. And it might be procurement as well. So it's my understanding that for this particular contract there was an rfp issued and only need by came back qualifying first and then they reissued it. Is that correct?

>> Councilmember, I believe aviation procured the contract. They're probably best to answer the question.

>> Alter: Okay. I have a follow-up.

>> I'm sorry. Can you repeat your question?

>> Alter: So a constituent mentioned that the rfp was issued and there was originally only one bid returned that qualified for the smbr and then it was reissued. Is that correct?

>> The process for doing this whole solicitation started in '16 so it's been a while. The first time we put it out we were disappointed with the responses. So we went back and readjusted the packages, in other words the number of venues that were available to each one to resolicit and started the process over again, if that's what you're referring to.

>> Alter: Okay.

>> Then we ended up with three proposes on package f8 which you're discussing now.

>> Alter: Then my question for smbr, so when we score, like, the smbr, we are just -- we don't score that as part of the numbers that were present where had we're saying they're really close?

[5:10:28 PM]

That's just to qualify to bid inequity.

>> That's correct.

>> Alter: If you meet that goal, you get to bid.

>> Right, director of the small minority business resource department. The process, in this case our disadvantaged business enterprise process or dbe process, because it's through federal funding, we look at it as a gatekeeper. So you shall either compliant with the program by meeting the goals or providing good faith efforts to show you attempted to meet the goals or you're not. If you're not compliant you're not considered for award.

>> Alter: Okay. So we have in our backup that host's qualifying percentage there was 25%. What was Paredes?

>> I do not have it immediately in front of me. I believe 12%.

>> Alter: So host was at 25% and Paredes was at 12%?

>> Correct.

>> Alter: For that? Okay. And what constitutes a disadvantaged business according to the federal --

>> The disadvantaged business enterprise term for the federal government looks at minority status, African-American, hispanic, Asian, native American owned or women-owned business. They also have to be economically disadvantaged, meaning they have to have a personal net worth below a certain level and they also have to be a small business.

>> Alter: Okay. Thank you.

>> Mm-hmm.

>> Mayor Adler: Any other comments on the dais?

>> Houston: If there are no more comments, mayor, I'd like to call the question.

>> Mayor Adler: I'd like to know if there's any other support for me to make a motion on that issue, to make an amendment.

>> Houston: Before you make an amendment --

>> Mayor Adler: I haven't made one yet.

>> Houston: Then I'm going to say some things because --

>> Mayor Adler: If there's no support for the amendment, then I won't make an amendment.

>> Houston: Okay.

[5:12:34 PM]

>> Mayor Adler: Then I can't tell if you want to speak or not, mayor pro tem.

>> Tovo: I do, but I don't -- it's not clear to me what the order is but, yes, at some point I would like to make a few comments.

>> Mayor Adler: Okay. So then go ahead and make your comments.

>> Tovo: Thanks. I also wanted to concur with your comments. I think this is really extremely hard. It seems as if nothing on our agenda today has been easy. And this is -- this is a particularly challenging one, and I've -- I appreciate the extra time that we've had to really look at the numbers on it and evaluate some of the areas of consideration. I really wish we had more flexibility here. It is -- I mean, when we think about some of the criteria that were listed in the rfp, one of them is local flavor, and there's -- I love all of the restaurants that have come and spoken here today and I think I've eaten at most of them and do pretty frequently but, you know, there are very few restaurants that I would have in my top five local flavor restaurants would be certainly be Threadgill's so I'm grieved that it's not in the bid package that's in the motion on the table but it is -- it is also, I think, extremely consistent with the goals of this council and those set by previous councils to really encourage and support businesses that fall into the disadvantaged, the federal program that was just described. We call it a little bit differently here at the city, but so that is -- it is -- that's really the reason for my vote here today, to support the motion on the table. I think that difference in percentage is really important and very consistent with the values of our community.

[5:14:37 PM]

>> Mayor Adler: Ms. Pool.

>> Pool: Yeah. This is about as tough as it gets on a hard agenda, and the pace that the mayor pro tem was touching on at the end there is the piece that has actually put me over the line to go with the recommendation from staff. We have been working over the last three years that I've been on this council and one of the things that I tried to do is when we had the economic opportunity committee was to work on our minority and women-owned business goals and getting better representation. That is a value of this community. And it's not easy to get there. The bid package that the staff is recommending has better participation by our minority contractors and that is a primary reason, when I -- if I have to split hairs on local flavor, Threadgill's long-time favorite and absolutely an important music venue for the city. Thank you, Mr. Wilson, for your long-time vision and efforts there. And easy tiger. Great restaurant and I enjoy eating there as well. Don't have the deep pedigree that Threadgill's does, but the food is first rate. So this is really, really hard. And I'm going to come down on the support for our minority business community.

>> Mayor Adler: Okay. I'm sensing that there are not six votes on the dais to amend this. In which case I won't make -- yes?

>> Renteria: Thank you, mayor.

>> Mayor Adler: Can -- go ahead. I don't know if your microphone was on.

>> Renteria: Yeah, it's on.

>> Mayor Adler: Okay.

>> Renteria: You know, this is really a tough choice because I've eaten at almost all these restaurants, and growing up here in Austin, Threadgill's used to be one of my favorites, you know?

[5:16:39 PM]

I've gone to black's. I love all the barbecue joints through the all central Austin, I've been to Lockhart, Elgin, my son's in-law family is from Lockhart, so it's not against, you know, the restaurants how I'm going to be voting for. One of your partners really good, Dennis o'donnell, we have become real good friends. I'm going to have to, you know -- I've grown up in Austin knowing that we need to give minorities a chance and an opportunity to grow here. So I'm going to be voting for the host.

>> Mayor Adler: Let's go ahead and take a vote on the motion as written, Ms. Ms. Houston. Those in favor please raise your hand. Those opposed. It's unanimous on the dais. The staff recommendation is approved. That gets us to --

[applause] Item 88, which is the companion one of these. I've been advised by council that given the significant range between the first and the fourth number here that we would be many significant jeopardy of -- let me back up. On this number 4, on this one here, the spread between number 1 and number 4 -- we couldn't do that?

[5:18:40 PM]

Let's hold this one until after dinner. We'll discuss it on executive session. That's a good idea. Did postpone it once but if there's an opportunity to postpone it again then we could discuss it in executive session at our February meeting. But in either case I would like to take up the question in executive session.

>> Mayor Adler: Let's hold then, pick this up over different and we'll come out and decide what we need to do on that. So there are some other things that -- to take up. I'm looking here at competing people that all need to leave and go do businesses. There's, again, not a good choice on these. Let me look at one thing. There are three people here to speak on item 61. This is the new year's eve resolution. They can't come back. Item number 61 is the new year's eve issue. Is staff here on this? Is music department here on this? Councilmembers, this is a resolution I have brought that would extend the hours for clubs on new year's eve so what they would be on weekends in certain limited situations. New year's eve falls on a Sunday night this time as opposed to a weekend. It doesn't do this prospectively after this year. It's just this year. So that the clubs can know whether or not to bring in folks. The venues asked for this

change through the music office and also through our office. Staff reviewed the past practice at new year's eve and the ordinance compliance and found it to be informal and inconsistent.

[5:20:43 PM]

So with that in mind, this ordinance would formalize the process and practice on extended hours for this new year's holiday only. This ordinance change was discussed with stakeholders, including neighborhood associations. The east Cesar Chavez downtown, west zilker neighborhood associations have all endorsed this item, north neighborhood association indicated they were happy with the they were allowed to do because of this item and that is in order for the venues with existing neighborhood agreements to extend their hours they first have to get permission from that neighborhood association. Only applies to venues that use outdoor sound. Generally re-- we're treating new year's eve like a regular weekend night I said just because it falls on a Sunday night this year. This item is only about one hour one day of the year. So I'm hoping that we don't get into a larger discussion about sound in general. The posting language itself is very narrow and speaks only to one day. Yes, councilmember pool.

>> Pool: I know you can't make a motion after you've talked about it, so I thought I would give you a little respite but I'd be happy to second your motion. I wasn't able to sign on as a cosponsor although I see there's a spot.

>> Mayor Adler: I would make that motion. Is there a second.

>> Pool: Happy to second.

>> Mayor Adler: Any discussion on this item? We have some people that have signed up to speak. David king, you've signed up. Do you want to speak on this? Thank you. Cody Cowan here? Do you want to speak? Come on down. Is Rebecca Reynolds here? Go ahead.

>> Council, mayor pro tem, mayor, thanks for your time here.

[5:22:44 PM]

Again, I represent the red river merchants association and the mohawk. What we're asking for your support here today is to provide an compliance portal opportunity for those of us who are good actors and leaders in the compliance piece of live music. This holiday has been going on for 2700 years in the western world and we would just like to participate in the party like we have in every year previous.

[Laughter]

>> Mayor Adler: Like it's 1999.

>> 713bc in the Roman calendar according to wikipedia. I ask your thoughtful consideration of this. We're really seeking as we proved before to find opportunities to remove conflict situations that are really obvious and are recurring. So we hope for your support on this piece.

>> Mayor Adler: Thank you. Go ahead.

>> Hello again, mayor, council. Rebecca Reynolds here with the music venue alliance this time. We appreciate the sponsors of this item bringing the issue forward in order to provide clarity for businesses that have released on the assumption that they would be allowed to schedule new year's eve programming until midnight. Weekend that understands to sound policy require balance with the need of our neighbors. For this reason it is important to us that we understand the rules and can be counted on to follow them. In this instance, there simply was not enough time to make a permanent correction to what seems to be an oversight in the sound policy, meaning it did not adjust for those occasions which holiday which resolves around a midnight celebration would fall on a Sunday. We, therefore, grant a request that hours be extended for this new year's eve and we are available to help with a permanent solution. Thank you.

>> Mayor Adler: Thank you. Any discussion on this item before we take a vote? Those in favor please raise your hand. Those opposed. Unanimous on the dais with the mayor pro tem off, councilmember alter off -- mayor pro tem is here.

[5:24:46 PM]

Quick comment.

>> Tovo: Very quick comment. You mentioned neighborhood groups. I'm not sure what stakeholder process this refers to if it's the same one as the red river one but I would just -- I have a few others to suggest including Hancock neighborhood the next time we're discussion sound because they are one of the neighborhoods impacted by the sound that travels.

>> Mayor Adler: Okay. Let's come up with a more long-term answer to this. Vote -- I'll take the vote again. Those in favor please raise your hand. Those opposed. Everyone is voting aye with councilmember troxclair off the dais. Can we take up number 14 before we leave?

>> Alter: Can we also do hollsworth after 14?

>> Mayor Adler: Yes, let's race and get all these done. My sense is that -- okay. Let's -- mayor pro tem moves passage of item number 14. Much as the UT study. Is there a second to that motion? Councilmember alter seconds that. We have some people that are here to speak. Is Adam khan here? The others speaking -- of this would be speaking in favor. Mr. Pena, Gus Pena? David king. He's fine. Bill bunch? Not here. Tina cannon.

>> Alter: You have an update from staff. There was an updated exhibit. Do we have that?

>> Mayor Adler: Is staff here that wants to speak to an update? Greg? Why don't you come on down?

>> Alter: I just want to make sure we're voting on the right exhibit.

>> Mayor Adler: Was there an update to the proposal?

>> Greg can can, interim cfo.

[5:26:48 PM]

We did provide after the comments at the work session Tuesday we clarified some of the scope, some of the the -- as I look at the scenarios from an academic perspective, I think as you heard from the team, they would obviously be looking at kind of a constant state, no build scenario as a bottom line. That would be one of them. As well as the investigators will also be looking at -- they will be collecting every piece of information that has been gathered during the discussion. About the convention center and the downtown area that we would be investigating. And that would include everything that occurred during the extensive visit Austin task force, including the stakeholder input and all the public testimony they would have access to all that information.

>> Mayor Adler: Great. Thank you. Mr. Bunch, do you want to come down and speak to us?

[Indiscernible] Bobbery lavinski here.

>> Thank you, mayor, councilmembers. Bill bunch with --

>> Mayor adler:[indiscernible]

>> Just want to say thank you for taking this important step. It's really great that you're doing this and stepping back from the rush into expanding the convention center. Without having real information that you need to look at that very carefully on the financial viability and usefulness. I just want to make sure and hope -- or get some clarification that the study also looks at alternative investments of our hotel tax dollars and how we might invest them better for both tourists and the local community endeavors other than the convention center.

[5:28:48 PM]

It's my understanding this will specifically look at expanding the convention center on the current site going vertical and perhaps adding some additional private development into that existing footprint so that an added private development can finance whatever renovation or facilitates we might do. Facilities we might do so that it self-finances and in that respect if we take that course, then we can diversify all of our hotel tax to other endeavors and spread out this benefit to the community so we have cultural attractions throughout the city, not just is downtown. And so we're investing in the people that make Austin exciting for both tourists and people who live here. This is I think a really important step forward. Thank you all again. But please make sure that you're not just still going into this study with the presumed outcome that we're going to still do a convention center expansion when there are almost certainly better investments with a lot of our dollars. Thank you.

>> Mayor Adler: Thank you. Anybody else here to speak on this item? Okay. That gets us back up to the dais. Mayor pro tem.

>> Tovo: Mayor, I have a rapid fire question for Mr. Canally. I appreciate the judgments you made to exhibit a. I think it fully captures all the things we discussed at work session with one potential exception, and that is if there's information that members of the public would like to forward on to this committee for its consideration and it wasn't previously aired in a public hearing, how would they do that?

>> Certainly. Thank you for that clarification. As we talked about on Tuesday, as part of the initial effort that the university of Texas team and in terms of their academic Pruitt and investigation of literature they will be able to open a portal in addition to information that's already been collected through this process, there will be an opportunity to send information that they believe this team might want to look at.

[5:31:08 PM]

So we'll have that opportunity and get that out to the council so you see that as well.

>> Tovo: I appreciate it. Thank you for your responsiveness on that. Again, mayor, just thank -- some of the great ideas that we move forward with as a city come from community members. This was an idea suggested by Melba lotly and I think it's a good one. Thank you for staff in working with with your team at UT sustainable development and for your willingness to move in this direction.

>> Mayor Adler: Mayor pro tem, question for you. I support your resolution here and I think this would be a great study to have. I had some inquiries from some of the folks that are stakeholders in the homeless service community as well as several -- many in the music community who looked at the proposal with respect to the convention center expansion that was presented by staff earlier, and they had a concern that this study was an attempt to preclude or otherwise stop the convention center expansion discussion and consideration, and I want to know if that's the intent of this resolution.

>> Tovo: Mayor, with all due respect, I believe it was -- it came from your resolution. It was amendments that we made on the dais, but it was your resolution that actually directed the staff to consider this idea. It was an amendment that I offered and it is -- if your question is whether this -- I think we -- it seems to me that we have not made a decision on the convention center whether to go forward with an expansion or to keep it as it is or to do something else, and this process is designed and scoped as a tool to help us evaluate what the best path is forward. I would say at this point it doesn't weigh in on any of those alternatives.

[5:33:14 PM]

In fact it's designed to help us determine what the best path is forward.

>> Mayor Adler: That was my understanding. That's what I told them. Maybe I wasn't clear on the question I asked you. There are people that were reacting to the illustration that staff presented and that was what I was referring to, in terms of the dollars that might be presented if there was a convention center expansion under certain scenarios. I said that by way of background. The question they were asking me, whether this was an attempt to preclude future consideration of that possibility, and I told them that I didn't think that it was, that we hadn't made that decision yet and this was just going to give us additional information relative to that decision should that question be brought back to council.

>> Tovo: Again, I regard this and I think its scope to help us make a decision about what the best path is moving forward for the convention center. I think it's probably of no secret to anyone who has been following this conversation that the dais is quite divided about the discussion about whether to move forward for a convention center expansion, and so. . . Invite right.

>> Tovo: We need some ability to help us discern what the best path is forward and I think additional information is helpful.

>> Mayor Adler: And I agree with that too. For that reason I support it as well. Any further discussion on this item? Those in favor please raise your hand. Those opposed. Unanimous on the dais with Ms. Troxclair gone. It is 5:34. That's going to get us to -- how fast can we do 101?

>> Alter: I could have had it done.

>> Mayor Adler: Do it, let's get 101 done.

>> Alter: So 101, as I understand it, you have two sheets that are on your desks. You have a staff motion sheet for item 101. It looks like this. And then you have an updated councilmember alter motion that has this kind of gray part on there.

[5:35:16 PM]

It has the -- the councilmember alter motion has an additional change for the tdm process just to make sure it's enforceable after the five years. This has been agreed to by the applicant. It has the sound amplification addition that we discussed in work session, and then I would like to add a letter from the applicant as exhibit L. And then the staff motion is the items that was presented by Mr. Rusthoven earlier that I'm fine with. I don't know the origin of, but I'm fine with. That is at the -- is that the full motion I need to make to make this pass on second and third reading?

>> Mayor Adler: Yes.

>> Alter: And then so I have one -- two items of comment if I might and then I'd be happy to make my motion.

>> Mayor Adler: Any objection to councilmember alter making her motion for approval with that understanding? Hearing none, the motion is made. Ms. Pool seconds that motion. You want to make your comment?

>> Alter: Yes. So I want to express my appreciation and thanks to Mr. Butts for pursuing this visionary endeavor. His entire time with the Hollsworth Center for working so diligently with us to craft something that offered them the opportunity to pursue this worthy project while also responding to the concerns from the neighbors. I want to thank the neighbors for working with the applicant and crafting an agreement that ensures a positive relationship in the years ahead. The Hollsworth Educational Center is an exciting opportunity for our city, our state, our schools, our teachers, and our children. So it's very appropriate this.

[Laughter] That's what this -- that's actually what this resolution is about, is our future and our children. And I think we -- this is a real wonderful day for our community and our state, and we're fortunate to have this possibility.

[5:37:18 PM]

>> Mayor Adler: Thank you. Any further discussion on this item? Yes.

>> Flannigan: I just want to congratulate councilmember Alter on all the hard work you've done on this. I know how much effort you put into it and I'm proud to stand with you and support it.

>> Alter: Thank you.

>> Renteria: Mayor.

>> Mayor Adler: Yes.

>> Renteria: I also want to thank Charles HEB Corporation for their commitment for public education. This is a great day in Austin, Texas, and for the state of Texas.

>> Alter: Do I want to point out it is possible to get a P.U.D. in district 10 and not take hours if it's done right.

[Laughter]

>> Mayor Adler: Okay. Any further discussion? Those in favor please raise your hand. Those opposed. Unanimous on the dais with Ms. Troxclair gone.

[Applause]

>> Mayor Adler: It passes. All right, council. We're going to take a break. We have menorah lighting, proclamation, and items we'll address in executive session. I would suggest that we plan on being in executive session room say 6:30. That will give us time I think to be able to get from here to there. We're now going to go into closed session, just not directly. Closed session at 6:30 to take up two items pursuant to sections 551.071 of the government code we'll discuss items related to 17, the concession agreement at the airport. If there are no objections, we will recess this and go into executive session at 6:30 in the executive session room. We stand recessed.

[5:52:08 PM]

[🎵 Music 🎵] .

>> Mayor Adler: This is pretty exciting. You know, I think that we are the only -- there's some feedback somewhere.

[5:54:22 PM]

Are we ready? All right. What I was saying was, we are the only city council in the country that stops every city council meeting in order to have a little live music, which is only appropriate for the live music capitol of the world, which is why we do -- this is such a part of our brand and who we are. We're real lucky tonight to have a native austinite, a unicorn with us. Melat is the eclectic soul of modern r&b. Melat tells a story that is both challenging and inspiring, crafted from her very own life experiences. It is pure and honest reflection of her soul. From love, lust, success, to failure, melat sings of what it means to be a human being simply longing to be. She's also somebody that I have met before because she's participated in some of the stakeholder groups that we have had with musicians in our community. So she is concerned about this place on lots of levels. So for all those reasons we are just really lucky, and I'm excited. Please join me in welcoming meat. To city hall.

[Cheers and applause]

>> Hello, hello. Hey, how are y'all? Doing good? Awesome, awesome. Well, that's what I want my day to be all about. I have the extreme honor of having my own day, and I want everybody to do good and to be good and to eat good, of course. So we're having a dinner tonight to benefit American gateways.

[5:56:27 PM]

But, yeah. Thank you, guys, so much for being here.

[🎵 Music 🎵]

>> Can y'all hear me out there? Y'all can hear me? Should I just go for it?

[🎵 Music 🎵]

>> Y'all hear me okay?

[Music playing]

[5:58:57 PM]

>> People, put your hands together.

[Music playing]

[Cheers and applause]

>> Mayor Adler: That was great! Thank you so much. You know, if there was just any way we didn't have to go back into this council meeting, we'd just listen to you for the next couple hours. It would make for a much nicer evening than the one we're going to have. That was wonderful. Thank you for doing that. So if somebody is in here tonight or watching this on TV and they want to find you, do you have, like, a website?

>> We. Behold m-e-l-a-t, melat.com.

>> Mayor Adler: Okay. And if somebody wanted to get your music, what would be the best way to get your music?

>> However you would enjoy listening to music, Spotify, sound cloud, even if you go down the water blue records, they have some hard copies of my albums.

[6:01:04 PM]

>> Mayor Adler: Oh, cool. And then last, if folks wanted to come hear you, where's your next gig or two?

>> My next gig is not till next year, but it is during the first week of January, and I will be at stubs and empire.

>> Mayor Adler: Cool.

>> So we've got a couple of them coming up.

>> Mayor Adler: Cool. Well, I have a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extends to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music produced by legends, our local favorites, and newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim December 14th of the year 2017 as melat day. Congratulations.

[Cheers and applause]

>> Hey, guys. Thank you. Did you y'all enjoy that?

>> Oh, yeah!

>> Yeah? Well, that song there was called sexy us, and it's a fun little song I wrote about nothing superficial about it. It's about feeling good and walking down the street, and you're like, I don't care what anyone has to say today; I just feel good. And, you know, I'm a -- I grew up a very shy girl, so most

people who know me are like, you're doing what now? And I'm also the daughter of immigrants, and so this is very special to me today. I'm born and raised here in Austin, Texas, and I could have ended up somewhere very different, and I'm here today, and I'm very honored, and thank you all for being here.

[6:03:13 PM]

I will remember every single face in here. No doubt. Thank you.

[Applause]

[No audio.]

[6:06:20 PM]

>> Garza: Good evening. My name is del Ya Garza. I'm the councilmember that represents southeast Austin. I want to stop and remember a good friend who has unexpectedly gone on from us this year, pastor Edward Craig. The first time I met pastor Craig was -- I think it was about four years ago at a community meeting. It was before I was a councilmember, and I just remember how passionate -- it was at a Austin parks foundation has a program where people in the community can adopt a park, and pastor Craig had adopted Franklin park in my district, and before he had adopted it, it was not a park that people went to. Him and his family and volunteers turned it into a beautiful park that was cherished by that neighborhood. I remember he just had an infectious joy. I didn't even know he didn't live in the district until I saw that the remembrance of his life was in pflugerville, and I thought, why is it in pflugerville? And that's when I realized he didn't -- you know, he was in my district so much, he had such passion for improving parks, for a community like mine, we have a lot of working class families who don't have the time to give to volunteer efforts like other parts of our city, and he would come and advocate at city hall. In fact, this is -- the last time he was here, he left his binder where he laid out, you know, this is why you need to support our Austin parks. And my favorite story -- this is at the last Austin parks, and he made these parks beautiful for this is children. So he's really happy about that. One of the last times he came and advocated for parks, we were talking about funding and how difficult funding was to come by, and, you know, as a city councilmember, we often blamed the state, say, you know, you need to go talk to the state.

[6:08:23 PM]

They're taking all our property taxes. And he said, councilmember, if you think I -- you know, getting -- a meeting with governor Abbott will help, I can do that I said, sure, pastor Craig, if you can do that, I'll be happy to go with you. Then he even followed up with an email and said, you know, councilmember, can I -- you know, I'm happy to set up that meeting with governor Abbott. And so unfortunately, that

meeting never happened, but in remembering the special warmth, joy, energy and hard work that was part of him and how lucky we were to have him working on our behalf in district 2, I offer this proclamation to take with us into this season and new year. Be it known that whereas Edward Craig, Jr. Was a leader in his church, his community, and in parks advocacy, whereas reverend Craig's joyous dedication to our health and well-being strengthened his grandchild's cry -- just kidding -- strengthened the park's advocates, he brought friends and supporters special benefit to the park and green space in district 2 and do have springs. Where's we're celebrating his life, friendship, hard work, his caring gifts to all Austin, therefore, I, Delia Garza, on behalf of mayor Steve Adler, do hereby proclaim December 14th, 2017, pastor Edward Craig day.

[Applause]

>> And we're also working on an effort to try to name Franklin park after pastor Craig, so that will be coming soon. I want to offer his family the opportunity to say a few words.

>> Good evening to the mayor, to councilmember Delia Garza. We are just so thrilled that you thought, along with your peers, to take the time and recognize my husband, their friend, their father, with such an honor.

[6:10:27 PM]

It brings cheer to us at this time of year, amidst our sorrow, to have people that appreciate the life he lived. And he truly lived by doing things, just showing mercy and unbelief while following god. So thank you so much.

[Applause]

>> Does anybody else want to say --

>> I'd like to say something.

>> Sure.

>> I thank all the people of city council, the mayor and all the councilmembers for what they're doing, and pastor Craig had a passion. He loved people, he loved his church, he loved his family. When I first met him, it was just an honor, and I'm so thankful to god that I met him because he put strive and joy in my heart to do things and to help the community. We did a lot of things in the community. We worked hard for the community. We walked, we talked, we discussed things, how to make it better. And so I'm going to try to carry on that legacy and help make the park and definitely name it Craig park or Franklin park or whatever it takes to get the park renamed after pastor Craig. Thank you all.

[Applause]

[6:14:13 PM]

>> Tovo: Good evening. I'm Kathie tovo. I serve at mayor pro tem and represent city council district 9 and will be representing mayor Adler and the entire city council. One of my first time library locations, although I like all of them, the Austin history center. The Austin history center is a place, I've been able to spend a lot of time there. We use it not just for research for city council business but I've gone there for years as a community member. It is an amazing resource of local history here in the city of Austin, so you can go there and look at late 19th century promotional books of Austin, old city council records, really anything -- any kind of subject related to Austin, you can probably find a file over there, and old newspapers and books and other things, so it is really a treasure trove and we look forward to presenting the following proclamation. Be it known that whereas the Austin history center, Austin public library, worked over the last year to improve Austin's architectural heritage, creating new finding AIDS for collections, sharing digital copies of photographs, and oral histories online, two exhibits, and hosting a number of public events and whereas the archival award of excellence was created to honor a Texas institution for its projects and ongoing collections and access to archives, develop effective digitalization programs and implement preservation strategies, and whereas the Austin history center has received the Texas historical records advisory board's architectural award of excellence for outstanding efforts to expand awareness of and access to documentation of Texas's architectural heritage that serves as an example to archives throughout the state, therefore, I, Kathie tovo, on behalf of Steve Adler, mayor of the then city of Austin, Texas, do hereby proclaim today, December 14th, 2017, as Austin history center day in Austin, Texas.

[6:16:19 PM]

Congratulations.

[Applause]

>> I'm [indiscernible], Texas state archivist, and coordinator of the Texas historical records advisory board. I want to take the opportunity on behalf of the board to congratulate the Austin history center on this wonderful achievement. They are truly one of our exceptional types of in the state of Texas, under the direction of Mike Miller. They've done some wonderful things that the citizens of Austin can be very, very proud of. I'm pleased to know them as colleagues and people that we work with, and consult with on best practices, and I hope one day soon that I'll hear that they're expanding into the new building as well. They've got a wonderful collection. It's fantastic, and I hope you all can check it out.

>> Congratulations, Mike.

>> Thank you.

>> And staff.

>> And staff. Yes. Mike Miller, I'm the manager of the Austin history center. I just want to thank jillain and board. Thank you, mayor pro tem tovo, for the proclamation. This is an award that we didn't set out to get, we just -- we were -- we had a bunch of projects that were all kinda-sorta related, and we did a

bunch of stuff that was celebrating Austin. Why don't we put it all together and build one project. I wanted to point out a couple of staff, Molly, about half of this award is hers for all of her work. She's our architectural archivist, and grace Mcavoy, the media specialist who digitized a bunch of photographs and created one of the online exhibits that was part of all of our projects. And I invite, if you want to know more about Austin's history, especially architectural history, come by the center at 810 Guadalupe, or you can see a lot of this online at Austin history center.org.

[6:18:23 PM]

Thank you.

[Applause]

>> Tovo: It's always a real honor to recognize some of our Staller city employees here at on you proclamations. And todaytve privilege of presenting the following distinguished service award to Mr. Timothy P. Vogt who serves and has served in the Austin transportation department. For his untiring service and commitment to our citizens during his 31-year tenure as a dedicated employee of the city of Austin, Timothy P. Vogt is deserving of public acclaim and recognition.

[6:20:33 PM]

Tim's unmatched work ethic and dedication to public service have made him a valuable team member of the transportation department's right-of-way management division. This certificate is presented in acknowledgment and appreciation thereof, this 14th day of December, in the year 2017, and it's signed on behalf of the Austin city council by mayor Steve Adler. Congratulations, Mr. Vogt.

[Applause] And I'd like to invite director of transportation Robert spillar to say a few words.

>> You know, Tim, it's not often we get to say thank you for a long-term employee, but you're going to be missed so much that you'll be back shortly, I think, to help us out to transition to some of our new processes. So, Tim, on behalf of the entire department, thank you very much for your leadership, your patience, your personality, and above all, your photographic art work that you've donated to us over the years.

>> Thank you.

>> Thank you.

[Applause]

[6:22:43 PM]

>> Tovo: This next proclamation is going to be presented to Jacquie porter, who is one of our stellar educators here in the city of Austin and has served as early childhood director of the Austin independent school district. You know, there's so much research about the importance of quality early childhood education, and Ms. Porter is someone who is really working to ensure that that's available to every child in our community. On behalf of mayor Adler and our then entire community, it's privilege to present the following. As a educator dedicated to high quality education for all, including Austin's most vulnerable families, and whereas she served with vision and creativity as early childhood director of the Austin independent school district from 2008 to 2017, and now brings her gifts hand talents to her role as director of the early childhood team of the Texas education agency; and where's she also served as a valued member of the early childhood council at the city of Austin from 2008 to 2017, providing an understanding of the community, the needs of children and families, and the public school system, now, therefore, I Kathie tovo, on behalf of Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim December 14th, 2017, as Jacquie porter day in Austin, Texas. Congratulations.

[Cheers and applause]

>> Wow. I am really grateful and humbled by this honor. I don't have a speech, but I think it does take a village to make things happen, and so I know that this honor isn't just mine. I am so blessed. I just thank god for the blessings that I have in my life. I have a wonderful husband, a wonderful family. My husband is my biggest champion. Thank you, baby. I appreciate that.

[6:24:44 PM]

My son is my biggest cheerleader, and I am grateful for that as well. I worked for Austin ISD for 23 years. There are some incredible people in Austin ISD who work hard every day to make sure our children have a firm foundation to begin their schooling. I have now worked for the Texas education agency for two whole months and am just blown away by the amazing people there and the work that's being done there for the children in our state. So I am super grateful to them. But I would be really remiss if I didn't thank this council and the early childhood council in Austin, just because they work incredibly hard to make sure that the children in Austin have a wonderful place to grow up and a wonderful place to live. So we're really grateful for them. I thank you for the teachers and the caregivers and the policy makers and the -- and just the parents in this city who work tirelessly to make sure that our children have the best that they can be. Thank you for this honor.

[Applause]

[6:27:27 PM]

>> Tovo: This next proclamation is going to be presented as in thanks to all of those who were involved in organizing and coordinating and implementing our point in time count here in the city of Austin. This

is an annual event that you'll hear more about here in a minute, but it is part of how this community communicates its needs for -- and within -- within the city and within the county for people who are experiencing homelessness. So it's a very important -- a very important event to coordinate. It involves hundreds of volunteers who go out in the middle of the night, one night in January, to interview their neighbors who are living on the streets, living and sleeping in doorways, to find out a little bit more about them and then to provide that information so that we can receive resources here in the city of Austin to help those individuals. So we have several -- several great folks here who are involved in that work. And so behalf of the mayor and the city council, I'd like to present the following proclamation. Be it known that whereas the point in time count or the pit count is an annual census of individuals who are experiencing homelessness, the data from this census has been used to analyze the rates of homelessness at both the local and the national level, and whereas understanding the data, trends, demographics, and geographic occurrence of homelessness is critical to developing effective strategies and investments that assist our neighbors who are experiencing homelessness, whereas the pit count is a volunteer-driven effort, every year across the nation, thousands of trained volunteers enter into the community to engage individuals experiencing homelessness, and to identify their needs, and whereas this year, the ending community homelessness organization has set an ambitious goal of recruiting 600 volunteers for the 2008 pit count, which in Austin, Travis county, will occur Saturday, January 27th, 2018, from 3:00 A.M. Until 9:00 A.M., now, therefore, the city council of the city of Austin does hereby acknowledge our gratitude to the 2008 pit planning committee members and all of the volunteers associated with this commendable effort.

[6:29:41 PM]

And we encourage others to participate in the upcoming point in time count. And you'll hear a little bit more about how you can do that here in just a minute. And the proclamation is signed by our mayor, Steve Adler, who has joined us. Would you like to say a few words, mayor?

>> Mayor Adler: Thank you, mayor pro tem, and I don't want to get too far in the way of the microphone --

>> [Indiscernible]

>> Mayor Adler: You know, I've had the opportunity to participate in the point in time count, and it was really an impactful and very fun event, if you could say that. It was -- it was interacting with a part of the community that most of us don't. And in that respect, there was a lot to learn, and there was a lot to see that was new, and it gave you a different perspective on something that we all touch, but in a very -- in a very different way. But I was also really taken with the people that I had a chance to meet, the members of the people who were living homeless. First, I was incredibly surprised at how many people recognized me, first, and then I was really taken with how many of the people that I spoke to the things I was doing wrong and what the city needed to be doing that we weren't doing, like any other constituent that I run into at the grocery store. So it was just a very fulfilling experience, on top of, it's just a very important thing for our city to do. Funding is tied to this. Care for people in our community is tied to identifying the members of the community, so it's something that if you're watching this, you should really consider

doing on lots of different levels, and please, again, as I always say, give my thanks, our council thanks, to the folks that you work with and the stakeholder groups and the service organizations because you are doing such incredibly valuable work for our community.

[6:32:07 PM]

So thank you. And now your turn.

>> Yeah. Hi. My name is Katie manganelo, I work with echo. I'm chair of the planning committee and I'm excited and grateful to be able to speak on behalf of that group, most of which are standing behind me, but if you are not. The point in time count, as mayor pro tem alluded to, is one of the ways that we gauge our success of ending homelessness in Austin. It gives us a very important piece of data on the number of people who are sheltered and who are not, who are unsheltered and living in a place that's not meant for human habitation. It is a huge effort to pull off the point in time count every year and it is tied to funding that comes into our community to end homelessness. We are still seeking about 330 volunteers for the point in time count in January, and again, that date is January 27th, 2018. If you are interested in registering or finding out more about the point in time count, you can do that on echo's website, which is AustinEcho.org. And that I think is it.

[Applause]

[6:35:19 PM]

[♪ Music playing ♪]

[City council is in recess.]

[City council is in recess.]

[City council is in recess.]

[City council is in recess.]

[6:57:47 PM]

[City council is in recess]

[7:10:29 PM]

[Recess]

[7:58:43 PM]

[Testing captions]

[8:16:41 PM]

>> Mayor Adler: All right, colleagues. We have a quorum present. Closed session we discussed legal matters related to 17 and 88. I think we have some items we can handle quickly here and let some people go. Item number 46, councilmember alter, you pulled that. It's the contract that provides strategic housing and blueprint. Is that going to take a while to do? That's what we started to talk about a second ago, right?

>> I suspect but I -- yeah.

>> Mm-hmm? Hold off on that one you recollects then. 54, you pulled that one?

>> Houston: 111.

>> Mayor Adler: That's the agreement with aid?

>> Houston: I see folks standing up there you yawning. That won't take long.

>> Mayor Adler: Let's go ahead and handle 54 then.

>> Mayor pro tem, councilmembers. Paul Lewis. Item 54 is a ongoing project that the city has had with aid to provide them some of our P.E.G. Fee money.

>> Mayor Adler: Thank you, beever we go to a full briefing, let's find out from Ms. Houston what her question was.

>> Houston: That's it. What is it for? How long have we been doing it? For how much?

>> Mayor Adler: Sorry to have interrupted.

>> No problem at all. We started providing the funds in the 2012/13 year.

[8:18:43 PM]

We provided them for the last four years. This will be the fifth year of doing it. The total that the city is contributed is a little over \$1.7 million over five years. Versus aisd's budget of about \$1.3 million for a total of right at \$3 million of capital improvement. That's for the new performing arts center as well as

their studio. And this started in 20 -- from the 2011 council resolution instructing the city to help aid in any way possible with their budget shortages.

>> Houston: Thank you. I'm not sure we all knew we were assisting them in this way. Before my colleagues ask, are other independent school districts available? Can they request this kind of support as well?

>> They cannot because these moneys can only go to support the public educational access channels that the city provides. And aid is the only high school or certified high school in the area that is providing a public educational channel.

>> Houston: Thank you. Councilmember Flanagan?

>> Mayor Adler: Mr. Flannigan?

>> Flannigan: Just to be clear, these fees are collected from every Austin resident?

>> No, sir, people with cable service either from spectrum, grande communications.

>> Flannigan: I am an Austin resident. If I have service and live in Williamson county and roundrock I.S.D., I'm paying this fee but it's paying for Travis county and aid.

[8:20:45 PM]

>> Actually, Round Rock has their own public access channel and Round Rock receives the same fees from the cable providers for service in the city of round Rock.

>> What about me? I live in the city in Austin but I'm a Round Rock ISD taxpayer.

>> Yes, I -- right now, they're not receiving any of these funds.

>> Flannigan: Okay, thank you.

>> Mayor Adler: Ms. Pool?

>> Pool: I have a follow up question. Is the public access TV access limited only to the people who pay the fee? Does everybody whether everybody who goes in the range of that channel can watch that TV station, right?

>> It's all cable provided.

>> Pool: Right, so whether you're paying for it or not, you get to watch that TV station?

>> If you have --

>> Pool: If you have the cable bill.

>> If you have cable service, yes.

>> Pool: Okay, thanks.

>> Houston: Thank you, sir, that's all the questions I had. Good night.

>> Mayor Adler: Thank you.

>> Bless your heart.

>> Houston: Is there a motion to approve this number 54? Ms. Houston makes a motion. Second? Seconded. Discussion? In favor, raise your hand. Those opposed. Ms. Troxclair is off of the dais. That's 54, how about 56. The matter pulled by you.

>> Pool: Yes, I pulled it previously because we didn't have the project list and the prior toization. So on Tuesday, the staff did a robust briefing. I still don't know how the projects are going to be prioritized. It still kind of feels like a blank check. So I talked to both director spiller and director Mendoza about two specific branches. And generally if you could address generally how these would be prioritized what the criteria are and if you can focus on the bridge at Barton springs and then the bridge near the Shelton dam.

[8:22:56 PM]

>> Councilmember Richard Mendoza, director of public works. The two bridges we have included in the application for grant funding, Barton springs road bridge and red bud trail bridge have exceeded their expected service life. So basically the criteria for applying for funds for these is we know that they are in need of significant major rehabilitation or replacement. At this time, we do not have completed a bridge conceptual engineering report for either so all alternatives are on the table. This is pretty much a place holder. And also tx-dot encouraged us to apply for these so we at least keep these bridges on a high-awareness level for the community in the event we're not successful here. So we have opportunities to receive additional grant funding at a later time.

>> The elements of the Barton springs bridge that residents brought to my attention are the historic nature of it. It's -- we're probably -- wpa? Am I -- am I -- I'm really tired. What was wpa? Work progress administration, right? It was a Roosevelt '30s era project. We have a couple of bridges in town that exist and have historic significance. I don't know if that bridge has historic designation on it? Will that be a part of your research on it?

>> It will. We have met with the Texas historical commission as well as preservation Austin. And in the event that we are successful, this is federal funds that will automatically trigger the requirement for us to explore the historical significance of any type of work that we do for these structures. We'll remain in communication with them. There'll be ongoing community meetings as these progress.

>> I think the end goal would be, of course, to shore up the bridge and make it safe for decades to come.

[8:24:57 PM]

While also retaining the elements that make it a historic structure and the iconic pieces of it from --

>> You're correct.

>> And is that going to be part of the language that's in the project list that you submit?

>> Yeah, right now, we put that language together pretty rapidly because we moved the deadline up. We're in the process of editing the caption around the scope to ensure we capture all of those elements.

>> And I know that the red bud bridge near the Shelton dam is also pretty controversial. I want to check on Mr. Spiller on what's the best way to cross that bridge today?

>> You're asking about driving fast. I can't say that. It is in bad shape.

>> Okay. You are going to -- I was actually going to ask how you cross the bridge.

>> Carefully. Carefully. There's one thing I do want to say. You asked how we were prioritizing these projects, we're in fact not prioritizing these projects. We've chosen the list of projects based on the criteria that the regional planning organization developed. But we don't think we're going to be successful on all of them. So that's part of the strategy. We'll be happy with whatever gets funded.

>> Pool: If you can report back on what the campo decisions are, that would be helpful. I'm sure you will because the community is interested. The chair of the mobility and the campo.

>> That will be sometime this spring, councilmember.

>> Pool: Thank you so much. We're all ditzy after dinner. So tired.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I'm looking back at the letter we received from preservation Austin. This is one of the two bridges that councilmember pool mentioned. It's the oldest in the city, the Zucker park national historic district and located in a state archaeological landmark.

[8:27:06 PM]

I was reminded by councilmember Morrison this did come up for a discussion in 2014. I think the city had moved forward with issuing an rfp to replace the bridge. It was a grave concern to many in our community. I guess they cancelled the rfp. I share preservation Austin's concern and those of my the colleagues and I need to understand if we approve this item, I want to be clear I'm not endorsing the demolition of that historic bridge.

>> You are correct, council member.

>> Tovo: What is? We do have speakers on this, mayor. But what is the mechanism for ensuring -- that's the question for my colleagues. We pass this we endorse the list with the caveat that we are interested in the projects that we'd be looking to replace but not demolish the existing structures.

>> Councilmember, mayor pro tem, if we're successful, we'll have to come back to you all to accept the funds in moving forward. So this will not be the last opportunity that council has to verify that we're on the right track.

>> That's what reassuring. Glad it's not the last opportunity. But I would want you to check in with us at the first opportunity, rather than having meetings and alternatives and design a different plan and check back into it. I would say on those two pieces I would say at the very start, we have a discussion about what the expectations are for the historic structures.

>> Most definitely, councilmember. Once we complete the bridge, conceptual engineering report, we will most definitely come back and report those findings to the city council.

>> Tovo: And is that sort of a analysis of its current status?

>> It will be a higher degree of forensic study of the structural capacity of the bridge first.

[8:29:11 PM]

Of course, it would be preferable from a timeline standpoint and scope of work standpoint if we could get by with major rehabilitation and replacing of the deck structure per se. Some of the handrails, right now, are not at the current standard as far as those and the guardrails, the addition of goods from Mike and pedestrian access. But the completion of that engineering report will give us those details that will be come back and look forward to city council.

>> Tovo: What you're describing is a survey and analysis of the current state of affairs, not any design work on an alternative?

>> That will be the next stage in the process. So we report back before we go --

>> Tovo: Right after that stage. And preservation Austin offers an example of -- of the historic bridge and the way in which that was handled there, which is, you know, the construction of a new bridge to replace an historic bridge. Not the demolition of a historic bridge. All right, thanks.

>> Mayor Adler: Yes?

>> I wanted to point out for a -- we had a meeting to talk about the bridge on this item with the neighborhoods because that's in district 5 at Barton hills. It includes the intersection of Robert E. Lee and Barton springs road as part of that project. The needed repairs and changes at that intersection right there.

>> That is part of this current study.

>> Okay, all right, thank you. That is very important to the neighborhood. As well as the conversation of preserving the bridge. The bridge is dangerous right now in terms of pedestrian and bicycle traffic along there. So we'll be looking at that while preserving it to historic significance and structure.

[8:31:16 PM]

>> Yes, ma'am.

>> So thank you.

>> Mayor Adler: Okay. A motion to approve this item? I'm sorry? Oh, speakers on item 56? We do. Thank you.

>> As we wait for the speakers, I'll go ahead and make the motion to approve it.

>> Mayor Adler: Come on down. You want to speak on 56? Is Mr. Bunch here? And then Bobby --

>> Bobby -- we're both signed up. We're fine, councilmember pool and tovo I think addressed our issues. Thank you.

>> Mayor Adler: Councilmember pool moves passage of item 56. I don't have you signed up, but go ahead and sign up. That's okay.

>> I'm sorry.

>> Mayor Adler: Come on down. Councilmember pool makes the motion. Is there a second to the motion? Councilmember kitchen seconds, go ahead.

>> Thank you, mayor pro tem, councilmembers, I'm usually good at signing up. I usually tend to sign up for too many items. This is really important to the neighborhood, this bridge -- I don't know how many of you had the opportunity to walk under it. You can walk under both sides of the creek there. You can cross the bridge on both sides. And I do agree that we need to have some safety improvements that really emphasize pedestrian/bicycle activity there in the improvements for those purposes. But not improvements that will widen the lanes or add lanes for vehicular traffic for cars, automobiles, and not improvements that will accelerate speeds that will go through their -- it's through my park. It's the gateway to zilker park. In my opinion, it's a beautiful bridge. And I appreciate the focus on preserving the history and architecture, but making sure it's safe structurally. And I just -- my last I guess a question I had is are there any strings attached to the grant that we get from campo?

[8:33:21 PM]

Are they going to say well, if you're going to accept this grant, then we do have to look at widening the road and increasing it to get connectivity over toe mow pack through that part?

-- I want to make sure there's no other strings attached in accepting this or any other grant that might be used or funding that might be used from the federal government or the state in making the improvements to the bridge. Thank you very much.

>> Kitchen: Could I speak to that for a minute. You know, you have four of us sit on campo. One of the things that we would be looking for is, you know, the parameters around the scope and, of course, it

would come back to the full council. I might just add, we'd be lucky to find funding for this from campo. So as our staff has said to us, it's not a done deal at all. And so we're going to be having a -- you know, a difficult time finding funding for this project in the first place. But I think I certainly have noted all of the concerns that everyone has raised and I share those concerns and I'll be looking for that as my colleagues have said.

>> Thank you.

>> Mayor Adler: There's \$400 million that campo is awarding to Hayes county, Williamson county, Travis county, the city of Austin, new brawn fells, burnet, bastrop, everybody in central Texas and we're asking for a little over \$300 million of the \$400 million. Odds are, we don't get it all. All right. Thank you very much. This item 56. Any discussion? All in favor, raise your hand, those opposed. The item on the dais with Ms. Troxclair gone. Item 68? Is that something we can take care of? Relatively quickly?

>> No. That one we can just take off the -- well, no. No. Because what this was, it was an opportunity for someone to come and speak to us. That's why I left that on.

[8:35:22 PM]

Is Gus Pena here? Is adamcon here? Is bill bunch here? Is frank Ortega here? Okay. Yeah, Lange hang on, you have time donated.

>> I'm lulac7 district director. The league of Latin Americans is the nation's largest and oldest civil rights population that empowers hispanic Americans. District 7 comprises several councils in Austin, Texas. The Austin city council selected six candidate semifinalists for the position of city manager after a year secret service process. None of the six candidates included a Latino candidate despite Austin's Latino population comprising 35% of the total population. That is unacceptable. In may of 2017, lulac district 7 went to the Austin city council requesting the city council address the underpresent -- excuse me -- underrepresentation in Latino employment and the Austin city government. Fortunately, Austin city council continues to fail in appointing Latinos to key leadership positions and city government and other entities it has appointments such as central health board members. The lack of unrepresentation retains Latinos from translating its population presence and growth into politics, civic, and economic participation to successful influence policy outcomes.

[8:37:24 PM]

The two candidates selected do not have any Latino candidates. We think both are fine individuals but they lack the leadership experience we think is important. Austin is now a global city and its leadership is a critical quality that requires strong courage and image native leaders. Austin is a city faced with a great diversity of populations. So it has to develop new ways to integrate and include increasingly varied groups of people. City management needs to move away from their own organization to a community centered approach that places the community at the center of all service provisions. Withe heard no

good visions in the city management forums in the discussion with these candidates. It's largely residents and its people. If the vision for the future is to be successful, realized, then all of the community needs to be included and consulted about their place in that future. Unfortunately, these candidates have limited experience working with diverse population. Mr. Spencer from the city of Indianapolis has 1/3 of the population of Austin. Half of the general funds of Austin, 1/4 the size of the total budget, 65% white, 21% black, 12% Latinos, and really doesn't matter all of the departments since a large number report to the mayor and a strong form of government, Mr. Howard Lazares has limited upper city management experience. He was an interim assistant city manager in 2010, but was not made a permanent assistant city manager. And his current city of Ann Arbor, Michigan is very small at 120,000 population, primarily white, with an Asian population, 15%, black, 8%, and Latinos, 5%.

[8:39:31 PM]

Both gentlemen managed cities with very little diverse population. Lulac7 does not know why the city of Austin would have two finalist candidates who have no substantial top tier management experience, no real experience working with a minority, majority Latino population, and no in depth policy experience in a large city context and the issues that Austin is facing with growth, affordability, and equity. The selection process has been flawed with lack of transparency, lack of inclusiveness, and lack of consideration that Austin is a minority/majority city. We are deeply disappointed in the city council, especially our Latino councilmembers who have not shown any responsiveness of city employment and underrepresentation. We request that the city council redo the selection process to have a fair, balanced, and equitable outcome. The city executive positions are currently underrepresented with Latinos and overall city employment. In 2013, according to the census, the city had 49.7% white, 34% Latino, black, 7.2, and Asians, 6.1%. Since then, the latino-asian --

[buzzer] Have grown with Latinos at 39 and Asians at 8%. Lulac will take all necessary avenues to make sure this discriminatory pattern does not continue especially of the hiring of the city manager for the city of Austin. Lulac will take courses to make sure there's equity in employment for the city of Austin. We would request that the city of council redo the search process in a comprehensive, inclusive, and transparent manner. Thank you.

>> Mayor Adler: All right. We're not going to take any action on that item.

[8:41:32 PM]

Council has set a special session on the issue of the city manager for Tuesday at 2:00. The question is were we going to take public comment on Tuesday? In addition to the public comment opportunity that we just had? What? We posted it for a beginning time at 2:00.

>> The question is generated because the timing is where you're going to meet and who has to be moved around the city hall for other means, the clerk.

>> Am I remembering right? We were going to convene and go into executive session to discuss personnel?

>> Mayor Adler: That's correct. And announce a vote if we're able to make one.

>> And I think --

>> Mayor Adler: I think today we've offered public speaking opportunity on this issue.

>> There's considerable public input on where we're supposed to receive public resources.

>> Mayor Adler: No public testimony on Tuesday. Beyond the public discussion we just had. Okay? So next item, item number 68. Can we -- can we do that -- no, that was 68. We just did 68. So 85? Is that a public hearing with no one here to testify. Let's do 85 and 86. Let the housing people go.

[8:43:35 PM]

I'm sorry.

>> Mayor.

>> Mayor Adler: Yes.

>> Director of neighborhood housing and community development. Number 85 is an item to conduct a public hearing and consider a resolution for an application to be submitted to the Texas department of housing and community affairs by amtex Mckinney fund for the new structure to be known as the Mckinney falls apartments located at 6609 Mckinney falls parkway in the etj of the city of Austin.

>> Mayor Adler: Is there a motion to approve item number 85? Councilmember Garza makes the motion. Mayor pro tem seconds it. Is there anyone here to speak? No one is here to speak and no one is to sign up. Any discussion on 85? Ms. Houston?

>> Houston: Can you tell me how close the closest transit is to this development?

>> Mr. Dimaio has the information for us.

>> The closest bus stop is 1.6 miles. It's the 333.

>> Houston: Is there a grocery store out that way?

>> The closest grocery store is 2.5 miles on 183.

[8:45:38 PM]

And also, you should know this is in backup. It should be available some additional details.

>> Houston: Do you know how much stuff we get.

>> I wanted to make sure it was in backup.

>> Mayor Adler: Let's get going. We have 15 things to do tonight. Mr. Renteria? .

>> Renteria: That is experiencing explosive growth. I know some of the elementary schools in that area are meeting capacity. Can you let us know that this school is going to have any impact -- any impact on it?

>> They're all --

>> A developer is here. He might be able to help us out.

>> The district. They're excited to have us, actually. Just as a note, we actually have incorporated a bus -- a pickup for all of the children -- all of the children will be picked up from elementary, middle school, and high school.

>> Mayor Adler: Is there a motion? We have a motion. We have a seconded. Any discussion? All in favor of 85, please raise your hand. Those opposed. It's unanimous with -- all in favor with the exception of Ms. Houston and troxclaire off of the dais.

[8:47:39 PM]

That passes. Council member alter needs to leave tonight at 11:00. So a couple of items that she wanted taken up before she leaves. So let's move to those items. The items that you have are 17 and 105.

>> Alter: 99.

>> Mayor Adler: And 99.

>> Alter: For 46, staff can go. I've said my piece but I would like a postponement on that if my colleagues do not wish to go forward with a postponement. I'm not saying we don't need staffing, I'm saying permanent staffing will be better. I ask for a postponement if my colleagues don't want to do that, we can go ahead and vote. If other people think it's going to take a lot longer. We can wait. Just trying to let them leave.

>> Mayor Adler: Council member kitchen.

>> Kitchen: Thank you for raising that. I would like to make a movement -- make a motion to approve this item. I -- I -- I think I mentioned earlier that it's been -- this was resolution that I brought forward and we passed for an implementation plan for the -- that was -- we had requested -- we passed it in April, we requested that it be returned to us in October. So we're now in December. If we delay this further, it will be much, much longer and could be close to a year before we can actually come back with the implementation plan.

>> Mayor Adler: Ms. Kitchen moves passage of item number 46? Is there a second on moving forward on item 46? Mr. Flannigan makes that motion.

>> Kitchen: Can I finish? I think it's important to move forward on it. I agree it staff has come to the -- is with the resources of a consultant.

[8:49:48 PM]

>> Mayor Adler: Okay. Any further discussion? Yes, mayor pro tem?

>> Tovo: I support our colleague's request for a postponement. Number one, we often afford that courtesy for someone asks for more time to evaluate. In this case, I share that interest in further evaluating it and I would like to have more discussion about why we are outsourcing that and what the benefits and the -- what the benefits might be of having it more fully integrated into our -- into our plan even if that requires more time. So I don't really feel up to that conversation now. But it could certainly have it if we would like to move forward. If councilmember alter makes the discussion to postpone, I'm going to support that.

>> Mayor Adler: Is staff here? Can you explain why it is that you're recommending us handling this item.

>> Houston: I would like to know if there are any other responders or was this the only one?

>> Erica Lee. There was only one response to this request. Which is both a primary firm and a firm. We are wanting to move forward with the consultant because we are at staff capacity and the firms have the experience with the envision tomorrow tool that was requested to be used as part of the resolution that this would respond to. We don't have that knowledge in house currently. We would have to get training on that. And we do think that it would slow down the creation of an implementation plan fairly drastically.

>> Mayor Adler: Okay, thank you. Ms. Can sar?

[8:51:49 PM]

-- Casar?

>> Casar: Given that, I would support it. It's a long gap between now and February. We don't really have -- I want us to get moving forward on the -- on the implementation. So I'll support it.

>> Going to support it. I think we've held off long enough and it's time to move on. We're going to be moving into the next with the mobility and we need to make sure that we get everything right. Further discussions? Ms. Houston?

>> Houston: I'm probably going to vote against it because I don't know anything about this firm. It doesn't say anything about who the people are. And the other solicitation we had earlier today that Mr. CANALI had a lot of information about who the principles were that may be in there and I haven't gotten

to it because I had a late night last night. So -- but I don't have that kind of information. So I wouldn't be able to vote for it because I don't know who they are or what they've done before.

>> Mayor Adler: Okay. I'm going to support this as well. As staff indicated, they don't have the capacity to be able to do it. This is the best way to do it. If we do it a different way, it will cause significant delay. I'm going to support it as well. Any further discussion before we vote? Take a vote. Those in favor, please -- yes? Yes? Councilmember alter?

>> Alter: Please humor me, I would like to take a vote -- I would like to make a motion to postpone?

>> Mayor Adler: A motion to postpone. A second to postpone? Mayor pro tem seconds that. Any discussion on the postpone? Those in favor of postponing, please raise your hand. The mayor pro tem, Garza, pool, Houston, and alter. Those opposed please raise your hand. It's the balance of the dais with Ms. Troxclair off. That gets us to the main motion. Discussion?

[8:53:51 PM]

Those in favor of this motion, please raise your hand? Garza, Casar, Flannigan, Renteria, kitchen, pool, me. Those opposed -- Houston and alter. And then mayor pro tem abstains, troxclair off of the dais, this passes. Thank you.

>> Alter: 105 will be fast. I think.

>> Mayor Adler: All right.

>> Alter: How many speakers do we have?

>> Mayor Adler: What's 105? Maybe we should check the speaker list. I don't know how many speakers. 105 is the great hills?

>> Alter: There are some speakers. I don't know how many of them are here.

>> Mayor Adler: Four speakers, all speaking one neutral, one in favor. We have four people speaking here on this item. Greg, you want to call it? .

>> Thank you, planning and zoning department. Item 105 is for 20170028. That's for the property at 9828, great hills trail, 10244 research boulevard. It's about a 17-acre tract and they're asking to rezone to general commercial services, mixed use, vertical mixed use building in the district zoning. If zoning is granted, then 200 feet of right of way should be dedicated from the existing line to research boulevard prior to the third reading in this case, we're bringing it forward only for first reading actually today. The planning commission did approve the staff's recommendation on a vote of 8-0. They plan to redevelop this tract of land with some housing and I think it's 111 units.

[8:56:04 PM]

It's not -- at this time, it tended to be affordable and I think the applicant can probably speak to -- excuse me, 302 units, some retail restaurant uses. And I think the applicant can probably go in a little more detail on the particulars of the project.

>> Alter: And --

>> Mayor Adler: Before we spend a lot of time on this project, is there any opposition to this?

>> Alter: I just have a mention on first reading with some --

>> Mayor Adler: Make your motion.

>> Alter: Okay. So I move to approve staff recommendation of this on first reading only with the conditional overlay to prohibit certain eyes uses. The following uses are prohibited, adult-oriented businesses, automotive rental, automotive sales, funeral services, pawnshop services, residential treatment, vehicle storage, limited warehousing and distributing, alternative financial services, automotive repair, automotive washing, guidance services, P deshgs, I cab storage and distribution. Kennels, campground. Used as an accessory used to restaurants and limited to 200 feet of jolliville road. This has been agreed to by the applicant. This is a request of the neighbors. As we move forward any additional readings, there may be some additional traffic-related items that we add in.

>> Mayor Adler: It's been moved

>> Mayor Adler: Okay. It's been moved adoption with conditional use items on first reading. Is there a second to that? Councilmember pool seconds that. We have some people that are signed up to speak on this. Bruce -- I need to know if you have the ability to be able to speak. The first would be the applicant in this case.

[8:58:08 PM]

Is the applicant here? Do you need to speak? Does Bruce nailer need to speak?

>> Yes.

>> Mayor Adler: Do you want to speak?

>> Yes.

>> Mayor Adler: Come on down. Is Amanda sworr here? You're fine not speaking. Is Daniel ehrlick here? Doesn't need to speak. What about Adam Cahn? Not here. What about Brad parson? Not signed up to speaking. Go ahead, sir, Mr. Nailor.

>> Hi. My name's Bruce Nailor. I'm a neighbor in the great hills neighbor. I've never been to city council before. This is all new to me. I'm wondering if I should have brought a sleeping bag maybe. I object to one piece of the proposal, and that is, as it stands today, the destruction of the Arbor cinema. And the Arbor cinema provides a unique functionality for this city. It's one of the -- it's the largest art house that we have. There's the Austin film society that has a small place that's off near the interstate, but the

Arbor cinema has eight screens, and it provides movies that are not your blockbusters, but have sort of a deeper -- you know what they are -- they're deeper, they're more meaningful, they're not so superficial, not to say I don't like the superficial movies, but you want to have a balance. But the -- what you have in that area there that the cinema is in is the center of a town, in essence, a town center. And it creates a community. And the cinema there contributes to that creation of the community.

[9:00:11 PM]

And that's something that is -- as you know, has been declining in American society. And good developers have been trying to figure out ways to do development that foster community. Now, I believe the reason why they were looking at destroying the cinema was because they wanted to build the apartment complex. That's fine. And were uncertain about the cost effectiveness of the cinema business. It's run by cinemark, and it's been run for years, and they're a company that's all across the nation, so I doubt if they run a losing business. But even if they decide they don't want to retain the current building, I would like to see them include the creation of cinema in the new construction. And that could be potentially, economically justifiable because it would create an added value to those apartments. Another amenity that could be attractive, that then could translate into possibly higher prices on the apartments. So there's a way to both provide a special service that's not provided anywhere else in the city and make it economically viable and support a pro growth activity.

[Buzzer sounds] Thank you.

>> Mayor Adler: Okay. Thank you. A motion to approve -- go ahead.

>> Alter: Mr. Nailor, thank you for coming and staying so many hours. Expressing the love for the Arbor cinema is one that we've heard over and over again from the neighbors and from people all over the city. What's before us tonight is a request to change the use to residential.

[9:02:15 PM]

We, as the city council, do not get to decide whether the landowner keeps the Arbor cinema in place or not. I do know, though, that throughout this process, where we've been working closely with the community and the developer, they've heard over and over again how beloved it is, and you can talk to the --

>> Oh, I talked to Tony, and he understands it. Okay? He gets it.

>> Alter: Have you also talked with the representative, Ms. Sworr? I just would invite you to do that. I don't want to take everyone's time up here on the dais. We've been at this for many, many hours, but I do think that there's an understanding to try to keep that, and this development is many, many years off at this point. This is not an imminent situation.

>> I realize that. As you are extremely aware of, the growth in Austin is squelching out some was unique attributes of Austin, and the Arbor center cinema is another one of those unique attributes that would be illuminated by growth.

>> Alter: I share your concern, and thank you for coming down, sir.

>> Mayor Adler: Thank you very much. There's been a motion and a second on this item, number 105. Any further discussion? Any further discussion? Next time. Those in favor of this item, please raise your hand. Those opposed? Flannigan voting no, others voting aye, troxclair off the dais. And the public hearing is closed. Thank you.

>> Houston: You know what? 111, I don't think there's anybody signed up. I've got a quick motion, and we're through.

>> Mayor Adler: Okay. I just don't want councilmember alter to miss the vote on 17.

[9:04:23 PM]

>> Houston: It's not going to take all night. She'll be back in time.

>> This is case c14-2016, request for zoning is from gr to LI. The zoning and platting commission recommended csc0 with a long list of additions. I believe councilmember Houston has a couple uses she'd like to add to the prohibitive list.

>> Houston: I move to amend and approve the zoning and platting commission's recommendation to only include agricultural sales and services, food preparation, plant nursery, and indoor crop production as permitted uses. Everything else is out.

>> So those are uses that were recommended for prohibition from the zoning and planning commission. Councilmember Houston is saying those uses should be permitted.

Permitted. >> Houston: Those, only those.

>> Mayor Adler: We're not saying those are the only permitted uses, this is saying on the recommendation of all the things taking off the list as permitted uses, Ms. Houston wants these to be added back to the list among the other things that would be permitted.

>> That's right.

>> Mayor Adler: We have Ms. Houston's motion. Is there a second to that motion? Ms. Pool seconds that motion. Is there any discussion on this item 111? Is this first reading only, or is this --

>> Yeah, first reading only.

>> Mayor Adler: First reading only. All right. All those in favor of 111, please raise your hand. Those opposed? It passes unanimously. Oh, I'm sorry, 10-1, Mr. Flannigan voting no.

>> Also close the public hearing.

>> Mayor Adler: And we also close the public hearing on that. Okay? Let's go ahead and pull up number 17.

[9:06:34 PM]

Champions. This is a settlement agreement, number 17. We have lots of people that have signed up to speak. We've got a list of about 20 names. I'm going to treat those as the 20 minutes that go for three minutes, that means everyone donating time is donating time at one minute. The speaker has the three. The applicant in this case would be -- who would be the applicant? Does the staff want to lay this out first, or just go straight to the testimony? Do you speak for the property owner on this? Do you want to speak after the staff opens, or do you want to address now while staff's coming?

>> Mayor, members of council, my name is Richard subtle. I'm here on behalf of the applicant. I'd like to get an idea of how you're treating the applicant, who's the applicant and who's -- because it makes a difference on the public hearing and the speaking order.

>> Mayor Adler: Well, right now I'm looking at a list that has about 20 people or so signed up to speak against this, including yourself. They're all speaking against.

>> Okay.

>> Mayor Adler: I was going to -- some of them have been identified by name with people that have donated time. I'll allow for 20 people to speak for three minutes each. The other people speak for one minute. I was going to call the people whose names have been listed, give them three minutes to be able to open. The donated time will then be at one minute each. I was treating this as applicant, as if you were the landowner in this case. I was going to give you five minutes to be able to open, then I was going to give you a chance to be able to close at the end.

[9:08:35 PM]

>> Okay.

>> Mayor Adler: Okay? Is staff here? Are they coming? Not really staff? It's a settlement agreement. Why don't you just come and talk. You open us up. Of. .>>

>> Mayor, members of council, I'm Richard subtle. I'm here on behalf of the owner of the property that's in question tonight. We had anticipated that this would not be a relitigation of the merits of this case. This case was heard. It was decided over the course of over two and a half years, and because a judge had decided that it may or may not have been posted correctly, it was unwound. We had anticipated that tonight we would be here not to -- to debate the merits, but just to correct the alleged flaw that the judge had. But as I understand it, you're going to take testimony from a lot of people, and so I need to take an opportunity just to explain to the council again how we got here. This started out as a zoning case back in may of 2015. It started out as a go, general office zoning case, going go to mu to allow for

housing in an area that has not had as much housing as some of the other areas of our city have had. Through negotiations, that zoning classification was amended to go from gomu to an mf 4.

[9:10:38 PM]

There were also negotiations on doing away with an existing driveway that is along 2222 on the eastern portion. There were also negotiations on leaving -- what you see on the screen today is about two-thirds of the site in a conservation easement. The area outlined in red has been designated as no development. These were all pieces that were part of the negotiation on this case. At some point this case was subject to an earlier settlement agreement that has language in it that says through zoning and other means, you can't go back and decrease the rights that were under that settlement agreement. And we all sat around table and realized that if the city condemned this conservation easement through the zoning case or through anything else, it would require an amendment to the settlement agreement to allow that to occur. My client was okay with that, basically nuking of the development rights on this two-thirds, but only if that was set in stone, he wanted it set in stone that he could also build his project. And the project that you see on there is essentially what the desire was. And so the settlement agreement was amended to allow for the city to have the conservation easement and allow the developer to have the changes to the settlement agreement that allows that zoning case. The history on this, and I don't know if we can put that up on the overhead or not, the history of this case starts in may of 2015 and actually goes way before that because the champion sisters have been litigating with the city for a long time. This zoning case was filed in may of 2015. There were 18 months of meetings, and I mean a lot of meetings. There's photographs of these meetings in councilmember Gallo's office, and there were negotiations with many of the people that you'll hear from tonight.

[9:12:41 PM]

The zoning and the settlement was agreed in November of 2016, some 18 months later. In April of 2017, there was an offer to settle in litigation. He disagreed it was posted correctly. He said I'm going to sue you, but if you repost, then I won't sue you. The decision was made -- not my client's decision, the city decided that they didn't want to repost. We filed for completeness check for the site plan. We filed the site plan, and then the city got sued. Then in November the city lost the lawsuit, December judgment, then the site plan review was stopped after two rounds of comments. Now, remember, this is after engineered, designed, filed, all pursuant to the law in place at the time. The settlement agreement was reposted last week. It was postponed, and now here we are tonight. So where are we after two years and seven months of trying to get 280 apartment units on the west side of town on a 45-acre tract at the intersection of two highways? Where are we? Well, the property was down-zoned to mf 4. There's restricted covenant for affordable housing saying 10% of the units will be reserved for those making 80% mfi. I actually heard the city attorney say there may be issues of enforcement of that. While I don't agree with that, we have reached out to habitat for humanity. They are willing to take on that obligation

to enforce and to monitor. I've got an email from habitat for humanity and if anybody is interested, saying that they'd be willing to, with the terms that they'll do it.

[Buzzer sounds] Let me just wrap real quick. There's also a restrictive covenant for the conservation of the acreage of the 30 point some acreage. There's a settlement agreement. The land was purchased in the interim with investment-backed expectations that the council would do -- would abide by previous actions, and we're just asking tonight that you pass this because without passing it tonight, my client will suffer severe damages and delays.

[9:15:02 PM]

Thank you.

>> Mayor Adler: Thank you.

>> Alter: Mayor?

>> Mayor Adler: Yes.

>> Alter: Before we go to testimony from the neighbors, I need to make a statement to Mr. Suttle. Mr. Suttle, I'm very disappointed by an email that you sent earlier this evening, disparaging the community by using a hoax website, I thank one of my fellow councilmembers for pointing this out. Please be careful, this is not how we operate.

>> That's exactly right. I apologize to the council. That website was sent to me with a note that appeared to be from an Austin neighborhood person saying that they didn't want these kind of people over here. Councilmember Casar responded to me and said that was a hoax website. I responded to you in your email retracting it, apologizing for it, and I apologize to you in open session here for passing along what I didn't know, what appeared to be a factual website because I can tell you that attitude is out there. So...

>> Alter: Mr. Suttle, I think you owe the neighbors an apology.

>> Pardon me?

>> Alter: I think you owe the neighborhood --

>> Boo!

>> Mayor Adler: Hey, hey, hey. Excuse me, please.

>> I do apologize for passing along that website.

>> Mayor Adler: Okay. Let's move on. I think I'm getting an edited list of speakers. Okay. Carol Lee. So do I understand that the list that I just got were all the people that would be speaking against this?

[9:17:05 PM]

Jeanine? Is that my understanding?

>> Yes.

>> Mayor Adler: Is that right?

>> The idea is that nine people that will speak against -- we just need donated time to the first speaker and the last, if that's all right with you.

>> Mayor Adler: That's right. And if the first person is going to speak for eight minutes, that's five minutes of donated time, which is not our Normal procedure because we limit that number, but since they have paired down the list, I'm going to let that happen because it's net less time for speaking. So, without objection, Ms. Lee, you have eight minutes. Jeff Jackson is on deck.

>> Okay. Thank you, mayor, mayor pro tem, and councilmembers. My name is Carol Lee, and I live in one of the civic park road neighborhoods, Glenn lake, and I also serve as president of the lake Austin collective. I'm here to talk to you about item 17. Mr. Suttle just went over a little bit of the case timeline, but I know we have a bit of different council, and all of you have heard thousands of cases since last November. So one little correction, they did submit an application, and it say the idle for a year and expired, so I'm counting the first application to add the mu zoning as December 7th, 2015. The zap hearing was may 17th. At that time it was just a straight-up rezoning, as Mr. Suttle described to the commission, just a straight-up rezoning. And the site plan and variances were returned to the commission. Council had first reading. Zap did realize it was a single use, not a mixed use, and they recommended mf 4 to council. Council approved that unanimously, June 21st, with the direction to staff to come back with a mechanism to preserve that eastern portion of the property. There were several postponements because staff didn't have the rc restrictive covenant ready.

[9:19:09 PM]

Council had second reading, then you can see a flurry at the end where the first amendment became available to the public, and it motivated the surrounding property owners, those within 200 feet, to file a petition, and that was validated at 37%, which just moments before the council's action on November 10th, the boundary was pulled back 205 feet, and invalidated that petition. The million-dollar question for council last November was, is the existing zoning or the current proposal environmentally superior? The existing zoning was go with max 30 square feet. Proposed, with no development at the eastern portion. That fell pretty much to chuck, our environmental officer. And I think the needle was really moved for him by that 30 acres of conservation easement, which sounds pretty good until you consider that there's only two of those acres that could possibly be built on, and it's surrounded by floodplain, steep slopes, and no to very limited access. It would be very near the 360 on ramp so that would really limit what you can do with that eastern portion. The conservation agreement is not a preserve-it for golden cheek warbler as has been presented to council before it allows wooded area to be cut except trees over 8 inches, and the agreement could be modified by the city and developer without any public process. So what were the first amendment gifts to the developer? They claim grandfathered rights to

the 1993 regs, not 1988, as that line looks like, 1993, and it further rolls back those old regulations. It grants, like, two to seven times what the limits allowed by hill country roadway and lake Austin watershed ordinance.

[9:21:17 PM]

And typically our watershed ordinances are more restrictive, but this was only the second watershed ordinance that Austin has ever passed. We've done three more since then. So in this case, hcro provides more strict limitations and even in 1993, the code said whichever is more restrictive applies. So they did not analyze the amount of construction on slope that hcro would be allowed, and you've got a two-page memo from chuck Lesniak that he wrote the night before the final action last November 10th. But he admitted that to council. He said he didn't consider hcro in his analysis, and you'd have to do an analysis actually to come up with that. Well, that's what we were supposed to be getting, an analysis of which would be more environmentally superior. So he admits it's subject to it, but they didn't analyze to that. In may 2016, when Richard Suttle appeared to the zoning and platting, he, as I said, mentioned straight up, this will come back to you, and then August 2017, the site plan was submitted and accepted for administrative approval. Not land use commission. Citizens intervened again, and finally in September, city law thankfully determined that the site plan does require a zap review, so we got that back on track. Some of the negotiated improvements that chuck claims in the second page of his memo, that he got them to agree to replace the upper most apartment building and parking with a small leasing office. On the left there is the conceptual that was presented in the first amendment with the small leasing office. On the right is the site plan they filed with five dwelling units and surface parking going up the steepest part of the hill.

[9:23:22 PM]

Another negotiated improvement that Mr. Lesniak got was a clear span bridge across the tributary along city park road. Fill would be prohibited within this tributary. The pictures on the left is west bull creek going into a little grotto, a little nice, used to be sparkling clear pool of water, and on the right is the current with straw sacks and rocks and downed trees in our creek bed. And they want to do the construction drive onto city park road through the creek. That's just crazy to me. How do you get heavy equipment in to even bulldoze the trees to get the site line? This would be total destruction to the creek that they've already started destroying. It looks like more rock for the construction drive, and they elected to defer the traffic control plan until after the development and review and public input. How about that. So the affordable housing promises that Mr. Suttle threw in at the last minute, 10% at 80%, councilmember Garza made some inquiries about would that be affordable housing for families. And is it just studios. And Mr. Suttle responded, I don't think we're going to have studios. Well, the site plan is for 14% of the units, 41% to be efficiency units. So I'm not seeing real good faith effort in carrying through the site plan what was negotiated with the zoning. Your backup also says there's no fiscal impact. The 96 settlement agreement waived all fees for any project commenced on this tract within six years. July of

this years, politifact ran an article that a 322-unit project would be fees amounting to over a million dollars.

[9:25:25 PM]

I don't consider that no fiscal impact, and by extending the first amended amendment would extend that. You can't say no. The '96 special exceptions ordinance --

[buzzer sounds]

-- Includes this paragraph here that does not -- the approval of those special exceptions does not commit the city to provide any development permit or any intensity of land use. They were supposed to take advantage of them within six years, and instead, we've had 21 years of legal shenanigans. So please say no.

[Applause]

>> Mayor Adler: You have three minutes, then after Jeff Jack, then Linda Bailey will also have three minutes.

>> Mayor, mayor pro tem, councilmembers, I'm Jeff Jack. 21 years ago, I dealt with this case as a member of the Austin neighborhoods council, so it's déjà vu to be back here, dealing with the same basic issues. This is about process and about trust. I think you've seen enough evidence already in the first presentation that there are lots of questions about the process. I have a couple of my own. Having spent six years on the board of adjustment, I'm very concerned that we're not looking at the hill country roadway ordinance proposal with regard to what we're actually doing here. The granting of exceptions to not ordinance to me is a variance, a variance, and the city of Austin should go through the board of adjustment. That hasn't happened. The reason it hasn't happened is because in a board of adjustment variance case, you need to prove hardship. The only hardship here is financial. That doesn't qualify as a variance request to the board of adjustment. Moreover, the point that was made earlier about this being superior environmentally, we have a planning land use commission, zap in this area, and we have an environmental commission.

[9:27:39 PM]

Why didn't this project go with the variances to the environmental commission so they could check what staff has recommended and make a recommendation to you? They're appointed by you for the very purpose of looking at environmental issues in development, and it didn't go through them. Is that the proper way to address a development project? I'd like to be clear. This is not about housing, it's not about who the housing is for, it's not about our city or anything like that, it's about the process this should go through, and part of it is the fact that we're looking at a situation over a long period of time, and I get to the point of the issue of trust. The community made an agreement back in '96 with an

understanding there would be less density on the other two tracks. I'm not familiar with details of the current situation but seems to me that trust is going to be violated significantly tonight if that agreement is not upheld. I appreciate your consideration. Please remember that trust is the most important thing that you can give our community, and if you take it away case by case, it's hard to get it back.

>> Mayor Adler: Thank you. Linda Bailey and then bill Moore.

[Applause] Bill Moore, you'll be at the other podium. Come on down, Ms. Bailey.

>> Okay. Linda Bailey.

>> Mayor Adler: You have three minutes.

>> I've been -- my name is Linda Bailey. I've been involved for two and a half years on the champion tract, watching its progress. I thought it was a local issue. It's not. I went to a community, not a commodity, and I asked them to look at the Toma violation. They looked at it and they said, well, if a Toma violation can happen in the west and happen in the south at pilot knob, it can happen at any community.

[9:29:49 PM]

You see the leaders on the right that said they don't believe that this is a proper way to post things. We have a lot of support community wide, and people are watching what you all are doing here today. And I thank them for their support. So how did we get here today? The bottom line where it says single-family homes is the property line. The green area is general office, the original one. The triangle has the green spot, is 30 acres of mf 4. The green area is 30 acres. Why does this matter? It matters because monte vista petition was disapproved. So in summary, the benefit and the sequence of that is the impervious cover entitlements based on 45 acres, but our neighborhood's valid they moved neighbors lost the vote. We would have won the vote if they hadn't moved the zoning. So now, in the ordinance, it's based on the maximum amount, even though there's only 32 acres zoned mf 4. The other 13 of the 45 acres is zoned go. So who wins and who loses in this process? If you were a neighborhood and you lived by a large tract of land, you'd lose your ability to have a valid petition because the developer can move the zoning line back and get all of the benefits.

[9:31:54 PM]

So if you lived next to a large piece of land, typically a large builder is on there. So large builders win in general on large pieces of property because they can easily move the zoning boundary back. This is not just specific to this tract. It can happen in the north, east, so you or west. The winner is the developer.

[Buzzer sounds] But look at the core. Look at the small areas. They have valid petition rights in their neighborhoods. We don't have them in the neighborhoods we have.

>> Mayor Adler: Thank you.

>> I just want to finish one more. Please stand up, neighbors. Thank you very much. We have 200 names of people up and down. Last year I had a hundred. This time we have 200 people. It's unfair, and we know it. Vote no. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Bill Moore, and then after Mr. Moore is Marisa Lipscher. You have three minutes.

>> Good evening. Thanks for letting us speak. I'm Bill Moore and I serve as the president of the Monte Vista Condominium Community, which is basically the representation of 348 property owners. And these property owners are very interested in the outcome of this meeting today. We're unified in our opposition to the granting of any waivers that are related to the case that's before you tonight. So let me allow you to -- allow me to put Monte Vista into context for you. Our average unit value -- we're a non-pretentious property. Our average unit value is \$185,000, for 348 owners.

[9:33:58 PM]

And our owners reflect a broad and diverse spectrum of demographics of single young families through retired. And 80% of our property, 80% is undeveloped. And it's dedicated, it's reserved for pristine woods and creeks that immediately are adjacent and abut the Champion's property. Our property borders the Champion's tract and comprises well over 30% of the adjacent property boundary. But then you guys already know that because you voided our petition by moving the property boundary the last time this was in front of you. And so we ask ourselves, what is the quid pro quo for this granting or this proposal that the city staff is proposing you approve for this property. And I think that's really what the question is tonight. And the integrity slips away from this community and this council one lot at a time. And it was extremely disappointed -- disappointing to all of us that this -- our petition, our valid petition was voided by the simple movement of a property boundary, as was mentioned earlier. But let me be really clear. I'm apolitical. I'm not someone who typically stands in front of a council. But -- and we're not opposed to development. We believe the property owners have intrinsic right to enjoy the economic value from their property, and no one imposes the enjoyment of the Champion's tract owners of the legitimate development rights that are inherent in their property as limited by the existing regulations and ordinances. And that's a very important point.

[9:35:59 PM]

You know, with all the various neighborhoods surrounding the Champion's tract, we're trying to understand --

[buzzer sounds]

-- What we're trying to understand is why you choose to take an action that might be against reasonable environmental standards and compromise your citizens' safety. In the glaring light of public opinion, we're asking you to vote no, and we appreciate your consideration.

>> Mayor Adler: Thank you, sir.

[Applause]

>> Mayor Adler: Marisa Lipsch are. And on deck is Marion McAllister. You have three minutes. Thank you.

>> Good evening, mayor. Good evening, councilmembers. Can y'all hear me?

>> Mayor Adler: Yes.

>> I'm Marisa Lipscher, from Shepherd Mountain. I've spoken with you a lot of times before. People are talking about data, numbers, and I wanted to put a human face on the people affected by this case. I don't think that we've talked enough about the neighbors who are impacted. And I think that there might be some misconceptions about who we are. So I want to straighten that out. We are a very diverse community, and when I'm saying "We," I'm speaking of Shepherd Mountain and also Monte Vista, our next-door neighbors. We represent empty nesters, retirees, widows, widowers, people taking care of the would-be general, taking care of babies, taking care of people with significant health issues. We are all races, ethnicities, political affiliations. We're a little bit of everything. Sounds like most Austin neighborhoods, doesn't it? So it's not just one thing; it's a lot of things. We don't see eye to eye on everything. I do not agree with my own next-door neighbors on everything. But I will say this.

[9:38:00 PM]

It has become abundantly clear to me that we all agree on one thing. It's our families. The importance of our families. Now, looking at this slide, I bet didn't you think I'd say that. You probably thought I'd say we agree that we hate Tract 3, and that can't be farther from the truth. We do not hate Tract 3. We care about it very much, which is why we're here tonight. We are scared about what could happen to Tract 3, and we are scared about what could happen to us. So neighbors often come to me and say, Marisa, what can I do to help? What can I do to help this situation? And lately, I have found myself saying, "I don't know." Why? I am the president of our new neighborhood association. Why don't I know? Because of this. We followed your rules. We submitted a valid petition. We were told that if we had 20% of the signatures from property parcels around us, that rules would be followed, and we have the rights to get a certain number of votes, or rather that we'd have a chance at a certain number of votes. But look what y'all did. The developer moved the boundary line back 205 feet, and nobody -- some of you were not here when that happened, but some of you looked the other way and approved everything they asked for. I'm a parent, and I have to say it was a little bit like watching a spoiled child and an indulgent parent, or indulgent parents in this case. And we all know what spoiled children grow up to become like.

[Buzzer sounds] So I'm going to conclude by saying don't punish us for living next to a large property. Don't punish us by bypassing commissions and giving developers permission to do damage.

[9:40:04 PM]

>> Mayor Adler: Thank you.

>> Note waivers. Applause plus.

>> Mayor Adler: After Ms. Mcallister, then Linda Solomon will be on deck. You have three minutes.

>> My name is Mary Mcallister. I do not make any money from coming down here today. This, the seventh time in 18 months, to defend the hill country and lake Austin watershed ordinances. Why do we homeowners, taxpayers, and voters, need to spend our savings to hire an attorney to fight for existing laws? Laws protecting environmentally sensitive areas vital to the watershed and a part of the heritage of this city. How come staff recommend waivers for a luxury housing project in contradiction of existing law, that has been litigated repeatedly, based on flimsy promises of a lobbyist with dirty tricks to block valid petitions? A lobbyist for half a billion-dollar luxury housing project. We have seen Mr. Suttle's 11th-hour offers. For tonight only, I have been authorized to offer 10% low-income housing. What is this? Is this a city council or a used car lot? That 10% low-income housing offer is unenforceable and untrackable. There is a 100% low-income housing project, the cardinal points apartments. It's 120 units. It's one, two, and three-bedroom units. It did not require one waiver.

[9:42:06 PM]

And it's 100%, and it's five minutes from this development. Mr. Suttle has offered the red herring of donating as a nature habitat a portion, the unbuildable portion, in perpetuity. And how long is perpetuity? Longer than the protections of the hill country and watershed ordinances, or is that just until developers find another way of making money on that tract 3, and hire Mr. Suttle to come calling again with another tawdry deal? There are balcones preserves nearby. If this is a serious offer for habitat, then let that portion be donated in perpetuity. Granting waivers is tantamount to repeal of the hill country and watershed ordinances. Suttle's 10% low income author is ethereal, not to mention quid pro quo. Real low-income housing did not need waivers. Real habitats do not need waivers. Vote no waivers. But if you still agree --

[buzzer sounds]

-- That staff's deal to trample these ordinances for a pittance of low income offer, get at least a real deal. Demand the set-aside be dedeed. Demand 100% low-income housing. Thank you.

[Applause]

>> Mayor Adler: Next person is Scott crossby.

>> Mayor, mayor pro tem and council members. I'm Linda Solomon, president of the Westminster homeowners' association and I've lived in Austin 17 years.

[9:44:09 PM]

Before I get into my planned remarks I'd like to speak to what Mr. Suttle brought out earlier. My husband and I are one of the 50 families bringing the antidefamation to central Texas. I take this very seriously. It's an organization that is dedicated to the protection and respect for all people, regardless of race, creed, or color. Mr. Suttle, your comments about the good people here tonight were neither accurate, nor were they appreciated. But it's no surprise because it's not the only thing you got wrong. Mr. Suttle said that this issue was settled. Austin residents know the fallible individuals cannot come together to perform infallible institutions. Governmental bodies sometimes make mistakes. This case is one of those. All levels of government correct past mistakes. Imagine if the supreme court were not willing to undo past rulings that were erroneous or harmful. We wouldn't have brown versus the board of education. My sister is the council member in a city in which she lives. I asked her, is this common? Do you never undo something that is done before? Quite to the contrary, it's done all the time. So I looked into it and found that this very body has done this, with ordinances. When there were change and issues identified as campaign finance ordinance, cpc ordinance, and out of state drivers inclusion for chauffeur's permits, all within the last few years alone. Not waivers, not skirting it, but changes. This tract of land is the epitome of what the hill country ordinance and lake Austin watershed ordinance are intended to protect. Incredibly steep slopes, direct impact on our watershed, confirmed endangered species habitat, not to mention the incredibly dangerous curve where the driveway is supposed to be located, which I documented last time I spoke in front of you when we were averaging an accident about every two weeks, at least one rollover per month.

[9:46:19 PM]

How would you like to have your 16-year-old daughter drive down that road every day? Because mine has to. I'm going to quote a very smart man.

The quote: We can't keep planning the city through a practice of variance and exception. That was mayor Adler. April 2015.

Another quote: We need to end planning by exception and variance and we need to stop the use of puds and other devices to get around the rules. Candidate Steve Adler, September 30th, 2013. If you don't like the ordinances, be transparent and change them. But don't make waivers. Don't skirt around them.

[Buzzer sounds] Governments should be consistent.

One last quote: Together we organize neighborhood groups. We engage people on local issues that matter, and we got results that improved lives. It wasn't easy, especially at the beginning. But it's a battle that's worth having. Jimmy Flannigan, November 9th, 2016. You were here because voters wanted your perspective, not to do simply what your predecessors did. We here for you to stand up for

what is right, to stand up for the ordinances, and the residents of this city shouldn't have to be dipping into their own pockets to defend ordinance this body passed.

>> Mayor Adler: Thank you.

>> Thank you.

[Cheers and applause]

>> Mayor Adler: After Mr. Crosby, Bobby Levinsky is next.

>> I'm Scott Crosby, president of the river place homeowners association. I'm here tonight in opposition to the waivers being granted, echoing a lot of what has been said already. Recently a couple of the Travis county commissioners issued an open letter talking about the importance of the bcp, the hill country road ordinance, and the lake Austin watershed ordinance in the development of the hill country area.

[9:48:30 PM]

For those reasons, basically three reasons, I'm going to ask you to vote no. The first one is that the variances that you're granting, the waivers you're granting basically negate the hill country road ordinance in two significant areas, their setback and the building height. Second, it doesn't appear as if you followed your own procedures in having these variances or waivers reviewed by the environmental commission or zoning and planning. Third, I've got to be careful here, it seems as if you've granted some of these waivers in order to get affordable housing. And I'm not against affordable housing; I'm against granting waivers to get affordable housing. You guys are creative. You're smart. You can figure out different ways to get affordable housing without granting waivers. That's it for me. Thank you.

>> Mayor Adler: Thank you.

[Applause] Mr. Levinsky, you have some donated time. You have six minutes.

>> Thank you. Mayor, council, my name's Bouldin creek Levinsky, I'm here with the lake Austin collective. In an ironic twist of fate, CNC and save our springs are also opposed to this, so I can wear three hats. So with regard to this case, I want to take us to a step back, back in 1996. This original dispute was based on a plat exception, which is actually a pretty loose standard as it is for any vested rights claim. There was -- the settlement agreement was meant to be a temporary one-time solution, allowing the construction of a single project to occur. It was intended that they were going to need to submit their -- sorry -- they needed to submit their permit within a six-year window. They did that. That's not under dispute.

[9:50:35 PM]

They submitted a plat for an office project. Since then there has been a change of project. There's been a number of things that you can look at to see how that project has changed over time, but the most obvious example of that is that the current plat upon which this is grandfathered has a note on it that says that you cannot do residential uses on it. They will need to get that either vacated or amended before they can build this project. It's been a change of project. There are no permanent entitlements granted in the settlement agreement. Again, it's a project. I have the relevant language underlined from the ordinance. The exceptions granted herein shall apply to any project commenced on tract 3 within six years, provided, however, that any application filed within six years will be subject to expirations. The point of this is that the city council should be negotiating from a point of strength. It is the applicant that has come to you to request a new project. Current code is superior, and that's the basis upon which we should be basing this decision. If we're going to be granting waivers, which should be based off of the current code. We don't have to start from 1993. And to add insult to injury, in the requested amendment, they're asking for another ten years. This saga has gone on for over 21 years. And they're asking for another ten more. So in 2028, we could have a project that is being built under 1993 code. We're going through a massive rewrite to our land use code. There's a lot of things that we're not even thinking about right now that will be grandfathered in ten years. As of right now, we know that there are no tree protections for this sight, and this site is covered with trees.

[9:52:36 PM]

It is the home of the golden cheek warbler. The nesting season is going to be in March. They're going to be there, you're going to see lots of them all over that site. I have to ask you, why are we doing a waiver? Because there's no review from the environmental commission, there's no review by zap, and this applicant is getting entitlements granted to no other property owners in the city. It's not fair to applicants across the city, what this applicant is getting. They could have gotten a hardship variance by boa, which Mr. Jack has explained, they could have gotten environmental -- they can always proceed under current code. They have that right. They can build an apartment complex under current code. So I know that we're -- you've heard a lot of emotions. It's because the public feels this is a special deal being made to an individual that is well connected. And that's what's happening. It is zoning by exception. So ultimately what the council has to decide tonight, if it won't stand on those legal grounds, you have to ask what is environmentally superior? And that depends on what could have been built. And the staff has not shown that work. We have not seen an analysis of what could have been built, under what standard. That needs to be done. We know that under the prior zoning, there was a 30,000-square-foot tap on the office project. We talked to an architect that indicated that could have been actually 16 to 18,000, based on what would have been required. We know that that eastern side of the tract would have been limited by a small curb cut within the right turn lane, and we also know that there would have been environmental variances and a lot of money needed to build three bridges across the creek and the floodplain in the middle of the site. This is from a 2011 report that their engineer did. There are really only two realistic building areas, which are shown on the slope map in white.

[9:54:38 PM]

The one area on the west side and one area on the east side. Part of the analysis did not take into account, even, the hill country roadway setback. The cut and fill limits, and the excavation limits that are within the hill country roadway. When you were asked that question by staff at your last hearing, they didn't know about the hill country roadway excavation limits. That's a problem, and we need to have the conversation, and it's an academic exercise. We need to see what can be built on this scenario, what can be built on that. Normally, when you cluster, you try to cluster onto a site that is flatter. You usually try to cluster on a site to reduce your cut and fill, and to avoid environmental harm. But what's happening here is, they're moving what could be built into the hillside, allowing 32 feet of cut and fill into that hill. It's the opposite of what we need to be doing. And I think it's because the developer acknowledges what we haven't acknowledged here yet.

[Buzzer sounds] It's because that eastern side of the tract can't really be used. I wanted to say why it's important, it's known nesting ground for the golden cheek warblers. It's more than aesthetics it's the trees I mentioned and the creek which already has problems. We ask you to please, please, please vote no to this amendment to the settlement agreement thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor? Mayor?

>> Mayor Adler: The applicant has a chance to close.

>> Tovo: I have a chance for Mr. Levinsky.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mr. Levinsky. Sorry. Would you mind elaborating on one point you mentioned --

[9:56:39 PM]

>> Sure.

>> Tovo: -- About the conversation that we had a year ago with our staff and the hill country roadway ordinance excavation limits?

>> Sure. So when that conversation was raised, there was a lot of conversation about what sort of excavation could occur on the hillside. And when the question was asked was there a limit currently on what they could build with excavation, the answer was no. But it was actually an eight-foot limit on the excavation of the hill. So if you're talking about what the buildable area is, you have to take into account what they -- how far they could have gone into that hill, under existing entitlements.

>> Tovo: And that -- and you're mentioning that as part of -- as part of the argument that they did not have the entitlements to build as much as was being presupposed by the staff that were saying that it was environmentally superior.

>> Yeah. I think that that conversation that occurred -- I wasn't here at the time, but I watched the testimony. Council asked a lot of questions about what the constraints are with the site, but they weren't quite connected. There was a conversation about the driveway access, but it wasn't connected to the zoning limitations. And the zoning limit tastes limitations weren't connected to the limitations of the roadway ordinance or lake Austin watershed ordinance. That conversation of how everything fits together never occurred.

>> Tovo: Thanks for the clarification.

>> Tovo:thanks for the clarification.

>> Mayor Adler: Okay. Does the applicant want to close? Mr. Suttle?

>> Mayor, members of council, Richard Mr. Suttle on behalf of the applicant.

[9:58:45 PM]

Mr. Levinski raises a good question about backing it into that hill in the early conversations on this site plan under the old settlement agreement, the setbacks from 2222 were relaxed but in those conversations that we had, a lot of people wanted it pushed back off of 2222 so instead of bringing it up to 25 feet within 25 feet, which I believe is what's allowed in the settlement agreement it's pushed back some hundred something feet but that's neither here nor there. In order to get into the merits of all the cut and fill and all you've got to pit Mr. Levinsky and their folks with your staff, chuck west knee yack and the entire staff that reviewed it but, again, tonight I'm not here to debate the merits of the case because to me this is like a free relitigation. Based on a judge's opinion that the council made a mistake. And it's just not fair to hold a person who bought the tract and designed his project under the rules that were in place that the council passed back in November of '16 only to have it undone because of a technical error that a judge didn't agree with the city on. And now my client is being forced to relitigate the entire case after he's given the conservation easement, after he's committed to the affordable housing, and the city has received all of the benefits from the case, both the settlement and the zoning, and now all those are in place and now they're backing up and giving my client nothing of what he anticipated. So I would ask that you pass this second and third tonight and be happy to answer any questions that you might have. Thank you. And I, again, apologize profusely for passing along that link. Thank you.

>> Mayor Adler: Thank you.

>> Pool: Mayor.

>> Mayor Adler: Yes, Ms. Pool.

[10:00:45 PM]

>> Pool: I wanted to respond to something that Mr. Suttle set about relitigating this issue. I personally can tell you that when this came in front of this dais that I was on last year, I was nowhere near as familiar with the intricacies and the, you know, weavings of all of the various ordinances. I was -- I am still learning zoning and overlays but I know more now than I did a year ago. I came out of that vote that we made understanding after the fact that the boundaries had been shifted by 250 feet. It happened while we were sitting on this dais. It happened behind the scenes. And none of us were told that officially. I wanted to bring it up. I wanted to address it directly, but I didn't have enough information to be able to take that on. When Mr. Levinsky talks about how the various conversations were kind of scatter shot and weren't connected he's absolutely correct. I was talking about the roadway or the entrances on that really dangerous curve and I talked about the cut and fill. And I will tell you I was operating from a position of really only barely understanding the complexities, and so it isn't so much a relitigation here. I think this panel understands the rules, the ordinances, and the laws a whole lot better than we did a year ago, and you kind of got a little bit of a buy a year ago because at least my personal assessment is I didn't know enough to be able to stand up as -- as robustly and completely and push back.

[10:02:49 PM]

I did push back, but it wasn't nearly as persuasive as it ought to have been had I known more. And that's just -- that's just how it is, and I -- I don't speak for anybody else on this dais, but that's where I was. I knew what was happening wasn't right, but I couldn't quite tell why. And because I couldn't tell why, I couldn't articulate it. I know a whole lot more now why, what happened a year ago was wrong, and I'm doing my darndest to fix it from my perspective.

[Cheers and applause] It before and I don't mean to be really unloading on you, but this is very frustrating to watch developers come in and move the goal post, move your boundaries after you've filed your site plan and everybody is operating off of this and then in the dark of night, behind closed doors, you go in and you move your boundaries and there isn't anything we can do about it currently, but it changes valid petitions and invalidates them. There is no tool that the neighbors have, there is no weapon that the neighbors have that is stronger than a valid petition, and I stand by their right, as have some other councilmembers before me whose shoes I try to fill when I see a valid petition, means something to me, and I will vote in support of the neighbors if they can get a valid petition. In this case you were able to invalidate it, and that just doesn't strike me as fair play. And so this is really emotional, and not just for the neighbors, but for all of us who look at that gorgeous, wooded hillside, recognize the long-term damage it will do to our environment and to our indigenous wildlife here when it's all taken down.

[10:04:50 PM]

Is and when I see that you're going to put a construction driveway right through the middle of a creek, that's not even ethical. So I'll stop now because I'm pretty riled up about this, but what was done last year was wrong. You got a -- you got an advantage because I certainly wasn't able to voice my -- to articulate my understanding well enough to be able to counter it. I can't speak for anybody else on this dais, but I betcha we know more now than we did a year ago and I hope we can be advocates for the neighbors sufficiently in order to try to make the point that if you're going to do business in Austin, you have to do it without cutting corners, without trying to find shortcuts, and without trying to make deals in the back room where you may be are kind of Buffalo people and getting away with something.

[Cheers and applause]

>> Mayor Adler: It's 10:05, five minutes after 10:00. Does somebody want to make a motion to extend past 10:00? Councilmember alter makes the motion. Is there a second to councilmember alter's motion? Mr. Casar. Any objection to going past 10:00? Hearing none, we're extended. Let's continue on. We're back up to the dais. Does anybody have anymore questions? You can sit down. Thanks.

>> Thank you.

>> Mayor Adler: Back up to the dais. Councilmember alter.

>> Alter: I'll now make the motion that I meant to make with my hand going up, whichsy move to deny -- which is I move to deny.

>> Mayor Adler: Motion to deny approval of the settlement agreement. Is there a second to that motion? Ms. Pool seconds that motion. Discussion. Yes.

[10:06:50 PM]

>> Alter: I would like to speak to that. So my preference tonight is for us to just flat out deny. And if the will of the dais is not there, then I will ask that we move this to the environmental commission. It's very clear and it has been very clear to me for some time, that the process has been flawed and that trust in our institutions from this process is very low. It is frankly hard to keep track of all of the different ways where things have gone off the rails here, and I'm at a loss, having seen the integrity with which my colleagues approach everything every day and which the staff approach things to understand how all of that happened in this particular case. No one whether they can afford it or not, should have to hire a lawyer to protect their rights that are the rights that we have as citizens here in this community. The question before us according to our agenda is to approve an ordinance authorizing execution of a first amendment that has it modifying provisions of various ordinances. And I do not believe that we should approve those waivers. And I think that we are all tired. We have been here for hours and hours and hours, and so the goal is not to -- and that's not the neighbors who are here's fault, and we want to give you every benefit and opportunity for us to beat that and whatnot.

[10:08:57 PM]

-- But the fact is these waivers do not have to be granted. They have their zoning for the residential, and the choice before us is whether or not we want to approve these waivers. So I will let some of my colleagues speak now, but that is my motion. And if the will of the dais is not to deny it, then we can proceed to other motions.

>> Mayor Adler: Further discussion on the dais on the motion to not approve the settlement agreement? Mr. Flannigan.

>> Flannigan: We've only been given a little bit of time to review this, and, councilmember alter, I know that you were paying very close attention to this case even before you were on the council. It wasn't something that I was focused on, and was hoping that a wouldn't have to focus on it until it has returned to this council. What I struggle with is it seems that the -- both the zoning and the item before us were taken up together. That was the whole deal that was trying to be struck, good or bad, and it just seems weird that we would undo a piece of it without undoing all of it. I just struggle with saying that they got their zoning when the only reason the applicant asked for the zoning was that it was happening with this other piece. That's where I'm struggling with it. If the council is not willing to grant the waivers, then I don't think we should have granted the zoning. And might need to return back to the original condition before that case began.

[10:10:59 PM]

But, you know, I'm in my first year, so maybe I don't know what I'm doing either. And I think if that's how we're going to operate, then I look forward two years from now to come back to this council and asking you all to undo things that I've changed my mind on, but I don't think that's how we operate as a body. And I feel like I need to defend my colleagues who did seem to know what they were doing when they took their votes. I don't want to get two years from now and find some new councilmember trying to undo the decisions that we've all deliberated in this last year. I haven't a clue where the rest of the dais is on this issue. I don't get the sense that I'm the swing vote either, but this entire situation just stinks to high heaven. And it -- I don't think anybody on either side of this case is happy to be here today, continuing to deliberate it. I'm certainly not happy that I have to deliberate it. Certainly not 10:00 at night on the last council meeting of the year. So I'm choosing to go not support the deny. I would rather close the case on this the way it was closed before. But if the council choosing to a different direction, then I would seek to restore the entire original agreement.

>> Alter: Mayor, if I could speak to a piece of that?

>> Mayor Adler: Go ahead.

>> Alter: So I appreciate your consideration, councilmember Flannigan. Here's why this case is different. A court of law said that the settlement agreement was not posted correctly. Had everyone out there

and everyone out in the community known those things were going to happen, you might have had a whole lot of people here and the council might have made different decisions.

[10:13:00 PM]

And so now it has come back to us --

[applause] We know those variances are there, we know more about it and we have an opportunity for the community to come and share with us their views on those variances that they didn't know were going to happen, that were not reviewed by zap, that were not reviewed by the environmental commission. So this is not simply a case of us changing our mind. A court of law found the city -- and whether you agree with that or not, that's a fact -- that we were in violation of the posting requirements, which means that people who wanted to come, who would have wanted to come were not aware of it and were not given that opportunity which is afforded them under Texas law. And those people are afforded that not just so they can speak but so that we can listen. And I was not on council at that time, but now is their opportunity that the court has said that they need to have -- or our legal has interpreted as the next step, and it is our responsibility as elected officials to listen to them and take the merits on the decision that couldn't be made last time because they didn't know that there was a decision that they had to weigh in on and that they had to inform us of.

>> Renteria: Mayor?

>> Mayor Adler: Chuck, can you come up? Can you speak to environmental nitro I want -- environmental superiority. I want to know whether or not you think this settlement agreement is good environmentally. I want to know what you think know. I want to know what you think a year ago. And I want to know if that's changed.

>> Thank you, mayor, chuck Wozniak, city environmental officer. We've been looking at this for the last week or so and done some additional analysis, and, you know, in looking back at where we were where I was a year ago, where we were as staff a year ago, I've talked to other staff involved, Greg Guernsey, planning and zoning, my recommendation stands.

[10:15:22 PM]

I think this is still environmentally a significantly better deal than whacked have been done under the entitlements of the anyway 96 agreement. I think we've got honest disagreements amongst the community and I respect the folks that disagree with me on this. But I think that it's staff's opinion wasn't limited to 30,000 square feet of development. That's the key. If it's limited -- and I said this a year ago. If it's limited to 30,000 square feet, my opinion is very different and we'd be presenting a very different proposal or agreement or we wouldn't be -- wouldn't have agreed to something like this. I mean, that's really what this turns on for me. It sets aside 30 of 45 acres, reduces impervious cover by five and a half acres. They could fill in that tributary, at least part of it, along city park road, which is part

of their original proposal to be able to cross it and put in culverts there. They agreed to clear span that tributary. I don't disagree that it is a very significant amount of disturbance in that area along city park road. We're clustering development in that location, it's the way they could give up five and a half acres of impervious cover and set aside the other 30 acres. We got what I consider

[indiscernible] Far beyond what our current code requires, and I think that on balance I think this is strictly from an environmental standpoint, I realize other concerns and we've got staff that have reviewed the other concerns. I think this is an environmentally beneficial agreement.

[10:17:25 PM]

And so my recommendation still stands.

>> Mayor Adler: Okay. Thank you. Mr. Renteria.

>> Renteria: That's why I'm going to support the -- I'm going to support this. Because, I mean, just to insinuate that I didn't know what I was doing and what was superior on that, and then also if we deny this now we're going to end up in court again. It doesn't matter -- you know, we discussed that -- the way it was written and we did it for a reason. You know? Because we pass a lot of zoning cases and ordinances, and we need to have the ability -- you know, if we get too specific on it it would restrain us a lot. So I just -- I'm going to support this -- the agreement. Not the one that -- I don't know if there's one on the floor, but what's written on this item 17, I'm going to support it.

>> Mayor Adler: Further discussion from the dais? Mr. Casar.

>> Casar: I think councilmember Houston raised her hands several times.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you. I don't remember what happened yesterday.

[Laughter] And I sure don't remember what happened a year ago, but I think I voted no then and I'll be voting no tonight.

[Applause]

>> Mayor Adler: Mr. Casar.

>> Casar: And for me it's dealing with the same set of facts so I think we're just revoting this thing. I recognize and respect that lots of folks that came and testified believed that there are real limitations on development that existed before our vote, but, you know, our professional staff and me looking through the paperwork, it seems like it would significantly reduce the impact on the hill country and the hill country roadway on that hill.

[10:19:34 PM]

This seems to me it was not -- neither option is that this is the environmentally right move. It's the right move on impervious cover and the right move on housing, and so I'll just take the same vote that I did last time, which I think would be to deny -- vote no on this motion and vote yes on a motion to move forward. I also just want to thank our environmental staff for presenting the fact the best they can to us. It's going out on a limb but it's important that people with expertise -- and I just appreciate that level of guidance in sometimes what are heated debates.

>> Mayor Adler: Mayor pro tem.

>> Tovo: So I was -- have really -- sorry. I hear something outside that sounds loud. You know, this has been a very difficult case. It was a difficult case last year. It's a difficult case now. I was very torn in my decision last year and frankly remain so. It really hinged for me on whether or not I believed it was environmentally superior. And I uneasily voted yes last time. I will -- I continue -- I have gotten additional information during this process and would like the opportunity to have our environmental commission weigh in. I cannot support -- at this point I remain torn. I'm not going to support at this point the motion that's on the floor to deny, but I will support the next motion to send it to the environmental commission for further analysis. And then I'll await that information about where they weigh in on whether it's environmentally superior to approve the settlement.

[10:21:41 PM]

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

>> Alter: So I think that when we talk about environmental superiority, it matters what we're comparing that to. So there's an assumption baked in here that this settlement agreement is what we should be using as our basis. And as we've heard tonight there's a question of whether the settlement agreement is even in force, and I think there are some real serious questions about that. And I am very much aware that my colleagues did not know that information until this evening. If we are comparing environmental superiority to the settlement agreement, that is one thing. If we are comparing it to current zoning, it's another. And we do not have that comparison -- and there's a lot of pieces here that I don't think that we know. It appears I do not have support for denial, so I don't know if I can make a substitute --

>> Kitchen: I was just going to say that I voted before against this, and I will vote with you again on denial.

[Applause]

>> Mayor Adler: Do you want to pull down your motion, make a different motion?

>> Alter: Does somebody else want to make a motion? Kathie?

>> Mayor Adler: Do you want to pull down your motion, let mayor pro tem make a motion?

>> Alter: Yeah, I'll pull down my motion and mayor pro tem can make a motion.

>> Mayor Adler: Okay. Any objection to that? Is there any objection to her pulling down her motion? Okay. Mayor pro tem, do you want to make a motion?

>> Tovo: Sure. I would move that we pass this on second reading with -- but send it to the environmental commission for further analysis. But also I would like our staff to look into the questions that we discussed during our executive session and the ones that councilmember alter just raised.

[10:23:53 PM]

With regard to -- in the way you raised, I want not to say anymore.

>> Alter: With respect to environmental superiorities.

>> Tovo: Yes, but with the question too whether the project has changed.

>> Mayor Adler: There's been a motion to approve on second reading only and send to environmental commission. So a second to that motion? Councilmember troxclair seconds that motion. Discussion? Ms. Garza.

>> Garza: I'm sorry. I didn't second that.

>> Mayor Adler: I'm sorry?

>> Garza: Did you --

>> Garza: Ms. Alter second.

>> Troxclair: I think you said seconded -- you meant to say councilmember alter.

>> Mayor Adler: I'm sorry. We're almost into our third day of council meeting. I apologize for that. Yes, seconded by councilmember alter. Thank you. Ms. Garza.

>> Garza: I was just curious when the environmental commission meets because I don't see a final vote changing on this, and I heard several people say they have had to be here several times. So my assumption would be they're going to come back for the environmental commission meeting and then come back for another meeting. I'm just trying to avoid they're having to participate in another meeting when I don't think the final decision would be the same. So does the environmental commission meet before our next council meeting? I guess regardless they'd be coming down twice in that instance.

>> Yes, the environmental commission meets the first and third Wednesday of January. I think today is the fourth of January. I haven't looked at the draft agenda. I think it's fairly full, but we may be able to jigger it so they can hear this that night. Although they may -- I'll have to talk to the chair because this is a weighty subject.

[10:25:55 PM]

They may not take it on the second meeting so they've got a little bit of time to look into it ahead of time. But I'll have -- I can have that discussion with the chair. So they have two meetings before your next meeting.

>> Garza: Okay. And I'm happy to support that, but, again, I don't think that changes the -- what would happen when it comes back to council.

>> Mayor Adler: Mr. Casar.

>> Casar: Could I ask a clarification to the makers of the motion? So would this be for our February 1 council meeting? Could we set a date certain for February 1?

>> Alter: If the environmental commission can review it before then. My concern is if we're going to be asked to make a decision about whether we want to make waivers, we ought to understand that decision better. And we did not in this case have the benefit of review of the environmental commission.

>> Mayor Adler: What does the environmental board meet next? First week in January? Mr. Casar.

>> Casar: I'd like to amend the motion then just to set it on February 1 because part of the -- our risk is the amount of time being delayed could pose a financial risk to the city.

>> Alter: I'd just --

>> Mayor Adler: Councilmember alter.

>> Alter: I'm fine with February 1. The fact is it will be at the earliest February 1 because I don't think you votes to get through second and third reading. So --

>> Casar: So it will be posted on the first? So I don't have to make a motion.

>> Alter: If you want it to be posted on the first, notify problem, if you have to specify that.

>> Casar: Okay.

>> Alter: My concern is if we're going to making this decision that we have the information before us so that we can provide these people with a decision that's based on the facts and the information as they deserve to have made.

[10:28:04 PM]

>> Mayor Adler: Let's do this. Let's approve it on first reading only -- I mean, second reading only. Let's have it come back to us on the first so that the environmental commission can meet. And if they want to meet more than once, they can do that. Let's have the staff continue to be working with the property owner on this matter. But, obviously, we have to come back to see whether or not there will be an approval on third and final reading.

>> Alter: Can't hear you.

>> Mayor Adler: Is that okay with everybody?

>> Alter: We couldn't hear the last part.

>> Mayor Adler: Sorry. Approving it on second reading only, closing the public hearing, coming back to us February 1. That gives the environmental commission time to review it. And that the staff can continue to process the matter, subject to and -- whether or not there's a final approval by the council on the -- in February.

>> Alter: Mayor pro tem, I feel like you had some other parts of your motion that were missed by that.

>> Mayor Adler: Did I leave something out?

>> Alter: That summary, but it's pretty late. And I don't want -- I want to make sure we're not missing --

>> Mayor Adler: I didn't mean to leave anything out.

>> Alter: I'm not sure that the staff has to deal with the property owner. They have to address the legal questions that have been raised.

>> Mayor Adler: They do. But I want them to continue processing --

>> Tovo: I thought that was in addition to -- you were adding that.

>> Mayor Adler: I was asking if that -- because I think that ties together all of the pieces and that maintains the status quo. That doesn't prejudice anybody in this except for the delay that the property owner said that they didn't want but I think it's reasonable at this point to have this delay so it can get to the environmental commission.

>> Tovo: If there's a missing bullet point, and I'm not sure that there was because I couldn't completely hear you down there.

[10:30:07 PM]

>> Mayor Adler: I'm sorry.

>> Tovo: The missing bullet point would be some more -- some additional information about the legal analysis of whether or not this was a project change that would change the basis of the settlement.

>> Mayor Adler: Did I leave that out?

>> Tovo: And I liked your additional one of working with the applicant.

>> Mayor Adler: And I would say not only on -- I would ask legal to come back to -- to us on all the legal issues that have been presented as well as the environmental board to deal with all environmental issues. Is that okay with everybody? Anybody have any objection to that? Let's vote on the mayor pro tem's motion as augmented. It's to approve on second reading only. It's to close the public hearing. It's to come back to us on February 1. It is to have the environmental commission look at it in the

meantime. It's to have legal come back to us with the legal issues that have been addressed. And it asks staff to continue working with the applicant. Councilmember alter.

>> Alter: Just because it's late and I normally would not ordinarily do this, and I know -- but I'm trying to make sure that we're providing the neighbors with all the answers and we have all been at this for a very long time, Mr. Levinsky, are there any other elements there that a need to make sure that we have? And I'm only doing this because I'm trying to keep --

>> Mayor Adler: That's okay.

>> Alter: -- Everything in my head after so many hours.

>> Mayor Adler: Let get it right.

>> The only thing I'd really appreciate is the opportunity to sit with city staff and discuss environmental superiority and if legal needs to be involved, that's perfectly fine. We really need to be able to have a conversation with city staff. I know that there's other concerns, but we need to have the same access that the other side has.

>> Mayor Adler: I would support that as well.

>> Alter: Okay. If we could add that, that would be very much appreciated.

>> I understand that and we're always happy to meet with everybody involved, both sides.

[10:32:11 PM]

>> Mayor Adler: Okay. Thank you.

>> Alter: Can I just -- I just want to thank my colleagues for moving forward in this way. I want to thank the neighbors. I'm sorry that you've had to come so many times. At the very least, this way you'll have a hearing. Since these neighbors are also here for 99, I don't know if we could address that one.

>> Mayor Adler: Do what?

>> Alter: Item 99.

>> Mayor Adler: Let's take a vote on this one first. Those in favor of the motion from the mayor pro tem with the additions please raise your hand. Those opposed. It's unanimous on the dais. Thank you. Now, the same folks are here you say on 99? We still have ten things that are left.

>> Mr. Mayor? Are we moving on to our next?

>> Mayor Adler: I'd like to do item 5 before councilmember alter has to leave.

>> Mayor Adler: Okay. Councilmember alter?

>> Alter: I just -- the same people have to be here for 99. I don't know if their --

>> Kitchen: Sorry.

>> Alter: I think the people who -- I'm guessing that the people who want to speak on 99, the resolution to make recommendations -- I think it's 99.

>> Mayor Adler: Will you stay with us for five we did this one after this one?

>> Alter: I just don't know how long five is going to take. I will stay for five. I will stay for five. I will have to check in with my kids, but I will stay to vote on five after 99. But I just would like these people -- since I don't know if there are objections to 99.

>> Mayor Adler: No. That's okay. I'll see if I can work to help keep five short for you too. Let's look at 99.

[10:34:18 PM]

>> I can address it if you like.

>> Mayor Adler: Go ahead, please.

>> So this is the item that asks us to take a look at other places, look at best practices for posting items, and we're absolutely happy to do that. Always looking at best practices, want to make sure we follow [indiscernible] On every single occasion and happy to work with you on that.

>> Mayor Adler: Great. Councilmember alter moves passage of item 99. Is there a second to this? Ms. Houston seconds that. I'm not sure there's any opposition to this. Everyone has noticed yes on this.

>> Renteria: I just want to know what -- are they going to be just the state of Texas best practice or --

>> Just our state. Our state has the meetings meetings -- meetings act and we'll look at that.

>> Mayor Adler: I think it's good for us to look at the posting rules generally, you know, as part of this just to get the standard just because it's come up. There are people that have -- of that signed up to testify on this. Do you need to speak tonight? We have bill bunch and David king. Not here. Mr. King is okay. Mr. Levinsky, do you need to speak on this?

>> One thing. I just want to thank councilmember alter for this item. It shows she's really listening. She's been really great on all the issues we've been dealing with and I want to make sure the people in her district know she is a fantastic perspective. So thank you.

[Cheers and applause]

>> Mayor Adler: That of course was not the reason you wanted to call this one up.

[Laughter] This item has been moved and seconded. All those in favor please raise your hand. Those opposed. It's unanimous on the dais. That one is done.

>> Mayor Adler: 102 blackfoot? Everybody wants to do it before you leave. Let's do 102 real fast.

[10:36:18 PM]

[Overlapping speakers] We're going to get to five.

>> Kitchen: Do five next.

>> Mayor Adler: We'll get there. 102.

>> Tovo: I have a request too. Councilmember alter is a sponsor on two resolutions that I brought forward. I think they're 66 and 67 so as you're considering which items go next --

>> Kitchen: She's also --

>> Mayor Adler: Let's move --

>> Kitchen: She's also a sponsor on mine, number 98.

>> Alter: Popular.

>> Mayor Adler: Councilmember alter is the only one that really does any work around here.

[Laughter] Let's hit 102. We don't have any speakers on that one. Blackfoot trail.

>> Flannigan: Yes. Okay, mayor, if I might. Am I recognized?

>> Mayor Adler: Yes.

>> Flannigan: Let me make my motion. On item 102 I move to approve the ordinance prepared by staff in backup and rezones the entire property to gr-mu do so on third reading with the following conditions added to the ordinance as follows, part two, the property within the boundaries of the conditional overlay combining district established by the ordinance is subject to the following conditions, following uses are prohibited usings for this property, restaurant general and, B, liquor sales as an accessory use to commercial uses is prohibited. This takes care of all of the concerns I've heard at previous readings about alcohol sales on the property, the restaurant general was the one loophole remaining that does not require a waiver by council in order to allow liquor sales and then the liquor sales as an accessory use addresses food sales component so this affirmatively addresses all of the liquor sales concerns that I've heard. In addition I move to approve the new restrictive covenant prepared by staff in backup to prohibit vehicular traffic associated with non-residential use on property to blackfoot trail. That is my motion. It is a companion to 110 which terminates the existing restrictive covenant.

[10:38:19 PM]

>> Mayor Adler: Is there a second to this motion? Ms. Houston seconds this motion. Mr. Flannigan, do you want to address it?

>> Flannigan: Briefly, my opposition to conditional overlays are well known but in this case it's helped daylight a loophole in our liquor sales regulations. I would hope that we could seek a better option for how we can ensure that we are not having inappropriate liquor sales next to different uses and not have

these weird loopholes because that loophole does exist in our current land use code, something I'll hope we can address in the next land use code, but that's why I am willing to move forward on this conditional overlay and approve this on third reading tonight.

>> Mayor Adler: Third reading has been moved and seconded. There is no one signed up to speak on this so we're on the dais. Any discussion on the dais?

>> Houston: So, mayor, I just want councilmember Flannigan to know that I'm going to vote for this conditional overlay. When I -- well, I thought about voting against it.

[Laughter]

>> Mayor Adler: Any further discussion on the dais? Councilmember pool.

>> Pool: I passed around a motion sheet multiply my -- my concern is changing the zoning across the tract to gr. And my motion moves to approve the staff recommendation of Ir-mu with the additional overlay to prohibit alcohol sales.

>> Mayor Adler: You would be moving to amend his -- to take his motion but amend gr-mu and make that Ir-mu.

>> Pool: Which is the staff recommendation?

>> Mayor Adler: Is there a second to that? Mayor pro tem seconds that. Ms. Pool, do you want to address it?

>> Pool: The -- sure. Although -- and staff could possibly talk to it, but the Ir-mu and the prohibition of alcohol sales, the valid petition allows a gr-mu or Ir-mu but the Ir-mu is a better fit, and this is what staff recommended.

[10:40:37 PM]

Zap also -- the gr-mu is across the entire tract, which goes too far because there needs to be a buffer between sf-2 neighborhood and the -- the gr zoning and I apologize I'm really tired. The Ir-mu is recommended by staff and we're adding with -- councilmember Flannigan is also agreeing to adding the alcohol co and it making better sense in terms of the height, 40 feet versus 60 feet, and the uses. And the staff may like to speak to the rationale that they brought to their determination that this should be Ir-mu.

>> Mayor Adler: Staff, do you want to explain that?

>> Briefly, staff thought this would be more consistent with the adjacent zoning. We also thought that it's a bit more consistent with the progression of the zoning that you see coming off the roadway and that it does allow for reasonable use of the property as it relates to the uses coming into the site.

>> Flannigan: Mayor.

>> Pool: And I also wanted to thank councilmember Flannigan for working on the alcohol prohibition. That is also real important to the neighbors.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I want to remind my colleagues we already debated the difference between gr and lr at first and second -- mostly at first reading. And I will remind that the rationale around gr is that the building restrictions, the setbacks, all of those other restrictions are effectively the same because of compatibility requirements. So my recollection is there's practically no area which you could build 60 feet because of the adjacent properties, the setbacks are the same. I believe the impervious cover was even the same because of the suburban watershed that covers this area. It only adds a couple of uses that the applicant has specifically asked for and we approved that, I believe, eight votes on first reading to do gr-mu across the whole tract and with adding the co I think we're ready to move forward.

[10:42:42 PM]

So if we're going to take the vote on that, then I think it's [indiscernible]

>> Mayor Adler: The amendment before us is the amendment to go from gr to lr. Gr-mu to lr-mu. Mayor pro tem.

>> Tovo: Procedurally, I'm not sure how to address this. I'm going to -- I seconded the motion. I'm going to support the staff recommendation. I believe we probably need staff to weigh in as to whether or not there's still a valid petition against the to talk -- I had asked the staff to research whether or not we typically or have ever put vehicular traffic access into a restrictive covenant that is typically, as I mentioned last time, an issue that's in a conditional overlay. And I did receive a report back from the staff that I'll just summarize saying we've reviewed zoning cases for 2016 and 2017 and find no example of access restrictions in a restrictive covenant likely because city code specifically provides that an access restriction is inappropriate -- is an appropriate conditional overlay in a zoning ordinance. So I understand that my colleague does not favor conditional overlays. I appreciate that you've proposed them for alcohol use -- you know, for the restaurant and the liquor sales. But I really believe that we need consistency here. We are always talking about -- we always hear from the public about one inconsistency, wanting similar memories any code and to suddenly have a vehicular access contained in a restrictive covenant rather than in the zoning overlay that attaches itself to this site, whatever we decide here tonight, just doesn't seem appropriate. So I didn't -- I seconded the motion but did not make it. I guess we'll leave it as the zoning for now and then I'll -- that's what we'll do. Then I'll make it as a second item. But if I could ask the staff if we have a -- is there still a valid petition on this case?

[10:44:48 PM]

>> Mayor pro tem and council, the petition that I have actually spoke to any other clarification other than Ir-mu-co or gr-mu-co with a conditional overlay prohibiting liquor sales. I believe both motions by councilmember pool and councilmember Flannigan are duplicative so I think that's been satisfied.

>> Tovo: Okay. Thank you.

>> Mayor Adler: The amendment right -- before us right now is going from gr-mu to Ir-mu. It's been moved and seconded, this amendment. We ready to take a vote? I have some quizzical looks. Just on the amendment that's been offered going from gr-mu to Ir-mu.

>> Houston: So is that --

>> Mayor Adler: Interior.

>> Pool: It's the amended motion.

>> Mayor Adler: Ms. Pool's amendment that Mr. Flannigan opposes. Let take a vote. Those in favor of the amendment please raise your hand. It's the mayor pro tem, pool, and alter. Those opposed? It's the other hands on the dais. The amendment does not pass. We're back to the main motion. Mayor pro tem, did you want to raise a motion with respect to --

>> Tovo: I do.

>> Mayor Adler: Access.

>> Tovo: I would like to move the provision that councilmember Flannigan has had, prohibiting vehicular traffic associated with non-residential use on the property to blackfoot trail. I would like to include that in the conditional overlay versus a restrictive covenant and I'd like to, again, just call on staff to verify what a read from Alicia regarding how we usually handle vehicular access.

>> Mayor Adler: Let's see if we have a second to that amendment. Mayor pro tem is moving to amend this to have the prohibition concerning vehicular traffic not made part of the restrictive covenant but rather just made as part of the conditional overlay on the property.

[10:46:55 PM]

Is there a second to that amendment? Councilmember pool seconds that. Is there any discussion on the dais? You wanted staff to come up to you corroborate the history.

>> Mayor pro tem, that's my understanding. Ms. May berry is also here, but I think research that the law department conducted in the last two years could not find a conditional -- how do you say it -- a restrictive covenant that spoke to prohibiting access. Just I'm aware that we have done them historically, but I know the research that law department has conducted the last two years has found none and it could be done through a co if council so desired.

>> Tovo: Is there a benefit to doing it through a restrictive covenant versus putting it into the conditional overlay, which already has conditions?

>> Alicia, Mayberry, assistant city attorney. Is there a benefit to using a restrictive covenant versus the conditional overlay? No. There really isn't much of a benefit. I guess I'm not exactly sure what your question is getting at. I can say that for an ordinance that is the strongest action that the council can take. It is enacted legislation and it is the place where staff and the public looks for conditions of zoning and so it would be the most -- one of the most appropriate places to put the conditional overlay.

>> Tovo: So it would be more appropriate to put it in a conditional overlay versus a restrictive covenant because when staff go to look for the conditions that a company -- accompanied the zoning they would look to the zoning ordinance? They would not necessarily look to a restrictive covenant that is associated with it?

>> To the extent that staff would have an easier time finding it, yes. They tend to look for conditions of zoning in the ordinance, and this ordinarily would be a condition that would be found in the ordinance.

[10:49:04 PM]

>> Tovo: Okay. Again, I think there's no -- there has been no benefit offered for having it in a restrictive covenant. I think there are disadvantages. I don't know why we would veer from our practice in this instance.

>> Mayor Adler: Discussion? Mr. Flannigan, why would you put it in a restrictive covenant as opposed to a conditional overlay?

>> Flannigan: As I explained on first and second readings my intent is to keep the zoning as simplistic as possible. That's been my intent for the last six months when I have acted on zoning cases. I think if we as a city don't have a mechanism to track and enforce our public restrictive covenants that's a much bigger problem and one we need to find a solution to. There are things we put in public restrictive covenants we want to make sure is being enforced. I think that's the problem we need to be solving. But let's just get this thing done, please.

>> Mayor Adler: Okay. Mayor pro tem's amendment is in front of us. Ready to take a vote? Those in favor of the mayor pro tem's amendment please raise your hand. Mayor pro tem, pool, alter. Those opposed raise your hand. It's the others on the dais. Doesn't pass. We're now to the main motion. Any debate? Those in favor of this item 102 please raise your hand. Those opposed. It's unanimous on the dais, 102 is taken care of. Okay. Let's go to item number 5.

>> Flannigan: Mayor, as housekeeping we have to do 110, the previous -- removing the restrictive covenant, so I move to remove item 110, the restrictive covenant on this property.

>> Mayor Adler: Okay.

>> Mayor, we do have speakers on this item.

>> Mayor Adler: I see that. Is there a second to the motion to approve 110? Mr. Renteria makes that motion -- second, rather.

[10:51:08 PM]

We have focuses in the public here to testify on this issue. I guess -- is there an applicant in this situation?

>> Yes, the same applicant we had on the previous zoning case. The public hearing is open. Briefly, there's a c14-980146-6610, Mcneil drive, blackfoot trail. The zoning and platting commission and staff both recommended the termination of the covenant.

>> Mayor Adler: Okay. I'm sorry?

>> [Indiscernible] Is here.

>> Mayor Adler: The property owner?

>> Property owner and applicant.

>> Mayor Adler: Is Jay clendanan here? Are you going to want to speak against this? I'm going to start with the property owner. Does the property owner want to address the council? Sir? Do you want to address the council on the restrictive covenant issue?

>> [Off mic]

>> Mayor adler:why don't you step to the microphone, sir.

>> Mayor Adler and councilmembers, thank you for time. My name is Abraham brigani. This is about 110, correct?

>> Mayor Adler: 110, yes, the restrictive covenant.

>> The restrictive covenant on a property was really actually out of the 14 -- out of the 20 years, 14 years this meant only not be able to lease it at all. I've been taking care of the property in mint condition as far as the trees, shrubs and the limitation on hours, the limitation on access from -- to blackfoot in case, for instance, I wanted to get to my air condition or get to my stuff, it's blocked by a fence.

[10:53:13 PM]

So altogether it really is a headache. My two neighbors across from the street from me, they both are really unhappy because of fencing in front of them and there is no reason to be there really. And I actually wanted my makers one of them is right here, which is across the street to be happy also. Except, you know, the people in the back is okay, but the people just across from me, they see the fence in front of their face. They get up in the morning and they just don't like it. So I'm more than happy to do anything when it comes to the -- resubmitting the site plan, if there need to be anymore trees, shrubs, anything need to be put in there, but the major problem with ours, which is last 14 years I couldn't rent the property at all. So I like to -- all those removed and new restrictions and already been approved also be a substitute for it.

>> Mayor Adler: Thank you.

>> You're welcome.

>> Mayor Adler: Jay clendanan, do you want to come talk to us? Is Pam Roberts here? You have five minutes, Mr. Clendanan.

>> Thank you, mayor, council, Jay clendanan from the Indian oaks neighborhood association. The co covers most of our concerns regarding the liquor sales and assuming that the vehicular access is going to be on co. That takes care of our main concerns. The couple that we would like to address on the covenant, we would like to carry forward the prohibition on the massage parlor use from the previous covenant and also we would ask for some reasonable limitations on hours of operation. Mr. Brigani at a previous meeting indicated he would seek hours such as 6:00 A.M. To 2:00 A.M., which we think is inappropriate given that this property is located within a neighborhood surrounded by residence and set next to a day care. We would be fine with something like the previous covenant, 8:00 A.M. To 8:00 P.M. And weekend hours would be fine.

[10:55:19 PM]

Right now the previous covenant would have the property closed on Sunday. We don't have any problem with operation on Sunday but on business hours would be appreciated.

>> Mayor Adler: Okay.

>> Thank you.

>> Mayor Adler: So the -- I think that the limitation on the driveway was a restrictive covenant as opposed to a co but we handled that in the last one that was put in that deal.

>> Right.

>> Mayor Adler: Okay. Next speaker,

[indiscernible]. Is Peter orbda here? Is Shelby here? You have seven minutes if you'd like it.

>> Thank you. I hope to make it very, very short and brief, succinct. My name is [indiscernible], I am a commercial realtor. Mr. Brigani is my client, I'm here representing him. To sum rides the comments he made earlier, the restrictive covenant with regards to the fence, the fence is an eyesore for the neighbors across the street so that is part of the restrictive covenant we'd like removed. The commercial waste pickup services would obviously be from Mcneil, there's no reason for that in a restrictive covenant. We also have no objection to the massage parlor other than that massage envy is a very well known chain of services that is completely legitimate. It's not an S ob

[indiscernible] Just saying. And the hours of operation are truly the thing that is most limiting in this restrictive covenant. The -- we appreciate that the neighborhood would allow us to be open on a Sunday. That is necessary. Unfortunately, in these days, for hours of operation for any business, the Monday through Friday we would appreciate earlier hours for the purposes of people coming into open

an office, 7:00 A.M. Is not an uncommon time for opening hours. Ideally, we would like access to our property 24/7, whether hours of operation for open business 8:00 A.M.

[10:57:28 PM]

Is not quite early enough. They're early risers. If we wanted to put a coffee shop 234 there, that would be -- in there that would be much earlier. If we can do that as late as possible for the optimum usage with all applicants and all future tenants of this property. That is all I have to say. We ask respectfully for your termination of this restrictive covenant.

>> Mayor Adler: Thank you. Mike zarchi. And Edward Guterrez is on deck. Sir.

>> Thank you, thank you. I'm Mr. Brigani's neighbor across the street from blackfoot. And I don't have that much to say except I hope this is the last meeting we're going to have.

[Laughter] Yeah, the -- Mr. Brigani mentioned the fence around his property at blackfoot trail. That would be a good idea if he can remove it and put some beautiful plants over there. That's all I have to say. But I fully support him for whatever he deserves to get.

>> Mayor Adler: Thank you.

>> Thank you, thank you.

>> Eduardo Guterrez. I think that's all the speakers. Anybody else signed up to speak? The property owner has the ability to close if he wants to close. Thank you. We're back up to the dais. Mr. Flannigan?

>> Flannigan: I just wanted to thank district 6 folks who stuck it out. Very long meeting. Not as long as it feels up here, but I wish you safe travels home. Keep the roads clear for me. I'll be behind you at some point, headed back northwest.

>> Mayor Adler: Further discussion on the dais?

[10:59:30 PM]

The motion is to remove the restrictive covenant. We're going to take a vote. Those in favor of removing the restrictive covenant, please raise your hand. Those opposed? It's unanimous on the dais with Mr. Casar off. So 110 is taken care of. We're to pull up item number 5 -- sorry.

>> I want to make sure it included closing the public hearing.

>> Mayor Adler: Yes, that did include closing the public hearing, and we pass it on final reading. That one's done and approved. Okay. Item number 5. Is staff here for this? Who's bringing this?

>> Houston: Mayor, while we're waiting on them, how many more do we have after 5? I've lost count.

>> Mayor Adler: One, two, three, four, five, six, seven more.

>> Houston: Seven more.

>> Kitchen: Mr. Mayor? Mr. Mayor, before we move, before we here from the staff, we have an amendment, can we not take that from councilmember troxclair, to get it on the table?

>> Mayor Adler: We certainly. Can you want to move your motion?

>> Troxclair: Yes. I passed out an amendment earlier. It's on yellow paper, just like all of your other papers at your desk.

[Laughter]. It says number 5 at the top and troxclair amendment. This amendment is what we talked about briefly at work session on Tuesday and, in short, the original staff item kind of still had visit Austin and the historic preservation funds coming out of the same bucket, which I thought set up -- well, which was inconsistent with what the council passed earlier and set up kind of a fight for that funding every year that I don't think is productive for council to have.

[11:01:41 PM]

So we made the edits that are underlined. On the first page, you'll see just us stating again that we're hoping to phase in the full 15% over allocation for historic preservation as soon as possible over time, in a way that is compliant with our bond covenants; that approval of this item does not preclude the opportunity to implement other visitor and task force recommendations or to expand the convention center at a future time, and states what the council did in the last budget cycle in approving additional historic preservation funds. On the second page, you'll see that we split -- we took the bucket that was together and split it into two parts so that there is specifically a visit Austin fund, visit Austin budget, and a historic preservation bucket, and then based on the advice from our legal department, we added that number 4 that states that the council still has -- that while -- well, so the default is that we're going to be putting 15% into that historic preservation bucket, but that council, of course, always maintains the right in our annual budget to change the allocations and the percentages of hotel occupancy tax as we deem is appropriate, and that's what we did this years, we adopted something that was less than 15%. So I thank you to Ms. Fireside who helped us craft that language, and I hope this addresses the -- I hope this can get everybody on the same page.

>> Mayor Adler: Is there a second to this motion? Councilmember kitchen seconds this motion. Mr. Flannigan?

>> Flannigan: I think -- I think this can work. I just want to make sure on the number 4.

[11:03:43 PM]

>> Troxclair: Yes.

>> Flannigan: I think I understand what that means. My only hesitation is that it -- that if the city manager and the bond covenant analysis that we get in the manager's budget -- I don't want to force the manager in the base budget to have to do something she wouldn't recommend. So I'm on board with getting -- I think my recollection is, we said in two years, is my recollection. But I want to make sure that we don't force the manager to put out a budget that is in conflict with her own recommendation -- her own financial -- I think that's pretty much my own hesitation.

>> Troxclair: And I don't know if this answers your question, but it might. If you look down to number 5, it's pretty much mirrored to the exact same language that we have about the cultural arts fund. 15% of the funds collected are allocated to cultural arts funds. So we just mirrored that exactly for historic preservation. So I assume that the city manager reserves the ability to present whatever budget she wants to, to us, and that I don't think that's ever been an issue with how it's written in the cultural arts fund bucket, so we just tried to mirror that language.

>> Flannigan: Okay. Can I ask the city manager if this is going to affect your ability to put a budget recommendation together?

>> My reading of it, it does give me the flexibility to make the proper recommendations to council.

>> Flannigan: Okay. All right.

>> I don't think I have any problems with the way it's worded.

>> Flannigan: Then I think I'm okay.

>> Mayor Adler: And with that explanation, I'll be okay with it as well because I think it is consistent with -- we had earlier passed as a council with the alter amendment to something that happened earlier that had asked the manager to take into account the bond payoff schedule, the ability to not preclude by our actions the other funds, so I think I'm okay with that as well.

[11:05:48 PM]

This is setting kind of the umbrella parameter with which the council can give direction, so I'm fine with it swell.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: I think we're all on the same page, but to avoid any confusion in the future, I'd just like to read in the intention. And this is from -- this is from the transcript of our vote on item number 60, which is the resolution that directed the allocation of the 15%. And this is where we voted on the "Whereas" that the mayor just passed out. So -- which was a "Whereas" that was put forward by councilmember alter. And councilmember alter said when she put it out that she read the whereas, and she said, I think this clause clarifies that it was the intention of the resolution -- that's number 16 -- was to make a decision to create a bucket, which councilmember troxclair is doing, was to make a creation -- a decision to create a bucket, which we will then decide on the final allocation in our budget process, which is what

number 4 says. So I think that councilmember troxclair's amendment tracks back to the language of the transcript where we adopted item 60, which was the direction to the city manager to come back with this ordinance change.

>> Mayor Adler: Okay. That sounds right to me, too. I would ask the manager that we still need to have the information, and your analysis, that would hopefully get us to the 15% number in full, as soon as you can, but taking into account the bond provisions and the task force recommendations.

[11:07:55 PM]

So as soon as you can, you know, appropriately get us that information, certainly as we're heading into next year's budget, that's going to be an important thing for us to have.

>> My intention is to have it ready by the time we do the five-year forecast. That would be in early April.

>> Mayor Adler: Great. Thank you.

>> That would include the convention center.

>> Mayor Adler: All right. Any objection to this? Let's take a vote. Those in favor of this item number 5, please raise your hand. Those --

>> [Off mic]

>> Mayor Adler: Number 5 as amended. Legal, are you okay with this?

>> Yes, I am. I just wanted to let you know the final ordinance will look a tiny bit different because I need to comply with our ordinance-drafting style. It won't change any of the words. Words.

>> Mayor Adler: Okay. Those in favor, raise your hand. Those opposed? That's unanimous on the dais. Thank you. That takes care of number 5. Do we blow through some of these others? What's number 66? Are there any others that concern Ms. Alter? Dr. Alter?

>> Tovo: I was mentioning before, both 66 and 67 have councilmember alter as a co-sponsor.

>> I'm sorry, can I -- again, didn't you say as amended, so can I just clarify that the vote we just took was passage of item number 5 as amended?

>> Mayor Adler: It was number 5 with your amendment in it. Yes.

>> Troxclair: Okay.

>> Mayor Adler: Except it really wasn't an amendment because it was the motion. It was your motion -- there was no amendment other than your motion, which included all the changes that you had made. Okay.

>> Kitchen: So, Mr. Mayor?

>> Mayor Adler: I just don't want to confuse people later on looking for an amendment.

[11:09:56 PM]

>> Kitchen: Mr. Mayor, it sounds like we have three items that councilmember alter were talking about, that she signed onto, onto two of the mayor pro tem's and one of mine, which was item 98.

>> Renteria: Mayor, we also have people here that have been here since this morning, and that's 86, I believe.

>> Mayor Adler: Yes, we do. We have seven more things. We have people speaking on every one of them, with the exception of 98. So we have people here -- let's blow through these -- let's go through these as quickly as we can. All right. The first one that had councilmember alter in it was what number? 66. Let's do 66. 66 was pulled by Mr. Casar and Mr. Flannigan. This concerned the asbestos during demolition. You want to explain why you pulled this?

>> My staff handed out an amendment, it clarifies one whereas to conditional language from the audit references. That's page 2 of 6.

>> Mayor Adler: Okay.

>> Flannigan: On page 4 of 6, it adds? Language to that whereas. It got really complicated to word-by-word red line it, although we do have copies of that, just to replace the paragraphs. My concern with this whereas is the phrase "Too rapid a pace." I felt that was a challenging language when really it's a process design problem. That's causing some of these issues. Then on page 6 of 6, having the fees as part of the next budget process.

>> Mayor Adler: Okay. Mayor pro tem, are you okay with these amendments?

[11:12:00 PM]

>> Tovo: No, mayor.

>> Mayor Adler: Okay. All right.

>> Tovo: I will look at them a little more closely. I just got them so I'm going to look at them a little more closely. I can give you my initial feedback.

>> Mayor Adler: Do you want time for me to go on to the next item, which back to this?

>> Tovo: We have speakers on this, do we have?

>> Mayor Adler: One. Mr. King.

>> Tovo: I can sort it out by the time Mr. King finishes, but let me just -- well, yeah, that's fine.

>> Mayor Adler: Mr. King, you want to come and talk? And then, mayor pro tem, I will let you make the motion.

>> Tovo: Thank you.

>> Mayor Adler: Uh-huh.

>> Mayor, mayor pro tem, and councilmembers, I spoke to this this morning, maybe out of order, and I don't want to waste your time and repeat my comments this morning.

>> Mayor Adler: Thank you.

>> Thank you very much.

>> Mayor Adler: Mayor pro tem, do you have a motion?

>> Tovo: Mayor, I move approval of the resolution that was posted.

>> Mayor Adler: Mayor pro tem moves 66 as in the backup. Is there a second to that motion? Councilmember Houston seconds that. Mayor pro tem, you get to speak first. Your motion.

>> Tovo: Thanks. And I can go through the amendments one by one. I have some questions for my colleague about one of them.

>> Mayor Adler: Okay.

>> Tovo: But this was an item -- this has been a concern. I actually remember years ago a neighbor contacting me when I was neighborhood president to say some houses had been demolished and it didn't appear they had done asbestos testing. I spent a little time looking, sure enough they hadn't, and they didn't do precautions because it's not required. It is something we have the ability to require, and the audit that our city auditor did I think points to some other changes that need to happen. The development services staff or management in response to their audit did suggest that they were going to make some process changes, and I applaud them for doing that.

[11:14:01 PM]

I would -- so this resolution both affirms those process changes that they intend to get, but it also uses the information from the audit to make what I would regard as some more meaningful changes and improving the health and safety of residents who live nearby. Demolitions, weren't they're we know they're increasing, they're very concentrated in certain neighborhoods and it is a health and safety concern. Then I would like to again just glance a little more closely at these -- at the proposed amendments, but I'd like to stick with my motion.

>> Mayor Adler: Councilmember Garza.

>> Garza: I guess this would be a question for staff, and -- with regards to demolition permits, because my concern is, I sponsored a resolution a month ago trying to streamline the process for homeowners who were trying to stay in place, and it's my understanding that a demolition permit is -- it's not only

required if you're demolishing the entire house, it's also required if you're just tearing down a wall to expand. Is that right?

>> Mayor and council, Rodney Gonzales, director with the development services department. Yes, demolition process runs the gamut, typically that type of demolition work is included in the remodel permit, but when you're talking about just a demolition like what we're talking about here, it is a separate process.

>> Garza: So I just want to make sure that this does not include -- because this is going to raise some kind of fees if we're going to require something new to this process, but I want to make sure that -- I'm concerned about homeowners simply trying to stay in place and expand to stay in Austin and have a growing family and I don't want to add cost to that. This would not apply to that kind of demolition permit?

>> What we're talking about here -- maybe the resolution aside, but what -- the audit recommendations were to hold stakeholder meetings and get feedback is to what the demolition should and shouldn't do and for us to bring those stakeholder recommendations to council, as well as staff recommendations.

[11:16:20 PM]

We haven't yet decided what the impact is so we can't really identify whether or not fees would increase or not. Ultimately we will bring the recommendation from both the stakeholders and staff board, but I think you all have heard me say often enough that if there is a requirement that we do more without lowering what we're currently doing, then yes, obviously we're going to have to add staff, and there would be an increase in fees. But I can't say that that's the case right now because right now, the first step is to hold those stakeholder meetings.

>> Garza: Okay. So you're saying in that stakeholder meeting, it'll come back to us and there could be something in there that says a demolition permit issued for a home that is simply tearing down a wall to expand their home, it could say there will be additional fees included in that. And at that point, one could make the amendment to strike that part of it.

>> Yes, because anything that -- we would bring back anything to council for consideration, and you're absolutely right, we're also working on the other item from council, with regard to reviewing regulations, as applied to one, two, and three-unit home structures. All of this will coalesce within the first of next year.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: It's my understanding right now that all legitimate contractors that do work with older homes that tear down walls are certified by the state to know how to handle lead abatement.

>> So the requirement, of course, is a state requirement with regard to lead and asbestos abatement. And so the way that we get involved is, we ask whether or not there's a contractor that meets that requirement. As was pointed out by the audit, we don't do a verification process. And so it's that verification process, I believe the auditor's office felt we should be doing.

[11:18:23 PM]

So that's part of, once again, what we'll be going through the stakeholder process for, identifying, of course, what our current process is, and then bringing back to council some recommendations on process changes.

>> Renteria: And what do you mean about an audit process, if someone has a permit to demolish their home, and there's lead on there, it's up to the contractors to decide what to do with that demolition?

>> The contractor has to abide by state law when it comes to lead and asbestos, and our process is to ask whether or not there's a contractor that is certified in that regard. But we don't verify whether or not that contractor is, indeed, certified.

>> Renteria: That's interesting.

>> Mayor Adler: Mayor pro tem.

>> Tovo: And it's been a little bit since we reviewed this in audit and finance, but the audit concluded that the city doesn't appear to be considering whether lead is present when they're reviewing demolition permit applications. And so this gets me, I think, to the point of talking about your amendments, councilmember Flannigan. It seems to me that it certainly with as a matter of the speed at which they were being approved that was keeping some of those checks from happening. And so I feel that my language -- my initial -- my original language is pretty accurate about the demolition approval process occurring at too rapid a space for staff to ensure that requirements are currently being met. You've changed it to it's not designed to ensure that the departments can ensure current tasks and requirements are met, but it just fundamentally is a matter of the process moving so quickly that those appropriate people aren't always -- and appropriate reviews aren't always taking place. And I'm looking for the passage -- maybe -- I don't know that all the audit committee members have their audit down here, or if you remember where it is.

[11:20:27 PM]

I'm looking for the point -- the part of the audit that actually talks about that. But it was really a matter of the speed.

>> Mayor Adler: So do you see this, Rodney, as being prescriptive? I mean, is this telling you what the end result needs to be? Or is this saying these are considerations we want you to be sensitive to; now, go do your stakeholder process and come back with your best professional judgment on what we do in this area?

>> There is a bit of prescriptiveness with regard to the -- I think the third "Be it resolved" where you have the "At a minimum, the new process should ensure." So that to me tells us that council's direction is already to include these as a minimum. So if your question is prescriptiveness, that's how I would

identify those areas. It was errant to hold the stakeholder meetings almost as a blank slate, this is what we currently do this is what is identified as weaknesses in the process, and to bring those stakeholder recommendations. But with this piece of it, what we would do is clearly delineate to the stakeholders that at a minimum, the changes would include these items.

>> Tovo: To be clear, this does initiate amendments with regard to lead and asbestos testing, certainly stakeholders can weigh in on that point but that is a point of the ordinance changes that I am requesting come back to us. And I do want to just point out that this really was not intended to impact people who are demolishing a wall within their house. It really is aimed at those full demolitions where, you know, you are scraping -- scraping a house from the site and rebuilding.

>> Mayor Adler: So as I read this -- I want to go back to the prescriptive nature of this, because I understand that the mayor pro tem, in her motion, is asking for, at a minimum, she wants to see these things.

[11:22:35 PM]

And I understand that, those three things are listed. But I also want to make sure that if, after your stakeholder process and your professional judgment, you come back and say, here, as requested, are the things that were requested by the mayor pro tem, but I also want to make sure that with this language, you also feel free, based on the stakeholder process and your professional judgment, to come back and say, but I'm not recommending do you those things, for whatever reason, we think you should do more, or we think you should do less, and I want to know, if you read this, to give you that ability to come back with that, or whether I need to add an amendment to this to specifically say, come back with your best professional judgment and stakeholder review, in addition to anything else called for in this. I want to know if I need to add that amendment for you to do that, because I want that from you.

>> I don't read it that way, as that staff can bring forward another recommendation, but I defer to the councilmember, maybe there is wording I'm missing where that option is available.

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: I'm happy to stipulate that it would -- you know, I would anticipate that, as always, we would ask for staff recommendation, and you could certainly say I don't recommend X, Y, and Z. The planning commission does that well, they may issue a recommendation different from what's outlined here. So I'm happy to -- I welcome staff's input on what we're setting forth here today.

>> And we'd be okay with that direction from the dais, without amending the resolution.

>> Mayor Adler: I'm going to go ahead and just do a quick resolution, because someone in the future may not know -- remember this conversation, so I'm just going to put, without limitation, I will recommend something like that, just -- so if someone's reading this, they can see it.

[11:24:37 PM]

>> Okay.

>> Mayor Adler: If you want to continue on with the other amendments from Mr. Flannigan --

>> Tovo: Sure. Working backwards, the last one, I really do want the recommendations regarding fees prior to the budget so that we can think about them. You know, it's very challenging in the course of the budget to really review brand new fees, so I would like to get that information in advance of. I'm not sure, councilmember Flannigan -- can you help me understand why you want this? I wasn't going to adopt them before the budget, I just want to -- I think we should be informed about them before we're actually adopting the budget in late September.

>> Flannigan: Then we're trying to do the same thing.

>> Tovo: Okay.

>> Flannigan: In the very last section. So I'm fine leaving -- as I read this recommendations prior to, I'm fine with restoring your original language in the very last "Be it resolved." On the whereas about the audit, I do want to clarify, we -- the audit in question, very first sentence in the summary, and the third sentence in the summary is where this language mostly came from. The city's demolition permitting process is not designed to efficiently or effectively meet the needs stakeholders departments, that's the first line in the audit, then the

third sentence is: Property owners -- additionally, property owners are responsible for various parts of the process but there's verification from the city that it gets done. It may be because it's too rapid a pace, but the audit language is more in line with the terms of the actual language in the audit.

>> Tovo: I don't disagree that it is -- with the bit about property owners have the -- certainly, those are things that the audit called out. But this -- but your language doesn't capture the fact that the process moves too quickly, and I feel like is not designed to ensure that the various departments can ensure current tasks, also we have to swap out "And ensure," but it is almost a euphemism for the fact that the process moves too quickly, and that the time doesn't allow for it.

[11:26:57 PM]

So I just -- I can't get comfortable with that at the moment. There may be some compromise there. You know, and I don't -- I guess I don't have a disagreement to putting in there the research that says other cities don't consider lead. I don't know that it's critical since we're focused on Austin, but it's fine with me if -- it's fine with me to include that one, and that's on page 2 of 6.

>> Houston: Mayor, I have a --

>> Kitchen: Mayor, I have a recommendation. It seems to me, reading the two whereases, the second one that councilmember Flannigan put forward and the one that mayor pro tem is looking at and is concerned about the two rapid a pace, I think that it would be workable to just include both whereases.

>> Mayor Adler: Sounds good to me. No?

>> Flannigan: I would object to that, and I hate to do it, but the audit does not reference the pace. And I'm -- if we're going to have a "Whereas" that says the audit found that, it should match the language in the audit. That's really what I'm trying to do. I don't think I formally made my amendment, Mr. Mayor.

>> Mayor Adler: Okay. So I'll let you go ahead and make -- let's make them one at a time.

>> Flannigan: So based on the mayor pro tem's comment, the first is hopefully a friendly, this is first whereas in my proposal, and that's actually -- I don't have to make the last one because your language is good at the end. It's just the whereas paragraph is all.

>> Mayor Adler: Okay.

>> Flannigan: So I will move to amend to replace the whereas on page 4 with my provided language.

[11:28:58 PM]

>> Mayor Adler: Okay. Just so we get the friendly amendments in.

>> Flannigan: Yes.

>> Mayor Adler: You proposed an amendment at the bottom of page 2.

>> Flannigan: That's the only one.

>> Mayor Adler: What?

>> Tovo: And I think we can make -- I believe we can make councilmember Flannigan -- I'm too tired to worry about it. I think we can make the second one a friendly -- if we can just agree -- let's just swap out ensure and ensure since it has my name on it, I have to have that changed, the various departments, blah, blah, blah, can determine if current tasks -- how about that?

>> Flannigan: Okay.

>> Tovo: That fine?

>> Flannigan: Too many ensures?

>> Tovo: Because the process moves too speedily.

>> Mayor Adler: So that I catch up to this, I now have what Mr. Flannigan has handed out. There's some red language at the bottom of page 2 of 6. Is that in or out? That's in. Any objection to that being in? Hearing none, that's in. On page 4 of 6, the language that has a strike through, continues to have a strike through, and what is the language change in the second unlined red paragraph?

>> Tovo: The second ensure is being swapped out by "Determine if." It's not perfect, but --

>> Mayor Adler: Say that again?

>> Tovo: Can determine if current tasks and requirements.

>> Mayor Adler: Can determine if. So the he bottom on line 3, at the end, the language would say: Can determine if current tasks, and then reading on. That's the only change to that? Okay. Any objection to that? Hearing none, that's made. And then on the last page, you're also okay changing prior to to say --

>> Flannigan: No, leaving it as it is.

>> Mayor Adler: We're leaving it to say prior to and not having it as part of. And mayor pro tem, I would have, adding an additional be it further resolved clause that says notwithstanding the foregoing and without limitation, the city manager is also requested to provide council with her best advice and recommendations concerning a demolition permit process when she reports back to council.

[11:31:10 PM]

>> Houston: Mayor, I would leave that gender neutral, rather than her, because we don't know when the city manager --

>> Mayor Adler: Okay. The city manager is also requested to provide council with the city manager's best advice concerning a demolition process when the city manager reports back to council. With that objection, that is also included. Okay? Any other changes to this? Okay. What number was this? Those in favor of number 66, please raise your hand. Those opposed? That one's taken care of. All right. What about -- oh, Ms. Garza says no. 10-1. Let's do now 67. 67 was pulled by Mr. Flannigan.

>> Flannigan: I have unlisted amendments, it's more than the last one. I'd apologize, but I find it's important, so I won't apologize. Very quickly, I'll run through them. On page 2 --

>> Mayor Adler: Does everybody have this?

>> Flannigan: I had this one out really early today.

>> Mayor Adler: This is a --

>> Flannigan: It's probably the bottom of your stack. Handed out really early today.

>> Mayor Adler: This is three yellow pages. The upper right-hand corner it has item 67 on it. It's not -- this three-page amendment. Mr. Flannigan's.

>> Flannigan: This one was also posted on the message board even before the meeting started. I understand -- I understand --

[11:33:12 PM]

>> [Off mic]

>> Mayor Adler: Do you have a copy of this, mayor pro tem?

>> Tovo: I do. I have a copy from the message board and it's identical to the yellow copy. Yes, I do have a copy.

>> Mayor Adler: Do you have two copies?

>> Tovo: Yes, I do.

>> Mayor Adler: Would you hand out one? We have some people down here that don't have a copy. I think, Ann, do you have a copy?

>> I found it.

>> Mayor Adler: You found it? Okay. Good. Take mayor pro tem through your amendments and let's see if they work or not.

>> Flannigan: All right.

>> Mayor Adler: Why don't you tell us which ones could do and which ones don't.

>> Tovo: And we do have speakers, mayor. I can see councilmember troxclair just handed out some too. I have not seen those yet.

>> Mayor Adler: Okay.

>> Tovo: The first amendment would remove the comment about the untold number for the residential structures are virtually demolished under the city's overly generous allowance for remodels. I'm not comfortable removing that because it's true. And I have good example I'd be happy to show you a few blocks from city hall where there are maybe a couple studs, and it was a remodel. So I'm not comfortable removing that. The next one -- let me say as a general comment, there was quite a bit added in of general background information about other cities and other preservation programs, and I -- you know, I'm comfortable leaving it in. I would just say there's quite a bit of affordable housing preservation work and reports and whatnot that I haven't cited. I was trying to kind of keep it focused on -- on pretty narrowly, so I'm okay with including most of it; I would just say that it doesn't begin to take stock of some of the other reports that have happened in the city. This wasn't intended to be kind of a comprehensive literature review of things that have -- recommendations that have been made or reports.

[11:35:20 PM]

So I'm fine with the whereas 2014 housing works report noting strides made.

>> Mayor Adler: Okay.

>> Tovo: Page 3 of 6. Council endorsing the remain, that's fine. Whereas many other states, again, these are kind of additional background. Now we get to additional background that I think is just kind of raises questions about why we would be -- why we would be singling out these particular examples. It's interesting and I think it's good information to have, but I feel like it just begins to -- it just -- it raises particular examples and raises questions in my mind about request -- highlighting those particular ones. So that one, I'm less comfortable with I can think a little bit more about it. Okay. But otherwise, we're good until page 4. Once we get to the be it resolved, I think it veers quite a bit from my intent. I do not want to direct the city manager to analyze the impact -- let me step back and say, this is designed -- we've worked with law, and this is probably like the fifth iteration of this -- of this draft. It started off in a very different place. I really want this to be very narrowly focused on asking staff to look at -- to look at what -- to look at the outlines of what's described in this resolution and determine whether there is a way to measure the impact on affordability in particular areas and the impact on affordability when you have housing demolitions. We know anecdotally that when houses are demolished and new structures come in their place, there is a loss of affordability. Many of the places that I see in my neighborhood that are being destroyed are -- and demolished and rebuilt are -- we're losing renters, we are losing what are market rate affordable units, I should say non-subsidized affordable units, and so there is an impact when we start to see demolitions on affordable housing.

[11:37:29 PM]

But this is really designed, asking our staff to look very closely at the legal question here, at the economics of it, and determine whether -- whether and how we would begin to put together an economic analysis. So I really don't want -- I'm open to considering that and our frameworks. I think we've got the antidisplacement course, we've had an affordable housing preservation group looking, and I'm bringing forward another resolution in February. This is kind of a -- this is sort of an omnibus, if you will, of demolition resolutions, except they're in separate resolutions. So we have two today, and we're going to have another in February looking more generally at demolition, particularly with regard to how we define it and how we might -- how we might encourage people who are demolishing houses to partner with organizations that can salvage those materials. So I just can't -- I just don't want to direct them to analyze things. I'm afraid it would get -- it's just too broad. It's just much broader than the very specific legal question I'd like them to answer, legal and economic one. This one is probably okay, councilmember Flannigan, can you help me understand the next one, directs the city manager to explore the feasibility of establishing a compensation requirement? Can you help me understand that addition? I think it's fine because I think it's just reiterating what I'm directing them to do in the next be it further resolved. Is that your sense of administration.

>> Flannigan: Things?

>> Flannigan: Yes. And I really appreciate the additional background you provided around your intent in this resolution. That's very helpful to me. My first read on this, I wasn't comfortable with the direction it was headed. I think there are some really insurmountable hurdles I know you're asking staff to answer.

>> Tovo: Uh-huh.

>> Flannigan: So my staff and my work on this is to try to find a way for me to support it in the end. But if -- for me, I think I'd be satisfied with an all or nothing on this, to say if my amendments don't pass the worried, I'll just vote no in the end, and we can kind of cut to the chase on the resolution.

[11:39:41 PM]

>> Tovo: Okay.

>> Flannigan: Rather than go down this path for another 20 minutes.

>> Tovo: Okay. That's fine because the next one was a no for me.

>> Flannigan: Okay.

>> Tovo: The last one was a no. That sounds like the most --

>> Flannigan: Is there a main, then I'll do the amendment? If we want to handle it this way?

>> Mayor Adler: Well, wait a second.

>> Tovo: I don't want to handle -- I mean did you want to handle the amendments that were okay, or you want to do it.

>> Mayor Adler: Let's handle the amendments that are okay. So the amendments at the bottom of page 2 of 6 is okay? The two amendments on 3 of 6 are okay. The amendment at the --

>> Tovo: You know, I don't know, though, because if in the end we end up changing -- I mean if I can't get support for the direction of the resolution, I'm not sure I want to add in a lot of background information that I don't regard as necessary. So --

>> Mayor Adler: Can someone describe to me what the difference is between the direction that you both have? What's the difference in direction?

>> Tovo: So I'm asking -- so again, I'm not sure that that first be it further -- or the second one -- oh, sorry, this is so confusing. The one at the bottom of page 4 of 6, directing the city manager to explore the feasibility of establishing a compensation requirement, I'm not sure whether that -- whether that is or is not in sync. I can't entirely figure out how that functions within here.

>> Mayor Adler: How might that not be in sync?

>> Tovo: If what it's meant to do -- what I think -- in the context of the other amendments, it walks it back a by I'm asking the staff to go forward and recommend a process to determine an appropriate compensation. If that's just leading into that paragraph, then I'm fine with it, saying we're asking you to look at the feasibility. Go ahead and recommend a process whereby we would determine an appropriate compensation.

>> Mayor Adler: I actually want both those. I think we want mistake of to come back and look at feasibility, look at legally, and also come back with the process.

>> Tovo: That was my intent. So that's why -- if that's all your doing, I'm fine with that one, probably.

[11:41:41 PM]

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: Could I -- I'm sorry. I don't understand -- I don't understand the first -- the issue with the first be it resolved. So -- which directs the city manager to analyze the impact -- okay. Are you saying that that's too broad?

>> Tovo: It is too broad. I guess part of this is coming from -- you know, the staff are very -- they have got a lot of resolutions right now that we sent to them. I mean, I've been waiting for a year for a report back on the real estate -- the real estate resolutions we did last fall, that, you know, I hoped we'd get them back and we'd be moving forward with one of those projects on a piece of publicly owned -- I don't want to initiate something broader than the very specific questions I'm asking them to focus on because I really want an answer back. I just want to be able to move forward in this -- in this vein. And so I don't want them to do a broad study on the impacts of demolition. I'm not outlined in attachment sure how they would know how to scope that. I really want them to zero in on this particular impact on affordable housing.

>> Mayor Adler: Fill Flannigan.

>> Flannigan: And I will say that my intention the way that we diverge on this, is, I was uncomfortable with mayor pro tem's specific direction, and so I put out a set of amendments that I felt could get me to a yes at the end. But without those changes, I'm a no. And so rather than just vote no and not offer a way to analyze this and participate, I think the difference is the mayor pro tem has got a very specific place that she's trying to get, and I appreciate, believe me, the not wanting to overburden staff because I would agree we often do that, but -- so I don't support the mayor pro tem's version because it's too narrow focused on a thing that I'm not comfortable moving forward on, so I offered a broader perspective, but as I said to the mayor pro tem, I'm happy to cut to the chase on this --

[11:43:43 PM]

>> Mayor Adler: Let me ask the question differently. I had a similar kind of question with respect to the other one but handled it differently. So the mayor pro tem wanted to telescope down to this is where I think we need to go, so I want to see this. And what we did is we added to it something else that said we're also asking staff to take a look at that, to look at the feasibility of it, to look at the legality of it, and tell us if there is a better or different way to deal with the loss of affordable housing associated with demolitions. So that's prescriptive, so that staff is coming back with the solutions that the mayor pro tem is asking for, but it's also saying to staff, just don't -- don't do just that, when you talk to the

stakeholders, when you talk to the people when you're doing your analysis, come back to us with whatever your professional advice is on that subject concerning that. Does that get you there?

>> Renteria: Mayor?

>> Flannigan: I'm not sure how I understand how that's different from the mayor pro tem's original proposal. I wouldn't imagine staff would come back with something illegal.

>> Mayor Adler: Oh, no but they might come back saying what the mayor pro tem is asking for is not legal or not feasible, or they might come back and say if what you're trying to do is address demolitions and its impact on affordability, here's a different way to do that, that might be a better way to get to that result, or to that end. Mr. Renteria.

>> Renteria: Yeah. I have a problem with the 4 of 6 there on the remodel. I don't think we need to have that in there at all. You know? Because we're looking at -- what the whole purpose was, that we're having a lot of demolition that's going on in east Austin, in the older neighborhoods, also in south Austin in the older neighborhoods there, and that's what we're trying to address.

[11:45:45 PM]

You know, we're losing a lot of these older affordable units, and we're not saying you can't go in there and remodel your house. We're saying, hey, we're trying to slow down the demolitions that's going on in our inner city neighborhoods.

>> [Off mic]

>> Mayor Adler: Wait, wait, what?

>> Tovo: Mayor, if I could just comment on what you said, I'm not prescribing -- initially, we had an idea about how we wanted this program to work. Law asked us for the flexibility to look and determine whether it's feasible to craft a program. And I -- so it's not -- I don't really regard this be it further resolved on page 5 of 6 as terribly prescriptive. It's asking them what would be the process for determining an appropriate compensation and then coming back and providing us with some recommendation for an exit study that would help us determine those valuations. So we're --

>> Mayor Adler: I see that.

>> Tovo: Let me say I understand and we've met with some various organizations who are concerned about the illegality, as they've expressed, illegality of this. We're asking our staff to explore possibilities. There's nothing illegal about that. It's asking our staff to vet what the possibilities are here, which is something I need council direction to do, but it is extremely narrow in its focus.

>> Mayor Adler: Okay. Let's have some speakers come up and talk to us. Maybe that'll give us some direction on this.

[11:47:48 PM]

We've speakers, David king, you want to speak to this? And Paul [indiscernible] Will be next. Is Paul here? No?

>> Not here.

>> Mayor Adler: Okay. Is Andre here? Is David Glenn here?

>> Yes.

>> Mayor Adler: All right.

>> Thank you, mayor, mayor pro tem, and councilmembers. I'll be really brief. I think this is an important resolution. I really appreciate the focus of the council on the impact that demolitions are having. I see them in my neighborhood, on my street, on the next -- block next to me. Every block that surrounds my block has at least one demolition underway right now, or it's just occurred in the last couple weeks. And, you know, it's amazing how fast they can demolish a home, in less than one day. One day you'll be there and you'll see that nice older home. The next day, it will be gone. Down to the slab. So it's happening. It's happening rapidly. So I appreciate the -- this resolution, and I hope you'll make it a priority to come back with the recommendations that will help us to preserve these older homes in a way that helps our affordability. And, you know, I also hope that we establish this policy in a way that doesn't inadvertently incentivize the demolition of homes, too. So I think we need to look at that aspect of it. I know that's not what it's intended to do, but for example, hey, I'll pay my fee if you'll let me go ahead and demo -- my affordable housing fee, if you'll let me fast-track the demolition of my property. You know, I hope that we'll look at that aspect of it, make sure that we're not creating something that actually may end up in some cases incentivizing demolitions.

[11:49:49 PM]

But that comment is not intended to criticize this resolution or be a reason to vote no on this resolution. I'm simply pointing out that as we go through this stakeholder process and get -- analyze this from staff - - and speaking of the process, I wonder if we can get some clarification on who's going to be involved in this process. I know staff is going to be involved, but what other stakeholders are going to be involved. Anyway, thank you for making this a priority, and I hope that you will pass this resolution, tonight thank you.

>> Mayor Adler: Okay. Thank you.

>> Before midnight. Thank you.

>> Good evening, mayor, mayor pro tem, and councilmembers. My name's David Glenn. I'm director of government affairs for home builders association. Earlier this morning the Austin apartment association, Austin board of realtors, homeowner builders submitted a joint letter expressing our concerns about this item. After reviewing the backdrop and conducting research on the topic, we feel there's too many

questions answered on how this may affect affordability in Austin. Addressing affordability, the affordability issue is a top priority for all the organizations, and we believe that any future policy ordinance or recommendation related to item 67 should be developed with thorough stakeholder involvement. The city's newly created antidisplacement task force is charged to examine the issues 67 seeks to address, we believe this would be an appropriate venue for collaboration and stakeholder input. Because of our concerns, we cannot support this item as presented. However, if this item is to move forward, we respectfully request that our organizations be included during the development of this recommendation. We saw this morning that councilmember Flannigan is offering an amendment that lays out a stockholder process, names some stakeholders in that amendment. We support that amendment and hope that you will too. Thank you for your time and your service.

>> Mayor Adler: Thank you very much. All right those are all the speakers we have on 67. I don't think there's any opposition to the other four items we have on our calendar. I would suggest that we -- that we handle quickly these four, and then we can be taking a look at 67, which looks like it's pretty involved and might need some work, and let's -- and I think we can quickly move through the things that are left.

[11:51:57 PM]

So let's try to do that.

>> Alter: I hope so. I liked it better when they weren't asleep and I had to leave --

>> Tovo: I'm just concerned that we're going to lose one of our colleagues here, so --

>> Mayor Adler: I know. Let's get through these others here real quickly. Number 80 has people signed up to speak on it. Everybody is in favor of this item number 80. This is the shoal creek watershed case, to approve on first reading.

>> Mayor, I believe all the speakers have gone home. C14-2016-0135, property at 1200 west 25th street, the request zoning is go mu mp, the staff recommends approval of the item. The planning commission recommended approval of the item with the addition of the conditional overlay that would restrict the property at 59 and a half feet. That is unusual number. The reason for that is that the height allowed under the existing and requested zoning is 60 feet. The applicant and the neighborhood have agreed to cap it at 60 feet. However, the staff, with the advice of the law department, does not do cos, capping it at the otherwise allowable number of feet, because allowed is 60 today, so we don't do a co, what is allowed, we only do cos less than what is allowed. There was a concern by the neighborhood that the proposed codenext zoning category on this property would go up to 75 feet. Since they both agreed on 60 and since we would not do one at 60, they both agreed to a restriction to 59 and a half feet. So that is the reason for the unusual number.

>> Tovo: Mayor, if I could say, there are a couple of other complications with this case, including the fact that the developer has willingly -- has voluntarily committed to affordable housing on the site, and there's no way to codify that, either. So I would -- I would either suggest that in the interest of time and capturing as full a dais as possible, we push this a little while, or we just pass it on consent, on first reading, as -- we had suggested that earlier.

[11:54:07 PM]

We had some speakers who were fine with that, but then it got pulled from the agenda by one of my colleagues. So I'm happy to talk about it, but there are some other complications I need to air.

>> Mayor Adler: I think the recommendation is to approve it to first reading only.

>> Correct. We're ready for all three but we can approve it on first as well.

>> Tovo: So the stakeholders have gone home. I'm not going to support approving it on three readings. We don't have a mechanism for the affordable housing, both the property owner and neighbors --

>> I think we're fine.

>> Mayor Adler: I think we're all there. Is there a motion to approve this on first reading? Motion to approve it on first reading, councilmember alter makes that motion, seconded by the mayor pro tem. When we say approve it, we're approving the recommendation that came from the boards and commissions at 59 and a half feet on first reading. And we'll deal with it later. All those in favor please raise your hand. Those opposed? Everybody on the dais, councilmember Garza gone. That takes care --

>> Tovo: Mayor, if I could.

>> And close the public hearing?

>> Tovo: No, I don't want to close the public hearing because we haven't heard from any of the participants so I absolutely want to keep the public hearing open.

>> Mayor Adler: I agree.

>> Tovo: But I would just like to signal that we need to figure out a mechanism for codifying -- for codifying the voluntarily -- the voluntary commitment of affordable housing. We seem to be coming back and -- back to this very often and we need a more global solution. And so I'm going to work with law to get that going forward, but we need a specific solution for this case.

>> Mayor Adler: I agree. All right. Now, 86?

>> Can we make sure we show who was here, I think you said councilmember troxclair off the dais --

>> Mayor Adler: I said Garza off the dais.

>> Pool: And Houston. I thought I heard troxclair.

>> Alter: One second. I wanted to second what mayor pro tem tovo said about the need to figure out how to codify stuff. This happens to be the same representative as great hills, and I know there's great interest in doing that.

[11:56:07 PM]

We had the same issue with that case, and I very much welcome the developing community coming forward and trying to help us solve these problems, but it would be wonderful if we had a way to deal with it.

>> Mayor Adler: Got it. Item 86 is to conduct a public hearing to add a solar rate to the customer assistance program.

>> Debbie Kimberly, Austin energy. This recommendation for council action seeks your approval for an ordinance amending a solar tariff for cap customer assistance program customers --

>> Mayor Adler: Got it.

>> At a rate of 2.77 cents per kilowatt hour.

>> Mayor Adler: Good job. Is there a motion to approve this? Ms. Houston makes the motion. Councilmember pools seconds this. We have -- it's a public hearing. Do we have anybody still here that wants to speak? Cyrus reed, Dave Cortez, Robert Hendricks? Those were all the people that signed up publicly. Does anybody want to discuss this on the dais? Those in favor of this item, please raise your hand. Those opposed? Ms. Troxclair votes no, the others voting aye. Garza is off the dais. All the others were here. That item passes. Thank you. And I apologize for you staying here so late on this. That takes care of that item. The next item that we have is number -- what is it? 88? 88.

>> Kitchen: Mr. Mayor, we could do 98 which has no speakers.

>> Mayor Adler: I'm looking at 88 here. I guess we figured that one out. 98, let's do 98.

>> Kitchen: Mr. Mayor, I'll make a motion to approve 98. I think there might be some questions but I'd like to go ahead and move passage, then we can deal with those if we have any.

[11:58:09 PM]

>> Mayor Adler: It's been moved passage of item 98. This item was pulled by the mayor pro tem in this case. Motion is made by councilmember kitchen, seconded by councilmember pool. Mayor pro tem, you want to say why you pulled this one?

>> Tovo: I do. I indicated on Tuesday I needed to better understand, it's not clear to me from the resolution what is -- what the pilot program will be, how long it will last, what would be the components within the pilot program. I have received xpresspa,xpresspa -- can I received a document law provided that talks about some bullet points, the identity of the partners, limited term, but, again, I don't know when that would be. Statement that the parties have authority to enter into agreement, description of the geographical areas, scope of responsibilities, no-fault termination, statement that the contract is contingent on funds. But it's hard for had he to know --

>> Kitchen: Do you want me to speak to it for a second?

>> Tovo: How about I finish asking the question. I'm happy that the interlocal is going to include a scope of the responsibilities but I don't even -- I don't really understand -- I don't understand what those responsibilities pertain to other than public health and safety. If you could describe what your intention is, when it would start, how long it would last. Then I guess I need to understand better how it fits into some of the work that txdot is doing with social service providers with regard to some of the construction they're doing downtown and people who are living under overpass -- under their overpasses and they're kind of changing your approach in terms of interacting with people down there and I want to be sure -- number 1 I just want to understand what this is about.

>> Kitchen: Okay. So this is a very, very limited resolution.

[12:00:10 AM]

It came out of community meetings with area residents in the Southwood and western trails neighborhood. It's limited to one overpass at the manchaca-ben white overpass. It came out of recommendations from community meetings we had last summer with air resident, with clergy, with ems, with echo, with txdot, with A.P.D., with aid, with capital metro, and other experts in the meant health, child welfare and sex trafficking fields. So it's one of the recommendations that's come out of a very specific community effort in district 5. So and it's one of many approaches that that group came up with with a set of recommendations to handle the difficulties that are occurring in the -- at that -- in that neighborhood and in that area and those recommendations are a combination of public safety approaches and social service approaches that connect homeless individuals to needed services. So this is one of those recommendations, and we've been going through a series of passing other parts of those recommendations as I bring them to council. So what this specifically does is it -- it is only a jurisdictional issue. So all it does is create -- all it does is it simply allows A.P.D. -- It's a relationship -- an agreement between txdot and A.P.D. That relates to the jurisdiction of A.P.D. As to txdot property, and it's limited -- as you can see the resolution is limited to txdot property under and near the U.S.

[12:02:16 AM]

220/sh71 overpass spanning manchaca. It doesn't affect any other areas. It also does not provide any additional authority to A.P.D., nor does it prescribe what A.P.D. May do on that property. In other words, I don't know what -- you know, all it does is it simply allows A.P.D. To address offenses on this particular txdot property in the same way that they can on other properties where owners give permission such as churches and businesses. This is a standard process. Churches and businesses may give permission to come on to their property as needed to address things like trespassing and other things like that. So this is txdot as a property owner entering into a agreement that says to A.P.D. You may access my property. It doesn't create any new offenses. It doesn't create any new action by A.P.D., nor does it say anything about what A.P.D. May choose to do on that property. It is simply a step that allows for additional -- just like a church or a business. So it's really very simple it's been very -- it's been

vetted very thoroughly -- we've been working with echo on this. This is one of the recommendations that they participated in. So it's been very thoroughly vetted. It doesn't have anything to do with -- you had asked a question about another effort. I forget exactly what you called it.

>> Tovo: It's a txdot effort.

>> Kitchen: This has nothing to do with that -- this is limited to one property. It does not supersede or take the place of anything txdot is doing in another part of town.

[12:04:16 AM]

It is simply this underpass.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Thank you for that explanation. I intend to support this item.

>> Kitchen: Thank you.

>> Flannigan: I just wanted clarification on the question I asked Tuesday about what made it an emergency for the --

>> Kitchen: Okay. I can speak to that if you want. It's an emergency for two reasons. We've been working on this since last summer when we first met with this community. This particular neighborhoods are having serious problems in that area. So we've been working as quickly as we could on all the list of recommendations. This one we had understood that A.P.D. Could move forward with signing it and then we just heard -- it's fine. I mean, we just heard that they feel like they can't sign it, that they need the council, the council's direction. And so -- so we wanted to get it done now instead of in February because if we wait till February there's that many more months that that community doesn't have this tool. To deal with these issues.

>> Mayor Adler: Mr. Casar.

>> Casar: So in the questions and answers, the mayor pro tem asked what the interlocal agreement would do, and the answer provided says one component will be to allow the city of Austin to act as an agent to enforce no trespassing ordinances.

>> Kitchen: Right.

>> Casar: That's one component. Are there other components to the pilot program other than the one listed.

>> Kitchen: Like I said it doesn't create any new offenses or anything. I'd have to ask A.P.D. Basically it's the same thing that A.P.D. Might do. No trespassing might be one of them. It may be that any offenses that they can -- I don't know, if there's other criminal activity or if there is criminal activity under the bridge that would give them authority to go under the bridge.

[12:06:26 AM]

Against it doesn't create new offenses.

>> Mayor Adler: Is there a limitation that stops A.P.D. From going under the bridge now?

>> Kitchen: Yeah. It's txdot property. That's why they need this, because they cannot right now.

>> Casar: I'm just trying to understand, if -- because my understanding, which is I'm -- you know, is -- maybe I'd like to ask the question. I just want to know whether or not this interlocal agreement does anything -- because it says one component I want to know whether this interlocal agreement does anything other than gives A.P.D. The authority to enforce no trespassing at this --

>> Kitchen: It would give them the authority to enforce whatever laws they have the authority to enforce right now. I'm sorry --

>> Casar: I understand that. Like, in an obvious case both and you I would both obviously understand is if somebody is being assaulted, A.P.D. Has authority whether it's txdot or whether it's my backyard or in here, for them to enforce that. I think I'm trying to understand whether this interlocal agreement is just this criminal trespassing issue or if there are other things that would be included in the interlocal agreement.

>> Kitchen: Well, all I'm aware of is trespassing. But I don't know the full scope of what A.P.D. Can't do on the property so trespassing -- what we have talked about in this group is trespassing and enforcing panhandling requirements around intersections which, again, is not creating a new offense. It's just enforcing what's in the law right now. I would have to ask A.P.D. I don't know.

>> Casar: Chief gay.

>> Renteria: I would like to find that out, too, because we have bridges all over Austin that have homeless populations.

>> Good morning, mayor and council.

[Laughter]

[12:08:28 AM]

>> Mayor Adler: This is our third day.

>> Yes, sir. I believe you were correct, is that this agreement would give A.P.D. The authority to act as an agent for txdot to -- specifically to address the Christmas trespass. I think in reference to the pilot that's been mentioned is A.P.D. Will be working with stakeholders as well as echo and others in the neighborhood, the church, together to really look at a holistic approach to this particular issue. I know it does look as that criminal trespass is a criminal -- it's a crime, but this is not the intent of A.P.D. To criminalize the homeless, but to actually just to use it as a tool to have a conversation in a legal way to

be on the property to address not only the homeless, but those that pray on the homeless that are in that particular area.

>> Mayor Adler: You can't now go up to homeless people under a bridge?

>> Yes, sir. In a consensual way, yes, sir, we can. But this gives us a little bit more of a legal encounter to where we can have that conversation -- I hate to say it, the tension, but it allows us to legally have that conversation with that person to investigate, to look further and deeper into the particular situation, whether it be someone that needs resources or someone that we may need to remove from that particular location.

>> Mayor Adler: And you can't do that now under any bridge in the city?

>> We can have a consensual encounter but if that person doesn't want to have any interaction with the department or the officer that has that encounter, then we have no legal action to take at that point unless they have committed some type of crime.

[12:10:29 AM]

>> [Off mic]

>> So the answer is, yes, we can walk under the bridge and have a consensual encounter with anyone under the bridge.

>> Mayor Adler: If there's someone sleeping under the bridge --

>> Yes, sir.

>> Mayor Adler: Under any bridge, you can walk up to them and say "Hey, how you doing? What are you doing here? Do you need any help?" You can do all those things now.

>> Absolutely, yes, sir.

>> Mayor Adler: They can look at you and say "2340, I just don't want to talk to you."

>> Correct.

>> Mayor Adler: The conversation is over because they don't have to talk to you.

>> Correct.

>> Mayor Adler: Unless we're in this pilot program, in which case you can do something else?

>> Correct.

>> Mayor Adler: What is that something else?

>> The legal aspect is what the criminal trespass is. We can look at different options. We can give them a warning, such as when we talked about in the juvenile curfew, to where we can have more of a conversation with them about some of their options and alternatives to potentially being incarcerated.

>> Mayor Adler: So the difference is you can threaten them with incarceration to get them to talk to you?

>> Well, we hope that it's not threatening, but, yes, is that we would have a legal means to detain that person until the stop was concluded, yes, sir.

>> Mayor Adler: Mayor pro tem.

>> Kitchen: Mr. Mayor, could I speak for a moment? I think that this is -- this is not the intention of the recommendation -- and I think this is what you're saying, the recommendations of of this community group -- I want to emphasize again this was A.P.D. Recommendation, ems, echo, the clergy. In other words, the intent in this community is to find a way to better connect individuals to services and handle the public safety issues. This is a part of town where folks are -- where there have been serious and very concerning safety issues from, as you mentioned, the folks that prey on the homeless for this neighborhood and so we are -- we've got a set of tools that includes this kind of activity as well as the social services y'all approved, the navigator contract earlier today, which is one of the things for this particular area.

[12:13:03 AM]

And so I -- I know it's late. I didn't realize that people had concerns or I would have gotten the -- I would have let the community know that they needed to come down and explain to y'all what's happening in that neighborhood and talk with you about how hard that community has worked with our A.P.D. And echo and ems and all these other efforts if I had realized that folks had serious concerns about this I would have made sure that the community knew to come down to let you know how much they support this. So if there's going to be --

>> Mayor Adler: Mayor pro tem.

>> Kitchen: If people do not want to move forward with this, then we need to allow that -- this community to come forward and let you know how important this is to them.

>> Tovo: I appreciate that.

>> Mayor Adler: Mayor pro tem.

>> Tovo: And I did let you know I had questions about it on Tuesday, and I submitted them through the q&a. And I understand that you know a lot more about this than we do here. Please understand you're asking us to negotiate -- to direct the city manager to negotiate and execute an interlocal agreement that we don't have a copy of and the resolution is extremely vague on it. And I need to ask our police representative, our police chief, if you would please help me understand just to pick up on what the mayor said, it sounds as if the authority that will be granted by the interlocal is primarily going to be used to enforce criminal trespassing, to remove people from the txdot site because you don't have the jurisdiction to do that now unless they're committing a crime.

>> Correct.

>> Tovo: Okay. So that is -- so I guess in answer to the question that you asked about the one element, it sounds like that% is the main element that is -- and I understand it's part of a broader effort, but in terms of what the authority is that would be granted by the interlocal that doesn't currently exist, you have an ability to talk to people, to connect them with resources, you have an ability to arrest people who are committing a crime.

[12:15:07 AM]

You do not currently have the authority to enforce criminal trespassing, and this gives you -- and the intent here is to give you the authority to do so?

>> Yes, ma'am.

>> Tovo: Is that an accurate description? I guess I would turn back to councilmember kitchen, I appreciate that you're frustrated with my asking questions but please understand I can't authorize execution of an interlocal agreement that I don't understand.

>> Kitchen: Okay. No. What I'm frustrated with is I didn't realize the depth of your question. So I have a suggestion. So what if we did this, if I just strike "And execute" so it directs the city manager to negotiate an interlocal agreement and then we can bring that back to you on February -- February 1 or whenever our first meeting is and then you'll have an opportunity to actually read it? So that would give us -- that would keep this moving because that activity has to occur, and I think if we did that, we could keep it moving and it wouldn't slow down the effort for this community. Would that be helpful if we did that?

>> Mayor Adler: I'd be fine with that, and I appreciate that suggestion. And that would also enable me to be able to vet the concept.

>> Kitchen: Sure.

>> Mayor Adler: With some people first.

>> Kitchen: Sure. It's a different kind of concept and I need to get some --

>> Kitchen: At that point, too, I can make sure that the community is here and they can talk with you about their concerns and why this is --

>> Mayor Adler: Hopefully I can resolve them before that's necessary.

>> Kitchen: I know. It's still helpful for people to have that. So I'm going to make it amendment to my motion, to just strike "And execute."

>> Mayor Adler: The amendment is to strike "And execute" so it will come back to oust, we can talk about it and better understand the mechanics associated with this and vet it. Any objection to that change being made? Hearing none, that change is made. Now let's vote on item 98 if there's discussion. Mr. Casar.

>> Casar: Mayor, I have one other suggested change and amendment, and it goes to the reason that I think we're bringing this up so late, is that I saw that the mayor pro tem asked her question in work session, councilmember kitchen said she'd respond by the message board and I saw the response on the message board, but it still seems to be missing the resolution -- the response on the message board indicated it's to address public safety and health issues.

[12:17:31 AM]

The resolution says it's an interlocal to work on public health and safety issues. Neither of those -- neither the resolution nor that message board post contains the key element which I just think everybody needs to be out there, which is to -- is to give us the ability to act as an agent of txdot to enforce this law. So just so that there's clarity as to what we are asking the city manager to do I would just add the words in the resolution to say "Initiate a pilot program permitting the city of Austin to address public health and safety issues on certain txdot property by allowing the city of Austin to act as an agent of txdot to enforce no trespassing" that way it's abundantly clear to everyone and the city manager, that way a city staff person can read the resolution and know what the resolution does as opposed to being --

>> Mayor Adler: Would you say those words again?

>> Casar: Taken straight from the q&a, adding the words -- it is adding the words --

>> Mayor Adler: To address public health and safety issues.

>> Casar: Txdot property by allowing the city of Austin to act as an agent of txdot to enforce no trespassing ordinances.

>> Mayor Adler: Allow the city of Austin -- the city of Austin to act as a --

>> Casar: I'm pulling it straight from the q&a.

>> Mayor Adler: I just don't have it in front of me. To act as agent for.

>> Casar: Act as an agent of txdot to enforce no trespassing ordinances.

>> Kitchen: That's fine.

>> I'd recommend rather than use the word ordinances because the criminal trespass laws in the state penal code I'd use the word criminal trespass law.

>> Casar: Law, fine. And so I think that will just make things more clear and I appreciate councilmember kitchen accepting that. I'm --

>> Mayor Adler: Do that one more time. By allowing the city of Austin to act as agent for txdot.

>> Casar: To enforce no trespassing laws.

>> Mayor Adler: To enforce no trespassing laws.

[12:19:32 AM]

Is that right? Ms. Houston.

>> Houston: Can you explain to me how this is different from the host team?

>> Kitchen: Do you want me to speak to that? Yeah. Well, first off -- okay. This particular -- I guess maybe what you're asking is does the host team work in this area. Yes, they do.

>> Houston: No. I'm asking how is what you're putting together for this particular part of I-35 different from what we're already paying the host team to do?

>> Kitchen: First off, there's no cost for this. There's no cost at all. And this is part of what the host team would be involved in. So it's not -- I'm not sure how to explain it. It's not -- the host team is not -- A.P.D. Is not part of the host team.

>> Would you like me to answer?

>> Kitchen: All right. Sorry. Maybe you can answer better than me.

>> Yes, A.P.D. Is part of the host team. We primarily focus our efforts in the downtown area. I believe the concept that -- of the host team is something we would try to pilot in this particular area and see what type of successes we get with this particular pilot project.

>> Renteria: Mayor, also 35 is a federal -- they have to deal with the government, the federal government on txdot that we did a project on there that took us five years to negotiate any kind of contract with the federal government, which would probably be the department of transportation.

>> Mayor adler:mayor pro tem.

>> Tovo: Yeah.

[12:21:32 AM]

I think now that I understand it better, I would describe the difference as the host team is kind of an interdisciplinary group of police, ems and others -- by the way, congratulations, the host team just one won of the community advancement network awards. As I understand this, it's akin to what a private property owner would do. They have to post a sign no, criminal trespassing and then the police could come and enforce that so that's kind of what's going on here.

>> Houston: But, again, I don't have a whole lot of information, but I heard other support services as well, not just the police, that people would be referred to support services depending upon what they said they needed.

>> Absolutely. And I think where we're at, I know that it says in the resolution we're talking about a pilot, but in reality I think it was this gives us the authority on the one aspect of -- to act as an agent for the criminal trespass, which is just one component. And then the pilot itself is going to be much broader than just the one component.

>> Mayor Adler: So this gives a tool. They can put a host team out in this part of town right now. They don't need any authority. They can put a host team out there. When a host team goes up to someone who is sleeping, this gives the host team a tool they didn't have before, and the question --

>> Houston: I understand all of that.

>> Mayor Adler: Do we want to give that tool?

>> Houston: I understand all that. It was not in here and we needed to ask questions about it, and the host team that we have downtown we do pay for. We do pay for them.

>> Mayor Adler: Yeah. Councilmember alter.

>> Alter: It's really late. We should not be here anymore. But as I was cosponsor on this, it's my understanding that the goal of this was to solve a very particular problem that they had in this area, and it is to help resolve issues that they're having with people who are preying on homeless people, not to go wake up somebody who is sleeping, it's because they needed a particular tool because there are people in this area who were preying on homeless and they were trying -- they needed a legal mechanism that was identified by all of these authorities that was the missing link in what they needed in order to be able to begin to resolve the problems in conjunction with all of the supports and all of the other things to help those people who are experiencing homelessness and that this is what the authorities and A.P.D. Said needed to come and it needed to come from council in order for them to be able to do that.

[12:24:14 AM]

But it is not to be taking homeless people out who are sleeping there. It is they can go from one place to the other and escape A.P.D. And A.P.D. Can't do anything about it, and that's creating a vicious cycle.

>> Renteria: And are we going to be using that pilot to learn about expanding? I mean, we have bridges under Riverside that it's populations of homeless living in. We have them under 35, 183. We have them all over. There's camps everywhere. Are we going to be able to go into parks and enforce no trespassing after 10:00? Because there's small villages in our parks right now.

>> Absolutely. We'll take the information that we learn from this pilot and hope -- take the successes and expand those to other parts of the city if they're successful.

>> Kitchen: So, Mr. Mayor, can we go ahead and vote on this, I think in the interests of time.

>> Mayor Adler: I think we should. People were just raising their hands. We ready to take a vote? Mr. Casar.

>> Casar: I'm just going to abstain from this one, which I rarely do, but the fact of the matter -- I mean, obviously I care deeply about this, these issues too. I have areas where there are serious issues. I mean, just in one park I've had two people die in the last year or so. But I just have a -- when folks are asking about the host team or public health and safety, when I read the item in the resolution and the message board post I thought it was initiating some sort of pilot program around health and safety. It would just be useful for me to have had clarity so I could better understand specifically what it would do. So I'll abstain now and then be able to learn more to be able to take a final vote once we have the interlocal back to us so that's why I appreciate it's just negotiation and not execution.

>> Renteria: I'm also going to abstain from this because do I work a lot -- a lot with the homeless people, and I need -- I would need to run that through them, see what they thought about it, you know --

[12:26:27 AM]

>> Mayor Adler: Okay. Let's go ahead and take the vote. Those in favor of this please raise your hand. Those opposed. Those abstaining. Abstaining are Houston, Renteria, and Casar. Garza is off the dais. Others voting aye. It passes. All right. That leaves two things left on our -- do what?

>> Houston: [Off mic]

>> Tovo: Mayor, we never finished 67.

>> Mayor Adler: We have 67 and 88, the two things that are left. 88 has people from the community sitting here I'd suggest we resolve that one?

>> Alter: I really do have to go home.

>> Mayor Adler: 88, is there a motion on 88? What do we want to do? It's late. Mr. Flannigan.

>> Flannigan: I'll move to approve staff recommendation. Is that the right way to put it?

>> Flannigan: Mr. Flannigan moves to approve the staff recommendation on item number 88. Is there a second to the motion to approve the staff recommendation? Ms. Houston seconds that. We have people here to testify on this matter. We have at one point both people for and against. Let's see who we still have. Is Rebecca Khan here? Do you want to come up and talk to us? Is Charl la Keith here or Remmy Bernan. You have five minutes.

>> Hello again, councilmembers. I'm Rebecca Khan, the owner of [indiscernible]. I'd like to start by saying this is way more stress than a massage company should be expected to experience ever. I'm here to briefly remind you that xpresspa not the best choice for Austin.

[12:28:32 AM]

Our company is the best choice. The airport advisory commission agrees with us and unanimously voted not anymore as their recommended offer and if you'll recall this was shown in your page 2. Please remember as well that this commission recommendation is also part of our city's procurement process. Being able to be make a case to them and then again to you today. As we demonstrated last week, not anymore has built the massage business at the airport. We've steadily grown every year since 2002 by achieving year over year growth, numerous contract renewals with no negative feedback from the airport and increased rental revenue for the airport every year. Today's monthly rental amount is 21 times our first rental payment. We've built long standing and deep relationships with travelers to and from Austin, some whom you heard from last week and we exceed the participation requirements for this concession as we are 100% certified as an acdbe in a city of Austin woman-owned business. Councilmember Flannigan, you've expressed concern about bucking the matrix in this particular situation and typically I would agree with you. However, I would like to submit to all of you in this case I believe the scoring matrix is flawed when it's applied it this particular concession. The one size fits all rubric used to grade every response in this rfp including coffee shops, restaurants, and other retail concepts is not calibrated for a service-based business. If anything, our fourth place finish here illuminates the problem with the scoring matrix when applied to a service business. It just couldn't tease out all of the intangible that make for a fantastic massage companies, like the heart and soul of our business which we laid out for you last week. I'd also like to point out austinites are not asking for xpresspa at abia. We've had customer asks over the years, for new products, new services.

[12:30:35 AM]

We've implemented many of those. But not a single one of our hundreds of thousands of customers has ever requested xpresspa at our airport. Bigger is not better here. Plus as we hopefully demonstrated last week your constituency from our customers to our massage therapists are strongly advocating for not anymore to remain at abia. Please consider the type of statement the city will make about what we value as a community, as a culture, and as an airport through this award. I'd like to end by reasking a few questions I asked last week. Are the potential small financial gains to the airport with a big box option like xpresspa worth the erosion of goodwill and customer disappointment that will result? Does the city value long-term partnership with a true small business, one that's authentically Austin, woman-owned and provides livelihood and stability to many austinites and is cultivated legions of loyal, grateful and repeat customers? As you heard last week, many of whom will go to any other airport massage company. In closing please consider our 100% acdbe woman-owned status. Our 15-year history, the 21 fold increase in rent paid to the airport, our smooth and collaborative partnership with the airport, our financial projections of future increased revenue for the airport, the love of our customers which you heard last week, the fact that the scoring matrix here was unable to capture our qualitative difference from all three other responders, and the fact that the procurement process here is more than just the matrix, it's also the opportunity to talk to the commission and the opportunity to talk to you here tonight -- or this morning. I encourage you to please exercise your ability to choose another qualified offerer with a proven track record. Please uphold your airport advisory commission's recommendation and choose abia's long standing and successful 100% acdbe woman-owned not anymore for this contract award.

[12:32:47 AM]

Not because we're from here, but because we're the best choice for here. Thank you very much.

>> Mayor Adler: Thank you. Is Eric Smith here? Come on. Is Edward [indiscernible] Here? You'll be up next. After Mr. Smith.

>> Hi, y'all. Not to go eddy Wilson on you, but why not dance with who bring you, you know? My name is Eric Smith I'm site manager for not anymore at abia. I'll try to to be very brief. Last week I spoke about a number of things, the fact that we have a warm and friendly relationship with the staff of 15 years, utilize on-site and present accountable managers also massage therapist. We've never had a complaint, on how we've grown our business steadily and with intelligent for 15 years, we have served our customers and from all over the world who say not anymore is the best massage experience anymore. To quote an email we received last night from one of our customers, they're very much about the Austin airport that needs to grow and change, however when moving forward it is critical to retain what is right. I hope you can keep this valuable contribution to our airport. Not anymore needs to stay with us as we move forward. Jeff [indiscernible]. I have just two points I'd like to make. First, we are the recommended vendor by the aviation advisory commission. This group was selected by you specifically to vet business prior to coming before you. The commission has voted unanimously on November 14 for not anymore to continue to providing quality massage services at the airport. Second as the city council you have the discretion to select any of the qualified offers, that includes us. And a vote for not anymore is a vote for remaining truly Austin at abia. If a highly regarded woman-owned and well run business can't compete with the deep pockets and big promises of a national corporation what does that say about our city and what we value here?

[12:34:57 AM]

You have an opportunity to make a choice that reflect what we all ideally want this town to be all about. Good companies with a history of doing great things for the people of and the visitors to Austin. Finally, on a personal note, I would like nothing more than to finish out my long massage career in Austin working for not anymore at the airport. You hold my work fate in your hands. This is an exterrible exercise for us. Please help this 37 plus year Austin resident go out on top. Thank you.

>> Mayor Adler: You have donated time. Is Eric [indiscernible] Still here? Is [indiscernible] Here? Okay. You have seven minutes.

>> Okay. Thank you, councilmembers, and mayor, for allowing us to speak this morning. I am the CEO of xpresspa, been affiliated for three years and the CEO for a year and a half. I apologize to the entire council because when we came last week, I didn't know what to expect. I have been affiliated with the rfp processes in airports for over 20 years with three different retailers and the process itself is objective, comprehensive, and quantitative. And in that process it was very, very easy when we won an

rfp and when we lost an rfp, using the scorecard to understand why we were chosen or why we weren't chosen. So in my 20 year history this is the first time that I've had to stand between -- before a council for an rfp that has been contested. So when I came last week I didn't know what to expect, if you had seen any of the rfp, I didn't know what you knew about xpresspa. This is our second rfp we've done in Austin in the last year and a half. The first rfp, 500 pages, and we worked with a lot of local artists and architects, that was thrown out. But we were so interested in being in Austin, it's a growing city, it's a city that's vibrant, the people you saw here today, we had 16 people volunteer their team from Dallas and Houston, our employees, that drove up because they believe in this company.

[12:37:08 AM]

We've been in dallas/fort worth for 13 years, Houston for eight years and on their own time, one of our nail technicians was actually on vacation but felt so strongly because we cover the entire team's salary in Houston for the week we're closed with commissions and everything else, she felt so strongly about the company she volunteered to come up to speak on our behalf. I'm sorry you didn't get a chance to see them. At any rate, one of the things we've been working on for the last two years in Houston is the fact that we really implore and engage local artists, local fixture manufacturers for local product companies and literally have signed agreements a year and a half ago for the first rfp. The cover you see on the screen right now is something developed by Michael truth Johnston, part of the spray tx art initiative and they've been incredibly helpful in allowing us to come up with graphics, interiors and store design that doesn't look like xpresspa but looks and feels and acts like Austin. Am I doing this right? There we go. Express Austin, after hearing the passion of the people here for the last two meetings that I've been here and the fact that they are so engaged in this community, our thought from the very start was to offer every single one of these passionate people positions and jobs at or better salary compensation package than they were making. Our manager from Charlotte we went through this exact exercise six months ago and she'll speak after me. Basically we know Austin is all about energy, uniqueness and vit talent. So in addition to the artists that we've employed we also are working with reclaimed wood -- Austin reclaimed wood architect company we'll be using the wood in the store. We're looking with local glass artist doing the lighting in our store. The cash rep design has an Austin art car, actually Austin art car where you ring up your sales.

[12:39:14 AM]

We gave a lot of thought, lot of passion, energy, time and a lot of money in trying to make this all about Austin, and not about xpresspa. This is the existing space that we bid on in the airport. So this is the space that not anymore is in. Working with the local architects and the local store design people, this is what we design. So that big graphic you saw on the front page up in the upper right-hand column is going to be a huge graphic that really speaks to that street art, that truth is all about in the city. So we really work very, very hard to make this look very, very authentic Austin. These are the services we provide. In the airport arena, we provide full services, in addition to all the massages, manicures and ped

cures are 25% of our total business. What woman or man doesn't want a manicure and ped cure waiting to get on a flight. We do other things like facials but the core of our businesses is massages and nail care. We have agreed in our rfp to be open seven days a week 7:00 A.M. Until closing, until the last flight leaves and we will have people staffed at all times to provide these services, both in addition to anyone that wants to come to work with us from the existing staff but we'll also be adding jobs because we're going to be hiring nail techs, cosmetologists and estheticians to provide all these services. This is our benefit package which in the industry there's no better benefit package than what we offer our employees. Medical, death, vision, pto, 17 days pto from the first day that you start with us. We talked about that earlier in the meeting here. It's so important. Tuition reimbursement. More importantly we offer opportunity for growth, store managers, assistant managers, area managers, training managers. 50% have been promoted from within. Any people in Austin we hire that want to advance their career, we're all about that.

[12:41:15 AM]

That's what we stand for. Our product offerings, we offer every travel accessory you could need when climbing on a plane. In addition we came up with a partnership with Essie, the best nail company in the U.S. Today to sell their products, determine -- one of the best skin care companies will be providing travel size skin care for women and men. This is a snapshot of throughout the U.S. Today. We are about respect and deliver. We cannot provide a great service if we don't take care of our employees. The employees come first and these are all the benefits we offer to employees, including what they were going to show you today. We send them a gift every single month. They get a surprise gift from us, whether it be a thermos for their month of November. We sent every single employee a Turkey certificate so they had turkey on their table for Thanksgiving. We are all about our people. That has allowed us the Arn, the largest airport organization in the U.S. Today, awarded us in 2017 the best passenger service award and the reason that was special to us it's voted on both by all of the airports and all of the peers. So literally we give excellent service and a great company to work for. This is the scorecard. What's important here is the fact that the rfp called for a 6% rent fee. We came in at 12%. We doubled it. Why? Because we knew in Austin with all the services we provide.

[Buzzer sounding] We could absolutely double the amount of business that we're doing. We are number 1 in every single category. It was a 17% -- point spread and, Mr. Flannigan, you mentioned today the importance of the interpreting of the rfp program and literally when I look back at our last ten rfps 17 is the largest spread that we've ever had when we've run an rfp.

[12:43:17 AM]

I appreciate process. I appreciate the fact that process may not be right but the process is the process. Now is not the time to change the process. And you mentioned that, Mr. Flannigan. I really appreciated that because this is a process that we use in every airport throughout the U.S. If it needs to be changed,

then change it. But don't do it at our account. I thank you very much and want to introduce you to Christy.

>> Mayor Adler: Thank you. Christy shawward.

>> Hi. Good morning. My name is Christy. And I'm here on behalf of xpresspa. I'd like to share my story and my experience with you. I've been with xpresspa for just a few months now, three to be exact. Prior to that I worked for terminal get away spa, a competitor spa. I was the manager at the Charlotte location, also the regional manager and with the company for 12 years. Since day one of that company's opening. About six months ago, June, my team of about 40 employees and myself were informed that terminal get away spa's contract would not be renewed and terminal get away spa would be closing in September. You can imagine the stress and panic that set in as we were all going to be jobless soon. At the same time frame we were also informed that express spa would be taking over the contract. The assumption was that this big company is coming in with their own team of people and where would that leave us? It was one of the most difficult times for me. I was trying to keep the staff intact, keep them calm and focused. Some of them decided to move on immediately and the majority decided to stay. Then one day, Ed, the CEO, stopped by terminal get away spa and spoke to me personally. He said I want you to know there are job opportunities for you and your team and no one should worry about not having a job.

[12:45:21 AM]

Shocked, excited, and relieved was my reaction. Next thing I know I was interviewed and hired along with 18 others from terminal get away spa. Some of the things that stood out for me and -- stood out for my team and myself were health benefit, compensation package, uniforms, monthly expressions of gratitude. Oh, the surprise and delight, which is what Ed just spoke about, and the Dallas and Houston teams were going to show you some of the things we get monthly. And of course he mentioned Thanksgiving. We received gift certificates for Turkeys. My fears have all subsided. It was an adjustment but I'll say everyone at xpresspa made the transition smooth and continued to be supportive. I'm here to say it's going to be okay. It's been a wonderful experience and I look forward to continued years with xpresspa. Thank you for your time.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Those are all the speakers we have. We're now back up to the dais. Motion is to accept the staff recommendation. Councilmember pool.

>> Pool: I appreciate the process ended up with xpresspa having the higher numbers, but the local flavor piece is really with not anymore so I'm going to vote no on walked awarding the contract to xpresspa. There's something about being from here and representing Austin that just even in the presentations is really coming through to me here. And I want to respect that and also the fact that not anymore has been out at the airport for a significant amount of time and I still don't understand why the numbers came in the way they did.

[12:47:31 AM]

If it was the financial component what that tells me is the airport feels like they would make more money with one group than the exponential that's not how I'm going to base my no vote on xpresspa. It's not how much money as a concession that the airport can make. It really is to continue to provide employment for folks who are homegrown here in Austin. They've got the jobs and they've been doing it really successfully for 15 years. Is that right? Out there. And so that's where I -- where my vote would go. If this contract fails, I guess then we can ask staff what the outcome of that would be. I think there might be an extension of the existing contract. Is that right? I don't know if our --

>> Mayor Adler: Depend on what we do?

>> Pool: Legal staff is I guess talking.

>> Mayor Adler: We have several different options.

>> Pool: Can you rehearse those for us?

>> Mayor Adler: I think your options in this case are to adopt staff recommendation, to adopt a different -- award it to someone else, to reject all bids in the case. I think those are the options.

>> Pool: Was continuing the existing --

>> Mayor Adler: Postpone. And we can postpone the item.

>> Pool: So continuing the existing contract isn't one of the -- is there a contract extension snob no.

>> Mayor Adler: I think the airport would have to figure out what they're going to do if we did any of those actions.

>> Pool: Thank you.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, mayor. And I understand this is a difficult one, but earlier today we had another process question and I want to be -- I want to be consistent in the way that I vote. At least I try to be so I will be voting to support the staff's recommendation.

[12:49:43 AM]

>> Mayor Adler: further discussion on the dais? Any further discussion on the dais? Motion in front of us is to adopt staff recommendation. Those in favor of adopting the staff recommendation please raise your hand. Adopting the staff recommendation. Those opposed. Voting no is pool and tovo. Others voting aye. Garza off the dais. Alter off the dais. That gets us -- that was the issue.

>> Pool: Can you count the vote for us?

>> Mayor Adler: The vote was two off the dais, two voting no, seven voting aye.

>> Pool: Okay. Thank you.

>> Mayor Adler: Gets us to the last item that we have on the agenda. This is item 67. Are we ready to wrestle with this?

>> Pool: I want to tell the ladies from not anymore I'm really sorry. I'm really sorry.

>> Mayor Adler: I think we're all sorry on that. It's a very hard -- very hard case. That gets us to the last item on the agenda. 67. Mayor pro tem.

>> Tovo: Mayor, I'm somewhat concerned having lost one of my cosponsors, but I'd like to -- I mean, if there's enough support to pass it I would like to do that. I would just say though I've lost them, when I saw the amendments from councilmember troxclair, I am fine with these.

[12:51:45 AM]

I'm fine with incorporating these. If that gets us --

>> Mayor Adler: I'm sorry.

>> Tovo: I said councilmember troxclair passed out some amendments, thank you --

>> Renteria: I would like to see the remodel removed from the whole thing. I don't think -- we -- I became cosponsor because I was really trying to address the demolishing of housing. I don't know where the remodeling comes in. I don't understand what that has to do because remodeling is totally different. You're not destroying the structure. You're not demolishing anything. That's what my -- unless somebody can explain to me about why we need to put remodeling a house.

>> Tovo: Councilmember, I believe that you may be referring to an amendment that councilmember Flannigan proposed, which I rejected. I completely agree with you.

>> Renteria: Okay.

>> Tovo: I don't think -- there should not be any other references to remodel in the base motion. I think I made -- did I make a base motion?

>> Mayor Adler: Yes.

>> Flannigan: Did you?

>> Mayor Adler: Your motion is -- after that Mr. Flannigan --

>> Tovo: Well, I'll make a motion if --

>> Mayor Adler: I could have sworn there was and Mr. Flannigan was making amendments to it. In case there's -- I'm pretty sure there was. In any event, the mayor pro tem makes the motion and it's seconded by Ms. Pool, councilmember pool. Mr. Flannigan.

>> Flannigan: There is the one reference to remodels, although it's in quotes in the first whereas that my amendment would strike, where you talk about virtually demolished so I'm not sure if that's something councilmember Renteria is concerned about either, page 2.

[12:54:02 AM]

>> Tovo: Councilmember, I thought you were talking about can be thank you for finding that.

>> Flannigan: Yeah.

>> Tovo: Should we -- what process do we want to use here, mayor? Should we just go through one by one?

>> Mayor Adler: I think that's the way to do this. And I'm still not discerning what the real difference is here so I'm missing lots of issues, I think.

>> Tovo: Maybe we can just go --

>> Mayor Adler: Let's go through the amendments.

>> Troxclair: Before we do that I want to confirm because I think you got cut off that you were accepting my --

>> Tovo: Yes.

>> Troxclair: The amendment that I passed out.

>> Tovo: And maybe do you want to just make that formally?

>> Mayor Adler: Let's -- we have Mr. Flannigan's amendments on the -- in front of us.

>> Troxclair: She had actually started out talking about my amendment before councilmember Renteria started talking.

>> Mayor Adler: Before we took the break, Mr. Flannigan had laid out his amendments. We were in the middle of discussing his amendments.

>> Troxclair: Okay. I just don't want to forget.

>> Mayor Adler: We now picked back up where we left off. Looking at Mr. Flannigan's amendments. Let's go through them in order, and then we'll consider them. The first one is striking the whereas clause about an untold number of residential structures virtually demolished.

>> Tovo: Sorry is mayor. I'm going to need a minute. We had started this item and then we took up, I don't know, four others. Now I've lost my materials.

>> Mayor Adler: That's okay.

>> Tovo: I can tell you I'm -- my rationale for keeping that line is to acknowledge that in addition to the demolitions that are old demolitions, there are also demolitions out there -- and, again, I can offer to show you a photo I have on my phone where they were virtually demolished, one or two board sticking out of the ground and they've met the requirements for a remodel.

[12:56:14 AM]

I'm not attempting to demonstrate that issue right now -- address that issue right now. I'm simply noting that in addition to the actual demolitions there are others that are really virtually demolitions. I'm not talking about remodeling houses, even major remodels of houses. I'm talking about the situations where you are almost every piece of the house [indiscernible] Except for a couple structures sticking up.

>> Renteria: And that -- do you mean how they're doing it just leaving the front facade up and then -- that's considered a remodel?

>> Tovo: That would fall into this situation I'm describing too.

>> Renteria: I can see that because I see that happening a lot in our older homes, where they're just keeping the front so they don't have to pull the whole building permit, you know, because they keep the one front wall, the front part up and that way it exempts them from having to go out there and pull a permit for complete housing, just a remodeling permit.

>> Mayor Adler: My concern with this is some of the descriptors. I could support this if it said whereas other residential structures are virtually demolished under the city's allowances for remodel. But as I sit, I just don't know if -- I don't know what they are and I don't know why they were designed that way. So it's --

>> Tovo: I appreciate your concern.

>> Mayor Adler: I would support it --

>> Tovo: I'm fine with that, knowing as I said in February, I'm going to bring forward some suggestions we look at it. We can get rid of an untold number of, whereas other -- as I understood your suggestions, other residential structures are virtually demolished.

>> Mayor Adler: Under the city's allowances. So striking overall generous just because I don't know. Any objection to that change?

>> Flannigan: Mayor, can I comment?

>> Mayor Adler: Yes.

>> Flannigan: That was my primary concern as well and it's why the be it resolved at the bottom of page 5 which seeks to define those terms, did I not touch.

[12:58:19 AM]

So I just wanted to make that clear so the mayor's suggestion I'm on board with.

>> Mayor Adler: Okay. So we're keeping in the third whereas clause on page 2 of 6 but striking untold number of and striking overly generous. Let's go to the next one. This is two of six down at the bottom of the page. Is this okay?

>> Tovo: Actually, councilmember Flannigan, thank you for reminding me. It was in, it was out. It was in. It was out. We are directing the city manager to look at the definition this this ordinance. I apologize -- I mean, in this resolution. It has really been a long day.

>> Mayor Adler: Okay. So we okay with the whereas on the bottom of page 6?

>> Tovo: That one is fine?

>> Mayor Adler: Any okay? Hearing none, that's it. On page 3 of 6, 2nd whereas clause. That's okay.

>> Tovo: Mm-hmm.

>> Mayor Adler: Any objection to having that in? Hearing none, that's in. Bottom of page 3. That one is okay to be in?

>> Tovo: Yes.

>> Mayor Adler: Any objection? That one is in as well. All right. Page 4 of 6.

>> Tovo: Here's where we part ways. I don't mind the information in that whereas. I just don't think it's related enough to the resolution. You know what? That's fine. I'm going to be okay, that one. I think it just adds information. I'm okay with that.

>> Mayor Adler: Okay.

>> Tovo: Let's vote ob the be it resolved.

>> Mayor Adler: Hearing no objection, it's in. That gets us down to the first be it resolved clause.

>> Houston: Mayor, I'm sorry. You started this morning saying don't go so fast because my brain wasn't working. Could you explain to me about the incentive one time only equal to ten times the amount of town property tax increase?

>> Flannigan: Yes. This is a program actually when I was at national league of cities in Charlotte and I spoke to the mayor, we were talking about the differences between demolitions that they experience in their city and demolitions we experience here and they had a completely reverse experience with how they treated demolitions.

[1:00:31 AM]

So my intent here was to daylight that not all cities approach demolitions with the same term. What they do is they give a rebate for demolition because the new structure increases their tax base, which helps with their tax revenues. So they look at it in a different way so my intent was to daylight that other cities in Texas have programs around demolitions that are related to transfer of funds. In the case of flower mount and we subsequently found out Arlington and Richardson, I think Dallas has a modified version of that, that it's the opposite. My intent was to include in the whereas that there are programs that exist related to financial transfers on demolitions.

>> Tovo: And I think, mayor, just to keep the discussion moving, I think that's fine information and, you know, there are some other good suggestions we've gotten over the years from our city boards and we should consider those too. I'm fine with keeping that in. When we get down to the be it resolved we did talk about this next one and my objections to it so I can't support this one. It's just -- it's overly broad and, again, my intent here -- and I should really clarify, I think all our speakers are long gone. We had two very different perspectives, people asking for a stakeholder process with regard to this. I really just want some answers back from the staff. I think there will be opportunities to involve stakeholders in other brainstorming about how we might deal with demolitions. They'll be involved in the anti-displacement task force. There are other opportunities to address the situation more broadly with regard to this question about capturing the economic -- exploring whether we can do a legal analysis of our options here. I really just wanted to be focused on the staff so I can't accept that first one.

>> Mayor Adler: Okay. Any further discussion on this one.

[1:02:33 AM]

Okay. Those in favor of the first be it resolved clause on page 4 of 6, please raise your hand. Mr. Flannigan, troxclair. Those voting no raise your hand. It's the balance of the dais. With Garza and alter off. So that one is not included. Second be it resolved clause that spans pages 4 and 5.

>> Flannigan: To be clear, mayor, this would incorporate -- at what point are we incorporating councilmember troxclair's changes? Now we're into areas she was making changes in her amendments and I don't want us to lose those because I do support councilmember troxclair's --

>> Mayor Adler: We'll come back to hers after we finish going through yours.

>> Flannigan: Just want to make sure.

>> Mayor Adler: We're not going to forget here.

>> Flannigan: Okay.

>> Tovo: I don't -- as long as we keep the other solid direction, I'm not -- I'm okay with that addition.

>> Mayor Adler: We're okay putting the amendment that spans four and five. That's in without objection. Okay. Next one.

>> Tovo: No, I can't support that one.

>> Flannigan: That strike, I just moved it to the end. The date, I just moved it to the end so you can see the very last thing on page 6 is that exact language.

>> Tovo: I would like -- yes. But your language --

>> Flannigan: Did I change it?

>> Tovo: Yes. You've talked about a stakeholder process and then you have the manager reporting back about findings and recommendations. I'm asking for a staff process and a staff analysis, and I want them to come back with recommendations for initiating a study, assuming that's a possibility based on their exploration.

>> Flannigan: I see there is a difference, you're right, there's difference there.

>> Mayor Adler: Okay. Do you still want to have that stricken or are you okay with the mayor pro tem's language not being stricken?

>> Flannigan: Let's take a quick vote.

[1:04:34 AM]

It would be strike. If you strike you'd include the date I put at the end. They're tied together.

>> Tovo: Here's where they diverge, right? I've got the staff coming back with recommendations for whether and how --

>> Mayor Adler: Let's pass on this one right now.

>> Tovo: You've got the stakeholder process coming back with findings.

>> Mayor Adler: Let's pass on this right now. Let's look at the amendment on top of page 6. Okay? You want to speak to your amendment? Mr. Flannigan, this is --

>> Flannigan: Yeah. I think this is another place where the mayor pro tem and I -- I was looking at a broader perspective and mayor pro tem is looking at specific staff driven perspective. Both approaches are ones we've used in the past on different resolutions so my approach was to have a brought stakeholder involvement around this and you can see I've listed preservation Austin, board of realtors, housing social workers anti-displacement task force. That's the intent, the stakeholder process which I think it's kind of fundamental, the difference in our approaches.

>> Mayor Adler: So the question is whether or not we want to have a stakeholder process.

>> Flannigan: Yes.

>> Tovo: I would say it's a little -- I would say it's -- okay. So I would look to -- so performing the analysis - - and thinking through the analytic process, I would say is happening as part of mine with the staff. The broader question of policies, programs, methodologies, some of that work has actually -- I mean, we

have some -- a body of some interesting suggestions that we just haven't implemented from past, affordable housing, preservation reports. And we do have an anti-displacement task force going on. So I don't -- I am really supportive of developing recommendations for additional policies, programs and methodologies and putting together some body to do that but I would first want to be really sure that we -- that the anti-displacement task force isn't going to achieve some of that and I probably would rather spend our time looking at some of the reports that have been done and implementing some of those solutions before we -- I don't mind looking for more but I don't want to do it as part of this resolution.

[1:06:56 AM]

I'd be happy to work with you if there's a need to do that outside of the anti-displacement task force, if - how we can work together and set forth that process, but I really want to get some action on this one.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I'm fine for pulling my final amendment and working with the mayor pro tem on ensuring that if a stakeholder process is necessary, we will work together to craft one.

>> Mayor Adler: We'll strike the two be -- your suggested be it resolveds on page 6?

>> Flannigan: Yeah.

>> Mayor Adler: Both go away.

>> Flannigan: Yeah.

>> Mayor Adler: Which means the language stricken on two-thirds down the page 5 of 6 is no longer stricken, that language is back in.

>> Flannigan: Yeah.

>> Mayor Adler: Okay. Now let's turn our attention to Ms. Troxclair's amendments.

>> Tovo: Can you help me understand -- now that I said I was going to accept them and we're talking about anyway, I may as well --

>> Mayor Adler: Now that she got all your votes.

[Laughter]

>> Troxclair: I didn't hear what he said. It is really just a simple wording change to I think better clarify what the --

>> Tovo: Okay.

>> Troxclair: Intention of the resolution is.

>> Tovo: I think that's fine. I'm comfortable with that.

>> Mayor Adler: What was this?

>> Tovo: We're all fine with it. I'm fine with it. This is councilmember troxclair's changing compensation to fee and something to revenue.

>> Mayor Adler: Got it. So these are okay. Troxclair's amendments are okay. Any objection to those being included? Hearing none, they're included. All right. We're now to the main motion as amended. Discussion? Those in favor please raise your hand. Those opposed. Troxclair votes no. The others voting aye. Garza --

[laughter] Garza and alter -- Garza and alter are off the dais. That passes. Others voting aye.

[1:08:56 AM]

Except for troxclair, who voted no. That is all the business we have. It is 10:8 A.M. I wish everybody a happy holiday, happy Hanukkah and merry Christmas.

>> Flannigan: See you Tuesday.

>> Mayor Adler: I'm taking off.

[Laughter] That's right. We'll be back on Tuesday. Meeting is adjourned.

[Adjourned]